

Town of Freedom Appeals Board Minutes

Meeting Date: 5/29/2025

Board Member Attendance: Mike Smith, Ben Feeny, Alex Green, Dylan Turner, Samantha Turner

Citizen Attendance: Willa Dibner, Cindy Abbott, Jackie Robbins, Ron Price, Laura Greeley, Rich Heppard

Meeting called to order at 6:00pm

Old Business:

- Meeting notes: Ben previously took last set of notes and attempted to send them to Beth, has not had success. Where are notes sent?
 - Laura and Cindy advise they should be sent to: secretary@freedomme.org
 - All approved minutes require a board member to add them to the binder

New Business:

- Annual Meeting portion
 - Chair: To remain Michael Smith - considering phasing out of the role if given the opportunity
 - Assistant Chair: Ben Feeny
 - Secretary: For this meeting, Samantha Turner
 - All members in favor of these roles and will move forward with meeting

Citizen's Request: Raised by Rich Heppard of 22 N. Palermo Rd who is seeking retroactive variance(s) allowing him to build on the lot despite it being under the 2 acres required by the town

- Rich is present and requesting variances on behalf of his son Dalton, property owner of above address. Provided a note today from Dalton that Rich could speak on his behalf. This was not notarized Cindy raises concern over this.
- Rich reports issues arose in 2021, Garage was built and latter the 2nd floor was turned into an apartment
- Rich provides a permit and an application - notes they are sun bleached due to displaying them in the windows as requested
- Jackie states that the permit was not given and points out that her signature is missing from the form
- Jackie noted that the permit provided to the owner was for a garage, and only once the septic tank was added to the property
- Rich had a septic tank added for the apartment and - claims that there was a permit for the septic tank, but was unable to provide this - notes that there was a previously a septic tank - town records provided that noted there was a previous holding tank, no septic
- Jackie "recalls" that the house had no septic and this is why one was request
- 2 Acres of land are required to build so even if there was a septic tank, the land is not buildable

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- The septic tank added is a standard 2 bedroom septic - this is problematic as there is now an apartment above the garage and the septic would have to be updated to appropriately accommodate the dwellings
- Bill Kelly has responded to this situation previously and unless the lot can be turned into 2 acres the standing offer is to remove all new items and return to the original sugar shack
- Concern is raised over acreage as Rich reports Quick Claim Deed reported lot as 1.69 acre, town taxes show 1.69 acre, and documents for the permits also report 1.69 acre however Cindy and Jackie note that it is a 1.0 acre lot
- Cindy notes that there were After the Fact Fines that were charged
 - \$140 Due to building on a property under 2 acres
 - Plumbing permit was doubles in price due to being after the fact
- Rich notes that a septic plan was provided and Cindy was able to retrieve - these plans were provided to the board and are with Mike Smith - they note that there was an original holding tank that was being replaced - no other information on original/existing system
- Laura would like to request the board consider LD2003 - an upcoming bill that will allow for a 2nd ADU to be added to a 1 house lot - 5,000 sq/ft lots can now have up to 4 houses
- Jackie notes that all members in attendance and actively involved at the time agree that a permit was given for the garage
 - Bill Kelly was contacted and stated that the sugar house could have a garage but only a garage
 - Non-conforming permit was provided to accommodate the lack of acreage
 - A neighbor showed some interest in selling land so that owners could expand more
 - Rich reports that this was not done because the price offered was too high
- Rich requests again for a variance to be applied to his 1 acre lot
- Discussion around tabling topic until Bill Kelly can be contacted and answer boards questions
- Laura notes concerns that other boards have approved variances after the fact for businesses unable to produce permits or plans - should the town be equitable in providing similar leniency to citizens and not just businesses
- Jackie notes that there were several problems with making contact with Rich. Notes that at one point Rich no longer answered the door or any attempts to visit. She spoke with an unknown female who confirmed that there was an apartment on the 2nd floor of the garage and this is when Ron, a then active select board member, visited the site together.
- Rich wants to know why he was told to install a septic tank if it was known at that time that he shouldn't have been added to a lot of that size
- Laura asks that board members check the four reasons a variance can be offered to make sure there is not an oversight
- Jackie provides historical information

