

Draft – MINUTES

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NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD

In-person regular/public hearing meeting March 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
Matt Mayberry, NH Home Builders
Chris Skaglund, CENH

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 Sherman provided an update on the Governor’s Commission for Disability position. Kate Richardson is proposed as the board member, and Jerry Tepe proposed as an alternate. Ms. Richardson is expected to be nominated by the GCD at their May meeting, then appointed by the Commissioner of Safety. Mr. Tepe would be appointed by the GCD at their May meeting. It is critical to have input from the GCD during the review of A117.1.

2023 NH Respect and Civility in the Workplace Training General Edition – Chair Sherman reminded Board members to complete the required training and submit certificate to Roxie.

RSA 15-A Forms – Chair Sherman reminded Board members to complete the required disclosure form, if not yet done.

Chair Sherman states it is required for participation on the Board and asked Roxie to compile a list of who may still be missing the training or form and send a friendly reminder to any that are missing.

Acceptance of Minutes - Motion to accept February 10, 2023 meeting minutes made by Mike Hagan, seconded by Art Guadano.

No discussion. All in favor, none opposed, none abstained. Motion carried, minutes accepted.

PUBLIC HEARING IBC/IEBC MODEL CODES

Chair opened public hearing at 10:06 am.

No public comments. No board comments.

LEGISLATIVE STATUS – Chair Sherman reviewed the status for the following:

HB2 – proposes to tinker with electricians licensing and apprentices’ requirements, and repeal licensing for natural scientists, which includes soil and wetland scientists. Chair submitted letter to remove that part because IRC & IBC requires the services of soil scientists for wetlands and floodplains.

HB51 – Of interest to municipal employees. Inexpedient to legislate.

HB63 – Religious use of land and structures. Inexpedient to legislate.

HB104 – Multi-stall bathroom – Due out of committee on the 16th.

HB111 – Committee to study electric vehicles - Passed to form a committee

HB173 – Toilet facilities by restaurants. Due out of committee on the 16th.

HB205 – Testing of private wells - Due out of committee on the 16th.

HB558 – Micro-grids - Due out of committee on the 16th. Mike Soucy said it has been put on hold for more research.

HB564 – Amendment that Fire Marshal’s Office (FMO) added moved the fire code date for ratification. Part of the amendment adds the position of a fire protection engineer to the Board of Fire Control. Chair suggested that Board may want to consider for amending RSA 155-A. May want to suggest changing one of the existing positions to include fire protection engineer.

HB477 – Peter Lennon states this bill is relative to municipal inspections in owner occupied units in multi-unit buildings. In 4 units or below, municipals will be unable to inspect. It was supposed to die but it passed the house last night. Chair Sherman made remark that we will need to catch it in the Senate. Peter Lennon stated that he is unsure of the changes in the language used in bill.

SB137 – Mike Hagan states he reviewed. This one can be taken off the list. It deals with licensing only, nothing in the building code, and will not affect the Board.

Tedd Evans – Asked what was going on with OPLC. Provisions that allow some of the licensed trades to come over the border without having a NH license.

Dean Sotirakopoulos explained that OPLC will eliminate the number of Boards to standardize oversight to all licenses. Paragraph that allows OPLC to issue a license to anyone licensed out of another state, which may include reciprocal and grandfathered licenses. Applies to every license under OPLC. It may also allow penalty fees and a fee for hearings.

Tedd Evans – There is no reciprocity for NH trades to go into another state.

Art Guadano – Board of Architects is concerned about people practicing without a license.

Dean Sotirakopoulos – Taking a lot from 319C away from electricians to put into OPLC. Board has no control over the hearing.

OLD BUSINESS

Website status – Chair reported there has been some movement on the website with thanks to FMO. All of 2018 amendments for IBC, IEBC, NEC have been added. 2021 to be added as Board goes through the process.

Administrative Rule Review, BCR100, BCR200 – Chair reported that Michael Grandy has been replaced by Christopher Bond as legislative council. Christopher Bond was not aware of BCR100 or BCR200. No update available currently.

