



City of Caribou, Maine

AGENDA Caribou Planning Board Regular Meeting Thursday, October 22, 2020 at 5:30 p.m. City Council Chambers

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

www.cariboumaine.org

- I. Call Meeting to Order
- II. Approval of minutes from the August 13, 2020 Planning Board meeting. Pgs. 2-6
- III. Aroostook Renewables, LLC., Ratify amendments to approved Site Design Application. Pgs. 7-16
- IV. New Communications
 - a. Request for rezoning of 31 Herschel Street Map 031 Lot 017 from C-1 to R-2. Pgs. 17-18
 - b. Requested Code Amendment pertaining to temporary subsurface wastewater disposal systems. Pgs. 19-20
 - c. Draft Medical Marijuana Ordinance revisions. Pgs. 21-26
- V. Staff Report
 - a. Blight Initiative and demolition (110 Washburn Street)
 - b. Daughters International Self Storage
 - c. 412 Access Highway (New Court Date)
 - d. Riverfront Development Committee
 - e. Small Communities Grant (Septic Systems)
 - f. US Cellular Building Permit
 - g. Day Care Permit Pending State Licensure
 - h. Caribou Stream and River Side Trailer Parks Septic Issues
 - i. Use Permits
- VI. Chapter 13
 - a. Land Use Table and General Zone Standards Pgs. 27-29
- VII. Comprehensive Plan Update
 - a. Future Land Use (Information Only)
- VIII. Executive Session to discuss pending or reasonably eminent legal action under M.R.S.A Title 1, §405.6.
- IX. Adjournment



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Caribou Planning Board Meeting Minutes Thursday, August 13, 2020 @ 5:30 pm City Council Chambers

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

Others Present: Ken Murchison –CEO/Zoning Administrator, Kelly Rioux –Aroostook Renewables, Bruce Tingley, Theresa Dube, Phil Duplessie, Priscilla Glass, Michelle Grant 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. Presentation from Aunt Maggie's Farm Medical Marijuana, Medical Marijuana Caregivers. Use Permit pending for September 10, 2020 Planning Board Meeting –

Chairman White moved this item to the beginning of the meeting.

Robert Ellis was present on behalf of Aunt Maggie's Farm and explained to the Board that this is for medical marijuana and a location to provide edibles. Customers would need a card from a doctor to be able to purchase and a driver's license to prove who they are. The location is at 159 Bennett Drive.

CEO Murchison explained this location is where the former Majestic Hair Care was.

Chairman White questioned if it is a far enough distance from the school; CEO Murchison stated that it is a sufficient distance from the school and churches.

Christine Solman asked if he has run a business like this before. Mr. Ellis said this is the first business of this nature, but he has run his own business in the past.

Chairman White questioned if this is going to a public hearing; CEO Murchison stated that there will be a public hearing at the next Planning Board meeting for the preliminary site design review.

Chairman White stated that abutters notices need to go out to the tenants as well as the landlords because some of the landlords are not in the area and the tenants might not get the notice.

III. Approval of Minutes from the July 9, 2020 Planning Board meeting –

Frank McElwain moved to approve the minutes as written; seconded by Dan Bagley.

Roll call vote.

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

Motion carried with all in favor.

IV. Public Hearings:

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

Public Hearing was opened at 5:45 pm.

Chairman White stated this is the preliminary review and the final review will be at the next meeting.

Kelly Rioux, co-owner of Aroostook Renewables, LLC was present and gave an overview of the project. He has been in the renewable business for about ten years and the land business for about 18 years buying land and developing it and cutting woodlots. There has been a solar push in Maine since the legislation passed. In 2018, he acquired 93 acres on the Dow Siding Road for logging purposes and has decided to pursue solar. Has two other projects in Madawaska and Grand Isle. All three have been permitted by the DEP. Looking to do a 4.9 megawatt project on the Dow Siding Road. It can be no more than 5 megawatts per the legislation that was passed, that is the standard they set. Originally it was a wood lot. The footprint can be no more than 20 acres to not get into site law with DEP, this is 19.99 acres, including the easement. Working with Versant Power. Everything has been drafted by his co-owner, Peter Mahar who is an owner of an engineer firm that has about 40 solar projects in front of them. They are one of the leading permitters for the state.

CEO Murchison stated it is a complete application.

CEO Murchison commented that upon review with other staff it was asked if they got an entrance permit from public works, minor detail. Also if it would be possible to leave a "beauty strip" out front with some trees as a barrier although it is not a requirement.

Kelly Rioux stated he will contact public works on the entrance permit. Mr. Rioux also stated that the footprint will have a fence. Buffers are built into the siting itself. To squeeze in 5 megawatts, need to utilize all of the footprint which is just under 20 acres.

Christine Solman and Drew Ayer both stated they don't see how this will be any different than the project the Board approved last month.

Chairman White stated everything seems to be in order. Chairman White said the Board will hold the hearing in September, but that is 28 days from now, so if all is approved it won't be signed for two more days to meet the 30 day requirement.

Christine Solman moved to hold a final public hearing on the site design review for Aroostook Renewables, LLC at the September Planning Board meeting; seconded by Drew Ayer.

Roll Call Vote.

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

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

Public Hearing was opened at 5:58 pm.

Bruce Tingley purchased land at 490 Washburn Road for storage units. He would like to start with 12 units this year and add on after that.

Chairman White questioned if it will be fenced. Bruce Tingley stated there will not be fencing, he planted trees in the front.

The Board reviewed the CEO report on the project. CEO Murchison stated that Mr. Tingley has been very responsive and working to get things done. The Amish will be constructing the storage facility.

Bruce Tingley stated that they will be constructing the storage facility on site. 20x60 unit, all metal, blue/gray siding and roof. 12 units (9 ½ x 9 ½) on a concrete pad with 5 ½ inch blue board underneath. Also putting in a 6x36 unit for own personal use. Would like to build two more buildings with smaller units in the future.

Dan Bagley stated that Mr. Tingley could include all of the buildings on the same permit. Permits are good for one year.

Chairman White asked if he will prepare the site. Mr. Tingley stated that Mike Martin is going to do the yard work with three inch stone to start, crushed stone on the base.

CEO Murchison stated that they have a good survey from Blackstone's. Already reached out to DOT for a curb cut.

Dan Bagley questioned if the State Fire Marshal or Fire Chief will be inspecting these units. CEO Murchison replied that no one will be inhabiting the buildings, so an inspection is not needed. It's cold storage only.

CEO Murchison commented that Mr. Tingley should be ready to come back for a final review in September.

Dan Bagley moved to schedule a final concept review at the next Planning Board meeting in September; seconded by Dave Corriveau.

Roll Call Vote.

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

Motion carried with all in favor.

V. New Business – None.

VI. Old Business

a. Determination of the conditional approval of the Use Permit for Phillip Duplessie's automotive repair business at his 565 Van Buren Road property. Placement of fence barrier, completion of Initial Building Permit. Additional measures, fire rated wall between the residential portion of the structure and the commercial garage building –

CEO Murchison stated this approved permit went to City Council and it has been sent back to the Planning Board for clarification about conditions on the permit for fencing on the north and south side. The fence has been completed on the south side of the property. CEO Murchison has visited the property and the business cannot be seen from either side. There have been no incidences regarding noise. He also had Mr. Duplessie turn on his compressors and Mr. Murchison sees no issue with the noise.