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- 1 acre lot listed as 1.69 acre - was approved to have mobile home with no bathroom
- Originally met owners who she reports had no plans to instal bathroom
- The building request was denied and a fine was issued
- Ben would like to move forward with this but in order to make the best decision and be safe, we must consider if this matter should be tabled as the owners may be unable to obtain 2 acres
- Ron asks Rich if there are currently any occupants in the apartment - Rich states that there are currently none
- Rich plans to sell this land after resolving the matter
 - Cannot currently sell as the bank will not finance due to lot being out of compliance
- Laura seeks clarification
 - If unable to get 2 Acres, Rich will be requested to tare down the buildings
 - Cindy states that this is what Bill Kelly has reported but the sugar shack is grandfathered and would not be torn down but rather restored to original size/design. Once the full 2 acres is obtained or a variance is provided, the structures can be added again once following appropriate channels.
 - Jackie notes that in other towns this has been required and does happen
- Jackie states that it was known that the house did not have septic so when asked for a permit for the garage, owners were told that a septic tank was needed first in order for the buildings to come into compliance. After septic tank was added, owners were informed that there was not sufficient acreage to build more
- Ben notes that there are legal answers that need to be accounted for before a decision can be made - current issue is select board has had to approve this in the past. Select board is not functioning and therefore unable to approve until after June 10th
- Ben Feeny makes a ***motion*** to table the variance request until Bill Kelly can be consulted. This may exceed the MMA 10 day decision due to the current select board only being staffed by one member and being unable to approve expenses such as this. ***Seconded by Alex.***
 - ***Further Discussion:*** Rich wanted to avoid the expenditures if Cindy had answers - the board must fact find and does not take the word of others speaking on behalf of members that are not present. Other questions that Cindy has not asked Bill need to be inquired on (the grandfathering of some aspects of this property). Rich is aware that contact may be paused until after June 10th due to select board approval.
 - ***All those in favor:*** Full board
- Ben Feeny makes a motion to reach out himself to Bill Kelly to see if he can make contact and get questions answered. ***Seconded by Mike.***
 - ***Further Discussion:*** If Ben gets a response he would like for it to be a meeting so that all members have the same information
 - ***All those in favor:*** Full board
- Ron Price adds missing historical information:

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- Petty L. originally owned the land, was selling parcels quickly and was at risk of having land viewed as sub-lots
- Had sold land to Hegg for the sugar shack - but had to wait 3 years in order to avoid repercussions of sub-lots
- Heg was to be given 1.69 acres of land - Cindy adds that Heg was not able to extend the sugar shack or make additions due to being under 2 acres
- Heg eventually lost the land after not paying taxes, town reclaimed the land and put it out for bid
- Current owner was outbid but contacted the winner and purchased from him
- Ron reports that it was clear that the land was listed as an “unbuildable lot”
- Ron noticed that there was work being done on the land, with a pond going in and he had concerns that led him to request support
- Ron feels that there should have been more transparency at the time in order to avoid this problem
- Ron raises concern again about whether or not there was a holding tank original to this site.
- Ben and Mike summarize the above information:
 - Is this a case of buyer-beware?
 - Quick Claim Deed did report 1.69 acres but it is the property owners due diligence to assure that deed such as this accurate by getting their own survey of the land and make it official.
 - There are a few current offers on the table from town
 - Owner can purchase land to bring lot up to 2 acres
 - Owner can restore property to original sugar shack size/design
 - Owner is continuing to seek variance to keep the buildings as is on 1 acre lot

Agenda Items for Future Meetings:

- Review meeting minutes
- Workflow regarding town attorney: Does the Appeals Board have to seek approval from the select board in order to discuss matters with the town attorney. This was previously raised as a concern in a conflict of interest matter. Current issue as select board is one person and cannot approve larger motions like this.

Ben makes ***motion*** to adjourn meeting. **Seconded:** Mike. ***All those in favor:*** full board.

Meeting adjourned at 7:30 pm