

BUILDING CODE BOARD OF APPEALS FRIDAY, SEPTEMBER 8, 2017 9:00 a.m.
Eileen Dondero Foley Council Chambers City Hall

Members Present: Chairman Jeffrey Landry; Stephen McCarthy; Dennis Moulton; Gary Nadeau; David Rheume

Also Present: Chief Building Inspector Rober Marsilia; Assistant City Attorney Jane Ferrini

Members Absent: Lisa Destefano (recused herself from the project)

AGENDA

I. Call to Order

Chairman Landry called the meeting to order.

II. Review Appeal filed by Attorney John Bosen on behalf of PNF Realty Trust 2013 concerning property located at 278 State Street

Mr. Rheume made a motion to approve the temporary rules and regulations, seconded by Mr. Nadeau. The motion passed unanimously.

Ms. Ferrini explained this was the first time in history this Board has convened. The meeting is to address the application in which Chief Building Inspector Marsilia determined that a temporary roof is required for the property on 278 State St. Three letters have been submitted to request to continue the case. There is a little confusion on the September 7, 2017 letter. It was attempted to clarify with the owner that the application in front of the Board is the same that was put in front of the Zoning Board (ZBA.) It appears that the September 7th letter is not referring to that application. This meeting was called before legal to request a continuation. Alex Montesero and Amos Blanchard are here to represent the applicant and make any clarifications.

Mr. Blanchard commented that the applicants are definitely looking for a continuance. The timing didn't work for them because some people had to be absent.

Ms. Ferrini asked if it was Mr. Blanchard's understanding that the application in front of the ZBA was for this Board as well.

Mr. Blanchard could not clarify that.

Mr. Rheume questioned why this application was coming before this Board.

Ms. Ferrini clarified that an appeal in reference to a Building Inspector determination of the code comes to this board.

Mr. McCarthy questioned that in the absence of an application specific to this Board how would this serve as an application in lieu of that.

Ms. Ferrini clarified that the ZBA determined that this was converted to an application for this Board. However, the September 7th letter has made this more unclear. Based on the lack of clarity of the application, it is recommended that the Board issue a continuance. Then it can be clear when Attorney Bosen can attend.

Mr. McCarthy clarified that it was not a procedural issue on Attorney Bosen's side.

Ms. Ferrini confirmed that is correct, and was not comfortable speaking for Attorney Bosen. Ms. Ferrini recommended that this hearing be continued. The only other issue is that the Building Inspector's approval for the applicant's request to extend the temporary roof will expire on September 14, 2017. It is unlikely the board will reconvene before September 14, 2017.

Mr. McCarthy noted that if Attorney Bosen gets a continuance, then the city should also get the same consideration.

Mr. Rheume questioned how long the applicants would need for a continuance.

Mr. Blanchard responded that he was not sure, but would think that 30 days could work.

Mr. Rheume commented that time was a concern here because as time goes by the city's request is not being met.

Mr. Blanchard responded that the applicants were removing all personal items inside which all needs to be done before the roof is fixed anyway.

Mr. Marsilia responded that made perfect sense. Structures North noted that the roof should be covered and doesn't think that another 30 days will change that. It is not recommended to go beyond the 30 day extension. Mr. Marsilia would not object to the continuance.

Mr. Rheume questioned if there was an estimated timeline for the repair.

Mr. Marsilia responded that it would be a two day job based on the estimate.

Mr. Nadeau questioned if it was still the intention to contest the demand for the roof.

Mr. Blanchard responded that he could not speak to that.

Mr. Nadeau commented that it was still possible to expect that the roof was being contested.

Attorney Dave Howard introduced himself representing Attorney Bosen and the applicant. Mr. Howard clarified that they were requesting the continuance to this hearing in addition to the roof. A 30 day extension would work.

Mr. Nadeau made a motion to continue this meeting for 30 days from September 8, 2017, seconded by Chairman Landry. The motion passed unanimously.

Mr. Moulton questioned if the Board had to accept the application before it is continued.

Mr. Howard clarified that the application in front of the Board was correct.

Chairman Landry commented that the Board will reconvene in 30 days.

Mr. Nadeau commented that the date would be set schedules permitting.

Ms. Ferrini set a tentative date for Friday October 13, 2017 at 8:30 am.

III. Adjournment

Mr. Rheume moved to adjourn the meeting at 9:10 am, seconded by Mr. Moulton. The motion passed unanimously.