

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

**TAX APPEAL HEARINGS
MONDAY, AUGUST 3, 2020**

Meeting convened at 6:00 p.m. on the apparatus floor of the Barnet Fire & Rescue Station (151 Bimson Drive, Barnet).

Board members present: Chair William Graves, Steven Adler, Susan Coppenrath, Dylan Ford, Benjamin Gates, Benjamin Heisholt, Susan Jensen, Dennis McLam, Stanley Robinson, and Shellie Samuels.

Others present:

- **Listers:** John Cook and Sarah Cook
- **Appellants:** Patrick Hayes, Jamielee King, Joseph King, Bernard Timson (via telephone conference), and Nick Lizotte of VTRE Investments, LLC (via telephone conference).
- **Others:** James DeShone (NEMRC)

1. Organization of the Board

Mr. McLam called the meeting to order and indicated that, because this is the first Board meeting of the calendar year, the Board must appoint a Chair, Vice Chair, and Clerk.

- Mr. McLam moved appoint William Graves as Chair, Dennis McLam as Vice Chair, and Benjamin Heisholt as Clerk. Seconded by Mr. Gates and approved by voice vote.

2. Tax appeal hearings:

a. **Appellant:** Hayes, Patrick

<u>Parcel ID #</u>	<u>E911 Address</u>
0020-20-28	921 West Main Street

Chairman Graves reviewed procedures for BCA tax appeal hearings.

Chairman Graves introduced the Board members present and thereby eligible to participate in a decision in this matter.

Mr. Heisholt signed a member oath. Listers signed witness oaths. Appellant Patrick Hayes and NEMRC Appraiser James DeShone signed witness oaths.

Mr. Graves indicated that he had been Mr. Hayes's employer for a brief period approximately 35 to 40 years ago. Mr. Graves, the Board, and Mr. Hayes all agreed that this would not cause a conflict of interests requiring recusal.

Letter of Appeal

Mr. Graves read the appellant's letter of appeal.

Letter of appeal (received 29 June 2020):

Ben – My house is not more than 60-65% finished – 2/3 of the flooring is not done. The baseboard is not finished – only 1 (one) window is trimmed. I have not even started the 2 (two) bedrooms and bath upstairs. The kitchen cabinets are recycled, the countertop I found at the dump – it doesn't even cover all the cabinets and is in 4 (four) pcs. A site visit will be needed. Sorry but my phone is out of order at this time. Parcel ID 0020-20-28. SPAN 033-010-10478. Dwl & land.

Introduction by NEMRC Appraiser James DeShone

Mr. DeShone briefly introduced the parcel, indicating its parcel number and E911 address, and indicating that it is a parcel with a dwelling and 1.0 acre of land, valued by the Listers at \$90,300.

Testimony by Appellant

Patrick Hayes appeared as the appellant. His testimony, including answers to Board questions, is summarized below.

- Mr. Hayes re-iterated of the information stated in the letter of appeal.
- At one time recently, the Listers and Mr. Hayes had agreed upon a completed percentage of 60%.
- Mr. Hayes's estimate of the fair market value of the parcel is \$75,000.

Testimony by NEMRC Appraiser James DeShone

Mr. DeShone distributed documents related to the assessment of the parcel, including a residential property record and itemized property costs (“Listers’ card”) for the subject parcel and for three comparable Barnet properties. Mr. DeShone’s oral testimony was as summarized below:

- Mr. DeShone advised the Board to observe carefully the following data from the residential property record card: year built (2003), condition (fair/average), building square feet (882), quality of construction (2.75), and percent complete (90).
- NEMRC uses 65 to 70% percent complete as a minimum baseline for a property that is sufficiently complete to be lived in.
- Quality of construction of 3.0 is considered average. In Barnet quality of construction typically ranges from 2.0 to 4.0.
- One of the comparable properties (parcel #0024-01-72.2 owned by Carpenter, Jessa J.) is considered of greater quality of construction partly based on the year built (1870); dwellings built in the nineteenth century are usually of better quality than modern dwellings.
- Modular buildings are typically graded with a quality of construction of 2.0.
- Mr. DeShone did not inspect this property. He is, however, confident in the appraisal because it follows Marshall & Swift standards; it should be accurate to the extent that the highlighted variables, including subjective variables, are accurate.

Committee Appointment

Committee appointed for inspection of property: Susan Coppentrath, Susan Jensen, and Dennis McLam
Committee plans to meet on Thursday, August 6, 2020 at 6:30 p.m.

b. Appellant: King, Joseph & Jamielee

**Parcel ID #
0021-21-03.1**

**E911 Address
None – land only parcel located on Shoreline Drive**

Chairman Graves reviewed procedures for BCA tax appeal hearings.

