

TOWN OF HYDE PARK BOARD OF CIVIL AUTHORITY MEETING

Monday, June 3, 2019

Present: Selectboard – Roger Audet, Susan Bartlett, Roger Barry, Roland Boivin and Dave Gagnier; Justices of the Peace – Brickett Bailey, Harold Bailey, Vicki Emerson, Ed French, Riki French, Brian Jones, and Marilyn Zophar; Listers – Gary Anderson, Deanna Judkins and Julie Rohleder; Town Treasurer/Town Clerk – Kimberly Moulton

Others

Present: Raymond and Melissa Lacasse

K. Moulton called the meeting to order at 6:30pm. It was determined there was a quorum of the board to proceed.

There was a consensus of the board that Susan Bartlett would continue as Chair from the hearing that had just closed prior to the start of this hearing. K. Moulton turned the meeting over to Chair Bartlett.

Chair Bartlett stated we were here for the property of Robert and Melissa Lacasse located at 1152 Battle Row Road in Hyde Park.

Chair Bartlett acknowledged we'd be following procedures as outlined by the Vermont League of Cities and Towns.

The Listers and Appellants, Robert and Melissa Lacasse were sworn in by Chair Bartlett.

Chair Bartlett asked if there were any conflicts of interest or if there had been any ex-parte communication. None was acknowledged.

Testimony:

J. Rohleder, the head Lister stated that this tax appeal is different in that we are hearing an appeal of the value of 10.1 acres being withdrawn from Current Use.

Appellants Lacasse presented a map and a key to their map. This map was labeled exhibit 1.

Appellants Lacasse presented two property listings off the Zillow website that they are using as comparables to their property for this appeal hearing. The first comparable is 17 acres with parcel ID # 05003130.100 and a Zillow sales price of \$37,900. The second comparable is 9.41 acres with parcel ID # 05003115 with a Zillow sales price of \$37,500. These comparable listings were labeled as exhibit 2.

Appellants Lacasse presented an email from the Current Use program that has a color map with boundary lines of property and the approximate agriculture property. This color map was labeled exhibit 3.

Appellants Lacasse stated that judging all the pieces as one parcel is not fair. They state that if all the pieces were actually one complete parcel, it would not be buildable. They stated that the assessment of \$33,100 is too high for chopped up pieces that nothing can be done with. Some land is wet wooded area, some pieces have a brook running right through them and other land is very wet.

Appellants Lacasse referenced exhibit 2 and stated that the first comparable is buildable, already permitted and has road frontage. This comparable is only slightly more than their chopped up 10.1 acres withdrawn parcel and they don't have all the permits and the road frontage that this parcel does.

The second comparable is buildable, has a state approved wastewater permit, includes the approval for the installation of a drilled well and has road frontage. This comparable has all the permits and road frontage as well.

Appellants Lacasse stated that the assessment of the land being withdrawn from Current Use is too high based on the comparables as none of that land is permitted, does not have road frontage, is too wet to do anything with, and can't be built on.

J. Rohleder stated that comparable one, from exhibit 2, with 17 acres is town assessed at \$87,000. This value was determined by the land schedules which were just updated through the reappraisal process. We can't know why someone is selling their land for less than it may be worth as they may need to get rid of it because of a divorce settlement or through an estate sale may need to quickly dump the property for quick cash.

J. Rohleder stated they, as Listers, are constrained by state statute which require them to treat any portions as one parcel. J. Rohleder read 32 V.S.A. § 3756 (d): *The assessing officials shall appraise qualifying agricultural land managed forestland and farm buildings at use value appraisal as defined in subdivision 3752(12) of this title. If the land to be appraised is a portion of a parcel, any portion not receiving a use value appraisal shall be valued at its fair market value as a stand-alone parcel, and, for the purposes of payment under section 3760 of this chapter, the entire parcel shall be valued at its fair market value as other similar parcels in the municipality.* They are required to treat this as one parcel even if it is tiny pieces.

