

STATE CODES AND STANDARDS COMMITTEE MEETING MINUTES

November 8, 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
- Thomas DiBlasi, P.E. Structural Engineer
- Donald Doeg, Public Member
- Keith Flood, C&S Vice Chair/Fire Marshal
- Lou Free, J., AIA, CAS Chair/Architect
- Donald Harwood, Public Member
- David McKinley, Advocacy
- Michael Musco, P.E., Electrical Engineer
- Glenn Neilson, Building Contractor
- 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)
- Daniel Tierney, Deputy State Building Inspector
- Jenna Padula, DAS/DCS Legal
- Bruce Spiewak, AIA-CT
- Robert Powers, Nelson Construction
- Mr. Lafond, NFPA
- Don Vigneau
- Emily Basham, CT Green Bank
- Isabelle Hazlewood, CT Green Bank

3. Attendance was taken and a quorum was present. A motion was made and seconded to accept the minutes of the **October 11, 2017** meeting. **All in favor. None opposed. Motion carried.**

4. COMMUNICATIONS

- a. 10/13/17 **RE: A-11-17** (29 West Broad Street, LLC) correspondence received from Attorney Salvatore Ritacco, Withdrew Appeal. (*see #f under hearings for details*).
- b. 10/18/17 **RE: A-13-17** (Founders Plaza, 323 Pitkin Street, East Hartford) correspondence received from Attorney Joseph B. Schwartz, Response to status letter sent on 10/11/17. Merchant 99 111 Founders, LLC plans to proceed with appeal (*see #h under hearings for details*).

5. SUBCOMMITTEE REPORTS

a. Codes Amendment Subcommittee (CAS) (Free)

At the CAS 10/25/17 meeting, the CAS voted on and approved the amendments to both the 2018 Connecticut State Building Code and Connecticut State Fire Safety Code. There were two open items that had to be addressed related to the Connecticut State Fire Safety Code amendments where there was a difference of opinion between the Workgroup and the State Fire Marshal's Office. The CAS took action to provide direction on both items. CAS has forwarded the amendments to the 2018 Connecticut State Building Code and Connecticut State Fire Safety Code to the full C&S Committee for action at today's meeting so that DAS can start the administrative approval process to have the codes adopted sometime in the late second quarter of 2018.

Discussion:

Lou Free, AIA, CAS Chair: "would like to thank the State Building Inspector's Office, State Fire Marshal's Office, the workgroups and the Subcommittee for their dedicated efforts meeting on a biweekly basis since December 2016 thru 2017 in an effort to establish the code".

William Abbott, State Fire Marshal would also like to thank the State Building Inspector's Office, State Fire Marshal's Office, the workgroups and the Subcommittee for their dedicated efforts.

Carlton Smith, Committee Chair, shared a special thanks to Darren Hobbs, Manager of Technical Services for his hard work, managing the compilation of the Code Proposal Change recommendations, etc. and presenting the information to the 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) – There is a meeting set for November 22, 2017 for a vote on the final amendment.

c. Joint Building Code Training Council (Musco)/ Fire Marshal Training Council (Harwood)/(aka Joint BCTC/FMTC) – There is a meeting scheduled in December 2017. We had a joint CBOA/CFMA conference put on by OEDM. It was a very good presentation and Mark Mastropasqua did a very good job explaining duct systems, and fire /smoke dampers.

d. Report on Bills (Cassidy) – No Report

- e. Vote for approval of the draft State Building Code** - A motion was made and seconded for the approval of the 2018 Connecticut State Building Code. **All in favor. None opposed. Motion carried unanimously.**

Discussion:

Johnny Carrier, Residential Contractor: "I would like to voice my discontent with the CAS vote for residential sprinklers in townhomes. In the workgroup, information was gathered and discussed for sprinklers for 1 & 2 family homes, which was not accepted. A vote on townhomes was subsequently taken without any prior mention of information or discussion pertaining specifically to townhomes. Also, many questions still remain from the original task group report, such as licensing, workforce, water purveyors and common interest insurance. Lastly, fire death data has not been analyzed for the townhomes vs single family and the correlation of details w/installation of smoke detectors."

- f. Vote for approval of the drafted Fire Safety Code** - A motion was made and seconded for the approval of the 2018 Connecticut State Fire Safety Code. **All in favor. None opposed. Motion carried unanimously.**

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 was 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. **Decision will be mailed out in 90 days (2/18/18). 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 Meetings 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 out (11/13/17). 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 out (11/20/17). 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. **Appellant withdrew appeal on 10/13/17. Remove from 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 (11/13/17). 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. **Appellant responded 10/18/17 and plans to proceed with appeal. Panel assigned: Keith Flood, Chair, Glenn Nielson (panel), David McKinley (panel), Carlton Smith (alternate). Hearing scheduled December 13, 2017 at 12:00 noon, 2 North Conference Room B. Hold on agenda.**
- 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

American 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 (12/19/17). Hold on agenda.**

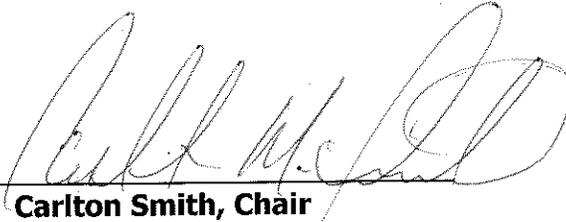
- j. A-16-17.** Request for appeal from Frederick L. Klause RE: 150 Church Street, Hamden, CT RE: State Fire Marshal's denial seeking relief from the 2016 Connecticut State Fire Safety Code, Part IV, Section 8.3.4.2. Panel assigned: Keith Flood, Chair; Glenn Nielson (panel); Donald Harwood; (panel); Paul Costello (alternate) and hearing scheduled 9/13/17, 11:30 a.m. 2 North Conference Room B. **A decision was made and will be mailed out (11/17/17). 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 A. **A brief is due back on December 8, 2017 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 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. **Decision will be mailed out in 90 days (2/8/18). 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. **State Fire Marshal reports review process is ongoing. 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 Conference Room B**, 450 Columbus Boulevard, Hartford, Connecticut.

10. ADJOURNMENT



Carlton Smith, Chair
Connecticut State Codes & Standard Committee