



Town of Hermon

Public Safety Meeting Room

January 12, 2017

Town Council Meeting

7:00 PM

AGENDA

***** Televised live on Cable Channel 121.111 *****

Council Meetings may be viewed live online and are archived after the meeting
has taken place – check hermon.net for link.

*****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:**
 - MINUTES. -APPROVE** October 6, 2016, October 20, 2016 and December 15, 2016
 - WARRANTS. -SIGN** January 13, 2017
 - RESOLVES. -SIGN** R15-16-46 (previously approve on 12/15/16)
- V. NEWS, PRESENTATIONS AND RECOGNITIONS**
 - **Update** from the office of Economic and Community Development
- VI. PUBLIC ITEMS OR COMMENTS (*Items Not Already on Agenda*)**
- VII. PUBLIC HEARINGS**
- VIII. COMMITTEE REPORTS**



IX. SCHEDULED AGENDA ITEMS

A. OLD BUSINESS

B. NEW BUSINESS

- #1. Consider** Introducing and ordinance amendment to the Hermon Code of Ordinances – “Title XV, Section 154, § 154-006(b), Zone Change.”
- #2. Consider** Authorizing the use of the Town of Hermon Pond Recreational Facility by the Central Maine Snowmobile Racing Association.
- #3. Consider** Approving the 2017-2022 Town of Hermon Road and Street Plan

C. WORKSHOPS

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:

- #4. Discuss** Personnel Matter per 1 M.R.S.A. § 405(6)(A) – To discuss and consider and amendment to the Personnel Policy.

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.

MEMORANDUM

To: Members of the Hermon Town Council
From: Howard Kroll, Town Manager
Re: 12 January 2017 Town Council Meeting
Date: 4 January 2017

#1. Consider- Introducing an ordinance amendment to the Hermon Code of Ordinances- Title XV- Section 154, “§ 154-006(b), Zone Change”

Town of Hermon Planning Board and Staff are seeking Town Council’s consideration to amend the Contract Zone § 154-006 b section of Title XV.

Gary M. Pomeroy Logging, Inc., 1909 Hammond Street, Hermon, ME, is seeking a Contract Zone to change the zoning of their property known as Map 33 Lot 6 on the Annis Road from Agricultural to Residential A for the entire 95 acres.

60 foot Right of way is off of the Annis Road. If approved property would be subdivided into residential lots. Number of lots at this time is unknown.

Town Manager recommends Town Council consider the proposed ordinance amendment and further authorization to hold a future public hearing and potential enactment on the proposed ordinance amendment at the 9 February 2017 meeting.

#2. Consider- Authorize the use of the Town of Hermon Pond Recreational facility to the Central Maine Snowmobile Racing Association (CMSRA) to hold a public event on February 25th and 26th.

Town Manager was approached by the Central Maine Snowmobile Racing Association (CMSRA) regarding the use of the Hermon Pond Recreational facility to hold a CMSRA event on February 25th and 26th. This event will be open for the public and require the plowing of a 4 lane track on the ice at 2000’ L x 100’ wide. The CMSRA is a group consisting of over 100 Snowmobile Race Team members, race enthusiast and Board of Directors.

Town Manager recommends Town Council consider the request but determine what facility they are considering. Jackson Beach is owned by the State and based on the number of attendees could trigger permits and other coverages such as insurance, police, fire, etc.

#3. Consider- Approving the 2017-2022 Town of Hermon Road and Street Plan as submitted and endorsed by the Hermon Road and Street Committee.

Town of Hermon Staff is seeking Town Council's approval of the 2017-2022 Town of Hermon Road and Street Plan.

The plan has been submitted to the Hermon Road and Street Committee and they have endorsed the plan as a guide for future road projects throughout the Town. The plan has been carefully proposed to encourage sound investment and priority for town resources during the budget process.

Town Manager recommends approval.

