



City of Caribou, Maine

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

AGENDA Caribou Planning Board Regular Meeting

**Thursday, November 12, 2020 at 5:30 p.m.
City Council Chambers**

www.cariboumaine.org

- I. Call Meeting to Order
- II. Approval of minutes from the September 10, 2020 Planning Board meeting. Pgs 2-7
- 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). Pgs 10-11
 - b. To consider a requested amendment to Section 13-700 §27 of Caribou Code; Sewage Disposal allowing temporary private systems. Pgs 12-16
 - c. To consider an amendment to Section 13-700 §39 of Caribou Code; addressing Medical Marijuana related facilities. Pgs 17-21
- IV. New Communications
- V. Staff Report
 - a. 412 Access Highway (New Court Date)
 - b. Downtown Team/Riverfront Development Committee Meeting
 - c. Small Communities Grant (Septic Systems)
 - d. Day Care Permit Pending State Licensure
 - e. Caribou Stream River Side and Dellwood Trailer Parks Septic Issues
- VI. Chapter 13
 - a. Manager Marker TBA
- VII. Comprehensive Plan Update
 - a. Future Land Use (Information Only)
- VIII. Adjournment



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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

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 away, 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

**CARIBOU ADMINISTRATION
25 HIGH STREET
CARIBOU, ME. 04736**



MEMO

TO: Planning Board
FROM: Dennis Marker, City Manager
RE: November 12 agenda items
DATE: November 6, 2020

Included in the packet for the November 12 meeting are four exhibits

- Exhibit A: Rezone request along with a map depicting the proposed changes
- Exhibit B: Proposed Code Amendment Language pertaining to Temporary Private Sewage Disposal Systems
- Exhibit C: Staff Proposed code amendment language pertaining to Temporary Private Sewage Disposal Systems, and
- Exhibit D: Staff proposed code amendments to the city's medical marijuana regulations

Public hearings were noticed on each of these items for the upcoming agenda. However, staff found that the public notices for these items are insufficient according to state code Title 30-A, Section 4352.

The Planning Board may open the public hearings on these items and take public comment but should not close the hearings until sufficient notice is given. It is anticipated that closure of the hearings and action by the Planning Board can take place during the December 10 meeting.



September 10, 2020

City of Caribou
Attn: Caribou Planning Board
Caribou, Maine

Dear Caribou Planning Board:

