

**MINUTES
BOARD OF CIVIL AUTHORITY (BCA)**

**TAX APPEAL HEARINGS
TUESDAY, JULY 24, 2018**

Meeting convened at 7:00 p.m. in the conference room of the Barnet Town Clerk's Office.

Board members present: Chair William Graves, Carrie Dunbar, Dylan Ford, Benjamin Gates, Benjamin Heisholt, Susan Jensen, Dennis McLam, and Maurice Roberts.

Others present:

- **Listers:** John Cook and Sarah Cook
- **Appellants:** Denise Stuart and Robert Stuart
- **Others:** None

1. Tax appeal hearings:

Board members signed member oaths. Listers signed witness oaths. Appellants present (Denise Stuart and Robert Stuart) signed witness oaths. Chairman Graves reviewed procedures for BCA tax appeal hearings.

a. Appellant: VTRE Investments, LLC

**Parcel ID #
0021-21-01**

**E911 Address
279 Shoreline Drive**

Mr. Graves read the appellant's letter of appeal, and a second letter sent as testimony. Because the appellant was not present, the two letters serve as his testimony, and are re-printed below.

Appellant's Testimony

Because the appellant was not present, his testimony consists of his letter of appeal and two emails submitted as testimony.

Letter of appeal (dated July 10, 2018):

To: Board of Civil Authority
Town of Barnet

I hereby request an appearance at a tax appeal hearing for the property owned by VTRE Investments, LLC at 279 Shoreline Dr.

We presented facts at the appeal to the Listers Office that are not accounted for in the latest assessment.

We will present these facts again along with more detailed information on the real estate value, the level of disrepair on the retaining walls.

Nick Lizotte

Member

VTRE Investments, LLC

Email #1 submitted as additional testimony (dated July 23, 2018; attached letter from TFMorin, Inc.):

Ben –

Please see the attached letter that will be presented at the meeting tomorrow evening.

Thank you,

Nick

Nicholas Lizotte

Member

VTRE Investments, LLC

Email #2 submitted as additional testimony (dated July 24, 2018):

Ben -

I was unable to make it there tonight due to road construction in Stowe and Morrisville. I tried. It took me over half an hour just to get down Mountain Rd in Stowe.

It is my hope that his email finds you prior to the meeting tonight. At the meeting, I was hoping to make the following points, which were made in the tax grievance hearing.

1) All towns in VT are to assess properties at their market value. 279 Shoreline was on the market for years. The first time it was on the market was 2007 - almost a decade prior to actually selling. It was listed in 11/28/14 (almost two years prior to selling for \$625,000. In August 2015 it was reduced to \$599,000 then in April of 2016 it was further reduced to \$499,000. In the high of the summer real estate selling season, it didn't sell. The prior owner continued to drop the price to in the fall of 2016 to \$439,000 and then \$399,000, until it finally sold for \$350,000. I was the highest bidder at the time. Thus market value was demonstrated to be \$350,000.

2) The drive into the property with limited access is problematic and scared away buyers. This is the nicest house in one of the least desirable areas (as defined by sales price) on Harvey's Lake. The owner of the house has to plow almost a half a mile drive in the winter if they want to use the house. This aspect drove down market value. This is not accurately reflected in the listers office's assessment of value.

3) The retaining walls are of great concern. The prior owner didn't hire a civil engineer to design the retaining walls. They are in disrepair and are going to fall into the lake if they are not replaced and installed correctly. I have had multiple civil engineers look at the property, all of whom stated the retaining walls needed to be repaired. The logistics of the repairs have made the cost estimates from the engineers range from \$175,000 to \$300,000. None of them know if there will be unforeseen conditions in the dirt. Also, the house will need to be braced up during construction so that it doesn't fall into the lake during the repairs. The walls are so bad the people touring the property noted them and ran away. This disrepair of the wall is not accurately reflected in the listers office's assessment of value.

In all, there are real troubles facing a property, that is seemingly beautiful. However, the systemic problems are so obvious, the market froze and thus drove the value down. That true market value should be reflected in the listers office's assessment.

Thank you,

Nick

Nicholas Lizotte

Member

VTRE Investments, LLC

- A lot of recent developments in the East Barnet area have contributed to depress the market value of area residences. These include the deteriorating condition of various rental properties, and a junk-yard.
- Some of the embankment below the residence suffered considerable erosion in 2011.
- The property was formerly the appellants' primary residence, but is currently used as a rental property with three units.
- The appellants submitted copies of East Barnet village fire district tax bills, for comparison of grand list values of other East Barnet properties.

