

## BOARD OF BUILDING REGULATIONS AND STANDARDS

### Public Meeting Minutes

In accordance with the provisions of G.L. c. 30A § 20, notice is hereby given that the Board of Building Regulations and Standards (BBRS) will convene a regular monthly meeting on:

**May 26th, 2022 @ 10 a.m. until approximately 2 p.m.**

**Via Teleconference**

#### Roll Call, by BBRS Chair:

David Riquinha	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent		
Lisa Davey	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	Tarica Leskiw	<input checked="" type="checkbox"/> present <input type="checkbox"/> absent
Michael McDowell	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	Betsy Pettit	<input checked="" type="checkbox"/> present <input type="checkbox"/> absent
John Couture	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	Atiya Rahim	<input checked="" type="checkbox"/> present <input type="checkbox"/> absent
Steve Frederickson	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	Layla D'Emilia, or designee	<input checked="" type="checkbox"/> present <input type="checkbox"/> absent
Kent Vinson	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	Peter Ostroskey, or designee	<input checked="" type="checkbox"/> present <input type="checkbox"/> absent
Darien Crimmin	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	Patrick Woodcock, or designee	<input checked="" type="checkbox"/> present <input type="checkbox"/> absent

*\*\* These minutes are not intended to be verbatim minutes and are summaries of discussions had between board members and of comments made by some members of the public. In this meeting, Richard Baldacci represented Layla D'Emilia as designee, Jen Hoyt represented Peter Ostroskey as designee in the latter part of the meeting, and Ian Finlayson represented Patrick Woodcock as designee. \*\**

### Regular Meeting Agenda

Chair David Riquinha called the meeting to order at 10 AM

1. **Review \Vote** approval of May 10, 2022, BBRS draft minutes

There was a fulsome discussion of the formatting of the open testimony given by the public located within the meeting minutes. The members agreed that as the topics that the public testified about were not known prior to the meeting, thus couldn't be anticipated on the agenda for the 5/10 meeting, the testimony would fall under Matters not reasonably anticipated 48 hours in advance of meeting. Ian Finlayson and Jen Hoyt had clarifying edits to the minutes (Exhibit A) that were to be sent to staff via email to incorporate the requested changes. A vote was not taken on these minutes and were tabled for review on the June 14, 2022 meeting.

2. **Review \Vote** 10<sup>th</sup> edition proposed amendments submitted by the Structural Technical Advisory Committee.

After Lisa Davey confirmed that the amendments made for the 10<sup>th</sup> edition (Exhibit B) that were requested were made by the Structural Technical Advisory Committee, she made a **Motion** to approve the amendments. The motion was **Seconded** by Tarica Leskiw. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Steve Frederickson voted **YES**, Kent Vinson voted **YES**, Darien Crimmin voted **YES**, Tarica Leskiw voted **YES**, Betsy Pettit voted **YES**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Peter Ostroskey voted **YES**, and Ian Finlayson voted **YES**. The motion passed **Unanimously**.

3. **Review \Vote** 780 CMR Section R313.2 regarding fire sprinklers in one- and two-family.



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GOVERNOR

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LIEUTENANT GOVERNOR

**MIKE KENNEALY**  
SECRETARY OF HOUSING AND  
ECONOMIC DEVELOPMENT

**Commonwealth of Massachusetts**  
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**Office of Public Safety and Inspections**  
1000 Washington Street, Suite 710  
Boston, Massachusetts 02118

