Stephen A. Lindquist
v.
Town of Gilsum

Docket No. 3943-87

DECISION

A hearing in this appeal was held, as scheduled, on March 16, 1989. The Taxpayer represented himself. The Town was not represented.

The Taxpayer appeals, pursuant to RSA 76:16-a, the assessment of $13,700 placed on his real estate, located on the east side of the Alstead Road for the 1987 tax year. The subject property consists of an approximately 11 acre parcel of land with approximately 758 feet of road frontage.

Neither party challenged the Department of Revenue Administration's assessment-sales ratio of 58 percent for the 1987 tax year for the Town of Gilsum. Based on that ratio the taxpayer's assessment equates to a market value of $23,600, as of April 1, 1987.

The Board first heard the issue of whether the taxpayer had timely filed the appeal. The Taxpayer testified the appeal was mailed to the Board on March 13, 1988. The Board finds the Taxpayer's appeal was received at the Board's offices on March 23, 1988. The Board rules the Taxpayer timely filed prior to the deadline of March 17, 1988.

The Taxpayer opened argument by citing deed restrictions on the subject property from the Society for Protection of New Hampshire Forests which prohibit subdivision and allow a one family dwelling. The Taxpayer also testified there was a deeded right-of-way 50 feet in width to a rear parcel of land. The Taxpayer stated the right-of-way and its location on the subject parcel reduce the frontage of the lot. The Taxpayer also argued approximately 468 feet of the

frontage was wetland. The Taxpayer stated, in his opinion the subject parcel should be appraised as one building lot with no potential for subdivision.

The Taxpayer testified he purchased the property for $15,000 in 1986. The Taxpayer added he became aware of and acquired the subject property which was offered to the market by a real estate broker in Gilsum. The Taxpayer testified the minimum frontage requirements in Gilsum were 175 feet. The Taxpayer testified in his opinion the right-of-way serving a parcel to the rear of the subject property could not be turned over to the Town as a Town road to facilitate creating a residential subdivision to the rear of the subject parcel. The Taxpayer offered his opinion that other parcels similar to the subject were worth $16,000 - $17,000.

The Board finds the subject property is encumbered with restrictions on subdivision and a right-of-way which limits total free use of the property. The Board finds the rear land of approximately 7.2 acres should be priced at $500 an acre and depreciated 50 percent due to the restriction of the right-of-way and limit on subdivision. The Board also finds the homesite suffers topographic limitations as well as limitations created by the locus of the right-of-way and the limitation on subdivision resulting in an appraised value of $1,800. The Board finds the correct topographic depreciation to be 50 percent resulting in an appraised value of $7,400 for the homesite. The Board finds the proper appraised value for the subject to be $9,200.

If the taxes have been paid, the amount paid on the value in excess of $9,200 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

_ Anne S. Richmond, Esquire, Chairman

_ George Twigg, III, Member

Stephen A. Lindquist v. Town of Gilsum

_ Peter J. Donahue, Member

_ Paul B. Franklin, Member

Date: 6/21/89

I certify that copies of the within Decision have this date been mailed, postage prepaid to Stephen A. Lindquist, taxpayer; and the Chairman, Selectmen of Gilsum.

_ Michele E. LeBrun, Clerk

Date: 6/21/89

0009