Chairman White asked what assurance if a waiver is given, does the Board have that this won't come back to the Board through City Council. CEO Murchison stated no assurances.

Dan Bagley questioned why not just build the fence. Mr. Duplessie replied that no fence is needed, there is 100 feet of buildings and tree line.

Dan Bagley questioned if it was approved contingent on a fence. CEO Murchison stated that it is on the application as a condition. There is a barrier tree line and buildings.

Christine Solman commented that Mr. Duplessie has made more than reasonable effort to comply with what the Planning Board has asked of him.

Mr. Duplessie stated that there is a fence up near the Nadeau's to keep the peace and not one on the other side because of the buildings and tree line.

Frank McElwain moved to approve the condition on the permit have been satisfied. Chairman White replied that the Board cannot do that, it needs to be waived.

Frank McElwain moved to approve with condition that the north fence not be required and to amend the use permit application to waive the requirement for a north fence; seconded by Amanda Jandreau.

Roll Call Vote.

Dan – no; Christine – yes; Drew – yes; Amanda – yes; Frank – yes; Dave – yes; Robert – yes.
6 – Yes; 1 – No. Motion carried.

VII. Staff Report

- a. Blight Initiative and demolition** – To concentrate on the River Road, the original list was set aside and demolition was done this summer.

With the Blight Initiative, the City will have innovative tools; one being land banks, amendments to existing ordinances done by elected officials, ownership & transfer of land, review of policies on tax acquired properties. The Blight Committee hasn't met since March.

- b. Birdseye Clean-up** – McGillan's excavator was onsite recently to remove petroleum pollutant in the ground. There are also mounds of mangled dirt, metals and plastic items left over that McGillan's will be removing. Took thirty loads to the landfill; metals, tires, potato waste, etc. Saved money on clean-up effort. This will look good to DEP when the City applies for funding. Will have a developable lot.
- c. 412 Access Highway (pop-up junk yard)** – Notice of violation has gone out, had a hard time to find the property owner. DEP, State Police and DMV were on site.
- d. 110 Washburn Street nuisance property** – Council action was not to award a quitclaim deed on this property. Need to notify owners.
- e. 569 Van Buren Road (Illegal Septic System)** – Mr. Nadeau's brother in law has an illegal septic system on his property. CEO Murchison gave guidance to Mr. Chapman's advocate that there are small community grants available to him for septic systems. The septic system currently is a 275 gallon plastic container with a pipe to the house and a pipe out. It's a self-engineered system that functions illegally. ACAP will be helping him with a new system.
- f. Small Communities Grant (Septic Systems)** – Two to three projects; site evaluations have been done. These will be advertised in next week's paper and hopefully will be installed in September.

VIII. Chapter 13

- a. Definitions** – City Manager Dennis Marker could not be at the meeting to present proposed revisions.

Chairman White called on two ladies that were present that had not spoken. They explained they were the owners of 110 Washburn Street and that they are waiting to see if it is going to be returned to them. They left their phone number and CEO Murchison will reach out to them.

IX. Comprehensive Plan Update

- a. **Transportation Plan (Access Management and Road Interconnectivity)** – CEO Ken Murchison reviewed some access issues and some proposed roads to create better interconnectivity from neighborhoods to the highway, create access to developable lots, clear up access issues for businesses, etc. CEO Murchison asked the Board to review what he proposed and comment.

X. New Communications

- a. **Continued interest for proposed rezoning in the area Main Street, Map 031 Lot 123 and 31 Herschel Street Map 031 Lot 017. These lot is 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 –**

Christine Solman mentioned the multi-unit dwelling on Herschel Street. (Item a under New Communications on the agenda.)

CEO Murchison stated there is a non-conformance on Herschel Street in the building where Nelson's Piano is. An apartment that is a residential use in a commercial zone that is not allowed.

CEO Murchison stated that currently there is no market for businesses, the interest seems to be for nicer apartments, but there are issues with that kind of activity in a commercial zone. CEO Murchison questions if the City needs to look at the Comp Plan and a Mixed Use zone or extend the R-2 zone that is around that area.

Chairman White stated that there is no direct street frontage. CEO Murchison said that parking is tight and the historic use has been housing on either end of Herschel Street.

Christine Solman asked if they have a certificate of occupancy; CEO Murchison stated that they do not. Christine Solman clarified that people are living there; CEO Murchison replied yes.

Chairman White stated that they can't continue.

Dan Bagley stated that he would not entertain rezoning.

CEO Murchison stated that he has asked Mr. Kelly not to put anymore apartments in downstairs.

XI. Adjournment – Meeting adjourned at 7:00 pm.

Respectfully Submitted,

Christine Solman
Planning Board Secretary

CS/dl



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Amendment #1 Site Design Application

At a meeting of the Caribou Planning Board September 10, 2020 final approval was awarded to Aroostook Renewables for the Development of Crow Solar, a solar array proposed for the Dow Side Road. See attached.

Upon closer review we find that on page three (3) of the application document the "Anticipated start date for construction and Completion" line did not properly reflect the construction timeline.

Amendment #1, at the request of the developer, would amend the Anticipated start of Construction to be **August 2021** and completion to be **August 2024**.

This Amendment is herewith in effect September 21, 2020 and is subject to ratification at the next scheduled Caribou Planning Board Meeting October 8, 2020.

Best Regards,

Kenneth Murchison Jr., Zoning Administrator / Code Enforcement Officer
City of Caribou

Cc: City Manager, Police Chief, Fire Chief / Health Officer, Building Official, Local Plumbing Inspector



Ken Murchison

From: Kelly Rioux <kelly@kellyrioux.com>
Sent: Wednesday, September 16, 2020 9:37 AM
To: Ken Murchison
Subject: Re: permit/ dow siding

great Ken. I too agree that this could be a very simple move and done administratively 100%.

The range currently is August 2021 to October 2021. We can keep August 2021 because theres still ample work to do.

Could we say 2024? That DOES NOT mean that it will take that long to physically construct. Timing in the energy business is everything. So you leave a window. Construction *could* start the following year (2022) as is dependent on subscribers and panel/inverter availability and system upgrades etc.

If it was 2022 then we'd be covered.

I would be fine as would an Investor or Utility looking at this deal if it said Anticipated **8/21 to 8/24**. If that can work for you guys.

Kelly

On Sep 16, 2020, at 9:17 AM, Ken Murchison wrote:

Not yet and not because of your project. We have to seek a legal opinion on the other application.

I have seen some support by the Board to have me make the time extension administratively and avoid the extra meeting for you but I haven't seen any follow up on that one comment.

Are there dates that are better for you?

We will keep you posted.

