



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 28, 2022

Planning Board Meeting

Meeting held in meeting room in the Town Office and via ZOOM

May 24, 2022

Begin 6:40 PM

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

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

Attendees: Brent Chesley, Cathy Chesley, Mary Grow

Code Enforcement Officer Jaime Hanson present

Board meeting opened by Board Member Wilkens

Pledge of Allegiance to the American Flag

Board Member Wilkens brought Board Member Tripodi into voting capacity.

Review/Approve Minutes April 26, 2022 Meeting

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

All in favor. No further discussion.

Chapter 8 – Solar Energy Systems Ordinance

- CEO Hanson summarized the site visit to ME-32 China Solar array that was conducted on May 24, 2022 at 5:30pm. He explained the Planning Board members met with Joe Bumps who is the site superintendent and representative of Borrego Solar. He continued to explain the members were shown how the arrays were constructed and how they had withstood the elements. CEO Hanson advise to the wetlands at lower part of the site that was viewed. He also further advised the grade was not changed and that the arrays are designed to meet the grade. CEO Hanson advised of an area, roughly 150 feet, of trees that were removed due to shading the arrays and the area was replanted with grass. He confirmed no downed trees were nothing left on site.
- CEO Hanson explained the construction of the arrays as being an auger type of support and going into the ground around 6 feet. He continued they are in 3-inch tubes and are the same as will be used on Route 3 project. CEO Hanson commented that the only other type of supports he has seen are pile-driven I-beams and are more difficult to remove at decommissioning. He explained the same machine that puts in the auger type can also take them back out with little damage. CEO Hanson stated this would be something to consider for decommissioning specifics. He continued to explain the height of the arrays as being roughly 4 feet above the ground on the low side to being 10 feet above the ground on higher side. He explained there is equal spacing between the arrays, with there being approximately 16-18 feet between them. CEO Hanson commented that the Board members seem to prefer the spacing since it allows for more sun in and allows more



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vegetation to grow. CEO Hanson advised there was evidence of mowing and evidence of animal activity. He continued that the intent was to go to the site and see an active array and decide what will need to go into the new ordinance to solar energy systems.

- Board Member Wilkens opened the meeting to questions and comments from Planning Board Members. Board Member Bennett explained the in regard to the layout, he would like to see the solar arrays be as minimally invasive to the land and allow the land to rehabilitate rapidly upon decommission. He advised he would like to codify the minimum height and spacing of the arrays in the ordinance. Board Member Tripodi explained that originally, he was opposed to the solar energy systems but after the visit, he is convinced they have their use. He continued that he liked the way they were constructed with having posts screwed into the ground instead of concrete. Board Member Bennett advised the location is well secluded as he drove past several times. Board Member Wilkens explained that when the previous board was looking at approving, they wanting to keep the esthetic value of China while also seeing the need for a new energy source. He continued that he is very pleased with how this project turned out. Board Member stated that at even at 5:30 -6:00 in the evening, the system was still generating energy. Board Member Bennett stated that the project has handled the snow and ice just fine with Board Member Wilkens adding that the fence and arrays are check often. Board Member Wilkens advised that the location is mowed twice per year per permit and there are the normal fauna present that you would see in a field. Board Member Wilkens reiterated that the project was really well done. He continued that moving forward, with the way this project was done, there will be a lot less needed for decommissioning.
- Board Member Wilkens brought up the discussion how they can allow for more wildlife in but still keep locked up to keep people out? He continued that the area is a big area and having grazing animals would help take care of the grass. Board Member Bennett stated it is not a small issue when disrupt habitats and is a concern to him. Board Member Wilkens explained that if the board and other feel that way, they should be looking at putting in the ordinance. He continued that with this project, based on topography, there was a section of fence where wildlife was entering. Board Member Wilkens explained he would like to look into how to allow more access. He gave an explain of fencing at a Gardiner site that had staggered fence. He continued the spacing would need to be small enough to not allow for a four-wheeler to pass through. He further explained he understands this is a tough one, where they are not just dealing with animal but people as well. Brent Chesley advised he is surprised there is an opening that people could get in and though it would be similar to a substation where there is energized electricity. CEO Hanson explained it is done in way that is clearly trespassing for a human. Board Member Bennett advised they don't want anyone with a vehicle getting in there and if a person does go pass the No Trespassing sign, then they are liable for damages cause. Mr. Chelsey advised this would be a liability.
- CEO Hanson advised that with conditional use permit, during construction, any rain event of 1 inch or more required an inspection. He continued that he was advised by Joe Bumps that the rain amount is down to ½ inch to inspect. He further explained that there are people at the location often that are watching over the project including individuals working in gravel pit next to the



