

**TOWN OF DERBY, VERMONT  
BOARD OF CIVIL AUTHORITY  
TAX APPEAL HEARING  
MINUTES  
July 25, 2016**

**MEMBERS PRESENT:** Louise Gosselin, Shirley Fournier, Elizabeth Bumps, W. Perry Hunt, Beula-Jean Shattuck, Brian Smith, Frank Davis, Al Loukes, Loren Shaw, Chair- Karen Jenne, Clerk - Faye Morin

**LISTERS PRESENT:** Tom Roberts, Sue Best, and Stephen Cross

**APPELLANTS PRESENTS:** Lawrence Lewis, Shauna Lewis & James Hollander

**CALLED TO ORDER:** Karen Jenne called the meeting to order at 6:00 PM.

**TAX APPEAL PROCEDURE:**

Karen swore in the Board of Civil Authority members, Listers and Appellants. Karen had everyone on the BCA Board state their name. She then explained the appeal process, stating that the board will listen to the appeals of the appellants and then the evidence of the Listers. After the appeal has been heard, an inspection committee will be appointed to inspect the property. Karen reminded the Board that we would be listening to the information from the appellant and the Listers. The board members will then conduct an inspection of the property and report back to the board. Karen reminded everyone that the hearings would be recorded.

**LAWRENCE & SHAUNA LEWIS: TRD41028I2-T 575 Pine Hill Rd**

Lawrence & Shauna Lewis are appealing their change of appraisal located at 575 Pine Hill Rd. Mr. Lewis handed out 4 exhibits for the Board to follow along from. Exhibit A – Letter of Grievance, Exhibit B – Aerial Map photo of property, Exhibit C – Sales History of Property, Exhibit D – Appraisal of Property. Mr. & Mrs. Lewis purchased the property last October for \$175,000.00 the Town assessed the property originally for \$241,000.00. The property was listed for \$275,000 and was reduced to \$249,000 because it didn't sell in 136 days. The property was lowered 5 times and was on the market a total of 471 days until it was reduced to \$175,000.00 which was the price paid for the property. An appraisal was done at the time of the sale in 2015 the appraisal value was \$194,000.00. We had another one done in June of 2016 by Scott Marsh a Certified Vermont Appraiser and again the appraisal value was \$195,000.00 which was still lower than the Town appraisal. Mr. Lewis doesn't feel that \$223,000.00 is a fair value; he feels that \$205,000.00 is a fair assessment for both the Town and for them.

At the grievance hearing Mr. Lewis felt that the Listers didn't take into consideration all the time that the house was on the market or the sales prices. The Listers did not show up for the inspection on June 27<sup>th</sup> at 9 am. He then discussed that his property is over 10 acres and only 1.1 acres is usable land the rest is wet lands and wooded area and a bank that is about 75 ft deep. The board then asked how much timber is on the land - if the remaining land was able to be logged off. He believes that it couldn't be unless it was winter and the ground was frozen. Karen asked if the same realtor had the property for sale or was others used during the time listed. More than one was used. Faye asked if Mr. Lewis walked the property before the sale and he stated that he did not walk the property.

**LISTERS:**

Tom Roberts presented an informational package on behalf of the Listers stating that the property is located at 575 Pine Hill Rd with the Parcel ID # of TRD41028I2-T. Tom explained the color coded map, pink being the boundaries of Mr. Lewis’s property and the numbered areas being the neighbors houses. Karen asked if there was a survey map of the property and Tom said there is one inside the packet. He then gave the directions on how to get to the house. On Pages 1 is a thorough description of the property, number of rooms, year built etc. Building value is assessed at \$151,000.00 the yard item at \$1,700.00 and the first 2 acres at \$61,800 and the remaining 8.17 acres at \$8,500.00 for a total of \$223,000.00. Mr. Roberts then explained and reviewed the Listers card and how its broken down by neighborhood codes for the land, building, yard items and etc. also a sketch and a photo. Page 2 is a color coded map the Lewis property has a pink line around the border. Page 3 is a Photo of the property. Page 4 Adjustment sheet transferring Rever to Lewis.

When the Listers went to Mr. Lewis’s house they noticed there was a bedroom added in the basement they decided not to address that at the time of the inspection after discussion. Mr. Roberts then stated that the Listers were indeed late for the inspection on the 27<sup>th</sup> of June but did show up and continued to inspect. Mr. Lewis gave the Listers a new appraisal done by Scott Marsh.

