



Town of Hermon

Public Safety Meeting Room

September 17, 2020

Town Council Meeting

7:00 PM

AGENDA

Council Meetings may be viewed live online and are archived after the meeting
has taken place – check hermon.net for link.

*****ALL ITEMS ARE SUBJECT TO APPROPRIATE COUNCIL ACTION*****

- I. CALL TO ORDER BY CHAIRPERSON**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. REVIEW CONSENT CALENDAR: REGULAR BUSINESS, APPOINTMENTS, SIGNATURES,
And APPROVAL OF MINUTES:**
 - SIGNATURES. –APPROVE**
 - MINUTES. –APPROVE 9/3/2020 minutes, 9/3/2020 Special Town meeting**
 - WARRANTS. –SIGN 9/18/2020**
 - RESOLVES. –SIGN**
- V. NEWS, PRESENTATIONS AND RECOGNITIONS:**
- VI. PUBLIC ITEMS OR COMMENTS: *(Items Not Already on Agenda)***
- VII. PUBLIC HEARINGS:**
- VIII. COMMITTEE REPORTS:**
- IX. SCHEDULED AGENDA ITEMS:**
 - A. OLD BUSINESS:**



B. NEW BUSINESS:

- O20-21-02** Consider approving GA Ordinance Appendices A-D for FY2020-2021
- R20-21-06** Consider accepting Boxwood Lane (Boxwood Lane is the road in Bayberry Ridge Estate subdivision off the Fuller Rd, consisting of 1,650' of roadway and will provide for 16 house lots).
- R20-21-07** Consider approving acceptance of an ordinance titled "Amendment to Chapter 154 Zone change to Tax Map 35 Lot 003 § 154-006 (b) of the Hermon Town Code
- F20-21-06** Consider using reserve account funds for paving expenses- Public Safety Bldg

C. WORKSHOPS:

D. OTHER ITEMS: (from Table Package)

X. APPOINTMENTS:

Appoint Michael Chamings to Tax Collector

Appoint Annette Merrithew to Health Officer

XI. MANAGER STATUS REPORT:

XII. FINAL PUBLIC ITEMS OR COMMENT: (Items Not Already on Agenda)

XIII. COUNCIL ITEMS:

XIV. EXECUTIVE SESSION:

Consider enter into Executive Session to discuss a legal matter per 1 M.S.R.A. 405(6)(E)

XV. ADJOURNMENT:

Explanatory note #1: All items in the CONSENT CALENDAR are considered routine and are proposed for adoption by the Town Council with one motion without DISCUSSION or deliberation. If DISCUSSION on any item is desired, any member of the Council or public may request the removal of an item for it to be placed in the regular agenda prior to the motion to approve the Consent Agenda.

Explanatory Note #2: In the interest of effect decision-making: At 10:00 p.m., the Chairman shall poll the Council and Town Manager to identify remaining items which shall be carried forward to the next Regular Meeting.

Explanatory Note #3: A Councilor who feels the need for the Council excusing his/her absence will make the request to the Town Manager or the Town Clerk prior to the meeting.



Town of Hermon

Public Safety Meeting Room

September 3, 2020

Town Council Meeting

IMMEDIATELY FOLLOWING THE SPECIAL TOWN MEETING

7:00 PM

MINUTES

Council Meetings may be viewed live online and are archived after the meeting
has taken place – check hermon.net for link.

ALL ITEMS ARE SUBJECT TO APPROPRIATE COUNCIL ACTION

I. CALL TO ORDER BY CHAIRPERSON

II. PLEDGE OF ALLEGIANCE

Chair Thomas led those in attendance in the Pledge of Allegiance

III. ROLL CALL

IV. REVIEW CONSENT CALENDAR: REGULAR BUSINESS, APPOINTMENTS, SIGNATURES,
And APPROVAL OF MINUTES:

SIGNATURES. –APPROVE

MINUTES. -APPROVE 8/20/2020 minutes

WARRANTS. –SIGN 9/4/2020

RESOLVES. -SIGN

Councilor Watson moved to approve the Consent Calendar as presented. Councilor Snyder seconded the motion. Motion passes 7-0.

