

**Dorothy Sayce Falk**

**v.**

**Town of Meredith**

**Docket No. 3972-87**

**DECISION**

A hearing in this appeal was held, as scheduled, on December 9, 1988. The Taxpayer was represented by her husband, Craig E. Falk. The Town was represented by Paul N.Loranger, M.M.C. Incorporated and Debra Pelczar, Assessing Coordinator.

The Taxpayers appeal, pursuant to RSA 76:16-a, the assessment of \$233,200 (land, \$162,300; buildings, \$70,900) placed on their real estate, located on Bear Island for the 1987 tax year. The subject property consists of approximately 1.93 acres of land, with 300 feet of shore frontage, on Lake Winnepesaukee, improved with a two story building and a dock.

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 Taxpayers assessment equates to a market value of \$242,900.

The Taxpayer argued there was inequity between mainland waterfront properties and island waterfront properties citing the so called Lyon study

(Taxpayers Exhibit 1). The Taxpayer also argued there was inequity among island

Dorothy Sayce Falk v. Town of Meredith

properties and cited a property assessment record card for Map I6, Lot 30, showing no valuation or assessment of water frontage as the Taxpayers subject property was assessed for it's water frontage. The Taxpayer's representative testified the majority of the properties on Bear Island used cess pools and draw water from the lake but that a growing minority of property owners are installing septic systems.

The Taxpayer's representative also testified that he had driven to Meredith for an appointment with a representative from M.M.C. at 4:30 of an afternoon in late September, 1987, and was required to wait outside for several hours, due to the over scheduling. The Taxpayer's representative testified he was charged one dollar per card by the Town for copies of property record assessment cards.

The Town's representative argued M.M.C. used a sales survey conducted prior to the assessment date to determine base value for appraising the property in the Town for tax assessments. The Town's representative also testified that all land on Bear Island is priced by water frontage and noted there will be variations in the pricing for water frontage and that it was not a pure ratio. The Town's representative also testified smaller islands were priced at a higher square foot value, which would substitute for not using water frontage per foot value. The Town's representative also testified the sales survey used was for sales from the period January, 1986 through 1987.

The Board's review appraiser, J. Philip Estey, made an on site inspection of the subject property including the building improvement and recommended an

increase in the adjustment of value for physical depreciation as to age and

Dorothy Sayce Falk v. Town of Meredith

condition of the building. The Board's review appraiser did not recommend any change in the value for the land.

The Board finds the on-site inspection and report of it's review appraiser to be the best evidence of condition and value for the improvements on the subject property.

The Board rules the proper assessment for the subject property as of April 1, 1987, to be:

Land	\$162,300
Buildings	<u>\$ 61,300</u>
Total	\$223,600

If the taxes have been paid, the amount paid on the value in excess of \$223,600 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

— George Twigg, III, Member

— Raymond J. Damour, Member  
Acting Chairman

— Peter J. Donahue, Member

Date:

Dorothy Sayce Falk v. Town of Meredith

I certify that copies of the within Decision have this date been mailed, postage prepaid to Dorothy Sayce Falk, taxpayer; and the Chairman, Selectmen of Meredith.

— Michele E. LeBrun, Clerk

Date:

0009