

**Charter Revision Transcription
December 21, 2011**

David Coprio, Chairman Building Board of Appeals-Mr. Edgar asked what the Building Board of Appeals does, how often they meet, why is it we have five year terms - so anything on that topic that you can help us with we would appreciate.

Mr. Coprio said the Board is made up of five members and four of the five have to have five years experience in the building field. Mr. Edgar said that is not in the Charter. Mr. Edgar said the Charter is one sentence "there should be a Building Board of Appeals of five members, not more than of three of whom should be members of the same political party, each of whose term shall be five years" that is it in the Charter. Mr. Edgar said maybe it's in the Town code or ordinance or something.

Mr. Coprio said the last time they met was 2002. Mr. Edgar asked what was it that would generate a meeting of the Building Board of Appeals. Mr. Coprio said a complaint against the building official by an owner or an owner representative. Mr. Edgar said when you say a building official who would that be? Mr. Coprio said that would be the building inspector. Mr. Edgar said the name would imply that you are there to rehear or to potentially overturn the building inspector's decision. Mr. Coprio said that is correct. We can overturn the decision but nothing related to the code. Mr. Edgar said it would have to be the decision was erroneous for you to find that it should be overturned. Mr. Coprio said if someone appealed to the Board and the Board turns them down they then can go to the State Building Official and so on.

Mr. de Keijzer asked if there was a parallel Building Board of Appeals at the State level. Mr. Coprio said he thinks they would be talking to the State Building Official, head of the State Building Department. Mr. Edgar said, "And you haven't met since 2002?" Mr. Coprio said no. Mr. Edgar asked if it was a requirement of state law that we have a Building Board of Appeals. Mr. Coprio said he did not know but he thought that they would find that it was - otherwise you wouldn't defer it to the State.

Mr. de Keijzer asked if this was the only redress that people have if they have a problem with the Building Inspector's decisions. Mr. Coprio said he did not know if it was the only but it was the first step. If you had a problem with a decision of the Building Inspector you could go to the Building Board of Appeals. Mr. de Keijzer asked if he had any thoughts on why it has been since 2002 that they had met. Mr. Coprio said he guesses people have been happy. He said we have an excellent Building Inspector, he usually handles things very well and there has been very little cause for any complains beyond that.

Mr. Edgar asked on a daily basis, what does a Building Inspector do? Mr. Coprio said the Building Inspector upholds the State Building Code. The code really refers mostly to fire and safety and the code spells out various sections of that. Mr. Edgar asked if this was fundamentally for new construction or renovation. Mr. Coprio said anything in

construction building. Mr. Edgar asked how about an existing building. Mr. Coprio said any structure that requires a building permit he would be involved in or any phase of it.

Mr. Tracey asked how long Mr. Coprio had served on the Building Board of Appeals. He said he thinks it was about five years prior to 2002. He said we have only met twice so it has been a while. Mr. Edgar asked how long he had been chairman. He said since the inception of when they were asked. Mr. de Keijzer asked if the same people had been serving over the last ten years. Mr. Coprio said we haven't had cause to meet.

Mr. de Keijzer said if there wasn't a State Statute involved in this, do you think it would be necessary, advisable, good thing, doesn't mean anything, kind of thing to have in the Town Charter. Mr. Coprio said he thinks it is a good thing to have. Absolutely you need to have some recourse. If you have a disagreement with the Building Inspector then you can voice that. Mr. Bochinski said if he had been chairman for 14 years is there a Charter provision about length? Mr. Coprio thinks it is eight years.

Ms. Moch asked if there had ever been any discussion of whether or not this sort of Building Board of Appeals could be combined with that of any other Town. She said sort of like a mini regionalization. Do you ever do that sort of thing? Mr. Coprio said no, not that he knows of. He thinks it would probably relate specifically to your own town because it is aligned with your Building Inspector.

Ms. Moch asked Mr. Coprio if he had continuously been the Chair for 14 years. He said yes but we haven't been called on to hear anything in a long period. We should have been more active. Mr. Edgar said it sounds like you would only be active if someone has a complaint. Mr. de Keijzer said many people may not know this even exists Ms. Moch said if somebody is not happy with a building permit, is it posted any place that if you're dissatisfied you do this? Mr. Coprio said he didn't know, it is a good idea, it probably should be posted at the Building Inspector's office. Mr. Edgar said it is not really a building permit that we are talking about. It's the result of an inspection by the Building Inspector that someone feels is problematic.

Mr. Tracey asked if he maintained any communication with the Building Inspector between their meetings. Mr. Coprio said he talks to him often because he is a builder but no, not in regard to this. As a matter of fact he called him the other day and asked him about the last time we met and he couldn't recall much. He said he does remember the case. When you apply for a building permit there is a form that gives you a number of steps that you have to take and in order to get a building permit. You have to go before Planning and Zoning, Conservation, Heath, Engineering and if you can fulfill all of those then the building permit can be issued. In this case this person did not fulfill all of those but he claimed he had a building permit. Sometimes the Building Inspector will give you that permit and say go ahead and fill it and that's the way it should be done but apparently the recipient interpreted that a different way so that was what prompted our last hearing.

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Ms. Moch said it sounds as if you're the court of last resort in that if there is a problem with Zoning, they have the ZBA appeals. If they have problem with the Conservation Commission, she doesn't know where you go but you're talking about meeting to get a whole bunch of different sub permits almost before you can get your building permit. Mr. Coprio said yes. Ms. Moch asked if each of the other areas that you have to fulfill before a building permit have their own appeal processes. Mr. Coprio said sure.

Mr. Edgar said that the Charter currently says that each year not later than January 1st you have to elect a chairman and vice chairman of each board and at no time shall any person be eligible to be elected to have served in that office for eight or more successive years. Mr. Edgar said he only said that for Mr. Coprio's information and it's worth noting to him that that is the way the current Charter reads.

Ms. Moch said earlier on you said that you really think we do need this Building Board of Appeals but that is statutory as far as you know. She asked if it were not statutory would you still think we needed it in light of the fact that all the other permit or building areas had their own appeal process? Mr. Coprio said he thought that that would be a good thing but he did not know legally what it would mean. Ms. Moch said if it were legal not to have a Building Board of Appeals, would you still want one? Mr. Coprio said what would you do if you had a complaint - where would you take it? Ms. Moch said if you had to have five or six permits first before you could get a building inspectors permit is the building inspector then just rubber stamping everything else or does he go out and have to personally do something?

Mr. Coprio said the Building Inspector reviews the plans. He goes out to the site and determines where it is going to be and from that point on as you start construction from the ground up, say you are building a new house, he will inspect the footings and the foundation. There is a series of inspections. He follows it right through until you're ready for a certificate of occupancy which would mean a finish and approval of the project.

The Commission thanked Mr. Coprio.

Respectfully submitted

Judy M. DeVito