V. NEWS, PRESENTATIONS AND RECOGNITIONS:

VI. PUBLIC ITEMS OR COMMENTS: *(Items Not Already on Agenda)*

VII. PUBLIC HEARINGS:



VIII. COMMITTEE REPORTS:

IX. SCHEDULED AGENDA ITEMS:

A. OLD BUSINESS:

B. NEW BUSINESS:

C. WORKSHOPS:

D. OTHER ITEMS: (from Table Package)

X. APPOINTMENTS:

XI. MANAGER STATUS REPORT:

Manager Kroll thanked Rachel Grass for 12 years with the town and her employment ended 9-1-2020.

Manager Koll welcomed two new employees to the town, Annette Merrithew as Code/Health Officer and Michael Chammings as Finance Director/Tax Collector. Josh Berry will continue as Assessor for an additional 5 years.

Manager Kroll stated CES will assist in the RFP and inspection process for Stoneybrook. Rudman Winchell will work with Mr. Bouchard and Adam and Deanna Leach to obtain easements to the properties.

Manager Kroll commended the school on the difficult task that was in front of them and for being so accommodating to the students and parents.

XII. FINAL PUBLIC ITEMS OR COMMENT: *(Items Not Already on Agenda)*



XIII. COUNCIL ITEMS:

Doug Sinclair: Why is there a speed bump on Newburgh Road?

Manager Kroll: This was done by DOT and will look into why.

Steve Thomas: Next week we will be looking to accept a new road in Bayberry Estates and concerned this is in/by a sand pit.

Manager Kroll: Stated Plymouth Engineering was retained by the Town of Hermon to conduct periodic visits. Plymouth Engineering visits included roadway's initial grubbing, paving and final stabilization. Requested additional rip rap stabilization of the culvert outlet at station 9+55+/-.
Plymouth Engineering states the road meets all requirements.

XIV. EXECUTIVE SESSION:

XV. ADJOURNMENT:

Councilor Snyder moved to adjourn the meeting at 7:19PM. Councilor Murphy gave seconded. With no objection the meeting was adjourned at 7:19 PM.

Respectfully Submitted,

**Kristen Cushman
Town Clerk**

Explanatory note #1: All items in the CONSENT CALENDAR are considered routine and are proposed for adoption by the Town Council with one motion without DISCUSSION or deliberation. If DISCUSSION on any item is desired, any member of the Council or public may request the removal of an item for it to be placed in the regular agenda prior to the motion to approve the Consent Agenda.

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Explanatory Note #3: A Councilor who feels the need for the Council excusing his/her absence will make the request to the Town Manager or the Town Clerk prior to the meeting.



MINUTES

TOWN WARRANT SPECIAL TOWN MEETING Thursday, September 3, 2020

To: Carolyn Duran, a Resident of the Town of Hermon, Penobscot County and State of Maine,

Greeting: In the name of the State of Maine you are hereby requested to notify and warn the inhabitants of the Town of Hermon, in said County of Penobscot, qualified by law to vote in said town affairs of the Election and Town Meeting described in this Warrant.

To the Voters of Hermon – District 2, Maine State Senate District 32, and Maine House of Representatives District 23:

You are hereby notified that a Special Town Meeting in this Municipality will be held at the Hermon Public Safety Building on Thursday, the 3rd day of September A.D. 2020 at 7:00 p.m. to act on Articles 1 through 2.

The Town Manager opened the meeting at 7:00PM. 26 voters were in attendance in the audience.

ART. 1: To elect a Moderator to preside at said meeting.

The Town Manager asked for nominations for a Meeting Moderator. Steve Watson nominated John Hamer and John Snyder seconded the motion. There were no other nominations. A show of hands was unanimous in favor of Mr. Hamer moderating the meeting 7-0. Mr. Hamer willingly accepted the nomination and signed the Moderator's Oath. Town Manager then turned the meeting over to Mr. Hamer.

ART. 2: To see if the Town will authorize the Council to appropriate from Fund Balance up to \$ 35,000 for the construction of a storm water drainage system as shown on plans drawn by CES, Inc dated August 4, 2020. To the extent such work occurs on private property, it shall only be undertaken after all necessary easements have been granted to the Town of Hermon by affected landowners.

