



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 March 9, 2021

Planning Board Meeting
Meeting held Via ZOOM
February 23, 2021
Begin 6:30 PM

Board members in attendance: Toni Wall, James Wilkens, Randall Downer, Natale Tripodi, Scott Rollins
Board members not in attendance:
Attendees: Brent Chesley

Code Enforcement Officer Jamie Hanson present

Board meeting opened by Chairman Downer
Pledge of Allegiance to the American Flag

Chairman Downer brought Board Member Tripodi into voting compacity.

Review/Approve Minutes February 9, 2021 Meeting

- Board Member Wilkens motioned to table minutes to next meeting
- Board Member Wall seconded motion.
All in favor. No further discussion.

Chairman Downer advised should be able to continue as chair but may need to miss meetings occasionally. Board Member Wall advised will be back up.

Chairman Downer advised the priorities for the Planning Board is to get ordinances on ballot. Chairman Downer explained in order to get on the November ballot, they WILL NEED TO HAVE DRAFTS TO THE SELECT BOARD BY 8-16-2021. Board Member Wall advised they did not cover shoreland ordinance at all at last meeting. Board Member Wall brief summary of what was discussed at February 9th meeting for members that were not in attendance. There was some discussion on architect appearance and what to preserve. CEO Hanson mentioned that DEP would have functional measures but questioned if they want to stay with natural.

Continued discussion: Shoreland Stabilization

- Chairman Downer questioned what does Chapter 1000 cover? CEO Hanson explained it covers angular rock for retaining walls if located horizontally and if below high-water mark which means would be closer to the water. CEO Hanson explained the Chesley project does go below the high-water mark, horizontally and what is now there is a functioning concrete retaining wall with granite. There was discussion on grading and landscaping. Chairman Downer questioned ordinance and the West Basin. He only found information regarding Kennebec Water District. Board Member Wall states there are



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tighter requirements near Vassalboro, and Board Member Wilkens advised is protected area. Chairman Downer inquired into management of 200 feet of shoreline. He states the bigger challenge is the standard is either ecological or visual. He continues there are not very tight rules regarding vegetation removal or management. Board Member Wilkens advised need time if going to esthetically and questioned what does the Board want to focus its efforts on? He explained they need language for a higher uniform standard. Board Member Rollins explained Chapter 1000 references there needs to be erosion happening in order to remove vegetation to stabilize. There was some discussion on finding examples, with pictures, to review regarding shoreline stabilizations.

- Chairman Downer questioned if there are crafting language for just China Lake or both China Lake and 3-Mile Pond? Board Member Wilkens states there have different types of shoreline. He states they would need to look at how lake is geographically and topography. Board Member Wilkens continued that they need to have uniformity and think about what works best for the lakes. Chairman Downer stressed that the clarity of language is most important. Board Member Tripodi states they also need to make it simple to read and interpret. There was discussion on possible other examples from another district and the possibly of inviting a Limnologist in to provide more information. The Planning Board agreed this would be very helpful in their understanding of the mechanics of lakes.
 - Board Member Rollins states he found some information from the Land Use Planning Commission regarding preferred methods of stabilization. He advised that they state that retaining walls are only allowed to be reconstructed. There was discussion on the need to define some wording and conditions for approval. Board Member Rollins advised they have FEMA definitions and that they have a group of full-time planners. Chairman Downer feels this a is a good starting place. Board Member Rollins suggested viewing images of different areas via Google such as lakes in New Hampshire. Chairman Downer mentioned sections of Moosehead Lake. Chairman Downer questioned if there is a set of rules that are part of the application? Board Member Rollins referenced Chapter 10 – Land Use at the following link, https://www.maine.gov/dacf/lupc/laws_rules/ch10.html and states he will reach out to them. Board Member Wilkens advised of Lake Smart program would have also have information regarding plantings.
 - CEO Hanson advised he has wording from Town Attorney regarding if they are going to require above DEP or not. He states he emailed the information to all the Board Members.
 - Board Member Wall motion to bring in a Limnologist to help review. Board Member Wilkens seconded motion. All in favor. No further discussion.
- **Continued discussion: Solar Ordinance**



