

NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD

In-person regular/public hearing meeting December 9, 2022

**Members Present:**

Philip Sherman, P.E., Chair  
Lee F. Carroll, PE, NH Board of Engineers (Electrical Engineer)  
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  
Beverly Kowalik, P.E. Mechanical Engineer  
Peter Lennon, Fire Marshal - Manchester, NH Association of Fire Chiefs  
Arthur Rose, Associated General Contractors of NH, Inc.  
Michael Soucy, NH Department of Energy  
Matthew Conley, NH Assoc of Fire Chiefs  
Jeffrey Trexler, Board of Engineers (Structural Engineer)  
John Tuttle, Vice-Chair, NH Home Builders Association  
Rob Chebook, Alternate PFGFHVAC of NH

**Absent:**

Roger Maynard, P•FGF•HVAC of NH  
Robert Wentworth (Michael Hagan Alternate), NH Building Officials Association  
David Mendzela, NH Electrical Contractors Business Ass. Alternate  
Michael Grandy, Assistant Attorney General, Counsel to the Board

**Also Present:**

Kelley Noel, Administrative Supervisor, NH State Fire Marshal's Office

**Guests:**

William McKinney  
Michael Rossi  
Chris Skoglund

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 gave a board member update; Jeffery Trexler has been reappointed for a third term. Chief Matthew Conley has been appointed by the NH Association of Fire Chiefs representing municipal fire chiefs from the Town of Amherst. The Governor's Commission on Disability is still vacant and needs to be appointed. There is a glitch in the RSA that says a member of that board is to be appointed as representative on BCRB. May want to consider changing that in future legislative cycle to allow a looser appointment. The alternate for Bureau of Electrical

Safety & Licensing is still vacant. Alternate, David Mendzela has been named by NH Electrical Contractor Business Assoc. Mike Soucy introduced new alternate, Gary Raymond for NH Dept. of Energy, Electrical Utility Inspector and licensed electrician. Rob Chebook has been appointed as the alternate to Roger Maynard for the PFGHVAC position.

The Chair opened the floor for the acceptance of the November 4, 2022 meeting minutes.

Motion to Accept November 4th Meeting Minutes with suggested correction/clarification as emailed to Chair and to Roxie: Tedd Evans

Seconded: Lee Carroll

Discussion: Changes as recommended from 12/1/22 email from Tedd Evans:

“After vote Hagan inquired whether the Food Code requires indirect drains for food washing? Evans responded that a member of the DHHS was consulted on this amendment. The current plumbing code requires that the sanitize bay be an indirect drain. The food service people advised Evans that if there are circumstances due to space shortage they do allow the sanitize bay to be used for food prep so this amendment is not inconsistent with that the food service inspectors would be allowing. The goal is to minimize issues when the wash and rinse sink bays are required to be indirectly connected with a required flow restrictor, which will cause discharge water to spill on the floor. The Amendment is going back to language in the 2009 code. During the amendment process no one could discern or recall any reason why the change was made to go to strictly indirect as opposed to direct or indirect.”

All in favor, none opposed. Abstained: John Tuttle, James Grant, Dean Sotirakopoulos.

Motion carried, minutes accepted.

## **LEGISLATIVE STATUS**

Chair Sherman states in speaking to Bill McKinney, there is no activity on the legislative front this month.

## **OLD BUSINESS**

Website status. No changes at this time although working toward having a place for the 2021 amendments, other than buried within meeting notes.

Administrative Rule Review - Mr. Grandy reported by phone this morning that there is no report on the BCRs. In the process of getting into the update cycle.

2018 amendments (8 of them, except flood which was held), submitted to legislature.

Municipal amendment review - Page 11 of package is crib sheet prepared by Chairman Sherman, William McKinney and others that list municipal amendments to the State Codes that do not require BCRB review. Only the Issuance of permits, certificates of occupancy and fees

are exempt from review. This list is being presented to Board now and will get distributed at NHBOA meeting next week. Will be posted on website eventually.

Dean Sotirakopoulos – do we have to look at requirement for licensing if they want to change it. Chairman Sherman responds that licensing is not regulated by the codes. Dean Sotirakopoulos presents a hypothetical situation: If town says a homeowner cannot obtain a permit unless licensed, will that be considered an amendment? William McKinney responds that would require an amendment to state statute. Chairman Sherman maintains that is not code issue. Mike Hagan believes that would fall under section 310 under licensing.

Med Kopczynski – Is there a parallel process that goes to a State Fire Code Advisory Board? Chairman Sherman responded that local amendments to the State Fire Code go to State Fire Marshal's office. Do local fire departments know about this new quirk? Peter Lennon indicated that fire chiefs are aware it is coming.

Tedd Evans refers to 106.4 "by whom application is made", qualification are referenced in wording. Chairman Sherman will review.

Page 12 of the meeting package is an Interim Process for reviewing amendments until technical staff support is provided through the State Fire Marshal's Office. Also, keep people in mind for filling these positions. The idea is for Chairman Sherman to review and present to Board those amendments thought to be compliant to streamline the process for Board discussion and Board decisions. Anything that cannot be worked out with the municipality will be brought to the board.

James Grant believes valuable time will be saved by following this process.

IBC/IFC References - Peter Lennon overview of comparison of IBC/IFC. Nothing needs attention from Board. They seem equally restrictive. Still need to review with FMO, hopefully by first of the year.

Mike Hagan states he would like to work with Peter on the review. He found about 5 things that were different.

