



City of Caribou, Maine

*Municipal Building
25 High Street
Caribou, ME 04736
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**CARIBOU PLANNING BOARD
Annual Organizational Meeting
Wednesday, January 7, 2015
5:30PM - Council Chambers**

AGENDA

- I. Electing Chairman for 2015 Planning Board
- II. Electing Vice Chairman for 2015 Planning Board
- III. Electing Secretary for 2015 Planning Board
- IV. Setting 2015 Meeting Dates and Times

Posted December 31, 2014



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Chairman and Planning Board Members
From: Austin Bless, City Manager
Date: January 7, 2015
Re: Setting 2015 Meeting Dates and Times

The Board should set a regular meeting date and time for 2015 meetings. For 2014 the first Wednesday of the month at 5:30pm was the agreed to date and time.



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CARIBOU PLANNING BOARD

Wednesday, January 7, 2015

Immediately Following the Organizational Meeting - Council Chambers

AGENDA

- I. Call Meeting to Order**
- II. Minutes of November 5, 2014 meeting**
- III. Old Business**
 - a. Nuisance Property Ordinance
 - b. Manufactured Housing Ordinance
- IV. New Business**
 - a. 2015 Topics to be addressed
 - b. Zoning Board of Appeals Ordinance
- V. Other Business**
- VI. Adjournment**

Posted December 31, 2014



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Caribou Planning Board Meeting Minutes Wednesday, November 5, 2014 @ 5:30 pm City Council Chambers

In Attendance: Phil Cyr, Grahm Freme, Todd Pelletier, Matthew Hunter, Bob White, Jim Cerrato and Philip McDonough III

Others in Attendance: Tony Mazzucco Assistant City Manager, Gary Marquis Superintendent of Parks & Recreation, Philip McDonough II and Denise Lausier

- I. Call Meeting to Order** - The meeting was called to order at 5:30 pm.
- II. Public Input** – There was no public input.
- III. Minutes of September 3, 2014 Meeting** – Todd Pelletier moved to approve the minutes as presented; seconded by Grahm Freme; Vote was unanimous.
- IV. New Business** –
 - A) Grant Application for Recreational Trails Project** - Gary Marquis, Superintendent of Parks & Recreation explained to the Board that the City is applying for a Recreation Trails Grant to upgrade the trails that have been in place since 2008. It is a \$100,000 grant and the City has the matching funds required. Approval from the Planning Board to move forward with the application is needed. A priority of the project is to put in a bridge over the Caribou Stream. The trail is a total of 11 ½ mile loop. The landowners along the way are all supporters of the highly used trail system. There was Board discussion and Gary Marquis addressed their questions. This grant application needs Planning Board approval to move forward. Todd Pelletier moved to approve going forward with the grant application for upgrades to the recreational trails; seconded by Jim Cerrato; Vote was unanimous.
 - B) Grant Application for Outdoor Pool Project** - Gary Marquis, Superintendent of Parks & Recreation explained to the Board that the outdoor pool has been closed. It had been losing a significant amount of water and has been patched over the years. They have been adding around 1,500 gallons of water per day to keep it filled and it's been cold. Many in the community would like to have the pool back in operation. The pool is only opened 30 days each summer. The City is looking at putting in a splash park instead of a new pool. Many communities are going this direction. A splash park could be open for a longer season, doesn't need lifeguards and the cost is a lot less than a new pool. A new pool with full filter system would cost \$635,000. The splash park will be \$265,000. The City is applying for a \$100,000 grant, which requires a \$100,000 match. The City currently has a donation of \$75,000 and funds in pool reserves to meet the match requirements. Also, the City Manager is currently writing a \$10,000 grant application which could be used

towards the cost. There was Board discussion and Gary Marquis addressed their questions. This grant application needs Planning Board approval to move forward. Bob White moved to approve going forward with the grant application for a new splash park; seconded by Philip McDonough III; Vote was unanimous.

