



City of Caribou, Maine

AGENDA
Caribou Planning Board
Regular Meeting
Wednesday, April 5, 2017 at 5:30 p.m.
Caribou City Council Chambers

Municipal Building
25 High Street
Caribou, ME 0473
Telephone (207) 493-332
Fax (207) 498-395
www.cariboumaine.org

- I. Call to Order
- II. Approval of January 17, 2017 Council/Planning Board Workshop Minutes
- III. Approval of March 1, 2017 Planning Board Minutes
- IV. New Business
 - 1) Proposed change to all of the RC-2 Zone along Access Highway to allow the installation of mobile homes
 - 2) Discussion on an application to become an Auto Recycler - Kip Griffin, 960 Access Highway
- V. Other Business
 - 1) Recommending Chapter 13 Re-write to the City Council
 - 2) Discussion on monthly meeting date and time for Planning Board meetings.
- VI. Adjournment

A Joint workshop between the Caribou City Council and the Caribou Planning Board was held on Tuesday, January 17th, at 6:00pm in the Caribou City Council Chambers.

City Councilors Present: Aiken, McDonough II, Theriault, Guerrette, Martin, and McDougall.
City Councilors Absent: Smith.

Planning Board Members Present: Graves, McDonough III, Cyr, Smith, Pelletier and White.

Planning Board Members Absent: Hunter.

The meeting was covered by the Aroostook Republican and Time Warner Cable.

Phil Cyr, Planning Board Chair opened the meeting and asked for public input and no one provided any input.

Chair Cyr then asked if any of the City Councilors wished to make comments.

Councilor McDonough II recommended that we do not allow recreational marijuana in the City of Caribou. Based upon the fact it's not allowed federally, and the 62% of citizens that voted against it.

Councilor Dave Martin discussed how some communities used to be dry in Aroostook County. He asked why pass up on a business in Caribou. He's against the social clubs, but if it's legal then we should allow it to be sold in Caribou. A majority of Mainers approved it, and it's now a law.

Planning Board Member White asked how much weight we should give to the rules/laws/guidelines etc. that the state may come up with. Councilor Martin stated we should wait until state finalizes the rule.

Mayor Aiken said state guidelines should be used. Asked if Caribou wants to engage in retail marijuana sales, and if we allow it we would have to go with the regulations the state comes out with.

Planning Board Chair Cyr stated whatever is put in place initially can always be altered later.

Planning Board Member Smith said we don't know what this will look like in 5 years. We don't know if/when the federal government will allow it or not. She says we should let other communities do the trials of this first. Caribou uses citizen option for a lot of its decisions, and the opinion of 62% of the people in Caribou was to not legalize marijuana.

Chair Cyr discussed the potency of marijuana today versus marijuana in the 1970's. It is at least 4 times as potent today than it was then. He cited the recommendation of the Caribou Police Chief Mike Gahagan that we do not allow it.

Mayor Aiken stated whether we sell it here or not those that want to use it will still be using it.

Planning Board Member White called this an "attractive nuisance". It will cause people to try to get around the system and it would increase the temptation for young people.

Planning Board Member McDonough III agreed it would increase the temptation for young people if we have it here.

Leo Trudel, executive director of Safe Alternatives the medical marijuana dispensary here in Aroostook County addressed the Board. He stated he voted no on the referendum, but the law was passed. He said Caribou issued liquor licenses for 2 new bars in the last year, and those are dangerous. He says there is a speak easy in town who has been selling illegally for quite a while. He doesn't feel Caribou is business friendly, and wants to bring jobs to Caribou. The law will allow people to grow six plants or more. The bigger picture is Caribou will have it in large amounts. His dispensary is the smallest in the state because people grow their own. He says Caribou has the ability to put limitations on how many recreational ones. He said the state will

allow medical dispensaries to dispense retail. He feels he is the best option to serve recreational customers.

Planning Board Member Smith said that Caribou doesn't have to allow a business that does fit in the community.

Mr. Trudel said that is only her opinion.

Mayor Aiken stated he asked his children about what would happen if marijuana was legalized. It came down to those that are doing it now will still do it, people that don't do it now likely won't start. Trudel agrees people won't start doing it now.

Mr. Trudel believes we will find less of it on the black market and less shady deals taking place. Harvard economist states it will be a slight increase, but it will be small.

Mayor Aiken said Canada will likely legalize marijuana country wide, and people won't travel here from Massachusetts to get it. He doesn't agree with selling it here, because what is going to happen with the kids that have access to it.

Mr. Trudel says it is the same with tobacco or alcohol products that have been geared towards younger taste buds. Says it will be dispensed in containers that are hard to open.

It was clarified that any medical dispensary in Caribou would have to be approved by the City before it could sell recreational.

Planning Board Member Smith clarified that we have the right to decide whether or not we want the stores selling it here recreationally. And that is the topic we are here to discuss, not whether or not it is legal to have it or not have it. We can only control if we allow it to be sold recreationally.

Consensus of the Planning Board is unanimously to not allow recreational marijuana to be sold in Caribou. Bless stated he would work with the City Attorney and MMA Legal to draft language to not allow recreational dispensaries in Caribou.

