



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

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

LAYLA R. D'EMILIA
UNDERSECRETARY, CONSUMER
AFFAIRS AND BUSINESS
REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

BOARD OF BUILDING REGULATIONS AND STANDARDS
Public Meeting Minutes

April 30, 2024 @ 10 a.m. until approximately 1 p.m.

Virtual Meeting

The meeting was called to order at 10:01 AM

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
absent		
Michael McDowell	<input type="checkbox"/> present	<input checked="" type="checkbox"/> absent
John Couture	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Jeffrey Clemons	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Jason Ferschke	<input type="checkbox"/> present	<input checked="" type="checkbox"/> absent
Darien Crimmin	<input type="checkbox"/> present	<input checked="" type="checkbox"/> absent

Tarica Leskiw	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Luke McKneally	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Atiya Rahim	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Sy Nguyen	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Sarah Wilkinson, or designee	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Jon Davine, or designee	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Elizabeth Mahony, or designee	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent

1. **Review \Vote** BBRS meeting minutes for March 27, 2024

John Couture made a motion to approve the BBRS meeting minutes for March 27, 2024, with 2 minor edits clarifying who made which motions located in the minutes. Jeff Clemmons seconded the motion. The motion passed unanimously.

2. **Review \Discuss** Previously Unaddressed Public Hearings Comments regarding 10th Edition

The BBRS opened the discussion by deliberating on a NAIOP proposal where the concurrency period would increase from 180 days to 365 days. Richard Baldacci spoke in favor of this proposal, noting that a longer concurrency period would have some benefits. He then in turn made a motion to extend the concurrency period to one year. This motion was not seconded. Members then discussed the benefits of having a specific date for the end of the concurrency period rather than a set number of days. Legal counsel noted to the BBRS that a concurrency period based on specific dates could pose issues as delays in final administrative approval could delay the effective date of the 10th edition, resulting in an unintendedly shorter concurrency period. John Couture made a motion to set the concurrency period of during which the 9th and 10th edition of 780 CMR code could be used to end on January 1st, 2025. Luke McNeally seconded the motion. The motion passed with 9 in favor, and 1 abstention. Richard Baldacci abstained from the motion.



The board then discussed the 9 proposals from the BFPR regarding laboratory suites. DFS designee Kristen McDonough led this review and indicated that these proposals were errata and minor non-substantive clarifications. Kristen McDonough made a motion to accept the proposals made by BFPR. John Couture seconded the motion. The motion passed unanimously.

Lisa Davey joined the meeting at 10:39 AM and participated in all future votes.

Upon conclusion of the review of laboratory suites, the Chair requested that the BBRS review the letter from NAIOP to ensure that all issues raised therein had been addressed. The chair invited a NAIOP representative to address the BBRS if desired, but no one was present on behalf of that organization. It was noted that the NIAOP letter covered a few different areas, 1) the concurrency period, 2) a few code proposals that had been previously reviewed and determined to be significant changes requiring stakeholder input, so held back for future code changes (NAIOP proposals ii., iii. v., and vi), and 3) changes to the laboratory suite sections. The BBRS reviewed the laboratory suite proposals and found all but one had been adopted as part of the review of the BFPR's comments. Only one proposal had not been previously reviewed, reinstating a deleted expectation that would allow certain laboratory buildings to use a lower fire-resistant construction (NAIOP proposal xiii). Kristin McDonough of DFS indicated that the BFPR had previously reviewed this proposal and rejected it as being a safety issue. No BBRS member supported the proposal, so the change was not adopted. The chair thereafter noted that all NAIOP proposals had been reviewed and continued the meeting.

A Chapter 18 proposal was reviewed by the board wherein the request was to reject the previously voted language related to ground improvement. Vice Chair Lisa Davey explained to the BBRS that the Geotechnical Advisory Subcommittee reviewed the changes that the BBRS ultimately voted to include in the 10th edition. The changes provide the opportunity to build safer buildings by creating better guidelines for ground improvement procedures. No action was taken on this proposal.

Minor edits regarding references to the International Gas Code were reviewed by the board. After a brief discussion, Ian Finlayson made a motion to strike references to the international fuel gas code in Chapter 28 in the amendments to the 10th edition. John Couture seconded the motion. The motion passed unanimously.

A proposal from the Home Builders and Remodelers Association regarding R311.7.5.2 regarding tread depth was briefly discussed by the BBRS, specifically that the changes in the 10th edition were unintentional. Jeffrey Clemons made a motion to revert the proposed changes of a minimum 10-inch tread depth to 9 inches. John Couture seconded the motion. The motion passed unanimously.

A proposal submitted by Richard Crowley regarding 110 R5 regarding restoring certain exemptions to the CSL reinstatement examination process. Counsel advised that the BBRS had previously voted to remove all waivers and reinstatements related to this section for the 10th edition. He indicated that it would not be problematic to restore most of the exemptions, but indicated that the age exemption presented legal issues, he thus advised the BBRS that it should strongly consider not adding that language into the 10th edition. John Couture made a motion to a motion to restore the 9th edition construction supervisor reinstatement examination exemptions except the exemption pertaining to age. Jeff Clemons seconded the motion. The motion passed 9 in favor 1 opposed. Ian Finlayson opposed the motion, all other members were in favor.

Lisa Davey and Tarica Leskiw had left the meeting following this discussion and did not participate in any future votes.

Jeffrey Clemons discussed with the BBRS various proposals for the 10th edition relating to Chapter 4, regarding pinpoint citations proposed in the 10th edition. The BBRS reviewed all citations of concern and Jeffrey Clemons advocated that removing these citations would allow for a less confusing interpretation of what the building official of a town enforces and what the fire marshal of a town enforces in a new building. Jeffrey Clemons made a motion to have language in Chapter 4 where referenced “approval by the head of the fire Department” or “fire official” is stated that be changed to “approval by the building official in consultation with the head of the fire department.” Luke McKneally seconded the motion. A roll call vote was held where David Riquinha voted No. John Couture voted No. Jeff Clemons voted Yes. Luke McKneally voted Yes. Atiya Rahim voted No. Sy Nguyen voted No. Richard Baldacci voted No. Kristen McDonough voted No. Ian Finlayson abstained from the motion. The motion failed 2 in favor, 6 opposed, and 1 abstained from the motion.

Kristen McDonough noted errata in Section R314.3 and explained to the board that there is a portion of the amended code regarding smoke detector locations that was unintentionally eliminated from the 10th edition. Kristen McDonough then made a motion to add to the proposed section R 314.3 a #7 that states “for each 1000 square feet or part thereof.” John Couture seconded the motion. The motion passed unanimously.

3. **Discuss \Vote** Final Vote to promulgate 10th Edition

David Riquinha made a motion to close all discussion on the 10th edition code process and move to final promulgation with the caveat that all board members get the ability to review the document to ensure all agreed upon changes were incorporated and to ratify that document before it becomes final. John Couture seconded the motion. A Roll Call vote was held where David Riquinha voted Yes. John Couture voted Yes. Jeffrey Clemons voted No. Luke McNeally voted Yes. Sy Nguyen voted Yes. Rich Baldacci voted Yes. Kristen McDonough voted No. Ian Finlayson voted Yes. The motion passed with 6 in favor and 2 opposed.

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

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

The meeting adjourned at 1:00 PM.

Items Relied upon

Agenda

Draft Minutes

Code proposals

Draft 10th edition text