



Town of China

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

Approved by Planning Board by a vote of 4-0 on February 27, 2024.

Planning Board Meeting

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

February 13, 2024

Begin 6:30 PM

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

Board members not in attendance:

Attendees: Andrew Johnston, Mary Grow, Carrol White, Brent Chesley, Cathy Chesley, Dan Coleman (via ZOOM), Nick Lacasse

Code Enforcement Officer – Nick French (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 23, 2024 Meeting

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

White – Conditional Use Application

- Chair Wall opened discussion on conditional use permit application. She explained application was resubmitted and the applicant worked with CEO French to update answers to criteria questions for a more complete application. Chair Wall asked for a motion that application complete?
- Board Member Mather motioned that the application is complete. Board Member Brown seconded the motion. Unanimously approved. Chair Wall explained they will go through the 15 criteria submitted.
- **Criteria**
 1. Criteria 1 and its responses were read aloud. Chair Wall inquired to Mr. White if there will only be 4 apartment units? Mr. White confirmed that there will only be 4 apartment units and is building to Mr. Coleman's specifications. Chair Wall explained the reason the building does not meet dimensional requirements is there needs to be 40,000 sq. ft. for the building its self and each additional unit needs 20,000 sq. ft. per unit. She continued that there is only a little over 50,000 sq. ft. total would require a variance from the Appeals Board. Board Member Brown commented that there is only enough square footage for 1 apartment unit. CEO French explained, they would need to have 160,000



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sq. ft. for the 4 units but they only have 50,000 sq. ft. **Board Member Mather motioned for disapproval of Criteria 1 because dimensional standards have not been met. Board Member Tripodi seconded motion.** Board Member Brown inquired based on standards would need to 60,000 sq. ft to put in a residence? CEO French explained would need 40,000 sq. ft. for one unit. Board Member Brown questioned that this would have passed the criteria for one unit? CEO French explained if the building was located in a different district, they would only need 40,000 sq. ft. total. Chair Wall read Section 5 (B) (A) aloud stating that there needs to be an additional 20,000 sq. feet for each additional unit. **Criteria 1 disapproved by Chair Wall, Board Member Mather and Board Member Tripodi. Board Member Brown abstained from vote.**

2. Criteria 2 and its responses read aloud. Board Member Brown motioned for approval of Criteria 2 as complete. Board Member Tripodi seconded motion. Board Member Mather expressed her concerns with parking. She questioned if every apartment would be assigned spaces? Will there be additional parking for guests? Mr. White explained each apartment will be assigned parking spaces and there will be parking for guests. Board Member Mather inquired if there will be an occupancy limit to prevent parking issues? Mr. White advised they would limit number of occupants allowed and there is an additional acre behind the building that can be used for parking. Board Member Mather questioned if the location of the dumpster would be taking away from the parking? Mr. White advised the dumpster location will not be taking away from the parking. No further discussion. Unanimously approved
3. Criteria 3 and its responses were read aloud. Board Member Mather motioned for approval of Criteria 3 as complete. Board Member Tripodi seconded motion. No further discussion. Unanimously approved.
4. Criteria 4 and its responses were read aloud. Board Member Mather motioned for approval of Criteria 4 as complete. Board Member Tripodi seconded motion. Board Member Brown inquired if specific grassed area will be turned into parking? Mr. White advised the area will remain grass. Board Member Brown advised is a fairly noticed area and wanted to make sure boundary lines are stated. Mr. White explained property has been surveyed and a copy of the survey was provided with the application. He also explained the survey has been recorded with Registry of Deeds. No further discussion. Unanimously approved
5. Criteria 5 and its responses were read aloud. Board Member Mather motioned for approval of Criteria 5 as complete. Board Member Brown seconded motion. No further discussion. Unanimously approved.
6. Criteria 6 and its responses were read aloud. Board Member Tripodi motioned for approval of Criteria 6 as complete. Board Member Mather seconded motion. Board Member Mather questioned if parking areas will be near the building and what does “near” mean? Is it adjacent to the building? How far away will parking be? Mr. White



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explained there will be no parking on the street and parking will be next to the building and behind the building. No further discussion. Unanimously approved.