1.
1-12-17



TO: Howard Kroll, Town Manager
FROM: Annette M. Merrithew, CEO
DATE: December 21, 2016

RE: Zone Change request

Pomroy Logging, Inc. has requested a zone change for Map 33, Lot 6 from Agricultural Forestry to Residential A. At the December 20, 2016 Planning Board meeting the Board voted in favor of passing this request on to the Hermon Town Council for consideration.

Attached is Pomroy Logging, Inc. requests with a copy of the Tax Map showing the parcels. currently the tax maps show the area to be 3 parcel but the parcels have been combined for subdivision purposes and are in the assessing data base as Map 33, Lot 6- 95 acres

Mailing address
PO Box 6300
Hermon, ME 04402-6300

Physical Address:
333 Billings Rd
Hermon, ME 04401

Telephone: 207 848-1010
FAX: 207 848-3316
email:

2 December 2016

Hermon Planning Board
c/o Annette Merrithew
PO Box 6300
Hermon, ME 04401

Zone Change Application, Gary M Pomeroy Logging Inc., Tax Map 33 Lot 6

Dear Planning Board,

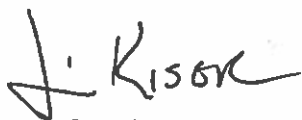
On behalf of Gary M Pomeroy Logging Inc., we are submitting the attached Zone Change Application for a parcel of land on the Annis Road. The property is shown on Hermon's Tax Map 33 as lot 6 and is approximately 95 ac. The parcel is currently zoned AF with the right of way from the Annis Road as RB. The requested zone change is to rezone the portion of the parcel that is zoned AF into the RA zone. This change will bring the land are into character with most of the surrounding area.

Attached are the following documents.

1. Zone Change Application
2. Applicant's Findings of Facts
3. Copy of current zoning map
4. Deeds
5. Abutters (to be provided by CEO)

We look forward to meeting with the planning board at your December 20th meeting and request that the board grant a favorable motion to the Council. If you have any questions prior to the meeting, please contact us at your earliest convenience.

Best Regards,



James R. Kiser, PE, LSE
Kiser & Kiser Company

Enc.

C: Nate Wicklow

DATE APPLICATION IS RECEIVED: _____
DATE APPLICATION IS ACCEPTED AS COMPLETE: _____

Town of Hermon
Zone Change Application
Town of Hermon Code of Ordinances Title XV- Chapter 154, §154-006- Amendments

APPLICANT:

NAME: Gary M Pomeroy Logging Inc.

ADDRESS: 1909 Hammond St, Hermon, ME 04401

TELEPHONE: 848-3171 E-MAIL: _____

STATUS:(property owner, lessee, agent, purchaser, etc.) Owner

PROPERTY OWNER: (if different than applicant)

NAME: _____

ADDRESS: _____

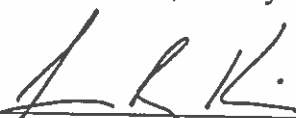
TELEPHONE: _____ E-MAIL: _____

PROPERTY LOCATION: (address, tax map and lot number) TM 33, Lot 6

REASON FOR ZONE CHANGE REQUEST:

Applicant request a zone change on the subject property from AF district to RA district in order to subdivide the property into residential lots and bring the lot into conformance with other properties in the general area.

All information provided in this application is said to be true under penalty of perjury by the laws of the State of Maine, County of Penobscot


Applicant's Signature (agent: Kiser & Kiser Co)