Ken

From: Kelly Rioux <kelly@kellyrioux.com>
Sent: Wednesday, September 16, 2020 9:14 AM
To: Ken Murchison <kmurchison@cariboumaine.org>
Subject: Re: permit/ dow siding

Hi Ken,
Any discussions on date?

kelly

On Sep 14, 2020, at 9:41 AM, Ken Murchison wrote:

Identify existing use(s) of land (farmland, woodlot, residential, etc.) Woodlot. X

Indicate any restrictive covenants to be placed in the deed -- (Please attach list) N/A

Does the applicant propose to dedicate any recreation area, or common lands? ☐ Yes ☒ No X

Recreation area(s) Estimated Area & Description: N/A X

Common land(s) Estimated Area & Description: N/A X

Anticipated start date for construction: month / year 08 / 21 X Completion: 10 / 21 X

Does any portion of the proposal cross or abut an adjoining municipal line? ☐ Yes ☒ No X

Does this development require extension of public services? ☐ Yes ☒ No X

Roads: _____ Storm Drainage: _____ Sidewalks: _____ Sewer Lines: _____ Other: _____

Estimated cost for infrastructure improvements: \$ N/A X

Water Supply: Private Well: (N/A) Public Water Supply: (N/A)

Sewerage Disposal: Private SSWD: (N/A) Public Sewer: (N/A)

Estimated sewerage disposal gallons per day: (N/A) / day)

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

Have the plans been reviewed & approved by the Caribou Fire Chief? ☐ Yes ☒ No X

Does the building have an automatic sprinkler system? ☐ Yes ☒ No X

Does the building have an automatic fire detection system? ☐ Yes ☒ No X

Will the development require a hydrant or dry hydrant fire pond? ☐ Yes ☒ No X

Concept Plan Review Criterion

The Planning Board shall review applications first as a Concept Plan. Concept Plan Review is intended to insure the proposed plan is in conformance with the Caribou Comprehensive Plan and all City Ordinances. The completed application and concept plans shall be delivered to the Code Enforcement Office no less than 21 days prior to the first day of the next month. The



Site Design Application

Planning & Code Enforcement
City of Caribou
25 High St.
Caribou, Maine 04736

(207) 493 - 3324 option 3
pthompson@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 plus \$10.00 per 2000 square feet of total gross floor area for commercial, industrial or other non residential applications.

Please print or type all information

Name of Property Owner / Developer: Aroostook Renewables, LLC

Development Name: Crown Solar

Location of Property (Street Locations): Dow Siding Road

City of Caribou Tax Map: 5 Lot: 12 Zone: R-3

Site Design Review Application - City of Caribou, Maine

Site Design approval will not be considered complete until the Planning Board has determined it has all of the necessary information to review the proposal and render a decision. You are advised to meet with the Code Enforcement Officer prior to completing the application as it may not be necessary to comply with all of the items shown on the form. The review of your application shall consist of at least (2) two presentations to the Planning Board and possibly additional presentations until all required information has been provided. A "Performance Bond" may be required prior to approval of this project.

Applicant Information

Please provide a brief description of this project.

The project involves the placement of solar panels within a 19.99-acre parcel. These panels will produce 4.95 MW AC of renewable energy.

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

Aroostook Renewables, LLC

Phone: 207.879.9229

P.O. Box 1644

Portland, ME 04104

E-mail: kelly@kellyerioux.com

If applicant is a corporation, check if licensed in Maine (☒) Yes (☐) No (Attach copy of Secretary of State Registration)

Name of Land Surveyor, Engineer, Architect or other Design Professionals. (attach list if needed)

Blackstone Land Surveying

Phone: 207.498.3321

Sevee & Maher Engineers, Inc.

Phone: 207.829.5016

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

100% Ownership

(Attach supportive legal documentation)

General Information

Aroostook County Registry Deeds: Book # 5977.2020 Page # 340 (attach copy of deed)
15 (plan)

What interest does the applicant have in any abutting property? None.

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 area or acreage of parcel: 19.99 acres Total area or acreage to be developed: 19.99 acres

Has this land been part of subdivision in the past five years? (☐) Yes (☒) No

Identify existing use(s) of land (farmland, woodlot, residential, etc.) Woodlot.

Indicate any restrictive covenants to be placed in the deed -- (Please attach list) N/A

Does the applicant propose to dedicate any recreation area, or common lands? ☐ Yes ☒ No

Recreation area(s) Estimated Area & Description: N/A

Common land(s) Estimated Area & Description: N/A

Anticipated start date for construction: month / year 08 / 21 Completion: 10 / 21

Does any portion of the proposal cross or abut an adjoining municipal line? ☐ Yes ☒ No

Does this development require extension of public services? ☐ Yes ☒ No

Roads: _____ Storm Drainage: _____ Sidewalks: _____ Sewer Lines: _____ Other: _____

Estimated cost for infrastructure improvements: \$ N/A

Water Supply: Private Well: (N/A) Public Water Supply: (N/A)

Sewerage Disposal: Private SSWD: (N/A) Public Sewer: (N/A)

Estimated sewerage disposal gallons per day: (N/A) / 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

Will the development require a hydrant or dry hydrant fire pond? ☐ Yes ☒ No

Concept Plan Review Criterion

The Planning Board shall review applications first as a Concept Plan. Concept Plan Review is intended to insure the proposed plan is in conformance with the Caribou Comprehensive Plan and all City Ordinances. The completed application and concept plans shall be delivered to the Code Enforcement Office no less than 21 days prior to the first day of the next month. The

Chairman of the Planning Board shall determine the schedule and agenda of the next meeting when the application and plans will receive Concept Plan Review. At a minimum, Concept Plan applications shall include the following:

1. ☒ Name and address of the owner of record and applicant (if different).
2. ☒ Name of the proposed development and location.
3. ☒ Names and addresses of all property owners within 500 feet of the property.
4. ☒ 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.
5. ☒ Names and addresses of all consultants working on the project.
6. ☒ 1 complete set of plans, 24" X 36" & 10 complete sets of plans, 11" X 17"
Plans to be included:
Boundary Survey
Storm Water Management
Erosion and Sediment Control
Finish Grading Plan
Site Improvement Detail
Building Elevations and Structural Plans
7. **Plans to show the following elements for review:**
 - ☒ a. Graphic scale and north arrow.
 - ☒ b. Location and dimensions of any existing or proposed easements and copies of existing covenants or deed restrictions.
 - ☒ c. Name, registration number, and seal of the land surveyor, architect, engineer, and/or similar professional who prepared the Plan.
 - ☒ d. All property boundaries, land area, and zoning designations of the site, regardless of whether all or part is being developed at this time.
 - N/A e. Size, shape, and location of existing and proposed buildings on the site including dimensions of the buildings and setbacks from property lines.
 - ☒ f. 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.
 - N/A g. Location and names of streets and rights-of-way within 200' and adjacent to the proposed development.
 - ☒ h. Proposed finish grades and graphic arrows indicating the direction of storm water runoff.
 - N/A i. Conceptual treatment of on and off site storm water management facilities.
 - N/A j. Location and sizes of existing and proposed sewer and water services including connections.
 - ☒ k. Conceptual treatment of landscaping buffers, screens, and plantings.

- ✓ l. Location of outdoor storage areas, fences, signage and accessory structures.
- ✓ m. Context map illustrating the area surrounding the site which will be affected by the proposal including all streets, sidewalks, intersections, storm water drainage ways, sanitary sewer lines and pump stations, nearby properties and buildings, zoning Districts, and geographic features such as, but not limited to, wetlands, natural features, historic sites, flood plains, significant scenic areas, and significant wildlife habitats as provided in the Comprehensive Plan.
- N/A n. All proposed signage and exterior lighting including the location, size and wording of all signs, type of exterior lights, radius of light, manufacturer's specifications sheet, and the ground level intensity in foot- candles of all exterior lights.

