



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 May 11, 2021

Planning Board Meeting
Meeting held Via ZOOM
April 27, 2021
Begin 6:30 PM

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

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 April 13, 2021 Meeting

- Board Member Wilkens motioned to approve minutes as written.
- Board Member Tripodi seconded motion.
 - Change John Public to AnonymousAll in favor. No further discussion.

Planning Board Chair Comments and Priorities

- Chairman Downer advised of new Planning Board email addresses for each Planning Board member. He explained the new emails need to be used for Planning Board business as they are a permanent record and will be passed on to the next member with all emails received by the account. Chairman Downer advised not to delete any files. Should be used for all Planning Board business. Chairman Downer confirmed with members they are able to access their new accounts
- Chairman Downer advised has receive word from Town Manager that next meeting can be in person if Planning Board decides they would like to meet that way instead of ZOOM. The meeting will be held in trailer and they will continue to provide ZOOM link for virtual attendance. Chairman Downer advised there can be only 17 people in the room including the Planning Board members.

Shoreland Stabilization

- Chairman Downer suggests getting a “boiler plate statement’ out so can bring to Planning Board at the next meeting and can being modifying and working from there. Board Member Wilkens states that is an acceptable way to proceed. Chairman Downer suggested Board Member Wall as the 2nd person to work on modifications. Chairman Downer states he will contact her. Board Member Wilkens stated he will be back up if Board Member Wall is unavailable. Chairman



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Downer advised the Town Attorney's request was 3 or 4 sentences with brief description. He advised they want to keep it as simple as possible in order to get passed. Board Member Wilkens motioned to table discussion until have introduction and explanation to Planning Board for a vote. Board Member Tripodi seconded the motion. No further discussion. All in favor

Solar Ordinance

- Chairman Downer advised Kevin Corbett and Scott Anderson. are in attendance. Board Member Wilkens inquired how Kevin and Scott felt about the ordinance. Mr. Corbett states last time he was before the board was in January when they presented a model solar ordinance and that Board Member Wall was going to modify to fit with current Town ordinances. Mr. Corbett states they did look through the ordinance and states it is well written and covers most of the points but that they have added a few comments in regard to lot coverage. Not sure if this has been discussed in previous meetings or not? Mr. Corbett inquired if there is anything else, they can help with in order to expedite to the Select Board for review and what is the timeline? Chairman Downer advised, for the timeline, that the next available time for the ordinance to be voted on, by the community, is November election but in order for that to happen, the ordinance needs to be to the Select Board no later than August 8th. He continued they would like to have to Select Board before then in case there are questions and would like to have approved on August 8th by the Select Board.
- Mr. Corbett mentioned comments made in regard to lot coverage and formatting. How far along is the Planning Board in regards to the completing modifications to the ordinance? Mr. Anderson added that if he can be of any assistance, he is happy to help. Mr. Anderson commented about issue with lot coverage and that the panels themselves are not counted for lot coverage. He also questioned about what zones are allowed in? He stated that he added a comment on what zones he felt should and should not be in. They are here to help.
- Mr. Anderson advised in Section 4, permitting matrix, he added some language to "c" to make it clear regarding permitting. He advised that he added language for accessory use and small scale is permitted in all districts. For medium and large scale, ground mounted are allowed in resource protection, rural district and stream protection. Not allow in shoreland district. Board Member Wilkens advised stream protection is 75ft from any moving waterway. He continued they do not put any structures within that distance and stream protection is part of shoreland zoning. Board Member Rollins confirmed set back is 75 ft for stream protection and 100ft from the waterfront. Mr. Anderson advised DEP does not count for runoff from the panels. Board Member Wilkens advised they do look at runoff to make sure it does not affect another property. Chairman Downer explained they are trying not to be redundant and to use the existing ordinance as much as possible. Board Member Wilkens commented that they are following the Land Use Ordinance.
- Mr. Anderson inquired into when they applied, they went through conditional use permitting process, and this ordinance it states a site plan review process? Do they need to do both? Chairman Downer believes they would ask for both a conditional use and a site plan review. Board Member Wilkens commented that he feels they would require both. There was some



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discussion on what a site plan and a conditional use are used for. Board Member Wilkens would like to hear Board Member Wall comments. Mr. Anderson explained he would be willing to do a redraft. Chairman Downer declined the offer, stating would like to keep how currently is for further review by the Board. He explained has been challenging with COVID.

