



City of Caribou, Maine

*Municipal Building
25 High Street
Caribou, ME 04736
Telephone (207) 493-3324
Fax (207) 498-3954
www.cariboumaine.org*

Caribou Planning Board Meeting Minutes Thursday, November 12, 2020 @ 5:30 pm City Council Chambers

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

Members Absent: Drew Ayer

Others Present: Ken Murchison –CEO/Zoning Administrator, Dennis Marker –City Manager, James Bacon, Richard Solman, Mark Kelley –Country Farms Properties, Tom Ayer – Councilor Liaison and Denise Lausier – Executive Assistant to the City Manager

- I. **Call Meeting to Order** – Chairman White called the meeting to order at 5:30 pm. Chairman White stated that there will be no votes on the Public Hearings this evening. The Hearings will continue to November 24th in which time the Board will vote.
- II. **Approval of minutes from the September 10, 2020 Planning Board meeting** – Dan Bagley commented that it was an excellent treatment of the minutes, a lot of work went into them. It was a long meeting and there was a lot to capture and he really appreciates all the detail. Kudos to Denise Lausier. Christine Solman also thanked Denise for her work on the minutes.

Frank McElwain moved to approve the minutes; seconded by Dave Corriveau.

Roll call vote.

Amanda – yes; Dan – yes; Christine – yes; Frank – yes; Dave – yes; Bob – yes
Motion carried with all in favor.

III. **Public Hearings:**

- a. **Rezoning request at 31 Herschel Street Map 31, Lot 17 and related area from C-1 (High Density Commercial District) to R-2 (Residential Single and Multi-Family Dwelling District).** –

Chairman White opened the Public Hearing at 5:34 pm.

Richard Solman was present and stated that he owns property in that area and he fully supports this rezoning request. Mr. Solman stated that there is a need for flexibility because a lot of buildings are empty. Mr. Solman said his property is divided into two zones and this request makes sense.

Mark Kelley from Country Farms Properties who submitted this request for rezoning was present. Mr. Kelley explained that he is in real estate development and buys foreclosure property and upgrades them. His proposal is to turn commercial space into residential space in the building at 31

Herschel Street. Mr. Kelley has a partnership with Cary Medical Center, they are in need of apartments for traveling nurses.

Christine Solman questioned how many residential/commercial activities are there. Mr. Kelley stated there is a hair salon, food pantry, laundry mat for tenants and a conference room for himself.

Dan Bagley questioned his plan to permit these units; apartments were put into this building without prior approval. CEO Ken Murchison stated that it is an existing non-conformance. Mr. Bagley stated to make sure the permitting is correct for this project. Mr. Kelley stated he owns buildings all over Caribou and surrounding communities as well as other buildings with apartments on Herschel Street and he never intended to go against code.

Amanda Jandreau asked how many apartment units Mr. Kelley had in that building. Mr. Kelley stated there are two units that are both being rented out to traveling nurses, one for Cary Medical Center, one for Pines Health Services. Mr. Kelley stated that they are one year leases and that there is an extreme shortage of nice rental units in Caribou. Mr. Kelley said he gets eight to ten calls per day for apartments.

Chairman White recessed the Public Hearing at 5:47 pm until the November 24th meeting at 5:30.

b. To consider a requested amendment to Section 13-700 §27 of Caribou Code; Sewage Disposal allowing temporary private systems. –

Chairman White introduced this item.

Chairman White opened the Public Hearing at 5:50 pm.

City Manager Dennis Marker stated that State Plumbing Code has a provision that someone who needs to connect to public sewer can get a private system installed temporarily for a twelve month period with a twelve month extension if needed. If someone is within so many feet of the public sewer line, they need to connect according to City standards and Plumbing Code. Manager Marker stated that Mr. Bacon's attorney drafted proposed City Code amendments.

CEO Murchison stated that the staff proposed language will make the City's Ordinance line up with State Statute. Manager Marker stated the City is proposing a six month extension to be more restrictive.

James Bacon stated that the estimated cost to repair the connection to public sewer must exceed \$20,000 per the City but Mr. Bacon feels \$10,000 was enough. Mr. Bacon stated that \$20,000 was a little high and would be a big burden on someone else going forward. Mr. Bacon also questioned the performance bond.

Chairman Robert White stated that a performance bond is like an insurance policy. If the homeowner couldn't get the work done, the insurance would cover the work instead of the City.

Discussion on the cost of septic system and reconnection costs.

Chairman White stated that with Mr. Bacon's issue, this is about an existing section fourteen feet underground with the cost to reconnect to a new pipe has been estimated over \$20,000. Mr. Bacon is looking for relief with a temporary private septic system and time to save up the cost to reconnect within 12-18 months.

