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 Board of Building Regulations and Standards  
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**Board of Building Regulations and Standards (BBRS)**  
**Department of Public Safety, One Ashburton Place, Boston, MA 02108**  
**APPROVED MINUTES, September 13, 2016 at 1:13 p.m.**

**FZ** served as chairman in absence of RC, opened the meeting and roll call was taken.

Richard Crowley Chair (RC)	<input type="checkbox"/> present	<input checked="" type="checkbox"/> absent	Kerry Dietz (KD)	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Thomas Perry <sup>1</sup> , V.C. (TP)	<input type="checkbox"/> present	<input type="checkbox"/> absent	Peter Ostroskey <sup>3</sup> (PO)/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	<i>Structural Engineer, open</i>	<input type="checkbox"/> present	<input type="checkbox"/> absent
Kevin Gallagher (KG)	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	Christopher Pennie (CP)	<input checked="" type="checkbox"/> present	<input checked="" type="checkbox"/> absent
Cheryl Lavalley <sup>2</sup> (CL)	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent			

- 1 Resigned
- 2 Left Meeting at 3:40 PM
- 3 Jennifer Hoyt (JH) as designee

ALSO IN ATTENDANCE Steve Carley (SC), Counsel, Elizangela Barros (EB), Tom Riley (TR), Robert Carasitti (RobC, Chair of the FPFP). Others in attendance listed in attached Audience Sign-In Sheet (**EXHIBIT L**):

**General notes on format:**

- o 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).
- o The September 13, 2016 Agenda is listed as **Exhibit A**; other EXHIBITS are listed sequentially as addressed during the meeting.

## BBRS MEETING

### 1. **Review and approval of July 19, 2016 draft meeting minutes (Exhibit B).**

JH requested clarification to item (2) and thus it was agreed to add the trailing phrase: “thus RC then TABLED these topics in his position as Chairman” to the end of Item 2.

FZ comments correction on CL initials, was already made.

Motion by MM      Seconds by KG      Vote unanimous

### 2. **Review and approval of the BOCC Draft Meeting Minutes.**

- a. June 1, 2016
- b. August 3, 2016
- c. September 7, 2016

FZ recommended matter be Tabled and continued to the October 2016 meeting due to subject Minutes not yet being available.

**ACTION:** Move to the BBRS October 2016 meeting.

### 3. **Review DPS Building Division Updates.**

FZ presented status regarding:

- a. **BBRS Interpretation 2015-01 update** / status: Earlier Interpretation addressing insulation upgrades and permitting rescinded and now such information finally removed from the DPS web site / more work to follow wrt developing a more correct Interpretation.
- b. **Updates to the BBRS website** / status: the DPS web site was updated over the past several weeks and is now described as vastly improved and more user-friendly with copies of MA amendments to all editions of the building code now available on the website.
- c. **DPS Staffing Updates** / status: it was reported that S Kennealy (SK) resigned as of 9/15/16 thus it may be necessary to restructure the MANUFACTURED BUILDING Program.

FZ sought a MOTION to issue a letter of thanks to SK for his many years of service.

Motion by JC      Second by MM      Vote unanimous

**ACTION:** A Letter of Recognition to be issued to S Kennealy

4. **Consider approval of 146 new CSLs** issued in the month of August, 2016  
Board approved New 146 CSL issued license.

Motion by JC      Second by MM Vote unanimous

5. **Review** of the CSL Hearing Officer decision in the following matter:
  - a. *Susan and Nicholas Masiello v. Theodore Patrikas*, Docket No. 2015-537 (**Exhibit C**)

FZ discussed the hearing decision of *Susan and Nicholas Masiello v. Theodore Patrikas*, Docket No. 2015-537

SC introduced, in overview, the Decision of the Hearings Officer which was being challenged by Mr. Patrikas .

The Board reviewed the Decision and after some discussion voted to support the Decision as written by the Hearings Officer.

Motion by CP      Second by MM Vote unanimous

**ACTION:** Notify T. Patrikas of affirmation of Decision.

6. **Review** Qualifications to sit for the CSL Examination
  - a. Alfred Sadikov

Given that Mr. Sadikov's work experience (**EXHIBIT D**) was largely in other countries (Russia, Australia), the Board determined to condition Mr. Sadikov's request to take the CSL Exam, based on Mr. Sadikov first providing submissions, to the Board, of copies of any educational degrees or licenses (certified affidavits affirming his education and work experience would also be acceptable) he obtained or held in such countries.

Motion by JC      Second by MM Vote unanimous

**ACTION:** Notify A Sadikov of necessary requirements that must be provided to the BBRS – see above).

7. **Review** CSL Military and/or Medical Exemption Review
  - a. Neil T. Melker (hearing)
  - b. Neil Anderson (hearing)

**MELKER:** Mr. Melker agreed to an open meeting discussion of his reasons for having a lapsed CSL and his request that such be reinstated.

