



**Town of Hermon**

**Public Safety Meeting Room**

**October 13, 2022**

**Town Council Meeting**

**7:00 PM**

**AGENDA**

To watch Council Meetings go to [hermonmaine.gov](http://hermonmaine.gov) click Council click Town Council Meetings click Zoom  
Council Meetings will be archived online after the meeting has taken place.

**\*\*\*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 9/15/2022**

**WARRANTS. -SIGN 9/30/2022, 10/14/2022**

**RESOLVES. -SIGN**

**V. NEWS, PRESENTATIONS AND RECOGNITIONS:**

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

**VII. PUBLIC HEARINGS:**

- **Hold** Public Hearing – Conley Events LLC, DBA Morgan Hill Event Center liquor license renewal.
- **Hold** Public Hearing – Utility Scale Solar Facilities Moratorium Ordinance
- **Hold** Public Hearing – Hermon Track and Football Improvements at Pottle Field - questions to appear on the ballot 11/8/2022

PH notice to run on 10/4/2022

Hermon Town Council Agenda

FY 2022-2023

October 13, 2022



**VIII. COMMITTEE REPORTS:**

**IX. SCHEDULED AGENDA ITEMS:**

**A. OLD BUSINESS:**

**B. NEW BUSINESS:**

- R22-23-17** Consider approving **Morgan Hill Event Center** liquor license renewal
- O22-23-07** Consider enacting an ordinance to the Hermon Code of Ordinances titled “Utility Scale Solar Facilities Moratorium Ordinance”.
- R22-23-18** Consider accepting of Richardson Drive as public road.
- R22-23-19** Consider authorizing Rudman Winchell for services regarding the comprehensive plan.

**C. WORKSHOPS:**

**Kiser’s findings: Drainage Evaluation, School House Lane**

**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:**

Consider entering Executive Session to discuss a personnel matter per 1 M.S.R.A. § 405(6)(A)

**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.



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**Public Safety Meeting Room**  
**October 13, 2022**  
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**7:00 PM**  
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- III. ROLL CALL**
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**SIGNATURES. –APPROVE**  
**MINUTES. -APPROVE**  
**WARRANTS. –SIGN**  
**RESOLVES. -SIGN**
- V. NEWS, PRESENTATIONS AND RECOGNITIONS:**
- VI. PUBLIC ITEMS OR COMMENTS: (*Items Not Already on Agenda*)**
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Hermon Town Council Agenda  
FY 2022-2023  
October 13, 2022



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**Town of Hermon**  
**Public Safety Meeting Room**  
**September 15, 2022**  
**Town Council Meeting**  
**7:00 PM**  
**MINUTES**

To watch Council Meetings go to [hermonmaine.gov](http://hermonmaine.gov) click Council click Town Council Meetings click Zoom  
Council Meetings will be archived online after the meeting has taken place.

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

**I. CALL TO ORDER BY CHAIRPERSON**

**II. PLEDGE OF ALLEGIANCE**

Vice Chair Murphy led those in attendance in the Pledge of Allegiance

**III. ROLL CALL**

**Members Present:** Richard Cyr, Ronald Murphy, John Snyder III, G. Stephen Watson, and Derek Wood

**Members Absent:** Steven Thomas - Excused

**Others Present:** Interim Town Manager Joshua Berry, Town Clerk Kristen Cushman, Town Attorney Tim Pease and 42 residents/guests

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

**SIGNATURES. -APPROVE**

**MINUTES. -APPROVE** 8/18/2022, 9/1/2022, 9/8/2022 Minutes

**WARRANTS. -SIGN** 9/2/2022, 9/16/2022 Warrants

**RESOLVES. -SIGN**

**Councilor Watson moved to approve the Consent Calendar as presented. Councilor Snyder seconded the motion. Motion passes 5-0.**



V. NEWS, PRESENTATIONS AND RECOGNITIONS:

Appoint Cody Sullivan to Fire Chief

Interim Town Manager Josh Berry presented the pin for Cody Sullivan's wife Fawn Sullivan and son Wyatt to pin the next Town of Hermon Fire Chief, Cody Sullivan.

Cody was administered his oath by the Town Clerk.

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

Greg Newell 40 Stage Rd: High School Library closed to the public?

Danielle Haggerty 10 Bog Rd: Reflect on last budget season to work towards a smoother budget season going forward. Two suggestions:

1. More frequent communication during the budget process.
2. Work sessions jointly with the School Committee

Everett Buzzell 564 Newburgh Rd:

- Would like to know the reason Howard was let go?
- D & D construction built in the bog on Newburgh Rd. Who approved this?

Ron Murphy: This goes through the Planning Board.

Everett Buzzell:

- Free internet service for the Town of Hermon, it's been promised for years.

Richard Cyr:

A few meetings ago you asked about the Recreation Center fund. The project did not go forward because of asbestos and costs so the bonds were never taken out to fund the project and the \$600,000 was kept in the Recreation Center fund.

The first track project was approved by the voters with funds from the school and bonds for the project. Money was returned to the people who put the money in, and the bonds were never issued. On June 8, 2021, there were 474 voters who voted on the original track question out of 5100 voters. Mr. Cyr encouraged Mr. Buzzell to get voters to the November 8, 2022 election.



**Tax stabilization program is available for residents 65 years and older who qualify. Please come to the town office for more information.**

**Deb Langille, Billings Rd:**

- **All need to work together for the better of the School and Town**
- **Council rules section 12.B allows the council to answer questions or get clarification for a future meeting.**

**12.B Persons wishing to address the council on an issue or concern local in nature not appearing on the agenda may do so during the consideration of Public items and/or after the disposition of all items appearing on the agenda.**

**Issues raised during the non-agenda item comment period may be immediately responded to with brief answers by the Chairperson or by the Town Manager when directed by the Chairperson. After each comment period, the Chairperson will indicate that each person who did not receive an immediate response will receive a follow-up response and/or updated at the next Council Meeting. Copies of responses will be provided to all Town Council members.**

**Ernest Wheeler 20 Billings Rd:**

- **June 20<sup>th</sup> filed a FOAA request for Howard's severance package, Rudman Winchell bills and minutes from the town meeting. It's been 8 weeks since and no answer.**

**Please see the complete video at [Town Council Meetings | Hermon \(hermonmaine.gov\)](https://www.hermonmaine.gov) for all public comments.**

**VII. PUBLIC HEARINGS:**

- **Hold a Public Hearing to amend the Cemetery Ordinance**

**Vice Chair Murphy opened the public hearing at 7:30PM. No public comments were given. The hearing closed at 7:32PM**

- **Hold Public Hearing – GA Ordinance Appendices A – G for FY 2022-2023**

**Vice Chair Murphy opened the public hearing at 7:32PM. No public comments were given. The hearing closed at 7:33PM**



- **Hold Public Hearing – Blackstream property. PH was cancelled**  
PH notices ran on 9/6/2022

