

Technical Codes and Standards Board Meeting Minutes
Department of Public Safety, Office of State Fire Marshal (via Zoom)
November 17, 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

Staff Present: Rich McCarthy, Greg Day, Paul Demers, Shannon Quintal

1. Call to Order – Determination of Quorum

Meeting started at 9:05 AM. Quorum confirmed.
Introduction of board members.

2. Approval of Agenda

Richard McCarthy recommended removing “final review” on Chapter 1 and Chapter 2 items under “Unfinished Business” and leave it as “review” and add “F. Discussion of manufactured structures that don't fall under Manufactured Housing Board's jurisdiction” Richard McCarthy asked for a show of hands for approval of the agenda as revised – approved unanimously.

3. Review and approval of the September 22, 2022 Minutes

Motion to accept minutes as prepared.
Motion by Mike Pullen, second by Carl Chretien.
8 in favor, 0 opposed, Mark Stambach and Marc Veilleux abstained.

Randy Poulton requested minutes be done in proper parliamentary procedure.

4. Report from Board Chair:

A. Financial Update, \$816,577

B. Process review from Attorney General (tentative) – request for Attorney General to assist on what can and can't be amended in code. Richard McCarthy has requested cost information to have a member of the Attorney General's office attend meetings. The answer of how to handle chat messages was that “chat” is considered part of the public platform and comments made should be included as part of the minutes. It was recommended to turn off the chat feature.

5. Legislative update: No current updates.

6. Staff Report:

- A. **ICC conference update** – No update on the conference as it has passed. ICC currently reviewing 2024 IECC public comment. There is a link online for anyone interested in draft form or Paul Demers offered to forward some information as well.

- B. **Training Update** – BRIC training- BRIC/MBOIA ICC Chapter Benefits were able to have Rob Neale provide trainings, “IBC Plans Review” in Portland and Brewer which were recorded, and in Waterville did “Defying Gravity,” how fire rating effects structures and the code (Rob Neale will rerecord) and Jerica Stacey did a presentation on the 2021 Code that was recorded. Recordings were significant files and are still being edited to put into a shareable format.
 - i. Radon – Oct 18- Recording should be available online soon.
 - ii. Internal Plumbing training – Peter DeFreitas, IAPMO New England Region Trainer, provided trainings on November 14 (chapter 6), November 17 (chapter 7 and maybe a bit more on 6) and will have two more - December 12 and 15. The training was opened to all plumbers in Maine as well, free trainings, with more anticipated in 2023.
 - iii. Concrete Foundations – James Baty II, President of Concrete Foundations Association, scheduled for December 1- focus of IRC concrete foundations primarily.
 - iv. Other upcoming trainings- Paul Demers is working with a couple attorneys on Legal Issues training, trying to resurrect the 80K training (previously done by Durward Parkinson as a two-day training and mock trail.) Shoreland Zoning training and Flood Plain Management coming in 2023.

7. Unfinished Business: (continued from Aug./Sept mtg)

- A. Chapter 1 review – Randy Poulton had some changes that have not been updated to the draft, Strike 13 old Seasonal Dwelling text and replace with new Seasonal Dwelling text, Section 6 needs Stretch Code information, near end note where copies can be purchased, last version missed mechanical code and will get added in, remove extra word “Code” from the first sentence in “Summary.” Could add Accessory Dwelling Unit reference.

Tom Lister suggested looking at Section 14, Native Lumber and the requirement of certificate of inspection in IRC/IBC Sawn Lumber. Paul Demers recommended clarifying “Experimental Building” requirements to meet code. Mike Pullen mentioned the University of Maine is working on 3D printed house development, which will be a significant potential for review by the Board on use of the panels in construction on how it complies or doesn’t comply with the provisions of MUBEC. This construction type may be considered experimental by the code. Michael Stoddard noted there is an opportunity to start off by clarifying MUBEC is the Code in every municipality and that the Stretch Code is the minimum in towns that have chosen to adopt them and not an option. Richard McCarthy will work with Paul Demers to work on Chapter 1 to start getting some direction in and consider separating Stretch Code out on its own.

