

John W. Biggio and Bette D. Biggio

v.

Town of Meredith

Docket No. 3950-87

DECISION

A hearing in this appeal was held, as scheduled, on December 8, 1988. The Taxpayers represented themselves. The Town was represented by Paul Loranger, M.M.C. Inc.

The Taxpayers appeal, pursuant to RSA 76:16-a, the assessment of \$147,600 (land, \$112,100; building, \$35,500) placed on their real estate, located on East Bear Island for the 1987 tax year.

The parties agreed that the equalization ratio for the Town of Meredith for the 1987 tax year was 96 percent.

Mr. Biggio submitted a copy of the same generic form letter to the selectmen of Meredith, which the Board has seen in numerous other island appeals, along with a sales survey which has since been revised by its author, Dr. Al Lyons.

John W. Biggio and Bette D. Biggio v. Town of Meredith

Mr. Biggio has no drinking water, except from the lake, a cess pool, which has to be pumped out once a year and would cost approximately \$25,000 to replace with an approved septic system. He expressed concern about the scarcity of mainland facilities for boats and vehicles necessary to maintain access to island property.

The appellant told the Board about an incident with an abutter (Galietta Family Trust) which resulted in the Town's granting a variance to Galietta that resulted in a permit being issued to build a deck "one inch" from the appellants' property line. Mr. Biggio estimated the deck to be 6' x 16' and said it interferes with his water front view and his privacy. The offending deck comes very close to the shore line on a parcel of land which tapers to a 15' shore front access point.

The Board finds the un rebutted testimony by the Taxpayer concerning. Congestion created by the offending non-conforming deck (on Map 109, Lot 006) to create a diminution in value to the subject Biggio land on the order of 10 percent.

Therefore, the Board rules the correct 1987 assessment to be:

Land	\$100,900	as adjusted
Building	<u>\$ 35,500</u>	as assessed
Total	\$136,400	(revised)

John W. Biggio and Bette D. Biggio v. Town of Meredith

John W. Biggio and Bette D. Biggio v. Town of Meredith

If the taxes have been paid, the amount paid on the value in excess of \$136,400 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, Esquire, Chairman

George Twigg, III, Member

Raymond J. Damour, Member
Acting Chairman

signature.)
Member

(Concurred, unavailable for
Peter J. Donahue,

Date: December 30, 1988

I certify that copies of the within Decision have this date been mailed, postage prepaid, to John W. & Bette D. Biggio, taxpayers; and the Chairman, Selectmen of Meredith.

Michele E. LeBrun, Clerk

John W. Biggio and Bette D. Biggio v. Town of Meredith

Date: December 30, 1988

0009