

Minutes
HERMON PLANNING BOARD
Public Safety Building
June 18, 2024 – 6:30PM

1. CALL TO ORDER BY CHAIRPERSON

Chair Ed Marsh called the meeting to order at 6:31 PM.

2. PLEDGE OF ALLEGIANCE

Chair Ed Marsh led the audience in the Pledge of Allegiance.

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

Members Present: Ed Marsh, Joshua Pelletier, Jeremy Snow, Kyle Sullivan, Curtis Bartram, Greg Newell

Members Absent: Deborah Whitman - **Excused**

Others Present: Code Officer Jessefa Murphy and 4 guests

4. CONSENT AGENDA-

- A. Consent June 18, 2024, Agenda
- B. Approve minutes of the May 21, 2024

Chair Ed Marsh approved the Consent Agenda for the June 18, 2024 meeting, accepted unless doubted.

Approval of the May 21, 2024 meeting minutes tabled until next Planning Board meeting.

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

Public comments were given.

- **Dana Hill, Streamside Avenue**

6. PUBLIC HEARINGS

- A. **PB 24-005** – Gerald Applebee is seeking Site Plan Approval for a Home Occupation 3 located on Union Street, Tax Map/Lot 060-011-000

Ed Marsh opened the public hearing at 6:37 PM. Public comments were given. The public hearing closed at 6:44 PM.

Gerald Applebee, applicant: I'm Gerald Applebee, I'm the owner of the property and the business there who hopes to be able to park trucks there. The property that we have on Union Street has been in my family for about 75 years, handed down to me from my grandfather to my brother to myself so it's nothing that we purchased recently. I've gone in and I've leveled out the lot and I've had gravel brought in. I had crushed dust brought in. We've got gates up. What I'd like to do at that place is, I own Data Link Communications which is a telecommunications business. We do work for Spectrum, Union River telephone, GoNetSpeed. We run strand fiber optic cable, coaxial cable. What I'm doing with the lot right now is parking trucks. I've got about six trucks that I park there. I do have a storage building that I lease from Maine Trailer. I do have a small mobile office that I would like to be able to get power to so I can get security cameras and stuff in there...

Ed Marsh: The process is we've listened. We're going to hear from the public and then we're going to discuss it. Stay tuned.

Belinda Porter, Union Street: I have a couple questions.

Ed Marsh: You can address those to the Board.

Belinda Porter: He wants a home business there. So, his home is on the Kelley Road. His business is on Union Street. How is that a home business? How does he work out of his home there?

Ed Marsh: I believe the lot is a contiguous lot that is fronted on two different streets.

Belinda Porter: But he doesn't live there. He lives on the Kelley Road. And yes, it's his property, it goes all the way to Union Street.

Ed Marsh: We've looked at that. We've looked at it pretty closely because in the application you can see where the lot is. It actually goes, it's 35 plus 0.5 acres goes from Kelley Road all the way.

Belinda Porter: I've looked at it.

Ed Marsh: So it would be like, I'm in a subdivision and I had two lots that are on Homsted and Mountain View and my house might be on one, the other lot's on the other. So that's where we look at it

from the Planning Board standpoint. It's a contiguous lot. Yes, the house is on one address but the lot is all the same. Now if there was a separation, then obviously that's not a home occupation. That's what our look at it is.

Belinda Porter: So, if he's allowed to keep this, is there something in the ordinance or screening that some of this has to be hidden? Like the trailer he is speaking about, all of his trucks?

Ed Marsh: We'll be talking about that as a Board when we get to the new business.

Belinda Porter: Okay. And also his business hours, he's put down 7 [AM] to 5 [PM]. Is he to stay to those business hours?

Ed Marsh: If this is approved then that is what he has put for business hours, that is what it would be for the business.

Belinda Porter: So, if his trucks start leaving his business at quarter of five in the morning who am I to contact?

Ed Marsh: I don't know the answers to that but we will be asking all of those questions at the new business part.

Belinda Porter: Okay.

