

Grant Rich and Margaret Rich

v.

Town of New London

Docket Nos. 5031-88 and 5931-89

DECISION

The "Taxpayers" appeal, pursuant to RSA 76:16-a, the "Town's" 1988 assessment of \$682,900 (land, \$341,600; buildings, \$341,300) on their property consisting of an inn on approximately 5 acres of land located on Pleasant Street (the Property). For the reasons stated below the appeal for abatement is granted.

The Taxpayers have the burden of showing the assessment was disproportionately high or unlawful, resulting in the Taxpayers paying an unfair and disproportionate share of taxes. See RSA 76:16-a; Tax 201.04(e); Appeal of Town of Sunapee, 126 N.H. 214, 217 (1985). We find the Taxpayers carried this burden and proved they were disproportionally taxed.

The Taxpayers argued the Property was best evaluated using the income approach, as the Property was in use as an inn. The Taxpayers also argued the Property could not be expanded in its use in the residential zone in which it was located.

The Town argued the Property was operated as an inn year-round and provided a \$36,000 annual rent to its owners. The Town also argued the Property enjoyed the use of the Sun and Shore Beach across the road with an

excellent view of Pleasant Lake. The Town further argued the value per unit of \$25,000 was at the upper end of the range for motel-inn-type properties in the Town.

Based on the evidence, we find the correct assessment should be \$553,000 (land, \$211,700; buildings, \$341,300). This assessment is ordered because the unit value assigned for the land component was in excess when compared with other motel-inn-type properties in the Town.

If the taxes have been paid, the amount paid on the value in excess of \$553,000 is to be refunded with interest at six percent per annum from date paid to refund date.

April 1, 1991

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

George Twigg, III, Chairman

Peter J. Donahue

Paul B. Franklin

I certify that copies of the within decision have been mailed this date, postage prepaid, to Grant and Margaret Rich, the Taxpayers, and to the Chairman, Board of Selectmen, Town of New London.

April 1, 1991

Michele E. LeBrun, Clerk