**VIII. COMMITTEE REPORTS:**

**IX. SCHEDULED AGENDA ITEMS:**

**A. OLD BUSINESS:**

**B. NEW BUSINESS:**

**R22-23-16** Consider adopting and amending the Cemetery Ordinance

**Ernest Wheeler: Family is reaching out to the Sexton and having trouble communicating with him and not getting calls back. As of this week, Mr. Wheeler was informed the stone on his mother's grave is in the wrong place.**

**Councilor Cyr moved to approve R22-23-16. Councilor Wood seconded the motion. The motion was accepted. Motion passes 5-0.**

**O22-23-06** Consider approving the amended Ordinance for the yearly General Assistance Ordinance Appendices A-G for FY2022-2023

**Councilor Snyder moved to approve O22-23-06. Councilor Watson seconded the motion. The motion was accepted. Motion passes 5-0.**

**R22-23-13** Approve the mill rate, due date and interest rate for 2022 taxes

**Rylee Cushman, Assessor: Finalizing the last few real estate parcel accounts for commitment. Sending out exemption applications for personal property and reviewing the documents' accuracy.**

**Tax stabilization requirements:**

- 1. Living in the State of Maine for 10 years. These years do not need to be consecutive.**
- 2. Turn the age of 65 by April 1, 2023.**
- 3. Eligible for the homestead exemption – but do not need the exemption.**
- 4. Applications are due by December 1, 2022.**

**The upcoming tax bill will be used to stabilize the taxes going forward.**

**Councilor Watson moved to approve R22-23-13. Councilor Snyder seconded the motion. The motion was accepted. Motion passes 5-0.**





**R22-23-14** Consider accepting 2023 prepayment of taxes

**Councilor Watson moved to approve R22-23-14. Councilor Cyr seconded the motion. The motion was accepted. Motion passes 5-0.**

**R22-23-15** Consider authorizing the Town Manager to enter into a Consent Agreement regarding 879 Blackstream Rd

**Councilor Watson moved to approve R22-23-15. Councilor Cyr seconded the motion. The motion was accepted. Motion passes 5-0.**

**C. WORKSHOPS:**

**D. OTHER ITEMS: (from Table Package)**

**Councilor Wood to waive council rules and accept the table packet. Councilor Snyder seconded the motion. The motion was accepted. Motion passes 6-0.**

**IX. SCHEDULED AGENDA ITEMS:**

**A. OLD BUSINESS:**

**B. NEW BUSINESS:**

**Councilor Watson to waive council rules. Councilor Wood seconded the motion. The motion was accepted. Motion passes 6-0.**

Consider approving a Supplemental (Addendum)Warrant for the November 8, 2022, Election.

**Councilor Watson to waive council rules and vote on. Councilor Wood seconded the motion. The motion was accepted. Motion passes 6-0.**

**X. APPOINTMENTS:**



**XI. MANAGER STATUS REPORT:**

**Thanked everyone who came out to support Cody in his appointment to Fire Chief.**

**Finishing up road projects around town and laying the foundation for road projects next year. Next month the council will be presented a road acceptance from the Code Officer off the Clark Rd.**

**Would like to start the discussion on potentially having some workshops with the Planning Board to discuss projects that will be coming to the council later.**

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

**Ernest Wheeler: Nine months ago in December 2021, the Council brought forward the issue on drainage around 20 Billings Rd with three failed septic systems.**

**Josh Berry: We have hired an engineer to look into this and he had been waiting on some plans from the DEP and DOT. Within the last two or three weeks he has received the plans and is working on a solution to the drainage problem.**

**Ernest Wheeler: Received a letter as an abutter of C & K Variety stating it is intending to violate variance application with the Maine Department of Environmental Protection pursuant to the provisions 1394 for the citing of a facility of gasoline near a wellhead protection zone. Are you aware of this?**

**Where is the school zone area? Is it a square, or 1000' around the school property? The Superintendent's office serves as a classroom and has a well at this location. This well is not being classified as a public well in the determination.**

**Mr. Wheeler has guests in his backyard with campers along with a secure fence in the front yard. The month of July Mr. Wheeler's backyard was "spotted" more than 4 times after 11:00pm from police cruisers scanning equipment trailers and lighting camper trailers. This is making the guests a bit unnerved. What is the probable cause and one time this was with a helicopter. He is curious what is going on and has not been approached by the deputies. There is no trespassing going to the C & K site from the backyard. When will the lights stop?**

**XIII. COUNCIL ITEMS:**

**John Snyder: Congratulations to Cody on becoming Fire Chief.**

**Richard Cyr: When you can advance from inside it gives the others incentive to do well.**



**Steve Watson, Ron Murphy: Congratulations.**

**Ron Murphy: Thank everyone who does come to the council and speak. When you think we don't hear you.... we really do.**

**XIV. EXECUTIVE SESSION:**

Consider entering Executive Session to discuss a legal matter per 1 M.S.R.A. § 405(6)(E) – **Was not needed.**

**XV. ADJOURNMENT:**

**Councilor Watson moved to adjourn the meeting at 8:03 PM. Councilor Cyr seconded. With no objection the meeting was adjourned at 8:03 PM.**

**Respectfully Submitted,**

**Kristen Cushman  
Town Clerk**

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**STATE OF MAINE**  
**DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES**  
**BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS**  
**DIVISION OF LIQUOR LICENSING AND ENFORCEMENT**

**Application for an On-Premises License**

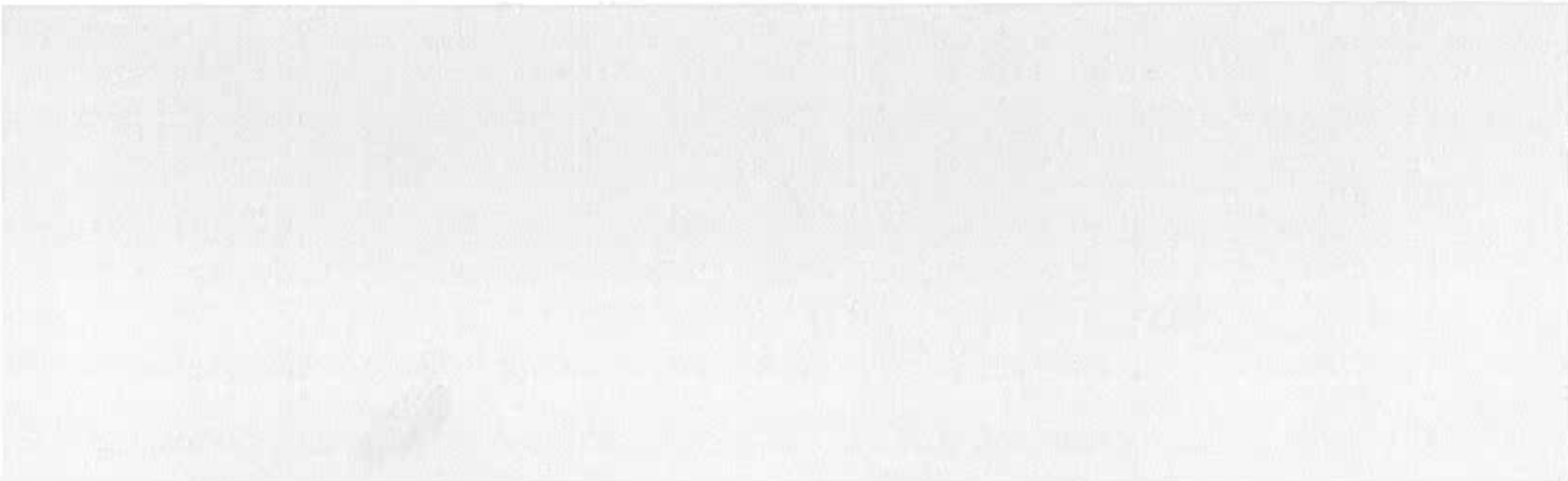
*All Questions Must Be Answered Completely. Please print legibly.*

