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Division of Professional Licensure
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PROFESSIONAL LICENSURE

Board of Building Regulations and Standards (BBRS)

January 12, 2021 Meeting

The Division of Professional Licensure Office
1000 Washington Street - Boston, MA 02118

This was a virtual Microsoft Teams meeting.

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

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

* *Jen Hoyt participated as the designee for State Fire Marshal, Peter Ostroskey. Dave 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 Lisa Davey, seconded by Kerry Dietz, it was unanimously **VOTED** by **ROLL CALL** to approve the minutes for the December 18, 2020 Board of Building and Regulations and Standards (BBRS) meeting as submitted (**EXHIBIT B**).
2. **BCAB Minutes.** On a **MOTION** by Lisa Davey, seconded by Kerry Dietz, it was unanimously **VOTED** by **ROLL CALL** to approve the November 5, 2020 Building Code Appeals Board (BCAB) minutes as submitted (**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 November 12th and December 1st, 2020 Building Official Certification Committee (BOCC) minutes as submitted (**EXHIBITS D & E**).
4. **Letter of Recognition.** Chairman Crowley read a letter of recognition remembering the service of Chief Kevin Gallagher who stepped-down from the Board earlier in the year. Chairman Crowley praised Kevin as a great mediator; Kerry Dietz identified him as rock solid; John Couture recognized his work on the manufactured building program and expressed his great respect for him. All Board members agreed. Also, Jen Hoyt took the opportunity to mention that **no child** residential fire deaths **occurred in 2020. This is the first year in a significant span when this has occurred in Massachusetts. This result in due in part to the** work by Kevin, **BBSR, DFS,** and others **to prioritize life safety.**

Following discussion, on a **MOTION** by Jen Hoyt, seconded by John Couture, it was unanimously **VOTED** by **ROLL CALL** to approve issuance of the January 12th letter to Kevin (**EXHIBIT F**).

5. **Official Interpretation Number 2014-01.** Chapter 34 Advisory Committee Chairman, Mike DiMascio, indicated that Committee members attempted to expand the interpretation (**EXHIBIT G**) to include a question 10 that clarifies when automatic fire sprinklers are required in 3 unit, renovated residential buildings.

Chairman Crowley explored the history of the interpretation, in general, and specifics of question 10, which was posed to be added by former Technical Director, Michael Guigli. Chairman Crowley expressed that clear guidance is necessary so that requirements are applied equitably throughout the commonwealth. The question was posed to the International Code Council (ICC), in hopes of gaining clarity, but they declined to provide an answer, making it necessary to be addressed in the form of an interpretation.

Jen Hoyt indicated that question 10 is limited in scope, focusing specifically on how to apply provisions of Section 804.2 of the International Existing Building Code (IEBC), and read directly from the question (*pictured below*).

QUESTION 10

An architect submits plans for an unsprinklered three-unit residential building with each unit modified to produce a more open floor plan, rearranged kitchens, and walls moved to create master bedrooms. The construction documents indicate work area to be less than 50% of the total aggregate floor area, work area on each level to be less than 50% of each floor, front and rear stairways are retained, and indicate that a new sprinkler system is not required. Is this the correct application of 780 CMR IEBC Section 804.2?

Chapter 34 Committee Chairman, Mike DiMascio, agreed that the question and response is narrowly focused.

Steve Frederickson suggested that reference be made to Massachusetts General Law, Chapter 148, §26I in the interpretation. Chairman DiMascio clarified that the law is applicable to buildings containing not

less than four dwelling units, whereas the interpretation is specific to 3 unit residential structures. Nonetheless, he did not have any objection to including a reference to the law.

Jen Hoyt suggested that reference to the law be included as part of the note at the end of the interpretation (*as indicated below*).

Note, see also Mass. Amendments to IEBC 804.2 and Massachusetts General Law (MGL) Chapter 148, §26I.

Following on a **MOTION** by Jen Hoyt, seconded by John Couture, it was unanimously **VOTED** by **ROLL CALL** to approve issuance Official Interpretation Number 2014-01, as herein amended.

6. **Adoption Schedule for Tenth Edition 780 CMR.** Rob Anderson indicated that he, Dave Sullivan and Dan Walsh have discussed the proposed schedule (**EXHIBIT H**). However, since Dan was not able to attend in the meeting, Rob suggested that Board members defer action until the next meeting when Dan is able to participate in discussions. Rob indicated that, from his perspective, the schedule seems reasonable, but did not want to speak for Dan. Following a brief discussion, Board members agreed to postpone a vote on the schedule until the February meeting.
7. **Tenth Edition 780 CMR Progress.** Rob Anderson described processes he has taken for chapters assigned to him, including Chapter 18 which will be reviewed by members of the Geotechnical Advisory Committee (GAC). Rob indicated that he began with a review of IBC, Chapter 2 Definitions. During a first pass, definitions typically moved forward from one code version to the next were overlaid on IBC text. For example, the definition of **Building Code Official** was revised to make reference to M.G.L. c. 143, §§ 3 and 3A. Rob explained that, in previous code versions, many definitional changes have been made due to general law requirements (*i.e. high rise building definition*). Rob suggested that DPL legal counsel may want to weigh-in on whether Board members are committed to such definitions or may have some flexibility.

