



# 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 April 11, 2023*

## Planning Board Meeting

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

March 28, 2023

Begin 6:30 PM

Board members in attendance: Toni Wall, James Wilkens, Natale Tripodi, Walter Bennett

Board members not in attendance: Michael Brown

Attendees: Brent Chesley, Cathy Chesley, Mary Grow, Amber French, Natasha Littlefield, Adam Ellis, Tim O'Brien

Assistant Code Enforcement Officer Nick French - Present

Board meeting opened by Chair Wilkens

Pledge of Allegiance to the American Flag

Chair Wilkens brought Board Member Tripodi into voting capacity.

### **Review/Approve Minutes March 2, 2023 Meeting**

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

### **Gym/ Fitness Center at 9 Legion Memorial Drive – Natasha Littlefield**

- Chair Wilkens opened discussion and explained application review process where they will vote if the application is complete and determine if a public hearing is needed. If the application is deemed complete, and no public hearing is needed, they will then review the 15 criteria. Chair Wall motioned that the application is complete. Board Member Tripodi seconded motion. All in favor.
- Chair Wilkens questioned the board if there needs to be a public hearing? Chair Wall advised her concern is where it is going to be 24/7 access, and the current business that is there is not 24/7, that there may be some concern from the neighbors if someone was going in at 3 o'clock in the morning. Ms. Littlefield states neighbor is ok with 27/3 access. She continued that she will be having security cameras installed and the other business in the building, Blinds by Design currently has a security camera on their door. Chair Wilkens explained that in 3 in the morning it is very quiet in the Town of China and questioned if the neighbors know about 24/7 access? Ms. Littlefield explained she has not spoken to any of the other neighbors. Chair Wall states that was one of her biggest concerns, being aware of traffic, even though it may not be a lot, the neighbors could have concerns if they see someone entering the building at that time. Ms. Littlefield explained she is in communication with a gym owner in Portland and will be meeting with him to go over his contracts and states that he has no problem kicking people out if there is an issue. She



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continued to explain that if something happened, such as a gym member squealing their tires out of the parking lot at 3 in the morning, she will have a conversation with them. Ms. Littlefield advised she does not know who the neighbors are. Board Member Bennett questioned if the CEO looks at the building before or after they review the application? He gave the example of water for fire protection and stated that what is now adequate for the existing business, might not be inadequate for the new business. Chair Wilkens explained will be reviewed as part of the 15 criteria. Board Member Bennett inquired if waste disposal has been looked at? Assistant CEO French explained the building used to be a much larger building and the capacity is built in. He continued that he has not reviewed the fire protection system and it has been out of use for a while. Ms. Littlefield stated she is not sure of fire protecting system. Chair Wilkens inquired if there was a combined well? Assistant CEO French advised a new well has been drilled. Chair Wall stated would want public hearing to make sure the neighbors know. Board Member Bennett explained he would be satisfied if Ms. Littlefield was going to talk to neighbors and address any concerns, they have about 24/7 access. The Planning Board agreed that it would be satisfied if the neighbors were spoken to instead of having a public hearing. Chair Wilkens advised they will go through the 15 criteria.

## Criteria

1. Criteria 1 and its responses were read aloud. Chair Wall motioned for approval of Criteria 1 as complete. Board Member Bennett seconded motion. Chair Wilkens stated that there are limitations, and it is what the Planning Board will set if needed. He continued to explain the Planning Board can put criteria on the conditional use permit. No further discussion. Unanimously approved.
2. Criteria 2 and its responses were read aloud. Chair Wall motioned for approval of Criteria 2 as complete. Board Member Bennett seconded motion. Chair Wall inquire if there is documentation from the Fire Department that states parking lot is ok for the entering and exiting of emergency vehicles? She continued that she wants to know from emergency personnel that there is enough space to turn around and enter and exit. Chair Wall advised they usually require some documentation from the Fire Department advising is ok and if there is one from Blinds, but it is old. Chair Wall advised she would like a condition of having the Fire Department review for access. Chair Wilkens explained the Fire Department will provide a letter to be given to the Town stating there is access. Board Member Bennett commented that if the proposed use does not reduce the access, they have met their requirement and there are no modifications. Chair Wall explained that she is not sure if a letter exists from the Fire Department for the current business in the building. Chair Wilkens explained the Fire Department can go over the fire system too and they will be asking for a letter from the Fire Department in later criteria. **Condition: Letter from Fire Department confirming parking lot provides adequate access for emergency vehicles.** No further discussion. Unanimously approved.
3. Criteria 3 and its responses were read aloud. Chair Wall motioned for approval of Criteria 3 as complete. Board Member Tripodi seconded motion. Board Member Bennett questioned if the intended outdoor lighting casted a glow onto adjacent properties? Ms.



