

**Town of Stratton
Board of Civil Authority**

**Property Tax Appeal Hearings
Minutes – September 13, 2023**

BCA members present: Boomer Walker (Chair), Greg Marcucci, Al Dupell, Pat Coolidge, Helen Eddy, Diane Niederhauser, Nancy Ferrucci, and Lorraine Weeks-Newell

Listers present: Candie Bernard (Chair), Kent Young, and Beth Liller

Others present: Gary Fournier (Town Assessor), Alyson Peterson (minute taker), Hans Huessy (representing Robert & Patricia Carlucci), Rand Neeves (representing Skyfall Development LLC), and Mike Flynn (representing BVA Stratton SPE LLC).

The Stratton Board of Civil Authority met as warned in said town on Wednesday, September 13, 2023, at 7:00PM to hear the appeals of various property owners aggrieved by the action take of the Board of Listers at their Grievance Hearing on July 11, 2023. Chairman, Boomer Walker, called the meeting to order at 7:00PM.

7:00PM: Robert & Patricia Carlucci, 200 North Brookwood, Parcel ID # 0301022.100

Hans Huessy was present to represent Robert and Patricia Carlucci. The Appellant, the Listers, and the Town Assessor were given the Witness Oath. The Appellant was asked if he had received a copy of the Rules of Procedure and whether he had any questions about how the hearing would proceed. Mr. Huessy confirmed that he had received the Rules of Procedure and had no questions. The BCA members were asked to disclose any conflict of interest and/or ex parte communication. There were none.

Boomer Walker asked that all evidence for the Appellants and Listers be introduced and identified by the Clerk.

“Carlucci/Appellant – Exhibit A” included the following:

1. Property Valuation Appraisal obtained by M&T Bank as part of a refinance, dated December 13, 2021

“Carlucci/Listers – Exhibit A” included the following:

1. Written statement from Town Assessor, Gary Fournier
2. Listers card for the property
3. Current sales sheet for homes that have sold in the Town of Stratton

Listers Introduction:

Candie Bernard introduced the property under appeal as 200 Northbrookwood Road. The property is owned by Robert and Patricia Carlucci and identified in the Grand List as 0301022.100. The current assessment is \$1,936,300, reduced at Grievance from \$2,544,200.

Appellant’s Evidence:

Mr. Huessy referenced an appraisal of the property that was conducted in January 2022 as part of a refinancing. He stated that the reappraisal was conducted at about the same time that the townwide

reappraisal occurred and was a full and complete individual appraisal of the property. As such, he argued that the value of \$1,230,000 generated by said appraisal is much more accurate than the value determined by the Town Assessor, and he feels that the appraisal provided is very strong evidence of the property's value and therefore the primary evidence he has in support of a lower valuation.

Questions asked by the BCA:

Pat Coolidge asked that someone clarify the difference between a refinancing appraisal and a revaluation appraisal. Mr. Huessy stated that prior to 2008, there was a lot of concern whether an appraisal provided by a bank as part of a refinance was somehow geared towards the client. There were thoughts that appraisers would purposefully under or overvalue a property depending on who the client was. He stated that after the real estate bubble burst, there was a rewriting of some of the appraisal rules and requirements, and now reappraisals are supposed to be done without any consideration of the purpose for which they're being used. Mr. Huessy argued that when townwide revaluations are completed, properties are generally not looked at with the same level of detail as in a full and complete individual appraisal.

Gary Fournier argued that bank/refinancing appraisals still tend to be conservative because banks must protect their interests. He also added that while he was not able to get into every property in town, he did make an effort, and every property in town was at least inspected from the outside. For those properties that he was unable to gain entrance to, he garnered as much interior information as he could. Mr. Fournier concluded that every property was inspected to the extent capable.

Listers Evidence and Testimony:

Candie Bernard deferred to Town Assessor, Gary Fournier, to provide testimony supporting the assessment of this property. Mr. Fournier stated that a substantial adjustment was made at grievance, and he asserted that the land is assessed consistently with other properties that went through the grievance process and have similar attributes. He stated that the Carlucci property has the same location/view adjustment (1.25) and the same base value as other properties in the "top-of-the hill" neighborhood with a similar valley view. Regarding improvements, Mr. Fournier stated that the assessed value of the house is also consistent with other properties in the neighborhood. He felt that the best comparable sale is Map 3, Lot 27 (owned by Garelik), just across the street, which sold 12/13/2021 for \$1,650,000. The comp provided is a smaller house with a view of the slopes, but effectively no valley view. Mr. Fournier also provided a comparison with Garelik and two other properties that also went through the grievance process, referencing square feet of living area and the value per square foot.

Site Inspection:

After discussion, the Board agreed to meet at the Town Office on Thursday, September 21, 2023, at 5:00PM and proceed to 200 Northbrookwood Road for the inspection of the Carlucci property. Mr. Huessy contacted the caretaker of the property, and the date and time of the site inspection was confirmed.

