

COMMONWEALTH OF MASSACHUSETTS
APPELLATE TAX BOARD

GARY YU

v.

**BOARD OF ASSESSORS OF
THE TOWN OF STOW**

Docket No. F352145

Promulgated:
September 25, 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 Gary Yu (“appellant”) under G.L. c. 59, §§ 11 and 38 for fiscal year 2024 (“fiscal year at issue”).¹

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

Gary Yu, pro se, for the appellant.

Kristen Fox, Assessor, for the appellee.

¹ The appeal was originally filed under the informal procedure, but within thirty days of the date of service of the informal procedure, the appellee timely elected to have the appeal transferred to the formal docket. See G.L. c. 58A, § 7A.

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 relevant valuation and assessment date for the fiscal year at issue, the appellant was the owner of a 3,566-square-foot condominium unit at 24 Ridgewood Drive in Stow (“subject unit”). The subject unit is located in Regency at Stow, a 55+ condominium community, and is a detached, single-family house. The subject unit was built in 2018 and has eight rooms, including two bedrooms, as well as two bathrooms, and a half bathroom. The subject unit also features a garage, deck, and a finished upper story. The appellant purchased the subject unit for \$732,779 in July 2018.

For the fiscal year at issue, the assessors valued the subject unit at \$1,038,400 and assessed a tax thereon at the rate of \$16.97 per thousand, in the amount of \$17,621.65, exclusive 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 with the assessors. On March 19, 2024, the appellee denied the abatement application. The appellant timely filed this appeal with the Board on June 3, 2024. Based on these facts, the Board found and ruled that it had jurisdiction to hear and decide this appeal.

II. The appellant’s case

In addition to his own testimony, the appellant offered a self-prepared valuation analysis, which was admitted into evidence.

The appellant relayed the history of the subject unit and its construction by Toll Brothers in 2018. The appellant elected to spend an extra \$70,000 for the option to add

940 square feet of finished space on the second floor – described as den/loft space on a Toll Brothers floor plan of the second floor - though he felt this additional finished space added minimal value to the subject unit. He stressed that the condominium association master deed restricts him to two bedrooms, so he is unable to use the additional finished space to add more bedrooms. Thus, he contended, this portion of the subject unit should not have been assessed at \$237.81 per square foot, the same value per square foot attributed to the first floor of the subject unit for the fiscal year at issue. The appellant felt that this second-floor space was “just a little better than a finished attic space” and that it was “hot in the summer and cold in the winter.”

The appellant also contended that the assessed value of the subject unit for the fiscal year at issue “skyrocketed” with a 53 percent increase compared to recent fiscal years. For instance, the assessed values for fiscal years 2021, 2022, and 2023 were \$695,300, \$679,500, and \$677,200, respectively, for the subject unit. Conversely, the appellant claimed that the average increase in assessed values for the fiscal year at issue for Stow in general was 14.95 percent over fiscal year 2023.

Additionally, the appellant relied upon eight units at Regency at Stow that he alleged were built and sold in 2018 at an average price of 8.18 percent higher than the subject unit. For the fiscal year at issue, the appellant noted that the averaged assessed value for these eight units was \$926,075 versus the subject unit’s assessed value of \$1,038,400. To derive an opinion of value, the appellant looked to the original sale prices and the assessed values from the last three fiscal years for these eight units. He reasoned that it “makes sense that the assessed value of the subject unit should be between 5 percent to 10 percent lower than the average of the eight” and that “[u]sing that

assumption, the subject unit[s] fair assessed value range will be [\$]833,500 – 879,800.” He then calculated a midpoint – and opinion of value - of \$856,650, using this range.

III. The appellee’s case

In addition to their own testimony, the assessors offered the requisite jurisdictional documents and various additional documents explaining the appellee’s point of view as it concerned the subject unit’s assessed value for the fiscal year at issue.

The assessors clarified that the jump in assessed values from fiscal year 2023 to fiscal year 2024 was due to finally having resale data for units in Regency at Stow, specifically 33 Ridgewood Drive, which sold for \$905,000 on November 15, 2022, and 51 Ridgewood Drive, which sold for \$1,011,500 on May 19, 2022. With adjustments, especially for the smaller square footage of these two units, the assessors asserted indicated values of \$1,038,800 and \$1,088,000 for 33 Ridgewood Drive and 51 Ridgewood Drive, respectively, as of their sale dates. These units were both detached, single-family-style houses, as was the subject unit.

