



# 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 5-0 on February 14, 2023*

## Planning Board Meeting

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

January 24, 2023

Begin 6:30 PM

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

Board members not in attendance: n/a

Attendees: Mary Grow

Assistant Code Enforcement Officer Nick French - Present

Board meeting opened by Chair Wilkens

Pledge of Allegiance to the American Flag

Chair Wilkens brought Board Member Tripodi into voting capacity until the position for District 2 is filled. Chair Wilkens advised as long as there is an open position, and per motioned vote, Board Member Tripodi will be considered in voting capacity. All in favor. Chair Wilkens motioned to extend when there is a vacancy of alternate at large. Chair Wall seconded motion. All in favor. No further discussion.

### **Review/Approve Minutes January 10, 2023 Meeting**

- Chair Wall motioned to approve minutes as written.
- Chair Wilkens seconded motion.
  - Including changes need per email sent by Chair Wall  
All in favor. No further discussion.

### **Review proposed changes to Chapter 9 of the Land Use Ordinance**

- Chair Wilkens opened conversation. Chair Wall advised of numerous emails sent. Board Member Bennett states the emails should be submitted for the record to which Chair Wall and Chair Wilkens advised they are part of the record and available to the public. Chair Wilkens advised that the Select Board sent changes made to Chapter 9 appeals ordinance to the Planning Board and while the attempt by a Select Board Member is appreciated, any changes to the ordinance and the land use ordinance up to Chapter 9 is up to the Planning Board to make first. He continued to advise they will take all the changes put forth under advisement and will change as needed and send back to the Select Board. Chair Wilkens explained the Planning Board will do its duty as an elected board. He further explained that they will continue to review ordinances as they have for many years, to put forth to the Select Board and then to the Town Meeting. Chair Wilkens motioned that the changes submitted to the Board are informational and will be used as needed. The motion is to accept the changes as informational and for the Planning Board to use to update the Appeals, Chapter 9 section. Chair Wall seconded the motion. Board Member Bennett requested clarification of the motion that the changes given to the Planning Board are



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recommendations and they will take under advisement and gather other information in order to make their own recommendations to the Select Board. Chair Wilkens advised they will update ordinance as they see necessary. Board Member Bennett inquired if public comment was going to be taken as well. Chair Wilkens advised they would be. It was decided that they would discuss before voting on the motion. Board Member Bennett stated that the only part that is not conversional is that the appeals board needs to be more responsive. Chair Wall, Chair Wilkens, Board Member Tripodi, and Board Member Bennett approved motion. Board Member Brown abstained.

- Chair Wilkens asked if all members have had a chance to review? He stated the Appeals board has asked for a timeline as there is currently no timeline. Chair Wall advised of legislative requirements that were put into or added to the ordinance. She continued that the largest is Title 38 MRSA Subchapter 1, Article 2(b) references the Shoreland Zoning Rule by the DEP. Chair Wall explained DEP has approved all of China's shoreland ordinances and they have met the minimum standards. She further explained that they can go above and beyond the standards if they choose and that referencing back to Title 38, it references back to the minimum standards. Board Member Bennett inquired if would roll back any existing town ordinance? Chair Wilkens advised it would roll back where they go over and above. Chair Wilkens stated that changes were approved by DEP, as they cannot go less than DEP minimum standards, and the Town voted in changes that go over and above minimum. He continued that a few Select Board Members have stated that they do not want to roll back, and this would require some roll back of the guidelines in some ordinances that go over and above. Board Member Bennett advised that Selectman Chesley has stated nothing in proposed changes will weaken any existing ordinances. Chair Wall advised that the approval of abutting land owner is not in the Shoreland Zoning and ready section aloud. Chair Wilkens advised they have never had in ordinance.
- Board Member Bennett advised of Selectman Chesley's comments to which Chair Wilkens stated that is "one person's opinion". Board Member Brown expressed his concern that since joining the Planning Board, he has noted there has been some adversarial and opposing positions between the Select Board and the Planning Board. He asked for clarification as to where it stems from? He continued that he would like communication to be more open and less "us versus them". Board Member Brown states it does not seem to be getting better and has been asked by community members what is going on? He continued he understands that they are there to protect the town, but sometimes there is question of who is on what side. He further advised that he would like a frame of reference of what has happened? Board Member Brown advised it would be easier if they were all working together. Chair Wilkens stated that they are trying to stop the process of ordinance review from going the wrong way. Board Member Bennett stated that they need to look at this in a more cooperative way. Chair Wilkens explained the process is that the Planning Board reviews and writes the ordinances. There was discussion regarding emails that were sent. Chair Wilkens advised they are going to look at the whole chapter including the lack of a time line and the need to review the nomenclature for example instead of Chairman, call it just Chair similar to how they reviewed the definitions. He further advised that proper procedure needs to be followed and explained the procedure. Board Member Bennett commented that he feels the Planning Board is being pressured to respond. Chair Wilkens that if an ordinance is not ready, it will not be sent forward. Chair Wilkens advised of the importance of a timeline. Board Member Bennett



