



The Commonwealth of Massachusetts Department of Public Safety

Board of Building Regulations and Standards

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APPROVED MINUTES

Board of Building Regulations and Standards (BBRS)

Ashburton Café, One Ashburton Place, Boston MA 02108

September 8, 2015 at 1:00 p.m.

1. RC opened the meeting at 1:04 p.m. and then roll call was taken as follows:

Richard Crowley V-Chair (RC)	✓ present	<input type="checkbox"/> absent		
Robert Anderson* (RA)	✓ present	<input type="checkbox"/> absent	Structural Engineer	
John Couture (JC)	✓ present	<input type="checkbox"/> absent	(open slot)	<input type="checkbox"/> present <input type="checkbox"/> absent
Kevin Gallagher (KG)	present	✓ absent	General Contractor of	
Jerry Ludwig (JL)*	✓ present	<input type="checkbox"/> absent	Commercial Buildings	
Alexander "Sandy" MacLeod (SM)	✓ present	<input type="checkbox"/> absent	(open slot)	<input type="checkbox"/> present <input type="checkbox"/> absent
Thomas Perry (TP)	✓ present	<input type="checkbox"/> absent	Michael McDowell (MM)	✓ present <input type="checkbox"/> absent
Stephen Coan* (SC)	✓ present	<input type="checkbox"/> absent		

*Tom Riley (TR) participated as the designee for RA; Jennifer Hoyt (JH) participated as the designee for SC. Also in attendance from DPS was Deputy General Counsel Deirdre Hosler (DH) and Lisa Barros (LB); JL arrived at 1:15 PM.

RC took time to introduce and welcome MM as the Home Builder representative and asked MM to briefly describe his background to which MM provided brief background noting he was past President of the State Home Builders Association and of the Western Massachusetts Home Builders Association, has a strong background as a builder and remodeler, was on the first State Board of Home Inspectors involved w/the development and promulgation of 266 CMR, and is currently one of the MA Historic Commissioners w/a background in preservation. 1:06 PM.

General notes on format:

- Votes are noted as **Motion** by, Second by, and whether unanimous or split vote.
- Agenda topics appear herein as numbered but may have been taken out of order as they appear on the meeting agenda.
- The September 8, 2015 Agenda is listed as **EXHIBIT A**; others are listed sequentially as addressed during the meeting.

2. The August 11, 2015 meeting minutes (**Exhibit B**) were reviewed and **approved** with the following edits (noted in red font) as recommended by JH :

Item #7, final parenthetical sentence, reference to *FPF* should be *FPPF*.

Item 8, 2cd paragraph should, in part read: "*Marshal Coan requested that the Board members participate in issuing a joint memorandum with DPH and DFS indicating that ...*"

Item #8, final sentence was recommended revised to simply read: "*Marshal Coan indicated that he would consider issuing a memorandum to Fire Chiefs.*"

On a **MOTION** by SM seconded by TP, the minutes, as amended, were approved with MM abstaining as this September meeting is his first BBRS meeting (MM was therefore not present for the August meeting). 1:09 PM.

3. 3a was kept *Tabled*.
3b. was kept on *Hold*.
3c. - JH moved to remove Item 3c. from future Agendas and actions arguing that enforcement of M.G.L. c. 148, § 26G is under the authority of the local Fire Department. There was no second to the Motion and therefore Item 3c. was left on *Hold*. 1:11 PM.
4. 4a and 4b., DH provided an overview of Executive Order (EO) 562 processes explaining that via "562", the general public now has the opportunity to offer any comments on the current 8th Edition of 780 CMR (comment period running through October 2015); additionally, under "562", the BBRS and the Department are required to consider the current 780 CMR regulations and present comments/recommendations for acceptability and/or improvement.

DH further noted that the general public has already begun issuing comments wrt 780 CMR and presented the Board with the present family of such comments (**Exhibit C**) and provided brief overview of same including some discussion regarding concurrency (no longer to be used) and Code promulgation dates. 1:17 PM.