Final Site Design Plan Requirements

Following approval of the Concept Plan Review, the Planning Board may by majority vote schedule the Site Design Application for Final Plan Review. Final Plan Review must be at least 30 days following Concept Plan Approval. If additional information is required by the Planning Board following the Concept Plan Review, a complete set of revised plans shall be provided for final review and approval. If additional information or a change of information is required, the revised plans shall be delivered to the Code Enforcement Office at least 21 days prior to the next scheduled meeting.

Final Site Design Plan Review shall require three (3) 24" X 36" sets of plans for Board Signatures.

If the Planning Board determines that third party review will be necessary to make a sound decision, the applicant will be responsible for any fees incurred for the third party review.

During the Final Site Design Review the Chairman or designee shall determine that all of the elements of review 7-a., through 7-n. above have been addressed. The chair may then call for a motion.

If the Final Plan is approved by the Planning Board, no work may commence for a period of 30 days following the date of approval.

Final Site Design Plans shall provide an area designated for all seven Planning Board members signatures.

Applicant Signature:

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

Signature of Applicant: Arasimk Rasmussen LLC Date: July 23, 2020
Mgr. Rasmussen

Final Site Design Review Criteria by Planning Board

Date: 9/10/2020

	<u>Yes</u>	<u>No</u>	<u>N/A</u>
A. Conformance with Comprehensive Plan	<u>X</u>	<u> </u>	<u> </u>
B. Traffic	<u>X</u>	<u> </u>	<u>X</u>
C. Site Access	<u>X</u>	<u> </u>	<u> </u>
D. Parking & Vehicle Circulation	<u>X</u>	<u> </u>	<u> </u>
	<u>Yes</u>	<u>No</u>	<u>N/A</u>
E. Pedestrian Circulation	<u> </u>	<u> </u>	<u>X</u>
F. Site Conditions	<u>X</u>	<u> </u>	<u> </u>
G. Open Space	<u> </u>	<u> </u>	<u>X</u>
H. Sanitary Sewage	<u> </u>	<u> </u>	<u>X</u>
I. Water	<u> </u>	<u> </u>	<u>X</u>
J. Emergency Vehicle Access	<u>X</u>	<u> </u>	<u> </u>
K. Waste Disposal	<u> </u>	<u> </u>	<u>X</u>
L. Buffering	<u>X</u>	<u> </u>	<u> </u>
M. Natural Areas	<u> </u>	<u> </u>	<u>X</u>
N. Exterior Lighting	<u>X</u>	<u> </u>	<u>X</u>
O. Stormwater Management	<u>X</u>	<u> </u>	<u> </u>
P. Erosion & Sediment Control	<u>X</u>	<u> </u>	<u> </u>
Q. Buildings	<u> </u>	<u> </u>	<u>X</u>
R. Existing Landscaping	<u> </u>	<u> </u>	<u>X</u>
S. Infrastructure	<u>X</u>	<u> </u>	<u> </u>
T. Advertising Features	<u> </u>	<u> </u>	<u>X</u>
U. Design Relationship to Site & Surrounding Properties	<u>X</u>	<u> </u>	<u> </u>

V.	Scenic Vistas & Areas				X
W.	Utilities	X			
X.	Mineral Exploration				X
Y.	General Requirements	X			
	(Pg. 859)				
Z.	Phosphorus Export				X

**City of Caribou, Maine
Planning Board**

Site Design Review for: Crown Solar

Address: Dow Siding Rd Caribou

On 9/10/2020 (date) the members of the Caribou Planning Board met to consider the application for Site Design Review on the property referenced above.

The application was: **Denied** / **Approved** / **Approved with conditions**

Approved by the Caribou Planning Board

Signed: [Signature] Chairman of the Planning Board

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

Date: 9/10/2020

Conditions of Approval:



September 10, 2020

City of Caribou
Attn: Caribou Planning Board
Caribou, Maine

Dear Caribou Planning Board:

As a property management company operating in Aroostook County, I am seeking approval of a zoning change to R-2 for my property at 31 Hershel Street, Caribou. As you may be aware, this property has gone through many renovations over the years due to my pride in providing tenants and business owners with quality rentals. This building is currently being used and has been used as a multi-use commercial and residential property for many years.

Due to the shortage of high-end rentals and by the request of my business relationship with Cary Medical Center & Pines Health Center, I am requesting that you approve the first story renovations which have been made to allow for two additional apartments to help accommodate Cary Medical Center's staff. These two apartments that I am seeking approval for are currently being utilized, as I previously called the City of Caribou due to the desperate need for traveling doctors and nurses. At this time, quality rentals are in high demand in Aroostook County and property management companies and the cities need to work together to provide options for housing. If this offer is declined, I will be forced to evict tenants who have done no wrong and will displace housing for the hospital staff, along with leaving a property unoccupied.

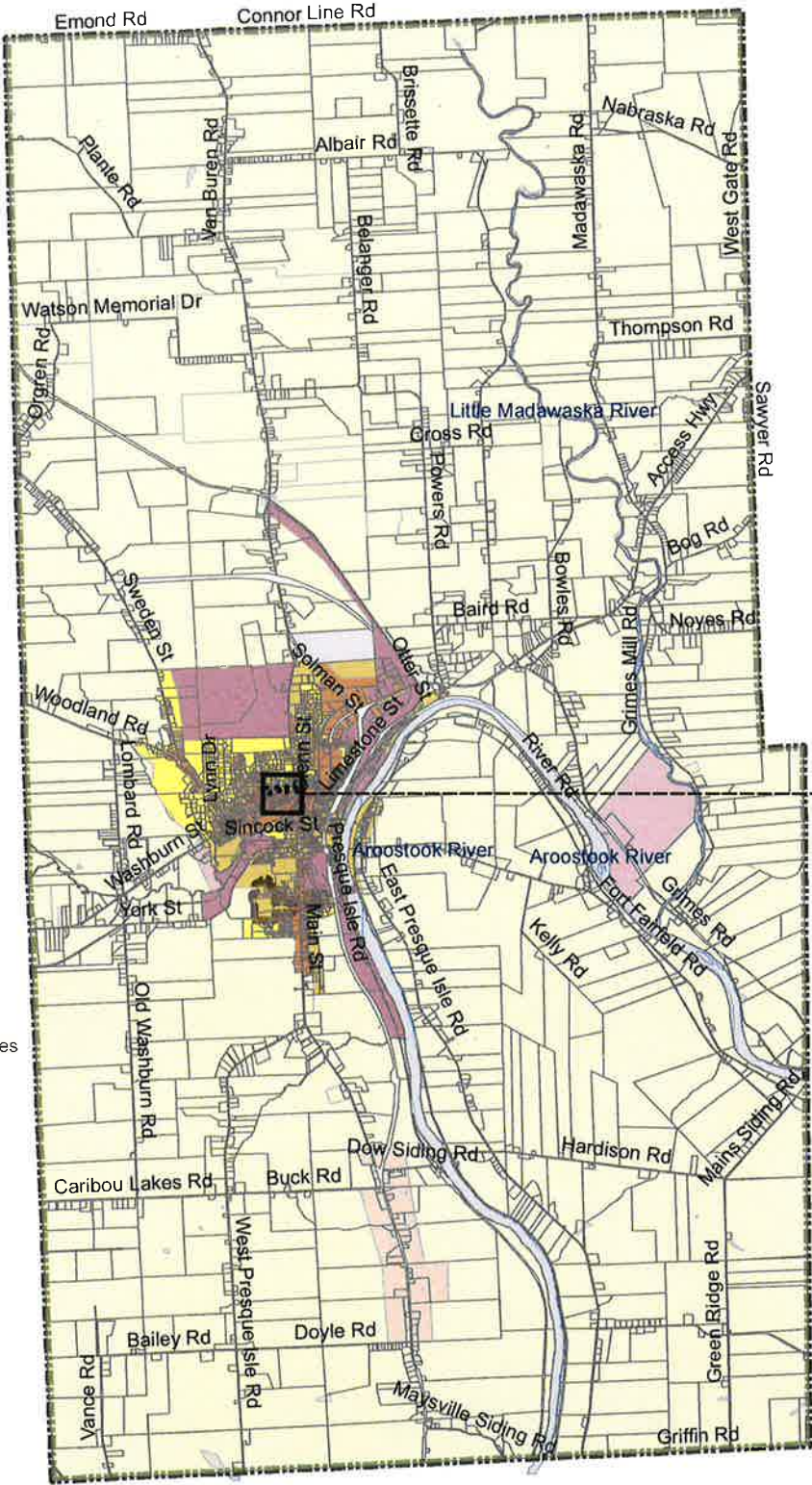
I hope you have recognized the positive improvements to 31 Hershel Street and many other properties since my ownership and believe that this is only a positive impact to the Caribou community and Aroostook County. We are doing these same changes in other communities and always follow the rules. Your careful and affirmative approval of my request is respectfully requested. I am available as always to answer any additional questions.