Municipal amendment review – Chair reported no new municipal amendments have been received. Amherst has been the only one. It has been reviewed, once passed at town meeting, then we will post on website. No further actions needed at this time.

Subcommittee Deadlines

Fire/Building Code review committee – Originally scheduled for April meeting – Peter Lennon noted that more will be known after Board of Fire Control meeting on Wednesday. Chair Sherman suggested extending the deadline to May 1st. Peter Lennon states that windows and solar installations are probably the main things they wish to address. Mike Hagan stated that there is a list of items for the committee to address. Though the number of items to be addressed was not established, there was an agreement that the list of items would be reviewed by the committee to establish the top priorities.

IBC Appendix G committee – Committee wishes to re-establish that schedule. Mike Hagan states that after reviewing land use and administrative requirements, more time to review will be required. Committee may recommend adopting as amended or to not adopt at all. Mike Hagan proposed extending to June meeting.

A117.1 Review committee – Good for May meeting

IFGC - Fuel Gas committee – Tedd Evans agreed they are good for June meeting.

NEC committee – no deadlines this cycle

Park Model Trailers – Chair Sherman stated he has started discussions with Fire Marshal Toomey and his people.

Discussion on 2021 Energy Code

Chair Sherman invited an informal discussion on the energy code. Med Kopczynski reported that based on his preliminary conversations with individual committee members to discuss options, he felt the recommendation will likely be to adopt the 2021 code with some amendments. Committee to meet prior to April meeting to propose amendments to the board at the May meeting for a public hearing at the May meeting.

Art Rose stated he supports Med's statement. John Tuttle also stated the NH Homebuilders will support. He stated it is also rooted in history that it would be adopted with certain amendments. Art Guadano also agreed that the architects will support the adoption of 2021 with amendments unknown at this time.

Chair Sherman asked if board members have heard of any Real Estate interest? He shared concerns about opposition once it goes to legislature. Med Kopczynski said he can have that discussion with a realtor he knows that is about to become the President of the Real Estate Association. He is aware of recent movements to put into the real estate industry an energy efficiency calculation when you register property for sale that advises the buyer how energy efficient that house might be.

Chris Skoglund stated he works with a group that contains real estate agents interested in this. Change in interest rates, may see clean energy becoming an asset to realtors again.

Chair Sherman asked for input on towns that are adopting the latest codes, prior to the state adopting them. Does the Board want to try to change this at the RSA level?

Much discussion which included: Whether or not receiving funds for weatherization requires the adoption of the latest published code, whether or not individual towns having the option to adopt a stricter code is a pro or con, whether 2 year delay should be kept or challenged. Several Board members agree that having a standard code as a baseline is preferred. Art Rose is the only one who stated that he would vote to change the RSA so that individual towns cannot adopt the latest code if the state hasn't. There did not seem to be a consensus. No decision or action taken at this time.

NEW BUSINESS

IPC/IMC/IPSPSC model codes, report and amendments – Chair Sherman reviewed meeting package

Reviewed Deleted 2018 Amendments – Not being carried forward:

ME-18-02-21 – Referencing the fire code. Covered at the beginning so not needed. (pg. 13)

ME-18-04-21 – Deleted the entire section in the new model code. (pg. 15)

ME-18-10-21 – Duplicate. Remove. Covered in Chapter 10. (pg. 17)

PL-18-02-21 – Picked up in referenced standard amendment. (pg. 19)

PL-18-04-21 – Picked up in broad amendment to the whole chapter. (pg. 21)

PL-18-08-21 – Goes away with the RSA change. If RSA doesn't get changed, we may need to put it back in. (pg. 23)

PL-18-15-21 – Picked up in general amendment (pg. 25)

SP-18-03-21 - Picked up in a broader amendment (pg. 26)

SP-18-04-21 – Picked up in a broader amendment (pg. 27)

Reviewed Proposed Amendments:

ME-21-01-23 – State of NH (pg. 29)

ME-21-02-23 – Model code changed – wording fees are per municipality (pg. 31)

