



TOWN OF CHINA

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Approved by Planning Board by a vote of 4-0 on July 30, 2024

Planning Board Meeting

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

July 9, 2024

Begin 6:30 PM

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

Attendees: Mary Grow

Code Enforcement Officer Nick French – Present via ZOOM

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 June 25, 2024 Meeting

- Board Member Brown motioned to approve minutes with updates.
 - Board Member Mather seconded motion
 - Board Member Mather advised of some changes needed.
- Unanimously approved. No further discussion.

Chapter 2 – Section 6 Land Use Ordinance – continue updates

- Chair Wall opened discussion on Section 6. Chair Wall asked CEO French if he has broader enforcement than what is written in the manual? She explained that what is written in the manual is pretty minimal about what the CEO can enforce. CEO French explained what the CEO can enforce. Chair Wall stated that when mentioned under condemning, the CEO is looking at the property violations. Chair Wall inquired if condemning properties needs to be an ordinance? CEO French advised condemning does not need to be an ordinance and he would currently use the Select Board and can use State laws if needed. CEO French explained an ordinance would give them a more immediate action instead of waiting for legal involvement. Board Member Brown questioned other than plumbing, can CEO inspect electrical or framing? CEO French explained he can inspect plumbing, framing and foundations and do the final inspections. CEO French advised he still needs to use MUBEC (Maine Uniform Building and Energy Code) and to follow codes. He continued that electrical still needs to be inspected but would default State electrician. Board Member Brown inquired if the State electrician comes to inspect at the end of the project? CEO French explained that would fall under the master electrician. CEO French advised of process of electrical inspections. Board Member Tripodi stated that when he lived in New Jersey, he had to have the wiring inspected before he could even move the wire.
- Chair Wall states she has gone through Section 6 and has made changes. Chair Wall outlined the changes she made. Chair Wall asked CEO French about permit required and why it is in this section and not in the ordinance? CEO French explained it is spelled out in appropriate section as well but also in Section 6 just in case. Chair Wall directed the Planning Board members to paragraph regarding 35 days to approve application and where it lists 8

different conditions which would be in addition to the 15 criteria. Chair Wall read 8 conditions aloud. Chair Wall questioned if the 8 conditions shouldn't it be based on the 15 criteria? CEO French explained the 8 conditions apply to all permits including building permits. CEO further explained it is based on who has jurisdiction over the permit. Chair Wall stated she was confused about language since it mentioned the Planning Board. Chair Wall explained she has basically just cleaned up the language a bit. CEO French states Section 6 is where the site use would fall. Chair Wall questioned CEO French how long should a permit be issued for. CEO French advised the CEO permit is issued for 2 years and the building permit is issued for 1 year unless the project has had a substantive start and then permit is for 2 ½ years. He continued that plumbing permits are good for 2 years. Chair Wall read section regarding permitting. CEO French explained he follows the IRC (International Residential Code) or the RBC (Residential Building Code). He continued that if there is a lull of progress on the permit for 6 months, then this would void the permit. He further advised that this way if progress has been made on the permit, the permit will automatically extend. CEO French advised that he has written out roughly 2,000 permits over the past 2 years and if the CEO needed to check on each one every 6 months, that would be a lot of work to check every permit issued. Chair Wall advised Board Member Mather that if she has any changes mentioned at last meeting, she can email them to her.

Mass Gathering Ordinance

- Chair Wall apologized for not getting information on ordinances to the Planning Board members. Chair Wall asked the Planning Board what they would like to work on first? Board Member Brown stated he feels the site plan would be most beneficial. Chair Wall asked CEO French what he feels would be the most important? CEO French advised the mass gathering ordinance would be most helpful.
- Chair Wall advised that the Board members should have a copy of the model mass gathering ordinance from Vassalboro, which was provided by Mary Grow, and a copy of the State laws. Chair Wall asked CEO French if he has had a chance to look over the ordinance? CEO French confirmed he had reviewed. Chair Wall explained there are a few other town ordinances they can review as well. She continued that many of the ordinance use sections from State of Maine Title 22, Chapter 265. Chair Wall explained the need for a mass gathering ordinance came about due to an individual inquiring into having a road race. She continued there is currently nothing in the town ordinance to approve a mass gathering. CEO French advised of a wedding in October and having to register alcohol vendor with the town. Chair Wall questioned if they look at wedding, could it be considered a "mass gathering"? She advised that Vassalboro put the number starting at 200. Board Member Tripodi advised of the number starting at 500 people. Board Member Brown questioned what happened with the red barn on the Neck Rd which was an event venue would the business need a permit for each event? CEO French explained would be for commercial use and exempts established establishments and existing facilities. CEO French advised the business would fall under the 15 criteria. CEO French explained there would need to be public notice to neighbors within 1000 ft and would require things like public facilities, water supply, traffic and parking management, and emergency response plan. Board Member Brown stated he understands the necessary but wants to make sure they are not taking away anything. Chair Wall suggested changing the wording to "Event Gathering" from "Mass Gathering". It was advised that the State uses the term "Mass Gathering".
- Chair Wall explained she is not sure how often the ordinance would be used but if someone wanted to do a road race, it would be helpful. CEO French stated when a road race was held years ago, they used the school as the assembly point. Chair Wall advised they would still need police to shut down the road. She continued that 500 is a lot of people to manage at an event. CEO French explained that he would rather err on the side of caution and have more of a heads up for the community. Chair Wall inquired that as far as public health, is 500 an appropriate number? It was advised that the State is set at 2000 individuals. There was some discussion on where the number 500 came from and what would be a reasonable number for the town. Board Member Brown stated that it is 1 law enforcement person per 250 people. CEO French explained the China Lake Camp and Conference Center on the Neck Road is already a permanent place of assembly. Board Member Brown questioned CEO French if there is anything in the ordinance that he does not like? CEO French answered there is not really anything in the ordinance that he does not like. Board Member Brown advised the ordinance states the town needs to be bonded and the liability insurance needs to be \$400,000. There was discussion on the