Based on the testimony (**Exhibit E**) provided by Mr. Melker and after some Board discussion it was determined to allow reinstatement of Mr. Melker's CSL but conditioned on the requirement that all necessary CEUs be first obtained and provided by Mr. Melker in support of his CSL reinstatement (12 CEUs x 2 = 24 CEUs, required).

Motion by JH    Second by KG    Vote unanimous

In order for Mr. Melker to pursue necessary CEU credits, an additional vote was taken to allow Mr. Melker the right to acquire the additional CEUs.

Motion by JH Second by KG Vote unanimous

**ACTION:** Await receipt of appropriate CEUs and also inform Licensing group of reinstatement of Mr. Melker's CSL if CEUs are appropriate.

**ANDERSON:** Mr. Anderson agreed to an open meeting discussion of his reasons for having a lapsed CSL and his request that such be reinstated.

Based on the testimony (**Exhibit F**) provided by Mr. Anderson and after some Board discussion it was determined to allow reinstatement of Mr. Anderson's CSL but conditioned on the requirement that all necessary CEUs be first obtained and provided by Mr. Anderson in support of his CSL reinstatement (12 CEUs x 2 = 24 CEUs).

Motion by MM Second by KG Vote unanimous

**ACTION:** Await receipt of appropriate CEUs and also inform Licensing group of reinstatement of Mr. Anderson's CSL if CEUs are appropriate.

8. **Possible Executive Session** for review of medical information / physical condition, pursuant to M.G.L. Chapter 30A §§21(a)(1).

Not required since MSSRs. Melker and Anderson (see Item 7. above) agreed to an open meeting discussion of CSL lapse in renewal.

9. **Presentation re: duct fire safety by Conquest, John Patillo – status:** An extensive presentation (**Exhibit G**) was made by members of CONQUEST where it was presented that;
- Traditional gyp board enclosures are regulated by IBC-09, C7, Section 703 inclusive and as applicable and where such enclosures are asymmetrical, also by Section 708.4 where testing is done twice to establish the lower fire rating performance of the enclosure.
  - Rating of such enclosures addresses vertical, horizontal, fire in the enclosure, fire outside of the enclosure and asymmetry.
  - Alternative systems per se are not well addressed in the Code but it was argued still require appropriate testing, using pertinent National Test Standards and the same orientations – i.e., orientations, fire locations and asymmetry must still be addressed in order to show equivalency to more traditional systems.

Having established these premises, CONQUEST further argued that in large numbers of instances, alternative duct systems are being installed w/o compliance as noted above.

Given the potential impact of that presented the Board held much discussion revolving around possible interpretation. education of the Regulated and Regulator Communities and ultimately requested CONQUEST to draft an educational Interpretation that the Board could consider for issuance, with or without modification and also which the Board could provide to R Anderson, Education Director, for training development and outreach.

It was noted that the SMB might need to be informed as necessary once the BBRS had digested the work requested of CONQUEST.

**ACTION:** CONQUEST to develop a DRAFT Interpretation and possibly also provide DPS/BBRS staff w/copies of formal actions other jurisdictions have taken in light of CONQUEST's arguments / CONQUEST believed they could provide such information in approximately one (1) week.

10. **Discuss/Updates** to interpretations of 780 CMR, Eighth Edition / FZ provided overview in the following matters:

- a. **Standards for voluntary installation of guards on decks < 30" above grade and where otherwise not mandatory – status:** A great deal of discussion ensued w/some Board members in favor of defining minimum requirements for non required handrail/guard systems and other Board members opposed to regulating for non required systems.

Ultimately the question was raised by JH and others as to what the life-safety statistics are that would then demonstrate whether regulation in this matter is required.

**ACTION:** Seek the statistics, if such exist, wrt life-safety aspects of decks of less than 30" above grade.

- b. **References to, and application of, continuous insulation in the Energy Provisions – status:** The EAC recommended certain DRAFT technical interpretation (see DRAFT Interpretation **Exhibit H**) noting that Z girts create a thermal bridge and cannot be utilized in a continuous insulation system and where such girts penetrate the continuous insulation system.

Again, a great deal of Board discussion ensued but it was finally decided that the simple prescriptive DRAFT Interpretation was insufficient and that it was likely that a Performance solution rather than a Prescriptive solution may have to be drafted by the EAC.

**ACTION:** Return DRAFT Interpretation to the EAC with instructions to reconsider interpretive approach, possibly incorporating performance requirements into the Interpretation.

- c. **U-factor requirements for above-deck insulation for roofs – status:** FZ notes this matter must be TABLED as it requires a code change.
- d. **Strapping in insulated ceilings – status:** The DRAFT tutorial Official Interpretation (**Exhibit I**) was approved by the BOARD and will be issued as Official Interpretations 2016\_02.

