



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 June 28, 2021

Planning Board Meeting

Meeting held in portable building and via ZOOM

June 22, 2021

Begin 6:40 PM

Board members in attendance: Toni Wall, Randall Downer, Scott Rollins

Board members not in attendance: Natale Tripodi, James Wilkens

Attendees: Brent Chesley, Cathy Chesley, Scott Anderson, Mary Grow, Scott Pierz (via ZOOM), Kevin Corbett (via ZOOM)

Code Enforcement Officer Jamie Hanson present

Board meeting opened by Chairman Downer

Pledge of Allegiance to the American Flag

Chairman Downer brought Board Member Tripodi into voting compacity.

Review/Approve Minutes June 15, 2021 Meeting

- Board Member Wall motioned to approve minutes as written.
- Board Member Rollins seconded motion.
 - Need to correct “got” to “go” in second paragraph.
 - Need to correct “Board Member explained deeds would need to be changed and Board Member Wilkens stated” to “Board Member Wilkens explained deeds would need to be changed and stated that the Planning Board would not be able to approve as is currently.”
 - Need to correct “reaerated” to “reiterated”.
 - Under Solar Ordinance, second bullet, need to add “Scott Anderson representing SunRaise LLC”.
 - Under Solar Ordinance, fourth bullet, need to change to “Kevin Corbett representing SunRaise, LLC
 - Confirmed correct company name is SunRaise not SunRise.

All in favor. No further discussion.

Chairman comments and priorities

- Chairman Downer apologized for not responding to recent emails due to visual impairment issues.

Solar Ordinance

- Chairman Downer advised they will be using 5-25-2021 draft of ordinance. Chairman Downer explained they are working to get both ordinances, Solar and Shoreline, to Select Board for their August 2, 2021 meeting. He continued this will give them time to make



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adjustments, get it reviewed by Council and be returned to Planning Board, if needed, for any adjustments before it goes out for voting.

- Chairman Downer requested headers and footers to be removed from document and they will begin review by going section by section. Mary Grow provided miscellaneous editorial corrections of the following sections and subsections such as, capitalizations and correcting punctuation.
 - Board Member Wall read Section 1: Title aloud. Board confirmed section is complete with minor editorial changes.
 - Board Member Rollins read Section 2: Authority aloud. Board confirmed section is complete with minor editorial changes.
 - Board Member Wall read Section 3: Purpose aloud and advised of decommissioning misspelling that will need to be corrected.
 - Board Member Wall read aloud subsections, (a), (b), (c) and (d). Board confirmed section and subsections are complete with minor editorial changes.
 - Board Member Rollins read Section: 4 Applicability aloud.
 - Board Member Rollins read subsections (a), (b), (c) and (d). aloud. Board confirmed complete with minor editorial changes.
 - Board Member Rolling read subsection (e) and questioned where are they referring? Board Member Wall advised is referring to district map in Chapter 2 (shoreland, stream protection, rural, land use). Board Member Wall recommended adding “Chapter 2 of Land Use Ordinance, Section 3” to wording.
 - Board Member Rollins read aloud Permitting under Section 4. Chairman Downer inquired into if “Permitting” should be own section? Board Member Wall states should be own section and references Chapter 3, Section 4. Chairman Downer looked at cell tower ordinance for guidance. Board Member Wall explained is covering how is being permitted in each district and really should be own section. There was discussion on the section numbering and placement in ordinance of section on Permitting. Board Member Rollins suggested moving forward and reviewing other sections for possible placement. Mr. Anderson, representing SunRaise, LLC, suggested making Permitting as Section 8. Chairman Downer advise to leave as “Section 5” at the moment.
 - Chairman Downer moved the meeting on to Section 5 (c). Board Member Wall inquired where says “where outlined in Section 5 & 6”, should this be “specific to this ordinance”? Chairman Downer commented it should. Board



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Member Wall advised need to delete 2 blank columns. Chairman Downer inquired if they should use the wording of “standards herein” or “standards below”? Board Member Wall advised should be “standards below”

- Board Member Wall advised that in the table, to be consistent with Chapter 2, SPR needs to be SPD and suggested moving initials to above the table. Board Member Rollins inquired into what the “D” was in SPD. Board Member Wall advised is for District. Board Member Rollins explained SPR in table is for “Site Plan Review”. Board unanimously agreed not to change SPR to SPD. Chairman Downer questioned if CEO permit acceptable? Board Member Wall referenced Chapter 2. Board Member Rollins advised should it be spelled out to which the Board was in agreement.
- Board Member Wall read Section 5 now new Section 6: Review and Approval Authority aloud beginning with (a) Applicability (i). Mary Grow advised the board they need to be consistent with capitalization of ground-mounted throughout the document.
 - Board Member Wall read paragraph (ii) and paragraph (iii) under Applicability aloud.
 - Mr. Anderson questioned that in paragraph (ii) of Applicability, is natural resource protection district understood because they have resource protection, shoreland protection, and stream protection but no natural resource protection? Is it defined somewhere else? Board Member Wall advised they need to delete word “natural”. Mr. Anderson suggested wording of “except in resource protection, shoreland protection, and stream protection”. CEO Hanson updated wording in document.
 - Board Member Wall asked for discussion of site plan review. She inquired if site plan review is coming to the Planning Board? CEO Hanson confirmed that site plan review would be coming to the Planning Board. Board Member Wall advised should say “Planning Board” to remain consistent with Chapter 2. There was discussion on site plan review and changing SPR to PB. Board Member Wall explained that the site plan review is required by the Planning Board, is not CEO Hanson doing the review Board Member Rollins if is somewhere else in ordinance? Chairman Downer advised is not and not in the definitions. Board Member Rollins clarified that they are making changes to the table and they are changing SPR to PB. Mary Grow advised this would match with CEO. CEO advised that in Section 5, site plan review is mentioned a lot. CEO Hanson suggested changing wording, in table, to “PB =site plan review by Planning Board”.
 - Board Member Wall read aloud Section 6, (b)(i). She advised of needed formatting and editorial changes. Board Member Wall inquired to Mary Grow as to the proper usage of a semi colon? Mary advised that a semi-colon is used if all one sentence. Board Member Wall advised is good with semi-colons usage in section.



