

Minutes
HERMON PLANNING BOARD
Public Safety Building
February 21, 2023 – 6:30PM

1. CALL TO ORDER BY CHAIRPERSON

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL- Appoint Alternate Member(s) if necessary

Members Present: Ed Marsh, Joshua Pelletier, Jeremy Snow, Deborah Whitman, Kyle Sullivan, Curt Bartram, Greg Newell

Members Absent: None

Others Present: Code Officer Jessefa Murphy, Deputy Clerk Angie Ireland, Scott Braley representing Dysarts, and 6 guests.

4. CONSENT AGENDA- Approve minutes of the December 6, 2022 meeting

Joshua Pelletier moved to approve the Consent Calendar as presented. Jeremy Snow seconded the motion. Motion passes unless doubted.

5. PUBLIC ITEMS OR COMMENTS (Items Not Already on Agenda)

No public comments were given.

6. PUBLIC HEARINGS

- A. PB 23-001 Site Plan** – Dysart’s Service is seeking site plan approval for the construction of a heavy equipment retail and service facility at 627 Coldbrook Road, located on Map 15, Lot 39

Chair Ed Marsh opened the public hearing at 6:32PM. Public hearing was closed at 6:39 PM. Public comments were given.

Scott Braley: I'm Scott Braley, I'm with engineering representing Dysarts. The project we're talking about today, is in the industrial zone on Coldbrook Road. It's going to be 12 acres and going to have two buildings on it. The main building, which will be sales and service, is over 38,000 square feet. The warehouse, which will be full of storage, will be 400 square

Scott Bralev (continued): feet and attached to that will be an 800 square foot wash bay. There are several AP grade truck doors for the surface area that you can see delineated by these concrete pads that'll be outside the doors. There's one recessed truck bay for parts deliveries, there is an outdoor loading ramp for a piece of equipment that comes on a flatbed, an equipment storage area, a display area in the front of the parking and the building. You will also see a wet pond to meet the DEP stormwater treatment requirements. This is a relatively big site, site law for DEP requires three acres to have that permit and this is about eleven. The front from the showroom forward will be paved, the rear will be gravel. The buildings that we serve are all public utilities, there will be two water lines coming in at some point because the building's big enough that it has to be sprinkled. So, there'll be a fire service line and there will be a domestic line, which will come into the building. Everything is graded to split in front of the building, under the back and then end up in this wet pond. The lot drops about six feet from front to back, so there'll be a fair amount of grading done. Water's coming in from the existing main on Coldbrook. Sewer is a little bit complicated, because the surface area will have trench drains in it, the wash bay will have a trench drain, and each of those will have their own oil water separator as required by the town and Bangor treatment plan. At that point, the domestic wastewater from inside will be joined to those and it'll all go to a pump station to be pumped. Natural gas is on the street, that will be serviced. Electric will come in underground from a pole that's out front to a transformer and then in the building. It will be going to the DEP; we have submitted a package we believe meets all your criteria. Keep in mind that a lot of times when we do a site law permit like this, we'll get a permit from the planning board in Hermon and other towns, they'll be conditioned on that site law permit being approved. That way you know that DEP is looking at it, for stormwater, noise, soils, air and if we're going to blast, they review that. There are 25 sections in site law that we must address and a lot of those as far as adequacy of services are in your origins as well, and we believe we've covered those in the submittal that we've made.

Close Public Hearing

7. SCHEDULED AGENDA ITEMS

New Business

- A. **PB 23-001 Sketch/Site Plan** – Dysart's Service is seeking site plan approval the construction of a heavy equipment retail and service facility at 627 Coldbrook Road, located on Map 15, Lot 39

Ed Marsh: What about lighting?

Scott Bralev: As far as I know right now it will be all building mounted.

Ed Marsh: Will there be lights on the display area?

Scott Bralev: There is a flagpole and sign out front that will be lit. I have not heard that they plan on any display lighting, but if there was it would be ground lighting pointed at the equipment.

Ed Marsh: Is the sketch just delineating the equipment storage?

Scott Bralev: Yes, keep in mind Dysarts is building this but they have someone that will lease this from them and so we are showing that owner where their space is going to be for all the different portions of the project.

Ed Marsh: Have you found the catch basins working well in the gravel?

Scott Bralev: As long as their soaps are taken care of, then we've had no issues with them.

