



City of Caribou, Maine

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Caribou Planning Board Meeting Minutes Thursday, September 10, 2020 @ 5:30 pm City Council Chambers

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

Members Absent: Amanda Jandreau and Drew Ayer

Others Present: Ken Murchison –CEO/Zoning Administrator, Kelly Rioux –Aroostook Renewables, Bruce Tingley, Sarah Nelson, Robert Ellis, Kyle Anderson 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 August 13, 2020 Planning Board meeting. –

Minutes were completed but not yet approved by Secretary Christine Solman. The August 13, 2020 minutes will be presented to the Board for approval at the next meeting.

III. Public Hearings (Preliminary) –

a. Aunt Maggie's Farm Medical Marijuana, Medical Marijuana Caregivers Use Permit, 194 Bennett Drive Unit #4, Map 38-Lot 6 in the C-2 District.

Chairman White opened the Public Hearing and stated this is the second hearing, the preliminary was last month. Chairman White asked if there was anyone from the public that wanted to speak. There was none.

CEO Murchison explained that he only heard from two businesses on the opposite side of Bennett Drive. They called and said they may attend the meeting but neither were present. Neither one stated if they were for or against the application.

Christine Solman stated that there was an added drawing of the location and asked how many parking spaces are allotted for that. Mr. Ellis stated there are five units, parking in front and rear, entrance is in front.

Dan Bagley questioned the lease since the owners of the building are not the applicants. CEO Murchison stated there is a tentative lease that is not signed. They are waiting on Planning Board approval.

Frank McElwain questioned the bakery. Robert Ellis stated it's another way to present the product. They would bake elsewhere, not on site. It was clarified they would have only baked marijuana products. Mr. Ellis also clarified the name of the business is Aunt Maggie's Farm Medical Marijuana and Bakery.

Dan Bagley asked if the business was registered in Maine and Mr. Ellis stated it was.

Dan Bagley had concerns that nothing in the Comp Plan or Land Use Table covers this. Chairman White said the Comp Plan does talk about developing businesses.

The Board reviewed the site design review criteria.

Christine Solman questioned if there are special regulations with the State on lighting. Mr. Ellis commented there is lighting and security cameras. Dave Corriveau asked if they are mandated to have security systems and Mr. Ellis stated they were.

Chairman White questioned if there will be signs. Mr. Ellis said they will have signs.

With no other comments or questions, Dan Bagley moved to approve the Use Plan Permit application as submitted; seconded by Dave Corriveau.

Chairman White began a roll call vote:

Christine – Yes; CEO Murchison asked if they could have a discussion first. CEO Murchison commented that during staff review, it was the Police Chief's recommendation to send this to Council for final decision as part of State statute.

Christine Solman stated that it says we cannot prohibit any caregivers.

Dan Bagley said that if clinical was a similar use, it could be approved by the Code Enforcement Officer. CEO Murchison replied it is new territory and he had not considered that. CEO Murchison stated the Board could vote or vote to leave it to the CEO.

Chairman White stated they will continue on with what they were doing and that it needs to be put into Code.

CEO Murchison said the Chief's concern was the retail storefront associated with marijuana. Chairman White stated that if it comes back that they want to do retail, it can be sent to the City Council.

CEO Murchison stated that the City has not opted into the State of Maine medical marijuana statute, so there are no tools to regulate this new industry. Medical marijuana by State statute is allowed.

Chairman White stated there is no gray area and that the Planning Board's job is to go through the site design review process; Dave Corriveau concurred.

Dan Bagley stated that this could have been interpreted less stringently and let the CEO approve outright but the extra step was made and brought to the Planning Board. Dave Corriveau stated the Board did their due diligence.

Chairman White stated that a motion was made and seconded.

Roll call vote.

Christine – yes; Frank – yes; Dave – yes; Dan – yes; Robert – yes.

Motion carried with all in favor.

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

b. Kyle Anderson, Three Car Garage Small Engine Repair Home Occupation Permit 535 West Presque Isle Road Map 4-Lot 4-B in the R-3 District.

Chairman White opened the Public Hearing at 5:50 pm and explained that this is a one time review for Kyle Anderson who wants to open a small engine repair shop on the West Presque Isle Road.

CEO Ken Murchison explained this is a small engine repair as a Home Occupation and that the City has a lack of small engine repair.

Dan Bagley questioned the plan to dispose of hazardous material. Kyle Anderson stated that he has 55-gallon barrels; all oils, gas and cleaners can be burned. He takes them to businesses that have furnaces to burn the contaminants.

Dan Bagley questioned if the small engines he works on will be inside or outside. Kyle Anderson answered that he will work on things like ATV's, chainsaws, mowers etc. inside, all customer items will be inside.

Christine Solman questioned if he will have a sign. CEO Murchison stated that home occupations can have a 2x2 foot sign that can be put in the driveway or on the building. Kyle Anderson commented that it will be mostly by word of mouth.

Christine Solman asked if it required a Fire Chief inspection. CEO Murchison stated that it is not required; the building is attached to the residence and there is a fire resistant wall, but it's separate. Mr. Anderson stated that there are fire extinguishers and a hose within reach.

