

**MINUTES**  
**HERMON PLANNING BOARD**  
**Public Safety Building**  
**April 18, 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, Deborah Whitman, Kyle Sullivan, Curt Bartram, Greg Newell

**Members Absent:** Jeremy Snow - **Excused**

**Others Present:** Code Officer Jessefa Murphy, Deputy Clerk Angie Ireland, Steven Wiggin, Matthew & Sue Borden, Scott Braley representing Dysarts Realty & Ball Development Group LLC and 13 guests.

4. **CONSENT AGENDA-** Approve minutes of the March 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 23-007** – Steven & Debra Wiggin are seeking a Zone Change to change a portion of their property on 11 Wiggin Way from Ag/Forestry to Residential B to create a rear lot development to gift their son a house lot. The property is located on tax map 040-049-000

**Chair Ed Marsh opened the public hearing at 6:33 PM. Public hearing was closed at 6:36 PM. Public comments were given.**

**Steven Wiggin (11 Wiggin Way):** I am looking to get Residential B assignment to approximately 30 acres of my 60 acre parcel, which would include my home, and being able to develop a residential site for my son to build a home.

**Roger Adams (525 Wing Rd):** I am an abutter to where Steve Wiggin is making this change, and my only concern is that this is going to be just for a household residence for his son. I have been told that it's also to build a shop for his sons business.

**Ed Marsh:** We will ask that same question.

### **Close Public Hearing**

- B. PB 23-008 -** Mathew & Sue Borden are seeking a Zone Change to change a portion of their property on 452 Fuller Road from Ag/Forestry to Residential B to create a rear lot development to gift their son a house lot. The property is located on tax map 041-078-000

**Chair Ed Marsh opened the public hearing at 6:36 PM. Public hearing was closed at 6:38 PM. Public comments were given.**

**Matthew Borden (452 Fuller Rd):** We are looking to change part of our property from Ag/Forestry to Residential B for rear lot access to gift our son a house lot.

### **Close Public Hearing**

- C. PB 23-009 –** Dysart Realty is seeking a Zone Change for their property located at the end of Dave's Way from Ag/Forestry to Industrial. The properties are located on tax map 007-003-000 and 007-004-000

**Chair Ed Marsh opened the public hearing at 6:38 PM. Public hearing was closed at 6:40 PM. Public comments were given.**

**Scott Braley (Representing Dysart Realty):** We've been here previously with a sketch plan for phase three of Dysarts to expand the Coldbrook Business Park. We discovered when the surveyors were doing the final subdivision layout that the very end of one our roads and some of our lots are

**Scott Braley (continued):** actually in the Ag/Forestry zone. So, our request is that we can rezone those small portions to Industrial with a description to be done by a surveyor. The end of this road where the rezoning will primarily be done is about 3000 ft from George Pond, and in the other direction it's about 2500 ft to the nearest residents on the Dysarts Residential subdivision that lies north of the Coldbrook Park.

### **Close Public Hearing**

- D. PB 23-010** – Ball Development Group, LLC is seeking approval for Phase II of a 8-building, 32-unit Planned Unit Development previously approved PB 21-012 at 110 Rocky Ridge Drive. The property is located on Tax Map 050-063-000

**Chair Ed Marsh opened the public hearing at 6:40 PM. Public hearing was closed at 6:49 PM. Public comments were given.**

**Scott Braley (Representing Ball Development):** In 2021 you folks approved a PUD that was 64 units; the first four buildings (16 units) were built in 2021-2022. The next two phases of what was originally 4 phases will be combined into another 8 buildings (32 units). This is currently before the DEP for stormwater review, test kitting is all done for septic, there is already a public drinking water supply permitted by the state for phase one that has adequate supply that with storage and some pressurization will take care of this phase. As I said, the DEP has the project in front of them for chapter 500 stormwater permit because including phase one this is all under three acres of impervious area, so it doesn't need site law permits, just stormwater. And in this case, we will be collecting all the water downhill and will be putting in a wet pond for stormwater treatment. We have slightly relocated the road after phase one 30 to 40 ft to the north and then turned the buildings sideways to keep them further up and have more room for separation that the state requires between septic and stormwater treatment areas. This is very consistent with what you originally saw as part of the PUD. At this point, the road will be completed up until the cul-de-sac, so once that is done pending approval, pending construction, and reviewed by the town during construction, we will be coming back to the council to accept the road as a town way.

