

**OFFICIAL NOTICE
DECISION OF BOARD OF CIVIL AUTHORITY**

To: Andrew & Shannon Weinberg
320 Old Stockbridge Path
Mendon, VT 05701

Appellant notified by certified mail on:
August 22, 2019

Your appeal to the Board of Civil Authority concerning the appraisal of your property, identified in the Grand List Book with school property account number (SPAN): 384-119-12840 has been given careful consideration, with the following results:

Result of Grievance:

	Value(s) Set by BCA
Total Listed Value*	\$543,200
Nonresidential Allocation	\$0
Homestead Allocation	\$460,800
Housesite LV	\$543,200
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Nonresidential Allocation	\$0
Homestead Allocation	\$460,800
Housesite LV	\$543,200

*If the parcel is enrolled in the use value appraisal program, the BCA must establish the contributory values as required by 32 V.S.A. section 3756. Use attachment U.

Date Appeal Filed: 07/08/2019 **BCA Hearing Notice Date:** 07/16/2019

Date, Time Place of BCA Hearing: August 12, 2019; 4:00 p.m.; Mendon Town Office

BCA Members Present: Al Wakefield, Dick Wilcox, Lindsey MacCuaig, Geoff Wells, Ann Singiser, Rich Carlson, Jim Reddy, Nancy Gondella

Appearing for Listers: Spencer Potter – Vermont Municipal Assessor

Appearing for Appellant: Andy Weinberg

Summary of Testimony/Argument By:

Appellant: Mr. Weinberg passed around a letter which is marked Weinberg A-1. The letter lists comparables to support his appeal for 3 reasons; assessed values, comparable houses, and current fair market value. The houses he lists that are on the market are similar to his but larger and they range from \$399,000 to \$529,000. He states that his home is a 3 bedroom, 2.5 bathrooms on a private road that is not maintained by the town. L. MacCuaig asked why he did not have the acreage listed on each of the properties he lists. A. Weinberg replied that he was

only looking at the value of the home not the land. A. Singiser stated that these assessments should have included the acreage, thus creating a total property value. N. Gondella pointed out to A. Weinberg where the dwelling and land values are on his property card. A. Weinberg stated he bought the land for \$41,000 in 2016. G. Wells asked how he found the land. A. Weinberg stated that he was looking at land somewhere else and the owner of that land suggested to him that he look at this land in Mendon.

Mr. Weinberg stated that he did not originally have a well-built house. The contractor told they Weinbergs he had built many homes when in fact this was the first house he built. The contractor took off to another country without paying any of his bills. The Weinbergs had to have extra work done to correct the problems of the original construction.

N. Gondella asked what do you think your home should be valued at? A. Weinberg replied \$450,000. N. Gondella asked if he had a bank appraisal. A. Weinberg replied no. L. MacCuaig asked Spencer if any of these comps had a similar view? Spencer replied no, this property is far superior. A. Weinberg stated that his land is mostly ledge and not buildable. The road past his house is class 4 and not passable.

Listers: Spencer Potter submitted the photos of the property (marked as exhibit Weinberg T-2) and three comparables; 102 Spencer Meadows marked as exhibit Weinberg T-3, 302 Cortina Country Road marked as exhibit Weinberg T-4 and 42 Mendon View Drive marked as Weinberg T-5. Spencer stated that based on these sales you should have no problem reaching market value.

Property Inspected By:

Al Wakefield
Lindsey MacCuaig
Dick Wilcox

**Statute requires minimum
of three members.**

Date of inspection: 08/16/2019 – 9:00 a.m.

Report of Inspection Committee: Copy of inspection report attached

Board's Decision with Reasons:

1. We find that Andrew & Shannon Weinberg are the owners of a 59.5 acre lot, a house, garage, and storage container located at 320 Old Stockbridge Path. The house was built in 2018 and is in excellent condition. The house is two stories plus a finished basement. An open first floor plan is designed to take full advantage of the excellent views. There is a wrap around deck on the main level and smaller decks on the upper level.
2. In support of the appraised value, the Assessor presented three properties somewhat similar in nature which have sold in the past 15 months.
3. In support of the requested value of \$450,000, the Appellants presented information of 5 properties that are currently on the market and 5 properties which have recently sold.

This information was somewhat incomplete as according to Mr. Weinberg, it did not include land values, only house values.

4. Both the Appellant and the Assessor chose the recent sale of a property located at 42 Mendon View Drive as a comparable. This property sold for \$450,000, was built in 1977, listed as very good condition and assessed at \$383,200. The home sits on 2.9 acres with no view, and is 2941 square feet (about 900 square feet larger than the subject property).
5. The subject property last sold in 2017 for \$41,000 prior to any improvements. The land was cleared for a house site. The driveway is wide and in excellent shape. The propane system is buried underground, and trees have been cleared to create excellent views to the west. There is a large, cleared, well-maintained yard.
6. The BCA voted (7 - 1) to retain the current value of \$543,200 for this property based on all of the information presented.

