

Minutes
HERMON PLANNING BOARD
Public Safety Building
March 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, Deborah Whitman, Kyle Sullivan, Curt Bartram,
Greg Newell

Members Absent: Joshua Pelletier, Jeremy Snow - **Excused**

Others Present: Code Officer Jessefa Murphy, Deputy Clerk Angie Ireland,
Town Attorney Tim Pease, Matthew Murphy, Randy Bragg representing the C&K
Variety site plan and 14 guests.

4. CONSENT AGENDA- Approve minutes of the February 21, 2023 meeting

**Kyle Sullivan moved to approve the Consent Calendar as
presented. Deborah Whitman 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 23-003 - Matthew Murphy seeking site plan approval for a building renovation to house a distillery located in the Village Commercial Zone at 20 Melody Lane, located on Tax Map 21, Lot 16.**

Chair Ed Marsh opened the public hearing at 6:33 PM. Public hearing was closed at 6:35 PM. Public comments were given.

Matthew Murphy - Melody Lane: I am the owner of Devil's Half Acre Distillery, we have been in business since 2020 and are the only Veteran owned distillery in the State of Maine. We would like to continue our business in Hermon because our family has been doing business in this town for generations. The plan is to move our current facility, which is small, to our detached garage on our property, that is zoned village commercial, to increase our compacity. There will not be any disturbance to Route 2 traffic because we will not be open to the public and will be strictly production.

- B. **PB 23-004 – Tylor Perry is seeking Site Plan Revision approval for previously approved PB21-014 C&K Site Plan**

Chair Ed Marsh opened the public hearing at 6:35 PM. Public hearing was closed at 6:43 PM. Public comments were given.

Randy Bragg: I'm from Carpenter Associates representing Tylor Perry and C & K Variety. My job tonight is to go over the modifications and revisions since the last approved site plan. The first one has to do with the number of fuel stations, the original had 2 fuel islands for 4 fuel stations and this proposal has 3 islands for 6 fuel stations. FGE has worked with Tylor and DEP trying to locate the well on the property properly. They have located some space where

Randy Bragg (continued): they can appropriately pinpoint that and the location is shown on your new plan currently. Because of that change, the latest plan has revised the amount of parking. We still have the same amount as the original plan with two additional spots added out back and there will be a walkway all the way around the building to enter the building safely. There was concern with the location of the canopy and the ability for cars to maneuver the site, we have drawn up templates for a pick-up, trailer, and tractor trailer to make sure they can maneuver clean around the entire building and back out. We also made sure the pickup truck with a trailer behind it can take up the first fueling slot and still be maneuvered around just fine. The other major concern that we are still working on is with DOT, we have verbal approval of our final edits but do not have that permit yet. There has been a significant amount of work for some minor modifications at the entrance to make that lot safer, there will be a sidewalk to connect to a couple of streets along with more signage and pavement markings.

Ernest Wheeler- Billings Rd: We have concerns about the tightness of the situation already. We feel as residents that we have been fighting this gasoline for 15 months and are opposed to adding more station locations. We feel as though we haven't been properly heard in this time period and have had limited communication through the town and have had to do most of our research through the DEP. As far as I am concerned, as an abutter I am opposed to increasing the fueling stations because it is extremely tight at this point and feel that the plan that was filed should be that plan that stands and shouldn't be expanded after the fuel plan was granted 60 days ago.

Tylor Perry- C&K Business Owner: We were always looking at doing the three-tank set up we just needed to verify with DEP that we had enough space there to make that work. This is the plan that has been approved so they have always been aware of this set up. Hermon is growing substantially and that's allowing us to grow and keep up with growth.

C. PB 23-005 – The Town of Hermon Planning Board’s recommendation to the Town Council for the Town of Hermon Solar Ordinance.

Chair Ed Marsh opened the public hearing at 6:43 PM. Public hearing was closed at 6:44 PM. Public comments were given.

Jessefa Murphy (Code Enforcement Officer): The town currently has a moratorium on large scale solar here in Hermon. This ordinance encompasses everything from privately owned roof top units all the way up to large scale units. This was presented at the last meeting as a workshop item to the planning board. We have gone through and made some edits. There will be a few more edits before it gets sent back out, but if it does get passed by the planning board this evening, we will make those grammar edits and I will present it to the Town Council as a workshop item and then as an item to hopefully be approved and put into our Land Use Ordinance.

Close Public Hearing

D. PB 23-006 - The Town of Hermon Planning Board’s recommendation to the Town Council for the Town of Hermon Mobile Vending Ordinance.

Chair Ed Marsh opened the public hearing at 6:45 PM. Public hearing was closed at 6:46 PM. Public comments were given.

Jessefa Murphy (Code Enforcement Officer): With the prices of real estate, we are finding more and more people buying food trucks or food trailers and setting up different types of businesses. We don’t want to discourage it, we just want to make sure it’s done in the right areas of town with certain rules to follow and a simple permitting process. Again, if it gets passed by the planning board this evening I will present it to the Town Council as a workshop item.

Close Public Hearing

7. SCHEDULED AGENDA ITEMS

New Business

- A. **PB 23-003 - Matthew Murphy seeking site plan approval for a building renovation to house a distillery located in the Village Commercial Zone at 20 Melody Lane, located on Tax Map 21, Lot 16.**

Ed Marsh: Does not believe there will be any issues where it will be for production only and no public will be involved in the project.

Curt Bartram: I can't tell how close it is to the adjacent building.

Matthew Murphy: It is about 8 ft from my house.

