



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 April 9, 2024

Planning Board Meeting

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

March 26, 2024

Begin 6:30 PM

Board members in attendance: Toni Wall, Natale Tripodi, Michael Brown, Elaine Mather

Board members not in attendance:

Attendees: Mary Grow, Chris Harris, Lariah Harris, Joanne Austin

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 for March 12, 2024 Meeting

- Board Member Tripodi motioned to approve minutes as written.
- Board Member Mather seconded motion.
No further discussion. Unanimously approved.

Chair Wall closed Planning Board meeting at 6:32pm

Public Hearing – Proposed Land Use Ordinance changes

- Chair Wall opened the public hearing at 6:32pm and outlined the procedures for the public hearing. Chair Wall advised the public hearing is being held to address mandatory changes to the China Land Development Code specifically Chapter 2- Land Use Ordinance, Chapter 3 – Subdivision Ordinance and Chapter 11 – Definitions with regarding to LD2003 – An Act to Implement the Recommendations to the Commission to Increase Housing Opportunities in Maine. Wall explained that LD2003 was passed by the Maine State Legislature and signed by the Governor in April 2022 and went into effect on July 27, 2022. Chair Wall continued that the goal of the new law is to alleviate the housing affordability issues in Maine by increasing housing opportunities. She further explained that LD2003 was followed by LD1706 – An Act to Clarify Statewide Laws Regarding Affordable Housing and Accessory Dwelling Units which became effective on June 16, 2023. Chair Wall stated that LD1706 amended LD2003 by extending the implementation date of July 1, 2023, to January 1, 2024, for municipalities that enact ordinances by municipal officer without further action or approval by voters of the municipality and July 1, 2024, for all other municipalities that require approval by the voters. She advised that the Town of China would follow the later date of July 1, 2024 to allow time to get on the June ballot and be enacted by July 1, 2024. Chair Wall provided an overview of LD2003 and explained it requires towns and cities to increase housing density allowed in their zoning ordinances in several ways.



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She continued that LD2003 requires municipalities to allow additional units on lots zoned for single-family homes and it also requires municipalities to allow at least one accessory dwelling unit on lots with existing single-family homes. Chair Wall further explained that in some areas, LD2003 requires municipalities to allow for 2 ½ times the currently allowed housing units, for developments where most of the units meet for standard affordability definitions. Chair Wall asked the public in attendance if they would like her to read and cite the changes on the Land Use Ordinance? There was no request for the changes to be read aloud. Chair Wall inquired if there are any questions, from the public or the Planning Board members, regarding the changes on the Land Use Ordinance? There were no questions from the public or any Planning Board members regarding the changes. Chair Wall pointed out the location of the development district on the map for the public and the Planning Board members to see. CEO French explained the boundaries of the development district. Chair Wall closed the public hearing at 6:38pm.

Public Hearing – Chris Harris Subdivision – 623 Rt 3

- Chair Wall opened the public hearing at 6:39pm for the Chris Harris Subdivision. Chair Wall asked Mr. Harris to explain to the public what his intentions are for the subdivision. Mr. Harris advised that they have a 6.8-acre lot that they are looking to divide into 4 lots for residential use. CEO French confirmed all abutters were notified and abutter Joanna Austin visited the Town office to comment that she is ok with subdivision. Board Member Brown inquired if they will be reviewing the 15 criteria. Chair Wall closed public hearing at 6:40pm

Chris Harris Subdivision – 623 Rt 3

- Chair Wall opened the Planning Board meeting at 6:40pm to review the application for the subdivision. CEO French explained that the subdivision reviews are different from conditional use permits as there are no 15 criteria review. Chair Wall explained they will be reviewing to make sure the application for the subdivision meets the guidelines of 7.1 -7.13.
- Guidelines
 - 7.1 was read aloud. Chair Wall advised 4 test pits have been dug and will have septic systems for each of the lots and individual wells for each lot. CEO French advised there is a map. Mr. Harris provided a large map of the location. CEO French explained there are no streams on the property. Chair Wall explained there are no water bodies and the subdivision will not affect water resources. She continued that the property is not in a flood plan. Mr. Harris advised all test pits passed. CEO French advised there is a check list. Chair Wall advised no votes needed and will just read through the guidelines.
 - 7.2 was read aloud. Chair Wall inquired if there is only one well currently on site? Mr. Harris pointed out the location of the well on the map. Chair Wall questioned the location of the current septic system. Mr. Harris pointed out the location of the current septic system on the map.
 - 7.3 was read aloud. Chair Wall questioned if there will be drilled wells? Mr. Harris confirmed there will be drilled wells.



