

## **2024 ABATEMENT REQUEST – Staff Notes**

### **Union Avenue Holdings, LLC**

#### **Map 324, Block 220, Lot 2 – Assessed Value \$1,005,700**

The taxpayer cites as the primary rationale for the abatement the amount of physical depreciation attributed to each improved area of Map 324, Block 220, Lot 2 (Spinaker Cove Condominium unit C-1). This unit is comprised of 40,078 square feet of exclusive use land that has 314 feet of frontage on Paugus Bay of Lake Winnipesaukee. In addition to this exclusive use land, the unit has rights of access, rights to use common areas of the Spinaker Cove Condominium, exclusive use of a defined condominium dock space (unit 1-38). From there are four additional boat docks that extend into the lake from the exclusive use area that appear to be limited to the use of unit c-1.

The unit is improved with a building that totals 32,788 square feet of area that is primarily used as boat storage and repair areas. The age of this building ranges from 70 to 100 or so years. The overall condition of the building is average for the age.

The significance of value for the building associated with unit C-1 is not the depreciated condition or cost: it is the impact that its physical presence has on the highest and best use of the property. The shoreline protection act provides for the re-use of a building's footprint when it lies within the protected area of the shore. That is a substantial amount of area that will impact the proximity of any adaptation of the unit to a higher intensity use.

There is also a value to the Littoral Rights, or rights to utilize the waterfrontage in the permitting and construction of additional boat slips.

The sale of the property for \$650,000 on 3/2/2023 does not appear to be an arms-length transaction, as there is no independent verification that there was public marketing of the property.

#### **Map 327, Block 220, Lot 3 - Assessed Value \$545,700**

This is a vacant parcel directly adjacent to Map 324, Block 220, Lot 2 that contains 21,780 sf of land that has a total of 423 feet of frontage on Paugus Bay. Access through existing rights of way that include licensed use of the State of NH railroad right of way. Other access to the lot is through existing 16' rights of way that lead directly to Union Avenue.

The land area and additional frontage are critical in any redevelopment of these parcels and have an extensive impact on value.

There is also a value to the Littoral Rights, or rights to utilize the waterfrontage in the permitting and construction of boat slips.

The sale of the property for \$45,000 on 3/2/2023 does not appear to be an arms-length transaction, as there is no independent verification that there was public marketing of the property.

**Map 327, Block 220, Lot 4 - Assessed Value \$48,000**

This vacant property provides 16' wide right of way access to Map 327, Block 220, lot 3.

The sale of the property for \$5,000 on 3/2/2023 does not appear to be an arms-length transaction, as there is no independent verification that there was public marketing of the property.

**Recommendation**

If the properties had been typically exposed to the market the fairly recent sale might have been some indication of their market value(s). There is no information provided that claims or indicates that the property was ever exposed to the open market. The buyer and the seller are owners of extensive properties in the lower Paugus Bay and Lakeport area and may have been aware of the property's availability directly from the owner.

It is recommended that the total value of these three parcels of \$1,599,400 be sustained, and that no abatement should be granted.