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS:    Yes <input type="checkbox"/> No <input type="checkbox"/>	

**Section I:    Licensee/Applicant(s) Information;  
Type of License and Status**

Legal Business Entity Applicant Name (corporation, LLC): Conley Events LLC	Business Name (D/B/A): Morgan Hill Event Center
Individual or Sole Proprietor Applicant Name(s): Ryan Conley	Physical Location: 82 Morgan Hill Lane Hermon Maine 04401
Individual or Sole Proprietor Applicant Name(s): Jill Conley	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: ryan@morganhilleventcenter.com
Telephone #                      Fax #: 207-460-4639	Business Telephone #                      Fax #: 207-848-7100
Federal Tax Identification Number: 84-1862790	Maine Seller Certificate # or Sales Tax #: QCS-2019-12067
Retail Beverage Alcohol Dealers Permit:	Website address: morganhilleventcenter.com

1. New license or renewal of existing license?     New                      Expected Start date: \_\_\_\_\_
- Renewal                      Expiration Date: 11/11/2022





**R22-23-17**

Be it resolved by the Hermon Town Council in Town Council assembled to approve Conley Event LLC (DBA) Morgan Hill Event Center liquor license on Thursday, October 13, 2022.

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**SIGNED this October 13, 2022, by the Hermon Town Council:**

\_\_\_\_\_  
G. Stephen Watson

\_\_\_\_\_  
Derek Wood

\_\_\_\_\_  
John Snyder III

\_\_\_\_\_  
Richard Cyr

\_\_\_\_\_  
Vacant

\_\_\_\_\_  
Steven Thomas

\_\_\_\_\_  
Ronald Murphy

Attest Original: \_\_\_\_\_

Motion \_\_\_\_\_

Yeas \_\_\_\_\_

Second \_\_\_\_\_

Nays \_\_\_\_\_

Date \_\_\_\_\_



TO: Members of the Hermon Town Council  
FROM: Josh Berry, Interim Town Manager  
DATE: 10/05/2022  
  
RE: Utility Scale Solar Facility Moratorium Ordinance

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In December of 2020, the Town Council approved a Utility Scale Solar Facility Moratorium Ordinance to allow the Planning Board time to review and create a new Solar Ordinance for the town. I am recommending we re-establish our Utility Scale Solar Moratorium, an additional 180 days, to allow completion of the Ordinance. Our draft is still in need of Planning Board review/public hearing, attorney review and Town Council review/public hearing



**022-23-07**

TOWN OF HERMON

MORATORIUM ORDINANCE

ON

UTILITY SCALE SOLAR FACILITIES

The Town of Hermon Council hereby enacts a moratorium ordinance entitled the Utility Scale Solar Facilities Moratorium Ordinance as follows:

WHEREAS, area of the Town of Hermon is suddenly faced with the prospect of increased development pressure from Utility Scale Solar Facilities;

WHEREAS, residents of the Town of Hermon have expressed concerns about such proposed or anticipated developments, including concerns regarding the quality of life, adjacent property values, health and safety, decommissioning costs, visual impacts, and environmental impacts;

WHEREAS, without appropriate regulation, the development of such proposals could pose a threat to the quality of life, adjacent property values, and the health and safety of the Town of Hermon's residents;

WHEREAS, the Town of Hermon seeks to balance these risks with the benefits associated with clean energy projects like Utility Scale Solar Facilities through appropriate regulations;

WHEREAS, the Town of Hermon requires at least 180 days to consider, develop, and implement necessary ordinances and regulations to protect the health, safety, and welfare of the residents of the Town of Hermon; and

WHEREAS, in the judgment of the Town Council, the foregoing facts demonstrate that a moratorium on the development of Utility Scale Solar Facilities is necessary pursuant to 30-A M.R.S. § 4356(1).

NOW, THEREFORE, the Town of Hermon hereby ordains that the following Utility Scale Solar Facilities Moratorium Ordinance be enacted:

I. Authority: This Utility Scale Solar Facilities Moratorium Ordinance is enacted pursuant to 30-A M.R.S.A. § 4356; the Town of Hermon's home rule authority pursuant to the Maine Constitution and 30-A M.R.S.A. § 3001; and section 2.13(6) of the Charter of the Town of Hermon.

II. Definitions: The following definition shall be used in the interpretation and construction of this Moratorium Ordinance:

a. Utility Scale Solar Facility: is any solar facility, project, or installation which is intended to or in fact does generate solar power and feeds said power into the electric grid supplying the local utility with power. This shall include any ground-mounted or pole-mounted photovoltaic (PV) project that generates greater than 1 megawatt (MW) of solar energy. Residential/commercial solar arrays that generate less than 1 MW of solar energy are not included in this definition. Solar arrays installed on roofs of commercial or residential properties in compliance with existing ordinances and codes are not included in this definition.

III. Purpose: The purpose of this Moratorium Ordinance is to allow municipal officials a reasonable time to evaluate the concerns raised in regards to anticipated or proposed Utility Scale Solar Facilities, to determine the adequacy of existing land use ordinances and regulations, and, if necessary, develop additional ordinances and regulations to provide adequate protection for the property, health, welfare, and safety of the Town of Hermon's residents.

IV. Moratorium on Utility Scale Solar Facilities: The Town of Hermon hereby declares and imposes a moratorium, prohibiting the development of any and all Utility Scale Solar Facilities within the Town of Hermon. No person or organization shall develop or operate a Utility Scale Solar Facility within the Town of Hermon.

V. Moratorium on Processing Applications: No official, officer, board, or body of the Town of Hermon, including but not limited to the Code Enforcement Officer, the Planning Board, or the Municipal Officers, shall accept, process, review, deny,



approve, authorize, or issue any applications, petitions, plans, permits, licenses, or requests for approval or authorization involving Utility Scale Solar Facilities development, construction, operation, or use located, in whole or in part, within the Town of Hermon.

