



## *City of Caribou, Maine*

*Municipal Building  
25 High Street  
Caribou, ME 04736  
Telephone (207) 493-3324  
Fax (207) 498-3954  
www.cariboumaine.org*

**Caribou Planning Board  
Re-Scheduled Regular Meeting from March 2  
Wednesday, March 16, 2016 • 5:30 PM  
Caribou City Council Chambers**

### **AGENDA**

- I. Call Meeting to Order
- II. Approval of Minutes
  - a. February 3, 2016 Regular Meeting 2
- III. New Business
  - a. Concept Plan Review – St. Peter Gravel Pit 3
    - Comments from Abutting Landowners
    - Review & Discussion (See Separate Attachments)
- IV. Old Business
  - a. Chapter 13 Re-write 4-20
- V. Other Business
- VI. Adjournment



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### **Caribou Planning Board Meeting Minutes Wednesday, February 3, 2016 @ 5:30 pm City Council Chambers**

**In Attendance:** Phil Cyr, Bob White, Todd Pelletier, Michele Smith, Evan Graves, Philip McDonough III and Matthew Hunter

**Others in Attendance:** Jim Chandler –Assistant City Manager & Code Enforcement Officer, Denise Lausier

- I. Call Meeting to Order** - The meeting was called to order at 5:30 pm.
- II. Approval of Minutes**
  - a. January 6, 2016 Organizational Meeting** – Philip McDonough III noted under Adjournment, Philip McDonough II needs to be changed to Philip McDonough III. Todd Pelletier moved to accept the minutes as presented with amendment; seconded by Evan Graves; Vote was unanimous.
  - b. January 6, 2016 Regular Meeting** – Todd Pelletier moved to accept the minutes as presented; seconded by Philip McDonough III; Vote was unanimous.
- III. New Business** – There was none.
- IV. Old Business** –
  - a. Chapter 13 Re-write** –The Board continued their review of Chapter 13, Section 700 – General Requirements for Land Uses. The Board reviewed the changes from the last meeting that were incorporated into the document and picked up where they left off. The Board thoroughly reviewed and discussed numbers 7-15 of Section 13-700 and proposed a few changes.
- V. Other Business** – There was none.
- VI. Adjournment** – Todd Pelletier moved to adjourn the meeting at 7:04 pm; seconded by Philip McDonough III. Vote was unanimous.

Respectfully Submitted,

Robert White  
Planning Board Secretary

RW/dl



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OFFICE OF THE CITY MANAGER

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CARIBOU, MAINE

Date: March 2, 2016

To: Chairman and Planning Board Members

From: Jim Chandler, Assistant City Manager

Subject: Concept Plan Review – St. Peter Gravel Pit

Please find attached two separate files containing the following items pertaining to this Concept Plan/Site Design Review Application:

- B.R. Smith Associates Cover Letter
  - Signed by Timothy R. Roix, PLS, PE
- Site Design Application
- Mineral Exploration & Extraction descriptions
- DEP Notice of Intent to Comply
- Four Images (Images .pdf)

The Site Design Application is being submitted for the existing quarry extraction operations located at the St. Peter Gravel Pit on the Madawaska Road. The State of Maine Department of Environmental Protection requires operations of this type to be permitted by the locality where located. This application is for the permit necessary to bring the existing gravel pit operation into compliance with the State.

The application does not appear to indicate any change or expansion of existing operations; however, that should be affirmed by the applicant during the Concept Review discussions.

Pending submission of the appropriate fee (additional fee required) and Concept Plan Review discussions, “the Planning Board may by majority vote schedule the Side Design Application for Final Plan Approval.”



**BRSA**  
B.R. Smith Associates, Inc.

**Surveying  
Engineering  
Building Design**

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February 17, 2016

Mr. Austin Bleess, Caribou City Manager  
25 High Street  
Caribou, ME 04736

RE: St. Peter Gravel Pit  
Madawaska Road, Caribou, ME  
BRSA Project #2015.086

Dear Austin,

We are providing the following information in support of the above-listed project:

- City of Caribou Site Design Application
- Required drawings to support the application
- Responses and/or information pertaining to City of Caribou Code Section 13-730, Mineral Exploration and Extraction
- Required fee
- The Department of Environmental Protection Notice of Intent to Comply Performance Standards for Excavations for Borrow, Clay, Topsoil or Silt was previously submitted to the City as required.

It is our understanding that the Planning Board will meet again on Wednesday, March 2<sup>nd</sup> and will review this application. Once you have had an opportunity to review this information please do not hesitate to contact us if you have any concerns so that we can address them prior to the meeting.

Sincerely,  
B. R. Smith Associates, Inc.  
By: Timothy R. Roix, PLS, PE



St. Peter Gravel Pit Submission  
BRSA Project #2015.086  
February 17, 2016

City of Caribou Section 13-730 Mineral Exploration and Extraction  
Item #3, Submission Requirements

- A. *Existing and proposed limits of the excavation, clearly delineated.*  
See the attached drawings.
- B. *Location, function, and ground areas of all structures, facilities, parking lots, and roads.*  
See the attached drawings.
- C. *Entrance and exit locations.*  
See the attached drawings.
- D. *Gates or other means of access control.*  
There are no gates or access control measures in place.
- E. *Pre and post-development topography shall use an interval of two (2) foot contours for pits of less than five (5) acres.*  
The applicant acquired an existing gravel pit already in operation therefore there is not any pre-developed topography available. The applicant is intending to operate the pit for several more years. The post-developed topography will be consistent with a Reclamation Plan at a future date.
- F. *Location of topsoil stockpile area(s).*  
There are not any topsoil stockpiles on site.
- G. *Areas where natural vegetation will be left and where plantings will be made to screen the extraction operation from view.*  
The gravel pit area is a small portion of the overall parcel owned by the applicant. There are existing trees that serve as a buffer. No new plantings are proposed.
- H. *Slopes and vegetation for protecting adjacent structures.*  
See Item G above and there are not any adjacent structures.
- I. *Location of any test pits or borings and observation wells documenting the seasonal high water table.*  
No test pits, borings, or reports were provided to the applicant when he acquired the property and existing gravel pit. No additional tests are proposed.
- J. *Proposed disposal methods of stumps, grubblings, and other debris.*  
This is an active pit so no additional stumps or debris will be generated.

K. *Plan(s) and schedule for reclamation. A Reclamation Plan shall be filed with and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of subsection 5, Reclamation, below.*

The applicant acquired an existing pit and uses it to support his business. A Reclamation Plan has not been submitted because the activity is ongoing and the pit characteristics will continue to change as the pit is operated. The municipal code requires a 2:1 side slope be left when the pit will no longer be in use. The pit owner will be required to meet this condition and those of the Maine Department of Environmental Protection prior to closing the pit.

L. *For pits of five (5) acres or more, at least one cross-section along the axis of the pit and another cross-section at a right angle to it. The cross-section diagrams should show the existing grade, the proposed final grade including the maximum depth of elevation, depth to ground water, and the stratigraphy of the surficial deposits at the site.*

Attached are the required cross-sections. The existing grades are shown as taken from the recent LIDAR information. The proposed final grades will be developed with the 2:1 side slope and MDEP required information prior to the pit closure and are not shown as they are unknown at this time. Tests to determine the depth to ground water and other onsite deposits have not been completed as noted in Item I above as the applicant acquired an existing pit.

M. *Location of any significant wildlife habitats as designated by the Maine Department of Inland Fisheries and Wildlife and areas listed under the Maine Department of Economic and Community Development's, Natural Areas Program.*

No significant wildlife habitat is shown on the information listed above.



## Site Design Application

Planning & Code Enforcement  
City of Caribou  
25 High St.  
Caribou, Maine 04736

(207) 493-3324 option 3  
citymanager@cariboumaine.org

**Note to Applicant:** Complete this application and return it with the required documents. In addition, the required fee must be returned along with this completed application. Make checks payable to: "City of Caribou", in the amount of \$90.00 plus \$10.00 per 2000 square feet of total gross floor area for commercial, industrial or other non residential applications.

### Please print or type all information

Name of Property Owner / Developer: Richard & Eleanor St. Peter

Development Name: St. Peter Gravel Pit

Location of Property (Street Locations): Madawaska Road

City of Caribou      Tax Map: 21      Lot: 8      Zone: R-3

### Site Design Review Application – City of Caribou, Maine

Site Design approval will not be considered complete until the Planning Board has determined it has all of the necessary information to review the proposal and render a decision. You are advised to meet with the Code Enforcement Officer prior to completing the application as it may not be necessary to comply with all of the items shown on the form. The review of your application shall consist of at least (2) two presentations to the Planning Board and possibly additional presentations until all required information has been provided. A "Performance Bond" may be required prior to approval of this project.

**Applicant Information**

Person and address to which all correspondence regarding this application should be sent to:

Richard St. Peter \_\_\_\_\_ Phone: 207-227-4888  
1611 Van Buren Road \_\_\_\_\_  
Connor, ME 04736 \_\_\_\_\_ E-mail: rstpeter@maine.rr.com

If applicant is a corporation, check if licensed in Maine ( ) Yes ( ) No  
(Attach copy of Secretary of State Registration)

Name of Land Surveyor, Engineer, Architect or other Design Professionals. (attach list if needed)

Timothy R. Roix, P.E., PLS, B.R. Smith Associates, Inc. Phone: 764-3661  
\_\_\_\_\_ Phone: \_\_\_\_\_

What legal interest does the applicant have in property to be developed (ownership, owner's representative, option, purchase & sales contract, etc?)

Owner \_\_\_\_\_  
(Attach supportive legal documentation)

**General Information**

Aroostook County Registry Deeds: Book # 4076 Page # 214 (attach copy of deed)

What interest does the applicant have in any abutting property? none \_\_\_\_\_

Is any portion of the property within 250 feet of the normal high water line of a lake, pond, river, or wetland or within 75 feet of any stream? ( X ) Yes ( ) No

NOTE: The active gravel pit is not within 250 feet of the normal high water line of the Madawaska River.

Is any portion of the property within a Flood Hazard Zone? ( X ) Yes ( ) No

NOTE: The active gravel pit is not within the Flood Hazard Zone.

Total area or acreage of parcel: 64 ac. +/- Total area or acreage to be developed: 9.5 ac. +/-

Has this land been part of subdivision in the past five years? ( ) Yes ( X ) No

Identify existing use(s) of land (farmland, woodlot, residential, etc.) gravel pit, woodland, scrubland \_\_\_\_\_

Indicate any restrictive covenants to be placed in the deed: none \_\_\_\_\_

(Attach list if needed)

Does the applicant propose to dedicate any recreation area, or common lands?  Yes  No

Recreation area(s) Estimated Area & Description: none

Common land(s) Estimated Area & Description: none

Anticipated start date for construction: month / year      /      Completion:      /      existing gravel pit

Does any portion of the proposal cross or abut an adjoining municipal line?  Yes  No

Does this development require extension of public services?  Yes  No

Roads:      Storm Drainage:      Sidewalks:      Sewer Lines:      Other:     

Estimated cost for infrastructure improvements: \$ none

Water Supply: Private Well:  Public Water Supply:  N/A

Sewerage Disposal: Private SSWD:  Public Sewer:  N/A

Estimated sewerage disposal gallons per day: (none / day)

**Does the building require plan review by the State Fire Marshal Office?**  Yes  No N/A  
(Attach Barrier free and Construction Permits from SFMO)

**Have the plans been reviewed & approved by the Caribou Fire Chief?**  Yes  No N/A

Does the building have an automatic sprinkler system?  Yes  No N/A

Does the building have an automatic fire detection system?  Yes  No N/A

Will the development require a hydrant or dry hydrant fire pond?  Yes  No N/A

**Concept Plan Review Criterion**

1. The Planning Board shall review applications first as a Concept Plan. Concept Plan Review is intended to insure the proposed plan is in conformance with the Caribou Comprehensive Plan and all City Ordinances. The completed application and concept plans shall be delivered to the Code Enforcement Office no less than 21 days prior to the first day of the next month. The Chairman of the Planning Board shall determine the schedule and agenda of the next meeting when the application and plans will receive Concept Plan Review. At a minimum, Concept Plan applications shall include the following:

1.   x   Name and address of the owner of record and applicant (if different).

