



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

July 13, 2021

Begin 6:30 PM

Board members in attendance: Randall Downer, Natale Tripodi, Scott Rollins

Board members not in attendance: Toni Wall, James Wilkens

Attendees: Brent Chesley, Cathy Chesley, Mary Grow

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.

Solar Energy Systems ordinance, lot coverage choice for November vote

- Chairman Downer advised Board Member Rollins has drafted 3 different options. Board Member Rollins explained that the 3 protentional methods would be based on the drip-edge at the angle that had the largest coverage. He advised that he did research specifically the Town of Rockport and the solar ordinance from Grow Smart Maine. Board Member Rollins explained part of his reason for modifying the lot coverage of the panels is they have vegetation underneath and they, the Planning Board, would be requiring revegetation if needed. He continued that there will always be some issues but he came up with 3 options:
 - Option 1 would have the panels count fully as structures and would only allow for 15% to 20% lot coverage.
 - Option 2 would have the panels no being counted towards lot coverage but all other structures would be counted.
 - Option 3 is a combination of Option #1 and Option#2 and would have the panels counting towards the lot coverage but would only be counted half or 50% of lot cover.
- Board Member Rollins advised goes along with the purpose of promoting energy independence and would still allow for regulation. He continued that they would still be making sure is not affecting the environment and at .5 would still be only 40%. Chairman Downer stressed that they need to be careful about wording regarding aerial coverage and the maximum area covered by the panels. He explained that they would need to take into consideration if the panels are not on flat land, this could make a difference in the calculations. He advised that SunRaise used the Option #1 for their calculations. Chairman Downer advised he would like to review Option #2 more fully. Board Member



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Rollins explained that the big part of Option #2 is having vegetation underneath the panels. He explained that that Option #3 is a compromise and can play around with the numbers. Board Member Rollins advised Grow Smart Maine is somewhat environmental as they are not a developer but are looking at the benefits of solar energy.

- Chairman Downers advised that one of the things he has been concerned about is stream coverage changes. He explained that with the array installation at Colby, he has noticed that initially in dry conditions, right where the panel comes down to the ground, under the panel is moist. But come post downpour, there are streams running under the panels. Chairman Downer stated they need to do in a way that is respectful of what is going on and what can accomplish. He also stated they may want to take into consideration how close the panels are to each other and stated the Colby installation is very tight in regards to spacing.
- Chairman Downer advised it is clear that there is a fair amount of pressure regarding solar energy. He explained his hope is there is a better change of one of the options being approved if they move separate from the ordinance. Chairman Downer advised of his concern that they do not have a huge amount of time and he is worried about another vendor coming in before the ordinance goes through. Board Member Rollins inquired they need to have something on the ballot? Chairman Downer explained one item is the ordinance and the second item will be the lot coverage options. Chairman Downer advised they need to be clear. Board Member Rollins explained they can make options very clear and explain what each option means.
- Chairman Downer advised he has been speaking with members of the public and it is really important to get this done. Chairman Downer questioned CEO Hanson if he has been out to the Route 32 SunRaise property? CEO Hanson states he got a report regarding stormwater. He continued that the report states there was no damage done and there was clear flowing water in drainage swales a day or 2 after. CEO Hanson advised the report also states there is no sediment at culvert but he has not inspected. Chairman Downer inquired to CEO Hanson if the anchors have been put in at the Route 3 site? CEO Hanson explained he did not think they had been installed yet. Chairman Dower expressed his concern where there had been top soil removal. CEO Hanson advised he go out and will take a look. Chairman Downer recommended to ask permission if any Board Members would like to view as they need to be sensitive to risk of electric cables. Chairman Downer advised they can have further discussion at next meeting and tabled discussion until next meeting on July 27th.

Topic: Ordinance changes to conform to DEP re: lot coverage and more

- Chairmen Downer advised that Chapter 2 edits reflection of what Colin Clark at DEP had recommended since there were not in compliance with DEP. Chairman Downer advised that Board Member Wall has edited section to make compliant. Chairman Downer explained there is impact in definitions and Mr. Chesley advised he has a copy of old



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ordinance. It was advised that Chapter 2 Section 3, that all the change are in Section 5 and there were a number of edits. It was also advised Chapter 11 definitions now reflect the changes for the solar array and the definitions to be in compliance with Maine state law. Board Member Rollins of an error on page 218, that the 20% should be area located within. There was discussion on the most efficient way to get the information out to other members of the town. Chairman Downer advised needs to be as quick as possible as he would like to vote on at July 27th meeting. **Board Member Rollins motion to make document a .pdf and share with others members of the Town and Planning Board. Chairman Downer seconded motion.**

