

BOARD OF ASSESSMENT APPEALS
April 7, 2009

The Board of Assessment Appeals met on Tuesday, April 7, 2009. Members present were Stephen Palmer, Betty Richards and David Harma. The meeting was called to order at 7:00 p.m.

The following appeals were heard by Stephen Palmer.

CLAIREMONT ESTATES LLC - Lots 3 -48 Clairemont Estates

Jim Meehan represented Clairemont Estates. Mr. Meehan compared recent sales by a per acre cost. He feels the assessments are too high. There are no roads in yet so the lots cannot be sold at this time.

MCI WORLDCOM NETWORK SERVICES – Personal Property

MCI was represented by Richard Masching. MCI has filed personal property declarations with zero for two years and the Assessor continues to tax the company. MCI has telecommunications equipment. He will forward to the Assessor's Office no later than 4 p.m. on Thursday documentation as to the disposition of the equipment that was located in Stonington.

MODULAR SPACE – Personal Property

Modular Space was represented by Richard Masching. Modular Space leases very short time storage equipment in Stonington. There are two leases to the Board of Education that are long term. All other leases are not in Stonington the three months prior to the assessment date as per statute 12-43. He will forward to the Assessor's Office documentation no later than 4 p.m. Thursday.

DENISON SOCIETY – 103 Pequotsepos Road

Archie Chester represented the Denison Society. The house was originally rented and they paid taxes. The property is now used as a preschool and should be exempt. They have submitted a copy of the lease.

WILLIAMS, KEITH – 88 Prentice Williams Rd.

This property has a CL&P easement across the property. CL&P has a 99 year lease on the property but the lease is not on file in the land records. He compared his assessment with his brother, Laurence's property next door.

WHITE, ELIZABETH – 4 Black Duck Rd.

Mr. White stated the land is not the issue. The second story of the house is not $\frac{3}{4}$ stories. There is only 737 square feet of area on the second floor. It only has two guest rooms and an entry hall. He showed pictures of the second floor. The total living area of the house is 2,675 square feet.

MYSTIC DRAWBRIDGE HOLDINGS I LLC – 11 Cottrell St.

Rod Desmarais represented Mystic Drawbridge. He is appealing the Income and Expense penalty. They did not receive their form and did not have any income on the property for 2008. They are currently remodeling and hope to have it rented in May of 2009.

PAULAUSKIS, JOSEPH & LISA – 8 Whaler Rd.

They stated there is no fireplace and they have a three car garage; not living area as noted on the sketch.

PARAGON DEVELOPMENT OF NEW ENGLAND LLC – 4 Dover Ct.

Mr. Pavarini took out a building permit to finish the basement but nothing has been done. The house is a two bedroom, not three; 2 ½ bath, not 3 ½ and the basement is not finished. He submitted pictures. He compared his property to three neighbors.

COGSHALL GROUP LLC & NICHOLAS UTTER – Riverwalk Condos

Mr. Utter is appealing 5 commercial and 6 residential condos. He feels he is over assessed using the income approach as shown on his spreadsheet. He compared units 19 and 22. He has sold the better units already and rents the others. His units have carpet that hasn't been changed. He compared the assessments of mirror units, 2 & 3 and 14 and 1; unit 1 has more light and 14 is on the interior.

HOLMGREN, MARYDAY – Personal Property

Her business does not exist anymore. She closed her business February 2008. Mr. Palmer told her to submit the business closed affidavit and have it notarized and returned to the Assessor's Office no later than Thursday.

HARTY, ANN – 27 Wilbur Road

Ms. Harty compared her property to the adjoining properties. She stated that part of her land is wetlands and submitted pictures taken the day of the hearing. She feels her C factor should be similar to her neighbors' property. The house was built in 1950+/- and the roof is at least 25 years old. The house still has some of the original windows.

The following appeals were heard by Betty Richards.

COPPER BEACH, LLL – 41 East Main Street

Frank Lionelli stated he feels his assessment is too high and should be about 15% less. He said the two appraisals submitted substantiate his belief the assessment is too high. Mr. Lionelli also questioned the 10% penalty they were assessed on the Income & Expense report because they did not own the building during 2007, the reporting year.