- 2. N/A Name of the proposed development and location.
- 3. X Names and addresses of all property owners within 500 feet of the property.
- 4. X A copy of the deed to the property, option to purchase the property, or other documentation to demonstrate right, title, or interest in the property on the part of the applicant.
- 5. X Names and addresses of all consultants working on the project.
- 6. X 1 complete set of plans, 24" X 36" & 10 complete sets of plans, 11" X 17"  
Plans to be included:  
N/A Boundary Survey  
N/A Storm Water Management  
N/A Erosion and Sediment Control  
N/A Finish Grading Plan  
N/A Site Improvement Detail  
N/A Building Elevations and Structural Plans

7. **Plans to show the following elements for review:**

- x a. Graphic scale and north arrow.
- x b. Location and dimensions of any existing or proposed easements and copies of existing covenants or deed restrictions.
- x c. Name, registration number, and seal of the land surveyor, architect, engineer, and/or similar professional who prepared the Plan.
- x d. All property boundaries, land area, and zoning designations of the site, regardless of whether all or part is being developed at this time.
- N/A e. Size, shape, and location of existing and proposed buildings on the site including dimensions of the buildings and setbacks from property lines.
- N/A f. Access for Emergency Vehicles, location and layout design of vehicular parking, circulation areas, loading areas, and walkways including curb cuts, driveways, parking space and vehicle turn around areas.
- N/A g. Location and names of streets and rights-of-way within 200' and adjacent to the proposed development.
- N/A h. Proposed finish grades and graphic arrows indicating the direction of storm water runoff.
- N/A i. Conceptual treatment of on and off site storm water management facilities.
- N/A j. Location and sizes of existing and proposed sewer and water services including connections.
- N/A k. Conceptual treatment of landscaping buffers, screens, and plantings.
- N/A l. Location of outdoor storage areas, fences, signage and accessory structures.
- N/A m. Context map illustrating the area surrounding the site which will be affected by the proposal including all streets, sidewalks, intersections, storm water

drainage ways, sanitary sewer lines and pump stations, nearby properties and buildings, zoning Districts, and geographic features such as, but not limited to, wetlands, natural features, historic sites, flood plains, significant scenic areas, and significant wildlife habitats as provided in the Comprehensive Plan.

N/A

- n. All proposed signage and exterior lighting including the location, size and wording of all signs, type of exterior lights, radius of light, manufacturer's specifications sheet, and the ground level intensity in foot-candles of all exterior lights.

Following approval of the Concept Plan Review, the Planning Board may by majority vote schedule the Site Design Application for Final Plan Review. Final Plan Review must be at least 30 days following Concept Plan Approval. If additional information is required by the Planning Board following the Concept Plan Review, a complete set of revised plans shall be provided for final review and approval. If additional information or a change of information is required, the revised plans shall be delivered to the Code Enforcement Office at least 21 days prior to the next scheduled meeting.

Final Site Design Plan Review shall require three (3) 24" X 36" sets of plans for Board Signatures.

If the Planning Board determines that third party review will be necessary to make a sound decision, the applicant will be responsible for any fees incurred for the third party review.

During the Final Site Design Review the Chairman or designee shall determine that all of the elements of review 7-a., through 7-n. above have been addressed. The chair may then call for a motion.

If the Final Plan is approved by the Planning Board, no work may commence for a period of 30 days following the date of approval.

Final Site Design Plans shall provide an area designated for all seven Planning Board members' signatures.

**Applicant Signature:**

**To the best of my knowledge, all of the information submitted in this application is true and correct.**

Signature of Applicant:  Date: 29 Jan 2015

**Final Site Design Review Criteria by Planning Board**

Date: _____		<u>Yes</u>	<u>No</u>	<u>N/A</u>
A.	Conformance with Comprehensive Plan	_____	_____	_____
B.	Traffic	_____	_____	_____
C.	Site Access	_____	_____	_____
D.	Parking & Vehicle Circulation	_____	_____	_____
		<u>Yes</u>	<u>No</u>	<u>N/A</u>
E.	Pedestrian Circulation	_____	_____	_____
F.	Site Conditions	_____	_____	_____
G.	Open Space	_____	_____	_____
H.	Sanitary Sewage	_____	_____	_____
I.	Water	_____	_____	_____
J.	Emergency Vehicle Access	_____	_____	_____
K.	Waste Disposal	_____	_____	_____
L.	Buffering	_____	_____	_____
M.	Natural Areas	_____	_____	_____
N.	Exterior Lighting	_____	_____	_____
O.	Stormwater Management	_____	_____	_____
P.	Erosion & Sediment Control	_____	_____	_____
Q.	Buildings	_____	_____	_____
R.	Existing Landscaping	_____	_____	_____
S.	Infrastructure	_____	_____	_____
T.	Advertising Features	_____	_____	_____
U.	Design Relationship to Site & Surrounding Properties	_____	_____	_____

- V. Scenic Vistas & Areas \_\_\_\_\_
- W. Utilities \_\_\_\_\_
- X. Mineral Exploration \_\_\_\_\_
- Y. General Requirements (Pg. 859) \_\_\_\_\_
- Z. Phosphorus Export \_\_\_\_\_

**City of Caribou, Maine  
Planning Board**

Site Design Review for: \_\_\_\_\_

Address: \_\_\_\_\_

On \_\_\_\_\_ (date) the members of the Caribou Planning Board met to consider the application for Site Design Review on the property referenced above.

The application was: **Denied** / **Approved** / **Approved with conditions**

**Approved by the Caribou Planning Board**

Signed: \_\_\_\_\_ Chairman of the Planning Board

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**Conditions of Approval:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**WARRANTY DEED**

**THERESA B. KLETT**, formerly **THERESA B. BRUGMAN**, of Fayetteville, in the County of Cumberland and State of North Carolina, whose mailing address is 2167 Amoorra Drive, Fayetteville, NC 28304, for consideration paid, grants to **RICHARD R. ST. PETER** and **ELEANOR J. ST. PETER**, husband and wife, both of Connor, in the County of Aroostook and State of Maine, whose mailing address is 1611 Van Buren Road, Connor TWP, ME 04736, with **WARRANTY COVENANTS**, as **JOINT TENANTS**, the land in Caribou, Aroostook County, Maine, as follows:

**PARCEL I.**

A certain lot or parcel of land being a part of the North Half of Lot Numbered One Hundred Forty-nine (149) in that part of said Caribou formerly "I" Township and being more particularly bounded and described as follows, to wit:

Beginning at a point on the westerly margin of the Madawaska Road, so-called, at a point two hundred (200) feet south twenty degrees west (S 20° W) from the intersection of the north line of said Lot Numbered One Hundred Forty-nine (149) and the westerly margin of said Madawaska Road; thence north seventy-one degrees thirty minutes west (N 71° 30' W) a distance of two hundred twenty (220) feet to an iron pipe; thence north twenty degrees east (N 20° E) a distance of two hundred (200) feet to an iron pipe on the north line of Lot Numbered One Hundred Forty-nine (149); thence north seventy-one degrees thirty minutes west (N 71° 30' W) along the north line of Lot Numbered One Hundred Forty-nine (149) a distance of two thousand sixteen (2016) feet to an iron pin; thence south eighteen degrees thirty minutes west (S 18° 30' W) a distance of two hundred eight and seven tenths (208.7) feet to an iron pin; thence north seventy-one degrees thirty minutes west (N 71° 30' W) a distance of two hundred eight and seven-tenths (208.7) feet to an iron pin on the easterly side of the Madawaska River, so-called; thence south southwesterly along the easterly side of the Madawaska River a distance of one thousand eight hundred fifty (1850) feet, more or less, to the south line of the North Half of Lot Numbered One Hundred Forty-nine (149); thence south seventy-one degrees thirty minutes east (S 71° 30' E) along the south line of the North Half of Lot Numbered One Hundred Forty-nine (149) a distance of three thousand four hundred five (3405) feet to a point; thence north twenty degrees east (N 20° E) a distance of four hundred fifty (450) feet to a point; thence south seventy-four degrees thirty minutes east (S 74° 30' E) a distance of three hundred thirty (330) feet, more or less, to the northwest corner of land now or formerly belonging to the City of Caribou; thence north twenty degrees east (N 20° E) a distance of one hundred thirty-three (133) feet to a point fifteen (15) feet northerly of the northwest corner of land now or formerly belonging to Raymond and Patricia Couture according to deed dated April 25, 1955, and recorded at the Southern Aroostook Registry of Deeds in Vol. 676, Page 47; thence south seventy-five degrees ten minutes east (S 75° 10' E) a distance of one hundred forty-two (142) feet to the westerly margin of the Madawaska Road, so-called; thence North twenty degrees east (N 20° E) along the westerly margin of the Madawaska Road, so-called, a distance of two hundred forty-eight and seven tenths (248.7) feet to the point of beginning. This parcel contains seventy (70) acres.

EXCEPTING AND RESERVING, however, a forty foot (40') wide power-line easement and a fifty foot (50') power line easement as more particularly described in documents recorded at the Southern Aroostook Registry of Deeds in Volume 684, Page 314 and Volume 758, Page 139.

*Hugh Kirkpatrick*

ALSO EXCEPTING AND RESERVING, however, to Rose A. Damboise, her heirs and assigns, an easement over and across the field roads as presently located on the above described property from the north line of her house lot in the southeast corner of the North Half of Lot numbered One Hundred Forty-nine (149) to an acre parcel of real estate in the northwest corner of the North Half of Lot Numbered One Hundred Forty-nine (149), said easement to be for the purpose of passing and repassing by motor vehicle and on foot.

ALSO, EXCEPTING AND RESERVING, however, the right to use water from a well and access to said well as conveyed by Nelson Damboise and Rose Damboise to Raymond Couture and Patricia Couture by Warranty Deed dated December 26, 1962, and recorded at the Southern Aroostook Registry of Deeds in Vol. 870, Page 437.

PARCEL II.

That small parcel or piece of land situate in said Caribou, Maine, being a small part of the North One-Half of Lot One Hundred Forty-nine (149), in that part of Caribou, formerly "I" Township, more particularly described as follows, to wit:

Beginning at the Northwest corner of land now or formerly belonging to Raymond and Patricia Couture according to deed dated April 25, 1955, and recorded at the Southern Aroostook Registry of Deeds in Vol. 676, Page 47; thence North Twenty Degrees East (N 20° E) along the west line of the said Couture land continued Fifteen (15) feet to land conveyed to Ronald D. Guillemette and Linda M. Guillemette by deed of Rose A. Damboise dated May 7, 1974, and recorded in Southern Aroostook Registry of Deeds in Vol. 1149, page 196; thence South Seventy-five Degrees Ten Minutes East (S 75° 10' E) along the line of the land of said Ronald D. Guillemette and Linda M. Guillemette formerly conveyed as aforesaid a distance of One Hundred Forty-two (142) feet to the westerly margin of the Madawaska Road, so-called; thence southerly along the westerly margin of the Madawaska Road, so-called, Fifteen (15) Feet to the Northeast corner of the aforesaid land now or formerly belonging to Raymond and Patricia Couture; thence westerly and along the north line of the aforesaid land now or formerly belonging to the said Raymond and Patricia Couture One Hundred Forty-two (142) Feet to the point and place of beginning.

