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BOARD OF BUILDING REGULATIONS AND STANDARDS
Meeting Minutes

April 9, 2024 @ 10 a.m. until approximately 1 p.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 type="checkbox"/> present <input checked="" 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 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

Regular Meeting Agenda

- Review \Vote** BBRS meeting minutes for March 12, 2024
John Couture made a motion to approve the BBRS meeting minutes for March 12, 2024. Micheal McDowell seconded the motion. The motion passed unanimously.
- Review \Vote** BOCC meeting minutes for March 5, 2024
Jeff Clemons made a motion to approve the BBRS meeting minutes for March 12, 2024. John Couture seconded the motion. The motion passed unanimously.
Ian Finlayson joined the meeting at this time and participated in all future votes.
- Review \Vote** BCAB meeting minutes for January 23, 2024, February 01, 2024, February 20, 2024, March 7, 2024, and March 19, 2024.
Micheal McDowell made a motion to approve the BBRS meeting minutes for March 12, 2024. John Couture seconded the motion. The motion passed unanimously. Jeff Clemons abstained from the February 1, 2024, meeting minutes portion of the motion.
Vice Chair Lisa Davey and Greer Spatz, designee for Sarah Wilkinson the DOL Commissioner joined the meeting at this time and participated in all future votes.



4. **Review \Discuss** Board Counsel Report

Board Counsel Charles Kilb informed the Board there is nothing to report on this month, only that he would be available to answer questions related to the public comments to be discussed further in the meeting.

5. **Review \Discuss** Report from BOCC Designee

Andrew Bobola reported to the BBRS the BOCC's previous month's votes and discussion items, highlighting the hearings held and staff's efforts in organizing the Continuing Education credits.

6. **Review \Discuss** Executive Director Report

a. Construction Supervisor License totals for the month of March

There were 134 Construction Supervisor Licenses issued, 1812 Construction Supervisor Licenses renewed, and 1 Construction Supervisor Licenses reinstatements for the month of March.

b. Construction Supervisor License Waivers/Reinstatements

Staff reviewed and approved 1 Construction Supervisor License reinstatement and 7 Construction Supervisor License waivers.

c. Status of Subcommittees

As the BRBS has met every 2 weeks to focus on ratifying the 10th edition of the code, once the 10th edition is complete, staff will resume scheduling additional subcommittees including the Inspector Continuing Education Subcommittee (ICES) and the CORI Policy Subcommittee.

7. **Review \Vote** BOCC Appointee

After a brief discussion, Jeffrey Clemons motion to appoint George Peterson to the BOCC to represent the association BOWM. Michael McDowell seconded the motion. The motion passed unanimously.

8. **Review \Discuss** Public Hearings Comments regarding 10th Edition

The board opened discussion by addressing energy comments made by DOER, specifically with regards to, updating reference standards, and clarifying language for energy efficiency. After a brief review of R408.2.2 addressing more efficient HVAC equipment performance options, Ian Finlayson made a motion to strike *"10 HSPF/SEER air source heat pump."* And update the language to *"8.5 HSPF2 and 16 SEER2 for ductless heat pumps and 8.5 HSPF2 and 15.2 SEER2 for ducted heat pumps"* for section R408.2.2. Lisa Davey seconded the motion. The motion passed unanimously.

Ventilation standards were addressed next, specifically the table in 403.1.1. The changes were proposed to ensure an effective airflow rate in kitchens and bathrooms. Ian Finlayson made a motion to revise the ventilation rates for multifamily kitchens, bathrooms, and toilet rooms as proposed back to the 9th edition levels. John Couture seconded the motion. The motion passed unanimously.

C407.5.2, and C407.5.2.1 were addressed by Ian Finlayson as a revision made to align with the updated language reflected in the Stretch Energy Code. The proposal is intended to clarify what forms are needed to follow documentation procedures. A concern of whether the proposed changes would make a substantive change not anticipated by the public in the process was mentioned, and Ian Finlayson explained the proposal does not make the code more stringent or lenient, it just makes the requirements clearer. Ian Finlayson made a motion to update C407.5.2 with the proposed changes as

presented during the meeting. Luke McKneally seconded the motion. The motion passed unanimously.

