



Town of Hermon

Public Safety Meeting Room

March 18, 2021

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** Quitclaim Map/Lot 005-009-000 Account # 87
 - MINUTES. –APPROVE** 03/04/2021 Council Minutes, 3/10/2021 Special Council Minutes
 - WARRANTS. –SIGN** 03/19/2021 Warrant
 - 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:

- R20-21-21** Consider accepting the extension of Partridge Lane and Cedar Brook Drive also known as Coldbrook Pines Subdivision as public road.
- R20-21-22** Consider approving the ballot question entitled “Financial Improvements at Hermon High School” for consideration at the June 8, 2021 Election at the Patricia A. Duran Elementary School.
- R20-21-23** Consider appointing Scott Perkins to be an “authorized person” for a grant application with the Economic Development Administration (EDA) including both the Public Works and Economic Development and (ii) Economic Adjustment Assistance programs
- R20-21-24** Consider appointing Scott Perkins to be an “authorized person” for the Northern Borders Regional Commission grant

C. WORKSHOPS:

D. OTHER ITEMS: (from Table Package)

X. APPOINTMENTS:

XI. MANAGER STATUS REPORT:

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

XIII. COUNCIL ITEMS:

XIV. EXECUTIVE SESSION:

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.

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Town of Hermon

Public Safety Meeting Room

March 4, 2021

Town Council Meeting

7:00 PM

MINUTES

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*****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

Members Present: John Snyder III, Douglas “Doug” Sinclair Sr., Ronald “Ron” Murphy, Charles Lever IV, Steven “Steve” Thomas, Anthony “Tony” Reynolds and G. Stephen “Steve” Watson

Members Absent:

Others Present: Town Manager Howard Kroll, Town Clerk Kristen Cushman, Scott Perkins and two company representatives from Eurovia.

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

SIGNATURES. –APPROVE Quitclaim Map/Lot 041-091-000 Account 1098

MINUTES. -APPROVE 02/18/2021 Council Minutes

WARRANTS. –SIGN 03/05/2021 Warrant

RESOLVES. -SIGN

Councilor Snyder moved to approve the Consent Calendar as presented. Councilor Lever 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:

Scott Perkins gave an overview of each TIF as follows:

Eurovia: *Eurovia Atlantic Coast, LLC* will construct an accessory asphalt storage facility at their 1065 Odlin Road location. The facility at 1065 Odlin Road will be new construction providing capacity to store liquid asphalt and polymer, ingredients needed to manufacture hot mix asphalt. Rail spur extensions connecting to CP Rail, three 2.3 million gallon storage tanks, pipeline, heaters and administrative buildings are on the plans for the estimated 16.5 million dollar project. The operation will be located at Map 16, Lot 004-001 on the Hermon Tax Maps. Eurovia intends to hire between 10-15 new employees for the storage facility.

It is proposed that the Town of Hermon create a development plan and add Map 16, Lot 004-001 as a new Tax Incremental Financing District. Hermon DECD and *Eurovia Atlantic Coast, LLC* propose that Hermon agrees to capture 100% for 30 years of the new value created by the improvements to the real estate beginning 4-1-2021. It is further proposed that 40% of the paid real estate taxes related to the captured new value be returned to *Eurovia Atlantic Coast, LLC* for a period of 10 years beginning with the tax year 4-1-2022

Hopkins Paving, LLC: *Hopkins Paving, LLC* has established a place of business at 800 Coldbrook Road, Hermon, Maine. *Hopkins Paving* is owned by Mike Hopkins. The facility at 800 Coldbrook Road is new construction providing the needed support for offices, garages and lay down area for the paving & milling business along with a new container roll-off service for demo debris. The business is located at Map 14, Lot 24-001 on the Hermon Tax Maps. This locally owned business has provided paving and construction services for 14 years. Hopkins Paving will retain 35 jobs while moving his business from Bangor to Hermon.

It is proposed that the Town of Hermon create a development plan and add Map 14, Lot 24-001 as a new Tax Incremental Financing District. Hermon DECD and Hopkins Paving propose that Hermon agrees to capture 100% for 30 years of the new value created by the improvements to the real estate beginning 4-1-2021. It is further proposed that 40% of the paid real estate taxes related to the captured new value be returned to the owner, Mike Hopkins for a period of 10 years beginning with the tax year 4-1-2022.

2nd Amendment to 2005-2008-2020 1st Omnibus TIF: The Town of Hermon (the “Town”) Business Parks Municipal Development and Tax Increment Financing Districts (collectively, the “Business Parks District”) and related Amended and Restated Omnibus Development Program were originally designated and adopted by the Town on March 3, 2005 and subsequently amended and restated on March 6, 2008 and March 31, 2020 (as amended, the “Amended and Restated Development Program”). The Amended and Restated Development Program encompasses 42 lots consisting of 144.41 acres of land. By this Second Amendment to the Amended and Restated Development Program, the Town is removing 1.91 acres consisting a portion of Tax Map 22, Lot 73 (redesignated as Lot 73-1) (the “Removed Lot”) from the Amended and Restated Development Program. Approximately 142.50 acres of land will remain in the Business Parks Districts.



White Pine Road, LLC: *White Pine Road, LLC* has established a place of business at 45 White Pine Road, Hermon, Maine. “White Pine Road” is owned by Brian M. Carle and Anthony Chase. The accounting business was previously located in Holden at 11 Debeck Drive, Suite B. The project is located at Map 22, Lot 65-10 on the Hermon Tax Maps, (Pinewood Park). This professional services company specializes in tax compliance and consulting, assurance services, accounting, bookkeeping and business consulting.