Sincerely,

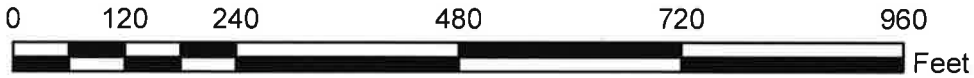
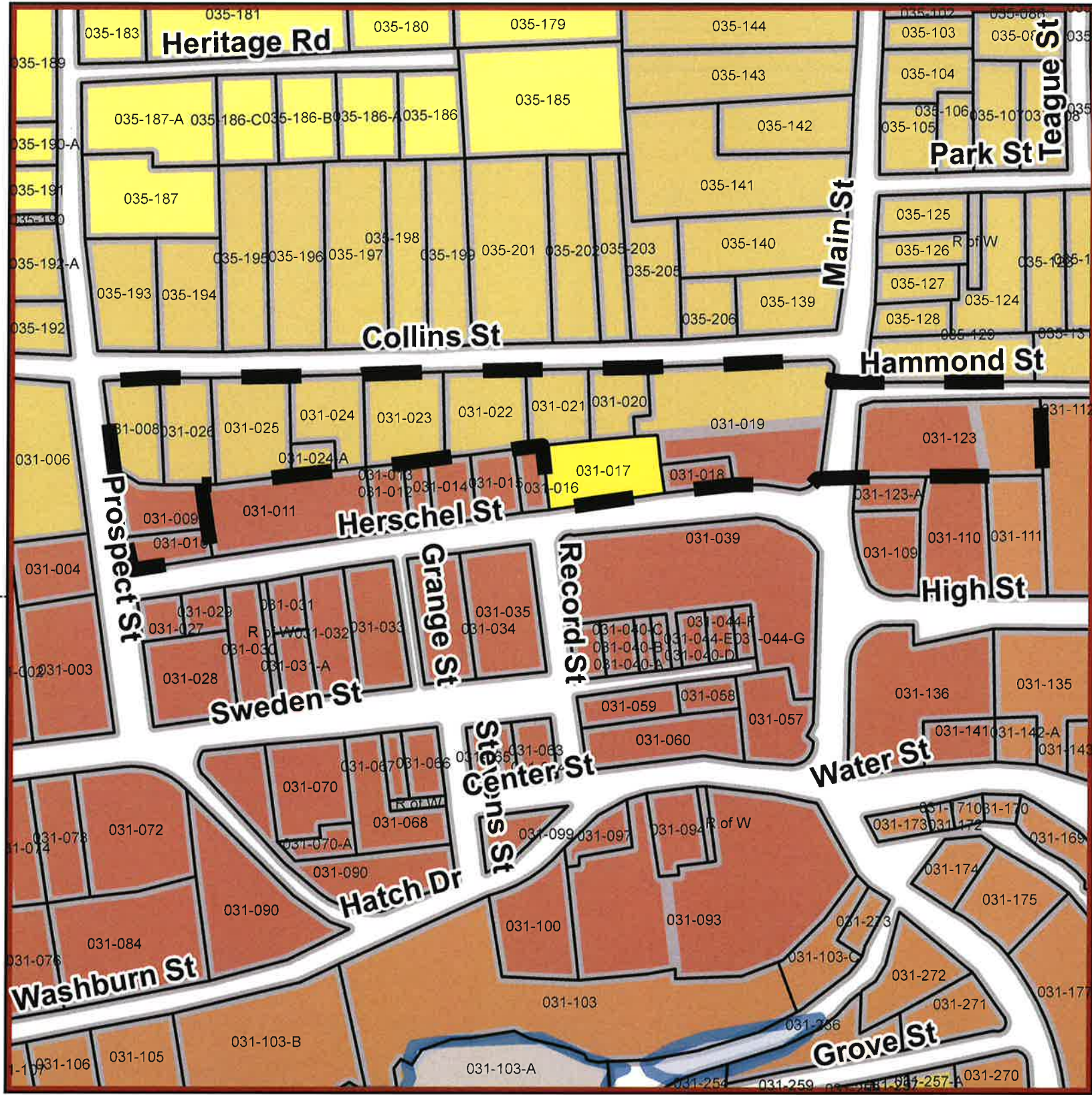
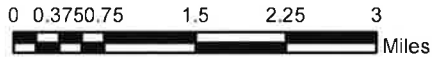
Mark J Kelley
Country Farms Properties
207-227-1108
countryfarmsmarket@gmail.com



City of Caribou
Proposed Zoning 10/22/2020



- Legend**
- Proposed Zoning
 - 31HerschelStreet
 - TownshipBoundaries
- Zoning**
- Zone**
- C-1
 - C-2
 - H-1
 - I-1
 - I-2
 - R-1
 - R-2
 - R-3
 - R-C2



Amendment to Sec. 13-700(27) to Allow Temporary Sewage Disposal Systems in Certain Circumstances

Sec. 13-700 General Requirements for Land Uses.

27. Sewage Disposal.

A. Public Sewage Disposal

1. Any development within 1000 feet of a public sewage disposal system, at its nearest point, shall make provisions for connection to the public system, except for temporary systems as provided in (B)(3) below. When public sewage disposal service shall not be available at the time of construction, a "capped system" may be installed within the development, at the discretion of the Planning Board and after consultation with the Caribou Utilities District (CUD), to allow future connection when service becomes available without excavation within the right-of-way of any road within the development.
2. When a development is proposed to be served by the public sewage system, the complete collection system within the development, including manholes and pump stations, shall be installed at the expense of the applicant.
3. The CUD shall certify that providing public sewage service to the proposed development is within the capacity of the system's existing collection and treatment system or improvements planned to be complete prior to the construction of the development.
4. The CUD shall review and approve the construction drawings for the public sewage system. The size and location of laterals, collectors, manholes, and pump stations shall be reviewed and approved in writing by the District.
5. The public sewage disposal system(s) and related equipment for the development shall be designed by a Maine Registered Professional Engineer in full compliance with the requirements of the State of Maine, Subsurface Wastewater Disposal Rules and shall be approved by the CEO or Planning Board and the Health Office.