Being the same premises conveyed to TERRY A. BRUGMAN and THERESA B. BRUGMAN by Warranty Deed, Joint Tenancy, of TERRY A. BRUGMAN dated November 14, 1984, and recorded at the Southern Aroostook Registry of Deeds in Vol. 1772, Page 176; said Terry A. Brugman died August 19, 1985.

EXCEPTING AND RESERVING that parcel of land conveyed to RONALD A. SIMPSON and BRENDA K. SIMPSON by Warranty Deed of THERESA B. BRUGMAN dated September 15, 1986, and recorded at the Southern Aroostook Registry of Deeds in Vol. 1935, Page 97.

ALSO CONVEYING a right of way and easement over the designated fifteen foot (15') right of way as shown on survey plat prepared by John A. Mueller, R.L.S. 1296, for Theresa Brugman recorded in the Southern Aroostook Registry of Deeds in Vol. 37, Page 36-B as reserved to Theresa Brugman, her heirs and assigns forever, in Warranty Deed from said Theresa Brugman to Ronald A. Simpson and Brenda K. Simpson dated September 15, 1986, and recorded at said Registry of Deeds in Vol. 1935, Page 97.

WITNESS my hand this 30th day of December, 2004.

  
Theresa B. Klett

STATE OF NORTH CAROLINA  
CUMBERLAND, SS.

January 3, 2005.

Personally appeared the above-named THERESA B. KLETT and acknowledged the foregoing instrument by her signed to be her free act and deed.

Before me,

Scarlett M. Klett  
Notary Public

(Printed Name: Scarlett M. Klett)

My Commission expires:

2-16-08

RECEIVED AROOSTOOK, SS

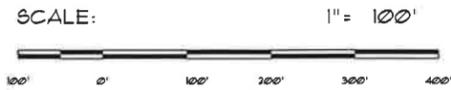
ATTEST: Patricia F. Brown

REGISTER OF DEEDS

NAME: SA, 2015 Proj: 150115086 St. Peter - DMC\peter\150115086 St. Peter - 2/17/2016 - 2:02pm



- NOTES:**
1. THE TOPO WAS IMPORTED FROM THE MEGID WEBSITE. IT IS FROM THE LIDAR 2' CONTOUR MAP FOR THE CITY OF CARIBOU, DATED FEBRUARY 2016.
  2. THE AERIAL PHOTO IS FROM GOOGLE PRO DATED SEPTEMBER 2013.
  3. 200' SEPARATION BETWEEN EXCAVATION AND ANY PRIVATE DRINKING WATER SUPPLY.
  4. 300' SEPARATION BETWEEN ANY AREA USED TO STORE PETROLEUM PRODUCTS AND ANY PRIVATE DRINKING WATER SUPPLY.



ISSUED FOR MUNICIPAL REVIEW

#	DATE	REVISIONS

EXISTING SITE PLAN

EXISTING GRAVEL PIT PERMIT  
MADAWASKA ROAD  
CARIBOU, MAINE

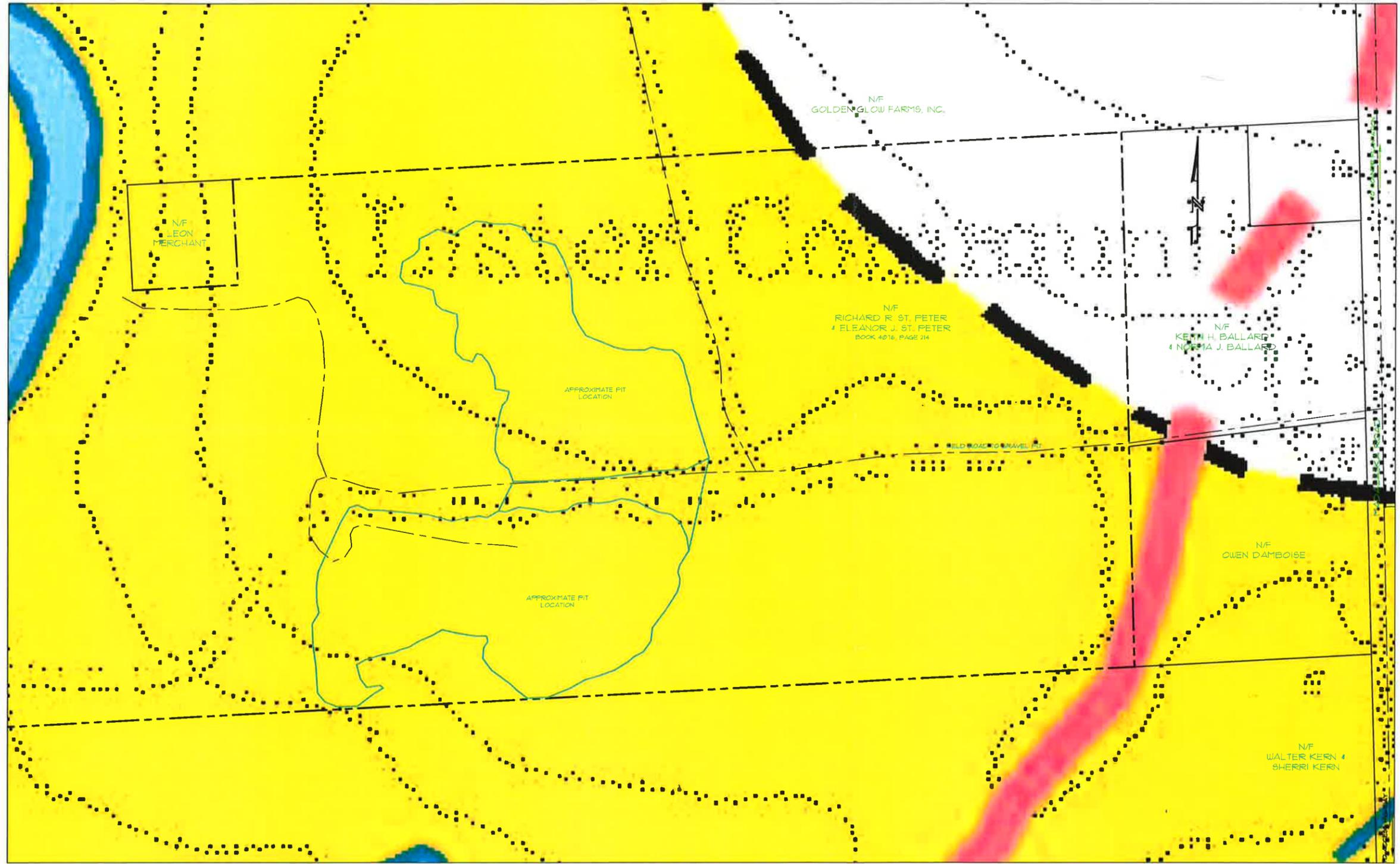
CLIENT:	REGULUS & ST. PETER 451 VAN BUREN ROAD CONOR, ME 04736
DESIGNED BY:	BRSA PROJ. # 2015-008
DRAWN BY:	KAH
CHECKED BY:	TRR
APPROVED BY:	TRR
FIELD BOOK #:	NA
SCALE DATE:	2-17-2016
PLAN SCALE:	1" = 100'

NO PORTION OF THIS PLAN MAY BE IN ANY WAY REPRODUCED OR USED FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT INDICATED HEREON WITHOUT THE WRITTEN PERMISSION OF B.R. SMITH ASSOCIATES, INC.

© 2016 B.R. SMITH ASSOCIATES, INC.

MSC1.01

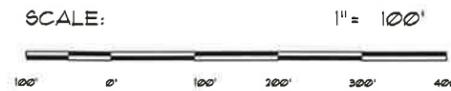
NAME: S:\3015 Proj\3015.006 St. Peter - EVO\day\3015006 St. Peter pit.dwg DATE: Feb 17, 2016 12:31pm



**LEGEND**

- SURFACE-WATER DRAINAGE-BASIN BOUNDARY, SURFACE-WATER DIVIDES GENERALLY CORRESPOND TO GROUND-WATER DIVIDES. HORIZONTAL DIRECTION OF GROUND-WATER FLOW GENERALLY IS AWAY FROM FROM DIVIDES AND TOWARD SURFACE-WATER BODIES.
- APPROXIMATE BOUNDARY OF SURFICIAL DEPOSITS WITH SIGNIFICANT SATURATED THICKNESS WHERE POTENTIAL GROUND-WATER YIELD IS MODERATE TO EXCELLENT.
- SURFICIAL DEPOSITS WITH MODERATE TO GOOD POTENTIAL GROUND-WATER YIELD, YIELDS GENERALLY GREATER THAN 10 GALLONS PER MINUTE TO A PROPERLY CONSTRUCTED WELL. DEPOSITS CONSIST PRIMARILY OF GLACIAL SAND AND GRAVEL, BUT CAN INCLUDE AREAS OF SANDY TILL AND ALLUVIUM. YIELDS MAY EXCEED 500 GALLONS PER MINUTE IN DEPOSITS HYDRAULICALLY CONNECTED WITH SURFACE-BODIES OR IN EXTENSIVE DEPOSITS WHERE SUBSURFACE DATA ARE AVAILABLE.
- AREAS WITH MODERATE TO LOW OR NO POTENTIAL GROUND-WATER YIELD (INCLUDES AREAS UNDERLAIN BY TILL, MARINE DEPOSITS, EOLIAN DEPOSITS, ALLUVIUM, SWAMPS, THIN GLACIAL SAND AND GRAVEL DEPOSITS, OR BEDROCK. YIELDS IN SURFICIAL DEPOSITS GENERALLY LESS THAN 10 GALLONS PER MINUTE TO A PROPERLY CONSTRUCTED WELL.

**NOTES:**  
 SOURCE: SIGNIFICANT SAND AND GRAVEL AQUIFERS, FORT FAIRFIELD NU QUADRANGLE, MAINE, MAINE GEOLOGICAL SURVEY, DEPARTMENT OF CONSERVATION, FILE NO. 62-23, 2002.



ISSUED FOR MUNICIPAL REVIEW

DATE	REVISIONS

SAND & GRAVEL AQUIFER

EXISTING GRAVEL PIT PERMIT  
 MADAWASKA ROAD  
 CARIBOU, MAINE

PROJECT:	EXISTING GRAVEL PIT PERMIT
DATE:	2-17-2016
SCALE:	1" = 100'
DRAWN BY:	KJAH
CHECKED BY:	TJR
APPROVED BY:	TJR

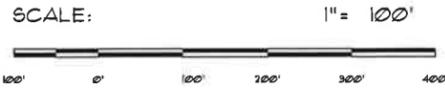
NO PORTION OF THIS PLAN MAY BE REPRODUCED OR USED FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT INDICATED HEREON WITHOUT THE WRITTEN PERMISSION OF B.R. SMITH ASSOCIATES, INC.

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MSC1.02



NOTES:  
SOURCE: SIGNIFICANT WILDLIFE AREA AS SHOWN ON THE U.S. FISH & WILDLIFE WEBSITE.



