



# Town of China

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

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*Approved by Planning Board by a vote of 4-0 on February 13, 2024*

Planning Board Meeting

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

January 23, 2024

Begin 6:30 PM

Board members in attendance: Toni Wall, Natale Tripodi, Michael Brown, Elaine Mather

Attendees: Mary Grow, Carrol White, Dan Coleman

Code Enforcement Officer Nick French – Present via ZOOM

Board meeting opened by Chair Wall

Pledge of Allegiance to the American Flag

Chair Wall brought Board Member Tripodi into voting capacity.

## **Review/Approve Minutes January 9, 2024 Meeting**

- Board Member Mather motioned to approve minutes as with changes.
- Board Member Tripodi seconded motion.  
All in favor. No further discussion.

## **Conditional Use Permit – Carrol F. White**

(Conversion of building at 15 Main Street China Village to four (4) two (2) bedroom apartments)

- Chair Wall opened discussion on conditional use permit. Chair Wall explained it is old grange hall that Mr. White would like to convert into two 4-bedroom apartments. Mr. White advised the name of the building is the Silver Lake Grange Hall. Chair Wall asked for a motion of completeness of the application? Chair Wall motioned application is not complete and explained that the reason being is they have not been accepting applications with answers of no, yes or n/a to the 15 criteria. She continued that they need more explanation. Board Member Tripodi seconded motion. Chair Wall explained to Mr. White that they will not be reviewing but will provide the opportunity for the Planning Board to let him know what should be included. She continued that she is aware of the history of the building and they need more detailed answers then just yes and no. Board Member Brown inquired if Mr. White would like help? Mr. White explained he had reviewed with CEO French and was under the impression this was already figured out. Mr. White read Criteria 2 aloud since it has a no answer. Chair Wall explained it does not tell anything about the access, that there is a turn around on the right side for access for emergency vehicles. Chair Wall advised on #3 regarding exterior lighting and questioned that having tenants there, she would assume there is going to be some exterior lighting illuminating the parking area and entrances? She further questioned if the lighting will be motion sensed and will be pointing downward as to not disturb neighbors? Chair Wall asked if there is any plan for buffering between adjacent properties? Chair Wall suggested stating for the answer if they do or



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do not plan on adding any buffering for neighboring properties and if they do, to state what kind of buffering. On #5, Chair Wall explained this is described as a 4-unit apartment building, for residential use only so the noise will be minimal. Chair Wall explained that they need more information in order to write a finding of facts and cannot just have an answer of “no”. Chair Wall inquired for criteria pertaining to vehicular loading and unloading, if there will be parking spaces for these individuals and if there will be a space in the front of the building to allow for off-loading for new residents moving in? Chair Wall advised on #7, regarding effect on adjacent properties, agrees will enhance area but needs to explain the Silver Lake Grange has been there since 1921. She continued that they are not in a flood zone for #8. Chair Wall explained on #9 for adequate disposal of waste water, there is a leach field and septic that needs to be overhauled. She continued on #10 regarding erosion, that adequate provisions have been taken. She further questioned how will that be accomplished for #11 regarding stormwater runoff and drainage? Chair Wall questioned on #12 regarding water supply, is there a well and will it be adequate for apartments and fire protection? Chair Wall mentioned that is a residential building and there would be no hazardous substances nor a significant impact of scenic vistas. She continued that the building is located in the rural zone. Chair Wall asked CEO French if he would help Mr. White complete the application better? CEO French he advised he will. Chair Wall asked for vote on motion for application being incomplete. Unanimously approved

- Mr. White explained the reason Mr. Coleman is here is because he is interested in purchasing the building. Mr. White explained with a history of 30+ years for the building, he has agreed that he would take it through the permitting stage and Mr. Coleman would take the building from there. Mr. White advised of the issue with variance in the past. Mr. White explained he had gone to the Appeals Board years ago and was granted a variance at the time due to a nonconforming lot. He continued that no one at that time realized that a variance needed to be recorded with the Registry of Deeds within 90 days of issuance. He further explained that when he tried to record the variance, he was told what he had was not a recordable document. Mr. White advised the Appeals Board Chair corrected by writing up a new variance that could be recorded to the Registry of Deeds and Mr. White advised he did record the second copy. He explained that is why there are 2 copies of a variance included since one that was not recordable and the second variance that was recorded. Mr. White stated he thought he was ok until the past CEO did not accept it and this is where we are 30+ years later. Mr. White explained he spoke with CEO French and was advised to come to the Planning Board with conditional use application. Chair Wall questioned if 1992 variance is still legally binding? CEO French explained was record after they learned of the issue. He continued when the 1<sup>st</sup> variance was issued, the Town Manager was acting as CEO and was not aware they needed to provide space for a notary. When was alerted to the error, Mr. White brought the variance to the Registry of Deeds after getting the variance notarized? Chair Wall inquired into 1999 notice being signed. CEO French explained that the 1992 was not valid because it was not filed within 90 days of the decision. Board Member Mather clarified that the document was approved on 8-22-1991 by the Appeals Board and needed to be recorded within 90 days of that date. She continued that 8 years after, a notary was added, and it was reissued. Chair Wall questioned if it is valid? CEO French advised that he has reached out to MMA legal and was advised they would not have issued something like this. He continued that he is trying to go through proper channels to get this taken care of. Chair Wall explained what they should do is have Mr. White complete the application so it is a complete application and go through the 15