VI. Severability: Any provisions of the Town of Hermon's existing ordinances that are inconsistent or conflicting with the provisions of this Moratorium Ordinance are hereby repealed to the extent applicable for the duration of this Moratorium Ordinance. If any section or provision of this Moratorium Ordinance is declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

VII. Effective Date, Retroactivity & Term:

a. Pursuant to the Charter of the Town of Hermon, this Moratorium Ordinance shall take effect 30 days after passage by the Town of Hermon Council.

b. Upon its effective date, notwithstanding the provisions of 1 M.R.S. § 302, this Ordinance shall be retroactive and applicable, to the maximum extent permitted by law and subject to the severability clause above, to all filed, pending, or future applications and petitions for Utility Scale Solar Facilities which have not received all necessary development permits and licenses from the Town of Hermon and all proposed Utility Scale Solar Facilities that were not fully operational and/or did not have all the required State permits as of November 1st, 2022, the date the Moratorium Ordinance was first proposed to the Town of Hermon Council.

c. Unless, after notice and hearing, the Town of Hermon Council votes to extend it, this Moratorium Ordinance shall remain in full force and effect for 180 days after its enactment, or until a new and revised set of regulations is adopted by the Town of Hermon, whichever shall first occur.

VIII. Enforcement: The Municipal Officers are hereby authorized to institute any and all actions, either legal or equitable, that they deem necessary or appropriate to enforce the provisions of this Moratorium Ordinance.

IX. Civil Penalties: Any violation of this Moratorium Ordinance is subject to an enforcement action under 30-A M.R.S.A. § 4452. Any violation of this Moratorium Ordinance constitutes a nuisance. Each day of violation shall constitute a separate offense. All civil penalties shall inure to the benefit of the Town of Hermon.

SIGNED THIS \_\_\_\_\_ day of \_\_\_\_\_ 2022, BY THE MUNICIPAL OFFICERS:

---

\_\_\_\_\_  
**Charles Lever IV**

\_\_\_\_\_  
**Steven Thomas**

\_\_\_\_\_  
**Anthony Reynolds**

\_\_\_\_\_  
**Vacant**

\_\_\_\_\_  
**John Snyder, III**

\_\_\_\_\_  
**Ronald Murphy**

\_\_\_\_\_  
**G. Stephen Watson**

**October 13, 2022**

Attest Original: \_\_\_\_\_

Motion \_\_\_\_\_

Yeas \_\_\_\_\_

Second \_\_\_\_\_

Nays \_\_\_\_\_

Date \_\_\_\_\_

DRAFT



**R22-23-18**

Be it resolved by the Hermon Town Council to accept Richardson Drive as a Public Road.

**Richardson Development Corporation is asking the town to accept Richardson Drive as a public road. The road is for 14 additional house lots. Conners Avenue is a subdivision off the Clark Rd. The road is approximately 1500' of additional road.**

**The developer has contacted USPS and will be installing a cluster mailbox setup for this subdivision.**

**Haley Ward has performed all the inspections on the road and has determined it to be within the Town's standards.**

---

**SIGNED this October 13, 2022, by the Hermon Town Council:**

\_\_\_\_\_  
Ronald Murphy

\_\_\_\_\_  
Derek Wood

\_\_\_\_\_  
John Snyder III

\_\_\_\_\_  
Richard Cyr

\_\_\_\_\_  
G. Stephen Watson

\_\_\_\_\_  
Steven Thomas

\_\_\_\_\_  
Vacant

Attest Original: \_\_\_\_\_

Motion \_\_\_\_\_

Yeas \_\_\_\_\_

Second \_\_\_\_\_

Nays \_\_\_\_\_

Date \_\_\_\_\_



**HALEY WARD**  
ENGINEERING | ENVIRONMENTAL | SURVEYING

October 6, 2022

Town of Hermon  
Attn: Jessefa Murphy  
333 Billings Road  
Hermon, Maine 04401  
[murphyj@hermonmaine.gov](mailto:murphyj@hermonmaine.gov)

**Re: Dorr Subdivision (Richardson Drive) | Third Party Construction Observation and Design Certification | Clark Road, Hermon, Maine**

Dear Mr. Murphy,

As you are aware, Haley Ward, Inc. (Haley Ward) has conducted construction observation services focused on determining if the construction of Richardson Drive and related stormwater management features have been constructed per the approved Dorr Subdivision Plans. The project is located off Clark Road in Hermon, Maine. As requested, on October 4, 2022, Haley Ward conducted a final, on-site construction observation of the project to determine if previous punch list items had been completed. The information below summarizes our on-site observations throughout the duration of the project, recommendations, and our findings per the final site visit.

### **COMPLIANCE WITH DESIGN**

Haley Ward conducted seven on-site observation visits throughout the duration of the project to check various milestones of construction and determine whether the road was being constructed in accordance with the approved design plans originally prepared by Plymouth Engineering, Inc. Haley Ward visited the site for the preparation of subgrade, placement of Type D Gravel, Type B Gravel, paving, and the two grass under drained soil filters. Haley Ward reviewed the submittals for the gravels used for the road buildup. Both gravel types complied with the specifications on the plans.





During the visits it was found that the cross slope of the road did not meet the design and varied throughout the length of the road. The contractor tried to make it up with the placement of Type B Gravel and then base pavement and was not successful. They finally were able to make up the grades with the surface pavement. A majority of the road meets the intent of the design for the cross slope, though there are areas where the road is either flatter than the 2% design cross slope or slightly greater than 2.4% (maximum tolerance).

Our observations of the two under drained soil filter features were limited and did not include a direct review of the underdrain piping, underdrain bedding or filter bed material. From our limited observations, the location and size of the soil filters appear to meet the intent of the approved plans. We were able to observe the soil filters after a rain event and they were discharging water from the outlet pipes.

Based on our on-site observations, it appears as though the road geometry meets the intent of the approved plans. The road has a paved width of 20 feet wide with four-foot-wide gravel shoulders. Culverts and most ditching appear to have been placed to meet the intent of the approved plans.

#### **PUNCH LIST ITEMS**

During the final on-site observation, it was discussed with you and the project's contractor that the following items needed to be completed to allow Haley Ward to offer our final opinion on whether or not the project is compliant with the approved plans:

- Fix areas where shoulders did not meet width of four feet.
- Fix ditch to the soil filter located at approximately ST 7+75 to promote positive drainage to the filter.
- Place new filter media for the portion of the soil filter located at ST 2+25.
- All disturbed areas should be covered with hay and seed.

We were able to conduct one last on-site observation the morning of 10/06/2022 and found that most of the outstanding items on the punch list have been completed. There are spans between the turnaround and right side of the cul-de-sac where the shoulders are 6-8" narrower than required. The contractor should widen this area to meet the intent of the design plans. There are still some disturbed areas that need to be covered with hay and seed.



## ADDITIONAL OBSERVATIONS

There is a short turnaround area that has been constructed to potentially serve a future phase of development and was not included on the approved plans. During our final on-site observation, we observed that the 18" culvert placed under the surface of the turnaround does not appear to have adequate inlet protection. To meet the Town's standard and properly cover the inlet, it appears as though the shoulder of the road would need to be reduced unless the culvert were to be extended. The Town will want to take this into consideration if this section of roadway is ever offered for acceptance as a public roadway.

## CONCLUSION

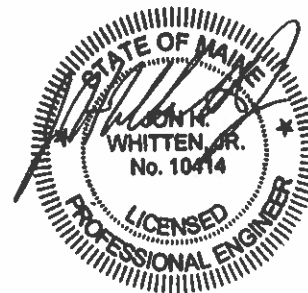
Based on the results of our construction observation services, it appears that, upon final completion of the punch list items mentioned above, the construction of the roadway (Richardson Drive) and associated stormwater management features is generally in compliance with the approved plans.

