



Town of China

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

Approved by Planning Board by a vote of 5-0 on January 11, 2022

Planning Board Meeting

Meeting held at town office and via ZOOM

December 14, 2021

Begin 6:30 PM

Board members in attendance: Toni Wall, James Wilkens, Natale Tripodi, Scott Rollins, Walter Bennet,

Board members not in attendance: Michael Brown,

Attendees: Brent Chesley, Cathy Chesley, Mary Grow, Iris Savernik, and Michael Marchetti

Code Enforcement Officer Jaime Hanson 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 November 9, 2021 Meeting

- Board Member Wall motioned to approve minutes as written.
- Board Member Wilkens seconded motion.

All in favor. No further discussion.

Unfinished business

1. Fire Road 19 Revision to approved plan

- Chairman Rollins opened the conversation. CEO Hanson briefly explained work done already on road where it was moved. He advised the road previously bisected one of the lots and was moved along the edge of one. He continued that they worked with the two previous CEOs on the changes and are here, at the meeting, for documentation purposes, because it was a change to a lot in subdivision. CEO Hanson advised he has received a new application from Mr. Marchetti and the last page is a new survey that has been prepared by Dirigo Survey that lists all the currently lot owners including Peter Baily on Gilman Drive which is a recent purchase. CEO Hanson states this is the first time the application is coming to Planning Board and has not done abutter notifications. He advised that Mr. Marchetti has spoken with all abutters. Chairman Rollins inquired if this has this been recorded with Registry of Deeds? CEO Hanson explained is has not been recorded since the thought was there would need to be new deeds. He continued to explain he has spoken with their lawyer and has been advised the updated plan will be recorded and indexed allowing for the maps, lots, owners, books and pages to be searched by



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keywords. Chairman Rollins questioned if survey would be displayed searched? CEO Hanson advised if any of the information is searched, the survey will be displayed.

- Board Member Wilkens questioned if they would still need 15 criteria completed for application? CEO Hanson advised that what he saw in the ordinance was they would go with smaller list of terms for final approval. Chairman Rollins requested confirmation that it is not the physical work but the subdivision that is under the approval? CEO Hanson confirmed that is correct. He continued that there was not enough fill used on the road to trigger a permit and it is not in the shoreland area. Board Member Wilkens questioned if they still need the 15 criteria? CEO Hanson read aloud section regarding procedures for final approval. There was some discussion on how to proceed. Board Member Wilkens advised the only way for finding of facts is for the 15 criteria to be met. Chairman Rollins inquired if a public hearing is needed? **Board Member Wall motioned no public hearing needed. Board Member Wilkens seconded motion.** All in favor
- Board Member Wall advised they should have the applications. CEO explained they may need to update ordinance regarding subdivisions.
- Chairman Rollins advised regarding ordinances, Chapter 2 – Land Use Ordinance, Chapter 8 – Solar Ordinance and Chapter 11 – Definitions that they are in pretty good shape. He continued that they have to March 28 and April 11 to revise and get back to Select Board. Board Member Wall questioned if were reviewed by Select Board? Both Chairman Rollins and Board Member Wall thought the Solar ordinance would be on the ballot. Chairman Rollins advised it would be good to have a meeting with the Select Board to see what questions they have.
- Board Members all agreed that they need to have the completed application filled out by the applicator in order to review for 15 criteria. Board Member Wilkens explained needs to be in the applicator's words. Mr. Marchetti advised he can fill out the application now as he is at the meeting and just wants to expedite the process. **Board Member Wilkens motions to move discussion of the application to later in meeting. Board Member Wall seconded motion.** All in favor

2. Abandonment of subdivision plan Map 63 Lot 008

- CEO Hanson explained is a town owned lot on Lake View Drive and was approved as a subdivision with an internal road and cul-de-sac at the end, with 10 to 11 lots have been identified on it. He continued it has not been built in more than 5 years, there has been no work and is considered an abandon subdivision. CEO Hanson explained that the ordinance requires that if it has not been developed within 5 years, then the Planning Board is required to declare null and void. He continued to explain



