



# Town of China

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

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*Approved by Planning Board by a vote of 6-0 on January 25, 2022*

Planning Board Meeting

Meeting held in portable building and via ZOOM

January 11, 2022

Begin 6:30 PM

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

Board members not in attendance: Michael Brown

Attendees: Scott Anderson, Pat Jackson, Rebecca Perkins-Kwoka and Michael Sullivan

Code Enforcement Officer Jaime Hanson present (via ZOOM)

Board meeting opened by Chairman Rollins

Pledge of Allegiance to the American Flag

Chairman Rollins brought Board Member Tripodi into voting capacity.

## **Review/Approve Minutes December 14, 2021 Meeting**

- Board Member Wall motioned to approve minutes as written.
- Board Member Wilkens seconded motion.  
All in favor. No further discussion.

## **Unfinished Business**

- **Abandonment of subdivision plan: Map 63 Lot 008**
  - Review Certificate of Vacation for Candlewood Subdivision & sign
    - CEO Hanson advised that he has a letter that Chairman Rollins will need to sign regarding abandonment voted on at December 14, 2021 meeting.

## **New Business**

- **Conditional Use application for daycare at 166 Tyler Rd**
  - Chairman Rollins explained included in the packet was the previous conditional use permit application and inquired if there was a current completed application included. CEO Hanson confirmed he received application aside from the site plan. He continued he has printed out the site plan and has located the septic system and the sign at the road. CEO Hanson there are no shoreland or wetlands to show. He further explained they have 2 copies for a septic, one copy is for the 270 gallon per day for 3-bedroom residential that is installed and was just tested to be healthy at the real estate sale. The other copy is for a design, if system fail, for a 675 gallon per day system rated for a daycare for up to 75 children. CEO Hanson explained that since this is an existing property and business, a lot of what is on the application does not apply. Chairman Rollins advised the applicant, Alicia Drever is attending the meeting via ZOOM. Board Member Wilkens motioned that



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the application is complete. Board Member Wall seconded motion. Chairman Rollins questioned that since there are not changes from the previous application, do all 15 criteria need to be read aloud or can they do a “blanket” and approve all 15 at once? CEO Hanson advised he would like to confirm license Ms. Drever’s license for the number of children to make sure they are at the same 48 and not more. CEO advised could allow the use and he could verify the license before the permit is issued. Ms. Drever advised she is going to be licensed for 49 but does not have the license yet since it needs to be approved by the zoning board first. CEO Hanson advised would need to do a final life/safety inspection before the permit could be issued. Chairman Rollins commented that he sees 15 from previous application and Board Member Wall advises she is not seeing the 15 criteria for the current application. Board Member Wilkens and Board Member Wall requested the 15 to be read since not everyone has a copy of the new application.

## Criteria

- Criteria 1 and its responses were read aloud. Board Member Wall motioned for approval of Criteria 1. Board Member Wilkens seconded motion. No further discussion. Unanimously approved.
- Criteria 2 and its responses were read aloud. Board Member Wilkens requested for letter from the Fire Chief to be made a condition for Criteria 2. Chairman Rollins stated that from looking at previous application, they had a letter from Fire Chief and China Rescue. Board Member Wilkens advised will need new letter for new permit. CEO Hanson further advised that there are 2 letters from Fire Chief on record from prior. **Board Member Wilkens motioned for approval of Criteria 2 with the condition that a letter from the Fire Chief be provided. Chairman Rollins seconded motion.** Board Member Bennett questioned if the CEO has verified that there have not been any changes since the application? CEO Hanson advised he has not but will need to do a walk through before the permit can be issued. Board Member Bennett voiced his concern that he is not sure how they can vote on a criterion if they are not sure there are no changes? CEO Hanson confirmed the application is current. Board Member Bennett stated he is not sure how they can vote on it if they are not sure no changes have been made. CEO Hanson explained there have been no building permits on it and has the same septic system. Board Member Bennett stipulated that he is accepting the word of the applicant as the current state of the property and voted yes. No further discussion. Unanimously approved.
- Criteria 3 and its responses were read aloud. Chairman Rollins inquired to Ms. Drever if there are any change in lighting or signage? Ms. Drever advised they will just be changing the current sign for a new one at the end of the road. She explained it will have the same lights with a new sign. Board Member Wilkens motioned for approval of Criteria 3. Board Member Tripodi seconded motion. Board Member Bennett abstained from voting stating there is no reference to a sign in the application. Board Member Wilkens advised a sign permit would go through the CEO. No further discussion Criteria approved 4-1.