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MSC1.03

CLIENT: RICHARD & ELEANOR J. ST. PETER  
PROJECT: MADAWASKA ROAD CARIBOU, MAINE

DESIGNED BY: KAH  
DRAWN BY: TMR  
CHECKED BY: TMR  
APPROVED BY: TMR

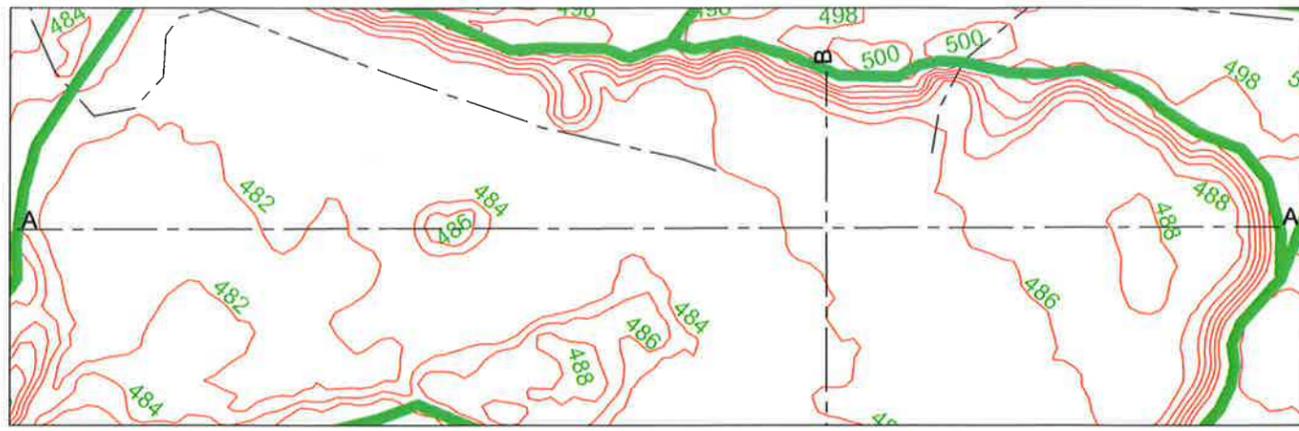
ISSUE DATE: 2-17-2016  
PLAN SCALE: 1" = 100'

SHEET NAME: SIGNIFICANT WILDLIFE  
PROJECT: EXISTING GRAVEL PIT PERMIT  
MADAWASKA ROAD  
CARIBOU, MAINE

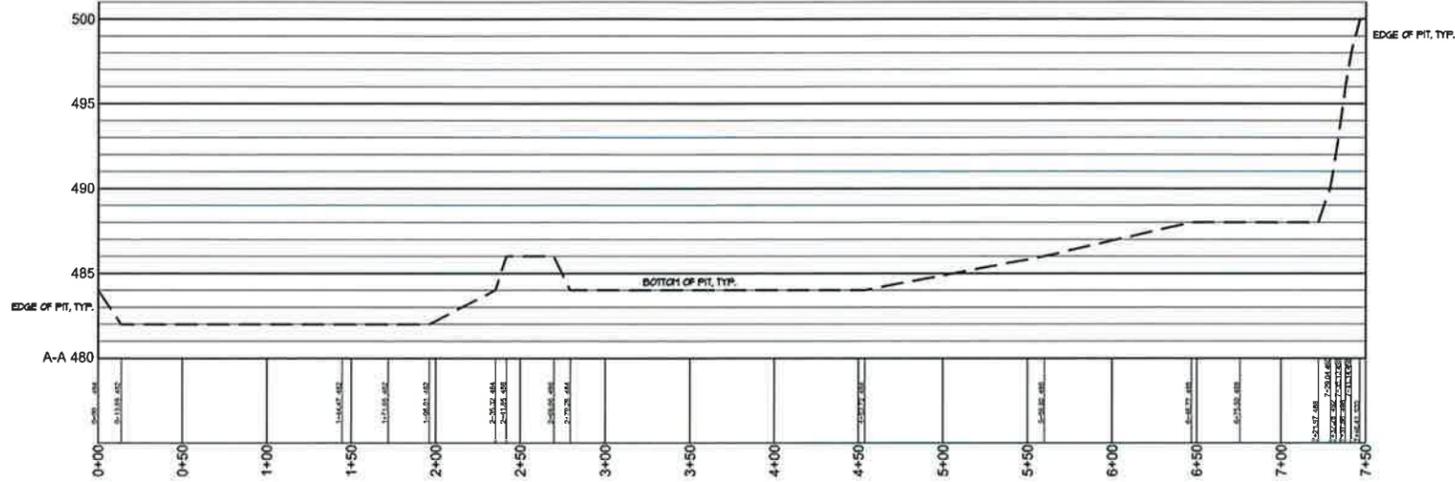
DRAWING STATUS: ISSUED FOR MUNICIPAL REVIEW

DATE	REVISIONS	ISSUED BY

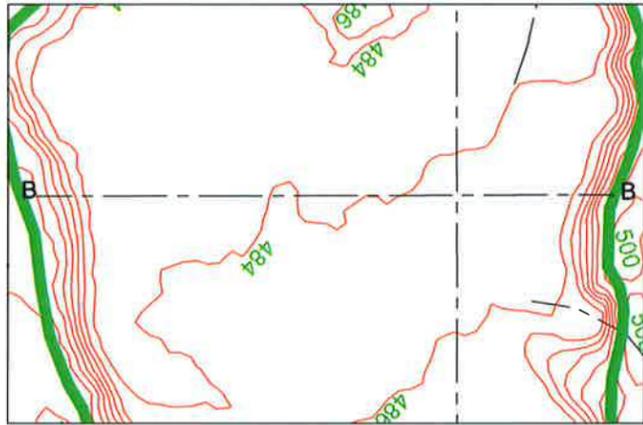




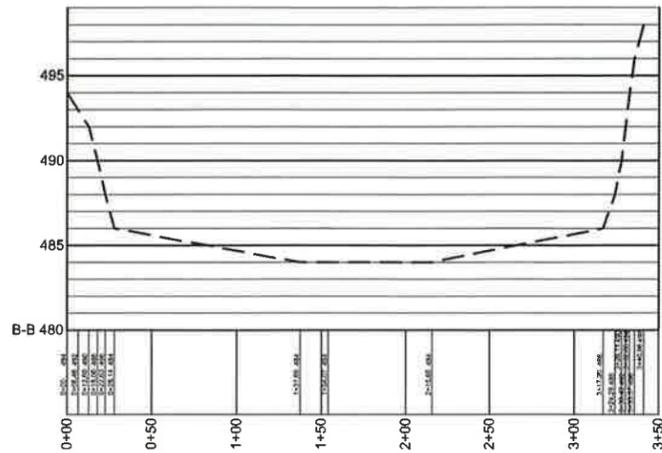
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SCALE: 1" = 50'



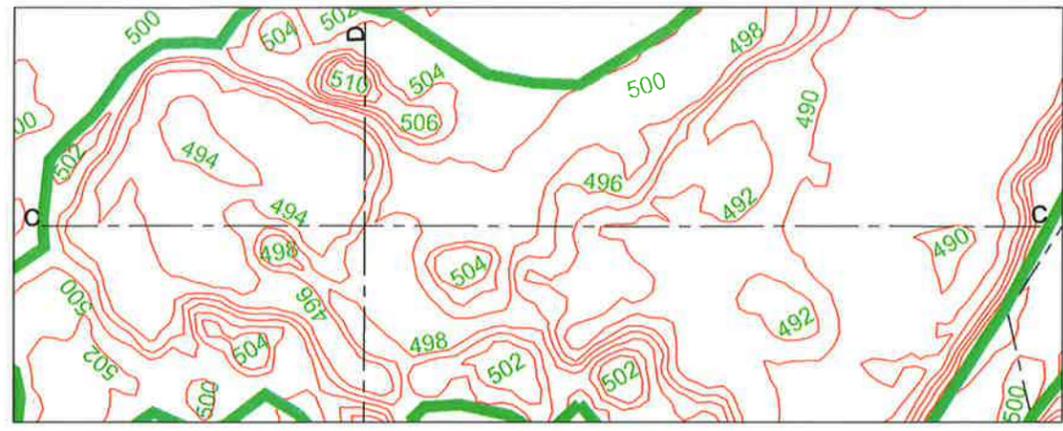
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VERTICAL SCALE: 1" = 5'



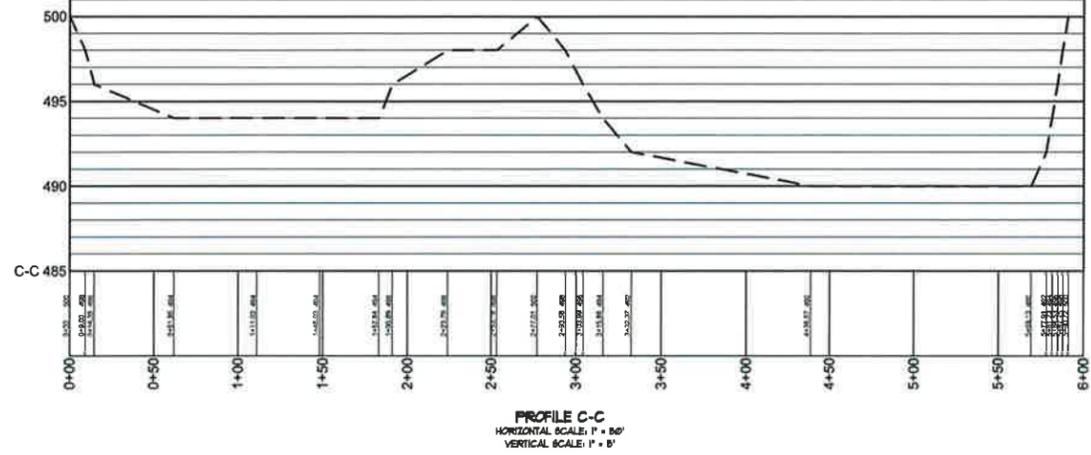
PLAN B-B  
SCALE: 1" = 50'



PROFILE B-B  
HORIZONTAL SCALE: 1" = 50'  
VERTICAL SCALE: 1" = 5'



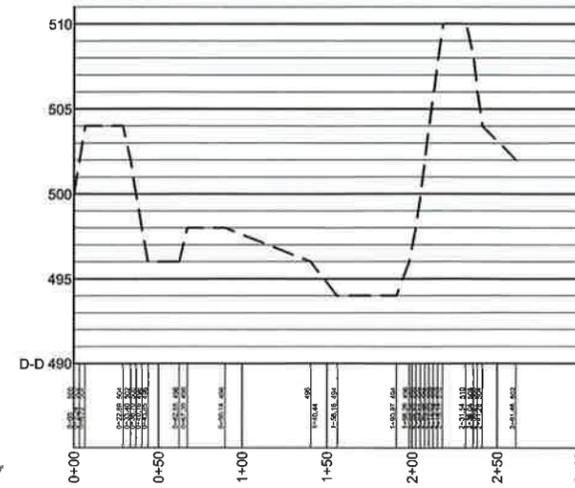
PLAN C-C  
SCALE: 1" = 50'



PROFILE C-C  
HORIZONTAL SCALE: 1" = 50'  
VERTICAL SCALE: 1" = 5'



PLAN D-D  
SCALE: 1" = 50'



PROFILE D-D  
HORIZONTAL SCALE: 1" = 50'  
VERTICAL SCALE: 1" = 5'



ISSUED FOR MUNICIPAL REVIEW

PLAN & PROFILES

EXISTING GRAVEL PIT PERMIT  
MADAWASKA ROAD  
CARIBOU, MAINE

CLIENT:	RICHARD R. ST. PETER 10 VAN BUREN ROAD CARIBOU, ME 04816	DESIGNED BY:	BRSA PROJECT # 2015086
DRAWN BY:	KJAH	CHECKED BY:	TNR
DATE:	2-11-2016	APPROVED BY:	TNR
PROJECT:	FIELD BOOK # NA	SCALE:	1" = 50'

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MSC1.04



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OFFICE OF THE CITY MANAGER

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CARIBOU, MAINE

Date: March 2, 2016

To: Chairman and Planning Board Members

From: Jim Chandler, Assistant City Manager

Subject: Chapter 13 Re-Write

Continue discussions of the re-structuring and editing of Chapter 13, Section 700 – General Requirements for Land Uses.