Amanda Jandreau asked to clarify that this was just a temporary system and reconnect. If the cost is over \$20,000 they can put in a temporary system. Manager Marker clarified that they want them to connect to City sewer; cost would be around \$18,000 for new system and around \$10,000 to reconnect to City sewer.

Dave Corriveau questioned if there is grant money available.

Mr. Bacon stated it's 14-16 feet deep. Chairman White commented it is cost prohibitive to fix at that depth.

Christine Solman questioned if refinancing credit enhancements can be used with new development. Manager Marker stated that Tax Increment Financing can fund infrastructure and clarified that we have that tool in parts of the City.

Dan Bagley had concerns that if at the end of the year and a half if no progress has been made, what can the City do. James Bacon stated this just buys some time. CEO Murchison noted that is why the performance bond is recommended.

Chairman White recessed the Public Hearing at 6:12 pm until the November 24th meeting at 5:30.

c. To consider an amendment to Section 13-700 §39 of Caribou Code; addressing Medical Marijuana related facilities. –

Chairman White introduced this item.

Chairman White opened the Public Hearing at 6:13 pm. There was no public comment.

CEO Ken Murchison stated that he was recently approached by this type of business. CEO Murchison said that what is proposed is good language to be able to handle and regulate this industry.

Chairman White clarified that Caribou has a facility that is non-profit and authorized by State law. This language is for the ones that are for profit and there are no laws to govern them. The State says if we have no laws, we cannot allow them. This is why this came up.

CEO Murchison produced a map to identify places in the City that can have this type of facility based on the proposed spacing standards. CEO Murchison said that City Ordinance states they need to be 500 feet from schools and churches, 1,000 feet from the drug free safe zones as well as 300 feet from residential. Mr. Murchison stated that there are only a couple of small potential areas for medical marijuana retail.

Discussion on caregivers, retail, dispensaries, profit and non-profit.

Dan Bagley questioned if the Board could decide to allow dispensaries but not retail. Manager Marker answered yes.

Chairman White commented there is a need to modify code for medical marijuana dispensaries, no more than what State allows. CEO Murchison stated that if we opt in, we can regulate how many and assess fees. Amanda Jandreau clarified that the Planning Board decides what zones they are allowed in and City Council would designate fees.

CEO Murchison stated that the City needs to be able to regulate somehow. Manager Marker commented that there are a lot of elements to the industry.

Dan Bagley questioned why on the Land Use Table that these facilities are not allowed in the Commercial and Industrial zones. Christine Solman commented that Retail and Testing could also be in the RC-2. Chairman White stated that they need to be 300 feet from residential, 500 feet from daycare and churches.

Chairman White recessed the Public Hearing at 6:37 pm to the November 24th meeting.

Dave Corriveau moved to hold a Special Planning Board meeting on November 24th at 5:30 pm to continue the three Public Hearings; seconded by Amanda Jandreau.

Motion carried with all in favor. Vote was unanimous by show of hands.

IV. New Communications – None.

V. Staff Report – CEO Ken Murchison

- a. 412 Access Highway (New Court Date)** – New court date is in December.
- b. Downtown Team/Riverfront Development Committee Meeting** – Meeting on November 17th to discuss progress to date. This Committee is an off spin of the Downtown Team.
- c. Small Communities Grant (Septic Systems)** – CEO Murchison is working on closing out these grants. There have been some snags with contractors and clients.
- d. Day Care Permit Pending State Licensure** – Pending Daycare permit at 856 Sweden Street.
- e. Caribou Stream River Side and Dellwood Trailer Parks Septic Issues** – There are huge septic issues at these Trailer Parks. DEP brought these issues forward and the City needs solutions as soon as possible.

Also neighbor disputes on the Van Buren Road and on Access Highway.

VI. Chapter 13 – City Manager Dennis Marker

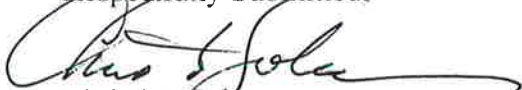
- a. Manager Marker TBA** – Manager Marker brought forward some work done on the Land Use Table. Christine Solman asked for a side by side comparison of the working Land Use Table with the current Land Use Table to better identify the changes. More discussion on this item at the December 10th meeting.

VII. Comprehensive Plan Update –

- a. Future Land Use (Information Only)** – CEO Ken Murchison is still working on the Land Use Study, nothing new to bring forward at this time.

VIII. Adjournment – Meeting adjourned at 6:55 pm.

Respectfully Submitted,



Christine Solman
Planning Board Secretary