

Matthew D. Sweeney and Georgianna C. Sweeney

v.

Town of Rye

Docket No. 3396-86

DECISION

A hearing in this appeal was held, as scheduled, on June 28, 1988. The Taxpayers were represented by Matthew D. Sweeney, one of them. The Town was represented by Mary E. Pinkham, Appraiser, State of New Hampshire Department of Revenue Administration.

The Taxpayers appeal, pursuant to RSA 76:16-a, the assessment of \$324,850 (land, \$293,100; buildings, \$31,750) placed on their real estate, located on Ocean Boulevard for the 1986 tax year. The subject property consists of approximately 1.65 acres improved with a dwelling and a shed.

Neither party challenged the Department of Revenue Administration's assessment-sales ratio of 96 percent for the 1986 tax year for the Town of Rye.

Based on that ratio the Taxpayers' assessment equates to a market value of \$338,400 on April 1, 1986.

The Taxpayer argued the \$2,500 front foot valuation was higher than comparable properties on Ocean Boulevard. The Taxpayer argued further that some of the other comparable properties were being assessed using a \$2,000 per

front

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foot valuation and some were assessed with a valuation for frontage of less than \$2,000. The Taxpayer argued the resulting assessments on the comparable properties were inequitably less than the assessment on the subject property.

The Taxpayer testified he had purchased the subject property 30 years prior to the hearing and had used it for storage and subsequently as a residence, for about 15 years. The Taxpayer further testified the subject property possibly could be used for commercial purposes.

The Town argued properties in the general area of the subject were valued for frontage values based on their proximity to the ocean. The Town further argued the values used were based on residential, not commercial properties.

The Town's representative testified the subject property is level at its front and only the rear portions is wet. The Town's representative testified a sales survey and analysis performed prior to the revaluation of the Town indicated the proper value for frontage on the east side of Ocean Boulevard was \$2,500 per foot. The Town's representative also testified improvements on land rendered the land more valuable than vacant land, which was the case of some of the properties compared to the subject property by the Taxpayer.

The Board finds the evidence and testimony on the land of the subject property did not consider the nature of the improvements. The Board finds further adjustment of 20 percent for undeveloped depreciation is warranted for the subject land due to the grade and size of the buildings.

For the above stated, the Board rules the proper assessment for the 1986 tax year is:

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Land	\$228,350
Buildings	<u>\$ 31,750</u>
Total	\$260,100

If the taxes have been paid, the amount paid on the value in excess of \$260,100 is to be refunded with interest at six percent per annum from date of payment to date of refund.

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

(Ms. Richmond did not sit.)

Anne S. Richmond, Esq., Chairman

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George Twigg, III, Member

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Raymond J. Damour, Member
Acting Chairman

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Peter J. Donahue, Member

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Date:

I certify that copies of the within Decision have this date been mailed, postage prepaid, to Matthew D. Sweeney and Georgianna C. Sweeney, taxpayers; and the Chairman, Selectmen of Rye.

Michele E. LeBrun, Clerk

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Date:

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