YES or NO

Mr. Hamer read Article 2. He then asked for a motion to approve Article 2. Tony Reynolds moved to approve Article 2 as written. Ronald Murphy seconded the motion. A show of hands was unanimous in favor of the motion 25-0. Article 2 passes.

Mr. Hamer asked for a motion to close the Special Town Meeting. Tony Reynolds made a motion to adjourn the meeting. Ronald Murphy seconded the motion.

Mr. Hamer adjourned the meeting at 7:03PM.

Respectfully Submitted,
Kristen Cushman, Town Clerk



O20-21-02

**GENERAL ASSISTANCE ORDINANCE APPENDICES A-H
2020-2021**

BY ORDER of the Hermon Town Council, The Municipality of Hermon adopts the MMA Model Ordinance GA Appendices (A-H) for the period of Oct. 1, 2020—September 30, 2021. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the 17th (day) of September (month) 2020 (year) by the municipal officers:

Anthony Reynolds

Steven Thomas

Charles Lever IV

Douglas Sinclair, Sr.

John Snyder, III

Ronald Murphy

G. Stephen Watson

September 17, 2020

Attest Original: _____

Motion _____	Yeas _____	
Second _____	Nays _____	Date _____



TO: Howard Kroll, Town Manager
FROM: Josh Berry, CEO
DATE: September 10th, 2020
RE: Bayberry Ridge Estate – Boxwood Lane Road Acceptance

Hermon Properties, LLC is asking the town to accept Boxwood Lane as a public road. Boxwood Lane is a subdivision off the Fuller Rd, consisting of 1,650' of roadway and will provide for 16 house lots.

Plymouth Engineering has performed all the inspections on the road and has determined it to be within the Town's standards.

**Mailing address
PO Box 6300
Hermon, ME 04402-6300**

**Physical Address:
333 Billings Rd
Hermon, ME 04401**

**Telephone: 207 848-1010
FAX: 207 848-3316
email:**



Plymouth Engineering, Inc.

P.O. Box 46 - 30 Lower Detroit Road
Plymouth, Maine 04969
info@plymouthengineering.com
Tel: (207) 257-2071 fax: (207) 257-2130

August 31, 2020

Project No. 19226-Bayberry

Mr. Joshua Berry, Code Officer
Town of Hermon
PO Box 6300
Hermon, ME 04402

Final Report - Bayberry Ridge Subdivision - Construction Monitoring Summary

Dear Mr. Berry:

Plymouth Engineering, Inc. was retained by the Town of Hermon to conduct periodic visits to the proposed Bayberry Ridge Subdivision, off Fuller Road, during construction by its owner Nate Wicklo. In this instance, the developer/owner was also serving as the general contractor.

Plymouth Engineering conducted several visits over the summer/fall 2019 and spring /summer 2020 from the roadway's initial grubbing to the paving and final stabilization serving as the Town's representative.

Pending final shoulder stabilization, as well as final full vegetation of the roadway ditches/slopes, we find that the roadway has been constructed in general conformance with the design plans and Town of Hermon roadway standards as presented on the design plans. We offer the following as notes to the finding:

1. We requested additional rip rap stabilization of the culvert outlet at station 9+55+/- and this work has been completed.

We find that, having been constructed in general accordance with the plans other than as detailed above, our recommendation to the Town of Hermon is that the road meets all requirements, and there is nothing that we are aware of that should prevent the Town Council from considering the roadway for acceptance.

Sincerely,
PLYMOUTH ENGINEERING, INC.

Darrell C. Crawford,
Project Designer / Construction Inspector

CC: project files



R20-21-06

Be it resolved by the Hermon Town Council to accept Boxwood Lane as a public road.

SIGNED this September 17, 2020 by the Hermon Town Council:

Charles Lever IV

Anthony Reynolds

John Snyder III

G. Stephen Watson

Douglas Sinclair, Sr.

Steven Thomas

Ronald Murphy

Attest Original: _____

Motion _____	Yeas _____	Date _____
Second _____	Nays _____	



TO: Howard Kroll, Town Manager
FROM: Josh Berry, CEO
DATE: September 10th, 2020
RE: Contract Zone Request

Grand Oak, LLC is asking the town to approve a Contract Zone request for 246 Billings Rd, Hermon, ME 04401. (Map 35 Lot 3) The Contract Zone request is to allow for a Dental/Medical Facility in the Residential B zone.

