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Board of Building Regulations and Standards (BBRS)

June 08, 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 10:05 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	Ken Vinson	✓ present <input type="checkbox"/> absent
Cheryl Lavalley*	✓ present <input type="checkbox"/> absent	Layla D'Emilia*	✓ present <input type="checkbox"/> absent
Michael McDowell	✓ present <input type="checkbox"/> absent	Peter Ostroskey*	<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.
John Couture arrived about 10:15 a.m. Cheryl Lavalley left the meeting about 11 a.m.*

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 Michael McDowell, seconded by Kerry Dietz, it was unanimously **VOTED** by **ROLL CALL** to approve the minutes for the May 11, 2021 Board of Building and Regulations and Standards (BBRS) meeting as submitted (**EXHIBIT B**). Kerry Dietz noted a typo with her name.
 2. **BCAB Minutes.** On a **MOTION** by Michael McDowell, seconded by Jen Hoyt, it was unanimously **VOTED** by **ROLL CALL** to approve the April 1, 2021, April 20, 2021, and May 6, 2021 Building Code Appeals Board (BCAB) minutes as submitted (**EXHIBIT C**).
 3. **BOCC Minutes.** On a **MOTION** by Michael McDowell, seconded by Kerry Dietz, it was unanimously **VOTED** by **ROLL CALL** to approve the May 4, 2021 Building Official Certification Committee (BOCC) minutes as submitted (**EXHIBITS D**).

4. **Building Safety Month Proclamation.** Dan Walsh explained that Governor Baker and Lieutenant Governor Polito signed a Proclamation declaring the month of May as Building Safety Month. Building Safety Month 2021 not only celebrates the industry's resilience throughout the pandemic, but it is also a time to continue creating safe and sustainable buildings and communities. Held each year in May, the 2021 event emphasizes "Prevent, Prepare, and Protect. and Building Codes Save." The event is meant to raise awareness about the importance of building codes in ensuring safety in the spaces in which we live, work, and learn. It is also meant to highlight the importance of safe buildings. The weekly themes for Building Safety Month include; Week One (May 1-9): Energy & Innovation, Week Two (May 10-16): Training the Next Generation, Week Three (May 17-23): Water Safety, and Week Four (May 24-31): Disaster Preparedness.
5. **Farm Bureau Federation concerns about the Indoor Agriculture regulations (EXHIBITS E).** Chairman Crowley recognized Jason Wentworth representing the Massachusetts Flower Growers Association and speaking for the Farm Bureau Federation, talked about the regulations' intent to regulate the processing of cannabis, and this came out of a working group formed by the BBRS. The working group was tasked with recommending regulations intended to deal with the growing and processing of cannabis. Massachusetts growers are opposed to titling the section Indoor Agriculture because growing business includes more than cannabis. Vegetables are commonly done indoors and should not be subject to the regulations intended for growing and processing cannabis. Mr. Wentworth asked that the Board rename the section to Cannabis.

Jen Hoyt spoke about the Indoor Agriculture regulations that the Board moved this section ~~by Board~~ more than two years ago; this issue was raised at that time, and the Board did not change the name. The letter submitted regarding this issue is not dated and similar comments have been brought to the Board's attention in the past and the Board has decided to take no action and not the change the name. She spoke about not considering a name change until the Board takes up Chapter 4 in the IBC.

Chairman Crowley talked about when the regulations were moved, the Board was told it could not use the term cannabis, but now that understanding has changed. The working group studied regulating cannabis and not growing vegetables. He participated in some of the study group meetings.

Jen Hoyt talked about Massachusetts seeing issues with indoor technical growing facilities and, in unparticular, the lighting. She spoke about needing to take a close look at how these uses are being regulated and discussing changing the section name while Chapter 4 is on the table. The Cannabis Study Group established by the Board did discuss indoor agriculture uses. The 2021 greenhouse provisions have changed, and looking at the effects of these code changes is needed before changing the section name.

Jason Wentworth spoke about not being opposed to the BBRS creating a working group that discusses indoor growing facilities but the markup of the group needs to be broader than the Cannabis Study Group was for the group to consider regulations that would affect indoor growers. Growing cannabis involves a lot of artificial heat and a lot of carbon dioxide to accelerate the growth. Flowers and vegetables are grown in passive atmosphere.