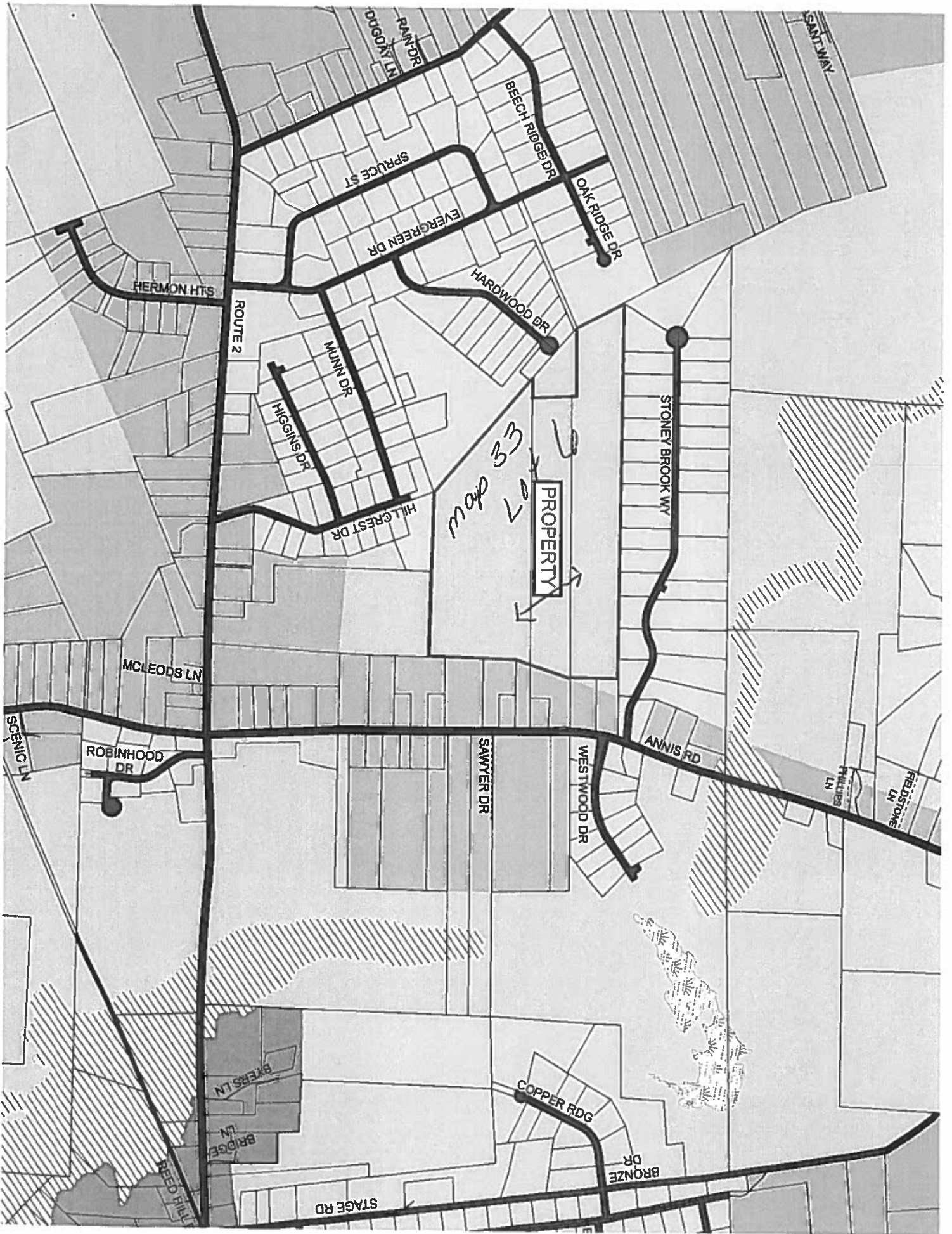
2 December 2016
Date



Gary M Pomeroy Logging Inc.
Zone Change Application
Tax Map 33, Lot 6

Applicant's Proposed Findings of Fact

1. This proposal for a zone change is consistent with the Comprehensive Plan under Section 12 of the plan "Future Land Use Plan". The Plan is to create growth and rural zones within the town that promote compatible uses and avoid conflicting uses. This parcel abuts the transitional growth zone designated on the Future Land Use Map. This area also follows the town General Goals of the Plan in that it will provide orderly growth in an appropriate area of town and as the lot abuts a primary collector road in town development of the parcel under RA standards will allow the town to enhance its neighboring essence and suburban function of Bangor. The parcel is also located in an isolated area of the AF district being surrounded by RA subdivisions and RB lots along collector roads.
2. The property will be develop though subdivision into residential lots for single family housing. This use is consistent with the Land Use Ordinance for Residential A zoning. Subdivisions for residential house are present on the west and north of this property and residential lots are present along the frontage road (Annis Road). All standards of RA district and the Land Use Ordinance will be followed in developing the property.
3. This requested zone change will allow this property to be developed in accordance with the land uses in the surrounding area and to expand the transitional growth area of Hermon.
4. This parcel is one of the last parcels in the area that is not zoned Residential as single family neighborhoods are present both northerly and westerly of the property. Upon changing the zone of this property, the town would have one small area of AF that is the back part of a lot fronting on Route 2.
5. This property is not really suitable for use under AF zoning as the area surround the property has many single family homes and the uses permitted in the AF zone may present conflicts with the abutting residences. The proposed zone change to RA would fit perfectly with the surrounding area.
6. This proposal is not required to correct an error in the original zoning but will correct a pocket zone that is no longer appropriate for this area of town.



Minutes
HERMON PLANNING BOARD
December 20, 2016

