

Technical Codes and Standards Board Meeting Minutes
Department of Public Safety, Office of State Fire Marshal (via Zoom)
August 18, 2022, 9:00 a.m.

Board Members Present:

Marc Veilleux,
representing the State Fire
Marshal's Office

Mark Stambach, CEO representing a
Municipality that is not a Service Center
Community

Tom Lister, CEO representing a
Municipality that is a Service Center
Community

Carl Chretien, representing
Residential Builders

Randy Poulton, representing Commercial
Builders

David Matero, representing Maine
Chapter of the American Institute of
Architects

Eric Dube, representing
Structural Engineers

Mike Pullen, representing the Maine
Historic Preservation Commission

Kim Cheslak, Energy Efficiency
Representative

Steve Martel, Mechanical
Engineer

Jay Horr, Lumber Material Dealer

Michael Stoddard, Representing
Efficiency Maine (joined via phone at
9:23AM)

Staff Present: Paul Demers, Shannon Quintal, Rich McCarthy

1. Call to Order – Determination of Quorum

Meeting started at 9:04 AM. Quorum confirmed.
Introduction of board members.

2. Approval of Agenda

Motion to accept the agenda.
Motion by Carl Chretien, Second by Mike Pullen
10 in favor, 0 opposed

Randy Poulton requested the meeting link be sent the day before the meeting.

3. Review of June 16, 2022 Minutes

Motion to accept minutes as prepared.
Motion by Mike Pullen, second by Carl Chretien
10 in favor, 0 opposed

Review of May 19, 2022 Minutes revision

Reviewed document created by Paul Demers containing the revised section (#5) of the minutes, LD2003 text section referenced (draft and final version), and some existing codes relative to size minimums and maximums.

Motion to amend minutes by striking last sentence in item 5.

Motion by Randy Poulton, second by David Matero
8 in favor, 0 opposed, Mark Stambach and Tom Lister abstained.

Randy Poulton suggested there needs to be a definition of “Accessory Dwelling Unit.” With some concerns over conflicts that may arise in the future, Richard McCarthy suggested the Board can have a prepared discussion on LD2003 and ADUs at the next meeting on sections of concern.

4. Report from Board Chair

With discussion last meeting on Board expiration dates, Rich McCarthy reviewed all start and end dates of the seat appointment terms. Richard McCarthy will double check on Mike Pullen's current term being from June 2022 to October 2022.

Financial Update: \$810,068

5. Legislative Update – No update

6. Staff Report - Training Update

- LPI training events (new LPI and updates) - Brent Lawson and Mike Day had another LPI training since last meeting and continue getting calls on interest from new LPIs.
- Land Use training – Exam responses on the Land Use exam indicated a need for Subdivision Law training. Durward Parkinson provided a 2-hour webinar, that was recorded and is in Training Library. Results from the exam retakes had 8 out of 10 pass the exam. Scheduled for October 11 is a Part 2 - another 2-hour webinar, on examples and solutions to issues that occur, and is part of the BRIC Grant training.
- IECC 2015 Road Tour – Paul Demers was invited as speaker to the PassivHaus series to give an overview, did 3 out of 4 events, and Randy Poulton did the last one in Bangor.
- BRIC program – Dick Lambert is kicking off the training with “Code Officer 101.” Speakers from all over are filling voids to create content for the training library.

7. Unfinished Business

- Seasonal definition– Kim Cheslak proposed taking it back to the TAG once more as there is strong support from the TAG to work on the definition. Eric Dube suggested the need to define a beginning and a process to get there. Randy Poulton, David Matero, Tom Lister, and Mark Stambach have provided input on the rewrite in addition to Kim Cheslak's drafts. In order to move past the definition, Richard McCarthy has asked that a draft be prepared for vote at next meeting, an email can go out to TAG members to get input. Paul Demers will gather all the responses and send to the Board for review.
- Chapter 5 review – Life Safety TAG meeting was held on 8/15/22 discussing the issue of residential sprinklers. Marc Veilleux provided that the meeting consisted of discussion on cost, installation methods, water supply, and some input from non-TAG members that have a sprinkler ordinance, and the meeting provided a lot of support, questions, and input. Marc Veilleux provided to the Board responses from the Maine Chiefs along with some other letters of support and one of nonsupport.

The major concerns around this discussion are cost, labor shortages of available plumbers that can do the work, fire departments that have growing response times, and firefighter PTSD issues. There needs to be answers and resources if sprinklers in one- and two-family dwellings is kept in the code. David Matero suggested a phased approach. The Board opened up a lengthy public comment period – numerous concerns brought forth on timing, costs, impact to young families, and affordable housing issues. Eric Dube reminded the Board the code is a minimum and municipalities can adopt an ordinance for sprinklers.

Motion to remove Section R313 from the IRC.

Motion by Randy Poulton, second by Carl Chretien.

4 in favor (Randy Poulton, Carl Chretien, Tom Lister, Eric Dube), **6 opposed** (Mike Pullen, David Matero, Mark Stambach, Kim Cheslak, Steve Martel, Marc Veilleux)

Motion to take the topic back to the TAG to explore a phased approach and/or exclusions of certain structures.