It is proposed that the Town of Hermon utilize the existing development plan described in the 2013 TIF Amendment for Pinewood Park for Map 22, Lot 65-10. Hermon DECD and White Pine Road, *LLC* propose that Hermon agrees to capture 100% for the remaining term of the district. It is further proposed that 40% of the paid real estate taxes related to the captured new value be returned to the owner, White Pine Road for a period of 10 years beginning with the tax year 4-1-2022

TIF District #20 – Eurovia Atlantic Coast, LLC

Chair Thomas opened the public hearing at 7:05PM. No public comments. The hearing closed at 7:05PM

TIF District #21 – Hopkins Paving, LLC

Chair Thomas opened the public hearing at 7:09PM. No public comments. The hearing closed at 7:10PM

Approval of Amendments to the Town’s 2008 Amended and Restated First Omnibus TIF Development Program

Chair Thomas opened the public hearing at 7:11PM. No public comments. The hearing closed at 7:13PM

Approval of a Credit Enhancement Agreement with White Pine Road, LLC

Chair Thomas opened the public hearing at 7:14PM. No public comments. The hearing closed at 7:15PM

VIII. COMMITTEE REPORTS:

IX. SCHEDULED AGENDA ITEMS:

A. OLD BUSINESS:

R20-21-19 Consider scheduling a Public Hearing for Amendments to the Town’s 2008 Amended and Restated First Omnibus TIF Development Program for March 4, 2021. (Public hearing was posted on 2/25/2021 and advertized in the Bangor Daily News on 2/22/2021).

Councilor Snyer moved to approve R20-21-19. Councilor Murphy seconded the motion. The motion was accepted. Motion passes 7-0.



B. NEW BUSINESS:

O20-21-05 AN ORDER

Providing for: Designation of Municipal Development and Tax Increment Financing District (No. 20) (Eurovia Atlantic Coast, LLC) and Adoption of Related Development Program

Councilor Snyder moved to approve O20-21-05. Councilor Murphy seconded the motion. The motion was accepted. Motion passes 7-0.

O20-21-06 AN ORDER

Providing for: Designation of Municipal Development and Tax Increment Financing District (No. 21) (Hopkins Paving, LLC) and Adoption of Related Development Program

Councilor Murphy moved to approve O20-21-06. Councilor Snyder seconded the motion. The motion was accepted. Motion passes 7-0.

O20-21-07 AN ORDER

Providing for: Amendments to the Town's 2008 Amended and Restated First Omnibus TIF Development Program

Councilor Snyder moved to approve O20-21-07. Councilor Murphy seconded the motion. The motion was accepted. Motion passes 7-0.

O20-21-08 AN ORDER

Providing for: Providing for Approval of a Credit Enhancement Agreement with White Pine Road, LLC

Councilor Snyder moved to approve O20-21-08. Councilor Murphy seconded the motion. The motion was accepted. Motion passes 7-0.

FR20-21-20

Consider approving the purchase from Norcon Communications a talk thru unit & headset.

Councilor Reynolds asked if COVID money was available for this item. Manager Kroll stated currently there is not any COVID funding available but if one does arise we can apply for reimbursement.

Councilor Reynolds moved to approve FR20-21-20. Councilor Snyder seconded the motion. The motion was accepted. Motion passes 7-0.



R20-21-20 Consider holding a Special Town Council Meeting on Wednesday, March 10, 2021 at Hermon High School Auditorium.

Councilor Snyder moved to approve R20-21-20. Councilor Murphy seconded the motion. The motion was accepted. Motion passes 7-0.

C. WORKSHOPS:

D. OTHER ITEMS: (from Table Package)

X. APPOINTMENTS:

XI. MANAGER STATUS REPORT:

Manager Kroll thanked Scott Perkins his work on the TIF's. These take a lot of work and planning and commend him on his efforts.

Special Council Meeting at Hermon High School Auditorium at 7:00 PM for School Track Committee presentation.

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

XIII. COUNCIL ITEMS: None

XIV. EXECUTIVE SESSION:

XV. ADJOURNMENT:

Councilor Reynolds moved to adjourn the meeting at 7:25 PM. Councilor Snyder gave seconded. With no objection the meeting was adjourned at 7:25 PM.

Respectfully Submitted,

**Kristen Cushman
Town Clerk**

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Town of Hermon

Special Town Council Meeting

at

Hermon High School Auditorium

Or join via: meet.google.com/hpd-ybkh-emo

March 10, 2021

7:00 PM

AGENDA

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I. CALL TO ORDER BY CHAIRPERSON

II. PLEDGE OF ALLEGIANCE

Chair Thomas led those in attendance in the Pledge of Allegiance

III. ROLL CALL

Members Present: John Snyder III, Ronald “Ron” Murphy, Charles Lever IV, Steven “Steve” Thomas, Anthony “Tony” Reynolds and G. Stephen “Steve” Watson

Members Absent: Douglas “Doug” Sinclair Sr. - Excused

Others Present: Town Manager Howard Kroll, Town Clerk Kristen Cushman, Coach David King, Scott Braley – Plymouth Engineering, Bobbie Pelletier, Barry Pottle, Brett Danforth, Lou Lima, Jeff Wheeler and Alan Owen
Track Committee: Jesse Keith, Deborah Farnham, Mike Byram, Brian Walsh, Stephanie Biberstein, Rick Sinclair, Jim Chasse and approx 4 residents and 1 non resident.

Councilor Lever moved to excuse Councilor Sinclair. Councilor Murphy seconded the motion. Motion passes 6-0.



