



Town of Bolton
3045 Theodore Roosevelt Highway
Bolton VT 05676
Board of Civil Authority Minutes
September 7, 2016
6 p.m.
Bolton Town Office

BCA members present: Gene Armstrong, John Devine, Jen Dudley-Gaillard, Amy Grover, Brenda McKeown (Chair), Paula Gervia, Ron Lafreniere, Rich Reid

BCA members absent: Josh Arneson, Sharon Murray

Also present: Kermit Blaisdell, James Tiffany, Nathaniel Mathes, Kenneth and Martha Wooden

Clerk: Amy Grover

1. **The meeting was called to order at 6 p.m. by Brenda with a quorum of 8 members present.**
2. **Minutes August 15, 2106:** Paula made the motion *"to accept the minutes of August 15, 2016."* Gene seconded. There was no further discussion. All were in favor and the motion passed (8-0).

The Assessor and appellants took and signed oaths as required by statute. BCA members took and signed the BCA oath as required by statute.

3. **Appeals:**

1. James Tiffany – 230 Stone Hill Road

Kermit provided an overview:

- 2.51 acres and a dwelling built in 2005, 3,762 square feet with attached garage. House valued at \$413,500, property at \$115,600, site improvements at \$8,000, totaling \$537,100 reduced from \$706,000.
- Last interior site visit: April 22, 2009, no additions or improvements since 2009.
- Three season room is assessed as one of the porches.

Mr. Tiffany stated that:

- He recalculated square footage at 3,638 which includes the three season porch, did not subtract unusable space.
- Neighboring property at 110 Stone Hill (Doppmans) sold at \$499,500, with high end luxury quality features, and 3,680 square feet. Realtor commission included in price; 5 – 6% subtracted for the commission results in a considerably lower net value.
- Comparable properties' predominant values are considerably below the value of his property.
- Property values have gone up consistently and there haven't been adjustments; his property been over-assessed for years, values in Chittenden County have been decreasing over the last few months.
- His house currently listed for sale at \$545,000. Realtor recommending that the price be dropped to \$510,000, he is undecided on the price adjustment.

Kermit stated that:

- With regard to square footage, Bolton measures from the outside; the discrepancy is the basement wall.
- Doppman house is very nice, but the Tiffany house is spectacular.
- Fair market value includes the commission that agents receive; therefore the fair market value of the Doppman house is \$499,500. At the time of the sale, the Bolton assessment was very close to that figure.

Brenda asked what is meant by the inferior location value. Kermit noted that it is a somewhat less desirable location; dirt roads, more remote.

The group reviewed comparable sales, depreciation, CMA, and quality grades in relation to Mr. Tiffany's property. Kermit noted that he believes the value of the Tiffany property is fair and realistic. Jen noted lack of comparable properties in Richmond. Brief discussion on current construction, area sales.

Mr. Tiffany referenced the Kinnaman property at 250 Stone Hill Road; 3.2 acres \$464,500, 4 bedrooms, 3 stories, 3,000+ square feet, same views, listed currently at \$464,500, and stated that there are discrepancies, the town of Bolton has inconsistencies, and the best comparables to his property are his neighbors.

Brenda asked if there were any further questions or comments. There were none.

2. James Tiffany – 270 Stone Hill Road

Kermit provided an overview:

- 4.6 acres at the end of the road, cleared area, approved for a 4-bedroom house, assessed at \$128,100.

Rich asked how value was determined. Kermit noted that there were very few vacant land sales in Bolton, noting: 10 acres at Bolton Valley sold for \$140,000 in 2011, then re-sold for \$125,000 in October 2015; a 1.2 acre parcel on Mill Brook Road sold for \$62,500 in April 2016. Tutorial on breaking out value attributed to land, and that Bolton land has been selling at the high end of the Bolton market.

Ron asked if the lot had ledge that would require blasting. Mr. Tiffany noted his lot was the only lot he had found ledge on, but that he hadn't done borings, so it is unknown, but was designed for a conventional septic system. Mr. Tiffany added that the usable space is barely an acre, and is for sale at \$165,000 on Zillow, but that he would sell for less.

Mr. Tiffany noted lots for sale on Snow Pond Road; \$79,000 for 2.1 acres, \$59,000 for 1.14 acres, both 4 bedroom design, \$79,000 for 3.1 acres designed for two four bedroom duplexes. All below the valuation on his property. Brief discussion of Fillmore, former Streeter lot. Mr. Tiffany questioned why other vacant lots are not assessed as building lots, and that they are under-assessed relative to his. Brief discussion on Snow Pond Road assessed values.

Brenda reviewed the requirements for the site visit, with time and date to be determined; Amy will be in touch.

