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BOARD OF BUILDING REGULATIONS AND STANDARDS

In accordance with the provisions of G.L. c. 30A § 20, notice is hereby given that the Board of Building Regulations and Standards (BBRS) convened a regular monthly meeting and public hearing in accordance with G.L. c143 § 97 on:

November 12, 2024

10 am – 2 pm

Virtual Meeting Minutes

Meeting called into order at 10:02 a.m.

Roll Call, by BBRS Chair:

Lisa Davey	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	Tarica Leskiw	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Dave Riquinha	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	Luke McKneally	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Michael McDowell	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	Atiya Rahim	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
John Couture	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	Sy Nguyen	<input type="checkbox"/> present	<input checked="" type="checkbox"/> absent
Jeffrey Clemons	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	Sarah Wilkinson, or designee	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Jason Ferschke	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	Jon Davine, or designee	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Darien Crimmin	<input type="checkbox"/> present	<input checked="" type="checkbox"/> absent	Elizabeth Mahony, or designee	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent

1. Review / Vote BBRS Minutes from 10/08/24 and BOCC Minutes from 10/01/24

Michael McDowell made a motion to approve the BBRS Minutes from 10/08/24 seconded by Jacob Nunnemacher, the motion passed unanimously. Jeffrey Clemons made a motion to approve the BOCC Minutes from 10/01/24 seconded by Michael McDowell, the motion passed unanimously.

2. Review / Discuss Board Counsel Report

Charles Kilb indicated that a direct update was being provided by Greer Spatz Croxford on a matter that was handled on behalf of the BBRS. Attorney Croxford reported to the BBRS that after the vote to commence regulation changes to extend the concurrency period, the matter was brought forward to OCABR and EOED. These agencies reviewed the matter to ensure sufficient time allow for the approval process while also making sure the concurrency period gets changed as soon as possible, so the regulation was filed using emergency provisions making it in effect immediately.

3. Review/Discuss Report from BOCC Designee

Christopher Rogers gave an update to the board about the BOCC meeting October 1, 2024. He stated staff is continuing reaching out to building officials who are deficient in CE hours as the licensing cycle is coming to an end and will be issuing renewal notices shortly.



4. Review / Discuss Executive Director Report

Christopher Rogers informed the board that DOL is continuing to work with other state agencies to help make the 11th Edition process smoother. All suggestions will be presented to the 11th Edition Subcommittee for discussion. He also added that the Division of Occupational Licensure is moving in March 2025 to One Federal St. in Boston MA.

- a. Construction Supervisor License totals for the month of October
 - 133 CSLs issued
 - 1,293 renewals processed.
- b. Construction Supervisor License Waivers/Reinstatements
 - 3 waivers,
 - 3 reinstatements granted.

5. Discuss Status of Subcommittees

- a. 11th Edition Subcommittee

Lisa Davey mentioned the board is making good progress regarding the 11th Edition and will have several additional meetings before things are completed and a written report provided to the BBRS.

- b. Solar Setback Subcommittee

Luke Mckneally informed the board that they are continuing to work through the solar setback code language and making good progress and plan on presenting a proposal to the BBRS in the future.

- c. Request by EEA to form a Climate Resiliency Subcommittee

Katherine Antos is the Under Secretary for Decarbonization Resilience within Energy and Environmental Affairs task with reducing greenhouse gas emissions while adapting to the impact of climate change in Massachusetts.

She is proposing the creation of the Climate Resilience Technical Advisory Committee to help manage and reduce risk associated with climate change involving the building code. She believes Investing in resilience can have some economic benefits as well as avoiding damage to property during climate events.

Due to there being no current BBRS advisory committee that focuses on flood and heat standards in mass she thinks this proposed committee can provide expertise in respect reducing the environmental impacts of climate change and building codes.

She then went on to explain the impacts of flooding and heat can have on the community and mentioned a permanent committee can consolidate some of the work that has been done and continue to make recommendations to the BBRS.

