

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

Wednesday, April 18, 2001

- 1. CALL MEETING TO ORDER 6:00 P.M.
- 2. MINUTES OF PREVIOUS MEETING AND COMMUNICATIONS

7:24 AM  
OK

3. NEW BUSINESS

- A. \_\_\_\_\_
- B. \_\_\_\_\_
- C. \_\_\_\_\_
- D. \_\_\_\_\_

4. OLD (UNFINISHED) BUSINESS

- A. \_\_\_\_\_
- B. \_\_\_\_\_
- C. \_\_\_\_\_
- D. \_\_\_\_\_

5. OTHER BUSINESS

6 p.m.

- A. 6:00 P.M. Public Hearing on:  
Home Occupation definition and
- B. reorganizing and clarifying sections of
- C. The Site Plan Review Ordinance, and
- D. on an amendment to the Shoreland  
Zoning Map

6. PUBLIC PARTICIPATION

7. ADJOURNMENT

# Livermore Falls board sets hearing to consider home occupation definition

4-18-01

BY CORA C. BRIGGS  
Special to the Sun Journal

LIVERMORE FALLS — A public hearing will be held at 6 p.m. Wednesday at the town office to consider a proposed definition for home occupation, several changes to the Site Plan Review Ordinance and an amendment on the Shoreland Zoning map.

All are to go to the voters at

the annual town meeting in June.

The home occupation definition lists six provisions among them that the occupation is carried out by someone residing in the home, it employs, at most, one person who does not reside in the home, provides adequate off-street parking, doesn't cause a hardship to abutters, occupies only a certain portion

of the home and/or property, has no exterior storage or display and uses only common household chemicals.

Several amendments are being proposed to the Site Plan Review Ordinance to make it more user friendly.

The change in the shoreland zoning map is being sought to correct an oversight when the 1998 map was accepted.

FRANKLIN

Wc

Last week hearing on the definition of home occupation

BY CORA C. BRIGGS  
Special to the Sun Journal

LIVERMORE — One citizen attended the hearing last week to consider changes to the ordinance, but kept the board no longer than an hour.

Faith Nichol, who booked the hearing, directed most of her comments toward the board's definition of home occupation, with which she is struggling for over a year.

If her participation is considered a violation, she would be fined. She asked, referring to a provision in the ordinance, Chairman Br

## BRIEFLY

### Blood drive Monday

WILTON — For donors in the Wilton Community, there will be an American Red Cross blood drive from 1 to 6 p.m. Monday, April 30, at St. Luke's Church on High Street. All eligible donors are being urged to participate. As an additional safeguard against a summer

*"Being invited to donate with a seasoned blood donor can help a newcomer become a donor for life."*

Thomas Miller,

American Red Cross

shortage, Thomas Miller, donor recruitment representative from the ARC, advises bringing in a friend or two as well.

"Blood donation is completely safe and

ing. Schoen described at the founding, purpose, and problems of the House, established for pregnant girls and single young mothers.

When the Department of Human Services delayed its license, Chandler Wood stepped in to assist with the process, it was noted. The House has been operating for four years. SAD 9 has "tremendous assistance" for girls wishing to continue education, Schoen said. Others are allowed to keep in touch if they maintain living and behavior standards.

Literacy volunteers are helping mothers educate themselves and their children. Instruction twice weekly is provided and postpartum health care. Kerr House is for girls determined to improve their lives and is open to all qualified Maine residents.

Wiltona recognized by the state for women who give generously their time and effort to the community.



## 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  
APRIL 18, 2001  
MEETING

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

PUBLIC PRESENT: Miriam Buchanan, Cora Briggs, Faith Nichols, Elecia Pillsbury and David Giroux, Code Enforcement Officer (CEO).

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

**PUBLIC HEARING:**

On a motion from N. McManemon and a second by L. Barney, the Board opened the public hearing on the proposed Site Plan Review amendments. Questions and comments from the public about the definition of home occupation included:

- A. Limiting the home occupation to only one per property; the economy will come into play at some point; there should be no limit.
  - B. The standards in section 3 are real ambiguous; problem with the Planning Board making the decision.
  - C. Section 4 creates a problem when you use a percent of the floor area or of the lot rather than a set number.
  - D. Problem with the limitation on size of sign and possible lowering property values.
- The biggest concern was to not change what people are currently doing. The Board noted that these amendments would only affect new home occupations and businesses.

There were no questions or comments on the proposed amendments to the applicability and application procedure sections of the Site Plan Review Ordinance.

The change to the zoning map was reviewed and there were no questions or comments.