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solar arrays. Board Member Bennett inquired if there has been any history of vandalism of solar farms? Both Board Member Wilkens and CEO Hanson stated there were not aware of any. Board Member stated that for people, safety is a concern. CEO Hanson explained that anything from CMP or Bangor Hydro such as a substation is protected by 10-foot-tall fencing with barbed wire and cannot just be stumbled into. Board Member Bennett states he is not opposed to protecting, he just wants to allow for animal egress. Board Member Wilkens noted the way the wetlands were handled with the project and state he did not see any runoff. He continued that this site was good thing to see and they did a good job with the permit. Board Member Wilkens noted that there is an 8-foot fence which most people would know that means they should not be in there. He continued that there is a Knox box there for the Fire Department. CEO Hanson advised the wetland and ground cover grasses are growing back in places that were disturbed. He continued the access road in good shape and has not seen any issues or problems with erosion even with the large amount of rain that was received. Board Member Bennett stated that this is proof that these projects can be done with nature. He continued this should be a standard to hold on to, to be as non-disruptive to the area as possible. Board Member Wilkens praised all the work that was put in including public comments and was good to see.

- There was discussion on the viability of the solar project in Augusta. Mr. Chesley advised that the buffering is great and you actually have to be looking for the Route 32 site to see it. He continued is a prime site for buffering but not every site is like Route 32 such as that Route 3. He further advised buffering is the key. CEO Hanson explained the buffering on Route 3 site is ornamental and is not for screening between the road and the array. He further advised there is agricultural fence in place which looks less industrial but does not screen panels from view. CEO Hanson advise they would need a 30-foot vegetative buffer of trees in order to block the view. There was discussion on the need for buffers and screening of projects. Board Member Wilkens stated they need to make sure the projects fit the Town of China. Board Member Bennett stated they need to preserve the values and to codify that.
- CEO Hanson advised there have been no new public comments in regard to the solar ordinance. He further advised of a new comment from landowner regarding land use. CEO Hanson explained the property has been deemed “Stream protection” and now the landowners can do very little. He continued that he has sent out property location to State for updated mapping in response to a state survey to be reviewed. CEO Hanson explained the stream goes through middle of property.
- Board Member Wilkens confirmed there were no new comments in regard to solar ordinance and that Mr. Chesley’s previous comments are on record. CEO Hanson advised of Town Attorney and Town Manger highlighted comments that should be main part of ordinance. Board Member Wilkens advised he would like to have full board present before any changes are made. He continued that he appreciates all the input.

Chapter 2 – Land Use Ordinance

- CEO Hanson advised has received one new public comment and read through letter received from Duane Drummond. CEO Hanson explained they previous received comments from Brent



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Chesley and Scott Pierz. CEO Hanson explained he has seen the building permits for that property and the difficulty of building a deck in years past. He continued that if they did not change the lot coverage, it would have a huge impact on this particular property. Board Member Bennett questioned that with the last discussion, they did not tighten? Board Member Wilkens confirmed they had voted not to make more restrictive than the DEP. CEO Hanson advised they decided to keep as 15% for structure and to add 5% for nonvegetative surfaces making the total 20% like DEP. CEO Hanson explained DEP definition of “nonvegetative”. Board Member Bennett questioned if there is anything the Planning Board can do to address Mr. Drummond’s concerns? Board Member Wilkens confirmed there is nothing the Planning Board can do as they have already bumped up to the DEP amount of 20%. CEO Hanson advised the Town has already turned over to the State for a closer look. CEO Hanson explained if there are any other properties that should be looked at for zone mapping, they can email CEO and will give information to the State. Board Member Wilkens expressed that he likes that the State is looking at the properties, and is up to the DEP.