Once again, the [notes and edits I captured on February 3<sup>rd</sup> are included in blue](#). The document also continues to reflect the thoughts/comments previously provided by City Manager Austin Bleess, and comments made by Planning Board Members are presented in *red type and italics*.

Suggested edits are underlined for things that may be added or ~~struckthrough~~ for things we may wish to delete.

**Sec. 13-700 General Requirements for Land Uses.**

Create a new introductory paragraph that sets the tone of encouraging opportunities for growth, development and redevelopment of properties that enhance economic development.

The following General Requirements are applicable to land use activities within the City, to include site design review and subdivisions. These standards are intended to clarify review criteria and provide guidance. In reviewing a proposed development, the CEO or Planning Board, whomever conducts the review, shall review the application for conformance to the applicable standards and make findings of fact for each prior to approval of the Final Plan. The burden of proof of conformance is with the applicant, who shall provide clear and convincing evidence that the proposed Final Plan meets the standards and the review criteria.

**1. Apartments Accessory to Commercial Uses.**

The Planning Board may allow residential dwelling units in a commercial structure provided the following are met:

- A. The residential dwelling units shall be clearly incidental to the principal commercial use of the structure.
- B. Each dwelling unit shall be provided one (1) off-street parking space separate from customer parking; in addition to parking required for the commercial enterprise.
- D. Subsurface sewage disposal, where applicable, shall be provided that complies with the State of Maine Subsurface Sewage Disposal Rules.
- E. No access to a residential dwelling unit shall be through the commercial space.
- F. All provisions of the City Building Code, Property Maintenance Code and the Life Safety Code shall be met.

**ADD CITATIONS TO OTHER CODE SECTIONS AND RELATED DOCUMENTS**

**2. Archaeological Sites. Refer to Comp Plan Goals.**

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the CEO or Planning Board shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least 20 days prior to action being taken by the CEO or Planning Board. The CEO or Planning Board shall consider comments received from the Commission prior to rendering a decision on the application.

**3. Basement Drainage.**

The applicant shall show that the floor of any basement(s) can be drained to the ground surface, or storm sewers, if they are required to be installed, or that the spring water table is one (1) foot below the level of the basement floor.

**4. Bed and Breakfast.**

- A. There shall be no less than one parking space on the property for each rental room in addition to the spaces required for the dwelling unit.
- B. There shall be one bathroom provided for the rental rooms, in addition to the bathroom for the dwelling unit. Consider re-wording to assure an adequate minimum number of bathrooms are available for rental rooms – perhaps number should be one bathroom for every two rental rooms.
- C. Each rental room shall have not less than ten by twelve (10 X 12) feet horizontal dimensions.

**5. Buffers and Screening. Significant discussion focused on purpose of buffer zone. Look at other community's codes/ordinances'. Example was Monson, Maine. Also, suggest adding a list of examples or acceptable buffer areas, including what they might contain. Discretion and the ability to modify this requirement at the time of Site Design Review was emphasized.**

- A. A landscaped buffer strip of no less than fifteen (15) feet in width and six (6) feet in height shall be provided to minimize the visual impact of adverse characteristics such as, but not limited to, storage areas, parking

spaces, driveways, loading areas, exposed machinery, sand and gravel extraction operations, and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse, and to protect abutting residential properties from the intrusion of noise, light, and exhaust fumes from such non-residential buildings and uses. The buffer areas shall be maintained and vegetation replaced to ensure continuous year round screening. *This seems like a large strip of land for buffering. A nicely constructed privacy fence could serve the same purpose, but would not require a 15 foot wide strip of land. Section B after this mentions this but as I read that section it would still require the 15 feet of land for the buffer. Section F allows for the 15 feet to be modified, and should be considered in this discussion as well.*

- B. Where no natural vegetation or berms can be maintained, or due to varying site conditions, the landscaping may consist of fences, walls, tree plantings, hedges, or combinations thereof.
  - C. Any abutting residential property shall be effectively screened by a continuous landscaped area no less than six (6) feet in height along lot lines adjacent to the residential properties, except that driveways shall be kept open to provide visibility for entering and leaving.
  - D. Where a potential safety hazard to the public ~~small children~~ would exist, physical screening / barriers shall be used to deter entry to such premises.
  - E. There shall be no paving, parking, or structures located in the buffer area.
  - F. The CEO or Planning Board may allow a buffer area of less width when site conditions, such as natural features, vegetation, topography, or site improvements, such as additional landscaping, berming, fencing, or low walls, make a lesser area adequate to achieve the purposes of this Ordinance.
6. **Campground and/or Recreational Vehicle Park. This section will be reorganized and aggregated with code sections addressing all land uses that include 'transient accommodations', e.g. Hotels, Motels, Inns, Hostels, Camps, Cabins, etc. This would include creating new language to address these uses, since the code doesn't currently have specific references to several of these types of transient accommodation.**

A campground and/or recreational vehicle (RV) park shall conform to the minimum requirements imposed under State licensing procedures of the Maine Department of Health and Human Services RULES RELATING TO CAMPGROUNDS and the following (in case of possible conflict, the stricter rule shall apply). For the purposes of this Section "RV" shall include: travel RV, pick-up coach, motor home, camping trailer, dependent RV, and self-contained RV.

A. General.

- 1. A campground and/or RV park shall have no less than ten (10) acres of land and all campground and/or RV park sites (sites) or structures shall be located at least 100 feet from any property line and 200 feet from any residential structures, exclusive of the residence belonging to the owner. *These setbacks don't appear to be completely unreasonable, but they are more restrictive than the state. The state setbacks are 25 feet from any park boundary line abutting a street/highway or 15 feet from any other boundary line. It was suggested the City simply refer to and use the setbacks required by the State of Maine in regulating campgrounds.*
- 2. Sites shall be laid out and screened in such a manner that none are within view from public roads, navigable rivers, or existing residence. Any combination of evergreen planting, landscaped earthen berms, or solid fencing may be used to achieve this screening standards, when sites would otherwise be visible from the locations described above. *Again, use the State requirements here.*
- 3. No trailers or mobile homes, other than RVs, shall be permitted within any campground and/or RV park, temporarily or otherwise. No RVs shall be stored or exhibited for sale within the campground and/or RV park. Permanent or long-term dwellings or shelter devices are specifically prohibited. *Re-write to clarify the intent – that the State definition of an RV is the measure, and that any acceptable RV not be left unoccupied, or parked within a campground for the sole purpose of selling the RV.*
- 4. Tent sites and RV sites shall be laid out so that the density of each developed acre of land shall not exceed the standards below (in terms of sites per acre of land, excluding circulation roads). Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

*What about Cabins that are becoming more popular for camping? These would be permanent structures at the campground. Create a new subsection addressing cabins.*

	Non-Shoreland	Shoreland Areas
Tent Sites	14 per acre	8 per acre
RV and Travel Trailer Sites	11 per acre	7 per acre

5. The minimum frontage of a tent site or RV site along any shoreline of a waterbody shall be 100 feet. The minimum setback from the normal high-water line shall be 100 feet for all tent sites or RV sites, other vehicles, and temporary or permanent structures.
6. No tent site or RV site shall be located within a Resource Protections District or within the 100 year floodplain.

B. Rescinded (As part of this re-write. Dated: xxxxx)

C. Health and Safety.

1. Each tent site or RV site shall be provided with a picnic table and trash receptacle. The park management shall dispose of refuse from said containers by transporting the refuse in a closed truck or in enclosed containers or bags to an approved disposal area at least once every three (3) days.
2. A campground and/or RV park shall provide water and sewerage disposal systems, sanitary facilities, and convenience facilities in accordance with the regulations of ~~10-144A-CMR-205~~ Maine Department of Health and Human Services RULES RELATING TO CAMPGROUNDS and the "*State of Maine Subsurface Wastewater Disposal Rules*". All RV sites shall be equipped with water and sewage hook-ups, and connected to approved distribution or disposal systems.
3. Fire extinguishers capable of dealing with electrical and wood fires shall be kept in all service buildings. A suitable ingress and egress shall be provided so that the campground or RV park may be readily serviced in emergency situations. 24-hour emergency communication service (e.g. telephones) shall be provided.

D. Planning and Review.

1. Roads, parking, sites, and required facilities shall be planned in accordance with the basic principles outlined below, and shall be shown on the proposed plan which is submitted for review and approval.
  - a. A logical sequence of entry and circulation should be created: entrance, administration, storage, parking, sites, toilets, laundry, playing fields, or shoreline.
  - b. Sites should be clustered in groups according to intensity of use (low density, medium density, etc.) and also related to common support service areas (laundries, play areas, etc.) serving a number of site clusters. The purpose is to minimize road length, increase accessibility, and preserve open space.
  - a. Footpaths and roads should follow "desired lines" of pedestrian and vehicular movement between sites and all jointly used facilities. Parking areas may be grassed, reinforced with open concrete blocks.
  - d. Access roads should be laid out as loops to the greatest extent practicable, although "cul-de-sacs" or "dead-ends" may be allowed to serve up to twenty (20) campsites.
2. A soil erosion and sedimentation control plan shall be submitted as part of the Site Design Review. In addition to data on soils, slopes, and drainage, a vegetation map showing the following items may be required:

- a. The major types of vegetation should be identified and described (as to age, height, openness or density, and pattern, either natural or reforested).
- b. New planting should be selected to provide screening and shelter, to tolerate existing and proposed site conditions, and to blend in a manner compatible with existing natural vegetation.
- c. All vegetative clearing should avoid creating straight line edges between open land and surviving stands.
- d. Areas of activity and/or traffic should be sited to avoid wildlife areas (such as thickets for birds and small mammals, or deer yards and trails).

----- Discussion Ended here on January 6<sup>th</sup>. -----

----- Discussion Resumed here on February 3<sup>rd</sup> -----

#### 7. Disposal of Solid Waste.

If ~~the additional~~ solid waste ~~from the~~ generated by a proposed development exceeds the capacity of the City's solid waste facility; ~~or has the potential to cause~~ causes the City's facility to ~~no longer be in fall out of~~ compliance with its license from the Department of Environmental Protection; or causes the City to exceed its contract with a non-city's facility; ~~then the applicant of the proposed development, the applicant~~ shall make alternate arrangements for the disposal of the solid waste generated by the development. ~~The alternate arrangements shall be at a disposal facility which is in compliance with its license. The CEO or Planning Board may not require the alternate arrangement to exceed a period of five years.~~

#### 8. Easements for Natural Drainage Ways.

Where a development is traversed by a natural water course, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction, or both, as will assure that no flooding occurs and all stormwater can be disposed of properly. ~~Explore alternate or additional language that would bring this article into alignment with State of Maine LID guidelines, and/or the City's Comprehensive Plan goals for Natural Resources, Agricultural & Forest Resources, or other sections as applicable.~~

#### ~~9. Electro-Magnetic Interference. STRIKE This Section~~

~~No use, activity, or process shall be conducted which produces electro-magnetic interference in the transmission or reception of electrical impulses beyond the lot lines, including radio and television. In all cases federal, state, and local requirements shall be met. Violation of this standard shall be considered a nuisance.~~

#### 10. Erosion and Sedimentation Control. Reference Maine State Codes

- A. The procedures outlined in an erosion and sedimentation control plan shall follow Best Management Practices ~~Polieies~~ (BMPs) and shall be implemented during the site preparation, construction, and clean-up stages.
- B. All earth changes shall be designed, constructed, and completed in such a manner so that the exposed area of any disturbed land shall be limited to the shortest period of time possible.
- C. The proposed development shall prevent sediment caused by accelerated soil erosion from entering water bodies, freshwater wetlands, and adjacent properties.
- D. Any temporary or permanent facility designed and constructed for the conveyance of water around, through, or from the development shall be designed to limit the water flow to a non-erosive velocity.
- E. Permanent soil erosion control measures for all slopes, channels, ditches, or any disturbed land area shall be completed within fifteen (15) calendar days after final grading has been completed. When it is not possible or practical to permanently stabilize disturbed land, temporary erosion control measures shall be implemented within thirty (30) calendar days of the exposure of soil.
- F. Topsoil shall be considered part of the development and shall not be removed from the site, except for surplus topsoil from roads, parking areas, and building excavations.