7:20PM: Sidney & Ilene Stein, Founders Lodge #304, Parcel ID # 0301083.000304

The BCA received notice that Sidney & Ilene Stein had withdrawn their Property Tax Assessment Appeal and had cancelled their hearing.

Al Dupell motioned to hear the appeal of Skyfall Development LLC ahead of schedule, beginning at 7:22PM. Greg Marcucci second. All in favor.

7:22PM: Skyfall Development LLC, 23 Gold Medal Circle, Parcel ID # 0800039.8

Rand Neeves was present to represent Skyfall Development LLC. Boomer Walker read the meeting warning and the Appellant, the Listers, and the Town Assessor were given the Witness Oath. The Appellant was asked if he had received a copy of the Rules of Procedure. Mr. Neeves stated that he had not been notified of the hearing properly, but he did not have any questions regarding how the hearing would proceed. Pat Coolidge stated that the BCA did try to make contact with Mr. Neeves. The BCA members were then asked to disclose any conflict of interest and/or ex parte communication. There were none.

Boomer Walker asked that all evidence for the Appellants and Listers be introduced and identified by the Clerk.

“Skyfall Development LLC/Appellant – Exhibit A” included the following:

1. Written statement from Skyfall Development LLC & Rand Neeves, dated 8/16/2023 and addressed to the Board of Listers.

“Skyfall Development LLC/Listers – Exhibit A” included the following:

1. Written statement from Town Assessor, Gary Fournier, explaining his method for assessing this property.
2. Listers card for the property
3. Current sales sheet for homes that have sold in the Town of Stratton

Listers Introduction:

Candie Bernard introduced the property under appeal as 23 Gold Medal Circle. The property is owned by Skyfall Development LLC and identified in the Grand List as 0800039.8. The current assessment is \$617,400, reduced at Grievance from \$897,000.

Appellant’s Evidence and Testimony:

Mr. Neeves provided the BCA with two market surveys, the first from Evergreen Realty of Vermont showing list price, sales price, and cost per square foot for sales that occurred in Stratton in 2021 and 2022. He also provided another spreadsheet that he composed from Open Market Sources that contained similar information. Mr. Neeves stated that when looking at the cost per square foot and fair market value of the properties included in the evidence he provided, he disagrees with the valuation of his property as determined by the Town Assessor. Mr. Neeves stated that as he understands fair market value in the State of Vermont, determined by recent sales, the assessed value of his property is not justified as compared to the market average of \$263 per square foot. He requested that someone explain what methodology was used when determining the fair market value of his property and stated that he believes there is a problem with the Town Assessor and suggested further education may be necessary. Mr. Neeves also stated that there is plenty of case law regarding what he provided vs. what has been provided to him and he reiterated that he would like to know what the Town’s view of fair market value is.

Listers Evidence and Testimony:

Candie Bernard deferred to Town Assessor, Gary Fournier. Mr. Fournier stated that there are three accepted methodologies for assessing property in Vermont. One is the Income Approach which doesn't typically apply in assessing residential properties. The other two approaches are called the Sales Comparison Approach, entirely based on sales that have occurred in the market, and the Cost Approach, in which a value is built through the value of the components of the property. Mr. Fournier noted that assessment of residential properties is almost always a combination of the Sales Comparison Approach and the Cost Approach. Mr. Fournier then stated that he believes the new assessed value for the property owned by Skyfall Development LLC is fair and equitable for the following reasons:

Land: The lot is 4.14 acres, and with water and septic improvements is assessed at \$226,700.00. This is less than the \$237,500.00 that the owners paid for the bare lot in 2020. Multiple other lots in the same subdivision, most of them smaller in size than the subject, have sold in the \$195,000.00 to \$225,000.00 range.

House: The house is a contemporary style two-story structure with a garage at ground level and living space on the second floor. There are 1,080 square feet of living area, with an open porch on the front and an open deck on one side. Based on its contemporary styling including dramatic single-pitch roof and extensive glass on the view side, the house has been graded at quality level "A". This compares to the Waite house nearby, a much older house that has been nicely renovated, which is graded slightly lower at a "B+". The Cubell house at 178 County Road is graded slightly higher at "A+". The Rivas house presently under construction at 12 Gold Medal Circle, is graded higher at "AA+". Mr. Fournier also noted that he has not had the benefit of an interior inspection, as the owners have not been receptive to assessor requests for such.

Appellant's response to Listers information

Mr. Neeves questioned whether the methodology used was fair market value of comparable sales and Mr. Fournier stated that said methodology was in fact used. Mr. Neeves then asked how the fair market value as calculated by the Town Assessor can be so different from the market report he provided. Mr. Fournier stated that he couldn't really address the question because he did not complete the reports that Mr. Neeves was referring to, but that a complete assessment of all fair market transactions that have occurred in the Town in the 2 years prior to April 1, 2023 was completed. It was also noted that most of the sales that have occurred since the new revaluation have, if anything, been higher than the new assessed values as determined by the townwide reappraisal. Mr. Fournier also stated that at the time of the update, April 1, 2023, the new values were aligned very consistently with the sales prices from the previous two years. When asked if he had anything else he would like to add, Mr. Neeves stated that he would like to make sure that the Board is aware of the Martinez vs. Town of Hartford case, and that he believes the assessment that was determined by the Town Assessor is wrong.

