

**TOWN OF WILMINGTON
BOARD OF CIVIL AUTHORITY
MONDY, JULY 9, 2018 at 5:30pm
MINUTES**

The meeting of the Board of Civil Authority was convened by the Town Clerk at 5:32pm.

IN ATTENDANCE: A quorum achieved with 10 members present. Selectboard – Tom Fitzgerald (also as JOP), John Gannon, Vince Rice, Sarah Fisher & Ann Manwaring; Justices of the Peace – Elizabeth McEwen, Fred Houston, Scott Moore & Tom Consolino; Town Clerk Susie Haughwout.

Absent: Marcia Dorey, Peter Barton

Also Present: Lister Len Chapman; Consulting Appraiser – Brian DeCesare; Lister Administrator – Deb Kingsley; Appellant – Colleen Shaughnessy-Palmiter; Appraiser for Appellant – Brian Graham

1. CHANGES TO AGENDA – add under Item 3 -.approve minutes of September 20, 2017; **PUBLIC INPUT** - none

2. NOMINATE & ELECT CHAIR:

Fred Houston nominated Elizabeth McEwen as Chair, seconded by Tom Consolino

Hearing no other nominations – Clerk closed nominations.

Voice Vote - All in favor – So Voted – Elizabeth McEwen elected Chair of BCA

3. APPROVE MINUTES; SET MEETING SCHEDULE:

MOTION to approve minutes of September 20, 2017 made by Tom Consolino, seconded by Fred Houston.

9 In Favor – 1 Abstention (Fisher) – Motion passed – so Voted.

Briefly discussed scheduling issues. Board was informed that Brian DeCesare will not be available on August

8. Will set specific next meeting dates under Item 11.

4. INTRODUCE BCA:

BCA members introduced themselves

5. BRIEF EXPLANATION OF QUASI-JUDICIAL HEARING:

Chair gave brief explanation on composition of the BCA and its duties during tax assessment appeal hearings.

Instructed that all testimony be given to the BCA, questions of any party should be directed to the Chair, and no cross-talk is allowed among parties.

6. ORDER OF TAX APPEALS:

Property Owner	Street Address	TaxID#	Span#	Value
BRADLEY & COLLEEN PALMITER	265 OLD MILL LN	009-01-048.000	762-242-12510	\$900,000
COLLEEN SHAUGHNESSY-PALMITER	288 OLD MILL LN	009-01-053.000	762-242-10025	\$385,000

7. CONFLICT OF INTEREST DECLARED: Fred Houston recused himself from the appeal of 288 Old Mill Lane stating that as former Chair of the DRB he participated in issuing a permit for the property.

8. ADMINISTER OATHS TO BCA, LISTERS, CONSULTANT, APPELLANT/AGENT:

Chair swore in the BCA. Chair swore in the Lister, Administrator, Consultant, Appellant and Appraiser for the following two hearings.

9. HEARING OF TAX ASSESSMENT APPEALS:

Property Owner	Street Address	TaxID#	Span#	Value
BRADLEY & COLLEEN PALMITER	265 OLD MILL LN	009-01-048.000	762-242-12510	\$900,000

APPELLANT TESTIMONY: Graham presented an appraisal and requested a total property value of \$768,000 (\$658,000 for House/\$60,000 for land/\$50,000 for Site improvement). He stated the Listers did not consider the professional appraisal during grievance process. Graham went back 10 years looking for sales of 1.5 acres and couldn't find sales to support the Listers' value of \$225,000 for the land. There were sales of \$270,000 for 2.4 acres in 2011, \$400,000 for 1 acre in 2012, \$400,000 for 0.44 acre in 2007, and \$290,000 for 0.8 acre in 2013. Graham objected to the use of those comparables to determine the land value due to the age of the sales. Further the subject is a 1.5 acre parcel and the Listers have used other 10+ acre parcels as comparables. He and the appellant stated that the Graham appraisal represents current market value. Further 189 Old Mill Lane is a property which he considers similar to the subject and is a house on an 11.9 acre parcel is currently listed for sale at \$750,000. The Appellant submitted a list of deficiencies of the property, including finger jointed trim around all exterior doors/windows is cracking, deck needs replacing, house needs paint, stone walls need repairs, front porch pulled away from house, front door not square, chimney needs major repairs, roof is leaking due to improper flashing around valleys, roof shingles deteriorating, garage doors not installed properly, garage wall insulation and sheetrock needs replacing, basement windows not flashed properly and leak, basement entry door rotted, curtain drains not installed properly allowing moisture to accumulate on basement floor and walls, garage cupola leaks and ceiling needs replacement because of leaking, mold in basement, no cable access.

EXHIBITS: Graham appraisal; memo re: deficiencies in property; Listing sheet for 189 Old Mill Ln; List of property sales

LISTER TESTIMONY: DeCesare stated that the Listers did consider the Graham appraisal and reviewed it very carefully, but had reservations about Graham's opinion of the neighborhood. He defended the use of comparables which have sold in the last 10 years since the benchmark of the town-wide reappraisal in 2009. He presented Land Schedule Addenda L1-L4, and explained that it's clear that land parcels increase in sale price the closer they are to waterfront both on Lake Whitingham and Lake Raponda. The four smaller sized parcels cited by Appellants and other larger parcels in the same development as the subject have been adjusted properly and support the Listers value of the land. He established values by comparing land sales in the development to land sales outside the development which shows that this development on Old Mill Lane has been tracking more marketability and higher prices consistently through the years. DeCesare noted significant improvements that were not included in the Graham appraisal: being a detached 3-car garage which has on the side a finished entry with stairs leading up to finished apartment of 1000sf containing an office, bathroom, kitchenette, family room and foyer. The structure also has a full finished basement which has additional 2 garage doors and another bay. The building can accommodate 5-6 cars plus the finished living space above.