BAY

## PAUGUS BAY

324/220/2

327/220/3

327/220/4

Property Location UNION AV  
Vision ID 2171

Account # 749

Map ID 327/ 220/ 3 /

Bldg # 1

Bldg Name  
Sec # 1 of 1  
Card # 1 of 1

State Use 3920  
Print Date 03-13-2025 11:19:46

CURRENT OWNER				TOPO		UTILITIES		STRT/ ROAD		LOCATION		CURRENT ASSESSMENT				<div style="border: 1px solid black; padding: 5px; display: inline-block;">           1501             LACONIA, NH   <b>VISION</b> </div>														
UNION AVENUE HOLDINGS LLC  PO BOX 6720  LACONIA NH 03247				4 Rolling						1 None		Description		Code	Appraised		Assessed													
														COM LAND			3920	545,700	545,700											
				SUPPLEMENTAL DATA																										
				Alt Prcl ID 58 220 8B OWNOCC N		ZONE 2 ZONE 2 %		WARD		WARD 6																				
				REVIEW ZONE 1 UC ZONE 1 % 100																										
				GIS ID 327-220-3				Assoc Pid#																						
												Total		545,700	545,700															
RECORD OF OWNERSHIP				BK-VOL/PAGE		SALE DATE		Q/U	V/I	SALE PRICE		VC	PREVIOUS ASSESSMENTS (HISTORY)																	
UNION AVENUE HOLDINGS LLC IRWIN JAMES R & SONS INC BROX RAYMOND BROX RAYMOND & BROX FRANK BROX STANLEY B ESTATE				3555	0831	03-02-2023	U	V	45,000	24	Year	Code	Assessed	Year	Code	Assessed	V	Year	Code	Assessed										
				1684	0558	09-21-2001	Q	I	92,000	00	2024	3920	545,700	2023	3920	140,100	2022	3920	116,800											
				1684	0556	09-06-2001	U	I	0	1																				
				1566	0796	12-23-1999	U	V	13,330	1																				
				0486	0135	06-26-1967	U	V	0																					
														Total	545,700	Total	140,100	Total	116,800											
EXEMPTIONS				OTHER ASSESSMENTS												<div style="border: 1px solid black; padding: 5px; display: inline-block;">           This signature acknowledges a visit by a Data Collector or Assessor         </div>														
Year	Code	Description		Amount		Code	Description		Number		Amount		Comm Int																	
		Total		0.00																										
ASSESSING NEIGHBORHOOD																														
Nbhd	Nbhd Name		Cyclical Group		TIF District		ID Code		<div style="border: 1px solid black; padding: 5px; display: inline-block;">           APPRAISED VALUE SUMMARY         </div>																					
0001			D																											
NOTES																														
LOT BEHIND PYROFAX GAS NO DOCK WITHOUT CITY+																														
ROW THRU STATE APPROVAL																														
SURVEY IN 12-82																														
R=NO HUMAN CONTACT=																														
CITY WATER SUPPLY																														
BUILDING PERMIT RECORD																														
Permit Id	Issue Date	Type	Description		Amount	Insp Date	% Comp	Date Comp	Comments				Date	Id	Type	Is	Cd	PURPOSE/RESULT												
													06-09-2023	PS	S		10	VACANT LAND												
													10-20-1989	99			99	MMC INFO												
LAND LINE VALUATION SECTION																														
B	Use Code	Description		Zone	LA	Land Type	Land Units		Unit Price	Size Adj	Site Index	Cond.	Nbhd.	Nbhd. Adj	Notes			Location Adjustmen		Adj Unit P	Land Value									
1	3920	UNDEV-C		UC			21,780	SF	2.51	1.00000	5	1.00	PB3	10.000					1.0000	25.06	545,700									
1	3920	UNDEV-C		UC			423	FF	0.00	1.00000	0	1.00	50	1.700					0.0000	0	0									
Total Card Land Units							0.50	AC	Parcel Total Land Area							0.50				Total Land Value		545,700								

Property Location UNION AV  
Vision ID 2171

Account # 749

Map ID 327/ 220/ 3/ /  
Bldg # 1

Bldg Name  
Sec # 1 of 1

Card # 1 of 1

State Use 3920  
Print Date 03-13-2025 11:19:46

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)							
Element	Cd	Description	Element	Cd	Description					
Style:	94	Outbuildings								
Model	00	Vacant								
Grade:			CONDO DATA							
Stories:			Parcel Id	C	Ownne	0.0				
Occupancy				B	S					
Exterior Wall 1			Adjust Type	Code	Description	Factor%				
Exterior Wall 2			Condo Flr							
Roof Structure:			Condo Unit							
Roof Cover			COST / MARKET VALUATION							
Interior Wall 1			Building Value New		0					
Interior Wall 2			Year Built		0					
Interior Flr 1			Effective Year Built		0					
Interior Flr 2			Depreciation Code							
Heat Fuel			Remodel Rating							
Heat Type:			Year Remodeled							
AC Type:			Depreciation %							
Total Bedrooms			Functional Obsol		0					
Total Bthrms:			External Obsol		0					
Total Half Baths			Trend Factor		1.000					
Total Xtra Fixtrs			Condition							
Total Rooms:			Condition %		0					
Bath Style:			Percent Good							
Kitchen Style:			RCNL		0					
			Dep % Ovr							
			Dep Ovr Comment							
			Misc Imp Ovr							
			Misc Imp Ovr Comment							
			Cost to Cure Ovr							
			Cost to Cure Ovr Comment							
OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	Unit Price	Yr Bit	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value
BUILDING SUB-AREA SUMMARY SECTION										
Code	Description		Living Area	Gross Area	Eff Area	Unit Cost	Undeprec Value			
Ttl Gross Liv / Lease Area			0	0	0		0			