Site Inspection:

After discussion, a site inspection was scheduled for Wednesday, September 20, 2023, at 5:15PM. Mr. Neeves left the hearing at 7:41PM. Greg Marcucci motioned to recess the meeting at 7:42, Helen Eddy second. All in favor.

7:54PM: BVA Stratton SPE LLC, Commercial Units – Stratton Village, Parcel ID #s 0302013.000C01A, 0302014.000C02A, 0302015.000C03A, 0302016.000C09A, 0302017.000C10A, 0302018.000C11A, 0302027.000C04A, 0302028.000C05A, 0302029.000C06A, 0302030.000C07A, 0302031.000C08A

The meeting was called to order from recess at 7:54PM. Michael Flynn was present to represent BVA Stratton SPE LLC. Boomer walker read the meeting warning and the Appellant, the Listers, and the Town Assessor were given the Witness Oath. The Appellant was asked if he had received a copy of the Rules of Procedure and whether he had any questions about how the hearing would proceed. Mr. Flynn confirmed he had received the Rules of Procedure and that he had no questions about how the hearing would proceed. The BCA members were asked to disclose any conflict of interest and/or ex parte communication. There were none.

Boomer Walker asked that all evidence for the Appellants and Listers be introduced and identified by the Clerk.

“BVA Stratton SPE LLC/Appellant – Exhibit A” included the following:

1. Written statement from Michael Flynn addressed to the Board of Civil Authority, detailing points for a lower assessment.
2. Rent roll for all tenants occupying the commercial units in Stratton Village
3. Financials for BVA Stratton SPE LLC

“BVA Stratton SPE LLC/Listers – Exhibit A” included the following:

1. Copy of the Vermont PTTR showing the 2022 sales price of all 11 units totaling \$19,993,000.00
2. Lister cards for all commercial units owned by BVA Stratton SPE LLC

Listers Introduction:

Candie Bernard introduced the properties under appeal as the commercial units in Stratton Village. The properties are owned by BVA Stratton SPE LLC and BVA Southeastern SPE LLC and identified as commercial units 1A, 2A, 3A, 4A, 5A, 6A, 7A, 8A, 9A, 10A, 11A. The total combined assessment of all 11 units is currently \$18,528,500.00, reduced at Grievance from \$22,046,100.00.

A breakdown of the total combined assessment can be seen below:

0302013.000C01A, currently assessed at \$1,209,000.00, reduced at Grievance from \$1,574,200.00
0302014.000C02A, currently assessed at \$1,721,800.00, reduced at Grievance from \$2,039,000.00
0302015.000C03A, currently assessed at \$506,800.00, reduced at Grievance from \$599,900.00
0302016.000C09A, currently assessed at \$1,170,900.00, reduced at Grievance from \$1,385,700.00
0302017.000C10A, currently assessed at \$1,356,000.00, reduced at Grievance from \$1,604,800.00
0302018.000C11A, currently assessed at \$2,499,400.00, reduced at Grievance from \$2,933,800.00
0302027.000C04A, currently assessed at \$748,700.00, reduced at Grievance from \$886,700.00
0302028.000C05A, currently assessed at \$851,000.00, reduced at Grievance from \$1,007,800.00
0302029.000C06A, currently assessed at \$2,894,700.00, reduced at Grievance from \$3,426,300.00
0302030.000C07A, currently assessed at \$3,008,400.00, reduced at Grievance from \$3,554,000.00
0302031.000C08A, currently assessed at \$2,561,800.00, reduced at Grievance from \$ 3,033,900.00

Appellant's Evidence and Testimony:

Mr. Flynn stated that when the property assessments were initially appealed, the leases for the properties were provided. He noted that most of the leases for said properties were signed almost 20 years ago and that rents have changed since then. Based on the Income Approach, reflecting both the market rent and in-place actual rents, the indicated value is substantially lower than the current assessment. It was also noted that this approach reflects rents that are likely higher than what would be achievable in the market in 2023 due to the overall economic concerns and lasting impacts of the pandemic. What's in place right now indicates an average rent of \$21.50, while current actual rents are closer to \$17.67. It was stated that the overall rents year over year since 2018 are increasing at an average of 4.5%. For these reasons, Mr. Flynn requested that the Board consider reducing the total combined assessed value of all 11 units to \$14,493,000, which is \$303 per foot, compared to the current assessed value of \$18,528,500, which is \$387 per foot.

As indicated in the written statement provided by Mr. Flynn, the properties were purchased in 2022 for \$19.9 million. While the new after grievance value is lower than the sales price, the deed and consideration are separate from the property's in place financials and expectations. It was stated that if all of the current tenants released out of their terms, the average rent for the market is \$4 cheaper than what is being used right now (\$17.50 compared to \$21.50). Mr. Flynn again indicated that although the property was purchased for \$19.9 million, his indicated value is \$14.5 million if looking strictly at the market. He noted that there are currently no occupancy issues, and it is believed that the current tenants will remain, although it was noted that things can change very quickly.

