



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 June 15, 2021

Planning Board Meeting

Meeting held in Portable Building and via ZOOM

May 11, 2021

Begin 6:30 PM

Board members in attendance: Toni Wall, James Wilkens, Randall Downer, Natale Tripodi, Scott Rollins (via ZOOM)

Board members not in attendance:

Attendees: Mary Grow, Kevin Corbett, Brent Chesley, 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 27, 2021 Meeting

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

Planning Board Chair Comments and Priorities

- Chairman Downer commented he will be looking into getting secretary China email address for Planning Board emails.
- Chairman Downer advised Board of ongoing MMA trainings and stated the Board has a small budget to pay for trainings for interested Planning Board members.
- Chairman Downer advised of tabled motion from April 27th meeting regard the granting of a one-year extension to the conditional use permit for SunRaise solar project on Route 3. Mr. Corbett advised they have approval from CMP and a study is in progress with ISU New England. He states they were just cleared last month and have not had an opportunity to start. Mr. Corbett explained there is still a lot that needs to be done.
 - Board Member Wilkens motioned to open up discussion of extension request. Board Member Wall seconding motion. All in favor.
 - Chairman Downer questioned the Board if they have had a chance to think about the request. Board Member Wilkens motioned to approve extension for 1 year to conditional use permit issued May 19th 2020 for Route 3 solar project. Board Member Wall seconded motion. Board Member Wilkens advised he granted the



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extension due to extenuating circumstances. Board Member Rollins asked for clarification extension is for one year only. All in favor. Unanimously approved.

Solar Ordinance

- Chairman Downer confirmed with Board Member Rollins that no additional adjustments have been made since previous meeting discussion and the most current version is dated May 11, 2021.
- Board Member Wall advised she has a change for section 3. The wording should read “for the construction, maintenance and decommission of solar energy systems”
- Chairman Downer inquired if principle and accessory use are acceptable? Chairman Downer questioned if under principle use, were there 3 and now down to 2? Board Member Wilkens commented there were always 2 and that industrial and commercial were removed. Chairman Downer recommended the removal of the 2 blank columns to make the chart more readable.
- Chairman Downer questioned the definition of small-scale ground mounted vs. medium scale ground mounted for accessory use and why are they separate? Do we still need small and medium use under accessory use? Board Member Wilkens explained it was due to roof mounted needing CEO. Board Member Wall questioned if really need? CEO Hanson explained can separate for clarity or write same in one block to prevent any loop hole or misunderstanding. There was discussion on small/medium – ground mounted based on principal or accessory use. Board Member Wall inquired why is principle and accessory use not defined? She commented she did not see definition and this might be helpful to have a definition of accessory and principle use. Board Member Rollins thought was previously discussed. Board Member Wilkens advised accessory is on house or property and principle is the property. Board Member Scott questioned if already defined in another ordinance and is why was no included? Board Member Wall states accessory and principle use definition is in Chapter 11. Board Member Wall read definitions. Chairman Downer inquired if they need to modify accessory use? He continues that in the proposed ordinance, should it say accessory use or structure? Board Member Wall states would refer back to definition section of ordinance.
- Board Member Rollins states he was going through and accepting changes agreed upon previously. There was discussion regarding the use of “N” for prohibited or “P” under shoreland district. Board agreed to leave “N” for prohibited. Board Member Wall suggested could put NO in section 4 as prohibited since this might help with clarity. Board Member Wilkens mentioned under medium/ large, will need to change scale on the bottom from N to NO. Board Member Toni commented need to change CEO to state “CEO = Code Enforcement Officer”