Please feel free to reach out to us with any questions at 207-989-4824, or by email at [jwhitten@haleyward.com](mailto:jwhitten@haleyward.com).

Sincerely,  
Haley Ward, Inc.

  
Lucy Feeney  
Civil Engineer

ALF/jhw/tal



Jon Whitten Jr., P.E.  
Senior Project Manager

## QUITCLAIM DEED WITH COVENANT

**CLARK ROAD PROPERTIES, LLC.**, a Maine Limited Liability Company, whose address is 388 Clark Rd., Hermon, ME 04401, grants to the **INHABITANTS OF THE TOWN OF HERMON**, a body corporate, having a mailing address of P.O. Box 6300, Hermon, ME 04402-6300, a certain parcel of land situated in Hermon, Penobscot County, Maine and bounded and described as follows:

Beginning in the southwesterly line of Clark Road at the northeasterly corner of Lot 1 as shown on a Subdivision Plan for Clark Road Properties recorded July 20, 2021, in Penobscot Registry of Deeds Map File 2021-61;

Thence South  $54^{\circ} 03' 38''$  West 396.92 feet to the beginning of a 430.00 foot radius curve concave to the north;

Thence westerly by the arc of said curve 193.45 feet (chord S  $66^{\circ} 56' 56''$  W 191.82');

Thence South  $79^{\circ} 50' 14''$  West 722.27 feet to the beginning of a 25.00 foot radius curve concave to the south;

Thence southwesterly by the arc of said curve 21.68 feet (chord S  $54^{\circ} 59' 50''$  W 21.00') to the beginning of a 60.00 foot radius cul-de-sac curve, said point located South  $59^{\circ} 50' 33''$  East 60.00 feet from the radius point of said cul-de-sac curve;

Thence westerly, northerly, and easterly by the arc of said cul-de-sac curve 292.55 feet to the beginning of a 25.00 foot radius curve concave to the northeast, said point located North  $39^{\circ} 31' 01''$  East 60.00 feet from the radius point of said cul-de-sac curve;

Thence southeasterly by the arc of said curve 21.68 feet (chord S  $75^{\circ} 19' 22''$  E 21.00');

Thence North  $79^{\circ} 50' 14''$  East 722.27 feet to the beginning of a 370.00 foot radius curve concave to the north;

Thence easterly by the arc of said curve 166.46 feet (chord N 66° 56' 56" E 165.06');

Thence North 54° 03' 38" East 396.78 feet to the southwesterly line of said Clark Road;

Thence by and along said Clark Road, South 36° 04' 17" East 60.00 feet to the point of beginning.

Being the area depicted as Richardson Drive on a Subdivision Plan for Clark Road Properties, LLC recorded July 20, 2021, in Penobscot Registry of Deeds Map File 2021-61.

This land is being conveyed for highway purposes pursuant to 23 M.R.S. § 3025.

ALSO CONVEYING the following three easements for the use, maintenance and repair of storm water management areas situated in Hermon, Penobscot County, Maine, bounded and described as follows:

Storm Water Management Easement – Lot 1

Commencing in the southwesterly line of Clark Road at the northeasterly corner of Lot 1 as shown on a Subdivision Plan for Clark Road Properties recorded July 20, 2021, in Penobscot Registry of Deeds Map File 2021-61, thence along the southeasterly line of Richardson Drive, South 54° 03' 38" West 174.98 feet to the **true point of beginning**; thence South 35° 56' 22" East 62.38 feet; thence South 54° 03' 38" West 82.00 feet; thence North 35° 56' 22" West 62.38 feet to the southeasterly line of said Richardson Drive; thence along said drive, North 54° 03' 38" East 82.00 feet to the **true point of beginning**.

Storm Water Management Easement – Lot 4

Beginning in the northerly line of Richardson Drive at the southwest corner of Lot 4 and the southeasterly corner of Lot 6 as shown on a Subdivision Plan for Clark Road Properties recorded July 20, 2021, in Penobscot Registry of Deeds Map File 2021-61; thence along the division line between Lot 4 and Lot 6, North 10° 09' 46" West 165.53 feet; thence North 79° 50' 14" East 44.00 feet; thence South 10° 09' 46" East 165.53 feet to said Richardson Drive; thence along said drive, South 79° 50' 14" West 44.00 feet to the point of beginning.

Storm Water Management Easement – Lot 6

Beginning in the northerly line of Richardson Drive at the southwest corner of Lot 4 and the southeasterly corner of Lot 6 as shown on a Subdivision Plan for Clark Road Properties recorded July 20, 2021, in Penobscot Registry of Deeds Map File 2021-61; thence along said drive, South 79° 50' 14" West 44.00 feet; thence North 10° 09' 46" West 165.53 feet; thence North 79° 50' 14" East 44.00 feet to



the division line between Lot 4 and Lot 6; thence along said division line, South 10° 09' 46" East 165.53 feet to said Richardson Drive and the point of beginning.

For Grantor's source of title, reference may be had to the deed of Jilleen Briggs, Personal Representative of the Estate of Kathleen L. Henriksen to Clark Road Properties, LLC, dated November 3, 2015 and recorded in Book 14001, Page 197 of the Penobscot County Registry of Deeds.

IN WITNESS WHEREOF, Clark Road Properties, LLC has caused this instrument to be executed by Alan R. Dorr, Jr., its duly authorized member, this \_\_\_\_ day of October, 2022.

Clark Road Properties, LLC.

By: \_\_\_\_\_  
Alan R. Dorr, Jr.,  
Member

STATE OF MAINE  
COUNTY OF PENOBSBOT

OCTOBER \_\_\_\_, 2022

Then personally appeared the above-named, Alan R. Dorr, Jr., and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of Clark Road Properties, LLC.

\_\_\_\_\_  
Attorney at Law/Notary Public

\_\_\_\_\_  
Print Name

Company Data

CENTRAL MAINE POWER COMPANY
83 EDISON DRIVE
AUGUSTA, ME 04336-0001
USA

Quote



0250062393

Customer Data

CLARK ROAD PROPERTIES
52 WINDSOR LN
CUMBERLAND, ME 04021-3536
USA

Service Location:

CLARK ROAD PROPERTIES
RICHARDSON DR
HERMON, ME 04401
USA

Quote

Quote Number: 0882931022002178
Quote Date: 10/03/2022
Customer Number: 0001405957-0001405957
Description: 1 PHASE SUBDIVISION

Work Order: 801000496305
PO Number: 10300881850

Table with 3 columns: Description, Amount, Tax Amount. Rows include Labor (4,958.98), Material (6,370.12), Vehicle (717.64), Quote Charge (12,046.74), Tax Charge (0.00), and Amount Due (\$12,046.74).

