



Town of China

571 Lakeview Drive; China, Maine 04358
(207) 445-2014 info@chinamaine.org

Approved by Planning Board by a vote of 3-0 on July 19, 2022

Planning Board Meeting

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

July 12, 2022

Begin 6:40 PM

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

Board members not in attendance: Toni Wall (leave of absence), James Wilkens, Michael Brown

Attendees: Brent Chesley, Cathy Chesley, Mark Grenier

Assistant Code Enforcement Officer Nick French 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 June 28, 2022 Meeting

- Board Member Bennett motioned to approve minutes as written.
- Chairman Rollins seconded motion.

All in favor. No further discussion.

Chairman Rollins advised they are still working on unfinished business of getting the 2 ordinances and definitions out. He explained he does not have anything prepared to Chapter 2. He states he did go through Chapter 8 and would like to focusing on new wording. One person in audience had some questions regarding land use and they can go over what was decided. Chairman Rollins explained they are looking to finish reviewing and have ordinances ready by next meeting, then having a public hearing in order to move on to Select Board by their next meeting.

Chapter 2- Land Use Ordinance

- Chairman Rollins advised there had been a lot of comments and concerns on the land use at the public hearing regarding the 15% for structures. He explained that DEP was requiring, that in the Shoreland, that the Town of China needed include all impervious surfaces driveways. Chairman Rollins continued that they had discussed and agreed to keep structures at 15% and to add 5% for other impervious to equal the 20% total that DEP has. He continued that there as question of dwellings that are currently over the 15% and what would that mean. Chairman Rollins advised they would be grandfathered with what currently have, but if want to add more, may not be able to. He continued that this may make some lots nonconforming and mentioned some different options. Mr. Grenier questioned regarding repairs; can they still be done? Chairman Rollins advised they can, if is impervious now, can still repair. He continued it applies to new construction and expansion. Chairman Rollins advised of option of driveway that is pervious. Board Member Bennett questioned that the Town does not have the definition of impervious and



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the came from the DEP? Chairman Rollins advised that is correct and it was the DEP that made the change. He continued that the Town was addressing structure size with the 15%. Mr. Grenier inquired into dripline on homes? Chairman Rollins confirmed yes and advised can check with CEO Hapgood on other questions.

Chapter 8 – Solar Ordinance

- Chairman Rollins opened discussion on Chapter 8 – Solar Ordinance. He provided copies of ordinance showing track changes. He advised of first change page 2, 5.1 where the section was deleted due to better wording of dimensional standards later in document. Chairman Rollins explained the changes he made to the table on page 3 regarding what is allowed. He advised the definitions for small, medium and large scale are in Chapter 11 definitions but not in the ordinance. He explained that he put the definitions in next to table to make easier. He continued that he made changes to table that may require discussion. One change was under principle use, medium scale, he changed to “no” under stream and resource protection. He continued he also did the same change to large use, ground-mounted, principle use. He continued that in Rural is still a Planning Board permit. Chairman Rollins advised small scale, ground mount, accessory use would be up to 15,000 square feet of solar coverage and requires a CEO permit, while medium scale, ground mounted, accessory use will be a Planning Board permit in Resource, Shoreland, and Stream Protection districts and will be a CEO permit in the Rural district. Board Member Bennett questioned difference of principle vs. accessory use? Chairman Rollins explained principle use is the principle use of the property like Route 32 or Route 3. It is not like someone putting up on their house, the purpose of the property is the solar. Chairman Rollins explained accessory uses is putting on or around home. Board Member Bennett questioned justification of rule based on type of use and why there are different rules for principle and accessory use? Chairman Rollins explained that accessory use is like on a roof versus principle is only use of property. There was discussion on review process and was decide that more discussion was needed to table with rest of Planning Board members. Chairman Rollins advised there are different standards regarding a CEO permit and a Planning Board permit. He continued that cannot have principle in protection, only in Rural. Board Member Bennett inquired if going to have a public hearing? Chairman Rollins confirmed will have a public hearing. Board Member Bennett states he wants to make sure people have a voice.
- Chairman Rollins states on page 8-5, they need the Select Board to set the application fee. He continued on page 8-6, under CEO approval standard, this is the section that mimics the table advising what the CEO can give permit for. He further explained the CEO standards will be what CEO would be looking at for the CEO permit, which does not need to come to the Planning Board. Chairman Rollins advised that change to Section 7.3 (A) on page 8-7, is mimicking language of table. He continued on page 8-8, he updated language under fencing since there was previous discussion of 5 inch and off-set fencing. Chairman Rollins explain the wording gives the ability to give options based on terrain that is there to have the best fit. Board Member Bennett commented on fence size and allowing free passage of wildlife. He also made the suggestion of having a maximum size area that can be fenced off. He gave the example that at the installation they viewed, that they easily could fencing off either side of the access road instead of the whole area. He continued that they are trying to find a balance. Board Member Bennett states he is concerned with height and would like to strike the 2nd sentence. Chairman Rollins advised is



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giving them the choice of how to go about it. Board Member Bennett does not think large game should be allowed and they can discuss with project. It was agreed to remove the 2nd line. Board Member Tripodi requested clarification that they are allowing fencing to be determined by project. Chairman Rollins confirmed that is correct.