- Board Member Rollins inquired into extension request for permit? Mr. Corbett advised 2 projects in Town of China. He explains that conditional use permit for Route 3 location is due to expire on May 15th. Mr. Corbett advised has been held up by CMP study and that construction has not been started at site. He commented that he is under the impression that the Planning Board is able to grant a 1-year extension before permit expires. Board Member Rollins inquired what signifies a “start”? Board Member Wilkens questioned if any roads had been put in? There was discussion on what qualifies as a “start”. Mr. Corbett states they believe it is 1 year to start and 3 years to complete. He advised they are not anticipating putting any panels in until later this year or early next year. Mr. Corbett explained what is still needed for the project. CEO Hanson explained would need to review permit but typically have 1 year to start and it appears the project has been started. There has been soil removed and access roads put in, the site has been worked on. He continued that after that, there is 80 months to complete the project. Chairman Downer suggested waiting 2 weeks to vote on an extension, to give public time to comment since this is the first time it has been brought up. Mr. Anderson explained his understanding was could grant a one year if the project had not changed which it has not. Chairman Downer advised the top soil was removed by previous owner and not SunRaise. Board Member Wilkens motioned to hold off on vote for 2 weeks and put as an agenda item for May 11th meeting. Chairman Downer stressed notice needs to be put in Town Line. Board Member Rollins seconded motion. Brent Chesley commented that the definition is 30% completion by value. All in favor. No further discussion.
- Chairman Downer asked Board Member Rollins to pull up Solar ordinance and share screen. Chairman Downer feels Planning Board had edited more of the document than the document submitted by Mr. Corbett and Mr. Anderson. Board Member Wilkens commented he believes they edited a lot more and he is not seeing the section they added from another ordinance they reviewed. Board Member Rollins showed comments. Chairman Downer advised emails in SharePoint document need to be corrected to new emails and a note needs to be sent. There was discussion on if the document is the correct document with current track changes and how comments are added.
- Board Member Rollins pointed out the section referenced by Mr. Anderson in the document. Board Member Wilkens commented that he does not believe they agreed to the change. Chairman Downer advised they had agreed to keep the definition the same as other ordinances. Board Member Rollins explained that he is in agreement with the change because they are not saying they are not structures but they are not a structure for the purpose of calculation of lot coverage. And they are not typical impervious because there is grass or other vegetation underneath. CEO Hanson suggested stating the land area occupied by solar arrays shall not count towards maximum lot coverage. This would get away from stating they are not a structure. Board Wilkens questioned if they are not structures and the 30% does not apply, are they allowed to have 100% lot coverage? Chairman Downer reiterated they are structures. Board Member Wilkens was in



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agreement that they are structures. Board Member Rollins suggested maybe having 50% lot coverage? Board Member Wilkens feels there needs to be a percentage of lot coverage. Chairman Downer stated past discussions have stated they are structures and are not exempt from the 30% lot coverage requirement. Change regarding not being a structure stricken from document. Chairman Downer explained would like to see aerial photo of site in Augusta CEO Hanson had mentioned.

- Chairman Downer advised of Section 2 changes that reference Maine Law. Board is in agreement the changes should be stricken from the document. Board Member Wilkens advised they will add in their own which can be stricter. Chairman Downer inquired if a comment was added to why removed. Board Member Rollins advised they will need to update that section. Chairman Downer suggested tabling changes until next meeting due to timing. Board Member Wilkens so moved.

CEO Report

- CEO Hanson stated that he has issued 10 new building permits and 2 new plumbing permits. He also advised has issued the conditional use permit to Mr. Nichols for the new storage unit on Vassalboro Rd. CEO Hanson states he has 3 more to review.
- CEO Hanson explained has been working on violations and has 3 that he will be sending letters to. CEO Hanson outlines his process of dealing with violations. He advised one might possibly need to go to Select Board if no progress.
- CEO Hanson advised he will handle email from Scott Paris.
- CEO Hanson explained he can print out copies of solar ordinance if needed. Board Member Rollins inquired if laptops are available. Chairman Downer states the per his discussion with the Town Manager Hapgood, there are laptops but they need to stay at the Town Office.

Future Schedule and Adjourn

Next Planning Board Meeting: May 11, 2021

Motion to adjourn meeting made by Board Member Wilkens

Motion seconded by Board Member Tripodi

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

Respectfully Submitted,
Dawn Kilgore
Planning Board Secretary