Motion by Mark Stambach, second by Kim Cheslak.

8 in favor, 2 opposed (Randy Poulton, Carl Chretien)

It was discussed that the phased approach discussion would include the discussion of affordability.

Richard McCarthy suggested that any members of the public interested in the direction of this topic to visit the Fire Marshal's website to fill out a TAG application. David Matero provided a link to the TAG application in the meeting chat.

- IBC/IMC duct penetration conflict- Paul Demers does not have all the information ready at this time.
- Discuss Chapter 1, 2 & 4 of Rules (as needed) – summarized current status: Chapter 1 is still pending the Seasonal Dwelling definition, Chapter 2 on TPIs has some changes presented by Randy Poulton.
- Update on off-site constructed dwelling units status with Manufactured Housing (per Board voted request) – Richard McCarthy has been working with Peter Holmes and respective agency AG's to finalize guidance for CEOs. Final version will be provided to the Board.

8. New Business/Code Update

- Schedule TAG meetings for Chapter 6 & 7 – Kim Cheslak mentioned the first Energy TAG meeting was primarily to get introduced and get an idea of where everyone is at. Next meeting is not scheduled at this time.
- Discussion of Chapter 3 (IBC) significant changes of Chapters 1-10 within IBC – document has been emailed to the Board, any concerns can be emailed to Paul or Rich for discussion at next meeting.
- Next meeting date – with the ICC hearings the week of the next meeting, Paul Demers has suggested to move the next meeting back a week.
Motion to change meeting date to the 22nd of September.
Motion by Mark Stambach, second by Marc Veilleux.
10 in favor, 0 opposed.
David Matero requested meeting invite be sent.

9. Public Comment

Howard Hall – does not agree that the prices for sprinkler installations accurately represent total cost and indicated that more foam insulation air sealing is required for blower door tests to meet the energy code.

Andrew Cashman - Attorney, Founder of Resolve Government Relations, on behalf of client Maine Association of Realtors, stated while they support sprinkler systems voluntarily installed by the homeowner and education to consumers, they have strong feelings that, at this time, sprinklers are cost prohibitive and should not be included in the code at this time.

Howard Hall - currently building workforce housing, believes keeping sprinklers in the code will negatively impact affordable housing.

Ashley Richards - with review of report data, sees houses before 1970 as the problem, that sprinklers may save the house, and it's important to solve problems in older homes with smoke detectors and egress needing to be addressed before adopting sprinkler requirements. Feels that certain building products (like cellulose) are used and done right, sprinklers are not needed in one- and two-family homes, and that sprinklers make sense in cities where buildings are close together.

Dick Bradstreet -State Representative and part-time Executive Director Manufactured Housing Association of Maine stated the Life Safety TAG may not have had much opposition as many people were not aware of the meeting. Always hears that people can't afford living in the communities. Recommends listening to people that work in the field to find out what costs actually are, not projections.

Mark Patterson, Patco Construction, stated that when talking to customers every day and offering sprinkler systems, people don't want to pay the cost of approximately \$10,000 to \$15,000 for a modest sized home. Mentioned an added cost of the customer needing to do pest control to prevent stink bugs from entering the soffits and puncturing piping.

Forrest Bryant, Ralphs Homes, stated that a good portion of their sales are young families that will be hurt the most by the increases in additional costs of sprinklers.

Scott Stone, Schiavi Group, mentioned most people, young families, today are entry level, looking at a \$200,000 home and have to go to the bank with \$40,000 down payment to even be qualified and that appraisers won't give any credit for the of having a sprinkler system versus comparables without.

Chat messages:

- Naomi Beal-passivhausMAINE: Just emphasizing: higher performance buildings are much less prone to catastrophic fires. Less draft, denser insulation- CO is giving \$30K for Passive House because of the inherent fire safe qualities in a region prone to fires.
- Andy: Eventually this will trickle down to multifamily builds - we were quoted 100k for a 4 unit and there was a HUGE amount of additional work on site - it would be cost prohibitive.
- Werner Gilliam: Would this be applicable to ADU's as well?
- Danielle Stowell: New Modular home construction is exempt from this requirement, correct?
- Carl Chretien: These are all good points; except I can only speak to the life safety affect in the code. Does the homeowner get a return on investment? It is only peace of mind till and only benefit from it if there is a fire. I bring all the concerns that my clients voice
- Paul Demers: The IRC would apply to ADU as a SFD and require sprinklers under section R313 of 2021 code.
- Mark: 48 of 50 states do not require sprinkler systems.
- Carl Chretien: Back in the 70's FF went door to door selling the idea of the importance of installing smoke detectors. Educating the public needs to happen first to get buy in otherwise we could possibly have a mutiny and roll back of the code.
- Werner Gilliam: Where do you put the tank in a 190 sq ft ADU built on a slab?
- Ena Derenburger: Respectfully- we appreciate the position however, the cost of installation as well as the impact of design make this extremely difficult for builders, installers and certainly homeowners. I think minimizing the cost of this is short sighted. Given the interest rates, inflation and labor cost- new construction is becoming an unobtainable goal for a large community of buyers. We have a statewide shortage of existing homes, and we are taking affordable homes off the table if we continue to add costs. As a builder of both stick built and modular homes- we respect and value the need for evolving code compliance, but we need to understand the economic impact this would have for so many

