

Nicholas L. Cucci and Carol A. Cucci

v.

Town of Gilford

Docket No. 3320-86

DECISION

A hearing in this appeal was held, as scheduled, on August 18, 1988. The Taxpayers were represented by Nicholas L. Cucci, one of them and Joseph G. Fremeau, Appraiser. The Town was represented by Arthur A. Morrill, Appraiser, Department of Revenue Administration.

The Taxpayers appeal, pursuant to RSA 76:16-a, the assessment of \$624,750 (land, \$543,050; buildings, \$81,700) placed on their real estate, located on Edgewater Drive, Governor's Island, Gilford (Lot 59-60) for the 1986 tax year.

The parties agreed that the equalization ratio for the Town of Gilford for the 1986 tax year was 100 percent.

The Taxpayer submitted the following written statement to the Board of Tax and Land Appeals:

"I am appealing the value based on lake frontage and road frontage, when value should be based on the real value if house and lot at its sale value whatever it may be, not because it has 230 feet on water or 190 feet on water. A house lot has the same value be it 150 feet or 175 feet or 230 feet. I can not sell my house for 50 percent more than an identical house with 153 feet of frontage."

In 1985, the Taxpayer was assessed \$3,000 for paving. The 1986 property

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assessment record card indicated that there was no paving and therefore a deduction of \$3,000 was made from the 1985 assessment on the land.

The Taxpayer submitted two exhibits. Taxpayer Exhibit #1: Copy of Addison and Frances Sandford Assessment Card. Taxpayer Exhibit #2: Comparable land value data for (2) two lots belonging to Winn Mountain Corporation and third lot owned by Richard Keroach. Property assessment cards and plot plans of each were included. This exhibit was assembled by real estate appraiser, Joseph Fremeau, who performed a ratio analysis of the 1986 revaluation for the Governor's Island Club. Fremeau thought the assessments in general were fair, but Mr. Cucci was somewhat over-assessed, but he declined to say "how much."

The Sandford lot is 1.49 acres with 220 figured front feet of shoreline. The subject Cucci lot is 2.17 acres with 248 figures front feet. Mr. J. Philip Estey, the Board's Review Appraiser, determined by "triangulation" that the correct figured front feet should be 232.

The Taxpayer complained that the Sandford property was worth \$200-300,000 more than his.

The Town's representative, Mr. Arthur Morrill, of the Department of Revenue Administration, submitted a map of Governor's Island, a deed and the following comparable properties:

Map 53	Lot 10-93	William E. & J. Scott Ferry
Map 53	Lot 10-65.3	Tri-J Winn Trust
Map 54	Lot 10-7	Ralph & Lola R. Cutillo
Map 54	Lot 10-7.1 & 7.1A	Anthony L. & Claire Vilela
Map 54	Lot 10-9	Frederick J. & Sharen J. Fuller
Map 54	Lot 10-16	Warren & Muriel Meade
Map 53	Lot 10-65.2	Winn Mountain Corp

Map 53 Lot 10-73

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Map 53 Lot 10-99	Robert F. & Shirley Bowen
Map 53 Lot 10-88.1	Carole N. St. Jacques
Map 53 Lot 10-76	Elizabeth Stearns
Map 53 10-66	Kenneth H. & Eeva-Liisa Aulikki

Olsen

He also submitted a survey of the Cucci lot by Peter G. Hodges registered surveyor. The plan carried the following disclaimer, "This plan for the sole use of the Essex Bank. It should not be used for conveyance purposes and it should not be recorded."

Mr. Morrill pointed out that:

- * Hodges survey not guaranteed
- * deed not based on Hodges survey
- * town tax map disagrees with Hodges plan
- * difficult to determine actual depth

The Taxpayer said he felt the fair market value on April 1, 1986, was between \$500-700,000.

Mr. Morrill agreed and said he calculated 244 front feet on the shore using the same triangulation method employed by Mr. Estey. Mr. Morrill recommended the following calculation to determine land value.

$$\begin{aligned} \$3,000 \times 1.11 \times 3330 &= \$812,520 \times .90 \times .83 \times .85 = \\ \$515,900 + 4,500 &= \$520,400 \text{ land} \\ &\quad \underline{81,700} \text{ building} \\ &\quad \$602,100 \end{aligned}$$

The Board rules the correct 1986 assessment is \$602,100.

If the taxes have been paid, the amount paid on the value in excess of \$602,100 is to be refunded with interest at six percent per annum from date of payment to date of refund.

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SO ORDERED.

BOARD OF TAX AND LAND APPEALS

(Concurred, unavailable for signature)

Anne S. Richmond, Esq., Chairman

George Twigg, III, Member

(Mr. Damour did not sit

Raymond J. Damour, Member

Peter J. Donahue, Member

Date: December 5, 1988

I certify that copies of the within Decision have this date been mailed, postage prepaid, to Nicholas L. & Carol A. Cucci, taxpayers; and the Chairman, Selectmen of Gilford.

— Michele E. LeBrun, Clerk

Date: December 5, 1988

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