COMMONWEALTH OF MASSACHUSETTS

APPELLATE TAX BOARD

MATTHEW & CATHERINE FORRESTALL	**v.**	**BOARD OF ASSESSORS OF THE TOWN OF STOW**

Docket Nos. F348275, F351021

Promulgated:
July 31, 2026

These are appeals heard 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 Stow ("appellee" or "assessors") to abate taxes on real estate owned by and assessed to Matthew and Catherine Forresstall ("appellants") for fiscal years 2023 and 2024 ("fiscal years at issue").[1]

Commissioner Metzer heard these appeals. Chairman DeFrancisco and Commissioners Good, Elliott, and Bernier joined in the decisions for the appellee.

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

Mark F. Murphy, Esq., for the appellants.

Kristen Fox, Principal Assessor*,* for the appellee.

[1] The appeal for fiscal year 2023 was originally filed under the informal procedure. Within thirty days of service of the Statement Under Informal Procedure**,** the assessors elected to transfer the proceedings relating to fiscal year 2023 to the formal procedure. *See* G.L. c. 58A, § 7A.

FINDINGS OF FACT AND REPORT

Based on testimony and documents admitted into evidence during the hearing of these appeals,[2] the Appellate Tax Board ("Board") made the following findings of fact.

On January 1, 2022 and January 1, 2023, the relevant valuation and assessment dates for the fiscal years at issue, the appellants were the assessed owners of an improved 4.39-acre parcel of land located at 87 Kettell Plain Road, in the Town of Stow ("subject property"). The subject property is improved with a single-family, Colonial-style home built in 2000, containing 3,116 square feet of living area, with a total of ten rooms, including four bedrooms, as well as two full bathrooms and one half bathroom and featuring an attached two-car garage and an inground pool ("subject home"). The subject home was rated an "A" grade for the fiscal years at issue. The appellants purchased the subject property on November 13, 2020 for $950,000.

The following chart illustrates the relevant jurisdictional facts:

Fiscal Year	Assessed Value	Tax Rate/ Total Tax Amount[3]	Taxes Timely Paid (Y/N)	Abatement Application Filed	Date of Denial	Date Petition Filed
2023	$983,400	$18.13/$1,000 $18,309.52	Y	1/30/2023	2/08/2023	4/21/2023
2024	$1,097,700	$16.97/$1,000 $19,135.90	Y	1/18/2024	4/18/2024	5/10/2024

On the basis of these facts, the Board found and ruled that it had jurisdiction over these appeals.

The appellants presented their case through their testimony and the submission of a self-prepared document entitled "Historical Assessment Line Graphs," an aerial mapping photograph of the subject property, and property record cards for the subject

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[2] In addition to testimony and documentary evidence, each party filed briefs in this appeal.
[3] The total tax amount includes the Community Preservation Act surcharge on the subject property.

property and five purportedly comparable neighboring properties located at 75, 78, 79, 85, and 89 Kettell Plain Road for the fiscal years at issue. The appellants called Kristen Fox, Principal Assessor, as a witness. Ms. Fox testified over her own objection.

Having purchased the subject property at the end of the first year of COVID on November 13, 2020 for $950,000 in an arm's-length transaction, the appellants argued that the sale price of the subject property was not an accurate reflection of its fair cash value. In their view, they overpaid for their property because the market was unusually competitive for buyers. This argument provided one basis for the appellants' assertion that the fair cash value of the subject property for fiscal year 2023 was about $840,000, which is less by $110,000 than the sale price paid by the appellants just over a year prior to the valuation date for fiscal year 2023. However, the appellants failed to provide any evidence in the form of market data to substantiate their assertion that the sale prices of real estate were temporarily inflated at the time of their purchase or that prices declined at any time after their purchase of the subject property. Lacking such evidence, the Board found and ruled that the argument advanced by the appellants asserting that the purchase price for the subject property was inflated due to a notably competitive market at the time of purchase was unfounded.

The appellants further contended that the subject property was overvalued compared to the assessed values of the above-referenced purportedly comparable properties. The appellants argued that the properties were all generally similar in size, style, date of construction, and location, having been built by the same builder with no significant later renovations or improvements, but they acknowledged that the subject property was "slightly better" than two of the purportedly comparable properties. They presented a comparable-sales analysis that lacked persuasive details and failed to substantiate their opinions of value for the fiscal years at issue. In particular, the appellants' analysis failed to make specific adjustments for superior features of the subject property including a movie theater in the basement and a sound dampening music room. Of note was the subject home's superior grade of "A" for the fiscal years at issue versus the "B" to "A-" grades attributed to the purportedly comparable properties, which the appellants, without substantiation, disputed.

