



Town of China

571 Lakeview Drive; China, Maine 04358
(207) 445-2014 info@chinamaine.org

Approved by Planning Board by a vote of 5-0 on January 24, 2023.

Planning Board Meeting

Meeting held in Meeting Room at China Town Office and via ZOOM

January 10, 2023

Begin 6:30 PM

Board members in attendance: Toni Wall, James Wilkens, Natale Tripodi, Michael Brown, Walter Bennett

Attendees: Mary Grow

Assistant Code Enforcement Officer Nick French - Present

Board meeting opened by Chairman Wilkens

Pledge of Allegiance to the American Flag

Review/Approve Minutes November 22, 2022 Meeting

- Co-Chairwoman Wall motioned to approve minutes as written.
- Board Member Tripodi seconded motion.
All in favor. No further discussion.

Review proposed changes to Chapter 9 of the Land Use Ordinance

- Co-Chairman Wilkens opened discussion on revisions to Chapter 9 provided to Planning Board. Co-Chairwoman Wall questioned why Chapter 9? She continued to advise that the responsibility has always been that the Planning Board does the amendment changes and forwards to the Select Board for review and not the other way around. Co-Chairwoman Wall further explained that Chapter 9 is not part of the Comprehensive Plan and that there are other ordinances. She further advised that the Appeals Board should have first comment on Chapter 9. Board Member Bennett explained he would like to see a summary of the changes and why instead of having all the mark-ups. Co-Chairman Wall advised of email chain with other information and asked if there was any additional information Assistant CEO French advised he does not have any thing else to provide.
- Co-Chairman Wilkens questioned where this came from and why? He continued that they have never had any issues with the Appeals Board. Co-Chairman Wilkens explained that Chapter 9 is part of the Land Use Ordinance and would go to the Planning Board first. He further explained that this, failure to follow procedure, is happening a lot. Board Member Bennett inquired why Select Board Member Chesley was not in attendance. Co-Chairman Wilkens explained it is not one individual. Board Member Bennett states he would like to know what is the motivation? Co-Chairman Wilkens inquired why this was brought to the Select Board? He continued that the Select Board should have advised that this would need to go to the Planning Board first since the Planning Board is the governing board. He further explained that this “guts the appeals process”. Co-Chairman Wilkens advised there are fail safes in place for a reason and gave an example of an individual that went to the Select Board and was awarded a permit that should have gone to the



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Planning Board. He continued that the permit should not have been awarded even if DEP said yes, because the China ordinance was stricter. He further advised that it should not have happen and the current issue is going in the same direction. Co-Chairman Wilkens states he has a responsibility to the people of China and he takes that responsibility very seriously. He continued that an idea needs to be brought to Planning Board regardless of who the person is.

- Board Member Bennett inquired into what is the process? Does this individual need to bring something in writing to the Planning Board? Co-Chairman Wilkens explained if someone has an issue; they need to bring it to the Board. Board Member Bennett stated that if they are going to take a vote tonight, they need to be specific with what they are looking for. Co-Chairman Wilkens advised there will be no vote tonight and will be tabled until the Planning Board is advised to “why?” Board Member Bennett inquired if being tabled, is the Planning Board making recommendations of what is need. Co-Chairman Wilkens explained what would be needed from the Select Board for the suggestions of the changes to be made and he advise that the Appeals Board should be directly involved. Co-Chairwoman Wall advised they should contact the Appeals Board Chair. Co-Chairwoman Wall explained that normally the Planning Board receives a letter from the Select Board to look at a specific chapter and/or section. The Planning Board then discusses and rewrites before it goes to a public hearing and is then sent back to the Select Board to be reviewed and voted on. Board Member Bennett explained that they would need a write up of what needs to be addressed and why? Co-Chairman Wilkens explained any change to an ordinance needs to go to the vote. He continued that they need to education the public on the proposed changes with public hearings. Board Member Bennett questioned what action are they taking? Are they sending back to Select Board? Co-Chairwoman Wall advised yes; they are sending back.
- **Board Member Bennett motioned that they return to Select Board with an explanation of how we expect the process to work and should work. Co-Chairwoman Wall seconded and clarified that the motion on the table is to send back and to clarify the process that is to be followed based on the Planning Board Charter. Unanimously approved.**
- **Co-Chairman Wilkens motioned that they find out the reason as to why they are revisiting the appeals process in the land use ordinance. Co-Chairwoman Wall seconded motion. Unanimously approved.**
- Board Member Brown inquired if anyone had spoken to Selectman Chesley regarding the issue? It was advised there has been no discussion from Select Board. The Planning Board Members reiterated that they would like to know the reason “why”. Assistant CEO French provided some insight stating there is no time limits in the ordinance. Co-Chairman Wilkens stated the Select Board should have directed the individual that they would need to go to the Planning Board.

Review of Town Comprehensive Plan

- Co-Chairwoman Wall advised was on last meeting agenda but members needed a chance to review and directed to page 136 for section on recommendations. She continued that there are several areas where Planning Board is involved. She continued was started in 2020 and they have



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10 years to complete. Co-Chairwoman Wall explained they would like them to look at some of the ordinance changes such as phosphorous ordinance to make sure is up to date.

