



Town of China

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

Approved by Planning Board by vote of 4-0 on 9-28-2021

Planning Board Meeting

Meeting held in portable building and via ZOOM

September 14, 2021

Begin 6:30 PM

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

Board members not in attendance: N/A

Attendees: Brent Chesley, Cathy Chesley, Mary Grow, and Miguel Rivera

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 capacity.

Review/Approve Minutes August 10, 2021 Meeting

- Board Member Wilkens motioned to approve minutes as written.
- Board Member Rollins seconded motion.
 - No modifications neededAll in favor. No further discussion.

Chair comments and priorities

- Chairman Downer advised he has not had any communication with Select Board regarding solar ordinance.

Conditional Use application for Miguel Rivera @ 1097 Route 3

- CEO Hanson explained Mr. Rivera contact him inquiring how to apply for a medical marijuana facility in the Town of China. He continued to explain the location is the Knowles Mechanical office building. CEO Hanson advised Mr. Rivera will move into the building and there will be no changes to the exterior of the building. The existing drainage is working and there will be no parking changes. CEO Hanson advised property is in good working order and would only need a normal building permit if does make changes in the future.
- CEO Hanson explained septic design is from 2013 and was designed for 4 employees for standard business use, there is no shower. He further explained that they assume the septic is working and is confirmed is sized correctly for this use.



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- CEO Hanson advised he received application and he bolded some sections to make easier to read. He continued that the original application that was sent by Mr. Rivera, with his comments is also included to show nothing was changes. CEO explained that Mr. Rivera stated they are going to leave what is there and working in place. The application also states that he, Mr. Rivera will operate within the bounds of the law and licenses with the State for being a medical marijuana care giver. Board Member Wall inquired if the application is complete? CEO Hanson advised the application is complete. He continued the application has a site plan that shows the septic system. CEO Hanson further explained the setbacks are conforming and listed in application. He continued that the septic is conforming as long as it is functioning. Mr. Rivera advised that the water is running and there has been no septic inspection.
- CEO Hanson explained there are 2 curb cuts for entrance into the parking lot which has 8 parking spots. He further advised there are no child orientated businesses withing 500 feet of the property lines. CEO Hanson advised of mapped wetland in woods near the back of the property. **Board Member Wall motioned that application is complete and the Planning Board will move forward with it. Board Member Wilkens seconded motion.** Board Member Wilkens question if there is an ordinance that limits the number of medical marijuana facilities in the Town? Chairman Downer and Board Member Wall both confirmed there is no limit in ordinance. CEO Hanson advised is part of opt in which is only for medical marijuana facilities and there is not limit. CEO Hanson further advised recreational adult use facilities are not allowed in Town of China. **All in favor. No further discussion.**
- Chairman Downer explained next step is for abutters notifications and to schedule a public hearing. **Board Member Wall motioned to move application to public hearing, Chairman Downer seconded motion. All in favor.** Board Member Wilkens inquired if they could schedule public hearing for September 28th? CEO Hanson confirmed he will put on agenda. He also advised Fire Road 19 might be ready at that time as well. CEO Hanson explained that if Select Board comes back with ordinance, that would take priority. Chairman Downer advised to schedule public hearing and then permit review. Board Member Wilkens confirmed they can do both at the same meeting.
- CEO Hanson questioned if the site plan is adequate? Board Member Rollins confirmed it is and Board Member Wilkens explained is just a change of use. Chairman Downer stated he wants to make sure they have good data for waste water management. CEO Hanson states he will look at previous permit and can check on site. Board Member Rollins mentioned plumbing code table for usage. CEO Hanson advised the Mr. Rivera stated they would not be over taxing the existing system. Board Member Wall questioned if there would be a public restroom? She continued that it was an issue when Knowles had the property. Board Member Wall stressed that if the restroom is public, it needs to be ADA compliant. Board Member Wilkens further commented that they would need



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handicap parking and signage as well. CEO Hanson confirmed that the entire building would need to be ADA compliant.

- Board Member Rollins inquired if they will have a sign? Mr. Rivera answered that they will have a simple black and white sign. He continued that they have a few options. Board Member Wilkens advised there is a sign ordinance. CEO Hanson states he will review the sign to make sure is confirming.
- Chairman Downer inquired why question 15 was left blank? CEO Hanson advised that question #15 response was blank and is not applicable since is on rural district. Board Member Wilkens stated they need to have all the questions answered.
- Board member Rollins advised that current lot coverage is 16 ½ and there is a 20% maximum in that district. He states he just wanted to make Mr. Rivera aware in case he every decided to expand.
- Board Member Rollins questioned the statement regarding “no child orientated businesses” and if it is part of the State requirement? CEO confirmed it is a siting requirement that within 500 feet from the boundaries of the parcel, there can be no daycare or school or any other child orientated business. Board Member Rollins further questioned what if a daycare went in after? CEO Hanson advised per the State they cannot co-exist. He explained it would be whichever one is there first and it should be a red flag if an application came in for a daycare near the facility. Chairman Downer requested clarification if home schooling counts as a “child orientated business. There was some discussion on home schooling with CEO advised that sometimes multiple families may be under the one home. Chairman Downer explained he wants to be prepared for the meeting in 2 weeks.
- Chairman Downer inquired if there is anything special, they need to do in regard to the abutters? CEO Hanson explained there are 4 abutters generated by GIS system and he is not aware of any expanded abutters list that would be needed.
- Board Member Rollins requested clarification that this location is just a store front and there will be no growing? Mr. Rivera confirmed there will be no growing at the location. He continued their growing facility is in Windsor
- Board Member Wilkens asked Mr. Rivera if he had any questions for the Board? Mr. Rivera explained the Planning Board had brought up some good points and they will be making the location accessible to everyone. He explained they will only have 2 to 3 employees. He continued to explain that the restroom will not be public use at this time as it would take a lot to convert to be handicap accessible. CEO Hanson asked Mr. Rivera to email copies of signs and dimensions for review. Mr. Rivera advised he will send all options.



