

Board of Civil Authority Hearing  
Thursday, August 22, 2024  
Akeley Memorial Hall  
Approved 10/3/2024

The Board of Civil Authority for the Town of Stowe met for the purpose of hearing tax appeals of the Listers assessments.

BCA Members present were: Leighton Detora, Tom Kastner, Richard Bland, Jo Sabel Courtney (Arrived at the after the Shapiro tax hearing), Susan Connerty, Lynn LaFleur Mary Black and Penny Davis

Also present were: Victoria Solms, Jessica Aupperlee, Ed Lacroix, Jeff Jackson, Adam Davis Tom Vickery, Tim Morrissey, David McCarthy via zoom, Claudine Safar, Esq via zoom, Jeff Teplitz via zoom, JP Hernandez via zoom.

Leighton Detora called the meeting to order at 1:00 pm

#### **Agenda Changes/Additions**

There was a request for a change to the agenda to engage in discussions regarding administrative matters when we have time. The motion was made seconded and all in favor.

#### **Tax Appeal Hearings**

Leighton administered the tax appeal oath to all Board members following the verification that none of the Board members had a conflict of interest with the Appellant, nor have any of the members of The Board had any discussions outside of the meeting with anyone regarding the pending matter.

#### **Tax appeal hearing – Kevin and Danielle McCarthy (Parcel #25005)**

Leighton swore in all witnesses presenting testimony and explained the Burdens of Proof and Persuasion borne by the taxpayer in these proceedings. Kevin said that while it didn't matter, he said he would prefer to be called David.

Tim Morrissey introduced the property.

Testimony:

David McCarthy provided testimony for Parcel #25005. David felt that the valuation of his property does not accurately reflect the current market value of his property. He felt that there was a disparity between his property and neighboring properties due to the shape and size of their lot. He also felt that his lot was not suitable for future development.

In addition to the documents submitted with the appeal, they presented the following documents to the Board of Civil Authority to support their case.

Exhibit A – Lot Prices for comparison

Exhibit B – comparison to neighboring properties

Tim Morrissey presented the following documents to the Board of Civil Authority to support assessment. He also provided testimony by reading statistics from the Federal Housing Finance Agency Report.

Exhibit 1 - Listers Card for Kevin and Danielle McCarthy's property.

Exhibit 2 - Tax map showing Kevin and Danielle McCarthy's property.

Exhibit 3 – Listers cards for five comparable properties.

The BCA members were given the opportunity to ask questions to both parties. All were asked if they had anything else and the answers were no

Leighton stated that we need at least 3 BCA members to do an inspection. Leighton appointed Richard Bland, Susan Connerty, and Mary Black to the inspection committee. Penny will reach out to David to schedule the inspection for September 16, 2024, sometime after 10:00 am.

The meeting was recessed and will reconvene within 30 days of the hearing to review the inspection committee report.

### **Administrative Matters**

Discussion ensued regarding the dates and times of the reconvened hearings. Penny will let the appellants from this tax hearing and the hearing on August 19, 2024, know what their reconvened hearing date and time is.

### **Tax Appeal Hearing – Miller Mountain Turret at Stowe LLC (Parcel #82302)**

The appellants are traveling abroad and have requested the hearing be rescheduled for any time after August 26, 2024. The motion was made by Richard Bland and seconded by Lyn with all in favor to recess the hearing until August 27, 2024, at 5:30 pm.

### **Tax Appeal Hearing – Lawrence & Pamela Shapiro (Parcel #16046)**

Leighton swore in all witnesses presenting testimony and explained the Burdens of Proof and Persuasion borne by the taxpayer in these proceedings

Tim introduced the property.

Testimony:

Larry Shapiro presented testimony for Lawrence & Pamela Shapiro (Parcel #16046). He appreciated the decrease the listers did make in his assessment. However, he felt they had not done any additions or add ons to the home that warranted the increase in value. He also stated that the 3 bathrooms have not had any upgrades at all. He also mentioned that a kitchen in the lower level had been removed.

The Shapiros did not present any other exhibits other than the initial document for the tax appeal.

Tim Morrissey presented the following documents to support their case.

Exhibit 1

- Listers' card for Lawrence and Pamela Shapiro

Exhibit 2

- Tax Map of the Shapiro Property

Exhibit 3

- Listers Cards for three comparable properties

Tim also provided testimony from the Federal Housing Finance Agency dated May 2024 regarding statistics regarding the increasing property values in Vermont.

The Board was given the opportunity to ask either party questions. All parties were asked if there was anything else and the answers were no.

