



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 12, 2022

Planning Board Meeting

Meeting held in Portable Building in Town Office Complex and via ZOOM

June 28, 2022

Begin 6:30 PM

Board members in attendance: James Wilkens, Scott Rollins, Michael Brown, Walt Bennett

Board members not in attendance: Toni Wall (leave of absence), Natale Tripodi

Attendees: Brent Chesley, Cathy Chesley, Mary Grow, Alicia Drever, Paul Kraemer, Catrina DiMarzo

Code Enforcement Officer – position currently vacant

Board meeting opened by Chairman Rollins

Pledge of Allegiance to the American Flag

Review/Approve Minutes May 24, 2022 Meeting and Site Visit Minutes

- Board Member Board Member Wilkens motioned to approve minutes as written.
- Board Member Brown seconded motion.

Chairman Rollins abstained from voting. All other board members in attendance were in favor. No further discussion.

Together Wee Grow Daycare application

- Chairman Rollins advised the board of the new application to increase the compacity of the facility to 75 from 49. Chairman Rollins inquired to Ms. Drever if this is the only change being made? Ms. Drever's confirmed is the only change to the conditional use permit.

Criteria

1. Criteria 1 and its responses were read aloud. Board Member Board Member Wilkens motioned for approval of Criteria 1 as complete. Board Member Board Member Wilkens seconded motion. No further discussion Unanimously approved.
2. Criteria 2 and its responses were read aloud. Board Member Board Member Wilkens motioned for approval of Criteria 2 as complete. Chairman Rollins seconded motion. Board Member Board Member Wilkens confirmed there is a letter on file from Fire Marshal. Ms. Drever stated that she is looking to open the other half of the building for use. No further discussion. Unanimously approved.
3. Criteria 3 and its responses were read aloud. Board Member Board Member Wilkens motioned for approval of Criteria 3 as complete. Board Member Board Member Wilkens seconded motion. No further discussion. Unanimously approved.



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4. Criteria 4 and its responses were read aloud. Board Member Brown motioned for approval of Criteria 4 as complete. Board Member Board Member Wilkens seconded motion. No further discussion. Unanimously approved.
5. Criteria 5 and its responses were read aloud. Chairman Rollins motioned for approval of Criteria 5 as complete. Board Member Board Member Wilkens seconded motion. No further discussion. Unanimously approved.
6. Criteria 6 and its responses were read aloud. Board Member Board Member Wilkens motioned for approval of Criteria 6 as complete. Board Member Brown seconded motion. No further discussion. Unanimously approved.
7. Criteria 7 and its responses were read aloud. Board Member Board Member Wilkens motioned for approval of Criteria 7 as complete. Chairman Rollins seconded motion. No further discussion. Unanimously approved.
8. Criteria 8 and its responses were read aloud. Board Member Brown motioned for approval of Criteria 8 as complete. Chairman Rollins seconded motion. No further discussion. Unanimously approved.
9. Criteria 9 and its responses were read aloud. Chairman Rollins advised of letter from Vaughn Smith Associates regarding water usage on site. Board Member Bennett questioned if there is a letter regarding septic system? Board Member Board Member Wilkens advised there is and was part of original conditional use permit application. Chairman Rollins motioned for approval of Criteria 9 as complete. Board Member Brown seconded motion. No further discussion. Unanimously approved.
10. Criteria 10 and its responses were read aloud. Chairman Rollins motioned for approval of Criteria 10 as complete. Board Member Brown seconded motion. No further discussion. Unanimously approved.
11. Criteria 11 and its responses were read aloud. Board Member Brown motioned for approval of Criteria 11 as complete. Board Member Board Member Wilkens seconded motion. No further discussion. Unanimously approved
12. Criteria 12 and its responses were read aloud. Board Member Board Member Wilkens motioned for approval of Criteria 12 as complete. Board Member Brown seconded motion. No further discussion. Unanimously approved.
13. Criteria 13 and its responses were read aloud. Chairman Rollins motioned for approval of Criteria 13 as complete. Board Member Brown seconded motion. No further discussion. Unanimously approved.



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14. Criteria 14 and its responses were read aloud. Board Member Brown motioned for approval of Criteria 14 as complete. Chairman Rollins seconded motion. No further discussion. Unanimously approved.
15. Board Member Board Member Wilkens stated they will need to be able to see copy in order for application to be complete as Criteria 15 and response was missing from packet provided to Planning Board members. Ms. Drever emailed copy of Criteria 15 and its response to Chairman Rollins who read aloud and showed copy to Board Members present. Board Member Board Member Wilkens motioned for approval of Criteria 15 as complete. Chairman Rollins seconded motion. No further discussion. Unanimously approved.