Certificate: I hereby certify that this is a true record of the action taken on this appeal by the Board of Civil Authority of the Town of Mendon.

Ann Sussisee, Vice-Chair
Board of Civil Authority

Filed in the town clerk's office on 8/21, 2019 at 4:00p.m.
To be recorded in the Grand List Book of April 1, 2019.

Attest: *Nancy A. Dondella*
Town Clerk

32, V.S.A. § 4461. Time and manner of proposal.

If you are aggrieved by this decision you may appeal either to the Director of the Division of Property Valuation and Review or to the Superior Court of the county in which the property is situated. The appeal to either the director or the superior court is governed by Rule 74 of the Vermont Rules of Civil Procedure and is commenced by filing a notice of appeal with the town clerk within 30 days of the day this decision was mailed to you by the town clerk (date of entry noted on first page). The town clerk transmits a copy of the notice to the director or to the superior court as indicated in the notice and shall record or attach a copy of the notice in the grand list book.

Be sure your appeal indicates which avenue of appeal you wish to pursue (court or director), clearly identifies the property under appeal, and is accompanied by the correct filing fee. The appeal to the Superior Court shall be accompanied by a \$295 fee for each parcel being appealed; the fee is \$70 per parcel on appeal to the Director. If the property under appeal is enrolled in the use value appraisal program, please indicate that in your appeal. If the property under appeal contains a homestead, please include that information.



Town of Mendon
2282 US Route 4
Mendon, VT 05701
Telephone (802) 775-1662
mendonclerk@comcast.net

MEMORANDUM

To: Board of Civil Authority
Mendon, VT

From: Andrew and Shannon Weinberg Inspection Committee

Re: Inspection Committee Report

Date: August 16, 2019

We conducted an inspection of the property owned by the Weinbergs located at 320 Old Stockbridge Path at 9am on August 16, 2019. The inspection committee was comprised of Lindsey MacCuaig, Al Wakefield, and Dick Wilcox. Shannon Weinberg was present during the inspection.

The residence appears to be a newer home on a private road off Route 4 in Mendon. It sits on 59.5 acres of land, that contains a large, cleared, maintained yard, and both steep down slope to the Rt 4 side, as well as some flat lands, including a potential additional lot (permits permitting). It is secluded, offering privacy, with great views to the west. A potential disadvantage is that it is a private road, to be maintained by landowners and not the town of Mendon. Some erosion was noted on the road as an example. The driveway is wide and in excellent shape.

The home is two stories with a finished basement. It has an open first floor design, with all rooms (kitchen, dining and living areas) designed to take full advantage of the views. The master bedroom is on the second floor, and is open to the living area below, presenting either an advantage or disadvantage depending on preference for privacy vs. view. Downstairs are two bedrooms and a living area. The home finish quality is very good, and any construction issues presented by Mr. Weinberg are not apparent with the possible exception of the main open beams. The home relies on solar energy, wood stove, and a propane fueled generator. (no electric power to home- off grid) There is a wrap around deck on the main level, and smaller decks on the upper level. Note- the pictures presented by lister are not nearly as nice as the current home.

There is also a non attached three care garage in excellent condition and a storage container.

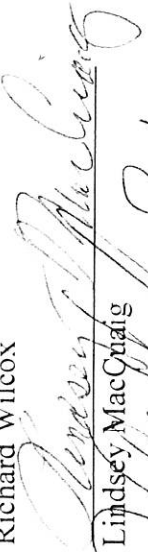
The highest and best use of the property is residential.

The value under appeal is \$543,200. The assessor offered as comparables properties which recently sold for \$383,200 to \$470,000, without the acreage and views of this property. We did a review of these properties as well as the comparables cited by the appellant and found that they compared more favorably than the appellants.

Our recommendation, which passed on a 3-0 vote, is to maintain the valuation of \$543,200 in light of the evidence presented.



Richard Wilcox



Lindsey MacQuigg



Al Wakefield

BCA Hearings

Date: 08/12/2019

Hearing time: 4:00 p.m.

Present: Al Wakefield, Dick Wilcox, Lindsey MacCuaig, Geoff Wells, Ann Singiser, Rich Carlson, Jim Reddy – BCA members, Spencer Potter – assessor, Andy Weinberg – appellant, Nancy Gondella – Chair/Town Clerk, Jesse Bridge – Secretary/Assistant Town Clerk

Call to Order: N. Gondella called the meeting to order at 4:00 p.m. All BCA members are sworn in. Appellant and Assessor were sworn in. N. Gondella asks appellant if he has received the rules, and he has. N. Gondella asks if anyone needs to excuse themselves from the hearing due to conflicts of interest, no one does.