Listers Evidence and Testimony:

Candie Bernard deferred to Town Assessor, Gary Fournier. Mr. Fournier stated that the actual sales price was \$19.9 million, and it has been confirmed that this was an arm's length transaction. Mr. Fournier asked Mr. Flynn the following: if the income, expense, and rental information provided would only support a value of \$14.5 million, what explains the discrepancy between that amount and what was actually paid? Mr. Flynn stated that for most of the transactions, there is 15-20% business value behind the property itself. He also noted that if any of the current leases went away, there is a vacancy issue. It was added that \$14.5 million is not necessarily what the property should have been bought for, it's what the market dictates the property is worth based on rents. Mr. Fournier asked if Mr. Flynn was arguing that the market rent would be better than the contract rent or vice versa, and Mr. Flynn stated that market rents say that the average rent for tenants like these, are \$4 cheaper than what is actually in place. He added that BVA Stratton SPE LLC is locked in with the leases and with paying the taxes on the \$18.5 million assessment, even though the tenants and leases aren't actually changing.

Mr. Fournier reiterated that he approached this using the sales price as a good guide for the market value of the entirety of the property.

Site Inspection:

Boomer Walker requested that Mr. Flynn make arrangements for the properties to be viewed on September 20, 2023 at 6:00PM. Mr. Flynn will confirm if this time can be accommodated and will be in contact with the BCA.

There being no further business, Al Dupell motioned to recess the hearing to Thursday, September 14, 2023 at 7:00PM. Greg Marcucci second. All in favor. The meeting recessed at 8:17 pm.

7:00PM September 14, 2023

The meeting reconvened as previously determined. The Stratton Board of Civil Authority met as warned in said town on Thursday, September 14, 2023, at 7:00PM to hear the appeals of various property owners aggrieved by the action take of the Board of Listers at their Grievance Hearing on July 11, 2023. Chairman, Boomer Walker, called the meeting to order at 7:00PM.

BCA members present: Boomer Walker (Chair), Greg Marcucci, Al Dupell, Pat Coolidge, Helen Eddy, Diane Niederhauser, Nancy Ferrucci, and Lorraine Weeks-Newell

Listers present: Candie Bernard (Chair), Kent Young, and Beth Liller

Others present: Gary Fournier (Town Assessor), Alyson Peterson (minute taker), Maria Gabrielle DiBlasi (owner of 573 Stratton Arlington Road).

7:00PM: Carson & Alexandra Thurber, 54 Stone Cabin Road, Parcel ID # 0401003

The Thurbers were not present and had no one representing them. The Listers and Town Assessor were given the Witness Oath and the BCA members were asked to disclose any conflicts of interest and/or ex parte communication. Boomer Walker stated that Carson Thurber is the headmaster at his daughter's school, but he didn't feel this was a conflict of interest.

Boomer Walker asked that all evidence for the Appellants and Listers be introduced and identified by the Clerk.

"Thurber/Appellant – Exhibit A" included the following:

1. Written statement from Carson Thurber detailing the reasons for the appeal

"Thurber/Listers – Exhibit A" included the following:

1. Written statement from Town Assessor, Gary Fournier
2. Listers card for the property
3. Current sales sheet for homes that have sold in the Town of Stratton
4. Stratton, VT 2023 Revaluation Update Spreadsheet

Listers Introduction

Candie Bernard introduced the property under appeal as 54 Stone Cabin Road. The property is owned by Carson & Alexandra Thurber and identified in the Grand List as 0401003. The current assessment is \$607,000, with no changes made after Grievance.

Appellant's Evidence and Testimony

The Board reviewed a written statement from Mr. Thurber, who indicated that his increase in assessment should be in line with the increase of another property that sold in his immediate area in 2022. He then indicated that an assessment of \$513,000 for his property at 54 Stone Cabin Road seems fair.

Listers Evidence and Testimony

Candie Bernard deferred to Town Assessor, Gary Fournier. Mr. Fournier stated that he believes the new assessed value for the property is fair and equitable for the following reasons:

The property consists of a house with a detached garage and a separate cabin on 10.2 acres, located at 54 Stone Cabin Road. The taxpayer has compared his property to 20 County Road, which sold for \$460,000 in 2022. The County Road property main house has 2,738 square feet of Effective Area, which is a little more than the subject property at 2,459 square feet. However, the subject property has a separate cabin with 788 square feet of Effective Area, a larger garage than the County Road Property, and 10.2 acres of land as compared to 0.93 acres for 20 County Road. The taxpayer's argument is that his property should be assessed at roughly \$130,000.00 more than the old value, at \$513,000, because the County Road property increased by about that much compared to its old value. Mr. Fournier believes that the value of \$607,000 is fair and that the property would readily sell for that amount if marketed.