Chairman Crowley spoke about the substance of the section as cannabis. Since the title, Indoor Agriculture, might be misconstrued to apply to other products produced from farming performed indoors, he is not opposed to changing the title. This change will provide the users of the code with better clarity.

On a **MOTION** by, Michael McDowell, seconded by Jen Hoyt, it was a majority **VOTE** by **ROLL CALL** to table changing the Indoor Agriculture section name. John Couture voted in opposition.

6. **Discuss\Vote** code change proposals presented at the November 2020 Public Hearing.

Proposal 05-01-2021 – Consider adding Section 104.11.1 Structural Concrete to Chapter 34, (**EXHIBIT F**) and **Proposal Number 05-02-2021**– Consider adding Section 405.1.1 Repairs to structural concrete to Chapter 34 (**EXHIBIT G**) were discussed together. **Proposal Number 05-03-2021** – Consider adding Sections 1703.1.3, 17.4.2.1 Concrete Testing Personnel (**EXHIBIT H**). Steve Szoke spoke about the proposal's objectives to require evaluating concrete structures conform to ACI 562. He believes concrete repairs fail because RDPs do not apply ACI 562 as part of assessing concrete structures. He described

how the code allows the use of ACI 562. He also withdrew the proposal on 05-01-2021. It is not needed because it is intended to modify IBC Chapter 34 and not necessary if the Board adopts the IECC.

On a **MOTION** by Jen Hoyt, seconded by Lisa Davey, it was a unanimously **VOTED** by ROLL CALL to move 05-02-2021 and 05-03-2021 to the Structural Advisory Committee and notify the Existing Buildings Committee. The discussion included having the Committee look at the minimum requirements in the standard. Michael McDowell likes the fact that folks can choose to use the standard now.

Proposal Number 05-04-2021 – Consider adding Section 105.3.1 #8, Asbestos Survey (**EXHIBIT I**). Chairman noted the BBRS does not get involved with other boards. He recommends not moving it forward. Michael McDowell spoke about the proposal does not include standards, it too broad without standards (i.e., does it apply to all permit applications, etc.) asbestos is in all sorts of construction materials. On a **MOTION** by Michael McDowell, seconded by John Couture, it was a unanimously **VOTED** by ROLL CALL to not move the proposal forward.

Proposal Number 05-05-2021 – Consider adding Section AA104.1 Stretch Energy Code, Commercial code (**EXHIBIT J**), and **Proposal Number 05-06-2021** – Consider adding Section AA104.1 Stretch Energy Code, Residential code (**EXHIBIT K**). Kevin Rose spoke about both proposals to amend the Stretch Energy Code to increase energy provisions for existing buildings. He believes many builders and developers build to the proposed requirements. The goal is to have all existing buildings conform to these standards. Kerry Dietz thinks the two proposals should be referred to the EAC. Michael McDowell spoke about adopting these will require all projects to conform to these requirements, which have no exceptions. People should have a choice to use the standards. He thinks these should wait for the 10th edition.

Board Counsel Kristina Gasson spoke about the process involving DOER developing the Stretch Energy Code is still being developed, and the collaboration is still being worked out. By the end of the summer, we should have a better idea of how everything will happen.

John Nunnari spoke about DOER developing a Stretch Energy Code, and Michael McDowell suggested sending both proposals to DOER.

On a **MOTION** by Michael McDowell, seconded by John Couture, it was a unanimously **VOTED** by ROLL CALL to table both proposals and to move both to EAC for review and to send both proposals to DOER. At this point Cheryl Lavalley had left the meeting. Discussion included having the EAC identify all the technical implications, examining the feasibility, and determining the cost impacts.

The meeting suspended from 11:20 am and resumed about 11:29 am. Chairman Crowley checked that all the board members participating in today's meeting had returned.

7. **Discuss\ Vote** 10th edition based on the 2021 I-Codes. Rob Anderson started with IBC **Chapter 15 (EXHIBIT L)**, and while it was displayed, he explained when the IBC references one of the Massachusetts specialty codes, and Chapter 1 will have these codes. Rob Anderson walked the Board through the changes to the chapter, and he explained that ICC had made many changes between the 2015 and 2018 versions.

