



City of Caribou, Maine

AGENDA Caribou Planning Board Regular Meeting Thursday, March 11, 2021 at 5:30 p.m. Via Zoom

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

The meeting will be broadcast on Cable Channel 1301 and the City's YouTube Channel. Public comments may be submitted prior to the meeting no later than 4:00 pm on Thursday, March 11th to be read during the meeting. Send comments to CEO Ken Murchison at kmurchison@cariboumaine.org or call 493-5967.

- I. Call Meeting to Order
- II. Approval of minutes from the February 11, 2021 Planning Board meeting. Pgs. 2-5
- III. Public Hearing to hear comments regarding a Zoning Change request from the property owners at 467 and 473 Sweden Street and related area from R-1 (High Density Residential District) to R-3 (Rural Residential District) and possible action. Pgs. 6-17
- IV. Consider Chapter 13 Revisions, completed to date and possible action.
- V. New Business:
 - a. Discussion and possible action on revisions to the Home Occupation Application. Pgs. 18-21
 - b. Discussion on revisions to Section 13-700.13 Home Occupations. Pgs. 22-28
- VI. Staff Report
 - a. Land Bank Legislation
 - b. Land Use Survey Mapping
 - c. Maine Working Communities Challenge Grant
 - d. Meeting with Zoning Board of Appeals
 - e. Pending Tour of Caribou Senior Housing Pg. 29
- VII. Adjournment



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, February 11, 2020 @ 5:30 pm Via Zoom

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

Others Present: Ken Murchison –CEO/Zoning Administrator, Dennis Marker –City Manager, Denise Lausier –Executive Assistant to the City Manager; Tom Ayer –Councilor Liaison; Joshua Smart

I. Call Meeting to Order – Meeting was called to order at 5:30 pm. Meeting was held via Zoom.

II. Approval of Minutes from the January 14, 2021 Planning Board Meeting –

Frank McElwain moved to approve the minutes as presented; seconded by Drew Ayer.

Roll call vote.

Dave – Yes; Frank – Yes; Eric – Yes; Amanda – Yes; Drew – Yes; Christine – Yes; Dan – Yes

Motion carried with all in favor.

III. Public Hearing to hear comments regarding a Home Occupation Application from Joshua Smart DBA Delta Defense Precision Arms at 128 Ogren Road Tax Map 16 – Lot 26. –

Chairman Dan Bagley opened the Public Hearing at 5:35 pm.

Joshua Smart was present and gave an overview of the business which is basically gunsmithing and sales of firearms. Chairman Bagley questioned if there will be signage. Mr. Smart stated that there will be no sign initially, perhaps in the future.

CEO Ken Murchison read into the record a public comment received via a phone call wishing to remain anonymous who was concerned with traffic and the ATV trail going through where there may be shooting. Also, Loretta Holmes submitted an email with concerns. CEO Murchison read the email into the record. Exhibit A is attached.

Joshua Smart stated that there will be no public range, but he will have the ability to test and fire guns after they are repaired and also be able to do a demonstration if someone is having an issue. The customer would always be in his presence. No other shooting than for that reason. Mr. Smart commented that several people on the road shoot guns, so it's not an uncommon thing in that area. Mr. Smart also stated that as far as traffic is concerned, it would be no different than any other business on that road, no more than the other businesses.

Frank McElwain questioned parking. Mr. Smart stated there is a lot of parking and that he also included a diagram of the area with the application.

Frank McElwain questioned if there is a safe place to try out a firearm. Mr. Smart commented that will not be part of the business or the sale.

Frank McElwain stated that when doing gunsmithing, it would need to be test fired. Mr. Smart said that he would personally check them. Customers would have to adjust things on their own off the property. Any shooting on the property would be done by himself, not customers.

Dave Corriveau stated that the Guerrette's have a large piece of land there and perhaps in the future, Mr. Smart could approach the landowners to set something up a good distance from the Ogren Road into farm land which would alleviate some concerns.

Chairman Bagley questioned where on the lot will the firing be done. Mr. Smart stated straight back behind the house, about 20-30 feet at the right of the well, in the wooded area. Mr. Smart stated that safety is his #1 concern, he has been shooting a long time. Chairman Bagley also questioned the location of the ATV trail. Mr. Smart stated that the trail is heading towards Watson Memorial Drive on the rail bed.

Amanda Jandreau questioned if there is any state licensing he would need for this type of business. Mr. Smart replied that any gunsmithing business needs a federal firearms license, nothing at the state level.

Chairman Bagley asked if Mr. Smart has obtained his federal firearms license. Mr. Smart said he is working on the application which is clear that the business proposal is first, then go back to the application and process. They require a background check and fingerprinting. A field officer goes out to inspect the business and property as well as what he will be doing. They also educate about the laws on the federal level.

Chairman Bagley questioned if gunsmithing and sales is one or two different licenses. Mr. Smart stated it is one license. Chairman Bagley also questioned if he would be refrained from operating until he got his license. Mr. Smart replied that he would be.

With no further comments, Chairman Bagley closed the Public Hearing at 5:55 pm.

Chairman Bagley stated that nothing was mentioned on proposed lighting or signage in the application but everything else was included. Mr. Bagley stated that staff has reviewed the application and has no concerns with each of the criteria but questioned why there were no concerns on ADA compliance. CEO Murchison replied that for ADA compliance, Mr. Smart can go to the customer if they cannot access the house.

IV. Consider a Home Occupation Application from Joshua Smart DBA Delta Defense Precision Arms at 128 Ogren Road Tax Map 16 – Lot 26.

Dave Corriveau moved to approve the application; seconded by Drew Ayer.

Roll call vote.

Dave – Yes; Frank – Yes; Eric – Yes; Amanda – Yes; Drew – Yes; Christine – Yes; Dan – Yes
Motion carried with all in favor.

V. New Business -

a. Revisions to the Site Design Review Application document –

Chairman Bagley stated he met with Manager Marker and CEO Murchison on the Site Design Review processes and the application. Mr. Bagley spent time refining the form and made it into a fillable PDF which will give another tool to search for applications and to keep them electronically. Mr. Bagley stated that it is also now more encompassing so both the CEO and Planning Board could use it.

