

## **BOARD OF CIVIL AUTHORITY HEARINGS**

### **MINUTES**

**JULY 21, 2016**

The July 21, 2016 Board of Civil Authority Hearings was opened at 7:10PM by Town Clerk, Noreen Labrecque.

Those present: Vernon Crawford, Gregory Noyes, Haven Haynes, Jr., Renee Marchesseault, Judith Masson and Noreen Labrecque (BCA members). Dennis Johnson, Diana Rancourt and Scott McKibben (Listers). Tim Frizzell (Appellant), Al Buckley (Appellant), Luc Marchesseault (Appellant).

The first order of business was to nominate a Chair for the hearings. Gregory Noyes nominated Vernon Crawford, seconded by Renee Marchesseault. No other nominations were given. Vern Crawford accepted the nomination.

The first appellant was Tim Frizzell. Parcel #R05008C

Chairman Vernon Crawford verbally administered the oath of office to Appellant Tim Frizzell and the Listers. (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?)

The Listers gave a description of the parcel: A 238.6 acre parcel subdivided into 9 separate parcels by Mr. Frizzell in 2015. Listers produced the meeting minutes to their grievance hearing and file on said property as evidence (Exhibit A) of what action they took at that point. They had the parcel listed at \$98,500 prior to the subdivision, then listed it for 216,400 after the subdivision and reduced it to \$204,400 after the grievance. The major reason for the increase in value is the fact that each subdivided parcel is now given a 2 acre site value. The result of the grievance hearing lowered the land grade value from .88 to .73 and from .79 to .57. Dennis Johnson explained that this was the lowest grades the computer program allows.

Renee Marchesseault asked if the reduction at Grievance was exclusively the land grade.

Listers answered yes.

Tim Frizzell explained that had he been aware of such an increase once subdivided he would never have recorded it with the town. His only recourse now is to put the land in Current Use and get rid of the smaller lots. He stated that he had done a subdivision in 2011 and the value of the land never changed with that so he went ahead and did this one. He waited the 5 years for the second subdivision due to Act 250.

Renee Marchesseault asked the listers why the 2011 subdivision was not costed out at that time.

The Listers stated that it must have been an oversight but they have corrected it now.

The Listers had not further testimony.

Mr. Frizzell added that he has gained \$70,000 in assessed value in house lots alone. He reiterated that he will have to put more money into having the lot lines changed and put into current use.

6:38PM

The second appellant was Alfred Buckley – Parcel #U04021

Chair Chairman Vernon Crawford verbally administered the oath of office to Appellant Alfred Buckley and the Listers. (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?)

The Listers gave a description of the property and gave the board a file of the property and copy of the Grievance minutes as evidence. (Exhibit A). Scott McKibben stated that the Listers had visited the property after the grievance hearing and found the interior in very good condition. The metal roof is fairly new and in good condition. The only real negative to the property is it in need of exterior paint. As a result of the Grievance hearing the listers increased the depreciation from 35% to 40% which brought the assessed value from \$131,200 to \$124,400.

Al Buckley stated that he had hired a professional appraiser (Scott Marsh) to appraise the property (included in Exhibit A). The appraiser came up with an appraisal of \$85,000. Mr. Buckley stated that he was not looking for the listers to drop the appraisal that much but thought it would be closer to \$100,000 than the \$124,400. Mr. Buckley stated that he and his wife are not looking to turn around and sell the property; they are planning on retiring here. They were able to acquire this property through a bank sale at \$30,000. He stated that this price shows what the market in this area is doing.

The Listers added that what drives up the appraisal of this property is the size. It is listed as average quality and is 2377 sq. ft.

Renee asked if there are any comparable properties.

Answer: Listers did not offer any but there are comparables included in the Appraisal that was done by Scott Marsh.

Judith asked if the Listers examined the appraisal that was done by the professional appraiser.

Answer: Yes they did.

Renee asked if Scott Marsh was doing an independent appraisal or a bank appraisal for the Buckley's.

Al Buckley answered that he hired him independently for the appeal to the listers.

Renee asked what software was used by the listers.

Scott answered CAMA program and added that with the program you can play with grade and depreciation to decrease or increase values but the size and condition are set.

No further testimony.

Chairman Vernon Crawford stated that it may be necessary for the inspection committee to inspect the property. Mr. Buckley stated that he will be in the area again on July 28<sup>th</sup>.

Prior to the third and final appeal Renee Marchesseault recused herself from the board as she is the daughter-in-law of the appellant.

7:15PM

The third and final appellant was Luc Marchesseault – Parcel R10017

Chair Chairman Vernon Crawford verbally administered the oath of office to Appellant Luc Marchesseault and the Listers. (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?)

The Listers testified that this parcel is made up of X-mas trees and forest land with a brook running between the two. It needs some land maintenance. In 2009 Mr. Marchesseault grieved this same property and at the time the Listers reduced the appraisal from \$29,900 to \$24,400. This year the reduction was from \$24,400 to \$24,000. They reduced the grade from .75 to .53. The site value grade was lowered from 1.34 to 1.13 and considering the x-mas trees that is the lowest it can go. The listers gave the board a copy of the lister card and minutes to the grievance meeting as Exhibit A.

Luc Marchesseault he believes paying \$200-\$300 per acre is fair. He does not make any money off the x-mas trees anymore. He used to pay \$93.00 in taxes and now it is over \$500. He does not feel he is being treated like everyone else. He stated that of the 3.3 acres 1/3 of the acreage is unusable.

No further evidence was presented.

The board will reconvene on Tuesday, July 26, 2016 at 6:00PM.

The July 21, 2016 Board of Civil Authority Hearing adjourned at 7:40 PM