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

**SIGNATURES. -APPROVE
MINUTES. -APPROVE
WARRANTS. -SIGN
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:

C. WORKSHOPS:

Hermon School Track Committee Presentation to Town Council

Track Committee members: Scott Perkins, Joshua Berry, Jesse Keith, Deb Langille, Deb Farnham, John Snyder III, Mike Byram, Brian Walsh, Stephanie Biberstein, Rick Sinclair and Jim Chasse.

Hermon Track Committee Presentation

1. Presentation Begins

A. Why:

1. Introduction of Track Coach David King and Athletic Director Rick Sinclair

a. Coach King will provide his background, discuss the current track program, and benefits of a track complex.

Coach King has been a since 1974 as coach or athletic director. Mr. King has coached teams with a home track and without. By far the teams with home tracks have an advantage. Currently Hermon athletes use the Hampden track from 4-6:30 PM. Having a home track will allow the team to grow immensely.



- b. *Director Sinclair will speak to the current playing conditions of Pottle Field*

Rick Sinclair has been the Athletic Director with Hermon for 4 years. The soccer field was built in 1995 at Hermon High. To keep the fields in proper playing condition, practices are not held on the fields. Currently soccer, football and youth football are played on the fields.

B. *Survey:*

1. *Introduction of Hermon High School Principal Brian Walsh*

- a. *Brian Walsh will provide background information in terms of accurately assessing interest and why, development of survey questions, survey marketing (Facebook, direct mail, Town website, etc.), explain Survey Monkey, and discuss survey results (power point presentation) with demographic analysis.*

Brian Walsh is the Hermon High School Principal. Mr. Walsh presented the results from Survey Monkey taken in 2019 (pre COVID).

- **Do you support the installation of an artificial turf field and rubberized track for school, recreation, and community use and programming in Hermon:**

NO: 96 or 17.42 % YES: 455 or 82.58 %

- **Would any member of your house hold utilize an athletic complex for walking, running, or participating in school athletics and recreational programs?**

NO: 448 or 81.45 % YES: 102 or 18.55 %

- **In the event that there are no in-kind donations or sponsors, would you support an increase of your property taxes to fully fund this project at an estimated expense of \$1.9 million (approximate increase of \$70.00 in property taxes for a \$200,000 home)?**

I do support funding this project through taxpayer dollars: 380 69.09 %

I do not support taxpayer dollars for this project: 170 30.91 %

C. *Evaluation of Options*

1. *Introduction of Hermon School Committee Vice Chair Deb Farnham*

- a. *Deb will provide the story leading up to the Committee recommendation – background of Hermon sports programs/participation/growth, and track placement considerations.*

Deborah Farnham is the Vice Chair for the Hermon School Committee. Mrs. Farnham gave an overview of all the sports programs in Hermon and how well each program is utilized and has grown through the years.



E. Committee Recommendation

1. *Introduction of Plymouth Engineering President and Mike Byram.*
 - a. *Mike and Scott will present the track concept drawings, placement, features, storage facility, placement of jumping and throwing events, remodel of Booster Club's concession building as well as the replacement of the playing surface of Pottle field.*
 - b. *Mike and Scott will present the cost estimates for the entire project.*
 - c.

Plymouth Engineering, Inc.

P.O. Box 46 - 30 Lower Detroit Road
Plymouth, Maine 04969

TOWN OF HERMON SCHOOL DEPARTMENT ATHLETIC COMPLEX UPDATES
PROJECT #21003 PRESENTED: March 06, 2021

TASK	QUANTITY	UNIT	ITEM COST	SOURCE
TRACK AND FIELD / MULTI-USE FIELD				
GRUBBING	3400	CY	\$ 34,000	PEI CALCULATIONS PEI CALCULATIONS (LOCAL CONTRACTOR)
LEDGE REMOVAL	0	CY	\$ -	
EXCAVATION	11000	CY	\$ 110,000	PEI CALCULATIONS PEI - USING GRUB AND EXC FROM EXCAVATED AREA PEI CALCULATIONS (12" AND 1.25 SWELL)
FILL	1400	CY	\$ 28,000	PEI CALCULATIONS (3")
GRAVEL	4000	CY	\$ 82,500	PEI CALCULATIONS (3")
PAVEMENT UNDER TRACK	1400	TONS	\$ 137,500	FOR OUTSIDE OF TRACK EXT IN CUT
OUTSIDE FRENCH DRAIN	600	LF	\$ 36,000	



TRACK SURFACE	1	EA	\$	258,000	CONTRACTOR (CURRENT AREA PROJECT)
FENCING	800	LF	\$	15,000	LOCAL FENCE
LOAM / SEED	13	UNITS	\$	25,211	COMPANY BUDGET
UNDERGROUND ELECTRIC	2000	LF	\$	100,000	PEI CALCULATIONS
ACCESS DRIVE/WALK	300	LF	\$	30,000	PEI CALCULATIONS
INTERIOR DRAINAGE SYSTEM	1	EA	\$	176,000	CONTRACTOR (CURRENT AREA PROJECT)
BLEACHERS	1	EA	\$	70,000	TOTAL OF OVER 616 SEATS
BLEACHERS CONCRETE SLAB	6400	SF	\$	50,000	Slab for bleachers
GRAVEL BASE	65	CY	\$	1,625	Support slab
40x40 STORAGE BUILDING	1	EA	\$	128,000	\$80/sf (UNHEATED) 4" LOAM AND SEED ON NATIVE
TRACK INFIELD AREA	550	CY	\$	16,500	FILL/CUT
RELOCATE TENNIS DRAINAGE OUTLET	1	EA	\$	5,000	
RELOCATE LEACH FIELD	1	EA	\$	40,000	CHAMBERS
CATCH BASIN	2	EA	\$	10,000	
WETLAND MITIGATION			\$	77,000	NRPA for 18,000 sf disturbance
IRRIGATION LINES	800	LF	\$	32,000	
RELOCATE PUBLIC TRAIL	1150	LF	\$	57,500	
SUB TOTAL			\$	1,519,836	