Manager Marker, CEO Murchison and Assistant Denise Lausier offered comments and changes on the document.

Dave Corriveau commented that it is very thorough and user friendly. Drew Ayer stated that the Board has talked about this in the past and it looks like everything has been solved. Eric Hitchcock commented that fillable forms make the process go a lot faster and he supports the changes. Frank McElwain said the best test is in using it and suggests approving.

Drew Ayer moved to accept the Site Design Review Application as presented; seconded by Amanda Jandreau.

Roll call vote.

Dave – Yes; Frank – Yes; Eric – Yes; Amanda – Yes; Drew – Yes; Christine – Yes; Dan – Yes
Motion carried with all in favor.

b. Site Design Review process -

Chairman Bagley brought up public hearings and how they are not required by Code, only for potential significant impact, but technically, not required. Suspending and resuming public hearings – not in ordinance, good idea to do, keeps period open for public comment. Not having them alleviates the burden of notifications, etc. Chairman Bagley asked the Board if they should move closer to what the ordinance says, and not hold public hearings or should the practices be kept in place and revise the ordinance. Mr. Bagley stated he believes there is good value in having public hearings.

Frank McElwain stated it is a good idea to keep with current practice. Drew Ayer said public input is a good thing. Eric Hitchcock stated that public hearings alleviate problems later on and gives an avenue for public to speak concerns. Amanda Jandreau questioned if there are other towns we could look at for procedures and that she believes public hearings are standard in towns in Maine. CEO Murchison said that state statute requires public hearings for large scale commercial developments. Manager Marker stated it gives transparency for decisions, which is the main reason for public hearings.

Consensus of the Board is that there is value to having public hearings and to continue having them.

Manager Marker stated that people have the right to appeal decisions of the Board. They have the right when they had not received notice of it.

Manager Marker reviewed the current site plan review process with the Board as well as simplifying the processes in the re-write of Chapter 13, Zoning of City Code.

Chairman Bagley stated that what we have now doesn't fit different sized projects, a modified process would help with that. Manager Marker stated to perhaps have a review team where everyone would be at the table at the same time with the applicant, which would help expedite the process. CEO Murchison commented with staff support, it helps with customer service.

Chairman Bagley stated that consistent application standards are needed across the board.

Chairman Bagley brought up discussion on waivers. For final plan review, engineered plans are required. The Board has not waived this requirement. Consensus of Chairman Bagley, Manager Marker and CEO Murchison when they met is to keep doing what is being done right now and not grant waivers.

Drew Ayer stated that everyone needs to be handled by the same standard to be fair. Manager Marker commented that there are different requirements based on the scope of the project.

After discussion, Board consensus is to have two different forms for larger projects versus smaller scale projects.

Discussion on next Planning Board meeting, consensus is to meet via Zoom.

VI. Staff Report; CEO Ken Murchison –

- a. **Land Bank Legislation** – CEO Murchison said he has been working with stakeholder groups from all over, there is legislation out.
- b. **Notices of Violation (junk vehicles)** – CEO Murchison stated that Mark's Towing has a crusher that could take care of these junk vehicles. Can the City contact these junk vehicle properties to see if this could work out, Mr. Murchison has been talking with them and believes it may work out.
- c. **CDBG** – Looking at second location for area business, using an underutilized lot.
- d. **Maine Working Communities Challenge Grant** – CEO Murchison stated that Caribou is collaborating with Presque Isle on a space to receive training where a young entrepreneur could have office space. A letter of intent was sent out and first plan. If invited to second round, will give money for larger project.
- e. **Riverfront Development Group** – Looking at designating a riverfront development district. Land Use and Comp Plan update, use as a test run.

VII. Chapter 13 Revision Process for City Council; City Manager Dennis Marker –

Review of Home Occupations. Drafted language for minor and major occupations.

VIII. Adjournment -

Frank McElwain moved to adjourn the meeting at 7:32 pm; seconded by Drew Ayer.

Roll call vote.

Dave – Yes; Frank – Yes; Eric – Yes; Amanda – Yes; Drew – Yes; Christine – Yes; Dan – Yes

Motion carried with all in favor.

Respectfully Submitted,

Amanda Jandreau
Planning Board Secretary

MEMO

[Date]



To: Planning Board
From: Dwayne & Jessica Gagnon and Melissa & Alhassan Badahman
RE: Request to Rezone from R-1 to R-3
Zone: R-1
Address: 467 and 473 Sweden Street, Caribou, ME 04736

203112021

Notice: Rezoning Request Notice of Public Hearing 03/11/2021

Planning Board Actions Needed:

1. Review the proposed use.
2. Determine recommendation to the Caribou City Council on the Rezoning Request.

Background

The properties in question are on the edge of the Urban Compact line and are served by Caribou Utilities District, sewer only, and enjoy the rural characteristics of the area but without the land use designation and privileges such as to keep and raise poultry.

The Proposal

The property owners at 467 and 473 Sweden Street propose a change in Zoning from R-1 to R-3. City Staff in review of the request further propose the apply the rezoning to the other properties in the immediate area to provide continuity in the neighborhood and avoid "Spot Zoning" but with no change to the I-2 district to the East of the target area.

Title 13 Standards

Title 13 Caribou Code has no current standards for granting a rezone request. The lots of the petitioners are of sufficient to meet the dimensional requirements of minimum lot size and setbacks for the R-3 District. The minimum lot size for a single-family residence in the R-3 District is 43000 square feet with street frontage of 150' and setbacks of 15 feet for side property lines and 15' for rear property lines. 476 Sweden Street Map 10 Lot 40 lot size is 698,606 square feet, or 16 acres with street frontage of 439 feet and 473 Sweden Street Map 10 Lot 41 lot size is 1,325,729 square feet or 30 acres with street frontage of 344 feet.

Staff concerns and recommendations relative to the requirements are listed as follows:

Requirement	Staff Concerns
Rezoning Request	Property Owners have requested a rezoning of their properties in writing.
Building Inspections and Code Enforcement Permit Fee Payment	Property owners have paid the fee for Rezoning Request.

