

NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD
In-person regular/public hearing meeting January 13, 2023

Members Present:

Philip Sherman, P.E., Chair
Tedd Evans, Mechanical Licensing Board
Dean Sotirakopoulos NH Electrical Contractors Business Association
James Grant, Electricians Board
Art Guadano, Board of Architects
Michael Hagan, CFM, NH Building Officials Association
Med Kopczynski, NH Municipal Association
Michael Soucy, NH Department of Energy
Matthew Conley, NH Assoc of Fire Chiefs
John Tuttle, Vice-Chair, NH Home Builders Association
Rob Chebook, Alternate PFGFHVAC of NH
Robert Wentworth (Michael Hagan Alternate), NH Building Officials Association (arrived later)

Absent:

Lee F. Carroll, PE, NH Board of Engineers (Electrical Engineer)
Beverly Kowalik, P.E. Mechanical Engineer
Peter Lennon, Fire Marshal - Manchester, NH Association of Fire Chiefs
Roger Maynard, P•FGF•HVAC of NH
Arthur Rose, Associated General Contractors of NH, Inc.
Jeffrey Trexler, Board of Engineers (Structural Engineer)
Gary Raymond, Department of Energy, Alternate
David Mendzela, NH Electrical Contractors Business Ass. Alternate
Michael Grandy, Assistant Attorney General, Counsel to the Board

Also Present:

Roxie Beall, Administrative Assistant, NH State Fire Marshal's Office

Guests:

Rob Roy, Proposed Mechanical Licensing Board Alternate
Michael Rossi, NEEP

The meeting, held in-person, was called to order at 10:00am by the Chair. The Chair proceeded with roll call. A quorum was declared.

The Chair introduced Rob Roy, who will be Tedd Evans alternate once the letter comes through. Gary Raymond is officially Mike Soucy's alternate. Michael Grandy has been assigned elsewhere temporarily. Christopher Bond will be assisting the Board though he had a conflict this morning. Chair Sherman reminded the Board members that the RSA 15-A form is due by January 20th, and is required in order to act as a member of the Board. They can be given to Roxie to submit or submit directly to the Secretary of State's office.

The Chair opened the floor for the acceptance of the December 9, 2022 meeting minutes.

Motion to accept December 9, 2022 Meeting Minutes as is, with no corrections, made by Med Kopczynski.

Seconded: James Grant

No discussion. All in favor, none opposed.

Motion carried, minutes accepted.

LEGISLATIVE STATUS

Legislative season. Bill McKinney was unable to attend today. House bills and LSR discussed.

HB51 – Chair Sherman explained that this one is not in the wheelhouse of this Board, however should be of interest for those who are municipal employees. If someone is going to be a lobbyist, town/city needs to pass a warrant to spend that money. Since a great deal of our Board support comes from municipal employees, the Board could be affected if bogged down by this proposed process.

HB63 - It says you cannot regulate a religious institution just because it is a religious institution. Because it speaks to zoning ordinances, should include a requirement to comply with building and fire codes.

Med Kopczynski comments that it is meant to fix what the legislature did last year. The sponsor added the 4th bullet about churches being able to build residential units provided it is for homeless services.

Chair Sherman reads the section, “The building of housing to house the unhoused by a religious organization shall qualify as a religious exercise under this section.” He also shares a previous experience where something similar created a mess with the Fire Marshal’s office in another jurisdiction, because they ended up creating a residential occupancy within an assembly occupancy.

Med Kopczynski states that the definition of what constitutes a church will contribute to the potential unintended consequences of this bill. He will continue to monitor the progress of this house bill. Language originated in NHMA who is in favor of the bill, but he will continue to discuss with NHMA to help them understand the consequences.

Art Guadano states that though churches are exempt from the ADA, they are not exempt from the building code, which only has minor changes for religious institutions.

Chair Sherman notices that in the latest version, it looks like the statement about still needing to comply with the codes has been deleted. He stresses that Board definitely needs to stay involved on this one.