3. Nathaniel Mathes - Bolton Investments, LLC – 11 Timeshare Condominiums at Bolton Valley.

Kermit provided an overview:

- The properties are all time shares sold by the week, one studio, two 3 bedroom units, and 7 one bedroom units, with three values of \$239,400, \$134,600, \$201,600 reduced to \$160,400, \$90,200 and \$135,100.
- Bolton has always valued timeshares based on a 1984 court case; 50% of the developers gross sellout is the assessed value after personal property is subtracted (furniture etc.) from the gross sellout price. He used this formula in 2006, in 2011 it was changed to 60%. In this reappraisal he reduced the 2006 value by 1/3. Kermit noted that the organization ends up with all the unsold weeks which creates a burden.
- After the Lister Grievance, Kermit was provided with information of what Bolton Valley had sold on of each of the units.

- The best value is 50% of gross sellout less the personal property in the units, but something the town can continue to monitor and discuss annually.

Brief discussion on sales of units, and gross sellout percentage, commissions (30%), 400K in renovation of units, intent of revamping sales operations, last winter dismal for sales, no longer actively pursuing timeshare sales.

Mr. Mathes noted that the timeshares were assessed at a premium, and wanted to stress that values should be more in line with non-time share condominiums in same association. The group reviewed a chart provided by Kermit.

Brenda asked if there was a legal mandate to follow on valuation. Kermit replied no, although he had been following the 1984 court case findings, and tried to be fair to both the town and to the property owners, and added that this formula seemed fairer than arbitrarily deciding 100% of sell out and valuing in that manner.

Brenda reviewed the requirements for the site visit, with time and date to be determined; Amy will be in touch.

4. Kenneth & Martha Wooden – 1783 Honey Hollow Road

Ron recused himself from the Wooden hearing and left the building.

Kermit provided an overview:

- A parcel with 72.2 acres assessed at \$175,900 with a camp built in 1941 on the National Register, 1,626 square feet, 1 bedroom, 5 rooms assessed at \$86,700, seasonal water and sewer assessed at \$4,000, and a pond assessed at \$4,000. Additionally a barn was removed and replaced with a carriage house assessed at \$18,100, and a shed near cottage assessed at \$900, for a total value of \$289,600.
- The last site inspection was in 2006. Listers were asked by the Woodens to do the site visit in January (road not plowed in winter) for the 2016 re-appraisal.

Mr. Wooden stated that:

- With respect to the comparables, he visited Happy Hollow and asked:
 - If Happy Hollow Road was: open year around or closed in the winter, a dead end road, used for heavy logging.
 - What are the water supplies of the homes, they have a brook that freezes, vs. wells.
 - Electricity – none, yes for Happy Hollow.
 - Heat source – wood only, other homes have heating systems.
 - How many criminal break-ins were there on Happy Hollow Road, they and their neighbors have had their share.

Mr. Wooden stated that those things add up in a comparison, if they are the same, then they are comparables, if not then the tax increase was not testifiable. Kermit responded to Mr. Wooden's questions on the Happy Hollow comparables.

Mrs. Wooden asked the BCA what their reason was for raising their taxes. Brenda noted that the BCA has nothing to do with setting tax rate or predicting the tax rate, which is under the purview of the Select Board, and that Grand List values are determined by the Assessor; the BCA provides a mediation process. Mrs. Wooden asked again why their taxes have been raised. Mr. Wooden noted that the value by law is clear; to be fair and based on comparisons, and that the comparisons were wanting. There was a brief discussion on the comparables; Mill Brook Road, and Happy Hollow Road with a handout provided by Kermit.

The Woodens noted it was unfair to be taxed because they work hard to keep their property well maintained, others don't, and they get less tax imposed. Brenda noted the BCA certainly understood, that the BCA looks to those with more knowledge to make value adjustments, and the next step would be a site visit.

Mr. Wooden stated that:

- They had been through a site visit in Shelburne and it was an intrusive violation.
- They would not allow the BCA into their property, the town has all the measurements on record, and that they are refusing access to their home for inspection, "no" based on their sovereign right to privacy.

Brenda noted the BCA was not from Shelburne, and that they take care not to invade a private existence; the site visit is required by statute. Mr. Wooden reiterated that they were refusing access for inspection, and that he would take it to the next level, that the town's logic didn't have credence, there were no fair comparisons. Brenda noted the BCA were volunteers, who were charged with, and committed to by oath, adhering to state statute as their duty. It was noted that the next level, should the appeal not be withdrawn (by refusal of access) was PVR at the state level.

Mr. Wooden stated that the town will force them to take their property off the tax rolls by designating it as a501c3 nonprofit, and promised to donate what they save in taxes to education and to the roads, and reiterated the town was forcing them to do this, they refuse to have people walking through their house.

Kermit noted that by statute, refusal of an inspection withdraws the appeal. Brenda noted the board could not offer them satisfaction; that the board had to follow statutory requirements. Mr. Wooden stated the BCA could come inspect in January (road not plowed), and to be sure to inspect the water and use the outhouse.

4. **Any Other Business: none**

5. **Closing:** Jen made the motion to "adjourn the meeting." Gene seconded. There was no further discussion. All were in favor and the motion passed (8-0). The meeting was closed at 8:30 p.m.

Attest: Amy Grover, Town Clerk

Minutes are unofficial until approved. These minutes were read and approved on:

September 28, 2016
Brenda McKeown for the BCA