MULTI PURPOSE GAME FIELD

LEDGE REMOVAL	3000	CY	\$	120,000	
GRAVEL	2800	CY	\$	70,000	
SAND/LOAM	1400	CY	\$	35,000	
UNDERDRAIN	1240	LF	\$	49,600	
SOD	8400	SY	\$	45,000	
Storm Water Management	2	EA	\$	70,000	TWO USF
SUB TOTAL			\$	389,600	

FIELD EVENTS

					CONTRACTOR (CURRENT AREA PROJECT)
LONG/TRIPLE JUMP	2	EA	\$	15,000	CONTRACTOR (CURRENT AREA PROJECT)
POLE VAULT	1	EA	\$	2,000	CONTRACTOR (CURRENT AREA PROJECT)
HIGH JUMP	1	EA	\$	-	PROJECT) IN SAME AREA AS
SHOT PUT	1	EA	\$	3,000	DISCUSS GRASSED
JAVELIN	1	EA	\$	-	FIELD CONTRACTOR (CURRENT AREA PROJECT)
DISCUSS / HAMMER	1	EA	\$	3,000	PROJECT)
SUBTOTAL			\$	23,000	
CONTINGENCY	0.10		\$	193,244	



Engineering	0.05	\$ 96,622	5% OF SUB
FIELD TOTAL		\$ 2,222,302	TOTALS

CONCESSION BUILDING

Demo	\$ 3,000
12x20 Canopy (Rear Grill)	\$ 3,500
12x36 Canopy (Front Windows)	\$ 6,000
4 New Windows 2 New Ext Doors	\$ 5,500
Metal Roofing	\$ 1,400
Siding Repair	\$ 2,000
Interior Walls	\$ 1,000
Insulation	\$ 2,000
Sheetrock	\$ 4,200
FRP Panels	\$ 3,000
Cabinets	\$ 2,500
Food Storage Closet	\$ 4,000
Counters and Island Build	\$ 5,800
Finish Concrete Floor	\$ 3,000
	\$
Appliance Hook Up	500
Rear Fence Replace	\$ 3,000
SUB TOTAL	\$ 50,400

Plumbing

Hot Water on Demand	\$ 2,200
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	\$	
Sink	400	
Hook Up Drains to Sewer	\$	1,000
	\$	
Water Line Ice Maker	300	
Plumbing Labor Misc	\$	2,000
SUB TOTAL	\$	5,900
Electrical		
Indoor/Outdoor Lighting	\$	4,000
New Panel	\$	2,000
Outlets	\$	1,000
Misc Labor	\$	1,000
SUB TOTAL	\$	8,000
Propane		
	\$	
New Hook Up Outdoor/ Indoor Grill	600	
	\$	
Fryer Hook up	300	
	\$	
Hot Water Heater	300	
SUB TOTAL	\$	1,200
CONTINGENCY .10	\$	6,550
CONCESSION BUILDING TOTAL	\$	72,050
TOTAL COMPLEX COST	\$	2,287,802
Track Equipment	\$	90,000
Total	\$	2,377,802



F. Business Community Endorsement

1. *Barry Pottle, Lou Lima, and Brett Danforth will each say a few words about the project and possible impact on business community.*

Barry Pottle owner of Pottle Transportation, Lou Lima owner of Dunkin Donuts and Brett Danforth owner of Danforth's Downhome supermarket all spoke in favor of the proposed track.

G. Where Do We Go from Here?

1. *Funding and tax impact*
2. *Approval process*
3. *Construction timeline*

On March 18, 2021 the council will consider a resolve to place a track question on the June 8, 2021 ballot.

D. OTHER ITEMS: (from Table Package)

X. APPOINTMENTS:

XI. MANAGER STATUS REPORT:

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

XIII. COUNCIL ITEMS:

XIV. EXECUTIVE SESSION:

XV. ADJOURNMENT:

Councilor Reynolds moved to adjourn the meeting at 8:00 PM. Councilor Snyder gave seconded. With no objection the meeting was adjourned at 8:00 PM.

Respectfully Submitted,

**Kristen Cushman
Town Clerk**

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R20-21-21

Be it resolved by the Hermon Town Council to accept the extension of Partridge Lane and Cedar Brook Drive also known as Coldbrook Pines Subdivision as a Public Road.

SIGNED this March 18, 2021 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 _____



TO: Howard Kroll, Town Manager
FROM: Annette Merrithew, CEO *AMM*
DATE: 03/10/2021

RE: Street Acceptance- Extension of Partridge Lane Cedar Brook (Coldbrook Pines Subdivision)

Dysarts Realty Company has submitted the deed and back-up for town acceptance of the extension of Partridge Lane and Cedar Brook Drive also know as the Coldbrook Pines Subdivision. The street and utilities are complete to the satisfaction of the Hermon Land Use Ordinance "Subdivision Review" Chapter 154- §154-205-154-214.

All inspection reports done by CES – Jeanna Detour are on file in the Code Enforcement Office.

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:

QUITCLAIM DEED WITH COVENANT

DYSART REALTY CO., a Maine corporation having a mailing address of P.O. Box 1689, Bangor, Maine 04402-1689, grants to **THE TOWN OF HERMON**, a municipal corporation, having a mailing address of P.O. Box 6300, Hermon, Maine 04402-6300, with Quitclaim Covenant, a certain lot or parcel of land in Hermon, Penobscot County, State of Maine described as follows:

The extensions of Partridge Lane and of Cedar Brook Drive shown on the plan entitled, "Coldbrook Pines Subdivision, Partridge Lane, & Cedar Brook Drive, Hermon, Maine Prepared for Dysart Realty Co." dated November 11, 2016, prepared by Shyka, Sheppard & Garster Land Surveyors, and recorded in Penobscot County Registry of Deeds Map File 2017-13 ("the Subdivision Plan"), including the cul-de-sac at the westerly terminus of the extension of Cedar Brook Drive, as shown on the Subdivision Plan. The land hereby conveyed contains 4.386 acres.

