**Technical Building Codes and Standards Board Meeting Minutes**

**April 29, 2015**

**9:00 a.m. in Florian Hall**

Meeting opened at 9:10 a.m.

**BOARD MEMBERS PRESENT**: Barry Chase, Dick Tarr, Jeff Ohler, Marc Veilleux, Dick Lambert, Bob Ellis, Mike Pullen, Steve Wintle and Russ Martin

**Excused**: Eric Dube and Roger Rossignol

**REVIEW OF THE MARCH 11, 2015 MINUTES**

Motion: Mike Pullen to accept the minutes as presented with one change noted from Russ Martin

Seconded: Bob Ellis

Vote: unanimous with one abstention

**Note**: The minutes contain three options to satisfy the Conflict filed by Michael Hangge, Ellsworth Fire Dept. to be discussed under Unfinished Business below.

**FINANCIAL UPDATE**: $277.955 in the Building Codes account as of today.

**REPORT FROM BOARD CHAIR - RICH MCCARTHY**

ICC hearings are going on this week. Rich received an email roundabout from Jeff Shapiro of ICC who advised that” two changes were approved that will allow group homes 16 or fewer occupants and custodial care facilities with 5 or fewer occupants to be constructed under the IRC, as opposed to the current requirement to comply with the IBC. The Committee ignored testimony advising them that this action knowingly puts these occupants into non-sprinklered homes in at least the 16 states that legislatively block residential sprinkler systems for 1 and 2 family dwellings.” These items will be the first issues related to home fire sprinklers to be voted on with ICC’s remote voting process.

The Building Codes and Standards website has been recently updated. Rich was able to finally hire someone full time to do the extra duties Kathy has been doing and she has returned full time to the Building Codes position.

Rich advised there is an LD in this session put forth to allow an increase of residential group homes from three beds to eight beds. This will be an Ought Not To Pass.

**LEGISLATIVE UPDATE – RICH MCCARTHY**

The Fire Marshal’s Office currently has 14 bills in this legislative session, not counting the four building codes bills. Building Codes related bills are: LD 1093, LD 1120, LD 1182 and LD 1191. A public hearing for all four was held on Wednesday, April 22nd. The Work Session for all four is Thursday, April 30th at 1:00 pm. Rm 208.

**LD 1093 - "An Act Regarding the Municipalities to Which the Maine Uniform Building and Energy Code Applies" put in by Representative Higgins of Dover-Foxcroft**

This bill increases the minimum threshold after which a municipality is required to enforce the Maine Uniform Building and Energy Code to more than 5,000 residents.

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**LD 1120 - "An Act to Repeal the Maine Uniform Building and Energy Code" put forth by Senator Davis of Piscataquis**

This bill repeals the laws establishing the Maine Uniform Building and Energy Code and makes adjustments to certain other laws to make them consistent with law that existed prior to the enactment of Public Law 2007, Chapter 699, which created the uniform code. This bill does not reenact the Maine Model Building code or the energy efficiency building standards that were repealed by Public Law 2007, Chapter 699 and replaced by the Maine Uniform Building and Energy Code.

**LD 1182 - "An Act to Exempt Certain Agricultural Buildings from the Maine Uniform Building and Energy Code"** **put in by Representative Farrin**

This bill requires that the Department of Public Safety, Office of the State Fire Marshal, Technical Building Codes and Standards Board, the entity responsible for maintenance of the Maine Uniform Building and Energy Code, to exempt buildings used to house livestock or harvested crops from the code. The word “livestock” only would need to be added to current statute.

**LD 1191 - "An Act to Remove the Municipal Mandate to Enforce the Maine Uniform Building and Energy Code" submitted by the Maine Municipal Association**

This bill allows, but does not require, a municipality of more than 4,000 residents to adopt and enforce a building code, but it restricts the code that may be adopted or enforced by that municipality to the Maine Uniform Building and Energy Code.

At the public hearing, only three testified in favor of these bills – the sponsors, town manager of Dover-Foxcroft and Maine Municipal Association. There were about 25 in attendance at the hearing. Many Representatives were saying “shouldn’t it be statewide?” Rich will let the Board know the outcome of the Work Session tomorrow.