- Mr. Chelsey advised gave conditional approval for included driveways, parking lots and other non-vegetative areas. He continued that this did not change limits of 15% in stream protection and of 20% for rural district. Mr. Chesley advised of Chapter 1000 in DEP guidelines. He states that now that they are including driveway and other impervious surfaces, this is pretty tight should go with 20% in the shore land. There was discussion of shoreland and of nonconforming lots. Mr. Chesley gave the example of Backs with a big paved area and that with the way it was before, the area did not count and now it will. He states this could be a little too tight. They don't need to maintain and can go to 20%. Mr. Chesley advised they don't have to go with exactly what Colin wrote. Chairman Downer explained that they are trying to keep within ordinance. Chairman Downer gave example of conditional use permit to storage units and that in order to get them in compliance with phosphorus, they had to make change the number of impervious surfaces. Chairman Downer explained he would like to gather comments.
- CEO Hanson advised he got a call from Mr. Nichols advising he will be doing another storage unit. Chairman Downer explained that other towns do consider impervious surfaces and the primary concern is to get back into compliance. He continued that he would like to hear from the community. Board Member Rollins advised he would like to bump up the lot coverage, going from 15% to 20%. Chairman Downer advised he would like to review further with intention of revisiting the issue. Mr. Chesley voiced his concern that very few from the public will actually view and that the ones that do, will not know about or have knowledge of Chapter 1000. Chairman Downer advised they can include a link to Chapter 1000. Chairman Downer explained the public needs to have the opportunity to speak and that when it is on the ballot, it will be everyone voting. He stressed that clarity and simplicity is important. Board Member Rollins concurred that there needs to be very clear language. Chairman Downer explained he would like to make as straight forward as possible for Select Board and that it also needs to be reviewed by Town Council for any technical errors.
- Board Member Rollins suggested that perhaps they can look at some lots to see how the inclusion of driveway and other impervious surfaces will affect them. Chairman Downer advised if have ARC GIS they possibly could and the town staff would know how to use. CEO Hanson explained properties can be treated differently if nonconforming or existing nonconforming. He explained that residential use may still have somethings they can do



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under the new rules. Board Member Rollins gave the example of adding a deck, they may not be able to do that and this could limit expansion. There was discussion on how to effectively review purposed 25-30 random properties to see the impact. **Chairman Downer motioned to add amendment to previous motion to add link to Chapter 1000 of DEP guidelines.** All in favor. No further discussion.

CEO Report

- CEO Hanson advised, in the past 2 weeks, has issued 9 plumbing permits, all being septic and 3 were emergency due to age of the septic systems. He continued that he issued 24 building permits and has another 32 currently in review. Board Member Rollins inquire to what percentage of permits were new construction? CEO advised were mostly garages, sheds with a few new houses. He continued that they are mostly accessory structures, people are adding on or creating basement storage space. CEO Hanson advised has actively a 30-day review and explained there are some that are not planning to build until later while some want to build now. He explained that they are at the schedule of the contractors and there is a lot of change in schedule. He is trying to prioritize the permits to those who need now. CEO Hanson states he has receive a lot of voicemails and is working on answering them.
- Chairman Downer inquired if there have been any conversions of camps to homes? CEO Hanson advise of 2 camps that are being raised to year-round dwellings. He explained they will need to update to proper plumbing including one holding tank replacement.
- Chairman Downer expressed his concern that the ordinance will come back with changes and inquired if there has been any word from the subdivision regarding the road? CEO Hanson advised he has not received anything. Chairman Dower stated he is concerned about timing if they hold off too long. CEO Hanson explained the road is already built road and states the road association is ok with it. There was question of what happened with lot area when the road was constructed and they need to understand other the changes to the other lots. Board Member Rollins states that legally they have to document the changes. CEO Hanson advised there no construction they are waiting on at the moment
- CEO Hanson advised he received a call from real estate attorney regarding Nichols developing and adding another lot. He continued that it could be this year that they apply for the permit and the lot is right in between the other 2 lots. He advised he has only been reached out to by the lawyer who is currently just doing research.
- CEO Hanson states he does not have anything that will affect the Planning Board. He states he is working with Select Board regarding dangerous houses in town.
- Chairman Downer advised Solar Ordinance is in the hands of Select Board. He explained Kelly has found 2 minor changes and needed a clarification. Chairman Downer explained if there is a substantive change, it will be brought back to Planning Board for review.



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- Board Member Rollins advised would like to wait for other members to review before moves Lot Coverage Options to Select Board and the changes to Chapter 2 Section 5.

Future Schedule and Adjourn

Next Planning Board Meeting: July 27, 2021

Motion to adjourn meeting made by Board Member Rollins

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