



Town of Hermon

Public Safety Meeting Room

November 3, 2016

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

WARRANTS. –SIGN November 4, 2016
- V. **NEWS, PRESENTATIONS AND RECOGNITIONS**
- VI. **PUBLIC ITEMS OR COMMENTS** (*Items Not Already on Agenda*)
- VII. **PUBLIC HEARINGS**

#1. **Hold** Public Hearing to hear public comment regarding the adoption of an ordinance titled,
“Retail Marijuana Moratorium” and an ordinance amendment to “Marijuana Cultivation and /or
Processing Facility.
- VIII. **COMMITTEE REPORTS**



IX. SCHEDULED AGENDA ITEMS

A. OLD BUSINESS

- #2. **Consider** - Authorizing the use of approved, dedicated funds for Website Upgrade.
- #3. **Consider** – Authorizing the use of approved dedicated funds for Laser Printers mandated by the State of Maine Department of Motor Vehicles.
- #4. **Consider** – Enacting an ordinance amendment to the Hermon Code of Ordinances – Title 15, Section 154, Sub Section 46, Retail Marijuana Moratorium” and an ordinance amendment to “Marijuana Cultivation and/or Processing Facility – Title 15, Section 154, Sub Section 83.

B. NEW BUSINESS

- #5. **Consider** – Introducing an ordinance amendment to the Hermon Code of Ordinances – Title 15, Section 154, Sub Section 6 b, Zone Change. (Annis Rd. Property)
- #6. **Consider** – Introducing an ordinance amendment to the Hermon Code of Ordinances – Title 15, Section 154, Sub Section 6 b, Zone Change. (Billings Rd. Property)

WORKSHOPS

D. OTHER ITEMS (from Table Package)

X. APPOINTMENTS

- #7. **Consider** – Appointing the Retail Marijuana Moratorium Ad-Hoc Committee to review, prepare and forward to the Town Council a Retail Marijuana Ordinance within 180 days.

XI. MANAGER STATUS REPORT:

XII. FINAL PUBLIC ITEMS OR COMMENT (*Items Not Already on Agenda*)

XIII. COUNCIL ITEMS:

XIV. EXECUTIVE SESSION:

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: 3 November 2016 Town Council Meeting
Date: 28 October 2016

#2. Consider- Authorizing the use of approved, dedicated Funds for Website upgrade.

Staff is seeking Town Council authorization to expend an amount not to exceed \$10,000 for purchasing services for Website upgrade.

Staff is seeking Town Council authorization to spend approved funds (2016 Annual Town Meeting Article 5) from the Town Office Equipment and Technology Reserve Account (HERM19).

Town Manager recommends authorization.

#3 Consider- Authorizing the use of approved, dedicated Funds for Laser Printers mandated by State of Maine Department of Motor Vehicles.

Staff is seeking Town Council authorization to expend an amount not to exceed \$1,600 for purchasing laser printers as mandated by State of Maine Department of Motor Vehicles.

The cost of the printers is to be paid for from the Town Office Equipment and Technology Reserve Account (HERM19).

Town Manager recommends authorization.

#4. Consider- Enacting an ordinance amendment to the Hermon Code of Ordinances- Title XV- Section 154, “§ 154-046, Retail Marijuana Moratorium” and an ordinance amendment to “Marijuana Cultivation and/or Processing Facility § 154-083” .

With the pending November 8, 2016 Election to legalize marijuana the Staff is seeking Town Council’s consideration to amend the Code of Ordinances § 154-046 to add a “Retail Marijuana Moratorium” and to amend the Code of Ordinances “Marijuana Cultivation and/or Processing Facility § 154-083”.

Town Manager recommends Town Council enacting the proposed ordinance amendments.

#5. 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.

Mr. Brian Thayer and Ms. Michelle Thayer, 63 Annis Road Suite 2, Hermon, ME, is seeking a Contract Zone to change the zoning of their property known as 240 Annis Road, Map 40 Lot 1 from Residential B and Agricultural to Residential B for the entire 74.88 acres.

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 17 November 2016 meeting.

#6. 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.

Mr. Charles Hillman, 179 Billings Road, Hermon, ME, is seeking a Contract Zone to change the zoning of his property known as 175 Billings Road, Map 34 Lot 31, from Residential B and Residential A to Residential B for the entire 26 acres.

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 17 November 2016 meeting.

#7. Consider- Creating and appointing the Retail Marijuana Moratorium Ad- Hoc Committee to review, prepare and forward to the Town Council a Retail Marijuana Ordinance within 180 days.