**Vicki Grant (3008 Glenwood Ave):** Will you do a pond of some sort to take care of all the runoff, and if so, will it be the same as the one out front?

**Scott Braley:** Yes, this will be slightly different. The soil filters that are there now work so that it's normally dry when it's not raining. This will have standing water in it. The reason being is the more impervious area with rooftops and pavement, the DEP also wants you to treat for temperature. So, there will always be water there and then around the perimeter of it when it rains, the water will come up onto a bench, soaks down in through stone into a pipe, then it's discharged into the laterals down below.

**Catherine Lucy (585 Billings Rd):** I am just concerned as to how close the buildings are going to be to my property line. I am the first house on the left from Union Street, so I believe your property now abuts my property.

**Ed Marsh:** If I recall from when we did the PUD there was a decent buffer from the standpoint of where any of the residential homes are. That is one of the things we lucked out on with the Planned Unit Development plan, it clustered everything more towards that front corner of the property and then there are wetlands that they are not impacting which will act as a natural buffer.

**Scott Braley:** The road is going to be about 400 ft off Billings Rd.

**Catherine Lucy (585 Billings Rd):** Is there going to be another entrance to your units off Billings Rd?

**Scott Braley:** No.

### **Close Public Hearing**

- E. PB 23-002** – Dysart Realty is seeking subdivision amendment approval for Phase III of Cold Brook Business Park off the end of Dave's Way. The property is located on tax map 007-001-000, 007-002-000, 007-003-000, and 007-004-000

**Chair Ed Marsh opened the public hearing at 6:50 PM. Public hearing was closed at 6:52 PM. Public comments were given.**

**Scott Braley:** This project will be an amendment to the Coldbrook Business Park's existing DEP site law permit. Basically, all the soils, wetlands, vernal pools and storm water will be evaluated by the DEP. We have sign off from the Town of Hermon for sewer and water for capacity. We're currently waiting for a letter from the Fire Chief and I've been told that's just a matter of a couple questions he asked about separation of hydrants and the maximum spacing of any hydrant would be 1,000 ft, which is typical design for insurance purposes. This is 26 lots with one anchor lot and several lots in both directions. This is contingent on when we come back and get the Planning Board's action and the Council's action on the zone change request. If it fails, then we will have to cut some things back until we can resolve that issue.  
From the end of Dave's Way this extension goes in about 1850 ft. A lot of that 1850 ft on both sides of the road is a solar array that you folks have already approved by another applicant that leased the land from Dysarts, and then we hit a T in the road where an anchor tenant will be a row to the left and right with all public infrastructure.

### **Close Public Hearing**

## **7. SCHEDULED AGENDA ITEMS**

### **New Business**

- A. **PB 23-007** – Steven & Debra Wiggin are seeking a Zone Change to change a portion of their property on 11 Wiggin Way from Ag/Forestry to Residential B to create a rear lot development to gift their son a house lot. The property is located on tax map 040-049-000

**Ed Marsh:** I just want to clarify that what we are looking for here is you have a 60-acre lot and you're splitting it 30 acres to gift to your son.

**Steven Wiggin:** Give or take 30 acres, yes.

**Ed Marsh:** That is for a home or a home and shop/business?

**Steven Wiggin:** It will be home, and I guess the variable is on storage, I don't know what he may want for storage.

**Ed Marsh:** Storage for his own use, correct?

**Steven Wiggin:** Yes, for personal use.

**Joshua Pelletier:** Do we consider a contract zone change versus a full blown zone change? Just to limit the use to residential?

**Jessefa Murphy:** If we do a contract zone change, it will encompass the whole property versus just a portion of it. With the single house lot, we are doing it as a rear lot development so there would only be one more allowable rear lot development for Residential B, but it would have to be that second parcel in the very back that is remaining Ag/Forestry.

**Greg Newell:** Are you saying that because it's being changed to rear lot, if they want to do a development in the future, they will have to come back, ask for another zone change to do a full development?

**Joshua Pelletier:** There's not enough room on 30 acres for two residences?

**Ed Marsh:** It is a rear lot so there is no frontage.

**Jessefa Murphy:** Correct. You are allowed two rear lot developments, but they would have to extend Wiggin Way to get that additional road frontage as a part of that rear lot development.

