



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 September 12, 2023

Planning Board Meeting

Meeting held in Meeting Room at China Town Office and via ZOOM

August 8, 2023

Begin 6:30 PM

Board members in attendance: Toni Wall, James Wilkens, Natale Tripodi, Michael Brown

Board members not in attendance:

Attendees: Mary Grow, Michelle Bourque, Valery Flannery, Brent Chesley, Cathy Chesley,

Code Enforcement Officer – Not Present

Board meeting opened by Chair Wall

Pledge of Allegiance to the American Flag

Chair Wall brought Board Member Tripodi into voting capacity.

Review/Approve Minutes July 11, 2023 Meeting

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

All in favor. No further discussion.

Chair Wall advised they have 3 proposals before them for review. Chair Wall requested Board Member Brown recused himself from voting on 9 Main St Conditional Use permit as he is the applicant for the permit request.

Michael Brown – Commercial Re-Use – 9 Main St - Conditional Use Permit

- Chair Wall opened discussion on conditional use permit. Mr. Brown advised of location of new store and explained he is looking to re-open it as a general store. He continued to advise that the location is currently being used as a residence, which is located in the back of the building. He further explained due to its historical use as a store he would like to go back to using as store. Mr. Brown explained is looking for the store to be a “farm to table” type of store, not a convenience store like Circle K with gas pumps. He continued that he would like to leave back 30 feet as a residence where the bathroom is and start off using the first 70 feet as the store. Chair Wilkens questioned if there are facilities in the first 70 feet? Mr. Brown explained there are not and there is only a bathroom in the back of the building. Mr. Brown further explained bathroom was never previous used as public use and was not a “sit-in” establishment. He advised the plan is to move back in refrigerators and eventually have a pizza oven. He continued to advise that there will be a coffee area. Chair Wall asked about needing a public hearing? Chair Wilkens explained a public hearing is not needed since location has previously been a store twice before. Chair Wall agreed and stated the location has been a general store before and should continue being a general store. Mr. Brown explained he did research on the septic system and it has a grandfather clause. He



Town of China

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

further explained that if it needed to be upgraded or redone, there is enough footage behind the building to replace. Chair Wilkens questioned if has gallons per day for a septic system? Mr. Brown answered that it meets the requirement.

- Chair Wall inquired if a public hearing is needed? Chair Wilkens motioned no public hearing is needed. Board Member Tripodi seconded motion. Unanimously approved. Chair Wilkens motioned application is complete. Board Member Tripodi seconded motion. Unanimously approved. Chair Wall explained process of application of review.
- **Criteria**
 1. Criteria 1 and its responses were read aloud. Mr. Brown advised that the tanks have been taken out. Chair Wilkens motioned for approval of Criteria 1 as complete. Board Member Tripodi seconded motion. No further discussion. Unanimously approved.
 2. Criteria 2 and its responses were read aloud. Board Member Tripodi motioned for approval of Criteria 2 as complete. Chair Wilkens seconded motion. Chair Wall questioned if emergency vehicles will have adequate access to the building? Mr. Brown explained the driveway is a U-shape and there is a path to get up to the back of the building. No further discussion. Unanimously approved.
 3. Criteria 3 and its responses were read aloud. Mr. Brown explained that the only lighted sign is the old sign for the previous primitive shop and there is no street post. Chair Wall questioned if the light will be on 24/7 or not? Mr. Brown advised will not have light on signage 24/7. Chair Wilkens motioned for approval of Criteria 3 as complete. Board Member Tripodi seconded motion. No further discussion. Unanimously approved.
 4. Criteria 4 and its responses were read aloud. Chair Wall inquired if he is adding anything to landscaping? Mr. Brown confirmed his is not adding anything to the landscaping. Board Member Tripodi motioned for approval. Chair Wilkens seconded motion. No further discussion. Unanimously approved.
 5. Criteria 5 and its responses were read aloud. Board Member Tripodi motioned for approval of Criteria 5 as complete. Chair Wilkens seconded motion. No further discussion. Unanimously approved.
 6. Criteria 6 and its responses were read aloud. Chair Wilkens motioned for approval of Criteria 6 as complete. Board Tripodi second motion. Chair Wall questioned if parking spaces are marked? Mr. Brown explained the parking spaces will be marked and the loading and unload will be done at the back of building. He continued that there is a back entrance to the store that can be backed into for loading and unload which allows for the vehicle to see both ways when leaving. Mr. Brown explained that parking in front would be facing straight out. Chair Wilkens advised that ADA parking space needs to be clearly marked. No further discussion. Unanimously approved.