Mr. Fournier then stated that when a revaluation is completed, he looks at sales over a certain period of time. When he started this revaluation, he looked at three years of sales, dated April 2020 to April 2023. He then compared sales prices to the old assessed values and provided a spreadsheet showing the mean and median for all three years. The 2020 median was 0.873, the 2021 median was 0.625, and the 2022 median was 0.518, which shows an obvious and sharp trend in the ratio of assessments to sale prices.

Mr. Fournier noted that he ended up electing to use only two years of sales, because in this market, anything over two years old is essentially outdated. The new mean and median are 0.998 and 0.985 respectively. He then stated that at the end of a revaluation, the median should be right around 1.0, so a median of 0.985 is considered near perfect.

Site Inspection

Boomer Walker agreed to contact Mr. Thurber to arrange a site inspection.

7:20PM: Jason Corsello, 182 Northbrookwood, Parcel ID # 0301031

Jason Corsello was not present and had no one representing him. Boomer Walker read the meeting warning and the Listers and Town Assessor were given the Witness Oath. The BCA members were asked to disclose any conflicts of interest and/or ex parte communication. There were none.

"Corsello/Appellant – Exhibit A" included the following:

1. Written statement from Jason Corsello detailing the reasons for the appeal

"Corsello/Listers – Exhibit A" included the following:

1. Written statement from Town Assessor, Gary Fournier
2. Listers card for the property
3. Current sales sheet for homes that have sold in the Town of Stratton

Listers Introduction

Candie Bernard introduced the property under appeal as 182 Northbrookwood Road. The property is owned by Jason & Barbara Corsello and identified in the Grand List as 0301031. The current assessment is \$1,705,800, reduced at Grievance from \$2,143,700.

Appellant's Evidence and Testimony

The Board reviewed a written statement from Mr. Corsello who believes his property remains overvalued based on comparable properties and recent transactions in the nearby area. He then noted that after looking at overall home transaction since 2021, the median assessment price per square foot is \$284.10. Mr. Corsello stated that he analyzed the five comparable properties suggested by the Listers and Town Assessor at his Grievance hearing, and the median assessment price per square foot for those homes was \$599.32, while his own price per square foot remains substantially higher than the median, at \$801.60. He suggested that a price per square foot of \$599 would be fair for his property, therefore suggesting an assessment of roughly \$1,275,000.

Listers Evidence and Testimony

Candie Bernard deferred to Town Assessor, Gary Fournier. Mr. Fournier stated that he believes the new assessed value for the property is fair and equitable for the following reasons:

Land: (\$1,031,200) The land is assessed consistently with other properties that went through the grievance process and have similar attributes. It has the same location/view adjustment (1.25) and the same base value as other properties in the "top-of-the-hill" neighborhood with a similar view.

Improvements: The assessed value of the house is also consistent with other properties in the neighborhood. This house has undergone extensive renovation, as can be seen in the most recent photo in the property records. As is the case with the Carlucci property also being appealed, the best sale comparable is Map 3, Lot 27 (Garelik), just across the street. It sold 12/13/2021 for \$1,650,000. The subject property has 300 fewer square feet of living area, but has considerably more effective area, a measure that takes into account the entire structure including finished basements, porches/decks and other areas that are not included in the calculation of living area.

Mr. Fournier then provided a comparison with Garelik and two other properties, owned by Smolenak and Carlucci, referencing square feet of both living area and effective area, and the value per square foot of each. The value per square foot of living area ranges from \$241 to \$338 for these four properties, while the value per square foot of effective area ranges from \$189 to \$200.

Questions asked by the BCA

Diane Niederhauser stated that there seems to be a large discrepancy between the value per square foot that Mr. Corsello referenced in his written statement to the Board, and that provided by the Town Assessor. Mr. Fournier stated that he believes the homeowner used the total value of the property, including land value, when calculating the value per square foot, which is not accurate.

Site Inspection

Boomer Walker contacted Mr. Corsello and asked that he contact the Town Office on Monday, September 18 to confirm if his property could be made available for a site visit on the Thursday, September 21 at 6:00PM.

7:40PM: Jonathan Serko, 144B Sunbowl Ridge Road, Parcel ID # 0800045.1201442B

Johnathan Serko was not present and had no one representing him. Boomer Walker read the meeting warning and the Listers and Town Assessor were given the Witness Oath. The BCA members were asked to disclose any conflicts of interest and/or ex parte communication. There were none.

“Serko/Appellant – Exhibit A” included the following:

1. Written statement from Jonathan Serko detailing the reasons for the appeal

“Serko/Listers – Exhibit A” included the following:

1. Written statement from Town Assessor, Gary Fournier
2. Listers card for the property
3. Current sales sheet for homes that have sold in the Town of Stratton

Listers Introduction

Candie Bernard introduced the property under appeal as 144B Sunbowl Ridge Road. The property is owned by Jonathan Serko and identified in the Grand List as 0800045.120144B. The current assessment is \$1,433,800, with no changes made at Grievance.

