

NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD

In-person regular/public hearing meeting February 10, 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  
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)  
Robert Roy, (Tedd Evans Alternate), Mechanical Licensing Board  
Robert Wentworth (Michael Hagan Alternate), NH Building Officials Association (arrived later)

**Absent:**

Rob Chebook, Alternate PFGFHVAC of NH  
David Mendzela, Alternate NH Electrical Contractors Business Assoc.  
Gary Raymond, Alternate Department of Energy  
Christopher Bond, Chief Department of Justice

**Also Present:**

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

**Guests:**

Michael Rossi, NEEP  
William McKinney, NHBOA  
Jerry Tepe

The meeting, held in-person, was called to order at 10:00 am by the Chair. The Chair proceeded with roll call. A quorum was declared with 100% of Board present.

Board Membership Status – Chair updates that the Governor's Commission is still an open position. There is also an open paid position for Disabilities Commission as accessibility guru. Currently without staff support. Reminder to do the required 2023 NH Respect and Civility in

the Workplace Training General Edition. Roxie asks for certificates to be sent or send email showing completion of training.

Acceptance of Minutes - The Chair opened the floor for the acceptance of the January 13, 2023 meeting minutes.

Motion to Accept January 13, 2023 Meeting Minutes as is, with no corrections, made by Art Guadano. Seconded by Lee Carroll.

No discussion. All in favor, none opposed, Jeff Trexler, Peter Lennon, Roger Maynard abstained. Motion carried, minutes accepted.

### **PUBLIC HEARING IBC/IEBC REPORTS AND AMENDMENTS**

Chair opened public hearing at 10:05 am.

No public comments. No board comments.

Motion to approve IBC Report made by Art Guadano. Seconded by Mike Hagan. All in favor, unanimous. Motion carried.

IBC Amendments – Chair reviewed changes for public and board comment:

BD-21-01-23 No comments

BD-21-02-23 Tedd Evan's group may choose to open this one again in June to see if need to restrig the gas code to use the International code in addition to than NFPA 54.

BD-21-03-23 No comments

BD-21-04-23 No comments

BD-21-05-23 No comments

BD-21-06-23 No comments

BD-21-07-23 Jeff Trexler indicates we do not need this because it is in ASCE 7-16 and also includes snow load map for NH towns. Indicates CRREL document for reference. This one will require an individual vote to delete.

BD-21-08-23 - Error noted in right side column. Chair reads 2021 model code, exception 5 says, "Separate facilities shall not be required to be designated by sex where single user toilet rooms are provided in accordance with 29-02-12" (which is the table). Up until 130 people, only need 1 male, 1 female room. We don't need our amendment because the building code has it covered.

Discussion: Mike Hagan agrees this amendment is no longer needed.

Tedd Evans clarifies that amendment was also in plumbing code in an attempt to make plumbing code and building code correspond equally to the food service code. He asks if this amendment will no longer be needed in the plumbing code either? Mike Hagan clarifies the

wording is same in plumbing code and will not be needed. John Tuttle asks for confirmation that the corresponding amendment in the IPC will also be eliminated.

BD-21-09-23 No comments

BD-21-10-23 No comments

Discussion on IEBC Report – No comments

IEBC Amendments reviewed changes for public and board comment:

EX-21-01-23 No comments

EX-21-02-23 Tedd Evans responds that this one may come back later when reviewing the gas code.

Jerry Tepe points out (and may have been that way in IBC code also) that it says 2021 Energy Codes but not listed as 2021 in any others. Chair Sherman will research whether that reference is needed or not. Chair suggested we take it out and asked energy board members to review to see if it is needed. Med Kopczynski responds that it is due to the arcane language. As codes are adopted, there is a need to certify that it meets those standards to meet the federal requirements.

EX-21-03-23 No comments

EX-21-04-23 No comments

EX-21-05-23 No comments

Discussion regarding the public hearing to be open for an hour. Recommendation made to continue with business until the end of the hour.

