**Technical Building Code Board Meeting Minutes**

**10/9/2014**

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

**Dept of Public Safety – Augusta**

**BOARD MEMBERS PRESENT**: Roger Rossignol, Russ Martin, Marc Veilleux, Dick Lambert, Mike Pullen, Eric Dube, Barry Chase, Dick Tarr and Stephen Wintle

**Excused**: Jeff Ohler and Bob Ellis

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

**REVIEW OF THE 5/22/14 MINUTES**

**Motion**: Mike Pullen motioned to accept minutes

**Seconded**: Dick Lambert

**Unanimous vote with 3 abstentions**

Rich advised re: our May meeting minutes and the Request for Interpretation on Retaining Walls, filed by the Windham CEO, Heather McNally, that the town has now passed an ordinance which changes their appeal process. Now if there’s an appeal, it goes to the town manager.

**FINANCIAL UPDATE - Rich**

As of this date, there is $278,850.59 in the building codes surcharge account. Checking with various board members who reported that projects are very busy in both the construction and design areas in the state. It’s a much better outlook than in the near past. The biggest project the Fire Marshal’s Office has right now is the nine story tower construction at Eastern Maine Medical Center, while the existing hospital is in operation!

**LEGISLATIVE UPDATE – RICH MCCARTHY**

Legislative Report – copies of our updated Rules (Chapter 1-6) that were submitted for Rule-making and are on the last step of that process, were passed out to the board members today. The City of Bath is not allowing the live/work locations to do it without putting a sprinkler in, because our proposed changes in the Rule-Making have not been finalized. Until they are, Bath will require a sprinkler though the Board voted months ago, that that would not be necessary. Rich advised there would be two sets of Rule-Makings - #1 of the Chapters 1-6 from the Board and #2 the adoption of the 2015 codes. Between the 2012 IBC and NFPA, on the separation chart, NFPA changed their charts to match ours. \*\*Sprinklers will once again be looked at by the board, who has to decide what they would like to do (given that currently they are not required in new residential construction by state code). \*\*The Board will need to discuss the versions of standards to be considered for adoption for ASHRAE and Radon. The Maine Statute on Radon (Title 25, Section 2466) has been deleted so there is nothing there for guidelines. It was deleted on the Maine State Statutes website in December 2013. We reached out to Bob Stilwell, Radon Leader at DHHS this week about which standard he would prefer going forward in this process. Currently 2006 is in place, but there is the 2008, 2013 and now the 2013A. Rich has requested copies for the Board of the 2013A.

\*\*Suggestion to ask Bob Stilwell to the next meeting to discuss this.

Legislature – there probably won’t be anything happening until after the elections in November. Then the new LCRED Committee will be established. We will submit the LCRED report at the first of their session in January, as suggested. Rich will prepare that report.

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**BOARD CHAIR REPORT – RICH MCCARTHY**

There will be some code trainings coming up, coordinated between the FMO, DECD and MBOIA. MBOIA will get a free day of training from the ICC. The IBC and IRC training will be held 12/1 – 12/5/14 which will be a basic class, as required to be offered annually to Code Enforcement Officers. It will be held in Brewer and Portland. An advanced class will be held in Augusta. It will be open to CEO’s as well as others i.e. designers, contractors, etc. Energy and Ventilation Class will be offered in Augusta as well. Dick Lambert advised that the Eastern States Officials Conference will be in March in Portsmouth, NH. The ICC is coming up to do a class that will cover the 2009 codes and the changes in the 2015 codes. Apparently many did not adopt the 2012, but went as we are planning, from 2009 to the 2015, so there is a big demand to have a class on what the changes are between the two. Board members would be interested in attending this.

**ADOPTION OF THE 2015 CODES – RICH MCCARTHY**

**Review of Chapter 1: Administrative Procedures**

Changes noted of adding in or separating MUBC and MUEC from MUBEC.

Brianne Hasty, present, was asked how many towns under 4,000 in population have adopted code and she advised maybe 100 or so. She will send that list of town over to the Building Codes office.

Carl Chretien, present, (a builder and TAG member), advised that the AG’s office has contracts for contractors, that states all of the state has building code and all contractors must build to it.

\*Rich will look into this.

**Chap 1, Sec 6** – \*Rich will change that to 2015 and the “in effect” date as well.

During this Rule-making, it would be under the Board’s purview to add it in to make the Standards previously adopted, as mandatory, instead of advisory as they have been since 2010 when it was all adopted. \*Agreement from the board to do this.

**Sec. 16** – Native Lumber. Questions now on moisture content of this lumber…..the way it is stated currently is a little conflicting. \*Language should be updated and warrants further discussion by the Board. \*Carl Chretien advised to also look at the energy code in ref to the moisture content.

The 2015 code requires 20% higher energy efficiency to the point of now installing air barriers ???? in all new homes.