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- Criteria 4 and its response were read aloud. Chairman Rollins inquired if they are planning to make any changes to the current buffers there, any plantings or cutting? Ms. Drever advised there were no changes planned. Chairman Rollins explained the previous buffer was 408 feet away from Tyler Rd and confirmed that the nearest neighbor is 300+ feet away from the site on the previous application. Chairman Rollins continued that for current application, existing boarder of trees and nearest neighbors are 300 feet away. Board Member Wilkens motioned for approval of Criteria 4. Chairman Rollins seconded the motion. No further discussion. Unanimously approved.
- Criteria 5 and its responses were read aloud. Chairman Rollins inquired if they would be using the area that is already cleared, stated on previous application. Ms. Drever confirmed they will be utilizing the already cleared area. Chairman Rollins motioned for approval of Criteria 5. Board Member Wall seconded motion. No further discussion. Unanimously approved.
- Criteria 6 and its responses were read aloud. Board Member Wall motioned for approval of Criteria 6. Chairman Rollins seconded motion. No further discussion. Unanimously approved.
- Criteria 7 and its responses were read aloud. Chairman Rollins motioned for approval of Criteria 7. Board Member Tripodi seconded motion. No further discussion. Unanimously approved.
- Criteria 8 and its responses were read aloud. Board Member Wall motioned for approval of Criteria 8. Board Member Wilkens second motion. No further discussion. Unanimously approved.
- Criteria 9 and its response were read aloud. Chairman Rollins explained on previous application talked about the waste water facility with approval from LPI and there was a condition with State Division of Environmental Health that solid waste will be disposed of in a dumper and there will not be an impact on the water. Chairman Rollins explained the property was originally permitted for a house and the amount of water is being monitored. He continued there is a condition that. CEO Hanson explained there was 14 months of metered water usage turned in for the previous permit. He further explained that he would expect to see a new septic or have water usage proven again over the next year. Chairman Rollins added the condition that they monitor water usage. CEO Hanson advised he would want to review in a year and make sure is still within the approved use regarding waste water rules. **Board Member Wall motioned for approval of Criteria 9 with condition to monitor water usage. Board Member Wilkens seconded motion with condition.** No further discussion. Unanimously approved.
- Criteria 10 and its responses were read aloud. Chairman Rollins motioned for approval of Criteria 10. Board Member Wilkens seconded motion. No further discussion. Unanimously approved.



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- Criteria 11 and its responses were read aloud. Chairman Rollins motioned for approval of Criteria 11. Board Member Wall seconded motion. No further discussion. Unanimously approved.
- Criteria 12 and its responses were read aloud. Chairman Rollins explained previous application talked about well and letter from Fire Department. Board Member Wall motioned for approval of Criteria 12 with the condition that the letter from the Fire Department be updated. Chairman Rollins seconded motion. No further discussion. Unanimously approved.
- Criteria 13 and its responses were read aloud. Board Member Wilkens motioned for approval of Criteria 13. Board Member Wall seconded motion. No further discussion. Unanimously approved.
- Criteria 14 and its responses were read aloud. Chairman Rollins motioned for approval of Criteria 14. Board Member Wall seconded motion. No further discussion. Unanimously approved.
- Criteria 15 and its responses were read aloud. Chairman Rollins motioned for approval of Criteria 15. Board Member Wilkens seconded motion. No further discussion. Unanimously approved.

Board Member Wilkens motioned for approval of all 15 criteria with appropriate conditions. Board Member Tripodi seconded motion. CEO Hanson advised he will work with applicant on conditions. No further discussion. Unanimously approved.

- **SunRaise request to discuss lot coverage related to approved Route 3 Solar Array**
  - The representatives from SunRaise were Scott Anderson, Pat Jackson and Rebecca Perkins-Kwoka. Mr. Anderson advise the Planning Board previously approved a project out on Route 3 and one of the issues they ran into was lot coverage. He further explained they were originally looking to make the project larger, with more arrays but were subject to the 20% lot coverage. He continued due to the restriction, they had to go with a smaller layout to stay under 20% cap. Mr. Anderson explained that they participated in revisions for solar ordinance and there was discussion, at that time, of removing the arrays from the definition of “structures” so they would not be counted in the lot coverage. He continued that he understands theory of the cap is to have limit on the amount of impervious surface to prevent runoff. Mr. Anderson advised that they spoke with the Board about how the DEP doesn’t treat the panels as structures as most of the water runs underneath the panels. He continued that in the end the choice was made to keep the cap in place and they understand that the Planning Board is still working through the ordinance. Mr. Anderson explained that they were working on how they can structure the arrays to allow them to add arrays and still comply within the 20% cap. He continued that the solution was to lease an abutting property and this would allow them to add the addition arrays like they had previously planned and increase the footprint of the project but still remain



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compliant with the 20%. He continued that he has spoken with CEO Hanson regarding the matter and was advised they should discuss with the Planning Board. Mr. Anderson advised they propose to expand to the abutting property and the entire area would be the lot. He continued that the leases would be clear that they are not putting structures there or the land owner. He further explained the land is not owned and would be treated as a lot to make the array bigger. Mr. Anderson states they have looked at the definition of “lot” in ordinance along with how subdivisions are defined. He explained that idea of pulling in more land by lease to remain consistent with the 20%. Mr. Anderson explained that they would be essentially be removing the land and not allowing it to be built on. He commented that he sees this as a good solution to get more land for a bigger project but wanted to take to discuss with the Planning Board before they sign a lease and brought an application to the Board.

