

**Town of Concord  
Board of Assessors Meeting Minutes  
March 14, 2019**

**Present:** Christian Fisher, Chair, Cynthia Rainey, Tom Matthews, Susan Livingston and William Herring  
**Staff:** Lane Partridge, Town Assessor, Rick Ladd, Assistant Assessor  
**Others:** Robert Addelson, Pamela Callahan, Peter Callahan, Kathryn Herold, Timothy Terpstra, Leslie Koplow, Sean Ruhmann, Alexandra Ruhmann  
Jordan Burke and Jaleh Owliaei

The meeting was called to order at 7:00 P.M.

**ABATEMENTS**

Mr. Fisher explained the abatement application review procedure followed by the Board. The Town Assessor will present the application to the Board along with his recommendation. If the applicant is present they will be invited to the table to sit with the Board and present their case. They will have 5 minutes to speak with the Board. After that the applicant will be asked to return to their seat in the audience so that the Board may deliberate in regards to the application. After deliberations the Board will vote on the application.

**17 WARNER ST**

Mr. Partridge stated that he has visited the property and found no errors in the description of the property. The home is an Old Style home in West Concord and is in line with similar style homes in the area.

Mr. Addelson, the homeowner, stated that he has had a 9.7% increase in value from Fy18 to FY19 as compared to a 5.3% increase for the town. He stated that the levy has increased by 4% and he is wondering why his increase was larger. He presented the Board with a table he prepared comparing his home to other homes in the area. He questioned whether tear downs in neighborhoods are having an effect on the value of remaining homes in a neighborhood. Is new construction having an adverse effect on existing housing stock. Is the assessment model taking into consideration the existing housing stock.

The Board stated that sales of homes that have been torn down and rebuilt are considered Non-Arms Length Sales and cannot be used in the Sales Analysis for the Fiscal Year. The Department of Revenue requires us to value properties between 90% - 110% of sales price. The subject neighborhood, with its proximity to West Concord Center, has become very desirable, which in turn has raised the values. What is constructed on a property after it is torn down does have an effect on other properties in the neighborhood over time and is gradually phased in. The value of this property is correct as houses are selling for what this property is assessed for in that area.

On a **MOTION** made by Ms. Rainey, seconded by Mr. Matthews, it was  
**UNANIMOUSLY VOTED** to **DENY** the request for abatement as recommended by staff.

### **24 RIDGE RD**

Mr. Partridge has visited the property and determined that the shed and the hot tub have been removed from the property. He adjusted the property record by removing the shed and hot tub. This resulted in a \$4,600 decrease in value. This would result in an abatement of \$4,600 for a new value of \$1,327,700.

Mr. and Mrs. Callahan, the homeowners, stated that they had looked at comparable properties in the neighborhood and their increase in value was twice the average increase. Several of their comparable properties were smaller with more bedrooms and land. They wanted to present these comparable properties to the Board.

The Board stated that since these were not part of their original application they have not had a chance to look at them and cannot comment on them at this time. They stated that many variables go into valuing homes including but not limited to the square footage of the home, quality of construction and style of the home. All of these factors will adjust the price per square foot of the home. The Board asked the homeowners to bring to the office the information that they would like the Board to review when considering their application. The Board will not comment on this application at this time and will discuss it at a future meeting.

On a **MOTION** made by Mr. Matthews, seconded by Ms. Rainey, it was **UNANIMOUSLY VOTED** to table the discussion on this application until a future meeting.

### **146 HUBBARD ST**

Mr. Partridge stated that he had visited the property and he has made minor sketch changes to the property. He also reduced the condition of the property from Excellent to Very Good and placed a 5% Functional Obsolescence for the property as it is on backland with no frontage. This would result in an abatement of \$127,700 for a new value of \$1,427,400.

Ms. Herold, the homeowner, stated that her property is a 2,000 square foot home with 2 bedroom not 3 as stated on the property record card. She stated that she does not own her driveway and cannot control how it looks. She has had to replace all the water and sewer pipes for her property and they ran under the driveway. She also had to replace the driveway and the Condominium Association did not reimburse her for any of the expense associated with that.

The Board stated that she is in the fastest selling neighborhood in Concord and that fact weighs heavily on the Neighborhood Factor.

On a **MOTION** made by Ms. Livingston, seconded by Ms. Rainey, it was **UNANIMOUSLY VOTED** to **GRANT** the request for abatement as recommended by staff.

**118 PRESCOTT RD**

Mr. Herring recused himself from hearing this application.

Mr. Partridge stated that he has visited the property and it is a cape style home with a stairway to the second level that is unfinished. Unfinished second stories are assessed at 30% of the living area. The unfinished space is adding almost \$150,000 to the value of the property.

