

28 July 2023

Thomas R. Hanna, Esquire
BCM Environmental & Land Law, PLLC
3 Maple Street
Concord, New Hampshire 03301

Re: Opinion: Temple Zoning Board of Adjustment
Application for Special Exception

Alan Marsh & John Jackson-Marsh
Antique Construction Equipment Collection
Map 7, Lot 13
32 West Road
Temple, New Hampshire

Dear Mr. Hanna:

At your request, I have reviewed the Application for Special Exception for the above referenced property. I have inspected the subject property by walking its grounds. I also inspected the surrounding neighborhoods including West Road, Hill Road, Hadley Highway between West and Hill Roads, and Holt Lane. The purpose of this consulting assignment is to provide an opinion as to whether the antique construction equipment collection will impact the surrounding property values.

I am uniquely qualified to render an opinion related to this matter for the following reasons. (1) I served as Chairman of the Wolfeboro Zoning Board of Adjustment for 13 years. In that capacity, I have extensive experience hearing cases all of which have an impact on surrounding property values component. (2) I have appraised and/or consulted on numerous projects and properties in Hillsborough County and New Hampshire. (3) More specifically, I have been retained as an expert and testified in state and federal courts related to diminution of value issues. My curriculum vitae is attached to this opinion letter. The following is a summary of the facts, analysis, and my conclusions.

The subject property is a single family home located on the top of a small hill on 38.69 acres of land. The house is situated, more or less, in the middle of the parcel. The site is located along West Road, a two lane, asphalt paved town rural road with scattered single family homes.

The storage of antique construction equipment will be on up to four acres of the 38.69 acre parcel (10.3%). The storage of the construction equipment is not a commercial enterprise where parts are stripped from equipment, or the public is invited to view the collection on a frequent basis. It is solely a private collection like that of an antique car collection albeit outdoors.

The equipment collection will be located in the center of the property, on up to four acres, out of view from abutters and not visible from West Road. There are woods surrounding three sides of the property and the elevation of the house and adjacent four acre area makes it impossible to see from West Road. In consideration of the Given the topography and the overall large lot size, the subject site is suitable for the storage of a private collection of construction equipment.

The property located at 18 West Road abuts the subject property and is the closest house to the location of the construction equipment collection. It cannot see the adjacent property or its construction equipment collection due to mature trees and landscaping. Eighteen months after the construction equipment collection was present, the property sold in 2017 for \$367,775. In 2017, the equalized assessed value of the property calculated to \$289,077 (\$272,600 / 94.3%). The property sold 27.2% higher than its equalized assessed value. The listing broker was interviewed in order to determine if there was any impact on the marketing period or sale price of the property due to the construction equipment collection. She responded that there was no impact on either. Therefore, the sale price compared to equalized assessed value and interview with the listing broker indicated no impact on value from the adjacent property's construction equipment collection.

The property located at 68 West Road also abuts the subject property and is the next closest house to the location of the construction equipment collection. It cannot see the adjacent property or its collection due to mature trees and landscaping. In June 2022, the property sold for \$185,000; however, the assessor classified it as an unqualified sale due to insufficient market exposure.

Currently, there are three listings in Temple. They range in asking price from \$644,900 to \$3.495 million. 37 Holt Lane is considered part of the subject property's neighborhood and has been on the market for less than a month. The land area totals 256.05 acres of which 245.8 acres is in conservation. The parcel is located on the opposite side of West Road. The asking price calculates to \$538 per ft². While this property has not yet sold and is relatively new to the market, the substantial asking price for Temple, much less New Hampshire would indicate no impact on value from the construction equipment collection. It should also be noted that the average days on market for the 35 current listings in New Hampshire of \$3+ million is 128 days with a high of 805 days. Thus, a property in this price range will take longer to sell given the limited number of buyers, especially for a property in Temple. According to NH MLS, there have never been any residential sales in excess of \$2 million in Temple. The asking price of the property would suggest that there is no adverse impact on value based considering the seller's full knowledge of the equipment collection.

