***City of Caribou, Maine***

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 **Caribou Planning Board Meeting Minutes**

**Thursday, November 8, 2018 @ 5:30 pm**

**City Council Chambers**

**Members Present:** Robert White, Phil Cyr, Todd Pelletier, Evan Graves, Thomas Ayer and Philip McDonough III

**Members Absent:** Matthew Hunter

**Others Present:** Ken Murchison –CEO & Zoning Administrator, Dennis Marker –City Manager, Denise Lausier –Executive Assistant to the City Manager, Jen Anderson, Chris Washington, Rey Washington, John Whitten Jr., Ryan Lin and Ann Lin

1. **Call Meeting to Order –**The meeting was called to order at 5:30 pm.
2. **Approval of minutes from the October 11, 2018 Planning Board meeting –** Phil Cyr moved to accept the minutes as presented; seconded by Todd Pelletier. Motion carried with all in favor.
3. **New Business –** 
   1. **Public Hearing for approval of a Home Occupation Permit Application for Jen Anderson DBA “Reflections with Jen” a therapeutic massage service at 99 Lynn Drive, Tax Map 36, Lot 111 in an R-1 Zone –** Public Hearing opened at 5:31 pm. Jen Anderson spoke on her application. Ms. Anderson has moved back to Caribou and has been working at Cindy Bouchard’s on High Street. She would like to move her business to where she is renting from her parents at 99 Lynn Drive. She will have around ten clients per week, hours will be 9:00 – 3:00, all parking will be off the street and clients will be only one at a time. She will have a small sign about the size of an election sign. She averages about ten clients a week and would only do a maximum of fifteen. Evan Graves had concerns for the residents in that area that if clients were running late, they may speed through the neighborhood. Ms. Anderson stated that there should be no cross over with clients, she allows for an hour in between clients. Tom Ayer questioned if she would hire in the future and Ms. Anderson stated that if she were to do that, she wouldn’t do that at this address, but on a main street in town.

Lehrle Kieffer from Remax stated that the property was purchased in August and there are deed restrictions & covenants that are well known. Ms. Kieffer feels the sale should have been contingent on the public hearing. The deed restrictions states it is solely for residential services. Ms. Kieffer feels that the city should be applying the deed restrictions and covenants that were accepted for subdivisions. She is concerned it opens pandoras box if this is approved, that it may open up to other businesses people bring into the area. Ms. Kieffer stated that the deed restrictions are why buyers are willing to pay higher prices for their homes. She recommends a mixed use or commercial area for this business to keep the residential only neighborhood.

Chris Washington purchased a home at the end of the street. She has concerns that currently there is not a lot of traffic, lots of children play in that circle, there are a lot of walkers and drivers ed testing in that area. She is also concerned with the value of the home. Ms. Washington feels it should be left as residential.

Jen Anderson replied that she wouldn’t want to put any children in harms way. Her hours will reflect school hours 9:00 – 3:00 and she is also going to pursue foster care. Chris Washington was still concerned with summer time and walkers during the day.

Phil Cyr built 99 Lynn Drive and has consulted an attorney about a home occupation. Mr. Cyr stated that it is not the City’s doings but is strictly a civil matter between land owners in the circle. The Planning Board’s role is to act in accordance to Planning Board rules established. Mr. Cyr’s wife operated a beautician shop in that home with little traffic. The home was built for that.

Philip McDonough III commented that the home occupation should be incidental to residential use, the way the statute and ordinances are written.

Robert White asked if there was a handicap ramp available. Jen Anderson stated that it is not required by the state unless she was working with handicapped people.

Public Hearing closed at 5:52 pm.

City Manager Dennis Marker stated that the City is not responsible for deed covenants unless the City was required to enforce. The City is only responsible for land use laws.

CEO Ken Murchison questioned Lehrle Kieffer if there is a homeowners association for the subdivision, Ms. Kieffer said there was not.

Lehrle Kieffer commented that she didn’t feel Phil Cyr should be able to speak on this. Phil Cyr replied that he has no vested interest.

City Manager Dennis Marker stated that it needs to be in compliance with codes and will need to be inspected by the building official. The deed is civil.

Thomas Ayer stated that all the Planning Board can do is enforce the code.

Jen Anderson said that she moved from Pennsylvania with a new business with new techniques for higher upscale massage. She needs to move her business out of where she is currently at because the owner needs the space for her mom.

