

Our town owns a small parcel of land that is not buildable. An abutter wants to buy it. Can the selectboard sell it to her?

The answer to this is “it depends.” Generally, if the board decides that town land should be sold, it may come up with a proposal (price, location, terms of the deal) and provide notice of the proposal by posting in at least three public places and publishing in a newspaper of general circulation. The notice must be provided at least 30 days prior to the proposed conveyance. If five percent of the voters sign a petition objecting to the proposed conveyance, then the board must provide for the proposal to be voted on at a regular or special town meeting. The result of the vote is binding.

Alternatively, the selectboard may skip the first step and just go directly to putting the vote before the people. If the proposal is approved at a regular or special meeting, then the sale can go forward.

Third, if the land in question is directly related to highways or to public water, sewer or electrical systems or if it is used for housing or urban renewal projects, the legislative body has authority to convey it by its own action.

If the town holds the property in a fiduciary capacity, it must handle the property in a responsible manner, keeping the interests of the original owner in mind. Examples of land subject to fiduciary constraints are land that was acquired at tax sale or on which the town holds a mortgage.

Finally, if a municipal governance charter has other provisions, they will be binding for that municipality.

VLCT News, June 2001