Leighton stated that we need at least 3 BCA members to do an inspection. Leighton appointed Richard Bland, Lynn LaFleur and Tom Kastner to the inspection committee. Discussion ensued regarding dates and times with Mr. Shapiro. The inspection will be August 27, 2024, at 9:00 am.

The meeting was recessed and will reconvene within 30 days of the hearing to review the inspection committee report.

**Tax Appeal Hearing – Eastvail LLC (Parcel #47007.B00)**

BCA member Jo Sabel Courtney joined the meeting and Leighton administered her the oath.

Claudine Safar, Esq and Jeff Teplitz were representing Eastvail LLC

Claudine requested that the hearing be recessed so that their appraiser can be present to explain the report.

Jo Sabel made the motion Richard Bland seconded with all in favor except Lynn LaFleur to recess the hearing until September 10, 2024, at 4:30 pm.

**Tax Appeal Hearing – Michael Baer & Julia Rafal-Baer (Parcel #30216-010)**

Leighton swore in all witnesses presenting testimony and explained the Burdens of Proof and Persuasion borne by the taxpayer in these proceedings

Tim Morrissey introduced the property.

Testimony

Michael Baer presented testimony for the Michael Baer and Julia Rafal (Parcel 30216-010). Michael Baer felt his current appraised value significantly overestimates the market value of the property. He presented an analysis of comparable properties in the area which focused on recent sales data. Based

on these comparable properties, the average assessed value to sale price ratio is approximately .935. He feels that if these same ratios were applied to his property a more accurate appraised value would be in the range of \$3,646,500.

The Baer did not present any other exhibits other than the initial document for the tax appeal.

Tim Morrissey provided the following documents to support their case.

Exhibit 1

- Listers Card Michael Baer and Julia Rafal Baer

Exhibit 2

- FHFA House Price Index Quarterly Report

Tim also provided testimony regarding other properties that had sold versus what the property was assessed out. He felt that the Listers build a model and try to keep it consistent and based on all this information the Baer property was properly assessed.

The Board was given the opportunity to ask either party questions.

Mr. Baer decided that he would like to withdraw the appeal and wanted to know what steps he would need to take in order to do that. Leighton instructed him to put it in writing and give it to Penny.

### **Tax Appeal Hearing – LaBella Vita LLC**

Lynn LaFleur did not attend this hearing.

Leighton swore in all witnesses presenting testimony and explained the Burdens of Proof and Persuasion borne by the taxpayer in these proceedings

The appellants missed the deadline to appeal as they did not receive the notice from the listers regarding the results of their appeal and the instructions for appealing to the BCA. It appears to be a US Postal sorting issue as the address was correct. The Board made the decision based on this information; they would hear the appeal.

Tom Vickery introduced the property.

### Testimony

Besides the initial tax appeal letter, the appellants presented the following documents to support their case.

Exhibit A – Appraisal report by Edward LaCroix

Exhibit B – Listings for five comparable properties.

Edward Lacroix explained his appraisal report. The appraisal was done for a lender for a family buyout. The appellants feel that their property has had minimal upgrades compared to others and should not be assessed as high as they are. They feel it should be more in line with Edward LaCroix appraisal report.

Tom Vickery provided the following documents to support their case.

#### Exhibit 1

- Listers Card for La Bella Vita LLC
- Listers Card for Brian Lesser Parcel (47006-A00)
- Listers Card for Nicholas Giacomakis (Parcel 47009-B00)
- Listers Card for Hadley Reilly 2021 (Parcel #47015-C00)
- Listers Card for Ramos Amanda Plunkett (Parcel 47011-A00)
- Stowe time adjustments since 2019

#### Exhibit 2

- Federal Housing Finance Quarterly Report

Tom presented testimony regarding comparable sales. The location factor for the La Bella Vita LLC property has not been taken into consideration with Ed LaCroix comparable properties. The value that is on this property reflects the sales that are coming in for this project. It's a valuable location.

The Board was given the opportunity to ask either party questions. All parties were asked if there was anything else and the answers were no.

Leighton stated that we need at least 3 BCA members to do an inspection. Leighton appointed Jo Sabel Courtney, Mary Black and Tom Kastner to the inspection committee. Discussion ensued regarding dates and times with the appellants. The inspection will be on September 9, 2024, at 11:00 am.

The meeting was recessed and will reconvene within 30 days of the hearing to review the inspection committee report.

#### **Tax Hearing – Stowe Atlas LLC (Parcel #51003-029)**

Lynn LaFleur did not attend this hearing.

The appellant missed the deadline to appeal. JP Hernandez had emailed Tim before the due date but Tim was out unexpectedly and it was not received. The Board made the decision based on this information that they would hear the appeal.