The Planning Board held a public hearing on August 18th, 2020 and voted to recommend the Contract Zone request for approval.

Mailing address
PO Box 6300
Hermon, ME 04402-6300

Physical Address:
333 Billings Rd
Hermon, ME 04401

Telephone: 207 848-1010
FAX: 207 848-3316
email:



Plymouth Engineering, Inc.

P.O. Box 46 - 30 Lower Detroit Road
Plymouth, Maine 04969
engineering@midmaine.com
tel: (207) 257-2071 fax: (207) 257-2130

August 05, 2020

Job No. 20174

Hermon Planning Board
% Joshua Berry, Code Enforcement Officer
Town of Hermon
PO Box 6300
Hermon, ME 04402

Contract Zone Change Request for dental / medical facilities in the RB Zone

Dear Mr. Berry:

Plymouth Engineering, Inc. is pleased to submit this letter and attached support materials for a contract zoning agreement request on behalf of Grand Oak, LLC that has a purchase and sales agreement for the property. The request is for land owned by Donette Ouellette for 246 Billings Road (Map 35 Lot 3) and a portion of land owned by Arthur Whitham shown as Map 42 Lot 4.

Grand Oak, LLC is currently located in Hermon, and wishes to relocate to this site to provide better service to their patients and an exciting new place for their staff to work.

The request is made with the knowledge that a considerable portion of Billings Road between the village and Fuller Road is currently occupied by businesses and professional offices. It seems consistent that this site, in a state of disrepair, can be upgraded to be a new site suitable for dental / medical facilities. The site is located directly across Billings Road from the Hermon Elementary School and adjacent to the ambulance building.

The intent of this request is to provide an opportunity for Grand Oak, LLC to keep dental/medical facilities in Hermon at a much more convenient and attractive space.

The following definition is from the Town of Hermon Comprehensive Plan

Residential B (RB) – Growth Area

This district is established to encourage and protect medium density residential development with single, two and multiple-family dwellings, and certain other facilities residential in character or serving the neighborhood. Also, *this district is intended to provide area for public and semi-public uses compatible with and necessary to residential development.* It seems that dental and medical facilities are certainly “serving the neighborhood”. This is not dissimilar from the insurance offices, schools, golf course, etc that are located in the area.

We feel this zone change will meet the intention of the Town of Hermon Comprehensive Plan.

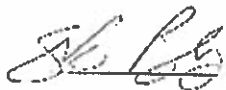
We are currently working with the Owner design and permitting for the project.

We look forward to working with you and the Planning Board on this project, and we are available

to answer any questions you may have either before or at the next Planning Board meeting.

As always, thank you for your time and consideration.

Sincerely,
Plymouth Engineering, Inc.

A handwritten signature in black ink, appearing to read "S. Braley". The signature is written in a cursive style with a horizontal line underneath the name.

Scott E. Braley, PE, CPESC
President

Enc. Zone Change Plan

Grand Oak, LLC

CONTRACT ZONE REQUEST SUPPORT

Zone change requests must meet with certain criteria to be found viable and worthy of recommendation by the Planning Board and Approval by Town Council. In support of the proposed Town Findings of Fact, we offer the following:

A. That the granting of such Zone Change will not be detrimental to the public welfare or injurious to the property or improvements in such vicinity in which the property is located.

The proposed contract will not be injurious to the property or vicinity improvements. In fact, we believe the change is beneficial to the property's value, abutter's values, and the town's ability to continue to provide affordable housing.

B. That no deed restriction or easements prohibit reclassification and / or any uses permitted under the proposed zoning on the property(s) in question.

No such restrictions or easements exist.

C. That this particular property is more suitable for the uses permitted in the proposed zone than for the uses permitted in the present zone.

We are not requesting that the zoning be changed; only that a contract be approved for uses that seem appropriate for the existing zone in this location.

D. The request is consistent with the applicable State and Federal Laws

We are aware of no State or Federal restrictions that would prohibit the contract.