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requested if they could work on at the next few meetings. Chair Wall explained the goal is to get the ordinance back to the Select Board be voted on by March. Chair Wilkens advised he tabled motion to make sure it is done correctly. Chair Wilkens gave the example that the solar ordinance was not put forward since it was not ready. Board Member Bennett advised they need to have a timeline. Chair Wilkens advised things are always going to change. Chair Wall inquired if they want to start a working session on ordinance the ordinance later in the meeting. The consensus was approval of a working session.

## **Review Town Comprehensive Plan**

- Chair Wall explained that she has pulled out what sections in the Comprehensive Plan that pertained to the Planning Board to make it easier to read. She advised that the sections are highlighted. Chair Wall stated was completed and voted on by Select Board July 2022. She continued to advise that near term needs to be completed in June 2024.
- Chair Wall explained the first section is historic resources and there are 2 that were associated with the Planning Board. She continued to explain that as she was going through, she thought it would be good to look how other towns handle historic buildings for references and maybe pull some of those ordinances up. Chair Wall advised that at end of plan, there are some maps including one that has archeological sites. Chair Wilkens commented that they did put a standard forward that was voted down and commented that they should revisit as there has been some public comment.
- Chair Wall advised of natural resources and flood maps. Assistant CEO French advised that most recent is 2010. Board Member Bennett inquired into land use and protections. Chair Wall asked Board Members to read for next meeting as not sure of how they should proceed. Board Member Bennett explained that they should make their individual decisions to adhere as closely to the comprehensive plan as they can. He continued that the comprehensive plan would be a good template for future decision making.
- Chair Wall states she has been reading past minutes and advise that this Board has done a lot of work. She continued that in regard to home occupations, they worked on sometime in 2014 -2015 and there were levels. She advised it went to a public hearing and she thought it was voted on but is unsure if it passed. Chair Wall advised she will be contacting Town Manager Hapgood to see if was passed. Chair Wilkens explained this would be helpful to CEO. Chair Wall advised that if was passed, it should have been adopted.
- Chair Wall explained that a prior CEO stated phosphorus table is out of date and questioned if it has been updated? She continued that phosphorus is mentioned in several other sections of the plan and is huge for China Lake. Chair Wall advised they may need to update phosphorus control ordinance. Board Member Brown advised they should look into PFAS regulation. There was board agreement that PFAS should be look at. Board Member Bennett questioned if there a currently state regulations in place. Board Member Brown explained there are not full recommendations at the state level. He explained limits for home owners with private wells and how it can go into septic system and leach out. Chair Wilkens advised of past ordinance in regard



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to septic systems that was voted down. Chair Wilkens gave example of Patty's Pond. Chair Wall advised she could set up timeline of priorities based on time to process.

- Chair Wilkens explained the process of what needs to be done. He advised once they make their recommendations, it will be sent to the Select Board and the Comprehensive Plan Implication Committee. He continued that the last plan was worked on for 5 years and not many of the recommendations were done. Chair Wall brought up the example if they work on the phosphorus ordinance, how many other recommendations does that effect? Chair Wilkens advised that phosphorus control is huge. Chair Wilkens inquired how PFAS would be covered? Would they be ground or water? Board Member Brown advised would be water. He continued to advise that it would be good to have something in the plan in case there was an issue and to have a plan for water treatment to prevent further contamination. Chair Wilkens explained would be good on old septic systems to see when last inspected to provide some protection of sub-surface water. Chair Wilkens gave example of septic system update and the effect a new system can have on the environment.

