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Board of Building Regulations and Standards (BBRS)

January 11, 2022, Meeting

This was a virtual meeting.

Chairman Crowley opened the meeting @ approximately 10:04 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	Kent Vinson	✓ present <input type="checkbox"/> absent
Cheryl Lavalley	✓ present <input type="checkbox"/> absent	Layla D'Emilia*	<input type="checkbox"/> present ✓ absent
Michael McDowell	✓ present <input type="checkbox"/> absent	Peter Ostroskey*	✓ present <input type="checkbox"/> absent
Susan Gleason	<input type="checkbox"/> present ✓ absent	Patrick Woodcock*	✓ present <input type="checkbox"/> absent

* Jen Hoyt participated as the designee for State Fire Marshal, Peter Ostroskey. Ian Finlayson participated as the designee for Department of Energy Resources Commissioner, Patrick Woodcock. Brian O'Connell participated as the designee for Commissioner of the Division of Occupational Licensure, 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.

Regular Meeting Portion

1. **BBRS Minutes.** On a **MOTION** by Kerry Dietz, seconded by Lisa Davey, it was unanimously **VOTED** by **ROLL CALL** to approve the minutes for the December 14, 2021, Board of Building and Regulations and Standards (BBRS) meeting (**EXHIBIT B**). Susan Gleason abstained.
2. **BCAB Minutes.** On a **MOTION** by Kerry Dietz, seconded by Michael McDowell, it was unanimously **VOTED** by **ROLL CALL** to approve November 23, 2021, and December 2, 2021, Building Code Appeals Board (BCAB) minutes as submitted (**EXHIBIT C**).

3. **BOCC Minutes.** On a **MOTION** by Kerry Dietz, seconded by Lisa Davey, it was unanimously **VOTED** by **ROLL CALL** to approve the minutes for the December 7, 2021, Building Official Certification Committee (BOCC) meeting as submitted (**EXHIBIT D**).
4. **Discuss** staffing update. Greer Spatz spoke about the current staff available to perform duties related to BBRS. DOL has hired a Manager for the Manufactured Buildings Program, and Gordon Bailey has been hired part-time to help with some code tasks. She urged board members to review things independently. Board Counsel Kristina Gasson talked about how her position duties with DOL have changed, and Charles Kilb will serve as counsel to the BBRS.
5. **Discuss/Vote** updated Draft 10th Edition (**EXHIBIT E**). Chairman Crowley spoke about moving as many of the 2021 I-Code chapters to the website for the public to view, and this will help the Board hold a public hearing on the 10th edition in May of this calendar year. The goal is the 10th edition would be in effect January 2023. Chairman Crowley discussed that a Board vote in June 2022 to send the 10th edition to the Building Code Coordinating Council (BCCC) will be necessary so as not to delay a January 2023 promulgation. Chairman Crowley talked about adopting national building codes in a timely manner after publication can affect property insurance rates. Chairman Crowley indicated he would seek three motions to move several Base Code and Residential Code chapters to the website for the public to view. He explained that putting building code chapters on the website would not prevent the Board from further developing the versions that get posted on the website.

Chairman Crowley then asked for a motion to move and approve for public viewing the following chapters and appendices from the 2021 ICC family of Codes: IBC Chapters, 2, 11, 22, 27, 29, 30, and 35, along with Appendix A- 0, all chapters of the IRC, and all chapters of the IEBC. On a **MOTION** by John Couture, seconded by Michael McDowell, it was a Majority **VOTE** by **ROLL CALL** to approve and to move for public viewing, the following chapters, and appendices from the 2021 ICC family of Codes: IBC Chapters, 2, 11, 22, 27, 29, 30, and 35 along with Appendix A- 0, all chapters of the IRC, and all chapters of the IEBC. John Couture, Kerry Dietz, Brian O'Connell, Steve Fredrickson, Susan Gleason, Cheryl Lavalley, and Michael McDowell voted yes. Lisa Davey, Kent Vinson, Jen Hoyt, and Ian Finlayson voted no. The **MOTION** passed.

Next, Chairman Crowley asked for another motion to move and approve for public viewing, incorporating into the previously approved with the 9th edition Mass Amendments; Chapters, 2, 11, 22, 27, 29, 30, and 35 along with Appendices A – 0 and allow edits by Board Counsel that correct any issues with the law. On a **MOTION** by John Couture, seconded by Michael McDowell, it was a Majority **VOTE** by **ROLL CALL** to move and approve for public viewing, and incorporation into the previously approved ICC chapters, and appendices, as a draft, the Mass IBC Amended Chapters, 2, 11, 22, 27, 29, 30, and 35 along with Appendices A – 0. Counsel may amend this motion for any requirements mandated by law. John Couture, Kerry Dietz, Lisa Davey, Steve Fredrickson, Susan Gleason, Cheryl Lavalley, Kent Vinson, and Michael McDowell voted yes. Brian O'Connell, Jen Hoyt, and Ian Finlayson voted no. The **MOTION** passed.