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Littlefield answered it will not cast onto other properties. No further discussion.  
Unanimous approved.

4. Criteria 4 and its responses were read aloud. Board Member Bennett motioned for approval of Criteria 4 as complete. Chair Wall seconded motion. No further discussion. Unanimously approved.
5. Criteria 5 and its responses were read aloud. Board Member Bennett motioned for approval of Criteria 5 as complete. Board Member Tripodi seconded motion. Board Member Bennett suggested that Ms. Littlefield ask neighbors to let her know if it gets too noisy. Chair Wall suggested asking clients to keep the volume of music after hour lower. No further discussion. Unanimously approved.
6. Criteria 6 and its responses were read aloud. Chair Wall motioned for approval of Criteria 6 as complete. Board Member Bennett seconded motion. Chair Wall inquired if there are parking lines in the parking lot? Ms. Littlefield advised there are no lines. Chair Wilkens inquired if there is currently ADA parking? Ms. Littlefield advised there is not.  
**Condition: Will add ADA parking with signage.** No further discussion. Unanimously approved.
7. Criteria 7 and its responses were read aloud. Chair Wall motioned for approval of Criteria 7 as complete. Board Member Tripodi seconded motion. Chair Wall explained location has been an area for business for years. The location was previously Farrington's Clothing for a long time. No further discussion. Unanimous approved.
8. Criteria 8 and its responses were read aloud. Board Member Bennett motioned for approval of Criteria 8 as complete. Chair Wall seconded motion. No further discussion. Unanimously approved.
9. Criteria 9 and its responses were read aloud. Board Member Bennett motioned for approval of Criteria 9 as complete. Chair Wall seconded motion. Board Member Bennett stated the have already heard from Assistant CEO that is adequate for the intended use. Assistant CEO French advised the subsurface plan is with the application. No further discussion. Unanimously approved.
10. Criteria 10 and its responses were read aloud. Chair Wall motioned for approval of Criteria 10 as complete. Board Member Bennett seconded motion. No further discussion. Unanimously approved.
11. Criteria 11 and its responses were read aloud. Chair Wall motioned for approval of Criteria 11 as complete. Board Member Bennett seconded motion. No further discussion. Unanimously approved.
12. Criteria 12 and its responses were read aloud. Board Member Bennett motioned for approval of Criteria 12 as complete. Chair Wall seconded motion. Chair Wilkens the



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water supply will meet the fire protection and the letter will come from the Fire Chief. Chair Wall inquired if Ms. Littlefield's intent was to have the Fire Chief come in and review the fire system? Ms. Littlefield states will have Fire Department review fire safety system. Chair Wilkens advised can drop letter off at Town Office. **Condition: Letter from Fire Department.** No further discussion. Unanimously approved.

13. Criteria 13 and its responses were read aloud. Board Member Tripodi motioned for approval of Criteria 13 as complete. Chair Wall seconded motion. No further discussion. Unanimously approved.

14. Criteria 14 and its responses were read aloud. Board Member Bennett motioned for approval of Criteria 14 as complete. Chair Wall seconded motion. Chair Wall stated that many businesses have been at location for over 30 years. No further discussion. Unanimously approved.

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

- **Board Member Bennett motioned all 15 criteria have been met with conditions. Chair Wall seconded motion. No further discussion. Unanimously approved.** Chair Wilkens explained there is a 30-day appeal timeframe and will need to contact CEO to get the permit. Ms. Littlefield advised her goal is to open middle of May and is working a website and getting the Facebook page activated.

