

William O. Wuester

v.

Town of Meredith

Docket No. 3822-87

DECISION

A hearing in this appeal was held, as scheduled, on August 10, 1989. The Taxpayer represented himself. The Town was represented by David W. Bolton, of M.M.C., Inc.

The Taxpayer appeals, pursuant to RSA 76:16-a, the assessment of \$251,200 (land, \$191,400; buildings, \$59,800) placed on his real estate located on Bear Island, for the 1987 tax year. The subject property consists of two camp buildings situated at various points on approximately 3 acres of land, with 620 feet of frontage on Lake Winnepesaukee.

Neither party challenged the Department of Revenue Administration's assessment-sales ratio of 96 percent for the 1987 tax year for the Town of Meredith. Based on that ratio the Taxpayer's assessment equates to a market value of \$261,700, as of April 1, 1987.

The Taxpayer argued and questioned the base rate used in the determination of the value for the new cottage which he stated had just been built in 1986. Mr. Wuester stated that the small building was valued at \$48.60 per square foot with no finish, electricity, or heat, and no interior walls. Mr. Wuester stated the building had post-and-beam construction and

sheetrock, while the older cabin had heating, plumbing, and electricity, as well as finish.

Mr. Wuester also stated the subject land was fronted just off his waterfront with a shoal which made it difficult to bring in larger boats, rendering it usable only with smaller boats. Mr. Wuester also stated the land had a trapezoidal shape which in his opinion was less desirable and limited the subdivision potential of the subject property.

Mr. Bolton testified for the Town regarding an appraisal performed by Craig Seufert and a part of the record and stated in his opinion adjustments should not exceed 20 percent. Mr. Bolton also noted square-foot building prices varied tremendously and are not necessarily comparable in and of themselves.

Mr. Bolton observed the lot of the subject property was larger than any comparable sales data available and observed that in his opinion it could be subdivided. Mr. Bolton stated the zoning required 40,000 square feet and 150 feet of frontage but acknowledged it would be difficult to put in a septic system which he felt would cost in the range of \$16,000 to \$22,000, based on a conversation with a contractor. Mr. Bolton observed the soils were good on the Taxpayer's lot for a potential septic system for a subdivision and noted that perhaps the Taxpayer should have some functional depreciation on the newer smaller building due to its incomplete status as of April 1, 1987.

The Board finds the smaller building was incomplete as of the date of assessment and that a factor of 20 percent depreciation should be applied to reflect this status. The Board finds all the other components of the subject property were fairly valued by the Town.

The Board finds the proper value for the buildings is \$55,500 and the proper value for the land is \$191,400, for a total assessment of \$246,900 as of April 1, 1987.

If the taxes have been paid, the amount paid on the value in excess of \$246,900 is to be refunded with interest at six percent per annum from date of payment to date of refund.

November 2, 1990

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

George Twigg, III, Chairman

Peter J. Donahue

Paul B. Franklin

I certify that copies of the within Decision has been mailed this date, postage prepaid, to William O. Wuester, the Taxpayer, to the Chairman, Board of Selectmen, Town of Meredith, and to David W. Bolton, M.M.C., Inc.

November 2, 1990

Michele E. LeBrun, Clerk