



**BOARD OF CIVIL AUTHORITY MEETING MINUTES
OF SEPTEMBER 28, 2023**

Members: Darcie Abbene, Ed Wilson, Jane Foster, Julia Compagna*, Leah Hollenberger, Monte Mason, Shap Smith, Yvette Mason, Sara Haskins (Clerk)

Listers: Charles Burnham, Duane Sprague

Appellants: none

**participating via Zoom*

CALL MEETING TO ORDER

Ed Wilson called the Board of Civil Authority Meeting to order at 6:04PM at the Tegu Building.

AGENDA CHANGES/ADDITIONS

Under Section IV: Hearings. Item #2 Bortree/Howard will be moved to item #1 with deliberative session immediately following due to a scheduling conflict.

APPROVE MINUTES

1. Approve minutes of August 31, 2023

Motion made by Shap Smith to approve the minutes of August 31, 2023. Motion seconded by Darcie Abbene. Motion carried. (7/0/1) Leah Hollenberger abstained because she was not at the previous meeting.

HEARINGS PURSUANT TO TITLE 32 V.S.A § 4404(B) TO CONSIDER TAX ASSESSEMENT APPEALS

1. Robert Bortree & Ann Howard- 4603 Randolph Rd, Parcel ID #17009-08

Chair Wilson reopened the hearing at 6:06 PM.

Jane Foster presented the inspection report on behalf of the inspection committee. The inspection committee comprising of Yvette Mason, Jane Foster and Julia Compagna inspected the property owned by Robert Bortree and Ann Howard located at 4603 Randolph Rd at approximately 5:15 PM on Thursday, September 7, 2023. The property contains 7.60 acres, with a single-family dwelling. The property is accessed via a very narrow gravel track that offshoots a private right of way that runs through the Bortree/Howard property and serves two other homes. The driveway and parking space for the home is very tight. The single-family dwelling sits on a knob of land between a steep, heavily wooded embankment, and a very steep slope to an immediately adjacent mapped Class 2 and Class 3 wetland. The perimeter of land bordering the house structure is extremely narrow. The perimeter land

bordering the house also contains the well, septic tank and utility infrastructure, rendering its use very limited. The steep slope also requires a small outbuilding to be erected on stilts, to accommodate the grade. The property is not benefited by any desirable viewshed. The entire property is extremely damp and inundated with mosquitoes, due to the immediate proximity of the wetland. Beyond the wetland is Randolph Road, a Class 2 town highway, that has notable traffic due to its use as a connector route with Stowe. The Bortree/Howard property has significant and extensive limitations and restrictions *imposed upon it* by State and Federal environmental permit terms and conditions. These *are not* developer-created or neighborhood-created *covenants* that are elective and modifiable in nature. The area at the end of the private right of way is mandated for use as a turn-around area for emergency vehicle access, per local zoning requirements. The area along the side of the private right of way houses 6 septic systems for three properties, restricting this area pursuant to state wastewater/water supply permit requirements. Act 250 jurisdiction over the parcel prohibits any type of disturbance within 50 feet of the wetland boundary (buffer area must be maintained). These restrictions have severely impacted the parcel from what a typical 2-acre house site could support. The Listers assigned the Bortree/Howard property a land grade of 3, on a scale of 1 to 5. The Listers cited 124 Adams Way, on nearby Stancliff Road as a comparable property for valuation purposes. 124 Adams Way has a wider, better-quality driveway into the property, and a large, grassed, open lawn area surrounding the perimeter of the house, conducive for outdoor enjoyment. The property does not benefit from any desirable viewshed. 124 Adams Way was given a land grade of 2. The Listers cited 5027 Randolph Road, in the immediate area, as a comparable property for valuation purposes. 5027 Randolph Road has a wider, better-quality driveway into the property, a flat, grassed lawn and open area surrounding the house, conducive for outdoor enjoyment. The property does not benefit from any desirable viewshed. 5027 Randolph Road was given a land grade of 2. The Listers cited 4605 Randolph Road, in the immediate vicinity, as a comparable property for valuation purposes. 4605 Randolph Road has a wider, better-quality driveway into the property, a very large, flat, grassed lawn and open area surrounding the house, with extensive landscaping, conducive for outdoor enjoyment. The property benefits from views of its landscaping and pond area. 4605 Randolph Road was given a land grade of 4. The inspection committee acknowledges that for comparisons of properties served by public highways maintained by a municipality, versus properties that are served by roadways that are not maintained by a municipality, the State of Vermont Division of Property Valuation and Review needs to develop an appropriate multiplier for valuation purposes. After inspecting the property, reviewing relevant comparable properties, and reviewing the restrictive terms and conditions imposed by existing environmental permits, the inspection committee finds that the parcel has significant functional obsolescence resulting from the factors noted above. After reviewing the land grades assigned to the subject property, as well as those assigned to the comparable properties cited by the Listers, the inspection committee unanimously recommends that the land grade valuation for the subject property be reduced to a grade of 2.