- A. When vegetative cover shall be established as a temporary or permanent erosion control measure:
  - 1. Plant species to be used and the seeding rates shall take into account soil, slope, climate, duration, and use of the vegetative cover.
  - 2. Mulch shall be provided at rates appropriate to ensure a minimum of soil and seed loss until an acceptable "catch" of seed is obtained.
  - 3. Reseeding shall be done within a reasonable period of time if there is not an acceptable "catch".
- H. All development plans shall incorporate building designs and road layouts that fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

**11. Exterior Lighting. Reference the Dark Skies Concept and limits light pollution**

Lighting ~~may be used~~ which serves security, safety, and operational needs, shall be shielded to prevent any negative impacts upon ~~but which does not directly or indirectly produce deleterious effects on~~ abutting properties or which would impair the vision of a vehicle operator on adjacent roadways. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings.

- A. The style of the light and light standard shall be consistent with the architectural style of the principal building.
- B. The maximum height of free standing lights shall be the same as the principal building, but not to exceed forty (40) feet.
- C. The CEO or the Planning Board, whomever is conducting the review, shall determine the necessity for lighting of parking areas.
- D. Exterior lighting shall be shielded in such a manner as not to create a hazard or nuisance to the adjoining properties or to the traveling public.
- E. Direct or indirect illumination shall not exceed 0.6 foot-candles upon abutting residential properties.
- F. Required Light Levels: **Need to do additional research to assure our final document uses the most current standards and measures as methods for determining lighting minimum and maximum limits...**
  - 1. Parking areas or lots: An average of one and one-half (1.5) foot-candles throughout.
  - 2. Intersections of parking areas or lots: Three (3) foot-candles.
  - 3. Maximum at property lines: One (1.0) footcandle.
  - 4. In residential areas: Average of six-tenths (0.6) footcandle.

**12. Fire Protection. No Changes Suggested; however, a conversation will occur with the Fire Chief to assure his support of the existing language, of if he wishes to provide alternate/additional language.**

- A. Fire hydrants connected to the public water supply system shall be located no further than 500 feet from any building.
- B. Hydrants or other provisions for drafting water shall be provided to the specifications of the Fire Department. Minimum pipe size connecting dry hydrants to ponds or storage vaults shall be six (6) inches.
- C. Where a dry hydrant or other water source is not within the right-of-way of a proposed or existing street, an easement to the City shall be provided to allow access. A suitable accessway to the hydrant or other water source shall be constructed.
- D. A proposed subdivision of 5-10 lots not served by a public water supply shall provide for a minimum storage capacity of 10,000 gallons. Additional storage capacity of 2,000 gallons per lot over 10 lots shall be provided. The Planning Board may require additional storage capacity upon a recommendation from the Fire Chief. Where ponds are proposed for water storage, the capacity of the pond shall be calculated based on the lowest water level less an equivalent of three (3) feet of ice.

### 13. Home Occupations.

Home occupations shall be incidental to the residential use of the property. No Home Occupation is allowed without first obtaining a Permit from the Code Enforcement & Planning Office. As of January 1, 2013 Home Occupation Site Design Review Applications shall have an initial fee of \$90.00.

Home occupations shall be allowed in any zone, and

All Home Occupations activity shall be restricted to within the interior of the primary or an accessory structure, and

There shall be no change in the outside appearance of the buildings or premise that shall cause the premise to differ from its residential character by use of colors, materials, construction, lighting, sounds, or noises. The Home Occupation shall be identified by no more than one free standing single or double sided yard sign or one sign on the building, no sign face to exceed two square feet in area, and

There shall be no exterior storage of materials, such as, but not limited to, trash and or any other materials used in the Home Occupation, and

The following requirements shall be satisfactorily demonstrated to the ~~Planning Board~~ Code Enforcement Officer before a permit is issued:

1. The home occupation shall employ only residents of the dwelling unit.
2. The home occupation shall be carried on wholly within the principal or accessory structure.
3. The home occupation shall not occupy more than 50% of the total floor area of the principal dwelling structure. Accessory structures used for the Home Occupation may use up to 100% of the floor area.
4. No client or customer shall be allowed on any floor level other than the first floor ground floor level unless the structure is protected throughout with a State Fire Marshal approved sprinkler system.
5. Objectionable noise, vibrations, smoke, dust, electrical disturbance, odors, heat, glare, or other nuisance shall not be permitted.
6. No on street parking is allowed for clients or customers.
7. All means of ingress and egress to and from all areas accessible to clients and customers shall be in full compliance with the requirements of the 2009 Edition of NFPA 101, Life Safety Code and the Americans with Disabilities Act.

Should all of the above conditions not be maintained on a continual basis once the permit has been issued, the Code Enforcement Officer shall rescind the permit and issue a cease and desist order to stop the non-conforming Home Occupation. Any Home Occupation operating without a current permit shall be prosecuted in District Court according to Title 30-A, MRSA §4452.

All other requirements of the Caribou Code of Ordinances apply to all Home Occupations.

ADD: Exceptions may be mad in commercial and industrial zones as determined by the Code Enforcement Officer.

**This led to a discussion about what (if any) appeals process may be necessary and appropriate for determining challenges to decisions made by the CEO and/or the Planning Board. Should we reference the Regional Zoning Board of Appeals (exists now).**

### 14. Hotels, Motels, and Inns. **General discussion led to directing the CEO to re-group this section with transient lodging establishments and other sections previously discussed – for consideration at a future meeting.**

For the purposes of these Ordinances, the terms hotel, motel, and inn are used interchangeably.

- A. A green space, not less than twenty (20) feet wide, shall be maintained open and green with grass, bushes, flowers, or trees all along each side lot line, the rear lot line, the front line of such lot, except for entrance and exit driveways. The green space shall not be used for automobile parking.
- B. If cooking or eating facilities are provided in any units, each unit shall be considered a dwelling unit and the development shall meet all applicable standards for multi-family development in these Ordinances, including the residential density requirements of the appropriate District. If three (3) or more multi-family units are to be constructed within a five (5) year period the development shall be considered a subdivision and shall also be reviewed through the Subdivision Ordinance.
- C. Each unit shall contain not less than two-hundred (200) square feet of habitable floor area enclosed by walls and roof, exclusive of any adjoining portions of roofed or covered walkways. Each sleeping room shall not be less than twelve by fifteen (12x15) feet horizontal dimensions, exclusive of bath. Each unit shall include private bathroom facilities.
- D. On each lot, one apartment may be provided for a resident owner, manager, or other responsible staff person.
- E. Building construction plans shall be reviewed and approved by the Fire Chief.
- F. Recreational vehicle parking stalls shall be designed to accommodate the traveling public with a minimum stall width of eleven (11) feet and stall depth of thirty-two (32) feet. Angled parking stall width and depths shall be increased by 10 percent and 25 percent above the parking standards contained in this Ordinance.
- G. All hotel, motel, and inn development shall be connected to the public sewer and water systems where provided. Where public sewer and water systems are not available, an adequate on-site septic system, in accordance with the *"State of Maine Subsurface Wastewater Disposal Rules"*, shall be provided to serve the maximum number of guests or customers who can be accommodated. Plans or written specifications, or both, for such systems shall be submitted to the Planning Board before final approval is granted by the Board. Where any doubt exists as to the adequacy of such proposed systems, the Board shall obtain the advice of a sanitary engineer or other qualified person and any cost of such service shall be paid by the applicant.
- H. No building shall be closer than fifty (50) feet from a property line.
- I. All other relevant standards of these Ordinances shall be observed.

**15. Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas, or Public Access to the Shoreline.**

General discussion about how these code sections support (or are in alignment with the Comprehensive Plan, specifically page 31 in the Natural Resources section.

Included discussion about goals for rezoning of the river front areas.

Desire of the PB to define "Critical Resource Areas"

Land Use Zoning Ordinance = "By Law" direction to developers

- A. Preservation of Natural Beauty and Aesthetics.
  - 1. The Plan shall, by notes on the Final Plan and deed restrictions, limit the clearing of trees to those areas designated on the Plan for preservation.
  - 2. A development in which the land cover type at the time of application is forested shall maintain a wooded buffer strip no less than fifty (50) feet in width along all existing public roads. The buffer may be broken only for driveways and roads.

3. The development should be designed to minimize the visibility of buildings from existing public roads; yet, maximize the natural features of the site, whenever possible. When the development contains no forest or insufficient forested portions to include all buildings, the development should be designed to minimize the appearance of building when viewed from existing public roads.

Chair questioned the goal/purpose of # 3 above... No resolution of this question was reached.

**----- Discussion Ended here on February 3<sup>rd</sup> -----**

4. The Planning Board may require that the application include a landscape plan that would show the preservation of any existing trees larger than 24" inches diameter breast height, the replacement of trees and vegetation, and graded contours.
5. When a proposed road traverses open fields, the plans should include the planting of street trees. Street trees shall include a mix of tall shade trees and medium height flowering species. Trees should be planted no more than fifty (50) feet apart.
6. When a proposed development contains a ridge line, the Plan shall restrict tree removal and prohibit building placement within fifty (50) feet vertical distance of the ridge top. These restrictions shall appear as notes on the final recording Plan and as covenants in the deed.

**B. Retention of Usable Open Spaces and Natural or Historic Features.**

1. The development should reserve between five and ten percent of the area of the development as open space in order to provide for the recreational needs of the occupants of the development and/or to maintain the scenic or natural beauty of the area. In determining the need for open space the Planning Board shall consider the recreation plan for open space or recreation facilities in the area surrounding the development and the policies of the plan for meeting those needs; the proximity of the development to neighboring dedicated open space or recreation facilities; the type of development; and the demographic characteristics of potential occupants in the development; and the density or lot sizes of the development.
2. If any portion of the development is located within an area designated as a critical natural area, or the Department of Economic and Community Development's Natural Areas Program, the Plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
3. If any portion of the development is designated a site of historic or prehistoric importance, by the comprehensive plan, or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the Plan.
4. The development should reserve sufficient undeveloped land to provide for the recreational needs of the occupants. The percentage of usable open space to be reserved would depend on: the identified needs for outdoor recreation in that portion of City according to the comprehensive plan; the proposed lot sizes within the development; the expected demographic makeup of the occupants of the development; and the site characteristics. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry, have a total frontage on one or more roads of at least 200 feet, and have no major dimensions of less than 200 feet.
5. Land reserved for usable open space purposes shall be of a character, configuration, and location suitable for the particular use intended.
6. Sites selected primarily for scenic or passive recreation purposes should have such access as the Planning Board may deem suitable and no less than twenty-five (25) feet of road frontage. The configuration of such sites should be deemed adequate by the Planning Board with regard to scenic attributes and significant wildlife habitat to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.
7. Reserved usable open space land may be dedicated to the City.

