

STATE CODES AND STANDARDS COMMITTEE MEETING MINUTES

September 13, 2017

1. The Chair called to order the regular meeting of the State Codes and Standards Committee. The meeting was held in the 2 North Conference Room B, at 450 Columbus Boulevard, Hartford, Connecticut.

2. **In Attendance:** Keith Flood, Vice Chair
John Butkus
Johnny Carrier
Paul Costello
Thomas DiBlasi
Donald Doeg
Lou Free
Donald Harwood
George Iskra
David McKinley
Michael Musco
Glenn Neilson
Eric Shutt
Fred Wajcs, Jr.
William Zoeller

Also Present: Joseph Cassidy, State Building Inspector (OSBI)
Darren Hobbs, Manager of Technical Services (OSBI)
Bill Abbott, State Fire Marshal, (OSFM)
Joe Kingston, Fire & Life Safety Supervisor (OSFM)
Jenna Padula, DAS/DCS Legal
Dan Bonyai, Branford ABO
Robert Powers, Nelson Construction
Darren Pont, NEEP
Bruce Spiewak, AIA

3. Attendance was taken and a quorum was present. A motion was made and seconded to accept the minutes of the **August 9, 2017** meeting. **All in favor. None opposed. Motion carried.**

4. COMMUNICATIONS

- a. 8/15/17 received Correspondence from Commissioner Melody A. Currey **RE:** The Appointing of Eric Shutt to the State Codes & Standards Committee as the Plumbing Contractor Member.
- b. 9/5/17 **RE: A-17-17** Request for appeal from Drew Liljedahl [185 Steele Road, West Hartford, CT] **RE:** Section R311.7.2 of the 2012 IRC portion of the 2016 State Building Code, which states in part that "The minimum headroom in all parts of existing or

replacement stairways serving existing unfinished attics or existing unfinished basements being converted to habitable space shall be 6 feet, 6 inches". The Deputy State Building Inspector denied said modification because it proposed a headroom of 6 feet at the top of a stair that serves a newly created habitable basement within a single family dwelling. The decision was based on the fact that the height is too low and a hazard to the occupants and no hardship has been demonstrated where compliance with the minimum requirements of the Building Code would entail practical difficulty, nor has it been determined that the requirements of the code have been adjudged unwarranted. **Panel assigned: Glen Nielson (chair); Lou Free (panel); Tom DiBlasi (panel); John Butkus (alternate). Hearing scheduled 11/8/17, 11:00am, 2 North Conference Room B.**

- c. 9/6/17 **RE: A-10-17** Request for Extension of Briefing Deadline from Joseph H. Zullo; Zullo, Zullo & Jacks, LLC RE: [10 Carline Street, Milford, CT] The Complainant and Respondent in this matter jointly request an extension of the briefing deadline in the case to Wednesday, November 15, 2017 at 3:00pm. **C&S Committee approved extension of the briefing deadline to 11/15/17.**
- d. 9/8/17 **RE: A-18-17** Request for Appeal from Douglas L. Golden c/o Bruce J. Spiewak, AIA, Consulting Architect, LLC. [The Westport Library, 20 Jesup Rd, Westport, CT] RE: Section 1022.2 of the 2012 IBC portion of the 2016 State Building Code, which states that "*Enclosures for interior exit stairways shall be constructed as fire barriers in accordance with Section 707*" **RE:** The Deputy State Building Inspector's (DSBI) *denial* where the Appellant proposed to protect glass walls that make up an exit enclosure with TYCO Model WS sprinkler heads. That the DSBI's decision was based on the fact that the Office of the State Building Inspector (OSBI) has not accepted the use of such sprinklers as an equivalent to the required rated fire barrier that is required for the enclosure of exit stairs, and the fact that it is a new construction around and existing stair and no hardship has been demonstrated where compliance with the minimum requirements of the Building Code would entail practical difficulty, or has it been determined that the requirements of the code have been adjudged unwarranted. **Panel assigned: John Butkus (chair); Lou Free (panel); George Iskra (panel); William Zoeller (alternate). Hearing scheduled 11/8/17, 10:00am, 2 North Conference Room B.**

5. SUBCOMMITTEE REPORTS

a. Codes Amendment Subcommittee (CAS) (Free)

The subcommittee will meet following this meeting to discuss the final draft of the CT Amendments to the 2018 Code and get a report from the State Fire Marshal on their development of the 2018 Code. The CAS meeting set for **September 27, 2017 at 1:30 p.m. is cancelled.**

- b. Ethics/Procedural Regulations Subcommittee:** (Harwood) - There was no report.

