



# 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 4-0 on June 27, 2023*

Planning Board Meeting

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

June 15, 2023

Begin 6:30 PM

Board members in attendance: Toni Wall, James Wilkens, Natale Tripodi, Walter Bennett

Board members not in attendance: Michael Brown

Attendees: Brent Chesley, Cathy Chesley, Mary Grow, Amber French, Chris Harris, Lucas Adams

Assistant Code Enforcement Officer Nick French - 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 May 23, 2023 Meeting**

- Chair Wilkens motioned to approve minutes with edits.
- Board Member Bennett seconded motion.
  - On page 3, add in name Brown after Board Member.  
All in favor. No further discussion.

## **Chris Harris – Storage Building – Conditional Use Application**

- Chair Wall opened discussion on conditional use application for storage facility and advised of location on Route 3, by the church. Mr. Harris explained he is looking to build a 40 X 100 sq. ft. storage building. Chair Wall questioned if there is a road there or will one need to be built? Mr. Harris advised there is already a road there to duplex behind. Chair Wall inquired into division of property? There was discussion on the purchase of the property and how the property is divided. Mr. Harris advised in not looking at subdividing currently, maybe sometime in the future. Chair Wilkens explained would need to come before the Planning Board for a subdivision. Assistant CEO French explained he would not need to come to the Planning Board if after 5 years. Chair Wall advised she would like to have a public hearing to allow for some discussion and to give the neighbors a chance to voice concerns and ask questions. Board Member Bennett inquired into the location of the driveway? Assistant CEO French pointed out driveway on map of property and Chair Wall advised the location has a pre-existing driveway. Board Member Bennett questioned if will be putting in dirt driveway and then building? Mr. Harris answered he would be putting in the driveway and then building the storage building. Board Member Bennett questioned if will be visible from the road? Mr. Harris explained there is banking blocking view from road and location will not very be very visible. Chair Wilkens motioned the application is complete. Board Member Tripodi seconded motion. All in favor. Chair Wall questioned if property is a residential or commercial? Assistant CEO French explained Town of China does not have commercial



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zoning, only rural, shoreland, resource protection and stream protection. Chair Wilkens questioned residential and commercial. Assistant CEO French advised would be a mixed use. Chair Wilkens motioned for the public hearing to be scheduled for 6-27-2023. Board Member Bennett second motion. All in favor. No further discussion. Chair Wall advised Assistant CEO French will send out notices to the abutters. She continued that they would review the application on 6-27-2023 after the public hearing.

## **Lucas Adams – Storage Facility – Conditional Use Application**

- Chair Wall opened discussion on conditional use application for storage facility. Chair Wall clarified that the construction of the building is in between Hanson Road and Horseback Road. Mr. Adams advised the building will be 30 x 100 sq. ft. Mr. Adams advised has been clearing the area for the building. Chair Wall questioned if had to get permit from DOT for driveway? Mr. Adams advised that he has permit from DOT for entrance and driveway. Chair Wall asked if they have a complete application? Chair Wall questioned how close will the building be to house on the right of the Hanson Road? Mr. Adams explained is 800 to 1000 feet from the house and explained there is a wooded buffer between the building and any homes. He continued this is the same for the homes on the Horseback Road. Chair Wilkens questions if the abutters have been notified? Mr. Adams advised he is not sure if all abutters know but is on Friends of China, Maine Facebook page. Chair Wall stated she would like to have public hearing. Chair Wilkens motioned the application is complete. Board Member Bennett seconded motion. All in favor. Chair Wilkens motioned for public hearing to be held on 6-27-2023. Board Member Bennett seconded motion. All in favor. Chair Wall advised Assistant CEO French will send out notices to the abutters. She continued that they would review the 15 criteria on 6-27-2023 after the public hearing. Chair Wilkens explained the public hearing give the public the chance to ask questions.

Chair Wall explained they will have 2 separate public hearings.

