



# 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 February 9, 2021*

Planning Board Meeting  
Meeting held Via ZOOM  
January 26, 2021  
Begin 6:30 PM

Board members in attendance: James Wilkens, Randall Downer, Natale Tripodi, Scott Rollins  
Board members not in attendance: Toni Wall  
Attendees: Brent Chesley

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 January 12, 2021 Meeting**

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

## **Continued discussion on Solar Ordinance**

- Chairman Downer opened discussions regarding the Solar ordinance. Board Member Rollins advised he had edited the document in the shared folder. CEO Hanson explained the document is located in SharePoint and on Notebook 365. Board Member Rollins shared his screen during ZOOM meeting to show edits he had made. He stated he made some modification to the chart regarding principle and accessory use and the districts. Board Member Rollins advised he did not make changes to uses. There was discussion on additional changes. Board Member Wilkens commented that the projects should not be allowed on the shoreline and there should have a setback requirement. Board Member Wilkens advised using numbers and letters within the chart to make it easier to navigate.
- Chairman Downer raised the question if there would be different rules for degraded site and they need to have language for not just farm and rural? Board Member Wilkens suggested stated using the wording of “prior industrial land” for a landfill. Chairman Downer gave the example if solar arrays were placed at the transfer station, would there need to be different rules or the need for a different review process? Board Member Rollins states is not a mapped district and maybe more part of the standards. Board Member Rollins states the chart is what was submitted. He just updated to keep in line with districts in China. CEO Hanson responded to the question if districts or installation areas need to be mapped? He advised he thinks this generalizes the area and would look



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at for use. He suggested putting use language in another section regarding prohibited placements in areas such as shoreland protections. CEO Hanson explained landfill more likely in the rural district unless in shoreland. He advised would be more favorable based on previous use but does not matter the district it is in.

- Board Member Wilkens suggested possible site plan review. CEO Hanson advise both discussed scenarios could be possible for an application. There was discussion on when a site plan review would be needed for principle use. Board Member Rollins confirmed that for medium scale, they would want a site plan review? Board Member Wilkens explained would be covering a large area and they would want to know. Board Member Wilkens advised he does not feel should be in shoreland for medium or large scale. CEO Hanson clarified that the shoreland zone is 250 from any great lake or pond and 100 ft from stream and the buffer zone is 100ft from the pond or lake and 75ft from a stream. The shore land protection is 250ft area. Board Member Wilkens states should be 250ft from any. CEO Hanson defined difference stream protection district and shoreland. There was discussion on need for site plan review regarding streams. Chairman Downer advised need to define criteria in the document. Board Member Wilkens explained there are additional standards in the document that they will need to have definitions for.
- Chairman Downer questioned CEO Hanson regarding a rooftop installation under “accessory use” and what CEO would do regarding the change of weight of the roof? CEO Hanson advised that in IRC there are specific calculations used to calculate dead load/ snow load that he would have to report. Board Member Rollins inquired who makes that determination of the load? Would the landowner need to hire an engineer or is it the solar company? CEO explained does not matter who does it but is needed for permit. Board Member Wilkens would be reviewed by CEO. Chairman Downer advised also how installed and how they take wind.
- Board Member Wilkens states would still need a CEO permit for ground mounted solar. CEO argued that all yes need to have permit since they need to have inspections by CEO for electrically and fire. CEO Hanson suggested no new structures withing 100 ft. Board Member Wilkens inquired into the difference between a medium scale ground mounted SES and a medium ground mounted solar? Board Member Rollins explained SES (solar energy system) is principal use and the solar is just an accessory. Under Section 7, is calling all SES (solar energy system) and there is no differentiation. Chairman Downer advised need to have a definition for medium scale solar. Board Member Wilkens reiterated nothing allowed within 100 feet. CEO Hanson suggested wording regarding setbacks could include in definition of structure. Chairman Downer explained small/medium ground mounted solar need to be defined. There was discussion on size of small and medium scale.
- Chairman Downer asked for clarification of the 4 districts. Board Member Rollins advised the 4 districts are; Resource Protection, Rural, Shoreland and Stream Protection.