6. OLD BUSINESS

There was no report

7. NEW BUSINESS

a. Staff Report

Joseph Cassidy, State Building Inspector – No Report.

William Abbott, State Fire Marshal – No Report.

Jenna Padula, State Counsel – No Report.

b. Fire Prevention Code Advisory Committee (Harwood & Sinsigalli) – We had a meeting last week. Reviewed everything that the State Fire Marshal's Office had on the table. We are moving forward. William Abbott will provide a final copy/draft of the amendments for our review. Mike Sinsigalli will re-review the draft for any changes needed. We are on track with having a final Meeting sometime early October 2017.

c. Joint Building Code Training Council (Musco)/ Fire Marshal Training Council (Harwood)/(aka Joint BCTC/FMTC) – A meeting is scheduled tomorrow, September 14, 2017.

d. Report on Bills (Cassidy) – No Report

8. APPEAL HEARINGS

a. A-15-16. Request for Appeal from Steven Anderson RE: Local Fire Marshal's decision RE: 7.7, 8.6, 13.6 Parts IV & V, 10.4, 7.2 RE: 11 Mason's Island Road, Mystic, CT. On 09/14/16 referred to Office of State Fire Marshal (OSFM) for review. OSFM was refused entry into the building earlier this month. Inspection was re-scheduled for 10/18/16 but did not go forward; OSFM asked for advice. A letter was sent to the appellant on 12/22/16 informing him that if he is willing to meet with the State Fire Marshal, a hearing may not be necessary; however, a hearing has been scheduled. Panel consists of Michael Sinsigalli, Panel Chair; Lou Free and Carlton Smith. Henry Miga is alternate. Hearing was scheduled for Wednesday, February 8, 2017. Local Fire Marshal requested an extension of time to attempt to meet with the Appellant and resolve matter. Extension of time was granted and hearing will be rescheduled. An inspection is scheduled for March 21-22, 2017. We will hear more in April 2017. Received Fire Marshal Inspection/Report on 4/10/17. Hearing scheduled for Wednesday, May 10, 2017, 12:00pm-1:00pm, 13 North Conference Room A. The Fire Marshal asked for a continuance. Continuance was granted. Status letter on 6/23/17. **Hearing is scheduled Wednesday, 10/11/17 @ 11:00am; 13 North Conference Room A. Hold on agenda.**

b. A-18-16. Request for Appeal from Alexis Brown RE: Local Fire Marshal's decision RE: 7.1.3.2.1(1) RE: 58-60 Roberts Street, New Britain, CT. On 1/11/17 referred to Office of State Fire Marshal (OSFM) for review. On 1/10/17 received additional correspondence from appellant, which was forwarded to OSFM on 1/12/17. State Fire Marshal is currently working on this case. The Local Fire Marshal conducted an inspection and a

report was written. C&S Administrative Secretary sent Appellant an OFSM Request for Modification application to complete. Once received, we will proceed from there. To date, State Fire Marshal has not received any correspondence from Appellant. Status letter on 6/23/17. Appellant responded to status letter – "she wishes to proceed with this appeal". **Fire Marshal just received Request for Modification and will review. Hold on agenda for Fire Marshal's review.**

