



Town of China

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

Approved by Planning Board by a vote of 3-0 on October 26, 2021

Planning Board Meeting

Meeting held in portable building and via ZOOM

October 12, 2021

Begin 6:30 PM

Board members in attendance: Toni Wall, James Wilkens, Randall Downer, Natale Tripodi

Board members not in attendance: Scott Rollins

Attendees: Brent Chesley, Mary Grow, Jayson Mortimer, Liz Mortimer, Miguel Rivera, Steve Belman, Cheryl Belman, Brian Nieto.

Code Enforcement Officer Jaime Hanson present

Board meeting opened by Chairman Downer

Pledge of Allegiance to the American Flag

Chairman Downer brought Board Member Tripodi into voting capacity.

Review/Approve Minutes September 28, 2021 Meeting

- Board Member Wilkens motioned to approve minutes with amendments.
- Board Member Wall seconded motion.
 1. Board Member Wall added word “this” to a statement made by CEO Hanson
 2. Board Member Wall requested clarification if question was asked by Board Member Rollins or of him? It was confirmed it was a question asked by Board Member Rollins.
 3. Board Member Wall inquired in 3rd bulletin, if it should be 8.5 or 9.1. It was determined it should be 8.5 for both sections.

All in favor. No further discussion.

Public Hearing for Conditional Use Permit application for Miguel Rivera: Medical Marijuana Retail Store at 1097 Route 3

- Chairman Downer explained that the application has already been accepted as complete at the previous meeting. CEO Hanson confirmed abutters were notified by mail. Chairman Downer open the floor up to allow Mr. Rivera the opportunity to present.
- Mr. Rivera inquired if there are any questions. There was discussion on ADA signage and if door measurements are ADA compliant. Mr. Rivera advised one door is ADA compliant. CEO Hanson explained that bathroom is not ADA compliant and advised would need to be if they are planning on offering as a public restroom. Mr. Rivera explained they will have 3-4 employees and plan on leaving the restroom as private use only. It was advised that they would need a building permit for restroom if they decided to offer as public use. Board Member Wilkens inquired into the status of the septic



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system. CEO Hanson advised the use has not changed. There was discussion on building and freestanding signage and when a sign permit would be needed. Chairman Downer continued that the sign permit is issued by the CEO and will have no bearing on the current application before them. Board Member Wilkens inquired if there will be ADA parking? Mr. Rivera explained they will have parking 6 spots with one being designed as handicap parking. CEO Hanson further explained that there needs to be one ADA designated spot per every 8 parking spots. Board Member Wilkens inquired if they will have a ramp next to the ADA designated spot. Mr. Rivera advised they would get building permit and a contractor to take the next step. CEO Hanson questioned if they are just doing inside renovations? Mr. Rivera further advise the building is a well standing building and they will just be power washing the outside and adding more lighting inside.

- Board Member Wall inquired into the business hours? Mr. Rivera advise they can only do 9-7 by State law. Board Member Wall inquired into the days they will be open. Mr. River explained they will be open 7 days a week
- Chairman Downer voiced his concerns if this was near wetlands? CEO Hanson explained the wetlands are on the north side and there is no new development within 75ft. Board Member Wilkens explained was passed with previous company and they would use the ordinance they currently have. CEO Hanson further explained it is about any new development such as increasing parking. He continued they could not put parking behind the building. Chairman Downer questioned if they can handle parking as to not impact the wetlands? Mr. Rivera explained all the parking will be in front of the building. Board Member Wall questioned if they intent to pave the parking area. Mr. River explained they plan to keep as is currently, is a dirt parking area, but would like to update in the future. Board Member Wall expressed her concern of run off that could go across Route 3 and into wetlands. There was extensive discussion on parking surfaces and the impact.
- Chairman Downer inquired if they have received any comments? Board Member Wall questioned if there was anyone present form the public that had questions. A member of the public advised they have some questions. Mr. Rivera inquired if there were any issues with sign logos as he wants to start working on the signs. CEO Hanson stated there is nothing wrong with signs and there are no erosion issues. Mr. Rivera further explained he has all necessary permits from State of Maine.
- Chairman Downer opened the public hearing at 6:51pm and invite members of the public to speak. There was a question if there would be any growing at the location? It was advised there would be no growing and is only a retail location. Steve Belman, a member of the public questioned the setbacks from the boundary lines? CEO Hanson explained there are the existing setbacks and explained the setbacks for a new property. Mr. Belman further questioned if there will be any growing or drying at the location? He expressed his concern since the odor can be an irritant to some people. Mr. Rivera confirmed there