On a motion from C. Pelletier and a second by L. Barney the Board voted to close the public hearing at 7:20 PM. VOTE 6-0-0.

NEW BUSINESS:

1. Elecia Pillsbury was present to discuss her plans to open up a psychologist's office at the professional office building where David Sander's law office is on the corner of Pine Street and Depot Street, currently owned by Psylegis, Inc. She would open up her office on the second floor, operate for 2 hours a week on Friday and Saturday. There are legal and medical services already in place at this site. On a motion from N. McManemon and a second by G. Palmieri, the Board voted that a permit is not required due to the fact that this type of business already exists at this site. VOTE 6-0-0.

The Board re-reviewed the input from the public hearing about the proposed amendments. Based upon the comments received, the Board decided to present their amendments to the town meeting without and changes.

On a motion from N. McManemon and a second by L. Barney, the Board voted to adjourn at 8:25 P M.

Respectfully submitted, David R. Giroux, CEO.



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PROPOSED ARTICLES FOR THE  
TOWN REPORT AND THE  
ANNUAL TOWN MEETING WARRANT

ARTICLE \_\_\_\_\_ Shall the ordinance entitled "Site Plan Review Ordinance of the Town of Livermore Falls", adopted June 3, 1991, be amended by removing language from Section III B, adding language to Section III A, changing the order of Section III A and B and adding clarifying language to Section IV A?

Note: The purpose of these amendments is to make the site plan review process more user friendly and to provide the means by which the town's Planning Board can better monitor development that may be detrimental to an existing neighborhood.

ARTICLE \_\_\_\_\_ Shall the ordinance entitled "Site Plan Review Ordinance of the Town of Livermore Falls", adopted June 3, 1991, be amended by replacing the definition of 'Home Occupation' found in Section XIV with a new definition of 'Home Occupation'?

Note: This new definition better reflects what the Planning Board recommends as a definition of a home occupation, given the applications they have reviewed over the past two years and the potential for negative neighborhood impacts some of those applications have presented, given the current definition of 'home occupation'.

ARTICLE \_\_\_\_\_ Shall the ordinance entitled "Shoreland Zoning Ordinance of the Town of Livermore Falls", adopted June 3, 1991 and most recently amended on June 9, 1999, be amended by changing the shoreland zoning map for a portion of property shown as Lot 7 on Town of Livermore Falls Tax Map 6 from Resource Protection to Limited Residential and Recreational?

Note: When the town updated the shoreland zoning maps back in June, 1998, this section of property was inadvertently left as Resource Protection, and it did not have to be. This change is at the request of a landowner.

ARTICLE \_\_\_\_\_ Shall the ordinance entitled "Victualer's License Fee Ordinance", adopted March 9, 1981, be repealed?

Note: Since this ordinance is directly connected to a State Law that was repealed 4 years ago, it is no longer necessary.

ARTICLE \_\_\_\_\_ Shall the ordinance entitled "Town of Livermore Falls, Sludge and Septage Control Ordinance", be adopted?

Note: This is an ordinance proposed by citizens in town and would prevent sludge (biosolids) and septage from being stockpiled or spread in town, other than stabilized sludge generated by the Town of Livermore Falls.

CODE ENFORCEMENT OFFICER'S  
PLANNING BOARD'S  
AND  
COMPREHENSIVE PLAN COMMITTEE'S  
REPORT

I have continued to be active this past year, working with the Planning Board and the Comprehensive Plan Committee, as well as providing advice on numerous issues and continuing with my fall and spring cleanup of those properties in town that seem to collect things.

Permit activity is minimal, as the town now only issues permits for mobile homes and for buildings on those lots that were created after June 11, 1997. The town continues to notify the owners of those new lots so that the owners do not violate the town's ordinance.

Approvals for businesses issued by the Planning Board this past year include: several antique businesses, a parking lot, a hot dog stand, a laundromat (not developed), a gym, two auto repair businesses, a storage building, a body piercing business and booking agency (closed), a carpet installation business, a local neighborhood store, a candle and gift store, a hypnotherapy business, a bottle redemption business, an insurance office, an expansion at Livermore Falls Water District, a salt and sand shed, a garage addition, and a boiler room addition for the town, a gunsmith business, a day care, an upholstery business, Family Dollar, a law office, a wood processing business, a gravel pit, a retreat center, an auto body and sandblasting business, a karate studio, a grain business and an addition to another grain business and a bait and tackle shop. The Board hopes you will support these local businesses.