ME-21-03-23 – Carry over (pg. 33)

ME-21-04-23 – Format of Chapter 1 changed so this puts it in the format of 2021 code (pg. 35)

ME-21-05-23 – Fixes the address (pg. 37)

ME-21-06-23 – Adds language on testing and balancing in the mechanical code (pg. 39)

ME-21-07-23 – Formatted differently but same language (pg. 42)

ME-21-08-23 – This is the one that replaces ME-18-10-21 (pg. 45)

ME-21-09-23 – Definitions (pg. 47)

ME-21-10-23 – Reference standard, add in codes referenced (pg. 49)

PL-21-01-23 – State of NH (pg. 53)

PL-21-02-23 – Fee Schedules (pg. 55)

PL-21-03-23 – Violation Penalties carry over (pg. 57)

PL-21-04-23 – Same as mechanical (pg. 59)

PL-21-05-23 – Sewer depth, section reformatted (pg. 61)

PL-21-06-23 – Plastic pans on electric hot water heaters (pg. 63)

PL-21-07-23 – Purple primer removed (pg. 65)

PL-21-08-23 – Roof extension (pg. 67)

PL-21-09-23 – Pulled references to one spot, combined 2 other amendments (pg. 69)

PL-21-10-23 – Came out of the grease trap discussion. Carries over to 2021 (pg. 71)

PL-21-11-23 – Came out of the grease trap discussion. Carries over to 2021 (pg. 73)

PL-21-12-23 – Came out of the grease trap discussion. Carries over to 2021 (pg. 75)

PL-21-13-23 – New amendment discovered by trade code review committee. Brings intent of the residential code provision for vacuum testing plastic pipe into the IPC. (pg. 77). Tedd Evans discussed controversial sentence in the code that says that plastic piping cannot be tested with air, which only left a water test which can be difficult in renovation work and in wintertime. The IRC came up with a vacuum test that can be done. It shows up in the IRC but not the IPC until 2024. Proposal to use the same 2024 language to adopt as an amendment that will go away in 2024. Art Guadano asked reason that plastic pipe could not be tested with air. Tedd Evans responded that it tends to explode and scatter shards that can harm people.

PL-21-14-23 – Reference standard, add in codes referenced (pg. 79)

SP-21-01-23 – State of NH (pg. 83)

SP-21-02-23 – Refer to DES for swimming pools. Direct carry over. (pg. 85)

SP-21-03-23 – Direct carry over (pg. 87)

SP-21-04-23 – Direct carry over (pg. 89)

SP-21-05-23 – Reference standard, add in codes referenced (pg. 91)

Mike Hagan made motion to move the 3 model codes, IPC/IMC/IPSPSC forward for public hearing as discussed. John Tuttle seconded. No discussion. All in favor. Unanimous. Motion carried.

Mike Hagan made motion to move the proposed amendments for IPC/IMC/IPSPSC forward for public hearing as discussed. John Tuttle seconded. No discussion. All in favor. Unanimous. Motion carried.

Public Hearing

Art Guadano made motion to close the public hearing on the IBC/IEBC model codes. Tedd Evans seconded. No discussion. All in favor. Unanimous. Public hearing closed.

Jeff Trexler made motion to recommend adoption of the IBC/IEBC model codes. Mike Hagan seconded. No discussion. All in favor. Unanimous. Motion carried.

OTHER BUSINESS

Dean Sotirakopoulos clarified that HB655 is the one that deals with OPLC licensing as previously discussed, 75 pages.

After much discussion, consensus is that though it is a concern to many, licensing issues do not fall within the purview of this Board. Most individuals verbalized the opinion that the individual trade Boards should, however, get involved.

No motion made. No action taken.

MEETING ADJOURNED

The next meeting is scheduled for **April 14, 2023 at 10:00 am** and is expected to be held at 33 Hazen Drive, Concord NH 03305 in the second floor conference room.

Meeting adjourned at 11:40 am.

Respectfully submitted by Roxie Beall, 3/17/2023