

**Town of Turner, Maine  
Planning Board Minutes  
September 19, 2018**

**1 CALL TO ORDER**

Called to order at 6:00 pm by Mr. Thomas Perkins. Those Members present were Mr. Thomas Perkins, Mr. Bill Bullard, Mr. R. Edward Morris, Mr. Shirley Twitchell, Mr. Richard Lee, Mr. Kelvin Youland and Mr. Russell Pack. Ms. Shelley Norton was present, and CEO, Mr. Bob Boutin was absent.

**2. VERIFICATION OF QUORUM**

Mr. Perkins stated that there were 7 Board Members in attendance which constitutes a Quorum.

**3. PUBLIC HEARING**

**Turner Athletic Association**

Mr. Thomas Perkins presented the Turner Athletic Association Ballfield Project located on North Parish Road Sports Complex. He stated that this plan is an urgent matter based on the growing season. The board was presented with a packet on information on the project. There was a wetlands map presented to the board and where the proposed fields would be. He also stated if a structure was to be built in the future there would be an issue in the current zoning in the Town of Turner.

The project is 75 feet back from the river and 80 feet from the wetlands. There are different requirements that are needed with the DEP. The erosion map was also presented to the board.

Mr. John Maloney addressed the board. He believes it is a great project and was unaware that the School system was not going to allow TAA to use their fields in 2019. He also stated that he has never seen the planning board issue a permit for construction of fields after work has been done before. He has seen work done before on the fields and a permit was never given. There is another field on Cobb Road that was constructed and a culvert was put into place. He supports the T.A.A. fully and is wondering why this project it is not coming before the planning board and what the necessity of the permits for work that has already been done. He stated that he has tried asking the Town for a year or more for information on if permits had been taken out for the work completed on the T.A.A. fields and as never received any information regarding the same. He does not believe the land is being used for agriculture and it has not been done for years. He believes T.A.A. should be requesting permits in order to work on the land.

Mr. Angello Terri spoke in regards to the use of the field being used for agriculture. The fields have been used for haying which constitutes farming.

Mr. Maloney again stated that he believes that there should have been permits done prior to the distribution on the fields.

Mr. Thomas Perkins spoke to the board addressing the issue of permits. He stated that because of the zone the fields are in T.A.A. needed to address the Planning Board. There is a much larger focus on the area and this would be a step in that direction.

Mr. John Maloney stated that is 100% for the project and is more interested in the procedure. He believes that all the ordinances should be followed no matter what the project. He had concerns on the

culvert put into place a year ago and when he requested information from the Town he never received any information and a hearing never took place.

Mr. R. Edward Morris stated where there was no building a notice was not needed.

Mr. Kurt Youland addressed the board. He was stated that a lot of people have taken their time and money to help build the field. Mr. Kurt Youland questioned why Mr. Maloney took the time to call DEP on the issue and could have prevented this issue. Mr. John Maloney stated that he had no comment on this.

Mr. Jim Flagg addressed the board, he is in charge of the T.A.A. Football program. He is looking forward to this plan and he has spoken with a lot of parents who unfortunately could not come to the meeting where it is their only night off from sports.

Mr. Bill Bullard questioned if the plan in front of the board addresses the major plan or if this is just a step towards the end goal.

Mr. Angello Terri addressed the board and stated that this meeting is for the field because they were recently told by the school that their field will not be able to be used. T.A.A. has no personal interests they just want to be able to build these fields for the kids.

#### **4. OLD BUSINESS**

##### **A-LDRE**

A Waiver for # 36, 37, 38 and 39 were voted unanimously by the Board. Motioned by Mr. Lee and Mr. Pack. The Final Plan was motioned to be complete by Mr. Pack and seconded Mr. Youland. Motion for the Application being complete was made by Mr. Lee and Seconded Mr. Pack. The Final Approval for the project was motioned by Mr. Pack and Seconded Mr. Youland.

Findings of fact. There were a couple of changes. Ms. Norton stated item 5 was eliminated and the rest of the conditions were re-numbered.

“In front of” was pointed out in the findings of fact by Mr. Lee as a typographical error to be corrected. Mr. Lee moved to approve the Finding of Fact and Conclusions of Law as written with the one correction. The motion was seconded by Mr. Pack. A final signature will be done once the typographical has been corrected.

