

COMMONWEALTH OF MASSACHUSETTS
APPELLATE TAX BOARD

MARY ANNE & JEFFREY S. NORTH v.

**BOARD OF ASSESSORS
OF THE TOWN OF BELMONT**

Docket No. F350973

Promulgated:
April 23, 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 Belmont (“assessors” or “appellee”) to abate a tax on real estate owned by and assessed to Mary Anne and Jeffrey S. North (“appellants”) for fiscal year 2024 (“fiscal year at issue”).

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

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 Anne and Jeffrey S. North, pro se, for the appellants.

Dan Dargon, Assessor, for the appellee.

FINDINGS OF FACT AND REPORT

Based on the testimony and evidence presented at the hearing of this appeal, the Appellate Tax Board (“Board”) made the following findings of fact.

I. Introduction and jurisdiction

On January 1, 2023, the appellants were the owners of a 2,028-square-foot, single-family, Colonial-style home (“subject home”) situated on an 8,200-square-foot lot at 138 School Street in Belmont (together, “subject property”). The subject home was built in 1930 and has four bedrooms and two bathrooms. The property record card lists the condition of the subject home as “poor” with a grade of “C.”

For the fiscal year at issue, the assessors valued the subject property at \$1,311,000, and assessed a tax thereon at the rate of \$10.56 per thousand, in the amount of \$13,844.16, exclusive of the Community Preservation Act surcharge. The tax due was timely paid without incurring interest. On January 30, 2024, the appellants timely filed an abatement application with the assessors. The assessors granted a partial abatement on April 5, 2024, reducing the assessed value to \$1,246,000. Seeking a further reduction, the appellants timely filed an appeal with the Board on May 10, 2024. Based on these facts, the Board found and ruled that it had jurisdiction to hear and decide this appeal.

II. The appellants’ case

In addition to their testimony, the appellants presented photographs of the subject property, a written presentation with “proof points,” a comparable-assessments analysis, and a comparable-sales analysis. No property record cards for the comparable properties were offered into evidence.

The appellants testified to the condition of the subject property, stressing its age, lack of garage, lack of bathroom on the first floor, cracked walls and ceilings, antiquated

kitchen and bathrooms, drafty aluminum windows, and an overall abundance of deferred maintenance. They also noted cracks in the foundation caused by town vehicles and flooding on the lot (though not in the subject home's basement) during rainstorms that hinders landscaping.

In their comparable-sales analysis, the appellants identified thirteen sales that occurred during 2022, ranging in sale prices from \$1,000,000 to \$1,230,000. The majority of the thirteen properties were not Colonial-style homes, like the subject home. In their comparable-assessments analysis, the appellants identified twelve properties that ranged in assessed value from \$991,000 to \$1,260,000. All but four of the properties had smaller living areas than the subject home's living area. The appellants made no adjustments to any of their comparable properties to account for differences between those properties and the subject property.

The appellants concluded an opinion of value of \$1,050,000 for the subject property for the fiscal year at issue.

III. The appellee's case

The appellee presented jurisdictional documents and otherwise rested on the presumed validity of the assessed value.

IV. The Board's findings

Based upon the record in its entirety, the Board found that the appellants failed to establish that the fair cash value of the subject property was lower than its assessed value for the fiscal year at issue.

While the appellants presented numerous documents and photos to the Board, the record critically lacked evidence to establish adjustments to their comparable properties to account for differences between the comparable properties and the subject

property. Further, the property record card for the subject property characterized the condition of the subject property as poor, indicating that the assessors - in determining an assessed value for the subject property - had already taken into account various detracting value factors.

Accordingly, the Board issued a decision for the appellee.

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 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, 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)). Here, the appellants provided no evidence of flaws or errors


in the assessors' method of valuation and failed to present affirmative evidence of overvaluation. Conversely, the assessors characterized the condition of the subject property as poor, an indication that the assessed value already reflected the various detracting factors identified by the appellants.

The Board considered the information and comparable properties submitted by the appellants, but found that this evidence was not useful to establish a fair cash value lower than the assessed value. See **North American Philips Lighting Corp. v. Assessors of Lynn**, 392 Mass. 296, 297-299 (1984). Allowances must be made for various factors that would otherwise cause disparities in the comparable properties. Here, the record was devoid of evidence to account for any differences between the comparable properties and the subject property. **Doherty v. Assessors of Lee**, Mass. ATB Findings of Fact and Reports 2013-174, 181 (“Adjustments must be made to both assessed values and sales data to account for differences between the subject property and the properties offered for comparison.”) (citing **Lareau v. Assessors of Norwell**, Mass. ATB Findings of Fact and Reports 2010-879, 889-90). See **Graham v. Assessors of West Tisbury**, Mass. ATB Findings of Fact and Reports 2007-321, 402 (“The assessments in a comparable assessment analysis, like the sale prices in a comparable sales analysis, must . . . be adjusted to account for differences with the subject.”), *aff'd*, 73 Mass. App. Ct. 1107 (2008) (Rule 1:28 Decision); **Lupacchino v. Assessors of Southborough**, Mass. ATB Findings of Fact and Reports 2008-1253, 1269 (“[W]ithout appropriate adjustments . . . the assessed values of [comparable] properties did not provide reliable indicator[s] of the subject’s fair cash value.”). Without the appropriate adjustments, the appellants’ reliance

on the sale prices and assessed values of other properties was not a persuasive indicator of the subject property's fair cash value.

Accordingly, the Board issued a decision in favor of the appellee.

THE APPELLATE TAX BOARD

By: 
Mark J. DeFrancisco, Chairman

A true copy,

Attest: 
Clerk of the Board