

TOWN OF CASTLETON
BOARD OF CIVIL AUTHORITY MEETING - HEARINGS
SEPTEMBER 30, 2015 at 6:00pm

MEMBERS PRESENT: Debbie Rosmus, Chair; Nedra Boutwell, Clerk; Gerard Ashton, Pat Albin-Diercksen, Scott Lobdell, Bob Grace.

Also in attendance: Lois Witt, Jan Wilson, Sharon Ryan, Listers

Chair Debbie Rosmus called the meeting to order at 6:07pm. Oaths taken by the Listers and Harry & Terry Kemple as first appellants.

Harry & Terry Kemple #39-51-00047 83 Hart Towers Rd

Lister described the property as a .34 acre of land classified as residential 1. The property has a ranch building (modular) on a concrete foundation built 1958, effective year built 1974. The exterior of the building has vinyl siding and an asphalt shingled roof. The interior of the building has a first floor. The property is on a vegetated canal and has lake rights. The property has a wood deck and a shed. The property is grade C, average.

Terry stated it is not a modular home on a concrete foundation, built in 1958 and was a cabin at that time. In the folder packet is a letter asking that the Lake Rights be removed from the taxes until a complete review of the lake right ownership to Neshobe B Beach is identified and assessment spread appropriately. The Fair market value is overstated, assessment is not distributed evenly/fairly and unfair assessment compared to other lake areas. Also requesting the building value be reassessed to 60,000.00 based on comparisons provided, and the effective year be removed until the issue of inconsistency is addressed. Feel we are assessed higher than comps provided. Also requesting documentation on how lister cards and assessments are calculated. Comps for Beach rights are 39-51-52, 39-51-45, 39-51-46, 39-51-31 and 33-52-32. Comps for Building values are 41-51-27, 30-10-19, 23-21-10, 39-51-46, and 60-10-12. Examples for effective year inconsistencies 39-50-32, 39-51-09, 39-51-46, 39-50-51, 39-51-23, 39-51-10 and 39-50-36.

Listers explained that the effective year is recalculated when an addition/improvement is made. This can be calculated in two different places, on the sketch or in general information section. Listers gave the average assessment for Hart Towers Road as \$201,960.00, Sales for comps are 39-50-32, 35-51-10 and 35-50-11. No adjustment was made from the grievance, \$197,500.00 total with \$63,600.00 for the building and \$133,400.00 for the land.

BCA chose three members, Scott, Gerard and Pat, to inspect the property on October 2nd, 2015 at 4:00pm.

Gary & Teresa Chapman #34-50-00027 963 Cedar Mountain Road

Gary & Teresa took their oaths.

Lister described the parcel as a .15 acre of land classified as miscellaneous land.

Gary stated, we have one deed and two tax ids, the house is OK, however the acreage is .13 acres not .15. Comps used are 34-50-29, 34-50-10, 34-50-34, 34-50-09, 34-50-37, and 34-50-30. For the lakefront of 150', two people own 75' each, 34-50-29 have the same amount of lake frontage and are appraised at \$21,300.00, we are at \$48,600.00. The lake front assessment brings our property above fair market value, comps are 386 Little Rutland Rd, 715 Cedar Mt Rd. and 2723 Rt 30 North. Gary also stated the listers comps do not have shared lake frontage.

Listers stated they will correct the size of the acreage. They gave an average assessment for Cedar Mountain Road as \$298,448.00. Sales were in the packet from listers. Comps used are 31-50-08 and 35-50-26.1. No changes were made from the grievance, assessment is \$48,600.00 for the land.

BCA chose three members, Pat, Bob and Debbie, to inspect the property on October 7th, 2015 at 4:00pm.

John & Jeanne Kotuby #39-51-00022 107 Hart Towers Road

David Mazsa presented a letter signed by Jeanne stating he is her husband and will be representing her tonight at the hearing. David took his oath.

Listers described the property as a .22 acre of land classified as residential 1. The property has a camp style building on a concrete foundation built about 1958. The exterior has clapboard siding and an asphalt shingled roof. The interior has a first floor with 5 rooms. The property has lake rights, an enclosed porch an open porch and a shed. The property is grade C, average.

