



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 January 9, 2024

Planning Board Meeting

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

December 12, 2023

Begin 6:30 PM

Board members in attendance: Toni Wall, Natale Tripodi, Elaine Mather, James Wilkens, Michael Brown
Attendees: Brent Chesley, Cathy Chesley, Mary Grow

Code Enforcement Officer Not Present

Board meeting opened by Chair Wall

Pledge of Allegiance to the American Flag

Chair Wall brought Board Member Tripodi into voting capacity.

Review/Approve Minutes for November 14, 2023 Meeting and November 28, 2023 Meeting

- Chair Wilkens motioned to approve minutes for November 14, 2023 and minutes for November 28, 2023 as written.
- Board Member Tripodi seconded motion.

Chair Wall advised she reviewed both sets of minutes and submitted needed changes to Planning Board Secretary, Dawn Kilgore. Chair Wall advised Planning Board of changes and grammatical errors. All in favor. No further discussion.

Conditional Use Permit Application

- Chair Wall explained there are no conditional use permits for review currently. She continued to explain she is aware that Perennial Solar has not submitted an application but is looking into a possible solar garden on Route 32, in the gravel pit across from Rte. 32 General store. Chair Wall advised that is the only possible application she has heard of at the moment.

Planning Board Ordinance Draft

- Chair Wall advised the Planning Board had reviewed the ordinance and had made some changes, mainly to maintain having members elected by district as per current ordinance. She explained she made the changes and the ordinance was submitted to the Select Board for review. She continued that the Planning Board ordinance was reviewed on December 4, 2023 by the Select Board. Chair Wall advised that she emailed the results of the 3 motions that were voted on, by the Select Board, to the Planning Board members. Chair Wall explained the Select Board voted the following motions:
 1. The Select Board to appoint the Planning Board members instead of community members electing Planning Board members;
 2. To remove the Planning Board districts and;



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3. For the Select Board to appoint Planning Board members to 2-year terms.
 - Chair Wall explained the changes are currently at the Town Office being made and a Public Hearing will be scheduled for some time in January. She continued that voting will take place in March. Chair Wilkens questioned if votes will be taken at Town meeting or via paper ballot? Chair Wall advised she is not sure how the vote will be taken but will find out. She further advised that once she receives the updated ordinance, she will distribute to the Planning Board members.

Solar Ordinance Draft

- Chair Wall opened discussion on Solar Ordinance and stated the Town of China needs one. She continued that the Town Attorney provided a version that was similar to Damariscotta's. Chair Wall explained that one thing she feels is missing is application requirements such as a map, a maintenance plan, an interconnection agreement with the electric company, a lease agreement if they don't own the property, stormwater management plan, emergency management plan, decommission plans which would need to be approved by DEP, and schematics with contour lines of how the panels would be placed. She further explained these were all things they had discussed with Novel and previous solar energy system companies. Chair Wilkens advised the current proposed ordinance is more generic. Chair Wall advised she would like to add those requirements back in to protect the town. Chair Wall commented that under the maintenance plan, they would want more detail regarding mowing, herbicide use, snow removal, how broken panels will be handled and the ongoing maintenance. Chair Wall stated there is mention of a fence in the proposed ordinance, but no mention of height of the fence. She continued that they are usually 7 feet and the solar companies have been leaving a space at bottom for small animals to enter and exit the property. Chair Wilkens inquired into the application process and why it appears to be missing from the proposed ordinance? What is process for a conditional use permit? Chair Wall stated that Damariscotta may have another piece that was not included but is not sure. Chair Wilkens advised he did not see an attachment to another ordinance regarding application process.
- Chair Wall explained that some of the information that regarding maintenance plan comes from Readfield with also provides information for review. Chair Wilkens explained it is important to have those requirements since they were required of previous applications. He continued that it is not fair to change it now. Board Member Mather explained that the Planning Board previously had questions as to whether the Readfield ordinance was appropriate for China and that the Town Attorney had come back with that Damariscotta was more fitting. Board Member Mather questioned why the Town Attorney thought Damariscotta was more fitting? Chair Wilkens advised that Readfield is a lake town and Chair Wall explained that Readfield has some requirements that should be included in the China ordinance. Chair Wilkens states that the Readfield has the information and explained that what they have done in the past is merge the information from one town ordinance into the China ordinance. Chair Wall explained she really likes the detailed application requirements in the Readfield ordinance. Chair Wall questioned Chair Wilkens regarding surety bond? Chair Wilkens advise they do like to ask for the surety bond up front. Chair Wilkens explained they will need to work with Select Board at setting the



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application fee since Town of China currently is \$100 and other towns charge upwards of \$2,500. He continued that they should have a fee schedule.

