

SPECIAL MEETING MINUTES

**BUILDING BOARD OF APPEALS
WATERFORD TOWN HALL**

**DECEMBER 11, 2012
3:45 PM**

RECEIVED FOR RECORD
WATERFORD, CT
12 DEC 18 AM 11:13

Members Present: Chairman Russell Dinoto, Terry McCarthy, George Gardner, Jose-Miguel Albaine
Staff Present: Frank Hoagland III, Building Official, Thomas V. Wagner, Planning Director, Carol Libby, Recording Secretary
Also Present: Town Counsel Attorney Nicholas Kepple

1. CALL TO ORDER

Chairman R. Dinoto called the Building Board of Appeals special meeting to order at 3:48 PM.

2. APPROVAL OF THE NOVEMBER 18, 2010 SPECIAL MEETING MINUTES

MOTION: Motion made by T. McCarthy, seconded by G. Gardner to approve the 11/18/10 special meeting minutes as written.

VOTE: 4-0

3. REVIEW OF DECEMBER 2, 2012 CORRESPONDENCE FROM MR. MC NIECE TO FIRST SELECTMAN, DANIEL STEWARD REGARDING REQUEST FOR HEARING.

EXHIBIT LIST

Appeal of Adam P. McNiece, 11 Hathaway Road, East Lyme, CT 06333
Address of Appeal: 184 Oswegatchie Road

- Exhibit A Copy of letter from Daniel M. Steward, First Selectman, dated 12/5/12 to Russell Dinoto, Chairman, Building Board of Appeals.
- Exhibit B Copy of letter from Carol Libby, Recording Secretary, dated 12/4/12 to Adam Mc Niece.
- Exhibit C Copy of letter from Adam P. Mc Niece, dated 12/2/12 to Daniel Steward
- Exhibit D Copy of letter from Frank H. Hoagland, III, Building Official, dated 11/9/12 to Adam P. Mc Niece

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- Exhibit E Copy of letter from Frank H. Hoagland III, Building Official dated 10/24/12 to Adam P. Mc Niece
- Exhibit F Copy of letter from Attorney Robert A. Avena dated 9/18/12 to Adam P. Mc Niece
- Exhibit G Copy of letter from Frank H. Hoagland III, Building Official dated 8/28/12 to Adam P. Mc Niece
- Exhibit H Copies of plumbing and electrical permit applications, dated 8/22/12
- Exhibit I Copy of letter from Frank H. Hoagland III, Building Official dated 7/2/12 to Adam P. Mc Niece
- Exhibit J Copy of letter from Adam P. Mc Niece dated 6/29/12 to Daniel Steward, First Selectman

Attorney Kepple briefed the board members regarding the purpose of the request for the special meeting made by Mr. Mc Niece on 12/2/12.

Attorney Kepple stated on 8/22/12 Mr. Mc Niece submitted to the building department an electrical and plumbing application for work being performed at his home at 184 Oswegatchie Road. Two letters were sent to Mr. Mc Niece, 8/28/12, and 10/24/12 in which Building Official Frank Hoagland III requested additional information and questioned the value of the work. On 11/19/12 F. Hoagland denied the electrical and plumbing applications due to the description of the work not being provided and the value of the work was under estimated.

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 issues relative to his appeal with Board members.

F. Hoagland, Building Official discussed his issues and concerns relative to the appeal and also presented Exhibit K, Section R108, Fees, 2003 International Residential with CT Supplements of the State Building Code.

Adam Mc Niece came forward and rebutted issues raised by F. Hoagland.

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

There were no questions or additional comments.

The appeal hearing was closed at 4:43 PM

4. DISCUSSION AND VOTE ON ITEM #3 ABOVE

After discussion by the board the following motion was made and seconded:

MOTION: "I don't think Mr. Hoagland's decisions on the points of under value and the description of the scope of work here were in violation of anything". Chairman Dinoto summarized the motion as one which accepts the decision of Building Official Frank Hoagland.


VOTE: 4-0

5. ADJOURNMENT

MOTION: Motion made by T. McCarthy, seconded by Chairman R. Dinoto to adjourn the meeting at 4:45 PM.

VOTE: 4-0

Respectively submitted,


Carol Libby
Recording Secretary