Appellant Info: Andrew & Shannon Weinberg

Parcel ID: 06-02-11.500

Case Introduction: Spencer Potter introduced the subject property as 59.5 acres at 320 Old Stock Bridge Path and passed out property card, labeled exhibit Weinberg T-1.

Appellant Testimony: Mr. Weinberg passed around a letter which is marked Weinberg A-1. The letter lists comparables to support his appeal for 3 reasons; assessed values, comparable houses, and current fair market value. The houses he lists that are on the market are similar to his but larger and they range from \$399,000 to \$529,000. He states that his home is a 3 bedroom, 2.5 bathrooms on a private road that is not maintained. L. MacCuaig asked why he did not have the acreage listed on each of the properties he lists. A. Weinberg replied that he was only looking at the value of the home not the land. A. Singiser stated that these assessments include the land though correct? N. Gondella pointed out to A. Weinberg where the dwelling and land values are on his property card. A. Weinberg stated he bought the land for \$41,000 in 2016. G. Wells asked how he found the land. A. Weinberg stated that he was looking at land somewhere else and the owner of that land suggested to him that he look at this land in Mendon. A. Wakefield stated that it was an arm's length transaction then.

Listers' Testimony: Spencer Potter submitted the photos of the property (marked as exhibit Weinberg T-2) and three comparables; 102 Spencer Meadows marked as exhibit Weinberg T-3, 302 Cortina Country Road marked as exhibit Weinberg T-4 and 42 Mendon View Drive marked as Weinberg T-5. Spencer states based on these sales you should have no problem reaching market value.

Appellant response: Mr. Weinberg stated that he did not have a well-built house, their contractor told them he had built many homes when in fact this was the first house he built. The contractor took off to another country without paying any of the bills due. They had to have extra work done to finish the house to what they wanted. These other homes listed are larger than his.

Follow up: N. Gondella asked what do you think your home should be valued at? A. Weinberg replied \$450,000. N. Gondella asked if he had a bank appraisal. A. Weinberg replied no. L. MacCuaig asked Spencer if any of these comps had a similar view? Spencer replied no, this property is far superior. A. Weinberg stated he thinks that is subjective, his neighbor thinks he is crazy for clearing the view and would rather be surrounded by trees. A. Weinberg stated that his land is mostly ledge and not buildable. The road past his house is class 4 and not passable, most of his land is woods.

Inspection Committee Members: Al Wakefield, Lindsey MacCuaig, and Dick Wilcox

Date of Inspection: Friday August 16, 2019 at 9:00am

There being no further business, the hearing was recessed at 4:26 p.m. and will reconvene hearing on Tuesday August 20, 2019 at 4:00.

Inspection Report: D. Wilcox presented the report stating the home is at 320 Old Stockbridge Path, it's a newer home, on private road with 59.5 acres of land which contains a large cleared maintained yard with steep slope on Route 4 side and flat land. There is a potential lot with, as we understand, permits permitting. It's secluded with privacy and views to the west. The one disadvantage is it is a private road which needs to be maintained by landowners. Driveway is wide and in excellent shape. The house is 2 stories open plan with a finished basement, master bedroom, 2 bedrooms and all rooms designed to take advantage of the view. Any construction issues presented were not apparent. It's off the grid with solar energy, propane fuel generator and wood heat. There is a wrap around porch. The pictures presented by lister are not indicative of what the house looks like presently. There is an unattached three car garage in excellent condition and a storage container. The comparables were reviewed and the recommendation is to keep the value at the current \$543,200.

Discussion: G. Wells asked what the house looked like as of April 1. A. Weinberg replied liked it does now. G. Wells asked what is the square footage above grade? He replied 2100sf. A. Weinberg wanted to add that both he and Spencer mentioned 42 Mendonview Drive as a comparable home and could the committee view that home? N. Gondella replied that the lister card can be viewed but we do not have permission to go into another person's home. A. Weinberg said he would like that home under consideration as it just sold for \$450,000, and both he and Spencer thought it was comparable to his. D. Wilcox mentioned to keep in mind this is a one-year appraisal since Spencer is doing a town wide reappraisal next spring. A. Weinberg asked how is the acreage price calculated? His land is valued at \$160,000 according to lister card and he purchased it for \$41,000. To him that seems like a significant increase and it doesn't include any of the house? N. Gondella replied the land includes any improvements to the land so that would be your driveway, septic etc. and the house is separate.

Jesse Bridge – Secretary/Asst. Clerk

Nancy Gondella – Chair/Town Clerk