

NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD

APPROVED – Minutes of Public Hearings and Regular Meeting – June 12, 2015

Attendance:

Bill Benard, NH Electrical Contractors Business Association
Thomas Clark, NH Municipal Association
Stephen Eckberg, NH Public Utilities Commission
Tedd Evans, Mechanical Licensing Board
Wayne Fillion, PE, NH Board of Engineers (Mechanical Engineer)
Edward J. Gibson, PE, NH Board of Engineers (Electrical Engineer)
David Lage, Associated General Contractors of NH, Inc.
Mariellen MacKay, Governor's Commission on Disability
Roger Maynard, P•FGF•HVAC of NH
Jonathan Mitchell, NH Bureau of Electrical Safety & Licensing
Bradley Ober, NH Association of Fire Chiefs
Mary Maloney, Assistant Attorney General
Wayne Richardson, CBO, NH Building Officials Association
John Starr (Vice Chair) - CGB, NH Home Builders Association

Absent:

Shawn Bergeron Sr., Chairman
Linda McNair-Perry, Vice-Chair, NH Board of Engineers (Structural Engineer)
Sean Toomey, NH Association of Fire Chiefs

Guests:

Lauren Noether, Senior Assistant Attorney General
Ron Anstey, NH State Fire Marshal's Office
Tim Travers, NFPA
Cheryl Killam
Bob Duval, NFPA
Ken Jones – MS Society
Mark Elliott – Coventry Log Homes
Chris Rueggeberg – NH Council on Developmental Disabilities
Jerry Tepe – AIANH
Dario Carrara – NHBOA
Ryan Donnelly – GSIL
Bruce Buttrick
Bill Nash – ICC
Fred Matuszewski – AIANH
Darren Port – Northeast Energy Efficient Partnerships, Inc.
John Tuttle, AIA
Jennifer Sapochetti – Jensen Hughes
Paul Morin, Home Builders & Remodelers Association of New Hampshire
Nick Isaak, AIA – Procon, Inc. & AIANH Board of Directors
Laura Richardson, Executive Director, Jordan Institute
Richard Cohen, Executive Director, Disabilities Rights Center

The meeting was called to order at 10:00 am by Vice-Chair John Starr. A quorum was declared. Members were introduced.

Motion was made by Wayne Richardson to approve the minutes of the May 8, 2015 meeting as revised.
Seconded by Tom Clark
Motion Carried

PUBLIC HEARING

John Starr welcomed the public and made opening remarks. The BCRB will continue to have public hearings on all the pertinent 2015 I-Codes over the next few months. Keep in mind that the 2015 I-Codes are a SET. The BCRB will either adopt all of the codes, or none. It is the BCRB's desire to submit a recommendation to the legislature for consideration during the next legislative session to adopt the 2015 ICC Codes as the State Building Code. Proposed amendments to the NH Building Code may be submitted to the BCRB at any time but must be on the appropriate form, include the specific code language of the amendment, and have a financial impact assessment. The appropriate form can be found on the BCRB website. The Board will accept and act on request for an amendment to the code as they are received. It is never too late or too early to submit a request for amendment. In both Public Hearings of today the first item relates to the board recommending to the legislature the adoption of the 2015 edition of the particular code. The remaining items are proposed amendments that bring forward existing amendments to the 2009 code that were adopted during the last code cycle. The board reviewed all existing amendments and is proposing to bring forward the ones that are still relevant. No new amendments have been proposed or considered at this time.

Public Hearing was opened at 10:15am.

Exhibit RE-15-01-15 – The proposal is to recommend to the legislation the adoption of the 2015 International Residential Code.

Paul Morin, owner of Tarka Homes, and representative of the Home Builders and Remodelers Association of New Hampshire, has offered conditional support on the adoption of the 2015 IRC, providing new amendments are added in addition to the existing amendments. The HBRANH is concerned with two items in particular. The first is return on investment (cost of the upgrades) and whether or not they are really adding any value to the end user. The second has to do with difficulties that some of these items may, or may not, make it worthwhile. The Association will bring forward discussion at a later date.

Jerry Tepe, represented the AIA of NH. The AIA of NH Chapter is in favor of adopting the 2015 I-Codes. The Chapter is also in favor of the amendments that are going forth today.