Motion by MM Second by CP Vote unanimous

**ACTION:** Finalize and issue Official Interpretation 2016\_02.

- e. **Homeowner exemption to the CSL requirements – status:** FZ provided overview in this matter, noting that since regulatory language already exists, that without Code amendment the Board could only strive to provide guidance and/or affidavit tools. After much Board discussion, also involving J Luther of the Burlington, MA Building Department, it was determined that additional discussion was warranted and so this matter will be carried forward to the October Board meeting.

**ACTION:** Carry this Agenda topic into the October 2016, Board meeting.

- f. **Classification of babysitting / short-term childcare facilities within health clubs and gyms, etc. – status:** FZ provided overview wrt commercial gym/health club babysitting but where parents/guardians generally are in the area while working out.

The Board held measurable discussion in this matter w/JH also noting there are other businesses where similar services are provided.

After much discussion, it was felt that BBRS staff should begin to draft an Interpretation that, in part, may involve consideration of whether or not the Office of EEC licenses such services and areas as daycare operations or not. Additionally it was felt that future Code amendments might be considered to asset in more clearly defining when such services are only ancillary to the main USE or require a daycare USE classification.

**ACTION:** BBRS staff to begin drafting an Interpretation that also considers whether or not EEC licenses such services/spaces.

- g. **Like-kind replacement of fire protection equipment – status:** FZ provides overview w/TR noting no progress yet and that an outside 3<sup>rd</sup> party, tied to the Fire Alarm Installation and Maintenance Industry seeks to be involved.

It was determined that draft interpretation work would be developed by DFS/BBRS staff but that third party views could be sought but in a manner that did not violate OML rules.

**ACTION:** DFS/BBRS staff to develop a DRAFT Interpretation w/outside inputs provided such outreach does not violate OML rules.

- h. **Clarification on use of Chapter 46 of the IFC: Construction Requirements for Existing Buildings – status:** TR sought to better understand the intended use of Chapter 46 of the MA-amended IEBC /RobC noted C46 supports IEBC, Prescriptive Method and otherwise C46 does not apply.

**ACTION:** None required/informational only.

- i. **Active Shooter Door Stopper technologies (\*)– status:** FZ provided overview wrt active shooter technologies at the request of the DFS / JH further explained for example that for school occupancies, a variety of door stopping technologies now exist for active shooter situations and that at least some of these technologies appear to be Code compliant.

J Nunnari, AIA, offered his services in this matter / BBRS asked if a working group might be established involving not only DFS and BBRS staff but also the Federation and Architects / JH recommended that DFS/BBRS staff first review the various active shooter door stopper technologies but reach out to others as necessary.

**ACTION:** DFS and BBRS staff are to work together gathering information on the various door stopper technologies that exist and when necessary, also reach the private sector for guidance information and bring such findings back the BBRS at a future meeting.

11. **Discuss** FPPF Committee work

RobC provided overview in the following matters:

- a. **Requirements in draft 9<sup>th</sup> Edition re: fire protection requirements in 2 & 3-family residential structures – status:** Presentation of FPPF’s work regarding fire protection requirements in 2-family and 3-family dwellings was provided / Certain Sections of the DRAFT 9<sup>th</sup> Edition Code will be recommended amended at Public Hearing based on the FPPF’s ongoing work in this area //For detail, refer to FPPF Minutes of August10, 2016 and August 30, 2016, **(EXHIBITS J and K)**.

JC expressed his concerns based on his experience in the Worcester area and provided his opinion that 6<sup>th</sup> Edition language would be desirable.

There was further discussions wrt the need (or not) of FACPs and monitoring via JH but ultimately FZ noted detailed discussions wrt this matter will be provided via Public Hearing and Public Hearing amendments are being developed by the FPPF and will be recommended offered at the time of 9<sup>th</sup> Edition of 780 CMR Public Hearing.

- b. **Interpretation of sprinkler technical requirements in townhouses – status:** Presentation of FPPF’s work regarding fire sprinkler requirements in 3 family dwellings was provided / Certain Sections of the DRAFT 9<sup>th</sup> Edition Code will be recommended amended at Public Hearing based on the FPPF’s ongoing work in this area //For detail, refer to FPPF Minutes of August10, 2016 and August 30, 2016, **(EXHIBITS J and K)**.
- c. **Language re: monitoring in chapter 9 of the draft 9<sup>th</sup> Edition – status:** Presentation of FPPF’s work regarding monitoring requirements was provided / Certain Sections of the DRAFT 9<sup>th</sup> Edition Code will be recommended amended at Public Hearing based on the FPPF’s ongoing work in this area //For detail, refer to FPPF Minutes of August10, 2016 and August 30, 2016, **(EXHIBITS J and K)**.
- d. **Suggested revisions to code language re: fire alarm requirements in buildings equipped with 13D sprinkler systems – status:** Presentation of FPPF’s work regarding fire alarm requirements in buildings w/13D fire sprinkler systems was provided / Certain Sections of the DRAFT 9<sup>th</sup> Edition Code will be recommended amended at Public Hearing based on the FPPF’s ongoing work in this area //For detail, refer to FPPF Minutes of August10, 2016 and August 30, 2016, **(EXHIBITS J and K)**.