Public Notice	The Public Hearing has been advertised as required and Abutters notices have been mailed.
Land Use	The lots of the petitioners are of sufficient to meet the dimensional requirements of minimum lot size and setbacks for the R-3 District. Other lots in the affected area would become existing nonconforming lots and so would not see any changes to their land use if the conditions remain the same or the lots are not made more nonconforming.
Land Use Continued	Staff proposes the rezoning of additional properties to continue continuity in the neighborhood and avoid "Spot Zoning".

Public Notice Responses:

Requirement	Staff Concerns
Abutters Concerns	Several Abutters have reached out to City Staff regarding the Rezoning, one property had changed hands and the former owner had no opinion of rezoning, one neighbor called and was curious of the process but did not oppose rezoning and the agricultural concern in the area called in with no opposition to rezoning. (See attached Public Notice Response Record)
Abutters Concerns Continued	One abutting property owner called in and then requested in writing that their property Tax Map 10 Lot 39, 450 Sweden Street be included in the rezoning initiative from R-1 to R-3

Staff Recommendation

Staff recommends the Planning Board send the Rezoning request from the Dwayne & Jessica Gagnon who reside at 467 Sweden Street and Melissa & Alhassan Badahman who reside at 473 Sweden Street based on the following findings and conditions:

Findings:

Abutting Landowners have been notified 02/12/2021 in accordance with State and local requirements.

The petitioning properties meet the dimensional requirements for minimum lot size and setbacks.

Rezoning is supported in the comprehensive Plan Future Land Use section, "The Future Land Use Plan will require condensing multiple district designations down to primary 4 uses as well as rezoning some residential and commercial zones that are no longer utilized as such to rural zones."

Conditions

1. No change should be made in the adjacent I-2 Zone.
2. The rezoning of additional properties to continue continuity in the neighborhood and avoid "Spot Zoning".
3. The inclusion of Tax Map 10 Lot 39-B into this Rezoning initiative.

[Include the following exhibits: Applicant letter, aerial photo of property and neighborhood, street view picture of property, and abutters communications]

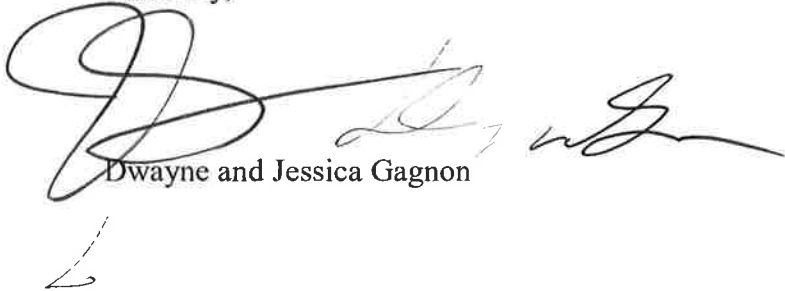
Dwayne & Jessica Gagnon
467 Sweden St. Caribou, ME
Gagnonjessica8@gmail.com
207-484-2897

Dear Zoning Board,

We currently reside at 467 Sweden Street, and have lived here for the past 4 years. We would like to have this land re-zoned to farm land, as it had been previously. We are looking to have some small livestock, which will be kept behind our house. This is about 1500 feet from the road; we have no residential neighbors behind our property.

Our neighbors, who reside at 473 Sweden Street are also seeking re-zoning of their land. We have no objections to this at all.

Sincerely,



Dwayne and Jessica Gagnon

Melissa & Alhassan Badahman
473 Sweden St. Caribou, Maine
480-689-3178
Melissa183@yahoo.com


To Whom It May Concern,

My husband and I purchased the property at 473 Sweden Street in 2020 and are now building our dream home. I believe that this land was previously zoned for farming, however it currently is not. We are looking for approval to re-zone this land as farming land once again. We would like to have some small farm animals, which will be fenced behind our house, approximately 1500 feet from the street.

Also, as neighbor of 467 Sweden Street we have no concerns about that land being zoned for farming; as they have the same request as us.

If you have any questions please feel free to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Badahman, Alhassan". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Melissa and Alhassan Badahman

Building Inspections & Code Enforcement

Permit Fee Payments

(please pay at the front counter on the first floor)

Date:

02/03/2021

Permit Number: _____

Customer Name:

Dwayne Gasnon

Portal Charge - 3.40

50 fee (\$100 if apply after construction begins)

\$ _____

City of Caribou

----- Receipt -----

al: \$10 / fixture (\$40 minimum)

al: Complete disposal system is \$250

to Fee Schedule 3A for partial

75% Caribou

\$ _____

*** REPRINT ***

11:38 AM 02/03/2021

#1284

25% State

\$ _____

Type

Reference

ull system - external only)

100% State

\$ _____

Amount

\$ _____

Rezoning Request

Rezoning Request

100.00

\$90 + \$10 / 2000 sq ft

\$ _____

Total:

100.00*

\$90

\$ _____

Paid By: Dwayne & Jessica Gasnon

\$25

\$ _____

*** REPRINT ***

\$250 (waived if apply in advance)

\$ _____

\$50 / permit (*not per sign*)

\$ _____

Check : 100.00

1633 - 100.00

\$180 (first three) + \$10/each additional lot

\$ _____

62 - Misc. Inspection Service:

\$40

\$ _____

68 - Rezoning Request:

\$100

\$ 100.00

69 - Code Amendment Request:

\$100

\$ _____

TOTAL:

\$ 100.00

Plumbing Inspections:

Please call Brandon Saucier

554-0654

Building Inspections:

Please call Tony Michaud

493-5966

Planning Board agenda items:

Please call Ken Murchison

493-5967

You can also call the department at (207) 493 - 3324 X 3 (Tony & Penny)



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 Notice of Public Hearings

Thursday, February 11, 2021 at 5:30 pm
City Council Chambers at the City Office, 25 High Street

To: Owner of Record within 500' of the Public Hearing properties,

From: Caribou Planning Board

Date: January 26, 2021

Re: The Caribou Planning Board will hold a Public Hearing on Thursday February 11, 2021 in the City Council Chambers at the Caribou City Office located at 25 High Street. The side door (nearest the bank) will be open to the public to attend the meeting.

Public Hearing: a rezoning request at 467 and 473 Sweden Street Map 10 Lots 40 and 41 and related area from R-1 (High Density Single Family Residential District) to R-3 (Rural Residential District).