Chairman Graves introduced the Board members present and thereby eligible to participate in a decision in this matter.

Mr. Heisholt signed a member oath. Listers signed witness oaths. Appellants Joseph and Jamielee King and NEMRC Appraiser James DeShone signed witness oaths.

Letter of Appeal

Mr. Graves read the appellant’s letter of appeal.

Letter of appeal (received 29 June 2020):

We received via mail the results of our grievance day appeal.

We are aggrieved by the final decisions of the board of lister's and want to take our grievance to the next level.

You have assessed us at what is deemed fair market value of \$253,500. on property that we paid \$95,000.00 for and have yet to even build any type of structure on the property. This is very troublesome, and we are in need to appeal. We have reached out to an appraiser, but they are not able to complete an appraisal until mid-August.

We are asking for an extension until said time, or reduction in our reappraisal based on what we paid for the land.

The property has SHORELINE ACT limitations on what we are able to do on the property, and the property is currently without any structure.

Please advise what next steps are needed from us in order to get this appraisal lowered to what the "fair market value" is, which is what we purchased the land for.

Sincerely,

Joseph & Jamielee King

Parcel ID 0021-21-03.1

Introduction by NEMRC Appraiser James DeShone

Mr. DeShone briefly introduced the parcel, indicating its parcel number and location, and indicating that it is a land-only parcel with 1.4 acre of land and 495 feet of lakeshore frontage, valued by the Listers at \$253,500.

Testimony by Appellant

Joseph and Jamielee King appeared as the appellants. Their testimony, including answers to Board questions, is summarized below.

- The Kings assume the fair market value was \$95,000 when they purchased the property at that price in an arm's-length transaction in April 2019.
- There are limitations on the property's development based on the shoreline act, which prohibits construction within 100 feet of the mean water level. This limits the width of any dwelling/structure to 20 feet.
- Improvements to the property since April 2019 are a driveway and access to power. The latter was added after April 1, 2020.
- The Kings had considered hiring a private appraiser and requesting to submit this appraisal at a later date. However, if the property is valued at \$105,600, based on a corrected NEMRC error (see below under "Testimony by NEMRC Appraiser James DeShone"), they will not request to submit this document.
- The Kings indicated that they would be satisfied with an assessed value of \$105,600.

Testimony by NEMRC Appraiser James DeShone

Mr. DeShone distributed documents related to the assessment of the parcel, including a residential property record and itemized property costs ("Listers' card") for the subject parcel and for three comparable Barnet properties. Mr. DeShone's oral testimony was as summarized below:

- There are no direct comparables to this property in Barnet.
- There are septic and well designs in place, although these have not been installed.
- The NEMRC appraisal team agrees that this parcel's value should be approximately \$100,000.
- This parcel was created from a subdivision. The grade of the property was erroneously kept the same after the subdivision as it was before the subdivision, at 0.70. This was later revised to 0.60. An accurate grade for the parcel would be 0.25, which would decrease the value of the property to \$105,600.

Committee Appointment

Committee appointed for inspection of property: Steven Adler. Mr. Adler intends to arrange with the Kings an agreeable time to inspect the property.

c. Appellant: Timson, Bernard & Susan

<u>Parcel ID #</u>	<u>E911 Address</u>
0021-21-66	2677 Roy Mountain Road

Chairman Graves reviewed procedures for BCA tax appeal hearings.

Chairman Graves introduced the Board members present and thereby eligible to participate in a decision in this matter.

Mr. Heisholt signed a member oath. Listers signed witness oaths. NEMRC Appraiser James DeShone signed a witness oath. Appellant Bernard Timson appeared via telephone conference and took a witness oath orally.

Letter of Appeal

Mr. Graves read the appellant's letter of appeal.

Letter of appeal (received 30 June 2020):

Please set time for grievance on parcel ID 0021-21-66 Roy Mountain Road

This property was set last September by your board to \$40,600.00 now is at \$58,000.00 with no changes to the property

Thank you

Bernard Timson

Introduction by NEMRC Appraiser James DeShone

Mr. DeShone briefly introduced the parcel, indicating its parcel number and location, and indicating that it is a parcel with 0.19 acre of land and a mobile home, valued by the Listers at \$49,900.

Testimony by Appellant

Bernard Timson appeared as the appellant via telephone conference. His testimony, including answers to Board questions, is summarized below.

- The parcel is located on a swamp, with the water table approximately 20 inches below ground level.
- There is a curtain drain installed on the parcel, but it continues to be wet.