Town of China

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

7. Criteria 7 and its responses were read aloud. Chair Wilkens motioned for approval of Criteria 7 as complete. Board Tripodi seconded motion. No further discussion. Unanimously approved.
8. Criteria 8 and its responses were read aloud. Board Member Tripodi motioned for approval of Criteria 8 as complete. Chair Wilkens seconded motion. No further discussion. Unanimously approved.
9. Criteria 9 and its responses were read aloud. Chair Wilkens motioned for approval of Criteria 9 as complete. Board Member Tripodi seconded motion. Chair Wall questioned if there will be waste water or hazardous waste? Mr. Brown explained all the regulated solid waste would be in dumpster and any compostable by-product will be taken to the farm for composting. He continued that the rain water from the roof, which is a new roof that drains into a vegetated area. No further discussion. Unanimously approved.
10. Criteria 10 and its responses were read aloud. Chair Wilkens motioned for approval of Criteria 10 as complete. Board Tripodi seconded motion. Chair Wall questioned how erosion and sedimentation will be controlled? Mr. Brown explained salt and sand will be controlled by plowing and sweeping. No further discussion. Unanimously approved.
11. Criteria 11 and its responses were read aloud. Board Member Tripodi motioned for approval of Criteria 11 as complete. Chair Wilkens seconded motion. Chair Wilkens questioned slope on backside of property. Mr. Brown stated slopes towards a vegetated area that will remain vegetated. No further discussion. Unanimously approved.
12. Criteria 12 and its responses were read aloud. Mr. Brown explained there is a hydrant down the road on China Road and a new well has been dug to provide a new water supply with more gallons a minute than previous water supply. Chair Wilkens motioned for approval of Criteria 12 as complete. Board Member Tripodi seconded motion. Chair Wilkens conditioned for a letter from the Fire Department to be provided to the Town Office. Mr. Brown provided copy purchase and sale agreement and explained will only be executed once tenant has found new housing. **Condition: Letter from Fire Chief be provided to Town Office.** No further discussion. Unanimously approved.
13. Criteria 13 and its responses were read aloud. Chair Wilkens motioned for approval of Criteria 13 as complete. Board Member Tripodi seconded motion. Chair Wall inquired if Mr. Brown foresees any hazardous materials. Mr. Brown advised of freon in refrigeration units and explained will contact hazardous waste disposal for freon. He explained he does not see them producing any hazardous waste. No further discussion. Unanimously approved.
14. Criteria 14 and its responses were read aloud. Board Member Tripodi motioned for approval of Criteria 14 as complete. Chair Wilkens seconded motion. No further discussion. Unanimously approved.



Town of China

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

15. Criteria 15 and its responses were read aloud. Chair Wilkens motioned for approval of Criteria 15 as complete. Board Member Tripodi seconded motion. No further discussion. Unanimously approved.

- Chair Wilkens motioned that all 15 criteria have been met with condition of letter from Fire Department. Board Member Tripodi seconded motion. Chair Wall advised of 30-day appeal period. Planning Board congratulated Mr. Brown on new general store. Chair Wall brought Board Member Brown back into voting compacity.