Additional information about the Public Hearing may be posted at the City's website seven days prior to the meeting:

<http://www.cariboumaine.org/government/planning-board-minutes-and-agendas/>

To view tax maps, zoning maps, the local ordinance or other information, please visit the Code Enforcement page at the City's website:

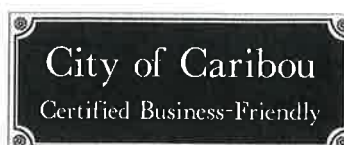
<http://www.cariboumaine.org/index.php/departments/code-enforcement/>

Interested individuals are encouraged to attend.

Best Regards,

Ken Murchison
Zoning Administrator/CEO

KM/dl





City of Caribou, Maine

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

March 11, 2021 Public Hearing Regarding Rezoning Request from 467 and 473 Sweden Street Abutters Contact Record

- 02/19/21 Karen and Brian Pelletier, 468 Sweden St.,
Curious about the Rezoning process but not adverse to the proposed Rezoning
- 02/22/21 Nancy Beaver on behalf of Edwina Wright, 443 Sweden St., who no longer owns the
property and offers no opinion either for or against rezoning.
- 02/24/21 Ronnie Moir, 411 Brown Road, farms extensively in this area and has no issues with
the Rezoning the properties in question.
- 02/25/21 Judy and Brian Corrow, 450 Sweden St., wondered about the process for Rezoning,
have no issues with the Rezoning Request and have further requested, first verbally
and then in writing, for their property to be included in the Rezoning effort. See
attached letter dated 02/26/2021.

FEB. 26, 2021

ATTENTION: KEN MURCHISON

RE: PLANNING BOARD PUBLIC HEARING

BRYAN + JUDY CORROW REQUEST
THEIR PROPERTY AT
450 SWENSEN STREET BE
REZONED FROM R-1 TO A
R-3 DESIGNATION.

THANK YOU FOR YOUR ATTENTION.