David stated the access area is not 1 acres, only .25 acre. The fair market value of access to the site is less than \$60,000.00, Crystal Beach is only \$75.00 a year for a resident. There is a large number of properties with deeded access rights to Neshobe B Beach, most are not assessed a use value for lake rights site, this is unfair and discriminatory. Examples of properties not assessed a use value for lake rights site are 39-51-46, 39-51-31, 39-51-29 and 39-51-28. Examples of properties near Crystal Beach which are assessed 33-50-42, 33-50-44, 33-50-37.2 and 33-50-38. Very concerned about the \$60,000.00 charge.

Listers explained the 1 is not for acreage it is for one unit, area is .23 acres. The lake rights assessment was done by NEMC not the listers. The average assessment for Hart Towers properties is \$201,960.00, sales and current values are attached. No comps were given by listers. Same argument as all the other Hart Towers properties. Listers did not make a change to the assessed value of \$194,600.00, \$51,900.00 is for the building and \$142,400.00 is for the land.

BCA chose three members, Pat, Scott and Gerard, to inspect the property on October 2nd, 2015 at 6:00pm.

Frank & Kathleen West #39-51-00046 1923 Drake Road

Frank came into the Town Clerks office on September 22, 2015 and withdrew his appeal and signed a withdrawal form.

David & Martha Musto #36-50-00005

David mailed in papers for his appeal as he could not be present.

Listers described the parcel as a .34acre of land classified as vacation 1. The property has a camp style building with water frontage, built in 1953. The exterior of the building has wood shingled siding and standing seam roof. The interior has a first floor with 4 rooms. The property also has two wood decks, an open porch and a shed. The property is grade C+. Average (+).

Nedra read the letter David sent in. He is using the following as fair market comparables; 316 Booth Rd and 1126 Cedar Mt Rd. Based on actual local lake front transactions the facts state that year round lake front properties up to 2,500 sq. ft. are fair market value of +/- \$400,000.00. Our 910 sq. ft. seasonal camp structure fair market value should be prorated against these. Development of this parcel has been litigated on two occasions to the Vermont Supreme Court. Court documents are in the public record. Fair market valuation must consider the properties legal history in the same way any other environmental legal history would impact potential sale price.

Listers stated the average assessment for Mason Point Rd is \$406,933.00. Listers used comps of 33-50-25 and the Musto property, 36-50-05 that they purchased for \$392,500.00. Comps are 36-50-18, 36-50-20 and 23-21-35. Listers did not make an adjustment to the assessment of \$374,800.00, \$54,200.00 for the building and \$318,700.00 for the land.

Nedra called David to set up a site visit. BCA chose three members, Debbie, Pat and Bob, to inspect the property on October 7th, 2015 at 4:45pm.

Irene Hathaway #04-01-00008 Coon Hill Road

Irene and Byron took their oaths.

Listers described the property as 18.7 acres of land classified as miscellaneous land.

Irene believes the property should be assessed at \$400.00 an acre, the previous assessment was \$22,400.00. The parcel is land locked, Coon Hill Road was discontinued as a public highway per documentation from October 1858. Current Highway map copies enclosed showing discontinued and impassable. The tax map is incorrect, it shows 04-01-08 as a 60 acre parcel, this should be 18.7 acres with parcel 04-01-08.1 as a separate parcel, a survey was done in 2006 to show acreage. We use no town services, lot is all ledge, cannot build on it. Should be classified as non-productive not miscellaneous. The appraiser admitted he did not view land at hearing.

Listers gave a certification detail by location, see attached. Comparables for land are 04-01-08.1, 23-21-09, 10-01-36 and 05-03-333.1. Listers did not change assessment of \$35,000.00. The first acres of land does have a 50% access adjustment and the 16.7 acres have a 25% topo adjustment.

BCA chose three members, Gerard, Pat and Scott, to inspect the property on October 13th, 2015 at 4:00pm.

Lydia Moriarity-Flynn #04-01-00011 Coon Hill Road

Irene Hathaway is representing her sister, she is still under oath and signed a new oath.

Lister described the property as 4.3 acres of land classified as miscellaneous land.

