



# 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 3-0 on April 12, 2022*

Planning Board Public Hearing and Meeting

Public hearing and meeting held in meeting room in the China Town Office and via ZOOM

March 22, 2022

Begin 6:30 PM

Board members in attendance: James Wilkens, Natale Tripodi, Scott Rollins, Walter Bennett (via ZOOM)

Board members not in attendance: Toni Wall (leave of absence), Michael Brown

Attendees: Brent Chesley, Cathy Chesley, Mary Grow, Scott Pierz, Ron Breton, Stephen Greene, Becky Hapgood, Randy Downer, Mickey Wing, Charlie Wing., Trisha Secora

Code Enforcement Officer Jaime Hanson present

Board meeting opened by Chairman Rollins

Pledge of Allegiance to the American Flag

Chairman Rollins brought Board Member Tripodi into voting capacity.

## **Review/Approve Minutes March 15, 2022 Meeting**

- Board Member Wilkens motioned to approve minutes as written.
- Board Member Tripodi seconded motion.

All in favor. No further discussion.

## **Public Hearing**

- Chairman Rollins advised Planning Board members and members of the public in attendance of the ordinances, Chapter 2, Chapter 8 and Chapter 11 that are up for discussion. He also gave a brief background of each ordinance stating that it started with the creation of Chapter 8 since the Planning Board has had a few applications for solar projects in Town and to have an ordinance for what need to be done by the Planning Board and CEO. Chairman Rollins explained the changes to Chapter 11 are mostly changes that are due to solar ordinance. He continued to explain that the changes in Chapter 2 are due to DEP making changes to their land use ordinance and requiring the changes to be made by the Town of China. Chairman Rollins explained they will go through what changes have been made and can have public comment on the changes. CEO Hanson brought up Chapter 11 document on the screen to allow for members of the public to view the changes that were made. Board Member Wilkens reiterated that some changes in definitions were made to put the ordinance in line with the State.
- **Chapter 11: Definitions for the Ordinance**
  - Chairman Rollins advised of additions of definitions to ordinance including the definitions for “electrical equipment”, “electricity generation”, “mounting”, “solar collector”, “solar energy system”, “ground mounted solar energy system”, “roof mounted energy system” and “tilt”. Chairman Rollins opened the public hearing for comments



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from the public. Mr. Breton voiced his concern that with Chapter 11 changes, he understands that the changes were made to incorporate DEP required changes, but is concerned that the attorney for the Town, to his knowledge has not reviewed Chapter 11 changes. CEO Hanson advised Attorney Meader reviewed prior to the meeting. Mr. Breton advised that in discussion with Town Manager Hapgood, he was informed Attorney Meader had not reviewed. He requested clarification from Town Manager Hapgood. Chairman Rollins confirmed the ordinance will be reviewed by the Town Attorney before they are sent to the Select Board.

