

Minutes
HERMON PLANNING BOARD
Public Safety Building
October 17, 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, Curtis Bartram, and Greg Newell

Members Absent: None

Others Present: Code Officer Jessefa Murphy, Deputy Clerk Keely Gonyea, and ten guests.

4. **CONSENT AGENDA-**

- A. Consent, October 17, 2023, Agenda
- B. Approve minutes of the September 19, 2023

Deborah Whitman moved to approve the minutes of the September 19, 2023, meeting. Kyle Sullivan seconded the motion. Motion passes accepted unless doubted by Ed Marsh.

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

No public comments were given.

6. **PUBLIC HEARINGS**

- A. **PB 23-019 – Whitetail Rental Properties, LLC is seeking a subdivision approval for a 6-unit apartment located at 599 Pine Tree Road, Tax Map/Lot046-001-001**

Chair Ed Marsh opened the public hearing at 6:32 PM. Public hearing closed at 6:34 PM. Public comments were given.

Chip Haskell, Project Manager and Civil Engineer, of Haley Ward representing the project: Here representing

Whitetail Rental Properties tonight. They are proposing to construct two structures off of Pine Tree Rd here in Hermon. One of them is 4-unit, the other one is 2-unit... It's a relatively large parcel, just shy of five acres. It's kind of an old gravel pit, I think, historically, in that area. It's a bit interesting topographically there for sure. They'd be putting in a new entrance here. A wider access that kind of goes down the hill down to these two structures, where we have a parking area in front of both of these buildings, for the fire department to get the turn around that we needed kind of there at the end. Private water and sewer proposed for this development. There are two leach fields off the eastern side of the property. You should have those designs in your packets. But, yeah, relatively straightforward other than that, pretty much what you're seeing is what you get. Happy to answer any questions.

Close Public Hearing

Please see the complete video at [Planning Board | Hermon \(hermonmaine.gov\)](https://www.hermonmaine.gov/PlanningBoard) for all public hearing comments.

7. SCHEDULED AGENDA ITEMS

New Business

- A. **PB 23-019** – Whitetail Rental Properties, LLC is seeking a subdivision approval for a 6-unit apartment located at 599 Pine Tree Road, Tax Map/Lot046-001-001

Ed Marsh: The biggest question I have Chip is when we look at this do they intend to expand in the future into other buildings?

Chip Haskell: Nothing definite at this point. I wouldn't say never. But I think certainly if that were the intent that they would be back before you to do that. There's definitely adequate land out there to do that. Although right now, this is what he's biting off.

Ed Marsh: I ask just to make sure that in the future that if it does that there's a consideration to the abutters. I believe there's a wooded area, that we're not clearing right through the line.

Jessefa Murphy: So, with the acreage for the ordinance they could have potentially done a max of eight. I believe

that with the wetlands and everything that this is, the max that they could do was six.

Greg Newell: So, from my understanding, there's not two sewer lines running to each of the leach fields, correct?

Chip Haskell: No, that's correct. And this may get reconfigured once we look at these a little closer. Generally, right now, these two fields as designed, this one would handle the four unit and this one would handle the duplex. So, it is a little bit odd that they're crossing and we're going to work with the site evaluator to try to, you know, make that, be able to swap these assuming we have the land in that field.

Greg Newell: The only other question I had; it looks like the entire project is in a bowl? Because as I look around, the middle is 170, if you go to the west, you go 170 or 172, same, literally almost all the way around is up. I know there's no storm system in there. I can just picture February rain, ground's frozen, snow piles everywhere. What happens to the water?

Chip Haskell: Keep in mind, it's a gravel pit for one, so that helps us. We've got really free draining soils out there. With that being said, you know, you're right. It is a gravel pit. It's a hole for the most part. With that said though, just here over the property line we've got about 169 and a half right there as an opening point... We're able to get this down further so there is a relief point.

Joshua Pelletier: I can't find them right now, but there were several letters. One to fire and one to inland, have you gotten responses to those?

Chip Haskell: I know we haven't heard back from IF&W.

Jessefa Murphy: I spoke to the fire chief. Because there's not three dwellings and three buildings it wouldn't trigger the fire pond ordinance, so we're all set on that.