Irene presented the same information for this parcel as for her own. Parcel has no public road that services it, must get permission to cross others land to get there, it is landlocked, not suitable for building and actually a piece of scrubby, rugged Vermont ledge. Parcel #04-01-10 abuts my parcel and is similar land, why is there a significant difference, 47%, in value? Mine is worth \$5,837/acre and theirs valued at \$3,074 an acre. Also Parcel #04-01-08 is nearby and valued at \$1,872.00 an acre. Prior assessment was reasonable at \$9,600.00.

Listers attached a certification detail for Coon Hill Rd. The sale comp used by the listers is 01-01-15.4. Land comps used are 05-03-22.3, 23-22-02 and 04-01-04. First acre of land has a 50% adjustment for access. Listers did not make any changes to the assessed value of \$25,100.00.

BCA chose three members, Pat, Gerard and Scott, to inspect the property on October 13th, 2015 at 4:30pm.

Kerry Fowler #25-21-00043 151 Meadow Lane

Kerry took his oath.

Listers described the property as 4.0 acres of land classified as residential 1. The property has a ranch building on a concrete basement, built about 1982. The exterior of the building is vinyl siding and an asphalt shingled roof. The interior of the building has a first floor with five rooms. The property also has a garage, a wood deck and an open porch. The property is grade C, average.

Scott will reclude himself as he is a next door neighbor. Kerry brought in a map from Marble Valley Engineering, PC showing that Castleton State College has a 50' wide road across his front yard. It is not a right of way, they own the land 16' from the bedroom window. Also the house is built in the Green Mt power right of way. The lots were never surveyed, just a plot plan done, measurements are about 80' short. Plot plan shows 3.75 acres, listers show 4 acres. Fair value would be \$130,000.00 for resale.

Listers made an adjustment at his grievance of \$2,200.00 for easements. They stated they will adjust the acreage from 4.0 acres down to 3.75 acres per copy he brought in even though it is not recorded. . They used sales of 33-51-17, 25-21-55 and 33-52-03. Comps for the land are 25-21-45, 25-21-47 and 25-21-48, comps for the building are 23-21-12, 08-01-50 and 05-02-35. Listers assessment is for \$162,000.00, \$114,100.00 for the building and \$47,900.00 for the land.

BCA chose three members, Bob, Pat and Debbie, to inspect the property on October 7th, 2015 at 5:15pm.

Jane Muratorri #244-20-00015 77 Pine Street

Jane is sick and could not be present tonight.

Listers described the property as .6 acre of land classified as residential 1. The property has an old style building on a slate foundation, built about 1900. The exterior of the building is vinyl siding and a standing seam roof. The interior of the building has a first floor and a ¾ story with 8 rooms. The property has a basement, a wood deck, enclosed port, garage, shed and an above ground pool. The property is grade C+, average (+).

Nedra read the letter sent in by Jane. Enclosed is a copy of an appraisal of my home, dated 04/21/2015 by a licensed real estate appraiser. Note the actual fair market value as \$150,000.00 not \$154,200.00. My property taxes should reflect actual value. If requested I will provide the Entire appraisal. Only page two of the appraisal was attached.

Listers explained the difference between old style, cape, and colonial. Listers made an adjustment of \$200.00, removal of a deck, at the grievance. Sales comps used are 25-21-05 and 45-51-15. Comps for land are 24-20-13 and 24-20-10, comps for building are 24-20-14, 09-01-28 and 45-51-16. Listers assessed value is \$154,200.00, \$110,200.00 for the building and \$37,800.00 for the land.

BCA chose three members, Bob, Gerard and Scott, to inspect the property on October 5th, 2015 at 2:00pm. Nedra will call June to make sure this time is OK.

Minutes for the September 16th, September 21st, and September 23rd were reviewed for approval. Pat made a motion to accept the BCA minutes of the September 16th meeting, Scott seconded. All in favor, motion passed. Bob made a motion to accept the minutes as presented of the September 21st meeting, Scott seconded. All in favor, motion passed. Scott made a motion to accept the BCA minutes of the September 23rd meeting, Pat seconded. All in favor, motion passed.

Debbie moved that the meeting be recessed until the BCA reconvenes to hear the inspection reports and deliberate. Bob made a motion to recess the meeting, Scott seconded. All in favor, Motion passed. Meeting recessed at 9:28pm.

Respectfully submitted,

Nedra Boutwell
Town Clerk