

Board of Civil Authority
Marlboro, Vermont 05344

21 August 2019

Pat DeAngelo
P.O. Box 139
Marlboro, Vermont 05344

Dear Ms. DeAngelo:

This is the decision, with reasons, of the Board of Civil Authority of the Town of Marlboro, after hearing and evidence, in the appeal brought by you on the appraisal of your property 56 Town Hill Road.

1. We find that Pat DeAngelo is the owner of a 3.35-acre parcel of land with a traditional Cape-style house of 2134 square feet finished. The house is overall good construction in fair condition, including an attached apartment. There is a 3/4 unfinished basement and a detached garage in very poor condition. The septic field on this property is shared with an abutting landowner.

2. We find that the Listers set the subject property in the 2019 Grand List at an appraised value of \$203,900. The appellant grieved this decision to the Listers within the proper time and the Listers reinspected the property, and found no reason to reduce their appraisal. See the Listers' response to the grievance, dated 25 June 2019.

3. The appellant filed her written appeal to this Board within the time allowed, and this Board first heard the appeal on 7 August 2019 at 7:00 p.m. in the Town Office. The Board received both a written and an oral argument against the Listers' appraisal.

The most substantial element of the argument was to dispute the classification as a "Two Dwelling site," as a house with an attached apartment. Part of this argument was to assert that the single tax bill, insurance bill, electrical system, water and septic system, and heating system mean that it is a single living unit. In fact, many of the similar houses with associated apartments, whether attached or detached, also have all of these items as well. The separation of access between the units and the provision of kitchen and bathroom facilities in both units, not the separation of utilities, defines whether there are single or distinct units.

In oral presentation, the appellant stated that a "property needs to have two modes of egress which her property does not." Such a requirement is not a definitional requirement for determining that a unit is a separate unit, but a safety requirement for all housing units. That requirement is met by windows through which one might escape in an emergency, and both units here have such windows. (Even if they did not, this would not change the definition of the housing units, but it would put the units in violation of fire and safety regulations.)

The appellant's comments on the unlikelihood of building another house appears to arise from a misreading of the Listers' card, which lists a two-acre "homesite" and 1.35 acres of "residential

excess acreage." The homesite is the two-acre site associated with the existing house and apartment, not a site for an additional house.

4. An inspection committee of Linda Peters, Marcia Hamilton, Andy Reichsman, and T. Hunter Wilson visited the subject property on 12 August and made their report to this Board on 21 August. A copy of that report is attached to this decision.

5. As you are aware, Vermont statutes establish a presumption that the Listers have done their job conscientiously and accurately, so that the first burden is upon the appellant to show that there is reasonable evidence to indicate in a given instance that the Listers have erred. This is called the burden of production, the requirement that the appellant provide credible evidence sufficient to overcome the presumption that the Listers' assessment is correct. The Board has found that the descriptions and evaluations of construction and condition of the property by the Listers and Ms. DeAngelo respectively are quite consistent with each other, and that the market adjusted cost approach used by the Listers on this and other properties subject to appraisal is the appropriate basis for a town-wide appraisal. The Board has determined that you have not met this burden of production and that therefore your appeal is denied and the appraised value of \$203,900 of the subject property is uniform and appropriate, in light of the facts as we have found them

6. The appellant has the right to appeal this decision to the Appraiser appointed by the Director of Property Valuation and Review or to the Superior Court of this county by filing a written notice of appeal within 30 days after the date of mailing of this notice by the Town Clerk, upon payment of the required filing fee.

A handwritten signature in cursive script, reading "T. Hunter Wilson".

T. Hunter Wilson
for the Board of Civil Authority

cc: Evan Wyse, Chairman, Board of Listers

Inspection Committee Report for the Property of Pat DeAngelo

21 August 2019

The Inspection Committee (Linda Peters, Marcia Hamilton, Andy Reichsman, and T. Hunter Wilson) visited the property under appeal on 12 August 2019 at 9:00 A.M. The property is at 56 Town Hill Road. Most of our visit concentrated on the house, which is the basis of the appeal, though we saw enough of the property in general to see that the listers' description of it seemed accurate


The house is on a dry stone foundation, with an unfinished basement below only the main house. Siding is stained wood shingles, somewhat worn, with a metal, gabled roof. Entrance to the main house is up stone steps under a shallow projecting gable. The separate entrance to the attached apartment is over a rough stone patio. The windows are mostly double-hung sash, with a multi-paned fixed window in the apartment.

The main house has a fireplace and wood stove, but the central heat for both units is hot water. Both units have bathrooms and full kitchen facilities. (The septic system on this property is shared with an abutting property owner.) Interior walls are dry wall, with some staining and mold particularly on the second floor. The shared wall between the two units appears to have been constructed at the time of separating the units without much concern for sound separation.

The detached garage is in very poor condition, with significant areas of subsidence in the floor and sagging frame on the roof.


Marcia Hamilton

Linda Peters


Andy Reichsman


T. Hunter Wilson

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

TO: Patricia G DeAngelo
PO Box 139
Marlboro, VT 05344

Date of Notice by certified mail: 8/22/2019

Date of Entry: 8/21/2018

Your appeal to the Board of Civil Authority concerning the appraisal of your property, identified in the Grand List Book by

Property SPAN # : 378-117-10138
Property Tax ID # : 574.000
Property Location : 56 Town Hill Road

has been given careful consideration, with the following results: **DENIED** / **GRANTED**

Result of Grievance:

Total Listed Value \$203,900
Non-Residential Allocation \$203,900
(No Homestead Declaration filed)

Value(s) Set by BCA:

Total Listed Value \$203,900
Non-Residential Allocation \$203,900

Date Appeal Filed: July 8, 2019

BCA Hearing Notice Date: July 24, 2019

Date, Time, Place of BCA Hearing: August 7, 2019 (mutually set between town & appellant) at Marlboro Town Office, 510 South Road, Marlboro, Vermont

BCA Members Present: Linda Peters (Vice-Chair), Andy Reichsman, Marcia Hamilton, Julia von Ranson, Jesse Kreitzer, Tyler Gibbons, Forrest Holzapfel (Clerk)

Appearing for Listers: Evan Wyse, Eric Matt

Appearing for Appellant: Patricia G DeAngelo

Summary of Testimony/Argument by Appellant: Listers property value too high, claims the house is not a two family residence

Summary of Testimony/Argument by Listers: Fair Market Value of property takes into account house has two separate units each with separate entrances and is an antique house with numerous deficiencies already acknowledged in the valuation

Property Inspected by (Statute requires a minimum of 3 members): Marcia Hamilton, Andy Reichsman, T. Hunter Wilson, Linda Peters

Date of Inspection: August 12, 2019

Report of Inspection Committee: (See Attached)

Board's Decision with Reason: (See Attached)

Therefore the Board voted to hold the value of the property at \$203,900

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

For the Marlboro Board of Civil Authority:



T. Hunter Wilson, Chair

Filed in the Town Clerk's office on August 22, 2019 at 12:33 pm

To be recorded in the Grand List Book of April 1, 2019.

Attest:



Forrest Holzapfel, Marlboro Town Clerk

P.O. Box E, Marlboro, VT 05344

Ph: 802 254-2181 E-mail: marlborotownclerk@gmail.com

Pursuant to Title 32, V.S.A., section 4461, 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 (August 22, 2019). 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.