The real estate market in Temple is strong. In 2022, according to the New Hampshire MLS, there were a total of 16 residential sales. The median asking price was \$437,000 and the median sale price was \$443,750 or 1.5% over asking. Median days on market was 10. The sales ranged in price from \$285,000 to \$1.8 million. In 2023 to date, there were a total of 7 residential sales. The median asking price was \$650,000 and the median sale price was the same. Median days on market was 6 – a decrease of 4 days compared to the year prior despite rising interest rates and inflation. The sales ranged in price from \$160,000 to \$924,000.

Under the hypothetical condition that the subject property and its equipment collection has some adverse impact on surrounding property values, given the very strong market conditions, market participants would most likely overlook the adverse factors given the limited inventory, short marketing periods, and sale prices in excess of the asking price. Furthermore, properties on either side of the subject property have sold since the construction equipment collection was in place and a landmark property down the street is currently listed for sale.

The neighborhoods along Hill Road and Hadley Highway are farther removed from the subject property than the two adjacent houses referenced above. There is a mature forest and sloping topography that further prevents any possible view of the subject property and its collection.

From an appraisal perspective, the highest and best use of a property must be considered in order to determine its market value. There are four components to the highest and best use; they are: Physically Possible, Legally Permissible, Financially Feasible, and Maximally Productive. When a parcel of land or improved property cannot be put to its highest and best use, the market value of the property is adversely impacted. In the case of the immediate residential neighborhood, if the special exception is granted, the highest and best use of the surrounding residential properties will not change; therefore, there is no indication from a highest use analysis that there would be any diminution in value.

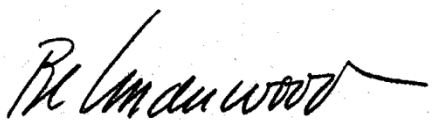
It is not uncommon for a property owner to claim that their property's value will decrease because of a proposed project. Over the course of my 30+ year career, I have been asked many times by abutters opposing a project to opine that a proposed use will adversely impact their property values. In most cases, as in this case as well, the market data along with researching the actions of both buyers and sellers in the marketplace result in undisputable evidence that, in fact, there is no diminution in value. It is easy to claim an impact; however, the supporting evidence and market data indicate otherwise.

At your request, I have also considered whether there is an adverse impact on the value of adjacent property if the antique equipment collection is visible from the sky, such as from an airplane, drone or satellite, and shows on internet mapping websites like Google Earth or Apple maps. I am not aware of any study that has ever considered this question. Furthermore, based on my 30+ year real estate appraisal and counseling practice, I have never analyzed an impact on value much less concluded that because it can be seen from the sky (not the ground) that it would have an adverse impact on value. Aerial photos or videos of the subject property would not alter the evidence contained in this letter, the real estate market in Temple or my professional opinion stated herein.

The storage of the construction equipment collection is not obnoxious or injurious or limit the use of neighborhood property by causing such problems as excessive noise, odor, does not generate any refuse matter, vibration, traffic, dust, fumes, light, glare, drainage, or other conditions that are associated with the use. The collection is in the middle of the site at the top of the hill far from any other residential home and not within eyesight from any other property.

The neighborhood's highest and best use does not change, nor would its marketing time increase as evidenced by the data and the existing conditions along West Road and Temple in general. Therefore, there is no market evidence that the construction equipment collection will diminish surrounding property values.

Respectfully submitted,
B.C. UNDERWOOD LLC

A handwritten signature in black ink that reads "B.C. Underwood". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Brian C. Underwood, CRE, FRICS

QUALIFICATIONS OF THE FIRM

bc underwood llc
real estate counseling & appraisal

B.C. Underwood LLC specializes in the appraisal and consulting of complex real estate. The following is a representative list of assignments, geographical areas covered, and clients served.

