

TOWN OF WATERBURY BOARD OF ABATEMENT

NOTICE OF DECISION

On December 2, 2025, an application for tax abatement was submitted to the Municipal Clerk by Peggy & Terry Gates regarding properties located at: 38 Union Street; Parcel ID# 958-0038.V

Property Type: Residential Commercial Agricultural Forest Land

Assessed Property Values: \$176,000

Abatement Request Pursuant to (Category):

- Taxes or charges of persons who have died insolvent. 24 V.S.A. § 1535(a)(1).
- Taxes or charges of persons who have removed from the state. 24 V.S.A. § 1535(a)(2).
- Taxes or charges of persons who are unable to pay their taxes, charges, interest, and / or collection fees. 24 V.S.A. § 1535(a)(3).**
- Taxes or charges in which there is clear or obvious error. 24 V.S.A. § 1535(a)(4).
- Taxes or charges in which there is a mistake of the listers. 24 V.S.A. § 1535(a)(4).
- Taxes or charges upon real or personal property lost or destroyed during the tax year. 24 V.S.A. § 1535(a)(5).**
- The exemption amount available to certain veterans and their family members under 32 V.S.A. § 3802(11) to persons otherwise eligible for exemption who file a claim on or after May 1 but before October 1 due to the claimant's sickness or disability or other good cause as determined by the board of abatement; but that exemption amount shall be reduced by 20 percent of the total exemption for each month or portion of a month the claim is late filed. 24 V.S.A. § 1535(a)(6).
- Taxes or charges upon a mobile home moved from the town during the tax year as a result of a change in use of the mobile home park land or parts thereof, or closure of the mobile home park in which the mobile home was sited, pursuant to 10 V.S.A. § 6237. 24 V.S.A. § 1535(a)(9).
- Sewer, water, utility, or service charges caused by circumstances that were difficult to foresee or outside of the person's control. 24 V.S.A. § 1535(a)(10).

Hearing Date: December 15, 2025

Board Members Present at the final meeting: Alec Tuscany, Karen Petrovic, Kane Sweeney, Bob Butler, Liz Schlegel, Katrina VanTyne, Mary Miller, Roger Clapp, Amanda McKay, Mike Bard, Bob Stanton, Tori Taravella

Appearing for the Applicant: Peggy & Terry Gates

Findings of Fact: L. Schlegel opened the hearing by stating the applicant's names, Terry & Peggy Gates, the property address of 38 Union Street with a parcel ID of 958-0038.V

L. Schlegel administered the following oath to the applicant: "Under the pains and penalties of perjury, do you solemnly swear that the evidence you give in the cause under consideration shall be the whole truth and nothing but the truth?" Terry and Peggy Gates answered in the affirmative

L. Schlegel asked all board members to disclose any conflicts of interest that exist. There being none the hearing proceeded.

L. Schlegel requested board members to disclose any ex parte communication that has taken place. There being none, the hearing proceeded.

Peggy Gates confirmed the two statutory reasons they are requesting abatement. 1. Taxes or charges of persons who are unable to pay their taxes, charges, interest, and/or collection fees. 2. Taxes or charges upon real or personal property lost or destroyed during the tax year.

- Applicant is asking for consideration of 2023, 2024 & 2025 property taxes. Purchased their home as a forever home and endured all three recent floods. They did have flood insurance which helped cover many of the expenses. July 2023, they lost most of the first floor of the house and tools and personal items in the garage. They could not live in the home for three months. Even after three months they did not have heat or hot water. December '23 and July '24 they did not lose the first floor but they did lose everything in the basement and garage.

The furnace was just installed in December when that flood occurred. They no longer use the basement or garage spaces because of fear of further floods. They are awaiting word of a FEMA buyout; there have been no updates.

They have now purchased a home in South Barre but have been subject to higher interest rates and selling prices because it is a sellers' market. They are now subsidizing two houses out of necessity. They closed on new home on October 22, 2025, it is a fixer upper, they are currently making repairs. They just learned the furnace there needs to be replaced. They currently live in the Waterbury home; they will relocate as soon as the Barre home is ready. They expect that to be about one month from now. The flood insurance has been elevated to high risk and the insurance premiums will make it extremely expensive for a new buyer. The Waterbury home currently has heat and running water and has been habitable from early 2025. The Barre home is not in the flood plain and has a \$2,800/month mortgage. The Waterbury home had a \$750/month mortgage. Their Annual Gross Income is \$102-105,000 per year.

The request is for any level of abatement for the three events.

DECISION

The Applicant's request for abatement was:

Denied by the Board.

X Granted by the Board

This is an abatement of an amount or amounts already paid, and therefore, the Board orders that this abatement of an amount or amounts already paid shall be in the form of:

a credit against the tax or charge for the next ensuing tax year or billing cycle and for succeeding tax years or billing cycles if required to use up the amount of the credit

X a refund.

The Applicant's arguments: Due to the continual flooding events (2011, 2023, 2023, 2024) and our area now being designated as an "extreme flood risk" zone by NFIP/FEMA, we feel that for our own physical & mental health, and for protection of our property, we had no choice but to move. We have purchased a new residence and will be out of this home, sadly. The property is awaiting response for a buyout from FEMA/VT Emerg. Mgt. No one would likely buy this place due to the flood risk & excessive price tag of flood insurance.

The Board's reasoning is as follows: R. Clapp suggested we at least abate the three months of taxes they were not living in the home. K. Sweeney moved to abate 90 days of 2023 taxes. A. McKay seconded the motion. R. Clapp made a friendly amendment to add 60 days of 2024 to acknowledge the loss of heat. M. Bard seconded the motion. A vote was held on the amendment and passed unanimously. A vote was held on the amended motion and passed unanimously.

90 days in 2023 (total taxes due \$4,015.16) $4015.16/365 \text{ days} = \$11.00/\text{day}$ ($11 * 90 = \$990.00$)
60 days in 2024 (total taxes due \$4,514.88) $4514.88/365 \text{ days} = \$12.37/\text{day}$ ($12.37 * 60 = \$742.20$)

$\$990.00 + \$742.20 = \$1,732.20$

Signature:

I hereby certify that this is a true record of the action taken by the Board of Abatement.



Chair, Board of Abatement

- A decision of the Board of Abatement may be appealed to Superior Court in accordance with Rule 75 of the Vermont Rules of Civil Procedure.
- A decision of the Board of Abatement does not affect the tax assessment for the property.
- A copy of this decision must be recorded in the office of the Town Clerk and a certified copy forwarded forthwith to the collector of taxes and the Town Treasurer pursuant to 24 V.S.A. § 1536.