

STATE CODES AND STANDARDS COMMITTEE (C&S)
November 8, 2017

AGENDA

1. CALL TO ORDER
2. ATTENDANCE
3. APPROVAL OF MINUTES OF THE **October 11, 2017 MEETING**
4. COMMUNICATIONS:

SUBJECT & DATE RECEIVED	FROM – TO	DESCRIPTION
a. Correspondence Received 10/13/17	Atty. Salvatore Ritacco, Law Office of Salvatore Ritacco, LLC (Steven Anderson) C&S	RE: A-11-17 (29 West Broad Street, LLC). Withdrew Appeal. (<i>see #f under hearings for details</i>). ACTION: _____ _____ _____
b. Correspondence Received 10/18/17	Atty. Joseph B. Schwartz Murtha Cullina Attorneys At Law C&S	RE: A-13-17 (Founders Plaza 323 Pitkin Street, East Hartford, CT) RE: Appellant's response to status letter sent on 10/11/17. Merchant 99 111 Founders, LLC plans to proceed with this appeal. (<i>see #h under hearings for details</i>). ACTION: _____ _____ _____

5. SUBCOMMITTEE REPORTS:
 - a. Codes Amendment Subcommittee (CAS) (Free)
 - b. Ethics/Procedural Regulations Subcommittee (Harwood)
6. OLD BUSINESS

7. NEW BUSINESS

- a. Staff Report
- b. Fire Prevention Code Advisory Committee (Harwood & Sinsigalli)
- c. Joint Building Code Training Council (Musco)/Fire Marshall Training Council (Harwood)
- d. Report on Bills (Cassidy)
- e. Vote to approve drafted State Building Code Supplement Document
- f. Vote to approve drafted Fire Safety Code

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, Chair; Louis Free and Carlton Smith, Henry Miga (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 is scheduled for Wednesday, May 10, 2017 @ 12:00noon-1:00pm, 13 North Conference Room A. The Fire Marshal asked for a continuance. Continuance was granted. Status letter sent on 6/23/17. A hearing is scheduled 10/11/17 @ 11:00 a.m., 13N Conf. Room B. **Appellant requested a continuance. Continuance granted. Hearing scheduled 12/13/17 at 11:00am , 2N Conference Room B. 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. C&S Administrative Secretary sent Appellant an OSFM Request for Modification to complete. Status letter sent on 6/23/17. Appellant responded to status letter that "she wishes to proceed with this appeal".

State Fire Marshal just received Request for Appeal Application today 9/13/17. **Panel assigned: Keith Flood, Chair; Don Doeg (panel); Fred Wajcs (panel); Henry Miga (alternate). Hearing scheduled 11/8/17 at 12:00 noon. Hold on agenda.**

- 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 due 5/5/17. A Deliberation Meeting is scheduled for June 14, 2017 @ 11:30am. 2N SW Conference Room. Rescheduled deliberation meeting 8/9/17 @ 12:30pm. **The decision will be mailed in 90 days (11/9/17). Hold on agenda.**
- d. **W-21-16.** Request for Appeal 4/24/17 from Cheyenne's Early Learning Center II, LLC RE: (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 Butkus; 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 never received hearing notice – certified mail was returned. Reschedule hearing and mail certified to Appellant's address noted in file. A hearing is scheduled 9/19/17, 9:00am, 10N Conference Room A. **Decision will be mailed in 90 days (12/19/17). Hold on agenda.**
- e. **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: Louis Free, Chair, Mike Sinsigalli (panel), Carlton Smith (panel) and Paul Costello (alternate). Hearing date is 7/12/17 @ 12:00 noon. Brief is due 9/8/17. **Appellant requested extension of briefing**

deadline to November 15, 2017 at 3:00pm. Extension granted. Hold on agenda.

- f. **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 scheduled 10/11/17, 10:00a.m., 13N Conference Room A (Appellant expects to withdrawal appeal once he receives confirmation of "stop work orders").* **10/6/17 Appellant requested extension. Extension granted. Hearing scheduled 12/13/17 at 12:00 noon, 2N Conference Room B. Hold on agenda.**
- g. **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 date is 8/9/17 @ 11:00am. **Decision will be mailed out in 90 days (11/9/17). Hold on agenda.**
- h. **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. Fire Marshal is in communications with the appellant. Admin will send a status letter to Appellant. No response from Appellant in 30 days. **Admin will send second status letter on 10/11/17 informing the appellant that the case will be dismissed if no response is received within 30 days of receipt of notice. Hold on agenda for 30 days.**

- i. **A-14-17.** Request for Appeal 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 his appeal. Reached out to Appellant on 6/15, 6/23 and 6/28 for clarification of his appeal. Panel assigned: Henry Miga, Chair, Fred Wajcs (panel), Donald Doeg (panel), Carlton Smith (alternate); and hearing scheduled, 9/19/17, 10:00 a.m., 10N Conference Room B. **Decision will be mailed in 90 days (12/19/17). Hold on agenda.**
- j. **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 A. **Decision will be mailed in 90 days (12/13/17). Hold on agenda.**
- k. **A-17-17** Request for Appeal from Drew Liljedahl, RE:[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: Glenn Nielson, Chair; Lou Free (panel); Tom DiBlasi (panel); John Butkus (alternate). Hearing scheduled 11/8/17, 11:00am, 2 North Conference Room B. Hold on agenda.**
- l. **A-18-17** Request for Appeal from Douglas L. Golden/Bruce Spiewak, AIA, Consulting Architect, LLC RE: [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 10/11/17, 12:00 noon, 2 North Conference Room B. Deputy State Building Inspector requested reschedule hearing. Request granted. **Hearing date moved to 11/8/17 at 10:00am 2N Conference Room B. Hold on agenda.**

- m. **A-19-17** Request for Appeal received from Jeffrey Polke, Co-President, GCI Outdoor Inc. c/o Joseph Versteeg, Code Consultant [457 Killingworth Road, Haddam, CT] Appeal of the Haddam Building Inspector/Fire Marshal's decision - "Use and Occupancy Classification" Section 103 of the 2016 Connecticut Fire Safety Code - seeking an appeal of the decision rendered by Haddam Fire Marshal William Robbins regarding the hazard classification established in his letter dated August 25, 2017, and reaffirmed on September 26, 2017. **Forward to State Fire Marshal for review. Hold on agenda.**

9. GOOD OF THE ORDER

The next Codes and Standards Committee meeting is set for **December 13, 2017** and will be held in the **2 North Meeting Room B**, 450 Columbus Boulevard, Hartford, CT.

10. ADJOURNMENT