This conveyance is made subject to all terms and conditions of the Maine Department of Environmental Protection Findings of Fact and Order (No. L-19984-L3-M-A (approval) and No. L-19984-TF-N-N (approval)) dated November 29, 2016 and recorded at Book 14351, Page 51 of the Penobscot County Registry of Deeds, including but not limited to provisions therein relating to maintenance of the stormwater management system in the Subdivision. Portions of the seven gravel wetlands referred in the aforesaid Findings of Fact and Order are located within the bounds of the land hereby conveyed, and on other land shown on the Subdivision Plan. The gravel wetlands are to be maintained in accordance with applicable provisions of Maine's Stormwater Management Law, 38 M.R.S. Section 420-D, and Chapter 500 of rules promulgated by the Maine Board of Environmental Protection. The bounds of the gravel wetlands are depicted as follows on the June 24, 2016 (as revised) Coldbrook Pines Subdivision Site and Utility Plans ("the Site Plans") on file with the Town of Hermon: (i) Gravel Wetland A, located in part on the cul-de-sac depicted on Sheet C2 of the Site Plans; (ii) Gravel Wetland B shown on said Sheet C2, located in part on Subdivision Lots 23 and 24; (iii) Gravel Wetland C shown on Sheet C-2 located in part on Subdivision Lots 4 and 5; (iv) Gravel Wetland D shown on Sheet C2 and on Sheet C3 of the Site Plans, located in part on Subdivision Lots 21 and 22; (v) Gravel Wetland E shown on Sheet C2 and on Sheet C3 of the Site Plans, located in part on Subdivision Lots 10 and 11; (vi) Gravel Wetland F shown on Sheet C-3, located in part on Subdivision Lot 14; and (vii) Gravel Wetland G shown on Sheet C-3, located in part on Subdivision Lot 17.

For Dysart Realty Co.'s sources of title, see the following:

a) Deed from the Robert T. Fenderson Living Trust to Dysart Realty Co., dated December 23, 2002, and recorded in the Penobscot County Registry of Deeds in Book 8560, Page 20 (Tracts 3,5, and 6).

b) Deed from Randy G. Guerrette and Jill M. Guerrette to Dysart Realty Co., dated May 20, 2004 and recorded in Book 9339, Page 270.

The premises herein described are conveyed for highway purposes. This deed is delivered pursuant to 23 M.R.S.A. § 3025 following the March 21, 2017 municipal subdivision approval of Coldbrook Pines Subdivision and the approval of related roadway construction.

IN WITNESS WHEREOF, DYSART REALTY CO. has caused this instrument to be signed in its corporate name as an instrument under seal, by D. Timothy Dysart, its Vice President, hereunto duly authorized, this _____ day of March, 2021.

WITNESS:

DYSART REALTY CO.

By: _____

D. Timothy Dysart
Its Vice President
Hereunto Duly Authorized

STATE OF MAINE
PENOBSCOT COUNTY

_____, 2021

Then personally appeared the above-named D. Timothy Dysart in his aforesaid capacity and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of said Dysart Realty Co.

Before me,

Notary Public/Attorney-at-Law

Printed Name: _____

My commission Expires: _____



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

DYSART REALTY CO.) SITE LOCATION OF DEVELOPMENT ACT
Hermon, Penobscot County) NATURAL RESOURCES PROTECTION ACT
COLDBROOK PINES SUBDIVISION) FRESHWATER WETLAND ALTERATION
L-19984-L3-M-A (approval)) WATER QUALITY CERTIFICATION
L-19984-TF-N-N (approval)) AMENDMENT
) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 *et seq.* and 480-A *et seq.*, and Section 401 of the Federal Water Pollution Control Act, the Department of Environmental Protection has considered the application of DYSART REALTY CO. with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History of Project: In Department Order #L-19984-39-B-N, dated April 5, 2000, the Department approved the development of a 17-lot commercial subdivision, known as Cold Brook Business Park, on a 75-acre parcel of land. The project included a 4,000-foot long access roadway. In Department Order #L-19984-39-I-N/L-19984-TC-J-N, dated May 21, 2008, the Department approved 11 additional lots and a 2,150-foot long access road. Approximately 26,930 square feet of wetland impact on the parcel has been approved by the Department to date. Additionally, several project modifications and two condition compliance applications have received Department approval.

B. Summary: The applicant proposes to create 24 single-family lots with two access roads which total 3,400 linear feet on a 36.4-acre portion of the parcel. One access road, Partridge Lane, is an extension of an existing subdivision road and intersects with Cedar Brook Drive. Cedar Brook Drive extends to the Coldbrook Road. The project will result in 13.0 acres of developed area and 4.38 acres of impervious area. The lots will be served by individual wells and town sewer. The project is as shown on a set of plans the first of which is entitled "Overall Site Plan," prepared by Plymouth Engineering, Inc. and dated June 2016. The project site is located off Coldbrook Road in the Town of Hermon.

The applicant is also seeking approval under the Natural Resources Protection Act to alter 24,288 square feet of forested, scrub shrub, and emergent wetland to construct the access roads and two driveways. The access roads will cross freshwater wetland in seven different locations. Other than the two driveways, the applicant is not proposing to alter any wetland for lot development.