ASSIGNMENT TYPES

Airport Land & Buildings	Marinas
Apartment Buildings & Complexes	Market & Feasibility Studies
Appraisal Review	Mediation
Athletic Clubs & Facilities	Medical Buildings / Facilities
Automobile Dealerships	Mill Buildings
Bank Buildings	Mineral Rights
Bed & Breakfasts	Mobile Home Parks
Business Valuation	Multi-Family Residential Properties
Campgrounds	Office Buildings & Parks
Commercial Land & Buildings	Parking Lots
Condominium Buildings	Partial Interests / Partition Actions
Conservation Easements	Planned Residential Developments
Convenience Store Chains	Private Schools
Continuing Care Retirement Communities	Quarries
Diminution in Value Projects	Railroad Tourist Attractions
Easements & Rights of Way	Restaurants
Eminent Domain	Retail Petroleum Properties
Environmentally Contaminated Property	Self-Storage Facilities
Equestrian Properties	Senior Living Facilities
Estates & Luxury Residential Property	Service Garages
Fast Food Restaurants	Sports & Entertainment Facilities
Forest Land	Spring Water Plants
Group Homes	Shopping Malls
Going Concerns	Single Family Homes
Golf Courses	Strip Centers
Higher Education Institutions	Taverns & Inns
Hospitals	Tax Abatement
Industrial Land & Buildings	Time Share Projects
Impact on Property Value Studies	USPAP & Appraisal Methodology
Litigation Strategy & Support	Utility Corridors
Lumber Yards	Waterfront Property

GEOGRAPHICAL AREAS

Connecticut: New Haven

Maine: Androscoggin, Cumberland, Franklin, York

Massachusetts: Barnstable, Bristol, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, Worcester

Georgia: Fulton

France: Bourgogne, Île de France,

New Hampshire: Belknap, Carroll, Cheshire, Coös, Grafton, Hillsborough, Merrimack, Rockingham, Strafford, Sullivan

New York: Kings

Pennsylvania: Cumberland, Juniata

Rhode Island: Providence

Vermont: Rutland, Windham, Windsor

REPRESENTATIVE LIST OF CLIENTS

AMRESKO Commercial Finance
Arent Fox, PLLC
BCM Environmental & Land Law PLLC
Bald Peak Land Company
Bank of America
Bank of America Private Clients Group
Bank of New Hampshire
Bangor Savings Bank
Beech River Mill, Inc.
Brewster Academy
Carlisle Capital
Casella Waste Systems, Inc.
Chase Bank
Citizens Bank
Cleveland, Waters & Bass, P.A.
Cooper, Cargill, Chant Attorneys at Law
Cornerstone Energy Services, Inc.
Create
Danville, Town of
Dartmouth College
Dartmouth Hitchcock Medical Center
Devine, Millimet & Branch, P.A.
Eversource
Farm Credit East
Federal Deposit Insurance Corporation
Fletcher Tilton, P.C.
Franklin, City of
GSSG Solar
Gallagher, Callahan, & Gartrell, P.C.
General Services Administration
Godbout Law, PLLC
Gov. Wentworth Regional School District
Green Mountain Furniture, Inc.
Grinnell & Bureau Attorneys at Law
Hinckley Allen LLP
Holland & Knight LLP
Huggins Hospital
J.P. Noonan, Inc.
Key Bank
Lakes Region Conservation Trust
Lakeview Management, Inc.
Mallet Company
Marriott, J. Willard Jr.; Chairman, Marriott International
Martin, Lord, & Osman, P.A.
Latici Law Office, P.A.
Liberty Utilities
Lyme Properties
McLane Middleton, P.A.
Mobil Oil Corporation
Monziona Law Offices
Mount Washington Observatory
Mutual Oil Company
New Hampshire Charitable Foundation
New Hampshire Motor Speedway
North Conway Country Club
Northern Pass Transmission LLC
Northway Bank
Orr & Reno
Pace Academy
Pastori Krans Attorneys at Law
Perkins Thompson Attorneys & Counselors
Phillips Exeter Academy
Pierce Atwood LLP
Pike Industries, Inc.
Pleasant View Gardens
Portsmouth, City of
PriceWaterhouseCoopers
RHP Properties
Ricci Lumber
Rochester Toyota
Rye, Town of
Salvation Army
Seward & Kissel LLP
Sheehan Phinney, P.A.
Sulloway & Hollis, PLLC
Sullivan & Gregg Attorneys at Law
TD Bank
Taylor Community
Tuscan Brands
U.S. Trust Company
University System of New Hampshire
Upton & Hatfield LLP
Vermont Academy
Walker & Varney Attorneys at Law
Webster Land Corporation
Wescott Law P.A.
Wolfeboro, Town of

