

Union Planning Board Minutes
Thursday, March 23, 2023, 6:30 p.m.
William L. Pullen Municipal Building Downstairs Meeting Room

Present: Gerald S. Brooks, Jr. (“Jerry,” Chair), Mike Johnson, Dale Flint, John Mountainland

Others Present: CEO Grant Watmough, David McKellar, Ashley McKellar, Zach Fowler, and others

1. **Meeting called to order:** 6:30 p.m. by Jerry Brooks.
2. **David McKellar – undue subdivision lots – Map 4 Lots 12-5 and 12-6 to be merged back into Map 4 Lot 12:**

Jerry established no conflict or bias regarding the application, and a quorum. He said David and Ashley McKellar would like to remove the constraints of the subdivision at 80 Rabbit Farm Road. The planning board has jurisdiction. The applicants have standing to apply. All fees and applications are complete.

David McKellar said they would like to undo the subdivision so the three lots are combined into one. They have no plans to build on the other lot and basically bought it for a privacy buffer.

Grant pointed out that, of an approved subdivision, they are asking to remove two of those lots and are not undoing the whole subdivision.

Jerry produced drawings looked at by the board. In answer to Dale, David said there were originally four lots in the subdivision. One was sold. They would like to combine lots one, two, and three. Ashley added they have a home on lot three.

Jerry asked for any questions from the board. Dale asked about recording of the deeds. Grant said the board has two plans before them tonight; if they sign them, David and Ashley record one at the registry.

Motion to approve by: John Mountainland

2nd by: Dale Flint

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3. Presentation of building proposition

Grant said he'd talked to the board about this parcel several times, as there were at least four potential buyers who backed out. It is a nonconforming lot in Resource Protection. It is a narrow lot, less than the required setback from the water body and the road for the width of the lot. In our ordinance, there is a provision that allows the planning board to allow for up to a 1,500 SF dwelling to be placed on a nonconforming lot in that situation in Resource Protection as long as it gets put as far away from the water as it can be, even though it doesn't meet the setbacks. Grant handed the board paperwork. Dale echoed as minimal nonconforming as possible.

Zach Fowler thanked the board for letting him appear on short notice. Last Thursday one of his youtube sponsors wanted a power pack review off grid with a tiny house being built, knowing that's the kind of thing he does. They pay a lot of money. He thought he could manage it and get a permit like he did for his house to put another shed on the property as a little addition for a tiny house demonstration, resembling a sugar shack.

Zach presented drawings and photos of the lot and where it would land. He has a driveway permit. The end goal is a bigger home at some point, like an earth ship, but he wanted something to be able to stay in as well as take advantage of this video opportunity. He said it's 110' from the road, 10' x 20', with a 10' x 20' detachable deck that's so the whole could get put on a trailer and sold once he goes to build his house. It is 155' from the high water, 166' from where the water is now. It ends up 3' from the corner where things start to slope off down to the water and down to the side.

Jerry confirmed his intent is to build this, remove it, and perhaps build something else in the future. Zach said not remove it right away, maybe in two or three years. Dale confirmed this is a temporary structure and asked how temporary. Zach said three, four years, maybe five or seven. He was going to ask later when he goes to do the house, would he have to remove this, or can he make it more permanent? But for the video it's important that it's a temporary structure, off grid; the story is it could be sold, you could build these as a hobby. The exterior will look like a sugar shack with the Japanese wood-burnt method for protecting it – all kinds of neat little story to it.

Mike asked if he could build it as something he is just going to move, like right now? Mike added his understanding was that once Zach gets a permit for this, he won't be able to do his earth ship later.

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Grant said in normal circumstances this lot is unbuildable. You couldn't build on it because you can't meet setbacks. So our ordinance has this special exemption, one time, for building up to 1,500 SF. That's it. Talking about building this, selling it, and building again – not going to be able to do that. He reiterated this is a one-time deal.

