

Town of Turner, Maine  
Planning Board Minutes  
January 17, 2024

1 **CALL TO ORDER**

Called to order at 6:00 pm by Mr. Bill Bullard, Chairman. Those Members present were, Mr. Bill Bullard, Mr. Scott Abbotts, Kelvin Youland, Eben Shaw Shirley Twitchell and Brent Fanjoy. Those Absent Mr. Edward Morris.

2. **VERIFICATION OF QUORUM**

Mr. Bill Bullard stated that there were 6 Board Members in attendance which constitutes a Quorum.

3. **Approval of Planning Board Minutes November 15, 2023.**

Mr. Shaw made a motion to approve the minutes for November 15, 2023 and it was seconded by Mr. Fanjoy (5 ayes, 1 abstained)

4. **PUBLIC HEARING:**

**KRY Auto, 200 Auburn Rd, New Building Garage**

Mr. Smith gave an overview of the project. This will be a new building and a relocation of an existing business. This is will be built in the commercial zone and in a pre-existing subdivision. The Board met with the Applicant at the January workshop and found that it is complete enough for a Public Hearing but the Board is waiting for some additional information from the Applicant.

Mr. John Maloney stated that he came to the Town Office to look at the application and he did not see the design standards and the landscaping. The Applicant stated that he does have someone working on those issues that were missing but he was unable to get those completed in time for the meeting. Mr. Bullard stated that this is why the Board will not move forward with the approval of the application.

**Scott's Recreation, Phase III, Auburn Rd**

Mr. Smith spoke in regards to the project and that this project is for Phase III of the business and at the workshop there were some pieces missing from the application regarding the traffic count and how the new building would relate to the normal landscaping and building requirements.

Mr. John Maloney questioned if the Applicant had a plan available to look at and he was curious to know what the building was and in relation to where the buildings that are there now.

The Applicant gave an overview of the project and what the phases for the buildings are.

Mr. Maloney questioned the storm water runoff and questions if the current runoffs would be adequate considering the last storm. The Applicant stated that the design for the storm water runoff is adequate.

Mr. Maloney also questioned if the building would be out back and away from site and the Applicant stated that it would be around 675 feet away from the road and would not be seen from Route 4.

Mr. Maloney stated that he feels that there should have been a buffer from all the trailers that are currently against the road now and wonders if that was ever a discussion when those went in. There was no response given to his question.

### **Point's North Solar, Gerard Thibeaut, 722 Auburn Road**

Mr. Smith gave an overview of the project. This project is a two-part application. One is for the amendment to a subdivision and the second is for a Solar Farm. This project has been in front of the board 3 times now.

Mr. Maloney stated that he reviewed this plan briefly and had some questioned. He questioned if this land would be cut and filled and questioned where the contours lines were and he would like to know if it was filled what those that would look like and he would also like to know about the stump removal and how to mitigate the with the run off. He was also concerned about the deer wintering yard and the fencing and he did not see a Wildlife letter concerning the deer wintering sites.

The Applicant spoke in regards to the project. They will be cutting and will not be filling in the site. For Erosion control they will be using the stumps and will be using those or anything that cant be used on the site will be taken off. All the buffers are on the site and they do have a letter from IFW that has been sent into the Planner and apologized that it was not in the packet. He also provided the erosion control and the seeds that will be used on site.

Ms. Ann Bosse questioned how many panels will be on the site and questioned if it would look like the Town of Gray's. The Applicant stated that this will be off the road and provide about 1.5 Mega Watts.

### **LD 2003 Affordable Housing Ordinance**

Mr. Smith gave an overview of the Ordinance and explained that these changes came to the Board due to the State of Maine's change in Laws for Affordable Housing. The Town of Turner only had a few minor changes that needed to be made and the Town was in pretty good shape when considering these changes.

Mr. Smith went through the document and reviewed those changes with the Board and the changes.

Mr. Desmond Duguay questioned why the Board was keeping in-law apartment verse accessory dwelling unit in the Ordinance.

Mr. Smith stated that keeping the language was as a familiarity to the Public and to take away the burden from the CEO Officer having to check to see who was living in the building. This provision is to help people to be able to stay in there home and often adds an extra income.

Mr. Kurt Youland stated that he thinks that the Board should look into changing the name and not call it an In-Law apartment and that people may think it needs to be an in-law. Mrs. Twitchell stated that the Board didn't change it because they didn't see what difference it would make most people don't use it for only an in-law apartment.

