

Board of Civil Authority- Landgrove

July 8, 2020. 5pm

Call to order, 5:04 PM

Attendance: John Ogden, Steve Hall, Chrystal Cleary, Michael Jeffery, Christine Morfit, Anne McClaran, Claudia Harris

*Appearing for the Listers: Chuck Sweetman, and from NEMRC Al Coonradt
Appellant, representing himself, Dean Bennett*

Claudia Harris nominated Chrystal Cleary to chair the BCA hearing and meeting, and the Board elected her.

Chrystal administered the Oath to the Board of Civil Authority and opened the first Item of business, which is the **Appeal Hearing of Mr Bennett** regarding the assessment of his property by the Listers. Mr Sweetman and Mr Bennett were both sworn to the oath to begin.

Listers Introduction: Mr Chuck Sweetman described the property at **35 Breed's Hill Drive**, which is currently assessed for 2020 at \$2,509,900. The current reappraisal activity by the Listers can more accurately be described as a "Statistical Update" in which a new formula was applied to the land curve for all properties' acreage, and a 10% sampling of dwellings were compared for accuracy against sales data, and the rest of the properties were viewed from the outside only. 35 Breed's Hill Drive was an outdoor only walkaround, and did not include an interior visit this year.

The property value had been set in 2014 as a settlement of mediation at \$2,000,000 after his appeal in that year. This value was binding to the years 20-14, 2015, and 2016. The 2014 settlement also provided that if the Recreation Center were not torn down, the value would return to \$2.5 million, which is the value the Listers assigned in the 2020, seeing that it remained. The Listers did not reappraise the property in 2017 because they knew they were due for the whole town to redone in either 2019 or 2020, and did not want to give the impression of singling anyone out. At Grievance on June 12th, the Listers rejected the appeal because the appellant provided no evidence or documentation.

Appeal: Dean Bennett appeals that his property value is incorrect on the grounds that only his went up 25% in value in one year, and in fact he actually downsized the Rec Center building. He purchased the property at a public auction with multiple bidders for \$1.3. million, which he feels establishes its fair market value at the time. Mr Bennet does not suggest a specific value, but that he feels he could not get the assessed value if he tried to sell the property today.

Since 2014, Mr Bennett has filled in the indoor pool and removed the wing of the Rec Center containing a racquetball court, resulting in a smaller square footage of that building than what the Listers have on file for the current year. In answer to a request for clarification by Michael Jeffery, Mr Bennett reports that the property is residential use only. Mr Bennett says the former Recreation Center is now "just a barn."

Mr Bennett has also added a solar array to the property since it was last assessed, which is valued at \$30,000 due to the state's formula for arrays of these dimensions and a generation capability of greater than 50 kw. Mr Bennett contests this production capability, citing info from the salesman he bought it from, but the Listers refer back to the state's formula. The Board feels this is a matter of how

the State of Vermont deals with private energy systems and is not something the BCA has leeway to adjust.

Listers Response: The Listers respond that they cannot adjust values based on verbal declarations, and no documentation, no building permits or construction plans. Mr Sweetman points out that the assessed value did not go up 25% in one year, as Mr Bennett claims, but over 6 years (2014 to 2020). Further, the Listers position is that the Rec Center building is not “just a barn” and provided prints from a website Mr Bennett maintains promoting the property as a wedding venue for rent.

Questions from the BCA:

Michael Jeffery (MJ): With this wedding venue information and the solar array, is the property 100% residential or partly commercial?

Dean Bennet (DB) : It is residential, the only wedding that happened there was his son’s and Mr Bennett’s wife made the website thinking maybe they could offer that for a couple of weddings a year, but they haven’t gotten any.

MJ: Property valuations aren’t truly the sale price, they represent the value of the property relative to other properties in town, and each taxpayers share of the total Town payment to the state.

Anne McClaran (AMc) : asks if the Listers have a uniform value set for various features of a property that they add together, such as a pool, that get applied across all properties? Al Coonrad of NEMRC Appraisals replied yes.

Claudia Harris (CH): Is the basis for appeal mostly the Rec Center/barn then?

DB: No, it’s the settlement value from 2014- it went up too much over the 6 years.

CH: Is the Rec Center building heated?

DB: It has geothermal heat, but that has been disconnected. It could be reconnected but it would be expensive “not going to happen.”

The Rec Center building is insulated, with wiring and plumbing.

CH: what is the flooring?

DB: The pool is filled in with crushed gravel and covered with polished concrete, the area around the pool is the tile that has always been there. The wedding photos from the website show flooring that was brought in to cover, for example the dance floor.

Steve Hall (SH): to the Listers- Did you adjust for reduced square footage ?

Chuck Sweetman (CS): No, because we had no documentation of what work was done, and did not perform interior examinations of the building in the Statistical Update.

SH: An accurate measuring of the square footage should be part of our inspection.

CH: Are the hot tub, sauna, steam room, locker rooms still there?

DB: Yes, they are and are still connected, but we don’t use them and have turned them off.

SH: Any changes to the recording studio building?

DB: the power is off, it holds no recording equipment, it is insulated, and it is not being used.

MJ: Can you estimate how much the sq footage of the building has been reduced?

DB: guesses about 1/3rd was removed.

SH: asks for clarification of the land rates for acreage

Al Coonradt (AC): The more land in a parcel, the lower value per acre is assessed. All parcels share a basic 2 acre "housesite" value. This parcel is split between land in Weston and Landgrove, but the total acreage is used to determine the per acre value for the portion in Landgrove.

SH: are heat pumps for geothermal still in the building?

DB: wiring and pipes associated with the pool have been removed, but the geothermal wells and piping are still there. It would require additional plumbing work to get it all working again.

SH: "Just a barn" is very different from the way the property is advertised on this website.

DB: It doesn't look like that now, that was just for the wedding. He parks equipment in it.

AMc: Is this a current website?

DB: Yes

AMc: You say it's unheated but advertise 4 seasons of wedding availability, and accommodations?

DB: The accommodations are at our other house in Weston, the house at 35 Breeds Hill is never rented, ever. Heaters can be brought in if there ever were to be an event, but we haven't rented it, and may never do so.

Some clarification of the other outbuildings, the tennis court are discussed- again, Mr Bennett says the courts are not used, the studio is not used, some outbuildings store equipment. He feels the generator is over assessed as well.

Chuck Sweetman (CS): the presence of geothermal wells is like the presence of a water well, a septic system, these things have a set minimum value when assessing property. The presence, not the moment's use, is the value.

AC: When you remove things from a property, you need to let the Town know if you expect that reflected in the property's assessment.

John Ogden (JO): repeats Michael Jeffery's point from earlier about comparable properties and relativity to the assessment of other properties in town. (no comparables were provided)

The Board appointed an Inspection Team of Michael Jeffery, John Ogden, and Steve Hall, who will arrange for a site visit and measurement with Mr Bennett while he is at the property. The Inspection Team has 30 days to visit the property, compose a written report, and report their findings to the Board of Civil Authority, which then has 15 days to issue a decision in writing.

Motion was made to adjourn the hearing, and the hearing was adjourned at 6:10 pm.