



Town of Bolton
3045 Theodore Roosevelt Highway
Bolton VT 05676
Board of Civil Authority Minutes
August 8, 2018
5:45 p.m.
Bolton Town Office

BCA members present: Tony Barbagallo, John Devine, Brenda McKeown (Chair), Paula Gervia, Rich Reid, Brittany LaBerge

BCA members absent: Josh Arneson, Mica Cassara, John Choate, Sharon Murray

Also present: Kermit Blaisdell, David Sunshine, James Geddes

Clerk: Amy Grover

1. **The meeting was called to order at 5:55 p.m. by Brenda with a quorum of 7 members present.**
2. **Additions or Deletions to the Agenda:** AMJM3611 LLC appeal will be first at 6 p.m. – error on the agenda which listed it as second.
3. **Minutes July 2, 2018 and June 18, 2018:** Paula made the motion *“to accept the minutes of July 2, 2018 and June 18, 2018.”* Brittany seconded. There was no further discussion. All were in favor and the motion passed (7-0).
4. **Polling Place Evacuation Plan:**
 - Drafted in conjunction with the Smilie School Crisis Team, VT State Police Sergeant Mike Kamerling and Station Commander Robert Lucas, and VT Elections Division staff JP Isabelle.
 - The purpose of the plan is to provide for a safe evacuation of the polling place in the event of an emergency or emergent situation, and to provide a plan for securing ballots.

Kermit Blaisdell, Assessor and appellant representative David Sunshine took and signed oaths as required by statute. BCA members took and signed the BCA oath as required by statute. James Geddes stated that he would not be providing testimony.

Note: minutes provide for a summary of comments, that are not a transcription of testimony.

5. **Appeals:**

1. AMJM3611 LLC – 3649 Bolton Valley Access Road
Mr. Sunshine noted that he was in attendance on behalf of AMJM3611 LLC/James Geddes owner:
 - The parcel is open land, and the parcel is over valued in the town’s assessed value.
 - The parcel is subdivided with building lots, and no lots have been sold – it is one parcel of land and should be assessed as one total parcel of land.
 - The Grand List lists buildings, perhaps that means building lots, there are no structures on the parcel.

Kermit Blaisdell noted that:

- There were two separate purchases: the first 10.1 acres for 125K, the second a subdivision with 4 approved buildable lots and infrastructure in place; power, water, & state permits, for 220K. The four lots total approximately 6 acres.
- There are also 4 shares in the common land, 80%, or a total of approximately 7.5 acres. Noted: the common land share is not part of the appeal but is part of what was paid for in the 220K transfer.
- The road to the lots is built.
- One parcel with a spec house, plus 20% of the common land of the subdivision was previously sold by the original developer.
- There is a requirement by the state to combine parcels that are in the same title that are contiguous.

Mr. Sunshine noted that:

- He disagreed with the statement that infrastructure was in place; there is no electricity nor sewer to each lot. It is permitted but not built.

Mr. Blaisdell noted that:

- Electricity to the one house is underground, water and sewer is provided by Bolton Community Water & Sewer, and that some of infrastructure was put in place.

Tony Barbagallo asked what Mr. Sunshine was basing his valuation arguments on.

Mr. Sunshine noted that the parcel value was an inequitable value compared to other properties around it on the Bolton Valley Access Road. Brief discussion on Mr. Sunshine's listing of other properties' values not being available at the hearing.

Brief discussion noting that the letter of appeal did not include an additional enclosure as indicated in the letter.

Brenda McKeown asked about comparables to the parcel.

Mr. Blaisdell noted he felt that the town was very fair with the assessment, that sales were the best comparables and noted:

- Mr. Kokell started the subdivision process around 2006, the process took a lengthy amount of time, and Mr. Kokell finally built a spec home on one lot and sold the house and lot.
- There was a lengthy amount of time that Mr. Kokell was not getting money back from a development that he had put his own money into.
- There was consideration given for holding costs, "development factor," generally at a 10% reduction, this was given a 20% and then 30% reduction.
- The lots are all state approved lots, ready to be sold at a moment's notice; that does add value.
- Sometimes when an entire subdivision sells, there is a lessening of value per lot if a buyer is going to purchase all of the lots.
- This parcel lends more value to the whole property, including Mr. Geddes home across the road, by keeping the land open and pleasant to look at.
- Total value was at \$365,900, Mr. Geddes paid \$345,000 for both of the parcels.
- Tax assessment for the previous owner (for the subdivided lots) was higher: \$337,300. Mr. Geddes' assessment is \$241,000.

Brief discussion on re-appraisal year: 2016.

Question on the 30% reduction and why the purchase decreased the value.

Mr. Blaisdell noted that:

- The purchase did not decrease the value, there was the 30% reduction because of the home across the road.
- One has to look at the whole property, even though it is in different titles.
- The properties are around their home and they now control what happens to those properties, which lends more value to the original property.
- His opinion was that when you have a very nice home you don't want encroachment to impact the value of the home.