Jen Hoyt spoke about receiving these chapters late last week, and these do not have controversial changes. Chairman Crowley expressed interest in voting some of the IBC chapters during the meeting. The Chairman encouraged any Board member having concerns with any provision to speak up so the Board can discuss the problem during today's meeting to resolve any issues. Chairman Crowley called for comments on Chapter 15 of the IBC. No one expressed any concerns. On a **MOTION** by Michael McDowell, seconded by John Couture, it was unanimously **VOTED** by ROLL CALL to approve the 2021 IBC Chapter 15. On a **MOTION** by Michael McDowell, seconded by John Couture, it was unanimously **VOTED** by ROLL CALL to have approved chapters on the webpage.

Next the group reviewed IBC **Chapter 20 (EXHIBIT M)**. Rob Anderson explained the chapter is basically a reference. On a **MOTION** by Kerry Dietz, seconded by John Couture, it was a unanimously **VOTED** by ROLL CALL to approve the 2021 IBC Chapter 20.

Next the group discussed IBC **Chapter 23 (EXHIBIT N)**. Rob Anderson explained the ICC made many changes, and historically the BBRS has amended this chapter to incorporate the Native Lumber program. He carried these amendments

forward into the draft document. On a **MOTION** by Michael McDowell, seconded by Kerry Dietz, it was a unanimously **VOTED** by ROLL CALL to approve the 2021 IBC Chapter 23.

Next the group reviewed IBC **Chapter 24 (EXHIBIT O)**, and the group reviewed the one Mass amendment. On a **MOTION** by Kerry Dietz, seconded by Lisa Davey, it was a unanimously **VOTED** by ROLL CALL to approve the 2021 IBC Chapter 24.

Next the group reviewed IBC **Chapter 25 (EXHIBIT P)**, Rob Anderson explained there are no Mass amendments to this chapter. On a **MOTION** by Michael McDowell, seconded by Kerry Dietz, it was a unanimously **VOTED** by ROLL CALL to approve the 2021 IBC Chapter 25.

Next the group reviewed IBC **Chapter 26 (EXHIBIT Q)**. Rob Anderson explained the Board had amended Section 2603.5.5, but the language may not need to be carried forward because the I-Codes address the Mass amendment. Jen Hoyt spoke about that modification is no longer needed. She also mentioned that smoke and heat vents don't change the fire risk if the building, they are used after an event for manual smoke exhaust, therefore the portion of Section 2610.5 should be removed. Kerry Dietz pointed out Section **2610.5** is ICC language. Chairman Crowley spoke about it not harming the code to keep the language unless DFS has a compelling argument for removing it. No further opposition to keeping the provision was offered. On a **MOTION** by Kerry Dietz, seconded by John Couture, it was a majority **VOTE** to by ROLL CALL to approve the 2021 IBC Chapter 26 without carrying Mass amendment 2603.5.5 and keeping Section **2610.5**. John Couture, Lisa Davey, Kerry Dietz, Steve Frederickson, Susan Gleason, Michael McDowell, Dave Sullivan, and Rich Crowley voted in the affirmative. Kent Vinson and Jen Hoyt voted in the negative. Jen Hoyt spoke about keeping smoke and heat vent requirements consistent throughout the code and that similar provisions to Section 2610.5 are utilized in other sections and a whole review of those sections should be determined and remain a consistent approach.

Next the group reviewed IBC **Chapter 28 (EXHIBIT R)**. Rob Anderson explained the Mass amendments and clarified the specialty ~~spatiality~~ codes are listed in Chapter 1. Kerry Dietz thinks spelling out each specialty code name included is a better way. Jen Hoyt spoke about staying consistent throughout the code. Have staff identify how many times this would come up and report back. Rob Anderson suggested spelling out each specialty name if the 10th edition will be a blended code. If an amended code, use Chapter 1 to address the specialty codes. John Couture thinks a reference to the IRC for fireplaces and chimneys would be appropriate because Chapter 21 does not do a very good job explaining fireplace requirements. Chairman Crowley asked staff to draft the text to referrer the code users to the IRC and bring Chapter 28 back.