E. French asked what the total acreage is. Appellants Lacasse stated 30.2 acres.

E. French asked why this 10.1 acres is being withdrawn from Current Use. Appellants Lacasse stated that Current Use is forcing them to withdraw this acreage. Her dad owned the land before them and is a farmer. They are not farmers and the land is no longer considered agricultural.

E. French asked if there is a house site value to this parcel. J. Rohleder stated that this 10.1 acre parcel is considered unbuildable.

Chair Bartlett asked is the state determined the amount of land to be withdrawn from Current Use. Appellants Lacasse stated yes.

J. Rohleder stated the Listers have placed a value of \$33,100 for the 10.1 acres withdrawn from Current Use.

V. Emerson asked if this a 2-acre zoning area. J. Rohleder states yes.

E. French asked what can be done with this land. Appellants Lacasse stated basically keep neighbors at bay.

D. Judkins asked what it would take to get the state to put the 10.1 acres back in current use. Appellants Lacasse stated that her dad would have to take ownership again.

E. French asked how big the biggest piece is in the multiple chunks creating the 10.1 parcel. Appellants Lacasse stated approximately 4 acres. They stated the land is basically land locked unless they were to give someone a right-a-way, which they won't do.

Chair Bartlett asked how the Listers arrived at a .6 grade. J. Rohleder state it has been a .6 due to reappraisal. The housesite is a .9 grade.

Chair Bartlett asked what the lowest grade the Listers have seen. J. Rohleder stated .3.

D. Judkins asked what the value of the land was when fully enrolled in Current Use. Appellants Lacasse stated that she thought it was \$190,000. J. Rohleder stated that they still have 18 acres in Current Use.

M. Zophar asked if they state would force them completely out of the Current Use program. Appellants Lacasse stated no. The state just forced the exclusion of the 10.1 acres because they aren't agricultural – not farmers – like her dad was. Her dad is still farming the land.

D. Judkins asked where the barn is. Appellants Lacasse stated it sits on the already excluded house and 2 acre housesite.

J. Rohleder stated they assess land at its highest and best use which is how it is being used today.

Chair Bartlett asked if this land is on our maps as wetland. Listers didn't know.

E. French asked what brought the grade down to .6. J. Rohleder stated that happened through the reappraisal process and was set by the hired assessors.

D. Gagnier asked the Listers what the value of dry land is. J. Rohleder stated there are multiple factors going into an assessed value of land including where in town the land is. There is no set value for dry land.

D. Gagnier was looking at exhibit 3 and wanted to confirm that particular map showed the whole parcel. Appellants Lacasse stated yes that it did. The black lines on the color map is the whole parcel and the red lines on that map are the Current Use lands after the mandatory withdrawal of 10.1 acres.

V. Emerson asked what the Current Use assessment was before the withdrawal. J. Rohleder stated they had assessed this withdrawn piece at \$60,100 initially and reduced it to \$33,100 after the Appellants Lacasse grievance hearing.

E. French asked what the comparable 2 from exhibit 2 is on our tax rolls. J. Rohleder stated \$57,800.

Appellants Lacasse asked what fair market value means. E. French stated that is determined by looking at comparables.

There were no further questions from Appellants Lacasse or from the board.

An inspection committee was formed and comprised of Susan Bartlett, Dave Gagnier, Roland Boivin, Roger Audet and Roger Barry. Appellants Lacasse were agreeable to a site visit any time after 4pm. Chair Bartlett stated they would be in touch to schedule a day and time.

Appellants Lacasse left the meeting.

The board discussed a suitable date and time for a site visit. It was decided to meet at 5:30pm on June 6, 2019. Chair Bartlett would contact the Appellants Lacasse to confirm the day and time.

The board also discussed a day to reconvene the hearing. It was agreed that the board would reconvene on June 19, 2019 at 6:00pm.

There was a motion by E. French that was seconded by V. Emerson to recess the meeting at 7:25pm and we would reconvene on June 19, 2019 at 6:00pm. Voted by voice in the affirmative.