ONLY PAYMENTS ARE TO GO TO THE ADDRESS BELOW. \*\*DO NOT OVERNIGHT PAYMENT\*\* SENDING OVERNIGHT OR INCLUDING ADDITIONAL DOCUMENTS WILL CAUSE DELAYS. \*\*\*PAYMENT IN FULL IS REQUIRED\*\*\* INCLUDE STUB WITH YOUR CHECK AND MAIL TO BOSTON.

Payment Method

Work will not be scheduled until payment is received. The estimate is valid for 90 days from the quote date. Request for additional design changes may require a new estimate. If you have any questions regarding this quote, please call 1-800-750-4000.

For check please detach and return this stub with payment in enclosed envelope.

CLARK ROAD PROPERTIES LLC
207-844-7473
388 CLARK RD
HERMON, ME 04401-0449

1593

52-7453/2112
13

CHECK NUMBER

10/4/22 Date

Table with 2 columns: Field Name, Value. Fields include Quote Number (0882931022002178), Customer Number (0001405957-0001405957), Amount Due (\$12,046.74), and Amount Paid.

Pay to the Order of Central Maine Power \$12,046.74
Twelve Thousand and Forty Six + 74/100 Dollars



For 0001405957-0001405957 Kathy Don

211274531 814 0102780 1593

93100882931022002178000001204674



**R22-23-19**

Be it resolved by the Hermon Town Council in Town Council assembled to authorize Rudman and Winchell to execute a contract for comprehensive planning consultant services with \_\_\_\_\_ on behalf of the Town of Hermon in an amount not to exceed \$ \_\_\_\_\_.

Be it further resolved by the Hermon Town Council that legal fees and expenditures related to the consultant are to be reimbursed to Rudman and Winchell from HERM14 authorized by the approval of Article 10 at the 2022 Hermon Annual Town Meeting.

**SIGNED this October 13, 2022, by the Hermon Town Council:**

\_\_\_\_\_  
Derek Wood

\_\_\_\_\_  
Ronald Murphy

\_\_\_\_\_  
Phillip Richardson

\_\_\_\_\_  
G. Stephen Watson

\_\_\_\_\_  
Richard Cyr

\_\_\_\_\_  
Steven Thomas

\_\_\_\_\_  
John Snyder III

Attest Original: \_\_\_\_\_

Motion \_\_\_\_\_

Yeas \_\_\_\_\_

Second \_\_\_\_\_

Nays \_\_\_\_\_

Date \_\_\_\_\_



October 4, 2022

Memo: Comprehensive Plan Committee- Consultant Selection

To: Josh Berry, Interim Town Manager

Josh,

Members of the Comprehensive Plan Committee met on September 27, 2022 to review the responses to our RFP for consultant services. The request for proposals was created by Rudman Winchell Law Firm and sent to three firms including *BerryDunn*, *North Star Planning* and *Eastern Maine Development Corporation* (EMDC).

The two firms returning proposals are listed below with their associated costs for professional planning services as described in the request:

**BerryDunn**      **\$59,970**

**EMDC**            **\$24,000**

A vote was taken by the Comprehensive Planning Committee after reviewing the proposed scope, costs and methodologies by both firms as described in the proposals. The committee agreed unanimously that *Eastern Maine Development Corporation* should be suggested to the Hermon Town Council as the firm to assist with our comprehensive planning process.

The following committee members were in attendance having all voted in the affirmative:

John Snyder, Ron Murphy, Josh Pelletier, Kristen Rancourt, Deb Langille, Greg Newell, & Russ Maynard

Please add this as an agenda item for the October 13, 2022 Town Council Meeting for Council consideration and suggest a resolve that awards the contract to the firm that the Council selects.

Sincerely,

A handwritten signature in cursive script that reads "Scott Perkins".

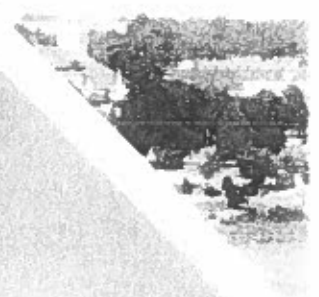
Scott Perkins  
DECD Director  
(207) 852-2403

Mailing address  
333 Billings Road  
Hermon, ME 04401

Physical Address:  
333 Billings Rd  
Hermon, ME 04401

Telephone: 207 848-1010  
FAX: 207 848-3316  
Website: [www.Hermonmaine.gov](http://www.Hermonmaine.gov)

**b BerryDunn**



2023 Comprehensive Plan

# Town of Hermon

2023 Comprehensive Plan

## 2023 Comprehensive Plan

2023 Comprehensive Plan  
2023-2028

2023 Comprehensive Plan  
2023-2028

# G. Cost of Services

BerryDunn's not-to-exceed fee for developing Town's 2023 Comprehensive Plan is **\$59,970**. Table 2 presents our costs per project phase, aligning with tasks identified in the RFP.

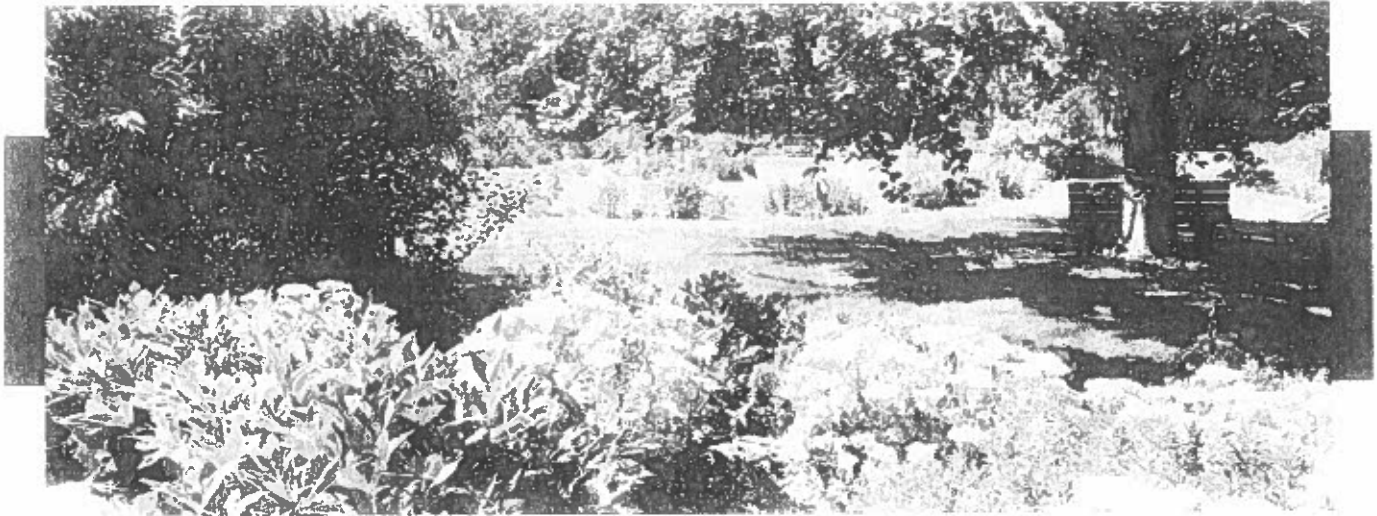
These fees represent a reduction of approximately 33% to demonstrate our strong desire to work with the Town. Prior to this reduction, we developed initial fees based on our experience conducting projects of similar size and scope and the assumption that satisfying a deliverable is based on the Town's acceptance.