Chairman Sherman clarifies that Peter was not trying to compare the codes. He was making sure where IBC says do "this" per IFC, Peter was making sure the IFC references led somewhere. Peter confirmed that there are absolutely differences in the codes and he was not reviewing that. He was finding the IFC references to be sure they were addressed in NFPA. The chair indicated he would nudge the Board of Fire Control to appoint members to the joint ad hoc committee to work on major code differences and asked that Peter Lennon and Chief Conley do likewise.

2021 Code Cycle - Page 13 of the meeting package is a tentative recommended 2021 code update schedule that Chairman Sherman put together. The standing Legislative Committee must issue report by November 1<sup>st</sup>. Working backwards from there, after speaking with Carol McGuire, create deadline of October meeting to go to committee for ratification. Chairman Sherman reviewed proposed schedule. Questioned whether Board should review the amendments prior to public hearing. After much discussion, general consensus agrees that

Board should discuss and vote which amendments to send to public hearing. There will still be opportunity to discuss other comments and revote on other amendments at public hearing.

Jeff Trexler summarizes the discussion and feels it would be appropriate for the Board to expedite the process by reviewing all of the amendments and decide which ones they want to bring forward to the public hearing. That decision will be made in the meeting prior to the public hearing. If someone in the public or on the Board objects to that, they can submit a proposal after the fact to amend the code with what they want to see on it and it can then be addressed as a separate item at that time. Art Guadano agrees this will streamline the approval process. Jim Grant asks if these items would just be included on the consent agenda. Med Kopczynski agrees intent of the committee is to make a recommendation to the legislature based on Board's professional screening of the codes. The Board was not intended to send ALL amendments to the public hearing. Purpose of the public hearing is to deal with those things the board believes should move forward.

Chairman Sherman points out that due to the administrative transition, the formal paperwork may be delayed so the Board may be working with 2018 forms that are marked up.

Chairman Sherman continues to review the tentative proposed code update schedule.

- January 2023: IBC/IEBC w/amendments, discuss & vote to send to public hearing
- February 2023: IBC/IEBC w/amendments, public hearing & vote, IECC w/amendments, discuss & vote to send to public hearing
- March 2023: IECC w/amendments, public hearing & vote, IPC/IMC/ISPSC w/amendments, discuss & vote to send to public hearing
- April 2023: IPC/IMC/ISPSC w/amendments, public hearing & vote, IRC w/amendments, discuss & vote to send to public hearing
- May 2023: IRC w/amendments, public hearing & vote, Global reference and appendix amendment, discuss & vote to send to public hearing
- June 2023: Global reference and appendix amendment, public hearing & vote
- Summer off
- September 2023: Deadline for amendments to be considered this cycle
- October 2023: Public hearing for late amendments. Send to legislative committee.

Jeff Trexler – reference document is omnibus amendment? Reference amendment will result in some past amendments not being carried forward.

Dean Sotirakopoulos asked where does electrical code fall in this? Dean thought he recalled they wanted it all in one package. William McKinney clarified that legislative asked for all the codes at once at that time to get caught up. Chairman Sherman responds that 2023 code will have 2 years to be ratified so this year's package will not include electrical code because it falls a year after the IBC series. Committee will likely be set up next month to start the review process.

Mike Hagan wanted to clarify that in January, the IBC and IEBC sub committees will be meeting to discuss those amendments. Chairman Sherman will gather amendments that will be carried over for Board. Jeff Trexler remembered that IBC & IEBC subcommittee had met and recommended amendments to be brought forward.

Mike ?? said IFC/IBC committee did not meet yet. He has found 5 differences between NFPA 101 & IBC. Chairman Sherman recommends Mike and Peter Lennon push Board of Fire Control to start meeting for those. Much discussion over discrepancies between the two and the importance of clarification and to amend the codes to match. Med Kopczynski made general statement that there were so many differences, to make them match would not be worth the effort.

Art Rose brings up need to address energy code at 2021 review. Will need game plan how to handle in 2023. Get code exempt from multi-family construction. Hoping to get AGC and developers group involved and get BCRB support.

### **NEW BUSINESS**

Appendix G committee appointment – Chairman Sherman states the Appendix G committee needs to involve BCRB, DES, zoning NHMA. Stronger committee if not as Keene heavy. Med Kopczynski and Mike Hagan both bring value to the committee. Mike Hagan suggests Med continue and Jennifer Gilbert (flood plain coordinator) participate and he could step down. Again Chairman Sherman states value to Mike's involvement. Mike Hagan suggests he has another contact at NHMA he could recommend. Potentially Jenn Cis (Sp??), of the Strafford Regional Planning Council. Chairman Sherman asks if anyone else on this Board is interested in being on the committee. John Tuttle feels NH Home Builders Association would like to be part of the discussion. Med Kopczynski thinks someone from the design aspect should be involved, perhaps Art Guadano. Consensus is that the BCRB will create the committee and invite others to participate. John Tuttle, Art Guadano and Mike Hagan will be BCRB members. Med Kopczynski will get someone from NHMA and Mike Hagan will invite Jennifer Gilbert. John Tuttle motions to make Mike Hagan the chair of the committee, Art Guadano seconds the recommendation. Mike Hagan targets April 2023 meeting with the recommendation of whether Board should adopt Appendix G.

### **OTHER BUSINESS**

RSA 155-A Revisions – Chairman Sherman recommends members read RSA 155-A and 674:51, and send comments/thoughts to himself. Nothing will be done this year but wants to start to gather thoughts on tuning it up.

### **MEETING ADJOURNED**

The next meeting is scheduled for **January 13, 2023** and is expected to be held at 33 Hazen Drive, Concord NH 03305 in the second floor conference room.

Respectfully submitted by Roxie Beall, Updated 1/10/2023