Members present: D. Ramsay, J. McCue, S. Andrei, E. Marsh, M. White

1. Roll Call- meeting was called to order at 6:30pm by Chairman Ramsay
2. Consider minutes of the 11/01/2016 meeting- Motion was made by E. Marsh / J. McCue to approve the minutes from November 1, 2016 as written - unanimous
3. Consent Agenda- absent from the 12/20/16 meeting – R. Allen and S. Giles
4. Old Business: none
5. New Business

Public Hearing

PB 016-023- sub- Mary & Maury Thayer are requesting consideration of an amendment to Cambridge Estates for a 2 lot division of remaining land.

Chairman Ramsay opened the public hearing at 6:35pm

Jim Kiser, Professional Engineer stated that he was here tonight to represent the applicants and explained that Mary & Maury Thayer were seeking approval of a 2 lot amendment to the Cambridge Estate Subdivision that was approved on May 3, 2011. The 2 lots have an acre plus of upland and the frontage requirement is met at the 40' building setback line as allowed by Title XV, Chapter 154, Section 154-205, subsection 211- Design Guidelines. Mr. Kiser explained that this land has been retained by the owners for 5 years and does not fall within permitting with the DEP. CEO Merrithew stated that notifications to abutters had been mailed as well as the meeting had been advertised in the BDN.

No comments were received from public in attendance-
Public Hearing was closed at 6:50pm

Board discussion took place concerning the walking trail that had been established along the border of this property and Mr. Kiser stated that this trail would stay as shown on the plan.

Note: Findings of Fact are attached to this minutes

Motion was made by M. White / E. Marsh to approve the amendment to the Cambridge Estates subdivision for the additional 2 lots- unanimous

PB016-024- Gary M Pomroy Logging INC. is seeking a zone change for Map 33, Lot 6 from Agricultural Forestry to Residential A

Jim Kiser stated that he also was representing the applicants on this agenda item as well and that Gary M. Pomroy Logging, Inc. was seeking a zone change request to Map 33, Lot 6 from Agricultural Forestry to Residential A for subdivision purposes. Mr. Kiser stated that the current tax maps show this as 3 parcel, however, they have been combined for this purpose and the

updated tax maps will show the combination of the lots of approx. 95 acres. The existing 60' right of way will be used as access to the development.

