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Board of Building Regulations and Standards (BBRS)

April 13 2021 Meeting

This was a virtual Microsoft Teams meeting.

Chairman Crowley opened the meeting @ approximately 10:06 a.m. and took roll call as follows.

Richard Crowley, Chair	✓ present <input type="checkbox"/> absent	Kerry Dietz	✓ present <input type="checkbox"/> absent
John Couture, Vice Chair	✓ present <input type="checkbox"/> absent	Steve Frederickson	✓ present <input type="checkbox"/> absent
Lisa Davey	✓ present <input type="checkbox"/> absent	Peter Ostroskey*	✓ present <input type="checkbox"/> absent
Cheryl Lavalley	<input type="checkbox"/> present ✓ absent	Layla D'Emilia**	✓ present <input type="checkbox"/> absent
Michael McDowell	✓ present <input type="checkbox"/> absent	Kent Vinson	✓ present <input type="checkbox"/> absent
Susan Gleason	✓ present <input type="checkbox"/> absent		

* Jen Hoyt participated as the designee for State Fire Marshal, Peter Ostroskey.

** David Sullivan participated as the designee for Division of Professional Licensure Commissioner, Layla D'Emilia.

General notes on format of these minutes

- These minutes represent general points discussed by Board members and/or attendees. The minutes are not intended to be a verbatim account of discussions.
- Votes are noted as **MOTION** by, seconded by, and whether it was a unanimous or split vote.
- Agenda topics, as numbered, may/may not be in the same order as they appear on the meeting agenda.
- The meeting agenda is listed as **EXHIBIT A**; others are listed sequentially as addresses during the meeting.

1. **BBRS Minutes.** On a **MOTION** by John Couture, seconded by David Sullivan, it was unanimously **VOTED** by **ROLL CALL** to approve the amended minutes for the February 9, 2021 Board of Building and Regulations and Standards (BBRS) meeting as amended (**EXHIBIT B**). Kerry Dietz identified that the review response to AG's office item should be recognized as #4. Also, add a note to prevent technical advisory committees from meeting at the same time should be added.

BBRS Minutes. On a **MOTION** by John Couture, seconded by Kerry Dietz, it was unanimously **VOTED** by **ROLL CALL** to approve the minutes for the March 9, 2021 Board of Building and Regulations and Standards (BBRS) meeting as amended (**EXHIBIT C**).

BBRS Minutes. On a **MOTION** by Jen Hoyt, seconded by Michael McDowell, it was unanimously **VOTED** by **ROLL CALL** to approve the minutes for the March 9, 2021 Board of Building and Regulations and Standards (BBRS) closed session meeting as submitted (**EXHIBIT D**).

2. **BCAB Minutes.** On a **MOTION** by Kerry Dietz, seconded by John Couture, it was unanimously **VOTED**, by **ROLL CALL** to approve the January 19, 2021 and the February 4, 2021 Building Code Appeals Board (BCAB) minutes as submitted, Kent Vinson abstained (**EXHIBIT E**).

3. **BOCC Minutes.** On a **MOTION** by John Couture, seconded by David Sullivan, it was unanimously **VOTED** by **ROLL CALL** to approve the March 2, 2021 Building Official Certification Committee (BOCC) minutes as submitted (**EXHIBIT F**).
4. **Discuss** Climate Policy bill enactment. Kristina Gasson, Board Counsel talked about the implantation is still in progress and requires the state to achieve specific emission benchmarks which include achieving net zero by 2050. DOER will define net-zero. The new municipal stretch energy code, DOER is charged with developing and municipalities can opt in. The oversight of the energy provisions is going to change. DOER will have primary responsibility but will consult with the BBRs. The work is required to begin in July and completed within 18 months. The stretch energy code will be incorporated into the base code by 2030. The Building Code Appeals Board will hear appeals on the codes DOER enact. The BBRs membership will include 4 new members, the DOER Commissioner or designee and 3 green building experts appointed by the Governor. BBRs members are eligible for appointment to a second term but shall not serve more than 10 total years. No member shall serve a chair for more than 4 consecutive years. Board meeting minutes to be published with 30 days of each meeting. Amendments to the code must be distributed to municipal building officials and several state agencies within 40 days after filing with the Secretary of State. Curtis Meskus as EAC chair asked if the committee should continue its current tasks. Counsel Gasson thought that the work done will be provided to DOER. John Nunnari spoke about the AIA proposal and has submitted it to DOER with municipal opt in provision. Michael McDowell spoke about pollution and the bill does not address, and net-zero is moving the energy off site and electrical plants are not nearly as efficient as the equipment installed in buildings.
5. **Tenth Edition 780 CMR Progress.** Dan Walsh explained each board member received IBC chapters 3, 5, 6, 4, 8, 28, 31, 32 and 33 and each has been blended with the 2018 and the 2021 changes along with the Mass. amendments. Rob Anderson spoke about how the board members can review each chapter outside the meetings and bring their questions to the group to review, and staff will do their best to answer any questions. ICC is not publishing transition documents from 2018 to the 2021 I-Codes, so staff will answer questions about changes in the I-Codes as best we can. Counsel is working with ICC about posting documents/information on the webpage. Kerry Dietz thinks board members should read through the code and bring comments to the meetings. She suggests working through the sections and asking for comments. John Couture agrees with the process Kerry described. The Board can makeup some time by utilizing this process. Jen Hoyt agreed with the process, but staff should make the first pass. The chapters assigned to staff need a forum to work through concerns/technical issues because some might be time-consuming to work through during board meetings. Chairman Crowley suggested contacting staff to work through. Kerry Dietz asked about voting today and what is the time to respond to staff with comments. Jen Hoyt spoke about identifying specific chapters with a timeline. Rob suggested getting comments on the chapters on today's agenda (3, 5, 6, 4, 8, 28, 31, 32, and 33) to him two weeks before monthly meetings. Jen would like to hear from ICC on the tall wood buildings provisions in chapter 5. Bob Carasitti reported FPDF had completed its first pass of chapter 9, and he expects to have a report in May or June. He spoke about FPDF is looking at the IBC reference to the IFC and will have some edits to make the code clearer, not technical but editorial. He asked if the Board intends to publish a blended code. Chairman Crowley talked about an interest in the past to publish a blended code.

