

Board of Civil Authority
Town of Fayston
Public Hearing
September 27, 2010

Board of Civil Authorities Members Present: Tom Bisbee, Jared Cadwell, Ann Day, Richard Schattman, Ginny Vasseur, Robert Vasseur

Board of Listers Present: Tony Egan, Gussie Graves, Fred Spencer

Others Present: Lauren Kolitch, Albert Koppe, Ralph Richter, Bryn Smith, Allan Spector, Sarah Stavraký

Hearing began at 4:02pm.

Oath administered by Chair Robert Vasseur and taken by all present;

"I do solemnly affirm that I will well and truly hear and determine all matters at issue between tax payers and Listers submitted for my decision, so help me God".

First hearing presented: **Albert & Donna J. Koppe**

Chair Vasseur swore in Appellate;

"Do you solemnly swear that the evidence you shall give relative to the cause under consideration will be the whole truth and nothing but the truth so help you God".

Appellate described property as: a property of Phenn Road which was appraised at \$133 800 (7.7 acres) and was raised up to \$229 200 in this years town appraisal; after the first grievance with the Listers it was brought down to \$202 000. Mr. Koppe presented land in his area, which showed that his price per acre is higher than many properties surrounding him. His argument is that his property is limited by several factors; first – he has a 1 acre septic site serving the Fayston Farms, he has a 3 acre no-build zone for site lines (which is written into his deed) and his well site is limited to a small area because of the septic site. He

argues that if he cannot find water in that area, he will be unable to build on this parcel.

Chair Vasseur offered the Listers the chance to address the hearing.

It was also clarified that the no build zone was also partially due to a water line, whose exact location they are unsure of. The water line serves a house across the road from his property. Ms. Graves wanted to point out that while there is a little over 1 acre of land that is septic, it doesn't mean that land has no value, it only means that it cannot be built upon. Ms. Graves also wanted to point out that there are other house sites on the land, the appellant agreed, but stated that the view is very good up high. Ms. Graves presented several comparisons, one being the Moyers down at the end of Phenn Rd, the acre of that land is 10 acres and is valued at a lesser amount, but the site does not have as nice a view, and is not in as nice shape.

Another comparison was a 3.5 acre parcel on Tucker hill, a lot that is a good site comparison to Koppe lot. A third comparison was John Reynolls at 5.388 acres valued at \$180 200, they have no view and probably wouldn't even with cutting. Another comparison on Center Fayston Rd – 6.1 acres valued at \$206 000 and has no easements that Ms. Graves is aware of (in fact none of the comparisons do that Ms. Graves is aware of).

A discussion ensued concerning the existence of water. Mr. Egan asked Mr. Koppe if he knew that there was water there on his site at a reasonable depth, would he still have an argument with the Board of Listers. Mr. Koppe agreed that he wouldn't, and that this was more about the uncertainty about the ability to build with regards to the existence of water and the limitations surrounding his land.

Ms. Graves pointed out that most land is bought with out the existence of a well and that everyone took the gamble of whether or not water would be found. Mr. Koppe agreed, but also pointed out that most lots do not have a one acre septic field that drains downwards, limiting the locations possible to drill for water on his land.

Ms. Graves asked Mr. Koppe if he had checked with an engineer with regards to a chance of failure to hit water – he had not specifically asked about the existence of water but that the engineer only told him the locations where he could drill for water with respect to the septic system.

Mr. Cadwell asked if he could tap into the spring if water was not found to drill into. It is felt that it would not be likely that he could tap into the spring.

Chair Vasseur informed Mr. Koppe that at least 3 members of the BCA needed to have a site visit.

Second hearing presented: **Bryn Smith**

Chair Vasseur swore in Mr. Smith.

Mr. Smith stated that he was surprised and disappointed to be back. He had brought forth information that his property had been on the market for some period of time and the price kept coming down. He had bought the property for \$110 000, it had been originally listed at \$149 000 for several months. He questioned the value of land at \$73 000. Mr. Smith argues that no one was willing to buy the property when it was originally listed for \$149 000. Mr. Smith described the site as a .85 acre lot with issues; it has water has coming down on both sides; and it is cut into a hill with no view. Mr. Smith presented other listing that are currently on the market; one listing in town was for a 1 acre lot for \$40 000. The property was originally valued at approximately \$200 000, at and then brought down to \$180 000(approximately) by the Listers after the original grievance. Mr. Smith presented lots listed by David Dion Real Estate as comparisons for real market value for the BCA to look at.