She highlighted the importance of reviewing the latest international building codes and new guidance from the American Society of Civil Engineers for both flooding and heat being crucial for the industry standards.

She pointed out researching building materials can have an advantage in enhancing flood and heat resilience during and after construction. She stated bring in subject matter experts and representatives from the industry can help support the Energy and Environmental Affairs work by providing recommendations to the BBRS based on best practices that exist.

Lisa Davey mentioned to the board that no votes will be taken today, the presentation was just for members to understand the request by EEA.

6. Discuss/ Vote Advisory Regarding Refrigerants

Charles Kilb mentioned last month the board went over a draft advisory regarding the refrigerant issue. He provided the BBRS with two versions of an advisory; the first contained two code pathways, one involving manufacturer installation instructions, the other regarding the ability of code officials to approve alternative methods of installation which explicitly cited updated 10th edition standards. A second version of the advisory omits the installation instruction pathway.

Jake Nunnemacher noted that the two versions of the advisory are dependent on the 10th edition, which may be problematic for those continuing to use the 9th edition during the concurrency period. Mr. Kilb responded that this issue is unavoidable because the applicable standards needed to ensure new refrigerants can be installed in Massachusetts are contained in the 10th edition.

Members went on to discuss the options involving the 2 pathways for the A2L refrigerants. The majority consensus was that the most clear and straightforward interpretation was the 2nd draft advisory, which solely contained the alternative method pathway. However, some members voiced concerns regarding this plan and whether the cited standards were sufficient for public safety.

Ian Finlayson made a motion that the BBRS adopt the draft 2 version of the A2L refrigerant advisory seconded by Luke Mckneally. A roll call was conducted:

Dave Riquinha- voted Yes

Michael McDowell- voted No

John Couture- voted No

Jeffrey Clemons - voted No

Jason Ferschke- voted No

Luke Mckneally- voted Yes

Tarica Leskiw- voted Yes

Ian Finlayson- voted Yes

Lisa Davey- voted Yes

Atiya Rahim- voted Yes

Richard Balducci- voted Yes

Jake Nunnemacher- voted No

Atiya Rahim- voted Yes

The motion carries by majority vote 8 to 5

7. Discuss Public Hearing Pursuant to Ch. 143 s. 97

a. Hybrid Masonry Heater Code Change Proposal

Joshua Myrvaagnes is requesting a code change to allow for masonry heaters to be built in a modified form with metal around the “skin” in a masonry heater. He mentioned this technique has been adopted by the City of Portland, OR in their codes and has been vetted by engineers.

Mr. Myrvaagnes highlighted the low cost of a Hybrid Masonry Heater while still maintaining efficiency and increased safety. He then went on to explain the positives of a hybrid masonry heater vs a traditional masonry heater to the board. He pointed out that hybrid masonry heater will keep heat inside a house for 24 to 48 hours after a burn and burns hotter than a traditional masonry heater.

He also discussed these are more climate resilient using local fuel instead of petroleum shipped from abroad. He proposes allowing the Hybrid Masonry Heater to be built using similar codes approved in the City of Portland, OR.

Charles Kilb informed the members this code change proposal will go on the next agenda and at that time the BBRS will take a vote on this proposal. John Couture requested more detailed information about the proposal by Mr. Myrvaagnes. Lisa Davey requested Mr. Myrvaagnes submit a packet with additional information for members to view during future meetings to BBRS staff.

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

Jeffrey Clemons indicated the Board should have discussion topics regarding code issues, such as the short term rentals as well as licensing requirements for installation of heating, venting, and cooling equipment. Legal Counsel Charles Kilb indicated some of these issues are being addressed with education, an agenda item will be added to the next agenda in that regards.

Motion to adjourn made by John Couture at 11:29am seconded by Jake Nunnemacher.

Items Relied Upon

Agenda

Draft Minutes

Draft Refrigerant Advisory (2 versions)

Hybrid Masonry Heater Code Change Proposal