

Town of Turner, Maine  
Planning Board Minutes  
March 21, 2024

1       **CALL TO ORDER**

Called to order at 6:07 pm by Mr. Bill Bullard, Chairman. Those Members present were, Mr. Bill Bullard, Eben Shaw, Edward Morris and Kelvin Youland. Those Absent Mr. Scott Abbotts, Shirley Twitchell and Brent Fanjoy.

2.       **VERIFICATION OF QUORUM**

Mr. Bill Bullard stated that there were 4 Board Members in attendance which constitutes a Quorum.

3.       **Approval of Planning Board Minutes February 21, 2024.**

Mr. Shaw made a motion to approve the minutes for February 21, 2021 and it was seconded by Mr. Youland (4 ayes)

4.       **PUBLIC HEARING:**

**Hillandale Farms Conn, LLC, request to re-zone property, Plains Road**

A review of the zoning map was discussed with the Public. A request was made from the applicant to move part of their property from Agriculture/Industrial to Rural I. Mr. James Curtis a representative from Hillandale Farms spoke in regards to the request and stated that only one barn was currently maintaining chickens and they have a significant amount of land around and provided packets on the benefits on moving forward to changing the zone. He also spoke about a recent article written by the Sun Journal. The company first bought the operations in 2015. He believes the change in zoning will help them to sell the land where it will be less restrictive but it will still maintain the current character. He stated he has spent a lot of time coming to Turner and he has seen a significant amount of growth in the last year and changing the zone could help make the land easier to sell. Ms. Pam Bosse questioned if they planned on staying in the egg production and selling the land around them. He stated that it is possible they may parcel some out but is not sure at this time. She questioned if the mobile home park would be able to continue to exist or be expanded. Mr. Schaub stated they the trailer park was for employee housing and was part of the Agriculture/Industrial land and stated that a new mobile home park would need to be in General Residential zone. Ms. Bosse questioned how long the Town had known about this request and Mr. Schaub stated it was within the last month or two they had heard some conversations but had not heard from the company on the same. The idea is if the Agriculture Industrial went away it would allow for more opportunities for the property.

Mr. Kurt Youland stated that the area could be used for not only Agriculture it could be for Industrial land as well and that this is only some of their land.

Mr. John Maloney stated he read the article in the Sun Journal and that the people who read it may have gotten some wrong information and that his understanding was that the owners are looking to sell the land are residential land and that if you look at what can be done on the property that there are a lot of opportunities for the property. He wanted people to be aware the article was not as accurate. He stated that when the Comprehensive Plan was done that the Egg farm most likely was not going to stay there and that some of that land maybe good for some industrial uses and that it may not be suited for residential.

Mr. Maloney questioned why this was being rushed and that maybe the Comprehensive Plan Committee may want to take this into consideration.

A member of the public questioned if there is Phase III power which is beneficial for businesses down there. She also questioned if it does go to Rural I how many house lots could be added onto the property and what that would do to the property.

Mr. Schaub gave information on the current zoning that would be allowed in that zone and the regulations.

Mr. Kurt Youland stated that the Applicant came into the Town for an abatement a couple weeks ago and it was granted and that the Town will lose tax income on the land but it is already happening and made the Town aware. It would be nice to see something done on the property so the Town can recoup some of the information.

Beverly Leavitt questioned what the current population of the Town was and at what point the Town would need a full time police department. Mr. Schaub stated that there are 6,000 residents but it is not required to have a police station.

Another member questioned why there are metal pieces flying off the buildings and if it will be addressed at a later time with the Applicant.

Ms. Linda Poland stated that over the years that the egg farm has been an important part of the community and there have been environmental impacts and that there are issues with the buildings and the pits and that it is a questioned that should be address.

Mr. Hood stated that his business has been in touch with some of the issues with the property and that they have been in talks with D.E.P. and there have been talks on the next steps forward.

Ms. Seaman questioned on if the environmental studies are public knowledge. The Applicant stated that he would look into getting those.

Mr. Jim Plass agreed with Mr. John Maloney and questioned if this was important enough of an issue that the Comprehensive Plan could be change for this.

Mr. John Maloney stated that for this to get on the Warrant for Town meeting that a decision would need to be recommended by the Planning Board or the Selectman. He also questioned how many lots were for sale and what could be done for subdivisions being created.