Leighton swore in all witnesses presenting testimony and explained the Burdens of Proof and Persuasion borne by the taxpayer in these proceedings. John Patrick prefers to be called JP.

Tom Vickery introduced the property

#### Testimony

JP feels that the Stowe Atlas LLC property assessment should be compared to the fractional villa assessment rather than be compared to the triplex villas. He suggests that an assessment of \$1.25 million be more appropriate.

Besides the initial appeal letter, JP presented the following documents to support the case.

**Claim #1 from Stowe Atlas, LLC – The most relevant comps are the duplex fractional villas.**

Exhibit A

- 12<sup>th</sup> Amendment to Villa Declaration (7/10/2009) - Appendix D shows villa 29 plans and Appendix E lists the square footage for the 18 fractional villas.

Exhibit B

- Villa Declaration (1/9/2024) – Appendix D shows plans for fractional villa duplexes.

Exhibit C

- TFL Property Map #1 – It shows villa 29 and 30 as duplex units.

Exhibit D

- TFL Property Map #2 – Is another map that shows villa 29 and 30 as duplex units.

Exhibits E and F

- Certificate of Occupancy Villa 29 & 30 and Villas 1 & 2 – The purpose is to demonstrate that the age of fractional duplex villas is similar to the age of villa 29.

**Claim #2 from Stowe Atlas LLC - Stowe values a duplex fractional villa at \$800,000.**

Exhibit G

- Villa Board Email re: fractional values from tax assessment

**Claim #3 from Stowe Atlas LLC – Stowe agrees that the fractional villas are falling.**

Exhibit G

- Villa Board email reducing the assessment of fractional villas.

**Claim #4 from Stowe Atlas LLC – Recent sales suggest duplex fractional villas might be worth sharply less than depicted in the Stowe tax assessment. Our purchase of villa 29 occurred in 2021 for \$1.5 million and was appraised for similar value.**

Exhibit H - Example of fractional sales values in 2024

Exhibit I - VT Property transfer tax Villa 29

Exhibit J - Villa 29 appraisal

**Claim #5 from Stowe Atlas LLC – the appreciation in value of Villa 29 from 2009 to our purchase in 2021 was approximately 1% per year.**

Exhibit K – Compound Annual Growth Calculation

**Claim #6 from Stowe Atlas LLC – There are no other wholly owned duplex villas that have been bought/sold since 2021 and in the absence of such data the best proxy is likely the sales data for fractional duplex villas.**

Exhibit G – Villa Board email regarding fractional assessments

**Claim #7 from Stowe Atlas LLC – Significant decline in the quality and maintenance of the aging original villas (such as villa 29) makes a poor real estate value comparison to the brand-new luxury triplex units.**

Exhibit L – Villa Quality Survey Metrics

**Claim #8 from Stowe Atlas LLC – Putting all the data points together and weighting them according to their relative quality/relevance suggest a fair appraisal value for 29 around \$1.25 million.**

Exhibit M – Villa 29 Valuation methodology

Tom Vickery presented testimony to support their case. He stated that the Town appraises the property, and we are trying to come in with a value that's looking at all the sales that have occurred in the villas and coming up with a value that is fair and equitable to all properties and your property. You paid \$1.5 million for it in 2021. Tom Vickery provided the following documents.

Exhibit 1

- Stowe Atlas LLC listers card which is noted with a time adjustment value since
- Stowe Time Adjustments since 2019 statement
- Listers card for Timothy J Gibson (Parcel #51003-609)
- Listers Card for John E Duplin 2020 Trust (Parcel #51003-618)
- Listers Card for Michael Temple (Parcel #51003-622)
- Listers Card for Mark Green (Parcel 51003-624)
- Listers Card for Nancy G Angell Living Trust (Parcel 51003-621)
- MLS Listing for Unit 621

Tom Vickery stated that by law we have to assess fractional units under certain guidelines. There have been court cases on how to appraise fractional units and we have to appraise them based on it. There is a different mythology for assessing fully owned units and fractional units. Tom Vickery feels that as a fully owned unit, the property is appropriately assessed.

The BCA members were given the opportunity to ask further questions and all parties were asked if there was anything else. The answers were no.

Leighton stated that we need at least 3 BCA members to do an inspection. Leighton appointed Jo Sabel Courtney, Mary Black Tom Kastner and Susan Connerty to the inspection committee. Discussion ensued regarding dates and times with the appellants. The inspection will be on September 9, 2024, at 9:00 am.

The meeting was recessed and will reconvene within 30 days of the hearing to review the inspection committee report.

The meeting was adjourned.

Respectfully submitted,

Penny A. Davis