Staff is seeking Town Council to create and appoint an Ad Hoc Committee to review, prepare and forward to the Town Council a draft ordinance concerning retail marijuana and all the potential uses, impacts and concerns any type of retail marijuana facility would have on the Town of Hermon.

Staff recommends membership of the committee to be 2 Town Council Members, 3 Town of Hermon Registered Voters, and staff support from the Town Manager, Code Enforcement Officer, Economic Development Director, Fire Chief, Police Department Sergeant and legal counsel as required.

Staff recommends that the committee appoint a Chair to oversee the process and call regularly scheduled meetings, at a minimum, monthly.

The committee will have 180 days to complete their task unless the proposed moratorium is extended or repealed.

Town Manager recommends Town Council creates the Ad-Hoc Committee and appoints membership as soon as possible and forwards all names to the Town Clerk for coordination.

1.
11-3-16

Legal Notices

PUBLIC NOTICE

BY ORDER of the Hermon Town Council, the following Public Hearing has been scheduled for Thursday, November 3, 2016 at 7:00 pm in the Public Safety Meeting Room:

TO HEAR public comment regarding the adoption of an ordinance titled, "Retail Marijuana Moratorium" and an ordinance amendment to "Marijuana Cultivation and/or Processing Facility"

The Proposed Ordinances are on file in the Town Clerk's office and can be viewed during regular business hours.

Oct. 27, 2016

5
6
11-3-16



TO: Howard Kroll, Town Manager
FROM: Annette M. Merrithew, CEO of
DATE: October 19, 2016

RE: Zone Change request

At the Planning Board meeting on October 18, 2016 the Board reviewed two zone change requests and voted unanimously to forward the request on to the Hermon Town Council for consideration and vote-

Michelle & Brian Thayer are requesting that Tax Map 40, Lot 1 be rezoned from Residential B and Agricultural Forestry to all Residential B to allow for a rear lot single family dwelling

Charles Hillman is requesting that Tax Map 34, Lot 131 be rezoned from Residential B and Residential A to all Residential B so that he has the ability to sell the rear lot for single family residential

Attached is back up information for both request-

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:

**DRAFT
Minutes
HERMON PLANNING BOARD
October 18, 2016**

Members present: S. Andrei, M. White, R. Allen, E. Marsh
Others present: Donna Pulver, Kristin & Frank Noyes, Charles Hillman, Michelle & Brian Thayer, Edwin Rideout

1. Roll Call- meeting was called to order at 7:00pm by Vice Chairman Marsh
2. Consider minutes of the 09/7/2016 meeting- Motion was made by M. White / S. Andrei to approve the minutes of 09/07/216 as written - unanimous
3. Consent Agenda- absent from the 10/18/2016 meeting – J. McCue, S. Giles, D. Ramsay
4. Old Business: None
5. New Business

PUBLIC HEARING

- a. PB 16-015- Site Plan review for Frank & Kristin Noyes – Map 28, Lot 51-2312 Route 2- Commercial Auto Repair Facility

Frank & Kristin Noyes outlined to the Board their plans for relocating their existing auto repair business from a small lot on Vafiadas Ave to 2312 Route 2. Currently they service everything from automobiles, motorcycles to mid size trucks, they also stated that in the future at the new location they would like to have a small vehicle sales lot and eventually build their own home on the back acreage Frank explained to the Board that his plans were to design the access driveway to exceed what Maine DOT was requiring to help facilitate the entering and exiting off Route 2 more safely. CEO Merrithew stated that the proposed building meets or exceeds the criteria in the Village Commercial District design standards, parking criteria and signage.

Vice-Chairman Marsh opened the public hearing at 7:15 – no comments were received- public hearing was closed at 7:16

Board discussion took place concerning criteria listed in the findings of fact to include but not limited to; elevations, septic system design, and types of vehicles that will be repaired.

Motion was made by S. Andrei / M. White to approve application PB 16-015- for Frank & Kristin Noyes for a new vehicle repair facility at 2312 Route 2- unanimous

b. PB 16-016- Zone Change Application – Brian & Michelle Thayer are requesting a zone change for Map 40, Lot 1 – 240 Annis Road – Currently zoned Residential B & Agricultural Forestry requesting entire parcel to be zone RB

Mr. Thayer explained to the Board that he was seeking the zone change for the ability to develop a residential house lot on the Annis Road frontage and allow for development of a residential lot on the back acreage as well. Currently the lot is split in zones and does not allow for the development of the back acreage.

Vice-Chairman Marsh opened the public hearing at 7:30pm – no comment were received – closed the public hearing at 7:31pm.