**EDWARD A. PALLESCHI**  
UNDERSECRETARY OF CONSUMER  
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A fulsome discussion was had by members of the board indicating their level of support for the proposed amendments (Exhibit C). Mr. McDowell indicated opposition to the proposal, indicating concern with the cost, the need for the code to represent minimum standards, as well as the accuracy/completeness of data supporting the proposal. Mr. Couture indicated concern with costs, referencing permitting expenses. He also indicated more exemptions might be needed if the proposal was accepted. Mr. Vinson supported the proposal and indicated the benefits may not be fully understood. The Chair opined that he fully supported firefighters but believed the BBRS should take care not to impose unnecessary regulation. Marshall Ostroskey, in support of the proposal, indicated his presentation was based upon national sources, he also noted that other areas in the ICC model codes generally are not so rigorously scrutinized. Chair Dave Riquinha opened the discussion to the public. Jeffery Clemons indicated that more evidence would be needed to justify requiring sprinklers being installed throughout a home. Mike Roescher suggested a compromise whereas most house fires occur within a kitchen, the code could include only fire sprinklers being installed in kitchens. A **Motion** was made by Peter Ostroskey to adopt the amendments to 780 CMR Section R313.2 and was **Seconded** by Kent Vinson. A **Roll Call** vote was made where David Riquinha voted **NO**, Lisa Davey voted **NO**, Michael McDowell voted **NO**, John Couture voted **NO**, Steve Frederickson voted **NO**, Kent Vinson voted **YES**, Darien Crimmin voted **NO**, Tarica Leskiw voted **NO**, Betsy Pettit voted **NO**, Atiya Rahim voted **NO**, Richard Baldacci voted **NO**, Peter Ostroskey voted **YES**, and Ian Finlayson abstained. The motion **FAILED** 10/2

4. **Review \Vote** 780 CMR R328 regarding energy storage systems.

Fire Marshal Peter Ostroskey provided a summary of the proposed amendments (Exhibit D). Chair Dave Riquinha asked if the building permit for energy storage systems would be in conjunction with the fire permit or if the permits would be separate. Fire Marshall Peter Ostroskey confirmed that the proposed amendments indicate two different permits would be needed. Further discussion was had regarding some potential changes to the amendments including the minimum amount of power the systems would need to have to be covered under this proposal being changed. Board Counsel Charles Kilb indicated that which code an item falls in could create a potential shift in matters such as the building or fire appeals process. Board





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Counsel advised the board to consider who the appropriate official would be to oversee energy storage system concerns regardless of whether the proposal was adopted or not. A **Motion** was made by Peter Ostroskey to adopt the amendments to 780 CMR Section R328 and was **Seconded** by Kent Vinson. A **Roll Call** vote was made where David Riquinha voted **NO**, Lisa Davey voted **NO**, Michael McDowell voted **NO**, John Couture voted **NO**, Steve Frederickson voted **NO**, Kent Vinson voted **YES**, Darien Crimmin voted **NO**, Tarica Leskiw voted **NO**, Betsy Pettit voted **NO**, Atiya Rahim voted **NO**, Richard Baldacci voted **NO**, Peter Ostroskey voted **YES**, and Ian Finlayson voted **YES**. The motion **FAILED** 10/3.

Peter Ostroskey made a **Motion** to have the proposed amendments reviewed and edited by a subcommittee. The motion was **Seconded** by Kent Vinson. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Steve Frederickson voted **YES**, Kent Vinson voted **YES**, Darien Crimmin voted **YES**, Tarica Leskiw voted **YES**, Betsy Pettit voted **YES**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Peter Ostroskey voted **YES**, and Ian Finlayson voted **YES**. The motion passed **Unanimously**. It was determined that the subcommittee members would be picked at the end of the meeting.

5. **Review \Vote** IRC Chapter 51 proposed amendments submitted by DFS.

A short discussion was had by board members clarifying some specific changes located within the proposed code (Exhibit E). A **Motion** was made by Peter Ostroskey to adopt the IRC Chapter 51 proposed amendments. He was **Seconded** by John Couture. A **Roll Call** vote was made where David Riquinha voted **NO**, Lisa Davey voted **NO**, Michael McDowell voted **NO**, John Couture voted **NO**, Steve Frederickson voted **NO**, Kent Vinson voted **YES**, Darien Crimmin abstained, Tarica Leskiw voted **NO**, Betsy Pettit voted **NO**, Atiya Rahim voted **NO**, Richard Baldacci voted **NO**, Peter Ostroskey voted **YES**, and Ian Finlayson voted **NO**. The motion **FAILED** 10/2

6. **Review \Vote** 10<sup>th</sup> edition proposed amendments for Ch. 9 submitted by the Fire Protection and Fire Prevention Technical Advisory Committee.

Ian Finlayson made a **Motion** to have the proposed amendments (Exhibit F) reviewed and voted at a future meeting. The motion was **Seconded** by Lisa Davey. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture





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voted **YES**, Steve Frederickson voted **YES**, Kent Vinson voted **YES**, Darien Crimmin voted **YES**, Tarica Leskiw voted **YES**, Betsy Pettit voted **YES**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Peter Ostroskey voted **YES**, and Ian Finlayson voted **YES**. The motion passed **Unanimously**.

