

APPROVED – MINUTES

NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD  
Public Hearing and Regular Meeting – January 10, 2020

**Members Present:**

Shawn Bergeron Sr., Chairman  
Lee F. Carroll, PE, NH Board of Engineers (Electrical Engineer)  
Carl DuBois, Associated General Contractors of NH, Inc.  
Stephen Eckberg, NH Public Utilities Commission  
Tedd Evans, Mechanical Licensing Board  
James Grant, representing the Electrician's Board  
Michael Hagan, CFM, NH Building Officials Association  
Mariellen MacKay, Governor's Commission on Disability  
Frederick Matuszewski, Board of Architects  
John Powers, Deputy Chief, NH Association of Fire Chiefs  
Mark Tetreault, Fire Chief, NH Association of Fire Chiefs  
Jeffrey Trexler, Board of Engineers  
John Tuttle, (Vice-Chair), NH Home Builders Association

**Absent:**

Thomas Clark, NH Municipal Association  
William Fraser, NH Electrical Contractors Business Association  
Roger Maynard, P•FGF•HVAC of NH

**Also Present:**

Heather Neville, Assistant Attorney General  
Lisa M.T. Woods, Administrative Assistant I, NH Dept of Safety

**Guests:**

Jack Lyons, NEMA  
Jerry Tepe, JRT-AIA Architect  
Steven Paquin, NH Building Officials Association  
Dean Sotirakopoulos, Electricians' Board  
Bill Trombly, Sr, Mechanical Board  
Michael Soucy, Electricians' Board  
Robert Roy, Mechanical Board  
Cara Maloney

The meeting was called to order at 10:00am by Chairman Shawn Bergeron. A quorum was declared. Members were introduced.

*MOTION* made by Tedd Evans to approve the December 13, 2019 minutes as submitted.

Seconded by: Michael Hagan  
Motion Carried (2 Abstentions)

## **PUBLIC HEARING:**

### ***Exhibit: RE-15-46-20 2015 International Residential Code (IRC-15) Appendix Q – Tiny Houses***

Lee Carroll made a *Motion* to open the public hearing on exhibit RE-15-46-20. Seconded by Carl DuBois  
Motion Carried

Steve Paquin, NH Building Officials Association (NH BOA) Vice President, explained that Appendix Q is in the 2018 International Residential Code (18-IRC) and that his proposal would bring Appendix Q forward into the 2015 code.

Discussion that followed included questions regarding HUD, possible impact and conflicts associated with ADUs, adding clarifying language for conflicts between Appendix Q and the life safety code, amending the proposal to include a definition for tiny homes and reference to Appendix Q, and working with the fire control board to develop a document of mutually-agreed guidance for fire code officials.

Tedd Evans offered 2 clarifications, with the understanding that the italicized wording under Appendix Q Tiny Houses is advisory, not part of the amendment, and language under part 2 is reason and justification for the amendment, not part of the language of the amendment.

Carl DuBois made a *Motion* to close the public hearing, seconded by John Tuttle. Motion Carried

*MOTION* made by Tedd Evans to approve, with clarifications, exhibit RE-15-46-20.

Seconded by: Mariellen MacKay  
Motion Carried Unanimously

## **NEW BUSINESS**

### ***OPLC'S request for the Board's review of NEC 2020***

Board counsel, Assistant Attorney General Heather Neville, stated discussion requires a non-public session.

*MOTION* made by Jeffrey Trexler to pause the public meeting to hold a non-meeting with counsel

Seconded: Mariellen MacKay  
Motion Carried

After welcoming the returning public, Chairman Bergeron asked the Board if formal action was needed regarding review of NEC 2020. Confirmation was provided that a subcommittee of three (3) Board members had previously been appointed. Board and subcommittee member James Grant confirmed the subcommittee would be meeting later in January to begin their review, but would not provide recommendations and/until the code had been published for 2 years, sometime in 2021.