- Chair Wall advised that she will work on putting the ordinance together. Chair Wilkens explained that the requirements need to be spelled out for the applicant which will alleviate any questions. Board Member Mather questioned the Code Enforcement Officer language in ordinance and what will happen if they do not have a Code Enforcement Officer at the time? Is there an alternate person if we do not have one and will it hold up the process? Chair Wall explained they do have a Code Enforcement Officer, the Town Manager, Becky Hapgood has the credentials to be the Code Enforcement Officer. Chair Wilkens confirmed Town Manager Hapgood would review and notify the Planning Board.
- Chair Wall asked Planning Board members to send any ideas for changes via Town email to her. Board Member Mather read Section 9 (D) of Damariscotta's ordinance and stated in reading the paragraph, she understands that the Town of China uses the bond for decommission and that the performance guarantee needs to be 150% of the cost to decommission, but her question is what happens if 150% does not suffice over 20-30 year and the abandon solar needs to be done by the town? Who would they go after to reimburse the town? Chair Wall advised that the DEP approves the decommission plan and believes the surety bond has to be reviewed every 5 years. Chair Wilkens continued that they can require additional reviews of the bond if needed. Board Member Mather inquired if they can require additional surety bonds? Chair Wall confirmed they can and believes DEP has that built in. Board Member Mather questioned what happens if the bond company goes out of business? Chair Wall states she will need to review for answer. Chair Wilkens advised he believes if a bond company goes out of business, it would need to go to court for resolution. Chair Wilkens explained the Planning Board currently asks for a pretty detailed decommission plan but states he did not see anything like they currently have regarding the Fire Department. Chair Wall states they should have approval from Fire Department for access of emergency vehicles. Chair Wall advised Planning Board members to reach out to here if they see something that needs to be added or changed. She continued to advise that they will review a clean copy of the solar ordinance at the next meeting.
- Chair Wilkens questioned Board Member Brown regarding farms with PFAS (polyfluoroalkyl substances) if the fields are "dead" or if they can ever be used again. Board Member Brown explained there is currently no remediation process that will bring the fields back into compliance other than growing grain or a small crop where they harvest grain and not the plant. He continued that he had a conversation with Amanda Beal at Maine Department of Agriculture and this is the direction they are looking at for a use of the highly contaminated fields. Chair Wilkens explained these types of fields could be used for solar farms instead of using farms that are not contaminated. Board Member Brown commented regarding solar in gravel banks and "dead fields". Chair Wall questioned that as long as it is a grain, such as sunflower seeds and wheat, it is ok? Board Member Brown explained that most is taken up in the biomass of the plant not the seed. He continued that it depends on the amount of sludge that was applied, most the grain crop can be harvested and won't have a negligible amount. He gave the example of trying to decontaminate a field where the plant type sucks up the contaminate, what to do with the plant mass that is now contaminated and that they are struggling with the finer points. Board Member



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Brown advised that vegetable farmers are struggling because it is unclear how much contaminate is taken in by different vegetable types. He further advised the “acceptable” amount is 5 parts per trillion in drinking water. Board Member Brown advised that another use that is being reviewed is a quick growing forestry crop, such as larch, which could be used in construction projects. Board Member Mather inquired if it would be adverse to have some incentive for solar farms to go on that kind of land? Board Member Brown advised in his discussion with Ms. Beal, they are trying to provide strong soil types with some form of tax break or grant. He continued that no one wants to touch PFAS land because they don’t want to stir it up and they are trying to change the stigma. Chair Wilkens commented that this would allow family farms to get some revenue back. Board Member Brown stated that they have been as strict as they have been and now, they are getting back to some medium ground. Chair Wilkens asked Board Member Brown would give the Planning Board an overview of PFS? Board Member Brown confirmed he would be willing to give an overview at the next meeting. He continued that it is important to know about PFAS and he explained about the water from China going into Waterville and Winslow. There was discussion on if there are PFAS in the aquifer and if water pumped by Kennebec Water District can be processed on that large of a scale.

