COMMONWEALTH OF MASSACHUSETTS

APPELLATE TAX BOARD

JONATHAN M. MASCIA	**v.**	**BOARD OF ASSESSORS OF THE TOWN OF STOW**
Docket No. F351107		Promulgated: August 12, 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 Stow ("assessors" or "appellee") to abate a tax on real estate owned by and assessed to Jonathan M. Mascia ("appellant") for fiscal year 2024 ("fiscal year at issue").

Chairman DeFrancisco heard this appeal. Commissioners Good, Elliott, Metzer, and Bernier joined him in the decision for the appellee.

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

Jonathan M. Mascia, *pro se*, for the appellant.

Kristin Fox, Assessor*,* for the appellee.

FINDINGS OF FACT AND REPORT

Based on the testimony and documents presented at 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 appellant was the assessed owner of a 1.05-acre parcel of land, located at 153 Harvard Street in Stow, improved with a single-family, raised ranch-style dwelling ("subject dwelling") (collectively, "subject property"). The subject dwelling has a total finished living area of 1,238 square feet comprised of six rooms, including three bedrooms, as well as one full bathroom and one half bathroom. Other amenities include a one-car garage, partially finished basement, and a shed.

For the fiscal year at issue, the assessors valued the subject property at $525,800 and assessed a tax thereon, at the rate of $16.97 per thousand, in the total amount of $9,139.60, inclusive of the Community Preservation Act surcharge. The tax due was timely paid without incurring interest. On January 29, 2024, the appellant timely filed an abatement application, which the assessors denied on February 20, 2024. Subsequently, on May 15, 2024, the appellant timely filed an appeal with the Board. Based on these facts, the Board found and ruled that it had jurisdiction to hear and decide this appeal.

The appellant testified on his own behalf and offered several exhibits that were admitted into evidence. The appellant's primary argument was that the subject property was overvalued for the fiscal year at issue because both the subject property's well water and soil were contaminated with PFAS, a group of man-made chemicals found in drinking water that, when consumed at high level over time, can lead to serious health issues. The appellant offered into evidence a copy of a PFAS lab report, which was completed by the Massachusetts Department of Environmental Protection ("DEP"), that verified the existence of PFAS in the subject property's well water that were above acceptable levels. The appellant testified that the DEP then installed a remediation system, at no cost to the appellant, for the subject property's drinking water, which was completed in February 2023. The appellant further testified that throughout the remediation process, the DEP provided bottled water for drinking and cooking at no charge to the appellant.[1]

The appellant also argued that the subject property's soil was contaminated with PFAS from runoff water from a nearby golf course. He submitted videos depicting what he described as a "sheen" from the chemicals in the water traversing the subject property. The appellant maintained that, because of the contamination of the soil, his property has lost value because he cannot have a garden or raise chickens.

The appellant further argued that the runoff from the golf course has, at times, an unpleasant smell and has also caused his land to erode which has caused the subject dwelling's basement to flood on occasion.

The appellant did not offer an opinion of the subject property's fair cash value as of the relevant assessment date, nor did he offer any evidence to substantiate or quantify his claim of a loss in value.

The appellee presented its case through the testimony of Kristin Fox, Assessor, and the introduction of several documents, including the requisite jurisdictional documents. First, Ms. Fox testified that PFAS is a very common issue in the town of Stow and likened it to radon, which is a very common issue, and that properties still sell after remediation. Next, Ms. Fox testified that properties on the same street as the subject property, which are also impacted by the runoff water, are not decreasing in value but are

[1] The appellant explained that the DEP continues to test on a quarterly basis, up until the date of hearing of this appeal, and noted that any time the PFAS levels are high the appellant goes back to using the bottled water at no cost to him.

selling for prices consistent with the overall values in Stow. With respect to the appellant's issue of water in the basement, Ms. Fox pointed out that because the subject property is smaller than the current zoning requirement, the assessors cannot discount the prime lot land value to account for the water issue. Instead, the assessors removed the value of the finished basement beginning in fiscal year 2022 to account for the water issue.

Lastly, Ms. Fox offered into evidence a comparable-sales analysis citing three ranch-style dwellings that ranged in dwelling size from 1,104 square feet to 1,416 square feet and sold between May 6, 2022, and July 21, 2022. After adjustments for differences between the subject property and the comparable-sales properties, the sale prices ranged from $570,800 to $590,400, significantly higher than the subject property's assessment for the fiscal year at issue.

Based on the evidence presented, the Board found and ruled that the appellant failed to meet his burden of proving that the subject property was overvalued for the fiscal year at issue. The Board found that the appellant failed to offer evidence to show how, and to what extent, the perceived deficiencies from PFAS impacted the subject property's fair cash value. Finally, the Board found that the appellant failed to offer comparable sales or any other affirmative evidence indicating that the subject property's fair cash value was lower than its assessed value for the fiscal year at issue.

Accordingly, the Board issued a decision for the appellee in this appeal.

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 its assessed value. "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, 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)).

In the present appeal, the appellant provided no evidence of flaws or errors in the assessors' valuation methodology and offered no affirmative evidence that undermined the assessed value for the fiscal year at issue. While the Board found that the appellant's testimony and evidence regarding the presence of PFAS on the subject property was credible, there was no quantifiable evidence of diminution of value. *See* ***Fox v.***

Assessors of Longmeadow, Mass. ATB Findings of Fact and Reports 2021-479, 483 (finding that "any quantifiable impact on the subject property's fair cash value was critically lacking").

Based upon the above and the evidence of record, the Board found that the appellant failed to meet his burden of proving that the subject property's fair cash value was less than its assessed value for the fiscal year at issue. Accordingly, the Board issued a decision for the appellee in this appeal.

THE APPELLATE TAX BOARD

By: ________________________________
Mark J. DeFrancisco, Chairman

A true copy,

Attest: ____________________________
Clerk of the Board