## Killdeer Heights Subdivision at 436 Lakeview Drive – Adam Ellis on behalf of Tim O'Brien

- Chair Wilkens opened discussion on the application. He advised the public in attendance that there is no public hearing on the application tonight. He continued to advise that the Board will review the permit application and decide if a public hearing is necessary. Planning Board deemed a public hearing is necessary and set the date of the public hearing to the next Planning Board meeting. Chair Wilkens inquired if all board members have had a chance review? Board Member Bennett states he has seen the area. Board Member Bennett advised he does not believe the application is complete. He continued that there are several State mandates including inspections that have still not been met. Chair Wall advised she would like to hear from Mr. Ellis and would like to know Mr. Ellis's intent. Chair Wilkens advised they will vote on the completeness of the application once they get some questions answered.
- Chair Wall explained that she did attempt to view the location but currently the road is a very muddy dirt road. Chair Wall asked Mr. Ellis to confirmation that his proposal is to divide the lot into 4 lots? Mr. Ellis confirmed and gave locations of proposed lots. Mr. Ellis provided detailed map to the Planning Board of the proposed locations of the lots. Chair Wall advised she would like to walk the property. She further advised that the gradient on the back side is significant from the front side. Chair Wall explained would like to see where the roads would go, what the access would be and the road frontages. Assistant CEO French advised Mountain View Road is not a



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Town maintained road and is a private road that is owned by the HOA. Board Member Bennett states he spoke with one of the residents of Mountain View Road and was advised that the property was grandfathered into certain clauses in the homeowners' association agreement for access to the beach for example and property is not part of the association per his understanding. Chair Wilkens advised the Board they need to vote on the application completeness before they get into too many questions. Chair Wilkens inquired if their questions can be answered by the application or are there items missing? Chair Wall advised they can deem the application complete but there are a number of things still needed. Chair Wall motioned application is complete. Board Member Bennett seconded motion. Chair Wall explained it does not mean they are approving and will still have questions that will need to be answered and will still have a public hearing. Board Member Tripodi advised he would like to see the property. All in favor

- Chair Wilkens opened discussion on scheduling a public hearing. Chair Wall motioned to have a public hearing and give 2 weeks' notification. Chair Wilkens seconded the motion. Board Member Bennett inquired if they should be reviewing the criteria before the public hearing. Chair Wilkens explained they need to hear what the public has to say first and does not mean is approving. He continued that there would be conditions to the permit if needed. Board Member Bennett inquired into the proper procedure? Chair Wilkens explained they are currently voting on having a public hearing in 2-weeks to let the public have their say. Board Member Bennett explained that they know that there are going to be a lot of things asked for on the application but does not understand why they do not have that all the information processed before the public hearing? Chair Wilkens explained that they add conditions during the review, such as a letter from the Fire Chief before the permit will be granted. He continued that this is just the application that is before the Planning Board. Board Member Bennett requested confirmation that they would be having a public hearing in 2 weeks? Chair Wilkens confirmed. Board Member Bennett questioned if the issues have not been addressed, what happens? Chair Wilkens explained the public is going to tell the Planning Board what issues they want to have addressed. He further explained this gives the public a chance to comment and for the Planning Board to gather information. All in favor
- Chair Wilkens motioned to do walk through on the day of the public hearing because it is important for the Board to know the property and able to see the property with all the elevations and where it is in relation to other properties. He continued that it is important that they are all on the same page. Chair Wilkens explained they usually do the walk throughs before the public hearing and meeting on that day. Chair Wilkens asked Mr. Ellis if he would be available on April 11<sup>th</sup>. Mr. Ellis advised he will make himself available. Chair Wilkens advised the walk through will be on April 11<sup>th</sup> and is open to the public to attend. He explained they will do the walk through at 5:30pm on the day of meeting and then have the public hearing at 6:00pm. Chair Wilkens explained they can ask questions of the applicant during the walk through and to make sure they are all on the same page. Chair Wall seconded motion. Unanimously approved. Chair Wilkens advised that after the public hearing, the Board will meet with the applicant about the application. Chair Wall inquired into where they would be meeting? Mr. Ellis advised they can turn down Killdeer and park one or two cars on Mountain View Road and walk in. Chair Wilkens advised abutter notices will be sent by Town Office. Board Member Bennett advised that they



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need to acknowledge responses. Chair Wilkens explained they have several emails from individuals, and they are part of the record. He continued that there will be no discussion tonight.