7. Criteria 7 and its responses were read aloud. Board Member Mather motioned for approval of Criteria 7 as complete. Board Member Brown seconded motion. No further discussion. Unanimously approved.
8. Criteria 8 and its responses were read aloud. Board Member Tripodi motioned for approval of Criteria 8 as complete. Board Member Brown seconded the motion. No further discussion. Unanimously approved.
9. Criteria 9 and its responses were read aloud. Board Member Mather motioned for approval of Criteria 9 as complete. Board Member Tripodi seconded motion. Chair Wall inquired who is the licensed site evaluator? Mr. White advised it is Jake McKenna. **Condition: copy of system design being developed be provided to Town Office.** CEO French stated he cannot issue the conditional use permit until he has a copy of the system design. No further discussion. Unanimously approved.
10. Criteria 10 and its responses were read aloud. Board Member Brown motioned for approval of Criteria 10 as complete. Board Member Tripodi seconded motion. No further discussion. Unanimously approved.
11. Criteria 11 and its responses were read aloud. Mr. White advised the State had installed a catch basin to take care of the water problem on Main St. Board Member Brown motioned for approval of Criteria 11 as complete. Board Member Mather seconded motion. Board Member Mather inquired if there will be any paving? Mr. White explained he is not sure what Mr. Coleman has in mind but if there was any paving, it would be directed towards the ditch. No further discussion. Unanimously approved.
12. Criteria 12 and its responses were read aloud. Mr. White advised there are wells to either side of the property. Board Member Brown motioned for approval of Criteria 12 as complete. Board Member Mather seconded motion. No further discussion. Unanimously approved.
13. Criteria 13 and its response were read aloud. Board Member Tripodi motioned for approval of Criteria 13 as complete. Board Member Mather seconded motion. Chair Wall questioned if there will be a dumpster on site for trash disposal? Mr. White advised there will be an onsite dumpster but is not sure if contents will go to Transfer station or another facility. No further discussion. Unanimously approved.
14. Criteria 14 and its responses were read aloud. Board Member Brown motioned for approval of Criteria 14 as complete. Board Member Tripodi seconded motion. No further discussion. Unanimously approved.



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15. Criteria 15 and its responses were read aloud. Board Member Mather motioned for approval of Criteria 15 as complete. Board Member Brown seconded motion. No further discussion. Unanimously approved.

- Board Member Mather comments Mr. White that he has had the property a long time and has gone through this procedure before and they are looking to make this a clean process but is concerned 1st application had survey or plot plan but 2nd application did not. Will the information be incorporated into the new application? Chair Wall explained all information submitted will be included as the entire application. Chair Wall advised based on review, the conditional use application fails because Criteria 1 was not met and requested a motion that the application does not meet the Town of China Land Use Ordinance based on dimensional requirements and is denied.
- **Board Member Mather motioned the conditional use application fails to meet the dimensional requirements in item number one and in addition motion the application be denied. Board Member Tripodi seconded motion.** Board Member Brown questioned if will be sent to Appeals Board? Chair Wall explained they have the ability to send to Appeal to get variance but is responsibility of Mr. White to take to Appeals Board. Chair Wall advised she will have finding of facts to CEO French and Mr. White will need to work with CEO French on the next piece for the Appeals Board. Mr. White advised he knew this was probably what needed to be done.

Chapter 2 – Land Use Ordinance

- Chair Wall advised she made changes discussed at the January 23, 2024 meeting. Chair Wall advised of new agenda format with links to download documents. She continued that she will need to meet with Town Manager to discuss changes in order to incorporate LD2003. She further explained that Select Board Members Chesley and Preston have reviewed and Select Board Member Preston provided some comments.