Board discussed the require 60' right of way and reviewed the findings for a zone change request.

Motion was made by M. White / S. Andrei to approve PB16-016 zone change request for 240 Annis Road – Map 40, Lot 1 and to forward the request to the Hermon Town Council for their consideration and passage - unanimous

c. PB 16-017 – Site Plan Review – Edwin Rideout is requesting approval to operate a Redemption Center at 2542 Route 2- Map 27, Lot 112-

Mr. Rideout explained to the Board who when he learned that Hermon Redemption here on the Billings Road was closing he decided to buy the business and relocate it in the Village area, he stated that he found during his research of available properties along Route 2 that the only one available and affordable for a redemption center was the “old cake carousel” building next to the bank. He has leased the building from the owner and wants to continue to offer this service to the citizen of Hermon. He stated he plans to do some work along the entrance to the business and parking area to improve the current conditions.

Vice-Chair Marsh open the public hearing at 7:45pm – no comment were received- closed the public hearing at 7:46pm.

Board reviewed the application as a change of use within an existing commercial building.

Motion was made by S. Andrei / R. Allen to approve application PB 16-017 for a redemption center to be located at 2542 Route 3 owned and operated by Edwin Rideout-unanimous

d. PB 16-018- Zone Change Application – Charles Hillman is requesting a zone change for Map 34, Lot 31 – 175 Billings Road – Currently zoned Residential B and Residential A requesting the entire parcel to be RB

Mr. Hillman explained that years ago Walter Munn asked if there would be a problem if part of his rear land was zoned as Residential A for a possible future subdivision and at the time it was not a problem, however, recently he had been approached about selling the back acreage for a single family home and was told by the CEO that it could be done do to the current zoning of the parcel so he is here tonight to request that all of Map 34, Lot 131 be zoned Residential B so that he could sell a portion of it for a rear lot development currently it is Residential B and Residential A.

Vice-Chair Marsh opened the public hearing at 7:55pm – no comment were received- public hearing was closed at 7:56pm.

No further discussion on the application -

Motion was made by M. White / S. Andrei to approve PB 16-018 zone change request for Map 34, Lot 131 – 175 Billings Road and to forward the request onto the Hermon Town Council for their consideration and passage- unanimous

6. Adjourn- Motion was made by R. Allen / M. White to adjourn tonights meeting at 8:05pm

If you require any assistance to fully participate in this meeting, please notify us at 848-1042 or write to the Town of Hermon P.O. Box 6300, Hermon, ME 04402-6300.



FINDINGS OF FACT
Michelle & Brian Thayer
Annis Road

- 1) A public hearing was held October 18, 2016 at 6:30 pm to take testimony and make findings on a request for a Zone Change request for Map 40, Lot 1 from Residential B / Agricultural Forestry to all Residential B for the purpose of a maximum of a 2 lot rear development
- 2) Notice was published on 10/10/2016- The notice included an appropriate and accurate summary of the issues to be heard. Public Notice was posted in the Hermon Town Office on October 10, 2016.

The Hermon Planning Board shall make investigation of the proposed Zone Change to the Land Use Map amendment, including whether the requested use 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 are no deed restrictions or easements for Map 40, Lot 1

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 both zones

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

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:

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

Yes

F. The request is consistent with the Comprehensive Plan

Yes

G. Granting of this Zone Change for residential single family development is compatible with the surrounding properties / zoning

Yes

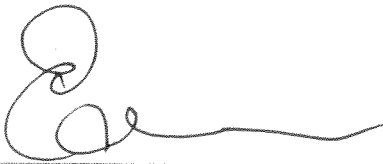
Conclusion:

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

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

be considered for passage

not to recommend passage



Edward MARsh, Vice Chairman Hermon Planning Board

10/18/2016

Date

ZONE CHANGE APPLICATION

PB 016 - 016



The Hermon Planning Board will hold a Public Hearing on the following request for a zone change and forward their findings on to the Hermon Town Council for an additional Public Hearing and shall vote to approve or deny the request.

Application fee: pd 10/2/14 Fee: \$200.00 plus advertising costs

1. Current property owner: Brian & Michelle Thayer
2. Owner's address: 63 Annis Road - Suite 2
3. Street address of property: 240 Annis Road Map 40, Lot 1
4. Applicant's name: Brian & Michelle Thayer
5. Applicant's address: 63 Annis Road - Suite 2
6. Applicant's phone #: 944-4962 (Michelle)
7. Present Zoning classification: Residential B & Agricultural Forestry
8. Requested zoning classification: Residential B for the entire 74.88 acres
9. Attach legal description of property to be rezoned.