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- Under Section 5 – Application and review (b), Board Member Wall states should say “in addition to the Town of China’s site plan.” Board Member Wall commented on formatting changes that are needed.
- Chairman Downer explained under Section 7 – Standards of Review, paragraph b, they need to change “by the Town” to “Town of China”. He inquired if hazardous waste has been sufficiently covered? Board Member Wilkens advised it has been covered and that “NFPA 70” should be “NEC 70” under paragraph C. CEO Hanson advised would be common knowledge for an electrical installer. CEO Hanson suggested to drop number from NEC to allow for current year and would allow for the ordinance to not have to be revised continually.
- Board Member Wall advised under Section 5, under review process (a) “town staff will review application”. CEO Hanson explained would allow for other town staff to review if CEO was not available. Board Member Wilkens inquired if the town staff have the capacity to review? He states he does not feel anyone else but CEO has capacity to review. Board Member Rollins explained what if CEO gave the authority to an assistant to review. Board agreed wording needs to be changed from “Town staff” to “designee”. CEO Hanson explained would still be responsibility of the CEO to review and approve.
- Board Member Walls questioned on Section 5 – Review Process (b)(vi) states has “30 days of receipt of completed application” She states they need to remove timeframe since Board would review after hearing, at next meeting. There was discussion on how Board processes applications. Chairman Downer advised need to drop (vii) regarding attendance for application.
- Chairman Downer questioned under Section 5- Site Plan Application and Review (7) should it be “IFW” or “Town of China” or “IFW and/or Town of China”? Board Member Rollins stated it should be “or” since IFW would need to map it but we may know of an area that has not be mapped. Board Member Wilkens feels if use “or”, then people would just come to the Town of China. CEO Hanson added wording to read “by any of the following Inland Fisheries and Wildlife, the Town of China and the Maine Natural Areas Programs”
- Board Member Wall questioned what “Prime Farmland” and “Farmland of Statewide importance” are? CEO Hanson found definitions on internet. Board agreed to leave as written
- Chairman Downer inquired about #10 – Floodplains? CEO Hanson confirmed there are floodplains in China and questioned if there are any local historical district? Mary Grow confirmed there is a historical district. Board Member Wilkens advised China Village is a historical district. Ms. Grow explained there are no protected historic national cemeteries



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in China. There was discussion on the various cemeteries in and around China that should be protected.

- Board Member Wilkens commented they should have a maintenance plan. Chairman Downer inquired do we need to stipulate it needs to be renewed or is a longtime thing? Board Member Wilkens advised he would like to see before and would be the responsibility of the applicant. CEO Hanson explained there are site conditions we hold them to such as erosion control and storm water management. He explained would be required and are usually done by a 3rd party and will need to be reviewed. Board Member Wilkens commented that if a buffer is damaged, it would need to be replaced. CEO Hanson confirmed buffer would need to be maintained and replaced. Board Member Rollins explained that could be condition of the permit. Board Member Wall states should be doing maintenance plans for all projects. Board Member Wilkens states could be part of 15 criteria.
- Chairman Downer advised will start review at “Dimensional Standards” at the next meeting.

CEO Report (time permitting)

- CEO Hanson advised of letter received May 10, 2021 from Colin Clark at DEP regarding the conditional approval of Town of China’s Shoreland Zoning Ordinance. CEO Hanson explained he looked into if Land Use Ordinance was acceptable or not by DEP. He explained spoke with Colin Clark and was told were enforceable back to the 2017 ordinance conditions. CEO Hanson advised he asked for up to date list of conditions. He explained received letter regarding conditional approval, accepting April 6, 2019 ordinance with conditions. CEO Hanson advised DEP has changed definitions of terms and have called out specifically places where China ordinance does not comply with DEP standards. He explained will review again once corrections have been made.
 - One example is they have issues with the deleting of driveways from maximum lot coverage. DEP does not allow for impervious surfaces to be removed from the maximum lot coverage calculations.
 - Board agrees they need to upgrade ordinance. CEO Hanson advised DEP has deleted some terms and directed to pg. 4 for specific deficiencies.
 - Chairman Downer advised should be made public and should work on to have approved by the Select Board along with shoreland stabilization. Chairman Downer asked Board Member Wall to take the lead and advised they may need to open definition section of ordinance section for updates.
- CEO Hanson explained he issued 15 building permits and 5 plumbing permits in April. He continued that in May, so far, he has issued 10 building permits and 2 plumbing



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permits. CEO Hanson advised he still has 11 permits in review for May. CEO Hanson commented that construction has not really slowed down even with the price of building supplies increasing. Board Member Wilkens inquired how many new homes? CEO Hanson explained he has only had 3 new homes in 2021.

Future Schedule and Adjourn

Next Planning Board Meeting: May 25, 2021

Motion to adjourn meeting made by Board Member Wilkens

Motion seconded by Board Member Wall

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

Respectfully Submitted,
Dawn Kilgore
Planning Board Secretary