Kyle Sullivan: There isn't any set back issues for liquid storage?

Matthew Murphy: No.

- B. **PB 23-004 – Tylor Perry is seeking Site Plan Revision approval for previously approved PB21-014 C&K Site Plan**

Ed Marsh: To be clear, the applicant discussed and is showing the DOT improvements but that is not part of this approval. The applicant will be required to come back for another site plan review once they have the DOT approval. We will focus on the DEP approval for the tanks.

Deborah Whitman: When DEP approves initially do they ensure that there is enough room?

Ed Marsh: Yes.

Curt Bartram: On the site plan in the existing building there is a comment about an abandoned underground oil storage tank. Is that true?

Tylor Perry: That is a 500 gallon kerosene tank that was there in the 90's. When we tear the old building down it won't come up, its currently under the kitchen now.

Greg Newell: Looking at the plans and your previous design you were planning on taking down the other building you own there, and now you are not?

Tylor Perry: No, that building will be staying. It's an apartment building and the tenants are great. When they decide to move out we will look at taking that building down for another commercial building, but for the time being I don't plan on doing anything with that building.

C. PB 23-005 – The Town of Hermon Planning Board's recommendation to the Town Council for the Town of Hermon Solar Ordinance.

Ed Marsh: This is something that has been in front of us 3 times. This will go from us recommending it and then the Town Council will have another public meeting on it.

D. PB 23-006 - The Town of Hermon Planning Board's recommendation to the Town Council for the Town of Hermon Mobile Vending Ordinance.

Ed Marsh: This is another one that has been in front of us numerous times. I think this is a great ordinance. These businesses are popping up frequently through town, which is great, but I think it's a good idea to have some regulations. This will also go from us recommending it to Town Council to approve or disapprove.

Greg Newell: If someone wanted to have these trucks on school grounds they would have to get approval from the superintendent, the school committee, and the Town; is there is a form or will they just be required to get a letter from each of those?

Jessefa Murphy: I spoke with Mr. Grant on this a couple times and what we decided was if it's going to be a one-time mobile unit for profit then it will need approval from the superintendent and Town Council. If it will be a long-term lease, then it will need school committee approval and then go to the Town Council as well. Similar to how it goes here, planning board first then the Town Council because it's town property. Nonprofit would be exempt from that approval.

Act on New Business:

A. PB 23-003

Kyle Sullivan moved to approve 23-003. Deborah Whitman seconded the motion. The motion was accepted. Motion passed 4-0.

B. PB 23-004

Kyle Sullivan moved to approve 23-004. Deborah Whitman seconded the motion. The motion was accepted. Motion passed 4-0.

C. PB 23-005

Deborah Whitman moved to approve 23-005. Kyle Sullivan seconded the motion. The motion was accepted. Motion passed 4-0.

D. PB 23-006

Deborah Whitman moved to approve 23-006. Kyle Sullivan seconded the motion. The motion was accepted. Motion passed 4-0.

Old Business:

A. Sign Plans for PB 21-001

Act on Old Business:

8. WORKSHOPS

- A. Sue and Matthew Borden – 452 Fuller Road Tax Map 41 Lot 78 Discuss a potential Partial Zone Change from Ag/Forestry to Residential B to gift their son a house lot as a part of a rear lot development.**

Matthew Borden: My wife Sue and I are seeking a zone change for a piece of the property from Ag/ Forestry to Residential B for the purpose of gifting our son a house lot.

Ed Marsh: This is across from Old Trail Road?

Matthew Borden: That is correct.

Sue Borden: We don't have a whole lot of frontage, so it would have to be a back lot.

Matthew Borden: Obviously with the Ag/Forestry zone that is problematic. Both abutting sides of our property are Residential B so we would really like to just amend that to Residential B for that piece of property.

Ed Marsh: This is on Map 41 Lot 78?

Matthew Borden: That is correct.

Ed Marsh: Do you own the lot to the left as well, or is that all part of one lot?

Sue Borden: It's one very long odd shaped lot.

Ed Marsh: Will there be a shared driveway?

Sue Borden: Yes.

Jessefa Murphy: The reason it would have to go to Residential B is because Ag/Forestry doesn't allow for a rear lot development, Residential B and Industrial are the only ones that do.

Ed Marsh: We have been working diligently to try and stop doing so many zone changes but this one is difficult when you stare at this, and you see Residential B all around except for the Borden's.
I don't see any major issues other than you will have to make sure you are following all the proper steps, procedures, and rules.

9. CEO Items

A. Public Notices

Jessefa Murphy: We started posting public notices at Danforth's Supermarket when you first walk in. So, there will be public notices at C&K Variety, Danforth's, Town Office and the website.

B. Drop Box

Jessefa Murphy: I started utilizing the online drop box feature that way people can go on and see what the information is that we have in front of us during meetings.

C. Comprehensive Plan Survey

Jessefa Murphy: There is a Survey out right now that we encourage everybody to take part of. This is a part of the ten-year outlook for the town and has roughly 25 questions on there and takes about five or ten minutes to fill out. We are trying to get as many responses as we can with a goal of at least 400.

D. Snowmobile Trails

Jessefa Murphy: I want to take a moment to thank the snowmobile club and the owners that allow the trails to go through their property. Hermon's trails were great this year.

10. PLANNING BOARD ITEMS

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

12. ADJOURN

Deborah Whitman made a motion to adjourn the Planning Board meeting at 7:07 PM. Curt Bartram seconded. With no objection the council meeting was adjourned at 7:07 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.