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that the property owner will need to provide a survey or documents that show the property in its' pre-divided state and this documentation will need to be reported to the Registry of Deeds advising the property is no longer a subdivision. CEO Hanson advised the 5 years has lapsed and they need to let the Registry of Deeds know what that parcel looks like. Chairman Rollins inquired if there had been an extension granted? CEO Hanson responded that it was extended in 2012 for 3 years. CEO Hanson confirmed date has expired. Chairman Rollins questioned if the Town of China is the land owner? CEO Hanson advised spoke with Town Attorney and was advised that it has been settled on that the land owner, the Town of China, should provide a survey of the pre-subdivided state of the property. Chairman Rollins questioned how the Town of the China became the land owner? Board Member Wilkens advised the property was donated to the Town. CEO Hanson advised that there was a trails group that was going to put in some trails in and that a lot of area is wetland but the group had special permissions to put in trails. Board Member Wilkens inquired if there were only certain amounts of wetlands could be developed and stipulations on septic designs? CEO confirmed there were some stipulations for the wetland. Chairman Rollins stated the abandonment will now become a single lot. Board Member Wilkens advised there is a variance for the septic that will need to stay in place. There was some discussion on changes on or near the property. Chairman Rollins advised Board Member Wall motioned that the owner will need to provide a survey or documents of pre-subdivided be submitted.

- Brent Chesley advised the Planning Board that the Town sold the property and that it was finalized. CEO Hanson was not sure that the sale went through and explained that when the sale came across his desk, he was aware, the person that wanted to buy it wanted proof it was a subdivision and it is not. Chairman Rollins advised that it would be something the new owner would need to do. CEO Hanson concurred. Mr. Chesley confirmed the property was sold. Mr. Chesley stated that the subdivision expired before the sale, it would be up to the Town to provide the survey since they were the owner at the time of the expiration to provide the survey. CEO Hanson explained that requirement happens at 5 years and it has just not been done. Chairman Rollins explained they made a motion a few meetings ago that it was expired and questioned if the sale happened after that. Mr. Chesley advised the sale had happened after. Board Member Wilkens stated that it is up to the responsibility of the Town to do, the Planning Board already made the vote. Chairman Rollins advised the previous landowner should have made sure was in place. Board Member Wall inquired to Mr. Chesley if they have you been in the contact with the Town to get the Registry of Deeds completed with them. Mr. Chesley advised he has not and feels it is up to the Town since it expired under their watch. Chairman Rollins explained it is outside of the Planning Board authority. Board Member Wilkens concurred it is not something the Planning Board can do.
- Chairman Rollins commented that he was surprised that had they had a subdivision that expired and has never heard of. He continued to advise that they should look at that part of the ordinance. He explained he feels that they should not expire if not all



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lots sold or developed before the 5-year timeframe. Chairman Rollins suggested that they maybe need to look at other towns. Board Member Wilkens explained is based on what they are and what taxes are being paid. There was discussion on lots and expiration. Board Member Wilkens stated that most that are abandoned are not going to build on. Chairman Rollins confirmed there is no action needed.

Continuation of discussion on Fire Road 19 Revision to approved plan

- CEO Hanson received completed application and explained many of the questions do not apply. CEO Hanson made and provided copies of the completed application to all the board members in attendance. **Board Member Wall motioned that the application is complete. Board Member Wilkens seconded motion.** All in favor.
- **Criteria**
 1. Criteria 1 and its responses were read aloud. Board Member Wall motioned for approval of Criteria 1. Chairman Rollins seconded motion. No further discussion. Unanimously approved.
 2. Criteria 2 and its responses were read aloud. Board Member Wilkens advised would need a letter from Fire Chief. Chairman Rollins explained have still DOT entrance permit and is not a commercial. Board Member Wall advised access is still there. Board Member Wall motioned for approval of Criteria 2. Chairman Rollins seconded motion. No further discussion. Unanimously approved.
 3. Criteria 3 and its responses were read aloud. Board Member Wall motioned for approval of Criteria 3. Board Member Wilkens seconded the motion. No further discussion. Unanimously approved.
 4. Criteria 4 and its responses were read aloud. Board Member Wall motioned for approval of Criteria 4. Chairman Rollins seconded motion. No further discussion. Unanimously approved.
 5. Criteria 5 and its responses were read aloud. Board Member Wall motioned for approval of Criteria 5. Board Member Tripodi seconded motion. No further discussion. Unanimously approved.
 6. Criteria 6 and its responses were read aloud. Board Member Wall motioned for approval of Criteria 6. Board Member Wilkens seconded motion. No further discussion. Unanimously approved.