**BRIAN C. UNDERWOOD, CRE, FRICS
CURRICULUM VITAE**

PROFESSIONAL DESIGNATIONS

Awarded the CRE designation, Counselor of Real Estate; The Counselors of Real Estate

Awarded the FRICS designation, Fellow, Royal Institution of Chartered Surveyors

PROFESSIONAL PUBLIC APPOINTMENTS

New Hampshire Real Estate Appraiser Board, Chairman (2008-2012)

PROFESSIONAL EXPERIENCE

B.C. Underwood LLC, Rye Beach, New Hampshire: Principal of a real estate appraisal & counseling firm founded in 1998 specializing in complex property types, litigation support, and mediation.

Atlantic Valuation Consultants, Inc., Meredith, New Hampshire: President of an east coast real estate and business valuation firm specializing in market / feasibility studies, and litigation support.

Conwood Group, New Cumberland, Pennsylvania: Managing General Partner of a real estate investment company that owned and operated coin laundries.

LICENSEE

Certified General Real Estate Appraiser, State of Maine
License Number: CG4821 (expires December 31, 2023)

Certified General Real Estate Appraiser, State of New Hampshire
License Number: NHCG-394 (expires November 30, 2023)

PROFESSIONAL EDUCATION

Harvard Business School

- *Valuation*; Cambridge, Massachusetts; 1999

American Society of Appraisers Seminars

- *The Expert Witness*; Manchester, New Hampshire; 1996

Appraisal Foundation

- *Appraisal Investigator Training Level I*; Alexandria, Virginia; 2009
- *Appraisal Investigator Training Level II*; Scottsdale, Arizona; 2010

Appraisal Institute Courses

- 400: *Uniform Standards of Professional Appraisal Practice (USPAP) Update Course*; 2022-23
- 410: *Standards of Professional Practice, Part A (Uniform Standards of Professional Appraisal Practice)*; Portland, Maine; 1997
- 420: *Standards of Professional Practice, Part B*; Hershey, Pennsylvania; 1993
- 110: *Appraisal Principals*; Hershey, Pennsylvania; 1993

- 120: *Appraisal Procedures*; Hershey, Pennsylvania; 1993
- 310: *Basic Income Capitalization*; Tallahassee, Florida; 1993
- 320: *General Applications*; Boston, Massachusetts; 1995
- 510: *Advanced Income Capitalization*; Tallahassee, Florida; 1993
- 540: *Report Writing & Valuation Analysis*; Tallahassee, Florida; 1995

Appraisal Institute Seminars

- *Valuation Issues & the Tax Abatement Process*; 2022
- *Current Residential & Commercial Valuation Concerns*; 2022
- *Implications for Appraisers for Conservation Easement Appraisals*; 2022
- *Artificial Intelligence, AVMs, & Blockchain: Implications for Valuation*; 2021
- *Forestland Valuation*; 2021
- *Appraiser Essentials*; 2021
- *Appraising Residential & Commercial Properties during a Pandemic*; 2020
- *Market Trends in New Hampshire Real Estate*; 2020
- *Eminent Domain and Condemnation*; 2017
- *Data Verification Methods*; 2015
- *Thinking Outside the Form*; 2015
- *Subdivision Valuation*; Manchester, New Hampshire; 2005
- *Automated Valuation Models*; Baltimore, Maryland; 1997
- *Mock Trial*; Boston, Massachusetts; 1995
- *Appraisal Practices for Litigation*; Boston, Massachusetts; 1995
- *GIS Seminar*; Boston, Massachusetts; 1995
- *Due Diligence for Contaminated Properties*; Boston, Massachusetts; 1995
- *Environmental Risk and the Real Estate Appraisal Process*; Rockport, Maine; 1994