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- Chairman Downer commented that they had made good progress doing editing. Board Member Rollins shared his screen and advised he had made a few more changes. Board Member Wall advised they added a few comments to the table regarding additional items may want to think about. Board Member Wall stated she had a question regarding install of solar panels on roof if is still under CEO for review? She provided the scenario of having to cut trees to expand area to put 10 solar panels in yard. Board Member Rollins advises would still be under CEO review if up to 100 ft. He explained would only need a site review if in a natural resource. There was extensive discussion on setback requirements and review process for accessory use. Board Member Wilkens explained shoreland district, in chart, should be site-plan review. CEO Hanson advised they need to agree on what qualifies as “medium scale”. Board Member Rollins commented that small scale is up to 100 sq. ft and medium scale is 1000 sq. ft under accessory use. Board Member Rollins questioned what if more than 1000 sq. ft? Where would that put him if is still an accessory for home and not a solar farm? CEO Hanson advised still electricity for home. CEO Hanson explained if it is not an LLC, is a residential use including if primary use. There was discussion regarding if use was to “go off the grid” and how that would be reflected in the ordinance.
- Board Member Wilkens advised an application is always accepted as complete at the Planning Board meeting and is voted on by Planning Board, at the meeting.
- Board Member Wilkens inquired regarding the site plan, under section 6, if these are going to the Planning Board for review and approval? Board Member Wilkens reiterated that they need to make sure is constant with the other ordinances. There was discussion on the wording of Section 7 A regarding fire chief or section fire chief.
- Board Member Wall inquired if there is a town engineer? Board Member Rollins explained they could hire someone if needed. CEO Hanson explained hew would get a 3rd party review if he felt it was needed. He advised they would need to have language to allow. Board Member Wilkens advised CEO does the code.
- Under “Additional Standards”, Board Member Wall states this section should be in beginning allowing to call on others to assist. Board Member Wilkens explained that the applicant has that right anyway as does the Planning Board. He advised he is not sure has been spelled out but is sure do have the authority and is under the Planning Board Charter
- Board Member Rollins questioned how to handle the removal of mature trees. Would they want to allow or would they want to minimize? CEO Hanson suggested they could put wording in allow removed for to allow for sunlight for solar system. He advised that Maine law states cannot block sunlight to a system, that there is a right to direct sunlight. <http://legislature.maine.gov/legis/statutes/30-A/title30-Asec4405.html>
- There was discussion fence height to allow small animal passage and if 5 inches is high enough to allow for passage for such as a snapping turtle? Board Member Rollins



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explained Route 3 project did not seem to have a raised fence height. Chairman Downer explained may need to check Audubon wording to make sure is enough. Board Member Rollins inquired if they would require just sections or the whole fenced area?

- Chairman Downer commented section regarding noise. He states you can hear equipment. Board Member Wilkens advised battery storage for large scale would generate possible noise. Board Member Rollins advised should be for medium and large scale. Board Member Wilkens inquiring if there would be a decibels amount and if would be required for just in large scale? There was a discussion on scale and sound mitigation. It was advised that the battery housing, up on ridge, on previous project was a concern to neighbors. Board Member Rollins suggested doing a walk-through of that site. He inquired there is a precedent regarding sound? Board Member Wall advised telecommunications ordinance has decibels during construction and states backup generator is not to exceed 85 decibels but is not specific to full time operation.
- There was discussion on the size of the panels and threshold. CEO Hanson states some other solar farms on the East Coast using the area under the panel for agricultural purposes such as growing crops. He suggested that they may not want to limit height and allow for some flexibility. CEO Hanson explained municipalities can make ordinances to protect right to direct sunlight. Board Member Wilkens advised that Town of China has a structure height in ordinance. CEO Hanson explained the setback requirements. He comments on the DIRIGO solar project which is 40 acres size and generates just under 10 megawatts. CEO Hanson advised of other projects he has been involved in.

CEO Report (time permitting)

- CEO Hanson stated he has issued 3 new building permits.
- CEO Hanson advised he has obtained certification with DHS
- CEO Hanson advised Nichols self-storage has plans to install phase one in a month and are looking for building permit from CEO. CEO Hanson advised he is going over to view the location within the next few days.

Future Schedule and Adjourn

Next Planning Board Meeting: March 9, 2021

Motion to adjourn meeting made by Board Member Wilkens

Motion seconded by Board Member Rollins

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

Respectfully Submitted,
Dawn Kilgore
Planning Board Secretary