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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:

April 8, 2025 10 am – 2 pm

Virtual Meeting Minutes

Meeting called into order at 10:09 a.m.

Lisa Davey	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	Tarica Leskiw	<input type="checkbox"/> Present <input type="checkbox"/> Absent
David Riquinha	<input 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 (Ross Seavey)	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Jason Ferschke	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	Jon Davine or designee (Jake Nunnemacher)	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Darien Crimmin	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	Elizabeth Mahony or designee (Ian Finlayson)	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent

1. **Review / Vote** BBRS Minutes from 3/11/2025, BOCC minutes from 03/4/2025, and decision of 4/1/25

Jake Nunnemacher made a motion to accept the BBRS minutes from 3/11/25, seconded by Michael McDowell, however, he withdrew this motion with concurrence from Mr. McDowell based on a request by members to discuss the minutes more thoroughly.

Michael McDowell made a motion to table the BBRS minutes from 3/11/25 to include a more thorough summary of the discussion about the specialized stretch energy code, seconded by Jacob Nunnemacher. A roll call was conducted and the motion passed unanimously.

Jeffrey Clemons made a motion to approve the BOCC minutes from 3/4/25 and the decision of 4/1/25, seconded by Michael McDowell. A roll call was conducted and the motion passed unanimously.



## **2. Review / Discuss Board Counsel Report**

Board Counsel Charles Kilb noted that there was some confusion with the meeting link as members were apparently given a link different than the agenda link. He noted the meeting was following the agenda link and was still in compliance with the open meeting law; he also noted the older link is being monitored in case anyone else somehow got it. He then reported that the allowance to meet virtually has been extended through 2027.

Board Counsel Kilb indicated he wanted to remind members of conflicts of interest requirements. As members, they generally may not participate in matters when they have a financial interest. Normally a board member cannot be part of matters per the ethics law, however there is an exception. There is a form which would go up to the appointing authority (governor's office). If this ever applies, contact Board Counsel Kilb to coordinate the submission of the form. If there is a financial interest that comes up in the meantime, board members must excuse themselves. Lastly, Board Counsel Kilb is still in the process of forwarding anything already approved for amendments of the 10<sup>th</sup> edition.

Ian Finlayson asked a question about what the time frame might be for items moving forwards as changes to the 10<sup>th</sup> edition. Board Counsel Kilb did not have a timeframe.

Questions from certain members about the recusal process. Board counsel Kilb instructed members affected to turn off camera. They can still listen to it as it is a public session. He also reminded them that the form can be filled out, but the process does take time.

## **3. Review / Discuss Report from BOCC Designee**

Andrew Bobola provided a report of the BOCC meeting held April 1, 2025, at the Framingham Public Library. He reported the BOCC voted to have a subcommittee to deal with Building Officials expired. The BOCC is also working to revise the extension of time policy as there continues to be confusion with all parties involved regarding key dates. He reported there are 114 individuals with expired building Official Licenses who did not respond to staffs' phone calls and mailings. They will be made null and void. Mr. Bobola gave a report on the hearings of which 5 approved and 1 denial.

## **4. Review / Discuss Executive Director Report**

- a. Construction Supervisor License totals for the month of February 2025 Executive Director Tammy Gropman reported there were 88 CSLs issued and processed 1397 renewals. For Construction Supervisor License Waivers/Reinstatements – none
- b. Exam

Note: Jeffrey Clemons recused himself and did not participate in this matter. Commissioner Wilkinson spoke to the concerns relative to the recent switch from Prometric to PSI. She reported that at this point, the pass rate for the exam under PSI is around 25%. She noted that the pass rate at Prometric was 51%.

There have been approximately 1100 exams taken since January with PSI, of which approximately 650 of these were first time test takers. Staff is working to get the pass rate for the first time test takers. Results show many takers going in two, three and four times immediately, almost within two weeks and retaking the test.

Commissioner Wilkinson also stated we are testing on the 10<sup>th</sup> and cannot test on the ninth edition. She also noted it has come to staff's attention that on the PSI website, DOL instructions for the test are correct yet the PSI application was sending information stating you may be testing on the 9<sup>th</sup>. PSI has told Commissioner Wilkinson in writing that they will let anybody who failed from January to now, who had those incorrect instructions, can retest for free. PSI has assured staff instructions are correct and staff is following up to ensure accuracy. Commissioner Wilkinson discussed how staff is working with PSI to review questions with a high fail rate. The Commissioner attended the meeting to personally relay this information to the Board.

Commissioner Wilkinson was open to questions.

Michael McDowell posed a two-part question regarding the number of questions (82), sample questions being mixed up in the regular questions interfering with the clock and not being able to bring in a non-programmable calculator.

Commissioner Wilkinson answered the sample questions are not impacting the three hours and assured the board of this. Regarding the calculators, she will make sure this gets addressed.

The chair then opened the floor to a public question.

Richard Crowley reported that he is hearing from his students that there are separate test questions yet when the actual exam starts there are 82 questions, and the clock does not stop for certain questions, basically losing 20 minutes.

Commissioner Wilkinson assured him it is not impacting the three hours.

John Couture suggested staff, specifically Rob Anderson, take the test.

Commissioner Wilkinson stated names of these integral in creating these questions and would be the ones continuing to review them. She also noted we do take the test in a test environment.

There was further discussion about ensuring clear language and marketing on how the test will work and improve clarity of how the test is presented. Also mentioned that the scope of the test has broadened, yet the time allotment has stayed the same.