The Counselors of Real Estate Seminars

- *Global Economic Forces: The Deficit, the Dollar and Interest Rates*; Chicago, Illinois; 2005
- *Real Estate Capital Markets*; Chicago, Illinois; 2005
- *Big Thinkers on The Big Picture: Commercial Real Estate Markets*; Chicago, Illinois; 2005
- *Hedging: Protecting Your Assets in a Rising Interest Rate Environment*; Chicago, Illinois; 2005
- *Market Watch: A Real World View on Market Prospects*; San Francisco, California; 2007
- *Institutional Investment: When Residential Real Estate Brings the Highest Yields*; San Francisco, California; 2007
- *Banks, Banking Rules, Fed Policy, and Real Estate*; San Francisco; 2013
- *Outlook for the Economic Real Estate Market*; San Francisco; 2013
- *Real Estate Analytics, Investments and Beyond*; San Francisco; 2013
- *Reaching for Yield - The High Risk of Investments*; San Francisco; 2013
- *Money Never Sleeps*; San Francisco; 2013
- *Sustainability: Energy and Land Use*; San Francisco; 2013
- *A Vision for Boston*; Boston; 2014
- *Real Estate Outlook*; Boston; 2014
- *Emerging Trends in Real Estate*; Boston; 2014
- *Making Infrastructure Happen: Public-Private Partnerships*; Montreal; 2017
- *Retail Industry – In Crisis?*; Montreal; 2017
- *Trends in Tourism & Hospitality*; Montreal; 2017
- *Laying the Groundwork of Large Scale Development*; Montreal; 2017
- *The Global Economy & Real Estate Trends: Is Capital Following Growth?*; Montreal; 2017
- *The New City: The American Urban Scene*; Chicago; 2019
- *The Global Economy & Real Estate Trends*; Chicago; 2019
- *Technology: How Data is Being Leveraged*; Chicago; 2019
- *Opportunity Zones: Challenges and Opportunities*; Chicago; 2019

- *2019-2020 Top Ten Issues Affecting Real Estate*; Chicago; 2019
- *Aging in Place: Innovation in Design & Programming*; Chicago; 2019
- *University of Chicago's Influence on the South Side*; Chicago; 2019
- *Housing, Leasing, Finance, Valuation, Property Technology, Legal, & Taxes Series*; 2021
- *Leverage Urban Development and Increase Inclusion & Diversity*; Boston; 2022
- *Economic Point and Counterpoint*; Boston; 2022
- *Life Science Industry*; Boston; 2022
- *Resilience, Adaptation, Mitigation, and Preparedness*; Boston; 2022
- *The Future Shape of Our Workplace: Office Uprising vs. Employee Uprising*; Boston; 2022
- *European Real Estate Dialogue & Debate*; Boston; 2022

Massachusetts Board of Real Estate Appraisers Seminars

- *Teamwork in Eminent Domain*; Boston, Massachusetts; 1997

McKissock Learning

- *Introduction to Legal Descriptions*; November 2017
- *Fundamentals of Appraising Luxury Homes*; November 2019
- *Expert Witness Testimony for Appraisers*; November 2019

New Hampshire Association of Industrial Agents Seminars

- *Redeveloping Contaminated Sites*; Center Harbor, New Hampshire; 1994

New Hampshire Attorney General's Office

- *Wynn Arnold Administrative Law Workshop*; Concord, New Hampshire; 2009

New Hampshire Bar Association Seminars

- *Managing, Buying, & Selling Contaminated Properties*; Concord, New Hampshire; 1994

