

Approved Minutes

NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD

In-person regular meeting February 11, 2022

**Members Present:**

Philip Sherman, P.E., Chair  
Roger Maynard, P•FGF•HVAC of NH  
Michael Hagan, CFM, NH Building Officials Association  
Tedd Evans, Mechanical Licensing Board  
Lee F. Carroll, PE, NH Board of Engineers (Electrical Engineer)  
Med Kopczynski, NH Municipal Association  
John Tuttle, Vice-Chair, NH Home Builders Association  
Mariellen MacKay, Governor's Commission on Disability – Via conference phone  
Dean Sotirakopoulos (James Grant alternate), representing the Electricians board  
Arthur Rose, Associated General Contractors of NH, Inc.  
Jeffrey Trexler, Board of Engineers (Structural Engineer)  
Michael Soucy, NH Public Utilities Commission

**Absent:**

Mark Tetreault, Fire Chief, NH Association of Fire Chiefs  
James Grant, Electricians Board  
Art Guadano, Board of Architects  
Peter Lennon, Fire Marshal - Manchester, NH Association of Fire Chiefs  
William Fraser, NH Electrical Contractors Business Association  
Beverly Kowalik, P.E. Mechanical Engineer  
Robert Wentworth (Michael Hagan Alternate), NH Building Officials Association

**Also Present:**

Erica Webb, Administrative Supervisor NH State Fire Marshal's Office  
Michael Grandy, Assistant Attorney General

**Guests:**

Jerry Tepe  
Chris Skoglund  
Griffin Roberge  
William McKinney  
Joe LeSage

The meeting, held in-person, was called to order at 10:05am by Chair Sherman. Chair Philip Sherman proceeded with roll call. A quorum was declared.

**Motion** to accept the meeting minutes from January 14, 2021: Med Kopczynski

**Seconded:** Lee Carroll

Jeff Trexler abstained.

No one opposed, Motion Carried

## **OLD BUSINESS**

**BCRs 200:** Chair Sherman asked for volunteers to go through the BCR 100 and 200 to take a look at the appeals process as it is put forth in the BCR 200s and determine if there are any changes that have been made to the process that the BCRB needs to take a more in depth look at. Michael Hagan and Dean Sotirakopoulos volunteered to do so during the summer months after the 2021 code work has been completed. Hagan and Sotirakopoulos will provide a review at the September BCRB meeting.

**Website:** No new updates. DoIT is still saying March before the BCRB website can be updated. Updated forms, "How to Submit an Amendment" document and a revised welcome statement has been sent to the Fire Marshal to be used on the new website.

**2021 Code Updates:** Terminology: The board needs to use the term "committee" not "subcommittee" as it is a Board and statutorily permitted to create "committees" and "subcommittee" is an inaccurate term.

**Board Alternates:** Chair Sherman extended an open invitation to any sitting alternate who would like to join a 2021 Code Committee if they had not already done so. While Hagan's alternate, Bob Wentworth was not at the Board meeting Hagan said he would relay the information and invitation.

**Adoption Schedule:** The Board of Fire Control will not begin looking at the 2021 Fire Codes until April. Chair Sherman anticipated that ultimately, the board would be looking at the two year code cycle, rather than the one year cycle which may give the 2021 code committees more time to look at costs than initially anticipated. Because the determination for which length of cycle has yet to be made the Chairman asked the committees to continue working at the rate necessary to accommodate the one year cycle. Chairman Sherman asked the board members who represent organizations to reach out and discuss which code cycle they would prefer and why and have the organization submit a letter to the Chair in about a month. This would allow the chair to go to the legislature and make a recommendation whether or not a one year or two year cycle would be better for those groups, such as the engineers and architects, until the state can get a more stable three year code cycle in place.

**Committee Reports:** IMC/IPC/ISPSC – Evans; Have had three meetings and there are not a lot of large changes so he was hopefully to wrap up the significant changes portion and move on the cross reference of the plumbing and mechanical sections of the IRC as well as reviewing the amendments from the 2018 code. Other committees were holding their first in person meeting today, February 11, due to snow last Friday so there was nothing to report at the moment from them. Trexler inquired whether or not there had been an established format for the reports and Chair Sherman advised that it had come up and the he would work with the committee chairs to do this.