In addition to overlaying unique definitions so that they can be viewed in context, Rob indicated that he excerpted definition changes made by the ICC from 2015 and 2018; changes made by the ICC from 2018 and 2021; and Massachusetts changes typically made from one code version to another to help clearly identify changes made via ICC hearings versus those made by Massachusetts. Rob did the same for Chapter 18 that will be viewed by GAC members during a meeting on January 13th. Rob asked Board members if the review method is clear and acceptable.

Chairman Crowley asked if changes will be presented to Board members via a **PowerPoint Presentation** at some point. Rob suggested that it is possible if desired by Board members.

Jen Hoyt indicated that the process used by Rob is clear and the revised chapter looks great, with changes clearly identified. However, Jen wanted to be sure that all work, whether done by a staff member or advisory committee, is clear, accurate and easily traceable should questions arise in the future. Jen was concerned that certain changes made in previous code versions could not be fully explained as to how, where, when and by whom changes were made. Jen advocated for all draft versions of the code, as it

advances, to be available to the public for purposes of transparency and so that they may prepare comments on proposed code language.

Chairman Crowley expressed concern for all draft versions being available, indicating that many people remember the draft language and do not recognize that language has been revised as the code review advanced.

Rob Anderson indicated that draft versions can be clearly identified by date so that progress can be tracked and questions easily answered. DPL Counsel, Kristina Gasson, agreed that Board members should be careful to clearly identify each draft version so that progress can be easily traced.

Following discussion, and at the suggestion of several Board members, it was agreed that a space on the Office of Public Safety & Inspections (OPSI) website should be dedicated to the tenth edition review process. The space should be divided into advisory committee review areas and areas identifying others involved in the process (*i.e. a Fire Prevention\Fire Protection (FPFP) area, GAC area, etc.*) and draft documents should be available and clearly identified as to date reviewed (*i.e. Draft Version 1 - February 1, 2021, Draft Version 2 – March 1, 2021*). Additionally, the site should contain all meeting agendas, minutes and associated documents. Board members also asked to be informed of all committee meeting dates as they are arranged. Rob Anderson indicated he would check to make sure the website can be so arranged.

8. **Discuss approval of 123 new CSLs issued in the month of December, 2020.**

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

9. **Board Counsel Update.** Counsel Gasson indicated that Senate Bill 2995 which, among other things, specifies desires for net zero construction code requirements, rests with Governor Baker. At this point, it is not known whether or not the governor will sign the legislation. Counsel Gasson indicated that she will keep Board members apprised of progress.

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

On a **MOTION** by John Couture, seconded by Lisa Davey, it was unanimously **VOTED** by **ROLL CALL** to approve renewal of Christopher Dennis' expired Construction Supervisor License (CSL) number CS-064712 due to medical reasons.

11. **Elect BBRS Chair.** Kerry Dietz and Richard Crowley were nominated to serve as Chair for the year. A **ROLL CALL VOTE** awarded the Chair to Richard Crowley with 5 members in favor and 3 opposed as indicated below.

Kerry Dietz	
In Favor.	Lisa Davey, Jen Hoyt, and Kerry Dietz.
Opposed.	John Couture, Steve Frederickson, Cheryl Lavalley, Dave Sullivan, Susan Gleason.
Richard Crowley	

In Favor.	John Couture, Steve Frederickson, Cheryl Lavalley, Dave Sullivan, Susan Gleason.
Opposed.	Lisa Davey, Jen Hoyt, and Kerry Dietz.

12. **Elect BBRS Vice-Chair.** Lisa Davey and John Couture were nominated to serve as Vice-chair for the year. **A ROLL CALL VOTE** awarded the Vice-chair to John Couture with 5 members in favor and 3 opposed as indicated below.

13.

Lisa Davey	
In Favor.	Lisa Davey, Jen Hoyt, and Kerry Dietz.
Opposed.	John Couture, Steve Frederickson, Cheryl Lavalley, Dave Sullivan, Susan Gleason.
John Couture	
In Favor.	John Couture, Steve Frederickson, Cheryl Lavalley, Dave Sullivan, Susan Gleason.
Opposed.	Lisa Davey, Jen Hoyt, and Kerry Dietz.

Chairman Crowley thanked all Board members for allowing him to serve another term and for their dedication to efforts of the Board. Additionally, Chairman Crowley asked if Board members were interested in electing a Second, Vice-chair as in some previous years. Following a brief discussion, it was agreed that a Second, Vice-chair was not necessary.

14. **Discuss other matters not reasonably anticipated 2 business days in advance of meeting.**
None this month.

15. **Adjourn Session.** On a **MOTION** by Jen Hoyt, seconded by John Couture, it was unanimously **VOTED** by **ROLL CALL** to adjourn the meeting @ approximately 11:27 a.m.

EXHIBITS:

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- A. Meeting Agenda.
 - B. December 18, 2020 Board of Building and Regulations and Standards (BBRS) meeting minutes.
 - C. November 5, 2020 Building Code Appeals Board (BCAB) meeting minutes.
 - D. November 12th, 2020 Building Official Certification Committee (BOCC) meeting minutes.
 - E. December 1st, 2020 Building Official Certification Committee (BOCC) meeting minutes.
 - F. January 12th, 2021 letter of recognition to Kevin Gallagher.
 - G. Official Interpretation Number 2014-01.
 - H. Adoption Schedule for Tenth Edition 780 CMR.