



# 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 3-0 on May 24, 2022*

## Planning Board Meeting

Meeting held in meeting room in the Town Office and via ZOOM

April 26, 2022

Begin 6:30 PM

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

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

Attendees: Brent Chesley, Cathy Chesley, Mary Grow

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 April 12, 2022 Meeting**

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

### **Chapter 2: Land Use Ordinance**

- Chairman Rollins advised there were a few different options discussed at the last meeting. He continued that one option was to keep structure limitation at 15% and allowing 5% for any other impervious. This would calculate to 20% total and this would only be for in shoreland. Chairman Rollins explained that this could be a good compromise, by having a hybrid, and still complying with DEP. He further advised they could update the wording to accommodate. Board Member Brown asked for clarification on how the hybrid would work. Board Member Wilkens explained they would only be adding 5% for all other impervious such as to add a driveway. CEO Hanson advised the current definition would make 15% for all impervious. Chairman Rollins advised would need to add up to 20% for everything. He gave the example if someone wanted to have 18% for structure, they would have to have a grass driveway.
- Board Member Brown questioned if there was anything from public hearing, any strong thoughts on the matter? Chairman Rollins explained there some very strong arguments made for raising the 15%. He continued that Mr. Chesley brought up the hybrid as an option. Chairman Rollins states based on the comments, they were being too restrictive. Chairman Rollins advised he feels this is a good compromise where they are only allowing for 15% for structures. He continued that most people want to expand on structures and not driveways. Chairman Rollins explained that 15% on everything would make for a lot of nonconforming lots. He continued that some community



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members spoke of water quality and that they need to have a balance. Board Member Wilkens advised the feels it is a great compromise. **Board Member Wilkens motioned for 15% for structures and 5% for all other impervious. Board Member Tripodi seconded motion.** Board Member Brown questioned how much difference is it going to make for property owners on the lake that have been here for several years? CEO Hanson explained that someone in the shoreland zone, with a small lot, it could mean a grass driveway. He advised of the example that was given at the public hearing of a small garage across the road and the property owner wanting to build a bigger garage away from the road. He continued that they could have the large garage with no driveway with the proposed DEP at 15%. CEO Hanson explained the DEP is more restrictive on the definition of what counts towards the 20%. He further explained that big lots are not a factor as that would be more of a conditional use that would need to come to the Planning Board. CEO Hanson comment it would allow for more usability. Board Member Brown questioned if this is going to improve water quality to the lake? Chairman Rollins explained they are doing because the DEP requirements. Board Member Bennet stated the discussion is due to the enormous community feedback that they received regarding the rewrite. He continued that based on what DEP is requiring, he feels this is the correct compromise. Chairman Rollins advised will have a public hearing once they have finalized the language in the ordinance before it is sent to the Select Board. Chairman Rollins advised of the motion on table for 15% for structures and 5% for other impervious. **No further discussion. Motion unanimously approved.**

- Chairman Rollins stated there was discussion on having the rural district at 30%. CEO Hanson advised there is no limitation per statewide and gave examples of other cities and towns where the percentage is allowed by ordinance. Board Member Wilkens thinks they should go to 30% where the current percentage is 20%. CEO Hanson advised the change would not change the lot size or the density of the town. He further explained that they should consider when discussion the accessory dwelling unit and short-term rentals. He continued that there is currently legislation that might take away a town's ability to say one dwelling per lot and that they must allow assessor dwelling units. CEO Hanson advised could double or severely increase the density on the lake. He provided some examples such as apartment. Board Member Wilkens advised sub-surface water would handle. He continued that if have 2 dwellings, with 4 bedrooms, the septic would need to be able to handle. Board Member Wilkens stated that they would not be able to with most of the lots on the lake. Chairman Rollins commented that he does not feel the it is the intent for affordable housing on lake, but more for smaller intown lots. CEO Hanson cautioned on having the lake frontage turned into short-term rentals as it is currently one house per lot. Mr. Chesley advised the only reason to change is the DEP and advised they have always had 20% on structures in the rural district. He questioned why it was changed in approval if there is no limit? Mr. Chesley suggested to contact Colin Clark at DEP to inquire why was changed in the rural district and seeing if he would be agreeable to leaving at 20%? CEO Hanson stated he can contact. CEO Hanson commented that maybe both zones were mentioned in a paragraph and that is why the change needed to be made. Mr. Chesley advised it would be easier if they did not have to change. Board Member Brown advised a change in the rural could have an effect on other businesses such as farming.
- Chairman Rollins states that he thinks that the 15 and 20 alleviates a lot of the concerns raised. He inquired if they should start changing the ordinance to reflect some of the comments? Board



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Member Wilkens commented that they should wait to go over at next meeting to allow everyone the chance to read over.