No Sketch

06/09/2023

RECEIVED

31  
B

## **2024 APPLICATION FOR ABATEMENT**

Please Type or Print Clearly

ONE APPLICATION FOR EACH PROPERTY APPEALED ~~LESSOR'S OFFICE~~

Upon completion of this form return to:

REC'D 2/8/2025

LACONIA, NH

**City of Laconia/Assessors**

**45 Beacon St. East**

**Laconia, NH 03246**

Date: 2/19/25

### **SECTION A. Party(ies) Applying (Owner(s)/Taxpayer(s))**

Name: UNION AVENUE HOLDINGS LLC

Mailing Address: PO BOX 6720, LACONIA, NH 03247 Email address: KAmell@WescottLawNH.com  
Telephone No: (Cell): \_\_\_\_\_ (Home): \_\_\_\_\_

\*If abatement is granted and taxes have been paid, interest on the abatement must be paid in accordance with RSA 76:17-a. Any interest paid to the taxpayer must be reported by the municipality to the Internal Revenue Service, in accordance with federal law. Prior to the payment of an abatement with interest, the taxpayer shall provide the municipality with the applicant's social security number or federal tax identification number. Municipalities shall treat the social security or federal tax identification information as confidential and exempt from a public information request under RSA 91-A. The W-9 form required is enclosed with this application.

### **SECTION B. Party's (ies') Representative if other than Person(s) applying (Also complete Section A)**

Name(s): Kyle Amell

Mailing Address(es): Wescott Law, PA - 28 Bowman St. Laconia, NH 03246

Telephone Number(s): (Work): 603-524-2166 (Cell): \_\_\_\_\_

### **SECTION C. Property(ies) for which Abatement is Sought**

For the property on which the abatement is sought, please fill in the following:

Map: 327 Block: 220 Lot: 3 Tax Account #: 2171 749

2024 Assessed Valuation: \$ 545,700

**Property Location:**  
Union Ave

### **CODE OF THE CITY OF LACONIA**

**CHAPTER 215. ARTICLE 1 § 215-1**

*All delinquent taxes, charges or fees due to the City of Laconia from any person, business or other entity shall in all cases be deducted from any monies that may become due such person, business or other entity from the City of Laconia and such person, business or other entity shall receive the balance over and above the amount due for such delinquent taxes, charges and fees. The City's right to off-set shall be limited by applicable New Hampshire law and all such set-offs shall be credited first against interest due and then against principal. The City shall have no right to set-off against wages due any employee of the City.*

Passed and approved the 18th day of October 1990.

List other property in the municipality owned in the same name(s), even if abatements for the other property(ies) have not been sought. The taxpayer's entire real property estate must be considered in determining whether the appealed property is disproportionately assessed.

Town Parcel ID#	Street Address	Description	Assessment
324/220/2	Union Ave	Warehouse/Marina	\$1,005,700
324/220/3.038	1198 Union Ave #1-38	Boatslip	\$60,000
327/220/4	Union Ave	Vacant Land	\$48,000

#### **SECTION E. Reasons for Abatement Application**

RSA 76:16 provides that an abatement may be granted for "good cause shown". "Good cause" generally means: 1) establishing an assessment is disproportionate to market value and the municipality's level of assessment; or 2) establishing poverty and inability to pay the tax. This form can be utilized for either basis of requesting an abatement. **The taxpayer has the burden to prove good cause for an abatement.** To carry this burden, the taxpayer generally must show what the property was worth on April 1 of the year appealed. The property's market value would then be compared to the assessment by using the municipality's assessment ratio. Therefore, comparable sales or other market information are an essential part of most abatement applications.

1) If claiming disproportionality, state with specificity all the reasons supporting your application. Statements such as "*taxes too high*", "*disproportionately assessed*" or "*assessment exceeds market value*" are insufficient. Generally, specificity requires the taxpayer to present material on the following (all may not apply):

- a) **Physical data** -- incorrect description or measurement of property (if you are appealing your assessment due to factual error(s), please explain in detail. Please furnish the assessor's office with any and all information, which supports your reasons. Examples: Sketch of building(s) with outside dimensions, building contracts, surveys, deeds, site plans, appraisals, pictures, etc. If you are questioning land area or frontage, a deed or survey must be included.); and/or
- b) **Market data** -- the property's value on the April 1 assessment date, supported by comparable sales, income analysis, or a professional opinion of value; and/or
- c) **Assessment data** -- the property's assessment exceeds the general level of assessment shown by comparing the property's market value and the city-wide level of assessment.