- c. **A-5-17.** Request for appeal from Richard E. Merck, PE RE: Deputy State Building Inspector's decision RE: M-264-17, 50 South Main Street, Wallingford, CT. A panel was assigned to hear case: Keith Flood, Chair, Donald Harwood, Glenn Neilson, and Alternate: Don Doeg. A hearing date was scheduled, April 6, 2017, 12:00pm-1:00pm, 13 North Conference Room A. Briefs were due this past Friday, 5/5/17. A deliberation Meeting is scheduled for June 14, 2017, 11:30am, 2 North SW Conference Room. Received Appellant's overview of hearing held on April 6, 2017. The deliberation meeting was held on August 9, 2017 @ 12:30 p.m. **The decision will be mailed in 90 days. Hold on Agenda.**
- d. **A-7-17.** Request for appeal from Adam P. McNiece RE: Frank Hoagland, III, Waterford Building Official's decision RE: 184 Oswegatchie Road, Waterford, CT RE: Building Permit denial of 2/16/17. A panel was assigned to hear the case: Mike Sinsigalli, Chair, David McKinley, Paul Costello, and Lou Free (alternate) on May 10, 2017, 11:00am. – 13 North Conference Room A. Correspondence was received from Frank Hoagland, Waterford Building Official, RE: Email communications between Robert A. Avena, Esq. Waterford Town Attorney and Edwina Collings, Owner – 184 Oswegatchie Road, Waterford, CT RE: Frank Hoagland, III, Waterford Building Official's decision RE: Building Permit Denial of 2/16/17. Briefs are due June 10, 2017. A Deliberation Meeting is scheduled for June 14, 2017 at 12:30pm, 2 North SW Conference Room. The decision will be mailed out September 14, 2017. **Decision was mailed out September 8, 2017. Remove from agenda.**
- e. **W-21-16.** Request for Appeal 4/24/17 from Cheyenne's Early Learning Center II, LLC (1 year ago) Deputy State Building Inspector and Executive Director of the Office of Protection and Advocacy for Persons with Disabilities decision/denial. RE: 3787 Main Street, Bridgeport, CT RE: Accessibility exemption from the provisions of Section 1109.2.(1) of the 2003 IBC RE: denial of accessibility exemption, without prejudice, that proposed to provide a non-accessible private toilet room on the first floor of an existing building undergoing a change of use. That the applicant has not provided information indicating that it would not be feasible or would unreasonably complicate the construction. Admin mailed appellant a modification request. Appeal is one year old and past appeal deadline. A panel was assigned. John Butkas; Chair, Henry Miga; Panel, Carlton Smith; Panel, Fred Wajcs; Alternate. A hearing was scheduled for May 24, 2017 at 11:00pm, 13 North Conference Room. Appellant also submitted an additional letter requesting all correspondence be sent to another address noted in the file. Therefore, Appellant never received Certified Letter informing date of hearing and would like to reschedule appeal with panel. **A hearing is scheduled Wednesday, 9/19/17 @ 9:00am; 2 North Conference Room B. Hold on agenda.**

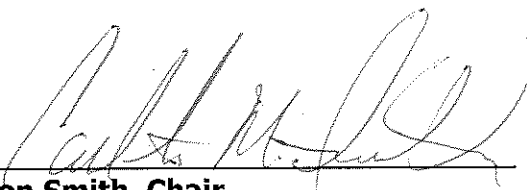
- f. A-10-17.** Request for Appeal from John Coppola c/o Attorney Zullo-Zullo and Jacks, LLC RE: 10 Caroline Street, Milford, CT RE: The original denial of Joseph D. Griffith, Milford Building Official dated March 30, 2017 - notice alleges that Mr. Coppola is in violation of State Building Code R1101.1 and CGS §29-265 which, in tandem and in conjunction with Milford Zoning Code Sec. 8.9, require the issuance of a Certificate of Occupancy for any building altered after October 1, 1970. Following client's timely appeal of that notice of violation, the City of Milford was unable to seat its Building Code Board of Appeals within the statutory timeframe. Pursuant to CGS §29-266(c), client now advances to present appeal to the Codes & Standards Committee. Panel assigned: Lou Free, Chair, Mike Sinsigalli (panel), Carlton Smith (panel) and Paul Costello (alternate). Hearing date is 7/12/17 @ 12:00 noon. Brief are due 9/8/17. **Hold on agenda.**
- g. A-11-17.** Request for Appeal from James M. Lathrop, II c/o Attorney Salvatore Ritacco RE: Town of Stonington - Municipal Board of Appeals, Filing of Appeals in absence of Board of Appeals RE: 29 West Broad Street, LLC – 29 West Broad Street, Pawcatuck, CT. RE: Appeal of April 17, 2017 Stop Work Order; April 18, 2017 and April 19, 2017 Permits. RE: Despite numerous attempts, Appellant has been unable to resolve building matters in connection with a stop work order, building permit application and an electrical permit. Having received no substantive response, Appellant considered the inaction to be a denial and therefore appeals to the C&S Committee. Panel assigned: John Butkus, Chair, Carlton Smith (panel), Fred Wajcs, Jr. (panel) and William Zoeller (alternate). Hearing date is 7/26/17 @ 11:30am. **Hearing is scheduled Wednesday, 10/11/17 @ 10:00am; 13 North Conference Room A. Hold on agenda.**
- h. A-12-17.** Request for Appeal from Seabury c/o Attorney Michael A. Kurs RE: Deputy State Building Inspector and Executive Director of the Office of Protection and Advocacy for Persons with Disabilities decision RE: W-10-17, Seabury - 200 Seabury Drive, Bloomfield, CT. RE: Their joint decision to deny accessibility exemption, with prejudice, that proposes to allow some individual residents to customize their units that do not meet Type "B" Accessibility requirements prior to occupying their apartments. Panel assigned: Glenn Neilson, Chair, David McKinley (panel), George Iskra (panel) and Carlton Smith (alternate). **Hearing was held today, 8/9/17 @ 11:00am. Decision will be mailed out in 90 days. Hold on agenda.**
- i. A-13-17.** Request for Appeal from Merchant 99 /111 Founders, LLC c/o Joseph B. Schwartz RE: Founders Plaza, 323 Pitkin Street, East Hartford, CT. RE: Justin Wagner, East Hartford Fire Marshal's (CFSC) Connecticut State Fire Safety Code Abatement Order of Fire/Life Safety Hazards concerning a violation of CFSC, Part IV, Section 39.4.2.1. Appellant further requests a finding that the requirement to install an "automatic sprinkler system" under CFSC, Part IV, Section 39.4.2.1 does not apply to the building on the subject property known as Founders Plaza. Refer appeal to the State Fire Marshal. Sent file to Fire Marshal on 6/15/17. State Fire Marshal is in communications with the property owner and local Fire Marshal. **Send a status letter. Hold on agenda.**