- **Chapter 2: Land Use Ordinance**

- Chairman Rollins opened discussion on Chapter 2. Mr. Breton again expressed his concern that the Town Attorney has not looked over Chapter 2. He also inquired if Chapter 2 and Chapter 11 were done at the last meeting. Chairman Rollins confirmed there has not been a public hearing on Chapter 2 and Chapter 11 prior. This is the public hearing. Chairman Rollins advised ordinance have been under review by the Planning Board for over a year and the finished document was submitted August 2021 to the Select Board and was sent back to the Planning Board in December 2021. Town Manager Hapgood explained the attorney has not reviewed ordinances since March 15<sup>th</sup> meeting. Board Member Wilkens stated they did not make any changes the last meeting and would be the same thing she previous reviewed. Town Manager Hapgood explained she was advised the CEO Hanson and Chairman Rollins put in different DEP requirements after last meeting. CEO Hanson advised were put in before meeting. Chairman Rollins explained the document that was submitted to Select Board did not have the DEP updates. Chairman Rollins continued to explain the current document has all the changes and were shown the screen at the last meeting. Chairman Rollins explained the confusion is that the version that was sent to the Select Board did not have the DEP changes and the documents was cleaned up before last week's meeting to include the DEP changes. He confirmed the current document is correct.
- Mr. Pierz explained it is important to have the town attorney review to make sure the Town is on safe footing. He also explained that it is important to provide reasonable notice and to make aware where the document will be posted. He states the documents were not posted until Friday, under the Elections, and was difficult for the public to locate. Mr. Pierz also advised of other documents including the DEP documents that were posted on the website. Mr. Pierz directed attention to page 2-17 of land use standards, under rural district, and the language under minimum lot size in the shoreland zone. He then stated that the language is the repeated, almost verbatim in the rural district. Mr. Pierz read sections out loud and questioned why information is located in the rural district if pertains to shoreland? Mr. Pierz advised of the phosphorus study committee and explained the committee took up the notation of phosphorous mitigation and impervious surfaces. Mr. Pierz read aloud the language from the DEP guidelines of non-vegetated surfaces and explained the phosphorus study committee had difficulty in determining what is a non-vegetative surface and who can interpret? He continued they talked about items such as decks, patios, walkways, awnings, wood piles, old motor vehicles and cautioned in adopting language that would leave the current and future Code



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Enforcement Officers responsible for trying to interpret. He further advised is something the Board should be thinking about. Mr. Pierz explained they need to make sure they are not getting caught up with “non-vegetative” and states to him it means no vegetation. He continued that there is reference to 15% in the shoreland for non-vegetative and then 20% in the rural district of non-vegetative. He explained they need to be consistent with shoreland zoning. Mr. Pierz reiterated the 3 things that needed to be addressed; duplication of language between rural and shoreland sections, the qualifier of what is a non-vegetative surface? and making sure is consistent what the allowances are? Mr. Pierz advised he recognizes that the Planning Board is trying to reduce the impervious surfaces in the shoreland zone to mitigate the stormwater runoff and nutrient and phosphorus loading into the lake. He commended the Planning Board for their efforts.

- Chairman Rollins explained how he sees an “impervious surface” and gave the example of a patio with blocks being permanent and a wood pile as being temporary. He continued if he put up an easy-up tent, that is temporary, then there is still grass underneath that is pervious. Chairman Rollins advised there is discretion on what is permanent and temporary and the intend is for the permanent impervious. He further explained that they used to have just structures and now are adding in driveways per DEP requirement. He continued that they kept 15% in the shoreland and 20% in the rural as it was. Mr. Pierz advised the DEP guidelines allows 20% in the shoreland and maybe they are trying to tighten up to reduce phosphorous loading to the lake, however the maybe the language should say “permanent” since he knows of some wood piles that have remained permanent. He further advised that it is a cautionary tale on how the town moves forward as to what is interpreted as permanent or temporary and how it can or will be argued in court as to if needs to be included in lot coverage. Chairman Rollins advised the 15% was voted on by the Planning Board to keep as is. Mr. Pierz advised to check 2 sections, one in shoreland and one in rural regarding lot coverage.
- Mr. Wing explained he lives on China Lake and chooses to live there. He advised that it would have been nice to have a public hearing before they voted to have 15% in order to show what that really does to an individual. He continued that if they plan on being tighter than the DEP restrictions and if they are going to start adding driveways, then there should be a give and take. Mr. Wing explained that many of the lots are very tight lots and provided example of his lot. He continued to explained that he is already taking up 50% of his lot and he would like to put in a paver walkway to the glass door on his house. Mr. Wing states that when he bought house 2 years ago, he could add 30%, now he cannot put on a drip-edge since that would be non-vegetative. He continued that the ordinance is going to be restrictive and there should be language to discount impervious such as putting in a leach field or perimeter drain that goes away from lake and then the house should not count as impervious area. Mr. Wing showed a drawing of his lot which he states pitches away from lake and advised of the improvements that he would like to make to the lot including moving driveway back, removing existing garage and rebuilding to get garage away from the road. He continued to explain how the changes will impact his plans. Mr. Wing commented on how the changes will affect everyone that lives on the lake that wants to make changes to their properties. He explained his



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interpretation of the language and would like the board to consider the effects when they are discussing.