Ed Marsh: Is this a pre-engineered metal building?

Scott Bralev: The building and the site are going out as a design build project. We know it's going to be a steel building, but it will depend on how the design builder comes in with either stick build or pre-engineer.

Deborah Whitman: There is nothing in back where you said water is draining out?

Scott Bralev: Dysarts owns everything else around it, the draining will ultimately end up in the old gravel cap.

Greg Newell: You're combining lot 39 and 23 together to build this?

Scott Bralev: Yes parts of them will be. Because Dysarts still owns everything around it, they will be keeping a 70 foot right of way because if they decided to put any more businesses in the industrial zone, the right of way would have to be 70 feet to build an access road.

Kyle Sullivan: Did Bangor wastewater require some sort of pre treatment agreement?

Scott Bralev: That is being worked on currently. Bangor wastewater wants to meet regarding the letter we submitted and I'm not sure if they are going to ask for a pretreatment agreement or an upgrade of a pump station somewhere.

Kyle Sullivan: Will discharge go to one of the streams?

Scott Braley: The water starts by going into the gravel pit, if it gets out of the gravel pit, then it goes into the wetlands behind Dysarts warehouse and self storage building and then ends up in Shaw Brook. I don't believe any pollutant that comes off site would make it to Shaw Brook but it is in the watershed but when we do the site law permit we have to treat it as if it would.

Ed Marsh: Is your next step the DEP reviewing this?

Scott Braley: Yes, it will be at the DEP's office very soon.

Ed Marsh: Then you'll be coming back to us?

Scott Braley: Yes.

- B. **PB 23-002 Sketch Plan** – Dysart's Service is submitting a sketch plan of Phase 3 of the Cold Brook Business Park off of Coldbrook Road.

Scott Braley: The Coldbrook business park already has a DEP site law permit, this is an amendment with all the same requirements that we just spoke about. This expansion is on Dave's Way with a total of 26 lots, solar array will be one, and an anchor tenant will be one as well, leaving 24 others that are on the perimeter. About 20 acres is going to be solar array and then there is going to be about a total of 7000 feet of road that is going to be built. The first 1800 feet will be mostly solar array, the rest of it will be broken up into lots. Those will have public sewer extension, public water extension, overhead electric on the roads all the way in, and I'm assuming Bangor gas will be going in there as well. This site, unlike the other one, has a significant amount of laterals and we have designed what we've done to minimize the impact of the wetlands. As well as the Site Law permit the project will require an NRPA (Natural Resources Protection Act) permit for wetland disturbance, the park itself has already met the threshold where mitigation is required. Stormwater in this project is going to be treated similar to the other project we just spoke about with a series of wet ponds, with a subdivision 75% of the road must be treated as well as 95% of the developed lots. That is the overview, we will be back with more detailed road and stormwater designs.

Ed Marsh: How big is the Anchor Tenant lot?

Scott Braley: Approximately 6 acres.

Ed Marsh: Is that going to be one big building?

Scott Braley: It will be one owner and as far as we know one big building.

Joshua Pelletier: What is this all zoned as right now?

Scott Braley: I believe Industrial.

Curt Bartram: Is the solar array tied to the subdivision in any way?

Scott Braley: No, other than them using our access road and sending their power out on our poles.

Ed Marsh: Will that be a private or public road?

Scott Braley: Public.

Ed Marsh: How will you handle the turnaround?

Scott Braley: The idea is to have a cul de sac.

Act on New Business:

A. PB 23-001 Site Plan

Joshua Pelletier made a motion to approve PB 23-001 contingent upon proper DEP permits and wastewater letter. Deb Whitman seconded the motion. Motion passes 5-0.

Old Business

Act on Old Business:

8. WORKSHOPS

A. Solar Ordinance – Draft

Jessefa Murphy (Code Enforcement Officer): I spent the month of January working on this and looked at several different towns throughout Maine that had different ordinances. There were some that were pretty broad and some that were pretty strict, so I took the best pieces out of all of them. Writing the draft of the ordinance is a tough thing because you don't know which direction everybody wants to go. I'm open to thought, criticism and any input would be appreciated. We do have a current moratorium on solar right now for the large projects that I believe expires in May, so the goal is to hopefully take what feedback we get from anybody and then have a public meeting on it so the planning board can hopefully recommend it and we can send it onto Town Council.