Mr. Smith stated that this is for a zone change and that a subdivision would be a topic for later. The Board only has the Zone change in front of them today.

Ms. Bosse questioned on if the land has already been decided on how it is divided to be sold. The Applicant stated that he does not know the answer to that one.

Ms. Donna Shield questioned if this goes to Rural I what would be changed? The Board stated that it would be the whole property in Agriculture/Industrial. Some of the land is already in Rural I currently. She also questioned on how long this land has been for sale. The Applicant stated that it has been in the works for the last year or so.

A member of the public questioned if there was a plan to take care of the buildings that are falling down and how those would be taken care of.

Mr. Matt Maloney stated he is vice chair of the Comprehensive Plan and that the Comprehensive Plan may not be able to be changed in time for Town meeting if the Board and the Towns people voted to change the zone.

Mr. Morris questioned that if someone went into buy the property now would they be able to set up shop today. The Applicant stated that it would be up to person who is managing the properties.

A resident questioned if the land could allow for Solar on it and at this time the Ordinance would allow for Solar.

She questioned Mr. Warren Hood if the change would affect his business and he stated that while he would love to buy it and farm it he doesn't have the money to buy it right now. As far as how it will affect his business, he can farm land no matter what it is zoned as. He would love to continue to farm this property but his opinion is maybe some should be houses.

A member of the public questioned on if some of the property has been sold and the applicant stated that nothing has been sold at this time.

Mr. Kurt Youland stated that the business could sell it now if they wanted. This request is just a way to have some more options that can be done on the property. He agreed with Mr. Hood that while we would love to see businesses move onto the property but that some houses may be nice too.

Ms. Bosse questioned on what income a Solar Farm vs an Industrial Business would be and Mr. Schaub stated that the Town has no experience on Solar Farms where none have been built in the Town at this time.

Mr. Maloney questioned on if a vote would be taken tonight by the Board. Mr. Bullard stated that the Board may or may not take actions. Mr. Kurt Youland stated that this will be on the Town Warrant.

A member of the public stated that the land is saleable without a zoning change and that the land can be used for additional industrial uses and that she feels it is premature to add it to the Town Warrant to be voted on by the Town.

### **Minor Subdivision, Novel Stevens, Pearl St**

Mr. Smith reviewed the Application with the Board. This request for a subdivision was triggered because there were 2 leases on the property within 5 year which triggered a subdivision. Mr. Bullard stated that this is the 3<sup>rd</sup> solar farm that this has happened too. This happens often without the land owner knowing.

The Applicant spoke in regards to this project and the subdivision. He knows in the past there was talk about 2 phases of the Solar farm and that they will only move forward on the one approved and will not be doing a second phase.

Ms. Terry Sumniski questioned if the Board can stop the first Solar project that was approved. She also questioned if there would be a tax break on the project.

Mr. Kurt Youland stated that there will be no tax breaks given on this project.

Mr. Buddy Richardson questioned on how this project would be tied to the grid and it was discussed that there is 3 phase power there at this time.

## 5. **New Business**

### **Hillandale Farms Conn, LLC, request to re-zone property, Plains Road**

Mr. Shaw questioned if this project was reviewed at the last workshop. Mr. Bullard stated that this was looked at but not in depth at that time. He questioned at while looking at the proposal that this zone allows for industrial uses and that this often gets overlooked at. He also stated that the Agriculture/Industrial has very specific guidelines and that there is a large aquifer on the property. Mr. Schaub stated there are a significant amount of test wells on the property. Mr. Kelvin Youland questioned on what would be done with the 350 acres that are being used if the Zone is changed. Mr. Schaub stated that the Applicant would be able to continue to do what they are doing now in that zone. Mr. Morris stated that he believed that only the east side of the land wanted to be rezoned and now that he knows it is the whole parcel. At this time he does not see how the Town could be ok with moving the whole zone into house lots. He would like to see some businesses be able to come in and be able to build.

Mr. Shaw stated that at this time he is worried about losing the industrial aspects that could be affected in the Town.

Mr. Bullard questioned on if the Board would like to act on this request or not and it was decided to not take action.

Mr. Maloney questioned if the Board would be ok with removing the Warrant from being voted on at Town Meeting.

Mr. Kurt Youland stated that this was added to the Town Warrant so that a majority of the Town could vote on the same.