EXHIBITS: Lister information sheet; Lister appraisal report; map with abutter values; Land Addenda L1-L4

Chair closed the hearing.

Property Owner	Street Address	TaxID#	Span#	Value
COLLEEN SHAUGHNESSY-PALMITER	288 OLD MILL LN	009-01-053.000	762-242-10025	\$385,000

APPELLANT TESTIMONY: Graham presented an appraisal and requested total property value of \$242,000 (\$192,000 for House & Site improvement/\$50,000 for Land). Graham contended that although there is access to Lake Whitingham, at any given time the power company can deny access - no deeded right of way. The statement that the power company can overnight remove access to the lake was questioned by BCA. Comps at Spruce Lake have deeded water rights. Lister's comps of Elwell Heights and Mountainview have the same view as the subject, but have sold for less than the assessed value of the subject. Graham also used 39 Landing Lane as a comparable to the subject. Graham gave an adjusted value of \$361,860, but noted one significant difference is that it comes with dock and deeded water rights. Comps he used in his appraisal were current and very similar to subject. Subject basement is one room, and main floor is one room with kitchen, entrance, dining room, open area. Subject is smaller than original footprint camp, but added a second floor and basement. Lister's comps are huge houses, 4 & 5 bedrooms. Subject is 2 bedroom camp. Owners purchased the property for \$90,000 and tore down the camp structure. The land was originally assessed at \$38,000, and after the removal of the structure, is now assessed at \$90,000. Insurance company recommended tearing down former camp building as they referred to it as a "death trap." Questioned how you can take a much larger house on 2 acres in Spruce Lake that sold for \$665,000 and compare it to the subject house which is still under construction on a 0.11 acre lot. The subject has a shared well, and limited driveway/parking. The Listers show the construction at 70% complete. Appellant stated the house is not a spec home.

EXHIBITS: Graham appraisal; floor plan; comparable photos/sale price & date for 89 Landing Lane and two Spruce Lake properties used by the Listers; Addenda

LISTER TESTIMONY: DeCesare presented Land Schedule Addendum L5. The subject property was purchased for \$90,000 with old camp building on it. Owners torn down old camp structure – obviously there was some value to the land. Listers set land value at the sale price of \$90,000 for the property. Subject is a new house with quality materials, finishes, mechanicals, insulation, which are more valuable than components of older houses. Subject is 70% complete. Stated that it is very difficult to use comparables of 48, 59 or 32 year old houses and make adjustment for the new subject house. Elwell Heights comparable used by Graham is a camp that was built 59 years ago and has had a strictly cosmetic update, but is still considered a camp. DeCesare stated the Mountainview comparable used by Graham was not similar to the subject. DeCesare explained that he used houses that were newer and similar quality as comparables. Subject is 1376sf above grade with 2 beds and 2 ½ baths, comparable #3 is 39 Spruce Lake has 1532sf with 2 beds 2 baths above grade. Subject has 630sf below grade, and comparable #3 has 820sf below grade. Both are newer houses with similar quality construction and similar in size. Property adjacent to Lake Whitingham is very desirable. Lake Whitingham is second largest lake entirely within the borders of Vermont, highly used for recreation.

EXHIBITS: Lister information sheet; Lister appraisal report; map; Land Addendum L5

CHAIR closed the hearing

10. ASSIGN INSPECTION TEAMS:

Tom Fitzgerald and John Gannon will lead the team for the Palmiter properties, Tom Consolino will attend. Elizabeth McEwen and Fred Houston will lead the next team.

11. SET DATES/TIMES FOR INSPECTION AND NEXT MEETING:

Next meeting dates with hearings will be July 18, August 8 and August 22, 2018. Tom Fitzgerald will contact Appellant to set time for inspections this week and will inform Clerk.

12. RECESS:

MOTION TO RECESS the BCA meeting to hear further tax appeals on July 18, 2018, made by made by Fred Houston, seconded by Vince Rice. Voice Vote – All in favor – So Voted.

Recessed at 7:15pm.

TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THESE MINUTES ARE A TRUE AND OFFICIAL RECORD OF ALL ACTION TAKEN AT THE BOARD OF CIVIL AUTHORITY MEETING HELD, JULY 9, 2018.

MINUTES PREPARED ON THURSDAY, JULY 12, 2018 & SUBMITTED TO WEBMASTER ON THURSDAY, JULY 26, 2018 AT 4:45PM.



ATTEST: _____
Susan Joy Haughwout

DATE: July 12, 2018

TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THESE MINUTES ARE A TRUE INDICATION OF THE BUSINESS OF THE BOARD OF CIVIL AUTHORITY MEETING HELD, JULY 9, 2018.

ATTEST: _____

DATE: _____

ATTEST: _____

DATE: _____