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will be no growing or drying at the location. Chairman Downer called for any other comments? Chairman Downer closed the public hearing at 6:54pm.

- Board Member Wall confirmed the copy of the application they have is the correct copy? CEO Hanson confirmed the copy they have is correct as there had been previous discussion of question #15 because zoning did not apply.
- **Board Member Wilkens motioned to review criteria. Board Member Wall seconded motion**
 1. Criteria 1 and its responses were read aloud. There was question as to the correct item number under Chapter 2, Section 4 since it had been left blank on the application. Board Member Wilkens questioned if it should be item 1. CEO Hanson corrected that it should be item number 15 of list. Board Member Wilkens motioned for approval of Criteria 1 as complete with the correction of number 15 in the item number field. Board Member Wall seconded motion. No further discussion. Unanimously approved.
 2. Criteria 2 and its response were read aloud. Board Member Wall motioned for approval of Criteria 2 as complete. Chairman Downer seconded motion. Board Member Wall inquired regarding letter for Fire Department? CEO Hanson advised will need an AUX box. Mr. Rivera states he has contacted Fire Department. No further discussion. Unanimously approved.
 3. Criteria 3 and its responses were read aloud. Board Member Wall motioned for approval of Criteria 3 as complete. Board Member Wilkens seconded the motion. Chairman Downer questioned if there is security lighting? Mr. Rivera advised there is lighting over the front door and on the structure. Board Member Wall inquired if he will be making any changes? Mr. Rivera advised he will not be adding anything. Chairman Downer explained they will be approving as is and Mr. Rivera may need to come back later if make changes. Mr. Rivera advise he would be willing to coming back if needed. No further discussion. Unanimously approved
 4. Criteria 4 and its responses were read aloud. Chairman Downer motioned for approval of Criteria 4 as complete. Board Member Wilkens seconded motion. No further discussion. Unanimously approved.
 5. Criteria 5 and its responses were read aloud. Board Member Wall motioned for approval of Criteria 5 as complete. Board Member Tripodi seconded motion. Chairman Downer questioned it there will be any loud speakers outside? Mr. Rivera explained there would not be any loud speakers. No further discussion. Unanimously approved.



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6. Criteria 6 and its responses were read aloud. Chairman Downer motioned for approval of Criteria 6 as complete. Board Member Wall seconded motion. Board Member Wall questioned, with parking lot, would there be one primary entrance and one primary exit or would they be combined? Mr. Rivera advised they will have one enter and one exit. CEO Hanson explained can do with sign permit but would need to find property line to help determine placement of signage for enter and exit. CEO Hanson explained the maximum size for a sign is 12 X 18". Board Member Wilkens commented that the previous property was not delineated. Board Member Wall advised of her concern of traffic safety. Mr. Rivera advised they are on a nice straight away for viewing. CEO Hanson explained he will help and this could be eligible for official state signage. Mr. Rivera reiterated he want to take proper steps. Chairman Downer stated it is a great idea and it really needs to be clearly marked. No further discussion. Unanimously approved.
7. Criteria 7 and its responses were read aloud. Board Member Wall motioned for approval of Criteria 7 as complete. Chairman Downer seconded motion. Chairman Downer explained there is clearly no growing or drying at location, only retail. Wilkens confirmed this was answered in public hearing. No further discussion. Unanimously approved.
8. Criteria 8 and its responses were read aloud. Board Member Wilkens motioned for approval of Criteria 8 as complete. Chairman Downer seconded motion. Chairman Downer expressed his concern of any fuel spillage that could happen at the location going down the roadway. He continued this could be highly problematic. No further discussion. Unanimously approved.
9. Criteria 9 and its responses were read aloud. Board Member Wall motioned for approval of Criteria 9 as complete. Board Member Wilkens seconded motion. No further discussion. Unanimously approved.
10. Criteria 10 and its responses were read aloud. Board Member Wall motioned for approval of Criteria 10 as complete. Chairman Downer seconded motion. Board Member Wall inquired if there will be a visual check periodically? Mr. Rivera advised yes, there will be a visual check periodically. No further discussion. Unanimously approved.
11. Criteria 11 and its responses were read aloud. Board Member Wall motioned for approval of Criteria 11 as complete. Board Member Wilkens seconded motion. No further discussion. Unanimously approved.
12. Criteria 12 and its responses were read aloud. Board Member Wilkens motioned for approval of Criteria 12 as complete. Chairman Downer seconded motion. Board Member Wilkens advised will need a letter from Fire Dept for the Town record and this will be a condition for the permit. CEO Hanson advised Mr. Rivera he can bring the letter to the Town office. **Condition: Must provide**