The last part of the DOER proposal, related to definitions and table C405.13.1 “EV-READY PERFORMANCE REQUIREMENTS” raised a concern if that adoption of the proposal would necessitate a BCCC review for purposes of avoiding conflicted with the electrical code (527 CMR 12) Staff indicated that the certainty of a conflict was unclear, and Ian Finlayson explained that the proposal matches an already ratified version of the Stretch Energy Code, and he strongly believed it should not present any conflicts. Ian Finlayson made a motion to amend C405.13 to update definitions and add the updated performance table. Michael McDowell seconded the motion. A Roll Call vote was taken where Luke McKneally, Atiya Rahim, Ian Finlayson, Kristen McDonough, Jeffrey Clemons, Micheal McDowell voted YES, and David Riquinha, Lisa Davey, Jason Ferschke, John Couture, and Greer Spatz voted NO. The motion passed 6-5.

Various code updates were proposed by DCR related to errata found in the proposed code regarding flood protection. Led by Eric Carlson, each of these proposals was reviewed. Legal Counsel indicated concern with language in Section 104.10.1 that would appear to interfere with the authority of the Building Code Appeals Board. He also indicated concern with language in Section 3114.2 governing the elevation of public-use restrooms. Mr. Carlson noted that this language was drafted to ensure compliance with FEMA standards, however it was only drafted because of new language in the 2021 IBC that is superseded in later versions of that model code. He indicated that as an alternative delete Section 3114.2 altogether to eliminate the problem as this language hadn’t existed at all in the ninth edition.

David Riquinha made a motion to approve every comment reviewed with DCR except for Section 3114.2, which instead will be stricken, and Section 104.10.1. John Couture seconded the motion. The motion passed 10 – 1. Jeffrey Clemons opposed the motion.

David Riquinha made a motion to strike from Section 104.10.1 “*No variance request.... or 310 CMR 10.00*” of the submitted proposal and accept the stricken language proposed, keeping the 1st and 2nd sentence of the proposed language while making the IBC and IRC language consistent across both codes. Jeffrey Clemons seconded the motion. The motion passed unanimously.

Proposed comments related to manufactured buildings were discussed in depth among board members. While the language proposed in the code was acknowledged to not entirely address the needs and concerns of the industry and the consumer, members of the board suggested creating a working group to further investigate and develop language to address updating the manufactured buildings portion of the code. John Couture made a motion to strike all proposed language for modular homes, and to revert to the 9th edition version of the code, and to create a subcommittee as soon as possible to address manufactured buildings concerns. Michael McDowell seconded the motion. The motion passed unanimously.

The board next reviewed proposals regarding solar setbacks in Section 51. This issue involves subsection R324.6.1 of the 2021 edition of the International Building Code which was proposed to be adopted without modification in the draft 10th edition building code. Public comments indicated that these identical issues are already regulated by 527 CMR 1.00, the Fire Code, however the Board of Fire Prevention Regulations is apparently considering making additional changes, which would not

conflict with the 9th edition language, but would conflict with the 10th edition language. Stakeholders in the solar industry indicated during the public comment period a desire to loosen the restrictions in the new code language, however the greater concern was conflicts that may occur between the two codes. Legal counsel noted that the 10th edition language was already approved by the Building Code Coordinating Council. In discussion, the BBRS discussed how to resolve the matter and address an issue that with two codes governing the matter, the matter of installing solar panels would become burdensome by implementing a need for 2 reviews, one from a local fire department and one from a local building department. In such cases, if an appeal is requested, the consumer may need to file appeals of both departments. Legal counsel advised that if the desire was to ensure that the building code continues to govern the issue, making no changes would get it into the code now and facilitate further discussion for future code changes. Counsel noted that apart from removing it from the code, making any changes now would potentially create a conflict with the existing fire code.

David Riquinha made a motion to keep the language as is, unmodified to be discussed in a later edition. Greer Spatz seconded the motion. A Roll Call vote was taken where David Riquinha, John Couture, Atiya Rahim, and Greer Spatz voted YES. Michael McDowell, Jeffrey Clemons, Kristen McDonough, and Jason Ferschke voted NO, and Luke McKneally and Ian Finlayson abstained from the motion. The motion failed 4-4.

The chair noted that despite the failure of the motion, the draft 10th edition language would remain unless the BBRS altered it, thus he called for another motion, but none was made. Seeing no further action being taken, he indicated that he would conclude the discussion for the day.

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

David Riquinha made a motion to adjourn. John Couture seconded the motion. The motion passed unanimously. The meeting adjourned at 1:26 PM