Testimony by Listers

John Cook and Sarah Cook appeared for the listers. A part of their testimony was the submission of several documents relating to the subject parcel, the grievance hearing, and the comparables presented by the appellant. These documents are briefly described below. The listers' testimony consisted of a review, description, and commentary on these documents.

- The listers' itemized cost sheet for the subject parcel was submitted. This indicates that this is a dwelling and land parcel. The replacement cost new of the dwelling is \$474,338, to which 47% physical depreciation, 15% functional depreciation, and 15% economic depreciation are applied, for an adjusted cost of \$109,100. To this are added the land prices for the first two acres at \$21,000 (0.70 grade) and for the remaining 14.81 acres at \$22,600 (0.50 grade). The total assessed value, also including water, sewer, and outbuildings, is \$166,700.
- The Listers indicated that they believe the appellants' concerns regarding the neighborhood and condition of the land are adequately addressed by the previous adjustments in various depreciation factors and grade factor.

Committee Appointment

Committee appointed for inspection of property: Dylan Ford, Benjamin Gates, and Maurice Roberts. Committee plans to meet on Monday, July 30, 2018 at 8:30 a.m.

c. Appellant: Shank, Joyce G

<u>Parcel ID #</u>	<u>E911 Address</u>
0008-01-08	1132 Strobridge Hill

Mr. Graves read the appellant's letter of appeal, and a second letter sent as testimony. Because the appellant was not present, the two letters serve as her testimony, and are re-printed below.

Appellant's Testimony

Because the appellant was not present, her testimony consists of her letter of appeal and an email submitted as testimony.

Letter of appeal (dated July 8, 2018):

Pursuant to Title 32, VT Statutes Annotated, Section 4440. George and Joyce Shank are aggrieved by the final decision of the board of listers.

We appeal to the board of civil authority of the town of Barnet.

Grounds of Appeal: Significant reduction in Fair Market Value of 1132 Strobridge Hill

Property is on a class 4 road not maintained during Winter and Spring, and only made barely possible when we complain 5 or more times for the town to make the road passable so we can use our property in the summer.

Property is in need of major repairs which include roofs, painting, insulation, stove, refrigerator and plumbing, chimney repair and mice control and maintenance of our driveway has not been done in years.

The ponds adjacent to the house are not ponds but water containment of the swamp which was in front of the house and to the side. In a dry year both dry up and in a wet or dry year one always dries up to create a mud-filled hole.

No internet or cell service discourages anyone to rent during the summer and has an adverse effective on making the place livable. Satellite service is spotty, slow, and very expensive.

We had a real estate agent evaluate the property and he said it was in need of extensive repair and maintenance and would put an evaluation on it for quick sale from \$169,000 but didn't think we would get that amount.

The house is neither rentable at a price that would cover maintenance and repair costs nor salable at this point.

Because of age (for myself) and my wife's 100 percent disability, we can no longer pay for any future maintenance on a property we are not likely to ever see again.

George M. Shank

Joyce G. Shank

Email submitted as additional testimony (dated July 21, 2018; text is nearly identical to letter of appeal dated July 8, 2018):

In support of our appeal:

Pursuant to Title 32, VT Statutes Annotated, Section 4440. George and Joyce Shank are aggrieved by the final decision of the board of listers.

We appeal to the board of civil authority of the town of Barnet.

Grounds of Appeal: Significant reduction in Fair Market Value of 1132 Strobridge Hill

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George M. Shank

Joyce G. Shank

Testimony by Listers

John Cook and Sarah Cook appeared for the listers. A part of their testimony was the submission of several documents relating to the subject parcel and the grievance hearing. These documents are briefly described below. The listers' testimony consisted of a review, description, and commentary on these documents.

- The appellant's letter of appeal was reviewed.
- The listers' itemized cost sheet for the subject parcel was submitted. This indicates that this is a dwelling and land parcel with 51.82 acres, primary dwelling, site improvements, and two outbuildings. The replacement cost new of the dwelling is \$120,567, to which are applied physical depreciation (25%) and economic depreciation (10%). Land prices are applied with a grade factor of 0.80 for both the 2-acre building lot, and the 49.82 other acres.
- The listers commented that the parcel's land is comparatively good, and the public road to the driveway is in good condition.

Committee Appointment

Committee appointed for inspection of property: Dylan Ford, Benjamin Gates, and Maurice Roberts. Committee plans to meet on Monday, July 30, 2018 at 7:45 a.m.

2. Other business

No other business was discussed

3. Adjournment

Mr. McLam moved to adjourn the meeting. Seconded by Ms. Ford and approved by voice vote.

Meeting adjourned at 8:39 p.m.

A true record.

Attest: _____
Town Clerk