- Chair Wall read Section 7 aloud regarding buffering and screening. She continued that it states the buffer has to be year-round, but that would be difficult with deciduous trees, they may need to go with coniferous since that would not work in Maine unless in a pit. She further explained that they will need to have a timeline since having no visibility in the 1st year is unrealistic, it takes roughly 5 years or longer for a tree to grow to that size. Chair Wilkens advised they should consult with an arborist. Chair Wall referenced Route 3 project, which is getting better, but will possibly take 10 years to provide enough screening. Chair Wilkens explained that with areas that have been claimed as “not usable”, the Town of China should be proactive towards using the areas as solar farms instead of usable properties for farming. He continued that there are a number of gravel pits that could be used. Chair Wall commented on having requirement of pollinator friendly seeds. Chair Wilkens explained would be a great area to put some bee hives.
- Chair Wall advised that they requested Novel seek out local Fire Department regarding accessibility and has reached out to the Town Manager regarding if there is a map showing the Fire Department delineations. She continued that Dick Morse, of the South China Fire Department has a map that she will be viewing and taking pictures of. Chair Wilkens explained any vote for a delineation would have been at a town meeting. Chair Wall advised will get pictures of the map to have for future reference.

Chapter 2 Proposed Changes

- Chair Wall explained there are changes to Chapter 2 to be made. Chair Wall advised that “impervious surfaces” should have been removed and replaced with “nonvegetative surfaces” in 2022. She continued that there were some items from Colin Clark that came across in August 2023 regarding setbacks in order to be in line with DEP rules. Chair Wall advised Planning Board will need to review before they can approve. Chair Wall explained they need to meet the DEP standards but can also go above the standards regarding setback and maximum height. Chair Wall



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advised Select Board members and CEO have asked Planning Board to look at term “volume” and consider eliminating volume as a “measurement by expansion”. Chair Wall states will review, highlight changes need and print for Planning Board members. She continued that they need to think about volume as it is not a term used by DEP. Chair Wall advised she would like to have Scott Pierz come in and discuss “volume” and what would happen if eliminated? Chair Wilkens explained he would like have someone that has used it to advise the Planning Board. Board Member Brown questioned if volume based on a percentage? Chair Wilkens explained is original footprint and based on ceiling height and going lower and gave an example if digging out for a basement. Chair Wall advised asked former Assistant CEO French what is volume and was advised is based on livable space. Chair Wilkens advised of example of posts rotting out under camp and needing to put in a foundation, would have more livable space. He continued to advise there are different measures. Chair Wall explained “volume” might have been brought up before in discussion. Chair Wilkens explained there was discussion in 2015 and “volume” was left in Chapter 2. Chair Wilkens advised they would want to look at how many were turned down due to volume as a measure. He continued he would like to know what the reason is for removal of the term “volume” since it has been in place for a long time. What is the issue? Chair Wall explained is a limiting factor. Chair Wilkens questioned if it is still needed? What is the effect if it is taken away? Chair Wilkens advised Town Manager states there have been 5 building starts with no permits. Board Member Brown inquired if that could be due to fluctuation in CEO? Chair Wall explained Town Manager Hapgood is still there when Assistant CEO French left in June and CEO Gosselin was hired late August/September. She further explained that people were not coming in to Town Office to get building permits. Chair Wall explained housing opportunity program is law now regarding affordable housing. Chair Wilkens states should be in the comprehensive plan. Chair Wall advised she will get out LD2003 to the Planning Board members. Chair Wilkens advised they will need to put in ordinance since is law.

Chairperson Communications

- Chair Wall advised she did take the training through MMA on Appeals Boards and Planning Boards recently. She encouraged the other members of the Planning Board to take the training since there is a lot of new information and trainings are offered via ZOOM.

Future Schedule and Adjourn

Next Planning Board Meeting: January 9, 2024

Motion to adjourn meeting made by Chair Wilkens

Motion seconded by Board Member Brown

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

Respectfully Submitted,
Dawn Kilgore
Planning Board Secretary