Mr. Trudel said he stated we could find positive information on recreational marijuana which include marijuana policy project and NORML.

The meeting was adjourned at 6:36pm.

Austin Bless, City Manager



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 Meeting Minutes Wednesday, March 1, 2017 @ 5:30 pm City Council Chambers

I. Call to Order

Members Present: Graves, McDonough III, White, Smith, Pelletier

Members Absent: Cyr, Hunter

II. Approval of February 1, 2017 Planning Board Minutes

Motion by Pelletier seconded by McDonough, to approve as presented with corrections. Unanimous.

III. Public Hearing

- a. Ordinance regarding recreational Marijuana
Public hearing opened at 5:31. No comments made. Public hearing closed at 5:31. McDonough III, White seconded to recommend approval to the City Council.
- b. Steve Wentworth provided a brief update on the Veterans Project on Washburn Road.

IV. New Business

- a. Crown Park Inn Request
Reviewed as a concept. Caribou Housing Agency will visit the rooms to see if it would qualify. The board will review this again next month and determine how to proceed.
- b. Day Care Application
Motion to approve by Pelletier, seconded by Graves. Unanimous.

Schedule public hearing on the Josh Nadeau zoning change for a zoning change to R-3.

V. Old Business

- a. Chapter 13 Re-write

VI. Other Business

- a. Safe Alternatives

Motion to approve the site design review application of Safe Alternatives by White, Seconded by McDonough. Four in favor. Graves opposed.

VII. Adjournment

Meeting adjourned at 6:45 pm.

Respectfully Submitted,

Robert White
Planning Board Secretary

RW/ab

From: Steve Wentworth
Sent: Wednesday, March 29, 2017 12:13 PM
To: Penny Thompson
Cc: Tony Michaud; Evan Graves (gravespi@gmail.com); Matthew Hunter (matthew.hunter@mac.com); Michele Smith (michele.smith67@gmail.com); Philip Cyr (philcyr@caribourehab.com); Philip McDonough (pmcdonough3@gmail.com); Robert White (rwhite03@maine.rr.com); Steve Wentworth; Todd Pelletier (toddp@swcollins.com); Mike Gahagan; Denise Lausier
Subject: RE: Josh Nadeau

Thanks Penny,

Planning Board;

Hopefully this e-mail will reach all P/B members and other interested staff.

- 1) Rather than bring this to the planning board as a change to only the lot owned by Mr. Nadeau, I'm recommending the board bring this up as a change to all of the RC2 zone along Access Highway to allow the installation of mobile homes. Two approaches being to either allow mobile homes in the RC2 Zone or change the RC2 Zone along Access Highway to the R3 Zone. The current nature of the area is predominantly mobile homes, so it's questionable why Caribou disallows additional mobile homes. If it be that the P/B wishes to make the major change a notice in the Aroostook Republican should be sufficient.

Also:

- 2) Also for discussion for 4-5, under new business, the used car dealer located at 960 Access Hwy., Kip Griffin, is asking for the city to sign off on his application to become an auto recycler. Caribou's ordinance does not list a permission for auto recycler in the land use chart.

These are the only 2 items that I'm aware of needing P/B attention during next weeks meeting.



Site Design Application

Planning Board
City of Caribou
25 High St.
Caribou, Maine 04736

Attn: Tony Mazzucco, Asst. City Manager
(207) 493-3324 X 224

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: Kip Griffin
Development Name: Griffin used Auto
Location of Property (Street Locations): 960 Access Highway Caribou
City of Caribou Tax Map: 15 Lot: 70 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

Please provide a brief description of this project.

Re-baiting cars and selling them

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

Kip Griffin
64 High Meadow Rd
Penham ME 04766

Phone: 227-0944

E-mail: griffinfarm38@yahoo.com

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

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

Phone: _____

Phone: _____

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

owner 11/20/2015 Book 5493 Page 36
(Attach supportive legal documentation)

General Information

Aroostook County Registry Deeds: Book # 5493 Page # 36 (attach copy of deed)

What interest does the applicant have in any abutting property? NB

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? Yes No

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

Total area or acreage of parcel: 2.5 Total area or acreage to be developed: _____

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

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. _____ Name and address of the owner of record and applicant (if different).
2. _____ Name of the proposed development and location.
3. _____ Names and addresses of all property owners within 500 feet of the property.
4. _____ 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. _____ Names and addresses of all consultants working on the project.
6. _____ 1 complete set of plans, 24" X 36" & 10 complete sets of plans, 11" X 17"
Plans to be included:
 - Boundary Survey
 - Storm Water Management
 - Erosion and Sediment Control
 - Finish Grading Plan
 - Site Improvement Detail
 - Building Elevations and Structural Plans
7. **Plans to show the following elements for review:**
 - _____ a. Graphic scale and north arrow.
 - _____ b. Location and dimensions of any existing or proposed easements and copies of existing covenants or deed restrictions.
 - _____ c. Name, registration number, and seal of the land surveyor, architect, engineer, and/or similar professional who prepared the Plan.
 - _____ d. All property boundaries, land area, and zoning designations of the site, regardless of whether all or part is being developed at this time.
 - _____ e. Size, shape, and location of existing and proposed buildings on the site including dimensions of the buildings and setbacks from property lines.
 - _____ 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.
 - _____ g. Location and names of streets and rights-of-way within 200' and adjacent to the proposed development.
 - _____ h. Proposed finish grades and graphic arrows indicating the direction of storm water runoff.
 - _____ i. Conceptual treatment of on and off site storm water management facilities.
 - _____ j. Location and sizes of existing and proposed sewer and water services including connections.
 - _____ k. Conceptual treatment of landscaping buffers, screens, and plantings.