The Board reviewed the application criteria for home occupations.

Mr. Anderson stated that it is a dry building, no water or sewer. Also, there are security lights on the garage, he is the sole proprietor, the nearest neighbor is 100 feet way, there is a small rock wall and tree line as a buffer.

Christine Solman moved to approve the Home Occupation application for Kyle Anderson as presented; seconded by Frank McElwain.

Roll call vote.

Dan – yes; Christine – yes; Frank – yes; Dave – yes; Robert – yes.

Motion carried with all in favor.

IV. Public Hearings (Resume for Final Review) –

a. Aroostook Renewables, LLC., a proposed Solar Array to be placed on the Dow Siding Road.

Chairman White re-opened the Public Hearing at 6:08 pm.

CEO Murchison stated that since the last meeting, Mr. Rioux reached out to Public Works Director Dave Ouellette to discuss a curb cut and subsequent drainage; the drawing is included in the packet. CEO Murchison stated once the site is developed, there will be less trees and a fence; nice buffer. Chairman White stated he has no issues in the way it is sited.

Mr. Rioux put in a culvert and Director Ouellette stated he didn't need one because it is not in the City's right of way. No issues.

CEO Murchison stated that he only received one response from notices sent out. One phone call from a lady that only wanted to know why she received the letter then she was good.

The Board reviewed the site design review criteria.

Dave Corriveau moved to accept the final site design review as presented and discussed; seconded by Robert White.

Roll call vote.

Dan – yes; Christine – yes; Frank – yes; Dave – yes; Robert – yes.

Motion carried with all in favor.

Chairman White closed the Public Hearing at 6:27 pm.

b. Daughters International Self Storage for a proposed self-storage facility on Washburn Street.

Chairman White opened the Public Hearing at 6:28 pm and stated that the preliminary review of this application was at the last Planning Board meeting in August.

Dan Bagley corrected the Book and Page on the application to Book 5949 Page 111 which is what was on record after he purchased the property. Christine Solman pointed out that CEO Murchison had also corrected it on the CEO review given to the Board.

CEO Murchison mentioned the commercial curb cut by the State has been achieved.

Dan Bagley commented that there were a few things not complete at the last meeting; items 5 & 6 on the application. CEO Murchison explained that for item #5, Matt Crouse will be doing the building.

Dan Bagley questioned if the items on #6 of the application were still not completed. CEO Murchison stated that the stormwater management is complete, erosion and sediment control is on the map, a fence, finished grading plan, not a lot of excavation just applying a pad so the contours are not going to change. Site improvement, the details are proposed. Structural plans are hand drawn elevations front and side and details on the truss system that will hold a 100 pound snow load. No sewer or water hooked up; just a warehouse with multiple storage bays.

Dan Bagley stated he was not thrilled with the completeness of the plan especially the drawings. The stormwater management, erosion and sediment control are not engineered. Mr. Tingley stated that the State approved; they own the right of way.

Christine Solman stated that a site plan is needed, the driveway needs to be certain dimensions, need more of an engineered plan for dimensions and circulation for emergency vehicles or traffic. Mr. Tingley commented that the State came out and told him what he could do. CEO Murchison stated the State put in a drainage ditch and culvert in the right of way.

CEO Murchison stated a building permit would be given for what has been submitted.

Chairman White stated he is not concerned with stormwater control and erosion because it is almost completely flat land. Dave Corriveau asked if there will be an incline to divert water away from the building. Mr. Tingley said it's a natural incline, it will be on the high spot of the land.

Dan Bagley questioned if there is an active private well. Mr. Tingley answered there is a well but no one is using it.

The Board reviewed the site design review criteria.

Christine Solman stated she would like to see a scaled drawing and a survey which is all part of development cost. Need something that accurately represents dimensions. Dan Bagley also added it is for the benefit of the people of the City to have an accurate plan on record.

Chairman White would be satisfied if dimensions were added on the drawing.

Christine Solman would like to see an engineered or surveyed drawing with the dimensions of the building and driveway, stormwater management, stormwater and sedimentation control as a contingency. Chairman White disagreed for a project that is on a smaller scale.

Mr. Tingley stated there will be solar lights on the building over every unit. Mr. Tingley did not have specs on the lighting.

Dan Bagley moved to approve with a condition of approval to give specifications for exterior lighting to be installed on the building; seconded by Christine Solman.

Chairman White moved to modify the motion that the condition being met is subject to approval by the Code Enforcement Officer, so it doesn't have to come back to the Board. Dan Bagley agreed.

Roll call vote.

Dan – yes; Christine – yes; Frank – yes; Dave – yes; Robert – yes.

Motion carried with all in favor.

Christine Solman moved to require a more formal stormwater management erosion sedimentation control finish grading plan, site improvement detail, vehicle circulation and driveway dimensions, to have a professional drawing made to scale that shows what he intends to do.

Christine Solman clarified the motion for a more formal dimensional plan and stormwater plan presented to the Board, that approval will be contingent upon presentation to the Board or to the CEO.