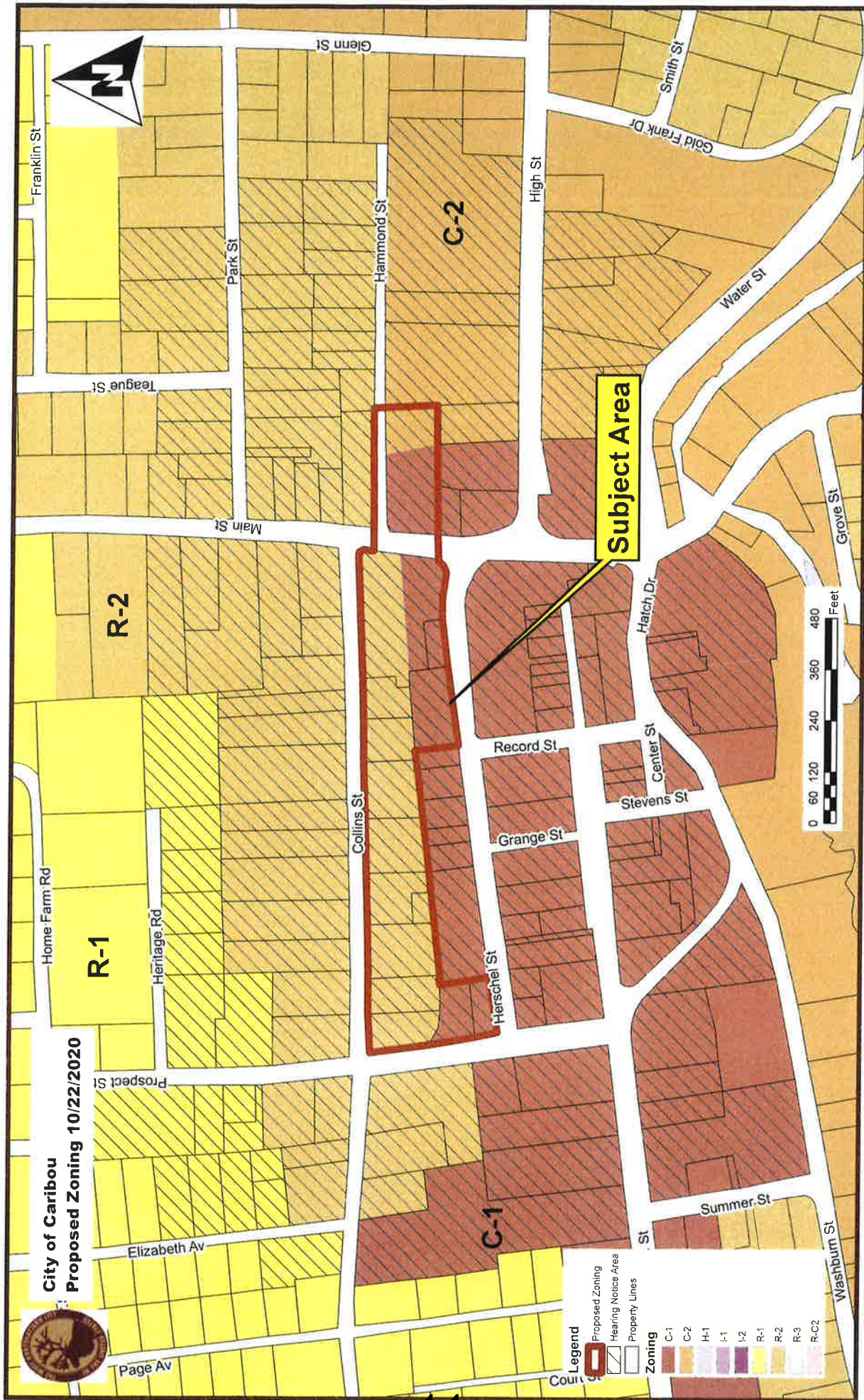
As a property management company operating in Aroostook County, I am seeking approval of a zoning change to R-2 for my property at 31 Hershel Street, Caribou. As you may be aware, this property has gone through many renovations over the years due to my pride in providing tenants and business owners with 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



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~~.

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 ~~1000-300~~ 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 ~~no~~ public sewage disposal service is within 300 feet shall not be available at the time of construction, a "capped system" with service laterals installed to each property 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 needing future excavation within the right-of-way of any road improvements 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 unless otherwise provided by a credit enhancement agreement with the city.
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. Any City approvals of a development that will connect to the public sewage system shall be contingent upon The written CUD shall review and approve approval of the public sewage system 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.~~
6. Any property that is within 200 feet of the public system and having a private subsurface wastewater system, shall connect to the public system when their private system needs to be replaced.

B. Private Sewage Disposal.

1. When a proposed development is not within ~~1000~~ 300 feet of a public sewage disposal system, at its nearest point, connection to the public system ~~shall may~~ not be ~~permitted required, except for temporary systems as provided in (3) below.~~ Sewage disposal ~~shall may~~ be by a private ~~individual or communal~~ subsurface wastewater disposal system ~~as may be permitted by DEP in consultation with CUD.~~ 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 \$1020,000 as represented by three separate, independent bids;
 - ii. the connection to the public system 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;~~
iv. the property owner provides to the city a performance guarantee, in accordance with section 13-750, which shall be sufficient to cover the reconnection costs as demonstrated by bids received for the work.

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 one-time, six (6) month extension for cause shown.

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

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
Medical Marijuana Dispensaries	NO	NO	PB	NO	PB	PB	PB	PB	PB
<u>Marijuana Caregiver Retail Store</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>PB</u>	<u>PB</u>	<u>NO</u>	<u>PB</u>	<u>PB</u>	<u>NO</u>
<u>Marijuana Cultivation Facility</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>PB</u>	<u>NO</u>	<u>NO</u>	<u>PB</u>	<u>NO</u>	<u>NO</u>
<u>Marijuana Manufacturing Facility</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>PB</u>	<u>NO</u>	<u>NO</u>	<u>PB</u>	<u>NO</u>	<u>NO</u>
<u>Marijuana Testing Facility</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>PB</u>	<u>NO</u>	<u>NO</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>

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~~ 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 ~~cardholders~~ qualifying 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 a~~Any~~ 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 M.R.S.A. §2428, subsection 2, paragraph A.