The appellants also argued that the assessed value of the subject property had increased significantly without justification almost immediately after the appellants' purchase. They claimed that the assessors had impermissibly singled out the subject property for an increase in assessed value due to the sale, while the assessed values of the purportedly comparable properties were not subject to a similar increase. The appellants referred to this as an example of "spot assessment." The Board found and ruled that this argument lacked merit, as discussed in the Opinion below.

The appellants' opinion of fair cash value of the subject property for fiscal year 2023 was about $840,000, and their opinion of fair cash value of the subject property for fiscal year 2024 was about $990,000.

The assessors, for their part, submitted jurisdictional documents, cross-examined the appellants, and then rested on the presumed validity of the assessments. However, when called to testify by the appellants, Ms. Fox credibly testified that the grade of the subject home improved from "B+" to "A" proximate in time to the sale of the subject property based on Multiple Listing Service ("MLS") photos and descriptions that highlighted features of the home previously unaccounted for in the subject home's grade.

Ms. Fox concluded that the assessed value of the subject property increased commensurately with the improved grade. Ms. Fox further testified that the Stow real estate market for single family homes listed on MLS increased from 2020 to 2021 by 16.78 percent, while the appellants' assessment increased from fiscal year 2022 to fiscal year 2023 by a lesser 15 percent.

Based on the evidence presented, the Board found and ruled that the sale price paid by the appellants in an arm's-length transaction just over a year prior to the valuation date for fiscal year 2023 was the strongest indicator of the value of the subject property for fiscal year 2023. The Board found and ruled that the assessed values of the appellants' purportedly comparable properties were less probative of value than the actual recent sale price, noting also that adjustments were not made for specific differences between them and the subject property. Based on the record in its entirety, the Board found and ruled that the appellants presented insufficient evidence to support a finding that the subject property was overvalued for fiscal year 2023.

Further, the appellants offered no basis in support of their claimed value of about $990,000 for fiscal year 2024, a value only 4.21 percent more than their purchase price of $950,000, notwithstanding that the property record cards admitted into evidence for the appellants' purportedly comparable properties indicated an upward trend in assessed values from fiscal year 2023 to fiscal year 2024.

Accordingly, the Board issued decisions for the appellee in these appeals.

OPINION

Assessors are required to assess real estate at its fair cash value. 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). A taxpayer has the burden of proving that the property at issue has a lower value than that assessed. "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 taxpayer[] sustain[s] 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, "[t]he 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)).

Actual sales of the particular property at issue are "very strong evidence of fair market value, for they represent what a buyer has been willing to pay to a seller for [the] particular property [under appeal]." ***New Boston Garden Corp. v. Assessors of Boston***, 383 Mass. 456, 469 (1981) (quoting ***First Nat'l Stores, Inc. v. Assessors of Somerville***, 358 Mass. 554, 560 (1971)). In the present appeals, the Board found and ruled that the purchase price that the appellants paid for the subject property in an arm's-length transaction that took place just over a year prior to the valuation date for fiscal year 2023 was the strongest evidence of the subject property's fair cash value. The assessed value of the subject property for fiscal year 2023 represented an increase of only 3.52 percent over the purchase price paid just over a year prior to the valuation date for fiscal year 2023.

Further, the evidence presented by the appellants did nothing to demonstrate that the subject property was overvalued for either of the fiscal years at issue. In particular, as noted previously, the Board found and ruled that the appellants' contention that competitive conditions at the time of their purchase temporarily distorted the fair cash value of the subject property was not borne out by any evidence of a falling market post sale. The assessors credibly testified that there was an upward trend in the market based on overall MLS listings relevant to fiscal year 2023. Further, the property record cards admitted for the appellants' purportedly comparable properties indicated an upward trend in assessed values from fiscal year 2023 to fiscal year 2024.

Finally, the appellants' allegation that the valuations of the subject property for the fiscal years at issue were the result of a disallowed practice known as "spot assessing" is without merit. "Spot assessing" is ill-defined without adequate legal precedent. Indeed, the appellants' reliance on the theory was supported only with reference to a footnote in a marginally relevant case.[4] Moreover, the theory was not relevant to the assertion of overvaluation, the central issue in these appeals.

[4] The appellants cite ***C & S Wholesaler Grocers***, 436 Mass. 459, 463, n.2 (2002).

Based on the foregoing, the Board found and ruled that the appellants failed to meet their burden of proving a fair cash value for the subject property that was lower than its assessed values for the fiscal years at issue.

Accordingly, the Board issued decisions for the appellee in these appeals.

THE APPELLATE TAX BOARD

By: ______________________________
Mark J. DeFrancisco, Chairman

A true copy,

Attest: ______________________________
Clerk of the Board