Appellant’s Evidence and Testimony

The Board reviewed written testimony provided by Mr. Serko that stated his appeal is based upon the fact that the valuation currently placed on his property at 144B Sunbowl Ridge Road is significantly above the current market value of the property and comps in the same subdivision. Mr. Serko provided a list of recent sales for both Equinox units and Pinnacle units and noted that Equinox units have an entire additional living level, adding a full story to each condo. It was noted that the Pinnacle units have historically sold at approximately 60% to 65% percent of the price of the Equinox units.

Mr. Serko requested that the Board consider lowering his assessment to \$1,039,000.

Listers Evidence and Testimony

Candie Bernard deferred to Town Assessor, Gary Fournier. Mr. Fournier stated that he recommends that a valuation adjustment be granted on the property. The taxpayer has pointed out that Mr. Fournier did not differentiate between Pinnacle units and Equinox units in valuing his property, which is a Pinnacle unit. The Equinox units have a partial additional level that the Pinnacles lack, thus commanding a higher selling price. The most recent sales on which the new Solstice values were based are predominantly of Equinox units, and do not accurately reflect the difference with Pinnacle units. Mr. Fournier then recommended that the value of Solstice Unit 144B be adjusted to \$1,100,000. This value is slightly below the most recent sale price (\$1,150,000) of a Pinnacle unit. This was the only Pinnacle unit sale to fall within the sales interval utilized in the revaluation.

It was then added that the mistake on the part of the Town Assessor does not just affect this one property. Kent Young stated that he recommends that the BCA follow through with this appeal and grant a valuation adjustment. If an adjustment is made, the Listers will then consider submitting an Errors & Omissions for the remaining affected units.

Site Inspection

The Board will contact Mr. Serko to make arrangements for a site inspection of the property.

8:00PM: Joan & William Healy Revocable Trust, 8 East Birch Road, Styles Brook #105, Parcel ID # 0401012.0000105A

William & Joan Healy were not present and had no one representing them. Boomer Walker read the meeting warning and the Listers and Town Assessor were given the Witness Oath. The BCA members were asked to disclose any conflicts of interest and/or ex parte communication. There were none.

“Healy/Appellant – Exhibit A” included the following:

1. Written statement from Joan Healy detailing the reasons for the appeal.

“Healy/Listers – Exhibit A” included the following:

1. Written statement from Town Assessor, Gary Fournier
2. Listers card for the property
3. Current sales sheet for homes that have sold in the Town of Stratton

Listers Introduction

Candie Bernard introduced the property under appeal as 8 East Birch Road, Styles Brook Unit # 105. The property is owned by Joan & William Healy Revocable Trust and identified in the Grand List as 0401012.0000105A. The current assessment is \$592,900, with no changes made at Grievance.

Appellant’s Evidence and Testimony

The Board reviewed written testimony provided by Joan Healy detailing why the assessment is not reasonable. Mrs. Healy noted that the square footage is incorrect, the porch size is incorrect, and that they modified the unit to one kitchen and no work has been done on the house in ten years. It was then stated that the comps available dating back to 2021 are over \$140,000 lower in assessment.

Listers Evidence and Testimony

Candie Bernard deferred to Town Assessor, Gary Fournier. Mr. Fournier stated that he believes the new assessed value for the property is fair and equitable for the following reasons:

The back deck was measured, and the dimensions corrected following the grievance hearings. There was no resulting change in value as the dimension change was insignificant. The overall dimensions of the unit were also checked at the time of grievance and were found to be correct. The assessment comparables cited by the taxpayer were reviewed and determined to be not, in fact, comparable in size. Mr. Fournier then compared the subject property with the taxpayer’s suggested comps, and their respective square foot dimensions and value per square foot. The subject unit has 1,688 square feet of living area, with a value per square foot of \$351. Unit 205 has 1,178 square feet of living area, with a value per square foot of \$410. Unit 605 has 1,158 square feet of living area, with a value per square foot of \$411. Lastly, Unit 505 has 1,203 square feet of living area, with a value per square foot of \$408. It was also noted that all dimensions are taken externally, which is standard in the assessing business. Mr. Fournier stated that the entire structure is assessed, not just the space inside of the structure.

Site Inspection

The Board will contact Mrs. Healy to make arrangements for a site inspection of the property.

8:20PM: Thomas & Maria DiBlasi, 573 Stratton Arlington Road, Parcel ID # 1500005

Maria Gabrielle DiBlasi (Gabby), was present. Boomer Walker read the meeting warning and the Appellant, the Listers, and Town Assessor were given the Witness Oath. Boomer asked Mrs. DiBlasi if she had received the Rules of Procedure and if she had any questions. She stated that she had received the Rules of Procedure and had no questions. The BCA members were asked to disclose any conflicts of interest and/or ex parte communication. Greg Marcucci stated that he is the DiBlasi's plumber and also performs weekly house checks on the property. He did not feel this was a conflict of interest.