- Co-Chairwoman Wall mentioned home occupations that is listed on page 147 in comprehensive plan and advised this would be a good place to start. She continued that she remembers having levels 1, 2, and 3 of home occupations but has been unable to find in the ordinances. She further advised that when they re-did the rules 2 years ago, it was discussed but now there is only a definition. Board Member Bennett voiced his concern of the description. Co-Chairman Wilkens explained that the levels further defined and asked Assistant CEO French if he had to levels. Assistant CEO French advised he does not. Co-Chairwoman Wall stated they will need to revisit as soon as possible. Board Member Bennett commented that they need to get public input. Co-Chairwoman Wall explained she has been looking at other towns' ordinances.
- Board Member Bennett advised that one of the key elements of the Planning Board charter is to preserve the character of the town. Co-Chairwoman Wall explained plan for next meeting is to look at and discuss recommendations. Co-Chairman Wilkens explained that where it says the Planning Board, they will need to review and maybe change an ordinance. Board Member Bennett advised they will need to come up with a timeframe to complete in order to present to town managers. Co-Chairwoman Wall commented that they should have ready by the end of February. Co-Chairman Wilkens questioned if this would be enough time to get on ballot? Assistant CEO French advised needs to be done by March. Co-Chairman Wilkens explained they will need more than 1 public hearing and they will need to be ready to discuss in detail at next meeting. He continued to explain that each member will need to highlight what they feel needs to be discussed and then they will all come together to discuss. Co-Chairman Wilkens explained the process of when public hearings will be scheduled.
- Co-Chairwoman Wall commented that she thinks the plan really good and very well thought out. Board Member Bennett reminded that there is a section on the need to report on progress. Co-Chairwoman Wall advised they not only need to report to Select Board but also Comprehensive Plan Implication Committee. Co-Chairwoman Wall asked Mary Grow if she was aware if the Select Board had appointed the committee. Ms. Grow advised she was not sure but directed further inquire to the Town Manager. Co-Chairman Wilkens explained last comprehensive plan was 5 years and wants to make sure they put in place what can be done. He reminded that these are all volunteers.
- Board Member Bennett voiced his interest in discussing solar and invasive land use. Is there anything in plan? Co-Chairwoman Wall advised there is something under farm. Board Member Bennett stressed he is worried about the character of the town. He continued that they need to look at use within the confines of the comprehensive plan. Co-Chairman Wilkens referenced page 158, under designate growth area and read aloud. Board Member Bennett states they need to do an have an obligation to responsible development. He further stated that there is no excuse to have an eye sore. Co-Chairwoman Wall explained that is why they need to have a comprehensive plan. Co-Chairman Wilkens referenced page 144, regarding commercial clusters and read section aloud. Board Member Bennett states is industrial, not commercial and they should be able to



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limit. Co-Chairman Wilkens advised solar is a commercial use and Assistant CEO French advised is akin to farming. Board Member Brown advised of visual resources. Board Member Bennett voiced is frustrations with current solar installations. Co-Chairman Wilkens gave examples of character of town and also advised is development for the land owner. Co-Chairman Wilkens explained of past discussions on having an ordinance for business facades, for example the façade of McDonald's in Freeport, goes with the character of the town. He continued that the ordinance got turned down. There was discussion on store facades that go with the character of the Town.

- Co-Chairwoman Wall questioned if Chapter 2 Section 5 was voted on and passed? Co-Chairman Wilkens confirmed was voted and passed. Co-Chairwoman Wall inquired if the new versions of Chapter 2 and Chapter 11 were on the China website. She advised she is going to look to see if the updated versions are on the website. Co-Chairman Wilkens explained they need to be there as the CEO needs to have these regarding traffic and other factors. Board Member Bennett advised the wording is too ambiguously and is referring to the versions that was referenced in the Town Attorney letter. Co-Chairman Wilkens states they are still waiting on a response from that letter. He continued to advise the Planning Board does the change for use. There was discussion on changes of use. Co-Chairwoman Wall explained they need to find the definitions of section 5 that were voted on, under home occupations that have the duties and tasks. Assistant CEO French advised he could not find change of use under definitions. Co-Chairman Wilkens gave examples of past changes of use and advised that it is to make sure everyone knows that what is going on is legal.
- Co-Chairwoman Wall states they really need to concentrate on recommendations and states she will work on putting together a work plan. Co-Chairman Wilkens explained then they can come up with timeline with milestones for the Planning Board to present to the Select Board.

Planning Board Budget

- Co-Chairwoman Wall explained what items she reviewed when looking at the budget. She explained computer and internet services is one item that is going to change and has added in costs for printing materials for packets that Assistant CEO French prints for members. She continued that she put MMA for writing ordinances and explained making changes to ordinances that are already there versus writing a new ordinance. Co-Chairwoman Wall states she added in town lawyer, in case needed, and the cost of workshops with MMA. Co-Chairwoman Wall explained she is going to ask for a quarterly report to track where the money is going. She advised the budget has been submitted and needs to go before the budget committee.

CEO Report

- Assistant CEO French advised that he has issued the first new home permit of the year. He continued that there were 28 new home constructions last year and where only projected for 16-17 in the comprehensive plan. Assistant CEO French advised there could be more housing permits coming up and there have been 2 fires in the area in the last 2 weeks.



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- Assistant CEO French explained amnesty program is extended to the end of February. Co-Chairman Wilkens inquired into violations of DEP rules? Assistant CEO French advised there have been no DEP violations and gave some examples.
- Assistant CEO French explained sent out 15 complaint letters 2 weeks ago and will send bills after amnesty program ends. He continued to explain that they are working on cleaning up from past accessor observations.
- Co-Chairwoman Wall inquired into any new applications? Assistant CEO French advised no new applications. He advised the had one that was thinking about doing redemptions out of a garage. Planning Board members advised cannot do. Assistant CEO French advised of rehabilitated buildings.

There was discussion on meetings and bad weather. Co-Chairwoman Wall suggested doing ZOOM meetings if weather is going to be bad since they have pressing work to do.

Future Schedule and Adjourn

Next Planning Board Meeting: January 24, 2023

Motion to adjourn meeting made by Board Member Bennett

Motion seconded by Board Member Wall

There was no further discussion and the motion to adjourn was unanimously approved.

Respectfully Submitted,
Dawn Kilgore
Planning Board Secretary