- C) Public Hearing for a Site Design Application** – The Public Hearing was opened at 5:47 pm. Tony Mazzucco explained that shortly after purchasing the property it was realized that the unit was converted to multi-family in the 1990's without a permit. They are in need of Planning Board approval to correct a past wrong. Henry Burgess was present and said they just want everything correct on the paperwork and for everything to be legal. They currently live in one apartment and they rent the other. Tony Mazzucco stated that everything is up to Code and the Fire Chief will also go inspect the property for life safety code. With no public comments, the Public Hearing was closed at 5:51 pm. Bob White moved to approve the Site Design Application contingent upon being inspected by the Fire Chief for life safety code; seconded by Matthew Hunter; Vote was unanimous.
- D) Update on Nuisance Ordinance** – Tony Mazzucco stated that the draft Nuisance Ordinance is still being reviewed by legal counsel.
- E) Update on Mobile Home Park Committee** – Tony Mazzucco told the Board that the Ordinance that was drafted is also being reviewed by legal counsel and it is hoped to have it completed by the end of the year.
- F) Comprehensive Plan Update** – Tony Mazzucco said that many have reviewed the Comprehensive Plan. The next step in the process is to have Public Hearings at both the Planning Board and Council level and then it can be submitted to the State. After discussion, Todd Pelletier moved to hold the Public Hearing on Monday, November 24th at 5:30 pm; seconded by Philip McDonough III; Vote was unanimous.
- G) Discussion of New Zoning and Land Use Regulations** – Tony Mazzucco explained that the Board has discussed before that once the Comprehensive Plan was complete, a few changes to the Zoning Map and Zoning Ordinance are in order. Tony asked the Board how they would like to approach reviewing the Zoning Ordinance. There was discussion on condensing zones, being more builder friendly and being more senior friendly. The Board asked Tony Mazzucco for his recommendations on this process. Tony stated upon looking at the Zoning and Land Use Regulations, to look at what needs to be changed to be open to development, look at how we as a community are growing and developing and tailor it to that. He stated that most zoning is designed to restrict and slow growth and that our current zoning structure in Caribou is really not tailored to our community. Also, perhaps be less restrictive with properties, but keep them looking good and ensure quality to grow in a sensible way.
- H) Adjournment** – Matt Hunter moved to adjourn the meeting at 6:23 pm; seconded by Bob White; Vote was unanimous.

Respectfully Submitted,

Robert White
Planning Board



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Chairman and Planning Board Members
From: Austin Bless, City Manager
Date: January 7, 2015
Re: Nuisance Property Ordinance

The City Attorney has reviewed the nuisance property ordinance this board has been working on. He has submitted some changes and the ordinance as now drafted is on the following pages.

The Board should decide what steps they would like to take next with this.

40. Nuisance Property Ordinance

A. Purpose; Legislative Findings.

The purpose of this Nuisance Property Ordinance is to protect the health, safety, and welfare of the residents of the City of Caribou by reducing the recurrence of nuisance conduct in dwellings that disturbs the peace and tranquility of others. The City has a substantial and compelling interest in protecting neighborhoods affected by conduct that unlawfully disturbs the peace and/or constitutes a nuisance, because such conduct adversely affects the health, safety, and welfare of residents, and diminishes the quality of life in neighborhoods where it occurs. Such nuisance conduct, and its impact, should be abated. This Nuisance Property Ordinance is required because other prohibitions and penalties under state law and the City Code have not adequately eliminated or controlled chronic, disorderly or nuisance activity in the City. The enactment of this ordinance is intended to alleviate the deleterious impact of chronic, unlawful or nuisance activity in dwelling places and neighborhoods by authorizing early and constructive intervention by the City's Police Department. The goal of the City of Caribou is to provide a framework for property owners and the City to work collaboratively to address nuisance issues in the community.

B. Definitions.

As used in this Ordinance, the following terms have the following meanings:

"Authorized agent" means the person or entity identified by the Owner as the Owner's authorized agent in the Caribou Property Management Designation Form on file with the City of Caribou.

"Chronic nuisance property" means any property at which five (5) or more nuisance activities have occurred in any sixty (60) day period, or ten (10) or more nuisance activities have occurred in any one (1) year period.

"Hotel", "bed & breakfast", "rooming house" and "apartment building" shall have the same meanings as set forth in the Caribou Code.

"Nuisance activity" or "Nuisance conduct" means-

- (1) any activity which constitutes a crime or civil infraction under either federal, state or local law;
- (2) illegal sale, distribution or consumption of alcoholic beverages;
- (3) disorderly conduct as defined in Title 17-A MRSA §501;
- (4) illegal sale, manufacture, storing, use, possession or distribution of narcotics or other controlled substances or drug paraphernalia;

For the purpose of this ordinance, calls related to domestic violence complaints shall not be considered a nuisance activity or nuisance conduct.