"DiBlasi/Appellant – Exhibit A" included the following:

1. Independent Appraisal dated 8/28/2023, completed by Kyle Arnold of Arnold Appraisal Services
2. Appraisal Comparison
3. Double sided color photos of the property
4. Vision Government Systems Appraisal (Lister Card for the Property)

"DiBlasi/Listers – Exhibit A" included the following:

1. Written statement from Town Assessor, Gary Fournier
2. Listers card for the property
3. Current sales sheet for homes that have sold in the Town of Stratton

Listers Introduction

Candie Bernard introduced the property under appeal 573 Stratton Arlington Road. The property is owned by Thomas & Maria DiBlasi and identified in the Grand List as 1500005. The current assessment for the parcel is \$800,800, with no changes made at grievance. Candie also noted that the assessment provided includes a contiguous parcel with a value of \$6,000.

Appellant's Evidence and Testimony

Mrs. DiBlasi stated that an independent appraisal was completed and a value of \$725,000 was determined. She stated that while the home does have a great view, the home is in very close proximity to the road, and the associated road noise is not desirable. It was also noted that the trees on the corner of the property near the intersection of Stratton Arlington Road and Old Forrester Road were removed per the request of the Town of Stratton, therefore eliminating what little buffer there was from the road noise. Mrs. DiBlasi then said that while the house is nice, she and her husband do not feel that it is in excellent condition. It was noted that the Town Assessor was invited by Mr. DiBlasi to inspect the house but did not.

Other information presented includes the following: a new roof will be needed in the near future as the roof on the white portion of the house is a twenty-year-old roof, the bathrooms include standard one-piece fiberglass insert showers (no tile), and the red siding is not standing up to the weather and will need to be replaced relatively soon as well.

Mrs. DiBlasi then referenced the fact that the Listers card shows a depreciation rate of only 1% for her home. Mr. & Mrs. DiBlasi compared their home to 27 other homes in the area and only one other home had a depreciation rate of 1%, with said house being located at 663 Stratton Arlington Road and being

less than two years old. Most of the other homes compared were depreciated between 10% and 30%. Mrs. DiBlasi felt that it was unreasonable that her home, which was rebuilt in 2002, was only being depreciated at 1%.

Lastly, Mrs. DiBlasi questioned the Town Assessor's calculation of the gross square footage of the home and stated that it appears that the 1,088 square feet of slab also appear to be included in the gross area of the first floor.

Listers Evidence and Testimony

Candie Bernard deferred to Town Assessor, Gary Fournier. Mr. Fournier believes the new assessed value for the property is fair and equitable for the following reasons:

The property consists of a house with an attached garage, on 8.02 acres. The taxpayers have questioned the 1,088 square feet attributed to the slab underlying a portion of the house. As can be seen in the "Building Summary" section of the property card, in the right-most column, "Undepreciated Value", there is no contributory value attached to the slab.

The taxpayers have compared the "percent good" and the condition rating of "excellent" to other properties in the Stratton Arlington Road neighborhood. The "excellent" rating minimizes the depreciation and explains why the "percent good" at 99% is nearly equivalent to that of a new home. It was noted that the condition grade is always a judgement call. Mr. Fournier feels there is no question that the property is in overall good condition for its age, but whether it is nearly equivalent to new construction is a reasonable issue for the Board to consider.

Mr. Fournier noted the taxpayers have also questioned the land value and compared it to 43 August Lane. The subject property is on 8.02 acres, with a moderately sloping open field affording one of the best views along the entire length of Stratton Arlington Road. In recognition of this, a 50% adjustment for the view was applied to the primary site value. By contrast, the homes along Augusta Lane have no views, and the excess land attached to 43 August Lane is predominantly wetland.

Questions asked by the BCA

Diane Niederhauser asked if Mr. Fournier was able to get into the home and he stated that he did not, but he did have a phone conversation with Mr. DiBlasi.

Diane Niederhauser then asked what the typical adjustment is for a view, and Mr. Fournier stated that it all depends on the view. For example, the view adjustments on Northbrookwood Road are very different than those on Stratton Arlington Road.

Appellant's Response

Mrs. DiBlasi added that there is a phenomenal view of Stratton Mountain from the backyard of 43 Augusta Lane. She also reiterated that the Town Assessor was invited to come into the house, but he stated that it was not necessary after his phone conversation with Mr. DiBlasi. Candie Bernard then asked if the view of Stratton Mountain from 43 Augusta Lane is a result of recent land clearing that has been done and Mrs. DiBlasi stated that the view has been there a long time.

Site Inspection

Greg Marcucci will be in contact with Mr. and Mrs. DiBlasi to arrange a site inspection.

8:40PM: Ross & Marissa Powers, 82 North Road, Parcel ID # 0401005.01

Ross & Marissa Powers were not present and had no one representing them. Boomer Walker read the meeting warning and the Listers and Town Assessor were given the Witness Oath. The BCA members were asked to disclose any conflicts of interest and/or ex parte communication. Boomer Walker stated that Marisa is a teacher at his youngest daughter's school, and Ross is a coach at his oldest daughter's school, but he didn't see either or these as being a conflict of interest.

