

Monadnock Forest Products, Inc.

v .

Town of Jaffrey

Docket No. 3367-86

DECISION

A hearing in this appeal was held, as scheduled, on August 10, 1988. The Taxpayer was represented by Brian E. Rohde, President. The Town was represented by Mary E. Pinkham, Appraiser, State of New Hampshire Department of Revenue Administration.

The Taxpayer appeals, pursuant to RSA 76:16-a, assessments of \$673,650 (land, \$201,200; buildings, \$472,450) Map 66, Lots 23 and 25 and \$148,300 (land, \$32,050; buildings, \$116,250) Map 66, Lot 11, placed on its real estate located on Squantum Road for the 1986 tax year. The property consists of approximately 22 acres of land, improved with buildings for a lumber mill operation.

Neither party challenged the Department of Revenue Administration's assessment-sales ratio of 100 percent for the 1986 tax year for the Town of Jaffrey. Based on that ratio the Taxpayer's total assessment equates to a market value of \$821,950, as of April 1, 1986.

The Taxpayer testified he was challenging the assessment on the building

listed in the property assessment record cards as 1A, a lumber storage building.

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The Taxpayer testified the original part of the building was built in 1978, for a cost of \$38,000. The Taxpayer testified further the whole building could be built for \$75,000. The Taxpayer further testified they had just built a 120' x 180' clear span building at a cost of \$9.50 a square foot on the outside measurements and that the Town assessed that comparable building for \$14.50 a square foot. The Taxpayer also testified he had had to re-side the subject building, which was an indicator of it's diminished value.

The Taxpayer also testified the land was overvalued due to restrictions caused by wet lands and streams. The Taxpayer further argued the company could not expand due to these restrictions.

The Town's representative argued the assessment was based on replacement costs derived from the Marshall and Swift Service. The Town's representative further argued she had viewed the property and had determined that the depreciation applied to the buildings was based on the use and age of the buildings.

The Town's representative also argued the land was used as commercial industrial property and that a good portion of the subject parcels were in use.

The Town's representative testified that industrial park land, in the vicinity of the subject property, was normally valued at \$1.25 per square foot. The Town's representative testified the Taxpayer was assessed at 75 cents per square foot, which was more in line with valuations assessed on residential land.

The Board finds the Taxpayer did not present evidence of the market value

of the appealed property. The Board finds the evidence presented on estimates

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of costs to construct is not evidence of the value in place, which would be recognized by the market place.

The Board rules the assessment of the subject property must be based on it's true and full value in the market place. The Board rules the testimony of historical costs, while helpful in determining value, is not conclusive evidence of market value.

The Board therefore rules the Taxpayer has failed to prove that the assessment is unfair, improper, or inequitable or that it represents a tax in excess of the Taxpayers just share of the common tax burden. The ruling is, therefore: Request for abatement denied.

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

Anne S. Richmond, Esq., Chairman

George Twigg, III, Member

(Mr. Damour did not sit.)

Raymond J. Damour, Member

(Concurred, unavailable for
Peter J. Donahue, Member

signature)

Date:

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I certify that copies of the within Decision have this date been mailed, postage prepaid, to Brian E. Rohde, President of Monadnock Forest Products, Inc., taxpayer; and the Chairman, Selectmen of Jaffrey.

Michele E. LeBrun, Clerk

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Date:

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