- The mobile home does not have a foundation. Contrary to the 2019 inspection committee report, it rests on concrete blocks, not a slab.
- Nothing about the parcel has changed since its value was appealed in 2019.
- The parcel's view has diminished since the Timsons purchased it, because a log cabin was built on the lakeshore.
- Mr. Timson briefly discussed four photographs of the parcel, which had been sent to the BCA via email and distributed prior to the hearing.
- The running water on the property, from a drilled well, is not potable.
- The mobile home does not have a furnace.

Testimony by NEMRC Appraiser James DeShone

Mr. DeShone distributed documents related to the assessment of the parcel, including a residential property record and itemized property costs ("Listers' card") for the subject parcel and for three comparable Barnet properties. Mr. DeShone's oral testimony was as summarized below:

- One of the comparables (parcel #0013-01-16, owned by Somers, Gilmore Jr. and Cora) is valued at \$129,700; it sold for \$135,000 in 2017.
- The quality of construction of the subject parcel is 3.0, which indicates that it is average for a mobile home.
- The mobile home itself is valued at \$8,500; the land is valued at \$25,600.
- The assessed value does not reflect a slab foundation; it accurately reflects concrete blocks.
- The assessed value reflects a forced hot air furnace.
- Removing potable water from the assessment may reduce the value by \$5,000; removing the forced hot air furnace may reduce the value by \$500.
- Lack of potable water can be a detriment for values because it can prevent bank financing.

Committee Appointment

Committee appointed for inspection of property: Dylan Ford, Benjamin Gates, and Stanley Robinson. Committee plans to meet on Tuesday, August 11, 2020 at 7:30 a.m.

d. Appellant: VTRE Investments, LLC

<u>Parcel ID #</u>	<u>E911 Address</u>
0021-21-01	279 Shoreline Drive

Chairman Graves reviewed procedures for BCA tax appeal hearings.

Chairman Graves introduced the Board members present and thereby eligible to participate in a decision in this matter.

Mr. Heisholt signed a member oath. Listers signed witness oaths. Appraiser James DeShone signed a witness oath. Appellant Nick Lizotte appeared via telephone conference and took a witness oath orally.

Letter of Appeal

Mr. Graves read the appellant's letter of appeal.

Letter of appeal (received 29 June 2020):

To Whom It May Concern -

VTRE Investments, LLC would like to appeal the decision of the Listers to the Board of Civil Authorities. This is for parcel ID: 0021-21-01

Email is not sufficient means of written communication, please advise.

Thank you,

Nick

Introduction by NEMRC Appraiser James DeShone

Mr. DeShone briefly introduced the parcel, indicating its parcel number and location, and indicating that it is a parcel with a dwelling, several outbuildings, and 3.00 acres of land and 829 feet of lakeshore frontage, valued by the Listers at \$600,300.

Testimony by Appellant

Nick Lizotte appeared as the appellant. His testimony, including answers to Board questions, is summarized below.

- Mr. Lizotte briefly discussed documents he had submitted prior to the hearing via email, including an engineering study and cost estimate for repairing and improving the stone retaining wall on the property. An email from J. Hutchins, Inc. DBA Landshapes estimates a total cost of \$500,000 to \$700,000. Numerous plans, maps and sketches were included as attachments to the email, including proposed septic plans, proposed site plans, survey plan, Vermont Center for Geographic Information maps, and a site visit sketch.
- Mr. Lizotte had considered hiring a private appraiser and requesting to submit this appraisal at a later date. However, if the property is valued at \$579,900, based on a change in the NEMRC appraisal (see below under “Testimony by NEMRC Appraiser James DeShone”), he will not request to submit this document.
- Mr. Lizotte indicated that he would be satisfied with an assessed value of \$579,900.

Testimony by NEMRC Appraiser James DeShone

Mr. DeShone distributed documents related to the assessment of the parcel, including a residential property record and itemized property costs (“Listers’ card”) for the subject parcel and for three comparable Barnet properties. Mr. DeShone’s oral testimony was as summarized below:

- Mr. DeShone indicated that he had recently studied the Vermont State Appraiser’s report from Mr. Lizotte’s 2018 appeal. Based on this review, the NEMRC appraisal team found that Mr. Lizotte’s testimony regarding the retaining wall and the grade for the parcel is accurate. The grade was therefore adjusted to 0.50 for the lakeshore frontage and 0.60 for the rest of the property. These changes resulted in a change of overall appraisal from \$600,300 to \$579,900.

Committee Appointment

Committee appointed for inspection of property: Steven Adler. Mr. Adler intends to arrange with the Mr. Lizotte an agreeable time to inspect the property.

3. Other business

No other business was discussed

4. Adjournment

Mr. Gates moved to recess the meeting. Seconded by Ms. Coppenrath and approved by voice vote.

Meeting adjourned at 8:20 p.m.

A true record.

Attest: _____
Town Clerk