Allen Porter, Union Street: I don't understand how this meets any of your own rules on a home occupancy. There's no fencing. There's nothing. Those trucks leave from 4:30 in the morning and they come back sometimes at 11:30 at night. We have the times documented on when they leave and when they come back. We have that all done. I'm not sure how he's even going to get power to it. I worked for a power company for a lot of years. That's still a mobile trailer... I'm not sure about CMP. Maybe their rules are different than Bangor Hydro/Versant/Emera was. That's not even legal by our rules. You have to have a separate pole for temporary service... In my... with Mr. Murphy there were no permits for that or for the driveway beside it. My understanding was there was no permits from DOT for the driveways. I'm not sure about... a lot of other things going on there. But, how does this even qualify? It's not a beauty salon in somebody's basement or a small engine shop in their garage. This is a full-time construction building. There's construction out there. And there's not six trucks, there's 12. And trailers and reels of wire and burning trash. And on weekends they're still there working on trucks. We had a barbecue behind my house, they had people there working

on trucks. Radios blaring. We could hear them behind my house. It's not a home occupancy. This is a full-time construction business. And my understanding, well, it isn't my understanding, I know. He had the business at his house on the Kelley Road. He owns all that acreage. Why didn't he keep it up there? Why does he move it down here? Maybe the neighbors up there or his own family didn't want it there. Too much confusion, too much going on. Why should we have to put up with it, a full-time construction business? That's what it is. It's not a community service. It's not the stuff that Mr. Murphy explained to me that comes out of those rules. So how does that work? I don't understand that. That's my complaint. I just don't understand how he could possibly put a full-time construction business over there and come under those rules.

Ed Marsh: We'll be asking similar questions.

Close Public Hearing

7. SCHEDULED AGENDA ITEMS

New Business

- A. **PB 24-005** – Gerald Applebee is seeking Site Plan Approval for a Home Occupation 3 located on Union Street, Tax Map/Lot 060-011-000

Jeremy Snow made a motion to approve PB 24-005 – Gerald Applebee is seeking Site Plan Approval for a Home Occupation 3 located on Union Street, Tax Map/Lot 060-011-000 contingent on the screening of vehicles, trucks, materials, and equipment, the removal of the mobile office trailer, and the removal of the porta-potty dependent on if it is allowed in home occupation 3. Joshua Pelletier seconded the motion. The motion passes 4-0.

Ed Marsh: For Board discussions, I thought it might be worthwhile, Jessefa, for you to explain, you know we have it here, but for a home occupation 3. What is the purpose and definition in our ordinance for home occupation 3.

Jessefa Murphy: So, we have three different types of home occupations. Home occupation 1 is within the household. So, if you take a bedroom and convert it into an office space that you can run, whether you're a tax accountant, or a consultant, something like that out of it. Home occupation 2 is a garage-based type occupation where

you can do work on vehicles and stuff like that. Generally, it's attached to the home. Home occupation 3 is detached from the home. And it includes: excavation services, well-drilling services, painting and other contractors, oil burner services, independent truckers, snow plowing services, boom truck and crane services, so a lot of your service-based occupations.

Ed Marsh: I think that's where I think there was a question that was asked. That's when we looked through the ordinance where home occupation 1, home occupation 2, and home occupation 3. This one we're discussing right now will be home occupation 3...

Ed Marsh: ...And then we look at it and we start talking about, you know, there's off street parking. Provision for off street parking must be made for personal vehicles and employees of the business. The other difficult part is more than two acres, three vehicles per acre. There's a large parcel there so, you know that doesn't quite hit it. Then we look through, we have screening the parking areas. Business vehicles must be screened from the view of all. This is a tough one. From all side and rear abutting properties. It must meet the setback otherwise required of structures. The tough part is our ordinance doesn't say anything for the front. And that's where you're having the biggest concern. And I understand that. Outside storage, the outside storage of materials is not permitted to where it would be visible to abutters homes or traveled roads. Those are the things we look at, Mr. Applebee... Board members I'd like to get your feedback.

Kyle Sullivan: I'm still stuck on the definition in the very first paragraph. "Shall be certain limited business uses of residential premises". Whether or not that means on a property or in a building that is a home. I don't know if it's a property that their residence is on. But then in the last sentence "where the business use is clearly secondary and incidental to the primary residential use of the property". I mean, it's basically setting up a whole separate business on a different part of the property. So, I don't even know if we really meet the definition of the home occupancy 3...

Joshua Pelletier: I struggle with the same thing. I feel it's a bit of a stretch of the intent, in my opinion. If the home was sitting directly behind this lot, you could see it, we may not be having the same conversation. I struggle with that as well.

Ed Marsh: Yeah, I mean we're trying to interpret an ordinance for a home-based business. The applicant owns the property and if there was no... home occupancy request they could still utilize that property to park their vehicles. Is that correct?