Cost Analysis: The RSA designates that the BCRB should look at the cost associated with the new code adoptions. The ICC considers cost similarly to the way the BCRB does in simply determining whether a new code will increase, decrease, or neutrally effect the cost of compliance. Chair Sherman pointed out that other states, including Florida and Rhode Island, have gone above and beyond in determining cost impacts, however; those studies cost the state quite a lot of money. The Chair recommended once the legislative committee is established that the BCRB will need to work with them to determine what is reasonable to expect from the BCRB members, who are volunteers, and to really define “cost,” because there is the long term cost, societal cost, upfront cost etc. and there could be more clarification as to the purpose of the BCRB code assessments. The Chair requested for representatives from organizations to submit a position in writing in regards to alternative considerations having to do with cost, such as FEMA or the Insurance Industry. The goal is to begin to clarify and determine the value of the changes not simply the dollar amount and to do that the BCRB need to have a better understanding and definition of “cost.” Arthur Rose suggested that the best the board can hope to do is determine whether or not the cost of the adoption of the code change is significant or not and if pressed put forth a percentage estimation.

Legislation:

HB 1681 - Related to the adoption of the 2018 codes and the ratifying of the accompanying amendments. This bill is in committee and introduces the idea of a 6 month grace period in the instance when a project is already in progress during the adoption of the new codes the builder has the choice, during those 6 months, to use either the old code or the newly adopted code. The language does not match with SB 398, but that correction is in the works.

SB 398 – Related to the elimination of the Joint Fire Code Committee. In the past, the Fire Marshal has not been able to meet quorum in order to hold a meeting for this committee in the last 5 years. This bill also introduces a legislative committee of representative, senators, and legislators who sit throughout the year. As far as the Chair is aware the bill should pass and due to go to the final legislation next Wednesday.

SB 443 – Related to the involvement in the BCRB in reviewing municipalities amendments. Up to this point numerous professional trade associations and groups as well municipalities and state organizations have come together to all compromise of the specificities of the bill. Chair Sherman asked to BCRB to look over the wording and discuss whether or not there was anything people thought should be addressed before this bill goes before the legislature, which it is expected to pass. The board discussed at great length both the definitions and the possible implementation of the bill. Trexler put forth the suggestion of proposing an advisory option which would allow the municipalities to seek the input of the BCRB before officially filing the amendment for review. Kopczynski did not anticipate that the NH Municipalities Association would have an issue with the introduction of an advisory element into the bill and would work with the Chairman on adding the advisory option. Michael Grandy, from the Attorney General’s office advised that the BCRB would be susceptible to appeals by the towns who wish to disagree with the decision of the BCRB concerning the towns proposed amendments. It is not yet clear what that process would look like. The Chairman suggested that there needs to be an

extended effective date in order for the BCRs to be updated to accommodate the new responsibilities the BCRB.

HB 1312 – Relative to the DES rules not being more restrictive than the International Plumbing Code rules, as adopted by the state building code. The Chairman discussed the issues with state agencies amending the building code without referring to the NH State Building Code. The Chairman discussed the need for the state agencies to get their regulations in sync with one another.

HB 1014 – Relative to remote meetings. The Chairman submitted his support for the bill.

HB 1033 – Relative to Lobbying. William Mckinny reported to the board that this bill is potentially problematic for professionals involved in the legislative process as it regulates the time and money on which individuals would be considered “lobbyists,” according to an opinion issued by the NH Attorney General’s Office, possibly in September 2021. Michael Grandy will look into this bill and try to verify the implications for board members.

HB 1068 – William Mckinney brought this to the attention of the board as it relates to Tiny Homes, which has been a challenge to determine jurisdiction between the building code or the zoning, or how they are determined to be tiny homes compared to mobile homes or campers.

**Hearing Notices:** The chairman asked the board what their thoughts were on his role as far as representing the BCRB at legislative hearings due to the short notice of the scheduling of those hearings. The board expressed their understanding that the Chairman has an idea regarding the position of the board on various topics and they hoped the Chairman would continue to represent them at any legislative hearings he was able to attend.

Meeting was adjourned at 11:54am.

Next meeting is scheduled for March 11, 2022

**MEETING ADJOURNED**