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7. Criteria 7 and its responses were read aloud. Board Member Wall motioned for approval of Criteria 7. Chairman Rollins seconded motion. No further discussion. Unanimously approved.
 8. Criteria 8 and its responses were read aloud. Board Member Wall motioned for approval of Criteria 8. Chairman Rollins seconded motion. No further discussion. Unanimously approved.
 9. Criteria 9 and its responses were read aloud. Chairman Rollins motioned for approval of Criteria 9. Board Member Wall seconded motion. No further discussion. Unanimously approved.
 10. Criteria 10 and its responses read aloud. Board Member Wall motioned for approval of Criteria 10. Chairman Rollins seconded motion. CEO Hanson explained it is a graded road and is not aware of any water issues. No further discussion. Unanimously approved.
 11. Criteria 11 and its response were read aloud. Board Member Wall motioned for approval of Criteria 11. Board Member Wilkens seconded motion. Mr. Marchetti explained there is crushed rock at the outlet of the culvert to prevent erosion. No further discussion. Unanimously approved.
 12. Criteria 12 and its responses were read aloud. Board Member Wall motioned for approval for Criteria 12. Chairman Rollins seconded motion. No further discussion. Unanimously approved.
 13. Criteria 13 and its responses were read aloud. Board Member Wall motioned for approval of Criteria 13. Chairman Rollins seconded motion. No further discussion. Unanimously approved.
 14. Criteria 14 and its responses were read aloud. Board Member Wall motioned for approval of Criteria 14. Chairman Rollins seconded motion. No further discussion. Unanimously approved.
 15. Criteria 15 and its response were read aloud. Board Member Wall motioned for approval of Criteria 15. Board Member Wilkens seconded motion. No further discussion. Unanimously approved.
- Board Member Wilkens motioned all 15 criteria have been met. Board Member Wall seconded motion. Chairman Rollins advise all members need to sign and Board Member Bennet can sign at town office. Board Member Wilkens advise of 30-day appeal. All need to sign the remote participation policy.



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3. Chapter 2 – Land Use Ordinance, Chapter 8 – Solar Ordinance and Chapter 11 – Definitions

- Chairman Rollins explained they thought they were in good shape but can see they have some highlights and strikethroughs. CEO Hanson explained was rejected as incomplete, not what they want to be adopted by the town as a communication document for ordinance. Board Member Wall inquired if they are looking of a clean copy? CEO Hanson confirmed the Select Board is looking of clean copies. Chairman Rollins advised they just need to give them the final copy with a little cleaning up. CEO Hanson advised what they have out there is idea of lot coverage? Board Member Wilkens advised that those were voted down by the Planning Board. Board Member Wall volunteered to clean up the documents and get back to CEO Hanson.
- Chairman Rollins can then go thought it with new members since they should have a chance to make comments. He explained they have March 28 and April 11 to discuss and return to the Select Board. Chairman Rollins feels they can go through quickly. Chairman Rollins explained new solar and land use was from DEP to comply with along with definitions. CEO Hanson advised will have to send new land use to DEP.

New Business

1. New owner for Little Learners Child Development Center

Chairman Rollins explained has a new owner. CEO Hanson states new owner came to him to make sure she is in compliance and advises there are no changes. He states he sent her an application but in discussion with Planning Board, they may not need to have the whole document. Chairman Rollins explained is not a change of use, just a change of owner. They just need to quantify that there is a new owner. Board Member Wall and Board Member Wilken disagreed with the statement just need to change the owner. Board Member Wilkens explained they would still need to be permitted. He explained they would need to know that the required licenses are there. Board Member Wall explained they need to know the property use such as septic, how many children? What times will they be in operation? Board Member Wall advised they do recognize as a change but is not part of the current ordinance. She also advised it would require a change to the ordinance. Board member Wall explained they need to have it documented and need to go through the 15 criteria. Board Member Wall continued they probably will not need a public hearing but reiterated there is a need for it to be documented correctly. Chairman Rollins advised is not a change of use and explained she would still need to adhere to the previous permit and would still need to come to the Planning Board if made any changes. Chairman Rollins did state that he could see Board Member Wall and Board Member Wilkens points as well. Board Member Bennett questioned if the conditional use permit is for the property owner or the property? CEO Hanson explained it is a combination of owner and property. Board Member Wilkens reiterated that they don't have in place currently and they need to go with how the ordinance is written. Chairman Rollins suggested they may want to make changes to the ordinance regarding a new owner. **Board**



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Member Wilkens motioned a new permit is required. Board Member Wall seconded motion. No further discussion. Unanimously approved.

Code Enforcement Officer Report

- CEO Hanson advised he has issued 2 new plumbing permits and 3 building permits. He continued he has been doing inspections with projects trying to finish up.
- CEO Hanson advised he has 2 administrative inspection warrants to be delivered to the judge. He continued he is trying to have completed by the end of the week.
- CEO Hanson explained projects are still coming in and still has an active group of contactors
- He states he has had no shoreland clearing. Also, he spoke with someone regarding a conditional use permit but has not received it as of the date of the meeting.

Future Schedule and Adjourn

Next Planning Board Meeting: December 28, 2021
Motion to adjourn meeting made by Board Member Wilkens
Motion seconded by Board Member Wall

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

Respectfully Submitted,
Dawn Kilgore
Planning Board Secretary