



Town of China

571 Lakeview Drive; China, Maine 04358
(207) 445-2014 info@chinamaine.org

Approved by Planning Board by a vote of 3-0 on July 27, 2021

Planning Board Meeting

Meeting held in portable building and via ZOOM

June 28, 2021

Begin 6:30 PM

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

Board members not in attendance: Toni Wall

Attendees: Brent Chesley, Cathy Chesley, Mary Grow, Steve Greene

Code Enforcement Officer Jamie Hanson present

Board meeting opened by Chairman Downer

Pledge of Allegiance to the American Flag

Review/Approve Minutes June 22, 2021 Meeting

- Board Member Wilkens motioned to approve minutes from June 22, 2021 as written. Board Member Tripodi seconded motion. All in favor. No further discussion.

Solar Ordinance

- Chairman Downer opened discussion on Solar Ordinance. Board Member Board Member Rollins advised he sent out email with updated version as of June 22nd but then saw that Board Member Wall had done an update on June 25th. Chairman Downer advised he is using June 25th copy of ordinances. Chairman Downer advised Board Member Wall edited the document to bring in alignment with cell tower ordinance and states Board Member Wall had found some inconsistencies with Chapter 6.
- Chairman Downer questioned if everything had been corrected up to Section 7? It was advised they had been working on Section 6. Chairman Downer confirmed adjustments have been made through Table 1 that were discussed. Chairman Downer explained the changes they made in the table in to PB is site plan by Planning Board and CEO is just review. He continued that they were just simplifying table. Board Member Rollins confirmed is much cleaner. Chairman Downer advised Board Member Wall changed title of Section 6 to Approval Process. Board Member Wilkens explained change mirrors cell tower ordinance. Chairman Downer advised of editorial changes that were previously discussed at the June 22nd meeting.
- Chairman Downer suggested they should start working form 6.3 (b) regarding Planning Board application fee. Chairman Downer read section aloud and recommended to correct to “within 15 days”. All Board members in attendance were in agreement



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- Chairman Downer read paragraph aloud. Board Member Rollins corrected “applicat” to “application”. CEO Hanson suggested wording of “fees paid prior to PB decision”? He explained these would be the fees that are associated with Town costs such as advertising and notification. Board Member Wilkens stated these fees should be paid before construction. Board Member Rollins inquired if fees have been discussed? Board Member Wilkens advised fees are set by the Select Board. CEO Hanson advised he lets the applicat know the fees and explained there is fee schedule posted on CEO page. Chairman Downer advised fee schedule is updated/reviewed annually. Chairman Dower advised need to change wording “from start of construction” to “fees paid in full prior to Planning Board review” There was discussion on if fees would be due by first meeting or 2nd meeting of Planning Board? Board Member Wilkens advised the Planning Board will not give approval without payment and is the first thing in determining if the application is complete. Board Member Rollins advised fee would be part of application completeness. Board Member Wilkens explained need to change wording to “applicant shall/will pay all reasonable costs and customary fees incurred by the Municipality for the application prior to Planning Board review” Chairman Downer clarified language as “An applicant will pay all reasonable and necessary fees incurred by the Municipality prior to Planning Board review for approval.” Board Member Rollins questioned if there would be a refund? Board Member Wilkens advised that the fee is the cost for the Planning Board to review. Board Member Rollins suggested they need to strike last line regarding refund since they do not return the fee if application is disapproved. Chairman Downer explained wording is out of chapter 6. Board Member Wilkens explained that any money for costs not incurred could be return if fee paid. He continued that the fee would not be returned at the end of the process. Board Member Rollins maybe there was a fee for the wireless but not sure why they would have in here as in any other section, the fee is the fee. Chairman Downer explained is analgas of cell phone ordinance and there is a 15-day window to withdraw application and is similar to 6.4 d. Mr. Chesley questioned if they have a flat fee for review and the Town takes care of public notice and notice to abutters, would be costs to the applicant? Board Member Wilkens explained applicat knows what will be billed? He continued that fee is for applicant to review with the board. Chairman Downer explained first paragraph is correct. There was discussion on wording for 6 (B) paragraph 1.
- Chairman Downer read paragraph (b)(2). Board Member Rollins advised is redundant to the paragraph above and fees would be paid before 15 day out. He explained would be way before construction has started. Board Member Rollins advised should be in the schedule of fee. Chairman Downer questioned that until this fee is paid, refund of the application portion of the fee, the application would include other components? CEO Hanson explained takes 2 meetings and would not do any notification to abutters or advertising until after 1st meeting. He continued that will have public hearing and decide next meeting need to advertise and notice to abutters then they find out the cost. Board Member Wilkens explained they have up to 15 days to get back but they have up to a year for construction. Chairman Downer agreed last sentence of 2nd paragraph, need to drop “before construction” and replace with “prior to Planning Board review”. CEO Hanson explained it seems like the review fee has estimate of all costs and whatever is



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not paid would be given back. He explained the last sentence would never happen if waited until Town paid for. All Board Members in attendance agreed need to drop sentence of “fees being given back”.