LIONELLI, FRANK E DMD – 38 East Main Street

Mr. Lionelli believes his appraisal is too high in comparison to the neighboring properties. He feels it was over appraised in 2007. The two appraisals submitted with their appeal for 41 East Main St. can be referred to for this appeal.

NOBLE, CAROLIE W. ESTATE OF – 219 Osbrook Point

Bob Silverstein and Attorney Frank Eppinger both believe the appraisal is too high. Mr. Silverstein submitted an appraisal for the property. He said he believes the depreciation should be 40% not 20%. There is a right-of-way that divides the property in half. The waterfront is also rocky and the view is of the Pawcatuck River. The house needs a great deal of work and updating.

OSHA, ELIZABETH – 221 Wamphassuc Road

Bob Silverstein and Attorney Frank Eppinger believe the appraisal is too high. The land value is high and there is not a view of the water. Appraisals with comps were submitted. The appraised value of the house is \$20,000 higher than the appraisal submitted.

IBRAHIM, A. & SCOTT, JENNIFER – 5 Bayberry Court

Ms. Scott believes the town appraisal is too high. She estimates the value to be less than \$540,000. They do not have access to the cove and the town has a right-of-way on their property. She submitted an appraisal for the property with comps and also pictures of the property. Ms. Scott stated the town's appraisal is an 85% increase from the previous revaluation.

MCCLELLAND, NANCY – 22 Wall Street

Nancy McClelland and Les Bray (William Sotheby's Realty) believe the appraisal is too high compared to other houses in the neighborhood. There is very little view across the street. Mr. Bray submitted comparables from neighboring properties.

PETRIE, GARY & NANCY – 4 Cronin Avenue

Mr. & Mrs. Petrie believe the house was appraised too high. They have 2 building permits for renovations. The sunroom replaced an existing porch of the same size. It has been completed. However, not all the other renovations have been done.

The following appeals were heard by David Harma.

STAMM, DAVID & NANCY – 38 Cove Rd

The Stamms were represented by James & Marjorie Macaulay, whom they authorized to represent their interests at 38 Cove Road, 50 Cove Rd, 48 Cove Rd and vacant lot on Cove Rd (130/1/3A). 38 Cove Rd is residential waterfront property. They feel the property appraisal is currently 30-40% above recent sales on Cove Rd and Wilbur Rd. They presented a 10/1/07 appraisal report and submitted package of sales in area. Taking value reduction into account and comparison to independent appraisal report they feel the fair market value at 38 Cove Rd should be \$551,000.

STAMM, DAVID & NANCY – 50 Cove Rd

The Stamms were represented by James & Marjorie Macaulay, whom they authorized to represent their interests at 38 Cove Road, 50 Cove Rd, 48 Cove Rd and vacant lot on Cove Rd (130/1/3A). 50 Cove Rd is residential waterfront property. They feel the property appraisal is currently 30-40% above recent sales on Cove Rd and Wilbur Rd on Quiambaug Cove, waterfront. They presented a 10/1/07 appraisal report and submitted package of sales in area. Taking value reduction into account and comparison to independent appraisal report they feel the fair market value at 50 Cove Rd should be \$750,000.

STAMM, DAVID & NANCY – Cove Rd (130/1/3A) vacant lot

The Stamms were represented by James & Marjorie Macaulay, whom they authorized to represent their interests at 38 Cove Road, 50 Cove Rd, 48 Cove Rd and vacant lot on Cove Rd (130/1/3A). Cove Rd (130/1/3A) is a residential non-waterfront vacant property .99 acres. They feel the property appraisal is currently 37% above recent values. They

feel that the Vision value of \$520,800 is overvalued. Taking value reduction into account and comparison to independent appraisal report they feel the fair market value at Cove Rd should be \$325,000.

STAMM, DAVID & NANCY – 48 Cove Rd

The Stamms were represented by James & Marjorie Macaulay, whom they authorized to represent their interests at 38 Cove Road, 50 Cove Rd, 48 Cove Rd and vacant lot on Cove Rd (130/1/3A). 48 Cove Rd is residential non-waterfront property. It has less than a quarter acre and an older home. They feel the property appraisal is currently 20-27%% above recent sales on Wilbur Rd. They presented a 10/1/07 appraisal report and submitted package of sales in area. Taking value reduction into account and comparison to independent appraisal report they feel the fair market value at 48 Cove Rd should be \$350,000.

