



## *City of Caribou, Maine*

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

### **Caribou Planning Board Meeting Minutes Thursday, November 24, 2020 @ 5:30 pm City Council Chambers**

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

**Others Present:** Ken Murchison –CEO/Zoning Administrator and Denise Lausier –Executive Assistant to the City Manager

**I. Call Meeting to Order** – Chairman White called the meeting to order at 5:30 pm.

**II. Approval of minutes from the October 22, 2020 Planning Board meeting** –

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

Roll call vote.

Frank – yes; Amanda – yes; Dan – yes; Dave – yes; Drew – yes; Christine – yes; Bob – yes

Motion carried with all in favor.

**III. Public Hearings Continuance from Thursday, November 12, 2020 Caribou Planning Board Meeting:**

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

Chairman White called the Public Hearing back into session at 5:32 pm. No public was in attendance. CEO Ken Murchison stated that there were no further comments or concerns since the last meeting.

Dan Bagley asked about a permit for the work that has already been done by the applicant. CEO Ken Murchison stated that the applicant would need a permit for the existing non-conformance.

Chairman White closed the Public Hearing at 5:35 pm.

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

Chairman White called the Public Hearing back into session at 5:36 pm. No public was in attendance.

Dan Bagley commented that they received a letter from Mr. Bacon's attorney that stated he did not agree with staff's proposed changes. It states that a performance bond is not necessary, \$20,000 is a bit high and suggested to lower the amount to \$15,000 for a temporary system.

Frank McElwain questioned if the owner will continue to pay fees like he was connected to the main line. CEO Murchison stated they would pay for sewer, it's a base fee. Mr. McElwain questioned if it would be an incentive to get rid of the fee. Chairman White commented that it would not be an incentive to reconnect.

Christine Solman stated with an eighteen month temporary system, they could continue with it.

Amanda Jandreau commented that it should be more than a system cost which is \$10,000-\$15,000. Frank McElwain agreed.

Amanda Jandreau said a temporary system and then they would need to hook up to the main. Dan Bagley questioned the threshold to reconnect. Drew Ayer stated with it being fourteen feet in the ground, probably would be around \$10,000 to do.

Dan Bagley & Christine Solman both had concerns with the eighteen months of a temporary system and then still needing the cost to hook up, they both feel it will cause problems. Chairman White commented that could be remedied with a possible six month extension.

Christine Solman questioned what would happen if they don't reconnect at the end of eighteen months. Amanda Jandreau stated it then becomes non-conforming. Chairman White said they would be served non-occupancy. CEO Murchison stated that the LPI (licensed plumbing inspector) would need to inspect and they would need to exercise the performance bond to get it done.

Frank McElwain questioned if other communities have language for this. Chairman White stated performance bonds are common in agreements with municipalities.

After discussion, Chairman White stated the Board has three options. #1 – leave as is with no temporary solution. #2 – recommend enactment of amendment to ordinances as presented. #3 – go with the recommendations with modifications with Board input.

Attorney Rudman's language proposed both to delete the performance bond and to change the trigger level from \$20,000 to \$15,000.

Amanda Jandreau stated that with the performance bond, requiring three bids and needing to pay for a temporary system, they may realize at some point that they need to connect to the City sewer line. Ms. Jandreau also stated that she believes the performance bond is a good idea.

Chairman White closed the Public Hearing at 6:00 pm.

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

Chairman White called the Public Hearing back into session at 6:01 pm. No public was in attendance.

Dave Corriveau asked if the proposed language mirrored the State's laws; CEO Murchison stated that it does.

CEO Ken Murchison stated that the City has language for non-profit dispensaries and language in Ordinance for drug safe zones with thousand foot setbacks.

Dan Bagley questioned the proposed language in the land use table and why it wouldn't be allowed to exist in the commercial zones. Christine Solman stated that a lot of marijuana activity complaints are about odors from sites. Ms. Solman commented that C-1 & C-2 sites are small and processing or baking the product may be an issue and may be something the Board should consider. CEO Murchison commented that higher density of development has issues with odors when harvested.

CEO Murchison stated that in the C-1 there was a medical marijuana provider that was giving out prescriptions in the downtown, but since then a daycare has moved in.

Chairman White stated that retail store under C-1 on the land use table should be a No. Drew Ayer agreed.

Chairman White closed the Public Hearing at 6:11 pm.

