

Board of Civil Authority

Minutes for 9/9/20

BCA Members Present: Jared Cadwell (Jared), Chuck Martel (Chuck), Lisa Koitzsch (Lisa), Peter Forbes (Peter), Patti Lewis (Patti), and Rick Rayfield (Rick)

Listers Present: Doug Mosle (Doug) and Sarah Stavraky (Sarah)

Appellant Present: John McCloy (John)

Jared called the meeting to order at 9:00 a.m. at the Robert Vasseur Municipal Building. He introduced everyone, noted this hearing was to hear from John McCloy (John), Parcel ID 03-006 located on Castle Road. He administered the oath to both John and the Listers. John acknowledged receipt of the rules and procedures document. Jared asked if there were any conflicts of interest to which there were none noted.

Jared asked the Listers to present the property. Sarah stated the property is located at 153 Castle Road, is a house with three acres, valued at \$527,300.00. She noted the Listers had conducted a site visit per John's request about a year ago and after two grievance requests, had decreased the value of the property by \$80,000.00.

John said the house is 51 years old, has a number of roof leaks, 1.5 feet of rot on the outside from the ground up, missing and broken storm windows, rotting overhangs, two bathrooms with failed plumbing (one bath has been fixed), steep roof angles, and water damage in ceilings. He believes the depreciation value is greater than what it is assessed at.

Question was asked when the Listers had last visited and answered it was in October 2019 and that John had not detailed these concerns at that time.

Question was asked how long John has owned the property and answered since 1969. He replaced part of the roof twelve years ago.

Question was asked if the reductions that were given were before or after the property went from one acre to three and Listers responded that the reduction was mostly based on interior and entirely on the house not land.

John explained why/how the land went from one acre for each McCloy and Bechtel homes to three acres and the remainder of the common land intended to maintain the pristine nature of the property.

Question was asked if the current use designation was forest and answered yes.

Lisa reiterated that for the purpose of this discussion it was just about the house not the land. Listers also replied that they have not changed the assessed value of the land at all and that the only change to value was that it has gone in to the current use program.

In responding to a question about interior site inspection due to COVID concerns, John said the main leaks are in the library, living room, and dining room.

The Listers then presented three comparable properties and explained their opinion using these assessed values compared to John's property.

Doug spoke of market adjusted cost basis of appraisal, the range of quality grades, depreciation based on condition vs. normal wear and tear and that John's property is in average condition. He said properties were depreciated 1% for the first ten years and .5% thereafter and John's property has a 30% depreciation rate. He said that John's property was a high quality unique home maintained in average condition and had average depreciation applied.

John asked why the Bechtel property was not used as a comparable as it was basically the same house built at the same time. Doug explained the Bechtels had purchased the house for \$450,000 but that it was listed higher than purchase price and felt the Bechtel's had purchased a great house at that price. He went on to explain how the State of Vermont disqualifies certain sales from the sales study due to certain circumstances and felt this sale was one of those and not comparable.

John replied and agreed with Doug that his home is unusual and unique and would not be for everyone's taste and noted that he does not plan to sell the house. He talked further of the Fayston Association land and how that worked. He does not think the Bechtel purchase price had to do with the complexity of the Fayston Association and felt it was unnecessarily complicated by lawyers.

Question was asked if John wanted the BCA to look at the Bechtel lister card as a comparable to which John replied he had no problem with the BCA doing so.

Question was asked about the difference between physical and functional depreciation. Doug replied that physical depreciation is how much the property has aged or how much damage there is, and functional depreciation has to do with the layout and size of the house.

Rick asked John what he thinks the assessed value should be to which John responded he did not know.

Jared explained the BCA would appoint an inspection committee who would need to navigate around COVID precautions. John has sent the BCA photos via email. He would like any of the BCA who have not seen the property to at least drive by and if they want to get inside he will vacate the premises to allow that to happen.

It was decided that Chuck, Peter, Rick and Jared would make up the inspection committee. Patti will forward the photos that John emailed this morning (too late for the meeting).

9:43 a.m. BCA went in to deliberative session.

10:00 a.m. BCA closed deliberative session.

Actions taken:

The Inspection Committee will meet at 9:00 a.m. on 9/11/2020 at the Robert Vasseur Town Hall to review pictures and write an inspection report.

The BCA will review the Bechtel's Lister Card.

The BCA will reconvene the hearing for John McCloy on 9/21/2020 at 10:30 a.m. at the Robert Vasseur Town Hall.