Board Member Board Member Wilkens motioned to revisit vote before Criteria 1 in order to vote that the application is complete. Board Member Brown seconded motion that application is complete.

Board Member Board Member Wilkens motioned that all 15 criteria have been met. Chairman Rollins seconded motion that all 15 criteria have been met and advised application has been approved.

Paul Kraemer & Catrina DiMarzo Application

- Chairman Rollins opened discussion on application regarding goat farm. Mr. Kraemer explained they have been homesteading on property and have gone from 3 goats up to 48 goats. He continued that they have been milking by hand and have made the decision to go from just a hobby farm to doing full time. Mr. Kraemer advised their current focus is goats but could expand into other livestock in the future. He further advised that the farm previously was owned by Leslie and Hilda Randall and was a working dairy farm. Mr. Kraemer explained they have outgrown the current barn and are looked into shipping containers for additional space. He continued to advise that they all ready to go and have had contact with dairy inspectors. He advised the septic was installed last year, the footings in gravel pad are in place for containers, and are looking at a barn next year. Board Member Wilkens inquired into where water supply will come from? Mr. Kraemer explained will be coming from house which is on a well. Chairman Rollins questioned if the containers are already pre built? Mr. Kraemer explained construction of containers and how goats will go through the container in the course of milking. He continued to explained is all contained. Milk is sent into next room, where it is cooled for processing and is currently just raw milk. He further explained that they will be able to milk 8 goats at a time.
- **Board Member Board Member Wilkens motioned the application is complete. Board Member Brown seconded motion. All in favor.**

Criteria

1. Criteria 1 and its responses were read aloud. Board Member Board Member Wilkens motioned for approval of Criteria 1 as complete. Board Member Brown seconded motion. No further discussion. Unanimously approved.



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2. Criteria 2 and its responses were read aloud. Board Member Board Member Wilkens motioned for approval of Criteria 2 as complete. Board Member Brown seconded motion. No further discussion. Unanimously approved.
3. Criteria 3 and its responses were read aloud. Board Member Bennett question if there will be any exterior lighting, for example, no direct light near property line? Mr. Kraemer confirmed will not be any direct light near property line. No further discussion. Unanimously approved.
4. Criteria 4 and its responses were read aloud. Chairman Rollins motioned for approval of Criteria 4 as complete. Board Member Brown seconded motion. No further discussion. Unanimously approved.
5. Criteria 5 and its responses were read aloud. Board Member Board Member Wilkens motioned for approval of Criteria 5 as complete. Board Member Brown seconded motion. Board Member Bennett if there are any odors? Mr. Kraemer advised female goats don't give off a strong scent and continued that only male goats tend to have a strong smell. He further advised that they only 2 male goats on the property at a time. Chairman Rollins inquired if there will be any odors from the building? It was advised there would be no odor from the building. Chairman Rollins inquired how far from property line would the building be? Mr. Kraemer advised there they will be roughly 85 feet from abutters. Board Member Bennett states he is worried about offensive odors coming from the property. No further discussion. Unanimously approved.
6. Criteria 6 and its responses were read aloud. Board Member Board Member Wilkens motioned for approval of Criteria 6 as complete. Chairman Rollins seconded motion. No further discussion. Unanimously approved.
7. Criteria 7 and its responses were read aloud. Board Member Board Member Wilkens motioned for approval of Criteria 7 as complete. Chairman Rollins seconded motion. Board Member Bennett questioned if this was a change from casual to commercial? Chairman Rollins advised will not have a significant change in use. Mr. Kraemer advised he went over the application and property use with prior CEO, Jaime Hanson. No further discussion. Unanimously approved
8. Criteria 8 and its responses were read aloud. Board Member Board Member Wilkens motioned for approval of Criteria 8 as complete. Chairman Rollins seconded motion. No further discussion. Unanimously approved.
9. Criteria 9 and its responses were read aloud. Board Member Board Member Wilkens motioned for approval of Criteria 9 as complete. Board Member Brown seconded motion. No further discussion. Unanimously approved.



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10. Criteria 10 and its response were read aloud. Board Member Board Member Wilkens motioned for approval of Criteria 10 as complete. Chairman Rollins seconded motion. No further discussion. Unanimously approved.
11. Criteria 11 and its responses were read aloud. Board Member Board Member Wilkens motioned for approval of Criteria 11 as complete. Chairman Rollins seconded motion. Chairman Rollins inquired if building is flat on top to which Mr. Kraemer responded yes. Board Member Bennet expressed his concerned about pooling around the building. Mr. Kraemer advised is raised off ground. Board Member Bennett states he is worried could affect stability. No further discussion. Unanimously approved.
12. Criteria 12 and its responses were read aloud. Board Member Board Member Wilkens motioned for approval of Criteria 12 as complete. Chairman Rollins seconded motion. No further discussion. Unanimously approved.
13. Criteria 13 and its responses were read aloud. Board Member Brown motioned for approval of Criteria 13 as complete. Board Member Board Member Wilkens seconded motion. No further discussion. Unanimously approved.
14. Criteria 14 and its responses were read aloud. Board Member Board Member Wilkens motioned for approval of Criteria 14 as complete. Chairman Rollins seconded motion. No further discussion. Unanimously approved.
15. Criteria 15 and its responses were read aloud. Chairman Rollins motioned for approval of Criteria 15 as complete. Board Member Brown seconded motion. No further discussion. Unanimously approved.

