



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 March 8, 2022

Planning Board Meeting

Meeting held in portable building and via ZOOM

February 22, 2022

Begin 6:30 PM

Board members in attendance: James Wilkens, Natale Tripodi, Scott Rollins, Michael Brown

Board members not in attendance: Toni Wall, Walter Bennett

Attendees: Brent Chesley, Cathy Chesley, Mary Grow, Lisa Vickers, Kevin Corbett, Joe Marden

Code Enforcement Officer Jaime Hanson present

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 January 25, 2022 Meeting

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

Unfinished Business

- **SunRaise application – Phase 2 expansion of Route 3 Solar Project**
 - Chairman Rollins advised they will go through the SunRaise application and review for completeness. Board Member Wilkens motioned that the application is complete. Board Member Tripodi seconded motion. All in favor. Not further discussion
 - Chairman Rollins inquired if there was a public hearing on the initial application? It was advised a public hearing was held for the initial application. Board Member Wilkens questioned if the abutters have been informed of the expansion? CEO Hanson advised he spoke with Kevin Corbett from SunRaise and was informed the abutters have been informed of the expansion. CEO Hanson explained SunRaise is leasing land from one of the abutters. Board Member Wilkens explained the Phase 2 application will need a public hearing as it is different from the original application and he wants to make sure they are being upfront about the project since there are no abutters present at the meeting. Board Member Wilkens motion for a public hearing to be held. Board Member Brown seconded motion. Chairman Rollins questioned if the public hearing could be held at the next meeting? CEO Hanson advised he will send out the notices to the abutters tomorrow, February 23rd. There was some discussion regarding the lot coverage from the original application and the change required under the DEP update and how it would apply to this application. It was advised that SunRaise is prepared to show they have the access road



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included in their calculations and will meet the new ordinance changes if and when the changes are voted in. Board Member Wilkens advised they can make known at public hearing that SunRaise has met new lot coverage requirements as put forward by the State of Maine. All in favor. No further discussion.

- Chairman Rollins inquired if the Board should review application in case there are any questions for the applicate before the next meeting? Chairman Rollins explained one area was the title of interest and advised SunRaise has letter provided from the owner regarding the lease. Chairman Rollins states he does not have any concerns and reiterated they can have the public hearing and can review at next meeting. CEO Hanson explained he wanted to make sure new lot coverage calculations and lease information was seen. CEO Hanson states he wants to clarify lot area with SunRaise if the lot area is under tilted panels or under square panels. Mr. Corbett clarified is under tilted panels. Board Member Brown questioned if the 2.3 acres of impervious surface increase because of the road? CEO Hanson confirmed the increase is because of the road. He continued that he estimated at 11,000 square feet and is only impervious area that has been added in. CEO Hanson advised that there is 7,000 square feet for the Ouelette's future use that is not included in the project. Board Member Wilkens stated this keeps the land useable. Board Member Wilkens inquired if the public hearing can have set for next meeting? CEO Hanson advised he will schedule public hearing and will have the notifications mailed to the abutters. CEO Hanson explained that all responses are present on application. Chairman Rollins questioned if the applicant had any questions for the Planning to which the response from the applicant was there were no questions.

- **Chapter 8: Solar Ordinance**

- Chairman Rollins explained that Chapter 2 and 11 were returned from the Select Board regarding wording in the ordinances needing to be updated. Board Member Wilkens advised that as a point of order where the ordinances were tabled, they would need to motion to bring back the discussion. Board Member Wilkens motioned to bring back the discussion of the ordinances. Board Member Brown seconded the motion. All in favor.
- CEO Hanson explained DEP letter where State reviewed ordinances and found areas that needed updating to be brought up to code with the State of Maine. He continued that in the State's own Shoreland Zoning, they had updated definitions. CEO Hanson explained the Town of China has been given a conditional approval of the ordinances and has been advised they will need to make the required changes per the DEP. CEO Hanson explained some of the required changes needed including lot coverage and definitions. Board Member Brown questioned into what changes the State wants regarding lot coverage? CEO Hanson explained that the State wants all nonvegetative surfaces, including roads, driveways and turnarounds to be included in lot coverage calculations. Chairman Rollins and Board Member Wilkens stated they thought they had added driveways in? CEO Hanson advised the definitions were not changed. Board Member Wilkens was sure the Board had discussed. CEO Hanson explained changes needed. He continued to explained Town of China uses volume where State does not regarding expansion. He further explained home occupation was reduced down to 2 people from 3