4c. -Robert Carasitti (RC), Chairman of the Fire Prevention Fire Protection (FPPF) Advisory Committee, provided update on where the FPPF is in addressing the DRAFT Ninth Edition of 780 CMR and proposed further amendments offered by the State Fire Marshal (SC) and the Department of Fire Services (DFS) - the FPPF's next working meeting was scheduled for 9/16/15. The FPPF, through its forthcoming DRAFT Minutes, will address areas where DPS Legal advice may be sought relative to potential jurisdictional issues that may exist between requirements of 780 CMR and 527 CMR which have come to light based on the SC-/DFS-proposed further amendments to 780 CMR. 1:13 PM.

5. 5a. - on a **MOTION** by SM, seconded TP, 157 new Construction Supervisor Licenses (CSLs) issued during the months of mid-August through early September, 2015 were unanimously approved. 1:15 PM.

5b. - on a **MOTION** by SM seconded by MM, CS license re-instatements for medical reasons were unanimously approved for:

Ymer Deliallisi CS-075998
Christopher Morin CS-104440 1:16 PM.

Chairman notes that JL arrived at 1:15 PM

MM asked how many active CSLs now exist, noting that via continuing education requirements such information should be available. 1:17 PM.

6. As the Building Official Certification Committee (BOCC) minutes were not available for review, this matter was kept on *Hold* until October. 1:25 PM.
7. JH asked if KG had received expected technical information to better address the matter of open web joists evaluated via ICC ESR 2999 / status was not known but would be determined (staff to contact KG) and information issued to KG if not already issued. 1:26 PM.
8. TR briefly described status of BBRs/DPS Staffing indicating that initial interviews have been held / one full time employee is to be hired with temporary part-time work also being currently provided by TR. 1:27 PM.
9. A DRAFT Letter from the BBRs to the Board of Fire Prevention Regulations (BFPR) - **Exhibit D** - was presented to the BBRs for review, critique and consideration of issuance - all to be addressed at the October monthly meeting / the letter has been developed in response to SC-Department of Fire Services (DFS)-proposed Code amendments to 780 CMR where reference/default to updated 527 CMR is requested (also provided to the BBRs was a stand-alone excerpt from C.802 of the Acts of 1972, as amended showing the sunset provisions {the Act sunsetted bylaws, ordinances, regulations, etc., in conflict w/the State Building Code} of "802 - **Exhibit E**). The DRAFT Letter seeks clarification of authority regarding certain requirements of 527 CMR v. requirements of 780 CMR.

JH asked if the subject DRAFT Letter had been reviewed by DPS legal/ DH noted that she had just seen the letter but believed that the letter anticipated dialogue between DFS Legal and DPS Legal. 1:31 PM.

10. Under matters not reasonably anticipated the following matters were raised:
 - a. RC noted to DH that upcoming FFPF DRAFT Minutes would identify issues needing legal clarification between BFPR/DFS and BBRs relative issues of jurisdiction. 1:35 PM.
 - b. SM asked if under updated 527 CMR, had any appeals yet been held? / this question was asked based on SM's understanding that the "Installation Permit" once used by Fire Services is no longer in effect but noted that the Boston Fire Department (BFD) still seems to be requiring some form of "Construction Permits" for fire protection/detection/notification systems whereas it was understood that such were no longer required.

JH noted that BFD has a particular process but DFS is available for discussion of any specific issue.

SC observed that he understood that BFD had certain local empowerment but noted that a joint memorandum (**Exhibit F**) attempting to clarify this matter had been issued and further suggested that SM might wish to have direct discussions with BFD in this matter. SM indicated he would take that approach. 1:38 PM.

11. On a **MOTION** by SM seconded by JC Board members unanimously voted to adjourn the meeting at 1:40 PM.

Exhibits:

- A. Meeting Agenda.
- B. BBRS Meeting Minutes August 11, 2015 (*Approved as amended*).
- C. Filed Public Comments to date addressing recommendations, critique, etc. of the current 8th Edition of 780 CMR.
- D. DRAFT Letter, BBRS to BFPR seeking jurisdictional clarification.
- E. Excerpt from C.802 of the Acts of 1972, as amended showing the sunseting provisions of the Act.
- F. Memorandum, dated February 6, 2015 jointly signed by SC and then Commissioner of Public Safety, Thomas Gatzunis, advising on permitting requirements under the Revised, Comprehensive Fire Safety Code.
- G. Audience Sign-in Sheet of those in attendance at the September 8, 2015 BBRS monthly meeting.