- Mr. Chesley provided some background on the ordinance. He explained that for years the Town land use ordinance has been set at 15% in all shoreland zones including resource protection district, stream protection district and shoreland district and then there was a limit set at 20% in the rural district. Mr. Chesley advised that in the past ordinance, lot coverage was only considered for structures and impervious surfaces, such as driveways and parking areas, did not apply to lot coverage. He further advised this has been the standard since at least 2012 and have been the standards that property owners have been held to and likely planned around for future expansions or improvements to their properties including himself. Mr. Chesley advised that the State of Maine has a statute, Title 38 §438 and read out loud. The statute also referenced DEP Chapter 1000. He continued that these changes need to be adopted by DEP commissioner. Mr. Chesley advised that early last year, it was determined that the 2019 China land use ordinance may or may not have been submitted. He continued that the Town requested for DEP to review 2019 China land use ordinance for approval. He advised DEP found the ordinance was not consistent and was less stringent than Chapter 100 guidelines. Mr. Chesley continued to explain a conditional approval granted with the expectation that China would make the proper changes to bring the ordinance into compliance. He advised that one of the biggest issues was how the lot coverage was determined. He continued that under Section 15 subsection B paragraph 4 on page 18 of Chapter 1000 defines “lot coverage” and Mr. Chesley read section. He continued to advise that the DEP considers all non-vegetative surfaces lot coverage opposed to China’s long-time consideration that only structures are considered for lot coverage. He advised “this is basically comparing apples to oranges”. Mr. Chesley further explained that DEP conditional approval included all non-vegetative in lot coverage but did not change the maximum percentages and left them at the 15% and 20% limits even though DEP limits are higher. Mr. Chesley explained the Town of China has no choice but to include all non-vegetative surfaces in lot coverage but the Town does have the option to increase the lot coverage limits. Mr. Chesley expressed that he thinks should increase and referenced Chapter 1000 which allows for maximum limits to be set as high as 20%. He continued that Chapter 1000 only deals with shoreland and he was unable to limits for the rural district. He advised he would suggest some sort of increase as this would give land owners the room they previous had and would help offset the “apples to oranges” in lot coverage. Mr. Chesley advised the current proposed ordinance does meet the guidelines but the problem is that keep the maximum percentages the same makes this ordinance more restrictive than DEP guideline and more restrictive than any other previous China land use ordinance. He continued this will have an adverse effect on many and will place harm on land owners. He further stated it is hard if not impossible to determine how many these changes will affect because each lot is different. Mr. Chesley provided the Planning Board members with a packet of hypothetical scenarios of how the new ordinance would affect property owners and read the scenarios out loud. Mr. Chesley brought up the scenario of a gravel pit and emphasized the importance of protecting the resources from runoff, especially phosphorous and referenced Maine statute Title 38, 420-D and advised that China has a



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phosphorus control ordinance. He states he understands some structures are very close to the resource such as the lake and referenced Title 38 439-A (4) which sets limits on the size of new structures near a waterbody. Mr. Chesley advised there were 2 other options were considered in drafting of the ordinance. One suggestion was to increase to 20% in the shoreland, which is still consistent with DEP and to set a more reasonable limit in the rural district. Another option, to keep with previous ordinance was to set maximum structure coverage limits at 15% in the shoreland zones and 20% in the rural district. And then set maximum lot coverage limits at 15% in shoreland and something reasonable in the rural as outlined in option 1. He explained this would allow for the footprint to be controlled and still be consistent with DEP guidelines but would give land owners the room they should have. He reiterated that proposed ordinances and amendments should be in the best interest for all landowners, residents and business while still satisfying federal and state regulations. He continued that if the ordinance is passed, it will have an adverse effect on landowners and residents.