## **5. Review/Vote Subcommittee reports and proposals**

### **a. 11<sup>th</sup> Edition Subcommittee – Final report and 11<sup>th</sup> edition forms/proposals**

Chair Davey presented the report on recommendations for the 11<sup>th</sup> Edition of the MA building Code from the 11<sup>th</sup> subcommittee. She noted there were extensive discussions and evaluations over many months regarding the upcoming building code edition, and the report aligns the key recommendations, tracking improvements, and proposed structural adjustments necessary to ensure a clear and efficient process for code development. The key recommendations included what model codes should be adopted (ex. IECC), recommendation of a front-end amendment approach, written justification, code change proposal form, TAC memberships and assignments, consensus process of 70%, code change tracker, public input and review process, draft timeline, and drafting process.

Referring to the amendment approach, Ian Finlayson asked if examples or a guidance document could be provided to illustrate this.

Chair Davey provided clarity to the board. She mentioned the confusion during the 10<sup>th</sup> edition with keeping track of the language and edits. She did note, if the board so chooses, the subcommittee can put together some guidance or an example.

There was also some discussion about the recommendation for written justification and the benefit of this type of documentation.

In reviewing the proposed subcommittees, and recommendation to establish a formal relationship between the Energy Advisory Committee and the Department of Energy Resources, Ian Finlayson inquired what this would look like. Chair Davey stated it is just a broad recommendation and open for discussion.

There was discussion about the consensus process for TAC proposed amendments and the 70% consensus with questions asked and concerns addressed. John Nunnari clarified and noted that this was designed to ensure that divided issues are reported to the full BBRS.

Sy Nguyen and Luke McKneally presented the Code Proposals Tracker in depth and how to utilize the tracker. Staff will consider posting the code tracker in response to Luke McKneally and Mark Durrenburger comments. Chair Davey made a request to the Board to review the tracker, look through all the drop downs, and if there are any changes/ suggestions, to bring for discussion at the next meeting. The recommendation is that the BBRS appoint one person in each TAC as the code change leader. This person would be responsible for inputting the data when addressing each proposal. This will help with eliminating some of the issues experienced with the 10<sup>th</sup>.

Positive comments from the Board about the tracker voiced and it was noted that DOL staff intend to be at all TAC meetings.

Chair Davey also answered questions about logging items in multiple chapters of the code. The tracker allows for this, and each section and each chapter will be logged separately. Recommendation to have an identifier at the beginning.

Luke McKneally made a motion to approve the process as presented in the key recommendations document and in the code change log with understanding that board members can make recommendations for updates and changes as we move forward, seconded by Michael McDowell. Jake Nunnemacher raised concerns regarding the Board needing to take more time to review the proposals and wanted a clarification regarding how this process could be changed. Luke McKneally clarified that the vote entails commencing the 11<sup>th</sup> edition work but that as a living process it can be changed if it isn't working.

Luke McKneally amended his motion to approve to include the understanding that the timeline is a draft, and it will change, the subcommittees and groupings needed to be approved so the process of subcommittees can be started, seconded by Michael McDowell.

A roll call vote was conducted, the motion passed by majority vote. All members voted yes except for Jake Nunnemacher who voted no.

#### b. Solar Setback Subcommittee – Proposed code changes

Luke McKneally presented the three code change proposals for the three different chapters and/or appendices impacted by the recommendations. He noted the purpose of the subcommittee was to resolve concerns from building officials, fire officials, and the solar industry regarding roof access and setbacks. The language reviewed included BFPR proposed fire code language, necessary components of the IRC 2021 and mass amendments for the 10th edition of 780 CMR as well as the PV subcommittee's additional amendments to align the code requirements with the needs of building officials for review, permitting and enforcement of residential

construction projects.

The subcommittee recommended that the BBRS coordinate with BFPR committee representatives further to finalize code language so that building official's jurisdiction and authority is clear.

A lengthy discussion emerged regarding wording referencing the building official is in consultation with the fire official. There were questions about what this would look like and, in the event of a dispute, where appeals would go. Luke McKneally stated there is similar language in Chapter 9 and asking staff to use this same language. He also noted this was a topic of considerable back and forth within the subcommittee.

Board Counsel Kilb expressed legal concerns with wording giving building code approval authority to a non-building official.

Jake Nunnemacher conveyed if there is an operation issue concerning the fire department, the fire department should be part of the decision. He noted specific examples of where building code does not meet the fire code resulting in appeals.

Members agreed to discuss the matter further at the next meeting.

The remainder of the recommendations were reviewed including emergency escape and rescue opening pathways and access pathway obstruction. Minor edits were made to the document.

Another discussion commenced regarding the recommendation that PV arrays be allowed to occupy up to 50% (change from 33%) of the plan view roof area. It was noted this was not a recommendation of the fire services but from the solar industry and was not consensus. Related concerns were expressed over language in Appendix AJ which could be considered vague.

Due to the remaining concerns with language and inconsistency in the future with the fire and building codes having duplicative and possibly conflicting requirements, members discussed postponing a vote on these recommendations until the next BBRS meeting. At this meeting, BFPR members would be welcomed to address possible resolutions.

Jake Nunnemacher made a motion to table the Solar Setbacks Subcommittee Recommendations until next month BBRS meeting, BBRS members would also be able to submit questions to Executive Director Tammy Gropman and Luke McKneally if they wanted the Solar Setback Subcommittee to address them; Jake will share the documents with the BFPR, seconded by Michael McDowell. Questions should be submitted by April 15 in preparation for the Solar Setbacks Subcommittee's April 16, 2025 meeting.

A roll call was conducted and the motion passed unanimously.

- 6. Discuss other matters not reasonably anticipated 48 hours in advance of meeting**
- 7. Quasi-judicial session per M.G.L. c 30A, s. 18 (closed to the public)**
  - a. Reconsideration of sanctions in Docket No. C24-00059 – tabled to next meeting

**Items Relied Upon**

Agenda

Draft Minutes

11<sup>th</sup> Edition Subcommittee proposals

Solar Setbacks Subcommittee proposals