- j. **A-14-17.** Request for Appeal received 6/9/17 from John B. Torello, Architect, CT Reg #2336. **RE:** James Turcio, Building Official & Zoning Enforcement Officer, City of New Haven Building Department's "Stop Work Order" based on Section 29-266, Chapter 541, Building Fire & Demolition Codes - **Subject Property:** 126 Weybossett Street, Turkish Merican Religious Foundation Mosque located at 531 Middletown Avenue. Send letter to Appellant asking for clarification of Appeal. **A panel was assigned: Henry Miga, Chair; Fred Wajcs (panel); Donald Doeg (panel); Carlton Smith (alternate). Hearing is scheduled Tuesday, 9/19/17 @ 10:00am; 10 North Conference Room A. Hold on agenda.**
- k. **A-15-17.** Request for Appeal from Michael Dupre **RE:** "Deputy State Building Inspector's denial of a "clear height of 5 feet, 10 inches under a beam within an existing basement being converted to habitable space". **RE:** Section R305.1.1.(2) of the 2012 IRC portion of the 2016 SBC which states that "the ceiling height in existing basements being converted to habitable space shall not be less than 6 feet, 10 inches clear except for under beams, girders, ducts or other obstructions where the clear height shall be a minimum of 6 feet, 4 inches". Panel assigned: Glenn Nielson, Chair, Lou Free (panel), Tom DiBlasi (panel), and David McKinley (alternate). Hearing date is 8/9/17 @ 12:00noon. **Appellant did not show for scheduled hearing. Case Dismissed. A decision will be mailed out in 90 days. Hold on agenda.**
- i. **A-16-17** Request for appeal from Frederick L. Klause **RE:** 150 Church Street, Hamden, CT **RE:** State Fire Marshal's denial seeking relief from the 2016 Connecticut State Fire Safety Code, Part IV, Section 8.3.4.2. Panel assigned: Keith Flood, Chair; Glenn Nielson (panel); Donald Harwood; (panel); Paul Costello (alternate) and hearing scheduled 9/13/17, 11:30 a.m. 2 North Conference Room B. **A decision was made and will be mailed out in 90 days. Hold on agenda.**

9. GOOD OF THE ORDER

The next Codes and Standards Committee meeting is set for **October 11, 2017**, and will be held in the **2 North Conference Room B**, 450 Columbus Boulevard, Hartford, Connecticut.

10. ADJOURNMENT



Carlton Smith, Chair