

Town of Montville
Building Code Board of Appeals

Special Meeting Minutes

Monday, May 6, 2024 at 1:00 PM

Montville Town Hall – Council Chambers
310 Norwich-New London Tpke

The Montville Building Code Board of Appeals will conduct a meeting on Monday, May 6, 2024 at 1:00 PM at Montville Town Hall, Council Chambers. The purpose of the meeting is to render a decision on an appeal filed by Adam McNiece regarding 178 Ridge Hill Road.

1. Call to Order

Secretary Biederka called the meeting to order at 1:03 p.m.

2. Roll Call

Board members present were Secretary John Biederka, Frank Miceli, and Matthew Saurez. Absent were Chairman William Pieniadz and Benjamin Crossley.

Also present was Mayor Leonard Bunnell.

3. Remarks from the Public

Secretary Biederka asked three (3) times for remarks. There were none.

4. New Business:

- a. Render a decision on the appeal of the building official's decision regarding 178 Ridge Hill Road.

Secretary Biederka remarked on having reviewed the minutes from the February 28, 2024, Special Meeting of the Board. He noted the extensive background review by the Board to put things into context regarding the appeal of the Applicant Mr. McNiece. The Secretary remarked that it is clear that the Board has no authority over statutory issues nor of Building

Department processes or issues. Therefore, the Board has limited authority concerning this specific matter and the sole issue of the Board is to evaluate the adequacy of the temporary electrical grounding rods to meet Building Code requirements.

Motion by Secretary Biederka; seconded by Board Member Miceli to Consider and Act on a Motion to agree that the function of the Building Code Board of Appeals is limited to determining if the building code is being properly applied to the grounding rods and to evaluate any proposed alternative methods of achieving code compliance, per the Applicant's appeal dated August 19, 2023. Discussion: none. **Voice vote: 3-0-0. Motion approved.**

Secretary Biederka further reported that the Applicant, Mr. McNiece took exception to the Building Department Inspection Report and stated that the grounding rods must be verified according to their length as required by Building Code, Section 250.52 Paragraph 5. The Secretary remarked that since there are indications that the grounding rods are too short and not of acceptable length. Resolution required by Building Code calls for an objective quality evidence that the rods are of proper length or any alternative methods to show that the installation meets Code. Objective quality evidence has not been provided.

Motion by Secretary Biederka; seconded by Board Member Miceli to Consider and Act on a Motion to agree that objective quality evidence has not been provided to confirm grounding rod adequacy. Discussion: none. Voice vote: 3-0-0. **Motion approved.**

Secretary Biederka noted for the record that there have been no alternative methods proposed by the Applicant to confirm adequacy of the temporary grounding rods.

Motion by Secretary Biederka; seconded by Board Member Miceli to Consider and Act on a Motion to agree that alternative methods have not been proposed by the Applicant to ensure grounding adequacy. Discussion: none. Voice vote: 3-0-0. **Motion approved.**

Secretary Biederka reported that in the absence of objective quality evidence or proposed alternative methods to attain code compliance it appears that the Applicant's appeal should be denied.

Motion by Secretary Biederka; seconded by Board Member Miceli to Consider and Act on a Motion that the Building Code Board of Appeals denies the Appeal of Applicant Adam McNiece regarding 178 Ridge Hill Road, dated August 19, 2023. Discussion: none. Voice vote: 3-0-0. **Motion approved.**

5. Adjournment

Motion by Secretary Biederka; seconded by Board Member Miceli to adjourn the meeting at 4:15 p.m. Discussion: none. Voice vote: 3-0-0. **Motion approved.**