Michelle Bourque – Busy Bee Daycare – 390 Rte. 3 – Conditional Use Permit

- Chair Wall opened discussion on application. Ms. Bourque explained she is basically doing the same thing they have been doing but needs to obtain a Maine State license to continue to operate. She continued that before they were only catering to home school students but due to finances, they are looking at possibly opening a daycare. She continued that they are not even sure they will open the daycare or not but to get to the next step, they need to come before the Planning Board for approval. Ms. Bourque advised she has a few individuals in mind who could operate the daycare under her leadership since she does have the credentials with the State. She further advised that she previously had a pre-school for a few years in addition to the home schooling and explained it went well. Ms. Bourque explained in order to move further with the State of Maine, she needs the approval for a change of use from the Planning Board. She states it is not really a change of use but more bringing back the use.
- Chair Wilkens motioned application is complete. Board Member Brown seconded motion. Unanimously approved. Chair Wall questioned if public hearing needed? Chair Wilkens advised no public hearing is needed. Board Member Tripodi seconded motion. Ms. Bourque explained they have signed letter from abutters from 7 years ago. Unanimously approved.
- **Criteria**
 1. Criteria 1 and its responses were read aloud. Chair Wilkens motioned for approval of Criteria 1 as complete. Board Member Brown seconded motion. No further discussion. Unanimously approved.
 2. Criteria 2 and its responses were read aloud. Board Member Tripodi motion for approval for Criteria 2 as complete. Board Member Brown seconded motion. No further discussion. Unanimously approved.
 3. Criteria 3 and its responses were read aloud. Chair Wilkens motioned for approval of Criteria 3 as complete. Board Member Brown seconded motion. Chair Wall questioned if to the outside lights will not be left on at night? Ms. Bourque confirmed lights will not be on at night. No further discussion. Unanimously approved.
 4. Criteria 4 and its responses were read aloud. Board Member Brown motioned for approval of Criteria 4 as complete. Board Member Tripodi seconded motion. Chair Wall inquired if will not be adding anything else and will just be maintaining? Ms. Bourque



Town of China

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

explained other than a fence around playground, there will be no additions. No further discussion. Unanimously approved. Receipt

5. Criteria 5 and its responses were read aloud. Chair Wilkens motioned for approval of Criteria 5 as complete. Board Brown seconded motion. Chair Wilkens clarified that the only real difference is that was previously licensed through Kentucky and there have been no changes since the previous application. Ms. Bourque confirmed was previously licensed through Kentucky and now needs Maine license for school. She continued that they are still operating as they were approved to do. No further discussion. Unanimously approved.
6. Criteria 6 and its responses were read aloud. Chair Wilkens motioned for approval of Criteria 6 as complete. Board Member Tripodi seconded motion. No further discussion. Unanimously approved.
7. Criteria 7 and its responses were read aloud. Board Member Brown motioned for approval of Criteria 7 as complete. Chair Wilkens seconded motion. No further discussion. Unanimously approved.
8. Criteria 8 and its responses were read aloud. Chair Wilkens motioned for approval of Criteria 8 as complete. Board Member Tripodi seconded motion. No further discussion. Unanimously approved.
9. Criteria 9 and its responses were read aloud. Chair Wilkens motioned for approval of Criteria 9 as complete. Board Brown seconded motion. Chair Wilkens advised ditch in front of building is deep.
10. Criteria 10 and its responses were read aloud. Chair Wilkens motioned for approval of Criteria 10 as complete. Board Member Brown seconded motion. Chair Wilkens questioned will it be fenced to playground or will they walk across the parking lot? Ms. Bourque explained they will walk across the parking lot to the playground. She continued that cars are usually only coming into parking lot for pick up and drop off. Chair Wilkens is there a marker to prevent vehicles from going out back? Ms. Bourque explained there several markers and there is always someone with the children. Chair Wall inquired if playground is behind school? Ms. Bourque confirmed is behind school. 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 Tripodi seconded motion. No further discussion. Unanimously approved.
12. Criteria 12 and its responses were read aloud. Chair Wilkens motioned for approval of Criteria 12 as complete. Board Member Brown seconded motion. Chair Wall questioned if Fire Marshall has inspected? Ms. Bourque advised she needed to come before the Planning Board first before Fire Marshall inspection. She continued she might need to put



Town of China

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

in a sprinkler system based on which part of the building will be using. Chair Wilkens inquired if was needed before? Ms. Bourque explained was not needed since was not on a regular bases and explained the difference. No further discussion. Unanimously approved.