types of events the ordinance would cover with Chair Wall advising it would not affect school events. Board Member Brown explained the number of people is the key. Chair Wall advised she likes the requirement to notify the neighbors and having to fill out an application. Board Member Mather questioned having adequate septic and the number portable toilets that would be needed? It was advised that in the Maine statute it notifies of a penalty for violations and the Vassalboro ordinance has a violation as a public nuisance. CEO French explained there is a state penalty for violations under Title 17-A. Board Member Mather suggested that they might want to cite the title to make it clearer. Board Member Brown advised they should keep it under the civil and not the criminal as there is no way to be able to control everyone. Board Member Tripodi commented that it only takes one person to cause trouble. Board Member Mather explained nuisance violations would be on the operator of the property. Board Member Brown explained there would be a lease or a contract for the property. Board Member Mather gave the example of someone setting off fireworks and that would be over the decibels allowed. She continued that it would not be the individuals who set off the fireworks that are penalized, but would be the person who signed the contract for the property and event. CEO French advised they need to define the definition of “gatherings and events” that fall under the ordinance and determine what they are looking for as far as information and notification because they don’t currently have anything. There was discussion on the requirements for the traffic routes, roads and parking.

- Chair Wall thanked the Planning Board members for thinking about everything that should be covered. Board Member Brown questioned if they are accepting the Vassalboro as a whole or can they “cherry pick” they information and sections they want? Chair Wall advised they don’t need to approve as a whole and the Planning Board would need to vote on a final version. She further advised they can also look at Sabattus and Winthrop ordinances. Board Member Mather questioned who would determine emergency services? Board Member Brown stated it would be the Rescue Chief. Chair Wall stated she can work with CEO French and have a new copy ready for next meeting to allow Planning Board members to look over and let her know what parts should be included. Board Member Tripodi advised of people parking in his driveway on the Neck Rd in the past when there was an event. Chair Wall explained the mass gathering ordinance for Winthrop is 4 pages and Chair Wall provided copies of Winthrop ordinance to Planning Board members. Chair Wall stated that Sabattus’s mass gathering ordinance is similar to Winthrop’s. CEO French explained they need to have “Event Guidelines”. Board Member Mather expressed her concern over the noise and inquired into the decibel limit and how the decibels will be measured and from where? CEO French explained the decibels are measured on the property line to make sure others are not being affected. Board Member Mather states they should include that information. Chair Wall advised decibel measurement from property line is already included. Board Member Brown advised of fireworks and that they cannot be set off after 10pm unless it is the 4th of July or Christmas. Chair Wall advised they could look at the hours more and the event form would ask about hours. Chair Wall explained she will go through and change Town to “China”. She continued that they can have additional discussion with the Winthrop ordinance. Board Member Brown explained it is good they are getting something on the books for the CEO to be able to use. Chair Wall explained there is currently nothing on the books and they need to have an ordinance. CEO French they are not trying to make restrictive but to have a path to take for these events. Chair Wall commented that this will keep neighbors happy and have notice of an upcoming event.

Site Plan Review

- Chair Wall advised she looked at the Town of Windsor since Town of China does not have a Site Plan Review. Chair Wall questioned what a Site Plan Review would do for the Town and for the CEO? CEO French explained would be applying relevant information in addition to the criteria that is filled out now on the Planning Board application. He continued that it allows us to ask about storm water management and the layout. Chair Wall advised it gives the Planning Board more ability to approve. She advised of the Maine Site Plan Handbook and read definition of a site plan review. She continued that it would be for a large subdivision or large commercial such as Hannaford or Family Dollar. Chair Wall explained it would not be for residential or daycares and is more for larger scale commercial. Chair Wall advised a vast majority of towns that have a site plan review appear to be based off the Maine State Planning Office and it is about helping Planning Board in the decision-making process. Board Member Brown stated he is surprised they don’t have one already. Chair Wall explained it makes sense for the Town to have a site plan review. Chair Wall advised she will gather more information and stated she has not had a chance to read through fully and would like to review the information before the Planning

Board discusses further. The Planning Board Members were in agreement a Site Plan Review is needed. Chair Wall explained she would like to get completed in time to get on the November election ballot.

CEO Report

- CEO French advised he does not have any new business to report and has not heard anything about any additional commercial ventures. CEO French stated he will be back, in Maine, for the next meeting.

Future Schedule and Adjourn

Next Planning Board Meeting: July 30, 2024

Motion to adjourn meeting made by Board Member Brown

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