E. The request is consistent with the applicable goals and policies of the Town of Hermon

From the Comprehensive plan we find general goals and priorities and visions that include the following:

1. utilize the Land Use Ordinance and Zoning for "continued balanced growth in Hermon".

We believe that the proposed contract supports a use that is ancillary to the residential area and is consistent with other uses that have been previously approved in this stretch of Billings Road.

2. A range of quality housing opportunities provides a variety of safe, decent, and affordable housing options for all residents.

We do not believe that the contract for this site will negatively affect the overall availability of residential areas in Hermon.

F. The request is consistent with the Comprehensive Plan

The policies, goals and visions mentioned above in E are from the Comprehensive Plan.

G. The change in zoning will result in a development which is compatible with the surrounding properties / zoning

The proposed contract will allow uses that are similar to others in the area that are also in the RB zone as well as provide improved opportunities for Hermon residents and others to make better use of this site.

**CONTRACT ZONE AGREEMENT
TOWN OF HERMON, MAINE**

This Contract Zoning Agreement made this ___ day of _____, 2020, by and between TOWN OF HERMON, a municipal corporation, located in Penobscot County, State of Maine (hereinafter, "Town") and GRAND OAK, LLC, having a mailing address of 246 Klatte Road, Hermon, Maine 04401 (hereinafter, "Developer").

WHEREAS, the Developer holds interest to certain real estate located off Billings Road in Hermon, Maine consisting of approximately four and sixty five one hundredths (4.65) Acres, and identified as Tax Map 35, Lot 003 and a portion of Tax Map 42, Lot 004 on the Town of Hermon Tax Maps (hereinafter, the "Property"); and

WHEREAS, the Developer desires to develop the Property for dental / medical uses, with the development to initially include a dental office facility (hereinafter, the "Project"); and

WHEREAS, the Developer has requested a rezoning of the Property from Residential B to a Contract Agreement in Residential B for development of the Property for the proposed uses; and

WHEREAS, following the submission of an application to the Town Council, pursuant to §154.007 (E)(1) of the Town Land Use Ordinance, and initial conceptual review with the Town Manager and Code Enforcement, the application was referred to the Planning Board pursuant to §154.007 (E)(4); and

WHEREAS, the Planning Board, after notice, held a public hearing on the proposal as required by Section 154.007 (E)(6) of the Land Use Ordinance and 30-A M.R.S.A. §4352 (8);

WHEREAS, the Town Council approved this Agreement on _____, finding that this Contract Zoning Agreement and the resulting development to be permitted by the Agreement (1) are consistent with the Town's Comprehensive Plan; (2) includes conditions and restrictions which relate to the physical development and operation of the subject property; and (3) authorized the execution of this Contract Zoning Agreement which provides for the implementation and enforcement of all terms and conditions imposed and agreed to by the parties pursuant to this Agreement.

NOW THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. **Permitted Uses and Restrictions.** Developer for it, its successors, assigns, and lessees, hereby covenants and agrees that the use, occupancy and/or development of the Property, in addition to other applicable laws, ordinances, or regulations of the Town of Hermon, shall be subject to the following restrictions and conditions on the physical development of the Property.
 - a. Limited to dental / medical facilities, not to include marijuana facilities;

Developer agrees that if it, or any person claiming under or through it, shall at any time violate or attempt to violate, or shall omit to perform or observe any one or more of the foregoing restrictions, provisions, conditions, covenants, and agreements, the abutting landowner(s) shall have the following remedies:

- a. The owner or owners of parcels of land abutting the Property shall have the right to institute any and all actions or proceedings, including the right to enforce all terms and provisions of this Agreement by injunction, legal and equitable actions and all other lawful process for the enforcement of the same.

Developer further agrees that the failure of the owner or owners of abutting parcels to object to any violation, however long continued, or to enforce any restrictions, provisions, conditions, covenants, or agreements contained in this Agreement shall in no event be deemed a waiver of the right to do so thereafter as to the same breach or violation or as to any breach or violation occurring prior to or subsequent thereof.

