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Board of Building Regulations and Standards (BBRS)

February 9, 2021 Meeting

*This was a virtual Microsoft Teams meeting.*

Chairman Crowley opened the meeting @ approximately 10:20 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 or 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 Jen Hoyt, seconded by John Couture, it was unanimously **VOTED** by **ROLL CALL** to approve the minutes for the January 12, 2021 Board of Building and Regulations and Standards (BBRS) meeting as amended (**EXHIBIT B**). Jen Hoyt submitted additional language to agenda item #4. The language offered, and displayed for the group, points out a reduction in child deaths in residential fires.
2. **BCAB Minutes.** On a **MOTION** by John Couture, seconded by David Sullivan, it was unanimously **VOTED**, by **ROLL CALL** to approve the November 17, 2020, December 3, 2020, and December 22, 2020, Building Code Appeals Board (BCAB) minutes as submitted, Kent Vinson abstained (**EXHIBIT C**).

3. **BOCC Minutes.** On a **MOTION** by Lisa Davey, seconded by John Couture, it was unanimously **VOTED** by **ROLL CALL** to approve the January 1, 2021 Building Official Certification Committee (BOCC) minutes as submitted, Kent Vinson abstained (**EXHIBITS D**).
4. **Review** response to AG's office about Chilmark and Shrewsbury By-laws. Kristina Gasson, Board Counsel, explained the Attorney General (AG) asked if either of the two bylaws contradict the state building code and the DPL legal team wanted to keep the Board up to date. The Town of Chilmark bylaw does not contradict the building code but uses building code language, which can be a problem. The Town of Shrewsbury bylaw requires fire sprinklers in some structures. DPL legal informed the AG that this bylaw is a problem. Jen Hoyt asked for the bylaws to be provided to the Board.
5. **Review\Vote** FAQ Ice Barrier Underlayment Required. Rob Anderson explained receiving inquires about Section R905.2.7 refers the reader back to Section R905.1.2 where the requirement is qualified by the statement; in areas where there has been a history of ice forming along the eaves. The climate in Massachusetts requires the installation of ices barriers; the code path can be confusing. The ICE BARRIER FAQ IRC 2015 1 28 2021 document intended to clarify any confusion (**EXHIBITS E**).

After a brief discussion, on a **MOTION** by David Sullivan, seconded by Michael McDowell, it was unanimously **VOTED** by **ROLL CALL** to approve The ICE BARRIER FAQ IRC 2015 1 28 2021 FAQ.

6. **Adoption Schedule for Tenth Edition 780 CMR.** Dan Walsh described the proposed schedule reflects updates discussed during the December 2020 BBRs meeting (**EXHIBIT F**). The revised schedule reflects the 2021 I-Codes becoming available in December 2020. The schedule allows the board to see how the 10<sup>th</sup> edition progress looks and seems reasonable. The board had a brief discussion about some Technical Advisory Committees (TAC) thinking they do not need to report-out until September 2021. Some board members expressed interest with having the TACs provide their reports before September. Chairman Crowley explained the schedule provides milestones from a timetable perspective and not a detail schedule.

Following the discussion, on a **MOTION** by John Couture, seconded by Kerry Deitz, it was unanimously **VOTED** by **ROLL CALL** to approve the milestone schedule as presented.

7. **Tenth Edition 780 CMR Progress.** Rob Anderson explained the displayed document represents a first pass at Chapter 3 of the 2021 IBC. It shows the changes made by ICC from 2015 to 2018 shown in aqua, and changes made by ICC from the 2018 to 2021 shown in yellow. The Massachusetts amends are in red font. Rob also explained some of the difficulties with creating the draft displayed and the objective today is to show the board the method staff is using, and to highlight some of the more significant changes. Bob Carasitte, FPFP Chairman talked about the process FPFP is using and the progress it has made thus far. Jen Hoyt raised the issue that the discussion of Chapter 3 was not specifically noted in the agenda. Additionally, she expressed concern that Chapter 3 documents were not sent to Board members with the meeting materials. Chairman Rich Crowley responded that staff had not completed their review of Chapter 3 before the agenda was posted and that, as Chair, he felt it was important to include it in the general discussion of 780 CMR progress. Ms. Hoyt further raised concerns about the Open Meeting Law

and not providing the documents to Board members with ample time to review the information. Ms. Hoyt expressed concern that the Board would vote on code language when information not provided in advance and that staff would make changes to the document following the meeting, with no requirement to return to the Board prior to promulgation. Rich Crowley agreed that it was not the intent of the Board to vote on documents without allowing ample time for Board members to review the documents prior to the vote.

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Following the discussion on Chapter 3, Jen Hoyt asked for staff to make the document available to Board members, even if in draft form, and to determine a policy to post the draft documents to the DPL website to allow for public review and comment when the documents are in a “final draft” format.

8. **Discuss approval of 110 new CSLs issued in the month of January 2021.**

Board members acknowledged approval of the new Construction Supervisor Licenses CSLs issued.

9. **Discuss CSL Average Passing Score\Medical\Military\ Age or Continuing Education Requirements.**

On a **MOTION** by John Couture, seconded by Michael McDowell, it was unanimously **VOTED** by **ROLL CALL** to approve renewal of Leonard J. Demopoulos expired Construction Supervisor License (CSL) number CS-069722 due to medical reasons.

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

Jen Hoyt spoke about a fire in the Town of Natick that included a fatality. The fire was in January 2021 in a home that had been subject to the provisions of the 9th edition of the building code. The building was constructed without a fire sprinkler system. Ms. Hoyt spoke about the structure built under a modern building code without fire sprinklers and that the board needs to consider this incident as it reviews the provisions to be adopted for the 10th edition. Dan Walsh offered OPSI assistance with the investigation to better understand the possible building code issues.

11. **Adjourn Session.** On a **MOTION** by Jen Hoyt, seconded by David Sullivan, it was unanimously **VOTED** by **ROLL CALL** to adjourn the meeting @ approximately 11:47 a.m.

**EXHIBITS:**

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- A. Meeting Agenda.
- B. January 12, 2021 Board of Building and Regulations and Standards (BBRS) meeting minutes.
- C. November 17, 2020, December 3, and 22, 2020, Building Code Appeals Board (BCAB) meeting minutes.
- D. January 1, 2021, 2020 Building Official Certification Committee (BOCC) meeting minutes.
- E. The ICE BARRIER FAQ IRC 2015 1 28 2021 document.
- F. Adoption Schedule for Tenth Edition 780 CMR.