

SPECIAL MEETING MINUTES

**BUILDING BOARD OF APPEALS
WATERFORD TOWN HALL**

**MAY 26, 2010
5:00 PM**

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

Members Absent: Paul Goldstein

Staff Present: Frank Hoagland, Building Official, Steven Cardelle, Assistant Building Official, Thomas V. Wagner, Planning Director, Michael Glidden, Zoning Official, 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 5:00 PM to hear the appeal of Adam McNiece of 198 Grassy Hill Road, East Lyme regarding property he owns located at 184 Oswegatchie Road, Waterford, CT. First Selectman Daniel Steward made some welcoming remarks and asked that a Chair be selected. The appeal relates to the Stop Work Order issued by Frank Hoagland, Building Official to Mr. McNiece for work he was performing at 184 Oswegatchie Road.

MOTION: Motion made by George Gardner, seconded by Terry McCarthy to nominate Russell Dinoto as Chairman of the Building Board of Appeals.

VOTE: 3-0-1 (Russell Dinoto abstained)

T. Wagner read and explained in detail the following exhibit list:

Appeal of Adam P. McNiece of 198 Grassy Hill Road, East Lyme, CT

Address of Appeal: 184 Oswegatchie Road

Exhibit A - Site location map dated 4/30/10

Exhibit B - Building application submittal, floor plan, east, south, north and west views, material list and letter dated 4/30/10 (seven pages)

Exhibit C - Letter from M. Glidden CZEO, dated May 5, 2010 regarding proposed renovations in relation to the area deemed to be a flood hazard.

Exhibit D - Application review comments from Steven Cardelle of 5/4/10

Exhibit E - Marked up application review comment sheet from A. McNiece received 5/11/10

Exhibit F - Legal Notice, Stop Work dated 5/13/2010

Exhibit G - Building Department violation letter sent certified

RECEIVED
MAY 27 2010
TOWN ENGINEER

mail to Adam McNiece, dated May 14, 2010

- Exhibit H - Letter received May 13, 2010 from Adam McNiece regarding to convene and review his project for work outside of his proposed addition permit
- Exhibit I - Letter dated May 16, 2010 from Adam McNiece to the First Selectman regarding having problems with the building department.
- Exhibit J - Letter to the First Selectman from Adam McNiece, received May 19, 2010 delaying the statutory right of hearing an additional five days to allow for the appointment of a viable Board of Appeals.
- Exhibit K -- Copy of the Building Department application for building permit, dated May 19, 2010
- Exhibit L - 2003 International Residential Code, Section R105 Permits, R105.1 Required
- Exhibit M - Tax Assessor's Street Card
- Exhibit N - Special Limited Warranty Deed
- Exhibit O - Flood Zone Designation
- Exhibit P - Flood Insurance Rate Map
- Exhibit Q - Original Application for Zoning Compliance and Building Permit
- Exhibit R - Section 25.3 of the Town of Waterford Zoning Regulations, pages 25-6 through 25-11

Attorney Kepple submitted Exhibit S, State Statute applicable to the Building Board of Appeals.

S. Cardelle submitted Exhibit T, same of the application review comments for a similar project in Waterford.

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.

Chairman R. Dinoto called upon F. Hoagland to express his comments relative to Mr. McNiece's appeal.

F. Hoagland, Building Official and S. Cardelle, Assistant Building Official discussed their issues and concerns relative to the appeal and Mr. McNiece's comments.

Chairman R. Dinoto asked Mr. McNiece, board members, staff and if anyone present in the audience had any questions, comments or wished to speak further regarding the appeal of Mr. McNiece.

There were no questions or additional comments from the board members or staff and no one came forward from the audience to speak regarding the appeal.

The appeal hearing was closed at 6:20 PM. The Board proceeded to deliberate regarding the appeal. After deliberating the following motion was made:

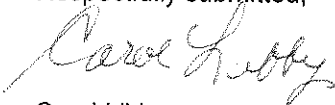
MOTION: Motion made by Jose Miguel Albaine, seconded by Terry McCarthy to deny the appeal of Adam McNiece since Mr. McNiece did not comply with the Building Codes or Zoning Regulations.