- Mr. Wing advised that if this is to help the lake, there are gravel roads that are more of a concern that someone adding a driveway or adding on. He explained he understands they need to start somewhere but is concerned how this will be enforced? Also, he advised of the tax implications of not being able to expand and that could be a loss for the Town.
- Mr. Pierz inquired if there would be a period to allow for written comments after the hearing closes? Chairman Rollins advised they can set a timeframe for written comments. Chairman Rollins also questioned CEO Hanson and Town Manager Hapgood when do they need to make changes for DEP and if they will be ok if they wait until November? Chairman Rollins advised it is apparent there maybe some issues and they want to revisit somethings. CEO Hanson advised he will check DEP letter to see if there is a deadline stated. Chairman Rollins stated it would be good to open this up for more comments. Mr. Pierz advised that if the DEP knows the Town has been working diligently on this for a year and a half, this should satisfy the DEP and they should not rush to the June ballot. Mr. Brenton advised the Select Board would need to have by April 11 if going to be on the June ballot and states he feels where there are so many questions and concerns, he would suggest they wait until November. Mr. Breton touched on how he has heard overtime, how the Town of China is over-regulated in some areas and under regulated in others, that community as a whole especially the people that live in the shoreland, about 15% of population, should have more of a voice. He continued that they should listen to them more. Mr. Chesley advised that, in his personal opinion, the conditional approval has been given as the ordinance is proposed. He further explained he does not see how waiting until November, to make this right, would be an issue. He continued he would like to see it relaxed a little and if they need to wait until November, they should do so. Mr. Chelsey explained in the shoreland zones, he feels they should relax the limit from 15% to 20%. He continued that his issue is in the rural where it is 20% including all impervious, he would be outraged. CEO Hanson confirmed there is nothing in letter regarding a date. He continued that the DEP has approved amended version with attached conditions in place. CEO Hanson explained that ordinance between now and voting time, if asked Town Attorney, they would say if did something against DEP, it would be





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indefinable. He continued that there have been some good points brought up and posed the question of “Why should DEP definitions cause the ordinance to be stricter than in the past?” CEO Hanson explained per Mr. Chesley’s point, he would want to look into mineral extract in the shoreland zone. Mr. Chesley clarified mineral extraction would be in the rural and is not aware it is allowed in the shoreland. CEO Hanson advised there could be but would not be able to expand in the shoreland zone. There was discussion on gravel pits in the shoreland and if and when a permit can be issued. Mr. Wing advised they do have permits to go below water level. CEO Hanson advised this gives them a reason to review and explained he reviewed with Mr. Wing his property and advised what he could do and what would not be allowed under the new ordinance. CEO Hanson continued he is not sure if large percent are affected but are a few in the 1-acre of existing lot of record. Chairman Rollins explained that when they were discussing originally, they had thought of boosting from 20% to 30% in the rural and how do you determine since all properties are different. He continued that would it be the best thing to boost up but then explained there are still some people that could be affected more. What do people think? Mr. Pierz explained can hit some water table in some gravel pits but need to have a hydrologic study for quite a period of time. Mr. Pierz advised that there has been some pervasive thing that under Title 1, they can be more strict than the guidelines and continued that the trend has been to be more strict to protect lake.

- Mr. Greene explained he has heard some excellent comments made by the people in attendance and stated the Planning Board has done very hard work in the process and should be commended for that. He continued that there has been good transparency in the process. He continued that there are good core issues that are still under debate. Mr. Greene emphasized that they have a higher duty to protect the lake and have lived with the compromises of what they can do with their land. He stressed that once is lost, it is very difficult to get back. He advised of the 10-year watershed-based management plan and about being careful of over development and to prevent erosion. He further explained that they have all respected the goal to protect the lake and that they all are going to have to bite the bullet at some point and there will continue to be debate on the appropriate percentage of coverage. Mr. Greene advised in the shoreland, he would like to think they have made certain regulations for the benefit for erosion prevention and stressed that he would hope they stick to them. He advised there have been some good arguments for the rural district to grow commercially, but they also want to make sure they are preserving the lake for future generations. He explained no matter what they do, someone will always be disappointed and there are larger issues at stake. Mr. Greene explained it is good to have legal review and public comment and explained they all know that once something is relaxed to a degree to cause an environmental problem, it is difficult that is dig out from. He advised the lake is current stable and they now have the responsibility to discharge to be careful of impulse and they need to make a careful decision.
- Mr. Chesley states it is hard to determine how this is going to affect everyone and advised that in some cases, not all, non-vegetative at 20% is more restrictive than 15% on structures. Mr. Wing stated that in counting driveways, this would eliminate roughly 75% of the dwellings on the lake at being able to expand. He continued that the bigger