## **Planning Board Ordinance**

- Chair Wall motioned to move to discussion on the Planning Board Ordinance to the next meeting and replace with the Appeals Board ordinance. Chair Wall states she attended the Select Board meeting and they voted to put the current edition of the Appeals Board Ordinance on the warrant. She continued to advise that the Select Board would like them to vote on it as to whether they approve or disapprove of the current version. Chair Wilkens seconded motion. All in favor.
- Chair Wilkens questioned if this is the final version and if there is going to be a public hearing. Selectman Chesley explained will be with the warrant articles. Chair Wilkens explained there needs to be a public hearing before the ordinance. Selectman Chesley advised they were told would do a public hearing in combination with the warrant. Chair Wall explained that the Planning Board previously made a motion asking the Select Board to consider adding the 10 criteria in the original back ordinance in. She continued that it was voted not to add back in. Chair Wilkens inquired if the Select Board is looking of approval or disapproval of how the ordinance has been written? He explained votes are shown of how each board voted. Chair Wall explained the Planning Board asked the Select Board under section for “variance granted from setback requirements...” to remove “upon written consent” wording and put original language back in. She continued to explain that it was voted not to change and to keep the language they adopted. Board Member Bennett advised some of the language is the State of Maine language. Chair Wilkens explained they can be more stringent and not less. Chair Wilkens asked for motion if Planning Board approves of Appeals Board ordinance as written and to go on the warrant. Chair Wilkens asked for a vote if Planning Board agrees as written or not. Chair Wall, Board Member Bennett, Board Member Tripodi voted yes to approve as written. Chair Wilkens voted no to disapprove as written. Approved 3-1

## **Review Comprehensive Plan**

- Ms. French asked if she could get a copy of the Comprehensive Plan. Chair Wilkens asked that a copy be made for current Implementation Committee member and all future Implementation Committee members. Chair Wilkens advised to use Planning Board budget for printing costs. Chair Wall asked that Ms. French be include all meetings and to sit at the table with the Planning Board during meetings. Chair Wall gave Ms. French her copy to review before the next meeting.
- Board Member Bennett inquired when would be a good time to review the solar ordinance? Chair Wall advised they will be looking at the ordinance at the next meeting and has the original copy of the ordinance. She continued that she will email the current version to Planning Board members.

## **CEO Report**

- Assistant CEO French advised his 2<sup>nd</sup> appeal was upheld this month.
- Board Member Bennett inquired if there was any need information on the Family Dollar parking lot. Assistant CEO French states he found out who is responsible for maintaining and Family



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Dollar did not follow up. He continued that needed to be vacuumed out every year and was not maintained. He further explained that due to the type of surface, they were not supposed to use sand or salt. Chair Wall explained it is a violation of a condition of the permit to maintain the surface. Chair Wilkens explained there was a timeline for maintenance that was to be done once a year. Chair Wilkens explained they had to have one of those driveways and it needed to be inspected. Board Member Bennett states is a hazard, and something must be done. Chair Wilkens advise is a violation of the condition of the permit and states there was a maintenance plan. Board Member Bennett questioned if they could be brought to court? Chair Wilkens advised that is up to the Town and not the Planning Board. He continued the Planning Board only has authority for the conditions and would need to go to CEO or the Select Board.

- Chair Wall inquired if there are any new permits? Assistant CEO French advised next will be the town office expansion which will be off the existing breakroom. He continued that the engineer is still finalizing everything regarding the conditional use permit and does not have the application yet.

## **Future Schedule and Adjourn**

Next Planning Board Meeting: April 11, 2023

Motion to adjourn meeting made by Board Member Bennett

Motion seconded by Chair Wall

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

Respectfully Submitted,  
Dawn Kilgore  
Planning Board Secretary