## **Review Planning Board Ordinance to update language referencing gender, language to establish Co-Chairs, and expand Section 2.1, G to include domestic partners and members of immediate household alongside spouses for ineligibility**

- Chair Wall explained that in Planning Board ordinance mainly regarding Chair. She directed Section 2 regarding election of the Planning Board and read section. Ms. Grow clarified that the annual Town meeting is in November by State law definition and the March meeting is the business meeting. Chair Wall advised that Chairman should just be Chair and does not talk about co-chair but are in the minutes and they can vote in at the next meeting. Chair Wall continued that Board of Selectmen should be Select Board and language regarding Candidate at Large should be changed for the Alternate at Large and At Large positions. Board Member Bennett inquired if the Alternate at Large is an elected position. Chair Wilkens confirmed is an elected position and gave the example that he had retired from the Board and was written in as Alternate. Chair Wall states she will work on for next meeting in February and they can work on Chapter 9 tonight. Board Member Bennett motioned to approve the changes and move to final language. Board Member Brown seconded motion. Unanimously approved.

## **Chapter 9 – Working Session**

- Chair Wilkens states he thinks it is very important to ask the Appeals Board Members for their opinion. Board Member Bennett inquired if any Appeals Board Members are aware of the changes. Chair Wilkens explained he is not sure but it is the Planning Board responsibility to notify them and give them an opportunity to participate in the process. Board Member Bennett state he would like their opinions on the timeline recommendations. Chair Wilkens reiterated that they should be part of the discussion. Board Member Brown commented that it would good to have an old copy and a new copy. Chair Wilkens advised that they will the next meeting a working meeting and invite the Appeals Board. Assistant CEO French provided list of Appeals Board Members. Chair Wilkens asked Assistant CEO French to notify Appeals Board Members of next meeting to discuss changes. Board Member Bennett advised of stricken sections of ordinance. Chair Wilkens recommended they review both copies.



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- Chair Wall mentioned Title 30-A Section 4353 regarding zoning adjustment. Chair Wilkens advised has been adopted by DEP. Board Member Brown questioned if it has to do with flood land zoning and is on page 9-2? Chair Wall explained she has copies of statutes referenced. Board Member Bennett read sections regarding Chapter 2. Chair Wilkens confirmed China ordinance is approved by DEP. He continued that they would need to look at section to see if it is an issue. It was advised that everyone is invited including all interested parties. There was discussion on the process and timeline including when there will be public hearing will be held. Assistant CEO French will send invite to other boards. Chair Wall motioned that the February 14<sup>th</sup> meeting will be a working meeting for Chapter 9 with an invitation to the current member for the Appeals Board and the current members of the Select Board. Board Member Bennett seconded the motion. All in favor.

## **CEO Report**

- Assistant CEO French advises he has 1 possible solar farm and 2 possible sub-divisions of land. Board Member Bennett inquired if there was a minimum lot size? Chair Wilkens advised there is an ordinance and Assistant CEO French explained when the need to come to the Planning Board.
- Assistant CEO French explained there are more houses going in and advised of another fire. Board Member Bennett question if the Town has emergency housing for people that are displaced? Assistant CEO French advised there is only a general assistance fund.
- Assistant CEO French advised of drainage ditch that was fixed by CRLA in 2008 and DOT is supposed to be fixing again. He continued to explain that it is on CRLA radar for this year. Chair Wilkens referenced past CRLA projects.

Chair Wall notified that MMA will be putting on workshops if they would like to attend.

## **Future Schedule and Adjourn**

Next Planning Board Meeting: February 14, 2023

Motion to adjourn meeting made by Board Member Wall

Motion seconded by Board Member Bennett

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

Respectfully Submitted,  
Dawn Kilgore  
Planning Board Secretar