Chair Wilson invited final questions from the BCA. There were none.

Chair Wilson invited final comments from the appellant. There were no appellants present.

Chair Wilson invited final comments from the Listers. The Listers asked for clarification from the inspection committee regarding if their recommendation of a grade 2 was for just the first two acre building lot or if it was for the entire 7.6 acres. The Inspection Committee made an amendment to their report that their recommendation is that the first 2 building lot acres be assessed at a grade of 2 and the remaining 5.6 acres be billed at a grade of .5.

Motion made by Shap Smith to close the hearing. Motion seconded by Yvette Mason. Motion passed (8/0).

Chair Wilson explained to the appellant that the BCA will enter a deliberative session and will issue a written decision within 15 days.

The hearing was closed at 6:15 PM.

The Board entered into a deliberative session at 6:15 PM.

At 6:19 PM the Board exited the deliberative session.

Having conflicts with the next appeals, Julia Compagna reclused herself and left the meeting.

2. Michael & Lorenda Dunham- 0 Lower Elmore Mtn Rd, Parcel ID#13044

Chair Wilson reopened the hearing at 6:19 PM.

Shap Smith presented the inspection report on behalf of the inspection committee. The inspection committee comprising of Shap Smith, Jane Foster & Darcie Abbene inspected the property owned by Michael & Lorenda Dunham located at 0 Lower Elmore Mountain Rd at approximately 8:00 am on Friday, September 8, 2023. The property consists of a 2.20 acres of undeveloped, wooded land, which is located on Elmore Mt Road. The lot has varied terrain, including one high point which is densely wooded. The high point of the land is small in size in the shape of a pyramid. The land drops off down a steep bank, to a stream and wetland. The land is very wet, damp, and steep throughout the property. There are no views or vistas from the property at this time. There is no obvious building site on this property for development. This property is currently listed to include 2.20 acres as a grade of 0.5. The inspection committee recommends that the land grade valuation for the subject property be reduced to a grade of 0.25.

Chair Wilson invited final questions from the BCA. The BCA asked if the inspection committee felt that it would be possible to bulldoze and flatten the property to make it useable. The Inspection Committee did not feel that it could be. The only value they saw for the property is to be a buffer property for one of the adjacent properties.

Chair Wilson invited final comments from the appellant. There were no appellants present.

Chair Wilson invited final comments from the Listers. There were none.

Motion made by Shap Smith to close the hearing. Motion seconded by Darcie Abbene. Motion passed (7/0).

Chair Wilson explained to the appellant that the BCA will enter a deliberative session and will issue a written decision within 15 days.

The hearing was closed at 6:23 PM.

3. Randy Bidwell, 1244 Cole Hill Rd, Parcel ID#12029-01

Chair Wilson reopened the hearing at 6:23 PM.

Yvette Mason presented the inspection report on behalf of the inspection committee. The inspection committee comprising of Shap Smith, Yvette Mason & Darcie Abbene inspected the property owned by Randy Bidwell located at 1244 Cole Hill Rd on Tuesday, September 19, 2023. The property is located at the corner of Cole Hill Road and Mud City Loop road. Both these roads are rural dirt roads. The property is just outside of Morrisville and not far from Stowe and in the desirable Mud City area of town. The overall lot is very pastoral with a line of mature maple trees that runs the length of the Cole Hill Road portion of the property. There is a quaint brook that runs parallel to the maples. The property extends roughly 50' past this brook. The southern end of the brook is a little bit swampy. Though the day was foggy, there should be a view of Bull Moose Mtn to the north. The lawn is nicely mowed and maintained. The majority of the property is fenced off to accommodate pasturing the dairy cows that the property owner owns. The building on the property is a mobile home whose value was adjusted for depreciation by the Listers. The "replacement cost new less depreciation" is \$36,400. The land was given a grade of 1.0 by the Listers. The BCA members are in agreement that the grade given to the property was appropriate and that the \$171k valuation is consistent with the current real estate market.

Chair Wilson invited final questions from the BCA. There were none.

Chair Wilson invited final comments from the appellant. There were no appellants present.

Chair Wilson invited final comments from the Listers. There were none.

Motion made by Shap Smith to close the hearing. Motion seconded by Darcie Abbene. Motion passed (7/0).

Chair Wilson explained to the appellant that the BCA will enter a deliberative session and will issue a written decision within 15 days.

The hearing was closed at 6:27 PM.

The Board entered into a deliberative session at 6:27 PM.

At 6:35 PM the Board exited the deliberative session.

ADJOURN

Motion made by Shap Smith to adjourn. Motion seconded by Darcie Abbene. Motion carried. (7/0)

Meeting adjourned at 6:35 PM

Submitted and filed this September 29, 2023

Sara Haskins, Clerk

Please note all minutes are in Draft form and are subject to approval at the next Board of Civil Authority meeting.