B. Private Sewage Disposal.

1. When a proposed development is not within 1000 feet of a public sewage disposal system, at its nearest point, connection to the public system shall not be permitted, except for temporary systems as provided in (3) below. Sewage disposal shall be by a private subsurface wastewater disposal system. The developer may install and connect to the public sewage disposal system totally at their own expense and in conformance with the standards and specifications of the CUD.

2. The applicant shall submit evidence of site suitability for subsurface wastewater disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine, Subsurface Wastewater Disposal Rules.
 - a. The Site Evaluator shall certify, in writing, that all test pits which meet the requirements for a new system represent an area large enough to install a disposal area on soils which meet the, Subsurface Wastewater Disposal Rules.
 - b. On lots in which the limiting factor has been identified as being within 12-15 inches of the surface, exclusive of shoreland areas, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the Plan and restricted so as not to be built upon.
 - c. In no instance shall a disposal area be on a site which requires a New System Variance from the Subsurface Wastewater Disposal Rules.
3. In the event that an existing connection to a public sewage disposal system fails, a temporary system may be used to allow the continued occupancy of a building pending repairs:
 - a. In order to qualify for a temporary system:
 - i. the estimated cost to repair the connection to the public sewer must exceed \$10,000;
 - ii. the connection must be more than ten (10) feet below grade;
 - iii. the owner must have sought and been denied a variance from the CUD; and
 - iv. the property owner must continue to pay the base connection fee to the CUD;
 - b. The temporary system may be in the form of a subsurface wastewater system meeting the requirements of (2) above, or a holding tank.
 - c. A temporary system may be used for up to one (1) year, and the LPI may grant a six (6) month extension for cause shown.

Note: Additions are underlined; deletions are ~~crossed out~~.

22 § 2429-D

that are:

not appeal particularly to a person

k. May not involve the addition of a drink product, except when the ingredient in the edible marijuana advertised or described for sale as

§ 2429-D. Local regulation

Pursuant to the home rule authority granted under the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001, a municipality may regulate registered caregivers, caregiver retail stores operating pursuant to section 2423-A, subsection 2, paragraph P, registered dispensaries, marijuana testing facilities and manufacturing facilities.

A municipality may not:

1. Registered caregivers. Prohibit or limit the number of registered caregivers;

2. Stores, dispensaries, testing and manufacturing facilities. Prohibit caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are operating with municipal approval in the municipality prior to the effective date of this section. For purposes of this subsection, "municipal approval" means an examination and approval of the store, dispensary or facility for the use of the premises consistent with conduct authorized under this chapter, including, but not limited to, a conditional use approval or site plan approval. "Municipal approval" does not include issuance of a building, electrical or other similar permit or authorization that does not address the use of the structure or facility for which the permit or authorization is issued; or

3. Municipal authorization needed. Authorize caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are not operating on the effective date of this section to operate in the municipality unless the municipal legislative body, as defined in Title 30-A, section 2001, subsection 9, has voted to adopt or amend an ordinance or approve a warrant article allowing caregiver retail stores, registered dispensaries, marijuana testing facilities or manufacturing facilities, as applicable, to operate within the municipality.

§ 2430. Medical Use of Marijuana Fund established

1. Fund established. The Medical Use of Marijuana Fund, referred to in this section as "the fund," is established as an Other Special Revenue Funds account in the department for the purposes specified in this section.

2. Sources of fund. The State Controller shall credit to the fund:

A. All money received as a result of applications and reapplications for registration as a qualifying patient, caregiver, dispensary, manufacturing facility and marijuana testing facility;

B. All money received as a result of applications and reapplications for registry identification cards for registered patients, caregivers, dispensaries and officers

Section I. Title 13-204 Land Use Table Amendments

The Land use table as found under Title 13-204 is amended to include the following land uses and zone designations.

Use	Zone								
	R-1	R-2	RC-2	R-3	C-1	C-2	I-1	I-2	H-1
<u>Medical Marijuana Dispensaries</u>	NO	NO	PB	NO	PB	PB	PB	PB	PB
<u>Marijuana Caregiver Retail Store</u>	NO	NO	NO	PB	PB	NO	PB	PB	NO
<u>Marijuana Cultivation Facility</u>	NO	NO	NO	NO	NO	NO	PB	NO	NO
<u>Marijuana Manufacturing Facility</u>	NO	NO	NO	NO	NO	NO	PB	NO	NO
<u>Marijuana Testing Facility</u>	NO	NO	NO	PB	NO	NO	PB	PB	PB

Section II. Title 13-700.39 Amendments

Title 13-1700.39 Registered Nonprofit Dispensaries and Registered Cultivation Facilities for Medical Marijuana is amended as follows: (underlined text is added, stricken text is deleted)

39. Regulation of Registered Nonprofit Dispensaries & Registered Cultivation Facilities for Medical Marijuana Related Facilities

A. Purpose and Authority

The State Legislature, through the adoption of PL 2017 c. 452 (LD 1539), 'An Act To Amend Maine's Medical Marijuana Law', has determined that a municipality must specifically vote to allow certain activities and facilities associated with medical marijuana if the municipality wants to allow such activities to operate in the municipality. The City has determined that certain medical marijuana facilities, namely Caregiver Retail Stores, Dispensaries, Manufacturing facilities and Testing facilities, are appropriate activities in the City of Caribou, provided that the respective activity/use occurs in a zoning district in which the City has specifically identified the respective activity/use as a permitted use, and provided that the respective use/activity complies with the standards identified in this ordinance and all laws and rules adopted by the State of Maine regarding the same.~~To regulate the location of Registered Medical Marijuana Dispensaries within the City of Caribou:~~

~~Pursuant to Title 22 MRSA Chapter 558 C and §2428 (10), Maine law provides for the siting of Medical Marijuana Dispensaries as permitted by the Department of Health and Human Services. The City of Caribou also reserves the right for additional siting and licensing requirements pursuant to municipal home rule authority, Title 30-A MRSA §3001.~~

Whereas marijuana has been determined to have both legitimate medical uses as well as a history of widespread illegal use, this Ordinance shall serve to govern the siting and licensing requirements specific to the City of Caribou for the operation of a Registered those Medical Marijuana Dispensary facilities listed above.

CB. Regulations:

1. The establishment of a Registered Nonprofit Dispensary or Registered Cultivation Facility shall require review by the Caribou Planning Board as per Section 13-300 "Site Design Review" of the Caribou Code ~~and be required to have a Section 13-302 (B) shall require a mandatory~~ public hearing as part of the Site Design Review. Siting requirements shall also apply to any and all ancillary structures, mobile units, or ~~any future types of dispensary mechanisms or related locations as yet contemplated within this ordinance~~ allowed within this ordinance.

2. No Certificate of Occupancy shall be granted for a ~~Registered Nonprofit Dispensary~~ medical marijuana related facility unless the ~~structure providing the service~~ use is located in the H-1, C-1, C-2, I-1, I-2 or RC-2 ~~Zones~~ a zone where such is permitted as shown in the Land Use Table of section 13-204.