Please answer the following questions in detail. This information will be used to evaluate whether your request complies with the criteria for a zone change.

1. Is the current zoning of this property a mistake- **No**
2. Will the change in zoning conform to the policies and objectives of the Comprehensive Plan ? - **Yes**
3. Will the overall change in the zoning district result in development which is compatible to the surrounding districts ?- **Yes**

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PO Box 6300
Hermon, ME 04402-6300

Physical Address:
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Telephone: 207 848-1010
FAX: 207 848-3316

4. Will the change affect the current use of other land in the vicinity ? - **No**
5. Why is it appropriate at this time to permit the specific type of zone change ?- **Would like to be able to have a rear lot development allowing for 2 residential house lots**
6. What are the current uses on the abutting parcel(s) ? - **Residential**
7. Explain how the surrounding property within 200' of the perimeter of your property is zoned.- **Residential B and Agricultural Forestry**
8. Have any changes taken place which would make the zone change appropriate now rather than at an earlier date ? - **The Land Use Ordinance now allows for a rear lot development of no more than 2 lots**
9. Has a zone change ever been attempted before on this property by you or anyone else ? - **No**

ADDITIONAL REQUIREMENTS:

- A. Attach a copy of the most current tax map / lot of the property to be rezoned
- B. Provide a list of the names and addresses of all property owners within 100' of the exterior boundaries of the subject property
- C. Provide evidence you are the owner or purchaser of the property or have written consent from the property owner to make application for a zone change
- D. Enclose the application fee of \$200.00 and the applicable advertising fee for the required public hearing.

The above and attached statements are true to the best of my belief and knowledge. I understand this application must be completed and accurate before a hearing can be scheduled and that only those items specifically mentioned in the application can be considered and acted upon at the Planning Board level and at the Town Council level.

Brian K. Thayer
Michele Thayer
 Applicant's signature

9-23-16
9/23/16
 Date

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

MapLot: 032-087-021
BUSHEY, DAVID P & MONICA L
89 STONEYBROOK WAY
HERMON ME 04401

MapLot: 033-023-000
AARON NEWCOMB BUILDING CONS
46 VICTORIA'S WAY
HOLDEN ME 04429

MapLot: 033-024-017
TAN, MICHAEL R & PAULA A
81 STONEYBROOK WAY
HERMON ME 04401

MapLot: 033-025-000
BOISVERT, CHRISTOPHER M & M
77 STONEYBROOK WAY
HERMON ME 04401

MapLot: 033-026-000
RIGG, NICHOLAS J & KARIN N
13 CHURCH FARM CLOSE
ETCHINGHAM
EAST SUFFIX, QUEBEC UK TN1

MapLot: 033-027-000
BLANCHARD, ALYSSA E
63 STONEYBROOK WAY
HERMON ME 04401

MapLot: 033-028-000
PINER, CHRISTOPHER J & SHAN
57 STONEYBROOK WAY
HERMON ME 04401

MapLot: 033-029-000
AARON NEWCOMB BUILDING CONS
46 VICTORIA'S WAY
HOLDEN ME 04429

MapLot: 033-036-000
HAMEL, WAYNE R
222 ANNIS ROAD
HERMON ME 04401

MapLot: 040-003-000
LEIGHTON, ROBERT L
PO BOX 676
MILFORD ME 04461

MapLot: 040-013-014
BANGOR REALTY GROUP LLC
PO BOX 282
BANGOR ME 04402 0282

MORTGAGE DEED

915 36-05

BRIAN THAYER and MICHELLE THAYER, having a mailing address of 68 Annis Road, Suite 2, Hermon, Maine 04401, for consideration paid, grant to **ROBERT L. LEIGHTON, JR.**, having a mailing address of P.O. Box 67, Milford, Maine 04461, with Mortgage Covenants, the sum of Thirty Thousand Dollars (\$30,000.00), payable in accordance with the terms and provisions of a certain Promissory Note of even date herewith given by the said **BRIAN THAYER and MICHELLE THAYER**, to the said **ROBERT L. LEIGHTON, JR.**, a certain lot or parcel of land, together with any buildings and improvements thereon, situate in Hermon, County of Penobscot and State of Maine, bounded and described in Schedule A attached hereto and made a part hereof.



SEE SCHEDULE A ATTACHED

Any and all other rights, easements, privileges and appurtenances belonging to the granted estate are hereby conveyed.