## **Solar Ordinance**

- Chair Wall moved the Planning Board onto discussion on the review of the remaining sections of the Solar Ordinance. She advised that they begin their review on 7.3 – Planning Board Approval Standards and explained how she denotes each updated version with the most recent date of review. Chair Wall explained this is the section where they were looking at moving the bulleted items from purpose section to standards. Board Member Bennett stated that some of the items are not clear why they were included. Chair Wall advised they will need to review to see if they need to be reworded. Chair Wall read 7.3 (A) aloud. Board Member Bennett stated the first 5 are goals of the Comprehensive Plan. Chair Wall explained (A) wording should match Table 1, since they are only looking at the scale of the system. She continued that they want to make sure the conditions are solid and enforceable. Board Member Bennett stated that number 1 is too vague and unenforceable. Chair Wall requested clarification if they are talking about the connection or any overhead wires? Assistant CEO French explained instead of running the wires above, on poles, they would run the wiring underground between the systems. Chair Wall questioned if they would prefer underground? Board Member Bennett explained with underground, there is more ground that is being disturbed. Chair Wilkens explained it is safer for the wiring to be below ground because a pole could snap causing damage to the equipment. Chair Wall advised the standards are all kind of vaguely worded. She continued that on the 1<sup>st</sup> standard, they would



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prefer the wires to be underground, as they do not want wires overhead. Assistant CEO French explained it is less maintenance for underground wiring. Board Member Tripodi inquired how the standard will be worded? Chair Wall stated she is not sure where the standard came from and will need to at other town ordinances. Chair Wilkens advised are safety standards. Board Member Bennett questioned the benefit of underground wires? Chair Wilkens explained wires are buried in a tube underground and overhead wires could land on panels, causing damage. Chair Wilkens explained they used industry standards and gave example of past solar projects having underground wiring.

- Chair Wilkens opened discussion on decommissioning. He continued that the solar energy systems only have a certain time span, and he does not want the Town to be stuck with the cost of decommissioning if system is abandoned. Chair Wilkens explained that they have had companies set aside money for decommissioning in the past and explained they have required previous solar energy projects to have a surety bond. Board Member Bennett referenced the model ordinance by the State of Maine and states they would not want to go any further since they, the Planning Board members, are not experts. Chair Wilkens explained they would go with industry standards for decommissioning. He further explained they do not want that standard to go away. Board Member Bennett advised that if they want to be specific with the standards, they need to look at the model ordinance. Chair Wall advised she will email State ordinance to Planning Board members and they can review next time. Chair Wilkens confirmed decommissioning is part of State ordinance. Board Member Bennett advised he would like more on visibility of the panels. Chair Wall explained nothing will be vague once complete. Board Member Bennett states they can get specific with standards. Chair Wall explained they were specific with one installation that went in regarding vegetation and mowing only twice a year. Chair Wilkens explained that was due to wildlife in the area. Chair Wilkens stated he would like to look over additional standards and make sure they are correct. He also advised that he will look at the State and some other town ordinances regarding decommissioning and removal. Board Member Tripodi confirmed with Chair Wall she would be emailing state standards. Chair Wall advised she is not sure where some of the standards came from. Chair Wilkens explained they were pulled from other towns. It was advised that all of 7.3 – 7.4 are in State ordinance. Chair Wilkens explained they cannot be less restricting but can be more.
- Chair Wall read Section 8 aloud. Board Member Bennett voiced his concerns on how to enforce Section 9. Chair Wilkens explained there would be a plan for removal and decommissioning. Board Member Bennett asked if they would require a bond? Chair Wilkens explained they have asked for a bond before to pay for removal of the solar energy system and there is a precedence set for requiring a bond. Chair Wilkens explained many states require a bond for decommissioning of solar energy systems. Chair Wall advised it refers back to Section 5. Chair Wilkens explained they need to make sure they align with the State. Board Member Bennett stressed that they need to make legally enforceable. Board Member Bennett stated Section 10 - Appeal is standard. Chair Wall advised she would like to add an “s” on owner in Section 9 since there may be multiple owners. She continued that the landowner may not be the same person or company that owns the solar energy system. Board Member Bennett inquired if there is a tendency for the systems to be abandoned? Chair Wilkens explained they solar energy systems are good for 20 years. Board Member Bennett state that once constructed, there is not a lot of