HB104 – Regarding multi-stall restrooms and locker rooms. Common in Europe for both genders to use co-ed group restrooms. The 2021 IBC & IPC doesn’t require but will permit those

kinds of rooms. HB104 requires separate gender restrooms in schools. If passed, will require changes to 2021 IBC to coordinate with it. Ideally, kill the bill and deal with it in amendments. If they don't kill it, board wants to be sure it is worded properly so it doesn't affect something else.

Art Guadano asked if single toilet rooms are allowed to be either gender in 2021 codes. Chair Sherman confirms that they MUST be all gender if a single toilet room. Single user restrooms would not be affected by this bill.

HB111 – Establishes a committee to study electrical vehicle charging for residential renters. Need someone on electrical side to keep an eye on this one. Michael Soucy will keep an eye on it.

HB173 – Relative to toilet facilities provided by restaurants. Eliminates DHHS requirements for separate bathroom fixtures in small restaurants or any place that serves alcohol. Statute written in 1935 in a section titled tenement houses under RSA 155, not 155-A. Board has testified on it and now will keep an eye on it.

HB558 – Was LSR 203. Talks about electric micro-grids. Mike Soucy says it stays out of Board's purview. For communities 5 acres or larger, allowing communities to connect and disconnect from the grid. Chair Sherman thought it would also apply to universities, etc. Mike Soucy says it is more like a bigger system that can take power to the grid or sell back to the grid. Dean Sotirakopoulos give example of a town that sells electricity to town residents but connect to grid to save on their prices. Mike Soucy says NEC has an expansion that applies to micro grids NEC 705.50. Electrical members should research with Mike Soucy as lead.

LSR 0271 – Ratifying codes. Now HB564 changes the date in 155-A that says all the amendments BCRB have reviewed and approved to November 4, 2022 to ratify the amendments through November. Bill and RSA says all of the amendments through "this date" are part of the State Building Code.

LSR 0806 – This is going to turn into a bill but it is not changing anything in the building code at this time. FMO has been working with a group from the day care industry, both architect and user. It has to do with tiny house daycares to tiny office daycares. Size threshold do not align with 101.

William McKinney is watching, but because so many pop up, everyone needs to be watching.

OLD BUSINESS

Website status. No update on website. Roxie Beall is getting some things on there. Getting some municipal amendments from old days updated. E.g. Portsmouth sent prior to Jan. 1st. Municipal amendments should have been sent for posting all along. Even just sending a link to the municipal website, like Portsmouth did.

Administrative Rule Review – Mr. Bond indicates no movement on the BCRs so he will keep that moving.

Municipal amendment review – Mr. Bond (DOJ) wrote a clear opinion that municipal ordinances in effect prior to January 1st are still valid without any input from this board. If someone has a preexisting (legal) ordinance, they only have to give it to us to post. Chair Sherman says of the 10 or so that have come across his desk, so far they all have had problems. James Grant points out the wording says “we cannot ADOPT...”, therefore preexisting duplex sprinkler ordinances are legal.

Discussion with Art Guadano, James Grant, Chair Sherman and Dean Sotirakopoulos regarding potentially posting something not legal if we aren’t reviewing it. Not the Boards problem. An amendment would have had to be done through the proper process but we have no way of knowing whether or not it did. Anything adopted pre-January 1st only needs to be submitted, anything changed after January 1st must be reviewed and confirmed. If an old one is re-written then it will need to be reviewed and confirmed. Is there a way to keep track of which ones submitted pre January, post January? Can we add to website?

Portsmouth sent revised ordinance from last year to be updated. What came out of that is that they have adopted 2023 NEC Christopher Bond says they are allowed to do that. FM Toomey has approached Senator Carson & Representative McGuire as to how to handle this problem.