The Listers reassessed the property and the new value changed to \$223,000.00 based on a letter of request for a reduction from Mr. Lewis. Pages 5 is the land schedule which the Reappraisal firm created for the town wide reappraisal. Pages 6A – 9B are neighbors’ properties. Pages 10A- 12 B are Comparables Mr. Duncan’s property, Matt & Bridgett Robert, and the Charles Newton property. A brief description of each was given along with a description of the land.

Karen then asked if there were any restrictions on the property. On the neighbors property they have a ROW on the deed but the Lewis’s do not have anything in there deed.

The CLA is set for 101.35 for the year 2016.

Karen then said that a committee of 3 will be appointed to do an inspection within 30 days and a letter will be mailed within 15 days of the inspection if you disagree with the results you can send in a letter.

**JAMES HOLLANDER: LYBCH003E2-T 166 ORRWOOD DR.**

Mr. Hollander was sworn in

- Exhibit A Letter from Mr. Holland grieving property July 7<sup>th</sup> received
- Exhibit B Listers information packet
- Exhibit C Packet from Mr. Holland

**LISTERS:**

Sue Best presented information on the property of Mr. James Hollander located at 166 Orrwood Dr. formally known as the Bob Orr property. Property consists of a Building valued at \$62,500.00 a Yard Item valued at \$900.00 and the land valued at \$427,600.00 which consists of 3.64 acres. Page 1 – description of the house was presented, Page 2 a tax map of the property highlighted in pink, Page 3A – adjustments made on August 3<sup>rd</sup> and Parcel transferred to Mr. Hollander, Page 4A-F consists of the Land Schedule pages 6A-11B are the comparable properties – neighbors Lister Cards and neighborhood values.

On June 9<sup>th</sup> the Listers received a letter from Mr. Hollander wanting to appeal the value of his property. On June 23<sup>rd</sup> the Listers inspected the property and several changes were made on the assessment. The house was in bad shape and the Listers reduced the value to \$62,000.00 the Yard item remained the same value and the land value was reduced to \$336,900.00. The new appraised value was set at \$491,000.00 giving the total reduction on the property \$91,700.00.

Comparables presented on pages 6A-11B A

John & Sue Lawless	\$815,400.00	3.5 AC	6 A
Edward & Bridgitte Rogers	\$431,800.00	.72 Ac	7A
Llyod Brown Trust	\$696,700.00	1.63 AC	8A
Bogner Strouvelle Trustees	\$777,600.00	1.54 AC	9A
Virginia D. Soucy Trust	\$762,100.00	.94 AC	10A
Gilbert P. Audet	\$794,200.00	.85 AC	11A

A description of each property was then given - the value of the land and the acreage of the land with the frontage and depth of each lot.

Karen then asked if anyone had any questions for the Listers. There were none at the time.

#### **Mr. Hollander**

Mr. Hollander's packet was handed to the board and he explained that the information was obtained information from the seller in 2015. The seller's asking price was originally \$425,000.00 and the property couldn't be sold so Mr. Hollander made an offer for \$382,000.00 which was accepted. He then explained that he was on medication and would like to leave his submission with the board to review and will try to answer any question the best that he could.

Frank Davis asked for some clarification on the frontage and depth of the land on Lister cards 10A & 11A and the Listers explained the information. He also asked if the property could be subdivided and the Listers said they were unsure it was for the zoning board to decide. Mr. Hollander said that he was told that it couldn't be subdivided by Jimmy Campbell Realty. Sue Best then said that her answer would be no to that question. Karen asked if there were any Right of Ways or Easements and the Listers said no that there were none. The BCA then asked if it was a private road and the answer was yes. The depreciation factors on the land on the Listers card were then discussed – the reappraisal firm had set the depreciation factors. Frank then asked if the Listers had walked the property – yes they had. Tom Roberts then gave a description of the property, the swimming area, lake and the position of the house near the lake. Then Mr. Holland gave a description of the condition of the house which is in poor shape. He plans on selling the property since he can no longer care for the property. He then had questions for the Listers and what they take into consideration when assessing a house. The CLA is currently 101.35. An explanation was then given by Tom Roberts on valuing property. Brian Smith mentioned the water act. Listers have the water act on file and are aware of it. The water act document is available at the Listers office to review. A correction on the date of the Exhibit 3A should be Aug 8, 2015.

Karen stated that a committee of 3 to 4 people will inspect the property within 30 days.

Meeting Adjourned

*Draft Copy*

*Unafficial until approved by board*