### **Minor Subdivision, Novel Steven, Pearl St**

Mr. Smith reviewed the application with the Board. At the workshop the Board requested some more information regarding the leased areas and the deeds and parcels. These questions have been clarified at this time the application is complete.

Mr. Morris questioned on if the property went over to a different zone or not. The Applicant staed that this project is set to be in the same zone.

Mr. Morris made a motion to find the checklist complete and it was seconded by Mr. Youland. (4 ayes)

Mr. Smith reviewed the Findings of Fact and Conclusion of Law with the Board. There are no new buildings being built this is more of a formality to be able to correct the minor subdivision that was created.

Mr. Youland motioned to approved the Findings of Fact and Conclusion or Law and it was seconded by Mr. Shaw. (4 ayes)

The Board also reviewed a request to extend the approved application to be extended by 2 years.

Mr. Morris made a motion to extend the Turner Stevens CSG, LLC site plan approval it was seconded by Mr. Youland. (4 ayes)

## **6. Old Business**

### **Tractor Supply, LLC, Auburn Road**

The applicant reviewed the findings from DOT with the southbound lane for Route 4 traffic. There is a wide shoulder on Route 4 that would be sufficient to allow for safe turning. The Board reviewed the application with the Planner.

Mr. Youland made a Motion to find the checklist complete and it was seconded by Mr. Morris. (4 ayes)

Mr. Smith reviewed the Findings of Fact and Conclusion of Law with the Board. This application is for retail store and garden center. This project has been in front of the Board a few times now and they had a Public Hearing for the same at the February meeting.

Mr. Morris made a motion to Approve the Finding of Fact and Conclusion of Law and it was seconded by Kelvin Youland. (3 ayes, 1 nay)

### **Jordan Equipment, Pit Road**

The Applicant reviewed the updated plans with the Board. When the Applicant was first here, they were waiting to see if they were denied from the original access on Route 4 and they appealed the same and were denied again. The Applicant is back in front of the Board because there was a condition to come back to the Board if the Route 4 access was denied. The applicant will be clearing some more vegetation to allow for more visibility and will have signage so they can be more visible from Route 4.

This is an amended plan where not much has changed. The signage, road access and the impact on the land will change. The Planner suggested a smaller sign on Pit Road where a larger one may not be needed once they are on the Road.

Mr. Shaw made a motion to find the Checklist Complete and it was seconded by Mr. Morris. (4 ayes)

Mr. Shaw made a motion to Find the Findings of Fact and Conclusion or Law complete and it was seconded by Mr. Youland. (4 ayes)

### **Turner CSG Solar, LLC, Auburn Road**

The Applicant is here because their project approval is up on the time this June. They are looking to see What can be done and are here to decide what will need to be done. If they start the project up and going in June does that show that they are making progress. Currently if they start clearing trees does that show enough due diligence that they have started the project.

The Board was under the understanding that you only get 1 extension on a project. Mr. Smith reviewed the ordinances with the Board.

Mr. Shaw stated that this project has already had 1 extension and the Board cannot give another extension so the Applicant should look into a building permit at this time and would clearing land be enough to show that they have started to work on the project to be able to give a 6-month extension.

The Applicant talked about possibly decreasing the size of the project and if it was more or less than 30% it would need to come back to the Board with an amended site plan.

The Applicant is looking to cut down trees now and they will be mulching the chips to use on the ground where the sand is soil.

Mr. Bullard stated that if they started cutting and got as close to your date of expiration and pull the permit near the expiration and it would need to be built in 1 year with a possible extension if needed later.

The Board discussed if the Applicant would need to come back if the project decreases and the Board reviewed the ordinance in the General Use Standards.

This project would not need to come back to the Board if it is less impactful and under site plan review the Code Enforcement Officer could approve the request.

The Applicant questioned if they should move forward as is and submit revised plans later if needed. The applicant is going through a lot of different scenarios on what would need to be done on there end.

**7. Other Business**

The Board will meet on April 3, 2024 at 6:00 pm for their workshop.

**8. REPORTS**

None

**9. PUBLIC COMMENTS**

None

**10. ADJOURNMENT**

Mr. Morris made a motion for adjournment and it was seconded by Mr. Fanjoy the Board unanimously accepted. The meeting adjourned at 8:45 pm.

Respectfully submitted by, Megan L. Ricker, Secretary.