

**Town of Montville**  
**BUILDING CODE BOARD OF APPEALS**  
**SPECIAL MEETING**  
**February 28, 2024 - 2:00 PM**  
**Town Council Chambers – Town Hall**  
**310 Norwich-New London Turnpike, Uncasville, CT 06382**

**1. Call to Order.**

Chairperson Pieniadz called the meeting to order at 2:00 p.m.

**2. Roll Call.**

Present were Chairperson Pieniadz and Board members John Biederka, Benjamin Crossley, Frank Miceli, and Matthew Saurez. A quorum was present.

Also present was Acting Building Official Doug Coulter.

**3. Remarks from the Public.**

Chairperson Pieniadz asked three (3) times for remarks. There were none. The meeting was then turned over to Board Secretary Biederka as Chairperson Pieniadz recused himself from discussion on the matter so there would be no conflict of interest.

**4. New Business:**

**a. To Consider the Appeal of the Building Official's decision regarding 18 Ridge Hill Road.**

Board Secretary Biederka asked Adam McNiece if he was present for the meeting. Mr. McNiece responded by phone that he was present. He was then given the opportunity to explain his reason for the appeal of the Building Official's decision for his property located at 178 Ridge Hill Road, Oakdale. Mr. McNiece remarked he was appealing the inspection of the temporary pole where former Building Official Dave Jensen declared that the ground wires had been cut and did not have the proper stays in place. Mr. McNiece believed the report was false as the alleged issue was looked at by Acting Building Official Coulter. He also remarked that he had the same setup at the barn at 1446 for ten (10) years nor was there a problem when he moved it. Lastly, he also upgraded the in-use covers. Mr. McNiece remarked he could do his own service work as he had checked with the State. Further, Building Official Jensen approved the permit and Mr. McNiece then spent \$3,000 for pole that has not been used in two (2) years. He also got a notice to pay the permit which he did. Application was then made for a building permit to build a barn for which he never got an approval or a denial. The Building Official also started videotaping Mr. McNiece on his own property and stated he could deny his permit without telling him why.. Mr. McNiece noted that a permit is supposed to be issued within 30 days otherwise another inspection would need to be done. He remarked that he did a good job although having

had a bad Building Inspector and thanked the Board for listening to his grievances and remarked he wanted to resolve all of his issues with the Town.

Board Secretary Biederka remarked that the biggest concern was for electrical safety for administering the building permit as a licensed electrician is required. Mr. McNiece disagreed and remarked it was not required according to the building code as he had done his own work and a full inspection would show any defect. Also, there are two (2) solid ground and two (2) for residence for which he will have to be reimbursed. In addition, he responded to the Board Secretary that there was no need for any input from a licensed electrician regarding the design as there is no need if the property owner is doing the work himself. Board Member Crossley noted the original permit was for a barn and remarked that Mr. McNiece had just referred to a family resident. Mr. McNiece again remarked that as the homeowner he was allowed to do it, to rebuild to preexisting nonconforming use. He also acknowledged having wasted money on a site plan rather than using the arial GIS in order to save \$100,000. Additionally, in October 2022 there was temporary electrical service regarding the August 12 request for service for a barn. Mr. McNiece continued by acknowledging that the Town wants him to build a residence although he wanted to build a barn and redirect use of the property as a farm, which was his original intent.

Acting Building Official Coulter for the Town of Montville reported the permit application by Mr. McNiece for a barn was not approved by statute. He referred to the 2018 Connecticut State Building Code as follows:

- **105.1 Required** -- Any owner to first make application to the building official and obtain the required permit for a building or installation of an electrical system.
- **105.3.1 Action on Application** – The 30-day requirement period in which a building official shall respond after the filing of an application for permit to either issue or denial of the permit.
- **105.3.3 By Whom Application is Made** – Pursuant to Sec. 29-263 of the Connecticut General Statutes, the application for permit shall be made by the owner or authorized agent. If the authorized agent is a licensed contractor, the provision of C.G.S. of Sec. 20-338b shall be followed.

Acting Building Official Coulter then referred to the following Building Application documents for the McNiece property as follows:

- (1) A copy of a Building Application dated June 2, 2022 to construct a 24' x 24' Barn and the fee for the same as \$366.50.
- (2) A copy of the electrical permit issued August 08, 2022 for temporary electrical service at owner's property with total fees paid of \$30.39.
- (3) An Inspection Field Report dated August 12, 2022 with status cited as "failed" and inspection findings indicating electric service and support installed by a non-licensed person (property owner); ground rods that are cut off etc., all circuits must be GCI protected and verified, and Pole bracing not installed to power companies specifications, see power company for details.

- (4) An Inspection Field Report dated August 16, 2022 with status cited as “No Basis” and inspection findings that states “a licensed Electrician is required to install a temporary electric service See CT State Statutes Sec. 20-338a. and Sec 20-338c.
- (5) An email was sent to the Owner dated November 21, 2022, requesting that he contact the Building Department for information regarding **denial** of his permit application for Building – Other. Attached was a computer screenshot from the Building Department for the Owner’s application that states **Type:** Zoning Department; **Status:** Open, and **Notes:** Does not having a zoning permit for a barn.