- Mark: How many members of the mubec board have installed voluntary sprinkler systems in their new or existing homes? I lost my 20-year-old home in 2011. I rebuilt it without a sprinkler system. A sprinkler system would not have saved my home according to the fire department.
- Greg Gilbert: Portland requires Sprinklers in all new Dwellings. Production has not slowed in any sense.
- Mark: Most builders avoid Portland because of the codes and the bureaucracy. Review the number of permits of single-family homes in Portland vs other communities.
- Naomi Beal-passivhausMAINE: Airtightness is a considered fire deterrent. Good reason to lean into the base building code for increased airtightness with ventilation- which gives everyday benefits, not just in the possibility of emergency- at little extra cost. I'm not fighting hard against sprinklers, but thinking about cost and safety Leaving this study here:
chromeextension://efaidnbmnnnibpcajpcgclefindmkaj/https://www.aidic.it/cet/12/26/063.pdf
- Carl Chretien: Did one in OOB where we converted a 14-unit motel to a two family home in 2004. Went from a 4" main to 2" main because we were 3-stories we needed to keep it. It \$3.50 a square foot needed glycol because we needed to go thru the attic to hit the whole building. Because I could not economically create fire separation, we installed sprinklers in the attic. The cost for insurance was \$9k and until they installed a fully monitored alarm system, they could get a 10% reduction in cost. Previously this system would have failed as many fittings had cracks due to water getting into the system and freezing as it was a dry system.
- Dick Bradstreet: Good point Ena. Increasing costs keep more people from purchasing new, safer and more energy efficient homes. So, then the question is: Where do they then live? It's often in homes that are older and hence less energy efficient and, in all probability, more susceptible to fire damage and all the bad aspects that come with that. It's not just simply a matter of paying for it, it's also what will be the resulting consequences of increasing home construction costs. That is part of the larger picture. We're all shooting for something that is workable.
- Jodine Adams: How do you ensure maintenance and testing after the system is installed and Code walks away? Fire Safety may have a false since that a system active that is not. Wells has already had issues.
- Marc Veilleux: Jodine, the maintenance on a 13D system is on the homeowner to ensure they have water, and the valves operate properly. Every installation requires the installer to provide a copy of the current adopted 13D system.
- Andy: 20 years in and 100s of homes costs have never gone down lol
- Marc Veilleux: There are at least 14 municipalities that have ordinances in place where it is already mandatory. There are currently at least 2 municipalities where the planning boards are considering local ordinances to also make it required. The city of Portland has had the requirement for all new dwelling for over 12 years.
- Andy: BINGO - New Homes aren't the issue
- Jodine Adams: A first time home buyer would not sign a contract when the home was turned over after the first year that the contractor paid for at closing. The company dropped the new owner and then issues were not addressed. The vendor did not inform the Town. The second was a home being sold and the system was drained between owners and the new owner wanted to know why the Town allowed it. Being upset with the cost to get it back in service. Does this happen often?
- Andy: I would bet that once mandatory Ins will go up because of the chances of leaks. The simple answer is that Sprinklers are NOT going to solve the problem it is intended to solve - education and smoke detectors are the answer. resulting in those folks living/staying/renting in older problematic homes which puts their family at more risk - its contradictory to the purpose
- Carl Chretien: When Portland first enacted the new LS101 the number of 1&2 permits dropped off and people moved outside the city. Now because of land shortage it has come back somewhat.
- Andy: It's a huge cost with zero value added - and it doesn't save any more lives
- Julia Bassett Schwerin: Just to clarify, VA, FHA and Maine Housing have low to no down payment mortgage loans available.
- Ena Derenburger: Julia- we have done all of those loan styles but many contractors and builders within the state require construction loans to facilitate a project. These loan styles mentioned require a builder to become a seller and carry the costs of construction thru the project.
- Greg Gilbert: The value of money continues to go down, realistically will it ever be cost effective?
- David.Matero: https://www.maine.gov/dps/fmo/sites/maine.gov.dps.fmo/files/inline-files/TAG%20Member%20Application%20FormFillable_1.pdf

- Bill Nash - ICC: ICC has two standards that would assist with Manufactured Housing...1200 and 1205
- Naomi Beal-passivhausMAINE: NEEP does have a great resource that breaks down the differences...They are also developing a sheet with stretch options...
- Darren Port | NEEP: <https://necip.org/2021-iecc-modules> ,one Pager on 2021
<https://necip.org/sites/default/files/media-files/2021%20IECC%20One-Pager%20rev%2020211221.pdf>

Next Scheduled Meeting:

September 22, 2022 at 9:00 AM

Meeting adjourned at 11:52AM

Respectfully submitted,
Shannon Quintal, Administrative Assistant