Bryan F. Corrow
Judy Ann Corrow

NORMA J. HAINES
427 SWEDEN STREET
CARIBOU, ME 04736

BARBARA E. & SCOTT W. SMITH
P.O. BOX 591
CARIBOU, ME 04736

DOUGLAS W II & ALLYSON L. BELL
430 SWEDEN STREET
CARIBOU, ME 04 736

BRAD A. THERIAULT
PO BOX 753
CARIBOU, ME 04736

BRIAN & KAREN PELLETIER
P.O. BOX 525
CARIBOU, ME 04736

CAVENDISH FARMS OPERATIONS, INC.
ATTENTION: ACCOUNTS PAYABLE
825 MAIN STREET
PRESQUE ISLE, ME 04769

ROBERT L. BOUCHARD,
1198 PEABODY ROAD
APPLETON, ME 04862

BRYAN F. & JUDY ANN CORROW
PO BOX 534
CARIBOU, ME 04736

CURT WILCOX
439 SWEDEN STREET
CARIBOU, ME 04736

ANTHONY M. & CAITLIN M. OUELLETTE
444 SWEDEN STREET
CARIBOU, ME 04736

MARY EDWINA WRIGHT – DEV
C/O NANCY LYNN BEAVER
262 PRATT ROAD
WOODLAND, ME 04736

CAVENDISH FARMS OPERATIONS, INC.
ATTENTION: ACCOUNTS PAYABLE
825 MAIN STREET
PRESQUE ISLE, ME 04769

LUKE J. AND CHRISTINE L. OUELLETTE
449 SWEDEN STREET
CARIBOU, ME 04736

RONALD C., RUTH M., ALAN R. & JASON
W. MOIR
411 BROWN ROAD
WOODLAND, ME 04736

RONALD C. MOIR, ALAN R. & JASON W.
411 BROWN ROAD
WOODLAND, ME 04736

DWAYNE C. & JESSICA R. GAGNON
467 SWEDEN STREET
CARIBOU, ME 04736

CARL G. AND NANCY S. DORRANCE
283 WEST MAIN STREET
NORTON, MA 02766

RONALD C., RUTH M., ALAN R. & JASON
W. MOIR
411 BROWN ROAD
WOODLAND, ME 04736

GLORIA M BOYKIN
497 SWEDEN STREET
CARIBOU, ME 04736

RONALD C., RUTH M., ALAN R. & JASON
W. MOIR
411 BROWN ROAD
WOODLAND, ME 04736

RONALD C. MOIR, ALAN R. & JASON W.
411 BROWN ROAD
WOODLAND, ME 04736

CHADMICHAEL MCCARTHY
434 SWEDEN STREET
CARIBOU, ME 04736



City of Caribou Proposed Zoning 03/11/2021

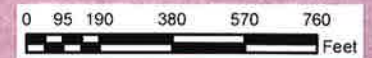
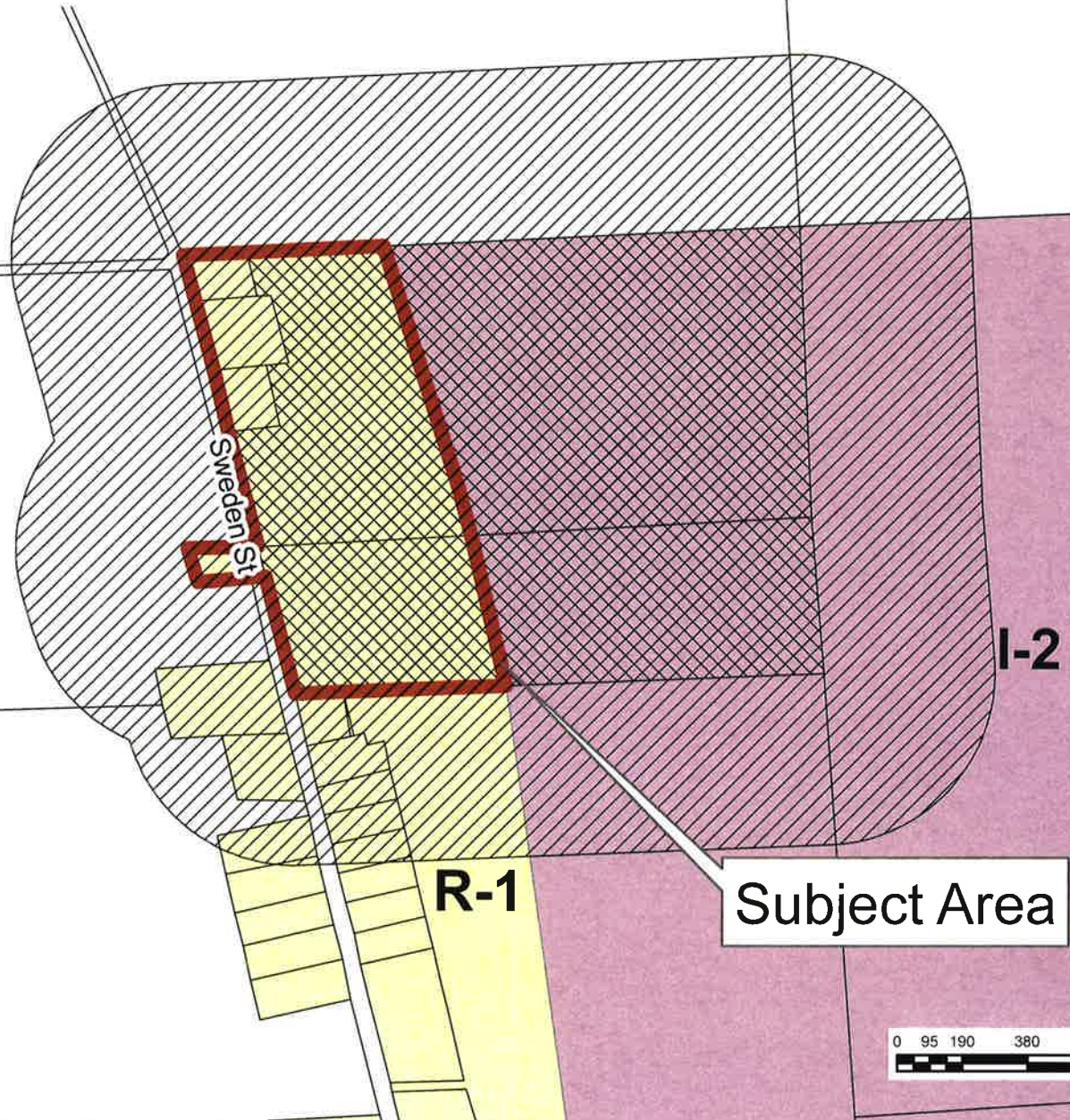


Legend

- Public Hearing Notice Area
- 03/11/2021 Staff Proposed Zoning
- Property Lines
- ReZoning Request Properties

Zoning


- C-1
- C-2
- H-1
- I-1
- I-2
- R-1
- R-2
- R-3
- R-C2



City of Caribou

Proposed Zoning 03/11/2021

Legend

 Proposed Rezoning

R-3

— 10-41-A

— 10-41-C

— 10-041-D

10-41

I-2

— Subject Area

10-39-A —

10-40

10-39-B

R-1

Google Earth

© 2021 Google



800 ft



City of Caribou Site Design Review Application Home Occupation

Planning & Code Enforcement
25 High Street
Caribou, Maine 04736
(207) 493-5967
kmurchison@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.

Please print or type all information

Name of Applicant: _____

Business Name: _____

Property Address: _____

City of Caribou Tax Map: _____ Lot: _____ Zone: _____

Applicant Information

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

Name: _____ Phone: _____

Address: _____ E-mail: _____

City, State, Zip: _____

Name of Land Surveyor, Engineer, Architect or other Design Professionals.

(Attach list if needed, please write "N/A" if not applicable)

Phone: _____

Phone: _____

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

(Attach supportive legal documentation)

This image shows a single sheet of white paper with horizontal blue or grey ruling lines, typical of notebook paper. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Aroostook County Registry of Deeds: Book # _____ Page # _____

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

Total sq ft of residence: _____ Total sq ft of residence to be developed: _____ 0%

Indicate any restrictive covenants currently in the deed (or state "None"):

(Attach deed)

Water Supply: Private Well (☐) Public Water Supply (☐)

Estimated sewage disposal gallons per day: (/ day)

Do the plans require review by the State Fire Marshal Office?
(Attach Barrier Free and Construction Permits from SFMO)

(☐) Yes (☐) No

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

Plan Review Criteria

1. _____ 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.
2. _____ Names and addresses of all abutting landowners (from assessing office).
3. _____ Copy of tax card and tax map for property with zoning designation (from assessing office)
4. _____ 1 complete set of plans, provided in Adobe Acrobat high-resolution .pdf file(s), showing the following:
 - _____ a. Graphic scale and north arrow.
 - _____ b. Location and dimensions of any existing or proposed easements (from deed)
 - _____ c. Size, shape, and location of existing and proposed buildings on the site including dimensions of the buildings and setbacks from property lines.
 - _____ d. 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.
 - _____ e. Location and names of streets adjacent to the proposed development and rights-of-way (from deed).
 - _____ f. Conceptual treatment of landscaping buffers, screens, and plantings.
 - _____ g. Location of outdoor storage areas, fences, signage and accessory structures.
 - _____ h. All proposed signage and exterior lighting including the location, size and wording of all signs and location and type of exterior lights.

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

Signature of Applicant: _____ Date: _____

Home Occupation Requirements Checklist

- ☐ The home occupation shall only employee residents of the dwelling unit.
- ☐ The home occupation shall be carried on entirely within the principle or accessory structure.
- ☐ The home occupation shall not occupy more than 50% of the total floor area of the principle dwelling structure. Accessory structures used for the home occupation may use up to 100%.
- ☐ No client or customer shall be allowed on any floor other than the first floor ground level unless the structure is protected throughout with a State Fire Marshal approved sprinkler system.
- ☐ Objectionable noise, vibrations, smoke, dust, electrical disturbance, odors, heat, glare or other nuisances are not permitted.
- ☐ No on-street parking is allowed for clients or customers.
- ☐ All means of egress/ingress are consistent with NFPA Life Safety Code 101 and the Americans with Disabilities Act.