**C. Protection of Significant Wildlife and Important Habitat Areas.**

1. If any portion of a proposed development lies within:

- a. 250 feet of the following areas identified and mapped by the Department of Inland Fisheries and Wildlife as:
  1. Habitat for species appearing on the official state or federal lists of endangered or threatened species;
  2. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;
  3. Shorebird nesting, feeding, and staging areas;
  4. Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission, or
  5. 1,320 feet of an area identified and mapped by the Department of Inland Fisheries and Wildlife as a high or moderate value deer wintering area or travel corridor, or
  1. Other important habitat areas identified in the local comprehensive plan, the applicant shall demonstrate that there shall be no adverse impacts on the habitat and the species it supports. A report prepared by a wildlife biologist, selected or approved by the Planning Board shall be submitted. This report shall assess the potential impact of the development on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe appropriate mitigation measures to ensure that the development shall have no adverse impacts on the habitat and the species it supports.
2. Protection of Deer Wintering Areas. The applicant shall contact the Regional Biologist of the Maine Department of Inland Fisheries and Wildlife at the Planning Board's request to determine whether any portion of the proposed development lies within an identified deer wintering area. A letter should be prepared by the Wildlife Biologist stating whether there is or is not a deer wintering area on the plat. If there is an identified deer wintering area, the Plan shall include the limits of the area on the Plan and a management plan prepared by a wildlife biologist for any identified deer wintering areas. The management plan shall provide for approximately 50 percent of the area to be maintained in mature softwoods. The management plan will be reviewed by the IF&W Wildlife Biologist for acceptance and their comments will be forwarded to the Planning Board.
- D. Public Access to the Shoreline. Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or should be included in the usable open space, with provisions made for continued public access.

## 16. Impact on Water Quality or Shoreline.

- A. GPA Lakes. No application for development in the direct drainage area of a GPA lake should be approved unless the development will have no significant impact on the water quality of the lake or any downstream lakes. The direct drainage area of a lake is that portion of a lake's watershed which drains to the lake through tributaries or overland runoff without passing through another lake. In determining the significance of impact on the lake the Planning Board shall consider:
  1. Past degradation of the lake's water quality;
  2. The cumulative impact of this development and any other developments or activities subsequent to the establishment of this policy; and
  3. The assimilative capacity of the lake.

It shall be the applicant's responsibility to provide the Planning Board with any information necessary to evaluate the magnitude of the impact of the proposed development on the lake.

### B. Phosphorus Export.

1. Any development within the watershed of a Great Pond shall make provisions to limit the post development phosphorus export. The Planning Board shall keep an accurate record of permits issued within the watershed.

2. Simplified Phosphorus Review. The simplified review may be used for a:
  - a. Proposed development of three or four lots with less than 200 feet of new or upgraded road with a cumulative driveway length not exceed 450 feet for a three lot subdivision or 600 feet for a four lot subdivision;
  - b. Proposed development of three or four lots with no new or upgraded road with a cumulative driveway length not to exceed 950 feet for three lot subdivisions or 1,100 feet for four lot subdivisions; or
  - c. Proposed developments consisting of multi-family dwellings that have less than 20,000 square feet of disturbed area including building parking, driveway, lawn, subsurface waste water disposal systems, and infiltration areas, and new or upgraded roads not exceeding 200 linear feet.

A proposed development which creates lots which could be further divided such that five or more lots may result shall be subject to the standard review procedures unless there are deed restrictions prohibiting future divisions of the lots.

5. Standard Review. This subsection shall apply to proposed developments which do not qualify for the simplified review. Phosphorous export from a proposed development shall be calculated according to the procedures in

*Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine DEP, latest edition. When a proposed development creates lots which are more than twice the required minimum lot size and there are no deed restrictions proposed to prohibit future divisions, the applicant shall either calculate phosphorus loading based on the maximum feasible number of lots, and shall design controls adequate to limit the resulting phosphorus loading, or shall reserve a portion of the permitted phosphorus export for future divisions.

4. Maintenance and Use Restrictions for Phosphorus Control Measures.

Provisions for monitoring, inspections, and maintenance of phosphorus control measures shall be included in the application.

- a. General Requirements for Buffer Strips.
  1. Buffer strips shall provide sufficient area for travel lanes between areas of designated wildlife habitat.
  2. The construction, alteration, maintenance, and other activities in buffer strips shall not adversely affect wildlife and fisheries lifecycles.
  3. There shall be no unreasonable disturbance to:
    - a. Designated deer wintering areas.
    - b. Habitat of any species declared threatened or endangered by the Maine Department of Inland Fisheries and Wildlife or the U.S. Fish and Wildlife Service.
    - c. Nesting sites for bird colonies.
  4. The buffer strip shall be maintained permanently and any plant material which does not live will be replaced within one year.
  5. Screen planting, when used, shall be so placed that at maturity it shall be 8 feet in height and be no closer than three feet from any road or property line.
  6. Fencing and screening will be so located within the owner's property line to allow access for maintenance on both sides without intruding upon abutting properties.
- b. Vegetative Buffer Areas. Individual lot owners shall be required to maintain buffer areas on their individual lots in accordance with the following standards, to be specified in recorded deed restrictions and as notes on the final recording Plan. Where a vegetative buffer area is to be owned in common by property owners in the development, documentation establishing the lot owners association shall include the following standards.
  1. Wooded Buffers.

Maintenance provisions for wooded buffers shall provide for either of the following two options.

a. No Disturbance.

Maintenance and use provisions for wooded buffer areas which are located on hydrologic soil group D soils and within 250 feet of the Great Pond or a tributary, or which are located on slopes over 20 percent shall include the following:

1. Buffers shall be inspected annually for evidence of erosion or concentrated flows through or around the buffer. All eroded areas must be seeded and mulched. A shallow stone trench must be installed as a level spreader to distribute flows evenly in any area showing concentrated flows.
1. All existing undergrowth (vegetation less than four feet high), forest floor duff layer, and leaf litter must remain undisturbed and intact, except that one winding walking path, no wider than six feet, is allowed through the buffer. This path shall not be a straight line to the Great Pond or tributary and shall remain stabilized.
3. Pruning of live tree branches that do not exceed twelve feet above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.
4. No cutting is allowed of trees except for normal maintenance of dead, wind blown, or damaged trees.
5. Buffers shall not be used for all-terrain vehicle or vehicular line to the Great Pond or tributary and shall remain stabilized.
6. Pruning of live tree branches that do not exceed twelve feet above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.
7. No cutting is allowed of trees except for normal maintenance of dead, wind blown, or damaged trees.
8. Buffers shall not be used for all-terrain vehicle or vehicular traffic.
9. Limited disturbance.

Maintenance and use provisions for other buffer areas may include the following:

1. There shall be no cleared openings and an evenly distributed stand of trees and other vegetation shall be maintained.
2. Activity within the buffer shall be conducted so as to minimize disturbance of existing forest floor, leaf litter and vegetation less than four feet in height. Where the existing ground cover is disturbed and results in exposed mineral soil, that area shall be immediately stabilized to avoid soil erosion.
3. Removal of vegetation less than four feet in height is limited to that necessary to create a winding foot path no wider than six feet. This path shall not be a straight line to the Great Pond or a tributary. The path must remain stabilized.
4. Pruning of live tree branches that do not exceed 12 feet in height above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.
5. Where the removal of storm-damaged, diseased, unsafe, or dead trees results in a cleared opening being created, those openings shall be replanted with native trees at least three feet in height unless existing new tree growth is present.
6. Buffers shall not be used for all terrain vehicle or vehicular traffic.

2. Non-Wooded Buffers.

- a. Non-wooded buffers may be allowed to revert or to be planted to forest, in which case the standards above shall apply.
- b. A buffer must maintain a dense, complete and vigorous cover of "non-lawn" vegetation which shall be mowed no more than once a year. Vegetation may include grass, other herbaceous species, shrubs and trees.
- c. Activity within the buffer shall be conducted so as to prevent damage to vegetation and exposure of mineral soil. Burning of vegetation shall be prohibited.

- d. Buffers shall not be used for all-terrain vehicles or other vehicular traffic.
- C. Infiltration Systems. Individual lot owners shall be responsible for maintenance of individual infiltration systems according to the standards specified in "*Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*", published by the Maine DEP, revised May, 1990. Requirements for maintenance shall be included in deed restrictions and as notes upon the final recording Plan. As an alternative to maintenance by individual lot owners, the applicant may designate some other entity to be contracted to take the responsibility, and shall include the above referenced maintenance provisions in any contractual agreement. Where infiltration systems serve more than one lot, a lot owners association shall be established and the above referenced maintenance provisions shall be referenced in the documentation establishing the association.
- D. Wet Ponds. A lot owners association shall be established to maintain wet ponds, unless the City or some other public entity agrees to assume inspection and maintenance duties. Documentation establishing the association or establishing an agreement with a public entity shall include the maintenance standards specified in the manual "*Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*", published by the Maine DEP, revised May, 1990.
- C. Cutting or removal of vegetation along water bodies shall not increase water temperature, result in shoreline erosion, or sedimentation of water bodies.

## 17. Kennels.

Including Animal Shelters, Boarding Kennels, Breeding Kennels and Rescue Group facilities. This ordinance does not regulate or limit the number of domesticated privately owned household pets.

**Animal Shelter**, “means a facility that houses animals and operates for the purpose of providing stray, abandoned, abuses or owner-surrendered animals with sanctuary or finding the animals temporary or permanent adoptive homes.” ~~Animal Shelters are not allowed in the R-1, R-2, C-1 & H-1 zones. Animal Shelters are allowed in RC-2, R-3, C-2, I-1 & I-2 zones with site design review and planning board approval.~~ Animal Shelters are allowed in districts as outlined in the Land Use Table with site design review and planning board approval.

**Boarding Kennel**, “means any place, building, tract of land or abode in or on which 3 or more privately owned companion animals are kept any one time for their owners in return for a fee or compensation and includes a facility where 3 or more companion animals are kept for training purposes for compensation.” ~~Boarding Kennels are not allowed in the R-1, R-2, C-1 & H-1 zones. Boarding Kennels are allowed in the RC-2, R-3, C-2, I-1 & I-2 zones with site design review and planning board approval.~~ Boarding Kennels are allowed in districts as outlined in the Land Use Table with site design review and planning board approval.

**Breeding Kennel**, “means a location where 5 or more adult female dogs, wolf hybrids or cats capable of breeding are kept and some or all of the offspring are offered for sale, sold or exchanged for value or a location where more than 16 dogs or cats raised on the premises are sold to the public in a 12-month period. Breeding Kennel does not include a kennel licensed by a municipality under Title 7 Section 3923-C when the dogs are kept primarily for hunting, show, training, sledding, competition, field trails or exhibition purposes and not more than 16 dogs are offered for sale, sold or exchanged for value within a 12-month period.” ~~Breeding Kennels are not allowed in the R-1, R-2, C-1, C-2 & H-1 zones. Breeding Kennels are allowed in the RC-2, R-3, I-1 & I-2 zones with site design review and planning board approval.~~ Breeding Kennels are allowed in districts as outlined in the Land Use Table with site design review and planning board approval.

**Rescue Group**, “means an organization or individual that receives animals that have been abandoned, surrendered or removed from an animal facility or that take in homeless dogs or cats and sells, gives or otherwise places the animals in private homes. Rescue group does not include a facility licensed under chapter 723.” ~~Rescue Groups are not allowed in the R-1, R-2, C-1 & H-1 zones. Rescue Groups are allowed in the RC-2, R-3, C-2, I-1 & I-2 zones with site design review and planning board approval.~~ Rescue Groups are allowed in districts as outlined in the Land Use Table with site design review and planning board approval.

All buildings and or structures used as Kennels, Animal Shelters, Boarding Kennels, Breeding Kennels and Rescue Groups shall comply with A. through G. following:

- A. Structures or pens for housing or containing the animals shall be located not less than one hundred (100) feet from any residential property line existing at the time of permit.
- B. All pens, runs, or kennels, and other facilities shall be designed, constructed, and located on the site in a manner that will minimize the adverse effects upon the surrounding properties.
- C. The owner or operator of a kennel shall maintain the premises in a clean, orderly, and sanitary condition at all times.
- D. Temporary storage containers for any kennel wastes containing or including animal excrement, shall be kept tightly covered at all times.
- E. No owner of animals or operator of a kennel shall allow any animals to create objectionable noise disturbance, odors, or other nuisances.
- F. All other relevant standards of this ordinance shall also be observed.