Mr. Partridge then recused himself from discussing this application with the Board.

Mr. Terpstra and Ms. Koplow, the homeowners, stated that they built the modular home with the idea that they wanted to have 2,400 square feet of single floor living. They put in the stairway and dormers in the event that they chose to finish the second story in the future. They don't believe they should be assessed so much for a space which is essentially an attic. They stated that other ranch homes in town do not pay as much for attic space. They mentioned some comparable properties they included with their application on Prescott St. and Minuteman Dr. There is flooring in the second story space but no electricity, plumbing, insulation or walls. It is accessed by stairs in the middle of the home with a door at the top. The unfinished space is 2,400 square feet.

The Board stated that this space can be converted to second story living space that would double the size of the home. They don't believe they should be valued on the future potential of the property and are willing to give an abatement based on that. The homeowners are asking for a 15% reduction in the value of their property. The Board stated that is too large a discount. They stressed that they are here to value the entire property not just the building. The Board agreed to a 7% reduction in the value of the property which would result in an abatement of \$77,000 for a new value of \$1,027,900.

On a **MOTION** made by Mr. Matthews, seconded by Ms. Livingston, it was **UNANIMOUSLY VOTED** to **GRANT** the request for abatement as stated above.

**10 WOOD ST**

Mr. Partridge stated that he had visited the property and the record has a 15% river view factor on the land. The river can no longer be seen from the property so he recommends removing that factor. The windows are old and single pane and the railroad runs near to the property but on the other side of Main St. An adjustment for the railroad, in the past, has only been given to direct abutters. He is recommending taking the 15% river view enhancement off of the property resulting in an abatement of \$112,000 for a new value of \$1,451,800.

Mr. and Mrs. Ruhmann appeared before the Board and stated that their home is unique in that there are fireplaces in the home but none of them are working. The house also shakes when the railroad goes by which has gotten worse since the MBTA removed all the trees which acted as a buffer to the railroad noise. They are also in the Historic District which has resulted in very expensive fixes to their home. They have not replaced the windows because of the cost. They had to replace gutters with a specific kind and that was very expensive along with replacing a chimney that does not have a fireplace attached. They have no garage and their driveway is not in good shape. They believe there are no other homes on Nashoba Rd. that compare to their home.

The Board agreed that the 15% river view enhancement should be removed. The fireplaces, although they are not working, still add value to the home because buyers look for them when they are buying antique homes. They will make no adjustment to the value because the property is in the Historic District. They discussed giving a 5% discount for the railroad being across the street. This would result in an abatement of \$149,300 resulting in a new value of \$1,414,500.

On a **MOTION** made by Mr. Matthews, seconded by Ms. Livingston, it was **VOTED BY 3 MEMBERS** to **GRANT** the request for abatement as noted above and **1 MEMBER** to **DENY** the request for abatement.

### **65 COLLEGE RD**

Mr. Partridge stated that he has visited the property and concluded that the condition of the property should be reduced from Very Good to Average, the unheated area in the rear of the house should be listed as an enclosed porch and grade should be reduced to a 4 from a 5. This would result in an abatement of \$116,200 for a new value of \$1,068,400.

Mr. Burke, the homeowner, stated that the comparable properties he included with his application were obtained by Core Logic. He stated he was paying lower taxes in Cambridge and did not understand why the property taxes were so high in Concord. He purchased the home in August 2018 and he thinks his value should be closer to his sale price. He stated that his assessment is 120% of his sales price.

The Board stated that they did not use 2018 sales in the analysis for Fy 2019 and they are not comfortable with the comparable properties the taxpayer used to state his case.

On a **MOTION** made by Mr. Matthews, seconded by Ms. Rainey, it was **UNANIMOUSLY VOTED** to **GRANT** the request for abatement as recommended by staff.

### **116 STRAWBERRY HILL RD**

Mr. Partridge stated that he has visited the property and has reduced the condition of the property from Very Good to Average. The homeowner discussed the pond which is owned by the Concord Rod and Gun Club. She stated that the club drained the pond last year killing several trees along the edge. Mr. Partridge spoke with Delia Kaye, Director of Natural Resources, and she stated that the pond was drained last summer so repairs could be made to the dam at the end of the pond. The club is trying to keep the pond as deep as possible to promote fishing for larger fish. She also stated that high water levels kill trees not low water levels. The club would like to dredge the pond but it is too expensive to do that. He also stated that the Effective Area of this home is 4,631 Square Feet. The home was purchased in the year 2000 for \$900,900 and the assessed value has only increased by \$400,000 over 19 years. With the reduction of the condition of the property from Very Good to Average this would result in an abatement of \$99,800 for a new value of \$1,311,700.