State Building Inspector Harold Leaming provided a report of his review of the 2021 IMC (**EXHIBIT G**). He did not find any technical issues. Inspector Leaming also explained the 2021 IMC has been organized in a way that benefits the Code users. The ANSI standards works better, refrigerant table with new refrigerants, the ventilation provisions in Chapter 4 are easier to follow and make clear a balance report is required. He did not spend time on Chapter 1 because other inspectors have been assigned Chapter 1 in the IBC and IRC. Inspector Leaming recommended adopting the 2021 IMC without amendment.

6. **Review\ Vote** Case C20-00018, Hearings Officer's decision. David Sullivan recused himself from this agenda item. Dan Walsh explained this agenda item is under the Discretionary Appeal provision in 780 CMR where a person aggrieved by a decision of the hearings officer can request review of the hearings officer decision. The Board may review said decision at its discretion. The Board's review shall be based solely on the administrative record and not a second hearing. Board Counsel Kristina Gasson explained if the board decides to review this case, it's a review of the facts. The license suspended through April 1, 2021. The suspension was due to the license holder performed work, regulated by the state building code without a building permit. Mr. Larson's counsel explained his client filed an affidavit and there was very little work performed. Mr. Larson has never had any

issues in the past and feels there is a mistake in the impression of the facts. On a MOTION by Michael McDowell, seconded by Jen Hoyt, it was unanimously VOTED by ROLL CALL to uphold the Hearings Officer's decision (**EXHIBIT H**).

7. **Discuss** approval of 156 new CSLs issued in the month of January 2021. Board members acknowledged approval of the new Construction Supervisor Licenses CSLs issued.
8. **CSL Requests for Reinstatement.** On a MOTION by Michael McDowell seconded by John Couture it was unanimously voted to approve the following request:
 - Rick McKenna CS-083461 (*age*).
12. **Discuss other matters not reasonably anticipated 48 hours in advance of meeting.** Chairman Crowley recognized John Nunnari and he asked for guidance about the May public hearing. Dan Walsh talked about code changes offered during the public hearing should think about changes to the 10th edition.
13. Tenth Edition 780 CMR Progress. The Board moved back to this agenda. With the IBC Chapter 3 displayed (**EXHIBIT I**) Rob asked if any member has question on any section. Kerry Dietz pointed out section 308.2.4 could be worded better. Jen Hoyt spoke about "care facility" not being defined and the term sometimes causes confusion. Next IBC Chapter 5 was displayed (**EXHIBIT J**), Kerry Dietz commented incorporating the MGL's then maybe we can eliminate the MGL's in the preamble. Strike "may" required in the fire lane statement. A discussion ensued about the general law empowering the code and whether or not to incorporating G.L. text into the code. Next the group reviewed IBC Chapter 6 was displayed (**EXHIBIT K**). The Board offered no comments. Next displayed IBC Chapter 4 (**EXHIBIT L**). Kerry Dietz talked about the term "Convalescent Home" is not defined. Jen Hoyt talked about 411.5, #2 approved by the building official and #3 Exits shall be readily available... should be removed. Kerry Dietz talked about Sections 429, 430, 431, and 432 and questioned the need to carry forward, since other sections in the code address these building uses. Jen Hoyt talked about these sections have unique requirements, and this is an opportunity to explore pare down the requirements. Next the board reviewed IBC Chapter 8 (**EXHIBIT M**). Jen Hoyt spoke about 806.2 and the reference to 527 CMR. Next the group reviewed IBC Chapter 31 (**EXHIBIT N**). Jen Hoyt spoke about adding minimum standards in the Over Night provisions and the Temporary Emergency Use provisions. Chairman Crowley spoke about taking these provisions to the ICC for adopting into the national codes.
14. **Adjourn Session.** On a MOTION by David Sullivan, seconded by Kerry Dietz, it was unanimously VOTED by ROLL CALL to adjourn the meeting @ approximately 1:00 p.m.

EXHIBITS:

- A. Meeting Agenda.
- B. February 9, 2021 Board of Building and Regulations and Standards (BBRS) draft amended meeting minutes.
- C. March 9, 2021 Board of Building and Regulations and Standards (BBRS) draft amended meeting minutes.
- D. March 9, 2021 Board of Building and Regulations and Standards (BBRS) draft amended closed session meeting minutes.
- E. January 19, 2021 and the February 4, 2021 Building Code Appeals Board (BCAB) meeting minutes.
- F. March 2, 2021 Building Official Certification Committee (BOCC) meeting minutes.
- G. 2021 CHAPTER 28 4 13 2021 DRAFT.
- H. File C20-00018 Review Hearings Officer's Decision.
- I. 2021 IBC Chapter 3 3 9 2021 Draft
- J. 2021 IBC Chapter 5 3 9 2021 Draft
- K. 2021 IBC Chapter 6 3 9 2021 Draft.
- L. 2021 IBC Chapter 4 3 9 2021 Draft.
- M. 2021 CHAPTER 8 4 13 2021 DRAFT.
- N. 2021 CHAPTER 31 4 13 2021 DRAFT.