Ed Marsh: Did you include something for buffer?

Jessefa Murphy: Yes, I believe it was a 300 ft buffer from a building structure.
There are some different things in the draft like noise, anti glare, fencing systems, use of pesticides, signage, ect
I spoke to Cody Sullivan (Fire Chief) about the companies needing to provide emergency personnel with some type of training in case anything was to go wrong.

Kyle Sullivan: Would like to make sure that the end-of-life portion of the ordinance is worded as carefully as possible.

Kyle Sullivan: I know there are some requirements for bonding for site location. I think we should make sure the ordinance is consistent with that process.
There are some that are small enough that they don't need to go through that permit process as well.

Jessefa Murphy: If it is more than half an acre it will fall under the large scale and will require bonding.

Deb Whitman: Will they show us proof of that yearly?

Jessefa Murphy: Yes, and if there are any changes it will need to get resubmitted to the town.

Greg Newell: Will there be anything in the Ordinance regarding chemicals used to clean the panels?

Jessefa Murphy: I will look into that.

I will go through and make edits so we can have a public hearing on it and open it up for public comment, then hopefully with the Planning boards recommendation we will be able to send it onto the Town Council.

B. Mobile Vending Ordinance – Draft

Jessefa Murphy: With the cost of real estate going up we have had a ton of phone calls about different businesses being operated out of some type of trailer or truck. We did have some issues with some food vendors dumping their gray water out in parking lots, so we are trying to create some type of waste management plan. It's not that we are against it, just trying to stay ahead of certain things and want to make sure it's restricted to certain areas like village commercial, commercial, industrial, and try to keep it out of some of the residential areas. Noise is also a big thing, say they use a generator then this is making sure it's a quiet one. We have it as a no permit cost because we don't want to discourage anyone from doing their business here in town.

Ed Marsh: Do you think there should be some kind of fee?

Jessefa Murphy: We didn't want it to make it seem like Hermon was against this kind of business.

Ed Marsh: I feel as though it would be more official if there were a yearly fee.

Joshua Pelletier: I think I would agree.

Ed Marsh: What about businesses that requires an X amount of parking spots, if you put a mobile trailer there with all their seating and that takes up parking that is required for the business to operate, how do we handle that?

Jessefa Murphy: We can make that a part of the permit too by asking how many parking spots will be designated.

Ed Marsh: Is there something in the Ordinance draft about some kind of written agreement?

Jessefa Murphy: Yes, that and there can only be one per lot, unless there is an agreement between everybody.

Greg Newell: If the parent advisory council at the middle school were looking into having food trucks at a craft fair would something like that be allowed?

Jessefa Murphy: At the schools it would need Town Council approval.

Ed Marsh: I'm curious about the food trucks that might have propane tanks hooked up. Are we inspecting that?

Jessefa Murphy: That is something that can be looked into more. The only other thing in there was regarding alcohol and that was more or less being approved by Town Council just like any other alcohol license.

Please see the complete video at [PlanningBoardHermon\(hermonmaine.gov\)](http://PlanningBoardHermon(hermonmaine.gov))

9. CEO Items

Jessefa Murphy: I'll be having some more ordinance stuff come through. Probably next year I'll be going through the land use ordinance and revamping it. So once the Comp Plan is completed, Land Use will be updated and get voted on by the citizens. Some other types of ordinances that will be coming include Dangerous Buildings.

Ed Marsh: I see Dollar General has opened, any issues with that so far?

Jessefa Murphy: They did have an issue with the outside lights because there was a controller issue and the part was on backorder and the lights were on during the day, but hopefully that will be taken care of soon.

9. PLANNING BOARD ITEMS

- A. Findings of Facts: PB 22-017**
- B. Findings of Facts: PB 22-018**

10. FINAL PUBLIC ITEMS OR COMMENTS (Items Not Already on Agenda)

No public comments were given.

11. ADJOURN

Deborah Whitman made a motion to adjourn the Planning Board meeting at 7:28 PM. Kyle Sullivan seconded. With no objection the council meeting was adjourned at 7:28 PM.

Respectfully Submitted,

**Angela Ireland
Deputy Clerk**

If you require any assistance to fully participate in this meeting, please notify us at 848-1042 or write to the Town of Hermon, 333 Billings Rd, Hermon, ME 04401.