#### **5. Consideration of New Business**

##### **Turner Athletic Association**

Ms. Norton stated that there was a request made by TAA to the town for a planning review not be done based on the project's relationship with the town and non profit status. Mr. Morris stated that this was something new to him. There is not a building being built. Mr. Perkins stated that because of the issue of ordinances and the field being in the Resource protection zone this project require approval. There are areas in the ordinances that would require an issue of building permit. This project is being done in the resource protection and wetlands. The whole issue why a site plan is not being done is because of the time sensitivity of the issue. Nothing has been changed within the area. Mr. Kurt Schaub, Town Manager suggested the T.A.A. address this issue as a narrative. This project is being done on donations of money and time for the

children only there are no gains. There is no sewage system systems and there are port-a-johns only on the property that are cleaned on a regular basis. The plans presented are certified. Shoreland Zoning and resource protection does allow recreational use and requires Planning Board approval. Mr. Thomas Perkins stated that as long as you as 75 feet away from the river but they are outside the area including any disruption of land within the river. All the steps have been completed for the field itself. Mr. Pekins stated once again they are over 100 feet away from any boundaries.

Ms. Twitchell stated that this is a great project and was unaware that the school was going to stop allowing access to the field. she questioned if an after the fact permit could be done on the property and does not see an issue with an after the fact project. TMR. Perkins stated that this could been done.

Mr. Morris questioned what the fee would be for the building permit or if one has been paid. He stated that the board normally would require proof of a fee paid. Mr. Angello Terri stated he would pay for the fee right now if that is what would be needed. He stated that because T.A.A. is paid for by the Towns people he has not paid and fee and didn't believe that one would be needed. Ms. Norton stated that the board can make a statement that the Town manager can decided what the fee would be or if one is needed.

The T.A.A. has paid the fines to DEP and have gotten the permits needed for the property.

Mr. Pack stated that the board would be chasing their "tails" over something that would spend more town money where there is not building being built. He believes that board should move forward with this project.

Ms. Twitchell motioned to find the project complete and seconded by Mr. Lee. The board approves. Mr. Perkins abstained. (6-1)

Mr. John Maloney made a comment on the project. He again stated that the flood plan management is in a Federal Law. The town needs to follow the rules and there are ramifications. A year ago Mr. Maloney stated that he asked the Code Enforcement Officer on the issue of a culvert that was put in place. He did make a phone call to Colin Clark and Susan Baker with the Maine Department of Environmental Protection to ask about the issue. Mr. Maloney also came into the office on Monday, September 17, 2018 and asked what had been found out by the Code Enforcement Officer. He would like to see the best for the field and he wants to make sure everyone is held to the same guidelines.

Ms. Twitchell motioned to find the building permit complete and Seconded by Mr. Lee Seconded the Motion. (6-1)

Ms. Twitchell Motion for the building permit to be issued Mr. Youland seconded the Motion. (6-1)  
Ms. Twitchell motion that the Flood hazard development application complete and seconded by Mr. Bullard. (6-1)

Ms. Twitchell motion that the Flood hazard development permit to be issued be issued and seconded by Mr. Youland. (6-1)

## **6. PLANNING BOARD MINUTES FROM August 15, 2018 and Work Shop Minutes from August 1, 2015**

Motion to accept the Workshop Minutes from August 1, 2018 by Mr. Youland and Seconded by Mr. Bullard without changes. Ms. Twitchell and Mr. Pack Abstained, all other approved. (5-2)

Motion to accept the Planning Board minutes with updated changes by Ms. Twitchell and Seconded by Mr. Youland.

**7. REPORTS**

- A. Planner Escrow  
Mr. Boutin read the Planner Escrow. No action needed.
- B. CEO Report  
Mr. Boutin read the CEO Report.
- C. Other  
None.

**8. ANNOUNCEMENTS AND CORRESPONDENCE**

None.

**9. PUBLIC COMMENTS**

None.

**10. ADJOURNMENT**

Mr. Youland made a motion for adjournment and it was seconded by Mr. Lee, the board unanimously accepted. The meeting adjourned at 6:55 pm.

Respectfully submitted by, Megan L. Ricker, Secretary.