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lots are few. He states he would like to see a compromise and would hope the CEO has some leniency on such things as drainage and adding a drip-edge to prevent erosion. Mr. Chesley advised this would be an improvement. Mr. Wing inquired how strict is the language going to be? He continued that they do have a clean lake and it is the people caring about the lake and besides the value of their property. He further explained there are committees and programs such as Gravel Road Restoration, CLA and CRLA that have helped with the lake. Mr. Wing advised that the rural 20% is way too tight and will need to make a determination of where he is going to build but will be penalized if wants to move garage since driveway is going to count if he moves further away from the lake.

- Ms. Secora inquired into the DEP definition of a vegetative area and inquired how pervious pavers in a driveway would be viewed? Chairman Rollins explained they would be pervious since they have vegetation. Ms. Secora explained this could be a solution for some people depending on the slope of their property. She continued to inquire into how much is this grandfathered? Chairman Rollins explained in currently non-conforming, they cannot expand. CEO Hanson confirmed grandfathering date would be the date of voting. Ms. Secora inquired if an application was submitted to town today, what would the time limit be? CEO Hanson explained permitting process. He continued that this is all based on he knows is going to change. He continued he would want to talk about the type of pavers and explained they are a structure and have a setback but have been allowed not to count for lot coverage. CEO Hanson explained drip edge requirements and explained they may have a way to permit since it passes water. CEO Hanson advised he is going to ask about drip edge. CEO Hanson asked for clarification from Mr. Chesley regarding options he mentioned regarding lot coverage. Mr. Chesley advised he just threw out the options for consideration. Chairman Rollins stated it would be structure at 15% lot coverage up to 20%. Mr. Wing inquired if it would be easier if they just set the coverage at 20% in the shoreland to follow the DEP? Chairman Rollins explained the Town can set whatever they would like for structure. CEO Hanson explained if they are going to be stricter than the DEP, it needs to be defensible if it was appealed. He continued to give the example of solar farms being treated as structures.
- Mr. Pierz stressed that the success of any code enforcement program is to remain consistent with the application of document. He advised that it is important to add language to the standards such as storm water mitigation (ex. drip edge) that would allow for the code enforcement officers to consistently enforce. Mr. Pierz reiterated that people need to speak for the lake. He further explained that it is stable now and the watershed management plan has come up with another idea that it is likely the lake with need and alum treatment in the near future. He stressed they need to think about the lake and have had some difficult time in the past but would like to have a clean lake moving forward. He continued that water quality goes a long way with property values. Board Member Wilkens explained the lake was horrible in the past and there has been a lot of work to get where it is now. Chairman Rollins advised the need to achieve a balance. Mr. Breton advised of an ordinance years ago that was put together to make sure septic systems were kept up to code. He continued they worked a long time on it and less than a year later it was voted down by a ballot vote. Mr. Breton continued that if they are going to do it, do



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it all now. Mr. Chesley states that in his personal opinion, if you can afford to live on the lake, you can afford to replace your septic system. Ms. Secora disagreed that everyone on the lake can afford to replace their septic system and suggested that if the Town offer assistance that could be paid back, the Town might get more cooperation if the Town helped. She continued that where she lives the problem has where do you put the septic? Chairman Rollins advised there is a variance program for small lots. Ms. Secora advised that if there had been money available in the past, there would probably have been more support of the ordinance. Mr. Wing advised of the issues with an older septic system.