Perennial Sand Pit Solar LLC – Conditional Use Application

- Chair Wall opened on discussion on conditional use permit application. Andrew Johnston from Atlantic Resource Consultants and Nick Lacasse Co-Owner of Perennial Sand Pit Solar, LLC were both present to present project and to answer questions. Chair Wall explained a few Planning Board members have not had the opportunity to go through all the information but invited Mr. Johnston and Mr. Lacasse to provide a quick presentation of the project.
- Mr. Johnston provided a map of the location for the Planning Board to review. Mr. Lacasse explained Perennial Sand Pit Solar is located in Hallowell, Maine and is a Maine based solar company. He continued that they have partnered with Comprehensive Land Technologies and the project is completely contained in the sand pit and is compliant with the State ordinances. Mr. Johnston showed town boundaries and explained there are some old stockpiles shown in the aerial photos. He continued that this is an ideal site for solar being it is not high visibility and will not be seen by neighbors. Mr. Johnston explained the existing ground surface is gravel and this project has the opportunity to improve the surface with grass seeding, and is basically a



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restoration plan for a gravel pit. He showed the road on the map which will be used to get the panels in. He advised there will be some minor groundwork and that they will be making the slope a more even slope and flattening out the surface. He explained the property owner will be smoothing out the surface. Mr. Johnston explained panels will be connected by overhead wire that will go out to existing wires on the street and there will be a transform pad on-site. Mr. Johnston advised there will be a 7-foot fence all around the project with a 20-foot gate with padlock and Knox Box on fence. Board Member Mather commented that in the project descriptions, there is a sentence regarding the fence being “wildlife friendly”, can they explain and how does that deter children? Mr. Johnston explained there has been some concern that wildlife can get inside fence but would not be able to get out, but there is a 2-inch-high gap under the fence to allow for smaller wildlife to enter and exit. He continued that some creatures can climb in and out while if larger wildlife like deer got in, they are could be checking. CEO French advised of quarterly checks. Board Member Mather inquired if fence will be chain link fencing? It was advised the fencing will be chain link fencing. Board Member Brown questioned if the access road is dual purpose or will the Vassalboro site have their own entrance? Mr. Johnston advised Vassalboro site will have their own entrance. Mr. Lacasse advised Maine Audubon suggests to have wildlife friendly fencing for solar and to have no disruption in animal pathways. Mr. Johnston advised the issue is how to create something for animals to get in and out and to keep children out? Mr. Johnston advised there is no sewer or water supply onsite. He continued that the phosphorus calculations show there will be a decrease in phosphorous output due to the grass growth. Mr. Johnston advised is not a high traffic location and the only time will be when the panels are being installed and maintenance visits.

- Mr. Johnston explained they are waiting for approval from State for stormwater management plan. Mr. Lacasse advised of decommissioning plan, that any solar above 3 acres, needs to have a decommissioning plan approved by the DEP. He continued that their performance bond was submitted in January 2024 and posted notice at the Town Hall and have sent out notice to neighbors. Chair Wall questioned if they have heard from DEP? Mr. Lacasse states he has heard from Nick Archer at DEP and was advised all is good but does not have approval yet. Board Member Mather inquired if the gravel pit is no longer being used? Are there no trespassing signs? Mr. Lacasse explained is currently being used as storage and there is 112 acres between this parcel and the one north of it. Board Member Mather expressed her concern with trespassing on the property and gave example of teenagers on the property. Mr. Lacasse advised he has not seen any signs of trespassing and further explained there are workers are on site and the site is actively managed during the day.
- Chair Wall inquired into acreage? She explained she has seen 3 different acreages listed in application and it will need to corrected. She continued that the application states the total acreage as 42 acres. Mr. Lacasse states the total lease is for 25 acres to which Chair Wall responded that the application lists the lease agreement as 7 acres. Mr. Lacasse explained they are having an ALTA survey done and will provide the ALTA survey to the Town once completed. Chair Wall questioned the confusion between the lease agreement and what they are doing? Chair Wall explained they need to make sure the numbers match. Chair Wall explained when they do the conditional use permit criteria, they need to fill out completely. She gave an example of Criteria 1 which describes where the property is located and the criteria is not filled out completely. Chair



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Wall explained that as the Planning Board members go through the application, they may have more questions. She also advised that CEO French has not signed. CEO French explained he can sign and submit electronically.