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- Board Member Wall read paragraphs, (1), (2), (3), (4), (5), (6), (7) (8), (9), (10), and (11) advising of any editorial changes. Chairman Downer inquired under (11) if they have historical districts? Mary Grow, from the Town Line, advised are State and National and are not designed by Town. Board Member Rollins advised could be by Town in the future and should leave (11) in the ordinance.
- Board Member Wall read aloud (a) under Review Processes. Board Member Wall inquired to CEO Hanson what is he making the final determination on? CEO explained would be approving or denying and only applies to uses provided by CEO. Board Member Rollins questioned if there are any other permits that have a 5-day timeline? CEO Hanson advised is 30 days for others. Board Member Rollins suggested wording of “within 30 days of receipt of completed application”.
- Board Member Wall read aloud (b) under Review Processes.
 - Board Member Wall read paragraph (i) aloud. Board Member Rollins advised “planning staff” would be CEO. Board Member Wall explained that conferences are not required but recommended. She continued that wording should be “applicant and CEO”.
 - Board Member Wall read paragraph (ii) aloud. Chairman Downer inquired if required number of copies has been defined? CEO Hanson explained would be for Planning Board members and CEO and there are only a certain number of positions on the Planning Board. Chairman Downer advised he would like to be very clear here. Board Member Rollins suggested wording of “copies to accommodate of CEO, Planning Board members and Secretary.” Board Member Wall advised would need to be “Planning Board Secretary”. Board Member Wall suggested 7 days to provide required number of copies. CEO Hanson advised that would be minimum. Board Member Rollins made the suggestion of 10 or 14 days instead. Board decided to use 10 days. Chairman Downer advised would be 10 calendar days with ten spelled out and then the typed number. Board Member Wall confirmed that is the format used in Chapter 2.
 - Board Member Wall read aloud paragraph (iii)
 - Board Member Wall read paragraph (iv) aloud. Board Member Wall questioned what is being done in number 1 that is reflective of number 3? She then corrected herself that is (a), not number 1. She continued that CEO has already reviewed the pre-application and made the determination within the 30 days, and has most likely written a letter to the applicant advising of areas that need to be completed? CEO Hanson explained that the first part is making sure all the pieces have been received for a complete application. Board Member Wall advised (iii) should be under (a). Board Member Rollins



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explained Planning Board determines completeness. CEO Hanson explained the CEO vets the parts and pieces and does not bring to Planning Board unless has all items. Board Member Wall advised paragraph is very specific to CEO and the Planning Board does not get until complete. She continues that there is a mixture of CEO and Planning Board. CEO Hanson suggested making a timeline and suggested wording of “Shall take effect after CEO has checked for initial completeness.”. There was discussion on the process. Board Member Wall advised review should mimic the review processes from other chapters.

- Board Member Rollins read aloud Section 7, formally section 6 – Approval Process. Mary Grow inquired if should that be part of review process? CEO Hanson questioned if in the notification process? Chairman Downer concurred that section should be part of review process and not approval process. The Board agreed should be in Chairman Downer questioned if statement of notification is in the charter and not the ordinance?

Chairman Downer advised he can extend the meeting if needed. CEO Hanson suggested tabling other items and advised he has only issued 1 building permit. Board Member Rollins explains he would like to have further discussion regarding lot coverage when all members are present. Board Member Wall thanked SunRaise for letter since there was concerned by runoff and she is amazed at the amount of grass that has grown already. Board Member Wall advised she had incorporated all the changes from the DEP letter into Chapter 2. Chairman Downer proposed making 2 submission of the ordinance, to the Select Board. He explained giving them the ordinance and providing an option. Chairman Downer also advised has received some concerned comments from the public. Board Member Rollins thinks if the other members of the Planning Board were present, they could have it hashed out quickly. Board Member Wall advised she would like to hear discussion Chairman Downer has heard. The Board agreed to schedule the meeting for Monday June 28, 2021 to work on the ordinance. Chairman Downer tabled discussion.

Chesley Discussion:

- CEO Hanson distributed email from Mr. Chesley to the Board Members to clarify the narrative to be included in the February 28, 2021 minutes. Chairman Downer advised cannot edit minutes but can add a clarification or addendum. Board Member Wall thanked Mr. Chesley for catching the incorrect information. Board Member Wall motioned to add an addendum to minutes from February 28, 2021 to read “My statement about the high water mark was meant to explain that the retaining wall on the Chesley’s property does not violate a setback rule; it is not closer to the water than the high water mark. The high-water mark is a horizontal line along the shoreline, not an elevation. The retaining wall does extend below the normal high-water level (elevation) by its nature; it requires a foundation to stay in place.” Board Member Rollins seconded motion.

Future Schedule and Adjourn

Next Planning Board Meeting: June 28, 2021 at 6:30
Motion to adjourn meeting made by Board Member Wall



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Motion seconded by Board Member Rollins and he asked to amend motion to add “only discuss solar ordinance and to resume other agenda items on July 12th, 2021.”
There was no further discussion and the motion to adjourn was unanimously approved.

Respectfully Submitted,
Dawn Kilgore

Planning Board Secretary