## **OLD BUSINESS**

### ***2018 Code Subcommittees Update***

*International Building Code Subcommittee* will have a final review at the next meeting and discuss preparation of a report of their findings for review by the committee

*International Energy Conservation Code Subcommittee* is looking forward to being able to schedule a meeting in the near future

*International Existing Building Code Subcommittee*, having met only once, the committee hopes to be able to schedule a meeting with their Chairman in the near future

*International Mechanical Code Subcommittee* is still absent one member appointment, the two (2) remaining committee members continue their review

*International Plumbing Code Subcommittee* has been meeting every month, their review is possibly 80-85% complete. They hope to meet again in April and finalize their report shortly thereafter

*International Residential Code Subcommittee* has concluded their review, the results of which need to be put into a report

*International Swimming Pool & Spa Subcommittee* has completed their review. A report of their findings will be prepared

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### ***Non-Meeting regarding Request for Appeal***

Vice-Chair Tuttle requested a non-meeting with Board counsel regarding an appeal brought to the Board by Bergeron Technical Services. At the request of Vice-Chair Tuttle, Chairman Shawn Bergeron recused himself and exited the room with the attending public.

*MOTION* made by John Tuttle to hold a non-meeting with Counsel. Seconded: Mariellen MacKay  
Motion Carried

*MOTION* made by Jeffrey Trexler that the Board hold a hearing on the appeal on February 2, 2020 ; authorize Lisa Woods to request information from the parties, per Administrative Rules, and provide notice of hearing on behalf of the Building Code Review Board ; appoint Vice-Chairman Tuttle to preside over the hearing ; authorize Lisa Woods to schedule the hearing and ; the form of recording will be through the audio recording device and not a stenographer.

Seconded: Mariellen MacKay  
Motion Carried

It was stated for the record that Vice-Chairman Tuttle will preside over the appeal proceedings as the case involves the current Chairman of the Board.

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### ***Board Election of Vice-Chairman***

As the Board returned to public session, Vice-Chair Tuttle suggested the first order of business should be the annual election of a vice-chairman.

*MOTION* made by Stephen Eckberg to nominate John Tuttle as Vice-Chairman of the State Building Code Review Board.

Seconded: Mariellen MacKay  
Motion Carried (John Tuttle abstained)

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### ***Legislation Discussion***

*set aside until the next regularly scheduled meeting*

## **OTHER BUSINESS**

### ***2015 I-Code Amendments/Exhibits List***

Chairman Bergeron provided copies of a list of amendments to the 2015 codes, and read what he referred to as a critical portion of HB 562 "... *Ratification of Amendments by the State Building Code Review Board. Pursuant to RSA 155-A:10, V, the general court hereby ratifies the amendments to the state building codes, as defined in RSA 155-A:1, adopted by the state building code review board from January 31, 2017 through January 31, 2019*" Chairman Bergeron spoke to those amendments that fall within the dates, those that expire based on legislators' efforts, and those that weren't ratified. He informed the Board that, at a recent meeting with legislators and other interested parties, it was determined that the list, with approval by the BCRB, would be accepted and that there is already a placeholder in the current legislative session where they could be implemented.

Board discussion followed, during which a special public hearing was scheduled.

*MOTION* made by Jeffrey Trexler to move to public hearing all exhibits on the list titled "*NH BCRB Amendments/ Exhibits*", all exhibits under the column *falls within date range of HB 562* that are listed as *no*

Seconded: Lee Carroll

Motion Carried

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### ***Subcommittee : Appendix Q***

John Powers proposed forming a subcommittee to work with the Board of Fire Control regarding potential concerns or conflicts reference Appendix Q. Brief discussion followed. Board members James Grant and Michael Hagan were appointed to be subcommittee members, with Board member John Powers appointed subcommittee Chairman.

*MOTION* made by John Powers to form a 3-person subcommittee to work with the Board of Fire Control in reference to potential concerns or conflicts reference Appendix Q and the current fire and life safety codes.

Seconded: James Grant

Motion Carried

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*MOTION* to adjourn by Mariellen MacKay. Seconded: Lee Carroll. Motion Carried

## ***MEETING ADJOURNED***