

Town of Fitzwilliam

Docket No.: 21509-06RA

ORDER

After the 2005 assessment update revised documentation was found to be insufficient and after the selectmen's removal of the view factors from the 2006 assessments, the board ordered the "Town" to perform an assessment update for tax year 2007. (See February 23, 2007 "Order".) As provided by Tax 208.06(a)(2), and after the 2007 assessment update was completed and sufficient sales had occurred, Ms. Cynthia L. Brown, the board's senior review appraiser, investigated the thoroughness of the 2007 update and filed a report initially on June 19, 2009 ("Report") containing her findings, including an assessment-to-sale ratio study of the sales that occurred subsequent to the 2007 update. On July 15, 2009, Ms. Brown filed a Revision to Reassessment Final Report ("Revised Report") correcting the market adjustment applied to sales that occurred after April 1, 2008.

Both the Report and the Revised Report indicate the update essentially achieved market value assessments as indicated by the median level of assessment being 102% and 101% respectively. After correction for market trending, the Revised Report indicates the overall coefficient of dispersion ("COD") was 18.34% which is within the IAAO standards (see Report at p. 5), and the New Hampshire Assessing Standards Board ("ASB") guidelines dated

January 25, 2008. Both the Report and the Revised Report indicated a price related differential of 1.05 which is in excess of both the IAAO standards and the ASB guidelines. The Report also noted the difficulty in achieving good assessment equity in a private seasonal recreational-vehicle condominium community known as Woodbrook due to the inconsistency in the sale prices emanating from that development.

After a thorough review of the Report and Revised Report, the board removes its Order. While the assessment indices are marginally acceptable overall relative to the ASB guidelines and general assessment standards, the update was reasonably documented by the assessment manual provided to the Town by its contractor assessor, Avitar Associates of New England, Inc. ("Avitar"), and the Town has entered into a multi-year cyclical property inspection process with Avitar including annual review of sales and assessment ratios, with the next anticipated reassessment planned for tax year 2013. Until that time, the board would encourage the Town, Avitar and the department of revenue administration, through its RSA 21-J:11-a responsibilities, to monitor the assessment equity and take any appropriate action, as RSA 75:8 requires, to maintain reasonable proportionality within the municipality. In particular, the board appreciates the difficulty in achieving good assessment equity when sales are not consistent such as the Woodbrook "community" sales indicate. Nonetheless, the Town should attempt to monitor any market changes and address them as necessary on an annual basis if warranted.

In summary, the board concludes the Town has a reasonable plan and adequate resources dedicated to potentially ensure the assessments are as equitable as possible given the dynamics of the market. Consequently, the board closes this docket.

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

Paul B. Franklin, Chairman

Michele E. LeBrun, Member

Douglas S. Ricard, Member

Albert F. Shamash, Esq., Member

Certification

I hereby certify a copy of the foregoing Order has this date been mailed, postage prepaid, to: Ashley Fletcher, 34 Thunderbird Circle, Pinehurst, NC 28374, and Margaret Wittenborg, 31 Temple Turnpike, PO Box 240, Fitzwilliam, NH 03447, Lead Petitioners; James P. Bassett, Esq. and James E. Morris, Esq., Orr & Reno, P.A., One Eagle Square, PO Box 3550, Concord, NH 03302, counsel for the Municipality; Avitar Associates of New England, Inc., 150 Suncook Valley Highway, Chichester, NH 03258, Contracted Assessing Firm; Chairman, Board of Selectmen, Town of Fitzwilliam, PO Box 725, Fitzwilliam, NH 03447; and Stephan W. Hamilton, State of New Hampshire Department of Revenue Administration, 109 Pleasant Street, Concord, NH 03301, Interested Party.

Date: August 3, 2009

Melanie J. Ekstrom, Deputy Clerk