- B. Chapter 2 review- Randy Poulton suggested passing over Chapter 2 to spend some time working on it with Paul Demers and bring it back next month.
- C. Chapter 6 Update of IECC 2021 Chair report- Kim Cheslak provided an update to the Board on what the TAG has accomplished so far. Will continue to work with the TAG to determine Stretch Code option.
- D. Chapter 7 update Chair report – had TAG meeting, determined that the perceived conflicts had already been resolved. The direction of the TAG was to work with Peter Holmes, who offered Dale Hersey to assist, to make sure the Maine Fuel Board and MUBEC are in agreement. Will plan to have one more TAG meeting to review information.
- E. Discussion of Chapter 3 (IBC) significant changes of Chapters 1-10 within IBC- First ten chapters sent to TAG. Paul Demers obtained a file from ICC that went through all the significant changes that the Board can compare with the list Richard McCarthy did. Paul Demers noted a critical concern regarding Occupancy Loading - an exception the Board created in the last adoption that did not allow the use of an exception in the code under occupancy calculations, but the plumbing code directly goes back to the building code for occupancy calculations. Paul Demers is working with Pete Holmes and Mike Day on language to resolve the issue. Richard McCarthy suggested to send this discussion to the IBC TAG.

Motion to move discussion to IBC TAG to review.

Motion by Randy Poulton, second by Mark Stambach

10 in favor, 0 opposed

Paul will connect with TAG chair to figure out dates.

- F. Discussion of off-site manufactured structures that may not fall under Manufactured Housing Board’s jurisdiction – Richard McCarthy recognized Pete Holmes, Director of the Manufactured Housing Board, to join the discussion.

Issue: Traditional shed companies are producing structures that are being constructed in one location and delivered to a new location potentially containing utility work that has not been permitted and inspected and are not produced by licensed manufacturers. The units are being utilized as dwellings, camps, or other habitable units. The structures may meet the definition of a manufactured home but are not in compliance with the Manufactured Housing Board certification with proper licensing requirements. Code Officials are requesting guidance and Richard McCarthy and Peter Holmes have crafted a guidance document (see attached.)

The resultant guidance is that if a unit is produced by a certified manufacturer, it will contain a label from the manufacturer and an additional label for the licensed installers when placed on a site. If a unit is not produced by a licensed manufacturer, then it shall

be considered a MUBEC structure requiring compliance with normal building plumbing and electrical permitting as applicable to any other MUBEC structure. The guidance document will be forwarded to municipalities to assist them in directing the application of non-certified units. Some are being delivered finished creating problems with inspection for MUBEC and other code compliance by local code officials. Pete Homes explained the proper procedures and codes followed by the Manufactured Housing Code in Maine and its differences to MUBEC. The Manufactured Housing Board does not consider accessory structures such as sheds under their regulations.

Conclusion: All dwelling units must either be certified by the Manufactured Housing Board or constructed in compliance with MUBEC. Richard McCarthy shared with the Board a guidance letter draft created to clarify the structures that are certified by the Manufactured Housing Board with stickers.

There was discussion to better clarify the “dwelling/dwelling unit” and other uses of these structures (Rec Room, etc.) Consideration given to Accessory Dwelling Unit, and a consistent definition with other statutes.

8. New Business/Code Update:

A. Schedule TAG meetings additional Chapters

IBC, Energy, and IMC TAG have been discussed and have a plan moving forward. Richard McCarthy suggested IRC TAG get together and start to look at Chapter 5. Paul Demers will work with TAG chairs on getting meetings scheduled.

B. Energy Amendment request (Huntsman Building Solutions) – Richard McCarthy recognized Randy Nicklas, Huntsman Building Solutions, to speak - the amendment request is for consideration a prescriptive path for unvented attics, seal attic and bring duct work within the thermal envelope.

Kim Cheslak stated the Energy TAG reviewed the amendment request, and the concern of the TAG was that it gives a clear preference of one type of insulation, has a large reduction in R-value, and the TAG did not think it was an appropriate trade off.

Richard McCarthy offered that the Board could vote now as is or Randy Nicklas could withdraw the request and resubmit to the Board with some technical data to support. Randy Nicklas formally withdrew the applications for amendments and intends to resubmit with supporting data.

9. Public Comments:

No public comment made.

Next Scheduled Meeting: Thursday, December 15, 2022 at 9:00am

Meeting adjourned at: 11:23 AM

Respectfully submitted,
Shannon Quintal, Administrative Assistant