

STATE OF MAINE  
KENNEBEC, SS.

STATE BOARD OF  
PROPERTY TAX REVIEW  
DOCKET NO. 91-17

GILBERT AND DEBORAH BRYANT, )

Petitioners )

v. )

CITY OF BELFAST, )

Respondent )

DECISION

This matter comes before the State Board of Property Tax Review (hereinafter "Board") on appeal by Gilbert and Deborah Bryant from the denial by the City of Belfast of their request to classify a parcel of land under the Farm and Open Space Tax Law, 36 MRSA §§1101-1121.

Hearing was held in Augusta, Maine, on October 24, 1991, before four members of the Board, constituting a quorum. The petitioners appeared on their own behalf. Representing the City of Belfast was William S. Kelly, Esq. By agreement, this petition was heard in conjunction with the petition of Gary L. and Ernestine Rice, Docket No. 91-14, being like and similar properties.

The Petitioners filed their Open Space application on or about February 10, 1991, seeking classification of their property as of April 1, 1991. Mr. Galen Salisbury, then Assessor for the City of Belfast, denied their application on February 14, 1991. The Petitioners then filed this appeal, timely, with the Board.

#### SUMMARY OF EVIDENCE

In his testimony, Mr. Bryant described his property and provided to the Board a sketch of it. This parcel fronts on Jesse Robbins

Road and consists of house and barn on 1.3 acres (not classified) and the remaining 17 acres being half pasture and half woodland. The property abuts a beaver dam and has a small stream crossing the rear woodland area. This stream helps drain a large area and runs all year except for a few very dry weeks in the summer. The Bryants own one horse and are currently boarding another one. Neighbors and horse-owners from other areas use the horse ring near the road.

The general area is rural in character and wildlife is abundant. Beyond the rear boundary, the Belfast Water District maintains a large watershed area that is fed by the stream that crosses the subject property. Mr. Bryant has not posted "No Trespassing" signs of any kind on his land. Individuals are permitted to hunt on this property. Across the road, a 19 acre parcel that was formerly in Tree Growth is being developed and divided into 3-acre lots.

#### FINDING OF FACT

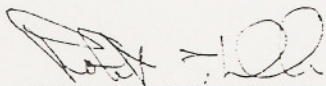
The Board finds that this property meets the following criteria under 36, MRSA §1109 (3):

- B. The likelihood that development of the land would contribute to degradation of the scenic, natural, historic or archeological character of the area;
- C. The opportunity of the general public to appreciate significant scenic values of the land;
- J. The likelihood that protection of the land will contribute to the ecological viability of a local, state or national park, nature preserve, wildlife refuge, wilderness area or similar protected area.

Wherefore, the Board concludes, on a vote of 4-0, that these factors are determinative of public benefit and directs the City of Belfast to approve this application for Open Space classification.

Any party wishing to appeal this Decision must file a Petition for Review in the Superior Court within 30 days of receipt of this Decision pursuant to 5 M.R.S.A. §§ 11001-11008.

Dated: November 19, 1991



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Robert E. Miller, Chairman  
State Board of Property  
Tax Review