



TOWN OF CHINA

571 LAKEVIEW DRIVE; CHINA, ME 04358

(207) 445-2014 INFO@CHINAMAINE.ORG

Approved by Planning Board by a vote of 3-0 on May 14, 2024

Planning Board Meeting

Meeting held In Portable Building at China Town Office and via ZOOM

April 9, 2024

Begin 6:30 PM

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

Code Enforcement Officer Nick French – Present via ZOOM

Board meeting opened by Chair Wall

Pledge of Allegiance to the American Flag

Review/Approve Minutes from March 26, 2024 Meeting

- Board Member Brown motioned to approve minutes as written.
- Board Member Mather seconded motion.

No further discussion. Unanimously approved

Carroll White Application – Map 62 Lot 60-61

- Chair Wall advised of Carroll White Appeals Board meeting. Chair Wall continued that she spoke with CEO French and was advised it was a good meeting and there were no nay-sayers to the project and the Appeals Board was going to meet again to finalize. Chair Wall questioned if the Appeals Board was receptive to the variance? Secretary Dawn Kilgore, who also processed the minutes from the White Appeals Board meeting, confirmed the Appeals Board was receptive to the variance. Chair Wall advised that CEO French suggested that the Planning Board should make a motion for a public hearing to be held. Board Member Mather motioned for public hearing to be scheduled for Carroll White's property. Board Member Brown seconded motion. Chair Wall explained a public hearing should be held since the last public hearing was in 1991. CEO French gave an overview of the Appeals Board meeting. He started Appeal Board Member Anderson had a question regarding who is it to say the property cannot have a reasonable return on the investment? To which Appeal Board Chair Aitel responded that the property has been for sale for over 32 years, making it a pretty clear indication that no one can get anything back. CEO French further explained the meeting went well with Appeal Board Member Fischer voting no against the first criteria, which is the variance while the rest of the Appeal Board Members voted in favor of Criteria 1. CEO French stated that the Appeals Board met on April 9, 2024, after the Town Office was closed for the day to finalize the findings of fact. CEO French explained the Appeals Board need to meet a 2nd time to certify what they want go with, the ultimate decision. Chair Wall questioned CEO French the Appeal Board will be sending application back to the Planning Board? She also advised the Planning Board has motioned for a public hearing. CEO French confirmed application will be sent back to Planning Board for review. The Planning Board was in agreement that at public hearing should be held with CEO French stating "it is better to air on the side of caution" and gave example of another permit that was issued and an abutter had an issue after the permit was issued. Chair Wall suggested May 14, 2024 as a date for the public hearing. She continued they would go back over the 15 criteria for Mr. White's application.

- CEO French explained he did receive one more application that came in that will be on next meeting agenda as well. Board Member Elaine pointed out that Board Member Tripodi had not been brought into voting compacity at the start of the meeting. Chair Wall brough Board member Tripodi into voting compacity. Planning Board unanimously approved scheduling of public hearing for May 14, 2024. Planning Board re-voted for approval of March 26, 2024 minutes with Planning Board unanimously approving minutes as written.

New Business

- Chair Wall explained that when she was going through the 15 criteria, that on Criteria 15, they need to add new South China Development District. Chair Wall inquired to CEO French if a change in the 15 criteria needs to go in front of the voters? CEO French explained he is not sure. Chair Wall advised is in Section 6 of the administrative piece. CEO French explained they would have to have a vote for any ordinance changes but would not need to have a public hearing. Chair Wall advised people have issues with filling out the forms. She continued they should have explanation with the question telling the applicant what information the Planning Board is looking for. She further explained that she looked at Town of Durham and they have close to the same 15 criteria that China does. However, they provide an explanation of what you are supposed to do which makes more sense. Chair Wall explained it tells the applicant what the Planning Board is looking for. Chair Wall stated that her other proposal is that because this is all in Section 6 of the Land Use Ordinance which states what the Planning Board is to do, what the CEO needs to do and the plumbing inspector is supposed to do, she would like to work on corrections over the next couple months. She continued that she would like to get the change on the November ballot. Chair Wall states she will provide a copy for Durham's and if the Planning Board likes Town of Durham's, she can start making changes. She pointed out public health question on page 3 of Town of Durham criteria which Chair Wall advised is similar to Town of China's #9. She further explained what Durham provided for directions to the criteria question. Board Member Brown found it interesting that the Town of China did not have a paraphrase under each question. He questioned if they would be changing the verbiage of the criteria, would the verbiage changes need to go to the voters? Chair Wall states she was not sure and that would be a question for the lawyer. Board Member Brown stated he thinks they should review all in Section 6. Board Member Brown advised it needs some work. Chair Wall advised that in reading Chapter 6, it has a section about removal of CEO and other personnel and administrative items which should not be in that section. Chair Wall explained they are going to work on Section 6 over the next few months. CEO French advised feels it will a benefit, in the future, to be more concise with the wording and what the Planning Board is looking for regarding question answers. Chair Wall advised some questions are subjective and would like to maybe see it relate back to the ordinance somehow but some items such as fumes, odors and noise are not in the ordinance.

CEO Report

- CEO French explained he has had a couple of people calling wanting to subdivide their land but a lot of them are smaller divisions and will not need to go before the Planning Board for it.
- CEO French advised that he has had a request from Jeff Michaud to meet with the Planning Board. CEO French explained Mr. Michaud request is to cut in the Resource Protection area on his wood lot which is 100 acres on Lakeview Drive. He continued that Mr. Michaud is working with forester and will need to come before the Planning Board for review. CEO French advised of location of wood lot. Chair Wall advised can put application on May 14th meeting. Chair Wall advised will need to read timber harvest section. CEO French advised will need to stay 25 feet away from the wetland. He continued that the area is listed as wading bird habitat by Inland Fisheries and Wildlife and need to make sure they sign off on it. Chair Wall confirmed is a rookery in that area.
- Board Member Brown inquired into smaller subdivision acreage requirement? CEO French explained if the individual has lived there for 5 years, the property is their homestead, they can make up to 2 other divisions of the property before it is considering a subdivision. He continued if they did not live there and broke 2 pieces off, it would be considered a subdivision. He further explained regarding property that is gifted or sold to an abutter.

Board Member Brown questioned the size of the property? CEO French advised has to meet minimum lot size and not making it more nonconforming.

Planning Board Members Comments and Communications

- Chair Wall advised they will cancel the April 23, 2024 meeting and requested to have the next meeting scheduled for May 14, 2024.
- Chair Wall explained she has been attending the Select Board meetings. Board Member Brown advised of his observation of better communication between the Select Board and the Planning Board. She explained the Select Board meetings have been interesting and Select Board members ask questions of her on occasion. She continued that at the last Select Board meeting Chair Wall advised she did mention that permit issued for construction on the Town office might need to come back since construction is not set to begin until June or July. Chair Wall advised they might need to get an extension. CEO French explained the permit is good for 2 years and would just need to come back before the Planning Board to get approval again. He confirmed all permits are good for 2 years and building permits are listed as 2 ½ years if a substantial start has been made within the first year. Chair Wall commented that it is good to hear what is going on.

Future Schedule and Adjourn

Next Planning Board Meeting: May 14, 2024

Motion to adjourn meeting made by Board Member Tripodi

Motion seconded by Board Member Mather

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

Respectfully Submitted,
Dawn Kilgore
Planning Board Secretary