

STATE CODES AND STANDARDS COMMITTEE MEETING MINUTES

October 11, 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:**
 - Carlton Smith, C&S Chair/Building Official
 - Anthony Bruno, Health
 - John Butkus, Architect
 - Johnny Carrier, Residential Contractor
 - Paul Costello, C&S Secretary/Electrical Trades
 - Donald Doeg, Public Member
 - Keith Flood, C&S Vice Chair/Fire Marshal
 - Lou Free, J.,AIA, CAS Chair/Architect
 - Donald Harwood, Public Member
 - George Iskra, P.E., Fire Protection Engineer
 - David McKinley, Advocacy
 - Michael Musco, P.E., Electrical Engineer
 - Glenn Neilson, Building Contractor
 - Eric Shutt, Plumbing Trades Contractor
 - Michael Sinsigalli, Fire Marshal
 - Fred Wajcs, Jr., Public Member
 - William Zoeller, Energy Efficiency

- Also Present:**
- Joseph Cassidy, P.E., 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
 - Bill Nash, ICC

3. Attendance was taken and a quorum was present. A motion was made and seconded to accept the minutes of the *September 13, 2017* meeting. **All in favor. None opposed. Motion carried.**

Discussion: Bethy Guiles-Smith, C&S Secretary reports that members of the public have contacted her regarding editing the meeting minutes to reflect changes made/agreed upon (i.e.: hearing date changes, withdrawal of appeals, etc.) by hearing Panel Members after the proceeding monthly C&S Meeting. The Committee agrees that decisions made *after* the adjournment of the C&S Meetings cannot be entered into the minutes for the meeting. Rather, all changes must be entered on the following month's agenda and discussed and approved by the Committee.

4. COMMUNICATIONS

- a. 9/29/17 **RE: A-18-16** correspondence received from Joseph Kingston, OSFM, Fire & Life Safety Supervisor RE: 58-60 Roberts Street, New Britain. Office of the State Fire Marshal's decision to modification request received on 9/13/17. The modification was denied (*see #b under hearings for details*).
- b. 10/4/17 **RE: 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.
- c. 10/5/17 **RE: A-11-17** Correspondence received from Salvatore Ritacco, Law Office of Salvatore Ritacco, LLC, 29 West Broad Street, Pawcatuck, CT, Requesting the hearing originally scheduled for Wednesday, October 11, 2017 at 10:00 a.m. be continued to a hearing date in late November 2017. Request was granted (*see #g under hearings for details*).
- d. 10/6/17 **RE: A-15-16** Correspondence received from Steve Anderson (11 Masons Island Road, Mystic, CT) Requesting postponement hearing scheduled for Wednesday, October 11, 2017 at 11:00 a.m. Request granted (*see #a under hearings for details*).

5. SUBCOMMITTEE REPORTS

a. **Codes Amendment Subcommittee (CAS) (Free)**

We are in the process of trying to finalize the amendments to the Building Code and Fire Safety Code. The Subcommittee received approval for a two-week review time for the full committee.

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 just received the final amendment document yesterday, 10/10/17. We will take a couple weeks to review and have a final meeting to accept. Mike and I will get together to correlate to make sure there are no open-ended issues between the Fire Prevention and Fire Safety Code.

- c. **Joint Building Code Training Council (Musco)/ Fire Marshal Training Council (Harwood)/(aka Joint BCTC/FMTC)** – We did have a joint meeting. Bonnie Becker, Director of Staff Development discussed the online training. We have some online training up on the building side. She continues to look for contacts and contract supporters to increase the number of offerings to both building and fire.
- 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. **Request to postpone hearing. Granted. Hearing moved to December 13, 2017, 11:00am, 2 North Conf. 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. The Local Fire Marshal conducted an inspection and a report was written. C&S Administrative Secretary sent Appellant an OSFM 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 sent on 6/23/17. Appellant responded to status letter—"she wishes to proceed with this appeal". State Fire Marshal just received Request for Modification and will review. **Panel assigned: Keith Flood, Chair, Donald Doeg (panel), Fred Wajcs (panel), Henry Miga (alternate). Hearing scheduled: 11/8/17 @ 12:00noon, 2 North Conf. Room B. 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 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. **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 (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. **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: 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. **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 is scheduled Wednesday, 10/11/17 @ 10:00am; 13 North Conference Room A. **Appellant requested extension. Extension granted. Hearing scheduled November 13, 2017, 12:00 noon, 2 North Conf. 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 was held today, 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. State Fire Marshal is in communications with the property owner and local Fire Marshal. Send a status letter. Admin sent status letter. 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 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 held Tuesday, 9/19/17 @ 10:00am; 10 North Conference Room A. **Decision will be mailed in 90 days (12/19/17). Hold on agenda.**
- j. 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. Decision was mailed on September 25, 2017. Remove from agenda.**

- k. **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 (12/13/17). Hold on agenda.**
- l. **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 A. Hold on agenda.**
- m. **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 A. The Deputy State Building Inspector requested to reschedule hearing. Request granted. Hearing date moved to 11/8/17 at 10:00am 2N Conference Room B. **Hold on agenda.**

9. GOOD OF THE ORDER

The next Codes and Standards Committee meeting is set for **November 8, 2017**, and will be held in the **2 North Conference Room B**, 450 Columbus Boulevard, Hartford, Connecticut.

10. ADJOURNMENT

Carlton Smith, Chair