Home Occupation Application for: _____

Address: _____

Decision by the Caribou Planning Board

Date: _____

The application was: ☐ Denied ☐ Approved ☐ Approved with Conditions

Signed: _____

Chairman, Caribou Planning Board

Conditions of Approval:

Reason(s) for Denial:

DRAFT Home Occupation Regulations Code Amendment

(New) Section 13-207 Conditional Uses

1. Before authorizing any conditional use, the Planning Board shall make written findings that the proposed use is in compliance with the specific requirements governing individual conditional use, and the applicant has demonstrated reasonable means to that the proposed use meets the following standards:
 - A. The proposed use will not result in significant hazards or adverse impacts to pedestrian or vehicular traffic, on-site or off-site.
 - B. The proposed use will not create or increase any fire hazard.
 - C. The proposed use will provide adequate off-street parking and loading areas.
 - D. The proposed use will not cause water pollution, sedimentation, erosion, or contamination of any water supply.
 - E. The proposed use will not create unhealthy ful conditions because of smoke, dust or other airborne contaminants.
 - F. The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties.
 - G. The proposed use will provide adequate waste disposal systems for all solid and liquid wastes generated by the use.
 - ~~H. The proposed use will not adversely affect the value of adjacent properties.~~
 - ~~I. The proposed use will be compatible with existing uses in the neighborhood, with respect to the generation of noise and hours of operation.~~
 - J. The applicant's proposal must include any special screening or buffering necessary to visually obstruct the subject property from abutting uses or to ensure the continued enjoyment of abutting uses.
 - K. The applicant's proposal must adequately provide for drainage through and for preservation of existing topography within its location, particularly in minimizing any significant change in grade, cut, fill, or paving intended.
 - ~~L. The applicant must be found to have adequate financial and technical capacity to satisfy the criteria in this section and to develop and thereafter maintain the proposed project or use in accordance with all applicable requirements.~~
2. Upon review of the above standards, the Planning Board shall outline any specific conditions of approval that are to be imposed and utilized by an applicant to reasonably comply with the above standards. Such list of conditions shall be attached to any permits associated with the applicant's proposed use or operations.

Commented [DB1]: Concern captured with other criteria

Commented [DB2]: Difficult or impossible to assess. Recommend deletion.

Commented [DB3]: This is very similar to F – can they be combined?

Formatted: Normal, Indent: Left: 0.25", No bullets or numbering

Commented [DB4]: I don't know how we would judge this. Recommend delete

Commented [DB5]: These are not really standards for the use, but rather requirements of the application/plan

Section 13-500 Shoreland Zoning Definitions

~~Home Occupation: An occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.~~

Section 13-900 Definitions

Home Occupation: An occupation or profession ~~which that~~ is customarily conducted for financial gain on a dwelling site or in a the associated dwelling unit by a member of the family permanently residing in the unit, for financial gain and which is clearly incidental to and compatible with the primarily residential use of the property and surrounding residential uses. A home occupation shall not be construed to mean an employee working in his/her home in the service of an employer, whose principal place of business is licensed at another location.

(Rewritten as follows) Section 13-700.13 - Home Occupations.

1. Purpose. The purposes of this section are to:

- A. Provide an opportunity for home occupations to be conducted as an accessory-incidental? Use, when they are compatible with the neighborhoods in which they are located.
- B. Provide an opportunity for a home occupation to engage in the business of child care and other group child activities and encourage this type of home occupation to draw clients/customers from their immediate neighborhood.
- C. Guide certain business activities ~~which that~~ are not compatible with neighborhoods to other, more appropriate commercial zones.
- D. Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of business uses being conducted in residential areas from of noise, nuisance, traffic, fire hazards, and other possible business uses that create significant impacts on a neighborhood.
- E. Provide a means to enforce and regulate and enforce home occupations if violations of the ordinances occur.

Commented [DB6]: The terms "incidental" and "accessory" are co-mingled throughout. Recommend choosing one or the other and using consistently throughout.

Commented [DB7]: Not relevant

Commented [DB8]: Why is this specific use highlighted here? Recommend delete.

Commented [DB9]: This section really doesn't do this. Recommend delete.

2. Scope. All home occupations must adhere to the standards and qualifications listed in this section and those imposed under the authority of the Planning Board in accordance with this ordinance.

Commented [DB10]: Recommend capitalizing throughout: "Home Occupation(s)"

3. Categories of Home Occupation Licenses. Home occupation businesses are classified as Category I, Permitted Home Occupation, or Category II, Conditional Use Home Occupation. A Category I, Permitted Home Occupation requires review and approval by the Code Enforcement Officer. A Category II, Conditional Use Home Occupation requires review and approval of by the Planning Board.

4. License Permit Required. All home-based business operations occupations shall annually obtain annually a Home Occupation Permit from the Community Development offices.

Commented [DB11]: License is different from permit...

Commented [DB12]: What is this? Do you mean CEO?

5. Home Occupation Standards. All home occupations shall comply with the following standards at all times:

- A. *Bona Fide Resident.* The home occupation business shall be owned and operated solely by and carried on only by a bona fide resident of the home. If the applicant for

a home occupation license rents or leases the property wherein the home occupation is intended to be conducted, the applicant must provide a letter of acknowledgment and consent from the property owner as an attachment to the application for a Home Occupation permit.

B. *Accessory Use on the Property.*

1. For residential purposes, the home occupation shall be clearly secondary and incidental to the primary use of the dwelling unit.
2. The home occupation must maintain or improve the external residential appearance of the principal structure, attached or detached garage, or accessory structure.
3. The home occupation applicant must designate the portion of the home, accessory structure, or attached or detached garage to be used as the location for business activities.
4. The home occupation shall not involve the use of any yard space for storage or display of supplies, inventory, or equipment when such use is in conjunction with the sales, service, or production of goods, unless specifically stored within trailers or accessory structures as allowed herein. Any screened area or structure used for the home occupation must be in either the side or rear yard areas.

D. *Employees.* No more than one full-time or full-time equivalent nonresident may be employed, volunteer, or work on the premises where the home occupation business is located.

E. *Business Vehicles and Parking*

1. All business-related vehicles ~~which that~~ park at the location of the home occupation, including those of the applicant and ~~employees~~, must use off-street parking. This provision excludes stops made by delivery vehicles. Customers or Clients may utilize on-street parking along the home frontage in accordance with street parking standards.
2. Business Vehicles exceeding a GVW of 8,000 lbs, trailers, and related equipment must be stored to the side or rear of the home.

