COMMONWEALTH OF MASSACHUSETTS

APPELLATE TAX BOARD

MARY & ANDREW DONALDSON	**v.**	**BOARD OF ASSESSORS OF THE TOWN OF IPSWICH**

Docket No. F352097 — Promulgated: November 4, 2025

This is an appeal filed under the formal procedure pursuant to G.L. c. 58A, § 7 and G.L. c. 59, §§ 64 and 65 from the refusal of the Board of Assessors of the Town of Ipswich ("appellee" or "assessors") to abate a real estate tax assessed against Mary and Andrew Donaldson ("appellants") for fiscal year 2024 ("fiscal year at issue").

Commissioner Good heard this appeal. Chairman DeFrancisco and Commissioners Elliott, Metzer, and Bernier joined her in the decision for the appellants.

These findings of fact and report are made pursuant to a request by the appellants under G.L. c. 58A, § 13 and 831 CMR 1.34.

Mary & *Andrew Donaldson, pro se*, for the appellants.

Mary-Lou Ireland, Assessor, for the appellee.

FINDINGS OF FACT AND REPORT

Based on testimony and documents admitted into evidence during the hearing of this appeal, the Appellate Tax Board ("Board") made the following findings of fact.

On January 1, 2023, the relevant valuation and assessment date for the fiscal year at issue, the appellants were the owners of a single-family condominium unit situated on a 4,356-square-foot parcel located at 20 Middle Road in Ipswich ("subject property").

For the fiscal year at issue, the appellee valued the subject property at $915,200 and assessed a tax thereon, at the rate of $11.38 per $1,000, in the amount of $10,414.98. The appellants timely paid the tax due without incurring interest. On February 1, 2024, the appellants timely filed an abatement application with the appellee. On April 8, 2024, the appellee granted an abatement, reducing the subject property's assessed value to $869,500. Not satisfied with this reduction, on July 2, 2024, the appellants seasonably filed an appeal with the Board. Based on these facts, the Board found and ruled that it had jurisdiction to hear and decide the instant appeal.

The subject property is part of a condominium complex on the peninsula of Little Neck in Ipswich that consists of 167 standalone units situated on parcels over which the respective owners have unrestricted use. These units are of varying sizes and conditions, most of which were originally designed as fishing cabins and then seasonal cottages. Common amenities for the Little Neck condominium complex include a basketball court, soccer field, baseball field, pickleball court, community center, children's playground, boat launch, and two private beaches for the community's use.

The subject property is a one-story, wood-frame dwelling with a full, unfinished basement that was built in 1900 and contains a total finished area of 1,064 square feet. The living area is comprised of five rooms, including two bedrooms, as well as one full bathroom. The subject property also includes a screened-in porch, a one-car garage, and a wooden deck. The subject property's condition is stated as C-average on the property record card.

The Little Neck peninsula extends from the Great Neck neighborhood and is bound by the Ipswich River, Neck Creek, and Ipswich Bay. Each house on Little Neck has a water view, but there are varying ranges of view obstruction. The subject property does not have water frontage but features a reasonably good view of the Ipswich River, which the assessors graded as “limited view-primary.”

The appellants presented their appeal through the testimony of appellant Mary Donaldson (“Ms. Donaldson”), who also submitted a written statement, and the presentation of evidence, including photographs of the subject property as well as property record cards and photographs of comparison properties. Ms. Donaldson testified that the subject property was built as a seasonal cottage, and it has been in her family since 1946. She testified that the rules and regulations of Little Neck do not allow her to change the footprint or make modifications to the subject property, which she believes negatively affects its fair cash value. Ms. Donaldson further maintained that the subject property is unique and not well matched with other properties that the assessors have used as comparable properties to justify the subject property’s assessed value.

Ms. Donaldson testified that the appellants live in the subject property year-round, an arrangement that is made quite difficult by the subject property’s limitations. Ms. Donaldson offered pictures of the subject property showing rotting exterior shingles and window trims; however, the interior pictures were the most informative of the subject property’s shortcomings. Because of the poor heating system and even poorer insulation, the appellants must take actions in the colder months by putting up a barricade of heavy coats and blankets in front of the kitchen windows and door to keep the heat in, and by keeping the kitchen cabinets open to prevent the under-sink pipes – located along an outside wall - from freezing. The subject property’s bathroom has only one electrical outlet, which is so outmoded that Ms. Donaldson must use an old hair dryer because present-day plugs will not fit in the outlet. Electric fixtures are also outdated in the kitchen, where Ms. Donaldson testified the appellants can use only one electrical outlet at a time or a fuse will blow. Pictures of the subject property's interior further show cosmetic issues, with extremely dated pink bathroom tiles and fixtures in the bathroom and original cabinets and avocado green countertops in the kitchen.