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letter from Fire Department for Town record. No further discussion. Unanimously approved.

13. Criteria 13 and its responses were read aloud. Board Member Wall motioned for approval of Criteria 13 as complete with the modification of “it” to the wording. Board Member Wilkens seconded motion. Board Member Wall inquired into the process if product does not pass safety test. Mr. Rivera explained that they have a burn pile in Windsor and will be disposing of properly. He further explained the disposal process to the Board. Chairman Downer questioned if there were any other hazardous materials? Mr. Rivera advised there are no pesticides or any other hazardous materials. Chairman Downer inquired if there are any generator batteries at the location? Mr. Rivera explained there are not. CEO Hanson further advised a generator would be gas or diesel and would have its own storage requirement. No further discussion. Unanimously approved.
14. Criteria 14 and its responses were read aloud. Chairman Downer motioned for approval of Criteria 14 ad complete. Board Member Wall seconded motion. No further discussion. Unanimously approved.
15. Criteria 15 and its responses were read aloud. Per CEO Hanson, this is not applicable. Board Member Wall motioned for approval of Criteria 15 as complete. Board Member Wilkens seconded motion. No further discussion. Unanimously approved.

Board Member Wilkens motioned all 15 criteria have been met with the condition of the letter from the Fire Department. Board Member Wall seconded motion. All in favor. No further discussion.

Board Member Wall and Chairman Downer both explained the there is a 30-day appeal period for the public to request an appeal of the conditional use permit. Mr. Rivera reiterated that he will be taking everything one step at a time and will continue to work with CEO Hanson to remain in compliance.

New Conditional Use application by Jayson Mortimer: Automobile Repair Business in existing garage at 86 Vassalboro Rd

- Chairman Downer advised of the new application for an automobile repair business before the Board. CEO Hanson explained location is up the road from the storage units and the car wash.
- Mr. Mortimer explained they will not have any junk vehicles on the property and any junk vehicles will be towed away. He continued that he will be doing State inspections and auto repairs. Board Member Wall inquired if he would be doing oil changes? Mr. Mortimer advised he will be and oil will be burned in the oil burner and anti-freeze will be dealt with by Safety-Kleen. Mr. Mortimer states he has spoken to all abutting property owners. Board Member Wall questioned where is the oil burner located? Mr. Mortimer explained is in the garage and has been there for 10 years. Board Member Wall advised she wanted to make sure was not carrying oil across property. Mr. Mortimer explained



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the furnace is designed to burn waste oil. Board Member Wall questioned if Mr. Mortimer has absorbent pads and the number to DEP for any spills? Mr. Mortimer advised he has absorbent pad and will get number for DEP. He continued he will do what is needed.