Chairman Crowley asked for a third motion to move to the website the 2021 IBC Chapters 3, 4, 9, 10, 16, 17, 18, 19, 21, 31, 33, & 34 with the 9th edition Mass Amendments while the issues are worked out. On a **MOTION** by John Couture, seconded by Michael McDowell, it was a Majority **VOTE** by **ROLL CALL** to move and approve, for public viewing 2021 IBC Chapters 3, 4, 9, 10, 16, 17, 18, 19, 21, 31, 33, & 34, with the 9th edition amendments, on the condition that any or all chapters, paragraphs, sentences, or words may be replaced by proposed 10th edition amendments once conflicts are worked out, details are agreed upon, and presented to and voted upon by the BBRS to move those Chapters, paragraphs, sentences, or words or portions thereof to promulgation. Board Counsel may

amend this motion for any requirements mandated by law and adjust by staff to make certain that all references to the 2015 codes be changed to reflect the 2021 codes. John Couture, Kerry Dietz, Lisa Davey, Steve Fredrickson, Susan Gleason, Cheryl Lavalley, Brian O'Connell, Ian Finlayson, and Michael McDowell voted yes. Kent Vinson and Jen Hoyt voted no. The **MOTION** passed.

The Board discussed having staff guide the webpage to help the reader understand the background of the versions posted to the website. The Chairman suspended the meeting for about 10 minutes at 11:52 am.

The meeting reconvened at approximately 12:06 pm by taking roll call. The Board had a general discussion about having the Technical Advisory Committees and the people who individually reviewed chapters of the IRC to provide an update during a Board meeting.

Next, Mike DiMascio, Chairman of the Existing Building Code Committee, continued with the Committee recommendations on the 2021 IEBC (**EXHIBIT F**). The Board discussed the relational for the Committee recommending striking Chapter 13 because it is not used much as a code path. The Committee heard about a situation that involved a design that included installing fire suppression that has no practical means of a water supply. On a **MOTION** by Michael McDowell, seconded by Kerry Dietz, it was a Majority **VOTE** by **ROLL CALL** to keep Chapter 13 with a proviso to require an application to the Building Code Board of Appeals. John Couture, Kerry Dietz, Lisa Davey, Susan Gleason, Cheryl Lavalley, Brian O'Connell, Ian Finlayson, and Michael McDowell voted yes. Steve Fredrickson, Kent Vinson, and Jen Hoyt voted no. The **MOTION** passed. Due to the time, Chairman Crowley tabled further review.

6. **Discuss** 101 new Construction Supervisor Licenses (CSLs) issued in the month of December 2021. Board members acknowledged the number of newly issued CSLs.
7. **Discuss/Vote** relief for licenses expiring during recent COVID-19 uptick. On a **MOTION** by Kent Vinson, seconded by John Couture, it was unanimously **VOTED** by **ROLL CALL** to suspend the in-person education requirement applicable to Construction Supervisor License (CSL) renewal applications received from September 13, 2021, through June 1, 2022, given the increased number of COVID-19 cases.
1. **Elect BBRS Chair.** Kerry Dietz and Michael McDowell were nominated to serve as Chair for the year. A **ROLL CALL VOTE** awarded the Chair to Kerry Dietz as indicated below.

In favor of Kerry Dietz: Lisa Davey, Kerry Dietz, Cheryl Lavelle, Kent Vinson, Jen Hoyt, Ian Finlayson.

In Favor of Michael McDowell: John Couture, Steve Fredrickson, Susan Gleason, and Michael McDowell.

On a majority vote, Kerry Dietz ascended to Chair. Brian O'Connell abstained.

Elect BBRS Vice-Chair. Lisa Davey and Michael McDowell were nominated to serve as Vice-Chair for the year. A **ROLL CALL VOTE** awarded the Vice-Chair to Michael McDowell as indicated below.

In favor of Lisa Davey: Lisa Davey, Kerry Dietz, Cheryl Lavelle, Jen Hoyt, Ian Finlayson,

In favor of Michael McDowell: John Couture, Steve Fredrickson, Susan Gleason, Michael McDowell, Kent Vinson, and Rich Crowley.

On a majority vote, Michael McDowell ascended to Vice-Chair. Brian O'Connell abstained.

Adjourn. On a MOTION by Jen Hoyt, seconded by Michael McDowell, it was unanimously VOTED by ROLL CALL to adjourn the meeting about 1:02 pm.

EXHIBITS:

- A. Meeting Agenda.
- B. December 14, 2021, Board of Building and Regulations and Standards (BBRS) meeting minutes.
- C. November 23, 2021, and December 2, 2021, Building Code Appeals Board (BCAB) minutes.
- D. December 7, 2021, Building Official Certification Committee (BOCC) meeting minutes.
- E. 10th Edition Chapters.
- F. 2021 IEBC Recommendation Chapters 1 thru 15.