The appellants contrasted the subject property with a few properties in the community, opining that the subject property's assessed value was not consistent with the Little Neck properties that the appellee had used for comparison. The pictures Ms. Donaldson offered of these properties showed homes that were completely renovated, updated, and spacious, in stark contrast with the subject property.

Ms. Donaldson next offered a comparable-sales analysis using two sales of properties that she opined to be the most similar to the subject property. Pertinent information from the respective property record cards, which she offered into evidence, is summarized in the following chart:

Address	**Year built**	**Square foot living area**	**Rooms/beds/baths**	**Notes**	**Sale date**	**Sale price**
28 Eagle Hill Road	1930	1,200	5/3/1	Good view of ocean	08/04/2022	$625,000
24 Island Park Road	1959	920	5/3/1	Kitchen updated 2018	04/29/2022	$585,000

The above properties, however, were not located on Little Neck and thus did not share a locational similarity with the subject property such that they could provide persuasive valuation evidence.

At the conclusion of her presentation, Ms. Donaldson expressed an opinion of fair cash value of $605,500 for the subject property for the fiscal year at issue.

The assessors presented their case through the testimony of Assessor Mary Lou Ireland and the presentation of documents, including the requisite jurisdictional documents. Assessor Ireland offered a full valuation report for the subject property, including a sales-comparison analysis and additional information about many of the properties discussed by both the appellants and the assessors. The properties selected by Assessor Ireland were all located on Little Neck. Information about each of the assessors' comparable-sale properties is contained in the following chart:

Property	**19 Middle Road**	**5 Plum Sound**	**35 Hilltop**	**5 Gala Way**
Sale Price	$1,100,000	$1,100,000	$1,550,000	$725,000
Date of Sale **Adjustment**	03/30/2023 -$24,750	11/03/2022 $16,500	09/25/2023 -$104,625	10/31/2022 $10,875
Quality of construction **Adjustment**	Average	Average	Good -$216,806	Average
Age and condition of property **Adjustment**	Superior -$107,525	Superior -$111,650	Superior -$144,538	Slightly Superior -$36,794
Living area (square feet) **Adjustment**	1,332 -$80,400	1024 $12,000	940 $37,200	748 $94,800
Rooms/ Beds/baths **Adjustment**	7/4/2 -$7,500	4/2/1	6/3/2 -$7,500	5/2/1
Water enrichment **Adjustment**	Limited primary view	Limited primary view	Limited primary view	Limited secondary view $147,175
Garage or basement **Adjustment**	Garage	None $10,000	Full unfinished basement	Full unfinished basement
Net adjustments **Percentage**	-$195,425 -18.2%	-$89,650 -8.0%	-$331,644 -22.9%	$205,181 28.3%
Adjusted sales values	$879,825	$1,026,850	$1,113,731	$941,056

Based on the above information, the appellee arrived at an indicated fair cash value of the subject property of $950,000 for the fiscal year at issue. The appellee thus determined that the fair cash value for the subject property for the fiscal year at issue was greater than its assessed value as abated and concluded that no further abatement was warranted.

While the Board found that much of the value of a property on Little Neck is derived from its location, specifically its water view, the Board also noted that the Little Neck properties offered by the appellee for comparison were updated and so far superior to the antiquated subject property that they required too many adjustments for useful comparison. Of the properties in the record, the comparison property that the Board found to be most comparable to the subject property is 5 Gala Way. The Board agreed that this comparison property's smaller size and less desirable water view merited upward adjustments to its sale price and that its condition superior to that of the subject property merited a downward adjustment. After applying adjustments to account for these differences, the Board arrived at an indicated value of $775,000 for the subject property, which the Board found to more appropriately reflect its fair cash value for the fiscal year at issue.

Accordingly, the Board issued a decision for the appellant and ordered abatement of $1,075.41 for the fiscal year at issue.

