

Robert A. Marcoux and Joyce L. Marcoux

v.

Town of Belmont

Docket No. 4451-88

DECISION

A hearing in this appeal was held, as scheduled, on November 16, 1989. The Taxpayers were represented by Robert Marcoux, one of them. The Town was represented by Andrew L. Blais, Appraiser.

The Taxpayers appeal, pursuant to RSA 79-A:10, the land use change tax of \$4,000 levied on a market value, by the Town, of \$40,000, located on South Road (Map 3, Lot 4-1) for the 1988 tax year.

The parties agreed that the equalization ratio for the Town of Belmont for the 1988 tax year was 35%.

The date of change was September 1, 1988.

An appraisal by the bank put the value of the subdivided 5.1 acre lot at \$25,000. An independent appraisal by Mr. Jack Claridge showed agreement with the bank figure.

Owing to ledge and topographical problems, the Taxpayer says he has been overassessed on the 10% land use change tax based on the Towns \$40,000 figure.

The Board of Tax and Land Appeals finds the correct land use change tax to be:

| | |
|------------|-----------------------------|
| \$30,000 | lot value |
| <u>.10</u> | land use change tax percent |
| \$ 3,000 | correct land use change tax |

If the taxes have been paid, the amount paid on the value in excess of \$30,000 is to be refunded with interest at six percent per annum from date of

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payment to date of refund. The correct Land Use Change Tax is 10% of \$30,000 or \$3,000.

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

(Ms. Richmond did not sit.)
Anne S. Richmond, Esq., Chairman

George Twigg, III, Member

(Mr. Donahue did not sit.)
Peter J. Donahue, Member

Paul B. Franklin, Member
Acting Chairman

Date: February 14, 1990

I certify that copies of the within Decision have this date been mailed, postage prepaid, to Robert A. & Joyce L. Marcoux, taxpayers; and the Chairman, Selectmen of Belmont.

Michele E. LeBrun, Clerk

Date: February 14, 1990

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