Chairman Ramsay opened the public hearing at 7:05pm

Derick Wood a resident of Stoneybrook subdivision stated that he was concerned about additional run off the proposed development make direct to Stoneybrook. Chairman Ramsay stated that those questions could actually be answered better during the preliminary subdivision review which will be held soon and that a second notice would be sent to all those in attendance tonight. Adam Leach also a resident of Stoneybrook asked about some recent surveying flagging he had seen along the back of his property and it appeared that the lots had already been laid out. Mr. Kiser explained that the new flagging was to establish to wetland areas / property lines and that no lot layout had been established on paper at this time.

Chairman Ramsay asked if the sight distance requirement could be met for a new development could be met along that section of the Annis Road, Mr. Kiser stated that there was ample sight distance. Also discussed was the possibility of a sketch plan being reviewed by the Planning Board in conjunction with the Council review/ finalizing the zone change request. Chairman Ramsay stated that that would not be a problem as long as the applicant understood that if the Council did not approve the zone change request that the plan would have to change in reference to the required lot frontage as AF requires 200' for frontage and RA requires 150', as subdivisions were allowed in both zoning districts.

Findings of fact were review pertaining to a zone change request and are attached to these minutes.

Chairman Ramsay closed the public hearing at 7:15pm

Motion was made by S. Andrei / E. Marsh to approve the zone change request and to forward the request to the Hermon Town Council for approval- unanimous

6. CEO/ Planning Board items- nothing tonight

7. Adjourn- Motion was made by M. White / S. Andrei to adjourn tonights meeting at 7:25pm- unanimous

Respectfully submitted,


Annette M. Merrithew, CEO



FINDINGS OF FACT

- 1) A public hearing was held December 20, 2016 at 6:30 pm to take testimony and make findings on a request for a Zone Change to Map 33, Lot 6 located on the Annis Road.
- 2) Notice was published in the legal section of the Bangor Daily News on Dec. 13, 2016. The notice included an appropriate and accurate summary of the issues to be heard. Copies of the notice were mailed to the appropriate abutters at least 13 days prior to the public hearing. Public Notice was posted in the Hermon Town Office on Dec. 6, 2016.

The Hermon Planning Board shall make investigation of the proposed zoning amendment, including whether the requested amendment is compatible with the purpose and provisions of the Land Use Code. The Planning Board in making their finding discussed and review the following:

A. That the granting of such Zone Change will not be detrimental to the public welfare or injurious to the property or improvements in such vicinity in which the property is located.

Will Not

B. That no deed restriction or easements prohibit reclassification and / or any uses permitted under the proposed zoning on the property(s) in question.

There is no deed restrictions or easements for Map 33, Lot 6

C. That this particular property is more suitable for the uses permitted in the proposed zone than for the uses permitted in the present zone.

Single family use is allowed in current zoning classification and proposed

D. The request is consistent with the applicable State and Federal Laws

Yes

E. The request is consistent with the applicable goals and policies of the Town of Hermon

Yes

Mailing address
PO Box 6300
Hermon, ME 04402-6300

Physical Address:
333 Billings Rd
Hermon, ME 04401

Telephone: 207 848-1010
FAX: 207 848-3316
email:

F. The request is consistent with the Comprehensive Plan

Yes

G. The change in zoning will result in a development which is compatible with the surrounding properties / zoning

Yes – the area currently has single residential development as well as subdivision development


Conclusion:

Based upon the forgoing Findings of Fact, Conclusions and Recommendations and Public Comments the Hermon Planning Board vote to forward the proposed zone change request to the Hermon Town Council with the following recommendation.

Forward to the Hermon Town Council with the recommendation that the request

 DL be considered for passage





 not to recommend passage



David Ramsay, Chairman Hermon Planning Board

 20 Dec. 2016
Date

2.
1-12-17

From:  **Howard Kroll** 1/3/2017 8:14:49 AM  
"Brian Wiley" <briawile@gmail.com>
Subject: Fwd: Hermon Town Meeting Agenda request
To:  **Ruth Nickerson**

Hi Ruth

Can you please add this to the 12 Jan agenda? Thanks

Howard

----- Original Message -----

Mr. Kroll,

The Central Maine Snowmobile Racing Association (CMSRA) is requesting some time on your meeting agenda for the Hermon Town meeting scheduled for Thursday, January 12, 2017.