F. *Signage.* A single sign is permitted, provided such sign is non-illuminated and does not exceed two square feet.

G. *Conformity with Health and Safety Codes.* ~~There shall be complete conformity~~ The home occupation shall conform with all fire, building, plumbing, electrical, and all other City, County, State, and Federal codes. ~~No process can be used which is hazardous to public health, safety, or welfare.~~

H. *Neighborhood Disruptions Not Permitted.* The home occupation shall not interfere or disrupt the peace, quiet, and domestic tranquility of the neighborhood. The home occupation shall not create ~~or~~, be associated with, or produce odor, smoke, dust, heat, fumes, light, glare, noises or vibrations, excessive traffic, or other nuisances, including interferences with radio and television reception, or any other adverse effects within the neighborhood.

Commented [DB13]: This contradicts what is stated previously about no yard space.

Commented [DB14]: Missing section "C"

Commented [DB15]: This is not consistent with previous wording, where it has been specified as residents only. I think we should consider keeping the current restriction of residents/family members only, unless there is a compelling reason to expand the criteria

Commented [DB16]: Again, we should avoid allowing employees – the word "employee" has specific legal definition and implications. Would kick in requirements to register with State, which we then would need to monitor and enforce, per section I below

Commented [DB17]: Covered elsewhere

I. *State Licenses.* Any business required to be licensed by the State of Maine, including but not limited to caregivers, day care facilities, food preparation services, etc. must provide the City with proof of current licensure through the appropriate State agency.

6. *Category I Qualifications.* In addition to the standards previously set forth above, all Category I home occupation businesses must also comply with the qualifications outlined below. If a business ~~finds that they are unable to~~ cannot fully comply with all of the Category I Qualifications set forth below, the applicant may pursue possible approval as a Category II home occupation through the conditional use permit process (section 7 below) ~~before submitting application for a Home Occupation Permit.~~

A. *Hours.* No visitors in conjunction with the home occupation (clients, patrons, employees, volunteers, students, pupils, etc.) shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.

B. *Traffic.* Vehicular traffic from business-related visitors and customers shall not exceed that which normally and reasonably occurs for a home in the neighborhood.

1. The home occupation shall be limited to no more than two business-related visitors or customers per hour, ~~to and~~ a maximum of eight business-related visitors or customers per day. Business-related deliveries or pickups shall not exceed two per day.

2. Child day care and other child group activities shall not exceed 16 (sixteen) customer drop-offs/pick-ups per day.

3. The receipt or delivery of merchandise, goods, or supplies for use in a home occupation shall be limited to vehicles with a gross vehicle weight rating (GVWR) of 23,000 pounds or less.

C. *Maximum Floor Space.* No more than 25 percent of the total main floor area or upper living levels of the dwelling unit, nor, in the alternative, more than 50 percent of the total floor area of any basement of the home unit shall be utilized for the home occupation. No businesses can operate outside of the primary residential structure, unless otherwise approved by the Planning Board for outside activities.

D. *Child Day Care and Other Child Group Activities.* ~~This type of home occupation~~ Conduct of Child Day Care and Other Child Group Activities (e.g., dance schools, preschool, music classes, etc.) shall not exceed eight children ~~associated with child day care or other child group activities (e.g., dance schools, preschool, music classes, etc.)~~ at any one time. A maximum of eight students/children are permitted per day. ~~This number shall include the licensee's own children, if they are under six years of age and are under the care of the licensee at the time~~ the home occupation is conducted. Outside activities are permitted in accordance with state operation standards.

E. *Elderly Day Care.* Conduct of Elderly Day Care businesses shall not exceed ~~supervising more than two the care of two~~ elderly persons that are 60 years of age or older ~~for more than 12 hours per day. Any home occupation of this nature which~~ Elderly Day Care that exceeds two individuals 60 years of age or older, or more than 12 hours per day of operation ~~will be~~

Commented [DB18]: This criteria is unclear and should be reworded. Don't we have other rules that limit customers to the main level? What if the business uses both some living area and some basement area? Is this intended to replace the 50% total floor area of the principle dwelling structure?

Commented [DB19]: "at any one time" and "per day" are different. Current wording would limit business to conduct just one ½ hour dance lesson with 8 students per day.

Commented [DB20]: Why the age restriction?

Formatted: Font: Not Italic

considered a Category II home occupation, which ~~and~~ shall be reviewed and approved by the Planning Board.

7. *Category II, Conditional Use Permit Required.* If a home occupation is able to comply with all of the standards in section 5 above but is unable to comply with all of the Category I qualifications established in section 6, the proposed business activities must be reviewed by the Planning Board and granted a conditional use permit before pursuing a Home Occupation Permit. In addition, any application proposing two or more home occupation licenses, and associated with the same dwelling unit, shall be reviewed by the Planning Board, to ensure that the cumulative impacts of the proposed home occupations comply with city ordinances. The following standards or business types shall be reviewed ~~for by the~~ Planning Board for approval.

- A. *General.* In addition to any conditions established by the Planning Commission at the time of its review, all Category II home occupations must comply with the following:

Commented [DB21]: Do you mean "Board?"

1. All Category II home occupation uses shall ~~only~~ be conducted only from property with a single-family dwelling.
2. Proposed Uses ~~are shall be determined to be~~ appropriate as licensable home occupations only if they are ~~determined-judged~~ to be compatible with residential neighborhoods by the Planning Board after full conditional use review ~~by the Planning Board~~
3. A maximum of 12 business-related visitors per day may be allowed, except as provided for in section B. "Child Day Care" and C. "Other Group Child Activities."

Formatted: Indent Left: 0.5"

- B. *Child Day Care.* The following items indicate maximum limits that may be granted by the Planning Board when a child day care is expected to exceed eight children at one time:

Commented [DB22]: Still have the "per day" inconsistency in section 5 to resolve.

1. A maximum of 16 children is permitted at any one time.
2. A maximum of 18 children is permitted per day.
3. These numbers shall include the licensee's and any employees' children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.
4. A maximum of 24 vehicular stops per day for child drop-off or pick-up is permitted.

