

**TOWN OF LIVERMORE FALLS
PLANNING BOARD REGULAR/SPECIAL MEETING
AGENDA FOR**

Wednesday, March 21, 2001

- 1. **CALL MEETING TO ORDER**
- 2. **MINUTES OF PREVIOUS MEETING AND COMMUNICATIONS**

3. **NEW BUSINESS**

- A. Betty Jo Ross dba New England Wholesale Floors
Parkview Ave, Map 14, Lot 23, Home Occupation?
- B. _____
- C. _____
- D. _____

4. **OLD (UNFINISHED) BUSINESS**

- A. _____
- B. _____
- C. _____
- D. _____

5. **OTHER BUSINESS**

- A. Site Plan Review Amendments / Home Occupation
- B. _____
- C. _____
- D. _____

6. **PUBLIC PARTICIPATION**

7. **ADJOURNMENT**

LIVERMORE FALLS

Occupation request goes to planners

3-21-01

LIVERMORE FALLS — The Planning Board will consider another request for a home occupation when it meets at 6 p.m. Wednesday, March 21, at the Town Office.

Making the request is Betty Jo Roix, who wishes to operate New England Wholesale Floors out of her home on Parkview Avenue.

After that consideration, the board will continue its review of proposed amendments to the site plan review ordinance and the proposed definition of "home occupation."

Home business denied

3-23-01

BY CORA C. BRIGGS
Special to the Sun Journal

LIVERMORE FALLS — The Planning Board denied a request for a home occupation Wednesday night but approved the proposal as a commercial enterprise.

Betty Jo Roix will be operating New England Wholesale Floors from her home on Parkview Avenue. She will use her great room, between the main building and garage, for a showroom and plans no employees other than herself.

Sales will be made on a by-appointment basis, probably three days a week to begin, she said.

Planners raised concerns about storage of adhesives, etc., which might be a fire hazard but were assured that any such items would be on an "in

*The Planning
Board did approve
the proposal as a
commercial
enterprise*

and out" basis as installation will be done by subcontractors.

Three conditions were added to her site plan review: Solid waste is to be kept under cover or out of sight, a fire extinguisher is to be kept on the premises, and she is to contact the fire chief about the business.

Code Enforcement Officer David Giroux reported a call he had received from an anonymous Parkview Avenue resident saying the board should not approve the application as a restriction in their deeds prohibits commercial enterprises.

Giroux explained that the town has no power to uphold a private deed restriction and Roix questioned an apparent violation of the restriction that is already on the street.

After reviewing the latest draft of the proposed new home occupation definition and some other changes in the Site Plan Review Ordinance, planners agreed to hold a public hearing on them at the next meeting, April 18. The time will be announced.

In response to a reported concern with the board not being user-friendly, planners agreed to continue having all applicants come before them rather than just the code officer. Giroux usually meets with prospective business people to assist in guiding them through the process.



Town of Livermore Falls
CODE ENFORCEMENT OFFICE
2 MAIN STREET
LIVERMORE FALLS, MAINE 04254
Tel. 207-897-4427

LIVERMORE FALLS
PLANNING BOARD
MINUTES OF THE
MARCH 21, 2001
MEETING

MEMBERS PRESENT: Brian Jordan, Chair, Christine Pelletier, Nancy McManemon, Guy Palmieri, Lorraine Barney, and Allicca Torres.

PUBLIC PRESENT: Miriam Buchanan, Cora Briggs, Betty Jo Roix, and David Giroux, Code Enforcement Officer (CEO).

On a motion from L. Barney and a second by N. McManemon, the minutes of the February 21, 2001 Planning Board meeting were accepted as presented. VOTE 6-0-0.

NEW BUSINESS:

1. Betty Jo Roix was present to discuss her application for a conducting a business that wholesales and retails floor coverings on property that she and her husband currently reside on Parkview Ave. She will have no employees and will use the 23' by 24' breezeway section of her home for the office and one bay of the 2-car garage for storage of materials. The office will display floor samples and the flooring that is ordered will be kept only for a short time in the garage until delivered. She does not intend to use the garage as a long-term warehouse. Floor cleaners and adhesives will be kept on premise, as certain floor coverings require their own adhesive and cleaner. She will meet one on one with people by appointment, but also expects to wholesale to contractors. Her son and one other person will do the installing, and if necessary, she will work with other subcontractors. Demolition debris that might be generated from removing old flooring from a site will not be brought to Parkview Ave., but will be disposed of properly. On a motion from G. Palmieri and a second by C. Pelletier, the Board attempted to determine that the business as proposed is a Home Occupation. Motion fails. VOTE 1-3-1. Therefore, the business is a commercial operation.

At this point D. Giroux, CEO, informed the Board and Ms. Roix that he had received a phone call from a neighbor of Ms. Roix's expressing a concern that a commercial business was not allowed on property on Parkview Ave. and that the restriction was a condition in the deed to the Roix's property. The CEO reviewed a copy of the Roix's deed and noted that restriction in it. He advised the Board that even though they had voted that this application was a commercial business, they would have to continue with the review of the application because the deed restriction was not a part of any town ordinance. The CEO also explained to Ms. Roix about the restriction and advised her to seek additional guidance.

