

Town of Williston  
Board of Civil Authority  
Appeal of the Listers Decision  
Minutes for July 24, 2023 6pm

BCA Members Present: In person: Greta D'Agostino, Debbie Ingram, Terry Macaig, Sarah Mason, Andy Mikell, Carter Smith, Ellie Beckett, Angela Arsenault, Tony Lamb, Josh Diamond,  
Remote attendance: Jeanne Jensen

Others in Attendance: In-person: Bill Hinman (Town Assessor), Harold Cort (Chair of Listers)  
Mychaela Harton (Lister/Assessor Admin)  
Remote attendance: Bruce Stavitsky (Walmart), Tyler Whitelaw (Paper Street), Kevin Sullivan (MTP)

The meeting was called to order at 6:00 pm by Board Chair Andy Mikell.  
Chair Mikell asked about any conflicts of interest or ex parte communication. None.  
Clerk Sarah Mason administered all oaths to board members and appellants testifying.

**Chair Mikell introduced the first appeal hearing property:**

863 Harvest Lane. Parcel id: 12106.032000 Taft Corners Assoc. c/o Walmart

Bill Hinman explained the Walmart site, its proximity to I-89 and the popularity of the store. Bruce Stavitsky for Walmart explained the numbers from his packet provided. He stated the lack of comparables in the area and submitted a few different samples from non-Walmart stores in the area. Bill Hinman replied that Walmart drives traffic and uses in the commercial park area and beyond. There is no qualitative or quantitative data to work from. None of the comps are localized and no gross sales numbers or traffic counts have ever been provided. Bruce Stavitsky said he could provide traffic counts, but he has no data on gross sales. Andy Mikell asked a question about a numbers discrepancy on the cover page provided and Bruce clarified. It was also asked why the other Walmart stores located in Vermont were not used as comparables. Bruce explained they are ground lease vs. land & building. Bill stated the Walmart store in St. Albans has about a quarter the traffic of the Williston location. Questions from the Board included clarification between a sales approach vs. income approach, the purpose of the three attachments included, and if Home Depot, Target, and LL Bean would be considered comparables. Bill asked Bruce about the lease with Taft Corners Associates and if they would be willing to share it. Bruce stated it should be kept confidential and Bill explained this was an open meeting and would be public. No further questions. The inspection team is made up of Angela Arsenault, Josh Diamond and Debbie Ingram. The hearing is recessed at this time.

**Chair Mikell introduced the second appeal hearing property:**

58 Avenue B. Parcel id: 020234.004000 Paper Street Soap Company LLC

Bill Hinman explained the property at 58 Avenue B. It is the old Land Air terminal that sold for \$2 million in 2021. Tyler Whitelaw for Paper Street Soap Co described the property as an aged building from 1970 with garage bays and docking stations that are not as desirable as warehouse

buildings of today. He stated the value should be lowered and referred to his 44-page packet. Bill stated those numbers reflect general market data and are not site-specific numbers. Bill referred the Board to the four recent local sales of light industrial properties in the Avenue A, B, C, D area. This puts the average price per square foot around +/- \$100. The \$2 million price of Land Air was likely due to their distress as a company. The building is currently on the market for \$3.5 million. No further questions. The inspection team is made up of Andy Mikell, Carter Smith and Jeanne Jensen. The hearing is recessed at this time.

**Chair Mikell introduced the third appeal hearing property.**

166 Sycamore St. Parcel id: 08103.002000 BSREP II Cypress MT LLC, aka Maple Tree Pl.

Bill reviewed the property as the Maple Tree Place shopping center/complex purchased in 2016 for \$90 million. Kevin Sullivan from Brookfield Properties explained the deterioration of the complex, revenue being down, loss of the Christmas Tree Shop and numerous capitol projects that have been deferred and are coming due. Their opinion of value is \$72 million. Bill explained MTP is the hub of explosive growth in and around Williston and Chittenden County and it is too early to tell when CTS will close and what may take over in its place. Andy Mikell asked about the CTS lease and Josh Diamond asked when they declared bankruptcy. The exact date is not known, but it is relatively recent and well after April 1, 2023. A few questions from the Board regarding the deferred maintenance of the complex and why there aren't reserve funds for this. Kevin stated it is a business model decision based on cash flow. Bill Hinman stated he and the Listers are willing to review this next year after the bankruptcy filing of Christmas Tree Shops to see where the complex is at this time next year and are willing to make a possible adjustment at that time. No further questions.

The inspection team is made up of Ellie Beckett, Tony Lamb, and Terry Macaig.

The hearing is recessed at this time.

The Inspection Teams will organize via email and conduct their site visit as fits their schedules.

Sarah will email some example Inspection Reports from the past as guidance.

Inspection reports will be emailed to Sarah and she will disburse via email to the board members present at the 7/24/23 meeting. They will be reviewed, discussed and decisions made on 8/21/23 at 6pm.

The voter checklist was emailed to the board for the biennial review prior to the meeting. Any questions of voter eligibility were discussed. Andy Mikell had a list of four for Sarah to review and send challenge letters if necessary. The board members present at this meeting support the clerk sending the certification letter to the Secretary of State's office by 9/20/23.

On a motion by Carter Smith and seconded by Tony Lamb, the meeting is adjourned at this time (7:25pm) to be resumed at a set date of Monday, August 21<sup>st</sup>, 2023 at 6pm, in-person or via Zoom.

The meeting was reconvened on Monday, August 21<sup>st</sup>, at 6pm.  
Board Chair Andy Mikell opened the meeting at 6pm.

BCA members present in-person at the town hall meeting room:

Andy Mikell, Carter Smith, Sarah Mason, Tony Lamb, Terry Macaig, Ellie Beckett, Debbie Ingram, Jeanne Jensen.

Via Zoom: Angela Arsenault, Greta D'Agostino, Josh Diamond.

**Andy Mikell recused himself from the hearing involving BSREP Cypress II, aka Maple Tree Place. Vice Chair Carter Smith will oversee all aspects of this hearing and the decision.**

On a motion by Carter Smith and Seconded by Tony Lamb, the board moved into deliberative session.

Votes were taken on the three hearings and decisions were prepped to be mailed by Sarah Mason, Town Clerk.

Meeting adjourned at 6:15 on a motion by Tony Lamb and seconded by Carter Smith.