2. FINANCIAL CAPACITY:

The total cost of the project is estimated to be \$740,000. The applicant submitted a letter from Bangor Savings Bank, dated June 20, 2016, indicating the applicant has sufficient funds to complete the project through existing lines of credit.

The Department finds that the applicant has demonstrated adequate financial capacity to comply with Department standards.

3. STORMWATER MANAGEMENT:

The proposed project includes approximately 13.0 acres of developed area of which 4.38 acres is impervious area. It lies within the watershed of Wheeler Stream and Souadabscook Stream. The applicant submitted a stormwater management plan based on the Basic, General, and Flooding standards contained in Department Rules, Chapter 500. The proposed stormwater management system consists of seven gravel wetlands and drip edge filters on all dwellings.

A. Basic Standards:

(1) **Erosion and Sedimentation Control:** The applicant submitted an Erosion and Sedimentation Control Plan (Section 14 of the application) that is based on the performance standards contained in Appendix A of Chapter 500 and the Best Management Practices outlined in the Maine Erosion and Sediment Control BMPs, which were developed by the Department. This plan and plan sheets containing erosion control details were reviewed by the Bureau of Land Resources (BLR).

Erosion control details will be included on the final construction plans and the erosion control narrative will be included in the project specifications to be provided to the construction contractor.

(2) **Inspection and Maintenance:** The applicant submitted a maintenance plan that addresses both short- and long-term maintenance requirements. The maintenance plan is based on the standards contained in Appendix B of Chapter 500. This plan was reviewed by BLR. The applicant will be responsible for the maintenance of all common facilities including the stormwater management system unless the road is transferred to the Town of Hermon. The applicant may not transfer responsibility for maintenance of the road and for the portion of the stormwater management system that is located in the road right-of-way to the Town until a letter has been submitted from the Town to the BLR documenting the Town's agreement to maintain both in accordance with the terms of this Order.

(3) **Housekeeping:** The proposed project will comply with the performance standards outlined in Appendix C of Chapter 500.

Based on BLR's review of the erosion and sedimentation control plan and the maintenance plan, the Department finds that the proposed project meets the Basic Standards contained in Chapter 500(4)(B).

B. General Standards:

The applicant's stormwater management plan includes general treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater, and mitigate potential temperature impacts. This mitigation is being achieved by using Best Management Practices (BMPs) that will control runoff from no less than 95% of the impervious area and no less than 80% of the developed area for the non-linear portion of the project. The proposed access roads meet the definition of "a linear portion of a project" in Chapter 500 and the applicant is proposing to treat no less than 75% of the impervious area and no less than 50% of the developed area

The proposed stormwater management plan includes the installation of drip edge filters on dwellings to be constructed by the lot buyers or their representatives. The applicant must give a copy of this permit, including the standard conditions, the drip edge filter design specifications, and a copy of the approved subdivision plan to each lot buyer at least 14 days prior to the date of closing on the sale or lease of the lot. The applicant also must maintain a file containing signed and dated statements by lot buyers or lessees acknowledging that they have received and read their copy of this permit and the subdivision plan prior to the closing on their lot. The file must also contain a copy of the signed and dated deed or lease containing the stormwater management elements required under this approval. The applicant must make this file available for inspection upon request by the Department.

The stormwater management system proposed by the applicant was reviewed by, and revised in response to comments from, BLR. After a final review, BLR commented that the proposed stormwater management system is designed in accordance with the General Standards contained in Chapter 500(4)(C) and recommended that the applicant's design engineer or a third-party engineer oversee the construction of the gravel wetlands and the drip edge filters to insure that they are installed in accordance with the details and notes specified on the approved plans. An engineer must issue an inspection report or signed and stamped as-built plan for each drip edge filter upon completion. Within 30 days from completion of the gravel wetlands or at least once per year, the applicant must submit a log of inspection reports detailing the items inspected, photographs taken, and the dates of each inspection to the BLR for review. The submitted log must include reports or as-built plans for any completed drip edge filters.

Based on the stormwater system's design and BLR's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the General Standards contained in Chapter 500(4)(C) provided the applicant meets the inspection and reporting requirements described above.

C. Flooding Standard:

The applicant is proposing to utilize a stormwater management system based on estimates of pre- and post-development stormwater runoff flows obtained by using Hydrocad, a stormwater modeling software that utilizes the methodologies outlined in Technical Releases #55 and #20, U.S.D.A., Soil Conservation Service and detains stormwater from 24-hour storms of 2-, 10-, and 25-year frequency. The post-development peak flow from the site will not exceed the pre-development peak flow from the site and the peak flow of the receiving waters will not be increased as a result of stormwater runoff from the development site.

BLR commented that the proposed system is designed in accordance with the Flooding Standard contained in Chapter 500(4)(F).

Based on the system's design and BLR's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the Flooding Standard contained in Chapter 500(4)(F) for peak flow from the project site, and channel limits and runoff areas.

4. WATER SUPPLY:

Water for the development will be supplied by individual wells. The applicant submitted an assessment of groundwater supplies that are available on the project site. This assessment was prepared by a well driller and was reviewed by the Division of Environmental Assessment of the Bureau of Water Quality.

The Department finds that the applicant has made adequate provision for securing and maintaining a sufficient and healthful water supply.

5. WASTEWATER DISPOSAL:

When completed, the proposed project is anticipated to discharge 6,480 gallons of wastewater per day to the Bangor wastewater treatment plant. The applicant submitted a letter from the City of Bangor stating that it will accept these flows. This project was reviewed by the Division of Water Quality Management (DWQM) of the Bureau of Water Quality, which commented that the City of Bangor has the capacity to treat these flows.

