



City of Caribou, Maine

Municipal Building
25 High Street
Caribou, ME 04736
Telephone (207) 493-3324
Fax (207) 498-3954

AGENDA **Caribou Planning Board** **Regular Meeting** **Thursday, January 10, 2019 at 5:30 p.m.** **City Council Chambers**

www.cariboumaine.org

- I. Call Meeting to Order
- II. Welcome New Board Members
- III. Election of Officers for 2019
 - a. Chairman
 - b. Vice-Chairman
 - c. Secretary
- IV. Setting Meeting Dates/Times for 2019
- V. Approval of minutes from the December 13, 2018 Planning Board meeting. Pgs. 2-5
- VI. New Business
 - a. Continue review of a Site Design Review application for Dunkin Brands, Inc.
 - b. Site Design Review for Caribou Senior Living, LLC.
 - c. Flood Plain Ordinance.
- VII. New Communications
 - a. Notice of Violation for Odor issues related to Medical Marijuana Grow Facility at 9 Bog Road.
 - b. Ongoing Notice of Violation for Lighting Ordinance at 46 Coolidge Avenue.
 - c. Home Occupation Application for Sonia Godin Salon. Pgs. 6-12
- VIII. Staff Report
 - a. Updates from Code Enforcement Officer/Zoning Administrator.
 - b. Update on Moratorium concerning owner operated personal services businesses related to a Medical Marijuana Caregiver status.
- IX. Planning Board Training
- X. 2019 Planning Board Goals
- XI. Continue work on Chapter 13, Zoning of Caribou Code
- XII. Other Business
- XIII. Adjournment



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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, bong 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

Code Enforcement - Inspections Permit Fee Payments at front counter - first floor.

Date: 01/01/2010

Customer Name: Sonia Godin

		\$
13 - Building Permit: <i>Home Occupation</i>	Flat \$50 fee	<u>50.00</u>
14 - Plumbing permit:	75% Caribou	_____
	25% State	_____
Shellfish Surcharge: \$15.00 (full system – external only)		_____
53 – Zoning Document fee:		_____
54 – Site Design Application: \$90 + \$10 / 2000 sq ft		_____
55 – Board of Appeals Application:		_____
56 – Certificate of Occupancy: \$25.00		_____
57 – Demolition Permit: \$25.00 – waived if received in advance		_____
58 – Sign Permit:	\$50.00 per sign X _____ =	_____
59 – Subdivision Application: \$180 (first three) + \$10/each add'l		_____
61 – Heating Equip. Installation Permit: \$20.00 each X _____ =		_____
62 – Misc. Inspection Service:	\$40.00 each X _____ =	_____
TOTAL:		\$ <u>90.00</u>

Plumbing Inspections: Please call Steve Wentworth, LPI 551-1007
 Building Inspections: Please call Tony 493-5966
 Planning Board agenda items: Please call Ken 493-5967

Balance forward 10.00
 Cash 10.00
 Total 20.00
 Balance forward 20.00
 Cash 20.00
 Total 40.00
 Balance forward 40.00
 Cash 40.00
 Total 80.00
 Balance forward 80.00
 Cash 80.00
 Total 160.00

Total of Cash
 160.00



City of Caribou Home Occupation Application

Planning & Code Enforcement
25 High St.
Caribou, Maine 04736
(207) 493-3324, X 214
kmurchison@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.

Please print or type all information

Name of Applicant: Sonia Godin
Business Name: Serenity Beauty Spa
Location of Property (Street Locations): 11 Summer Street
City of Caribou Tax Map: 32 Lot: 157 Zone: R2

Applicant Information

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

Sonia Godin Phone: 207-227-9633

E-mail: Sonia.levesque@outlook.com

Name of Land Surveyor, Engineer, Architect or other Design Professionals.
(Attach list if needed, please write "N/A" if not applicable)

Phone: _____
Phone: _____

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

Leasing
(Attach supportive legal documentation)

Please describe business, including services offered and estimated impacts on traffic, noise, and environmental impacts

One person home base salon offering services in hair coloring and cutting, electrolysis, waxing, nail care and spray tanning.

General Information

Aroostook County Registry of Deeds: Book # 4243 Page # 138

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

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 sq ft of residence: _____ Total sq ft of residence to be developed: _____

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

Indicate any restrictive covenants currently in the deed: _____

(Attach deed)

Anticipated start date for construction: ___/___/___ Anticipated Completion: ___/___/___

Water Supply: Private Well: Public Water Supply:

Sewerage Disposal: Private SSWD: Public Sewer:

Estimated sewerage disposal gallons per day: (_____/day)

Does the building require plan review by the State Fire Marshal Office? () Yes () No
(Attach Barrier Free and Construction Permits from SFMO)

Have the plans been reviewed & approved by the Caribou Fire Chief? () Yes () No

Does the building have an automatic sprinkler system? () Yes () No

Does the building have an automatic fire detection system? () Yes () No

Plan Review Criteria Checklist

- 1. ___ 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.
- 2. ___ Names and addresses of all abutting landowners (from assessing office).
- 3. ___ Copy of tax card and tax map for property with zoning designation (from assessing office)
- 4. ___ 1 complete set of plans, showing the following:
 - ___ a. Graphic scale and north arrow.
 - ___ b. Location and dimensions of any existing or proposed easements (from deed)
 - ___ c. Size, shape, and location of existing and proposed buildings on the site including dimensions of the buildings and setbacks from property lines.
 - ___ d. 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.
 - ___ e. Location and names of streets adjacent to the proposed development and rights-of-way (from deed).
 - ___ f. Conceptual treatment of landscaping buffers, screens, and plantings.
 - ___ g. Location of outdoor storage areas, fences, signage and accessory structures.
 - ___ h. All proposed signage and exterior lighting including the location, size and wording of all signs and location and type of exterior lights.

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

Signature of Applicant: Sonia Modin Date: 01/04/19

Planning Board Requirements Checklist

- _____ The home occupation shall only employ residents of the dwelling unit.
- _____ The home occupation shall be carried on entirely within the principle or accessory structure.
- _____ The home occupation shall not occupy more than 50% of the total floor area of the principle dwelling structure. Accessory structures used for the home occupation may use up to 100%.
- _____ No client or customer shall be allowed on any floor other than the first floor ground level unless the structure is protected throughout with a State Fire Marshal approved sprinkler system.
- _____ Objectionable noise, vibrations, smoke, dust, electrical disturbance, odors, heat, glare or other nuisances are not permitted.
- _____ No on-street parking is allowed for clients or customers.
- _____ All means of egress/ingress are consistent with NFPA Life Safety Code 101 and the Americans with Disabilities Act.

Home Occupation Application for: _____

Address: _____

Approved by the Caribou Planning Board

Date: ____/____/____

Signed:

Chairman, Caribou Planning Board

Conditions of Approval:

- 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 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.