- ___ l. Location of outdoor storage areas, fences, signage and accessory structures.
- ___ 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. 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.

Final Site Design Plan Requirements

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: 3/24/17

Final Site Design Review Criteria by Planning Board

Date: _____

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

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

**City of Caribou, Maine
Planning Board**

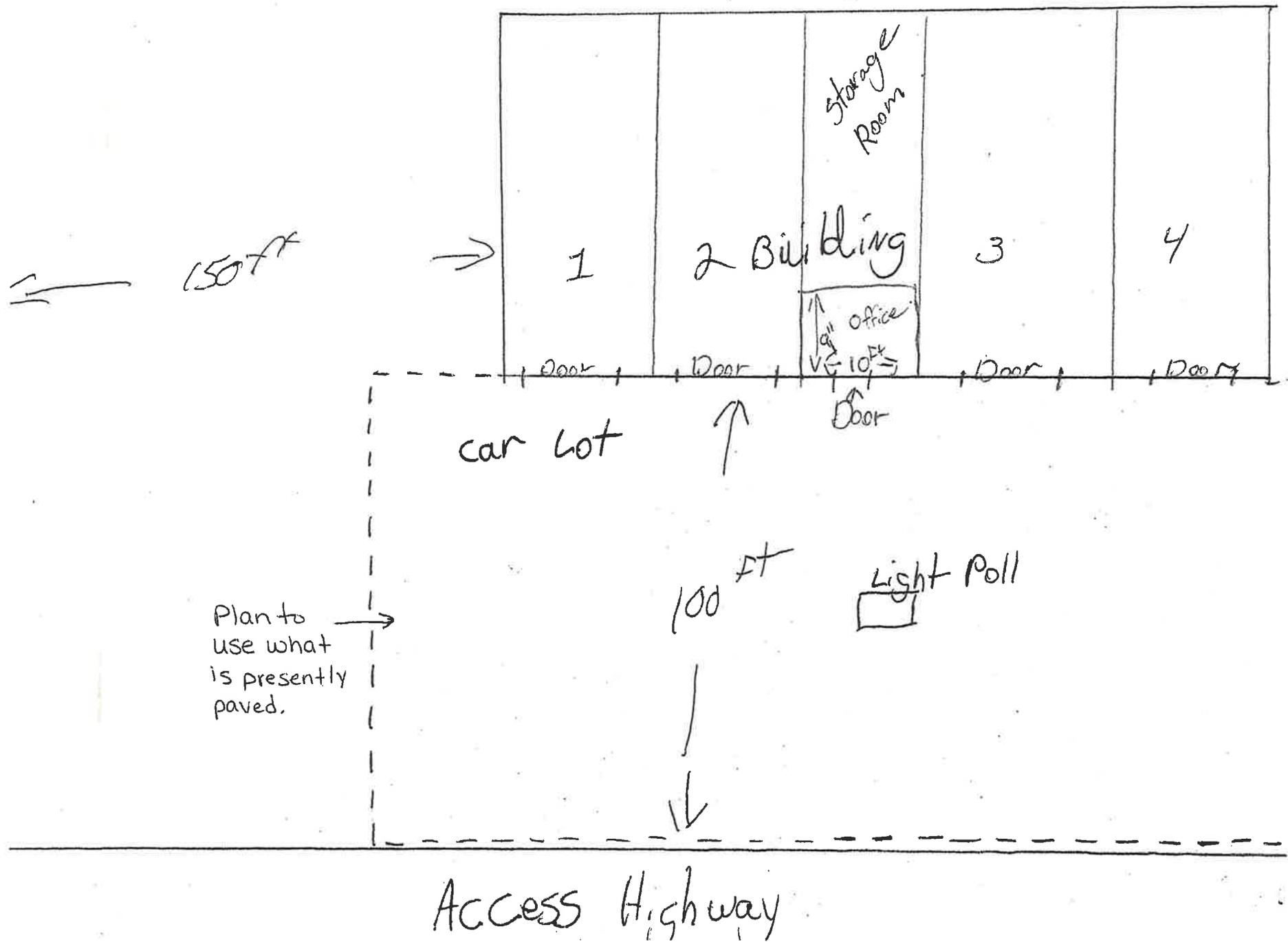
Site Design Review for: _____
 Address: _____

