

Board of Civil Authority  
Town of Fayston  
Public Hearing  
September 28, 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:** David Clark, Raymond Munn, Chris Nordle

Hearing began at 4:02pm.

First hearing presented: **David Clark.**

Oath administered by Chair Robert Vasseur for David Clark;

"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".

Mr. Clark asked for clarification regarding his 3.2 acre lot. Mr. Clark stated that he went through grievance and got a small adjustment, but was not satisfied with that. Mr. Clark does not feel that it is a saleable lot and he wonders how the appraisal could have gone from \$68 000 to \$111 000; after the initial review the appraisal was dropped to \$105 000. Mr. Clark feels that what is going on is a State wide problem with regards to taxes, and is present to ask the BCA to adjust the appraisal down even further. Mr. Clark described his land as one with a stream in one corner, leaving part of the land very wet.

Ms. Graves handed out the data concerning Mr. Clark's land. The sugar operation goes over onto Mr. Clark's brother's property, but the majority of his sugar operation is on his land.

Chair Vasseur gave the listers the opportunity to address the BCA. Ms. Graves agreed that part of the land is wet, and pointed out that where the sugar house is

an easement. Ms. Graves presented 4 comparisons for Mr. Clark's lot; the first on Mansfield Road for 2.6 acres, the second on Wild Turkey Lane for 2 acres, the third a 3.5 acre lot on Tucker Hill Road and the last a 4.59 acre lot on Tucker Hill Road. Ms. Graves stated that the Listers also make the assumption that every lot is buildable unless the tax payer proves it otherwise. It was asked if the only concern of the appellate is whether or not the land would perk and as a result if it is buildable. Mr. Clark said it was.

Chair Vasseur asked those present if there were any further questions or comments. Mr. Clark asked if everyone present was part of the Board of Civil Authority and Chair Vasseur explained that the members of the Board of Listers were also present. There were no further discussions.

Chair Vasseur then asked Mr. Clark when would be a convenient time for at least three members from the Board of Civil Authority to visit the property.

Mr. Bisbee asked if there are any properties that do not have a building lot. Ms. Graves stated that there were pieces of land when the primary site is in another town and extends over into Fayston and in that case it is considered bulk land. This is the only exception where there is land without a primary site.

It was explained that if the decisions were made to reduce the appraisal of a property after taxes were due then the appellate would receive a rebate on their taxes

**Second hearing presented: Tina Hoyt Darrow.**

Ms. Vasseur informed the board that Ms. Darrow would not be attending the hearing. Mr. Schattman read letters sent in by Tina Darrow.

Board of Civil Authority,

This is an appeal on the fair market value you have appraised my mobile home for. I originally purchased my mobile home 7/98 brand new for around \$33 000. Now you are telling me my 12 year old mobile home is worth now what I paid for it brand new. Since mobile homes do not gain value they only lose value I don not understand how this is possible. There is no way a reasonable person would pay \$32 300 for a 12 year old mobile home. There is no land associated with the property and no improvements have been made. There are holes patched in several wall, a broken window in the kitchen and the only thing holding the water tank up is a piece of plywood, there are holes in the

skirting, the living room carpet is worn and stained and there are water stains on parts of the ceiling.

This is a request to take another look at my appraisal.

Thank you,  
Tina (Hoyt) Darrow

The following letter was sent in for the initial hearing with the Board of Listers and was read by Mr. Schattman;

Board of Listers,

I purchased my 1998 Colony Aurora 14x80 model NBR NR501 new in 1998. The purchase price was \$32 285 which included \$630 in furniture that I purchased at the same time. The Town of Fayston has my mobile home appraised at \$32 200. That is what you have deemed a fair market value of a 12 year old mobile home is.

I looked up "fair market value" and it reads "and estimate of the market value of a property, based on what a knowledgeable, willing and unpressured buyer would probably pay to a knowledgeable, willing and unpressured seller in the real estate market."

Any person with any knowledge about mobile homes would never pay the same price for a 12 year old home as it was new. Mobile homes loose value they do not gain value. I have no land associated with my home so I can't be taxed on that.

I please ask that you look at my appraisal and reconsider the value placed on my home.

Thank you,  
Tina Darrow

Ms. Graves spoke to the grievance and stated that the appraisal was not dropped in price after the initial grievance. After Ms. Darrow wrote in again she looked at the property again and feels that a mistake was made and that the price should be dropped to \$25 400. Mr. Schattman asked how the new price was determined. Ms. Graves stated that mobile homes do depreciate in price and in September 09 found that the mobile home was in fair to average condition. Ms. Graves also stated that when mobile homes are "un-landed" (not on any land) there should be more consideration given to those and Ms. Graves felt that she had failed to recognize this. In doing so the property she felt, was over-valued. Ms. Graves also did some research and found that generally mobile home depreciate 10-15% and she took the 15% figure.