Some of these businesses were approved as a home occupation. The Planning Board had concerns with approving some of these businesses as a home occupation because of the potential impacts the home occupation may have on its neighbors, but the Board was required to do so because of the definition that is in the Site Plan Review Ordinance, which governs these types of reviews. Because of these potential conflicts, and working with legal advice from Maine Municipal Association, the Board is proposing a revised definition of 'Home Occupation' at town meeting this year. The Board looks for your support in approving the new definition that provides them with a stronger tool to help protect the impact on existing neighbors.

The Board is also proposing an amendment to the Site Plan Review Ordinance in order to make the review process clearer and more user-friendly. The issue of making the review process clearer and more user-friendly was brought to the Board's attention in discussions with present and former town office staff. The Board expects that the proposed amendment will address that concern and looks for your support with this amendment.

The Comprehensive Plan Committee has started down a 2-year path, collecting information about the town. It is expected that once this process is complete, a plan, guiding the direction of the town, will be implemented by the voters. As the committee looks ahead, current public input from those people who attend the public hearings seems to indicate that things are working fine right now and the town is heading in the direction that the public wants. The Committee looks forward to meeting with the public several more times as it gathers more information about the town. To that end, the Committee will have a display at this year's annual town meeting that you should find interesting.

I look forward to working with you in the coming year.

Respectfully,  
David R. Giroux  
Code Enforcement Officer





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**MEMO**

**To:** Brian Jordan, Chair, and Planning Board members  
**From:** David R. Giroux, CEO  
**Date:** April 11, 2001  
**Re:** Explanation on the shoreland zoning map

The request for a zoning map change came from a forester with International Paper (IP). IP is conducting a State approved timber harvest on their property on Androscoggin River, shown as Lot 7 on Town of Livermore Falls Tax Map 6. A portion of IP's property along the Androscoggin River is zoned Resource Protection. This zone allows for timber harvesting to occur, but under much stricter standards.

Additional investigation by the forester and myself as to why this area of the Androscoggin River is zoned Resource Protection seems to indicate that the most recent shoreland zoning map incorrectly shows the proper zoning for this area.

The cause of the confusion is found in the June 12, 1991 adoption of the shoreland zoning map. The rules in place in June, 1991 required that the large wetland just east of the Androscoggin River be protected by establishing a 250-foot wide Resource Protection zone around the wetland. As you can see on the June 12, 1991 map, the 250-foot Resource Protection zone around the wetland overlaps the 250-foot wide Limited Residential zone along the Androscoggin River.

The rules in place when the town adopted the June 10, 1998 map did not require that the wetland to the east of Androscoggin River be protected by establishing a 250-foot wide Resource Protection zone around the wetland. This apparently was overlooked when the June 10, 1998 map was created for town meeting presentation.

I hope this explanation is helpful. If necessary, we can get a concurring opinion from DEP prior to making a recommendation to the voters at this year's annual town meeting.





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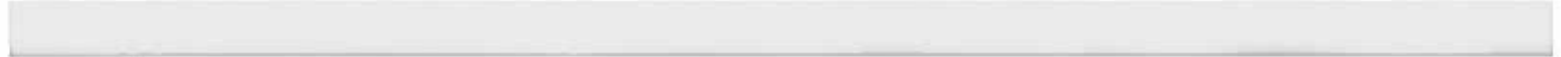
INFORMATIONAL SHEET  
ABOUT THE  
SITE PLAN REVIEW ORDINANCE AMENDMENTS  
PROPOSED BY THE PLANNING BOARD

The purpose of these amendments is two-fold.

One purpose is to better define for the general public what constitutes a Home Occupation. The language in the current Site Plan Review Ordinance dealing with the definition of Home Occupation uses terms like “customarily” and “incidental”. The Board found, over the past two years, that these two adjectives lead to quite a broad range of interpretations between the Board and applicants and among the members themselves. It was felt, based upon a review of 2 years worth of applications, that this definition more closely resembles what most applicants and members felt constitute a Home Occupation.

The second purpose is to try to make the review process user-friendly. Since the Planning Board is given the responsibility of determining what applications must come under site plan review, it was felt that reorganizing the sections in the Site Plan Review Ordinance that deal with exemptions and applicability was a way of improving the Site Plan Review Ordinance by making it more convenient to use and more user-friendly and to increase the efficiency of the review process.

The Board looks forward to your comments, suggestions, and questions.





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**DEFINITION OF HOME OCCUPATION**

Public Hearing draft

April 1~~1~~<sub>8</sub>, 2001

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. Occupies either 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 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 not more than 20% of the lot on which the occupation or profession will be conducted;
5. Has no exterior storage of materials or displays no exterior exhibits other than a 2' high by 2' wide sign advertising the home occupation;
6. Uses only common household chemicals.

