



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 October 12, 2021

Planning Board Meeting

Meeting held in portable building and via ZOOM

September 28, 2021

Begin 6:30 PM

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

Board members not in attendance: 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 capacity.

Review/Approve Minutes September 14, 2021 Meeting

- Board Member Wall motioned to approve minutes with amendments.
 - On page 2, the word “Op” needs to be corrected to “Opt-in” per Board Member Rollins
 - On page 3, in the 2nd sentence, need to correct spelling of “brought up” per Board Member Wall
- Board Member Rollins seconded motion.
All in favor. No further discussion.

Map 63 Lot 008 Subdivision has exceeded the five-year span without completion.

- CEO Hanson explained this was brought up by real estate agent. He further explained that Town Manager Hapgood has advised him that if the subdivision has not had any construction in 5 years, then the subdivision plan is null in void. Board Member Rollins inquired where in the ordinance the language is located? What paragraph? Chairman Downer inquired how many years has it been? CEO Hanson stated he believes it has been since 2016. Mary Grow explained it was before 2015 and there had been a 5-year extension granted by former CEO Paul Mitnick before 2015. CEO Hanson further explained there was a change with lots. Mary Grow provided a detailed history of the property and the groups involved that had interest to purchase the property. She advised an article will be in the Town Line. Chairman Downer stated they will need a motion if they are going to have a discussion on further action. Board Member Rollins motioned to a motion to further discuss. Board Member Wall seconded motion.
- Board Member Rollins asked to see where lot is located. CEO Hanson brought up property map on screen for review. Chairman Downer stated he feels they need to start



Town of China

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

the process. Board Member Wall explained they will need to come back to the Planning Board. Board Member Rollins questioned what was extension for? CEO Hanson advise the Town has chosen to be stricter than the State. Board Member Rollins inquired if the ordinance state that there needs to be a house on each lot by 5 years. Chairman Downer advised is on page 3-2. Board Member Rollins expressed his concern about how ordinance is worded and having construction. CEO Hanson explained ordinance states if there is failure to commence construction within 5 years from date of approval, the board shall have a notice in the registry. He explained it is Chapter 3, Section 8.5. Board Member Rollins questioned when ordinance was written? It was explained that the most recent updates were in 2019 with rest of land use ordinance. Board Member Wall advised it is State required.

- CEO Hanson explained the applications was accepted in 2015 with changes. He continued that it was one parcel when came into town for tax purposes. Board Member Rollins if there had been any lots sold, any clearing, and is there a road? There was discussion on if a road would need to be built if lots were sold. Board Member Wall questioned how many lots are there? CEO Hanson stated there 13 lots. Chairman Downer reiterated that they are bound by 8.5 and they must start the process. Board Member Wall concurs that subdivision is null and void. Chairman Downer questioned if they would need a vote? Board Member Wall advised they should take a vote. Chairman Downer recommended to table the discussion. Board Member Rollins motioned that the subdivision has exceeded the 5 years to start construction and is no longer valid. Board Member Tripodi seconded motion.
- Board Member Rollins explained they would need to completely reapply by filling out a whole new application. Chairman Downer advised Town would need to report to Registry of Deeds. CEO Hanson explained they would need a legal document and have posted to the Registry of Deeds. He continued that he could talk with legal counsel to see what is needed in addressing that property is not a subdivision. Chairman Downer stressed they need to get moving asap. CEO Hanson advised he can talk to town attorney regarding meeting the reporting requirement. Board Member Rollins inquired if there have been any other subdivisions that have applied for and not had action taken? CEO Hanson advise none have been created since he has been CEO and would need to research.

Remote Participation Policy

- Chairman Downer advised they need to take some action regarding a remote participation policy. Board Rollins questioned if this is needed because there is no state of emergency? Chairman Downer advised it would be nice idea to be able to do this. He continued that with the process of the Planning Board meetings, there are things that they need to be physically present for but he also wants to be able flexible to allow for the most participation. Chairman Downer questioned if they are working down criteria for conditional use permit, could they do that with a remote person? Board Member Rollins and Board Member Wall both agreed it could be done with a remote individual since they



Town of China

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

would have a copy. Board Member Rollins explained this is just another way to make for better participation. He gave the example if he was home sick, he could still attend the meeting remotely. Board Member Rollins continued that they should always plan on having a ZOOM meeting for the public to participate. He continued this would allow for any last-minute changes for attendance of members in addition to the members advising Chairman Downer if they will need to attend remotely. Chairman Downer explained he feels they would need to amend the version they have. Board Member Rollins advised he feels there is no need to amend since this would always open to public. He continued they will get better attendance with always have a ZOOM meeting. Board Member Rollins explained that they need to be affording the ability for remote since if one member is remote, they would need to allow for public access.

- Chairman Downer expressed his concern of the financial burden for the Town with continued ZOOM meetings. He continued that they have a budget and will be okay but he is aware of price that was given to Colby.
- Board Member Wall motioned to accept the remote participation policy as written. Board Member Rollins seconded. Board Member Rollins inquired if Select Board has adopted? Chairman Downer advised the Select Board has adopted. Board Member Rollins advised could look at other virtual meeting platforms. Chairman Downer recommended to amend to not say ZOOM. He continued there are other solutions for virtual meetings. He further explained the virtual meeting solution does not need to be voted on.