That said, the Town will not incur any additional costs associated with the process of reaching deliverable acceptance.

We are happy to further discuss our proposed tasks with the Town should you have questions. Our goal is to establish a schedule and work plan that will enable our team to assist you in meeting your goals for this 2023 Comprehensive Plan development project—on time and on budget.

**BerryDunn's Proposed Fees**

Phase/Task	Hours	Cost
Project Management	22	\$4,230
1. Inventory and Analysis	125	\$19,370
2. Public Engagement	92	\$14,250
3. Policy and Strategy Recommendations	49	\$8,030
4. Implementation Plan	29	\$4,550
5. Final Plan Development	60	\$9,540
<b>TOTAL</b>	<b>377</b>	<b>\$59,970</b>



A breakdown of our hourly rates for the personnel who will be assigned to the project is provided below. Our proposed not-to-exceed price proposal, including a breakdown of fees by deliverable, is provided on the previous page.

### Hourly Rates

Team Member	Staff Level	Hourly Rate
Kevin Price, Project Principal and Engagement Manager	Principal	\$500
Keri Ouellette, Project Manager	Senior Consultant	\$260
Alison Tobey, Business Analyst	Consultant	\$150
Sachin Goradia, Business Analyst	Consultant	\$200
Khara Dodds, Planning SME	Senior Consultant	\$260
Kara Utter, GIS SME	Consultant	\$150

# Town of Hermon 2023 Comprehensive Plan Proposal

September 16, 2022

Rudman Winchell  
Town Attorney for the Town of Hermon  
Attn: Lynn Brochu  
The Graham Building P.O. Box 1401  
84 Harlow Street Bangor, Maine 04402-1401

RE: Request for Proposals for the Town of Hermon 2023 Comprehensive Plan

Dear Town of Hermon,

Eastern Maine Development Corporation (EMDC) is pleased to submit this proposal for preparing the 2023 Comprehensive Plan for the Town of Hermon. EMDC has a wealth of experience working alongside town staff and comprehensive planning committees in plan development. EMDC is a non-profit organization located in Bangor, Maine founded in 1967 that specializes in community planning, community resilience, workforce development, and economic development. EMDC believes in an integrated approach to long range planning and has the expertise within the organization to offer those integrated services.

## Staffing

The 2023 Comprehensive Plan development will be headed by Elli Dastrup and Adi Philson. Both Elli and Adi are experienced planners, their individual expertise are described below. Resumes available upon request.

### Elli Dastrup

Elli Dastrup recently graduated from the University of Illinois with her Masters in Urban and Regional Planning. Much of her research focused on equity and inclusion within the planning process. Prior to working with EMDC she worked for the National Park Service developing resource management and recreation plans in rural communities. Since starting at EMDC in June of 2022 she has continued work with several communities in Penobscot, Hancock, and Aroostook counties. This work includes comprehensive plan development, public outreach and survey distribution, regional coordination, and economic development strategies.

### Adi Philson



Adi Philson is a Planner at EMDC specializing in public engagement and comprehensive planning. Adi recently joined EMDC after working for the City of Cambridge (Massachusetts) in Transportation Planning where she focused on community outreach and engagement around active transportation as well as infrastructure planning. Adi has extensive experience working closely with developers and stakeholders in designing solutions to meet the cities' zoning ordinances and land transportation demand management program requirements given competing needs for limited space. A Maine native, Adi has a nuanced understanding of planning challenges facing Maine communities and is interested in working with towns to build an equitable and resilient future for her home state.

**Comprehensive Planning Experience**

Newly designated as a (regional planning commission) (RPC) by the State of Maine, EMDC is well-equipped to provide comprehensive planning services. Even prior to its designation as a RPC, EMDC has regularly worked with communities in its service counties on comprehensive plans from development to acceptance by the State. EMDC is committed to listening to residents' input and needs so as to ensure the comprehensive plan is representative of the town's collective vision. With an expanded team of planners, EMDC has increased capacity for technical assistance in comprehensive planning.

**Hourly Rates**

The following table outlines the cost breakdown for EMDC's part time and full time services. Part time services require the Committee to contribute half of the document preparation work. Alternatively, the Committee is only expected to review the document prepared by EMDC if full time services are selected. The below table outlines the project total cost at a rate of \$50 per hour per staff member. The work will be divided internally between Elli and Adi.

Cost Comparisons in the Preparation of Comprehensive Plans	PART TIME EMDC SERVICES		FULL TIME EMDC SERVICES	
	Hours	Price	Hours	Price
Review of Existing Reports & Plans with the Committee	5	\$250.00	5	\$250.00
Plan Kick Off Meeting & Introduction	2	\$100.00	2	\$100.00

<b>Phase One</b>	<b>48</b>	<b>\$2400.00</b>	<b>96</b>	<b>\$4800.00</b>
Population & Demographics	12	-	24	-
Economy	12	-	24	-
Housing	12	-	24	-
Transportation	12	-	24	-
<b>Phase Two</b>	<b>38</b>	<b>\$1900.00</b>	<b>76</b>	<b>\$3800.00</b>
Water Resources	12	-	24	-
Natural Resources	12	-	24	-
Agricultural & Forest Resources	7	-	14	-
Marine Resources (if applicable)	7	-	14	-
<b>Phase Three</b>	<b>32</b>	<b>\$1600.00</b>	<b>64</b>	<b>\$3200.00</b>
Historical & Archaeological Resources	8	-	16	-
Recreation	8	-	16	-
Public Facilities & Services	8	-	16	-
Fiscal Capacity & Capital Investment Plan	8	-	16	-
<b>Phase Four</b>	<b>54</b>	<b>\$2700.00</b>	<b>110</b>	<b>\$5500.00</b>
Introduction/ Vision Statement	4	-	10	-
Public Participation Summary	5	-	10	-
Regional Coordination Program	5	-	10	-
Plan Implementation/ Evaluation (5-Year Plan)	15	-	30	-
Existing & Future Land Use	20	-	40	-
Appendix	5	-	10	-
<b>Public Information Meetings</b>	<b>8</b>	<b>\$400.00</b>	<b>8</b>	<b>\$400.00</b>
Phase One	2	-	2	-

Phase Two	2	-	2	-
Phase Three	2	-	2	-
Phase Four	2	-	2	-
<b>Submission to State of Maine</b>	<b>0</b>	<b>-</b>	<b>5</b>	<b>\$250.00</b>
<b>Respond to Comments by State of Maine</b>	<b>12</b>	<b>\$600.00</b>	<b>30</b>	<b>\$1500.00</b>
<b>Prepare the Final Draft</b>	<b>10</b>	<b>\$500.00</b>	<b>20</b>	<b>\$1000.00</b>
<b>Present to Town Council</b>	<b>0</b>	<b>-</b>	<b>4</b>	<b>\$200.00</b>
<b>Public Hearing</b>	<b>6</b>	<b>\$300.00</b>	<b>6</b>	<b>\$300.00</b>
<b>Subtotal:</b>	<b>215</b>	<b>\$10750.00</b>	<b>426</b>	<b>\$21300.00</b>
<i>Add Mileage Expense:</i>	-	\$200.00	-	\$350.00
<i>Add Supply Expense:</i>	-	\$350.00	-	\$350.00
<i>Add Contingency:</i>	20	\$1000.00	40	\$2000.00
<b>TOTAL:</b>	<b>235</b>	<b>\$12300.00</b>	<b>458</b>	<b>\$24000.00</b>

### Planning Methodology

Eastern Maine Development Corporation (EMDC) has developed a four-phase Comprehensive Plan process that complies with State of Maine mandates. The EMDC process consists of four distinct phases of development, with continuous communication performed with the Committee to ensure that planning progress is time- and effort-efficient. The following list details the phased planning process.

