

Alberta M. Stitt
v.
City of Laconia

Docket No. 4571-88

DECISION

A hearing was held on November 6, 1990, at which the Taxpayer and her husband, Robert G. Stitt, appealed her 1988 assessment of \$23,600 (land only) placed on a 1.44-acre parcel on Meredith Center Road.

The Taxpayer argued that it was doubtful that the parcel was buildable due to the wetlands and beaver flooding of a large portion of the lot. The Taxpayer submitted a letter from a realtor that suggested a listing price of \$10,000 to \$15,000 and submitted a soils map and soil descriptions of the parcel.

The City submitted two comparables and photographs of the Taxpayer's parcel in support of its assessment. The City noted that the first-acre site had been adjusted 20 percent for wet conditions.

The Board finds that the photographs and soils map clearly show that a substantial portion of the lot is composed of wetlands. Further, the Board rules that due to the City's setback requirements of 50 feet from the road (where the only better drained soils are located) and the speculative nature of whether the state wetlands permit could be obtained to fill the lot for construction, it is very unlikely that the parcel could be easily built on.

Accordingly, the Board rules that the first-acre site should receive a 60 percent reduction for the wetlands and unbuildable aspect instead of the 20 percent calculated by the City. Thus, the proper 1988 assessment is \$12,100.

If the taxes have been paid, the amount paid on the value in excess of \$12,100 is to be refunded with interest at six percent per annum from date of payment to date of refund.

November 20, 1990

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

George Twigg, III, Chairman

Paul B. Franklin

Ignatius MacLellan

I certify that copies of the within Decision have been mailed this date, postage prepaid, to Alberta M. Stitt, the Taxpayer, to the Chairman, Board of Assessors, City of Laconia, and to Scott W. Bartlett, M.M.C., Inc.

November 20, 1990

Michele E. LeBrun, Clerk