It is felt that there is still a need for a site visit. There was discussion about the shed, which belongs to Ms. Darrow's Aunt but she is being billed for it because she uses it. If she takes that off her listing then it will have to be transferred to the Aunt's bill.

Third hearing presented: **Raymond S Munn.**

Chair Vasseur swore in Mr. Munn before the hearing began.

Mr. Munn came to the listers to request that they look at the value of his property. His original value was \$73 000 and in this appraisal it was raised to \$118 500 after the initial grievance the value was lowered to \$113 100. In 2007 it was appraised for \$94 000 and was lowered to \$73 000 after he argued it. He feels that the lot is limited by the steepness of the land and there is only 1 house site realistically at the bottom of the land. He feels that the cost of putting in the electric and road is also a factor. Mr. Munn feels that the appraisal of the land has had too big of a jump. Mr. Munn feels that it is unlikely that the Listers walked his property. Mr. Munn stated that with the lot there was a subdivision where 3 lots were subdivided off the land – this lot is one of those lots. Mr. Munn pointed out that Dick Kingsbury has 17.5 acres and it is listed for \$118 000. Mr. Munn asks the listers to consider dropping the appraisal by \$20 000.

Chair Vasseur gave the Listers the opportunity to address the hearing. Ms. Graves first wanted to address the Kingsbury lot; she pointed out that the lot extends into the town of Waitsfield, so that the total value of the land should include \$90 000 appraisal from the town of Waitsfield. Ms. Graves pointed those present to the map and pointed out the location of the 4.8 acres and stated that she has walked the property. She agrees that the land is steep, but would like to mention in addition to the 4.8 acres Mr. Munn also has another parcel, which is 1.1 acres, which the town has listed at .77 acres. Ms. Graves could not find any evidence stating that the lot is 1.1 acres, so the Listers kept the lot at .77 acres. Ms. Graves feel that it could be a buildable lot with the combination of the two lots. Mr. Munn feels that it cannot be built on because of setbacks, the majority of the land being fill (and as a result has been told that it won't perc) and the State has sent Mr. Munn a letter stating that he cannot access the lot from Route 17. It was discussed how it can be accessed alternatively; Mr. Munn stated that there is no other access because he cannot give himself a right of way until he sells the

lot. Mr. Munn requested a site visit. Ms. Graves feels that there is no evidence that the leech field could not be used for another lot.

Ms. Graves then presented the comps. Palmendo owns 5.8 acres off Old Mansfield Road for \$117 800. The next comparison was the Clarks across from Fred Spencer at 7.3 acres listed for \$129 900; the Howes own 6.13 acres on Manlin Road listed for \$132 00. Neil Johnson's property on Glenview Road for 4.69 acres is listed for \$113 200.

Chair Vasseur informed Mr. Munn that at least three members from the Board of Civil Authority would have to be present for a site visit.

Fourth hearing presented: **John & Lora Dunningan, c/o Christopher J Nordle, Esq.**

Mr. Chris Nordle presented himself as the representative for John and Lora Dunningan. Mr. Nordle stated that he hoped he would have an appraisal available for this hearing. However, he has not been able to get an appraisal and asked for the hearing to be continued for 2 weeks until he can present an appraisal from a State licensed appraiser to the Board of Civil Authorities.

Whether or not the hearing could be continued was discussed. Mr. Nordle stated that he had similar issues in the town of Waterbury and was granted the continuance. Chair Vasseur stated that once the appraisal comes in they still have to make a decision from 30 days from this days date. Mr. Nordle feels that the 30 days deadline would not begin until the hearing had been closed as opposed to the beginning of the hearing.

There was a discussion concerning when exactly the beginning of the hearing occurred. It was felt that the beginning of the hearing on September 13, 2010. Mr. Nordle felt that the 30 day decision was effective and the close of the hearing rather than September 13, 2010.

It was asked what value the Listers placed on appraisals, it was stated that they are looked at, but generally not weighed in on. Mr. Nordle stated that as the Listers are able to present their belief of what the fair market value is, so are the appellants.

Mr. Caldwell clarified that "the 30 day deadline begins to run after the particular times of the appeal of the hearing and not after all appeals, each one must stand on its own schedule".

Chair Vasseur set the date to re-hear the hearing on Wednesday October 13<sup>th</sup> at 4:00pm. It was confirmed that the site visit could happen before they re-convene since the hearing has been opened.

Meeting ended at 5:45pm

Respectfully submitted,

Sarah Stavraky

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Robert Vasseur, Chairman for the Board of Civil Authority