Mr. Smith stated that the Board should make a suggestion when they send the Ordinance to the Select Board. Mr. Smith stated that the Board was looking to keep the changes simplistic and the Board could make those changes accordingly.

Mr. Kurt Youland questioned if these changes would change the village district and he is concerned about what owners could do to that area. The lots are tight in that area already and he would hate to see that in the village district.

Mr. Smith stated that these in-law apartments would still need to meet set-backs and septic designs.

Mr. Kurt Youland questioned if the State had any restrictions to these building being built no matter what the lot size is? Mr. Smith stated that there is no maximum size of an ADU but it would need to meet the setbacks.

Mr. Kurt Youland stated that someone would need to make sure that these standards are being met.

Mr. Bullard questioned how the Selectman would feel on this. He stated that while he does not like it this there is not much the Town can do but to adopt it. His only concern is that the Ordinance is referencing the State Law and Ordinance and questioned if the CEO officer would need to look and learn a whole new law and set of rules and it maybe confusing.

Mr. Matt Maloney commented on the Ordinance and questioned what the standards would need to be and who would need to decide if it is an in-law apartment and he would like to see a size limit. He also had concerns that there would be two houses on one lot. Mr. Smith stated that it is already allowed today as long as it meets setbacks.

Mrs. Twitchell stated that the Board has made sure that only one can be built on the property and that it must be owner occupied to ensure that.

Mr. John Maloney stated that he sent feedback to the to Town Manager, the Town Manager stated that he did not receive the same. Mr. Maloney will give his feedback in written form at a later time. He stated that the Board should not call it an in-law apartment and call it and ADU. It is not an in-law apartment.

Mr. Maloney went through his document and read the changes he would like to see to the Board. He stated that he suggests that the Town's Ordinance copy the State's standards and put it into the Town's Ordinance so they can be enforced.

Mr. Maloney stated that he felt there is misunderstanding on the Board on what this Ordinance is and it should be looked at when questioned what made him think that? He stated it was based on what he had heard during the meeting.

Mr. Duguay questioned if the Town required an owner occupancy from a multi-unit property and stated his understanding of the Maine State law it does not need to be owner occupied.

Mr. Smith went more in depth of what the State Statute and it is possible but he does not know it would be based on what those standards are and does not have a clear answer on what properties would meet those standards.

Mr. Smith stated that the new State Statute has many components that have different layers that can be a little confusing.

## **Solar Farm Ordinance**

Mr. Smith gave an overview of the Ordinance.

Mr. John Maloney commented on the Ordinance and stated that he has several comments. Mr. Maloney stated that he voted against this Ordinance because if you read the Comprehensive Plan there are areas that are not suited for these projects. Some of these areas that are allowing for Solar Farms would not be allowed.

He questioned the effective date of the Ordinance where it is a date of December 2022. He gave some more feedback on some changes he thinks should be made.

He questioned on Section III of the Ordinance and who would oversee those changes. He also questioned why the Town Manger would be the one to determine Financial Capacity if the project was sold.

Mr. Matt Maloney questioned if the Ordinance was changed from last Town meeting. Mr. Bullard stated that the Town did not give much input from the Public. It is hard for the Board to make changes without knowing what the Town would like to see.

## **5. New Business**

### **K.R.Y, Inc, 200 Auburn Rd**

This will be addressed at the next Workshop in February.

### **Scott's Recreation, Phase III, Auburn Rd**

Mr. Smith reviewed the application with the Board. He stated that at the Workshop there were some questions that the Board had and that the applicant provided the same for the Board.

Mrs. Twitchell questioned when the wood was harvested on the property? Reid Lanpher stated that the lot was bought and cleared before he bought the property and that when he bought the property, he cut the tress that were left because it was left a mess and trees that were there were going to tip over and there were no trees left of value on the property.

Mr. Shaw questioned the Phase II building that was not constructed and the septic that wasn't built. Mr. Reid Lanpher showed the same to the Board. This was done as an expansion and they utilized the percentage from the old Farm building and used a percentage of that.

Mr. Fanjoy questioned on the plans for the second building. Mr. Reid Lanpher stated that while he hopes to be able to construct the same because they need more space it will be an expensive purchase and he is not at that point at this time.

The Board reviewed the checklist.

The Town manager will provide a letter of good stand from the CEO Officer.

Mrs. Twitchell questioned if the Applicant can use the property where it is a deer wintering area. A representative for the Applicant stated that while IFW states there is a Deer Area there are no deer in the area now and there is no real guidelines on where you can and can't build.

