

*Town of Livermore Falls
Planning Board Meeting
August 4, 2004
Livermore Falls Town Office*

MEMBERS PRESENT: Guy Palmieri, Veronica Pillsbury, Elecia Pillsbury, Rod Wright, Nancy McManemon, and Fran Szostek.

OTHERS PRESENT: Please see the sign-in sheet for other participants.

At 6:07 p.m. Guy opened the Planning Board meeting. Rod/Elecia made a motion to accept the minutes of June 2, 2004 with spelling corrections (vote 6-0-0). Fran/Nancy made a motion to accept the minutes of July 7, 2004 as written (vote 6-0-0).

Guy/Veronica made a motion to go into an executive session to discuss legal procedures given to them by Mr. UnderKuffler, the Town's attorney. Motion was made by Rod/Veronica to close the executive session (vote 6-0-0) 6:15 p.m.

The Planning Board allowed the code enforcement officer to give the history for the application in case there were citizens that had not been able to attend the last meeting and for the record. At the last meeting Mr. Parker's application was tabled because the Planning Board was not sure of a state requirement of distances from schools and churches to an adult business. Since then we have been advised that there are no State laws regarding distances to such establishments, and that the State had given Town's home rule authority. This means that the distances would have to be part of a Town's ordinance, our current adult amusement ordinance does not have site distances so it would not apply to Mr. Parker.

Mr. Parker has gone before the Board of Selectmen to discuss his plans and at that meeting he stated he would withdraw the viewing booths from his application. The Board of Selectmen advised Mr. Parker at that time the adult amusement ordinance would not apply to him if he withdrew the viewing booths, and he would not be required to apply for a special amusement permit through the Board of Selectmen if this were the case. However, he would still need approval from the Planning Board so they referred it back to them.

The code enforcement officer then explained to the public that a letter from the Town's attorney had been passed out to the Planning Board members stating some issues the Planning Board should deal with tonight. The code enforcement officer then passed copies out to the public so they could read along. The Planning Board discussed the following issues:

Question 1: Does the Planning Board interpret the 30-day deadline set by the site plan review ordinance (SPRO) section VI.A as running from the Planning Board's receipt of an application, or from the delivery of the application to the Town Office?

Answer: A motion was made by Rod/Elecia to count the 30-day deadline from the time the Planning Board finds the application complete (vote 6-0-0).

Questions 2&3: Was the Parker application complete at the Planning Board's July 7, 2004 meeting, and what, if any, items required by the SPRO were missing from it? Can and should

the Planning Board notify Mr. Parker in writing at the August 4, 2004 meeting that the application was not complete on July 7, 2004 and if it is still incomplete, why?

Answer: Mr. Parker was present at the meeting and the Planning Board discussed what was missing from the application. A motion was made Rod/Veronica to find the application incomplete for the following reasons: The applicant must prove legal standing, have hours of operation, at least two sketches showing in detail the roads, driveway and parking area, area buildings, the layout of the existing building, etc., provide information on how many people live in the building, and the number of parking spaces they will utilize, state on the application whether there will be no viewing booths or there will be viewing booths, document what type of signage will be utilized, and the hours of operation; this information will be given to Mr. Parker in writing (vote 6-0-0).

Questions 4& 5: Did or did not the Planning Board find the application complete at the July 7, 2004 meeting?

Answer: The Planning Board did not find the application complete at the July 7, 2004 meeting, and there is still information needed to make it complete, therefore, the application is found incomplete for the reasons stated above. Motion to find the application incomplete Rod/Elecia (vote 6-0-0).

Mr. Parker was asked if he understood that his existing application was incomplete and that he would need to submit a clean copy of the application with all the changes on it. Mr. Parker replied yes, he understood. Elecia stated that he would have a new application as of September 1, 2004. The code enforcement officer stated that Mr. Parker would be notified in writing as well.

On other business Rod/Veronica made a motion that any changes to an applications shall be made in writing from this meeting forward (vote 6-0-0). The code enforcement officer stated that now is the time to develop regulations for certain businesses-while the town's people have their eyes open. We have tried for years to develop regulations that control the location and types of businesses within our residential areas, and every time it is voted down. When a business that someone doesn't want in their back yard is proposed they expect the Planning Board, Board of Selectmen, and the code enforcement officer to do something. If we tell the people there is nothing we can do because we have no regulations; they get angry with us. The code enforcement officer stated that after asking several people why they do not attend the town meetings, the answer was "because the issues are already decided on before we get there so it makes no difference". The code enforcement officer stated that it is time for the town to do something about this. Possibly hold a meeting where the people air their concerns on the matters of the town meetings and come up with solutions. Fran said that in a town he worked with they passed out a questionnaire. This seems to be good idea. This appears to be a very big task but we need to start somewhere because the people are what makes a town so lets get them involved! We will discuss this matter further at a later date, the Planning Board members will be thinking of ways to address the matter. Motion made by Guy/Nancy to adjourn the meeting of August 4, 2004, at 7:30 p.m. (vote 6-0-0).