Approved by the Caribou Planning Board

Signed: _____ Chairman of the Planning Board

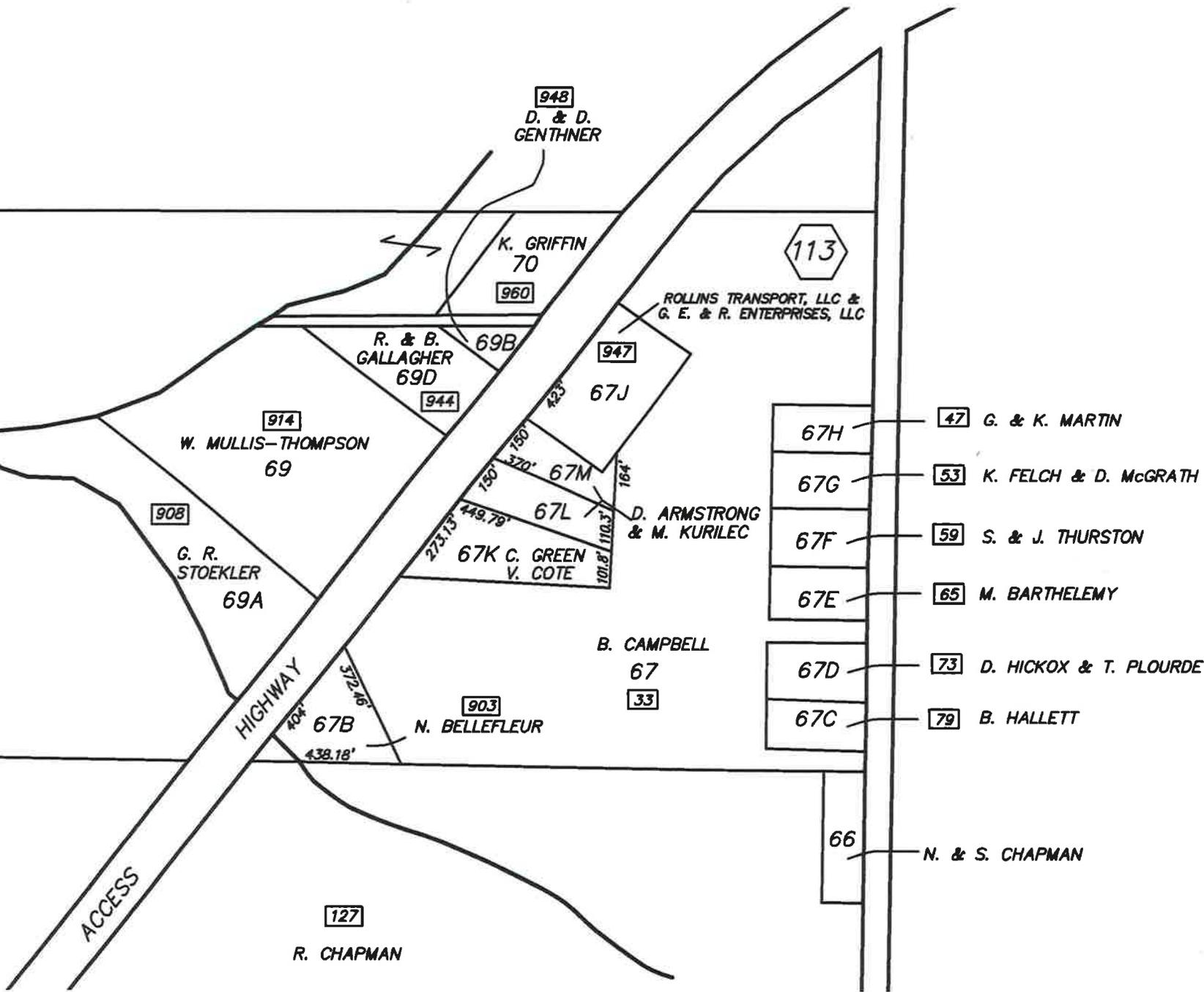
Date: ____ / ____ / ____

Conditions of Approval:

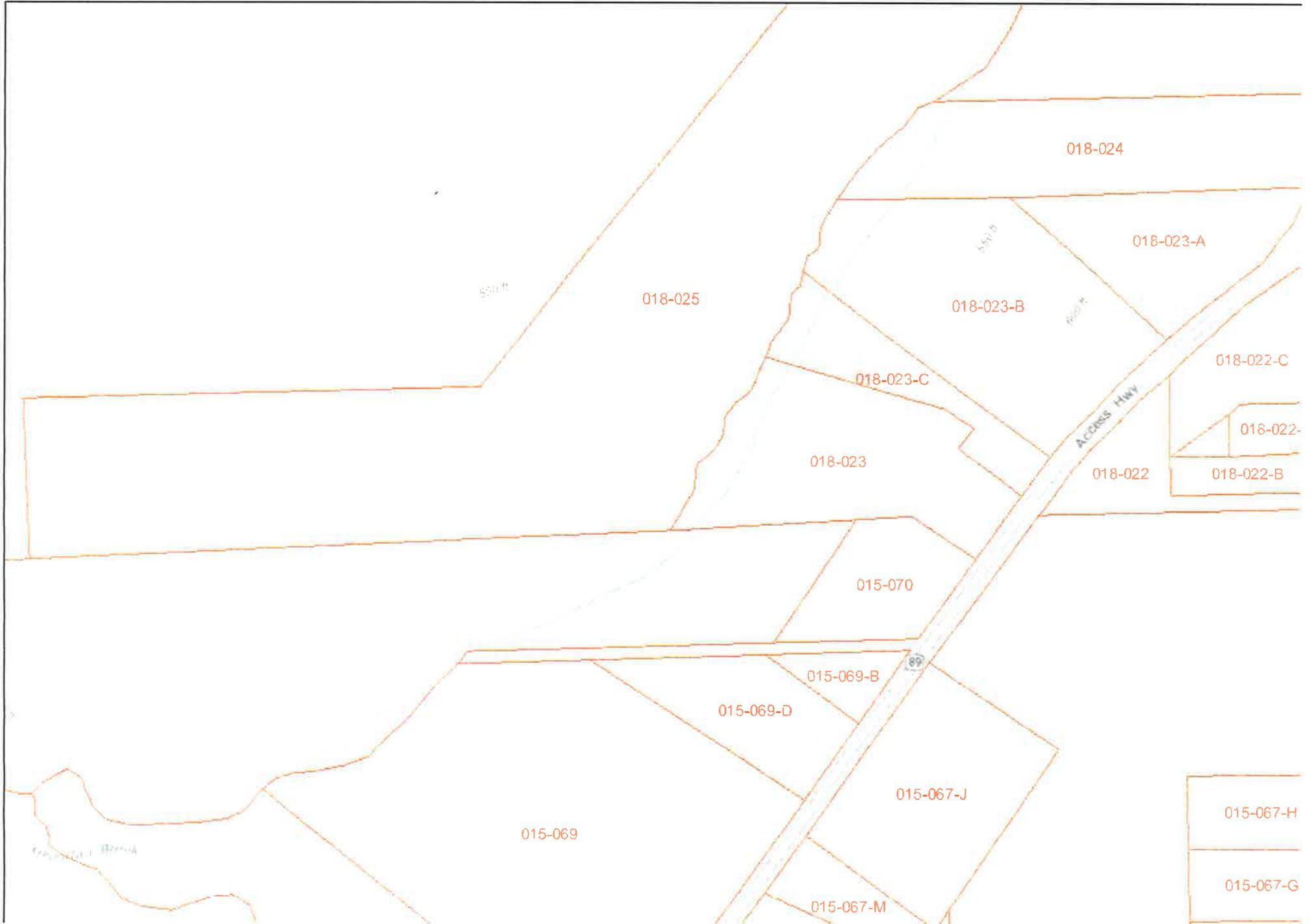




RIES



Maine Geoparcels Map



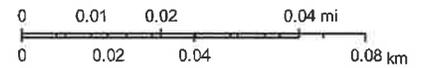
Maine Geoparcels Map



March 17, 2017

 Maine Parcels

1:1,128



Maine GeoLibrary, MEGIS
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics,
CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User
Community

Maine GeoLibrary
Not for legal description of property. User assumes any risk associated with this map and data it contains.

Maine Geoparcels Map



Maine Revised Statutes

Title 30-A: MUNICIPALITIES AND COUNTIES

Part 2: MUNICIPALITIES

Subpart 6: REGULATION, LICENSES AND PERMITS

Chapter 183: ECONOMIC REGULATION

Subchapter 1: JUNKYARDS AND AUTOMOBILE GRAVEYARDS

§3753. Permit required

A person may not establish, operate or maintain an automobile graveyard, automobile recycling business or junkyard without first obtaining a nontransferable permit from the municipal officers of the municipality in which the automobile graveyard, automobile recycling business or junkyard is to be located, or from the county commissioners of the county of any unorganized territory in which the automobile graveyard, automobile recycling business or junkyard is to be located. Permits issued to an automobile graveyard or junkyard under this section are valid until the first day of the following year; except that, beginning in calendar year 2004, permits issued to an automobile graveyard or junkyard under this section are valid until the first day of October of the following year. Permits issued to an automobile recycling business under this section are valid for 5 years from the date of issuance and are renewable provided that the permit holder furnishes a sworn statement, annually, on the anniversary date of the granting of the permit, that the facility complies with the standards of operation applicable at the time of issuance of the permit. A person operating a business that involves the recycling of automobiles may operate under a permit for an automobile graveyard or a permit for an automobile recycling business. [2003, c. 312, §7 (AMD).]

SECTION HISTORY

1987, c. 737, §SA2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §SC8,10 (AMD). 1993, c. 173, §4 (AMD). 2003, c. 312, §7 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.

If you need legal advice, please consult a qualified attorney.