**Review of Chapter 2 – Third Party Inspectors**

\*Referring back to pg 3 in Chp 1, as a possible change in “E” to delete “or more” as it was meant to mean in the first adoption and to avoid confusion.

**Review of Chapter 3 – IBC (Commercial Building Code)**

Adding in the International Mechanical Code would be a statutory change – we could advise LCRED to take a look at that. Mechanical Engineers would appreciate it being adopted, but some other codes would be affected i.e. Solid Fuel Board codes, etc.

\*Rich advised that we had removed elevators from Chapter 3, but the elevator folks do refer to the IBC so we need to look at that.

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**Chapt 3 review continued….**

Rich is currently comparing NFPA 101 to the IBC 2012 for changes/conflicts. The biggest change he has found so far is to install carbon monoxide detectors that need to be hard-wired, in new construction. Rich also advised there is more of a definition on unoccupied mechanical spaces and on stairs.

**Review of Chapter 4 – IEBC (Existing Buildings)**

In new code - some changes in definitions and in structural damage.

**Review of Chapter 5 – IRC (Residential for One and Two Family Dwellings)**

\*Sec. 5 #21 – it IS in the 2015 code, so it can be deleted from this chapter.

\*Carl Chretien suggested to add back in Chapter 11 (Energy) to the IRC. Dept of Energy supposedly has been told to only be an advisory to the states, not offering more oversight.

\*Dick Lambert said he would like to see us put Swimming Pools back in the Rules. It’s better code than any town codes we have right now.

2012 shows new changes on structural issues, wall bracing, safety glazing, sprinklers, window fall protection and carbon monoxide detectors are required, not an option and finally, some changes on energy efficiency. \*Steve Wintle and Russ Martin to take a look at this and advise the Board about Chapter 11 (Energy) whether it’s good or bad to add that back in or not.

**Review of Chapter 6 – IECC (Energy Code)**

There is nothing for changes. Legislature changed our original code for basement insulation, and repealed it back to the 2006 code requirements, so it was done in statute and we can’t change it.

**Standards Updates**

ASHRAE – 90.1 and the IECC – Russ Martin advised that 90.1 is an option (standard) but you have to use all of it if you are going to go by it. However, if you follow the IECC, you can’t use 90.1 for mechanical systems standards i.e. pipe insulation – big discrepancy there. Does the Board want to change the language? CEOs probably use one or the other. Architects generally use IECC where mechanical engineers probably use ASHRAE 90.1

\*Clarification needed between IECC 106.2 and Chap 5 Commercial Energy 501.1 Scope.

**UNFINISHED BUSINESS**

None.

**REQUEST FOR INTERPRETATION ON OCCUPANCY LOAD IN HOTEL ROOM – Rich M**

King Weinstein, New Heritage Builders Inc of Old Orchard Beach submitted this request.

“The Wells official has interpreted occupancy load to be a maximum number of people in the specific occupany as shown on the chart (IBC - Table 1004.1.1) as an enforcement mechanism. Per ICC interpretation (which was attached), from the consulting architect, this is a completely wrong use of that section of the Code and does not limit the occupancy of an office or motel/hotel room.”

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From Michael Giachetti, PE at ICC was the following interpretation: “Table 1004.1.1 establishes occupant densities based on the function or actual use of the space, not the group classification. The table presents the maximum floor area allowance per occupant based on studies and counts of the number of occupants in typical buildings. The use of Table 1004.1.1 then results in the minimum occupant load for which rooms and spaces in the building must be designed. Table 1004.1.1 presents a method of determining the absolute base minimum occupant load of a space that the means of egress is to accommodate. The occupant load is permitted to be larger than the number established by Table 1004.1.1 provided that all other requirements of the code are also met on the larger number. In this example of a 1200 sq ft dwelling unit, a maximum floor area allowance of 200 gross sq. ft per occupant is to be utilized which results in a minimum occupant load of 6 people. The table establishes a maximum floor area allowance of 200 gross sq. ft. A value of less than 200 sq ft per occupant can be utilized, but the rate cannot be greater than 200 sq ft. per occupant.”

Board discussion ensued – if the town hasn’t adopted the 2012 International Property Management Code which does contain requirements for overcrowding as well as bedroom and living room requirements, then they can’t use it. The board felt that the ICC code opinion was spot on, the minimum is for exiting and they do not disagree with the ICC interpretation.

**Motion**: by Mike Pullen to use the document from ICC that determines the minimum load

**Seconded**: by Marc Veilleux

**Unanimous Vote**

**NEW BUSINESS**

Mike Pullen is looking for folks to serve on a Sub-Committee to work with the Historic Preservation, GrowSmart and Maine Downtown on looking at second floor or upper level developments in downtown areas. \*Richard McCarthy, Marc Veilleux and Mike Pullen will serve.

**PUBLIC COMMENTS**

None.

**Next meeting date**: December 4, 2014 at 9:00 a.m.

Adjourned at 11:20 a.m.

Respectfully submitted,

Kathy Robitaille, Secretary