- Chairman Rollins questioned if the new lease would be from different owner? Mr. Anderson confirmed there would be 2 leases for the one project. Chairman Rollins inquired the timeframe for the current lease? Is there a defined time? Is there an end date? Mr. Jackson advised the existing terms are 20 years which matches the State of Maine Solar Program. He continued that they have 3 additional 5-year each extension, making the term up to 35 years. Chairman Rollins inquired what happens after 35 years? How is that going to be dealt with? Mr. Anderson explained that at any time they decide they no longer want to continue the project, they have the obligation to decommission project and remove all equipment, everything and return the land back to the land owners. He continued will remain in place during the life of the project, if the project goes away, everything will be removed. Chairman Rollins inquired if new lease for new lot would be tied in with existing lease for previous lot? Mr. Anderson confirmed the new lease would be tied in with the existing lease and the lease would be maintained for the life of the project otherwise would be in violation of the Planning Board approval.
- Chairman Rollins questioned where the abutting property is located in relation to the existing property? Mr. Jackson advised the abutting parcel is south of Route 3. Board Member Wall wanted information as to who they would be leasing from. Mr. Jackson advised is the owners of 75 Dirigo Rd.
- Chairman Rollins inquired if they would keep the same design or would they shift? Mr. Jackson explained how the array will be laid out. He further explained the eastern line and northern lines will remain unchanged, the back half of western fence will be moving over and the southern line will expand for a few rows of panels. He continued these would be just minor adjustments. Chairman Rollins questioned the timeline and when would they need a decision? There was discussion on the process the Planning Board would due to the nature of the amendments. Mr. Jackson advised they would be starting construction in the Spring and they would be submitting a minor revised plan and is an easy change on their side.



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- Chairman Rollins explained they understand the proposal. Mr. Anderson explained there are no significant changes but they get more functionality. Chairman Rollins advised would be similar to buying 2 properties from 2 different people. He continued that with stipulations that they could move forward. Board Member Wilkens advised where they already have an original permit, that this should be a Phase 2 permit. He explained he would need to see all the information on the project in a packet to be brought before the board. Board Member Wilkens explained is different from original and they would still need to review properly. He further explained they would need to see the layout showing the differences, to make sure they can show what the changes were. He further explained they need to be transparent and make sure is done properly. Board Member Wall advised she likes the Phase 2 definition. CEO Hanson explained that with construction happening in Spring, it will not benefit from new ordinance. There was some discussion on possible changes within the ordinance that could have bearing on the project depending when it is brought to the Board. CEO Hanson reached out to the Town Attorney regarding the leases and deeds and she found a precedent in 2013 where a lease was brought in and the lease did not change the lot regarding the setbacks. He continued that if the Planning Board approved the lease of more lot coverage, the Town Attorney would recommend the Town appeal that. Mr. Anderson advised he would follow up with the Town Attorney, Amanda Meader, on the case they are referencing to make sure and they will take the next step based on conversations.
- Board Member Bennett questioned if this was an approved permit? CEO Hanson advised was approved during a transition period with previous CEO. He advised he will find the copies of the original permit application and send them out to all the Planning Board members to review.
- **Chapter 2 – Land Use, Chapter 8 – Solar Ordinance and Chapter 11 – Definitions**
  - Board Member Wilkens motioned to table discussion on Chapter 2, Chapter 8, and Chapter 11 for next meeting. Board Member Tripodi seconded motion.
  - Chairman Rollins advised he spoke with Town Manager Hapgood regarding what the Select Board wanted regarding the ordinances sent to them in August and why they did not go to vote. He explained they want 3 copies; the original, a copy with track changes and a clean copy to do the comparison. Chairman Rollins advised they will need to prepare those and advised the Select Board did not do any review. He continued they can try to complete 1 chapter per meeting. Board Member Wall explained she has the originals and copies and will go back through track changes and send to Kelly. Chairman Rollins advise will need to have copies for the meeting to go over and explained they need to take an official vote of a new board with new members. Board Member Wilkens strongly disagreed and explained these were already voted on. He continued they sent over the finalized copy. Board Member Wall concurred that they have already been voted on and stated she does not think they need to be review again. She has all the required documents. Chairman Rollins explained the Select Board is stating they were not sent and were not reviewed. There was discussion on the process. Board Member Wilkens advised we have done our work and whether the Select Board reviewed or not. He continued the



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Planning Board has made the vote, Select Board needed to review and get back to the Planning Board.

## **CEO Report**

- CEO Hanson advised he has issued 4 residential building permits. He continued he has issues 2 plumbing permits, both being external, one being a new septic system and one being a replacement of a septic system.
- CEO Hanson explained he visited a site today that were damaged and gave verbal permission to remove damaged trees and states there will be replanting for those.
- CEO Hanson explained has 15 permits in review and 1 violation. He explained the Town is preparing to take to court. He states he applied for an administrative inspection warrant on 1-10-2022. CEO Hanson explained the timeline of the process. He continued once he has received approval, he will coordinate with Sherriff's office. He continued he will present his findings to the Select Board and they will make a determination.

## **Future Schedule and Adjourn**

Next Planning Board Meeting: January 25, 2022

Motion to adjourn meeting made by Board Member Wilkens

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