On the record, FZ expressly thanks R Carasitti for his great personal efforts and also extended thanks to the FPPF-proper for their continued, outstanding work.

12. **Discuss** code requirements for Fire Service Access Elevators – status: TR noted to the BOARD that a PowerPoint presentation addressing the use of FSAEs will be provided to the Board by its meeting in October / strictly informational.

**ACTION:** TR to issue an informational PPT presentation addressing FSAEs to the Board by the October 2016 meeting.

13. **Discuss** LNG Committee composition – status: FZ provided overview and discussion ensued as to the makeup of the LNG Committee with it finally being decided that since the BFPR has 3 members, including the BFPR Chairman that the BBRS membership would include RC, FZ and KG and additionally, the SFM and the Commissioner of Public Safety would be ex officio members.

Narrow to obtaining third party expertise in LNG and LNG distribution, the Board talked about reaching out to academia, the LNG industry itself and NFPA parties associated w/the development and training in NFPA 59A “Standard for the Production, Storage, and Handling of LNG” but as a starting point the Board voted the BBRS members and SFM and Commissioner of Public Safety as voting members of the LNG Committee.

Motion by JH Second by MM Vote unanimous

**ACTION:** Advise all parties to schedule a first working meeting of the LNG Committee.

14. **Discuss Convention Center working group update – status:** NO ACTION TAKEN.
15. **Discuss** overhead garage door permitting/CSL requirements – status: FZ provides overview and offered a DRAFT view of permitting and CSL oversight noting that presently, garage door installation does not fall under any CSL Exemption or from building permitting via 105. / MM argued a garage door is not an egress door and since structural framing already exists, no CSL or permitting is needed unless the garage is a heated space and then energy code issues arise driving building permitting.

Several Municipal Building Officials present likewise felt that licensure was not necessarily a good idea.

Ultimately it was felt that unless life-safety statistics indicate otherwise that at this time licensure should not be pursued.

**ACTION:** None at this time.

16. **Discuss BFPR adoption of MA-amended NEC 2017 and possible impact on 780 CMR requirements – status:** FZ provided overview and recommended that narrow only to the MANUFACTURED BUILDING PROGRAM, 780 CMR, Regulation 110.R3, the effective Building Permit issue date should be considered the date that the BBRS number, allowing approval and construction of the MANUFACTURED BUILDING is issued by DPS / this is required to be recognized as the “effective building permit” because the upcoming, updated 527 CMR 12 (MA Electrical Code) will be based on the NEC-2017 and updated 527 CMR 12 becomes absolutely effective on 1/1 2017, thus the above “permitting” position is taken to assure that manufactured buildings constructed but not yet permitted for property-specific installation legally reflect 527 CMR 12 requirements in effect at the time of manufacture./JH requested that the legal departments of DFS and DPS further discuss this matter to assure legal, smooth transition.

Motion by JH Second by MM KG abstained (BBRS # issue date for MANUFACTURED BUILDINGS is to be treated as the building permit date narrow to determining what Building Code and what Specialized Codes, including the MA Electrical Code, governed at the time of construction of the Manufactured Building).

**ACTION:** Request DPS and DFS Legal Departments to discuss the voted position of the BBRS in this matter and communicate w/the BFPR as to how Wiring Inspectors are to view Manufactured Buildings wrt MA Electrical Code compliance.

17. **Discuss** other matters not reasonably anticipated 2 business days in advance of meeting – status: No action.

18. **Approve** adjourning the meeting – status:

Motion by MM      Second by KG    Vote unanimous

**EXHIBITS:**

- A. BBRS Meeting agenda 09-13-2016
- B. BBRS Meeting Minutes 07-19-2016 (Reflecting BBRS amended *approval*)
- C. Masiello v. Patrikas, Decision, Docket # 2015-537
- D. Alfred Sadikov CSL resume materials
- E. CSL Reinstatement Request / N. T. Melker
- F. CSL Reinstatement Request / N. Anderson
- G. CONQUEST Presentation materials
- H. DRAFT Official Interpretation No. 2016\_0X (Z-girls et al)
- I. DRAFT Official Interpretation No. 2016\_0Z (Insulating ceilings w/strapping)
- J. FPDF Minutes of August 10, 2016
- K. FPDF Minutes of August 30, 2016
- L. Audience sign-in sheet of those in attendance at the 09-13-2016 BBRS Monthly Meeting