Office of the Revisor of Statutes (mailto:webmaster_ros@legislature.maine.gov) • 7 State House Station •
State House Room 108 • Augusta, Maine 04333-0007

Maine Revised Statutes

Title 30-A: MUNICIPALITIES AND COUNTIES

Part 2: MUNICIPALITIES

Subpart 6: REGULATION, LICENSES AND PERMITS

Chapter 183: ECONOMIC REGULATION

Subchapter 1: JUNKYARDS AND AUTOMOBILE GRAVEYARDS

§3754. Hearings

Municipal officers or county commissioners, as provided for in section 3753, shall hold a public hearing before granting a permit to establish a new automobile graveyard, automobile recycling business or junkyard and may hold public hearings annually regarding the relicensing of these facilities. Municipal officers or county commissioners shall require an applicant to provide proof of mailing the notice of the application to all abutting property owners. Municipal officers or county commissioners shall also post a notice of the hearing at least 7 and not more than 14 days before the hearing in at least 2 public places in the municipality or unorganized territory and publish a notice in one newspaper having general circulation in the municipality or unorganized territory in which the automobile graveyard, automobile recycling business or junkyard is to be located. The municipal officers or county commissioners shall give written or electronic notice of the application to establish a new automobile graveyard or automobile recycling business to the automobile dealer licensing section of the Department of the Secretary of State, Bureau of Motor Vehicles by mailing a copy of the application at least 7 and not more than 30 days before the hearing. The municipal officers or county commissioners shall give written notice of the application to the public water supplier if the application is for an automobile graveyard, automobile recycling business or junkyard located within the supplier's source water supply area. The notice may be given by mailing a copy of the application at least 7 and not more than 14 days before the hearing. [2005, c. 424, §2 (AMD).]

SECTION HISTORY

1987, c. 737, §§2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§8,10 (AMD). 1993, c. 173, §4 (AMD). 1999, c. 761, §5 (AMD). 2003, c. 312, §8 (AMD). 2005, c. 424, §2 (AMD).

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If you need legal advice, please consult a qualified attorney.

Maine Revised Statutes

Title 30-A: MUNICIPALITIES AND COUNTIES

Part 2: MUNICIPALITIES

Subpart 6: REGULATION, LICENSES AND PERMITS

Chapter 183: ECONOMIC REGULATION

Subchapter 1: JUNKYARDS AND AUTOMOBILE GRAVEYARDS

§3754-A. Limitations on graveyard, automobile recycling business and junkyard permits

1. Highways; Interstate System and Primary System. A permit may not be granted for an automobile graveyard or junkyard within 1,000 feet of the right-of-way of any highway incorporated in both the Interstate System and Primary System or within 600 feet of the right-of-way of any other highway, except for:

A. Those automobile graveyards or junkyards that are kept entirely screened from ordinary view from the highway at all times by natural objects, plantings or fences. Screening required by this paragraph must be:

- (1) At a height, density and depth sufficient to accomplish complete screening from ordinary view;
- (2) Well constructed and properly maintained at a minimum height of 6 feet;
- (3) Placed outside of the highway right-of-way; and
- (4) Acceptable to the municipal officers or county commissioners; and [2003, c. 312, §9 (NEW) .]

B. Those automobile graveyards or junkyards located within areas that have been zoned for industrial use and located more than 600 feet but less than 1,000 feet from the right-of-way of any highway incorporated in both the Interstate System and Primary System. [2003, c. 312, §9 (NEW) .]

[2003, c. 312, §9 (NEW) .]

2. Limitation on new permits. A permit may not be granted for an automobile graveyard or junkyard established after October 3, 1973 and located within 100 feet of any highway.

[2003, c. 312, §9 (NEW) .]

3. Public facilities. A new permit may not be granted for an automobile graveyard or junkyard that is:

A. Located within 300 feet of a public building, public park, public playground, public bathing beach, school, church or cemetery; and [2003, c. 312, §9 (NEW) .]

B. Within ordinary view from a facility under paragraph A. [2003, c. 312, §9 (NEW) .]

[2003, c. 312, §9 (NEW) .]

4. Public and private water supplies. A permit may not be granted for an automobile graveyard, junkyard or automobile recycling business that handles junk, scrap metal, vehicles or other solid waste within 300 feet of a well that serves as a public or private water supply. This prohibition does not include a private well that serves only the automobile graveyard, junkyard, automobile recycling business or the owner's or operator's abutting residence. This prohibition does not apply to wells installed after an automobile graveyard, junkyard or automobile recycling business has already received a permit under section 3753.

Automobile graveyards, junkyards and automobile recycling businesses operating under the terms of permits issued prior to the effective date of this subsection and handling junk, scrap metal, vehicles or other solid waste within 300 feet of wells that serve as public or private water supplies may continue to operate in those locations under the terms of those permits. Municipal officers or county commissioners may renew a permit allowing the continued handling of junk, scrap metal, vehicles or other solid waste within 300 feet of a well serving as a public or private water supply as long as no further encroachment toward the well occurs. The municipal officers or county commissioners may not renew a permit if there is substantial, credible evidence that the permitted activities have caused contamination of the well.

[2005, c. 424, §3 (AMD) .]

5. Operating standards. All automobile graveyards and junkyards permitted pursuant to section 3753 are required to comply with the following standards:

A. All fluids, including, but not limited to, engine lubricant, transmission fluid, brake fluid, power steering fluid, hydraulic fluid, engine coolant, gasoline, diesel fuel and oil, must be properly handled in such a manner that they do not leak, flow or discharge into or onto the ground or into a body of water; [2005, c. 247, §1 (AMD); 2005, c. 247, §7 (AFF) .]