## **LEGISLATIVE STATUS**

**HB51** – May affect municipal employees who are on the Board. No comments

**HB63** – Religious use of land structures. Bill McKinney states that it currently affects zoning and planning, but something to watch for code creep. Med Kopczynski states there is present legislation on it. Problem may come in the interpretation of the 4<sup>th</sup> item that may affect whether it leads to other things. Chair agrees that wording could lead to legal loopholes when it comes to meeting building codes.

**HB104** – Chair reviews multi-stall bathrooms concerns two competing opinions on the use of these restrooms. Bill only deals with having available both a men and women’s room. Chair states 2021 allows the use of multi-gendered rooms. During testimony, Chair reiterated writing code into law often has unintended consequences. No further comments.

**HB111** – This one regarding setting up committee to study EV charging stations in apartment buildings was voted inexpedient to legislate.

**SB137** – Chair asks for a volunteer to read 8 pages of this amendment on nano-breweries. Mike Hagan volunteers to review.

**HB173** – Chair has testified. Hopefully this one will go away since it is out of date.

**HB205** – Tedd Evans explained this bill requires testing of private wells which is not currently a requirement. Testing wells on transfer of property. He feels it will not go anywhere due to the heavy lobbying against it but one to keep an eye on.

Chair stated the IRC/IPC define potable water and require a potable water source and point to either the federal or local rules. Then there are no local/federal rules to refer to. Amherst is writing into their municipal code amendments which is one way to do it.

Art Guadano asked if this is a code issue or beyond what we do. Tedd Evans responds there are no current rules for private wells. Mike Hagan pointed out that NH does have a water testing facility nearby that can be used for private water testing. Tedd Evans reiterated that there is no consistent responsibility taken for the contamination or testing of private water sources.

Bob Wentworth said that Derry requires a water test for new home/new well that checks for 25 different contaminants.

Chair asked if the Board needs to do anything with this one since it is at the edge of the Board's perimeter? Tedd Evans responded that we should just be aware and keep an eye on it.

John Tuttle was under the impression that mortgage lenders request water testing. Tedd Evan's responded that is not always the case.

Art Rose shared that a new bill going through the house now will require well testing on property prior to subdividing being approved.

**HB331 changed to HB558** – Mike Soucy comments that it should not fall under the Board. His only question is if a community wants to become a microgrid, does the grid fall under NEC regulation? His office will keep an eye on it.

**HB564** – Chair states this is ratification bill with the hearing to be held next week.

## **OLD BUSINESS**

Website status – Chair reports some progress is being made. Still in old system but working to get new information onto old site until it transitions to new site.

Municipal amendment review – Chair reviews Amherst amendment. Looks like it is done right. Looking for a vote to review and confirm it.

Jeff Trexler made a motion that the Amherst amendment has been reviewed and the Board confirms that it complies with the statutory requirements.

Mike Hagan seconded.

All in favor. Unanimous. Mike Conley abstains. Motion carries.

NHBOA clarification – Chair reviews letter from Bill McKinney that corrects the record on the previously discussed opinion that amendments existing on 12/31/22 would sunset and need to be submitted to the board. According to the DOJ “legally adopted amendments that were adopted prior to January 1<sup>st</sup> still stand”. They do not have to bring for review and confirmation. Letter went to building officials and the municipal association to correct the record for the groups previously presented to. Dean Sotirakopoulos asked to clarify that board is not responsible for determining if amendments are legal. Chair confirms they are just to forward to the board for posting.

### Subcommittee Deadlines

Fire/Building Code review committee – April meeting

IBC Appendix G committee – March meeting

A117.1 review committee - May meeting

Fuel Gas committee – June meeting

NEC committee – to be determined

## **NEW BUSINESS**

### IECC

2021 IECC Report discussion and move to send to public hearing. No discussion.

2021 IECC amendment discussion and move to send to public hearing. Chair reminded that there are 2 sections, commercial (C) and residential (R).

EN-21-01-23(C)/ EN-21-05-23(R) – State of NH

EN-21-02-23(C)/ EN-21-06-23(R) – Says residential can apply to some of the smaller structures.

Matt Hagan conforms with RSA architects and licensing RSA 3.18.52. John Tuttle agrees it aligns. Mike Soucy points out error in column on the right in the red, should say 2021 IECC.