Bill Nash, International Code Council, provided written testimony for the ICC's approval of the adoption of both the 2015 IRC and 2015 IBC Codes, with the existing amendments that are brought forward.

Dario Carrara, Building Official from Peterborough, and a member of the NHBOA. Mr. Carrara is in favor of moving NH forward to the 2015 IRC and IBC codes. Mr. Carrara reminded the board that Peterborough has already gone to the 2014 NEC.

Kevin Kelly, Chairman of the Board, National Association of Home Builders, provided written testimony encouraging state and local jurisdictions to consider adopting the 2015 I-Codes.

Laura Richardson, Executive Director of the Jordan Institute, expressed the Institute's support for adopting the 2015 IRC Code as well as the amendments being brought forward.

Exhibit RE-15-02-15 – change of language to section R101.1 Title
No testimony given at this time.

Exhibit RE-15-03-15 – section R102.7 - amendment to delete reference to the International Fire Code and the International Property Management code which are not codes adopted in NH.

No testimony given at this time.

Exhibit RE-15-04-15 – section R202 - inserts the definition of “Biomass Fuels” into the 2015 IRC.

Laura Richardson expressed strong support for this amendment to be brought forward.

No further testimony was given.

Exhibit RE-15-05-15 – section R301.2(1) provides approved sources of Ground Snow Load Data for use by the local jurisdiction. Carry over from amendments to the 2009 IRC.

No testimony was given.

Exhibit RE-15-06-15 – section R310.1 - allows trade off in emergency escape and rescue if the building contains sprinklers. Carry over from amendments to the 2009 IRC.

No testimony was given.

Exhibit RE-15-07-15 – section R313.2 – deletes the mandate for fire sprinklers in residential construction.

Tim Travers of the National Fire Protection Association provided written and oral testimony to board members. Fire in the home poses one of the biggest threats to the people of NH. The NFPA is requesting that the board reject the proposed amendment and retain R313.2 with the model code language.

Jerry Tepe, speaking for himself and as a former member of the BCRB, is in favor of residential sprinklers. However, it would be a moot point to keep that in the code as state law prohibits it. The state cannot mandate sprinklers in one- and two-family dwellings. When the BCRB did propose (several editions ago) the code with the sprinklers in them it caused great conflict between this board and the legislature.

Bill Nash, ICC, suggested the BCRB leave the language in but offered the suggestion albeit the state law prohibits it, language in the code as written in the proposed amendment would not allow property owners to install sprinklers at their option.

Wayne Richardson questioned where the code prohibits voluntary installation. Discussion between Mr. Richardson and Mr. Nash continued.

Bill Benard's opinion is this amendment does not belong in the hands of the BCRB.

Exhibit RE-15-08-15 – section N1102.1 (R402.1) – allows the use of ICC 400 as criteria for the thermal design and other aspects of the design of log structures. Carry over from amendments to the 2009 IRC.

Mark Elliott of Coventry Log Homes, representing his company, the log home industry, and the Log and Timber Home Council, is on record for supporting this amendment as proposed. Log home construction is a unique form of housing and requires a different perspective and methods to achieve compliance with the codes. This amendment recognizes the differences and respectfully requests that the BCRB adopt this amendment as written.

Exhibit RE-15-09-15 – section M2001.1.1 – relates to allowing solid fuel boilers that meet EN 303-5 to be installed. Carry over from amendments to the 2009 IRC.

No testimony given.

Exhibit RE-15-10-15 – delete Chapter 24 in the IRC which relates to fuel gas and adopts NFPA 54 for fuel gas use. Carry over from amendments to the 2009 IRC.

No testimony given.

Exhibit RE-15-11-15 – section P2603.5.1 relating to sewer depth.

No testimony given.

Exhibit RE-15-12-15 – adopts Appendix J which relates to existing buildings and structures as part of the code.

No testimony given.

The Public Hearing on the 2015 IRC Proposed Amendments will remain open.

Vice-Chair, John Starr, opened the Public Hearing for the 2015 IBC adoption at 10:41am.