B. A vehicle containing fluids may not be stored or dismantled:

(1) Within 100 feet of any body of water or freshwater wetland, as defined by Title 38, section 436-A, subsection 5;

(2) Within the 100-year floodplain; or

(3) Over a mapped sand and gravel aquifer; [2003, c. 312, §9 (NEW) .]

C. Junk, scrap metal, vehicles or other solid wastes may not be placed or deposited, directly or indirectly, into the inland waters or tidal waters of the State or on the ice of inland waters or tidal waters or on the banks of inland waters or tidal waters in such a manner that they may fall or be washed into these waters; [2005, c. 247, §2 (AMD); 2005, c. 247, §7 (AFF) .]

D. Junkyard and automobile graveyard owners must demonstrate at the time of licensing that the facility or facilities for which they seek permits are, or are part of, a viable business entity and the facility or facilities are actively engaged in the business of salvaging, recycling, dismantling, processing, repairing or rebuilding junk or vehicles for the purpose of sale or trade; [2005, c. 683, Pt. A, §51 (RPR) .]

E. A log must be maintained of all motor vehicles handled that includes the date each vehicle was acquired, a copy of the vehicle's title or bill of sale and the date or dates upon which all fluids, refrigerant, batteries and mercury switches were removed; [2005, c. 247, §3 (NEW); 2005, c. 247, §7 (AFF) .]

D. Distance from existing residential or institutional uses; [2003, c. 312, §9 (NEW).]

E. The effect on groundwater and surface water, as long as municipal ordinances on groundwater are no less stringent than or inconsistent with rules adopted by the Department of Environmental Protection; and [2003, c. 312, §9 (NEW).]

F. Best management practices for automobile graveyards, junkyards and automobile recycling businesses developed by the Department of Environmental Protection. [2003, c. 312, §9 (NEW).]

Municipal officers or county commissioners shall consider compliance with these local ordinances in deciding whether to grant or deny a permit for any automobile graveyard, automobile recycling business or junkyard and in attaching conditions of approval to a permit.

[2003, c. 312, §9 (NEW) .]

8. Applicability. Municipalities may apply local ordinances adopted previously under subsection 7 pertaining to automobile graveyards and junkyards to an automobile recycling business without amending those ordinances to include automobile recycling businesses. A municipality must provide notice of its intent to apply these ordinances at the time an application for an automobile recycling business permit is filed.

[2003, c. 312, §9 (NEW) .]

9. Right of entry. Municipal officers or their designees may, to carry out the provisions of this subchapter or to determine compliance with any laws, ordinances, license or permit approvals, decisions or conditions:

A. Enter any automobile graveyard, junkyard or automobile recycling business property and inspect all outside areas, equipment and activities at reasonable hours for compliance with the laws or ordinances set forth in accordance with this subchapter; and [2003, c. 312, §9 (NEW).]

B. Enter any building on the property with the consent of the owner, occupant or agent to inspect the building and activities within the building for compliance with the laws or ordinances set forth in accordance with this subchapter. [2003, c. 312, §9 (NEW).]

A municipal officer's or designee's entry onto property under this subsection is not a trespass.

[2003, c. 312, §9 (NEW) .]

10. Standard for permit. The municipal officers or county commissioners may issue a permit to an automobile graveyard or junkyard if that automobile graveyard or junkyard meets the operating standards set forth in subsection 5.

[2005, c. 424, §5 (NEW) .]

For purposes of revocation or suspension of a permit pursuant to section 3758-A, subsection 5, each of the standards set forth in this section is a condition of a permit. [2005, c. 424, §6 (NEW).]

SECTION HISTORY

2003, c. 312, §9 (NEW). 2005, c. 247, §§1-4 (AMD). 2005, c. 247, §7 (AFF). 2005, c. 424, §§3-6 (AMD). 2005, c. 683, §A51 (AMD).

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F. All fluids, refrigerant, batteries and mercury switches must be removed from motor vehicles that lack engines or other parts that render the vehicles incapable of being driven under their own motor power or that are otherwise incapable of being driven under their own motor power, appliances and other items within 180 days of acquisition. Motor vehicles, appliances and other items acquired by and on the premises of a junkyard or automobile graveyard prior to October 1, 2005 must have all fluids, refrigerant, batteries and mercury switches removed by January 1, 2007. Fluids required to be removed under this paragraph must be removed to the greatest extent practicable; [2005, c. 247, §3 (NEW); 2005, c. 247, §7 (AFF).]

G. Storage, recycling or disposal of all fluids, refrigerant, batteries and mercury switches must comply with all applicable federal and state laws, rules and regulations; and [2005, c. 247, §3 (NEW); 2005, c. 247, §7 (AFF).]

H. All fluids, refrigerant, batteries and mercury switches must be removed from motor vehicles, appliances and other items before crushing or shredding. Fluids required to be removed under this paragraph must be removed to the greatest extent practicable. [2005, c. 247, §3 (NEW); 2005, c. 247, §7 (AFF).]