Discussion on EN-21-06-23 regarding whether the log structures comment is necessary. Michael Rossi cites Chapter 6 R402.1 ICC 400 2017. Decision made to remove the log structure section since that does not need to be repeated.

EN-21-03-23 – This carry over amendment deletes the section.

EN-21-04-23 – This carry over amendment deletes the section.

EN-21-07-23(C) / EN-21-08-23(R) – Amendments that just approved 2018, carries over to 2021. Applies provisions for alterations to change the occupancy.

EN-21-09-23(C) / EN-21-10-23(R) - Reference codes

Jeff Trexler comments that amendment 10 does reference the energy code in R108.1.8 Energy section. Discussion ensues whether 2021 should be removed from the section. It is noted that this section is not included on the commercial amendment. Med Kopczynski asked if the commercial and residential could be made to reflect the same wording. Decision made to remove all wording prior to “references” in that paragraph to remove redundancy and 2021 date.

Open discussion on energy code.

Art Rose asked if energy code will be reviewed for potential cost to amend things out. Chair stated that committee went through the code, reviewing major changes and made recommendations on amendments. Chair reminded board this is the time to discuss whether we want to recommend others before public hearing next meeting.

Art Rose reminds Board of his concerns that some items in 2021 code result in additional cost to construction. For multi-family homes, these costs will be passed on to the owner/contractor which may ultimately stall the project. He would like to review energy code specifically for cost.

Much Board discussion on first costs vs operational costs vs long-term/societal costs. Med Kopczynski stated he wants to hear and expects to hear a lot of public input based on his circulation of the report around the state. Med Kopczynski also stated his concern of municipalities, particularly larger ones adopting the 2021 ahead of the State which will mean multiple codes at play. Art Rose suggests perhaps not adopting a newer energy code so costs will not be the issue. Art Guadano asked long-term benefits be considered also. James Grant agrees the long-term energy conservation savings must be also considered. Ultimately, Mike Hagan recommended that Art Rose prices out his costs and make amendment recommendations based on what he determines. Chair agrees that we want more public input at this point rather than later as it goes to legislation.

Chair reviewed schedule, reminder that June is a flex month, and prefers to push public hearing out another month to allow time for pricing, amendments and spread the word for public hearing. Board agrees no public hearing next month.

#### Public Hearing

Jeff Trexler made motion to close the public hearing. Robert Wentworth seconded. No discussion. All in favor. Unanimous. Public hearing closed.

#### IBC vote

Jeff Trexler made motion to adopt 2021 IBC model code. John Tuttle seconded. No discussion. All in favor. Unanimous. Motion carried.

Jeff Trexler made motion to recommend adoption of exhibits IBC 01-06, 09-10. Art Guadano seconded. No discussion. All in favor. Unanimous. Motion carried.

Jeff Trexler made motion to reject the adoption of exhibits IBC 07 & 08. Art Guadano seconded. No discussion. All in favor. Unanimous. Motion carried.

#### IEBC vote

Jeff Trexler made a motion to accept the 2021 IEBC report. Lee Carroll seconded. No discussion. All in favor. Unanimous. Motion carried.

Jeff Trexler made a motion to recommend the adoption of the 2021 IEBC model code. Art Guadano seconded. No discussion. All in favor. Unanimous. Motion carried.

John Tuttle asked about the adoption of a model code without a public hearing. Much discussion.

Jeff Trexler made a motion to recommend adoption of 2021 IEBC exhibits 01-05, as corrected. Art Guadano seconded. No discussion. All in favor. Unanimous. Motion carried.

Dean Sotirakopoulos recommended public hearing for model code for next meeting.

John Tuttle made a motion to hold a public hearing for the recommendation to adopt the 2021 IBC & IEBC. Peter Lennon seconded. No discussion. All in favor. Unanimous. Motion carried.

#### **OTHER BUSINESS**

Bill McKinney, chair ICC Region 6, stated ICC 2024 international energy conservation has moved from a code adoption process to a standard adoption process. Many amendments that will impact construction. Eg. Solar ready, EV charging, 100% electrified homes. Will be sending out information on amendments coming out from special interest groups.

#### **MEETING ADJOURNED**

The next meeting is scheduled for **March 10, 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, 2/15/2023