



The Commonwealth of Massachusetts
 Department of Public Safety
 Board of Building Regulations and Standards
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APPROVED

Board of Building Regulations and Standards (BBRS)
Department of Public Safety, One Ashburton Place, Boston, MA 02108
June 14, 2016 at 1:00p.m.

RC opened the meeting and roll call was taken.

Richard Crowley Chair (RC)	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	Kerry Dietz (KD) ¹	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Thomas Perry, V.C. (TP)	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	Peter Ostroskey (PO) or designee	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Felix Zemel (FZ)	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	Michael McDowell (MM)	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
John Couture (JC)	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	Monica Simmons (MS)	<input type="checkbox"/> present	<input checked="" type="checkbox"/> absent
Kevin Gallagher (KG)	<input type="checkbox"/> present	<input checked="" type="checkbox"/> absent	Christopher Pennie (CP)	<input type="checkbox"/> present	<input checked="" type="checkbox"/> absent
Cheryl Lavalley (CJL)	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent			

¹ KD present from 1 PM until 3:15 PM

* Jennifer Hoyt (JH) participated as designee for PO.

ALSO IN ATTENDANCE Steve Carley (SC), Counsel. Others in attendance listed in attached Audience Sign-In Sheet (**EXHIBIT F**):

General notes on format:

- Votes are noted as **Motion** by, Second by, and whether the vote was unanimous or split (if split, will list the vote in the order of: yea, nay, and abstain).
- The June 14, 2016 Agenda is listed as **Exhibit A**; other EXHIBITS are listed sequentially as addressed during the meeting.

PUBLIC HEARING

Board of Building Regulations and Standards Statutory Public Hearing held at Gardner Auditorium, State House** and in accordance with G.L. c. 143, § 97

1. Receipt of comments and/or testimony wrt the energy code amendments proposed for 780 CMR, 8th Edition.

Oral testimony regarding the various proposed energy code amendments was provided by a diverse group of attendees ranging from representation from the Great and General Court, Professional Building Officials Organizations, Home Builder / Remodeler Organizations, State Agencies, Municipalities of MA, Professional Commercial Real Estate Development Organizations, Massachusetts Utilities, respected, private not-for-profit organizations, private companies and MA citizens (refer to the Audience Sign-In Sheets (Exhibit F) and the audio DPM Files, respectively, for a clearer understanding of the make-up of attendees and of testimony provided.

NO ACTION

2. Approve adjourning the Public Hearing.

RC noted that written testimony related to the Public Hearing matters would be accepted through Tuesday, June 28, 2016.

MOTION by MM, SECOND by JC to adjourn the Public Hearing portion of the BBRS June 14, 2016 Meeting.

** Although advertised for One Ashburton Plc., Ashburton Café Meeting Room, anticipated audience size resulted in moving the subject Hearing and Meeting to Gardner Auditorium.

BBRS MEETING

1. The Draft May 10, 2016 meeting minutes (Exhibit B) were reviewed.

MOTION by MM to accept the minutes of the April 12, 2016 BBRS meeting, incorporating amendments offered by JH, SECOND by TP; VOTE Unanimous.

2. STATUS update or review and/or approval of action items from previous meetings.

a. 9th Edition Training update: FZ indicated there is no formal update yet but noted that MBCIA and Metro West Building Officials Organizations are developing Plan Review trainings and that Rob Anderson is working w/the ICC for certain future Code trainings.
NO ACTION

b. Access Roads update: FZ noted that at the recent BFPR meeting at which FZ was in attendance (RC noted that he was also in attendance), 1 & 2 family dwellings were exempted from access road requirements / this reported action was affirmed by JH.
NO ACTION

3. Consider approval of 184 new CSLs issued in the month of May, 2016

Approval MOTION by FZ SECOND by MM VOTE Unanimous

(FZ noted that PROMETRIC is improving its reporting by entering detailed candidate (passing candidate) information into the DPS MLO reporting system, thus lowering the burden on DPS Admin. Lisa Barros).

a. CSL qualifications to sit for exam (variance request)

- Dennis McManus

FZ provided overview in this matter noting CS License expiration in CY 2000; Applicant seeking variance to sit for the CSL Exam, based on historical experience rather than 3 years of experience w/in the last 10 years since the individual's overall work experience is acceptable / the individual will be taking the CSL Exam / the amended MOTION allows, by variance to applicable portions of 780 CMR, Mr. McManus to utilize his overall work experience to allow sitting for the CSL Exam.

