

DRAFT

Minutes of the Norwich Board of Civil Authority
July 27, 2021

Members Present: JP's – Carroll, Ciccotelli, Clinton, DeGasta, Gray, Richards and Scherer. Selectboard: Arnold, Brochu, Calloway and Gere. Town Clerk: Munday
Listers Present: Lindberg and Smith

Gray called the meeting to order at 7:00 PM.

Lindberg introduced the Property belonging to Hort/Fuld located at 149 Beaver Meadow Road property number 20-069.000. The parcel consists of 2.62 Acres and two additional lots.

Jonathan Teller-Elsberg represented the appellants.

Teller-Elsberg explained that they do not dispute that the Listers are allowed to assess separate parcels as potentially developable house sites. It is legal for the Listers to assess at the highest and best use. However, in this instance that's a mistake.

He acknowledged that technically this land is subdivided, but additional factors counter that.

Over the past 64 years this property has been used as one property with no developmental thoughts. They believe that this is stronger evidence showing that this is one property and continues to be treated as one property.

At the time the Listers issued their decision resulting from their grievance hearing, the limited options the Listers have to issue the decision did not make it clear as to why the grievance was denied.

In 2018 the Fuld/Hort's submitted a Boundary Line Adjustment (B/L/A). They believe that this adjustment alerted the Listers to look at this property.

Lindberg spoke on behalf of the Listers noting that the Change of Appraisal Notice did go out and there is limited space allotted for the decision. The change did happen as a result of the B/L/A which added two lots to the Grand List Valuation.

Before the B/L/A was given there was land conveyed to their Northern neighbor and land adjusted with a second line.

The wording in the Grand List does need to be edited and should be updated. Sometimes wording is missed but this does not change the value. Corrections are made as necessary.

The Listers handle all subdivided parcels the same and they would not want this to be changed based on errors in the past.

Teller-Elsberg said that the B/L/A was made in an effort to keep the property as status quo and did not think that this would add to the value of their property.

Carroll asked what value they hoped to have the property assessed at. The appellants would like the development value of \$260,000 removed giving the value of \$827,900.

Lindberg said that it is clear this property has a high value and that there is a policy regarding subdivisions. All subdivisions are treated equally and a new value is placed on subdivisions. Three housesits does add up. All go through the same Grand List process and done to the best of their ability. It is because of this policy that they would not like treat this property in consistent with other properties.

Teller-Ellsberg spoke saying that at the time of the grievance they did not understand the notice to the Taxpayer and that the highest and best use was to treat this property as one lot as it has been done over the years.

An Inspection committee consisting of Gere, Ciccotelli and Gray were appointed and the property will be viewed on July 30, 2021 at 4:30.

Carroll seconded by DeGasta, to recess this hearing until August 4, 2021 at 7:00 PM.

The Board heard the appeal of Keith Brown. Cabot Teachout is his representative who joined us by phone. Gray swore in both witnesses.

Lindberg introduced the property as being located at 256 Hopson Road, Parcel ID# 20-002.000, 9.67 acres and assessed at \$601,900.

Teachout is questioning why the Listers are treating this as two parcels and not one when the Lister's Card and the Tax Bill show this as one property.

Mr. Brown purchased the first parcel (a home and 5 acres) in 2008 and later in 2018 purchased the 4-acre adjacent lot. In 2019 the property was merged into one property with a Warranty Deed and the deed was recorded in 2021. At this point Mr. Brown was not notified that additional steps would be required for the two parcels to be treated as one. Teachout said that Mr. Brown would have complied if he had been notified.

When Teachout inquired from different office's how this should have been done he received many different answers.

Teachout noted that the Listers said their decision to assess as two parcels is due to the lack of an approved permit for the B/L/A.. He stated that, however, there is no statutory authority to require a B/L/A when merging two adjacent properties owned by the same owner, nor to require a permit for merging properties. He noted that Norwich subdivision regulations do not outline a prodedure for merging properties.

Teachout noted also, that the property had a higher rate for a basement when there is no basement present.

Lindberg spoke on behalf of the Listers saying that the Lister's Office is not where information is generated. The paperwork comes from many different offices and had they been asked in advance of the merger the Lister's would have responded.

The Assessor asked the Zoning Office if this was a legal merger and was told it was not, and so the Lister's are continuing to treat these parcels as separate. The assessment has been adjusted to remove the basement.

Teachout noted that the Town Regulations are not a model of clarity, and that this property was conveyed to one owner.

Mr. Brown responding spoke saying that at the time of the recording if there was a problem such as needing a survey he would have done so. He is not asking for any reimbursement back to 2019. Brown noted that a new parcel was created with a new SPAN number and a new listing card. He would like it to be assessed as one parcel with one house site.

Teachout noted that the issue is a dispute between Norwich regulations and Vermont Statutes, and that Vermont statutes enumerate issues over which towns have the authority and that this list does not include mergers. He said that State Law overrides Municipal Ordinances. He noted that actions the actions taken by Mr. Brown to effect a merger are done all the time in Vermont.

An Inspection Committee consisting of Arnold, Calloway and Scherer were appointed and will view the property on July 29, 2021 after 5:00 PM.

Carroll seconded by Clinton to recess this hearing until August 4, 2021. Motion passed.

Respectfully Submitted,

Bonnie J Munday,
Norwich Town Clerk