## **Chapter 8: Solar Energy Systems Ordinance**

- Board Member Brown inquired into the results of site visit? It was advised that they need to arrange visit to see what site looks like. CEO Hanson stated that during construction, he had to inspect the site after 1 inch or more rain event. He further advised that he is familiar with the site and can show the erosion control measures taken and the stormwater management. CEO Hanson explained they use trenches and vegetative swales around wetland to make sure draining properly. Board Member Brown questioned the use of rock spreaders to control run off? CEO Hanson advised they have check dams and they don't have any areas that really retain water, just the ditches that channel it out. He continued if did overflow, would make sure it overflowed in a sheet flow. Board Member Wilkens states he wanted to make sure water is draining. CEO Hanson advised that the City of Augusta has offered viewing of the completed solar farm on Route 3, near Hancock Lumber. There was discussion on other solar projects around the area including the solar project in Augusta where the panels face the road and is built on a ledge. Chairman Rollins advised he would like to see ours and the one in Augusta. Board Member Tripodi advised of an article in the Kennebec Journal on April 5<sup>th</sup> about a moratorium in Lovell on all large solar. Board Member Brown questioned how big is biggest commercial solar in China? CEO Hanson advised both Route 3 and Route 32 are both about 5 megawatts and cover roughly 20 acres. Chairman advised there is talk of a moratorium in China that is going to the voters which there was question of the need since the Planning Board can issue permits. It was advised that the average length of a moratorium is 180 days. Chairman Rollins stated it would be good to take a look. Board Member Bennet explained he would like to see if arrays look like described and if vegetation is going to survive. He expressed his concern that vegetation could die under the panels. CEO Hanson explained Route 32 completed in November of 2021. Board Member Bennett would like to see photos of long-term effects. CEO Hanson advised that the Augusta site has been there for a while. There was discussion on scheduling a site visit.
- Board Member Wilkens explained he has done some research on farming under the arrays. CEO Hanson explained he has heard of a business in Maine where they use sheep and goats to mow the grass in solar farms. Board Member Bennet questioned why the solar companies are not using the rights of way for power lines? He continued there is so much open space. Chairman Rollins explained that the power company could have requirements of what can and cannot be there. Board Member Wilkens explained some of these lines are very powerful and the arrays are metal structures. Board Member Brown advised of a location in Unity where the site was not cleaned up and there are still remnants of the construction and debris. CEO Hanson explained cleaning up the site could be part of the contract.
- Board Member Wilkens expressed his concerns with decommissioning and how the monies are handled. He continued that they need to make sure the monies are in place to make sure the Town of China is not stuck with the bill. They need to make sure they are covered under the ordinance. Chairman Rollins made example of when Hannaford came into town and the stipulations that were imposed. Board Member Wilkens reminded the Planning Board that they are looking at 20



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years for these sites and need to make sure the language is in ordinance. He continued the property needs to be brought back to the way it was. Board Member Brown agreed with Board Member Wilkens. Chairman Rollins advised they will work on the language in that section.