MOTION by MM SECOND by FZ VOTE Unanimous

ACTION – notify Mr. McManus of approval to sit for the CSL Exam (Prometric may/will need to be advised).

b. CSL military and/or medical reinstatement.

- Barry Brodeur (CS-069357)
- Wayne Dozier (CS-077007)

FZ provided overview noting medical acceptability to allow CSL reinstatement.

MOTION by MM SECOND by FZ VOTE Unanimous

ACTION – Reinstate CSLs for Mssrs. Brodeur and Dozier

c. CSL issuance based on averaged passing score.

- Ralph Capua

MM provided overview but acknowledged acquaintance w/the individual / MM noted R Capua's exams when averaged would result in passing grades – this was reinforced by FZ who noted the average score for R Capua was 80 therefore the Motion was to allow CSL issuance based on the average of the exam grades.

MOTION by MM SECOND by FZ VOTE Unanimous

ACTION – Issue Mr. Capua a CS License

4. Consider approval of one (1) new Concrete Testing License:

- a.** HAKS Engineering, 47 Hudson St., Ossining, NY 10562

FZ presented overview of the HAKS CTL application with recommendation for approval w/the caveat that w/in a reasonable period of time HAKS provide CCRL Findings and HAKS responses to same / the BBRS determined that such Responses must be provided and found acceptable w/in 3 months of this Vote.

MOTION by FZ SECOND by MM VOTE Unanimous

ACTION – notify HAKS of acceptance but require their responses to the CCRL audit w/in 90 days.

5. Discuss policy for issuance of medical reinstatement of expired CSL

FZ provided overview of policy of awarding CSL reinstatement for medical and military reasons but noted that some cases are not clear-cut citing the occasional request for CSL renewal based on the taking care of family members that has kept CSL-holder from renewing CSL.

After lengthy discussions, the Board determined that any requests for CSL renewal that do not readily satisfy Medical or Military leave policy will require that the individuals requesting such relief appear personally before the BBRS at monthly meetings and plead their cases; additionally it was also moved to invite the specific several parties falling under in-law care arguments to the July Board meeting to plead their cases.

MOTION by MM, SECOND by FZ VOTE Unanimous

ACTION – Invite the known several parties to the July BBRS Meeting to please their cases for CSL renewal based on relevant facts, and incorporate as policy the requiring of individuals seeking CSL reinstatement for nontraditional reasons, to appear before the BBRS to argue for such reinstatement.

6. Update Solar Working Group membership

Modifying a VOTE taken by the BBRS in May, 2016, FZ explained the necessity to allow FZ to assign a designee to said group when FZ was not available.

(Independent of the VOTE to add “or designee”, JH requested that Solar Working Group meeting notices be issued to the BBRS membership in a timely fashion for information).

I Finlayson of DOER requested that DOER be noticed on any Solar Working Group meetings.

MOTION by JH SECOND by MM VOTE Unanimous

7. Update Convention Center Working Group membership

Modifying a VOTE taken by the BBRS in May, 2016, FZ explained the necessity to allow FZ to assign a designee to said group when FZ was not available.

(Independent of the VOTE to add “or designee”, JH requested that Convention Center Working Group meeting notes be issued to the BBRS membership for information).