CEO Report

- CEO Hanson advised there are no new conditional use permits to be reviewed by the Planning Board.
- CEO Hanson explained there have been 18 new building permits, with half being for new homes and the other half for additions and accessory structures such as garages and sheds. He continued that the size of sheds continues to get bigger. He gave an example of a 14x24 foot shed that was set up like a garage would be, on a slab, and is a wood structure that is big enough to be a one bay garage with a work area in the back. Board Member Wilkens how it would be considered? CEO Hanson stated it would be considered what its use is and, in this case, they asked for a garage. CEO Hanson advised that you cannot use a wood stove in a garage with fuel gases in the State of Maine. He further advised that is based on fire code and is based on how permitted. He continued that the size the type of construction and the type of foundation, the inspection is more substantial. Board Member Wilkens questioned if the structure was on a gravel pad? CEO Hanson advised that if it was on blocks or a gravel pad, it would be a shed. He continued that a shed used to be an 8x12 structure and now some are dwellings. CEO Hanson advised that a tiny house less than 400 sq. ft, are not built on site and are not inspected by the State as a manufactured home would be. He continued they need to be inspected and need to meet building code. CEO Hanson explained a tiny house is required to be on a foundation if is being used as a dwelling. Board Member Wilkens inquired how would CEO know what is being used for? CEO Hanson advised he would need to go see and that people are being upfront about what they are requesting the permit for and what they can do. CEO Hanson explained that if was complex enough, he could require a 3rd party to inspect, if needed. Board Member Wilkens questioned if can put a bathroom in a large shed? CEO Hanson advised can do and gave an example of a 14X26 shed that is going to be an office. He continued has rooms, a bathroom, parking and is on a concrete slab with the shed bathroom tied into the home septic system. He further explained the existing home septic has the capacity for extra. Board Member Wilkens inquired into what the shed with the office would be considered for taxes? CEO Hanson advised would be commercial use business and is a home occupation. Board Member Wilkens confirmed would be a Level 3 home occupation with CEO Hanson confirming there is no change of use for property.



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- CEO Hanson advised of many real estate transfers with new home being put in. He continued to advise that he has issued 11 plumbing permits with some bring renovations to plumbing. CEO Hanson explained he has 15 building permits in review with the Town clerk still helping to process.
- CEO Hanson explained there is a possible appeal to one of his building permit denials. He explained where the property wanted to divide into 3 lots, with 2 lots being on the water. He continued they did not get to the point of providing floor plans or septic designs as CEO Hanson explained there was not enough shoreline frontage, 200 feet per lot, to allow and denied request. He further explained that the appeals board chairman has been in contact with applicant to see if they would like to move forward. He further explained the Town attorney has seen, that in the past, the CEO stating “denied” on a building permit is not a real decision with discovery and findings of fact and does not have enough to hold up in a legal environment. He states that he will need to create a finding of fact to provide to the Town in case goes to Superior Court.
- CEO Hanson commented that is has been a strong building season and he has been busy with inspections. CEO advised of 2 possible conditional use applications but advised he has not received yet.

Board Member Wilkens thanked Planning Board Secretary Dawn Kilgore for her minute taking and Code Enforcement Officer Jaime Hanson for all his work. Board Member Wilkens advised he has heard nothing by good things from community members regarding CEO Hanson.

Future Schedule and Adjourn

Next Planning Board Meeting: June 28, 2022

Motion to adjourn meeting made by Board Member Tripodi

Motion seconded by Board Member Bennett

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

Respectfully Submitted,
Dawn Kilgore
Planning Board Secretary