City of Caribou, Maine

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Caribou Planning Board Meeting Minutes
Thursday, June 11, 2020 @ 5:30 pm
City Council Chambers

Members Present: Robert White, Dan Bagley, Dave Corriveau, Amanda Jandreau, Drew Ayer, Christine Solman and Frank McElwain

Others Present: Ken Murchison –CEO/Zoning Administrator; Carl Soderberg, Phil Duplessie, Dennis Marker –City Manager and Denise Lausier –Executive Assistant to the City Manager

I. **Call Meeting to Order –**The meeting was called to order at 5:30 pm.

II. **Approval of Minutes from the May 14, 2020 Planning Board meeting –** Chairman Robert White stated that some inserted text for the minutes were distributed to Board members earlier in the week that he believes should be included in the minutes. Dan Bagley questioned if the intent is to insert the notes into the minutes. Chairman White commented to accept them as an addendum. Dan Bagley mentioned that the roman numerals were out of sequence.

Drew Ayer moved to approve the minutes as presented with amendments; seconded by Dave Corriveau. Roll call vote.
Dave - yes; Dan - yes; Christine - yes; Amanda - yes; Drew - yes; Frank - yes; Robert - yes.
Motion carried with all in favor.

III. **Public Hearings -**

a. **Re-Convene Caribou Solar Power, LLC. Use Permit Application Hearing to consider the placement of a solar array at Tax Map 007 Lot 032 Washburn Street. Tax Map 007 Lot 032 is a "split Zone" lot with land uses of both I-1 and R-3. I-3 is an appropriate zoning district for a solar array application and the R-3 district requires approval by Planning Board for a Public Utility application.**

Chairman Robert White reconvened the public hearing started at the Planning Board meeting on May 14th. Chairman White explained that the Board looked at the initial site plan as a concept review at the last meeting. There were some comments and some of data was missing. The developers have done a lot of work to provide additional data. Chairman White noted that Dan Bagley pointed out that they were supposed to wait 30 days, but it has only been 28 days since the first hearing. City Manager Dennis Marker suggested if everything is in order the Board can pass this application contingent upon no negative comments in the next two days.

CEO Ken Murchison submitted a Code Enforcement Officer review to the Board on this application. Dan Bagley commented this was a good approach to have CEO review and suggested to perhaps modify the form and have a fourth column on the Site Design Review application for CEO review. CEO Ken Murchison stated this is a new format suggested by Manager Marker. Dan Bagley stated it is a good idea and will help out a lot.

The Board reviewed the Site Design checklist for the application.

- Chairman White – Will be a five foot fence around with gated access.
- CEO Murchison – Fire Chief Susi; no issues with emergency vehicle access.
- CEO Murchison – Development is way outside the floodplain areas.
- Christine Solman – Questioned the stream protection area – reviewed on the map.
- Chairman White – Letter from major abutting property owner fully endorsing the project.
- CEO Murchison – Agreed to let the ATV/snowmobile trail stay where it is on the perimeters of the property.
- Chairman White – Very detailed work on erosion and sediment plan during the actual build out.
- Developer, Carl Soderberg – It's a self explanatory plan. With the net metering project the Governor proposed, it's a typical project of what the State wants to do. Good site for it, meets all requirements. Working with Emera to tie into the substation, which is a very complex procedure. Working with RLC Engineering out of Falmouth, a utility engineer. Shawn Pelletier tried to join the last meeting via Zoom, but it wouldn't work. Chairman White stated that we are shy two days of legal requirement of 30 days between the concept review and final review. Mr. Soderberg said that many things were not applicable on the City forms, it was a process to weed through.
- Christine Solman – Questioned if there was there a boundary survey done by Dale Blackstone. Carl Soderberg and CEO Murchison answered that there was one done.
- Dan Bagley – Asked if they are still planning to start in July. Carl Soderberg answered yes. Dan Bagley – Stated that there is a 30 day waiting period between the approval and starting construction. Chairman White stated that they could start the project on July 13th.
- CEO Murchison – Questioned what is the size of the array. Carl Soderberg answered five mega watts are most common, this one is just under five mega watts. It meets the Governor's initiative of net metering. Can be smaller, it's roughly twenty acres.
- Dan Bagley – Questioned the preliminary site review forms. The final was resubmitted and different from the preliminary, the upfront information. Chairman White stated that was ok because nothing was signed on the preliminary. Mr. Bagley just wanted to make sure there was no confusion on what was signed and what wasn't.
- Chairman White – Wrote in a contingency of approval on the final site design review of a two day waiting period for any additional comments.
- Manager Marker made note to Chairman White to make sure any comments that come in the next two days are turned into the Code Enforcement Officer and then sent out.