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overhead costs, except maybe maintenance. Chair Wilkens advised there are taxes and depreciation. Chair Wall commented that they passed something on taxes in the ordinance. Chair Wall opened discussion on Section 10 – Appeals. Chair Wilkens explained would be new Chapter 9 that was just passed. Chair Wall moved the discussion to Section 11 – Administration, Enforcement and Penalties and advised she has seen language in other ordinances. She advised that they will continue their review of the Solar Ordinance on 6-27-2023 if they have time.

Chair Wall advised of a definition in Chapter 11 that could cause confusion, building height. She read the definition for “building height” and the definition of “height of a structure”. Assistant CEO French explained it looks like the definitions were updated but the old language was not removed. Chair Wall advised that will need to updated.

Chair Wall explained the Select Board reviewed the Planning Board ordinance on 6-5-2023 and there were some questions on having districts. Chair Wall read email from Town Manager Hapgood. It was advised that it is not just the individuals living in the district that are voting for the Planning Board member from that district, but everyone in the town is voting. It was further advised that districts are hard to fill, and it would be good to have an open discussion. Selectman Chesley explained were looking at doing away with the districts. Chair Wall gave some background to how the districts may have come about answering the question of why they are in the ordinance. Chair Wall explained if there were no districts, it would open the ability for anyone to be elected to a seat. Board Member Bennett explained having the districts and requiring the member to live in the district, makes sure people are represented. He continued that he feels the Planning Board seats are not promoted enough. Chair Wall commented that she can see the point of view of the whole town voting for each member of the Planning Board and not just the individuals from that district. Board Member Bennett stated he does not feel this is an issue. Chair Wilkens advised he feels the districts are important and the reason that District 4 is vacant is because no one ran. There was discussion on other boards that do not have districts and there have been multiple individuals from the same area on the board. Ms. French brought up that currently only people living in the district should be allowed to vote for the individual running for that district. She also brought up the question of what if someone wanted to server from a different district? Chair Wilkens explained that is where the at large and alternate at large positions come in. He continued they are trying to represent the whole town. Chair Wilkens advised he would like to see the Select Board have districts and explained there have been 3 Select Board members all from the Neck Rd. Selectman Chesley advised they all have different opinions and the 3 do not always align. He continued that they are diversified. There was discussion on ways to better advise of open positions and how people can get involved. The districts represent the areas of the town such as the villages. Chair Wall inquired what are the responsibilities for the district? Board Member Bennett advised he is looking at what is best for the lake and best for the community. Chair Wall explained that people come to them with concerns and need to be driving around the town. Chair Wilkens explained he has been on the Planning Board for a long time and advised that it is important to be visible and available to people. He further explained that people are more comfortable dealing with someone if it is in their own backyard. He advised this is why the district have worked well for the Planning Board. There was question if they are creating a problem? Chair Wall inquired to Selectman Chesley Brent if there could be a discussion at the next Select Board meeting? Selectman Chesley advise he has not seen the agenda for the next meeting yet. Chair Wall and Chair Wilkens advised they would like to have a discussion and will be in attendance at the Select Board meeting.



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## **CEO Report**

- Chair Wall advised that Assistant CEO French's last day will be end of July.
- Assistant CEO French advised he has been busy. He advised of Route 32 campground opening. He continued that property owners are putting in for permits for sheds, docks, etc. Assistant CEO French explained he is continuing to track down violations. Board Member Bennett inquired into types of violations? Assistant CEO French explained some violations are unpermitted buildings.

## **Future Schedule and Adjourn**

Next Planning Board Meeting: June 27, 2023

Motion to adjourn meeting made by Chair Wilkens

Motion seconded by Board Member Bennett

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

Respectfully Submitted,  
Dawn Kilgore  
Planning Board Secretary