- CEO Hanson brought up the fee structure. He continued that the fee schedule is between the Planning Board and the Select Board. He further explained that there are currently no special fees for solar or other conditional use projects and stated they should consider having fees for. CEO Hanson gave an example that if they called the solar array a structure and charged a commercial fee of \$75 fee plus .30 cents a square foot, this would be a several \$1000 fee. Board Member Wilkens stated they could have a specific fee for solar arrays. CEO Hanson explained it is more about the amount of work that needs to be put in including inspections. Chairman Rollins suggested that the size of the panels could be a good way to determine. He further suggested that they could have a set fee and then a certain amount per square foot. CEO Hanson provide some options and advised of other towns processes. Board Member Wilkens questioned what does a 20-acre array cost? CEO Hanson answered. Board Member Wilkens advised the Town should not be footing the bill. Board Member Bennett stated they should gather information from other towns on what they do. CEO Hanson advised he has started research regarding other towns solar ordinances and will provide to Planning Board. Chairman stated it would be good to make a proposal of fees for the Select Broad to review. Board Member Wilkens stated they need to put in the ordinance
- Board Member Brown questioned where can structures can be placed and is there the ability to prevent from going in a protected area? CEO Hanson referenced the land use table and Board Member Wilkens advised of the conditional use application. CEO Hanson advised that Mr. Chesley brought up some concerns with the land use table and they will need to look again at land use table to make sure it is correct. Chairman Rollins advised they need to have flexibility with sites since some may qualify but could have an impact. Board Member Wilkens explained they need to consider the neighbors. Chairman Rollins provided some different scenarios. Board Member Wilkens stressed the neighbor need to have a say and it needs to be put in writing. Chairman Rollins stated they need to be flexible if in right spot and location. Board Member Bennett expressed his concerns for the land usage if these arrays are going to be there for 20 years. He stated they should be caring about what other uses the land could be used for and should be thinking about the future and the character of the community. Chairman Rollins explained the land belongs to the land owner and if they meet all the requirements and want to do something with their land, they can. He further stated it is the land owners choice of how the land is used. CEO Hanson advised they could remove large and medium from some land use areas. He continued they would need to have language regarding reviewing them. Board Member Wilkens advised the language need to be there since the 15 criteria can be taken to court. There was discussion on the land use table. **Board Member Wilkens motioned to not allow in resource protected or stream protected districts for large or medium solar arrays. Board Member Brown seconded motion. No further discussion. Unanimously approved.**
- Board Member Wilkens advised of Imagineering sessions that were done years ago to see what the town is looking for and they had good feedback. Board Member Bennett explained that when



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the topic of land use comes up in the Friends of China Facebook, there is massive participation. Chairman Rollins stated they had the public hearing but only 3 written comments. Board Member Bennett advised people want more public hearings and sooner in the process. He continued that they need to manage the growth, not restrict or restrain.

Chairman Rollins advised of concerns of short-term rentals on China Lake and 3-Mile Pond. There was discussion of number of people/bedrooms and the ability of the septic system to handle. CEO Hanson explains assumes 2 people per room which calculates to 90 gallons a day. There was discussion on if are commercial. CEO Hanson explained he can apply building code to commercial vs residential. Board Member Wilkens stated that in some towns an individual need to live in a town for an amount of time in order to be a resident. Chairman Rollins advised residency is something they could consider. CEO Hanson explained being a resident could consist of where you would be registering a vehicle, paying taxes and living here more than 7 months out of the year. He continued there could use as a restriction and could be stricter with an ordinance. Chairman Rollins advised of smoke alarms in rentals to which CEO Hanson explained would be in fire code. Chairman Rollins stated they have some different ways they can go about. CEO Hanson advised has one violation that is advertised over what on file septic can support. He states is a concern because it is on the lake. Board Member Wilkens advised of an update for septic systems years ago that was voted down. There was discussion on septic systems. CEO Hanson states he spoke with CLA and CLRA regarding septic system ordinance and was advised they would like to see that back in place again. He was advised that it was passed as part of a land ordinance change. Chairman Rollins states they should look into.

## **CEO Report**

- CEO Hanson advised there has been a drastic increase in permit application. He continued that there are many vacant lots with new homes going in. He also advised of project at Erskine Academy with change over from heating oil to propane.
- CEO Hanson advised he has issues 14 new building permits including 1 plumbing permit for a septic system for new home.
- CEO Hanson advised that work on violations is ongoing and after June, the review of dangerous buildings will be continued. He advised there maybe 2 building that could be demolished and would need court to give permission. Board Member Wilkens inquired if they could be controlled burns? CEO Hanson advised it has to be a benefit and that the State Fire Marshal's office allows in some cases. He continues these structures are about to fall.

## **Future Schedule and Adjourn**

Next Planning Board Meeting: May 10, 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