Please see the complete video at [Planning Board | Hermon \(hermonmaine.gov\)](https://www.hermonmaine.gov/PlanningBoard) for all new business comments.

a) Act on PB 23-019

Joshua Pelletier made a motion to approve PB23-019. Jeremy Snow seconded the motion. The motion was accepted. The motion passes 4-0. Kyle Sullivan, as an employee of the firm working on the project, recused himself from the vote.

Old Business

8. WORKSHOPS

A. Solar Ordinance

Jessefa Murphy: So, a little background on the Solar Ordinance, the first draft I believe I brought forward to the Planning Board of January last year, January this year roughly. I believe it was voted on in February to recommend to the Council. We put it in front of the Council as a workshop item in March of 23'. Sent it off to the attorneys for legal review where it was held up for a little bit. Then it came back with a bunch of mark ups, and I got swamped. Finally got around to getting it done. And here we are now, kind of round two. There were some edits that were made. The meat and potatoes of the ordinance are relatively the same. There's some language that was changed based on the attorneys' opinions. It was recently in front of the Town Council as a workshop item. Speaking with the Town Manager and with the amount of feedback that we've received, we're going to continue the Moratorium. That's going to be put forth in front of the Town Council next Town Council meeting in November, November 9th. So that will give us more time to get some more input to put into this.

Ed Marsh: What are you looking at for the Moratorium?

Jessefa Murphy: It'll be another six months. The attorneys tend to like the six-month time frame. There's some sort of legality reason on it. That will take us into about May.

Ed Marsh: And will we be having more workshops, more opportunity for, I mean, this is an opportunity, for potentially impacted abutters or interested parties to be able to take a look at the ordinance?

Jessefa Murphy: Yep.

Ed Marsh: Be able to come up with potentially some language or something that may go in there that may be beneficial.

Jessefa Murphy: Yep.

Points of Discussion: Planning Board Members

- Concern regarding what the solar farms will become 20 years down the line and the what the town's responsibility for them then will entail
- Concern about potential loss of tax revenue from industrial park if that land were to become occupied by a solar farm rather than a business
- Infrastructure to support a solar farm would be in industrial zoning
- Ordinance can change and expand in the future to include other zoning areas
- Could the ordinance ban solar fields? Not residential
- Concern that allowing solar fields in residential zones could negatively impact abutters
- Concerns that language in the ordinance could leave openings that potentially irresponsible solar developers could take advantage of

Points of Discussion: Residents

- Concern about solar panels lifespan, amount of energy production, lack of energy production years down the line, and potential that they could become waste for the town to take care of in the future
- Where did the solar ordinance originate? Research on 13 towns solar ordinances served as inspiration for Hermon's ordinance
- Concern with potentially restrictive language in the ordinance. Would like to see solar allowed not only in industrial zoned areas but also in residentially zoned areas
- Mention of Maine DEP permitting for solar fields 3 acres or larger and requirement for solar developers of those fields to pay into a decommissioning fund managed by the State of Maine
- Concern about the likelihood of the ordinance being changed or updated in the future
- If passed at the Referendum Election on November 7, 2023, would Pine Tree Power affect the ordinance and if so, how would it affect the ordinance?

Please see the complete video at [Planning Board | Hermon \(hermonmaine.gov\)](https://www.hermonmaine.gov/PlanningBoard) for all workshop comments.

9. CEO Items

A. August Code Report

- For August we issued a total of 18 building permits, which equates to 3 Commercial, 7 Residential homes (6 New Single-Family Homes and 1 duplex), and 8 accessory permits (2 additions, 1 garage, 4 shed, and 1 roof mounted solar) for a total of \$3,519,000 in new construction. We issued 10 plumbing permits made up of 3 internal and 7 Subsurface Wastewater.
- We finalized inspections on 2 new homes, 0 commercial buildings, and 0 accessories the month of August. We have 117 total open building permits which equates to 53 Accessory, 48 New Home construction (Single Family, Manufactured, and 2-3 units), and 16 commercial permits (includes multi-family 4+ units) that will most likely be completed within the next 2 to 18 months.
- The 7 years average for new single-family homes built in Hermon is 34.2 per year. There were zero subdivisions submitted to the planning board for approval.