Phil Cyr moved to accept the application with condition of approval that all applicable codes are met; seconded by Todd Pelletier. 4 – yes (Phil Cyr, Phil McDonough III, Robert White, Todd Pelletier) 2 – No (Thomas Ayer, Evan Graves)

* 1. **Public Hearing for approval of a Site Design Review Application for Dunkin Brands, Inc. DBA “Caribou Dunkin Donuts” a Dunkin Donuts Drive Thru Restaurant at 43 Bennett Drive, Tax Map 34, Lot 103 in an R-2 Zone –** Public Hearing was opened at 6:06 pm. Engineer John Whitten, Jr. gave a presentation on the project. This property is under a purchase and sale. It is under ½ acre in size and is across from the new school project. They will construct a 1900 square foot building that will house a coffee and pastry business. It will have twenty two seats inside with a walk up counter, a couple of self order kiosks and bathrooms. The entrance will be from Bennett Drive, go around the back of the building with a pick up order on the right side of the building and exit back onto Bennett Drive. There will be twelve parking spaces with a second exit on Angle Street as an accessory exit for delivery trucks and customers. They are currently working on a traffic movement permit from MDOT and will have one curb cut for the property, they are meeting MDOT requirements with that. There will be four to five light poles and LED lighting on the building. Also there will be an enclosed dumpster on a concrete pad. The vinyl fence to buffer between the real estate office and Dunkin was left in place. Electrical connection is at the south east corner of the building, public water and the sewer line will have a new connection on Angle Street, will be able to angle feed three properties. For storm water, a catch basin will be at the southwest corner of the property and a connection for drainage.

CEO Ken Murchison referenced a list of comments that the Development Review Committee put together that was given to Mr. Whitten. Mr. Whitten addressed snow load removal, signage, parking spaces, buffering, landscaping, deliveries, floor plan, storm drainage and lighting.

Mr. Whitten stated that MDOT has a requirement for a six foot sidewalk on the east side of Bennet Drive to tie into the school project. No parking within ten feet of the property line. Also, adding a mobile pick up line, this is the second one in Maine, the other will be in Portland.

Philip McDonough III had concerns with traffic flow and parking during peak hours.

Robert White questioned the Angle Street exit. Mr. Whitten stated that Angle Street will be an accessory exit for trailer trucks and customers. The delivery trucks are smaller trucks and they deliver every other day, early morning.

City Manager Dennis Marker stated that MDOT needs to look at the traffic movements. The entrance to the real estate office is so close, MDOT may want to combine the egress and ingress. May be a benefit to have only one contact point instead of two.

Phil McDonough III expressed that he would like to table this item until work with MDOT is complete. Mr. McDonough stated that a lot hinges on what the State allows us to do.

Public Hearing closed at 6:50 pm. Evan Graves moved to approve the site design application for Dunkin Brands, Inc. contingent upon conditions of MDOT review and approval and staff approval of list of concerns; seconded by Phil Cyr. 5 – Yes, 1 – No (Philip McDonough III) Motion carries.

1. **New Communications –**

* 1. **Consider a Building Permit Application from Stan Brescia for the placement of a mobile home at 62 Aldrich Drive, Tax Map 11, Lot 4-W, in an I-2 Zone –** CEO Ken Murchison stated that residential is not allowed in industrial although there is one exception in the code that makes provision for this to happen, but it is not in the land use table so he brought it to the Board. The structure is already there, it’s a double wide trailer for his nephew. According to the permit, he is part of the business. It is adjacent to a warehouse. Phil McDonough III stated that there should be repercussions for things done that should have received prior approval. After discussion, CEO Ken Murchison stated that they can deal with this one and create a moratorium.

Phil Cyr moved to advise the CEO to approve this and work on language to assign a penalty for those who do this after the fact and to do a moratorium for six months for any permits for people who apply after the fact; seconded by Thomas Ayer. 3 – Yes (Phil Cyr, Thomas Ayer, Robert White) 3 – No (Todd Pelletier, Evan Graves, Philip McDonough III).

After discussion, Thomas Ayer moved to retract the previous motion; seconded by Phil Cyr. Motion carried with all in favor.

Philip McDonough III moved for CEO Ken Murchison to take this item to legal and address accordingly; seconded by Thomas Ayer. Motion carried with all in favor.

* 1. **Meet with the Caribou Airport Advisory Committee for an update on airport activities and future planning –** This item was rescheduled for the December meeting.

1. **Staff Report.**

* 1. **Updates from Code Enforcement Officer/Zoning Administrator -** CEO Ken Murchison gave a quick overview of activities in the office. Code violations, lot line disputes, set back issues, exterior lighting issue and effluent at Birdseye.
  2. **Discussion of Housing Codes –** None.

1. **Planning Board Training –** None.
2. **Continue work on Chapter 13, Zoning of Caribou Code –** None.
   1. **Progress and Timing**
3. **Other Business –** None.
4. **Adjournment –** Meeting adjourned at 7:30 pm.

Respectfully Submitted,

Philip McDonough III

Planning Board Secretary

PM/dl