COMMONWEALTH OF MASSACHUSETTS

APPELLATE TAX BOARD

MATTHEW & NANCI HEDGCORTH v. BOARD OF ASSESSORS OF THE TOWN OF SWANSEA

Docket No. F352675

Promulgated:
June 22, 2026

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 Swansea ("assessors" or "appellee") to abate a tax on certain real estate located in the Town of Swansea, owned by and assessed to Matthew and Nanci Hedgcorth ("appellants"), for fiscal year 2024 ("fiscal year at issue").

Commissioner Metzer ("Presiding Commissioner") heard this appeal under G. L. c. 58A, 1A and 831 CMR 1.32, and issued a single-member 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.

Matthew and Nanci Hedgcorth, pro se, for the appellants.

Michael Minardi, Assessor, for the appellee.

FINDINGS OF FACT AND REPORT

Based on the testimony and documents presented at the hearing of this appeal, the Presiding Commissioner 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 assessed owners of a 0.55-acre waterfront parcel of land improved with a single-family dwelling located at 351 Ocean Grove Avenue ("subject property"). For the fiscal year at issue, the assessors valued the subject property at $476,300 and assessed a tax thereon, at the rate of $11.04 per thousand, in the amount of $5,773.16, inclusive of the Community Preservation Act ("CPA") surcharge and the Water District Tax. The tax due was timely paid without incurring interest. On January 25, 2024, the appellants timely filed an abatement application, which the assessors denied on April 18, 2024. Subsequently, on July 18, 2024, the appellants timely filed an appeal with the Appellate Tax Board ("Board"). Based on these facts, the Presiding Commissioner found and ruled that the Board had jurisdiction to hear and decide this appeal.

The subject property is improved with a bungalow-style, single-family dwelling built in 1910 with an effective year built of 1986. The subject dwelling has a finished living area of 1,212 square feet and contains five rooms, including two bedrooms as well as one full and one half bathroom. The overall condition is rated fair.

The appellants indicated that the subject dwelling is a "rabbit run" style house with no hallways, requiring them to walk through a bedroom to reach the living area and sunroom at the back of the house. The appellants argued that the layout of the dwelling negatively impacts the value of the subject property. Regarding the location of the subject property, the appellants stated that approximately 50 percent is bound by resource area conservation rules, and that the shoreline is subject to the Wetlands Protection Act. They further indicated that, although the subject property abuts a waterway, access is limited because of the muddy nature of the land. Mrs. Hedgcorth, who testified that she is a member of the Swansea Conservation Commission, further testified that the subject property was, up to one foot before the house, in a flood zone. The property record card for the fiscal year at issue indicates that the subject property's land is located in one of the town's waterfront locations designated as "WF7." The assessors' "Proposed Denial Motion," attached to the assessors' abatement denial notice, indicates that the lot's location in a flood zone did not decrease its value. No discounts are indicated in land value shown on the property record card to account for the resource area, condition of the land, and shoreline subject to the Wetlands Protection Act

The appellants offered three market analyses listing sales and providing related property information, including proposed listing prices for the subject property. All were prepared at the end of 2024 by local real estate agents, none of whom testified at the hearing of this appeal. The analyses included sales in calendar years 2020, 2021, and 2024 that were well before or beyond the assessment date, and the limited statistical information provided relative to sales occurring in 2022 was not probative of the subject property's fair cash value for the fiscal year at issue. Being hearsay, which was not subject to cross-examination by the assessors, the Board did not consider the analyses or the agents' proposed listing prices for the subject property.

The appellants offered an opinion of the fair cash value for the fiscal year at issue of $400,000.

The assessors presented their case through the testimony of Assessor Michael Minardi and Deputy Assessor James Sullivan and the submission of documents, including the requisite jurisdictional documents, a comparable-sales analysis, and a map marking the locations of the subject property and the comparable properties. The assessors' comparable-sales analysis used three waterfront properties located within less than a mile of the subject property. All three properties sold in calendar year 2022 with sale prices that ranged from $501,000 to $575,000. After the assessors applied adjustments to account for differences between these properties and the subject property and the lapse of time between the sale and assessment dates, the assessors derived adjusted sale prices ranging from $548,500 to $581,000, and indicated that even if an adjustment were made to account for functional obsolescence on account of the interior layout of the subject property, the adjusted sale prices would still be in line with the assessed value of the subject property.

Based on the evidence presented, the Presiding Commissioner found that the fair cash value of the subject property was lower than its assessed value for the fiscal year at issue, being negatively impacted by resource area conservation restrictions, the muddy land area in a flood zone, a shoreline protected by the Wetlands Protection Act, and the interior layout of the home. Considering the record in its entirety, the Presiding Commissioner found that the assessed value of the subject property was excessive for the fiscal year at issue and found its fair cash value for fiscal year 2024 to be $440,000.

Accordingly, the Presiding Commissioner decided this appeal for the appellants and granted an abatement in the amount of $441.25, inclusive of the CPA surcharge and Water District Tax.

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 on which a willing seller and a willing buyer will agree if both of them 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 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)).

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 evaluating the evidence presented, the Presiding Commissioner may select among the various elements of value and form an 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). "The credibility of witnesses, the weight of the evidence, and the inferences to be drawn from the evidence are matters for the [Presiding Commissioner]." ***Cummington School of Arts, Inc. v. Assessors of Cummington***, 373 Mass. 597, 605 (1977).

Based on the record in its entirety, the Presiding Commissioner found that the appellants submitted sufficient evidence to demonstrate that the subject property's assessed value was higher than its fair cash value for the fiscal year at issue and determined a fair cash value for the subject property of $440,000.

The Presiding Commissioner therefore decided this appeal for the appellants and granted an abatement in the amount of $441.25, inclusive of the CPA surcharge and the Water District Tax.

THE APPELLATE TAX BOARD

By: Patricia Ann Metzer
Patricia Ann Metzer, Commissioner

A true copy,

Attest: ______________________
Clerk of the Board