

Town of Fayston
Lister's Office
866 North Fayston Road | Fayston VT 05660

2022 Grievance Hearings

Thursday June 9, 2022

4:00 pm to 6:00 pm via Zoom and at the Robert Vasseur Town Hall

Listers in attendance: Doug Mosle, Kirsten Andreae
Others: Sarah Stavraky, Marge Garfield

4:00 pm via Zoom

03-145-003 Robertson, Julia B

Ms. Robertson (appellant) sought a reduction in the valuation to or near the purchase price of her land based on assertion that she had purchased the property at a price that reflected fair market value at the time of purchase. She stated that her real estate agent had provided comparative sales and that the Seller had agreed to the price. Appellant felt that the assessment reflected recent upsurge in market values in the area and argued that her transaction had occurred prior to the upsurge. Ms. Robertson also argued that her property was/is less desirable than two adjacent lots which were also available at the time (since sold), due to any view potential being impaired by trees and the land being woodland in nature and "landlocked". Doug asked a clarifying question to confirm that by "landlocked" she did not mean that there was no legal access. She meant "surrounded by woods and trees".

Doug asked questions relative to the marketing of the property as it had not been listed on the MLS until after it was under contract. He asked if there was a personal relationship between the buyer and the seller or the real estate agent. She indicated that her agent has been a close friend since high school and that she did not know the owner but that a friend knew that she was interested in a valley property and knew the owner. Doug asked if they had worked out a deal before the property was on the market and she answered that she had not. The appellant indicated that she made a lower offer, which was rejected and that she eventually made an offer that was accepted. The appellant indicated that this assessment was based upon market activity after she had purchased and that this purchase occurred before the pandemic surge. Doug clarified that this purchase occurred in September/2021 and the other two adjacent sales occurred in Feb/2022. The price in relationship to other properties that had sold was discussed, with Doug indicating that this sale at \$55,000 represents the lowest sale in the town in a very long time. He also pointed out that MLS indicates that it was marketed for 0 days. The two adjacent lots (4ac & 5.1ac) sold for \$110,000 and \$120,000 respectively, and were marketed for sale in MLS. Appellant indicated that she felt a fair assessment of the house site was \$70,000 (currently \$105,600).

Kirsten asked for clarification that she had no prior direct relationship with the seller, which she confirmed.

Appellant asked for clarification regarding the valuation and assessment process which Doug explained. Assessment of land is based upon a land schedule, which values "site" and "bulk" land on the same per-acre basis townwide, with adjustments based upon neighborhood and land grades. In this manner, all land is assessed using the same criteria.

4:20 pm (live)

14-064 Garfield, Margorie

Ms. Garfield(appellant) opened the session by providing background information as to the nature of her property, which she purchased in 1980. She then described an interaction with a real estate agent who had contacted her on several occasions previously, but who had finally convinced her that it may be a good time to sell her lot. It was at this point however, that things started to deteriorate, as shortly after visiting the property the agent advised her that they believed her lot to be 'too steep to develop'. Ms. Garfield hired McCain Consulting to provide a feasibility study, a copy of which was provided as part of this hearing. Appellant provided extensive documentation to support her newly realized (via changes in zoning and setback laws over the past 40 years) knowledge that any development of her property would require numerous variances in procurement of permitting for water, sewer, and building. In addition, according to McCain, should said variances all be successful, the process of development would require 'significant earth work' to the point that it 'would likely be cost prohibitive'. Appellant provided narrative based on her discussions with McCain indicating that 80% of the lot had a slope greater than 30%, 5% slope greater than 25% and only 15% below 20%. Furthermore, over ½ of the lot is overshadowed by well and septic isolation zones from neighboring properties leaving a very small portion of the property as "developable". The appellant provided rough figures of \$31,500- \$41,500 to develop the property and asked that her assessment be reduced by that amount, to \$45,100.

Doug asked if the realtor had given her a market evaluation or a general idea of the market value. The appellant indicated that the realtor had told her that they could not market the property without a septic design and that the agreement with the realtor expired before a market quote had been given. Doug asked the appellant to clarify whether the engineer had indicated that the property was "undevelopable" or "difficult to develop". Appellant answered that it was undevelopable but that McCain had quoted \$4500 for a septic design.

Hearings concluded: 5:07 pm

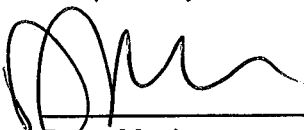
Entered Deliberative Session: 5:07 pm

Exited Deliberative Session:5:52 pm

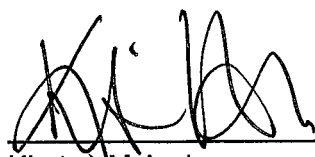
Results of Grievance

- **03-145-003**– Parcel value reduced to \$112,300, based on reduction in grade of building lot from 1.2 to 1.0 reflecting that the view potential of the lot is restricted by the property boundaries, but that the site is private, well protected by its bulk land and located on a well-established private road.
- **14-064**– Parcel value reduced to \$50,400. Building lot grade lowered to .6 to reflect steepness of site, extensive overshadowing and questionable ability to develop.

Respectfully submitted,



Doug Mosle



Kirsten M Andreae

Fayston Listers
June 09, 2022