- Chairman Rollins suggested that they can open up all ordinance for written comments for a 2-week period. CEO Hanson advised that Town Manager states they have schedule meeting for Select Board. Chairman Rollins commented that there is no way they are going to be ready by June.
- CEO Hanson advised that resident on the lake know where all the problems are and advised of a new law that passed that states there needs to be a septic system inspection at the time of sale. He continued that if the septic system is failing, it needs to be replaced within 6 months. Mr. Pierz questioned if realtors know this information? CEO Hanson responded that some do and some don't. Chairman Rollins inquired if the buyer can get a certificate of compliance from the town that the property is in compliance? CEO Hanson states they can. Mr. Wing explained that he has only seen required if financing. CEO Hanson explained that the laws is transfer of ownership and not necessarily a sale. He explained that the law is a State law that came about in late 2020. Mr. Wing advised he has purchased 5 properties on the lake in the last 2 years and was not asked. CEO Hanson explained the only has jurisdiction on a property for a violation or permit.
- Chairman Rollins stated they will open Chapter 2 for written comment and inquired if anyone would have a concern if Chapter 11 was closed tonight and moved forward to the Select Board for review? Mr. Breton read letter from resident regarding Chapter 11 definitions. Chairman Rollins explained that what was put in Chapter 2 does not need a new definition. CEO Hanson states he has seen the letter and advised the DEP definitions have been added. Mr. Pierz questioned if all DEP changes incorporated? It was advised to move to discussion on Chapter 8.
- **Chapter 8: Solar Energy Systems Ordinance**
  - Mr. Breton commented that it was his understanding that Chapter 8 has been voted on by the Planning Board. Chairman Rollins confirmed has been voted on back in August of 2021 and voted on at last meeting. He continued that this is the 1<sup>st</sup> public hearing. Mr. Breton inquired into time requirement of public notice? CEO Hanson explained there is no time requirement in the ordinance. He continued it is 14 days for abutters for a conditional use permit but nothing in ordinance for a public hearing for an ordinance. Chairman Rollins advised this has been on the agenda for months.
  - Mr. Brenton advised he has a letter from Attorney Meader regarding Brent Chesley's email. He continued that Select Board sent comments to Town Attorney and received a





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response on 2-2-2022 of her recommendations on Chapter 8. Mr. Brenton inquired if letter was seen by the Planning Board. CEO Hanson advised what he received was a general description of vegetation requirements. Board Member Wilkens stated the Planning Board did not see the letter. Town Manager Hapgood advised the letter was shared with Jaime. Mr. Breton stated the Planning Board will need to see the letter.

- Mr. Chesley advised that he has some comments regarding Chapter 8. He states he has thoroughly reviewed the ordinance and has found numerous issues that could be problematic. He continued that since a public hearing was overlooked by the Planning Board, he sent a list of comments to the Select Board prior to their review last year and this year. Mr. Chesley explained there are several issues with the land use table which allows for large and medium sized primary systems to be built in the resource protection district. He continued that since it is highly protected wildlife habitat, nothing is built there unless it is grandfathered. Mr. Chesley questioned if the intent was to allow for a commercial solar farm to be built near a wetland? He continued to question if the DEP would approve the land use table? Mr. Chesley continued that there are some deficiencies in the wording that would make it hard for the Town to defend if there was a legal challenge. He states these concerns were brought forward to the Town and Attorney Meader who he states agreed with most of his comments. He continued that the Planning Board choose to discard not only his comments but those of Attorney Meader. He stated that is not looking out for the best interest of the Town. Mr. Chesley stated that what the Planning Board did was “unconscionable”. He further explained that having solar panels as lot coverage is not a legal thing and the current ordinance is having all portions of the solar array counted towards lot coverage even though the DEP does not include the panels in lot coverage. He continued that the panels allow for vegetation beneath them. He further explained that the panels are perforated to allow for water passage over the panels and are transparent to allow for light passage. Mr. Chesley explained the DEP stipulation is there require the area not be mowed more than twice a year. He further explained that the DEP does not even consider the panels to produce phosphorus. Mr. Chesley questioned why not allow to have as many panels possible in a concentrated area instead of a few in multiple areas? He continued to advise that the more panels that are put in, means more taxes for the Town.
- Mr. Chesley advised he did not get up and talk about Chapter 2 for his own benefit, for his property on Fire Road 9, since his property is maxed out. He advised he did for the residents and land owners of China. Mr. Chesley voiced his concerns over the timing and notice of the public hearing. He states he would expect the date to be a minimum of 14 days out in order to make the effort to get proper notice out there. He advised everyone should have standing when it affects everyone. He explained a better effort could have been made for the meeting. Mr. Pierz explained that it is true for public notice if there is a change to an ordinance, change of a zoning map, a change to the comprehensive plan, a conditional use permit or a subdivision review that there are strict guidelines that they are given a notice of 10 days before. He continued that the Town must do more to provide reasonable notification with more details, and is important to allow for people to respond and have involvement. Mr. Wing advised that due to the time of year, most of residents in