Discussion on what jurisdictions are allowed to adopt? An amendment? The whole code? Chair Sherman cites wording that says municipalities are allowed to adopt codes in addition to the building code, but they still have to enforce the most restrictive. James Grant provides references 674.51, 674.51-A “A municipality may adopt a reference any of the codes by the ICC which are not included in the state building code under 155-A.” May want to look at getting rid of the two year delay or change the language to clearly prohibit town from adopting a later edition. Dean Sotirakopoulos says, effective January 2023, Massachusetts is no longer reciprocating electrical licenses with NH. Reference 155-A(2)(V) says “cities can adopt additional regulations”. Med Kopczynski and James Grant discussion over automatic adoption. James Grant would like to see this Board giving a non-binding opinion before the town vote of adoption.

Portsmouth, Chester sent ordinances to be posted. Nashua had a courtesy review as part of the process figuring out how things will work. Chesterfield will simply be posted after we answered some of their questions. No ordinances to be reviewed by the Board at this time. Reminder that board has 45 day timeline to review town submissions before they are adopted at their town meeting. Art was concerned about the timeline in the summer when Board doesn’t meet. Chair Sherman states shouldn’t be a concern since town meetings are in March, BCRB work would be done in February.

Fire/Building Code review committee – included Mike Hagan, Med Kopczynski, Beverly Kowalik, Peter Lennon, and now Matthew Conley. Will be looking at the conflicts between 101, IRC and major issues in IBC. Board of Fire Control meets next week and Marshal Toomey thinks they will appoint their side at that time. Audrey Cline did work up on IRC issues. Those issues would need to be addressed. Beyond that, pick 4-5 big things that need to be coordinated, such as egress capacity.

IBC/IFC References – Chair Sherman states that Peter Lennon indicates that IFC references in IBC project is closed and have been found to be covered by the State Fire Code.

IBC Appendix G – Chair Sherman assigned Mike Hagan to the task of researching this issue, work with DES, NHMA, etc. to create a short analysis, and short written report for the board. Art Guadano wants to assist in information gathering. Deadline of end of March to report back to the Board.

NEW BUSINESS

Appoint 2023 NEC committee – Lee Carroll offered to be on committee, along with Mike Soucy, James Grant and Dean Sotirakopoulos. Timeline? Goes to legislature August 2024. James Grant would be able to take the administrative role for posting meetings and minutes, in lieu of FMO administrative support. Do meetings have to be in person or can they be in Zoom format? Physical quorum in room to vote, remote attendees cannot vote. Roxie Beall to get an official answer on that.

Discussion of deleted amendments, IBC and IEBC – Of the 101 original 2018 amendments, 52 were routine administrative, 33 were carried forward from the 2015 code, 16 new amendments were added, then eight more in 2022. Slope is up and Chair Sherman asks that consideration be given whether or not an amendment is really needed, or can it take place in the code process.

Page 9 of package has an accurate view of what is being carried forward. Discussion on deleted amendments and reasons for deletion:

BD-18-03-21, BD-18-09-21 Covered by 101.4

BD-18-13-21 Elevator communications is covered by model code. Did not hear back from elevator industry.

BD-18-02-21 Covered by 101.4 Mike Hagan asks for clarification. Art Guadano expresses concern that things are going to get missed by removing the duplication. Mike Hagan has same concern, and feels this one does a great job of lining it all out.

BD-18-06-21 Combined with EX-21-04-23

BD-18-08-21 As amended

2021 IBC report discussion and move to send to public hearing – Jeff Trexler

ICC A117.1 – Reference standard for accessibility. Massive changes. Discussion on significant differences, agreement that it should be looked at, IBC committee will review: Art Guadano, Jeff Trexler, John Tuttle, Beverly Kowalik, Mike Hagan, Art Rose. Agreement that any changes to

IBC Ch 11 should be presented together in one amendment. Deadline for bringing something back to the Board will be the May meeting so can prepare for public hearing in June.

2021 IBC amendment discussion and move to send to public hearing – Starting p. 47 of meeting package.

BD-21-01-23 – Administrative (p. 47)

BD-21-02-23 - Correction of references. Changes discussed. (p. 49-51). Typo found under 101.4.9 that should be talking about IRC, not references. Will say IRC as amended.