- Chairman Downer read Section 7 – Standards for Review aloud. Board Member Wilkens advised that in 7.1(b)(5), only change was should be approved by CEO not town staff. Chairman Downer read 7.2 - CEO approval standards aloud. Chairman Downer questioned CEO if should be to “other buildings” or is just “buildings” enough? CEO confirmed wording is good with “relative to buildings” CEO Hanson explained NFPA1 is a document and there are multiple regulations and would be easier to put NFPA. Board Member Wilkens suggested adding “the latest edition of NFAP”. CEO Hanson advised Town of China doesn’t adopt, is part of MUBEC standards. CEO Hanson suggested drop adopted by Town of China and adding “adopted by MUBEC standards”
- Chairman Downer read paragraph (c). CEO Hanson explained is contained in MUBEC and the Town of China does not enforce electrical standards since CEO Hanson does not have training. He advised the State of Maine has the ability to enforce and should be required to be done. Board agreed to drop “adopted by Town of China” and add “adopted by MUBEC standards”.
- Chairman Downer read paragraph (d). Board Member Wilkens inquired if is the Town or the company doing? CEO Hanson explained they need to provide documentation that an electrical inspector had inspected. He advised will be either one from the State or a 3rd party that is approved by State. Board Member Wilkens recommended adding wording stating “the Town will require documentation”. Chairman Downer amended wording to include “including providing documentation to CEO”
- Chairman Downer read 7.3– Planning Board Approval Standards.
 - Subsection 1 – Utility Connections read aloud with no recommend changes needed.
 - Subsection 2 – Safety read aloud. Board Member Wilkens advise is the letter they get with the application that the Fire Chief has reviewed.
 - Subsection 3 – Visual Impact read aloud with no changes needed.
 - Subsection 4 – Land Clearing read aloud.
- Board Member Rollins advised he does not see many changes and the Board should concentrate on just the needed changes instead of reading each subsection. Board Member Rollins states that one change to subsection 4 is clearing may have happened prior to application. He suggested that need to add in verbiage regarding re-vegetating any areas that are not vegetated at the time of application. He continued that he is aware of some issues with subdivisions going in and entities creating rules regarding clearcutting before application. There was extensive discussion on the need for re-vegetation of areas especially under panels. Chairman Downer clarified wording as “If vegetation has been previously removed, vegetation restoration will be a condition of the permit approval”. Board Member Rollins advised regarding vegetation, there needs to be



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about preserving or planting native vegetation. Chairman Downer asked CEO Hanson for read back of “removal of prime top soil shall be avoided, if vegetation has been previously removed, restoration of native vegetation will be a condition of the approval.”

- Board Member Rollins inquired if should require all fencing to be 5 inches? Chairman Downer advised would be easier to do the entire way around. CEO Hanson explained the installation should not interrupt animal travel. Board Member Wilkens inquired what about larger mammals? CEO Hanson advised deer and other larger mammals would cause damage to equipment.
- Chairman Downer inquired if any change needed for subsection 5 regarding removal? Board Member Rollins inquired if they had changed to include recommissioning. CEO Hanson explained owner can apply for recommissioning ultimately. Board Member Rollins advised recommissioning is in section 9 under abandonment.
- Chairman Downer advised 5 (b) paragraphs 1&2 regarding set-backs. He read aloud that setbacks shall meet setbacks requirements in Land Use Ordinance. CEO Hanson confirmed is part of Land Use Code. Member Rollins advised that in table, they should specific from property line in regard in height. CEO Hanson explained is not necessary the set back by where is going to be located. Board Member Rollins explained should have some clarifying language. Board Member Wilkens reiterated need to add “set back from property line”. Board Member Wilkens inquired where would road fit in? Board Member Rollins advised would be withing property line. CEO Hanson explained need to be 25ft from right of way. Chairman Downer states he feels table 2 should be moved after (b) and that this would help explain the section better.
- Chairman Downer read subsection (c) – Land Coverage aloud. Chairman Downer explained is “drip edge at minimum tilt”. Board Member Rollins advised would be counting the most coverage. Board Member Rollins referenced Rockport ordinance. He continued that he sees somewhere in between. He explained we considered them structures and Rockport is only counting area in contact with the ground. Board Member Rollins explained that where they are planting vegetation and for visual impact, we could say for purpose of calculating lot coverage, we could say, at a minimum, counts as 50% of lot coverage. He continued that if they had any structures, such as a battery house, that would count for 100%. Board Member Rollins explained would not make more restrictive and allow for some larger scale systems. CEO Hanson inquired if we want to encourage this activity in Town and would we want to compare ourselves with other towns? Board Member Rollins advised the whole point is erosion and they would still have green area underneath. Board Member Wilkens advised he disagrees and reiterates they are structures. He continued they are right up to the line and covering the whole area. Board Member Rollins explained would not be filling the whole area and would be limiting but not limiting. Board Member Rollins inquired if lot coverage limits are 30%? CEO Hanson explained that Route 3 in Augusta has wetland and an access road. Chairman Downer asked Board Member Rollins to make a motion. **Board Member**



