

CITY OF LACONIA
Building Code Board of Appeals
5:00 PM City Hall - City Hall - Armand A. Bolduc Council Chamber
Draft Minutes

3/1/2021 - Minutes

1. CALL TO ORDER

Chair Peter Stewart called the meeting to order at 6:00 PM

2. ROLL CALL

Members present: Brad Fitzgerald, Robert Durfee, Greg Selesky, Dave Keets, Peter Stewart

3. RECORDING SECRETARY

Kalena Graham

4. STAFF IN ATTENDANCE

Planning Director Dean Trefethen and Legal Counsel Joe Driscoll IV

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

5.1. Acceptance of minutes from February 12, 2019

Motion to approve the minutes made by R. Durfee, B. Fitzgerald seconded. All voted in favor.

6. REQUEST FOR ADMINISTRATIVE APPEAL

6.1. Appeal of Administrative Decision for 35, 53, 71 Winnisquam Ave & lot 15

Chair P. Stewart noted there were some administrative issues to discuss first. The notice of violation was issued December 11, 2020. The Code requires a 20 day appeal period, however the notice stated a 30 day appeal period. The appeal was hand delivered to the City date stamped January 13, 2021. The 30 days would have been Sunday January 10, however Monday January 11 it would have been acceptable.

The applicant stated that his Counsel had advised not to move forward without Counsel and requested the meeting be continued so Counsel could be present. He also stated that he never received notice but an email toward the end of last week that there was a meeting.

B. Fitzgerald noted that legally the board can't hear the appeal based on the fact of the appeal being late according to chapter 119: B, A.

Motion to dismiss the appeal made by B. Fitzgerald. City Legal Counsel requested a quick recess. The applicant requested to participate in the meeting with City Counsel. The request denied. The Board agreed to the recess.

The Board took recess at 6:03 PM to meeting with City Legal Counsel.

The Board returned at 6:18 PM.

G. Selesky seconded the motion put forward prior to the recess. Discussion: R. Durfee reiterated the fact that the enforcement letter went out December 11, 2020 and 30 days would have been Jan 10 for an appeal. Since that was a Sunday, January 11 would have been accepted, but the appeal was not received until January 13, 2021. B. Fitzgerald suggested tabling the application. The first motion was taken off the table.

Discussion ensued on when the next meeting would be and all agreed to March 23, 2021.

Motion to table the application for a decision at the next meeting on March 23, 2021 made by G. Selesky, R. Durfee seconded. All voted in favor.

7. OTHER BUSINESS

8. ADJOURNMENT

The meeting adjourned at 6:23 PM

Respectfully,
K. Graham

DRAFT