#### **IV. Possible Action for Pending Amendments –**

##### **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). –**

Dan Bagley stated they have an option to let it slide and wait for the Chapter 13, Zoning Code re-write. Drew Ayer & Dave Corriveau stated they felt the Board needed to move on this item.

Dan Bagley has concerns with approving this after the fact and others down the road. CEO Ken Murchison stated it's more than a spot zone in this case, need to look at the whole area. Drew Ayer also stated he had concerns with repercussions.

Dave Corriveau stated that trends are changing and there is more demand for residential than commercial.

Chairman White said he was inclined to make the zoning change. Chairman White commented that senior housing on Collins Street is half in the R-2 zone and the commercial zone and another property landed in the commercial zone.

Dave Corriveau moved to send a recommendation to the City Council to approve this zone change request; seconded by Frank McElwain.

Drew Ayer questioned the current non-conformance. CEO Murchison stated that he will need permits and Chairman White stated the CEO will need to inspect.

Christine Solman stated that she doesn't support changing those lots out of commercial. The City has a Downtown Team looking to develop the downtown. Dave Corriveau commented that the demographics have changed over the last 35 years. Mr. Corriveau said the downtown is almost non-existent and that this would be changing with the times accommodating residents in the downtown area. Chairman White stated that grocery stores will be within walking distance for them.

Amanda Jandreau commented that the Board received a similar request from Rick Solman a short time ago. Chairman White said that Mr. Solman has not come back.

Drew Ayer stated he supports the zone change request.

Chairman White called for a roll call vote on the motion.

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

Dan Bagley asked that in the Board's recommendation letter to the City Council that the Board's concerns would be outlined as well.

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

Chairman White stated that two issues were raised by Attorney Rudman; a performance bond and the trigger amount. Chairman White said that if they leave as is, the City would not have an ordinance that would comply with the State. Amanda Jandreau commented that City ordinance is stricter than the State and would not allow temporary systems. CEO Murchison stated that the City requires they connect with the Utilities District connection and there is no temporary option of a holding tank or private system, with the State statute they can have a temporary system for eighteen months.

Drew Ayer, Amanda Jandreau and Dan Bagley all agreed to follow State statute.

Chairman White stated that with the requiring of three bids from contractors, that perhaps two bids should be required instead of three. Amanda Jandreau stated that they shouldn't go with just one because it's a competitive process. Christine Solman & Drew Ayer agreed that three bids is fair. After Board discussion, consensus was to require three bids and it was requested the language be fixed under section '3 a-i' to state "or non-bids verified in writing" and also leave the amount at \$20,000 for a temporary system.

Chairman White brought up the second issue of performance bonds. Dan Bagley felt performance bonds were a great idea because they protect the City.

After Board discussion, consensus was to leave in the need for a performance bond. Dave Corriveau suggested to get a cost from insurance companies on performance bonds.

Drew Ayer moved to send a recommendation to the City Council as written in staff recommended changes with the change in section '3 a-i' to state "or non-bids verified in writing"; seconded by Amanda Jandreau.

Roll call vote.

Frank – yes; Amanda – yes; Dan – yes; Robert – yes; Christine – yes; Drew – no; Dave – yes  
Motion carried with all in favor.

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

Chairman White stated that there was one change desired thus far by the Planning Board that Retail Store on the Land Use Table under the C-1 zone be changed from Planning Board to a No.

Dan Bagley questioned if the Board could pull back and recommend that we don't want any of this for Caribou at all. CEO Murchison stated that the City Council asked that this be addressed.

Dan Bagley questioned if they were under any obligation to have cultivation, manufacturing or testing facilities. Drew Ayer & Dave Corriveau both commented that this is coming.

Amanda Jandreau asked if this is a way for Caribou to set boundaries knowing it's in the area. CEO Murchison stated it was a way to regulate.

Dan Bagley had concerns that once it's in City Ordinance and in the Land Use Table they cannot say no and he asked if they really wanted to go this direction.

Chairman White commented to take manufacturing and testing off the table. Dave Corriveau said that if testing comes about it would be high paying jobs.

CEO Murchison stated that the Board could also send their concerns with recommendations to the City Council.

Frank McElwain moved to send to the City Council 'Exhibit C' as presented with the one change on the Land Use Table for Retail Stores in the C-1 zone from Planning Board to a No; seconded by Dave Corriveau.

Roll call vote.

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

**V. Adjournment** – Board adjourned at 7:25 pm.

Respectfully Submitted,



Christine Solman  
Planning Board Secretary

CS/dl