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Board Member Wilkens commented that only rooftop should be allowed in shoreland. There was discussion on the scale that would be allowed in the shoreland. Board

- Board Member Rollins questioned potential shading section. Would this be a concern? CEO Hanson explained is more for if a neighbor might put up trees or a fence out of spite but would be a civil matter. Chairman Downer explained if it was a structure being built that would cast a shadow on a neighboring property would be more of an issue. He does not feel needs to be included.
- Board Member Rollins inquired if wetlands in site plan are mapped and how? Board Member Wilkens advised there should be layovers of mapped wetlands and waterbodies. Chairman Downer commented they need to add “and other protected areas” to wording.
- Board Member Rollins advised he thought there was something already in place for public outreach? Board Member Wilkens explained if a permit was, there would be a public hearing and the CEO would notify. Board Member Rollins feels would be a burden for the homeowner and should only be on large scale to do notifications. CEO Hanson advised the reason abutters notified is to inform and they don’t get to give approval. Board Member Rollins suggests they should follow same process that is currently in place. There was additional discussion regarding notification to abutters.
- Chairman Downer stated that he has had a request from the public that they would like to see documents. Board Member Wilkens advised documents are only shown to public after Planning Board has drafted. He also stated that the public can participate in the ZOOM call and the draft is not public information. Discussion on Solar ordinance tabled for discussion at a future meeting.

## Shoreland Ordinance

- Chairman Downer opened the discussion on should shoreland stabilization be added? CEO Hanson advised he sent email to Planning Board members email outlining suggestion for projects to be reviewed by Planning Board. He explained could be by use or by fill. CEO Hanson explained if made a use called “Shoreland Stabilization” into Chapter 2. CEO Hanson advise would be a chance to look at projects more closely but would need to create a definition. He continued that another way would be working with filling and earthmoving activity already in land use table. CEO Hanson advised Planning Board is involved if over 100 cubic yards a year.
- CEO Hanson advised that under 2b in email, shoreland stabilizations that slopes greater than 25% , there shall be no grading or filling within 100 ft of the normal high-water line except to protect the shoreline and prevent erosions. There was discussion on types of measures that can be taken. CEO Hanson advised he looked up some definitions including DEP definition. Board Member Rollins inquired to CEO Hanon which would be more helpful from the CEO perspective? CEO Hanson advised that making shoreline stabilization into a land use would be most likely to trigger a review. There was



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discussion on fill numbers and thresholds. CEO Hanson advised of a current project that he is currently reviewing where they want to demolish the current house, fill in the basement and want to build slightly larger house on top. He explained it might need to come to the planning board based on fill calculations. There was discussion on examples that could trigger new need for a review.

- Board Member Wilkens commented that under shoreland stabilization, a retaining wall, riprap, what are we saying can and cannot go in. Board Member Wilkens advised they need to be putting in writing what they either allow or don't. Board Member Wilkens explained there needs to be defined for properties. There was discussion on riprap and walls being allowed. Board Member Wilkens questions if they are allowing to fill 100 yards behind? Board Member Wilkens stated they need time to look over and get ideas. Board Member Wilkens states he would like to see DEP definition as to what is allowed or not allowed and that definition for the Town can be stricter than the DEP. Chairman Downer advised he would like to look at other towns.
- It was advised there was not new law changes yet for marijuana

## **CEO Report (time permitting)**

- CEO Hanson advise he has issued 1 new building permit and 2 CEO permits for shoreland clearing. CEO Hanson explained he has also been reviewing some projects regarding replanting. And he has also had a few septic designs and a tiny house.
- CEO Hanson inquired if the Town of China had a requirement for ice barrier underlayment (ice and water shield). He advised he has a table that he found that was handwritten on by prior Town of China CEOs. Chairman Downer inquired into what are abutting municipalities are doing. CEO Hanson states he will investigate the requirements of other municipalities.

## **Future Schedule and Adjourn**

Next Planning Board Meeting: February 9, 2021

The video feed for the meeting was lost and the meeting was not formally adjourned.

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

Respectfully Submitted,  
Dawn Kilgore  
Planning Board Secretary