**Technical Building Code Board Meeting Minutes**

**5/22/2014**

**Florian Hall Conference Room – 9:00 a.m.**

**Dept of Public Safety – Augusta**

**BOARD MEMBERS PRESENT**: Roger Rossignol, Jeff Ohler, Marc Veilleux, Dick Lambert, Mike Pullen, Eric Dube and Steve Wintle

**Excused**: Barry Chase, Russ Martin and Dick Tarr

**Staff present**: Rich McCarthy and Secretary Kathy Chamberlain-Robitaille

**REVIEW OF THE 3/27/14 MINUTES**

**Motion**: Mike Pullen motioned to accept minutes as amended with one change

**Seconded**: Marc Veilleux

**Unanimous vote**

**FINANCIAL UPDATE - Rich**

As of this date, there is $263, 697.00 in the building codes surcharge account.

**CHAIR REPORT and LEGISLATIVE UPDATE – RICH MCCARTHY**

There wasn’t much in the Legislative Session this year in terms of Building Codes and related bills. Next session in January 2015 will be a full session, so it’s possible there will be bills submitted on MUBEC. Rich sent a memo to the Governor’s Office regarding Shiloh’s vacant board position as well as Dick Lambert, who hasn’t been renewed yet. We also presented a plaque to Paul Becker at the combined IBC & Fire/Life Safety TAG. There’s a MBOIA Conference this weekend, which will be a good mix of code enforcement folks and fire personnel.

Rulemaking for DECD – one person showed up for the hearing. The rules that the Training Committee approved and changes for CEO certification will be submitted.

New 2015 Code CDs passed out to board members. If Board members are willing to give their email addresses, 2015 will be emailed via a PDF in June form ICC. \*All in unanimous vote for Kathy to give ICC their email address so they can also receive the 2015 code electronically.

LCRED Committee – Rich will send a letter to the new LCRED once they are established. Our last LCRED letter was sent near the end of the session, no comments received.

**IBC & FIRE/LIFE SAFETY TAG RECOMMENDATIONS**

Minutes from the TAG meeting held on 5/1/14 were presented to the Board. The conflict discussed was between 2009 IBC Chp 9, Section 907.2.1/907.2.1.1 and the 2009 NFPA 101 Chp 12, Section 12.3.4.1/12.3.4.3.3. The IBC allows for a fire alarm system for Group A occupancies of 300 or more. It does not require emergency voice/alarm communications until that occupant load reaches 1000 or more. NFPA requires a fire alarm system in Assembly occupancies of 300 or more, as does IBC section 907, however NFPA 101 requires emergency/alarm communications at the 300 or more occupant level. The difference between 300 and 1000 is a substantial figure and provides a conflict when specifying a fire alarm system for a building.

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The TAG utilized the “Decision Tree” and took two votes #1. To adopt the more restrictive (NFPA) with a voice evacuation system required at 300 occupancy, accumulatively on assembly uses and therefore, to modify the IBC language. Vote #2 To address the differences in occupancy numbers by “clarifying the NFPA to state whenever there are 1000 occupants, the system has to be generator backed.

**Motion**: Roger Rossignol motioned to accept the TAG’s recommendations that were done by utilizing the “decision tree” to achieve the results.

**Seconded** by Dick Lambert

**Unanimous Vote**. Both “Decision Trees” from the TAG meeting were reviewed.

**DISCUSSION/INTERPRETATION ON RETAINING WALLS – Rich McCarthy**

Rich received an Interpretation Request from Heather McNally, Code Enforcement Officer for the town of Windham in reference to the following: “A rock wall constructed of natural rocks from the property, with 2 tiers with 3’ separation between the 2 tiers. The total height is 15” and the structure if 15’ from a residential structure that was recently permitted. The rock wall was constructed at the time the foundation was installed and picked up at the backfill inspection. Her interpretation is that it needs a permit as it is more than 4’ in height and contains a surcharge. She had also requested engineering information for the construction detail in order for them to obtain the permit.”

She wanted to know if her interpretation is correct?

Eric Dube, board member advised the board in full disclosure that he recuses himself from this as he was hired by the contractor directly on this project. He can give an opinion however. He has discussed this with Ms. McNally already.