On a motion from L. Barney and a second by N. McManemon, the Board closed the pre-application portion of Site Plan Review. VOTE 5-0-1. After a review of the standards in the Site Plan Review Ordinance, the Board, on a motion from N. McManemon and a second from A. Torres, approved the application for Betty Jo. Roix as presented, with the following conditions:

1. Any solid waste material must be kept under cover and out of sight, either in the garage or in a dumpster.
2. A fire extinguisher shall be kept on the premises.
3. The applicant is to contact the Fire Chief to inform the Fire Dept. about the floor adhesives and any other flammable products associated with the business. VOTE 4-0-1.

The Board finalized their review of a revised definition of Home Occupation, using the CEO's "March draft". Except for some grammatical changes, the definition is ready to go to public hearing.

The Board also reviewed the CEO's March 14, 2001 memo addressing other amendments to the Site Plan Review Ordinance. These amendments deal with Section III.A, III.B, and IV.A. After a review of these amendments, the Board determined that these are ready to go to public hearing. A public hearing on these two issues was set for the Board's next meeting on Wednesday, April 18, 2001. Time to be set by the CEO, depending upon the number of applications that must be addressed at the next meeting.

The CEO advised the Board that if the Special Town Meeting coming up on April 9, 2001 adopts a moratorium, then the Board and the town would have 180 days to draft and adopt a sludge spreading moratorium. The CEO will speak with the town manager on scheduling, etc.

On a motion from C. Pelletier and a second by L. Barney, the Board voted to adjourn at 7:25 P M.

Respectfully submitted, David R. Giroux, CEO.



Town of Livermore Falls

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2 MAIN STREET
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Tel. 207-897-4427

DEFINITION OF HOME OCCUPATION

March draft

HOME OCCUPATIONS: A business that is located on property where another home occupation is not located and that:

1. Is conducted by the person or persons who reside in the home that is on the same property as the occupation or profession;
2. Employs no more than 1 employee who does not reside in the home that is on the same property as the occupation or profession;
3. Provides for adequate off-street parking and does not cause the residential character of the property to differ by means of light, colors, or sounds, causes an objectionable increase in traffic, or generates any nuisance, noise, smoke, or odor that would cause a hardship to the abutters of the property on which the occupation or profession will be conducted;
4. Either occupies not more than 20% of the floor area or volume of the residential structure if the occupation or profession is to be conducted in the residential structure, or occupies not more than 20% of the floor area of accessory structures if the occupation or profession is to be conducted in the accessory structure, or occupies not more than 20% of the lot on which the occupation or profession will be conducted;
5. Does not have any exterior storage of materials or display ^{no} ~~any~~ exterior exhibits other than a 2' high by 2' wide sign advertising the home occupation;
6. Uses only common household chemicals.





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To: Brian Jordan, Chair, and Planning Board members
From: David R. Giroux, CEO
Re: Amendments to the Site Plan Review Ordinance
Date: March 14, 2001

Enclosed please find my thoughts on certain amendments the Board may want to look into regarding making the Site Plan Review Ordinance more user-friendly. I have also included my thoughts on other minor administrative changes.

Additions are underlined; Deletions are crossed out

Section III APPLICABILITY

Change the order of Section III.A and III.B. and amend Section IV.A

- A. The following uses and structures are exempt from this ordinance:
1. The normal and customary practices involved in the growing and harvesting of field crops and timber.
 2. Home Occupations, as defined.
 3. Existing buildings and land uses legally established prior to the adoption of this ordinance unless one or more of the factors described in the following Section III, B is present.
- B. This ordinance shall apply to all development proposals for:
1. New buildings, structures, and land uses for commercial, retail, industrial, institutional, residential institutional, recreational, utility, state, municipal, or public.
 2. New uses or changed uses of land or of existing structures if such new or changed uses would generate significantly greater traffic volumes, employ new materials or processes, or generate any new impacts (glare, noise, odor) not normally associated with the previous use.
 3. Resumption of conforming uses that have been discontinued for at least two years.

Section IV APPLICATION PROCEDURE

A Pre-application Meeting

1. Prior to submitting an application for development the property owner, the property developer, or an authorized agent shall meet with the Planning Board at a regular or special meeting to discuss the proposed development.
2. The developer may present to the Planning Board at this time a sketch plan of the proposed development. The sketch plan should consist of a rough outline of the development, and may be a free-hand, penciled sketch of the parcel, showing the proposed layout of the buildings, roads, and other features. The sketch shall show enough information to aid the Planning Board in fully understanding the nature of the development proposal.
3. The Planning Board may request that the developer arrange for an inspection of the site by the Planning Board, or by an individual appointed by the Board Chairman to act as the Board's representative.
4. No binding commitments shall be made between the developer and the Planning Board at this stage. The purpose of the pre-application meeting shall be to understand what is proposed.
5. However, if the Planning Board finds that the proposed development meets the provisions of Article IIIA, above, then the Board shall waive the review requirements altogether and note in the town's record that the development, as proposed, is exempt from this ordinance. The Planning Board, at this time, may also waive any of the submission requirements if the Board finds that certain submission requirements are not necessary for the review of the proposed development.