MOTION by JH SECOND by MM VOTE Unanimous

MOTION by FZ SECOND by TP VOTE unanimous

8. Discuss DRAFT Pool Enclosure Interpretation

As background, FZ explained that 105 CMR, 435 is enforced by DPH and that portions of said Regulation require pool barrier by chain link fencing of certain outdoor swimming pools. FZ further noted that pool owners seek additional pool options beyond chain link, including solid transparent barriers and noted that w/a BBR interpretation to such effect, DPH would be willing to enforce accordingly.

There was extensive discussion among the BBR Membership and w/MFBO representatives and others in the audience.

It was identified that there may be a later version of the DRAFT Interpretation and thus such should be captured and issued to the BBR membership for information.

ACTION - TABLE but get latest version of DRAFT Interpretation to be addressed at the July 2016 Meeting.

9. Discuss DRAFT Interpretation addressing “like-kind (in-kind) replacement” for fire protection equipment

FZ and JH noted that historically, the BFPR had issued an Interpretation addressing the issue of “in-kind replacement” for fire protection equipment but since the issuance of the updated Fire Code (527 CMR), Fire Services are no longer issuing installation permits where such BFPR Interpretation provided guidance.

After much discussion among Board Members and the MFBO it was recommended that DFS and DPS staff jointly revisit, and as necessary, re draft the existing BFPR Interpretation for 780 CMR permitting and installation guidance and once drafted issue to the FPPF for critique.

MOTION by FZ SECOND by JH VOTE Unanimous

ACTION – DFS and DPS staff review the older BFPR Fire Protection System “in-kind” interpretation and redevelop accordingly and then issue to the FPPF for critique.

10. Review AWS white papers re: TJIs in the IRC

FZ provided an overview of these matters strictly for information.

No ACTION

11. Discuss other matters not reasonably anticipated 2 business days in advance of meeting

- a. MM - Following up on his reporting of his personal actions w/OCA in the matter of having OCA recognize that CSLs are a recognized licensed group and therefore should not have to participate in the HICR Program, MM offered to draft a letter on behalf of RC and intention to be issued to OCA.

FZ was concerned that such a policy matter should be captured as a defined BBRS monthly meeting Agenda Item for more detailed consideration and such MOTION was offered and acted upon.

MOTION by MM SECOND by FZ VOTE Unanimous

ACTION – Make this topic an Agenda Item for a future meeting / RC recommended MM draft a letter reflecting MM’s argued position for BBRS consideration for such future Agenda Item.

- b. INFORMATIONAL - MM offered his personal position to the BBRS that 780 CMR one- and two-family dwelling fire sprinkler requirements should be removed or if fire sprinkling should still be required for very large one- and two-family dwellings (fire sprinkling is currently required for such dwellings when the dwelling aggregate area exceeds 14,400 ft² – includes basement area but not unfinished attic or garage area), then such very large buildings should be treated as 780 CMR Commercial Buildings and not one- or two-family buildings enjoying design and construction regulation via the One- and Two-Family Dwelling code variant of 780 CMR.

JH asks if FPPF should review implications between IRC and IBC to better understand potential differences to inform the BBRS as to whether or not taking large SF Homes and placing same in the Commercial Volume of the Code.

FZ asks D Harris/ICC is such comparisons may already have been done.

ACTION – Prepare and then place this proposal as an Agenda Item for a future meeting.

12. Approve adjourning the meeting

MOTION by MM SECOND by FZ VOTE Unanimous

EXHIBITS:

- A. BBRS Meeting agenda 06-14-2016
- B. BBRS Meeting Minutes 05-10-2016 (*Approved as amended*)
- C. Proposed Energy Code Amendments to 780 CMR, 8th Edition
- D. DRAFT BBRS Official Interpretation No. 2016_01
- E. APA “Basis of IRC Membrane Protection Provisions Overview
- F. Audience sign-in sheet of those in attendance at the 06-14-2016 BBRS Public Hearing and monthly meeting.
- G. NOTICE w/map announcing change in BBRS Public Hearing and monthly meeting to Gardner Auditorium