3. No medicinal marijuana related facility which dispenses harvested marijuana to a Qualifying Patient ~~Registered Nonprofit Dispensary~~ shall be allowed in the R-1, R-2 or R-3 Residential Zones or within 300 feet of an existing residential dwelling or within 300 feet of the R-1, R-2 or R-3 Residential Zone Boundary Line. Nothing in this provision shall prevent a Registered Medical Marijuana Caregiver from operating as may be permitted by State statute.

4. No Certificate of Occupancy shall be granted for a medicinal marijuana related facility ~~Registered Nonprofit Dispensary~~ if the premise concerned is located within the ~~a~~ Drug Free Safe Zone, or within 500 feet of a preexisting Private School, Day Care Facility, or House of Public Worship ~~Religious Center~~.

5. No Certificate of Occupancy shall be granted for a Registered Cultivation Facility unless the structure is located within a Registered Nonprofit Dispensary or is offsite from the Dispensary within the R-3 Zone and also meeting all setback requirements applicable to Registered Nonprofit Dispensaries.

6. No Certificate of Occupancy shall be granted for a Registered ~~Nonprofit~~ Dispensary unless the premise concerned is in complete compliance with all municipal, state and federal site development Codes and Regulations.

7. ~~Security requirements for both the Registered Nonprofit Dispensary and associated Registered Cultivation Facilities~~ medical marijuana related facilities shall include as a minimum:

a. Lockable doors and windows to include intrusion alarms with audible and police notification components sending notification directly to or through a second party to the Caribou Police Department.

b. Exterior security lighting comprised of spot lights with motion sensors covering the full perimeter of the facility.

c. Video surveillance capable of covering the entire perimeter of the facility, interior, and all plants cultivated within the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day seven days per week and such records of surveillance shall be retained for a minimum duration of 90 days

~~78. A medicinal marijuana related facility Registered Nonprofit Dispensary and Registered Cultivation Facility~~ may not continue to employ an employee who is convicted of any state or federal controlled substance law, or is under indictment or charged with any state or federal controlled substance law violation, while employed at the medicinal marijuana related facility ~~Registered Nonprofit Dispensary and or Registered Cultivation Facility~~. If a principal officer or board member of the facility is convicted of

any state or federal controlled substance law while a principal officer or board member of a ~~Registered Nonprofit Dispensary or Registered Cultivation Facility~~ The facility, that medicinal marijuana related facility ~~Registered Nonprofit Dispensary or Registered Cultivation Facility~~ shall immediately be considered in violation of this Chapter.

89. Medical Marijuana Dispensing Facilities must provide an adequate interior waiting area to ensure no exterior waiting of clients.

910. Medical Marijuana Dispensing Facilities must provide adequate off street parking on site at 1 parking space per every 150 square feet of interior space. ~~Each parking space shall be a minimum of 9 feet wide by 21 feet long~~ All parking and access thereto shall comply with city site development standards.

1011. All signage shall meet the following requirements

- a. The requirements of Section 13-700, #29, A through H, and
- b. State requirements identified in Title 22, Chapter 558-C and under the Medical Use of Marijuana Program Rule 18-691 C.M.R. ch. 2, reference § 2429-B, Signs, advertising and marketing,
- c. Signage may not use any pictorial representations of any portion of a marijuana plant, products, by-products, or paraphernalia associated with the use or distribution of legalized medical marijuana or illegal use of marijuana,
- d. The location, type and size of sign that a medical marijuana manufacturing facility or medical marijuana testing facility may display shall be the smaller of the size of signage permitted in the respective zoning district in which the facility is located or 24 square feet,
- e. signage shall not be internally lighted or a digital sign,
- f. A medical marijuana manufacturing facility or medical marijuana testing facility shall be permitted to display a maximum of two signs; a freestanding sign, such as one that is located adjacent to the road frontage of the property, and one that is located on the building in which the facility operates.

12. Registered Caregivers operating out of their residence shall apply for and obtain a permit for a home occupation in accordance with City of Caribou Land Use Ordinances Chapter 13-713 Home Occupations and shall comply with all standards set forth in that article. Registered Caregivers who cultivate medical marijuana only for themselves and/or members of their household are exempt from this requirement and are not required to obtain a permit or license. The cultivation, manufacturing, testing or sale of adult use/recreational marijuana from a residence is prohibited, unless it is for personal use in accordance with 28-A M.R.S. § 1502.

13. A request for a permit to establish a medical marijuana related facility shall be accompanied by evidence to the City that the applicant has obtained any and all required licenses, permits or similar approvals from the State of Maine, as such may be required by provisions of Title 22, Chapter 558-C and under the Medical Use of Marijuana Program Rule 18-691 C.M.R. ch. 2.

Section III. Definitions.

The following term and definition changes are made in Title 13-900 Definitions. (Underlined text is added, stricken text is deleted).

House of Public Worship: "House of Public Worship" shall mean any building or place of assembly as so defined under Title 13 MRSDA Chapter 93.

Marijuana - Cardholder: "Cardholder" means a A qualifying patient, a primary caregiver or a principal officer, board member, employee or agent of a nonprofit dispensary who has been issued and possesses a valid registry identification card.

Marijuana – Caregiver: A person registered and holding a current license or certificate from the appropriate State department as a Caregiver. This may include a Caregiver's assistant where permitted by State codes.

Marijuana - Caregiver Retail Store: A store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients.

Marijuana – Concentrate: The resin extracted from any part of a marijuana plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish.

Marijuana – Nonprofit-Dispensary: "Nonprofit dispensary" means a A not-for-profit entity registered under Title 22 MRSA §2428 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to cardholdersqualifying patients. All ancillary real property structures or mechanisms utilized as a mobile non-profit dispensary to include mobile units, vans, cars, trucks, trailers, motor homes, or other units not specifically set forth, must adhere to and shall be regulated by this ordinance. A nonprofit dispensary is a primary caregiver.

Marijuana – Extraction: The process of extracting marijuana concentrate from marijuana using water, lipids, gases, solvents or other chemicals or chemical processes.

Marijuana – Edible Product: A marijuana product intended to be consumed orally, including, but not limited to, any type of food, drink or pill containing harvested marijuana.

Marijuana - Enclosed, Locked Facility: "Enclosed, locked facility" means a A closet, room, greenhouse or other enclosed area equipped with locks and other security devices required by the State and this Ordinance that permits access only by a cardholder or qualified person employed by the related Registered Nonprofit Dispensary.

Marijuana – Harvested Marijuana: The plant material harvested from a mature marijuana plant, except the stalks, leaves and roots of the plant that are not used for a qualifying patient's medical use. "Harvested marijuana" includes marijuana concentrate and marijuana products.

Marijuana – Manufacturing: For purposes of regulation of marijuana industries and processes, manufacturing shall include the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis.

Marijuana – Manufacturing Facility: A facility or a person authorized by the state to engage in marijuana extraction and manufacturing activities.

Marijuana - Medical use: "Medical use" means the The acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition as provided in state regulations.

Marijuana – Product: A product composed of harvested marijuana and other ingredients that is intended for medical use. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate.

Marijuana – Qualifying Patient: A person possessing a valid written certification regarding medical use of marijuana in accordance with State provisions.

Marijuana – Registration Certificate: A document issued by the appropriate State department that identifies an entity, person or facility as registered to conduct marijuana related business in accordance with State provisions.

Marijuana - Registered Cultivation Facility: “Registered Cultivation Facility” shall mean aAny site used for the cultivation of Marijuana whether at the location and a part of a Registered Nonprofit Dispensary or an associated offsite location meeting in accordance with all State operation and registration requirements pursuant to the licensing of the Dispensary.