New Hampshire Superior Court, Office of Mediation & Arbitration

- *NH Superior Court Rule 170 Civil Mediation Training*; Concord, New Hampshire; 2010

ARTICLES PUBLISHED

How to Lower Real Estate Taxes, Coin Launderer & Cleaner; February 1996

Tax Abatements for Environmentally Contaminated Real Estate, New England Service Station & Automotive Repair Association; January 1995

SEMINARS PRESENTED

New Hampshire Tax Abatement Process, [presented together with Jack B. Middleton, Esquire & Jennifer L. Parent, Esquire; McLane Middleton]; Rochester, New Hampshire; 2014

New Hampshire Tax Abatement Process, [presented together with Jack B. Middleton, Esquire & Jennifer L. Parent, Esquire; McLane Middleton]; Concord, New Hampshire; 2013

Real Estate Appraisal Issues, New Hampshire Chapter, Appraisal Institute; Concord, New Hampshire; 2010 & 2011

Appraising Environmentally Contaminated Real Estate, New Hampshire Bar Association; Concord, New Hampshire; 1999

Real Estate Tax Abatement & Eminent Domain, [presented together with Jack B. Middleton, Esquire & Arthur G. Greene, Esquire; McLane Middleton]; North Conway, New Hampshire; 1999

Real Estate Tax Abatement Process, [presented together with Jack B. Middleton, Esquire; McLane Middleton]; Hanover, Portsmouth, and Manchester, New Hampshire; 1996

Real Estate Tax Abatement Process, [presented together with Jack B. Middleton, Esquire; McLane Middleton]; Manchester, New Hampshire; 1995

Tax Abatement for Environmentally Contaminated Real Estate, Independent Oil Marketers Association of New England; Westborough, Massachusetts; 1995

Tax Abatement Issues for Campground Owners, New Hampshire Campground Owners' Association; Laconia, New Hampshire; 1995

LITIGATION EXPERIENCE

admitted as expert witness

- New Hampshire Superior Court
- New Hampshire Board of Tax and Land Appeals
- New Hampshire Circuit Court, Family Division
- New York Family Court
- Massachusetts Appellate Tax Board
- United States Bankruptcy Court
- Vermont Family Court

EXPERT WITNESS HISTORY

testimony at deposition, hearing, or trial

Trustees of Dartmouth College v. Town of Hanover
Town of Hanover Planning Board / New Hampshire Supreme Court

150 Greenleaf Realty Trust v. City of Portsmouth
Rockingham County Superior Court, New Hampshire

Gilman Family Trust v. Town of New London
Merrimack County Superior Court, New Hampshire

In Re: Carlucci
U.S. Bankruptcy Court, District of New Hampshire

Campbell v. Campbell
New York Family Court, New York

Cutter Family Partnership v. Town of Rollinsford
Rockingham County Superior Court, New Hampshire

Southern Spectrum LLC v. Town of Wolfeboro
Carroll County Superior Court, New Hampshire

Bridge v. Town of Sunapee
Sullivan County Superior Court, New Hampshire

Kraeger v. Town of Sunapee
Sullivan County Superior Court, New Hampshire

Ruedig v. Town of Sunapee
Sullivan County Superior Court, New Hampshire

Wolters v. Wolters
10th Circuit Court, Family Division, New Hampshire

Public Service of New Hampshire v. Town of Richmond
New Hampshire Board of Tax & Land Appeals

PROFESSIONAL & PUBLIC AFFILIATIONS

- New Hampshire Real Estate Appraiser Board by appointment of Governor Lynch
Chairman (2008-2012)
- The Counselors of Real Estate: Member
Real Estate Issues Editorial Board (2005-2007)
CRE Consulting Corps Steering Committee (2005 -2007)
- Mount Washington Observatory
Past Vice President & Treasurer
- Town of Wolfeboro Zoning Board of Adjustment
Chairman (1995-2008)
- First Congregational Church, Wolfeboro, New Hampshire
Moderator (2008-2010)

CONTACT INFORMATION

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