Board Member Board Member Wilkens motioned all 15 criteria have been met. Chairman Rollins seconded motion. Unanimously approved. Chairman Rollins advised that application is approved. There was question to the size of the containers. Mr. Kraemer advised the container size is 45 feet long by 8 feet wide by 8.5 feet tall.

Chapter 2- Land Use Ordinance

- Chairman Rollins advised that in regard to Chapters 2, 8 and 11, they need to get done by 1st meeting in August to have ready for review by Select Board. The Planning Board members agreed that they need to work on wording of the ordinances. Board Member Wilkens advised the document has the changes and was voted on. Chairman Rollins explained they need to get documents to review and he will work with Town Manager on getting documents.

Chapter 8 – Solar Ordinance

- Chairman Rollins advised he has read over minutes regarding Chapter 8 and inquired to Board is there is anything they want to add? Where are we? It was advised that under decommissioning, the board members agreed that they like idea of the screw type, that are screwed into the ground. There was discussion on how this would be an easy way to install and remove and would cause less disruption to the land upon decommissioning. Board Member Wilkens states he would like to



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add some language about wildlife access. He explained with an area that large, allowing wildlife in could help with keeping the grass height down. There was discussion on if wildlife is allowed in, what is keeping people from trespassing? Board Member Brown advised it is not a great place to be playing around in. Chairman Rollins questioned if the bottom of the fence is 5 inches above the ground? Board Member Wilkens explained the deer are crawling under the section of fence, where the wetland is. Board Member Bennett explained he would like to have wildlife access but expressed his concern in doing so, this could be a human liability. He continued that he is concerned about human access. Board Member Wilkens states that if a human wants to get in there, they will. Board Member Brown commented that they could have small ruminants such as sheep and goats, but could not have a larger ruminant, such as a cow in there. He continued could be beneficial for farmers. Board Member Wilkens explained that during the site visit, they did see evidence of mowing and that there was still lots of vegetation and deer activity. Chairman Rollins opening questioned the opening near the stream? Board Member Bennett advised the parent company decided to leave the opening near stream. Chairman Rollins inquired if there was any erosion around the panels? Board Member Wilkens explained there is no erosion. Board Member Bennett stated that it is a model installation and that they need to make sure to have rules in place.

- Board Member Wilkens stated they need to look at what is expected in decommission? He continued that it should be easily removed and the land is able to be returned to its previous state. Chairman Rollins asked about distance between panels? Board Member Bennett states it was very well done with Board Member Wilkens stating the ability to drive vehicle between them. Board Member Wilkens further stated that the foreman was originally from the Town of China and they did a nice job with the project. Board Member Bennett commented that they did everything the best way they could. Board Member Wilkens advised cannot see the solar arrays from the road with Chairman Rollins further stating that it is an ideal spot.
- Chairman Rollins questioned if there were any additional thoughts on lot size? Should they keep what were have, with 20% in the rural? There was also question of what is being counted in the calculation with current being what is touching the ground and the drip edge. Board Member Wilkens advised they should keep what is currently have. There was discussion on impervious surfaces in relation to the panels and decks. Chairman Rollins questioned if they want to make any adjustment for solar panels? Board Member Wilkens stressed he does not want to make an exception in one ordinance and they need to keep as is. Chairman Rollins stated they could define imperious area. Board Member Wilkens responded that the pitch and degree of the panel, could make a difference. Board Member Bennett explained that an area with access to sunlight and rain, is not an imperious. He continued that the solar panels are a new kind of construction, where a deck would be in the ground. It was advised that sunlight does not get through the panels and is absorbed.
- Chairman Rollins inquired if the fencing was 5 inches above the ground to allow for small terrestrial animals? Board Member Wilkens states the fencing was not elevated and was down to the ground. He continued that the ordinance states fencing needs to be 5 inches above the ground. There was discussion on offset fencing to allow for larger animal access such as deer. Board Member Wilkens stated opening size can be determined by size of animal. Board Member Brown



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explained the animal will need to be able to get back out. Chairman Rollins suggested they could do every 200 feet? There was concern of not blocking animal passage. Board Member Bennett advised it is not place to let big game through. Board Member Brown advised would have to have an 8-foot deer fence to keep out the deer.

