



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 22, 2022.

Planning Board Meeting

Meeting held in meeting room in Town Office and via ZOOM

March 15, 2022

Begin 6:32 PM

Board members in attendance: James Wilkens, Natale Tripodi, Scott Rollins, Walter Bennett (via ZOOM) and Michael Brown

Board members not in attendance: Toni Wall (leave of absence)

Attendees: Brent Chesley, Cathy Chesley

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 March 8, 2022 Meeting

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

Chapter 2- Land Use Ordinance

- Chairman Rollins advised they will be working on Chapter 2 and Chapter 11. Chairman Rollins explained the intent is get approved tonight and have a public hearing at the next meeting. Chairman Rollins stated the Select Board has advised they will need 2 meetings to review the ordinances. He continued to advise that the Select Board's next meeting is March 28th.
- Chairman Rollins confirmed that first markup on page 2-4 is correct. Board Member Wilkens advised they did a lot of these changes already. CEO Hanson explained the intent was to change what was needed. Chairman Rollins advised of a change on page 2-17 regarding maximum lot coverage, the impervious surfaces and the changes that were made. Board Member Wilkens advised they made the changes to meet the state requirement. Chairman Rollins advise of a change on page 2-18 regarding lot coverage and mobile home parks. Board Member Wilkens questions if the change was from the state? CEO Hanson explained the State took out an ordinance and explained that parking spaces and driveways cannot exempt be exempt from impervious. He continued that the State used the Town of China language of non-vegetative. CEO Hanson explained the big difference is, the State is saying mobile home parks in the shoreland need a full lot for each dwelling. He further explained they are trying to keep from becoming too dense in the shoreland area. CEO Hanson explained that maximum lot coverage has similar non-vegetative language. Chairman Rollins advised of changes on page 2-19, rural



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district. CEO Hanson advised to remove note that was put in regarding looking at Town of Paris ordinances. Board Member Wilkens inquired if was all the DEP additions are in the document? – CEO Hanson confirmed yes. Chairman Rollins advised what has been discussed is all he noticed in the document in his review earlier. CEO Hanson advised he will review again before submitted to Select Board to make sure all formatting is correct. Planning Board reviewed document for grammatical errors and formatting issues. **Board Member Wilkens motioned for approval of Chapter 2 with changes made effective 3-15-2022. Board Member Bennett seconded motion.**

- Board Member Bennett questioned language in the 2nd paragraph in Section 3. He read the paragraph in question and continued that if they only had 10,000 square feet, they would be able to use all area since states “Whichever is greater”. CEO Hanson explained cannot have septic on a lot that is smaller 20,000 square feet per State law. Board Member Bennett further explained, the way he reads the section, they could cover the whole lot. He further questioned if it was the intent to read that way? Chairman Rollins gave the example that what if had a lot greater than 40,000 square feet, you could not exceed 10,000 square feet. There was discussion on smaller lot sizes versus larger lots. Chairman Rollins advised you cannot clear more than 25% of your lot and suggested they can they look at DEP wording. Board Member Bennett advised that a 100 x 100 lot would be 10,000 square feet. CEO Hanson displayed the “Clearing and Removal” section on page 39 of DEP Chapter 1000 on the screen for all to review. Board Member Bennett stated he is not sure what the intent is? CEO Hanson advised they took paragraphs directly from the DEP. He continued that it is the area within the shoreland zone. Is not the whole lot, only the area within the shoreland zone that should not be cleared. CEO Hanson explained “within a shoreland district”. Planning Board voted and unanimously approved to keep as written.

Chapter 11- Definitions

Chairman Rollins questioned if Chapter 11 has solar and DEP changes included? CEO Hanson states he has reviewed and confirmed they have everything DEP wanted updated in the definitions and the solar. The Planning Board reviewed the document for grammatical and format changes.

- Under “Expansion of a Structure”, CEO Hanson explained that DEP regards footprint when they talk about expansion and do not regard volume, but Town of China goes by volume instead of footprint. CEO Hanson gave an example of a gable roof. Chairman Rollins questioned if they should say floor area, footprint? Planning Board agreed and updated wording to “floor area, foot print”.
- CEO Hanson advised that the State has reduced number of individuals from 3 to 2 that can work for a home occupation business that are non-family members.
- Under “Campground”, CEO Hanson advised can be code enforcement challenges. He continued to explained that families might bring campers to a large property for a month. He advised is handled well in China. Board Member Wilkens inquired if writing in red is a state change? CEO Hanson confirmed it is and clarified that only 10 individuals can use a property as an individual campsite. Chairman Rollins questioned “repeated’ camping? CEO Hanson explained if sees more than 10 people or is happening frequently, would need to be a campground. Chairman Rollins gave example of multiply campers at one



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camp all summer using the one septic. CEO Hanson clarified septic and waste removals. Chairman Rollins questioned if had a group of people for a weekend or an event, what would be needed then? Board Member Wilkens advised they have a permit for that. CEO Hanson clarified that need to have 50 individuals for an event permit. He continued to advised that if is an open tent, he does not have jurisdiction, only if is in a building.