Dave Corriveau moved to approve the application with conditions of a two day waiting period for any additional comments; seconded by Drew Ayer.
Roll call vote.
Dave - yes; Dan - yes; Christine - yes; Amanda - yes; Drew - yes; Frank - yes; Robert - yes.
Motion carried with all in favor.

IV. New Business –

a. SynerGen Caribou, LLC. will resubmit a Site Design Review Application for the placement of a solar array at Tax Map 016 Lot 030 Ogren Road working together with Guerrette Farms to secure adequate space for the solar array. The City of Caribou is working with Jones Associates in the placement of SynerGen Caribou, LLC solar array at the closed Ogren Road Landfill facility.

CEO Ken Murchison explained we will soon have another solar project to consider on the Ogren Road at the old dump site. SynerGen Caribou LLC has taken back their initial application for us to

consider. They have been working with a smaller and smaller area because there are wetlands on the site. Since then they have talked to a neighboring farmer, Guerrette Farms and come into an agreement with them to lease part of their land and in addition to their land on the Ogren Road they will have enough developable land for their solar array.

Dan Bagley stated that during the last solar array project, the Board treated it as a similar use as a public utility as opposed to public utility. Mr. Bagley stated that the precedent was set then and questioned if this solar array will be treated as a public utility.

Chairman White answered that there is no other place this could fall under but public utility. The land use table needs to be modified. Chairman White said that the Board can deal with it as a public utility or similar use.

CEO Ken Murchison stated that public utility is the best fit. As the Board works through Chapter 13, a definition should be developed for solar array. It's lacking in City code.

V. New Communications –

a. Caribou Senior Living would like to explore the addition of an "Accessory Use" at their facility. Offices have been constructed to have nursing services on site but the developers are sensitive to the City's requirements and are seeking guidance.

CEO Ken Murchison explained that this is part of the original proposal at the old Hilltop School for senior living independent care. The developers would like to house nurses at the facility. Chairman White stated this was talked about at the original review. CEO Murchison stated that the concern is if this is external services would it be a commercial application in a residential area. CEO Murchison stated that there are no definitions for compatible use or accessory use. There is no guidance in the code for accessory use or description for accessory use for this application.

Dave Corriveau questioned that if it comes under contract services, why wouldn't that fall under the umbrella of the whole unit. Chairman Robert White stated that it is no different than a doctor's office.

CEO Murchison commented that a nursing home would be fine in that zone. The question is if they offer nursing services out in the community as well would it be a commercial application. CEO Murchison said he is asking the Board for guidance because the code offers no guidance.

Chairman White also commented that he doesn't see how it is any different than in home services.

Christine Solman questioned how many employees will be at the facility. Carl Soderberg answered that he had no actual numbers but might be eight.

Drew Ayer commented this is the same care as in a nursing home, they are just doing it out in the community as well.

Carl Soderberg stated that it is so they can facilitate the people that are there to have good access to nurses and they could also visit others perhaps down the street.

Dan Bagley sees no impact. Chairman White commented that the offices were part of the original plan.

CEO Murchison also stated that the nursing services are already in Caribou. Closest thing he could think of is Leisure Gardens in Presque Isle that is similar.

Chairman White said that there is nothing in the code that prohibits it.

Christine Solman questioned if this use in this zone requires CEO or Planning Board approval. The land use table states that it requires Planning Board approval.

Carl Soderberg stated that when the plan was approved, this was approved. They have a building permit and the offices are all built.

Dan Bagley commented that the proposed use was in what was asked for in the initial plans, no additional action is necessary. If the proposed use was different than what was initially proposed, then a decision would need to be made.

CEO Ken Murchison stated he is looking for the Board's guidance.

Manager Dennis Marker asked if this is an accessory use or is it the original use. The land use table says that a business medical office is not permitted in this R-2 zone as a primary use. Assisted living is permitted. Looking for the Board to say it's a minor element, it's an accessory use to the primary use and that it is ok.

Dan Bagley commented that there has been no request for accessory use, this is just a discussion.

Christine Solman stated in the original review they said there was one employee, now there are extra employees, extra traffic and extra impact on the infrastructure.

Chairman White stated that CEO Murchison asked for guidance and we will enter a motion in the minutes.