Based on DWQM's comments, the Department finds that the applicant has made adequate provision for wastewater disposal at a facility that has the capacity to ensure satisfactory treatment.

6. SOLID WASTE:

When completed, the proposed project is anticipated to generate 72 cubic yards of general solid waste per year. All general solid wastes from the proposed project will be

disposed of at Pine Tree Waste Facility, which is currently in substantial compliance with the Maine Solid Waste Management Rules.

The proposed project will generate approximately 5,200 cubic yards of stumps and grubblings. All stumps and grubblings generated will be disposed of on site, either chipped or burned, with the remainder to be worked into the soil, in compliance with the Maine Solid Waste Management Rules.

The proposed project will generate approximately 103 cubic yards of construction debris and demolition debris. All construction and demolition debris generated will be disposed of at Pine Tree Waste Facility, which is currently in substantial compliance with the Maine Solid Waste Management Rules.

Based on the above information, the Department finds that the applicant has made adequate provision for solid waste disposal.

7. WETLAND IMPACTS:

The applicant proposes to directly alter 24,288 square feet of forested, scrub shrub, and emergent wetland to construct approximately 3,400 linear feet of new roadway and two driveways. These impacts are in addition to the 26,930 square feet of wetland disturbance already permitted on the parcel, for a cumulative total of 51,218 square feet of wetland impacts for the project.

The Wetland and Waterbodies Protection Rules, 06-096 CMR 310, interpret and elaborate on the Natural Resources Protection Act (NRPA) criteria for obtaining a permit. The rules guide the Department in its determination of whether a project's impacts would be unreasonable. A proposed project would generally be found to be unreasonable if it would cause a loss in wetland area, functions and values and there is a practicable alternative to the project that would be less damaging to the environment. Each application for a NRPA permit that involves a freshwater wetland alteration must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist.

A. Avoidance. No activity may be permitted if there is a practicable alternative to the project that would be less damaging to the environment. The applicant submitted an alternative analysis for the proposed project completed by Moyse Environmental Service, Inc. and dated June 2016. The purpose of the project is to extend a roadway to access 24 new residential lots in the Coldbrook Pines subdivision. The applicant designed the roadway to utilize upland when possible, while providing access to the proposed lots and complying with Town road ordinances. Aside from two driveway crossings, the lots have been designed to provide adequate room for home construction without wetland impact. The applicant stated that in order to construct the proposed project, wetland impacts could not be avoided.

B. **Minimal Alteration.** The amount of freshwater wetland to be altered must be kept to the minimum amount necessary for meeting the overall purpose of the project. The applicant designed the roadway to cross wetlands at narrow points and at perpendicular angles. The applicant also reduced roadway side slopes to minimize wetland intrusion. Culverts are proposed for each wetland crossing to maintain the wetland hydrology. The applicant stated that it has minimized wetland impacts to the maximum extent practicable.

C. **Compensation.** In accordance with Chapter 310 Section 5(C), compensation is required to achieve the goal of no net loss of freshwater wetland functions and values. Primary functions and values of the impacted wetland include sediment toxicant retention, nutrient removal, and wildlife habitat.

The applicant proposes to make a contribution into the In-Lieu Fee (ILF) program of the Maine Natural Resource Conservation Program (MNRCP) in the amount of \$70,921. Prior to the start of construction, the applicant must submit a payment in the amount of \$70,921, payable to "Treasurer, State of Maine," and directed to the attention of the ILF Program Administrator at 17 State House Station, Augusta, Maine 04333.

The Department finds that the applicant has avoided and minimized freshwater wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project provided that prior to the start of project construction, the applicant submits the ILF payment as described above.

The Department finds that the applicant has avoided and minimized wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.

8. ALL OTHER:

All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-19984-39-B-N, and subsequent Orders.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 480-A et seq. and Section 401 of the Federal Water Pollution Control Act:

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life provided that prior to the start of project construction the applicant makes a contribution to the In-Lieu Fee (ILF) program as described in Finding 7.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S.A. Section 480-P.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 481 et seq.:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for storm water management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C provided that the applicant meets the requirements of Finding 3B.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.
- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities and solid waste disposal required for the development and the

development will not have an unreasonable adverse effect on the existing or proposed utilities in the municipality or area served by those services.

- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of DYSART REALTY CO. to create 24 residential lots and alter freshwater wetlands as described in Finding 1, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. The applicant shall include in all conveyances of subdivision lots deed restrictions making the conveyance subject to all terms and conditions of this Department permit and any applicable municipal approval. These terms and conditions may be incorporated by specific and prominent reference to the permit in the deed. All conveyances required by this approval to contain restrictions shall include in the restrictions the requirement that any subsequent conveyance shall specifically include the same restrictions.
5. The applicant shall give a copy of this permit, including the standard conditions, the drip edge filter design specifications, and a copy of the approved subdivision plan to each lot buyer at least 14 days prior to the date of closing on the sale or lease of the lot. The applicant also shall maintain a file containing signed and dated statements by lot buyers or lessees acknowledging that they have received and read their copy of this permit and the subdivision plan prior to the closing on their lot. The file shall also contain a copy of the signed and dated deed or lease containing the restrictive covenants required under this approval. The applicant shall make this file available for inspection upon request by the Department.
6. The applicant's design engineer or a third-party engineer shall oversee the construction of the gravel wetlands and the drip edge filters to insure that they are installed in accordance with the details and notes specified on the approved plans. An engineer shall issue an inspection report or signed and stamped as-built plan for each drip edge filter upon completion. Within 30 days from completion of the gravel wetlands or at least once per year, the applicant shall submit a log of inspection reports detailing the items inspected,

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photographs taken, and the dates of each inspection to the BLR for review. The submitted log shall include reports or as-builts plans for any completed drip edge filters.