Discussion about authority having jurisdiction. Most restrictive code, however problems may occur during interpretation. James Grant says his problem is that it names two officers to enforce the same code. Chair Sherman points out that this just clarifies the way it currently functions, and if there is a problem that comes up consistently, he recommends bringing it up for amendment.

BD-21-03-23 – (p. 53) Duplicates current requirement in International Mechanical Code. This was addressed due to a common problem. Mike Hagan and Art Guadano discussion.

BD-21-04-23 – (p. 55) Covers powered entrance doors. 2021 IBC adds table for large occupancies. Chair Sherman needs to delete that table in the base/model code. Art Guadano wants to make sure we don't lose anything by doing so.

BD-21-05-23 – (p. 57) Direct carry forward for adult changing station. It only deals with a family assisted use toilet would be required. No changes.

BD-21-06-23 – (p.59) Direct carry forward. Only a change in the location in the code.

BD-21-07-23 – (p.61) Jeffrey Trexler advised this one wants to be deleted because it is now in the model code and no longer needs an amendment. This one will not move forward as originally thought.

BD-21-08-23 – (p. 63) Direct carry forward. May not need here if restaurant requirements are deleted by DHHS statute, but it can be looked at again then.

BD-21-09-23 – (p. 65) Direct carry forward. To bring in accordance with the fire code.

BD-21-10-23 – (p. 67) Not in order in the code. Title of appendix to be added.

2021 IEBC report discussion and move to send to public hearing – starting p. 75 of meeting package).

2021 IEBC amendment discussion and move to send to public hearing

EX-21-01-23 – (p. 75) No discussion on the report.

EX-21-02-23 – (p. 77) Same reference code amendment as building code, just adds reference for Building Code and removes existing building code reference.

EX-21-03-23 – (p. 80) Keep defining Aggregate Area

EX-21-04-23 – (p. 82-83) Brought the 2 IEBC changing station items into the same amendment as they are sequential.

EX-21-05-23 – (p. 84) Changed to International Building code from International Fire Code

Chair Sherman states we will be posting these for public hearing at the next meeting. Also, next month the board will discuss Plumbing, Mechanical and Swimming Pool Codes.

Mike Hagan made a motion to move these amendments as discussed.

Tedd Evans seconded motion.

All in favor. Motion passes unanimously.

OTHER BUSINESS

Cost Estimates – Art Guadano brought up concern previously. Need better way to describe what we are doing in the RSA so language can be fixed. This will take a change to the RSA.

International Fuel Gas Code – Tedd Evans researched and found that IFGC covers technical side of NFPA 54 and provides Chapter 1 administrative material. He talked to Fire Marshal Toomey who said it is fine with him. It would take an RSA 155-A:1 change and would clean up loose end of NFPA 54 not having administrative provisions. Something to think about. Tedd Evans points out that it would avoid the discrepancies that come up between the NFPA 54 and Mechanical code when teaching the gas fitters, and would give locals permitting instructions.

Rochester discussion over park model trailer - James Grant – Mobile home regulated by HUD, not building except where it hits the ground. A park model trailer is same thing, only smaller and is currently not regulated by HUD. Since considered a vehicle, it does not fit into the building code. Described as primarily for transient use, but have been used all over as permanent residence. Much conflicting discussion between James Grant, John Tuttle, Med Kopczynski, Art Guadano over whether to find a way to fit regulations for it into the code vs dictating what people can use as a home. May just be zoning issue if vehicle registered or has a HUD sticker. Chair Sherman recommends working with fire to find common answer between fire and building needs.

For consideration of the board, as presented by Med Kopczynski: What if we could avoid a lot of this amendment process by deleting Chapter 1 and rewriting it.

The next meeting is scheduled for **February 10, 2023** and is expected to be held at 33 Hazen Drive, Concord NH 03305 in the second floor conference room.

MEETING ADJOURNED at 12:08 pm

Respectfully submitted by Roxie Beall 1/23/2023