#### **Meeting with Community Members & Committees to Review Existing Reports & Plans**

EMDC recommends that the Town contact its various local committees to elicit their respective priorities. This will help identify key issues, priorities, and opportunities to be identified for the community now, and in the coming years.

#### **Introduction & Plan Roll Out**

An introductory session is scheduled once a contract is executed that will consist of a presentation with EMDC's vision and specific plan for the Town, modified as necessary



Jessefa Murphy  
Code Enforcement Officer  
333 Billings Road  
Hermon, ME 04401

**Drainage Evaluation, School House Lane**

Dear Jesse,

At the town's request, Kiser & Kiser has reviewed the drainage in the area around Billings Road and School House Lane. A resident, Wheeler (lot 24, TM 27) approached the town with drainage issues causing erosion and potential stability issues with his barn. This was predicated on past and proposed development in the area, including Hermon Village subdivision and C&K Variety.

**Observations:**

We have walked the area in and around the Wheeler property, reviewed proposed development plans and investigated historic DEP permitting files to assist in understanding the noted drainage concerns. School House Lane (Hermon Village subdivision) was developed in the late 1980's and was required to obtain a DEP Site Location permit. C&K is active in a redevelopment of the store property.

The Hermon Village permit required the development of a stormwater management plan which mitigated increased runoff by routing stormwater through a detention pond. This detention pond was constructed in an easement on lots 28 & 28-1 of TM 27 (subdivision lots 51 and 52). The C&K development received local and DEP Stormwater Law permit for control of stormwater associated with the development improvements.

The existing topography, as observed on a site walk and as shown on the C&K development plans, creates a berm along the property line at the back of the detention basin easement. This berm appears to predate the subdivision development. This berm channels water down the property line and between lots 24 and 25. A drainage ditch has been constructed that directs runoff along a portion of the line between lots 24 and 25 to Billings Road and a storm drain field inlet.

The back of the C&K lot (lot 20) appears to drain toward and onto lot 24. Existing drainage on lot 24 flows in a southwesterly direction and past the corner of the barn and continues to a field inlet at Billings Road on lot 22.

Drainage designs for School House Lane includes ditches starting on Homsted Lane and flowing down View Drive to School House. Drainage was designed to cross School House and follow an easement between lots 28 and 28-1 and enter the detention basin. The outflow from the basin was designed and does flow back to School House along the lower side of lot 28-1. However, the subdivision plan does not show an easement to accommodate the existing ditch line. This runoff continues to Billings Road and crosses Billings Road at the school property.

The C&K development plans have constructed a large cut in the westerly and northerly sides of the property to accommodate the siting of a new store. The plans have designed improvements to address drainage that may flow onto the development from the west and north; however, the undeveloped areas of the property that flow toward lot 24 do not appear to be altered by the development proposal. It should be noted that at the time of our site visits, a berm was created at the top of the large earthen cuts that directed surface drainage around the excavation. This berm may direct increased water toward lots 23 and 24.

The Wheeler lot appears to have fill placed at the back of the property to accommodate vehicle storage. This fill has diverted some shallow drainage that had been on the lot (based on old topography) and channelized the runoff that flows toward the corner of the barn. The channelized runoff would also increase the velocity of the drainage.

#### **Drainage Issues:**

There are a number of items that have occurred in this area related to drainage as follows:

1. School House drainage does not flow through the allocated easement to the detention basin. Based on 1996 aerial photos prior to construction of homes on lots 28 and 28-1, the ditch looks to be functional. In 2015, lot 28 was occupied and the ditch looks to be functional along with the outlet ditch from the detention basin. In 2018, lot 28-1 was occupied by a house and the ditch appears to be flowing down the side of School House.
2. The drainage ditch between lots 24 and 25 along with the hedge of trees appears to be evident in older 1991 photos. The disturbed area appears to be functionally draining the back of lot 25. The ditch is present and functional in 2018 photos. However, activities on lot 24 appear to have progressed toward lot 25 westerly of the beginning of the ditch.
3. Drainage from C&K property that sheet flows onto lot 24 has been dammed up and now concentrates into a channel flow due to progress fill activities on lot 24. 1996 photos show wooded areas on the back of lot 24. In 2004, a grassed area with vehicle storage is present and extending westerly. This area appears larger and more intensely used in 2015 and continuing to increase in intensity in the 2018 photo. At our site visit, the area appeared to have been pushed further to the west.

## Suggested Improvements

1. Drainage from School House Lane should be directed back into the detention pond through the drainage easement between lots 28 & 28-1. This work would include removing the earth blockage near the road and re-establishing the drainage ditch. The detention pond needs to be cleaned of unwanted brush and the outlet structure and berm should be reset and repaired.
2. Clean, improve and potentially extend the swale between lot 24 and 25. This work should include easements between the lot owners to provide for the drainage flowing to the field inlet at Billings Road. Some tree clearing would be required to extend the swale westerly. The swale will control some of the drainage flowing onto lot 24 and may be able to direct most of the drainage off of the C&K lot if work is extended onto the C&K parcel.
3. The owners of lots 22, 23 and 24 should develop an agreement to formalize drainage crossing the properties and entering the field inlet at Billings Road.

As we discussed, there is uncertainty in responsibility for the detention basin's maintenance as there does not appear to be a homeowner's association for Hermon Village. We did a limited search of the Registry of Deeds and did not find a deed to the town for the roads within Hermon Village. The town, by default, will probably have to address the maintenance work to the pond. The rerouting of the drainage from School House Lane out of the swale to the detention pond should be the responsibility of the lot owner of 28-1 as they were most likely the construction that diverted that drainage. Again, the town may have to undertake that restoration work.

The property owner of lot 24 appears to have created some of the issues with drainage across that lot with improvements and fill displacing historic drainage patterns in the area. The lot's drainage may be improved with suggested actions. These drainage improvements would reduce and may eliminate drainage concerns around the barn.

The evaluation was prepared for the Town of Hermon based on visual observations and historic data. No field survey work was completed as part of our investigation. Additional studies and/or survey and design work may be required to implement the suggested improvements.

Best Regards,

James R. Kiser, PE  
Kiser & Kiser Co.