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- Board Member Wilkens advised they should speak with Fire Department since is a retail facility. Board Member Wilkens further advised they usually have a letter from the Fire Chief with the application. CEO Hanson explained it is understanding of how to enter in case of fire. Chairman Downer advised which Fire Chief would need to be contacted. CEO Hanson explained that the Fire Marshall has requirements.
- Chairman Downer inquired if they will be obtaining their permit from the State? Mr. Rivera advised they already have the permit. CEO Hanson explained there is nothing in the ordinance regarding annual inspections.

Review Select Board action on Ordinances, if rec'd by Monday 9-13-2021

- Chairman Downer explained he has not heard anything from Select Board. Discussion tabled to next meeting if information is available.

CEO Report (time permitting)

- CEO Hanson explained he has been getting a large amount of building permits. He explained that over the last 4 to 5 months, he has been getting roughly 15 to 20 building permits a month. He advised that on average there are 15 to 18 in the queue at a time and he issued 15 building permits for month of August. CEO Hanson also advise that he has issued 14 plumbing permits, split between internal and external
- CEO Hanson advised he has not issued any shoreland clearing authorizations. He explained that the letter is sent when a replanting is required. He further explained that he has had 2 within the last 2 to 3 weeks that were able to cut trees without replanting
- CEO Hanson explained there are currently 26 permits in review and he is getting help from Town clerks in getting permits organized to be processed. CEO Hanson states he is very appreciative of the extra help and is very much welcomed. Chairman Downer thanked Town Manager Hapgood for getting CEO some help.
- Board Member Wilkens inquired if any conditional use permits are past 1 year that need to come back to the Planning Board? CEO Hanson there are not, but there was one that has had some changes and will be applying for a new permit. He further explained that the individuals are waiting on the contractor.
- CEO Hanson advised regarding Fire Road 19. He states that Mr. Marchetti provided him a letter of his legal council's information. He advised that the survey has been completed and the deeds for the properties that were affected have been changed. CEO Hanson explained that all of the other houses have mention of right of way in their deed. He further explained the attorney feels not all the deeds will need to be changed with the new survey to the Registry of Deeds. CEO Hanson explained it is his understanding that all deeds need to be changed unless there is some legal statute that states otherwise. CEO Hanson explained that under State law, a lot created by a subdivision needs to go for Planning Board review. Chairman Downer questioned timing of project? CEO Hanson



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explained the change happened under previous CEOs. He continued to explain that he has inspected and everything looks good. Board Member Wilkens asked if none of the abutters have any issues? CEO Hanson advised there is a road association and he has received letters from 2 individuals stating they are satisfied with the road. Board Member Wilkens questioned if is considered a subdivision? CEO Hanson confirmed it is a subdivision. Board Member Wilkens states it needs to be signed off by the Planning Board. Board Member Rollins reiterated that if the property is sold and the deed are not corrected, there could be issues. He continued that he wants to make sure everything is iron clad. Chairman Downer questioned CEO Hanson if they will have something by next meeting? CEO Hanson advised he will contact Mr. Marchetti and see where they are at.

Other Business

- Board Member Wall informed the Planning Board that she will be hiking the Appalachian Trail starting that the end of February 2022. She questioned if she will need to request a leave of absence for 6-months or if she will need to resign? Board Member Wall advised she would like to ask Town Manager Hapgood as to the process. **Board Member Wilkens motioned to approve 6-month leave of absence for Board Member Wall and Board will use alternate. Board Member Rollins seconded motion.** Board Member Wilkens states he believes it is a Board decision to grant a leave of absence and states Board Member Wall is a huge asset to the Planning Board. Board Member Wall abstained from voting. All other members in favor of approval. No further discussion.
- Board Member Rollins inquired into the vacancy in District 3 and if there had been any interest. It was advised there has not been any interests.
- Chairman Downer advised of a conflict for the meeting date on October 12th with the Select Board. He further advised that it needs to be very clearly stated that the Planning Board meets on the 2nd Tuesday of the month. Chairman Downer explained the Planning Board has a full schedule for that date.

Future Schedule and Adjourn

Next Planning Board Meeting: September 28, 2021

Motion to adjourn meeting made by Board Member Wilkens

Motion seconded by Board Member Wall

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

Respectfully Submitted,
Dawn Kilgore
Planning Board Secretary