- Board Member Wilkens inquired how far is garage from well? Mr. Mortimer advise the well is in the back of property, about 100 yards. He continued that the septic is between the garage and the house.
- Board Member Wilkens inquired into distance of garage from the storage facility? There was discussion of possible drainage going into 3-Mile Pond and wetlands. Board Member Wilkens advised there are polishing ponds near the storage facility to which Mr. Mortimer advised there are 4 ponds. CEO Hanson explained the closest subdivision is 800 feet away with a wooded area in between.
- Board Member Wilkens advised they will need a public hearing. Board Member Wall concurred. **Board Member Wall motioned to schedule a public hearing for this conditional use permit application. Chairman Downer seconded motion.** Board Member Wall reiterated that they need to make sure everyone has a say.
- Chairman Downer questioned the current lighting? Mr. Mortimer stated he does not except to change the lighting. Board Member Wilkens advised will need a sign permit from CEO. Mr. Mortimer explained will have 2 signs and will not have any neon or lighted signage. Board Member Wall questioned hours of operation? Mr. Mortimer explained he is looking at 7am to 7pm or could do 8am to 5pm. There was some discussion of hours of operation with CEO Hanson advising of sound ordinance changes and explaining loud noises would violate ordinance. Mr. Mortimer advised will set hours of operation as Monday through Saturday from 7am to 7pm as to allow for variation to hours within that timeframe as needed.
- Board Member Wall inquired if application is complete? CEO Hanson stated he still needs a septic design. Chairman Downer explained they will need to hold off on approving a completed application until they have the septic design. CEO Hanson further explained he does not know what is currently in place as the septic would have been inspected with the building permit and he was unable to find a copy of the building permit. Mr. Mortimer stated he may have the paperwork at home. Mr. Mortimer advised it is the original septic and that he has had no issues. He continued that there will be no bathroom in the garage. Board Member Wilkens confirmed they will need to hold off on approving the application as complete.



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- CEO Hanson advised certified mailings will be sent to all abutters. Mr. Mortimer explained he has letters from some abutters already. It was explained that the Planning Board needs to follow the proper procedures for abutter notifications. Chairman Downer questioned if they can go to abutters notice without the application complete? It was advised they can still send out the notices. The public hearing was scheduled for November 9th. It was advised there will still be a Planning Board meeting on October 26th to discuss other items.
- Board Member Wilkens advised Mr. Mortimer to get a letter from the South China Fire Department as the will be needed for the application. Chairman Downer tabled the discussion to November 9th

Remote Participation Policy

- Board Member Wall advised that the Planning Board did vote to approve the Remote Participation policy at the last meeting. She further explained that the only changes needed were to add the names of the Planning Board members. CEO Hanson explained they would need to get signed once changes are made. Chairman Downer stated they can sign at next meeting.
- Board Member Wall advised they need to add “Approve Minutes” section back to agenda.

CEO Report

- CEO Hanson advised last month there was a slight turn down in permits with 17 new building permits and 7 plumbing permits. He continued that there have been some new constructions and he has issued 1 shoreland authorization letter where there needs to be replanting done. CEO Hanson further advised that he currently has 26 permits in review.
- CEO Hanson advised of a shoreland cutting violations and states he is working with DEP and land owner to decide what to replant. He continued to advised there are ready to plant and this will take up an area of about 125 ft across. He further explained the area was previously covered with sumac and was cleared out. CEO Hanson explained they are going to plant hard woods and the DEP has determined the number of trees and has marked out a curved meandering path. CEO Hanson continued that he placement of the trees been stacked out and they will be planting maple trees, with 2 maple trees being planted down by the water to close the gap. He advised the land owner will be getting the trees soon. Chairman Downer inquired if the neighbors aware? CEO Hanson explained he will advise the neighbors.
- Board Member Wilkens regarding wash out on Fire Road 24. CEO Hanson explained he has met with Scott Pierz regarding what needs to be done. CEO advised they will need to put in a larger culvert. He continued a DEP permit is not required as it is maintenance of the existing culvert. Board Member Wilkens stated he was curious how it had faired with all the rain recently?



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Future Schedule and Adjourn

Next Planning Board Meeting: October 26, 2021
Motion to adjourn meeting made by Board Member Wilkens
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