The group discussed IBC Chapter 35. Rob Anderson spoke about the previous editions of the code have listed specialty codes and this would be something to do if the code were to be a blended version. If the code is going to be frontend amended, those following the 9th edition is the way to go. Jen Hoyt spoke about making a future proposal to reference the fire code and list each applicable section of the fire code. She talked about an issue with safeguards during construction provision and holding off moving Chapter 35 now. On a **MOTION** by Kerry Dietz, seconded by Kent Vinson, it was unanimously **VOTED** by ROLL CALL to table 2021 IBC Chapter 35.

8. Next, the group discussed IBC **Chapter 14 (EXHIBIT S)**. Robert Anderson spoke about Section 1403.5 as an amendment made part of 780 CMR due to lessons learned from the Grenfell Tower fatal fire involving the deaths of at least 81 people in a highrise building located in London (fire spread to the building exterior and spread up the exterior surface of the building). The proposal has been coordinated with DFS. Jen opined 1402.5 IBC language is sufficient, and the amendment was no longer needed. On a **MOTION** by Kent Vinson, seconded by Jen Hoyt, it was unanimously **VOTED** by ROLL CALL to approve Chapter 14 without carrying forward Mass amendment 1403.5.
9. **Discuss** additional meeting dates. Dan Walsh explained after polling board members; it seems that not everyone can participate in both meetings (June 24 and July 29). So long as the open meeting law changes, the meetings can continue to be held virtually. Chairman Crowley asked for any objections to holding these two meetings, knowing not all Board members are available. Hearing no opposition, Chairman Crowley asked that the record reflect no objection. No other action was taken.
10. **Discuss** legislation. Chairman Crowley spoke about hearings on legislation that affect the state-building are scheduled to be held by the Joint Committee on Public Safety on June 9, 2021. He encouraged anyone who can sign onto the hearings to do so.
11. **Discuss approval of 150 new CSLs issued in the month of May 2021.** Board members acknowledged approval of the 150 new Construction Supervisor Licenses CSLs that have been issued.

12. **Discuss\Vote** CSL Average Passing Score\Medical\Military\Age or Continuing Education Requirements. None this month.
13. **Discuss other matters not reasonably anticipated 2 business days in advance of meeting.** None this month.
None this month.
14. **Adjourn Session.** On a **MOTION** by Kerry Dietz, seconded by John Couture, it was unanimously **VOTED** by **ROLL CALL** to adjourn the meeting @ approximately 1:00 p.m.

EXHIBITS:

- A. Meeting Agenda.
- B. May 11, 2021 Board of Building and Regulations and Standards (BBRS) meeting minutes.
- C. April 1, 2021, April 20, 2021, and May 6, 2021 Building Code Appeals Board (BCAB) meeting minutes.
- D. May 4, 2021 Building Official Certification Committee (BOCC) meeting minutes.
- E. Farm Bureau Letter.
- F. Proposal 05-01-2021 – Consider adding Section 104.11.1 Structural Concrete to Chapter 34.
- G. Proposal Number 05-02-2021– Consider adding Section 405.1.1 Repairs to structural concrete to Chapter 34.
- H. Proposal Number 05-03-2021 – Consider adding Sections 1703.1.3, 17.4.2.1 Concrete Testing Personnel.
- I. Proposal Number 05-04-2021 – Consider adding Section 105.3.1 #8, Asbestos Survey.
- J. Proposal Number 05-05-2021 – Consider adding Section AA104.1 Stretch Energy Code, Commercial code.
- K. Proposal Number 05-06-2021 – Consider adding Section AA104.1 Stretch Energy Code, Residential code.
- L. 2021 CHAPTER 15 6 8 2021 DRAFT.
- M. 2021 CHAPTER 20 6 8 2021 DRAFT.
- N. 2021 CHAPTER 23 6 8 2021 DRAFT.
- O. 2021 CHAPTER 24 6 8 2021 DRAFT.
- P. 2021 CHAPTER 25 6 8 2021 DRAFT.
- Q. 2021 CHAPTER 26 6 8 2021 DRAFT.
- R. 2021 CHAPTER 28 4 13 2021 DRAFT.
2021 CHAPTER 14 6 8 2021 DRAFT.