7. **Review \Vote** 10<sup>th</sup> edition proposed amendments to 780 CMR 101.4.13 submitted by Code Red  
Michael McDowell made a **Motion** to have the 780 CMR 101.4.13 proposed amendments (Exhibit G) adopted. The motion was **Seconded** by Tarica Leskiw. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Steve Frederickson voted **YES**, Kent Vinson voted **YES**, Darien Crimmin voted **YES**, Tarica Leskiw voted **YES**, Betsy Pettit voted **YES**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Peter Ostroskey voted **YES**, and Ian Finlayson voted **YES**. The motion passed **Unanimously**.
8. **Review \Vote** 10<sup>th</sup> edition proposed amendments to IBC, Section 406 submitted by Christopher Towski  
Michael McDowell made a **Motion** to have the IBC Section 406 proposed amendments (Exhibit H) adopted. The motion was **Seconded** by Peter Ostroskey. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Steve Frederickson voted **YES**, Kent Vinson voted **YES**, Darien Crimmin voted **YES**, Tarica Leskiw voted **YES**, Betsy Pettit voted **YES**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Peter Ostroskey voted **YES**, and Ian Finlayson voted **YES**. The motion passed **Unanimously**.
9. **Review \Vote** 10<sup>th</sup> edition proposed amendments to 780 CMR regarding swimming pool maintenance and construction licensing submitted by the Pool and Hot Tub Alliance  
This was tabled for a future meeting upon review that the proposed amendments are not suited for regulation review
10. **Review \Vote** 10<sup>th</sup> edition proposed amendments to 780 CMR 110.R5.4.3 submitted by James Lee





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Michael McDowell made a **Motion** to NOT adopt the proposed amendments to 780 CMR 110.R5.4.3 (Exhibit I). The motion was **Seconded** by John Couture. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Steve Frederickson voted **YES**, Kent Vinson voted **YES**, Darien Crimmin voted **YES**, Tarica Leskiw voted **YES**, Betsy Pettit voted **YES**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Peter Ostroskey voted **YES**, and Ian Finlayson voted **YES**. The motion passed **Unanimously**.

11. **Review\ Vote** 10<sup>th</sup> edition proposed amendments to 780 CMR submitted by the Conservation Law Foundation and reviewed by the Coastal Subgroup

Board Counsel Charles Kilb provided a summary of the proposed changes made (Exhibit J) and indicated that the third proposed change, placing prerequisites on variances, was legally inappropriate as it would conflict with the statutory authority of the Building Code Appeals Board. After a short discussion by board members, indicating several members were uncertain whether the amendments were justified or not, a **Motion** was made by Ian Finlayson to adopt the first two proposals and take the last proposal as a non-binding recommendation. Darien Crimmin **Seconded** the motion. A **Roll Call** vote was made where David Riquinha voted **NO**, Lisa Davey voted **YES**, Michael McDowell voted **NO**, John Couture voted **NO**, Steve Frederickson voted **NO**, Kent Vinson voted **NO**, Darien Crimmin voted **YES**, Tarica Leskiw voted **YES**, Betsy Pettit voted **YES**, Atiya Rahim voted **NO**, Richard Baldacci voted **NO**, Peter Ostroskey voted **YES**, and Ian Finlayson voted **YES**. The motion **Failed** 7/6.

**10 MINUTE BREAK**

**[the following item occurred after the remainder of the agenda items]**

After it was noted that a final decision had not been made on the CLF proposals, Mike McDowell made a motion to create a subcommittee to review and draft a new proposal based on the CLF submission and was **Seconded** by Tarica Leskiw. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Steve Frederickson voted **YES**, Kent Vinson voted **YES**, Darien Crimmin voted **YES**, Tarica





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Leskiw voted **YES**, Betsy Pettit voted **YES**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Peter Ostroskey voted **YES**, and Ian Finlayson voted **YES**. The motion passed **Unanimously**. The subcommittee members would be appointed at the end of this meeting.

