

# **BOARD OF ASSESSMENT REVIEW MEETING MINUTES**

**DATE: Wednesday, November 19, 2008**

**LOCATION: Municipal Court Room**

**MEMBERS PRESENT: Attorney Dana Horton and Cornelius Collins**

**TOWN ASSESSOR: Charles E. Vacca**

**Jennifer Misto, Account Clerk III**

**Meeting was called to order at 2:35 p.m.**

**PETITION # 5 & 7 – Graham, Kathryn V. & Stuart E. – A/P 135/118,119  
– 52/56 Rossini Rd.**

**Represented by Stephen McAndrew.**

**The appeals for these lots were filed separately but brought before the Board of Review as one. Stated the following to support the clients' petition for appeal:**

- purchase price of \$2,000,000 in Feb 2006 by Westby Corp included both parcels**

- portion of one lot fronts Quonochontaug Pond (135/118)**
- conservation easement between Westby Corp. & Shelter Harbor Conservation Society (perpetual easement)**
- provided a copy of the above easement – pg. 2 states “the fair market value of the premises will be reduced by at least \$761,576”**

**Mr. McAndrew stated the limitations and restrictions brought about by the above perpetual conservation easement on the property lowers the fair market value. The clients feel the \$1,600,000 they paid for the 2 lots in November 2007 expresses the loss of value to that site due to the restrictions in place. Mr. McAndrew noted for the record that there is no relationship between Westby Corp. and the Grahams.**

**The Assessor stated the fact that no one was able to build on the front lot enhances the value of the abutting lot with the house on it.**

**PETITION #4- Shelter Harbor – A/P 115/002 – 5355 Old Post Rd.**

**Represented by Attorney Elizabeth McDonough Noonan.**

**This is an ongoing case in Superior Court. The clients still feel the assessed value “exceeds full and fair cash value”. Attorney Noonan said they are in the process of obtaining another appraisal and will give it to the Board upon receipt. The Board agreed to keep the case open pending the new appraisal.**

**PETITION #6 – Granite APR Development Corp. A/P 067/278- 114  
Granite St. (All Units)**

**Represented by Attorney Vincent Naccarato with Dr. Reich present.**

**Client feels there is too much disparity between the two buildings. Presented a chart of commercial area assessments for lots 278 & 279. States the following: “For the Assessments to be Fair the per sq ft of Lot 067-278 should Not Be More than the per sq ft for Lot 067-279”. These documents as well as a sketch of the two buildings are on file in the Assessor’s Office.**

**Client states he has no qualms with the assessment on A/P 067/279 but feels A/P 067/278 needs to be more in line. Feels the assessment needs to be closer to approximately \$3 million.**

**\*\* Chairperson Marilyn Sciarillo was not present at the meeting. Attorney Dana Horton and Cornelius Collins made the quorum.**

**There is no further business before the Board at this time. Attorney Dana Horton adjourned the meeting. Decisions from today’s meeting are pending until the next meeting.**

**Respectfully submitted,**

**Dana Horton, Esquire**

**Board Member/ Acting Chairperson**