This mortgage is upon the statutory condition, for any breach of which the Mortgagee shall have the remedies provided by law, including, but not limited to, foreclosure by civil action.

WITNESS our hands and seals this 5th day of November, 2015.

Witness:

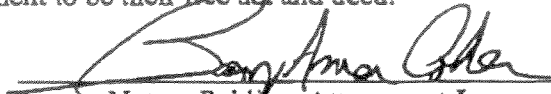

Brian Thayer

Michelle Thayer

STATE OF MAINE

County of Penobscot, ss November 5, 2015

Personally appeared the above-named Brian Thayer and Michelle Thayer and acknowledged the foregoing instrument to be their free act and deed.

Before me,


Notary Public - Attorney-at-Law

Type or Print Name: _____

Barry Ames Cohen
Notary Public - State of Maine
My Commission Expires June 19, 2022

SCHEDULE A

The land, together with the buildings and improvements thereon, situated in Hermon, County of Penobscot and State of Maine, described as follows:

PARCEL ONE: Beginning in the westerly line of the Annis Road at the southeasterly corner of the land described in a deed from Robert E. Phillips and Elaine R. Phillips to Robert E. Phillips dated June 17, 1994, recorded in Penobscot Registry of Deeds, Book 5652, Page 312; thence southwesterly by and along said road line about 173 feet to the northeasterly corner of land of Wayne R. Hamel; thence westerly along the northerly line of said Hamel about 132 feet; thence northerly along land of said Hamel about 82 feet; thence westerly along the northerly line of said Hamel about 255 feet to the southeasterly corner of land of Gerald Phillips as described in Book 8031, Page 16; thence about North 19° East along the easterly line of said Phillips about 87 feet to the southwesterly corner of said Robert E. Phillips as described in said Book 5652, Page 312; thence about South 80° 44' East about 400 feet to the westerly line of said Annis Road and the point of beginning.

PARCEL TWO: Beginning at the northwesterly corner of the land described in a deed from Robert E. Phillips and Elaine R. Phillips to Robert E. Phillips dated June 17, 1994, recorded in Penobscot Registry of Deeds, Book 5652, Page 312, said corner being in the southerly line of Leathers Corner Subdivision, Phase II recorded in Map File 2012-6 and Map File 2012-7; thence westerly along the southerly line of said subdivision about 1250 feet; thence northerly along said subdivision about 181 feet; thence westerly along said subdivision about 2083 feet to the easterly line of land of Hermon Skeet Club; thence southerly along the easterly line of said Hermon Skeet Club about 1622 feet to the northerly line of Stoneybrook Subdivision recorded in Map File 2004-117 and Map File 2003-135; thence easterly along the northerly line of said subdivision about 2205 feet to the southwesterly corner of land of Wayne R. Hamel; thence northerly along the westerly line of said Hamel about 1067 feet; thence easterly along the northerly line of said Hamel about 820 feet to the southwesterly corner of land of Gerald R. Phillips as described in Book 8031, Page 16; thence northerly along the westerly line of said Phillips 150 feet; thence easterly along the northerly line of said Phillips 400 feet to the northeasterly corner of said Phillips and the westerly line of the land described in said Book 5652, Page 312; thence North 19° 15' 44" East along the westerly line of said Book 5652, Page 312, about 137 feet to the point of beginning.

Together with a right of way for all purposes of a way, including utility construction over a strip of land 60 feet wide, bounded and described as follows:

Beginning at a spike set at the southwesterly corner of the land described in a deed from Robert E. Phillips and Elaine R. Phillips to Robert E. Phillips dated June 17, 1994, recorded in Penobscot Registry of Deeds, Book 5652, Page 312, (now Robert L. Leighton, Jr., Book 12512, Page 185), said spike also being set in the easterly line of Gerald Phillips as described in Book 8031, Page 16; thence along the common boundary between Leighton and said Gerald Phillips, North 19° 15' 44" East 63.00 feet to the northeasterly corner of

said Gerald Phillips; thence continuing North 19° 15' 44" East, along the westerly line of the land described in Book 5352, Page 312, a distance of 60.73 feet to a #6 rebar capped PLS 2194 set; thence South 80° 44' 00" East 60.92 feet; thence South 19° 15' 44" West 123.73 feet to the southerly line of the land described in Book 5352, Page 312; thence along said southerly line, North 80° 44' 00" West 60.92 feet to the point of beginning.

Being the same premises described in a deed from Vicki Wilcox, Lisa Harvey, Cheryl Snow, Gerald Phillips and Elaine R. Phillips to Robert L. Leighton, Jr., dated June 9, 2011, and recorded in said Registry in Book 12512, Page 185.

