

M/A Com Inc.
v.
Town of Hudson

Docket No. 5564-88

DECISION

A hearing in this appeal was held, as scheduled, on October 26, 1990. The Taxpayer was represented by David Stusse, Appeal Director, Property Tax Research Company. The Town was represented by Richard Ethier, Assessor.

The Taxpayer appeals, pursuant to RSA 76:16-a, the assessment of \$1,385,100 placed on its real estate located on Wentworth Drive, for the 1988 tax year. The subject property consists of an approximately 50,050 square-foot, research and development industrial-type building situated on approximately 6 acres of land.

Neither party challenged the Department of Revenue Administration's equalization ratio of 31 percent for the 1988 tax year for the Town of Hudson. Based on that ratio the Taxpayer's assessment equates to a market value of \$4,468,000 as of April 1, 1988.

The Taxpayer's agent submitted a summary appraisal analysis (Taxpayer's Exhibit 1) which utilized an income approach via market rent with direct capitalization method and a cost approach to derive a value for the subject property as of April 1, 1988. The Taxpayer's agent assumed in the analysis a market rent of \$8 per square foot triple net which resulted in an indicated

market value of \$3,398,400. The Taxpayer's agent's cost approach to value

assumed a \$60 per square foot cost for the subject property and a \$100,000-an-acre land value which resulted in a \$3,545,200 estimate of value using the cost method. The Taxpayer's agent presented no market data based on the sales approach.

The Assessor stated that the subject property was a research and development facility which had special features over and above those features found in common industrial buildings of the same vintage. Mr. Ethier testified that the subject property enjoyed special features which enhanced its value when compared with other industrial buildings in the Town of Hudson.

Mr. Stusse testified in response to inquiry his office used Marshall and Swift Service which was provided to them on computer diskettes. Mr. Stusse stated that they used the most recent Marshall and Swift factors and applied the equalization ratio to arrive at their estimate of the proper assessed value for the subject property. Mr. Stusse further responded to inquiry that his company did not have available to it the Marshall and Swift factors for adjusting the property cost components back to the 1978 assessment year, which was the base year of the last town revaluation.

The Board finds the Taxpayer presented no market sales data for the subject property. The Board further finds the factors chosen by the Taxpayer's agent to determine value using the income approach and cost approach did not account for the special features of the subject research and development facility, but were more appropriate factors for an ordinary minimally fitted industrial building.

The Board therefore rules the Taxpayer has failed to prove that the assessment is unfair, improper, or inequitable, or that it represents a tax in excess of the Taxpayer's just share of the common tax burden.

The ruling is, therefore:

Request for abatement denied.

November 2, 1990

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

Peter J. Donahue

Paul B. Franklin, Acting Chairman

Ignatius MacLellan

I certify that copies of the within Decision have been mailed this date, postage prepaid, to Paul G. Ferguson, Agent, representing the Taxpayer, and to the Chairman, Board of Assessors, Town of Hudson.

November 2, 1990

Michele E. LeBrun, Clerk