The request is being made in order for CMSRA to discuss and request permission for the use of the Hermon Pond Recreational facility to hold a CMSRA event on February 25th and 26th. This event will be open for the public and require the plowing of a 4 lane track on the ice at 2000' L x 100' wide. The CMSRA is a group consisting of over 100 Snowmobile Race Team members, race enthusiast and a Board of Directors.

At this meeting we will present our plans and arrangements for this race. The CMSRA, in cooperation with the local Snowmobile Club held (2) very successful snowmobile grass drag races this past Summer and Fall at the Hermon Club facility. The meeting will be attended by the CMSRA President and Race Director Kirk Small and the CMSRA Racing Coordinator Brian Wiley.

Thank you for your attention to this request.
Best regards,

Brian G. Wiley, CMSRA Race Coordinator.

ROAD AND STREET PLAN
2017-2022

3.
1-12-17

The purpose of this plan is to identify road improvements that will exceed \$3,000 in cost for all roads and streets that are located within Hermon Township. The roads or streets are either jointly owned by the State of Maine and the Town has a statutory requirement to pay 33% of the cost of the repairs, owned entirely by the State, or public ways that are solely owned by the Town. Within the Town there are 52 miles of town owned road, 16 miles of roads owned by the State and the Town is statutorily required to pay for 33% of the capital improvements and 10 miles of State owned Road that the Town has no statutory responsibility to finance but may choose to when deemed to be in the best interest of the Town.

As a result of an inspection of public ways in Hermon the following improvements have been identified:

State Roads

Install warning lights at the intersection of Route 2 and the Annis Road. (Updated 2016- Safety grant with preliminary engineering for improvements to the roadway including dedicated right had turn lane flashing beacons overhead in 2017)

Coldbrook Road- Minor ditching and repave with 1 1/4" surface. (Accepted MPI agreement for 2017 pavement preservation project)

Newburgh Road from Klatte Road intersection to Swan Road terminus near Jackson Beach. (Accepted MPI agreement for 2017 construction) Reclaim, pave and reestablish drainage. Replace cross and driveway culverts where needed, pull shoulders. Pavement will be 2.5" binder and 1.25" surface. Cuto several large trees near Hopkins road-

Billings Road from Union Street extending 3/4 mile southerly towards Lewis Road- Clean ditches, replace culverts where needed and repave with 1 1/4" of surface. (MDOT has completed on westerly side by 50%)

The above projects should be completed in partnership with MDOT and the Town

Added 2017:

Coldbrook/Odlin Road Intersection has been awarded an \$89,000 grant for improvements to the signal light wires to raise the height at the Dysart's intersection. The Town of Hermon's share will be 10%.

Town Roads and Streets Work to be completed by Contract

Robin Hood Circle- Starting at Route 2 intersection extending 200' in a southerly direction to a terminus. Reconstruct 200' of Robin Hood Circle to include new base, drainage and pavement.

Kelly Road- Starting at Union Street intersection and extending 3,000' in an easterly direction upgrade drainage, replace cross and driveway culverts where needed, pull shoulders and shim and repave with 1" surface. (Completed 2016) **New: Overlay phase 2 from terminus of phase one near box 97 to intersection of Crogan Road per Glenburn/Hermon agreement including 2 cross culverts and assorted driveway culverts as needed for 2017**

Pine Tree Road- Beginning at the intersection of Fuller Road and extending 1000' in a northerly direction, reestablish drainage and replace cross and driveway culverts where needed along the westerly side.