**CONTINUED DISCUSSION ON ADOPTION OF 2015 CODES AND STANDARDS**

Bob Stilwell, radon leader from DHHS provided the Board with a comparison between the ASTM 2006 14-65E which is currently adopted as the radon standard in Maine and the 2008A 1465-E which the Board is looking to adopt as they move forward with adoption of the 2015 codes as well. Bob advised that mostly the changes were editorial along with an expanded water systems section covering covered sump pumps in Section 6.4.4.

**UNFINISHED BUSINESS**

**Conflict submitted by Mike Hangge (noted above under Minutes) re: Townhouses/Apt Houses/Sprinkler Systems Required**.

Mike addressed the Board and advised that he was in favor of the three options contained in the minutes:

Suggestion of three options offered to address this Conflict between the NFPA and IRC:

1. Option 1- provide two hour separation wall in compliance with section 302.2 of the 2009 IRC. If the wall is compliant with this section of the code then a 13-D sprinkler system could be installed in the structure. If this form of code compliance is used all units within the building would need to be protected with a sprinkler system meeting the standard.

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1. Option 2- Provide a two hour fire wall in compliance with NFPA 221 if this done then the building will be considered a 1 & 2 family dwellings and if so, no sprinkler system required.
2. Option 3-Provide one hour separation between units then the building would be considered an apartment building and a sprinkler system complying with 13-R Sprinkler standard is required.

Discussion ensued about getting this information also out to the Code Enforcement officers in the state once the decision was made today. Drew Morris from DECD can do that for us. Board member Jeff Ohler suggested that this also be put on the Building Codes website and Rich advised that it would also be added to the Fire Marshal’s Office website. \*Rich will add some kind of commentary/clarification to this for the websites.

**Motion**: Dick Lambert to adopt these options given as guidance from the Board on townhouses/apartments and sprinkler systems.

**Seconded**: Marc Veilleux

**Unanimous vote**

Russ Martin mentioned that the Mechanical/Ventilation and Energy TAG will be enacted soon once we know what happens in Legislature. He and Steve Wintle have both put out some feelers for new members to these TAGS.

**NEW BUSINESS**

**Conflict submitted by Peter Blachly of Bath re: Rental of Rooms in Residential Homes**

Mr. Blachly has rented out a couple of rooms in his residence for the past couple of years and advertises on [www.airbnb.com](http://www.airbnb.com) which is apparently all over the country and outside, where rooms are rented in private homes for travelers. Scott Davis, CEO in Bath who monitors this website, advised Mr. Blachly that having these renters there makes the use of his home now an R-3 instead of an R-1, coming under the IBC and therefore would need to be sprinklered. Mr. Blachly advised that there are hundreds of these places in Maine that are doing the same thing and more than likely are not sprinklered either.

**Conflict**: “Within the IRC Section 101.2, the scope of the code is single family dwellings. Under Section 110.2, if there is a change of use, you would be referred to the IBC. NFPA 101 allows for three outsiders in rented rooms and still be considered a single family home.”

After much discussion and input from Mr. Blachly who was present at the meeting, the Board went through their “decision tree” to help with a final decision. The result was to adopt the less restrictive which in this case is the NFPA 101.

**Motion**: Marc Veilleux motioned to follow the NFPA 101 enforced by the State Fire Marshal’s Office with an exception that the IRC be amended to allow three outsiders in a residential location and it can still be considered a one and two family dwelling.

**Seconded**: Barry Chase

**Unanimous Vote**

Mr. Blachly thanked the board for considering his Conflict and the thought they put into their final decision (which is guidance only).

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Drew Morris, CEO Training Office at DECD, advised the board that they have been doing some online training for Code Enforcement officers recently – it has been a very good success with about 80 participating. He asked the board if there was any training they would like to include with this online method of training. It is free to use and they can record it. It’s open to everyone, not just CEOs. If the

Board wants to do this for CEOS on the townhouse/apt/sprinklers decision discussed earlier, it could be done. Rich advised with the Board’s permission, he can contact Drew about doing some of this online training. The Board is highly in favor of doing this.

Board member Stephen Wintle advised that the Board should take Drew up on his officer to educate the CEOS especially on the Energy Code specifics such as blower door tests etc. for energy efficiency in new homes. He had three local homes that had to be closed this past winter because they just couldn’t be heated well, due to the way the home had been built for supposed energy efficiency.

Drew will send Kathy a link to recordings of the online training that has been done so far so she can put it on our website.

Meeting adjourned at 11:10 a.m.

Respectfully submitted,

Kathy Robitaille, Secretary