Dan Bagley stated that he would like to see the building elevation, elevation views with dimensions and where lights are going.

Dan Bagley seconded the motion.

Chairman White clarified the conditions of the motion. Requiring a building elevation plan, scaled lot plan, including driveways, stormwater management plan and erosion and sediment control plan subject to review by the Code Enforcement Officer.

Dave Corriveau commented that he understands the merits but questioned what the Board could do to not hold him up. Mr. Corriveau proposed giving the Code Enforcement Officer oversight to manage this while Mr. Tingley pours slabs and moves forward.

Consensus to give CEO oversight.

Frank McElwain asked if the Board always asks for engineered drawings. Dan Bagley answered no and that they are just requesting dimensional scaled drawings.

Chairman White clarified Christine Solman's motion once again; seconded by Dan Bagley. Requiring a scaled and dimension lot plan, to include building elevation and driveway dimensions, a stormwater management plan and erosion and sediment control plan all subject to review by the Code Enforcement Officer.

Roll call vote.

Christine – yes; Frank – yes; Dave – yes; Dan – yes; Robert – yes.

Motion carried with all in favor.

Chairman White called for a motion to approve the plan with these conditions.

Dan Bagley moved to approve the plan with noted conditions; seconded by Frank McElwain.

Roll call vote.

Dan – yes; Christine – yes; Frank – yes; Dave – yes; Robert – yes.

Motion carried with all in favor.

Chairman White closed the Public Hearing at 7:10 pm.

V. New Communications –

- a. Continued interest for proposed re-zoning in the area of Main Street, Map 31-Lot 123 and 31 Herschel Street Map 31-Lot 17. These lots are currently Zoned as Commercial and historically has housed office space and retail space on the first floor and residential on the second floor. The trend that we have been tracking suggest that there is need for multi-family housing in the areas adjacent to our traditional downtown area.**

CEO Murchison stated that there is a possible new daycare business coming in where Jordyn's Daycare used to be on Sweden Road. No licensing yet. There is also a building permit request for a telecommunications tower at the end of Paris Snow Drive, they are adding new equipment.

CEO Murchison also explained that a request was received from Mark Kelly at 31 Herschel Street for rezone of the property. Chairman White requested for Rick Solman to come in at the same time because Mr. Solman was thinking of asking for a rezone on his property. CEO Murchison stated that Mr. Solman wanted to develop on his rear lot, but he is thinking of selling instead.

Christine Solman stated that there is a need to resolve the violation of City Code at 31 Herschel Street. Dan Bagley asked if a cease and assist order went out. CEO Murchison stated that they have been instructed to not build anymore.

VI. Old Business – None.

VII. Staff Report; CEO Ken Murchison –

- a. Blight Initiative and Demolition** – The demolition list has been completed.
- b. Birdseye Clean-Up** – Areas of concern left from the original transformer area and need to clean out dump areas. No further contamination. May be able to do residential there with a little more clean up. The City was able to save a lot on the cost.
- c. 412 Access Highway (Pop-Up Junk Yard)** – Contacted the owner of record, they sold the property and there is no new record of ownership. Court date is October 1st.
- d. 110 Washburn Street (Nuisance Property)** – This is a tax acquired property that was going to be sold back to the original owners with a consent agreement, but they didn't want to do the work. It is now City owned and the City will be looking at tearing it down.
- e. 569 Van Buren Road (Illegal Septic System)** – Mr. Chapman has an illegal septic system and he is receiving ACAP assistance to replace it.

- f. **Small Communities Grant (Septic Systems)** – The bid packet has been sent to the State for approval and hoping to get this project done before winter.

VIII. Chapter 13 –

- a. **Definitions** – City Manager Dennis Marker brought forth more proposed revisions to Chapter 13, Zoning of City Code. Many revisions have been done, made it through definitions and getting into the body of the document. Now have definitions for all the land uses in the land use table; added definitions for site plans (will be added to the site plan application as well and will be reviewing processes to make things more business friendly), spot zoning, telecommunications and renewable energy facilities for wind and solar. Some things are defined by State code such as subdivisions and undue hardship. Runway protection zone is established by the FAA. For the zoning map, things will be changed so that it can be handled administratively and updates will not need to go to City Council. As ordinance changes are adopted by the Council, changes to the zoning map will be done in house and attested by the Clerk. The Board was also given an exercise on the land use table by Manager Marker as well as the last draft of the zoning map.

IX. Comprehensive Plan Update –

- a. **Future Land Use (Information Only)** – CEO Ken Murchison explained that in the Future Land Use Plan, land use needs to be analyzed and it was found that a whole chapter was never done. CEO Murchison has been going over survey work that was done for the blight survey and is doing an analysis on land use. He also has worked on the definition for mixed use. Also in the plan under outlined goals, there is a goal to combine residential areas into one and it was decided that is not a reasonable goal.

- X. **Adjournment** – Meeting adjourned at 8:30 pm.

Respectfully Submitted.



Christine Solman
Planning Board Secretary

CS/dl