13. Criteria 13 and its responses were read aloud. Chair Wilkens motioned for approval of Criteria 13 as complete. Board Member Brown seconded motion. No further discussion. Unanimously approved.

14. Criteria 14 and its responses were read aloud. Board Member Brown motioned for approval of Criteria 14 as complete. No further discussion. Unanimously approved.

15. Criteria 15 and its responses were read aloud. Board Member Brown motioned for approval of Criteria 15 as complete. Board Member Tripodi seconded motion. No further discussion. Unanimously approved.

- Chair Wilkens motioned all 15 criteria have been met. Board Member Tripodi seconded motion. No further discussion. Unanimously approved. Chair Wall advised of 30-day appeal process.

Valery Flannery – Subdivision of Childcare Center – 166 Weeks Mills Rd – Conditional Use Permit

- Chair Wall opened discussion on application. Ms. Flannery explained was licensed for 47 for daycare however they have closed daycare business as of June 2, 2023. She explained there is a residence on property and the daycare was in a separate building and there is a finished space above the garage. Ms. Flannery explained property is currently up for sale. She continued that realtor is looking at the possibility for buildings being used as rentals. They are not trying to rent but realtor suggested they come to the Planning Board to see if buildings can be used for rentals. Chair Wilkens confirmed applicates are not looking for permit for daycare. Ms. Flannery states they are trying to sell and relocate. Ms. Flannery described layout of each building. Chair Wall questioned if they are dividing the property or if are going to be selling as a whole piece? Ms. Flannery states they are selling as a whole. She explained the realtor wants to know if someone buys the property, can they can subdivide into rentals? Chair Wilkens advised new owner will need to come to Planning Board. He further advised that they need to know what the new owner is going to do with property. Chair Wall explained it is up to the buyer not the seller to come to the Planning Board. There was discussion on who needs to come to the Planning Board and the process.

Solar Ordinance

- Chair Wall advised they need to finish solar ordinance to send to Select Board for review at their August 14th meeting. Chair Wall explained she will get to Town Manager once they have made corrections. Chair Wall stated she will be at the meeting in case there are any questions. Chair Wall advised they are working on the last page. Board Member Brown questioned what section they are working on? Chair Wall confirmed they are working on Section 8 and explained they had previously discussed deleting amendment. She explained they would not make amendments to an approved application. Chair Wilkens advised the need to correct to “owners”. Chair Wilkens



Town of China

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

inquired if there are any issues with the verbiage of the section? The Planning Board members were in agreement of the verbiage. Chair Wall explained Section 9 will become Section 8 and Section 10 will become Section 9. Chair Wall read section aloud. Chair Wall stated Section 11 now becomes Section 10. The members corrected grammar in section. Chair Wall advised Section 12 now becomes Section 11 and read the section aloud. Board Member Brown confirmed Section 13 is now Section 12. Chair Wall explained she will make sure the changes are made and will send to Town Manager for the Select Board can review in the month of August to review. She continued to explain that once reviewed, it will be sent back to Planning Board.

Chair Wall explained she will send Planning Board ordinance to all Planning Board Members for approval and will send back to Select Board with changes that were made once has heard from Planning Board Members.

Chair Wall advised CEO position has been offer to an individual. Board Member Brown inquired if the individual has any experience or if they will be starting from scratch? Chair Wall explained she is not sure of experience and will welcome having a new CEO.

Chair Wall advised of email from Board Member Bennett notifying of resignation due to hearing issues. She further advised that Board Member Bennett was not planning on running again for a second term. Chair Wilkens advised that Board Member Bennett did a lot of good work with the Board. Chair Wilkens advised that District 4 and District 3 seats are open.

Future Schedule and Adjourn

Next Planning Board Meeting: September 12, 2023

Motion to adjourn meeting made by Chair 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