

## **SPECIAL MEETING MINUTES**

**BUILDING BOARD OF APPEALS  
WATERFORD TOWN HALL**

**JULY 14, 2010  
6:00 PM**

Members Present: Chairman Russell Dinoto, Terry McCarthy, George Gardner, Paul Goldstein, Jose-Miguel Albaine

Staff Present: Frank Hoagland III, Building Official, Steven Cardelle, Assistant Building Official, John Murphy, Assistant Building Official, Thomas V. Wagner, Planning Director ( 6:15 PM), Carol Libby, Recording Secretary

Also Present: First Selectman, Daniel Steward, Town Counsel Attorney Nicholas Kepple

The Building Board of Appeals special meeting was called to order at 6:00 PM to hear the appeal of Adam McNiece of 11 Hathaway Road, East Lyme, CT regarding property he owns located at 184 Oswegatchie Road, Waterford, CT. The appeal relates to an appeal of the letter subsequent to the June 10<sup>th</sup>, 2010 meeting.

### EXHIBIT LIST

Appeal of Adam P. McNiece of 11 Hathaway Road, East Lyme, CT

Address of Appeal: 184 Oswegatchie Road

- Exhibit A - Letter received June 22, 2010, from Adam P. McNiece requesting an appeal of the letter subsequent to the June 10, meeting.
- Exhibit B - Letter dated June 17, 2010, from Steven P. Cardelle, Assistant Building Official responding to requests from Mr. McNiece from the meeting of June 10, 2010 at the Town Hall.
- Exhibit C - Letter dated June 25, 2010 to Adam P. McNiece from Thomas V. Wagner AICP, Planning Director regarding the telephone conversation and the Building Board of Appeals Hearing.
- Exhibit D - Letter from Adam McNiece, received in the Permitting Department on June 25, 2010 to schedule the Building Board of Appeals meeting on July 14, 2010.

Chairman R. Dinoto opened the hearing on Mr. McNiece's appeal and called Adam McNiece forward to speak to the Board regarding his appeal.

Adam McNiece discussed his appeal with Board members.

F. Hoagland, Building Official and S. Cardelle, Assistant Building Official discussed their issues and concerns relative to the appeal.

Chairman R. Dinoto asked Mr. McNiece, board members, staff and if anyone present had any questions, comments or wished to add new information regarding the appeals of Mr. McNiece.

There were no questions or additional comments.

The appeal hearing was closed at 6:45 PM. The board proceeded to deliberate regarding the appeal.

Mr. McNiece left the appeal meeting at 6:50 PM.

After deliberation by the board the following motion was made:

MOTION: Motion made by P. Goldstein to deny the appeal of Mr. McNiece on the basis that no new requirements were presented by Mr. McNiece regarding the June 17, 2010 letter to constitute a new appeal from that previously heard on May 26, 2010 and the new appeal is not valid. Motion was seconded by T. McCarthy.

The motion was discussed by board members.

AMENDED

MOTION: Motion made by P. Goldstein, seconded by T. McCarthy to deny the appeal of Mr. McNiece based on the fact an earlier decision had been made on the same issue by the Building Board of Appeals.

VOTE: 5-0

MOTION: Motion made by G. Gardner, seconded by T. McCarthy to approve the May 26, 2010 minutes as written.

VOTE: 4-0-1 – P. Goldstein abstaining.

MOTION: Motion made by T. McCarthy, seconded by P. Goldstein to adjourn the meeting at 6:56 PM.

VOTE: 5-0

Respectively submitted,

Carol Libby  
Recording Secretary