OPINION

Assessors are required to assess real estate at its fair cash value as of the first day of January preceding the fiscal year at issue. G.L. c. 59, § 38. Fair cash value is defined as the price upon which a willing buyer and a willing seller will agree if both are fully informed and under no compulsion. ***Boston Gas Co. v. Assessors of Boston***, 334

Mass. 549, 566 (1956). “The burden of proof is upon the petitioner to make out its right as [a] matter of law to [an] abatement of the tax.” ***Schlaiker v. Assessors of Great Barrington***, 365 Mass. 243, 245 (1974) (quoting ***Judson Freight Forwarding Co. v. Commonwealth***, 242 Mass. 47, 55 (1922)). “[T]he board is entitled to ‘presume that the valuation made by the assessors [is] valid unless the taxpayers sustain[] the burden of proving the contrary.’” ***General Electric Co. v. Assessors of Lynn***, 393 Mass. 591, 598 (1984) (quoting ***Schlaiker***, 365 Mass. at 245).

In appeals before the Board, a taxpayer “may present persuasive evidence of overvaluation either by exposing flaws or errors in the assessors’ method of valuation, or by introducing affirmative evidence of value which undermines the assessors’ valuation.” ***General Electric Co***., 393 Mass. at 600 (quoting ***Donlon v. Assessors of Holliston***, 389 Mass. 848, 855 (1983)).

Sales of comparable realty in the same geographic area and within a reasonable time of the assessment date generally contain probative evidence for determining the value of the property at issue. ***Graham v. Assessors of West Tisbury***, Mass. ATB Findings of Fact and Reports 2007-321, 399-400 (citing ***McCabe v. Chelsea***, 265 Mass. 494, 496 (1929)), *aff’d*, 73 Mass. App. Ct. 1107 (2008)).

Properties are “comparable” to the subject property when they share “fundamental similarities” with the subject property. *See* ***Lattuca v. Robsham***, 442 Mass. 205, 216 (2004). In the present appeal, the Board found that most properties offered by the parties for comparison with the subject property were not sufficiently similar to provide persuasive information about the subject property’s fair cash value. The properties offered by the appellants were not located on Little Neck, a neighborhood unique for its remarkable water view amenities. Yet most of the Little Neck properties offered by the appellee were more updated and in far better condition than the subject property, rendering comparison with those properties uninformative as well.

However, the Board found that 5 Gala Way, a comparable-sale property offered by the appellee, was sufficiently comparable to the subject property to provide meaningful evidence of the subject property's value. After analyzing the available data, the Board made adjustments to reflect the appellants' persuasive evidence establishing the shortcomings of the subject property vis-à-vis other Little Neck properties offered for comparison. *See* ***New Boston Garden Corp. v. Assessors of Boston***, 383 Mass. 456, 473 (1981). Having considered the evidence of record, the Board found that it supported a fair cash value for the subject property of $775,000 for the fiscal year at issue. The Board thus determined that the appellants had sustained their burden of demonstrating that the subject property's fair cash value for the fiscal year at issue was less than its assessed value.

The fair cash value of property cannot be proven with "mathematical certainty and must ultimately rest in the realm of opinion, estimate and judgment." ***Assessors of Quincy v. Boston Consolidated Gas Co***., 309 Mass. 60, 72 (1941). In reaching its opinion of fair cash value in this appeal, the Board was not required to believe the testimony of any particular witness or to adopt any particular method of valuation. Rather, the Board could accept those portions of the evidence that it determined had more convincing weight. ***Foxboro Associates v. Assessors of Foxborough***, 385 Mass. 679, 683 (1982); ***New Boston Garden Corp.***, 383 Mass. at 473; ***Assessors of Lynnfield v. New England Oyster House, Inc***., 362 Mass. 696, 702 (1972). In evaluating the evidence before it, the Board selected among the various elements of value and formed its own independent judgment of fair cash value. ***General Electric Co***., 393 Mass. at 605; ***North American Philips Lighting Corp. v. Assessors of Lynn***, 392 Mass. 296, 300 (1984).

Accordingly, the Board issued a decision for the appellants ordering abatement in the amount of $1,075.41.

THE APPELLATE TAX BOARD

By: ______________________________
Mark J. DeFrancisco, Chairman

A true copy,

Attest: ______________________________
Clerk of the Board