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- 7.4 was read aloud. Chair Wall asked about topography of the property. Mr. Harris explained there is a gradual hill up from Route 3 up to the back of property and it is a gentle slope. Chair Wall questioned if there is bedrock in the area. Mr. Harris explained there is some bedrock near the duplex.
- 7.5 was read aloud. Chair Wall confirmed Mr. Harris has DOT permit and a copy of the DOT permit is part of the application.
- 7.6 was read aloud. Chair Wall inquired into the septic systems construction. Board Member Mather questioned how does this relate to the answer provided in question 4 of the application? CEO French explained in order to do anything further, they will need to update the design.
- 7.7 was read aloud. Chair Wall inquired whether solid waste will be either taken to the dump or be picked up by a service? Mr. Harris advised yes.
- 7.8 was read aloud. Chair Wall questioned who will be plowing the road? Mr. Harris explained he will be doing the road maintenance. It was advised there might be a road association if any of the lots are sold. Chair Wall advised Ms. Joanne Austin that the public hearing has closed and was not aware it was scheduled for 7:00 pm. Chair Wall advised Ms. Austin that any comments that she has are welcome.
- 7.9 was read aloud. Chair Wall advised the property is a pretty open area. She continued there are no trees to be taken down since is a field.
- 7.10 was read aloud. CEO French explained it meets all the rest of the criteria that they would be looking for in the subdivision.
- 7.11 was read aloud. Chair Wall advised the property is the applicants' property that they are subdividing.
- 7.12 was read aloud. Chair Wall explained the property is not located within 500 feet of any pond, lake or river.
- 7.13 was read aloud. Chair Wall explained to have pit tests and lot dimensions for lot sites. CEO French advised he will be updating the subdivision application with a checklist page.

Chair Wall asked Ms. Austin if she has any concerns? Ms. Austin inquired into the 1-acre lot and if a tiny house will be placed on the lot? Mr. Harris advised they will have a residence on the 1-acre lot and pointed out the location on the map. Chair Wall asked if he would be selling? Mr. Harris advised he will not be selling for the time being.



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Chair Wall asked for a motion that the subdivision meets the guidelines of the subdivision ordinance. **Board Member Mather motioned the subdivision meets the guidelines of the subdivision ordinance. Board Member Tripodi seconded motion. Unanimously approved.** Board Member Brown asked Ms. Austin if she had any additional questions? Ms. Austin explained she is not clear about the subdivision road. Chair Wall confirmed that DOT did approve the road and if Mr. Harris wanted a Town road, he would need to come before the Town. CEO French explained that for major subdivisions, the roads are required to meet construction standards. Chair Wall advised this is a minor subdivision. Chair Wall explained that the Planning Board will still need to sign off on the final plan. CEO French explained the plan has places for the Planning Board member to sign off and would then need to be registered with the Registry of Deeds. Chair Wall advised of the documents needed and the process.

Articles

- Chair Wall advised the Planning Board Members that she has proved the articles that will need to be voted on. Chair Wall read Article 29 aloud regarding the new Town of China Planning Board Ordinance. She explained they previously worked on the ordinance and stated the Planning Board members will be appointed instead of elected and it removes the districts. She continued that they already had voted on but just need a vote to move forward to the voters. Board Member Mather motioned to approve article as written. Board Member Brown seconded motion. No further discussion. Unanimously approved.
- Chair Wall read Article 30 aloud. Board Member Brown motioned to approve Article 30 as written. Board Member Mather seconded motion. No further discussion. Unanimously approved.
- Chair Wall read Article 31 aloud. Board Member Mather motioned to approve Article 31 as written. Board Member Tripodi seconded motion. No further discussion. Unanimously approved.

CEO Report

- CEO French advised there have been no new applications for the Planning Board to review. He continued that he has been wrapping up with ordinance changes and that has been a large part of the focus lately. CEO French explained he has been working on complaints that Assessing has provided to him in the past 2 months. He explained violations need to be provided to the CEO because the Town cannot tax on something that is illegal.
- CEO French advised the only public comment that has been received is an anonymous handwritten note to the February China Connected and he has issued a response that will be in the April edition of China Connected.

Planning Board Member Comments and Communications

- Chair Wall advised she attended the last Select Board meeting regarding warrant articles.

Future Schedule and Adjourn

Next Planning Board Meeting: April 9, 2024

Motion to adjourn meeting made by Board Member Brown

Motion seconded by Board Member Mather



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

Respectfully Submitted,
Dawn Kilgore
Planning Board Secretary