- Board Member Brown questioned if is community solar project? Mr. Lacasse advised is a community solar project and community members will have opportunity to buy in. Board Member Mather questioned that there is missing information under Phase 1? Mr. Lacasse advised entire report is over 150 pages and would be happy to make available along with interconnectivity agreement with CMP. Mr. Johnston explained Phase 1 looks at historical data of property and they just summarized the use. Chair Wall advised as long as the Town has one complete copy, for one complete application, that would be sufficient. She continued this would allow anyone that wanted to review the information the opportunity to do so. Chair Wall explained would like to have signature page from CMP interconnectivity agreement. Board Member Mather questioned referenced letter not being included. Mr. Lacasse advised ESA waste letter that should be there and advised that ESA came back clean. Mr. Johnston explained the ESA reviews environmental hazards and uses on or near the site that could have an effect on groundwater. He continued it is designed to raise red flags that need more investigation and banks usually ask for it. Chair Wall inquired into a spill? It was advised that DEP cleaned up and there was no infiltration into the soil.
- Chair Wall explained they need to review the documentation further. She continued that they need to have a maintenance plan outlining if and when the grass grows, when will mowing take place, when panel replacements might happen, etc. Mr. Lacasse advised they will make sure to point out if included and believes they may have needed to send in a maintenance plan to DEP for decommissioning plan. Board member Brown inquired if a company owns the land and what is their stake in the game? Mr. Lacasse explained Perennial Sand Pit Solar LLC involvement. He explained it is Perennial's solar panels and Atlantic Resource Consultants is writing the plan and Comprehensive Land Technologies Inc owns the property. Board Member Brown inquired who will handle issues? Mr. Lacasse advised that Perennial will handle issues. Mr. Lacasse explained he moved back to Maine to start Perennial 2 years ago and they currently sell electricity to Erskine and worked with Erskine on their solar agreement. Board Member Brown questioned Mr. Lacasse if he would build this behind his house? Mr. Lacasse confirmed he would build this behind his house. Board Member Brown what is the benefit to a town resident and can everyone can buy in? Mr. Lacasse advised project is part of upgrade that has gone on with 3 phase power on Route 32 and advised there is a bill at the State level that would allow taxes on solar at the town level. He continued that they can sell to China residents but not all power will go to Town residents. There was discussion on how the electricity will be distributed. Mr. Lacasse explained the equity in solar. Board Member Mather advised on Section 3 of Conditional Use Standards. Chair Wall advised they will need to fill out the section. Board Member Mather read number 5 regarding noise. Mr. Lacasse explained they have the data for the sound from inverters on transformers and is basically the equivalent to a distant lawnmower. Chair Wall advised that would be good information to have on record in case there are questions. Chair Wall explained the Planning Board will let CEO French know if they have any additional questions and will have CEO French reach out to them. Chair Wall advised the public hearing will probably be sometime in March but they need to vote the application is complete first. Board Member Mather explained



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she would like to have a complete packet. Mr. Johnston explained he will make sure they provide one full copy and will get 2 clean copies with the corrections. Mr. Lacasse questioned what is a completed application? Chair Wall explained for a completed application will need a CEO signature, a maintenance plan, criteria 1 updated and correction of acreages. Mr. Lacasse questioned impervious percentage under Land Use Ordinance? Chair Wall questioned if percentage counts between the rows? CEO French explained the percentage is only for ground contact, the system that supports it, the panel size and any other buildings. Chair Wall reiterated they want to make sure lease agreement is correct for acreage. Mr. Lacasse explained the process of getting a lease agreement with a land owner. Chair Wall asked Planning Board Members to read through the materials provided and send her any questions.

CEO Report

- CEO French advised he has processed more notices of intent to cut timber in the past month, 6 in total in the past month.
- CEO French explained he is still working with individual moving mobile home on Village Street and following up on a couple of builds without a permit.

Future Schedule and Adjourn

Next Planning Board Meeting: February 27, 2024

Motion to adjourn meeting made by Board Member Mather

Motion seconded by Board Member Brown

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

Respectfully Submitted,
Dawn Kilgore
Planning Board Secretary