Acting Building Official Coulter noted that a building application is not complete until the fee is paid. Mr. McNiece inquired where the denial was as he has been fighting for two (2) years and how he could get his money back regardless of when payment was made. The Acting Building Official then referred to CT State Statutes Sec. 20-388a. Work Required to be Performed by Licensed Persons that states: “Any contractor who applies for a building permit from a local building official for any work required to be performed by a licensed under the provision of this chapter, shall cause such work to be performed by a person licensed under the provision of this chapter.” Further, per CT Statute , Sec. 20-340.11 Exemptions from Licensing Requirements states: “Persons engaged in the installation, maintenance, repair and service of.....or electrical....in an about single-family residences owned and occupied or to be occupied by such persons; provided any such installation, maintenance and repair shall be subject to inspection and approval by the building official of the municipality in which such residence is located and shall conform to the requirements of the State Building Code.” Acting Building Official Coulter remarked if Mr. McNiece is buying the permit for a single-family resident it would have been noted on the application—instead, the permit is for a barn application that does not show action regarding it. Mr. McNiece remarked that he changed the application from a barn to a residence. Further, the Acting Building Official noted the application for temporary electrical service was issued and paid and the field inspection by former Building Official Jensen was not issued for any other intention.

The Board then remarked and posed questions as follows:

- (1) At the time the permit was issued it was for the purpose of building a barn and affirmed by the note in the Building Department computer screenshot.
- (2) How is an temporary electrical permit issued if a project is denied.

Acting Building Official Coulter acknowledged that a building application is not complete until fees are paid and all prerequisites i.e., documented approval from the WPCA, Fire Marshal, Planning and Zoning etc. are submitted. Considering the extent of some applications they can take anywhere from a week to a year to approve. An application for a residence would require a plan review and approval from entities just described in addition to inspections and a certificate of occupancy. Zoning approval has been obtained. For the record, the temporary electrical service would have to have an application for a single-family residence. For purposes of clarification, Board Secretary Biederka asked for a review of circumstances of the Mr. McNiece’s application dated August 8, 2022 but

issued August 12, 2022. Acting Building Official Coulter then reiterated his previous explanation and comments regarding the original application made by Mr. McNiece stating it was for a 24' x 24' barn. The application was denied and notice was sent on November 21, 2022 and the screenshot note confirms that Zoning denied the barn application. Per a question by Board Secretary Biederka, if the project was not okay why was the process approved. The project was pending approval and is typically done within the 180-day time period according to the Acting Building Official who also explained that temporary service is for power and security cameras. Lastly, a licensed electrician is a statutory requirement if the intent is to occupy a property as a family residence as the Building Official would ask for this information for the purposes of liability for the temporary electrical service. Mr. McNiece remarked that he was in the process of converting the barn into a single-family residence and the Building Department knew it. He also acknowledged that he had paid the fee for everything and was all set. The Acting Building Official noted that prepayment is required for all permits and if a permit is not approved the applicant can ask for a refund. It was again noted that the original permit was for a barn not a single-family residence. Mr. McNiece stated the law says that upon denial of an application there is a 30-day period for repayment of fees collected to the applicant. When asked by Board Member Suarez whether he had made application for a house, Mr. McNiece said he was told the application could be transferred by the Building Official.

Board Secretary Biederka commented that he sensed Mr. McNiece's frustration and his intent to follow the rules by paying the permit fee and completing the entire process. He noted the aim is to not have a deficiency found within the structure so that it is safe and proper for the potential homeowner. Furthermore, he noted that if Mr. McNiece was not issued a permit it did not give him the authority to move forward with the home as it would not meet the intent of safety perspective. Board Member Miceli deemed the resolution of the matter should be forwarded to the Town Council; Board Member Crossley concurred. The Board Secretary inquired of Mr. McNiece of his intent. Mr. McNiece indicated his preference for a barn but stated his intent was to build a single-family home and reiterated once more that the Town does not get to collect his money if the application is denied referencing again preexisting, nonconforming use, that Acting Building Official Coulter clarified was a zoning term. The Board Secretary also clarified that the only issue on the table is the temporary electrical service. The Acting Building Official noted the Building Office has a barn permit being held by Zoning and a separate permit was issued for that electric service. He then, at the request of the Board Secretary, spoke of technical aspects for the purpose of the temporary electric service permit—a stainless steel rod that can be obvious if cut; proper installation of ground lights etc., per the National Electrical Code Handbook 2017, Sec. 250.53, Grounding Electrode System Installation, Item E. Board Member Miceli asked whether another inspection could be done; Acting Building Official Coulter stated another inspection could be done and referenced the details for the same per an email from Chris Ida dated October 18, 2022 in response to one from Mr. McNiece dated October 14, 2022 concerning permit issues. Board Member Miceli asked if the inspection was redone would it eliminate the issues since there are no permits or records

regarding the home allowing Mr. McNiece to occupy the residence without Town approval. Board Member Crossley reiterated that a building permit must be obtained for the work. The options for temporary electric service include reinspecting the barn/house and the addressing of issues found in 2022 according to Board Secretary Biederka. Per discussion by the Board, it was agreed that initially the structure needs to be reinspected to address the electrical concerns. By resolving this item, the project application can be moved forward. It was stated once again that Zoning approval had already been obtained and Mr. McNiece must submit application for a single-family residence. Per Board Member Miceli, Mr. McNiece must decide what the project will be and define its use. If he submits a permit and it is completed, action can move forward. It was suggested that Mr. McNiece submit the application online for the residence as the only one on file is for a barn. Board Member Miceli asked whether the Acting Building Official could get a list to Mr. McNiece regarding steps he should take; the Acting Building Official noted Mr. McNiece is a professional builder who has houses in Town. Board Member Miceli added that if Mr. McNiece reapplied for a single-family dwelling the Board will expedite its response.

**5. Adjournment.**

The meeting ended at 3:33 p.m. with no vote taken to adjourn.