Excepting therefrom the premises described in the Warranty Deed from Robert E. Phillips and Elaine R. Phillips to Robert E. Phillips dated June 17, 1994, and recorded in Penobscot County Registry of Deeds in Book 5652, Page 312, described as follows:

A certain tract or parcel of land situated in Hermon, in said County and State, bounded and described as follows: Beginning at an iron pin on the westerly line of the Annis Road, so called, which said pin is twenty-five (25') feet, more or less, from the easterly side of a fire pond located on the described premises. Thence generally at a bearing of North 80° 44' West through said pond, from said westerly bound of the Annis Road, and continuing along the line of an existing old stonewall, a distance of four hundred twenty-five (425') feet, more or less to a point; Thence southerly a distance of two hundred (200') feet to a point; Thence easterly and on a line parallel with the first described boundary, a distance of four hundred (400') feet to the westerly line of the Annis Road; Thence northeasterly along the westerly line of said Annis Road a distance of two hundred twenty-five (225') feet, more or less, to the point of beginning.

ALSO excepting the premises described in a Warranty Deed from Robert E. Phillips and Elaine R. Phillips to Gerald Phillips, dated November 20, 2001, and recorded in said Registry in Book 8031, Page 16, described as follows:

A certain lot or parcel of land with the improvements thereon, situated westerly of the Annis Road, Town of Hermon, County of Penobscot, State of Maine, being bounded and described as follows: Beginning at the southwest corner of land described in deed of Robert E. Phillips and Elaine R. Phillips to Robert E. Phillips dated June 17, 1994, recorded in Penobscot Registry of Deeds, Volume 5652, Page 312, said corner being located about 400 feet westerly from the westerly line of said Annis Road; thence southerly along an extension of the westerly line of said Phillips land about 80 feet to a stone wall defining the southerly line of other land of said Phillips as described in Volume 1852, Page 283; thence westerly by and along said line and stone wall 400 feet; thence northerly parallel with the first course 150 feet; thence easterly parallel with said stone wall 400 feet to a point on the westerly line of said Phillips land as described in Volume 5652, Page 312; thence southerly by said westerly line about 70 feet to the southwest corner of said Phillips land and the point of beginning.

The above lot being 150 feet by 400 feet and is a portion of the Second Parcel described in deed of Zerah P. McCarthy to Robert E. Phillips and Elaine R. Phillips dated June 26, 1962, recorded in said Registry, Volume 1852, Page 283.

Also conveying with the above-described lot a right of way as presently traveled from the Annis Road to the easterly line of the above-described lot, said way to be 20 feet wide and located southerly of and adjoining the southerly line of the Phillips property as described in Volume 5652, Page 312. Also conveying the right to maintain the existing utility lines that service the above-described lot and the right to run new lines as may be required.

For source of title, reference is made to the Warranty Deed from Robert L. Leighton, Jr. to Brian Thayer and Michelle Thayer, to be recorded simultaneously herewith.

PENOBSCOT COUNTY, MAINE

Susan F. Bulay
Register of Deeds



FINDINGS OF FACT

Charles Hillman

Billings Road

- 1) A public hearing was held October 18, 2016 at 6:30 pm to take testimony and make findings on a request for a Zone Change to Map 34, Lot 131 located at 175 Billings Road.
- 2)
- 3) Notice was published on October 11, 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 October 4th

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 are no deed restriction associated with this parcel

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 both zones

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

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:

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

Yes

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

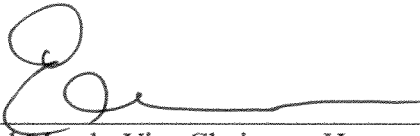
Conclusion:

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

be considered for passage

not to recommend passage



Edward Marsh, Vice Chairman Hermon Planning Board

10/18/2016
Date



ZONE CHANGE APPLICATION

The Hermon Planning Board will hold a Public Hearing on the following request for a zone change and forward their findings on to the Hermon Town Council for an additional Public Hearing and shall vote to approve or deny the request.

Application fee: _____ Fee: \$200.00 plus mailing costs

1. Current property owner: Charles Hillman
2. Owner's address: 179 Billings Road Phone: 848-7407
3. Street address of property: 175 Billings Road Map 34, Lot 31
4. Applicant's name: Charles Hillman
5. Applicant's address: 179 Billings Road
6. Applicant's phone #; 848-7407
7. Present Zoning classification: Residential B and Residential A (approx 26 acres)^{RA}
8. Requested zoning classification: Entire Map 34, Lot 31 to be Residential B – currently the lot is split by both zoning districts
9. Attach legal description of property to be rezoned.- Book 3036- Page 338

Please answer the following questions in detail. This information will be used to evaluate whether your request complies with the criteria for a zone change.