**Historical Note:** Section 13-700 §17 Kennels was amended by the City Council on February 13, 2012.

#### **18. Lots and Density.**

- A. There shall be no more than one principal building and its accessory buildings erected on any one lot.
- B. Any lot containing a residential building shall abut on a public street for a distance of not less than 75 feet.
- C. Every lot that is to be offered for sale for development shall be such that any buyer, with or without knowledge of the lots physical characteristics, shall be able to have a principal structure, adequate access, adequate water supply and quality, and adequate sewage disposal on that lot.
- D. Lot dimensions and building setback dimensions shall meet the requirements of the Zoning District in which the development is located. Any lot intended for use as a year round residence shall be connected either to the City sewer system or to an approved subsurface wastewater disposal system. Any residential lot served by an approved subsurface wastewater disposal system shall be a minimum of one acre.
- E. Wherever possible, side lot lines shall be perpendicular to the road.
- F. Depth and width of lots shall be adequate to provide for the off-road service, loading, and parking facilities for vehicles required by the type of use and development.
- G. Corner lots shall be increased in size wherever necessary in order that any structure to be placed thereon shall conform to the minimum front setback line from each road. Any new corner lots should be encouraged to have access onto the road with the least amount of traffic volume or impact.
- H. The division of parcels into lots with more than twice the required minimum lot size required by the Zoning Ordinance should be laid out in such a manner as either to provide for future legal subdivision or to allow the opening of future roads. Deed restrictions and notes on the final recording Plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and require approval from the Planning Board, subject to all applicable federal, state, or local ordinances or regulations, and any conditions placed on the original approval.
- B. If a lot on one side of a stream, road, or other similar barrier fails to meet the minimum requirements for lot size, it should be combined with a lot on the other side of the stream, road, or other similar barrier to meet the minimum lot size requirement.
- C. In areas served by a postal carrier, lots shall be numbered in such a manner so as to facilitate mail delivery. Even numbers shall be assigned to lots on one side of the road and odd numbers on the opposite side. Where the proposed development contains the extension of an existing road approved by the Planning Board, but not yet constructed, the lot numbers shall correspond with the existing lot numbers. The lot numbering shall be reviewed by the Postmaster and City Tax Assessor and their comments considered by the Planning Board.
- K. Double frontage lots and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A vegetative buffer strip of at least ten (10) feet wide, across which there shall be no right of access, shall be provided along each lot abutting such a traffic artery or other disadvantaged use. *Is this buffer strip equate?*
- L. All lots must abut a public way, unless an access road meeting the following criteria has been constructed within a deeded right-of-way having a minimum width of fifty (50) feet. The access road shall be constructed to a minimum width of twelve (12) feet if serving one dwelling unit, and eighteen (18) feet if serving two (2) dwelling units. The access road shall contain a minimum depth of eighteen (18) inches of bank-run gravel and have drainage ditches and culverts at all appropriate points. Such an access road shall serve no more than two (2) dwelling units. Any access road serving between three (3) and five (5) dwelling units shall meet

the "Private" road design and construction standards, but need not be paved. Any access road serving more than five (5) dwelling units shall meet the "Private" road design and construction standards and it shall be paved. All lots shall have adequate right-of-way access for emergency vehicles to enter, turn around, and exit.

- M. Land susceptible to flooding and land not suitable for housing or road development and land which may be hazardous to life, health, or property shall not be accepted as part of a development for residential purposes, but may be used, with the approval of the CEO or Planning Board, for parks, playgrounds, or other open-space uses.
- N. No lots created shall have a lot depth to frontage ratio of greater than 5 to 1.

**19. Monumentation.**

- A. No person, firm, corporation, or other legal entity shall sell or convey any land unless, prior to the conveyance of said land, monuments have been set within each lot sold or conveyed in conformance with this subsection (See: Title 30-A, MRSA, §4406 (2)).
- B. If artificial monuments have not been set at the time of the Final Plan submission, that fact shall be indicated by notation on the Final Plan. Said notation shall also indicate that monuments will be set prior to the sale or conveyance of any lot.
- C. All monuments required by this subsection shall be set along any street, road, way, or parcel to be dedicated to the municipality prior to the acceptance of any street, road, way, or parcel by the municipality.
- D. Monument, monument location, and artificial monument settings shall conform with the requirements of the Maine Board of Licensure for Professional Land Surveyors, latest edition.
- E. Artificial monuments shall be located in a manner and be of sufficient size, composition, and material that:
  - 1. The likelihood of their disturbance is minimal;
  - 2. The monument is capable of being detected with electromagnetic metal detectors;
  - 3. Their life expectancy, under normal circumstances, shall exceed 25 years; and
  - 4. The person who placed the monument can be identified with certainty by inspection of the monument.
- F. Monuments shall be set at all corners and angle points of the property boundaries where the interior angle of the boundaries is 135° or less.

**20. Noise.**

- A. The maximum permissible sound pressure level of any continuous, regular, or frequent source of sound produced by any activity shall be limited by the time period and land use District listed in the following chart. Sound levels shall be measured at least 4 feet above ground at the property boundary.

**Sound Pressure Level Limits** (Measured in dB (a) scale)

	<u>7 AM - 10 PM</u>	<u>10 PM - 7 AM</u>
Residential Districts	55	45
Commercial Districts	60	50
Industrial Districts	65	50

- B. The levels specified may be exceeded by 10 dBA for a single 15 minute period per day. Noise shall be measured by a meter set on the A-weighted response scale, slow response. The meter shall meet the American National Standards Institute (ANSI S1.4-1961) "*American Standard Specification for General Purpose Sound Level Meters*".
- C. No person shall engage in construction activities, on a site abutting any residential use, between the hours of 10 PM and 7 AM which exceed those limits established for residential Districts. Otherwise the following activities shall be exempt from these regulations:
  - 1. Sounds emanating from construction and maintenance activities conducted between 7 AM - 10 PM.
  - 2. Sounds emanating from safety signals, warning devices, emergency pressure relief valves, and other emergency activities.
  - 3. Sounds emanating from traffic on public transportation facilities.

**21. Preservation of Natural Features.**

The CEO or Planning Board may require that a proposed development preserve such natural features as trees, streams, water courses, and scenic views. The road and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as much as practical.

**22. Professional Offices in Residential Districts.**

Professional offices may be permitted in those residential Districts indicated on the Land Use Permit Table and in accordance with the provisions below:

- A. New professional offices shall be located only within existing buildings, in order to retain the essential character of the neighborhood, except as allowed in "E", below.
- B. Parking for professional offices shall be located to the side or rear of the building, and shall be screened from view from all streets and abutting residential properties.
- C. All outdoor lighting shall be directed in such a manner as to avoid "overspill" onto abutting residential properties or glare into the street.
- D. Exterior alterations shall be minimized and shall be similar to the original architectural style of the building.
- E. In special situations where a building is extremely dilapidated and structurally unsound and where reuse is therefore not practicable or economically feasible, or where a building is not judged to be a significant component of the neighborhood's overall architectural and historic character, the Planning Board may approve plans to replace an existing residential building with a proposed new professional office building whose scale and design would be appropriate to the site and to the neighborhood.

**23. Rear Lots.**

Rear lots may be developed for any permitted use if they are or can be provided with a right-of-way, which complies with the following provisions:

- A. The right-of-way must be conveyed by deed recorded in the Aroostook County Registry of Deeds, Northern Office to the owner of the rear lot and be a minimum of 50 feet in width.
- B. A legal description of the right-of-way by metes and bounds shall be attached to any building permit application for construction on the rear lot.
- C. Except for lots recorded on the effective date of these Ordinances, the right-of-way deed must be recorded in the Aroostook County Registry of Deeds, Northern Office at the time the rear lot is first deeded out as a separate parcel.
- D. Creation of the right-of-way to serve the rear lot shall not create a non-conforming front lot by reducing such lot's required road frontage below the minimum, or, if the front lot is already non-conforming with respect to road frontage, reduce its road frontage at all.
- E. The right-of-way may serve only one single-family dwelling, unless the following provisions are met:
  - 1. If serving two (2) dwelling units the access shall be constructed to a minimum width of eighteen (18) feet. The access shall contain a minimum depth of eighteen (18) inches of bank-run gravel and have drainage ditches and culverts at all appropriate points.
  - 2. Any access serving between three (3) and five (5) dwelling units shall meet the "Private" road design and construction standards, but need not be paved.
  - 3. Any access serving more than five (5) dwelling units shall meet the "Private" road design and construction standards and it shall be paved. All lots shall have adequate right-of-way access for emergency vehicles to enter, turn around, and exit.
- F. If the right-of-way is brought up to standards as set forth in the City's road design and construction standards, further dwellings may be constructed on a rear lot with Planning Board approval, provided all other space and bulk requirements are met for each dwelling. For purposes of such approval, the sale or lease of additional lots or the construction of an additional dwelling or dwellings served by the right-of-way shall be considered in the same manner and under the same restrictions and requirements as if such division or construction were a subdivision.
- G. Each single-family dwelling on a back lot shall be located within an area large enough to hold a circle with a minimum diameter equal to the required road frontage as required for a single-family dwelling in the District.

- H. A lot of record which could otherwise be legally built upon, but which is served by a right-of-way which does not comply, herein, may nevertheless be used for a single-family dwelling with Planning Board approval.

**24. Reservation or Dedication and Maintenance of Usable Open Space and Common Land, Facilities, and Services.**

- A. All usable open space common land, facilities, and property shall be owned by:
  - 1. The owners of the lots or dwelling units by means of a lot-owners association;
  - 2. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or
  - 3. The City.
- B. Further subdivision of the common land or usable open space and its use for other than non-commercial recreation agriculture or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land. When usable open space is to be owned by an entity other than the City, there shall be a conservation easement deeded to the City prohibiting future development.
- C. The common land or usable open space shall be shown on the Final Plan with appropriate notations on the Plan to indicate that:
  - 1. It shall not be used for future building lots; and
  - 2. Which portions of the usable open space, if any, may be dedicated for acceptance by the City.
- D. The Final Plan application shall include the following:
  - 1. Covenants for mandatory membership in the lot owners association setting forth the owners' rights, interests, and privileges in the association and the common property and facilities, to be included in the deed for each lot or dwelling.
  - 2. Draft articles of incorporation of the proposed owners association as a non-profit corporation; and
  - 3. Draft by-laws of the proposed lot owners association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities.
- E. In combination, the documents referenced in paragraph D above shall provide for the following:
  - 1. The homeowners association shall have the responsibility of maintaining the common property or facilities.
  - 2. The association shall levy annual charges against all owners of lots or dwelling units to defray the expenses connected with the maintenance, repair and replacement of common property and facilities and tax assessments.
  - 2. The association shall have the power to place a lien on the property of members who fail pay dues or assessments.
  - 4. The developer or applicant shall maintain control of the common property, and be responsible for its maintenance until development sufficient to support the association has taken place. Such determination shall be made by the Planning Board upon request of the lot owners association, applicant, or developer.

**25. Residences Excluded from Industrial Districts.**

Residential uses are specifically excluded from Industrial Districts except for watchman, caretaker, or janitor, or other such use clearly incidental to a lawful industrial use.

**26. Satellite Receiving Dish.**

No satellite receiving dish, greater than 40" in diameter, shall be located within 100 feet of the right-of-way of a public road.