GATES, BRIAN & ULRIKA – 116 Cove Rd

They estimate the fair market value at \$772,000. They presented a current appraisal report and compared their property to adjacent houses in the area that have lower values. They are looking to lower the appraised value of the property.

SIMMONS, MARK – 353 Greenhaven Rd

Mr. Simmons is looking for a reduction in value. He presented appraisals for the property dated 3/31/06 and 1/9/09 that have the appraised value at \$640,000 and \$665,000 lower than what town has valued at \$709,400. Will submit copies of other appraisal reports if needed. He states the structure cost \$362,000 to build in 2005. The town appraised the structure at \$501,000. He thinks that is too high. None of his appraisals go as high as \$709,000. He stated that consistent independent appraisals were between \$615,000 - \$665,000. He estimates the fair market value should be \$645,000.

PAWCATUCK BUSINESS PARK – 100 Mechanic St

John McDermott of McDermott & Associates LLC acted as agent for the Pawcatuck Business Park. The property is an industrial mill building. Mr. McDermott submitted financial statements and supporting documentation to support the claim of overvaluation of the town's appraisal of the property. The building has a 37.4% vacancy and collection loss. He submitted a site plan showing amount of current vacancy. He stated that the major part of the property has been vacant since 2003. He estimates the fair market value at \$2,483,000.

MOSS-MORGANS ORIGINAL SCENTED SOAP – Personal Property

Tom Kasprzak of 107 Water St Apt 2N stated that the business is a small internet business where they sell soap. He estimates sales at approximately \$19,000/year. The business is run out of the home and there is no special area or equipment specifically set aside or used for the business. He estimates \$50.00 of containers of saddle soap on hand to make soap as needed. He filed his personal property declaration late and received a penalty. He is arguing the personal property value. Value should be \$50.00 for supplies but it should not include office furniture and computer equipment. He is looking to reduce the value by \$1117 to \$50.

BORYSZEWSKI, PETER A – 4 Coggswell St Unit 7 Riverwalk Condos

Mr. Boryszewski feels the value is too high. His unit is on the first floor in the rear near the parking lot. It has no loft. He said the condos were equally valued but his unit has no loft and should be lower. He presented a chart using the average real estate values at the time of the appraisal to place the value of his unit at approximately \$130,000.

HALLAS, STANLEY – 34 Elmridge Rd – Motor Vehicle

Mr. Hallas is looking for a reduction in value of his motor vehicle: a Dodge Ram 1500, 2 dr, Reg Cab, 6 Cy., short bed, standard transmission with no extras. He presented price comparisons from NADA and Kelly. He estimates the value to be \$7,700.

CROWLEY, FLORENCE – Palmer Neck Rd – vacant lot

Represented by Raymond Crowley. Mr. Crowley feels the property is overvalued for a nonconforming lot. It is one-half acre in a two-acre zone. The property has a right of way through abutting properties but is otherwise landlocked. He said the issuance of a building permit would require a special permit resulting from the lot not meeting the minimum road frontage requirement as well as limitation due to required property setbacks. He presented a map and articles regarding the sale of 48-acre parcel of raw land on Palmer Neck Rd. He estimates the value at \$20,000.

STOUT, ROBERT & BEVERLY – 25 Orchard St #8

This is a Borough School Condo. They bought the condo 10/1/08 for \$395,000. The condos were equally valued but did not reflect the original condition of their unit. No updates or upgrades had been made. The unit is on the north side of the building, no water views; it is on the parking lot side. They presented a 10/07 independent appraisal report from Gregory Erb Appraisal Co to support their request for a reduction in value of \$450,000.

The Board voted unanimously to accept the minutes for the September 6, 2008 meeting as read.

Diane Starring, Antonio Mastroianni and SBA Towers II LLC did not appear for their appointments. Edward & Katherine Jurczyk called and cancelled their appointment.

There being no further business, the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Betty Richards
Secretary