Jessefa Murphy: In a roundabout way. I mean, there's lots of things that could be done with it. This is one thing that's in front of us... It's zoned agriculture-forestry you could put in a pig farm, you could subdivide it, you have a development across the way. So, it's more or less up to the board.

Ed Marsh: Yeah, no. I'm just curious, what my question was, if the person owns the property, they have the right to, they've gotten the green light and they've filled in and have a parking lot, have a spot. And they utilize that property how they see fit based on the fact that it's their property and park registered vehicles there. We have that situation in other areas in town where I've asked and if they're registered and inspected, they're able to park...

Greg Newell:...I guess I would go back to "the residential character and tranquility of the surrounding area"...

Ed Marsh:...What it comes down to is we have abutters who are grieved. We have abutters who have shown us a lot of information. I'm trying to look at it from a way that I don't think you're going away. I don't think this is going to leave even if it doesn't get approved. I think there will still be vehicles parked there. I could be wrong. I don't think there's anything the town can do to stop someone from parking on their property. That's what I've been asking, and I don't think anyone's given me an answer saying they can't. So, I'm looking at it as what can be done to alleviate concerns from the abutter. And that's where it may be fencing, it may be something. It may be re-adjusting what goes on in that property... That's what we're looking at, Mr. Applebee. We're looking at ways so that if we approve this, if it goes forward, what can be done...

Curtis Bartram: It is very unusual because of the size of the property. In looking at the ordinance, you know, I think it does comply with the ordinance. I'd like to see some screening is what I'd like to see.

Jeremy Snow:...I missed last week's beginnings on it. I was looking over things, I drove by it. Even saying it maybe could be a stretch just because of the size of the lot, to meet this application it still fits that guideline. It's still their property and if it wasn't for a neighbor having a problem, would it even be a problem at all or would we even be looking at it at all?

Ed Marsh: Yeah, so I think there's some things ahead of us. It sounds like you're willing to work with the board, the town, the abutter, to try and figure out a way to alleviate as many issues as possible. I feel

for the abutters and we're trying everything in our power to see what can be done. I feel that moving forward with a home occupation is the way that you're going to get a little bit of protection...

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

Old Business

8. WORKSHOPS

A. Agriculture/Forestry Zone Housing for Summer Workers

Code Enforcement Officer Jessefa Murphy introduced the discussion of housing for summer workers to the Board as a large farm in town has found potential employees on the condition that the farm can provide them housing. The board discussed the possibility and likelihood of the farm being able to offer permanent or temporary housing for summer workers.

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

9. CEO Items

A. Code Report – May

- **For May we issued a total of 10 building permits, which equates to 3 Residential Homes (2 single family and 1 multifamily 4+) and 7 accessory permits (2 additions, 1 deck, 3 sheds, and 1 commercial addition) for a total of \$1,660,000 in new construction. We issued 15 plumbing permits made up of 7 internal and 8 Subsurface Wastewater.**
- **We finalized inspections on 10 new homes for the Month of May. We have 149 total open building permits which equates to 75 Accessory, 56 New Home construction (Single Family, Manufactured, and 2-3 units, and multi-family 4+ units), and 18 commercial permits (includes commercial and commercial accessory) 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 37.0 per year. One new subdivision was submitted to the planning board and was approved with conditions.**

Please see the complete video at [Planning Board | Hermon \(hermonmaine.gov\)](http://Planning Board | Hermon (hermonmaine.gov)) for all CEO comments.

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

No public comments were given.

11. PLANNING BOARD ITEMS

A. Elect Chairperson for 2024-2025 Planning Board

Greg Newell nominated Ed Marsh to be Chairperson for the 2024-2025 Planning Board. Joshua Pelletier seconded the nomination. There were no other nominations for Chairperson. A vote resulted in 6 votes for Ed Marsh. Ed Marsh accepted the Chairperson seat for FY24-25.

B. Elect Vice Chairperson for 2024-2025 Planning Board

Ed Marsh nominated Kyle Sullivan to be Vice Chairperson for the 2024-2025 Planning Board. Greg Newell seconded the nomination. There were no other nominations for Vice Chairperson. A vote resulted in 6 votes for Kyle Sullivan. Kyle Sullivan accepted the Vice Chairperson seat for FY24-25.

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

12. ADJOURN

Kyle Sullivan made a motion to adjourn the meeting at 7:38 PM. Joshua Pelletier seconded the motion. The motion passes accepted unless doubted and the meeting was adjourned at 7:38 PM.

Respectfully Submitted,

Jessefa Murphy, Code Enforcement Officer

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.