Marijuana – Sample: A marijuana plant or harvested marijuana that is provided for testing or research purposes to a marijuana testing facility.

Marijuana – Testing Facility: A public or private laboratory that a) is authorized in accordance with State laws to analyze contaminants in and the potency and cannabinoid profile of samples; and b) is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the appropriate State agency.

Marijuana - Usable Marijuana: "Usable marijuana" means the The dried leaves and flowers of the marijuana plant, and any mixture or preparation of those dried leaves and flowers, but does not include the seeds, stalks and roots of the plant and does not include the weight of other ingredients in marijuana prepared for consumption as food.

Religious Center: A building or buildings owned or maintained by a religious organization(s) for social, civic or philanthropic purposes, and in which persons regularly assemble or frequent for worship or religious instruction with associated clergy. Uses also included are seminaries, monasteries and convents. This definition shall not include temporary tents or structures.

Registered Nonprofit Dispensary: "Registered Nonprofit Dispensary" means a nonprofit dispensary that is registered by the department pursuant to Title 22-MRSA-§2428, subsection 2, paragraph A.

Setback Standards	Zone								
	R-1 ⁴	R-2 ⁴	R-3	MU	C-1	C-2	I-1	H-1	A
Main Structure									
Front to Occupied Area	20	20	30	30	0	10	20	40	10
Front to Porch	20	10	30	15	NA	NA	NA	NA	NA
Front to Garage Door	30	30	30	30	20	20	30	50	50
Side ¹	5	5	15	15	0	10	10	10	10
Rear ¹	10	10	15	15	0	10	20	20	10
Accessory Structures									
Rear	3 ²	3 ²	3 ²	5 ²	5	5	5	15	
Side	3 ²	3 ²	3 ²	5 ²	5	5	5	15	
Required Parking									
Front	20	20	20	20 ¹⁰	20 ¹⁰	20	20	20 ³⁰	20
Side	20	20	20	20 ⁵	20 ⁵	20	20 ⁵	20	20
Rear	20	20	20	20 ⁶	20 ⁵	20	20 ⁰	20	20
Signage									
Front to Permanent Sign									
Side to Permanent Sign									
Rear to Permanent Sign									
Temporary Signs to Property Lines									

Commented [DM130]: "Buffering requirements currently require a 20 "green" strip around the perimeter of uses needing site plan review.

1. The rear and side setbacks on corner lots are interchangeable to maximize buildable areas and design options.
2. An additional foot of setback shall be required for each 2 feet of wall height above 8-feet.
- 1.3. The parking setback shall be applicable within the front setback of the property, to the front of the main building or in all areas unfenced and open to public view, whichever is greater.
- 2.4. Residential R-1 & R-2 zones shall require that primary structure height be limited to a 3:1 (three to one) ratio from the side and rear setbacks.

B. Setback Measurements and Exceptions:

1. The front yard setback requirements of this Ordinance for dwellings may be reduced to shall not apply to any lot where the average setback on of developed lots located wholly or in part within 100 feet on each side of such lot and within the same block and zoning District and fronting on the same street as such lot, is less than the minimum setback required.
2. Accessory structures or appurtenances require a lot line setback distance of no less than its height.

Commented [DM131]: This provision was located in the height standards. A typical backyard shed is 8 feet tall. Note: Building code allows a zero setback if adequate fire protection materials are in place. Recommend a minimum 3' setback for runoff control

5.6. Height Limitations for Structures in the Various Zones.

A. Buildings and Structures shall comply with the following height standards.

Height Standards	Zone								
	R-1	R-2	R-3	MU	C-1	C-2	I-1	H-1	A
Maximum Heights	35	35	35	60	45	45	45	20	45

- B. Exceptions. Height requirements do not apply to barns, barn silos, flagpoles, chimneys, transmission towers, steeples, windmills, cooling towers, elevator bulkheads, sky lights,

4. Dimensional Requirements for Properties in the Various Zones.

A. Properties shall meet or exceed the dimensional requirement listed below.

Dimensional Standards	Zone								
	R-1 ⁵	R-2 ⁵	R-3 ⁶	MU	C-1 ³	C-2 ³	I-1 ³	H-1 ³	A ³
Minimum Area (sq.ft.)									
Single Family Lot	9000	9000	43560	43560	NA	NA	NA	NA	NA
Two Family Dwelling	10500	10500	65000	43560	NA	NA	NA	NA	NA
Multi-Family Dwelling ¹	NA	12000 ¹	87000 ²	43560	See Table note No.3.		NA	NA	See Note 3
Other Allowed Uses ³	12,000	10,500	65,000	43,560			43560	9000/20000 ⁴	
Minimum Frontage (ft)									
Single Family Lot	85	75	150	150	NA	NA	NA	NA	NA
Two Family Dwelling	95	85	160	150	NA	NA	NA	NA	NA
Multi-Family Dwelling	100	95 ¹	175 ²	150	See Table note No.3.		NA	NA	See Note 3
Other Allowed Uses	100	85	160	150			100	75	

1. The R-2 standards are the minimum for a three-unit structure. An additional 1,500 square feet of area and 10 feet of frontage is required for each unit over three.
2. The R-3 standards are the minimum for a three-unit structure. An additional 10,000 square feet of area and 10 feet of frontage is required for each unit over three.
3. The minimum frontage and area requirements are use specific and predicated upon compliance with environmental, parking, landscaping, and other site development standards of this ordinance.
4. The lesser area requirement is applicable if the property will have public sewer.
5. Corner lots for residential dwellings shall have an additional 5% of land area.
6. Non conforming Lots of Record, recorded prior to May 1980, in the Residential R-3 zone, consisting of less than one acre (43,560 square feet) shall comply with the dimensional requirements of the R-1 & R-2 zones.

B. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirement, herein. Exceptions to these standards may be found in each zone's specific regulations or upon the granting of a variance.

C. No part of a yard, or other open space, or off-street parking or loading space required in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, or: open space, or off-street parking or loading space similarly required for any other property building.

4.5. Setback Requirements for Structures in the Various Zones.

A. Properties shall meet or exceed the setback requirements listed below and shall not exceed the indicated maximum impervious surface area for the property. Additional setback requirements may be required as noted in overlay zone standards.

ventilators, and other necessary appurtenances carried above roofs; nor towers, stacks, spires, if not used for human occupancy; nor to ornamental towers, observatory towers, television and radio broadcasting towers and antennas and similar structures that do not occupy more than twenty-five (25) percent of the lot area; nor to churches and public institutional buildings; nor similar structures, usually erected at a greater height than the principal building.

B.C. Proximity to the Airport. In addition to the above standards, no structure shall be built nor vegetation growth be allowed to encroach within the protected airspace of FAA and/or MDOT defined approach or takeoff angles from the Caribou Municipal Airport.

C.D. Measurement of Height. A structure's shall be determined as the vertical measurement from a point on the ground at the mean finish grade adjoining the foundation as calculated by averaging the highest and lowest finished grade around the building or structure, to the highest point of the building or structure. The highest point shall exclude farm building components, flagpoles, chimneys, ventilators, skylights, domes, water towers, bell towers, church spires, processing towers, tanks, bulkheads, or other building accessory features usually erected at a height greater than the main roofs of buildings.