Frank McElwain moved to support the accessory use as proposed for this project; seconded by Dave Corriveau.

Dan Bagley said this is just a discussion. Chairman White stated that this is an advisory motion.
Roll call vote.
Amanda - yes; Christine - yes; Dan - no; Dave - yes; Drew - yes; Frank - yes; Robert - yes.
6 – Yes; 1 – No (Dan Bagley) Motion carries.

b. Rick Solman would like to explore the rezoning of his lot at 713 Main Street, Map 031 Lot 123 so that he can develop his existing building for residential use on the first floor. This lot is currently zoned as C-1 and C-2 and historically has housed office space of the first floor and residential on the second floor. The trend that Mr. Solman has been tracking suggest that there is no need for the office space but much desire for high-end apartments.

CEO Ken Murchison explained that Rick Solman is a local businessman that has an interest in converting office space into apartment space. For many years Mr. Solman has rented office space at 713 Main Street. For the past few years, the interest in the office spaces has waned. In the meantime Mr. Solman has developed some very nice apartment space in one of his buildings on the second floor. It is allowed in the C-2 zone. Would like to develop the rest of his two buildings for residential use, but it's not allowed in the C-2 zone. Mr. Solman requested that the City may consider a mixed use zone, but that type of zone in the City is not official yet. The Board has discussed mixed use in the Zoning ordinance re-write, but it has not been adopted as of yet. However, the property is abutting an R-2 zone. The property could be rezoned to an R-2 where he could build residential. Mr. Solman is not formally requesting this as of yet, this is informational only.

c. **Proposed Aroostook Driving School presence at 14 Evergreen Parkway. The ADS has been displaced by construction of the new School as well as Covid-19. Another envelope for the ADS could be the Caribou Emergency Operations Center (former Lions Building).**

CEO Ken Murchison explained that the Aroostook Driving School was displaced through the coronavirus. They needed space to be able to spread out. Looking at the building of the Warehouse Restaurant where they could lease. CEO Murchison just received a use application yesterday. It is in a C-2 zone area but this one lot is I-1.

Chairman Robert White questioned to consider a change of use, does the Board have to do a preliminary site review with a final site plan review or can the Board just say it is a permitted use.

CEO Ken Murchison explained that again, he is just looking to the Board for guidance. Site design review is for new development, this is a lease of an existing property in place. Would allow the owner of the building some revenue as he reworks his business plan for this property and offers the driving school a space to have everyone distanced enough in a classroom setting. Do we need a public hearing. If it would have been a C-1 or C-2 zone, it would be an in house review. The I-1 zone has to come to the Planning Board.

Chairman White stated it has to come to the Board to approve the use. Mr. White's question is if the Board needs to do a two month hearing process.

Christine Solman clarified with CEO Murchison that it is being looked at as a public or private school in the land use table. Ms. Solman commented that every zone in that line calls for Planning Board review.

Chairman Robert White asked for clarification for Planning Board review if the Board has the power to decide when they have to do the hearing process and when it can be waived.

Manager Marker answered that on the land use, Planning Board has to go through the site review process, there isn't modified processes in the code.

Chairman White questioned if the Planning Board can approve the use, contingent upon future site plan review so they can get started, since there is no construction, no paving of parking lots, no planting of shrubs etc. Dave Corriveau stated since CEO Murchison came to the Board for guidance and the Board sees no objections, could the CEO make the decision.

Manager Marker stated that on the land use table, this classroom setting is not defined, it's unique. In the I-1 zone if it is a use similar to another use, the CEO would have authority to review it. Perhaps could look at it as a unique situation. It's unique and low impact, the CEO could give authority to approve.

Chairman White commented that there are commercial companies in the I-1 zone that by their very nature would conduct training sessions in their facilities and would not come to the Planning Board for permission to use the classroom. Chairman White stated it is an accessory use that the Code Enforcement Officer could approve. Manager Marker stated it is not an accessory use, it's the only use of the building but could be looked at as low impact and CEO could approve.

Dave Corriveau stated that DOT does have training sessions for their snow plow drivers in the I-1 zone next door to this property. Chairman Robert White's recommendation is to ask the Code Enforcement Officer to approve the use on the basis as a similar use.

Amanda Jandreau moved to have the Code Enforcement Officer approve the use as a similar use; seconded by Drew Ayer.