"Powers/Appellant – Exhibit A" included the following:

1. Written statement from Ross and Marisa Powers stated the reasons for appeal

"Powers/Listers – Exhibit A" included the following:

1. Written statement from Town Assessor, Gary Fournier
2. Listers card for the property
3. Current sales sheet for homes that have sold in the Town of Stratton

Listers Introduction

Candie Bernard introduced the property under appeal as 82 North Road. The property is owned by Ross & Marisa Powers and identified in the Grand List as 0401005.01. The current assessment is \$620,800, reduced at Grievance from \$690,600.

Appellant's Evidence and Testimony

The Board reviewed written testimony provided by Ross & Marisa Powers which stated that the only remark provided on the Result of Grievance was that the quality grade of the home was reduced from A to B+. Ross and Marisa feel that while the house might have been in that grade range when it was built in the 80s, it's very far from that currently due to aged and damaged materials. They cited a compromised roof that leaks, an excessive amount of rot from water damage on the inside and outside of the house, several cracks in the foundation, peeling paint, several broken exterior lights, and a washed out right of way for a driveway. Pictures were provided as evidence of these statements.

Mr. & Mrs. Powers do not feel that that their current assessment is in line with others in the area and cited the following as comps to their property: 8 North Road (Hawksley), 316 Pikes Falls Road (Underwood), 26 County Road (Underwood), and 54 Stone Cabin Road (Thurber). It was noted that while Mr. and Mrs. Powers recognize that all property values increased, many of the properties in their neighborhood started at a much lower assessment, so even after significant assessment increases, the current assessments of the above-mentioned properties doesn't seem fair or in line with others.

Listers Evidence and Testimony

Candie Bernard deferred to Town Assessor, Gary Fournier. Mr. Fournier believes that the new assessed value for this property is fair and equitable for the following reasons:

Land: (\$117,300): The land is assessed consistently with other properties in the general neighborhood and cited by the taxpayers as comparables. Most of their comps are in the 2-to-3-acre range and the

values range from roughly the same as the subject to slightly higher. The primary site values are either \$107,500 (same as subject) or \$130,000. The back land or excess land varies with acreage but is assessed appropriately.

Improvements: Mr. Fournier stated the taxpayers confuse two separate issues: quality of construction, and current condition of the premises. A quality grade takes into account such things as quality of materials, workmanship, and design features that contribute to the value of a property, for better or worse. It is evident from looking at the subject property that it has design/style features that put it into the above-average category, and Mr. Fournier feels the taxpayers more or less concede when they state, "Our house might have been in this grade range when it was built in the 80s..." It was noted that the issue seems to come down to one of the property's present condition. It is acknowledged that the house has some condition issues, and this has been recognized by assigning a condition rating of "fair," which is to say below average. Mr. Fournier said he has been reluctant to downgrade it to outright "poor," as it is a perfectly livable home despite the maintenance and condition issues. He then informed the Board that changing the condition rating to "poor" would reduce the value by \$86,500. It was then noted that the taxpayers have provided photos indicating that a deck that is depicted on the assessment card sketch has been removed, and if so, this should be corrected.

Questions asked by the BCA

Diane Niederhauser asked how much the value would change by removing the decks from the assessment card. Mr. Fournier couldn't give an exact figure without making the change in the assessing software, but he said the change would be quite minimal, probably not more than \$400-\$500 difference. Boomer Walker then asked what Mr. and Mrs. Powers would consider a fair assessment. Pat Coolidge stated that the written testimony requests a change to lower their assessed value, but a suggested value was not provided.

Mr. Fournier added that after Grievance, the quality grade was reduced from an A to a B+, which he considers a couple notches above average. He noted that a quality grade of C+ is considered average.

Site Inspection

Boomer Walker stated that he would contact Ross Powers to arrange a site inspection.

After further discussion, the Board developed the following tentative schedule for site inspections, contingent upon approval by the owners of each property. Boomer Walker, Pat Coolidge, and Greg Marcucci agreed to contact the owners to arrange the site inspections.

Wednesday, September 20, 2023

- 5:15PM, Skyfall Development LLC, 23 Gold Medal Circle
- 6:00PM BVA Stratton SPE LLC, Commercial Units in Stratton Village

Thursday, September 21, 2023

- 5:00 Carlucci, 200 Northbrookwood
- 6:00 Corsello, 182 Northbrookwood
- 7:00 Serko, 144B Sunbowl Ridge Road
- 8:00 Healy, 8 East Birch Road, Unit 105

Tuesday, September 26, 2023

- 5:00PM Thurber, 54 Stone Cabin Road
- 6:00PM Powers, 82 North Road

- 7:00PM DiBlasi, 573 Stratton Arlington Road

Al Dupell made a motion to adjourn the meeting to Tuesday, October 17 at 6:45PM at the Stratton Town Office, Lorraine Weeks-Newell second. The meeting was adjourned at 9:17PM

Submitted by:



Alyson Peterson, Clerk for the BCA

Posted:

Posting Places, Town Website, BCA Members, Listers, Town Assessor, Town Agent