VOTE 4-0

MOTION: Motion made by T. McCarthy, seconded by G. Gardner to adjourn the meeting at 6:30 PM.

VOTE: 4-0

Respectfully submitted,



Carol Libby
Recording Secretary

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 10th, 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

RECORDED
RECEIVED
WATERFORD, CT
NOV 24 AM 10:21
TOWN CLERK

SPECIAL MEETING MINUTES

**BUILDING BOARD OF APPEALS
WATERFORD TOWN HALL**

**NOVEMBER 18, 2010
3:45 PM**

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

Member Absent: Paul Goldstein

Staff Present: Frank Hoagland III, Building Official, Thomas V. Wagner, Planning Director, Carol Libby, Recording Secretary

Also Present: Town Counsel Attorney Nicholas Kepple

The Building Board of Appeals special meeting was called to order at 3:50 PM to consider the request of Adam McNiece of 11 Hathaway Road, East Lyme, CT regarding a request for a hearing for property he owns located at 184 Oswegatchie Road, Waterford, CT. Chairman Dinoto asked Mr. Mc Niece to confirm that the subject of his request was the conduct referenced in his September letters regarding the building office entry onto his property to take photos, since this was not specifically referenced in his letter to Mr. Steward. Mr. McNiece confirmed this was the subject of his request. The request relates to review of the November 10, 2010 correspondence from Mr. McNiece to First Selectman, Daniel Stewart regarding request for hearing.

EXHIBIT LIST

- Exhibit A - Agenda, posted with the Town Clerk on November 15, 2010
- Exhibit B - Special Meeting Minutes, July 14, 2010
- Exhibit C - Letter dated November 10, 2010 from Adam P. McNiece to Daniel Stewart, First Selectman requesting a hearing from the Building Board of Appeals and Freedom of Information requests.
- Exhibit D - Facsimile Transmission dated November 12, 2010 from Attorney Nicholas Kepple to Daniel Stewart, First Selectman regarding Mr. Mc Niece's FOI request.

Chairman R. Dinoto opened the hearing on Mr. McNiece's request.

Attorney Kepple read Exhibit E into the record and distributed copies to attendees. Exhibit E is a letter dated November 18, 2010 from Attorney Kepple to Mr. Russell Dinoto, Chairman, Building Board of Appeals.

A. McNiece left the meeting at 4:00 momentarily, apparently to answer a cell telephone call

Chairman R. Dinoto called Adam McNiece forward to speak to the Board regarding his request.

Adam McNiece discussed his request with the Board members.

Chairman R. Dinoto asked Mr. McNiece, board members and staff if they had any questions or comments regarding the request of Mr. McNiece.

There were no questions or additional comments.

After discussion by the board the following motion was made:

MOTION: Motion made by Chairman Dinoto, I move that this Board determines, on advice of counsel, that the issue raised by Mr. McNiece in his November 10, 2010 letter to First Selectman Daniel M. Steward does not fall within the jurisdiction of the Building Board of Appeals as a proper matter for the board to consider under CGS §29-266(b) and therefore no hearing should be convened and Mr. McNiece should be promptly notified of this determination, seconded by Jose Miguel Albaine.

VOTE: 4-0

Mr. Mc Niece left the meeting at 6:07 PM during the motion made by Chairman Dinoto.

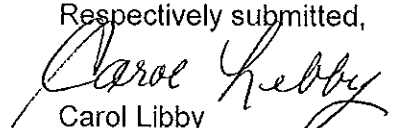
MOTION: Motion made by G. Gardiner, seconded by J. Albaine to approve the Special Meeting, July 14th, 2010 minutes as written.

VOTE: 4-0

MOTION: Motion made by J. Albaine, seconded by T. McCarthy to adjourn the meeting at 6:11 PM.

VOTE: 4-0

Respectively submitted,


Carol Libby
Recording Secretary