Chair Vasseur gave the Listers a chance to address Mr. Smith. Ms. Graves presented three comparisons that she felt showed Mr. Smith was right in line with other similar properties. First comparison was the Stanley property on Carroll Road .74 acres listed for \$205 000. Second comparison is a .87 acre lot listed at \$210 700. Third comparison was a 1 acre lot which is listed at \$190 000.

Mr. Smith asked what the difference is between what is listed and the real market value (which are the numbers that he has presented). Ms. Graves stated that sales data are from part of 2008, all of 2009 and part of 2010 (2 years total) and found that sales in Fayston have not changed or dropped and that sales recently have come in right about the same. Mr. Smith questioned why a property that could not sell for \$149 000 could be valued at \$180 000; and also point out the issues of the site – the underground tank and the water issues of the land.

Chair Vasseur, informed Mr. Smith that 3 members of the Board of Civil Authority needed to visit the site. It was clarified that Mr. Smith's main issue is the value of the lot, not so much the house value.

Third hearing presented: **High Mountain Properties**

Ralph Richter presented himself as the appellant.

Chair Vasseur swore in Mr. Richter.

Mr. Richter sent in a letter dated August 19th showing sales of properties with "superior mountain views". The various lands show an average range of price per acre of \$16 571 to \$21 970. At these values, Mr. Richter supposes his land could be valued somewhere between \$72 748 and \$114 008. As a result Mr. Richter is asking for a reduction in the value of his property.

Chair Vasseur gave the Liters an opportunity to speak. Ms. Graves stated that Mr. Richters property is presently valued at \$323 700, with the land alone coming in at \$267 700. Ms. Graves stated that she generally does not look at appraisals of properties. Ms. Graves presented the comparisons. First comparison is Sam and Heather Clark whose land value is greater at \$298 000. The second comparison is the Snyders 5.9 acres valued at \$282 200. The third comparison was Paul Price was shown as a comparable to show that they do look at land that do not compare for the price.

Specific locations of these properties were discussed and the appellant did not know where these houses were located.

Mr. Cadwell asked if Mr. Richter is currently living at the property. Mr. Richter said he was not currently, but hoped to be soon after some personal issues are resolved.

It was clarified by Mr. Cadwell that Mr. Richter's objection is with the value of the land, not with the value of the home.

Chair Vasseur asked when a good time would be to have at least 3 members of the Board of Civil authorities visit his property. Mr. Richter stated that he was ok with the Board visiting in his absence.

Fourth hearing presented: **Allan & Marcia Spector, c/o Lauren Kolitch, Esq.**

Ms. Vasseur confirmed with Ms. Kolitch that this hearing is in relation to only one property.

Chair Vasseur swore in the appellant.

Ms. Kolitch spoke on behalf of Mr. Spector explaining that the basis of the appeal is in relation to construction and design defects which occurred during the original construction by Markolf Construction Company, which has resulted in litigation between Mr. Markolf and her client. They argue that there are several repairs that are neither aesthetic nor optional. These repairs include a retaining wall which has failed, (\$120 000-\$140 000 repair cost), several improperly constructed windows and decks in an adjoining apartment that failed State safety codes (repair cost +/- \$40 000), the improper finishing of a marble bath area which has lead to leaking and rusting (estimated repair cost \$20 000) and finally the improper installation of tiles in a pool area (estimated repair cost \$32 000). The appellant produced several estimates for the repairs and the various estimates have come on at over \$200 000. Ms. Kolitch argues that if the property were to be sold, a fair market value would give 50 cents on the dollar for these repairs and as a result the appellant is asking for the value of the house to be reduced by \$100 000. Ms. Kolitch pointed out that there are other problems, but they are not sure that they would affect the value of the house.

Ms. Day asked why there has been no compensation from Mr. Markolf for these repairs. Ms. Kolitch stated that Mr. Markolf has claimed bankruptcy.

Chair Vasseur gave the Listers a chance to speak.

Ms. Graves stated that their value has already been reduced by \$20 000 from the original grievance. It was clarified by Ms. Kolitch that they are asking a total reduction of \$100 000 including the \$20 000 already given. Ms. Graves asked if the apartment could be rented. Mr. Spector stated that no, it could not be rented because of the violations from the State and that only immediate family members could stay in that apartment space.

Chair Vasseur informed Mr. Spector that at least 3 members of the Board of Civil Authorities.

Meeting ended at 5:45pm

Respectfully submitted,

Sarah Stavraky

Robert Vasseur, Chair for the Board of Civil Authority