Dan Bagley stated that he didn't think it was permitted. Drew Ayer commented that they were displaced because of Covid and are just looking for a place to continue business, to keep their business going and generate income. It is an open ended lease, may be temporary, may be six months or a year depending on what happens to Covid 19.

Roll call vote.
Dan Bagley stated that if that is permitted, then his vote is yes; Christine - yes; Amanda - yes; Drew - yes; Frank - yes; Dave - yes; Robert - yes.
Motion carried with all in favor.

d. Possible Solar Array off from the Dow Siding Road by Flat Ground Road, LLC. application pending.

CEO Ken Murchison explained this company offers harvested saleable logs, they are looking to develop and are serious about solar power. This is coming down the road.

VI. Old Business

a. Phillip Duplessie, DBA PDG Automotive and Collision Use Permit Conditions.

CEO Ken Murchison explained that the conditions were met that the Planning Board desired. CEO Murchison also gave the Board new pictures of the property. Mr. Duplessie asked not to have to put the siding on right off because he is adding another bay and hiring a person. He would have to tear off the siding to build. CEO Murchison stated that staff is confident that he is in compliance. The neighbor offered a statute on having only so many cars in the yard and that it could be an auto junkyard. Except that Mr. Duplessie repairs cars for service, it's not an auto junkyard. DEP has no issues.

Chairman Robert White recommends that Mr. Duplessie carry on.

Mr. Duplessie asked the Board if he could get this in writing. Chairman White commented that he could have the CEO state that he is in compliance with a permit. It's out of the Board's hands.

Mr. Duplessie commented that he has concerns with the neighbor. CEO Murchison said that Mr. Duplessie wants to make an investment in his business. Chairman White stated to have his attorney speak with the neighbor's attorney, there is nothing that the Board can do.

Manager Marker said that one question needs to be resolved, if the Planning Board wants to modify the time frame for applying siding, that can be noted in the file.

Christine Solman questioned how soon Mr. Duplessie would like to expand. Mr. Duplessie said this year.

CEO Murchison stated that there is a tree line that has always been there and that Mr. Duplessie has gone above and beyond. The building permit was deemed complete some time ago by the City Assessors.

Chairman White directed CEO Murchison to write a letter to Mr. Duplessie that his building permit is complete, conditions have been met. That we understand the delay in siding because of the addition and it needs to be completed within one year.

Christine Solman moved that the requirements for a fence has been completed and to extend the condition for siding to be put on within twelve months upon completion of the addition; seconded by Dan Bagley.
Roll call vote.
Dave - yes; Dan - yes; Christine - yes; Amanda - yes; Drew - yes; Frank - yes; Robert - yes.
Motion carried with all in favor.

VII. Staff Report – CEO Ken Murchison gave updates.

a. **Blight Initiative** – Working on blight initiative. Data is all set for scoring. There are 3,600 buildings and seven criteria. Been to every road in the City. There are well kept buildings, well kept grounds and new development in the City.

b. **Notices of Violation** – Notices of violations are going out. Collapsed buildings, dangerous buildings and pop up junk yards.

c. **Demolition** – Demolition of two houses on Patten Street has been completed. The sites have been seeded and is a way point for ATV trails. Demolition of 25 Liberty Street has been completed as well and is now a developable lot. At 66 York Street, the building has been demoed and is now a developable lot. At Birdseye, Public Works has been hauling debris which is saving the City money. The black lagoon has been filled with ash and only organic material is left. CUD pumped it into the sewer system, some was buried. Manager Marker mentioned that it is not hazardous, but organic material. Dave Corriveau asked if someone could build on top of the existing concrete. CEO Murchison stated that the freezer pads that are left are good candidates for use, it's been well covered and insulated on the bottom.

d. **Future Land Use Plan** – Still working on the future Land Use Plan.

VIII. Chapter 13, Zoning Code

e. **Manager's Minute** – City Manager Dennis Marker provided additional revisions to the definitions in Chapter 13, Zoning of City Code to the Board. Some regulatory framework, there are some common terms or terms of trade that don't need to be in there. Been comparing definitions that the State has, they created what the standard is. Need to be at least equal to the State. Also referencing State codes, that way if the State codes are updated we won't have to update our code. Through the definition review, Manager Marker questioned that if we are not regulating that particular thing why are we defining it. Keep things broader.

IX. Other Business – None.

X. Adjournment – Meeting adjourned at 7:00 pm. Next meeting is Thursday, July 9th at 5:30 pm.

Respectfully Submitted,

Christine Solman
Planning Board Secretary

CS/dl