



## *City of Caribou, Maine*

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### **Caribou Planning Board Meeting Minutes Thursday, December 13, 2018 @ 5:30 pm City Council Chambers**

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

**Members Absent:** Todd Pelletier

**Others Present:** Ken Murchison –CEO & Zoning Administrator, Dennis Marker –City Manager, Denise Lausier –Executive Assistant to the City Manager, Shane McDougall, David Barbosa, Cuppy Johndro, Bob Plourde, James Judkins, David Barbosa, Kay Judkins, Debra White, Derrell Richardson, Jennifer Kiandos, Stanley Brescia, John Karod, MD and Derrell Richardson

- I. **Call Meeting to Order** –The meeting was called to order at 5:30 pm.
- II. **Approval of minutes from the November 8, 2018 Planning Board meeting** – Phil Cyr moved to accept the minutes as distributed; seconded by Evan Graves. Motion carried with all in favor.
- V. **Meet with the Caribou Airport Advisory Board for an update on airport activities and future planning.** – Chairman Robert White moved this item to the beginning of the meeting. Shane McDougall, Chair of the Caribou Airport Advisory Board was present and gave the Board an overview of airport activities and future planning. He believes that they should coordinate activities with the Planning Board. Mr. McDougall’s vocation is working with airports. He went over the airport layout plan, a roadmap for the airport and future development. The City has received federal funding for the airport for the development of a t-hangar and a couple of taxi lanes. There are twenty six or twenty eight assurances with federal funding, such as all revenue goes back to the airport. There is property that has been deemed non-aeronautical use, this could be leased out to businesses and gain revenue. The property could be released and that releases it from federal regulations and would even be able to sell the property. There is some potential for development. Old Town has done this and been successful. There are issues with the sewer line that hooks onto the terminal building, that is a project that needs to be done. Mr. McDougall introduced David Barbosa, Co-Chair of the Airport Advisory Board.
- III. **New Business** –
  - a. **Final consideration of a Home Occupation Application for Jen Anderson DBA Reflections with Jen.** – CEO Ken Murchison explained this application was approved at the last meeting, but the application was not complete. It is now complete and needs the Board’s signature. The Board signed the application.

- b. Consider a building permit for Stan Brescia at 2 Aldrich Drive.** – CEO Ken Murchison explained that this was discussed at the last meeting. It's a residential activity on an industrial site. Mr. Murchison has received a legal opinion and it is authorized under Section 25. Chairman Robert White commented that if our attorney says it is ok, we need to approve it.

Phil Cyr moved to authorize the CEO to approve; seconded by Matthew Hunter. Motion carried with all in favor.

- c. Continue review of a Site Design Review application for Dunkin Brands, Inc.** – Chairman Robert White explained that the Board reviewed this application at the last meeting but did not go through the site design review criteria. CEO Ken Murchison stated that it is still open because it was approved conditionally. They are waiting on MDOT regarding striping of the road. The turn lane is all the way to North Street on Bennett Drive as part of the school project. Phil Cyr questioned if it was extended to accommodate Dunkin, CEO Ken Murchison stated that it was. Philip McDonough III stated that he felt the Board needs to hold off until they have MDOT approval.

Philip McDonough III moved to table this item until they have MDOT approval.; seconded by Thomas Ayer. 3 – Yes (Thomas Ayer, Robert White, Philip McDonough III), 3 – No (Evan Graves, Phil Cyr, Matthew Hunter). Motion fails.

Philip McDonough III moved to table this item until the next meeting.; seconded by Thomas Ayer. Motion carried with all in favor.

- d. Public Hearing regarding a Use Permit for Derrell Richardson at 9 Bog Road for a commercial application for sale of glassware.** – CEO Ken Murchison explained this is a permit for a retail operation in the R-3 zone, and an activity for Planning Board review which requires a public hearing. Mr. Richardson is currently a medical marijuana caregiver which is legal in the law. He would like to add on with a retail shop as a separate stand alone business. Public Hearing was opened at 5:55 pm.

Derrell Richardson was present and explained he would be selling glassware for the public; pipes, bongs and clothing.

Matthew Hunter stated that he needed to abstain and he stepped out of the room.

CEO Ken Murchison explained that today new amended laws came into effect for medical marijuana in the state, this retail is separate from that.

Bob Plourde, 10 Grimes Mill Road. His property is not far from this location. Mr. Plourde has concerns with traffic, how many people and what will be happening at this location. He has concerns with the strong odor that comes into his home that smells like skunk urine. He is concerned that if he ever wanted to sell his home, what value will it have.