Crogan Road- Starting at the intersection of Union Street and extending 1,000' in a northerly direction- Ditch the westerly side, replace cross and driveway culverts where needed. Pave with 1" of surface. **(Added to overlay plan for 2017)**

Hopkins Road- Clear right of way, reestablishes drainage, replace driveway and cross culvert where needed and pave with one 1" of surface. (Completed 2016) **Paving added to overlay list for 2017**

Creamy Road- Clear right of way, reestablishes drainage, replace driveway and cross culverts where needed and pave with 1" of surface. (Completed 2016) **Paving added to overlay list for 2017**

New Boston Road- Reestablish drainage swale extending from Fuller Road across property owned by Bruce Dorthy extending to New Boston Road and increase size of pipes across the Fuller Road discharging into the swale to 30" in diameter.

New Boston Road drainage- Re-establish drainage along 300' of New Boston Road on the westerly side including removing trees intruding with the flow of water. Replace driveway culverts where required.

Black Forest Drive- Reestablish ditches a distance of approximately 300' long and reset driveway culverts that have lifted **(Completed 2016)**

Freedom Park, Liberty Park and Dysart's Parks- Clear right of way, reestablish drainage, replace cross culverts and driveway culvert where needed and pave with 1" surface.

Printers Way- Reconstruct 600' x 30' road base and pave with 4" of pavement. **(Completed 2016)**

Added in 2017:

New Boston road near Route 2- catch basin under drain design for water eroding edge of pavement

Copper ridge cross culvert and (2) driveway culverts leading to pond with shoulder work

Klatte Road (local roadway) Ditching, cross culvert replacement and shoulder work to prepare for paving

Town Road and Street Work to be completed by Town Crew:

Klatte Road – Clear right of way, reestablish drainage, replace cross culverts and driveway culvert where needed and pave with 1" surface. **(50% complete- paving on 2017 overlay list)**

Smith Road – Clear right of way, reestablish drainage, replace cross culverts and driveway culvert where needed and pave with 1" surface.

Deerfield Road- Clear right of way, reestablish drainage, replace cross culverts and driveway where needed and pave with 1" surface.

Stoney Brook Drive- Clear right of way, reestablish drainage, replace cross culverts and driveway where needed and pave with 1" surface.

Evergreen- Clear right of way, reestablish drainage, replace cross culverts and driveway where needed and pave with 1" surface. (Completed 2016)

Spruce Street- Clear right of way, reestablish drainage, replace cross culverts and driveway where needed and pave with 1" surface. (Added to overlay list for 2017)

Treadwell- Clear right of way, reestablish drainage, replace cross culverts and driveway where needed and pave with 1" surface.

York Road- Beginning 2,000' from the intersection of Fuller Road- Clean ditches, replace cross and driveway culverts where needed, clear right of way, shim and repave with 1" surface. (Completed 2016- Added phase 2 section 2500' of overlay from Fuller intersection to terminus at box 610)

Bond Road- Clear right of way, reestablish drainage, replace cross culverts and driveway where needed and pave with 1" surface. (Added turn-a-round to paving repair list for 2017)

McDougal Drive- Clear right of way, reestablish drainage, replace cross culverts and driveway where needed and pave with 1" surface. (Add improvement of turn at terminus of roadway for school busses and plow trucks)

Fuller Road – Beginning 3,000' from Balsam Drive to the snowmobile bridge- Clear right of way, reestablish drainage, replace cross culverts and driveway where needed and pave with 1" surface.

Westwood Drive- Clear right of way, pull shoulders, ditch and pave with 1" surface.

Bog Road- Clear cross culvert on the Bog Road adjacent to railroad track.

Added in 2017:

Clark Road cutting in right of way both sides including increasing turn for busses and plow truck

Lewis Road turn-a-round for paving by cutting in ROW and installing base gravel

Every year as part of the general maintenance program the public works department will be required to pull the shoulders along all roads that will be paved ,to reset driveway culvert and replace cross culverts where needed.

It is intended that these project be included in the five-year Highway Improvement Capital Improvement Plan. An estimated cost should be established for each project and funding mechanism identified so each project is included in the Capital Improvement Plan.