- C. *Child Group Activities.* The following provisions indicate a maximum limit that may be granted by the Planning Board for other child group activities ~~which that~~ are expected to generate or exceed eight children/students (e.g., dance schools, preschools, music classes, other care or instruction for children) at any one time other than child day care:

1. A maximum of 12 students/children per session and a maximum of 24 students/children per day shall be permitted, so long as
 - a. A Traffic Plan that has been reviewed and approved by the Community Development Director, which includes acceptable traffic flow, drop-off, and turn-around areas.

Commented [DB23]: How are we going to monitor and enforce these restrictions?

Commented [DB24]: What is this again? I see you've defined "Community Development Staff" and "DRC" ("Development Review Committee?"), but I'm not sure what "Community Development Director" is.

b. A maximum of four sessions per day may be permitted.

c. All sessions combined shall not generate more than 24 vehicular stops per day.

d. The total number of students/children shall include the licensee's and any employees' children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.

e. No child group activities falling under a Category II home occupation may be established within 300 feet of another group child activity, Category II home occupation use, as measured from property line to property line of another group child activity, Category II home occupation use.

Commented [DB25]: Math doesn't add up, Max 24 students/day x 2 stops/student (pick-up, drop-off) = 48 stops.

D. *Business Not Conducted Within a Home.* For Any home occupation which that proposes or conducts business activities within an outbuilding, accessory building, attached or detached garage, the following guidelines shall be used to determine the maximum impacts permitted:

1. No more than a maximum of 200 square feet, or, in the alternative, no more than 50 percent of the total floor space (whichever is the greater) of any accessory structure or attached or detached garage may be used for a home occupation, unless there are specific exceptions granted by the Planning Board.

2. Any accessory structure used for a home occupation must maintain the architectural aesthetics or compatibility of the home and the immediate neighborhood.

Commented [DB26]: I understand the rationale here, but there's a question of fairness. It doesn't quite sit right that we would be denying someone just because someone else got set up before they did.

E. *Dangerous Home Occupations.* Any home occupation using explosives, incendiary products and devices, flammable, or hazardous chemicals.

F. *Home Occupations Generating Excessive Traffic.* Any home occupation which will generate in excess of two customers or visitors per hour or eight per day. A maximum of 12 business-associated visitors per day may be allowed under a conditional use permit, except as provided for child day care and other group child activities.

Commented [DB27]: Currently it's 100% of accessory building – why the change? If there's a good reason to change this rule, then we should expand the limits – 200 sq ft or 50% is really restrictive. Also, there shouldn't be any exceptions allowed by the Planning Board, or there should be specific criteria laid out here, under which an exception could be granted.

H. *More Than Two Home Occupation Permits.* Any home where the applicant is seeking more than two home occupation licenses shall be reviewed by the Planning Board to assure the cumulative impacts of Home Occupations comply with city ordinances.

Commented [DB28]: This shouldn't be in this section. Would be covered in original build permit. This section is only about use.

8. *Prohibited Home Occupations.* The following uses, by nature of the occupation, substantially impair the use and value of residentially-zoned areas for residential purposes and are, therefore, prohibited:

A. Mortuary, crematorium, columbarium, or mausoleum.

B. Animal hospitals or veterinary service, except in the R-3 zone with a Category II, Conditional Use Home Occupation Category II pPermit.

C. Clinic, dental office, medical office, chiropractic office, or hospital, except in the R-3 zone with a Category II Category II, Conditional Use Home Occupation permit.

D. Junkyard, auto wrecking yard, or salvage yard.

Commented [DB29]: Not even in R-3?

- E. Stables, kennels, pet store, or any other commercial animal breeding business or similar activities except in the R-3 zone with a Category II Category II, Conditional Use Home Occupation permit.
- F. Storage, service, repair, or sales of ambulances, tow trucks, recreational vehicles, watercraft, automobiles, ATVs, or other motorized vehicles.
- G. Auto body repair or motor vehicle repair.
- H. ~~Use of specified chemicals, pesticides and flammable/combustible materials, and including any other process or business where current adopted Building and Fire Codes would require an operational permit.~~ Home occupations that use explosives, incendiary products and devices, or flammable / hazardous chemicals
- I. Home occupations wherein the Number of vehicular stops or visits that would exceeds 24 per day.
- J. Bed and breakfast facilities. (regulated under separate rules – see <<appropriate section here>>)

Commented [DB30]: Not even in R-3?

Commented [DB31]: R-3?

Commented [DB32]: See previous comment on 24 vs 48 stops

Ken Murchison

From: Denise Lausier
Sent: Thursday, March 4, 2021 8:03 AM
To: Dennis Marker
Cc: Ken Murchison; dbagleyplanning@gmail.com
Subject: FW: Tour of Senior Housing

From: carl@soderbergconstruction.com <carl@soderbergconstruction.com>
Sent: Wednesday, March 3, 2021 4:39 PM
To: Denise Lausier <dlausier@cariboumaine.org>
Cc: 'Shawn Pelletier' <shawn.pelletier@csmgntinc.com>; 'Sam Collins' <samc@swcollins.com>; Carl Soderberg <carl@sodcon.com>
Subject: RE: Tour of Senior Housing

Hi Denise, We certainly want to have the City Council and Planning Board tour the facility. We have not been encouraging any such activities to date so as to protect the wellbeing of our senior tenants during this pandemic. That is the reason we have not held an open house like we had hoped. We are thinking it might be prudent to wait until spring/summer and try and set up something then. Let us know your thoughts and please pass on the message that we are anxious and excited for the City Council, Planning Board and community to view the beautiful transformation of the building. Thank You, Carl

From: Denise Lausier <dlausier@cariboumaine.org>
Sent: Wednesday, March 3, 2021 2:01 PM
To: carl@soderbergconstruction.com
Subject: Tour of Senior Housing

Good Afternoon Mr. Soderberg,

City Manager Dennis Marker asked me to reach out to you to set up a tour of the Hilltop Housing project some evening for the City Council and Planning Board.

Is this something we could do?

Have a great day!

Denise M. Lausier
Executive Assistant
City Manager's Office
City of Caribou
207-493-5960