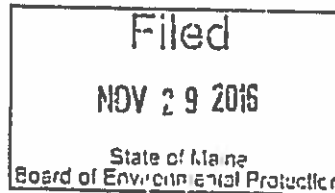
7. Prior to the start of project construction, the applicant shall submit a payment in the amount of \$70,921, payable to "Treasurer, State of Maine", and directed to the attention of the ILF Program Administrator at 17 State House Station, Augusta, Maine 04333.
8. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-19984-39-B-N, and subsequent Orders, and are incorporated herein.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 29th DAY OF NOVEMBER, 2016.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: *Paul Mercer*
For: Paul Mercer, Commissioner



PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

ME/L19984MANN/ATS#80717, 80718

ATTEST:
A true copy
Beth Velez
Beth Velez

Department of Environmental Protection
SITE LOCATION OF DEVELOPMENT (SITE)
STANDARD CONDITIONS

- A. **Approval of Variations from Plans.** The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited without prior approval of the Board, and the applicant shall include deed restrictions to that effect.
- B. **Compliance with All Applicable Laws.** The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. **Compliance with All Terms and Conditions of Approval.** The applicant shall submit all reports and information requested by the Board or the Department demonstrating that the applicant has complied or will comply with all preconstruction terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- D. **Advertising.** Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
- E. **Transfer of Development.** Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.
- F. **Time frame for approvals.** If the construction or operation of the activity is not begun within four years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- G. **Approval Included in Contract Bids.** A copy of this approval must be included in or attached to all contract bid specifications for the development.
- H. **Approval Shown to Contractors.** Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.



Natural Resources Protection Act (NRPA) Standard Conditions

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCES PROTECTION ACT, 38 M.R.S.A. § 480-A ET SEQ., UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. Approval of Variations From Plans. The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. Compliance With All Applicable Laws. The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Erosion Control. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. Compliance With Conditions. Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other the specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. Time frame for approvals. If construction or operation of the activity is not begun within four years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- F. No Construction Equipment Below High Water. No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- G. Permit Included In Contract Bids. A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- H. Permit Shown To Contractor. Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.

STORMWATER STANDARD CONDITIONS**STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL**

Standard conditions of approval. Unless otherwise specifically stated in the approval, a department approval is subject to the following standard conditions pursuant to Chapter 500 Stormwater Management Law.

- (1) Approval of variations from plans. The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the department prior to implementation. Any variation undertaken without approval of the department is in violation of 38 M.R.S.A. §420-D(8) and is subject to penalties under 38 M.R.S.A. §349.
- (2) Compliance with all terms and conditions of approval. The applicant shall submit all reports and information requested by the department demonstrating that the applicant has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- (3) Advertising. Advertising relating to matters included in this application may not refer to this approval unless it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
- (4) Transfer of project. Unless otherwise provided in this approval, the applicant may not sell, lease, assign, or otherwise transfer the project or any portion thereof without written approval by the department where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval may only be granted if the applicant or transferee demonstrates to the department that the transferee agrees to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant. Approval of a transfer of the permit must be applied for no later than two weeks after any transfer of property subject to the license.
- (5) Time frame for approvals. If the construction or operation of the activity is not begun within four years, this approval shall lapse and the applicant shall reapply to the department for a new approval. The applicant may not begin construction or operation of the project until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- (6) Certification. Contracts must specify that "all work is to comply with the conditions of the Stormwater Permit." Work done by a contractor or subcontractor pursuant to this approval may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the developer, and the owner and each contractor and subcontractor has certified, on a form provided by the department, that the approval and conditions have been received and read, and that the work will be carried out in accordance

with the approval and conditions. Completed certification forms must be forwarded to the department.

- (7) Maintenance. The components of the stormwater management system must be adequately maintained to ensure that the system operates as designed, and as approved by the department.
- (8) Recertification requirement. Within three months of the expiration of each five-year interval from the date of issuance of the permit, the permittee shall certify the following to the department.
 - (a) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
 - (b) All aspects of the stormwater control system have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the facilities.
 - (c) The erosion and stormwater maintenance plan for the site is being implemented as written, or modifications to the plan have been submitted to and approved by the department, and the maintenance log is being maintained.
- (9) Severability. The invalidity or unenforceability of any provision, or part thereof, of this permit shall not affect the remainder of the provision or any other provisions. This permit shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

November 16, 2005 (revised December 27, 2011)

Susan F. Bulay, Register
Penobscot County, Maine



R20-21-22

Be it resolved by the Hermon Town Council in town council assembled to approve a ballet question titled “ Financing Improvements at the Hermon High School” for the purpose of improving the condition of Pottle Field and installing a new 8 lane track at the Hermon High School complex for athletic activities purposes for consideration at the June 8, 2021 Town Election at the Patricia A. Duran School.

SIGNED this March 18, 2021 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: _____

Motion_____	Yeas_____	Date_____
Second_____	Nays_____	



R20-21-23

Be it resolved that Scott Perkins be appointed as an “authorized person” for a grant application with the Economic Development Administration (EDA) including both the Public Works and Economic Development and (ii) Economic Adjustment Assistance programs for infrastructure and utilities at several Industrial Parks including Logistics Lane.

SIGNED this March 18, 2021 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 _____



R20-21-24

Be it resolved that Scott Perkins be appointed as an “authorized person” for the Northern Borders Regional Commission grant opportunity in order to apply for grant funds to upgrade and install sewer lift station components at Hammond Street, Industrial Parks and Logistics Lane.

SIGNED this March 18, 2021 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 _____