

APPROVED/OFFICIAL – MINUTES

NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD

Remote Pre-hearing – May 27, 2021

Members Present:

John Tuttle, (Vice-Chair), NH Home Builders Association

Absent:

Mark Tetreault, Fire Chief, NH Association of Fire Chiefs

Roger Maynard, P•FGF•HVAC of NH

Lee F. Carroll, PE, NH Board of Engineers (Electrical Engineer)

Peter Lennon, Fire Marshal - Manchester, NH Association of Fire Chiefs

Mariellen MacKay, Governor's Commission on Disability

Frederick Matuszewski, Board of Architects

Kenneth Walsh, NH Public Utilities Commission

Carl DuBois, Associated General Contractors of NH, Inc.

Tedd Evans, Mechanical Licensing Board

James Grant, representing the Electrician's Board

Jeffrey Trexler, Board of Engineers

Michael Hagan, CFM, NH Building Officials Association

William Fraser, NH Electrical Contractors Business Association

Also Present:

Emily Stevenson, Administrative Assistant II, NH State Fire Marshal's Office

Heather Neville, Attorney, New Hampshire Department of Justice

Guests:

Mark Puffer

Kris Pastoriza

John Hynes

The pre-hearing, held remotely Vice-Chairman Tuttle, for the record, he read the checklist to ensure meeting compliance with the Right-to-Know Law during the State of Emergency.

PRE-HEARING

John Tuttle asks if Kris would like to submit a witness list for the hearing, and Kris Pastoriza stated she already submitted the evidence and affording 19 copies of hundreds of pages wasn't doable.

Therefore, John waived the BCR 201.03 and will allow documents to be submitted electronically for both parties, but requiring 3 hard copies to be mailed to administration.

John Tuttle asked how much time might be necessary to state their case.

Both parties agreed no more than 30 minutes.

John asks Mr. Puffer if he need to submit a witness list and evidence and he would send them in.

Deadline was created by John Tuttle that all motions for the case are to be submitted by June 10th, 2021

Mr. Puffer goes on to ask about motion to dismiss upon grounds that the BCRB does not have jurisdiction authority to hear the appeal.

Stated by Mr. Puffer, RSA: 155-a: Board may hear appeals based on a claim that the intent of the code or the rules legally adopted, have been incorrectly interpreted. The provisions of the code do not apply, or there is an alternative construction.

He continues that the ZBA denied the appeal because she did not have any standing to contest the issuance of the building permit in the case. So the ZBA was not interpreting building code provisions. This therefore isn't an interpretation of code issue it is a legal issue and should have been appealed in Superior Court.

Heather stated that the motion to dismiss would be appropriate and Kris would have a 10 day period for objection still making the deadline June 10, 2021

July 16th would be the appropriate time to hold the hearing but it would have to be run by the board before that.

MEETING ADJOURNED