2. **Zoning Map Amendment.** The Town hereby amends the Zoning Map of the Town of Hermon, a copy of which is on file at the Hermon Town Office by adopting the zoning map change amendment shown on Exhibit 1.
3. **Term.** Developer and Town agree that the provisions of this Agreement shall remain in full force and effect until such time as the same may be modified, amended, repealed, and/or replaced upon written agreement. It is expressly understood that any such change shall be in accordance with the laws of the State of Maine and the Land Use Ordinance of the Town and shall be treated as an amendment and shall proceed accordingly.
4. **Legislative Authority.** Developer hereby agrees that nothing in this Agreement shall be construed so as to preclude the future exercise of the Town of Hermon Town Council's legislative authority relative to the zoning of the Property. In the event that the zoning of the Property is changed by the Town Council, any use established under this provisions outlined in this Agreement, subject to the restrictions, provisions, conditions, covenants, and agreements contained in this Agreement, shall be allowed to continue as a nonconformity or a nonconforming use, whichever the case may be, in accordance with the Land Use Ordinance, as may be in effect at the time of said zone change, governing the same.
5. **Other.** Developer agrees, for it, its successors and assigns, to waive any and all rights to challenge the validity of Council action or the terms of this Agreement.

Developer hereby agrees that if one of the restrictions, provisions, conditions, covenants, and agreements, or portions thereof, contained in this Agreement is for any reason deemed to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate and independent provision and such determination shall not affect the validity of the remaining portions thereof.

Except as expressly modified herein, the use and occupancy of the Property shall be governed by and comply with the provisions of the Town of Hermon Land Use Ordinance and any applicable amendments thereto or replacement thereof.

IN WITNESS WHEREOF, this Agreement has been executed and delivered as of the day and year first written above.

WITNESS

TOWN OF HERMON

By:
Its:
Hereunto Duly Authorized

STATE OF MAINE
COUNTY OF PENOBSCOT

August ____, 2018

Then personally appeared the above-named _____, in his said capacity,
and acknowledged the foregoing instrument to be his free act and deed.

Before me,

NOTARY PUBLIC

WITNESS

GRAND OAK, LLC
BEN PHILLIPS, member

STATE OF MAINE
COUNTY OF PENOBSCOT

August ____, 2020

Then personally appeared the above-named _____, and acknowledged
the foregoing instrument to be his free act and deed.