For the purpose of this ordinance, calls related to a chronically ill person who has repeated visits by emergency services shall not be considered a nuisance activity or nuisance conduct.

“Owner” means any person or entity with legal title to the property or the beneficial interest in a property as recorded in the tax records of the City of Caribou or Aroostook Registry of Deeds.

“Police Chief” means the acting Chief of Police of the City of Caribou or other official of the Police Department as may be designated by the Police Chief.

“Residential property” means (a) a parcel of land on which a residential building or a building of mixed occupancy in which there is at least one residential occupancy, including, single and multi-family dwellings, apartment buildings and multi-family housing developments.

C. Administration; Notice; Meeting with Property Owner(s).

1. The Police Department shall document and monitor the occurrence of nuisance conduct at properties in the City of Caribou.
2. When any occurrence of nuisance conduct has taken place, it will be recorded by the Police Chief or his/her designee who shall provide written notice of the occurrence to the property owner and the authorized agent in accordance with Section C (3).
3. Each written notice of nuisance conduct shall identify the property, describe the nuisance conduct and advise that subsequent nuisance conduct may result in the property being classified as a chronic nuisance property. The notice shall request that the property owner (or the owner’s duly authorized agent) contact the Police Chief within ten (10) days to discuss the nuisance incident and develop a plan to abate the nuisance and prevent a recurrence. [how mailed]
4. An owner wishing to appoint an agent with the authority to act on the owner’s behalf must complete the City of Caribou Property Management Designation Form. Only agents duly appointed through the approved Property Management Designation process shall be authorized to act on behalf of the Owner. If an owner has completed a Property Management Application Form with the City office, all written notices will be mailed to the authorized agent in addition to the owner.

D. Declaration of a Chronic Nuisance Property

1. If there have been five (5) or more documented occurrences of nuisance conduct at any property in any sixty (60) day period, or ten (10) or more occurrences of nuisance conduct in the preceding year, the property shall be classified as a chronic nuisance property.

(a) For purposes of calculating the number of occurrences of nuisance conduct which have occurred at a particular property, the following rules shall apply: (i) all occurrences of nuisance conduct which occur at a single family residence, multi-family residence of 1-4 units, bed and breakfast, hotel, motel, or rooming house shall be counted against the property as a whole regardless of the number of units; (ii) with respect to apartment buildings with 5 or more units, a property will only be classified as chronic nuisance property if any individual apartment unit exceeds the specified limit. By way of example, a 30 unit apartment complex will only be classified as a chronic nuisance property if there are 5 or more occurrences of nuisance conduct at the same apartment unit in any 60 day period of 10 or more occurrences at the same unit in any one year period.

2. Whenever a property is classified as a chronic nuisance property, the City shall cause the owner of the property to be notified, in writing, of such classification and of the events which form the basis for that designation. The notice shall require the owner or owner's agent to meet with the Police Chief or his designee(s) within ten (10) business days from the date of delivery of the written notification to identify ways to prevent additional nuisance conduct at the property.

3. Any notice authorized or required herein shall be deemed delivered to the owner as follows: (a) if notice is provided by certified mail, return receipt requested, the date the owner signs the receipt; (b) if mailed by ordinary first class mail, postage prepaid- 3 calendar days after mailing as documented by a post office certificate of mailing; (c) the date the owner is personally served by a Caribou police officer or other person authorized to effect service of process, in conformity with the procedures for personal service set forth in Maine Rule of Civil Procedure.

4. At the time of the nuisance property meeting required under section D (2), the owner or his/her designee shall be obligated to provide to the city the following documentation:

- i. A copy of the names of all tenants or other persons authorized to reside or presently residing in the building(s) on the property' and the units they occupy;
- ii. Copies of all leases with tenants residing in the building(s) on the property; and
- iii. Contracts with any property manager or other person responsible for the orderly operation of the property;

In addition, the owner or his/her designee must agree to take effective measures to abate the nuisance activity which measures shall be memorialized in a written remediation agreement at the conclusion of the meeting with the City. The written agreement shall be signed by both

parties and be implemented by the owner within seven 7 days of said meeting unless another date is agreed upon.

E. Duration of Chronic Nuisance Property Classification.

The chronic nuisance property classification shall be removed from the property by the Chief of Police upon the Chief's determination that:

- (a) The passage of 180 days without any nuisance conduct at the property;
- (b) Payment of all civil penalties and costs arising from enforcement;
- (c) Satisfactory implementation of the remediation agreement agreed upon between the City and owner.