Cuppy Johndro, another resident near by has the same concerns. Ms. Johndro had concerns that they didn't know it was coming into their neighborhood. She stated that she is against drugs and it smells like skunk in her home. Ms. Johndro stated that it is not a good influence in their neighborhood.

Phil Cyr stated that the City didn't know either. Medical marijuana rules were passed by legislature that empowered to become caregivers and kept anonymous. They said it had to be kept anonymous for fear that crops would be targets for burglaries. The Planning Board had no

say in the matter and they didn't receive notice either. Mr. Cyr stated that the Planning Board needs to look at the application as a retail operation.

Phil Cyr questioned parking. Jennifer Kiandos stated that they have fourteen parking spaces and two are handicap on the caregiver side of the building. The glass shop on the other side has a larger parking area. Robert White questioned how many car trips currently, Derrell Richardson stated 100 plus per week. Robert White also questioned the smell. Phil Cyr stated it's the plant itself that gives off the odor. Mr. Richardson stated that it is harvest time and that is when it gives off the odor.

CEO Ken Murchison stated that there are three issues, one being parking and Mr. Murchison has been on site, there is sufficient parking. Another is the sanitary facilities which can be an issue with a lot of people on the site, Mr. Murchison has checked on this as well. And third, there are new laws in effect today that may affect this. LD 238– An Act to Amend the Maine Medical Use of Marijuana Act.

Public Hearing closed at 6:14 pm.

Phil Cyr moved to table this item until the next meeting and between now and then staff will research the process and include legal counsel on what the options are; seconded by Thomas Ayer. Motion carried with all in favor.

- e. **Consider a Use Permit for Derrell Richardson at 9 Bog Road for a commercial application for sale of glassware.** - CEO Ken Murchison explained that this is a separate stand alone business. The permit requests a personal service, which is legal in an R-3 zone, then it stipulates as a medical marijuana caregiver and a sole proprietor, which is a mixing of retail and medical marijuana. Mr. Murchison stated that retail marijuana is not allowed and he doesn't know at this point if they can do consulting. With the laws, the CEO is allowed to ask the state if the applicant is registered or non-registered, but it's confidential. Mr. Murchison recommends the Planning Board ask the Council for a moratorium until we can study these laws and know how to deal with them or adjust the ordinance that allows the latitude to deal with them.

Derrell Richardson explained with the new laws he can now have unlimited employees on the caregiver side, with separate employees for selling the glassware. Mr. Richardson has been selling glassware.

CEO Ken Murchison stated that by statute, he can continue as a medical marijuana caregiver. The code book is silent, it is not clear if they can approve or disapprove a permit for this application.

Board consensus that this item was tabled as well with Item d.

Board discussion on a moratorium. City Manager Dennis Marker explained that with a moratorium, Derrell can continue operating, he just cannot expand it. CEO Ken Murchison stated that a moratorium will give 90 days, plus additional time to work on an ordinance.

Thomas Ayer moved to ask the City Council for a moratorium on current legislative marijuana laws that came out today and how we should act on them as a Planning Board; seconded by Philip McDonough III. Motion carried with all in favor.

Matthew Hunter came back in the room.

**IV. New Communications**

- a. **Discussion on a Site Design Review for Caribou Senior Living, LLC.** – CEO Ken Murchison explained that they didn't sign off on the building permit. Will need to do a site design review when ready.
- b. **Discussion on a Use Permit for Derrell Richardson at 9 Bog Road concerning an owner operated personal services business related to a Medical Marijuana Caregiver status.** – This item was tabled with Items d and e.

**VI. Staff Report.**

- a. **Updates from Code Enforcement Officer/Zoning Administrator** – CEO Ken Murchison told the Board that Birdseye has been leveled.

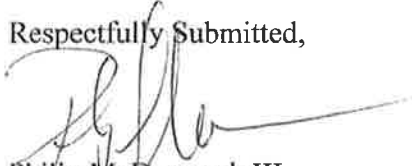
- VII. Continue work on Chapter 13, Zoning of Caribou Code.** – City Manager Dennis Marker was present and reviewed some items on the land use table and zoning map with the Board. They discussed the public use zone, industrial zones, development of waterfront property, different uses in each zone and streamlining processes by allowing CEO to take care of many of the uses. Mr. Marker recommended the Board take some time to look at the individual uses on the land use table.

The Board recognized and thanked Matthew Hunter and Thomas Ayer for their service on the Board.

**VIII. Other Business – None.**

- IX. Adjournment** – Thomas Ayer moved to adjourn the meeting at 7:15 pm; seconded by Evan Graves. Motion carried with all in favor.

Respectfully Submitted,



Philip McDonough III  
Planning Board Secretary

PM/dl