- Chairman Rollins advise he will look at what other communities have done. Board Member Brown questioned if the wire was in conduit? Board Member Wilkens confirmed the wire was in conduit and that nothing was showing until it reached the box. Board Member Bennett praised the site as model site. Chairman Rollins suggested they incorporate the distance between the panels into the ordinance. Board Member Bennett advised they should consider a maximum lot size and having a buffer. Board Member Wilkens advised Chairman Rollins he will find other solar ordinances for review.

Discussion regarding Food Trucks, Tiny Homes and Short-term Rentals

- Chairman Rollins opened the discussion on food trucks, tiny homes and short-term rentals. He advised these are items that have been brought to his attention and could require discussion in the future. Board Member Wilkens advised they may need to do an ordinance regarding short-term rentals. Chairman Rollins suggested they may need to look at how other towns are handling. He continued that they need to start thinking about these items.
- **Food Trucks** – Board Member Wilkens advised that the only acceptable place in Town would be the head of the lake. There was discussion on private vs public and how would be handled. Chairman Rollins brought up an example of an event on private property and if was there all summer, would it need a license from town? He continued to question if would it need to be approved if on public property? Board Member Wilkens questioned state licensing? Chairman Rollins brought up how to address events such as China Days where there are food trucks.
- **Tiny homes** – Chairman Rollins advise of the 3 different types of tiny homes, stick built, built elsewhere, and on wheels. Chairman Rollins explained there were issues with some of the types and a bill was passed. He explained Bureau of Motor Vehicles issues a permit for a tiny home on wheels like an RV. Board Member Wilkens advised it would have to say in land use ordinance, how long can stay. Chairman Rollins brought up the example of a camper and would still need to meet all the requirements. He continued that some might not have running water, but would still need to meet waste water, septic system and plumbing code. There was discussion on having a composting toilet and gray water. There was additional discussion of water source and a pressurize system. Chairman Rollins stated they need to think how they are going to address. Board Member Wilkens advised they have coverage for RV's in the code.
- **Short term rentals** – Chairman Rollins advised this is a tough one because they could be rented for 2 weeks a year or renting all the time. There was discussion on if they need to get a license? Board Member Brown explained if it is a long-term rental, then that would be a commercial property. Board Member Wilkens stated people rent their camps all the time. Chairman Rollins inquired if they should make a distinction? Chairman Rollins stated one of the concerns is for the neighbors that are abutting. He continued that the rented a lot would have more waste water, there



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is question of sleeping quarters, and noise levels. How to address? Chairman Rollins questioned if they should come up with an ordinance and say number a certain number of weeks is considered commercial? He continued that another concern is if the listing says “3-bedroom sleeps 18”, who would be checking? There was question if maybe a license is needed? Board Member Wilkens stressed that people that live on the lake with Chairman Rollins advising that people also buy for commercial uses. Board Member Wilkens states the rentals would need to be inspected for septic.

- Board Member Bennett inquired into the reason for the discussion, if there had been complaints? Chairman Rollins advised there have been complaints regarding occupancy limits. He continued to explain that there are no limits on the number of beds in room and no one is monitoring. There was a comment made that they could make restrictions on advertising. Board Member Wilkens suggested using residency and having to live at location for certain amount of time or is considered a commercial property. Board Member Bennett advised the rental might not be permitted in an area. Board Member Wilkens expressed that there are a number of issues involved. Board Member Bennett stated it is basically about making money with Board Member Wilkens stating that they cannot make money at their neighbors’ expense and they need to find a balance. Board Member Bennett stated they can codify occupancy and limit number of weeks of use. Board Member Brown advised there are unintended rentals that are currently complying. Board Member Wilkens suggested they can grandfather but if they are doing it right, there would not be an issue. Mr. Chesley suggested short term vs long-term, with 3 or more different parties could making the difference or if is rented for a year. He continued with the example that 12 times a year could still be a short-term. Chairman Rollins explained they will need to come up with a number. There was discussion on places that are solely for renting and the family camp. Chairman Rollins explained they are looking really at just short-term rentals. Board Member Wilkens advised they all can look into other town ordinances regarding food trucks, tiny homes and short-term rentals.

Chairman Rollins explained he will work on Chapter 2 & 8 updates. He informed the board that there is currently no CEO.

Future Schedule and Adjourn

Next Planning Board Meeting: July 12, 2022

Motion to adjourn meeting made by Board Member Board Member Wilkens

Motion seconded by Board Member Brown

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

Respectfully Submitted,
Dawn Kilgore
Planning Board Secretary