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Rollins motioned that the lot coverage from a panel counts 50% toward lot coverage requirements based on its minimum tilt drip edge. Chairman Downer seconded motion. Board Member explained that the lot coverage from a panel, the panel itself, would count for half of lot coverage size. Board Member Rollins inquired into the lot coverages for the different districts. CEO Hanson advise is 20% in rural and 15% in shoreland. CEO Hanson explained structures and other impervious areas are allowed to occupy 20% of the lot area in the rural district. Board Member Rollins stated is pretty much 20% in all districts. CEO Hanson advised shoreland is 15% and others are not allowed these structures. Board Member Rollins explained that if the lot coverage is 20% and they allow for panels to only count for 50%, then someone could fill 40% of their property with panels. He advised this is not a large amount in comparison to other towns. CEO Hanson advised that when you get away from rural and more into urban, like in Augusta, some places are 90%. CEO Hanson gave a brief summary of the panels located on Route 3 in Augusta. Board Member Rollins continued we have the ability if we feel visually it is too much, we could have them tear them down. Board Member Rollins inquired if there has been any erosion around the panels on Route 3? He stressed that erosion is the real concern. He states it is all in the eye of the beholder. Some people will hate them and other will think the panels are great. Board Member Wilkens advised he cannot see making an exception for one thing where all others are covered under lot coverage in the Land Use Ordinance and feels this could cause issues in the future. Board Member Rollins explained is not like a roof or a porch, that has a pervious area underneath, below panels is a vegetated area. Chairman Downer confirmed if everyone has voiced their options. Board Member Rollins questioned if they want to change the percentage or leave it as is? Chairman Downer advised need to vote on motion. 1 Board Member voted to in favor of the motion and 3 Board Members voted not in favor of the motion.

- Chairman Downer requested a motion to extend meeting for 15 additional minutes. Board Member Wilkens motioned. Board Member Board Member Rollins seconded motion. All in favor. No further discussion.
- The Board reviewed Section 8 and determined no changes were needed.
- Chairman Downer read aloud Section 9. Board Member Wilkens inquired to Board Member Rollins if this is where they wanted to add in regarding recommissioning? Board Rollins suggested wording of “if not removed or restarted within this time period” He states there could have been a change of ownership. Ms. Grow advised there is wording in the ordinance. CEO states after “surety bond” but has been crossed out. Chairman Downer recommended need to undo strike out of language regarding recommissioning that was previously in the ordinance. Board Member Wilkens advised he is in agreement to put the language back in the ordinance.
- The Board reviewed Section 10 and advised no changes were required



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- Chairman Downer read aloud Section 11 and the Board recommended no changes are necessary.
- The Board reviewed Section 12 and determined no changes are needed.
- Chairman Downer advised of Section 13 of the effective date of the ordinance. He explained would be when is voted on by town in November once has cleared the Select Board.
- Chairman Downer questioned the Board if anyone felt any changes were required for the definitions section? Board Member Wilkens advised he thinks look good. CEO Hanson provided some editorial corrections.
- Chairman Downer confirmed they have finished and requested motion to move ordinance along for review by the Select Board. Board Member Wilkens motioned to move ordinance to the Select Board. Board Member Tripodi seconded motion. Board Member Rollins states he still sees has concerns with lot coverage calculation and it being too restrictive. Chairman Downer states he is open minded and wants to see this ordinance passed and to be as noncontroversial as possible. Chairman Downer explained is open to the idea of having a 2nd ballot article regarding lot coverage. He continued that he would like get a clean document to the Select Board as soon as possible. Board Member Wilkens inquired if the timing is important? CEO Hanson advise Select Board meeting is on the 2nd. Chairman Downer explained that in order to get in on the ballot, they must get to the Select Board by their meeting on August 2. Chairman Downer advised need 3 to pass. Board Member Rollins abstained from voting due to lot coverage. 3 Board Members voted yes to move ordinance to Select Board. Board Member Wilkens explained they already have 2 solar projects with current lot coverage allowed. Chairman Downer inquired to Board Member Rollins if he would feel comfortable with a 2nd proposal to Select board? Board Member Rollins was in agreement. Chairman Downer states he and Board Member Rollins can work on wording for next meeting.

CEO Report

- Chairman Downer questioned CEO Hanson as to what is the role of Paul Mitnick? CEO Hanson advised he is the replacement CEO when he, CEO Hanson is on vacation or out on leave. CEO Hanson explained that Paul Mitnick has already been sworn in as an alternate CEO. He clarified that Mr. Mitnick's role is to perform inspections on existing permits and collect applications for permits. He continued that Mr. Mitnick would come in to cover when CEO Hanson is out for 8 hours and would be covering just what is needed to make sure applications are not piling up. Board Member Wilkens inquired if Mr. Mitnick would be participating in Planning Board meetings? CEO Hanson advise no, Mr. Mitnick would not be helping facilitate Planning Board meetings or preparing applications.



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Future Schedule and Adjourn

Next Planning Board Meeting: July 13, 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