F. Declaration of Public Nuisance

A chronic nuisance property is hereby declared to be a public nuisance.

The owner of residential property shall provide sufficient control, oversight, monitoring and management of the property to prevent the same from becoming a chronic nuisance property.

The owner of a chronic nuisance property shall be responsible for taking all necessary measures to abate or eliminate the public nuisance.

G. Violations

1. No owner of property shall maintain or allow to be maintained a chronic nuisance property as defined in this Ordinance. Each and every day that a nuisance activity occurs on a property after it has been classified as a chronic nuisance property shall constitute a separate offense.

2. It is a further violation of this Ordinance for any owner to:

- (a) refuse to meet with the Police Chief or other authorized City official as required by Section D (2) or to have the owner's duly authorized agent meet with the Chief; or
- (b) refuse to enter into a written remediation agreement as required by Section D (4); or
- (c) fails to fully implement the remediation agreement in compliance with the timetable specified in the agreement; or
- (d) fails to abate or eliminate the public nuisance caused by a chronic nuisance property.

H. Civil Penalty

Any person who is found in violation of any provision of this Ordinance shall be subject to a civil penalty of not less than \$250.00 and not more than \$2,500.00. Each violation of a separate provision of this Ordinance and each day of violation shall constitute separate offenses.

In addition, if the City is the prevailing party in any enforcement action, said Owner shall also be liable for all reasonable expenses incurred by the City in enforcement, including City of Caribou staff time, attorney fees and costs. All civil penalties shall inure to the benefit of the City of Caribou.

I. Other Remedies

In addition to a civil penalty, the City may seek injunctive relief in any legal action to enforce this Ordinance and to abate the public nuisance.



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Chairman and Planning Board Members
From: Austin Bless, City Manager
Date: January 7, 2015
Re: Manufactured Housing Ordinance

The City Attorney has reviewed the Manufactured Housing ordinance this board has been working on. He has submitted some changes and the ordinance as now drafted is on the following pages.

The Board should decide what steps they would like to take next with this.

MANUFACTURED HOUSING ORDINANCE, CITY OF CARIBOU

Purpose: The purpose of this ordinance is to ensure quality, safe, and affordable housing for Caribou residents.

I. Mobile Home Parks & Manufactured Housing Administration

- A. A mobile home park shall comply with the standards contained within this Ordinance, the Maine Manufactured Housing Board and all other applicable state statutes regarding the establishment and maintenance of a mobile home park.
- B. The owner of a mobile home park must maintain a list of all tenants containing the following information: name of each owner of manufactured housing located within the park, manufacturer's name, model number, year, serial number, lot identification/number and the name(s) of adult occupants if not owner-occupied. This list must be submitted annually to the assessor's office in January of each year.
- C. No manufactured housing may be moved into a mobile home park nor any Certificate of Occupancy issued for any mobile home park which does not have a current license with the State of Maine to operate as a mobile home park or a park which has been determined by the Code Enforcement Officer to be out of compliance with this ordinance.
- D. Mobile home parks constructed after 1/1/2015 are required to undergo City of Caribou subdivision and site design review with all plans prepared by a certified engineer.
- E. Effective January 1, 2015, owners of mobile home parks must obtain a permit from City Code Enforcement Officer before any manufactured housing unit is allowed to enter the mobile home park.
- F. A mobile home park owner wishing to appoint an agent who can act on the park owner's behalf must complete the City of Caribou Property Management Application form. Only agents duly appointed through the approved Property Management Application process shall be authorized to act on behalf of the park owner.
- G. Mobile home park owners are responsible for compliance with the City of Caribou Property Maintenance Code for all lots within the park regardless of the ownership of the manufactured housing unit.
- H. No manufactured housing may be occupied until a Certificate of Occupancy

has been issued by the Code Enforcement Officer or at his/her discretion the Building Inspector.

- I. No manufactured housing may be brought into Caribou or moved within the City without written proof of property tax being paid for the current tax year and all previous years from Caribou or the municipality where the housing unit was last assessed.