- Chairman Rollins read Section 7 regarding decommissioning aloud. He advised language is all new to decommissioning regarding will need a plan, explaining how going to remove and requiring final site review and having CEO release site. Chairman Rollins explained he used the emails from the Town attorney for language and wanted to be more specific with the decommissioning. He continued that he will send to attorney for review of language to make sure is adequate. Chairman Rollins also advise he looked at the language from other towns when drafting language. Board Member Bennet questioned having a bond? Chairman Rollins advised that Route 3 project does have a bond and that they needed to show who is responsible. Board Member Bennet suggested that they require a bond for large scale. There was discussion on who should be responsible and how does that obligate them to respond. Mr. Chesley advised that under the wireless communication ordinance, it calls for a review every 5 years. He continued to advise that what they have now may not be sufficient in 20 years. Mr. Chesley explained that can have someone who is responsible but things happen. He gave examples of bankruptcy or death. Chairman Rollins explained at least can see how they plan to but cannot foresee all circumstances. Board Member Bennet made the comment that maybe the landowner could be held responsible? He continued that they could codify that the landowner accepts responsibly if there is a default by the operator.
- Chairman Rollins advised relocated dimensional standards on page 8-9 and read aloud. He advised he doubled amounts in subsection (e) and left lot coverage as specified in ordinance. He further explained this would give the ability to modify if there are concerns regarding visual impact. Board Member Bennet inquired if there was language regarding vegetative screenings form the road? Chairman Rollins advised there is language. Board Member Bennett advised he likes setback for road to allow for road side uses. Chairman Rollins advised will add lot coverage to discussion for next time. There was discussion on the maximum height and how most are under 24 feet. Board Member Tripodi advised that many arrays look higher than really are. The Board reviewed Visual on page 8-7 with Board Member Bennett advising he is satisfied with wording.
- Chairman Rollins advised that Section 9 has additional wording on abandonment and read aloud. He continued the Town has the ability to go after and covers the decommissioning part if there is a default. Chairman Rollins advised of minor wording change on page 8-10.
- Chairman Rollins explained that they have a few things to discussion with the others. Board Member Bennett mentioned that in Section 9, then need to mention landowner. Chairman Rollins explained that could be part of contact between contractor and landowner. Board Member Bennet continued that the landowner needs to take responsibility and believes landowner should be as responsible as the contractor for restoration of the property. Chairman Rollins explained he is reading owner as being the landowner becomes the owner if the lease is expired. Chairman



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Rollins advised that language came from model ordinance. Board Member Bennett states that it should be apparent regarding landowner responsibility. Chairman Rollins advised can run wording by attorney.

- Chairman Rollins advised the issues for discussion with rest of Planning Board members are the table, decommissioning at 5 years bond and landowner vs. owner. Chairman Rollins advise that the contractor probably is a 3rd party to operator.
- Mr. Chesley advised to look at page 8-6, Section 7.2, subsection (A) regarding roof mounted and read wording aloud. He continued that the way is written, there would need to have issue from both CEO and Fire Chief but if added the word “or” or change to “and/or”. He continued that with new wording, this would give either one to find issues. Chairman Rollins stated they both deal with different aspects. Mr. Chesley explained one could pick up on something the other did not. Chairman advised will make the requested change to “or”. Mr. Chesley also commented on height of 24 fee and has not seen any that high. Chairman Rollins advised have seen some that appear to be close to 24 feet high and rotate with the sun. Assistant CEO French advised of a residential in Oakland that is close to 20 feet and asked if glare would fall under visual in the ordinance. Chairman Rollins advised it could with Mr. Chesley responding that if the arrays were on the northside of Route 3, it could be a hazard. Chairman Rollins advised will make changes and advised of topic for next meeting.
- Chairman Rollins advised will meet in 2 weeks. He continued he would like to have the changes made to other ordinance to be ready for discussion. Chairman advised that the Select Board would like to have both ordinances and the definitions by August 15th meeting to review. He continued he will make the changes and will run by the attorney to give her enough to make comments. He further explained that the next meeting is July 26th and then have the Public hearing and would like to vote on at August 9th meeting to send to Select Board. He stressed that they need to make sure everyone is present to finalize. Chairman Rollins advised will be sending links to board members and links will be posted. Board Member Bennet questioned how Public Hearing posted? Chairman Rollins advised notice of the Public Hearing goes on website and banner. Timeline of meetings and public hearing discussed.

Future Schedule and Adjourn

Next Planning Board Meeting: July 26, 2022

Motion to adjourn meeting made by Board Member Bennett

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