Ms. McNally also contacted Jeff Walker at ICC and obtained an interpretation from him on the retaining wall issue (2009 IRC R403.1.7). Mr. Walker felt that “this is indeed a retaining wall, well over 6’ high with 2 tiers.” Therefore this is not exempt from permitting as determined by the local jurisdiction in accordance with Section R105.2 of the 2009 IRC. The requirements for this are performance-based; Section 1610 of the IBC addresses soil lateral loads for a retaining wall. Ultimately, because this is made of stone, an engineer would have to determine if the feature will withstand the surcharge and general soil loading. It would have been best determined during construction of the feature, which unfortunately didn’t happen. It appears that there is nothing which ties these stones together which would be of concern as to the continuity of the wall.”

Ms. McNally advised that initially there were no permits issued. The Builder was contacted and advised that they would need a permit. It didn’t happen and no one knows how that wall was built. The family is now looking for an occupancy permit. The retaining wall will be about 5’ from the finished deck. If a retaining wall is 4’ in height and contains surcharge, it would need a permit and supporting documents.

Roy Moore, Windham Councilman addressed the board. He pointed out that rock walls exist in Maine and he isn’t sure that permits for Maine should be required for all rock walls. It is more an erosion control device more than just a rock wall? A definition perhaps needed? It doesn’t require a structural engineer, only an engineer and only then if there’s a question of safety for humans and/or animals. There is a confusion between the IBC and Life Safety codes, one speaks of getting a professional engineer, not a structural engineer. We should be examining the soil not the wall as to erosion control measures based on the soil conditions. This isn’t habitable space or a retaining wall, so code doesn’t apply and it should fall under Land Use. This would allow the municipality to adopt ordinances as to best practices on how to build these.

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The Board cannot issue an official interpretation today, only an advisory opinion, because the town has not had an appeals board hearing. Mike Pullen board member, advised that he thinks Jeff Walker’s interpretation is correct, that this IS a retaining wall, not just a rock wall; containing 15’ of earth. If it failed, it could affect the structure near to it.

Jeff Ohler board member, advised that it is not uncommon to call in an engineer after the fact, to look at this type of thing. The key to this is the soil site which can be determined. This is a retaining wall and should fit the definition and safety issue.

Stephen Wintle board member, advised that surface drainage is a big part of energy conservation and safety. He didn’t see any drainage in this picture of the wall.

Roger Rossignol, board member said that the key to this is what is the soil condition? Bring in a geotech to analyze the soils. It IS a retaining wall he thinks.

Dick Lambert board member advised that the design of this is definitely to hold surcharge away from the property. He thinks the code does address it – it needs a permit and proper design. The code says round rocks can’t be used, but many are seen in these photos.

Eric Dube board member, thinks that this IS a retaining wall. The biggest factor here is drainage. If you have a solid concrete wall, it will get frost buildup etc. With the tiered walls, you have the second tier step back from the first wall. Rock walls work because they have spaces where water can go through and not build up. The problem is that Ms. McNally needs an engineered stamp of approval. Because the wall was built without anyone knowing, an engineer can’t give a stamp in all due diligence.

Rich McCarthy board chair inquired…if a wall is at 90 degrees or stacking stone at a 15 degree slant, when does it become a retaining wall?

**Consensus of board – straw poll**

This is a retaining wall and needs a permit as prescribed by code?

6 yes and 1 no

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

Question: are there definitions between soil rip-rap and retaining walls? Rich had a good talk with some members of ICC about code. They have offered to license training through us. We can create our own package of training and they would license us and provide the content.

**PUBLIC COMMENTS**

Terryann Holden from DECD (code enforcement officer training), advised that tomorrow is the end of public comment on rulemaking on the proposed changes to CEO training.

State Representative Tom Tyler advised us to get our LCRED letter in, in January. He advised that bills start piling up by February 1st. The Chairs of the legislative committees are announced by the end of December.

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**Next meeting date**: Kathy will poll the board members for availability for either August 14th or August 21st.

Adjourned at 10:40 a.m.

Respectfully submitted,

Kathy Robitaille, Secretary