[2005, c. 683, Pt. A, §51 (AMD) .]

6. Rules. A permit, other than a limited-term permit as described in this section, may not be granted for an automobile graveyard or automobile recycling business that is not in compliance with all applicable provisions of the automobile dealer or recycler licensing provisions of Title 29-A, chapter 9. Municipal officers or county commissioners may award a limited-term permit conditioned upon an automobile graveyard's or automobile recycling business's demonstrating compliance with the provisions of Title 29-A, chapter 9 within 90 calendar days of the issuance of the municipal or county limited-term permit.

[2003, c. 312, §9 (NEW) .]

6-A. Relationship to state storm water requirements. After October 30, 2005, municipal officers or county commissioners may reject an application for an automobile graveyard or automobile recycling business if the applicant has not demonstrated that:

A. A notice of intent has been filed with the Department of Environmental Protection to comply with the general permit provisions for storm water discharges; or [2005, c. 247, §4 (NEW); 2005, c. 247, §7 (AFF).]

B. The Department of Environmental Protection has determined that a storm water discharge permit is not required. [2005, c. 247, §4 (NEW); 2005, c. 247, §7 (AFF).]

[2005, c. 247, §4 (NEW); 2005, c. 247, §7 (AFF) .]

7. Local ordinances. This subchapter may not be construed to limit a municipality's home rule authority to enact ordinances with respect to automobile graveyards, automobile recycling businesses and junkyards that the municipality determines reasonable, including, but not limited to, ordinances concerning:

A. Compliance with state and federal solid waste and hazardous waste regulations; [2003, c. 312, §9 (NEW) .]

B. Fire and traffic safety; [2003, c. 312, §9 (NEW) .]

C. Levels of noise that can be heard outside the premises; [2003, c. 312, §9 (NEW) .]

Maine Revised Statutes

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Part 2: MUNICIPALITIES

Subpart 6: REGULATION, LICENSES AND PERMITS

Chapter 183: ECONOMIC REGULATION

Subchapter 1: JUNKYARDS AND AUTOMOBILE GRAVEYARDS

§3756. Permit fees

The municipal officers or county commissioners shall collect, in advance from the applicant for a permit, a fee in accordance with the following schedule: [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

1. Graveyard or junkyard. Fifty dollars for each application for an automobile graveyard or junkyard plus the cost of posting and publishing the notice under section 3754;

[2005, c. 424, §7 (AMD) .]

2. Graveyard or junkyard within 100 feet from highway.

[2003, c. 312, §12 (RP) .]

3. Recycling business. Two hundred fifty dollars for a 5-year permit for an automobile recycling business plus the cost of posting and publishing the notice under section 3754; or

[2003, c. 312, §12 (AMD) .]

4. Fee. A fee as otherwise established by municipal ordinance or rule.

[2003, c. 312, §12 (NEW) .]

SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD). 1993, c. 173, §7 (AMD). 2003, c. 312, §12 (AMD). 2005, c. 424, §7 (AMD).

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Maine Revised Statutes

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Chapter 183: ECONOMIC REGULATION

Subchapter 1: JUNKYARDS AND AUTOMOBILE GRAVEYARDS

§3755-A. Automobile recycling business permits; operation standards

1. Application. An application for an automobile recycling business permit must include the following information:

- A. The name and address of the property owner; [1993, c. 173, §6 (NEW).]
- B. The name and address of the person or entity who will operate the site; and [1993, c. 173, §6 (NEW) .]
- C. A site plan, including:
 - (1) Property boundary lines;
 - (2) A description of the soils on the property;
 - (3) The location of any sand and gravel aquifer recharge areas;
 - (4) The location of any residence or school within 500 feet of where the cars will be stored;
 - (5) The location of any body of water on the property or within 200 feet of the property lines;
 - (6) The boundaries of the 100-year flood plain;
 - (7) The location of all roads within 1,000 feet of the site;
 - (8) A plan for containment of fluids, containment and disposal of batteries and storage or disposal of tires; and
 - (9) The location within the property boundary lines where vehicles are drained, dismantled or stored. [1993, c. 173, §6 (NEW).]

[1993, c. 173, §6 (NEW) .]

2. Standards for permit. The municipality may issue a permit to an automobile recycling business if the business demonstrates that the business meets the operation standards set forth in subsection 3.

[1993, c. 173, §6 (NEW) .]

3. Operation standards. An automobile recycling business licensed under this section must meet the following standards.

4. Revocation or suspension of permit. For purposes of section 3758-A, subsection 5, each of the standards set forth in this section are conditions of a permit.

[RR 2003, c. 1, §32 (COR) .]

5. Relationship to automobile graveyard permit. A person who recycles automobiles but does not qualify for, or loses, an automobile recycling business permit may apply for an automobile graveyard permit.

[1993, c. 173, §6 (NEW) .]

SECTION HISTORY

1993, c. 173, §6 (NEW). RR 2003, c. 1, §32 (COR). 2003, c. 312, §11 (AMD). 2005, c. 247, §5 (AMD). 2005, c. 247, §7 (AFF). 2005, c. 683, §A52 (AMD).

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