1. Is the current zoning of this property a mistake- Yes - Residential B should have taken in the whole of Map 34, Lot 31

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2. Will the change in zoning conform with the policies and objectives of the Comprehensive Plan ?
Yes
3. Will the overall change in the zoning district result in development which is compatible to the surrounding districts ? Yes
4. Will the change affect the current use of other land in the vicinity ? No
5. Why is it appropriate at this time to permit the specific type of zone change ?
Would like to sell the back parcel as a rear lot for a single family residence
6. What are the current uses on the abutting parcel(s) ? Residential
7. Explain how the surrounding property within 200' of the perimeter of your property is zoned.-
Residential
8. Have any changes taken place which would make the zone change appropriate now rather than at an earlier date ? I did not realize that this portion was zoned Residential A until I was getting ready to offer my back acreage for sale. The current zoning classification makes it impossible to sell a buildable lot.

You may consider such things as development of surrounding property, new streets, sewer or water lines and housing trends

9. Has a zone change ever been attempted before on this property by you or anyone else ? - No

ADDITIONAL REQUIREMENTS:

- A. Attach a copy of the most current tax map / lot of the property to be rezoned
- B. Provide a list of the names and addresses of all property owners within 100' of the exterior boundaries of the subject property
- C. Provide evidence you are the owner or purchaser of the property or have written consent from the property owner to make application for a zone change
- D. Enclose the application fee of \$100.00 (Mailing cost for public hearing will be charged to the applicant)

The above and attached statements are true to the best of my belief and knowledge. I understand this application must be completed and accurate before a hearing can be scheduled and that only those items specifically mentioned in the application can be considered and acted upon at the Planning Board level and at the Town Council level.

f Charles Hillman
Applicant's signature

10/3/14
Date

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

20135
Know all men by these presents, That

BOOK 3036 PAGE 338

I, CHARLES E. HILLMAN, of Bangor, County of Penobscot, State of Maine,

in consideration of one dollar and other valuable considerations (less than \$100)

paid by CHARLES E. HILLMAN and CORINNE R. HILLMAN, husband and wife, both of said Bangor,

the receipt whereof is hereby acknowledged, do hereby give, grant, bargain, sell and convey unto the said CHARLES E. HILLMAN and CORINNE R. HILLMAN, as joint tenants and not as tenants in common, their heirs and assigns forever, the following described lots or parcels of land which are more particularly bounded and described as follows:

PARCEL ONE: A certain lot or parcel of land situated in the Town of Hermon, County of Penobscot, State of Maine, on the easterly side of the Billings Road, so-called, containing twelve and one-half (12½) acres, more or less, bounded and described as follows, to wit: Westerly by said Billings Road; northerly by land of one Jacobson; easterly by land of Arthur W. Hillman; and southerly by land formerly owned by Thurston Hunt.

PARCEL TWO: A certain lot or parcel of land situated in said Hermon and bounded and described as follows: It being a part of the Merrick lot situated on the southeasterly side of the Billings Road, so-called, leading from Hermon Corner to Snow's Corner, beginning at the southeasterly corner of said lot; thence northeasterly on and by land of Arthur W. Hillman twenty (20) rods to land owned by said Arthur W. Hillman; thence northwesterly on and by said Hillman land twenty (20) rods to a stake; thence southwesterly on and by land of Alfred Overlock and Mrs. Clara M. Overlock twenty (20) rods to a stake in the line of said Arthur W. Hillman; thence in a southeasterly direction on and by land of said Arthur W. Hillman twenty (20) rods to place of beginning, containing two and one-half (2½) acres.

PARCEL THREE: A certain lot or parcel of land situated in said Hermon, bounded as follows: Being the westerly part of what was formerly the farm of William Herrick, situated on the southeasterly side of the Billings Road, so-called, leading from Hermon Corner to Snow's Corner, beginning at what was formerly said Merrick's southwesterly corner, on said road; thence on the line of the Kincaid lot, now Arthur W. Hillman lot, in a southeasterly direction eighty (80) rods, more or less, to stake in line of said Arthur W. Hillman land; thence on line of said Hillman land about twenty (20) rods; thence northwesterly to said road to a point twenty (20) rods distant on said road from point begun at; thence southwesterly on said road, twenty (20) rods to point begun at, containing ten (10) acres, more or less.