Mr. Abbotts made a motion to find the checklist complete and it was seconded by Mr. Fanjoy (6 ayes)

Mr. Smith reviewed the Findings of Facts and Conclusion of Law with the Board.

Mr. Bullard questioned how the Board would move forward with the project where there has not been a D.E.P permit issued. Mr. Smith stated that the Board can issue a condition of Approval for letter from D.E.P or maybe a provision that no building permit can be issued.

Mr. Shaw made a motion to accept the Findings of Fact and Conclusion of Law with a condition that no building permit be issued until the D.E.P. permit is issued. (6 ayes)

### **Point's North Solar, Gerard Thibeaut, 722 Auburn Road**

Mr. Smith reviewed the Checklist with the Board. There is only 1 checklist for this project due to the fact that the subdivision is an amendment.

The Applicant spoke in regards to the project and the changes that were made to the Road. They were required to fill out a permit by rule to DEP for the Wetlands that will be impacted.

Mr. Bullard questioned how the Board would handle the amended subdivision to ensure that the provisions for the Road will stay consistent with the intent of the Board to prevent additional buildings without an adequate road.

The Board agreed to have the amended subdivision state the Road must be built to residential standards.

Mr. Youland stated that the Board agreed to not make this road be paved but would need to ensure that if there is another parcel divided it would need to be paved at that time.

The Board would like a note on the plan that any additional improvements of the parcel that the road would need to be paved.

Mr. Shaw questioned if the Board is ok with a Residential Road being built and if the Solar goes away what is to say if a Commercial development goes in to that area would the Board be ok with a road built to residential standards.

The Board than reviewed the Solar Farm part of the Checklist. Mr. Smith stated this is the 3<sup>rd</sup> time the Applicant has been in front of the Board and that the Checklist was complete.

Mr. Bullard questioned if the IFW letter would come from the Natural Resource letter. The information provided was from the original approval of the Subdivision and that this project would not affect those.

Mr. Smith stated that one of the things on the Checklist is that there is a CMP easement but it is not listed on the project. It was stated that there are powerlines that are overhead down the road now.

Mr. Youland questioned how stumping is done for the project. The Applicant stated that they will not be stumping everything out and that there will be erosion control done.

Mr. Bullard questioned the fencing around the project. The Applicant stated this will be a chain-link fence that will be off the ground to ensure wildlife can move underneath.

Mr. Bullard also questioned where the road was and the markings for the contours on the property.

The Applicant shared the updated information that was submitted to the Planner per the request from the Board at the Workshop meeting.

Mr. Bullard questioned if the Board wanted to look into requiring a buffer around the project?

The Board agreed it is already in a wooded area and that there would be a natural buffer.

Mr. Abbotts made a motion to find the subdivision minor changes and the checklist complete pending the road profile and it was seconded by Mrs. Twitchell (6 ayes)

Mr. Smith reviewed the Findings of Fact and Conclusion of Law with the Board.

Mr. Youland stated that in the previous Solar Plans that there was a requirement that there would need to be a training for emergency staff with an operation manual prior to a connection to the powerline.

Mr. Abbotts made a motion to approve the Findings of Fact and Conclusion of Law with the condition of permits, note on the plan and instruction for the Emergency Department. (6 ayes)

## **6. Old Business**

### **LD 2003 Affordable Housing Ordinance**

The Board discussed changing in-law apartment to ADU. The Board also discussed the additional changes that should be made. The Board discussed when these changes would need to be completed for and what would need to be done.

Mr. Shaw stated that he would like to leave it at 1 per building and to keep a limit on the size that could be built.

The Board would like to keep the limit at 540 ft as a standard for ADU.

Mr. Bullard questioned what Mr. Schaub thoughts about keeping the reference in the Ordinance to the Maine Statute or if it should be referenced.

Mr. Smith will take the feedback from the meeting and make those changes from the feedback from tonight.

### **Solar Farm Ordinance**

There was not a lot of feedback short of changing the effective date and that would be changed.

7. **Other Business**

Mr. Schaub reviewed the Planning Board Budget with the Board for this year and into next year.

8. **REPORTS**

None

9. **PUBLIC COMMENTS**

None

10. **ADJOURNMENT**

Mr. Youland made a motion for adjournment and it was seconded by Mr. Fanjoy the Board unanimously accepted. The meeting adjourned at 8:55 pm.

Respectfully submitted by, Megan L. Ricker, Secretary.