II. Manufactured Housing Design Standards

A. **Manufactured Housing Design Requirements-** All manufactured housing to be located to within the City from outside of the City or all manufactured housing relocated from within the City after the effective date of this Ordinance must comply with the following:

1. Maine Manufactured Housing Board Standards for installation for newly constructed units.
2. Shall be placed on a permanent foundation.
3. All manufactured housing located on private lots or in mobile home parks whether rented, leased or owned are required to have siding that is residential in appearance or the original factory installed siding.
4. All manufactured housing is required to be enclosed between the bottom of the home and the ground with material that is residential in nature or the original factory installed siding.
5. A pitched shingled roof or the factory installed roof.
6. Accessory structures, including but not limited to decks, porches, car ports, garages, steps, ramps, entry ways, covered entry ways, which are not part of the original manufactured housing as approved by the State of Maine are subject to City building and zoning codes including, but not limited to, land use ordinances and the Maine Uniform Building and Energy Code.

IV. Definitions

The terms “Manufactured Housing”, “Mobile Home Park”, “Mobile Home Park Lot”, “Mobile Home Subdivision or Development”, “Permanent Foundation” and “Pitched, Shingled Roof” shall have the same definitions as set forth in Title 30-A MRSA Section 4358 as it may be amended, from time to time.

V. Effective Date

This Ordinance is effective _____, 2015.



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Chairman and Planning Board Members
From: Austin Bless, City Manager
Date: January 7, 2015
Re: 2015 Topics to be addressed

Below is a list of topics which Tony Mazzucco had left which he felt needed to be addressed by the Planning Board.

The board should go over the list and see what topics they would like to attack and how they would like to go at them.

- Complete new Zoning Map
- Complete new land use table
- Review set back and lot size requirements as part of land use reform
- Change ZBA ordinance to go back to appointed community members (suggestion has been to see if BOA would like to do double duty so there is always a pool available, training could be done 1-2 times a year so they are familiar if ZBA is not called in regularly which has been the case the last few years)
- Re do site design process as part of CH13 rewrite, but take up first to speed up board work throughout the year
- Complete the rewrite of CH13 (PB has talked about this for quite some time, after the comp plan is done the land use ordinance would be gone through and modernized and trimmed down where possible, deregulation and removing restrictions being the goal)
- Finish work on Nuisance ordinance and implement
- Finish work on mobile home ordinance and implement
- Develop framework for rental inspection program
- Begin development and implementation process for a complete streets program as outlined in the comprehensive plan

Other

- Continue legislative work on reducing MUBEC requirements
- Continue training and development of board-try to have at least 3-4 training presentations each year (last year we had DEP come up and do shoreland zoning, a presentation on LID methods, facility tours, plus opening trainings up to PB members.

It would be my recommendation to being the re-write of Chapter 13 first before doing the work on a new zoning map or land use table. I believe these to be the most pressing issues that should be addressed in 2015. I think we can do the mobile home ordinance and nuisance ordinance concurrently with the re-write of Chapter 13.



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Chairman and Planning Board Members
From: Austin Bless, City Manager
Date: January 7, 2015
Re: Board of Appeals Ordinance

On the list of work for 2015 was an update of the Board of Appeals Ordinance. I do not know the history of this request.

Some background on the ordinance is that in 2008 the Board of Appeals was made up of residents of the community that had expressed interest. In 2011 the ordinance was changed to require some type of certifications in zoning ordinances. That is still the current ordinance.

The ordinance today is as follows:

Sec 13-830. Establishment and Administration.

The Board of Appeals is hereby established. The word "Board," when used in this Section, shall be construed to mean the Board of Appeals. The Board use shall consist of five (5) members of qualified persons with legal, certifications in zoning, or other applicable qualifications to hear administrative appeals. Appointment to the Board shall be by the City Council for an indefinite period of time providing the qualification of appointment remains. Board members may be removed by the City Council in accordance with the Caribou City Charter. The members of the Board shall receive a fee of \$25 per meeting or appeals plus mileage as set annually by the City Council for their services while under appointment. Absence of a member from three (3) consecutive meetings without written explanation shall be construed to be a resignation from the Board and shall require filling of the vacancy by action by the City Council. A vacancy shall be filled for the unexpired term only. Neither a municipal officer nor his/her spouse may be a member of the Board.

The requirement of some type of training or certification in zoning laws does make sense. MMA does offer some training on this issue, although it is infrequent.

Currently the Board is made up of local code enforcement officers from around the County. The Board has not met in several years.

If the board wishes to modify the ordinance in some way we can begin that process.