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the shoreland are not at their homes or camps on the lake. He advised his concern is the Town is only hearing from a few and the rest are unaware of what is going on due to not living on the lake year-round.

- Mr. Wing advised the solar panels not perforated but are actually glass and cannot be disposed of normally since material is hazardous and has to be taken out of state for disposal. He stressed that they should know what they are permitting and the effects it could have. CEO Hanson advised he has reviewed and is familiar with the panels. He confirmed they are not perforated and are not transparent but grass does grow underneath them. He provided an example of a past project he was involved with in Maryland. CEO Hanson advised his concern is the permits fees are out of whack but the Planning Board is going to look into that. Mr. Wing questions if are not considering impervious and gave the example if he puts his camp on post, put grass under camp and mows it, would it be considered? CEO Hanson explained DEP has a definition of a structure, a platform with roof and sides that stops water. He continued that wants to make sure this ordinance is specific and to make sure there are no loop holes. Chairman Rollins explained that the drip edge, not the panel are count as a structure. Mr. Breton advised that the panels are tax exempt and there is only tax on the land. Mr. Chesley disagreed and states his understanding is the State must reimburse the Town 50% of the money that would be lost. There was continued discussion regarding tax exemption. Mr. Breton advised he would have Town Manager Hapgood look into. Mr. Breton thanked the Planning Board for their work.
- Chairman Rollins explained that they need to have people on the lake comment and recommended to keep the public meeting open, for 2 weeks, for written comment and to make more visible.
- Board Member Wilkens advised the Board should look into panels as hazardous waste and that part of the ordinance should be are plan that they bonded for removal and have monies set aside for removal. CEO Hanson advised that there is a decommissioning bond required and that the DEP need to approve the decommissioning bond if is more than 2 acres. Board Member Wilkens advised it should be in the ordinance. CEO Hanson advised they need to put language that requires the applicate to come to the town first before the DEP. Mr. Chesley advised that there is language in the ordinance that talks about but there is no language regarding what the amount of bond will be set and referenced the telecommunications ordinances and review of 5 years. CEO Hanson explained that in Readfield, they required an engineer study for the decommission costs and the bond would have cash for 85% of cost with the rest being other monies.
- Chairman Rollins closed public hearing. Board Member Wilkens motioned to open 2-week period for written comment. Board Member Tripodi seconded motion. All in favor. No further discussion



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- Board Member Wilkens motioned to move all 3 ordinances to the November ballot to allow for additional review. Chairman Rollins seconded motion. All in favor.  
Unanimously approved

## **CEO Report**

- CEO Hanson advised that he has issued 5 building permits, all houses since the last meeting. He continued he has issued no septic permits or plumbing permits but has received some to review.
- CEO Hanson explained he has conducted a normal amount of inspections.
- CEO Hanson stated he has had an inquiry regarding a conditional use permit for a change of ownership but has not received the application.

## **Future Schedule and Adjourn**

Next Planning Board Meeting: April 12, 2022

Motion to adjourn meeting made by Board Member Wilkens

Motion seconded by Chairman Rollins

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

Respectfully Submitted,  
Dawn Kilgore  
Planning Board Secretary