Exhibit BD-15-01-15 – relates to the BCRB recommending to the legislature to adopt the 2015 International Building Code (IBC).

Bill Nash, representing the International Code Council, respectfully request that the board adopt the code as written in accordance with his previously submitted testimony.

Jerry Tepe, representing the NH Chapter of the American Institute of Architects. The NHAIA is in favor of the building code adoption as well as with the amendments. Written testimony was received from the NHAIA.

Laura Richardson, Executive Director of the Jordan Institute, expressed the Institute’s support for adopting the 2015 IBC Code as well as the amendments being brought forward.

Exhibit BD-15-02-15 – adds the State of New Hampshire to the name of the code

No testimony given

Exhibit BD-15-03-15 – this amendment revises the reference codes in the IBC to bring it into compliance with all other state regulations

No testimony given

Exhibit BD-15-04-15 – replaces the International Property Maintenance Code and International Fire Code with the NH State Fire Code NFPA 101 and Saf-C 6000.

No testimony given

Exhibit BD-15-05-15 – relates to the existing amendment for automatic doors. Carry over from amendments to the 2009 IBC.

Ken Jones, representing the National Multiple Sclerosis Society, submitted written and oral testimony “violently” in support of this amendment.

Ryan Donnelly, representing Granite State Independent Living, submitted written and oral testimony in support of this amendment.

Christopher Rueggeberg, Policy Director for the NH Council on Developmental Disabilities, submitted written and oral testimony in support of this amendment. The Council is very much in support of the adoption of the 2015 International Building Code.

Richard Cohen, Executive Director of the Disabilities Rights Center of New Hampshire, submitted his testimony in support of the amendments that were actually adopted several years ago. The DRC feels that automatic doors are necessary to ensure compliance. It is specifically required that the closing force of the door isn’t too hard. It needs to be relatively easy to open the automatic doors. It is often difficult to get that compliance. Automatic doors are a solution

to that problem.

Ron Anstey of the NH State Fire Marshal's Office submitted testimony that the State Fire Marshal is in support of this adoption.

Cheryl Killam is in support of this amendment. Cheryl's concern is that the board interpret the definition of entrance appropriately because a 2nd door is still part of the entrance. You may be able to get that first door open but you can't get the 2nd door open.

Exhibit BD-15-06-15 – allows use of the CRREL Snow Load data
No testimony given

Exhibit BD-15-07-15 – this amendment allows an exception for the separate facilities requirement with the state law for a food service facility having an occupant load less than 25. This amendment states only one facility is required.
No testimony given

Exhibit BD-15-08-15 – adopts Appendix C of the IBC for agricultural buildings.
No testimony given

Public Hearing will remain open

Wayne Richardson made the **MOTION** that the Board leave acceptance of public comments on today's hearings for a period of 30 days, to allow for written testimony to be submitted to the Board. A notice will be placed on the BCRB website. Wayne also suggested that the board might want to consider having this policy for all future hearings.

SECONDED by Tedd Evans
Motion Carried

OLD BUSINESS

Update on legislative items

Cindy had no update at this time.

Bill Benard provided the board with an update on HB 533. This bill allows the homeowner to be able to make their own decision of whether they want an arc-fault or not.

The statement was made that the Governor's Commission on Disability will issue waivers to the building code. Cheryl Killam clarified that the Commission on Disability CAN NOT issue waivers to the building code. They can only issue waivers to the AB code.

At the July 10 BCRB meeting the board will review any additional testimony that has been received within the 30 day period. Then the board will formally vote to recommend to the legislature that they adopt the 2015 IRC and 2015 IBC.

The Board will review the 2015 IPC and the 2015 IECC proposed amendments at the July 10 meeting, and initiate the public hearings for August 14, 2015.

Bcr 100 and Bcr 200 rules still need to be reviewed, re-written or renewed. Cindy will discuss with Attorney Hilts and Assistant Commissioner O'Brien.

Tedd Evans made the **MOTION** to close the IRC Public Hearing at 11:25am.

SECONDED by Wayne Richardson
Motion Carried

Tedd Evans made the **MOTION** to close the IBC Public Hearing at 11:25am
SECONDED by Wayne Richardson
Motion Carried

MEETING ADJOURNED