- CEO Hanson explained under “Tree”, diameter is 2 inches and height 4.5 feet. CEO Hanson advised does come up often regarding requests for clearing.
- **Board Member Wilkens motioned for approval of Chapter 11 Definitions with changes made on 3-15-2022. Chairman Rollins seconded motion. No further discussion. Unanimously approved.**
- **Board Member Wilkens motioned for one public hearing to be held to for all 3 ordinances on March 22, 2022. Board Member Brown seconded motion.** CEO Hanson confirmed they do not need 2-week notice since is not a notification of abutters. Board Member Wilkens commented notice of the public hearing should be in the paper and on the website. Chairman Rollins explained they will have clean version available for public review. Mr. Chesley questioned why they would not want to allow the public to see the changes? The Planning Board decided to put 2 versions out there for public review, one with track changes and the final version.
- Board Member Bennett brought forward questions regarding the Town repairing a private road. He continued to inquire when the Town would care for safety purposes the state of a road? Chairman Rollins explained it would be concerned if near lake and Board Member Wilkens advised regarding phosphorus entering the lake. Board Member Bennett inquired if that would be something they would be looking to enforce? Chairman Rollins advised issue came up years ago regarding a local road in a subdivision that expanded. He continued there were no standards at that time and have since changed subdivision standard to require road to be built to certain standards. Chairman Rollins explained 3 people can form a road association to fix the road and is up to the individuals to repair the road if it is a private way. Board Member Wilkens suggested the individuals on the road may need to speak with Fire Department to make sure is accessible or could be a safety hazard. Chairman Rollins reiterated that would be the responsibility of the Town, but the individuals or road association to repair the road. CEO Hanson advised that even with a building permit, he only has jurisdiction on that one lot and not the other people’s lots on the road. Board Member Wilkens stressed that the Fire Department must be able to get in. Board Member Bennett questioned if would be a civil route if emergency vehicles were not able to get in? CEO Hanson explained he saw legislation that asked if the occupants on a road could sue for damages to the road? He continued that it died at the house level last year. Board Member Bennett inquired if there was any State law that supersedes the Town’s that can add regulation to the roads for safety? Can the town go further than that? Chairman Rollins advised of State Title 30-A. He explained can put in approvements and bill for share of approvements under a road association. Chairman Rollins explained that the Town is not going to take over a private road. Board Member Bennett states he saw comments on Facebook and it got him thinking. Board



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Member Wilkens states the term private does it. Chairman Rollins advised any new subdivisions will need to meet the standards. He continued every road will need to be repaired, but if build to standards, it will last longer. CEO Hanson showed location in question and explained the homeowner's association inquired to Town how to go about fixing the road. Board Member Wilkens questioned how far is road? CEO Hanson advised is half mile. CEO Hanson advised he was approached by the President of the homeowner's association and advised he gave a pamphlet from the State of Maine regarding road associations.

CEO Report

- CEO Hanon advised he has issued 1 building permit since the previous meeting and received 4 permit applications today. He advised that the weather has improved, and the permit applications are starting to come in more frequently.
- CEO Hanson explained he has been working on solar project on Route 3 and has received their building permit application today. He continued to explain that the Planning Board may want to discuss creating fees for solar projects that are different from other fees. CEO Hanson explained how the current fees are calculated is based on ground contact. He further explained that with the Route 3 project, the permit totaled about \$300 for the permit. He advised they have 7-8 concrete pads holding an inverter at the end of the row and 2,200 ground screws, which have a such small area, the administrative fee \$75 plus .30 cents a square foot it came out to roughly \$300. Chairman Rollins advised they should address the fee structure for solar projects. CEO Hanson advised that the Route 32 project came out to about \$800. He stated the Town of China is missing some costs including inspection costs. He continued that he must review the project for erosion from a rain event of more than an inch. CEO Hanson explained he has done multiple inspections over the course of the project. Board Member Wilkens advised they can recommend a fee, but the Select Board sets the fees. CEO Hanson suggested checking with other towns and explained some towns have standard fees in the 1,000's.
- CEO Hanson advised he is actively involved in violations. He explained the Hanson Rd property was vacated due to a civil issue.

Future Schedule and Adjourn

Next Planning Board Meeting: March 22, 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