

TOWN OF FAYSTON
BOARD OF CIVIL AUTHORITY
MEETING 6/24/13

June 24, 2013
9:00 a.m.

Board of Civil Authority: Jared Cadwell (Jared), Tom Bisbee (Tom), Robert Vasseur (Robert), Lisa Koitzsch (Lisa), Ed Read (Ed), Patti Lewis (Patti), and Rick Rayfield (Rick)

Listers: Tony Egan (Tony) and Fred Spencer (Fred)

Appellants: Mr. Ray Weston

Meeting opened at 9:00 a.m.

Jared called the meeting to order for the purpose of hearing the appeal of Raymond and Linda Weston, parcel ID 303-086051.1 on Beaver Pond Road, Fayston, Vermont.

Jared administered the oath to Mr. Weston, Fred and Tony.

Jared explained the rules of procedure to Mr. Weston stating this is a quasi-judicial hearing where he would have the opportunity to explain his basis for appeal. The Lister would explain their point of view. The members of the BCA would have the chance to ask questions. A date would be set for a site inspection and within 30 days another time would be set allowing for any additional evidence to be presented and a deliberative session. A final written decision would be sent to Mr. Weston within 15 days thereafter. Therefore he could expect a decision by early August.

Jared asked if there were any conflict of interest issues with those present. He noted that Lisa and Ky Koitzsch had built the house but no one thought this was a conflict of interest as there were no further financial matters between them.

Jared then asked Tony and Fred to introduce the property.

Fred handed out the current cost sheet and a picture of the property. See attached. He noted that one issue could be the wet land area. He noted that through the grievance process the land grade was reduced from .9 to .6 and a quality reduction of 5.0 (typical starting point of a post and beam home) to 4.50 because the Weston's had done so much of the work on the home themselves.

Mr. Weston questioned the 5.0 quality starting point for any post and beam especially when the entire thing was built with cheaper materials. He has asphalt shingles for the roof and pressure treated lumber for this decks. He believes the materials are more valuable than the post and beam part.

Mr. Weston questioned the assessed value of the acreage. Out of the seven acres he said four of them were considered wetland and assessed at \$4,000/acre and that he would give those acres away if the Town wanted them. One acre is designated wetland by the Fayston Planning Commission. There is a Beaver Pond on the property which he understands is a wetland.

Mr. Weston noticed on the cost sheet that the radiant heat was listed at 100% when in fact out of the 1917 sq. foot home only about 1400 sq. feet were heated by radiant which would be about 68%.

Mr. Weston stated there is a utility pole through the middle of the property with a 50 foot right of way for WEC. The Town has the first two acres assessed at \$32,400.00/acre. This seems high when he paid \$55,000.00 for the entire seven acres.

Question was asked about the result of the Lister grievance process and answered that the value had been lowered by \$30,000.00. Tony explained that that was a 10% reduction and a numerical result of the quality and lower grade adjustments.

Rick Rayfield (Rick) arrived at this point and Jared swore him in.

Mr. Weston restated his concern with wetlands, radiant heat percentage, quality, power line easement and the first two acre valuation.

Lisa questioned the Listers about the radiant heat percentage and Fred explained that it is the only source of heat and therefore it heated 100% of the home regardless of where the tubing ran. If they had a second heat source then the percentage would be calculated between the two sources.

Rick questioned the cost difference between radiant vs. electric for example. Fred explained that the cost sheet shows \$1.59/sq. foot. ($\1.59×1917).

Rick questioned the Hearth valuation and Jared responded that that feature does have value.

Mr. Weston asked if radiant heat has the highest price point and Fred responded that he did not think the different sources of heat types made a great deal of difference.

Jared wanted to clarify that it does not matter that the heat is not physically installed in the entire house but that it is the heat source for the entire house. Fred confirmed.

Jared asked about the valuation of the first two acres (\$32,400/acre) and if that number was typical for that neighborhood. Fred responded he believed it was a little low for that area.

Mr. Weston asked if the Listers would show him three properties in that neighborhood with that value and Fred said he could.

Lisa asked if the downgraded number of .6 for the additional acreage was common for unusable land. Fred feels that .6 is pretty close to the lowest grade possible.

Tony noted that additional acreage has value, if not for resale then for protection. He feels that purchasing seven acres for \$55,000 then would be \$72,000 now.

Tom wanted clarification that the post and beam was now covered up with other material. Mr. Weston answered that the inside walls were studded, not the exterior.

Mr. Weston stated that other Towns don't charge for a Hearth and that the Board could call around and check, noting he had checked with Warren.

Jared said the Board would ask the Listers for comparables but that Mr. Weston should bring comparables as well and that he was welcome to look in the Town's open records.

Tony noted that there is one factor that might make comparables impractical and that is that the Weston home is only 90% complete and you can't just look at another property and take 10% off.

Tom questioned the quality and why it would drop to 4.5 because the homeowners had done the work themselves.

Mr. Weston replied that it was more a case of quality of the stuff used, not the quality of the work.

Lisa questioned the practice of starting all post and beams at a 5% quality rating given the fact there were many factors that went into homes. Fred replied it is a starting point and the rating can go up or down.

Jared asked if there were any further questions, explained that a site visit would be next, then another hearing and then a deliberation session.

Rick wanted to know what dollar amount Mr. Weston was asking for. Ed and Lisa felt that Mr. Weston does not have the knowledge to answer that question and that each item discussed would be looked at individually.

Mr. Weston noted that he will shortly have a bank appraisal which he will supply and which he thinks might be helpful to the Board. The last one he had done came in at \$255,000.00.

Board set the site visit for July 12, 2013, 8:00a.m. at Mr. Weston's home. Ed, Lisa, Rick, Robert and Jared will attend. Patti will ask Mr. Weston for permission for the Lister(s) to attend.

9:40 a.m. – Rick made a motion to continue the hearing until July 12, 2013. Lisa seconded, no further discussion, all in favor, motion carried.

Respectfully Submitted:
Patti Lewis
Town Clerk