Questioned if mobile homes were allowed on these lots. Mr. Blaisdell noted it could be put onto the deed, which would be difficult to enforce.

Rich Reid asked what the assessed value of 23.5 acres of undeveloped land would be in that area.

Mr. Blaisdell noted that:

- 10 acres were sold to the previous owner for \$140,000 in 2009, and resold for \$125,000 in 2015.

Rich Reid asked if then valuing 20 acres at \$280,000 was too simple.

Mr. Blaisdell noted that:

- If there are no sewage permits, the next acre would be less than the acre before it, it is not linear, and that is simply the way that real estate sells.
- There is a lot of infrastructure in ditches on the parcel. Even if the electricity is only to the one house, it has to go in front of lots 1 and 5, and dead ends at lot 3 and 4. The BCA could determine if there are transformer pads at the site inspection, the transformers would be very obvious.

Mr. Sunshine noted that:

- We do not agree that the fact that the Geddes live across the road has any effect on the values. This parcel is owned by a separate LLC; it is its own land.

Mr. Blaisdell noted that:

- Permits are in place and they do add value to the property.
- The chances of the lots being sold are not as great because Mr. Geddes owns the property across the road.
- Mr. Geddes' property across the road originally had 5 lots, which are grandfathered and recognized by the town – it was subdivided but has no state permits. There could be leverage if Mr. Geddes wanted to build an accessory structure.

There was brief discussion on ACT 250 permits and values, followed by confusion on which lots were being discussed. Noted the lots "across the road" where the home is located, were not part of the appeal.

Brenda McKeown asked of there was any further testimony. There was none.

Brenda McKeown noted that the next step would be the required site visit by the BCA.

Mr. Geddes stated that the BCA had permission to visit the parcel at any time, but to contact Mr. Sunshine for confirmation of the date and time first.

2. Kenneth & Martha Wooden – 1783 Honey Hollow Road

Noted: Due to medical issues, Mr. Wooden was not able to attend the hearing. A letter and statement (on file with these minutes) from Mr. and Mrs. Wooden addressed to the Town Clerk, BCA Chair, and Select Board Chair was provided for all in attendance at the hearing, and reviewed.

Mr. and Mrs. Wooden's statement noted their concerns with respect to comparable properties:

1. Property access: Honey Hollow Road is closed in the winter months.
2. Electricity: are comparables on the grid, using a generator or solar power.
3. Bathroom: do comparables have a single indoor bathroom.
4. Fire insurance denied: have comparables been denied fire insurance.

Mr. and Mrs. Wooden's statement also noted that although in the past they were opposed to having the inspection (required as part of the appeal process), they were now open to "inspection without Mr. Blaisdell or staff under his supervision."

Mr. Blaisdell noted that:

- This is a phenomenal property; a parcel with 72.2 acres, on both sides of Honey Hollow Road, a cottage/camp built in 1941 which is on the National Register, a pond, a carriage house, and a shed near the cottage, for a total assessed value of \$289,600.
- It was noted by the Woodens in the Lister's grievance that for 43 years the Woodens were able to obtain insurance but now are unable to obtain fire insurance. An unoccupied house is difficult to insure, it isn't completely due to the access. There is a pond close to the cottage, and even if the water was turned on, a fire department would use the pond for water. This affords the Woodens more protection than most people in this type of situation.
- There was a previous town history of a road commissioner opening the road for the Woodens during the winter. The road is not currently plowed in the winter.
- The cottage is not the Woodens' primary residence.

Brenda McKeown asked if there were comparables.

Mr. Blaisdell note that:

- The best comparables were located on Mill Brook Road.
 1. The Thompson property: same grade, smaller rooms, and 82 acres assessed at \$257,500.
 2. The Antley property – an off the grid modern house, on only 30 acres, purchased for \$300,000, assessed at \$282,400.

Question regarding how the Woodens' value was determined given the lack of winter access and seasonal use.

Mr. Blaisdell noted that:

- The property was assessed as it is structurally, it was built very well, but it is graded below average partly because it does not provide for year-round use, such as no insulated glass. This is all considered when trying to arrive at a fair value.

Question on the last site visit to the house.

Mr. Blaisdell noted that:

- The last site visit to the house was in the 1990s, and 2006 for the garage.

Brenda McKeown asked if there were any further questions. There were none.

The group reviewed their personal calendars and set a tentative date of Wednesday, August 15, 2018 @ 5 p.m. for the two site visits, pending confirmation.

6. **Closing:** Paula made the motion to "adjourn the meeting." Rich seconded. There was no further discussion. All were in favor and the motion passed (7-0). The meeting was adjourned at 7:05 p.m., and will reconvene on Wednesday, September 5, 2018 at 6 p.m.

Attest: Amy Grover, Town Clerk

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

Brenda McKeown
September 5, 2018 for the BCA