**NOTE:** If you have an appraisal or other documentation, please submit it with this application.

- 2) If claiming poverty or inability to pay, state in detail why abatement of taxes is appropriate as opposed to some other relief such as relocating, refinancing, or obtaining some alternative public assistance. Ansara v. City of Nashua, 118 N.H. 879 (1978).

(Attach additional sheets if needed.)

Please see attached

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#### **SECTION F. Taxpayer's(s') Opinion of Market Value**

State your opinion of the market value of the property(ies) appealed as of April 1 of the year under appeal.

Map/Block/Lot# 327/220/3      Appeal Year Market Value \$ 109,140

Map/Block/Lot# \_\_\_\_\_ Appeal Year Market Value \$ \_\_\_\_\_

#### **SECTION G. Sales, Rental and/or Assessment Comparisons**

List the properties you are relying upon to show over assessment of your property(ies). If you are appealing an income producing property, list the comparable rental properties and their rents (attach additional sheet if necessary).

<b>Map/Block/Lot</b>	<b>Property Address</b>	<b>Sale Price</b>	<b>Date of Sale</b>	<b>Assessment</b>	<b>Rent(s)</b>
<small>Please see attached</small>					

#### **SECTION H. Certification by Party(ies) Applying**

Pursuant to BTLA Tax 203.02(d), **the applicant(s) MUST sign the application**. By signing below, the Party(ies) certifies and swear(s) under the penalties of RSA ch. 641, the application has a good faith basis, and the facts stated are true to the best of my/our knowledge.

**Signature of Property Owner(s) and Representatives**

Date: 2/24/25

X   
(Signature) UNION AVENUE HOLDINGS LLC, by Doug Epperson - Manager

X   
(Signature)

#### **SECTION I. Certification and Appearance by Representative (If other than Party (ies) Applying)**

By signing below, the applying party's representative certifies and swears under penalties of RSA ch. 641:

1. All certifications in Section H are true;
2. The Party (ies) applying has (have) authorized this representation and has (have) signed this application; and
3. A copy of this form was provided to the person applying.

Date: 3/38/25

X   
(Representative's Signature)

#### **SECTION J. Disposition of Application\* (CITY USE ONLY)**

RSA 76:16, II states: the municipality "shall review the application and shall grant or deny the application in writing by July 1 after notice of tax date..."

Abatement Request: Granted \_\_\_\_\_ Revised Assessment \$ \_\_\_\_\_

Denied \_\_\_\_\_

Date \_\_\_\_\_

Signature of the Board of Assessors: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Union Avenue Holdings LLC**  
**Map 324, Block 220, Lot 2**  
**Map 327, Block 220, Lot 3**  
**Map 327, Block 200, Lot 4**

## **SECTIONS E, F & G**

### Lot 2

The factual information on the tax assessment card is incorrect. The three boat storage buildings were constructed circa 1920 and 1940 and have reached the end of their economic lives. According to *Marshall & Swift Valuation Service*, the economic life of an average boat storage building is 25 years. The effective age is more than 26 years; therefore, according to *Marshall & Swift* the correct amount of depreciation should be 80%, not 40% as reflected on the tax assessment cards. The following is a summary of the correct depreciation.

	<b>RCN</b>	<b>Physical</b>	<b>Functional</b>	<b>RCNLD</b>
Building #1	\$747,568	80%	10%	\$74,757
Building #2	\$747,568	80%	10%	\$74,757
Building #3	\$747,568	80%	10%	\$74,757

The following is a summary of the correct assessment for the property.

Appraised Bldg. Value	\$224,270
Appraised Xf	\$5,400
Appraised Ob	\$14,700
Appraised Land Value	<u>\$450,000</u>
Correct Assessment	\$694,370

The correct assessment of \$694,370 is further supported by the sale of the property in March 2023 for \$650,000.

### Lot 3

The assessment of the vacant 0.50 acre land parcel is not supported by sale data. There is a right of way that crosses through the parcel rendering its development potential limited at best. Additionally, this lot is largely inaccessible from the street and in the drinking water protection area. The waterfront setback requirements further limit buildability. By applying a 0.2 condition factor, the correct assessed value calculates to \$109,140.

### Lot 4

This parcel is 16' x 182' and is not developable. The condition factor is inadequate as this parcel has little to no value. The correct condition factor should be 0.10 and the correct assessment calculates to \$4,800.