CEO Report

- CEO Hanson advised on status of conditional use permit for Mr. Riviera. He explained they started the process at the last meeting with the application being in order except for question #15 had no answer. CEO Hanson continued that he has spoken with Mr. Rivera and Mr. Rivera has agreed with changes made to application. CEO Hanson explained he has spoken with Mr. Rivera regarding a sign. He further explained there is no free-standing sign at the property, the sign is currently located on the building. He continued that he has advised Mr. Rivera on what would be needed for a freestanding sign. Chairman Downer questioned if the Planning Board will need to vote on sign? CEO Hanson advised it would be up to the Planning Board if they felt the sign changed the nature of the property. CEO Hanson explained he has been working on a building permit for Mr. Rivera to do some building renovations. CEO Hanson advised there is no standing water. He continued that the abutters have been given 2 weeks' notice and the application can be reviewed at the next meeting. Chairman Downer explained he wants to make sure completed application that is posted for the public to view. CEO Hanson advised he will have application updated on website by 9-29-2021. Board Member Rollins advised sign is not an issue and will not hold up the review of the application. CEO Hanson explained the sign ordinance is pretty clear. Board Member Rollins advised there would be a concern if the signage was affecting traffic. CEO Hanson confirmed there is no electronic signage. Board Member Wall advised they do require a public hearing. Board Member Wall inquired if she needs revised her motion from the



Town of China

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

September 14th meeting to schedule the public hearing for October 12th? The Board advised no revision is needed. CEO Hanson explained the ordinance states they have 30 days from application for public hearing.

- CEO Hanson advised of changes to Fire Road 19. He confirmed that the survey is being done. CEO Hanson explained that in his experiences, a survey with a deed needs to be posted to each account however the lawyer for Mr. Marchetti states that the survey has the names of all with frontage. He continued that the document is not just scanned but the names are indexed for searches, and if a name is searched, it will bring up the updated survey. Chairman Downer questioned if it is not attached to current deed holder but is attached to the deed? CEO Hanson explained will all be indexed and can be searched by name, address, etc. CEO Hanson stated he feel meets the intent. He further explained that if there were any questions or issues regarding the old road orientation, they will have the new survey showing the new road orientation. CEO Hanson advised they may be ready to come back to the Planning Board within 30 days and nothing will be registered until approved by Planning Board. Chairman Downer inquired if they need to advise the abutters? CEO Hanson explained all abutters will be notified of public hearing along with people with frontage to the road.
- CEO Hanson advised that 4 building permits have gone through the clerk so far. He explained there is a column in the spreadsheet for status of permit. He continued they are working on the process to making sure are paid for and delivered and there are more building permits coming in steadily.
- CEO Hanson explained that he had a meeting with a field tech for the DEP and they visited 4 properties. He further explained he has the DEP directions on how to proceed with the 4 locations including one with filling in a drainage ditch in the yard.
- Chairman Downer requested that before the public hearing, the Planning Board needs to have name tags made to make sure the public knows who they are.

Future Schedule and Adjourn

Next Planning Board Meeting: October 12, 2021

Motion to adjourn meeting and to meet on October 12, 2021 in the portable at 6:30pm made by Board Member Wall

Motion seconded by Board Member Rollins who advise he will be away and will be unable to attend the October 12th meeting

CEO Hanson advised the Select Board meeting will be held on October 12, 2021 at 4:30pm

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

Respectfully Submitted,
Dawn Kilgore
Planning Board Secretary



Town of China

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



Town of China

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

SAMPLE

[This sample policy is provided by MMA Legal Services. It adheres to the requirements of 1 M.R.S. § 403-B, and may be tailored to meet the needs of individual board/committees.]

[We strongly encourage municipalities to consult their municipal attorney prior to enacting any policy.]

REMOTE PARTICIPATION POLICY

(name of body)

Pursuant to 1 M.R.S. § 403-B, and after public notice and hearing, the above-named body adopts the following policy to govern the participation, via remote methods, of members of the body and the public in the public proceedings or meetings of the body.

Members of the body are expected to be physically present for meetings except when not practicable, such as in the case of an emergency or urgent issue that requires the body to meet via remote methods, or an illness or temporary absence of a member that causes significant difficulty traveling to the meeting location. The chair or presiding officer of the body, in consultation with other members if appropriate and possible, will make a determination that remote methods of participation are necessary in as timely a manner as possible under the circumstances. A member who is unable to attend a meeting in person will notify the chair or presiding officer of the body as far in advance as possible.

Remote methods of participation may include telephonic or video technology allowing simultaneous reception of information and may include other means necessary to accommodate disabled persons. Remote participation will not be by text-only means such as e-mail, text messages, or chat functions.

The public will be provided a meaningful opportunity to attend via remote methods when any member of the body participates via remote methods. If public input is allowed or required at the meeting, an effective means of communication between the body and the public will also be provided. The public will also be provided an opportunity to attend the meeting in person unless there is an emergency or urgent issue that requires the entire body to meet using remote methods. Notice of all meetings will be provided in accordance with 1 M.R.S. § 406 and any



Town of China

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

applicable charter, ordinance, policy, or bylaw. When the public may attend via remote methods, notice will include the means by which the public may access the meeting remotely and will provide a method for disabled persons to request necessary accommodation to access the meeting. Notice will also identify a location where the public may attend the meeting in person.

The body will not restrict public attendance to remote methods except in the case of an emergency or urgent issue that requires the body to meet using remote methods of attendance. The body will make all documents and materials to be considered by the body available, electronically or otherwise, to the public who attend remotely to the same extent customarily available to the public who attend in person, provided no additional costs are incurred by the body.

Rev. 6/28/2021

All votes taken during a meeting using remote methods will be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology only, by other members of the body and the public. A member of the body who participates remotely will be considered present for purposes of a quorum and voting.

This policy will remain in force indefinitely unless amended or rescinded.

Dated: _____ Signed: _____

