



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 November 14, 2023

Planning Board Meeting

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

October 24, 2023

Begin 6:30 PM

Board members in attendance: Toni Wall, Natale Tripodi, Elaine Mather, James Wilkens

Board members not in attendance: Michael Brown

Attendees: Brent Chesley, Cathy Chesley, Mary Grow, Chris Harris

Code Enforcement Officer Zak Gosselin - Present

Board meeting opened by Chair Wilkens

Pledge of Allegiance to the American Flag

Chair Wilkens brought Board Member Tripodi into voting capacity.

Review/Approve Minutes September 26, 2023 Meeting

- Chair Wall motioned to approve minutes with corrections.
- Board Member Tripodi seconded motion.
 - Chair Wall advised of spelling error of Mr. Tempel's name.
 - Board Member Mather advised of incorrect spelling of her last name along with a few other grammatical errors.

All in favor. No further discussion.

Chris Harris - Subdivision

- Chair Wilkens opened discussion on application for subdivision. Chair Wall explained the Planning Board recently approved the location for a storage facility. Chair Wall advised the applicant no longer want to use the property for a storage facility but would like to do a subdivision of the property instead. Mr. Harris explained they are looking at subdividing the property into 4 lots instead of using the property for a storage facility. He continued they would be residential lots and he currently lives on the property now. Mr. Harris explained he is looking at building another house on one of the lots. Chair Wall inquired if the Harris's home is located on Lot A or Lot C? Mr. Harris advised that their home is located on Lot C. Chair Wall questioned that for the proposed subdivision, they are looking to construct single family homes on Lots A, B and D? Mr. Harris advised they are looking to start with just one home, but will have option available for additional home in the future. Chair Wall explained there are rules for subdivisions that will need to be followed. Chair Wall asked since the road is already on the property, will there be a right of way? Chair Wall explained according to subdivision ordinance, the road has to be removed from the calculations for the lot. She continued to explain that land for right of way or easement needs to be removed from the calculations for that lot and they will need to recalculate lot size. Chair Wilkens explained the width of road has to accommodate for



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emergency vehicles. Chair Wall inquired if they would be looking at creating a road association? Mr. Harris explained they will not be selling properties off and is not sure what Town would require for the road? Chair Wilkens explained they will need to meet road specifications.

- Chair Wall explained subdivisions need to be registered with Registry of Deeds and there is a requirement for test pits for septic systems and wells. Chair Wilkens advised of the requirement that the septic and the well need to be 100 ft from each other. Chair Wall explained there is a subdivision application. Mr. Harris questioned what constitutes a minor and major subdivision? Chair Wall explained 4 or less lots would be a minor subdivision. A major subdivision could include commercial use such as a storage facility. Chair Wall stated that there is still a lot of work to be done regarding a minor subdivision. Chair Wilkens explained they will need to indicate where the wells will be, where the structures will be and where the septic systems will be. Chair Wall inquired if there is bedrock on the property and wants to sure they can have water and septic? Mr. Harris states they built their home on bedrock and they had no issue with having a well drilled. Chair Wall advised that her concern is Lot D and making sure the lot has enough square footage. She further advised that Mr. Harris will need to work with CEO on subdivision application. Chair Wall explained they will need to see where the septic systems are located along with the location of the wells.
- Chair Wilkens inquired into where will the power come from? Mr. Harris advised the power currently comes up the driveway. Mr. Harris continued that the power runs from Route 3 to Poles 1 & 2 and Pole 3 is next to their home. Chair Wall questioned if the driveway for Lot A would be on Route 3 or would be on the right of way? Mr. Harris advised the driveway for Lot A will be onto the right of way. It was advised that the location of the driveways for the lots will need to be staked out. Chair Wall questioned if they will need to clear any trees? Mr. Harris explained they cleared 2 acres when they built their home and Lot A is already clear. Mr. Harris advised the vegetative buffer is shown on the map provided with the application.
- Chair Wall advised they would not do a public hearing until they have a completed application. Chair Wall explained minor subdivisions and the possible need for a road association as they will need to maintain the road as it will not be a town-maintained road. Mr. Harris explained if they did not sell the lots, they would not have a road association. Chair Wilkens advised there needs to be a means of egress for the Fire Department. Chair Wall stated if they have a road association, they will need to have a plan. Chair Wilkens explained the lot owners usually come up with the plan. Chair Wall explained can be a right of way and Mr. Harris plows. Chair Wilkens explained will need a permit if plans are doing anymore clearing of trees on the property. Chair Wilkens explained that when they receive the application, they will review and vote whether the application is complete or not. They would then vote on if a public hearing is needed at that time. Chair Wall explained to Mr. Harris he will be working with CEO Gosselin to comply with the requirements. Chair Wilkens advised of state regulations and registrations needed.