**Joshua Pelletier:** It is not already a rear lot?

**Jessefa Murphy:** Correct.

**Joshua Pelletier:** Once it's zoned Residential B, there isn't anything stopping them from putting up four unit multifamily if they choose to do so instead of a residential.

**Greg Newell:** They would have to build more roads that have to get approved, right? Because they would have to have more frontage.

**Jessefa Murphy:** After talking to the Wiggins, it was clear they wanted to present it as a single-family home, to alleviate any concern that anybody may have. So that's the way I'd want to permit it as a single family residence.

**Joshua Pelletier:** It was 30 acres, so I'm assuming that is plenty of dimensional requirement?

**Jessefa Murphy:** Yes. With a rear lot everything must double, so on two acres setbacks are 40 ft from the front and 20 ft from the sides and rear, but doubled would be 80 from the front and 40 from the sides and rear.

**Joshua Pelletier:** The rear lot would enter through Wiggin way?

**Steven Wiggin:** Yes.

**a) Act on PB 23-007**

**Joshua Pelletier moved to approve 23-007. Kyle Sullivan seconded the motion. The motion was accepted. Motion passed 4-0.**

**B. PB 23-008** – Mathew & Sue Borden are seeking a Zone Change to change a portion of their property on 452 Fuller Road from Ag/Forestry to Residential B to create a rear lot development to gift to their son house lot. The property is located on tax map 041-078-000

**Ed Marsh:** You are doing that as a single-family home and will be utilizing the same driveway?

**Matthew Borden:** Yes.

**Joshua Pelletier:** How many acres is that one?

**Matthew Borden:** Roughly half of the property so 28.5 ish.

**b) Act on PB 23-008**

**Deborah Whitman moved to approve 23-008. Joshua Pelletier seconded the motion. The motion was accepted. Motion passed 4-0.**

**C. PB 23-009** – Dysart Realty is seeking a Zone Change for their property located at the end of Dave's Way from Ag/Forestry to Industrial. The properties are located on tax map 007-003-000 and 007-004-000

**Joshua Pelletier:** I would just like to clarify that you're just changing a piece of the lot that is needed.

**Scott Braley:** Yes, just to get those pieces into the Industrial zone.

**c) Act on PB 23-009**

**Deborah Whitman moved to approve 23-009. Joshua Pelletier seconded the motion. The motion was accepted. Motion passed 4-0.**

**D. PB 23-010 -** Ball Development Group, LLC is seeking approval for Phase II of a 8-building, 32-unit Planned Unit Development previously approved PB 21-012 at 110 Rocky Ridge Drive. The property is located on Tax Map 050-063-000

**Ed Marsh:** You said DEP stormwater is pending?

**Scott Braley:** Yes.

**Ed Marsh:** Can you refresh us on traffic, did DOT require a traffic permit?

**Scott Braley:** There's an entrance permit that is good for the entire 64 units.

**Ed Marsh:** The water is all set for the 64 units?

**Scott Braley:** Yes.

**Ed Marsh:** If there was a phase three where would it be?

**Scott Braley:** If there was a phase three it would be another four buildings and it would wrap down at the end of the cul-de-sac. The next phase, if we continued, would bring us to more than 3 acres and kick us into site law.

**Kyle Sullivan:** Everything is designed so far to accommodate that?

**Scott Braley:** That's right, when we did phase one the underground soil filters were designed to meet DEP requirements. The septic, wetlands and pond have all been done. Everything had been done with anticipation that if DEP were involved they would be able to approve it.

**Greg Newell:** Each will be two 2 bedroom and two 3 bedroom in each unit, correct?



**Scott Braley:** That is what was done in phase one and that is the intent with phase two, but depending on the market as they are building out those eight they may go to just two 2-bedroom units.

**Greg Newell:** Are mailboxes going to be located at one location at the very beginning?

**Scott Braley:** We still have to talk to the postal service about the mailboxes. I will check in on that before we come back for final.

