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**BOARD OF BUILDING REGULATIONS AND STANDARDS**  
**Public Meeting Minutes**

**Wednesday, March 27, 2024 10 a.m.**

**Virtual Meeting**

The meeting was called to order at 10:00 AM.

**Roll Call, by BBRS Chair:**

David Riquinha	<input checked="" type="checkbox"/> present <input type="checkbox"/> absent	Tarica Leskiw	<input checked="" type="checkbox"/> present <input type="checkbox"/> absent
Lisa Davey	<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 checked="" type="checkbox"/> present <input 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 type="checkbox"/> present <input checked="" type="checkbox"/> absent	Jon Davine, or designee	<input checked="" type="checkbox"/> present <input type="checkbox"/> absent
Darien Crimmin	<input checked="" type="checkbox"/> present <input type="checkbox"/> absent	Elizabeth Mahony, or designee	<input checked="" type="checkbox"/> present <input type="checkbox"/> absent

**Regular Meeting Minutes**

**1. [Review \Vote](#) Public Hearings Comments regarding 10<sup>th</sup> Edition**

The chair commenced the review of the public hearing comments by organizing them based on code chapter. It was noted with legal advice that the BBRS needed to avoid making changes unrelated to the proposed 10th edition language which would require stakeholder input. For those types of comments, they will be reviewed as part of future code changes. Not every matter would require a vote, but a final vote will be taken when the full review of the 10<sup>th</sup> edition is completed.

The chair commenced the review by reviewing comments made to chapter 1. Topics regarding transit stations, storage sheds, airports, and short-term rentals were determined to be areas addressed in future code changes. Staff will correct an error in language regarding Chapter 1 of the International Existing Building Code, which contrary to chapter 1 language is adopted and amended in chapter 34.

**101.4.5 discussion**

In the first substantive discussion, the BBRS reviewed comments regarding Section 101.4.5. Public comments were reviewed, and legal counsel was requested to opine. It was noted that this section is attempting to recognize the jurisdiction of the Massachusetts Fire code, 527 CMR 1.00, while also



adopting those portions of the International Fire Code not governed by the Massachusetts Fire Code. Counsel indicated that the BBRS should take great care in tweaking this section not to create any conflicts. In discussion, members felt that adopting clarifying language proposed by DCAMM restoring language regarding retroactivity and eliminating a new sentence regarding overlaps which was not linked to the IFC would resolve the problem. In review, legal counsel indicated his opinion that this correction would not be substantive and would be a very appropriate resolution.

John Couture made a motion to edit Chapter 1 as amended during the meeting, specifically Section 101.4.5 adding after the phrase “may govern such matters” to include:

*“Nothing in this section is intended to alter or expand the current respective jurisdiction of the building official or the fire official. The building official shall enforce 780 CMR and the fire official shall enforce 527 CMR 1.00 “*

And after the phrase “Fire Code (“IFC”)”

*“except that retroactive requirements of the IFC are not adopted”*

And have the following section struck from the draft:

*“Where a specific matter is governed by 527 CMR 1.00, any overlapping or conflicting language in 780 CMR shall not apply in such matter will be enforced by fire officials.”*

Jeffrey Clemons seconded the motion. The motion passed **unanimously**.

#### Certificates of occupancy and use

The next major area addressed certificates of occupancy and use and the authority of local inspectors. Legal counsel indicated that the BBRS could choose whichever policy direction it wanted, but should be clear what local inspectors cannot do, and should be clear if there are distinctions between the base and residential code as well as temporary certificates, which counsel noted could be signed by local inspectors under the 9<sup>th</sup> edition.

Jeffrey Clemons made a motion to edit all references in 780 CMR Section 111 that allow the Building Official to sign a Certificate of Occupancy to be amended to only permit a Building Commissioner, Inspector of Buildings, and where applicable a State Inspector to sign Certificates of Occupancy and Use, including temporary certificates. As part of the motion, staff will review to ensure the code is consistent in both base and residential sections with regard to these changes. John Couture seconded the motion. The motion passed **unanimously**.

#### Building Markings

Member Clemons brought up Section 116.3, which prohibits building officials from not issuing permits when a building must be marked under 527 CMR 1.00. He noted that this requirement interfered with administration of the building code and was not necessary.

Jeffrey Clemons made a motion to strike the last sentence of Section 116.3:

*“Where said fire official requires the building to be marked in accordance with 527 CMR 1.00 Massachusetts Comprehensive Fire Safety Code the building official shall not issue any additional permits or approvals until said requirements have been met.”*

Michael McDowell seconded the motion. The motion **passed** 9-1. Kristen McDonough opposed the motion. John Couture, Ian Finlayson and Sy Nguyen abstained from the motion.

### Day care uses

Member Clemons then noted a problem in Section 305.2 governing day cares. He noted that the section made an amendment which referenced 2.9 years, when this should have read two years, nine months. Staff noted this appears to be a typographical error, the language will thus be corrected.

### Definition of Laboratory Suites

The BBRS reviewed a public comment from NAIOP and other commenters indicating that a definition of Laboratory Suites was accidentally omitted from the code. On review, the definition did not appear to be a substantive change, thus members were free to adopt.

Kristen McDonough made a motion to accept the proposed amendment from NAIOP regarding the definition of a Laboratory Suite. Jeffrey Clemons seconded the motion. The motion passed unanimously.

### Energy Standards

With assistance from member Finlayson, the BBRS reviewed comments from DOER and others regarding code changes facilitating the use of A2L refrigerants due to federal changes. Legal Counsel indicated concern that the changes proposed were extensive and very substantive and thus had concerns about adopting them post hearing without stakeholder review and input. Members noted the importance of the matter. In discussion, it was noted that as an interim member the BBRS could update referenced standards as they were already being updated in the model codes adopted in the 10<sup>th</sup> edition, and that further review could occur post hearing.

Luke McNeally made a motion to adopt the current version of ASHRE 15, 2022, and ASHRE 34, 2022 and update UL standards 60335-2-40 to 2022 and 60335-2-85 to 2021. Ian Finlayson seconded the motion. The motion passed 13 in favor 1 opposed. Jeffrey Clemons opposed the motion.

### Greenhouses

The BBRS next reviewed public comments regarding greenhouses. Members raised concerns that the stakeholders did not understand how the code worked regarding mixed use occupancies and that the code changes, which were based on national language, would not have the effect the stakeholders claimed they did. In particular, it was noted that the issues raised were based on confusion regarding what happens to a greenhouse when it is used for non-growing purposes. Legal counsel advised that the safest course of action in this regard would be to revert to 9<sup>th</sup> edition language and then hold meetings with stakeholders to address the issue more substantively in the future.

Richard Baldacci made a motion to strike greenhouse changes in the 10<sup>th</sup> edition and instead to revert to the 9<sup>th</sup> edition. Jeffrey Clemons seconded the motion. The motion passed 12-1. John Couture opposed the motion.

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

No matters were brought before the board that were not reasonably anticipated 48 hours in advance of meeting. In addition to the regular April meeting, a second BBRS meeting was planned to occur on April 30<sup>th</sup> from 10 AM to 1 PM to facilitate finalizing the code.

Jeffrey Clemons made a motion to adjourn. John Couture seconded the motion. The motion passed unanimously.

The meeting adjourned at 1:01 PM