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people. CEO Hanson advised of definitions that were not in what was sent forward. Chairman Rollins explained they will need to review to see what was not done that should have been. CEO Hanson advised the Attorney found issues. Board Member Wilkens inquired as to the changes that were not made? CEO Hanson advised only definition that went in was for “Stream”. Mary Grow advised Chairman Rollins that the Select Board advised they were unable to find where the Planning Board held a public hearing when they were doing the recommend changes. Chairman Rollins confirmed there were no public hearings for any of the ordinances. Board Member Wilkens advised they will need to going forward. Board Member Wilkens inquired if these were the only changes seen so far? CEO Hanson advised they are not specific changes and continued that the town attorney had some comments and was sent back for to the Planning Board for review. Board Member Wilkens advised that if they are less than the State code, they will need to make changes.

- Chairman Rollins explained they need to go through Planning Board ordinance as well to make sure they are following the proper procedures. CEO Hanson showed letter from Town Attorney with recommendations to the Planning Board. CEO Hanson advised he highlighted “visual impact” section of the letter. Board Member Wilkens stated that if it is not unlawful, is up to the Planning Board. Board Member Brown read last paragraph of letter. Board Member Brown commented on farmland future use after decommissioning and if it would still be usable. CEO Hanson advised of a decommission plan he had seen where the supports were just cut off at ground level. CEO Hanson stressed they need to be careful with decommissioning and making sure there is money in place for it. Board Member Wilkens advised of requirement of escrow. Board Member Brown inquired if the wires were being run 3 feet under the subsurface and explained they would need to be deep enough otherwise could end up getting stray wires in animal feed. Board Member Wilkens stated there is prime farmland being used. Board Member Brown advised there should be a map of wires to dig up if site is decommissioned. There was continued discussion on depth of wires and possible changes to the soil from voltage running through it. Board Member Brown explained about stray voltage. Board Member Wilkens inquired if would need to be insulated for frost? CEO Hanson explained there are shallow foundations that go down 16” below grade with insulation that survive the frost. CEO Hanson explained if wires needed to be made deeper for decommissioning, that would be based on the Board’s decision. CEO Hanson explained in this project, the supports are not pile driven but are ground screws. Board Member Brown comment that this project is one of the less invasive he has seen.
- Chairman Rollins explained they can review letter from attorney. He questioned where “visual buffering” came up and was advise by CEO Hanson it was from the attorney. Board Member Brown also advised it came up among Planning Board members at previous meeting. Board Member Wilkens clarified that discussion was regarding application. Board Member Wilkens explained is just for thought and is not from Select Board or Planning Board. He continued to explain they need to go through definitions. CEO Hanson advised of an email from member of the Select Board.



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- CEO Hanson advised of Attorney Meader's email responses to Brent Chesley's email. Board Member Wilkens advised he will not vote open the discussion of the ordinances until the Select Board has requested the changes. Chairman Rollins states he advised Town Manager would need changes. There was discussion on what the Select Board voted on. Board Member Wilkens continued to advise need be in conformance with the State. Chairman Rollins agreed they need to have actual vote from the Select Board. Board Member Wilkens reiterated they need a vote and the Select Board needs to say what they are looking for. He continued that the definitions need to be there. Board Member Wilkens explained the vote was made with changes from DEP. He further explained they can do both the conditional use permit and review the changes for ordinances. CEO Hanson advised will try to find the correct version of definitions.
- Chairman Rollins advised Planning Board will need to review Chapter 8 – Decommissioning. CEO Hanson explained there is usually money set aside such as a bond for decommissioning. Board Member Wilkens stated Route 32 project had a bond. CEO confirmed bond was needed before permit was issued.
- CEO Hanson advised he will speak with Town Manager regarding getting written confirmation of ordinance vote and written request from Select Board of changes.

CEO Report

- CEO Hanson advised he has issued 4 building permits and 5 plumbing permits which consisted of 3 external and 2 internal.
- CEO Hanson updated the Planning Board regarding the violation on Winding Hill Rd. He continued that he did the inspection with the Sheriff and confirmed no one is living there. CEO Hanson explained he knows what is inside now and has sent his report to the Select Board for them to decide if still want to go to court on this.
- CEO Hanson explained the plans to expand Town office and inquired if this would need to come to the Planning Board as an expansion to a conditional use permit? He continued the project has not been sent out for bid yet. Board Member Wilkens explained it would need to go to the Select Board not Planning Board since there is no change of use.

Future Schedule and Adjourn

Next Planning Board Meeting: March 8, 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