Other

- Chair Wall opened discussion of Planning Board ordinance and advised all members should have the new updated copy. Chair Wall explained Town Attorney came back with some updates to the



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ordinance. Chair Wall explained it spells out what the Planning Board should do but states she has some concerns about the section regarding the Select Board appointing members to the Planning Board (Section 2.1 and 2.2). Chair Wall stated she does like the increase of the terms for Planning Board Members from 2 years to 5 years, which is similar to the term limits for the Board of Appeals. Chair Wilkens commented that his thought is the term should be for 3 years. Chair Wall advised removes being elected by the voters and removes districts. She continued that it allows the Select Board to appoint members to the Planning Board. There was discussion on past years and difficulties of filling vacant Planning Board seats. Chair Wilkens explained he has been on the Planning Board for a long time and has been elected each time. He continued to explain that the Planning Board Members being elected has worked. He further explained if they have a vacancy or if they cannot get someone to fill the position in a certain amount of time, then the Select Board can appoint to fill the vacancy. Chair Wilkens advised if they have alternate, then the alternate should take the vacant position as they would be perfect to step into the position since they are already elected to the Planning Board. Chair Wilkens stressed that there needs to be a separation between the Planning Board and the Select Board and the Select Board should not be involved until needed. He advised he feels they should keep as elected positions, and if there is no interest in the seat, then the Select Board can appoint. Chair Wilkens advise they should move to 3-year term from 2-year term as it is very important to be involved in the community. He further advised they need to promote vacant positions more and get back to having a Public Meeting.

- Board Member Mather explained in reading 2.1, by changing it, it changes the independence between the Select Board and the Planning Board making the Planning Board an “arm” of the Select Board. She continued that under 2.2, terms may be extended but there is no time limit. Her concern is the Select Board can continually appoint the same individual to the Planning Board. Chair Wilkens states his opinion is it should be a 3-year term. Chair Wall explained, that in other towns, it is not unusual to have the Select Board appoint the Planning Board members. She continued that they need to have ordinances that they can stick to. Chair Wilkens explained the system works and they should keep it the way it is. Chair Wall advised she will grab language from current ordinance and add another year to the terms. Chair Wall advised that under section for vacancy, she would like to have a definition for “cause”. She continued that in current ordinance, they have reasons listed. Chair Wilkens advised it should be spelled out. Board Member Mather commented on a vacancy for a felony.
- Board Member Mather advised that regarding meeting organization, they should define “adequate notice” such as 30 day or 2 weeks? Chair Wall advised have had to move meetings due to weather if need to review an application. Chair Wilkens explained that when possible, they will give 5 days’ notice since people need to make plans. He continued that they can set up a meeting for the off week as well so they do not keep people waiting. Chair Wall advised under 5.2 b regarding the agenda being posted, she feels that at least 7 days would be adequate and is not sure where the agenda is posted? Chair Wall inquired who is going to post? Chair Wilkens states he has never seen the agenda posted in Town Office or in the Post Office. Chair Wall states notice of the meetings and the agenda are on the Town’s website and Chair Wilkens advised notice of the meeting is on the board out front. Board Member Mather inquired into what constitutes “sufficient evidence”? Chair Wilkens stated it should say a completed application is sufficient evidence, where they have all the information. There was discussion on meetings, special



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meetings and work sessions. Board Member Mather provided updated language for Section 8, “govern by State of Maine revised statutes and Town of China, Maine ordinances”. Chair Wall advised she will revise over the next few days and will send out via email. Board Member Tripodi states he would like to see the Planning Board member to remain being elected and would like to see the wording for the ordinance. He continued that being elected keeps the towns people involved.

- Chair Wall explained regarding Novel Energy Systems, the public hearing will be held on 11-14-2023. She further advised they were provided materials that answer all the questions raised by the public and information was emailed by CEO Gosselin to Planning Board members. There should be 11 attachments. Board Member Mather inquired if revised documents can be printed? Chair Wilkens explained they just met with CEO Gosselin on Friday and will have documents ready the week before the meeting. Board Member Mather clarified that they do not have a solar ordinance? Chair Wilkens confirmed the Town of China does not currently have a solar ordinance. Chair Wall advised she will need to contact applicant since there have not been any changes for the acreages on the application. Chair Wall explained they did send in decommissioning plan but cannot see where it has been approved by DEP. Chair Wall stressed that the plan needs to be accepted by the DEP. Board Member Mather inquired what they will be voting on at the November meeting? Chair Wilkens explained they vote on if application is complete. Board Member Mather questioned if the Town does not have a solar ordinance, how do they have the authority? Chair Wilkens explained they have other ordinances that apply. Board Member Mather inquired if it would be possible then to have someone table the solar project until the solar ordinance is approved? Chair Wall advised they have 3 solar energy systems in town that were approved without a solar ordinance. She continued to advise that some towns have a solar ordinance and some towns don't. Chair Wilkens states proactive towns have solar ordinances. Chair Wall advised the solar farms and companies they have worked with have been very responsive at submitting requested information. There was discussion number of solar coming into China and esthetics of the town. Chair Wilkens advised of past efforts to make buildings fit in with the esthetics of the town and the need to look into comprehensive plan.

CEO Report

- CEO Gosselin explained that they have continued to issue building permits and he may be receiving another application for a subdivision. Chair Wilkens inquired into size? CEO Gosselin advised he is not sure of the size yet.
- CEO Gosselin advised there has been a steady amount of new homes in the area.

Chairperson Communications

- Board Member Mather advised she went to MMA training and explained MMA's website has great information including videos on solar. Chair Wall stated she has signed up for session on marijuana facilities. She continued that China only allows for medial marijuana facilities, not recreation use. Chair Wilkens reiterated his opinion from the Board's previous discussion on the Planning Board Ordinance that the members need to be elected. He continued that this allows for the Board Member to really know their constituents they are representing.



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Future Schedule and Adjourn

Next Planning Board Meeting: November 14, 2023
Motion to adjourn meeting made by Board Member Mather
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