The assessors provided a spreadsheet listing every unit at Regency at Stow and its square footage to establish that the subject unit is the second largest unit in the entire condominium community. Additionally, the assessors maintained that all units with a finished upper story were assessed in the same manner with no inconsistencies.

IV. The Board’s findings

Based upon the record in its entirety, and as discussed further in the Opinion, the Board found that the appellant failed to establish that the fair cash value of the subject unit was less than the assessed value for the fiscal year at issue.

The appellant’s contentions concerning the additional finished space and the two-bedroom restriction pursuant to the master deed were unavailing. The appellant

deliberately selected the option for a finished second story and expended funds for this option despite the deed restriction. There was no evidence in the record from which the Board could find and quantify a reduction in this portion of the subject unit specifically. Further, the appellant relied upon unadjusted statistical percentages - using the original sale prices of and the assessed values for eight other units in Regency at Stow - that lacked any established correlation to an overassessment in the assessed value of the subject unit for the fiscal year at issue. The appellant neglected to account for, amongst other differences, the size difference between the subject unit and other units. As noted in the assessors' spreadsheet, the subject unit was the second-largest unit at Regency at Stow.

Conversely, the Board found that the data provided by the appellee indicated that the subject unit had been assessed consistently with - and with appropriate adjustments made to - the sale prices of the first two resales of units at Regency at Stow in 2022, proximate to the relevant date of valuation in this appeal. The subject unit's assessed value of \$1,038,400 for the fiscal year at issue was lower than the adjusted sale prices of \$1,038,800 and \$1,088,000 for the two resold units.

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 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, 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 appellant provided no evidence of flaws or errors in the assessors’ method of valuation and failed to present affirmative evidence of overvaluation.

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 fair cash value of the property at issue. **Graham v. Assessors of West Tisbury**, Mass. ATB Findings of Fact and Reports 2007-321, 400, *aff’d*, 73 Mass. App. Ct. 1107 (2008) (Rule 1:28 decision). Similarly, the fair cash value of property may be determined by evidence of the assessed values of comparable properties. See G.L. c. 58A, § 12B (“At any hearing relative to the assessed fair cash valuation . . . of property, evidence as to the fair cash valuation . . . at which assessors have assessed other property of a comparable nature .

. . shall be admissible.”). The introduction of such evidence may provide adequate support for the granting of an abatement. See **Chouinard v. Assessors of Natick**, Mass. ATB Findings of Fact and Reports 1998-299, 307-308 (citing **Garvey v. Assessors of West Newbury**, Mass. ATB Findings of Fact and Reports 1995-129, 135-36, and **Swartz v. Assessors of Tisbury**, Mass. ATB Findings of Fact and Reports 1993-271, 279-80); **Sterling v. Assessors of Arlington**, Mass. ATB Findings of Fact and Reports 2021-76, 93-4 (finding that the taxpayer bears the burden of establishing that comparable assessment properties share fundamental similarities with the subject property).

The Board considered the original sale prices and assessed values of the eight units submitted by the appellant but found this evidence to be unavailing in proving that the fair cash value of the subject unit was lower than its assessed value for the fiscal year at issue. See **North American Philips Lighting Corp. v. Assessors of Lynn**, 392 Mass. 296, 297-299 (1984). Critically, the appellant failed to account for any differences between these eight units and the subject unit. See **Graham v. Assessors of West Tisbury**, Mass. ATB Findings of Fact and Reports at 2007-402 (“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.”). The assessors, conversely, provided relevant and adjusted sales data for the first two units resold at Regency at Stow, establishing that the subject unit’s assessed value for the fiscal year at issue was lower than the adjusted sale price of one of the two units and almost the same as the adjusted sale price of the other unit which was sold close to the assessment date. See **Doherty v. Assessors of Lee**, Mass. ATB Findings of Fact and Reports 2013-174, 181

(citing ***Lareau v. Assessors of Norwell***, Mass. ATB Findings of Fact and Reports 2010-879, 889-90).

Accordingly, the Board found and ruled that the appellant failed to sustain his burden of proving that the fair cash value of the subject unit was lower than the assessed value for the fiscal year at issue and 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