Ms. Owliaei, the homeowner, stated that she bought the property at the height of the market in 2000. She loved the pond and the fact that they could boat on the pond. The land value has doubled since then and she is concerned about the increase. The pond was a swamp for 1 year when the Concord Rod & Gun Club drained the pond. She feels it still looks like a swamp. She has the rights to use the pond. Her home is only a 2 bedroom home.

The Board asked if she has to pay for flood insurance. She stated no because the property does not get flooded. Having a view of the water is beneficial to a property and something that buyers like. The number of bedrooms is not a standard adjustment to the assessed value of the property.

On a **MOTION** made by Ms. Livingston, seconded by Mr. Matthews, it was **UNANIMOUSLY VOTED** to **GRANT** the request for abatement as recommended by staff.

### **82 ALDEN RD**

Mr. Partridge stated that he had visited the property there is a large addition on one side of the home. The home has an effective area of 4,073 square feet and the value is appropriate for this property. It was recommended to deny this application for abatement.

On a **MOTION** made by Mr. Matthews, seconded by Ms. Livingston, it was **UNANIMOUSLY VOTED** to **DENY** the request for abatement as recommended by staff.

### **95-209 CONANT ST**

Mr. Partridge stated that he had visited the property and the reviewed sales to support the property value. The homeowner stated that he believes there should be an adjustment made for the 2<sup>nd</sup> Floor Units because the 3<sup>rd</sup> and 4<sup>th</sup> Floor Units sell for higher prices. Mr. Partridge stated that there has been no indication in the market that floor height is a determining factor in the sale price of these units. The Board stated that the units in this complex are selling quickly. It was recommended to deny this application for abatement.

On a **MOTION** made by Ms. Livingston, seconded by Ms. Rainey, it was **UNANIMOUSLY VOTED** to **DENY** the request for abatement as recommended by staff.

### **154 CRESCENT RD**

Mr. Partridge stated that he had visited the property and it sold in 2018 for \$1,200,000 which is below the sale prices of similar properties in the area. It has a unique layout upstairs with a bedroom converted into an office. The Board will analyze the 2018 sale for FY 2020. A home close to this one at 467 Elm St. sold for \$1,360,000 in 2018. The renovations on this property are beautiful although there is no backyard. Mr. Partridge recommended denying this application for abatement.

On a **MOTION** made by Ms. Rainey, seconded by Mr. Matthews, it was **UNANIMOUSLY VOTED** to **DENY** the request for abatement as recommended by staff.

**25 EVERETT ST**

Mr. Partridge stated that he had visited the property. The property was purchased in 2018 for \$1,830,000. At the time of purchase the homeowners had an inspection done of the property and are basing their abatement application on what was included in the inspection report. The homeowner is claiming that the bathrooms are fully depreciated with a lot of damage. The rear wall is damaged with water leaking in the home and the view of the apartments across the street reduces the value of the property.

Mr. Partridge stated that the bathrooms are beautiful in the home and the rear wall does not appear to be damaged. There are some routine maintenance issues including some rot on the window sills but the wall appears to be solid. The condition of the property was excellent and it should be reduced to very good. With the reduction of the condition of the property from Excellent to Very Good this would result in an abatement of \$95,300 for a new value of \$1,816,500.

On a **MOTION** made by Ms. Rainey, seconded by Mr. Matthews, it was **UNANIMOUSLY VOTED** to **GRANT** the request for abatement as recommended by staff.

**273 WESTFORD RD**

Mr. Partridge stated that he had visited the home and it is an 11,000 square foot beautiful home. Upon inspection he noted that we did not list an elevator that was on the property. He added the elevator and reduced the condition of the property. This resulted in a \$1,200 decrease in value. The Board decided not to reduce the value of the property for FY 2019 and to put the changes in for FY 2020.

On a **MOTION** made by Ms. Rainey, seconded by Ms. Livingston, it was **UNANIMOUSLY VOTED** to **DENY** the request for abatement as recommended by staff.

**MINUTES**

**February 21, 2019 – Regular Session**

On a **MOTION** made by Ms. Livingston seconded by Ms. Rainey it was **VOTED** to **APPROVE** the minutes of the regular session of February 21, 2019.

**February 21, 2019 – Executive Session**

On a **MOTION** made by Mr. Matthews seconded by Ms. Rainey it was **VOTED** to **APPROVE** the minutes of the executive session of February 21, 2019.