B. September Code Report

- For September we issued a total of 7 building permits, which equates to 4 Commercial (three 4-unit apartments and 1 commercial), 1 Residential Home (duplex), and 2 accessory permits (1 shed, 1 deck) for a total of \$5,675,000 in new construction. We issued 23 plumbing permits made up of 15 internal and 8 Subsurface Wastewater.
- We finalized inspections on 3 new homes, 0 commercial buildings, and 0 accessories the month of September. We have 123 total open building permits which equates to 49 Accessory, 47 New Home construction (Single Family, Manufactured, and 2-3 units), and 17 commercial permits (includes multi-family 4+ units) that will most likely be completed within the next 2 to 18 months.
- The 7 years average for new single-family homes built in Hermon is 35.4 per year. There were zero subdivisions submitted to the planning board for approval.

10. PLANNING BOARD ITEMS

Ed Marsh: I will start. I will bring up some concerns with an application that we approved that's been constructed at C&K Variety. C&K Variety was given a temporary certificate of occupancy because they were not 100% done. They were given that, I can't remember the date, but it was 60 days to complete items. That 60 days goes until November 8. There was a long list of items that have to be done. They go from: finishing the siding on the buildings, condensate lines, knox boxes, erosion control, ponds that have not been properly graded, stormwater ponds, tire ruts on septic systems, a road that goes to the edge of the DOT limits so that you actually have a road that goes up to the store, these types of items. This is what provides myself as concerns, is when the planning board goes through a long process of looking through items, making sure that people know this is the ordinance, these are the rules, this is what you submitted for plans. The goal is to make sure that gets completed. To date, not one item has even been started on. Exterior light poles, nothing. Nothing's been touched. And it's a little disheartening for planning board members to look at a project, to spend the time, energy, and effort to look at plans, to look through and make sure things are done and make sure I's are dotted, T's are crossed. It's kind of similar to what I was talking about with solar fields, solar stuff, is that we have great applicants and sometimes we have applicants who do not like to apply. And I have serious concerns about this because I don't want it to be a precedent that gets started, that somebody goes through and just is not following what's required. I don't know what to do but I want to make sure that they have the planning board. I know you guys may not have the same feelings I do on this. But, I mean, you get a temporary certificate of occupancy that's a very important thing to make sure that you complete it. No different than getting a temporary certificate of occupancy for your home, knowing that you have to complete these items. So, I don't know where this is going to go or where it stands but I would like to hear some comments, you know, if the planning boards aware. If they have any other comments, questions.

Greg Newell: I've talked to, I live up Stage Rd, but I don't about the property. Quite a few of the neighbors have real concerns with a lot of the items on the list. You know, a lot of the standing water, the road not being completed, the lighting. So, you're not the only one who feels concerned. A lot of them have asked what is the recourse if they don't complete these items by the set date.

Ed Marsh: I don't know, that's why I'm bringing it up. I really don't know.

Kyle Sullivan: Was it in that letter in that last paragraph?

Ed Marsh: Failure to meet these conditions may prompt the revocation of the certificate of occupancy. So, I don't know what that means. I don't know what that does. I don't know, to chain the doors, I have no idea. That's not

the intent. The intent is, it's just we want to make sure that if something has gone through the process that it gets... This is no different than if someone gets approval to build a solar field, cuts every single tree down. We have no way to do it. I'm not saying that's going to happen. I'm just using some of these examples. I'm just saying, how do we make sure there is some checks and balances to assure that's going to happen. I don't know if we know answers.

Kyle Sullivan: Jessefa, what are the consequences of non-compliance with that CO?

Jessefa Murphy: I'd have to get back to you on the consequences. I have reached out to the owner. I've been in contact with the Town Manager about it. It is a concern as we are approaching that date. So, just waiting to hear back from the department and owner. Hopefully it all works out and hopefully everything gets done by the end of the month. It's my hope.

Please see the complete video at [Planning Board | Hermon \(hermonmaine.gov\)](https://www.hermonmaine.gov/PlanningBoard) for all planning board item comments.

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

No public comments were given.

12. ADJOURN

Joshua Pelletier made a motion to adjourn the Planning Board meeting at 7:50 PM. Jeremy Snow seconded the motion. The motion passes accepted unless doubted by Ed Marsh. The meeting was adjourned at 7:50 PM.

Respectfully Submitted,

Keely Gonyea
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 04402.