Before me,

NOTARY PUBLIC

TOWN OF HERMON

LAND USE DISTRICT MAP



CARMEL

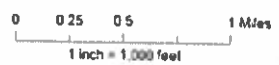
LEVANT

GLENBURN

HAMPDEN

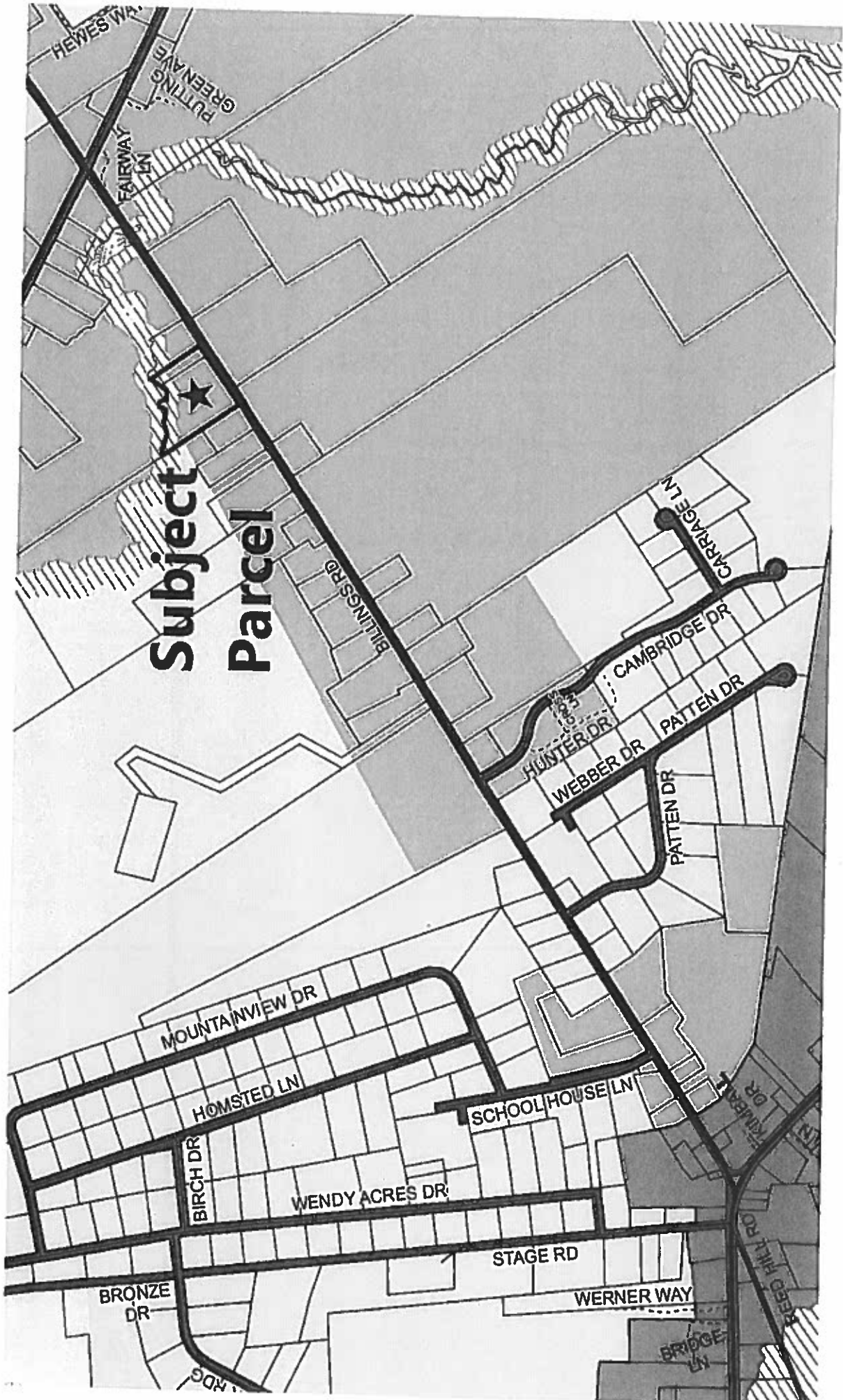


Source: Town of Hermon and J. W. Sewall Co.
 Map created: December, 2015; Revised: November, 2016



LEGEND LANDUSE CLASSIFICATION

- Agriculture uses
- Commercial
- Industrial
- Residential A
- Residential B
- Residential
- Institutional
- Office/Professional
- Water
- Wetland
- See District and Sub-District
- Parcel Boundaries



Subject Parcel

HEWES WA.
PUTTING GREEN AVE
FAIRWAY LN

BILLINGS RD

CARRIAGE LN

CAMBRIDGE DR

HUNTER DR

WEBBER DR

PATTEN DR

PATTEN DR

MOUNTAINVIEW DR

HOMSTED LN

SCHOOLHOUSE LN

WENDY ACRES DR

STAGE RD

BRONZE DR

WERNER WAY

BRIDGE LN



R20-21-07

Be it resolved by the Hermon Town Council in Town Council assembled the acceptance of an ordinance titled "Amendment to Chapter 154 Zone change to Tax Map 35 Lot 003 § 154-006 (b) of the Hermon Town Code" be and enacted at the September 17th Town Council meeting. Town Council to authorize the Town Manager to sign the contract zone agreement on behalf of the Town of Hermon

SIGNED this September 17, 2020 by the Hermon Town Council:

Ronald Murphy

Charles Lever IV

John Snyder III

G. Stephen Watson

Douglas Sinclair, Sr.

Steven Thomas

Anthony Reynolds

Attest Original: _____



FR20-21-06

Be it resolved by the Hermon Town Council in town council assembled the Town Manager or his Designee be authorized to pay Witham's Paving \$3,275 for paving a section of the Public Safety Parking Lot.

Be it further resolved the proceeds be withdrawn from the Hermon Public Safety Bldg Reserve Account (HERM17).

SIGNED this September 17, 2020 by the Hermon Town Council:

Ronald Murphy

Charles Lever IV

John Snyder III

Anthony Reynolds

Douglas Sinclair, Sr.

Steven Thomas

G. Stephen Watson

Attest Original: _____

Motion _____

Yeas _____

Second _____

Nays _____

Date _____