**Greg Newell:** I presume you're going to put additional septic fields in that you currently don't have on the plan.

**Scott Braley:** The test kits are all done. The existing are all split to be different systems. The reason they are split is because the distance we wanted to keep from public drinking water well, if they are split by a certain number of feet, they count as individual, whereas if they are closer enough, they do not. None of them are what we call engineered systems (more than 2000 gallons going through them per day) that way we can keep them separate and distribute the flow.

**Greg Newell:** You'll have one well for all 48 units?

**Scott Braley:** Yes, that well at 15 gallons per minute will produce 21,000 gallons a day. Each unit has an average of 450 gallons per day.

**Greg Newell:** In the letter the Fire Chief stated that there is not a fire hydrant within 2000 ft due to public water service. Then it goes on to say that the town proposes a one time \$7,000 fee to use the hydrant to cover the maintenance costs related to the hydrant.

**Scott Braley:** At the time the ordinance was written, there was about 22 dry hydrants, ponds and brooks around Hermon, and the Fire Department & Public Works didn't have that manpower or the money to take care of them all. So, the way it was put in there was when they talk about maintenance of the hydrant, the \$7,000 goes to the fire department to help them maintain the existing dry hydrants in the area.

**Jessefa Murphy:** The town does one major overhaul and one minor overhaul every year to every fire pond.

**Greg Newell:** Was there anything during discussion in previous planning board meetings on how this would impact the schools?

**Ed Marsh:** It was brought up when we initially looked at the PUD, but we have no mechanism in place to say that we are not going to approve this because of potential future impact on the population of schools.

**Greg Newell:** If you go back to the general provisions of the ordinance, it says to ensure and allow a development does not overtax the community's infrastructure. That would be a taxing of the community's infrastructure if they potentially have to build a new school.

**Kyle Sullivan:** I'm not sure infrastructure is meant to be school related, I think it means more utilities.

**Ed Marsh:** The council has looked at it, and the comprehensive plan is being looked at, so different things are in place to determine if there is to be a limit. Unfortunately, at this present time, we do not have the tools at our disposal to state no. Those types of statements we have to be cautious and use care so that we don't have a developer stating that we're impacting their ability to utilize their property, no different than homeowners who are trying to maximize for their own family.

**Kyle Sullivan:** Soils allow for wastewater in any scenario as far as number of bedrooms per unit?

**Scott Braley:** Yes.

**Deborah Whitman:** How is the mailbox location determined in the future?

**Ed Marsh:** That is up to the USPS.  
This is stated for approval, this would be final approval right?

**Jessefa Murphy:** Final approval on phase 2.

**d) Act on PB 23-010**

**Joshua Pelletier moved to approve 23-010 pending stormwater permit and HHE 200. Deborah Whitman seconded the motion. The motion was accepted. Motion passed 4-0.**

**Old Business**

- A. PB 23-002** – Dysart Realty is seeking subdivision amendment approval for Phase III of Cold Brook Business Park off the end of Dave's Way. The property is located on tax map 007-001-000, 007-002-000, 007-003-000, and 007-004-000

**Deborah Whitman:** You said you still needed the sign off from the Fire Chief?

**Scott Braley:** Yes, we have not gotten a signature from the Fire Chief yet.

We just got the letter today from the water district in Bangor with some additional information about one of our lots, and the DEP will not have that approved by the next planning board meeting, so I would suggest that we go one more meeting.

**Kyle Sullivan:** What is planned for the southern side?

**Scott Braley:** Right now there are no plans.

**Greg Newell:** Is there only one sewage pump station currently?

**Scott Braley:** Yes.

**a) Act on PB 23-002**

**Kyle Sullivan made a motion to table 23-002 until next meeting. Deborah Whitman seconded the motion. The motion was accepted. Motion passed 4-0.**

**8. WORKSHOPS**

**9. CEO Items**

**10. PLANNING BOARD ITEMS**

**A. 2023-2024 Meeting Schedule**

Deborah Whitman made a motion to approve 2023-2024 Meeting Schedule. Joshua Pelletier seconded the motion. The motion was accepted unless doubted.

Joshua Pelletier: I wanted to say I wasn't here for the last meeting and I took a chance to read through the minutes, and it felt like I was here, so great job with the minutes. Jessefa your board packets also get better and better.

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

**11. ADJOURN**

Kyle Sullivan made a motion to adjourn the Planning Board meeting at 7:35 PM. Joshua Pelletier 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.