*re word!*





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PROPOSED AMENDMENTS  
SECTIONS III.A, III.B, AND IV.A  
SITE PLAN REVIEW ORDINANCE

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

Section III APPLICABILITY

- A. The following uses and structures are exempt from this ordinance, as determined by the Planning Board:
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.

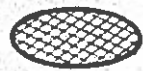
## Section IV APPLICATION PROCEDURE

### 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.



## Legend



**General Development**



**Limited Residential**



**Resource Protection**



**Stream Protection**



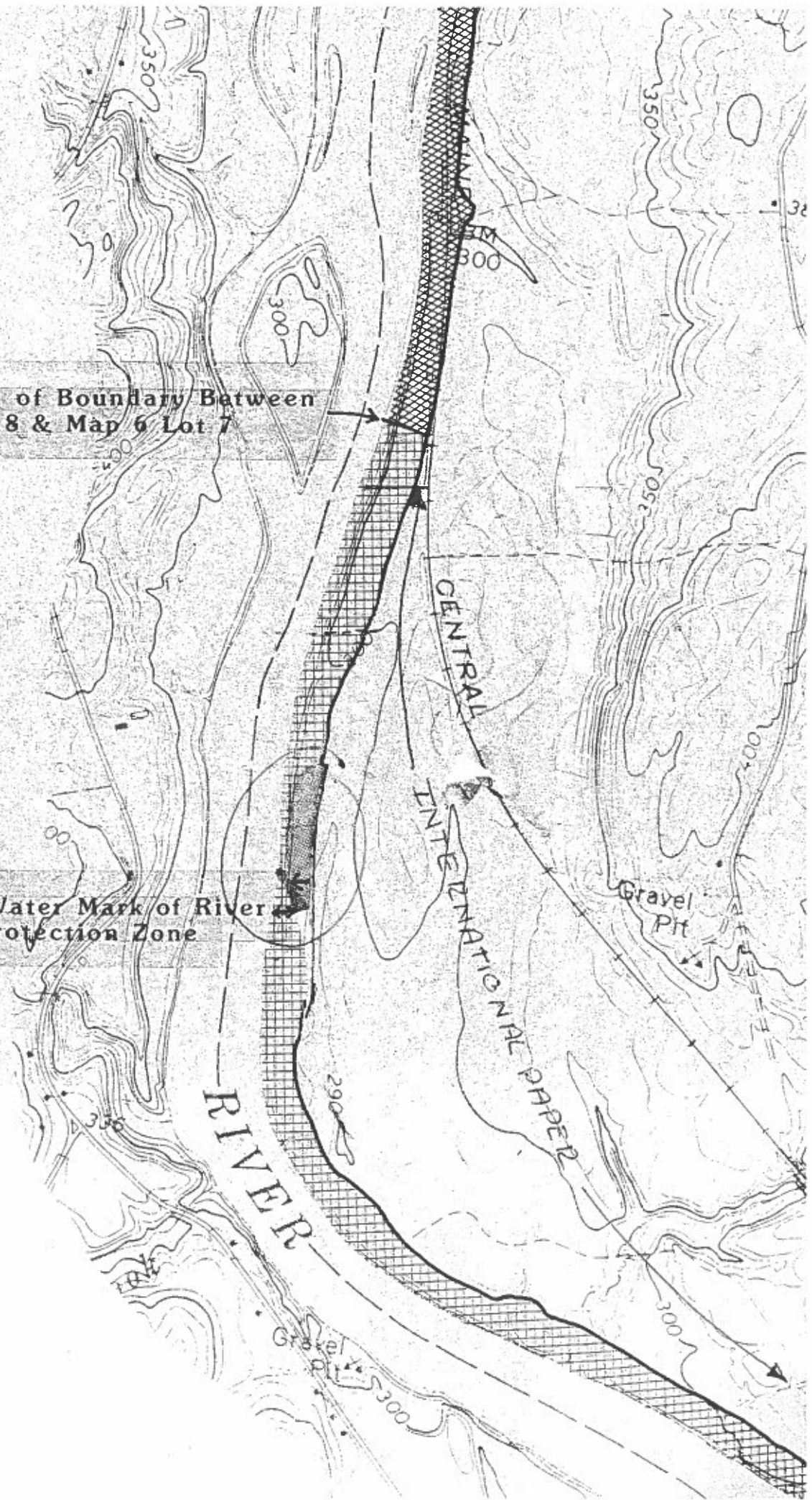
**Fresh-Water Wetlands**



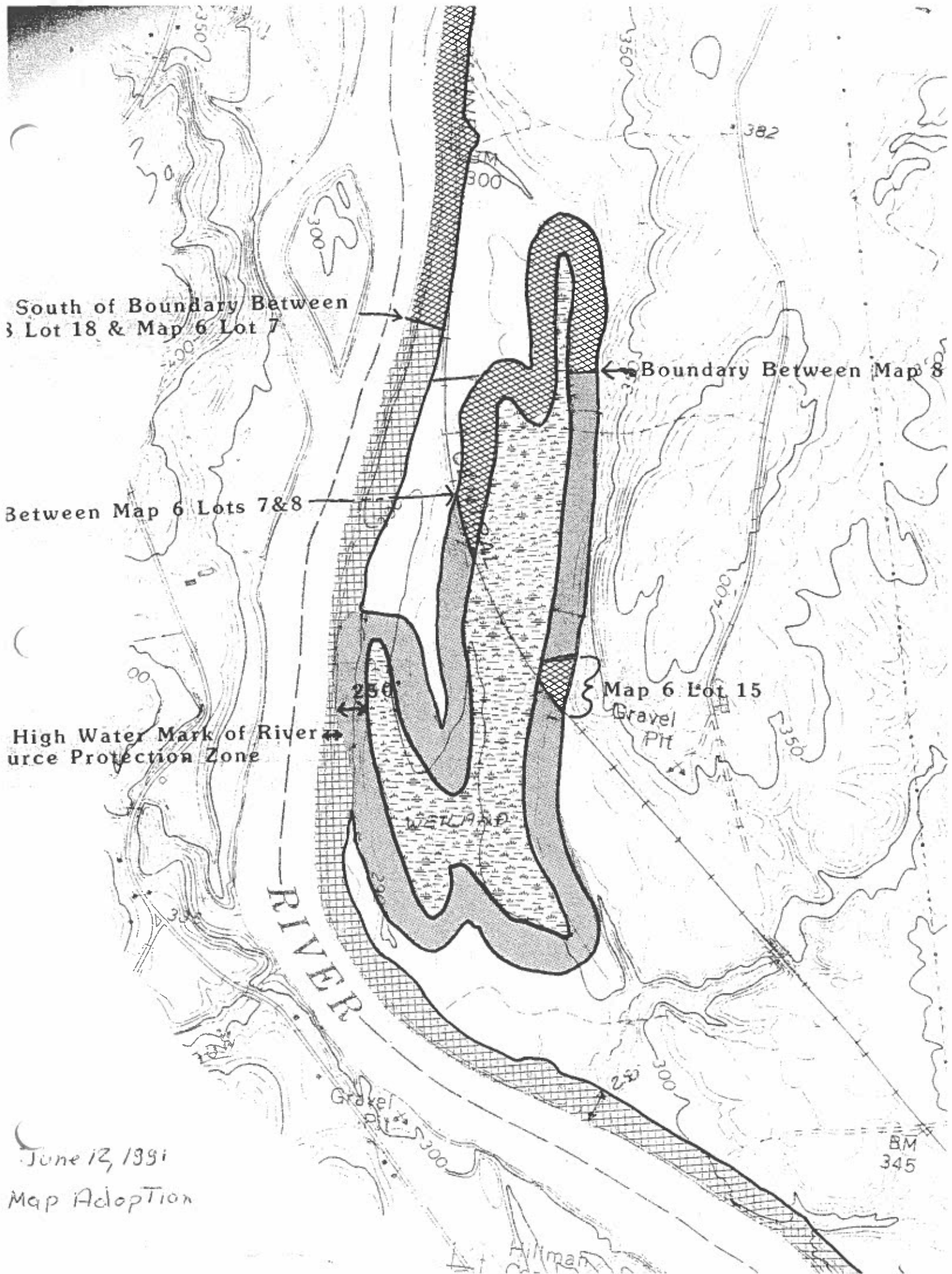
June 10, 1998  
Map Adoption

1000' South of Boundary Between  
Map 8 Lot 18 & Map 6 Lot 7

Normal High Water Mark of River  
to Resource Protection Zone







South of Boundary Between  
Map 3 Lot 18 & Map 6 Lot 7

Boundary Between Map 8

Between Map 6 Lots 7 & 8

High Water Mark of River  
Source Protection Zone

Map 6 Lot 15  
Gravel Pit

RIVER

WELL PAD

Gravel Pit

BM  
345

June 12, 1991  
Map Adoption

Illman