12. **Review\ Vote** 10<sup>th</sup> edition proposed amendments to 780 CMR 110.R5.1.3.2 and 110.R4 submitted by John Couture

After a brief discussion on the status of this proposal, in which the members agreed more extensive review would be required, John Couture made a **Motion** to table this proposal indefinitely. Tarica Leskiw **Seconded** the motion. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Steve Frederickson voted **YES**, Kent Vinson voted **YES**, Darien Crimmin voted **YES**, Tarica Leskiw voted **YES**, Betsy Pettit voted **YES**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Peter Ostroskey voted **YES**, and Ian Finlayson voted **YES**. The motion passed **Unanimously**.

13. **Review\ Vote** 10<sup>th</sup> edition comments to 780 CMR regarding swimming pool code submitted by Frederick Soule

Mr. Soule presented his comments to 780 CMR (Exhibit K) and explained to the board how in his opinion, the CMR may potentially conflict with 105 CMR 435 Minimum Standards for Swimming. It was determined by the board members that without specific language suggestions, they would not be able to vote on adopting or not adopting the proposal. Mr. Soule was invited to submit actual code language for future review. A vote was not taken.

14. **Review\ Vote** 10<sup>th</sup> edition proposed amendments to IEBC, Section 708, Chapter 4 submitted by Douglas Cardinale

Mr. Cardinale proposed his amendments to IEBC, Section 708, Chapter 4 to the board and explained his various proposals (Exhibit L). It was determined by the board members that without specific language suggestions, they would not be able to vote on adopting or not adopting the proposal. The members recommended Mr. Cardinale send in specific language suggestions in the future. vote was not taken.





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15. **Discuss \Vote** Reinstatement of license.

After a discussion of the content and reason for the reinstatement request (Exhibit M), a Motion was made by Mike McDowell to delegate the reinstatement to staff for review and approve if appropriate. John Couture **Seconded** the motion. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Steve Frederickson voted **YES**, Kent Vinson voted **YES**, Darien Crimmin voted **YES**, Tarica Leskiw voted **YES**, Betsy Pettit voted **YES**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Jennifer Hoyt voted **YES**, and Ian Finlayson voted **YES**. The motion passed **Unanimously**.

16. **Discuss\Review** BBRS meeting dates for the remainder of 2022

A fulsome discussion was had in determining the dates the BBRS would hold meetings for the remainder of 2022. It was determined the dates would remain the same for the rest of the year. After another discussion on if BBRS should continue to meet twice a month, John Couture made a **Motion** to have BBRS meet the fourth Thursday of June, July, and August in conjunction with normal meeting dates and was **Seconded** by Tarica Leskiw. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Steve Frederickson voted **YES**, Kent Vinson voted **YES**, Darien Crimmin voted **YES**, Tarica Leskiw voted **YES**, Betsy Pettit voted **YES**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Jennifer Hoyt voted **YES**, and Ian Finlayson voted **YES**. The motion passed **Unanimously**.

17. **Discuss** other matters not reasonably anticipated 48 hours in advance of meeting.

The Subcommittee approved to adjust the CLF proposal for review by the board in the next two months had Ian Finlayson, Tarica Leskiw, and Darien Crimmin appointed to the subcommittee, with Greer Spatz serving as DOL staff representative, and are to resolve the matter in 30 days and report back to the board for review.

It was determined that Section 328 of CMR 780 would be revisited by a subcommittee and a new proposal would be presented to the board in 60 days. Chair David Riquinha appointed John







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Couture, Jen Hoyt, and Darien Crimmin to the subcommittee and Gordon Bailey was placed as a staff representative.

The meeting was adjourned at 1:47 PM

Exhibits:

- Exhibit A – May 10, 2022 meeting minutes
- Exhibit B – Structural advisory committee 10<sup>th</sup> edition amendments
- Exhibit C - 780 CMR Section R313.2 proposed amendments
- Exhibit D – 780 CMR R328 energy storage systems proposed amendments
- Exhibit E - IRC Chapter 51 proposed amendments
- Exhibit F – 10<sup>th</sup> edition proposed amendments for Ch. 9
- Exhibit G – 780 CMR 101.4.13 proposed amendments
- Exhibit H – IBC Section 406 proposed amendments
- Exhibit I – 780 CMR 110.R5.4.3 proposed amendments