Zach said so we could do it but always with the provision that it's going to be taken away. Grant said it can go away, but you aren't going to get a permit to put a house there again.

Mike suggested maybe just kind of use it as a piece of land to build it on, without a permit, then take it off, then get a permit to put a structure on it. It is tricky because they could say it's been developed. The tax assessor could go over and see it. Grant said not only "could," "will" – he does do that with every permit issued.

Jerry reiterated this is a nonconforming lot in Shoreland Zoning. You have one shot at a special exemption, which Mike said is super cool that you can do that. Grant said in some towns this would have just been a flat no. Mike said it's a yes but not twice, a yes but once. Grant suggested thinking about what Zach wants to do permanently there, confirming he gets one shot.

Zach said so there's no way we can deal with it nonpermanently. Grant said no. The board can give approval for that one time. Grant added if Zach permits this and is thinking: well, can I add another one this same size because I'm still going to be under the 1,500 SF? The answer is no. It says *one* up to 1,500 SF.

Zach said so there's no provision for one at a time; say the house has been demolished and you want to rebuild it. Grant repeated this is a one-shot deal to allow somebody to use a piece of property that they own, that they have no other recourse with.

Jerry noted Zach is speaking to the enforcer. They could grant approval for this, but... Mike asked what if he built it on a trailer. Grant said if he built it on a trailer that's registered, it is a vehicle not a dwelling. Zach said that would be fine with the video, though he did not want the trailer investment right now. He can't have it mess up building the house later. Grant said to build it on a trailer, Zach does not need the board's nor his approval. He still has to keep it back at least 100' from the water, and his driveway already does that.

Jerry said as it stands Zach is talking 10' x 20' with a 10' x 20' deck which is only 400 SF, so he'd have 1,100 SF to play with -- if he were to go back and rethink this and make that part of his permanent structure if that's what he's asking.

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Zach said the thought was a smaller house anyway. Grant said keep in mind it's one shot. Zach was thinking an A-frame with a basement. Grant said if he were on the agenda before the board dealing with that, he probably would get to do it if that's all they were dealing with.

Jerry said the next meeting is April 13. Grant said if Zach decides to put it on a registered trailer, he can just do it; like a camper it has to meet at least 100' setback from the water. Zach said he proposed to put it 155' back and said that solved everything. He could still come back for the house and maybe make a spiral staircase that popped up into the tiny house someday and remove the trailer and incorporate that in his 1,500 SF house which could be a whole new thing. Grant supposed, as long as it was all one structure. Zach said he does crazy things so tries to keep it as wild as possible. He said it sounds like trailer is his option, and they solved the problem.

In answer to a question on how long he gets to keep it there, Jerry and Grant said as long as it's on a registered trailer.

Dale said re: the deck, that would have to go on the trailer also. Zach asked if decks count as square footage. The answer was a unanimous yes. Zach asked if it were attached to the trailer but still had two feet that came down, would that be ok? Grant said no; the deck is a structure unless it's on a trailer, too. An alternative would be a patio, on the ground; if somebody puts in a stone patio, that is not a structure according to our ordinance, so that he could do. Zach asked about reincorporating it into the house, and Grant said that would be part of the square footage to be approved.

Zach asked what is considered a patio. Grant said gravel, stone, cement. Zach said he could do like a radiant patio. Grant said if you put 2' x 6' down and deck it over, that's a deck. Zach asked about the deck not touching the ground, like if he bought from Vick, one of those aluminum things. Grant said he would come out and put a stop work order on it, so don't do that, adding he issues permits for those. He added Zach would be smart to stick to the issue with the trailer and get done with that, then get on the board's agenda when he has plans and come back and see them.

4. Any other business by the board: None.

5. Adjourn:

Motion by: Dale Flint

2nd by: Mike Johnson

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Meeting adjourned at 7:06 p.m.

Respectfully submitted,

Sherry Abaldo
Secretary