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criteria. She advised that is under #1, if the 1992 variance is valid? She continued they will need to need to find out if valid. Mr. White explained that did not realize there was an issue until he went to apply for permits and CEO would not accept it. He continued he has been in limbo since then and wants to get over and done with. Chair Wall advised document states needs to be filed within 90 days of final written approval. Board Member Mather explained they would want something clean. She continued would need a revised application. Mr. White explained he does not want a cloud over this and would like some help from the Town. Mr. White advised he will do what it takes to get corrected but need to know what that process is. Chair Wall explained if application is complete at next meeting, there will be a public hearing at the same time, they will then go through the 15 criteria. She explained that most likely it will be found not to meet the dimensional requirements and would need to go to the Appeals Board for a new variance. Mr. Coleman advised he is a vested interest in the building. Board Member Brown advised they will need to hear Mr. Coleman's vision for the building. Mr. Coleman has been in good contact with Mr. White regarding permit application. Chair Wall explained she will work with CEO French on 15 criteria and will put on agenda with public hearing for February 13<sup>th</sup> meeting. She continued they will send out notice to the abutters. Mr. White explained he has not kept up building due to issues with variable. Chair Wall advised they want to make this as easy as possible and they will work with him on this.

## **Solar Ordinance**

- Chair Wall advised she sent email with updated copy of solar ordinance. Chair Wall asked the Planning Board members for a motion to accept and move the ordinance forward to the Select Board for review. Board Member Brown inquired if it will come back one more time for the Planning Board to review? Chair Wall explained will come back one more time to the Planning Board for review.
- Board Member Brown motioned to move the Solar Ordinance to Select Board for review. Board Member Tripodi seconded motion. Unanimously approved.

## **Chapter 2 – Land Use Ordinance**

- Chair Wall opened discussion on Chapter 2. Chair Wall advised sent email to Planning Board Members regarding Chapter 2 Section 5, Dimensional requires for structures. Chair Wall explained the DEP changes were never adopted and have now put the language into the ordinance Chair Wall explained new language comes from Colin Clark at DEP. All new language for primary accessory structure and new language for high water mark. Board Brown inquired if new DEP language has been inserted into sections? Chair Wall confirmed the new language has been inserted and is actually stronger than previous language. CEO French explained they cannot be less restrictive and this should have caught in 2022 update. Chair Wall advised did make changes to definitions to “waterbody” and “wetland. Chair Wall advised the other big change is LD2003 which is regarding affordable housing density that will go into effect on July 1 2024. She continued that all language needs to be added to the ordinance but there is question as to the appropriate section it would go in. Chair Wall states they have asked KVCOG for assistance before they send onto Select Board. Chair Wall advised is working on cleaning up paragraph references. Chair Wall states they need to get affordable housing information into the ordinance



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as soon as possible as this needs to be ready by June 2024. Chair Wall advised she will work with Town Manager and CEO French on Chapter 2. Board Member Tripodi questioned how different is State from what they have? Chair Wall advised they can be more restrictive but not less. CEO French advised of China designated growth area is from Route 3 towards the Augusta side to Route 32 just past the Legion, and then down Route 32 to Weeks Mills Road in China. Chair Wall advised a good portion is in Resource Protection. Board Member Brown inquired if they would still need to meet the height requirements? Chair Wall explained if are using accessory buildings as affordable housing, they need to build that language into the ordinance to allow. CEO French explained there is a percentage dedicated to affordable housing and explained the affordable housing would be in the designated growth area and the septic would need to be able to support the additional units. He further explained the requirements and the dimensional requirements of accessory structures. CEO French stressed that the affordable housing will go into effect July 1<sup>st</sup> 2024. Chair Wall states will talk with Town Manager.

## **CEO Report**

- CEO French advised he has nothing to report at this time. He will be traveling back to Maine on February 16<sup>th</sup>.

## **Chairperson Communications**

- Chair Wall explained she has been working on the annual report for the Planning Board and will send out to the Planning Board members for review. Board Member Brown thanked Chair Wall for all her work on the ordinances.

## **Future Schedule and Adjourn**

Next Planning Board Meeting: February 13, 2024

Motion to adjourn meeting made by Board Member Mather

Motion seconded by Board Member Tripodi

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

Respectfully Submitted,  
Dawn Kilgore  
Planning Board Secretary