PARCEL FOUR: A certain lot or parcel of land situated in said Hermon, bounded and described as follows, to wit: Beginning and lying on the south side of the Billings

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25 5

Road so-called; beginning at the northeast corner of the Richard Patten lot; thence north 58° east on the south side of said Road forty (40) rods to a stake; thence South 32° East two hundred four (204) rods to a small cedar marked #; thence South 58° West forty-two (42) rods to said Pattens southeast corner; thence North 32° West on said Pattens line to corner begun at, containing fifty-one (51) acres, more or less. Also one lot or parcel of land situated in said Hermon on the southerly side of the Billings Road so-called it being a part of lot No. 23 and No. 20 in the new plan as recorded. Beginning at a juniper tree; thence North 58° East by land of Alanson Grant forty (40) rods to a stake and stones; thence South 32° East by land formerly owned by Martin Overlock fifty-two (52) rods to a stake and stones; thence South 58° West forty (40) rods by land of Alanson Grant to stake and stones; thence North 32° West by land formerly owned by Kincaid fifty (50) rods to first mentioned bound containing twelve and one-half (12½) acres, more or less.

Being the same premises conveyed to Arthur W. Hillman by the following deeds: Deed of Elmer N. Grant to Arthur W. Hillman dated March 25, 1919, recorded in Penobscot Registry of Deeds in Vol. 909, Page 356; deed of Alfred Overlock and Clara M. Overlock dated August 4, 1919, recorded in said Registry at Vol. 915, Page 168; deed of Alfred Overlock and Clara M. Overlock dated August 14, 1923, recorded in said Registry at Vol. 970, Page 1; and by deed of Wilbur Hillman to Arthur W. Hillman, dated November 1, 1916, recorded in said Registry at Vol. 895, Page 446.

EXCEPTING AND RESERVING from the above described parcels a pole line easement conveyed by Arthur W. Hillman to New England Telephone and Telegraph Company dated May 2, 1930, recorded in said Registry at Vol. 1050, Page 194.

ALSO EXCEPTING AND RESERVING from the above described parcels the following described lot conveyed to Deane H. Smart by deed of Jennie L. Hillman dated December 8, 1971, recorded in said Registry of Deeds at Vol. 2235, Page 329. Beginning at a point on the southeasterly side of the Billings Road, so-called, at a point marking the northwesterly corner of land formerly of Arthur W. Hillman; thence in a generally southerly direction along the easterly side line of land now or formerly owned by Lawrence Leonard a distance of three hundred (300) feet to a point; thence at right angles and in a generally easterly direction one hundred fifty (150) feet to a point; thence at right angles in a generally northerly direction and parallel with the first mentioned bound a distance of three hundred (300) feet to a point on the southeasterly side line of said Billings Road; thence in a generally westerly direction by and along the side line of said road one hundred fifty (150) feet to the point of beginning.

The Grantor herein, said Charles Edward Hillman, acquired his interest in the above described property as devisee under the Last Will and Testament of Arthur W. Hillman, late of Hermon, deceased intestate, whose Will was duly allowed in Probate Court for Penobscot County and recorded in said Registry of Deeds at Vol. 2206, Page 758.

To Have and to Hold the aforegranted premises, with all the privileges and appurtenances thereof, to the said CHARLES E. HILLMAN and CORINNE R. HILLMAN, as joint tenants and not as tenants in common, their heirs and assigns forever. And I do covenant with the said Grantee s, their heirs and assigns, that I am lawfully seized in fee of the premises; that they are free of all encumbrances:

that I have good right to sell and convey the same to the said Grantee s, and that I and my heirs shall and will warrant and defend the same to the said Grantee s, their heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, I, the said CHARLES E. HILLMAN, as Grantor, (said Corinna R. Hillman being the wife of said Charles E. Hillman)

and of the said wife in token of ~~the~~ ~~right of~~ ~~title~~ ~~by~~ ~~deed~~ ~~and~~ ~~in~~ ~~the~~ ~~granted~~ ~~premises~~, have hereunto set my hand and seal this 29th day of August in the year of our Lord one thousand nine hundred and seventy-seven.

Signed, Sealed and Delivered in Presence of

Thomas E. Hillman Charles E. Hillman

State of Maine

County of Penobscot ss. Nov 7, A. D., 1977

Then personally appeared the above-named CHARLES E. HILLMAN and acknowledged the above instrument to be his free act and deed. Before me,

Thomas E. Hillman Justice of the Peace Notary Public

RECEIVED PENOB, SS. NOV 7 1979 10h 15 m AM.

