

BUILDING CODE BOARD OF APPEALS
Minutes
November 20, 2013

The regular meeting of the Building Code Board of Appeals was called to order at 7:03 pm by Chairman M. Gerhardt. Also present S. Calenda, P. Attemann, Vice Chairman A. Harrington, Andrew Ellis and Alternate Michael Emmencker.

Approval of Minutes: None

New Business:

Application #13-57, Water Street Dock Co., Inc. owner, 463 Water Street, request for a Variance from section 1612.1 – Flood Loads- of the 2013 RI State Building Code to allow for a 150' long by 40' to 50' wide three piece fabric covered steel frame tent structure, to be located over the existing vessel launching shopway that is located within a flood hazard area.

Andrew Teitz, Esq, of Ursillo, teitz & Ritch, Ltd, 2 Williams St, Providence, RI, representing and giving testimony for Water Street Dock Co., with regard to Application # 13-57 requested a Variance from section 1612.1 – Flood Loads- of the 2013 RI State Building Code to allow for a 150' long by 40' to 50' wide three piece fabric covered steel frame tent structure, to be located over the existing vessel launching shop way that is located within a flood hazard area. He also stated the originally the sides were to be 11', they will now be 13' above the base flood elevation level by the stature definition.

Craig Sams, 7 Heritage Way, Bellingham, MA, engineer of Childs Engineering Corporation, 34 William Way, Bellingham, M. This is a Structural Engineering firm specializing in waterfront structures. He is a RI licensed engineer. Mr. Sams gave testimony to the site placement of the tent, the mechanics and the structure itself. He also explained that the footings will be pre-cast concrete. In his opinion this is the variance sort is the minimum necessary for this to be built on this site, all due consideration has been given to materials to minimize flood damages, and as the structure is designed it would not create any threats to public safety.

Mr. Enos, 62 Marion Ave, Cranston, RI has been employed by Blount Ship yard for 41 years and as a yard supervisor for 23 years. He would oversee any construction at the shipyard, hurricane preparedness and generally oversee the safety of the shipyard. He also gave testimony as to how the employees will be trained in the removal and practices which would be implemented to deal with this structure.

Michelle Bernett a coordinator at RI Emergency Management gave testimony that she and the Building Official had meet with the family (the owners of Water Street Dock Co., Inc.), and it seems that they have taken and acted on her recommendations. She does suggest that there be put into place an emergency action plan. With that being said she stated at this time the state has no objections.

Public comment:

Jane MacDougall of 500 Water St, Warren, RI, who is an abutter to this property how also has an appeal pending on the Zoning Boards decision and she wanted to make a point that she felt this this (Application #13-57 being heard) was a violation of the open meetings law. She was only present by coincidence, she was not prepared for this meeting or this decision as it was not on the Zoning Board's agenda. The vote that was taken earlier to move the Board of Appeals subject up to the beginning of the agenda is not on the agenda at all. The Zoning Board of Appeals is separate and not on the Zoning Board of Review at all.

It was her belief that the Zoning Board of Appeals in the past had their agenda items on the Zoning Board of Review agenda. She also wanted to bring to the Board's attention that the plans before the Board this evening are not the plans which were originally submitted and approved. The dimensions are different, the configuration of the tent is different for the original plans the Zoning Board saw.

Solicitor Federico explains that it would be inappropriate to place a Zoning Board of Appeals matter on a Zoning Board of Review agenda as the Board of Appeals sits as a separate body to hear these matters. Secondly with regard to these specific issues, there is not a notice requirement, as there is with the Zoning Board of Review matters. There are different standards and different regulations which apply to the different bodies of which you are acting on. Clarification was also given as to the agendas. Each board has their own agendas.

It was moved by A. Harrington that Application #13-57 be granted, that the finding of fact that the tent structure as described is a functionally dependent faultily it cannot be used for its intent purpose unless it is located to the close proximity to the water. Further finding of fact through the testimony of the engineer and the manager, the structure as described which has approval from CRMC, this is the minimum necessary to allow this structure improvement, consideration has been given to the methods and materials to minimize flood damages and that is by having the lower panels removable. The variance should be granted as they are reasonable and the sides should not just be rolled up they are able to be moved off site and that is the manner of what has been described. Further finding of fact the design minimizes flood damages and creates no additional threats to public safety. This is to be conditional that there be a written contingency plan to be practiced at least once a year to demonstrate the capabilities of the staff and management which will include the removal of the panels within 6 to 8 hours and a copy of said plan to be kept at the site. Second P. Attemann. Yea - S. Calenda, P. Attemann, Vice Chairman A. Harrington, and Andrew Ellis.

New Business: None

Administrative Matters: None

Adjourn: A motion to adjourn the meeting was made by S. Calenda. Second by A. Harrington. Yea - S. Calenda, P. Attemann, Vice Chairman A. Harrington, and Andrew Ellis. The meeting adjourned at 7:53 PM.

Respectfully submitted,
Rhonda Lee Fortin