**MOTOR VEHICLE END OF MONTH REPORTS**

Mr. Partridge presented End of Month Reports for Motor Vehicle Excise Tax Abatements for **February 2019** with the following amounts:

2019 - \$2,374.41

2018 - \$1,208.85  
2017 - \$ 54.17  
2016 - \$1,031.01

On a **MOTION** made by Ms. Livingston, seconded by Mr. Matthews, it was **UNANIMOUSLY VOTED** to **APPROVE** the motor vehicle excise tax abatements for 2016, 2017, 2018 and 2019 as designated in the End of the Month Reports for February 2019 and as listed above.

### **TOWN ASSESSOR**

Mr. Partridge reported that a large number of the abatement applications have been completed and there are no issues to report.

### **BOARD COMMENTS**

The Board stated that we have had good discussions tonight regarding the abatement applications and they have no issues with the property values. They agree with Mr. Fisher when he stated that we should be looking at the total value more than separate land and building values. As houses in neighborhoods are being replaced that affects the whole neighborhood value. They believe that some homeowners are deferring maintenance on their homes because they believe their home is a tear down. Buildings in neighborhoods which have not been replaced will slowly increase in value because larger homes are being built around them.

### **AFFORDABLE HOUSING TOWN MEETING WARRANT ARTICLES**

The Board discussed the following Town Meeting Warrant Articles:

- Article 23 – Appropriate Funds for Affordable Housing Development
- Article 24 – Authorize to establish a Municipal Affordable Housing Trust Fund
- Article 25 – Real Estate Transfer Tax
- Article 26 – Building Permit Fee Surcharge

Mr. Matthews stated that he is 100% in favor of Affordable Housing but he is not in agreement with the funding as presented in the warrant articles. The Board should take a stand to say we are against imposing a transfer tax on buyers of properties in town. The Board agreed to have a discussion and not vote on anything at this time. This is important because with every transfer of property in town the buyer will be subject to a 1% fee based on the sale price of the property. None of that fee will be able to be financed so it must be paid in cash at the time of the sale. 30% of transfers of property in town are from homeowners selling their property in Concord and moving to another property in Concord. We would be taxing them twice by adding the 1% fee onto the sale.

Properties on Cape Cod are subject to a transfer tax because most of those homes are second homes. Properties in Somerville and Cambridge are also subject to a transfer tax because 50% of those properties are purchased by investors or are commercial properties. The cost of the fee will most likely be subtracted from the broker's commission or the sales price. This could result in the average homeowner losing \$10,000 in equity from their home sale. This will hurt the homeowners

of the less valuable, smaller homes. This tax is not intended to tax primary residences but that is what it is doing. This tax will limit the number of sales in town and will give us a smaller group of sales with which to base values on.

The Board is concerned that people will no longer want to buy homes in Concord because of the additional tax. We would be the only community in Massachusetts, besides those listed earlier, that would have such a tax. The Community Preservation Surcharge is supposed to be used for the purchase of Open Space, Historical Preservation and Affordable Housing. Without raising taxes we could put \$800,000 a year in a fund to be used for Affordable Housing.

The Affordable Housing Committee believes that all the articles should be voted on together and the Board does not agree with that. The Board discussed the use of Free Cash to fund Affordable Housing. While they are not objecting to Free Cash being used it should be saved for projects that are more urgent such as the building of the new Middle School. The cost of the Middle School could be around \$100 Million and the community could be devastated by the impact to the tax bills.

Over the long run Affordable Housing needs to have a sustainable funding source but a transfer tax is not it. Mr. Matthews stated that when counting the Affordable Housing stock accessory housing should be included in that number.

There is also an article to propose a Building Permit Tax. This would be administered by the Building Department and there are many exemptions to this tax which need to be discussed. The Board stated that these articles were rushed through and this is a discriminatory tax towards the buyer.

The Board agreed to continue their discussion on this subject at the next meeting.

### **NEXT MEETING**

The next is scheduled for March 28, 2019.

### **EXECUTIVE SESSION**

At 9:16 P.M., on a **MOTION** made by Mr. Matthews and seconded by Ms. Rainey, it was **UNANIMOUSLY VOTED by Roll Call Vote:**

Mr. Matthews – Aye  
Ms. Livingston – Aye  
Mr. Fisher - Aye  
Ms. Rainey – Aye

to enter into executive session in compliance with Open Meeting Laws purpose #7 (“To comply with, or act under the authority of, any general or special or federal grant-in-aid requirements”) and for the purpose of considering CPA Exemption Applications, Statutory Exemption Applications and Appellate Tax Board Cases and to adjourn thereafter.

**The Board Entered the Executive Session**

Respectfully submitted,

Carolyn Dee  
Sr. Administrative Assistant