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Board of Building Regulations and Standards (BBRS)

June 24, 2021 Meeting

The Division of Professional Licensure Office
1000 Washington Street - Boston, MA 02118

This was a virtual Microsoft Teams meeting.

Chairman Crowley opened the meeting @ approximately 10:05 a.m. and took roll call as follows.

Richard Crowley, Chair	✓ present <input type="checkbox"/> absent	Kerry Dietz	✓ present <input type="checkbox"/> absent
John Couture, Vice Chair	✓ present <input type="checkbox"/> absent	Steve Frederickson	✓ present <input type="checkbox"/> absent
Lisa Davey	✓ present <input type="checkbox"/> absent	Ken Vinson	✓ present <input type="checkbox"/> absent
Cheryl Lavalley	<input type="checkbox"/> present ✓ absent	Layla D'Emilia*	✓ present <input type="checkbox"/> absent
Michael McDowell	<input type="checkbox"/> present ✓ absent	Peter Ostroskey*	✓ present <input type="checkbox"/> absent
Susan Gleason	✓ present <input type="checkbox"/> absent		

* *Jen Hoyt participated as the designee for State Fire Marshal, Peter Ostroskey. David Sullivan participated as the designee for Division of Professional Licensure Commissioner, Layla D'Emilia.*

General notes on format of these minutes

- *These minutes represent general points discussed by Board members and/or attendees. The minutes are not intended to be a verbatim account of discussions.*
- *Votes are noted as **MOTION** by, seconded by, and whether it was a unanimous or split vote.*
- *Agenda topics, as numbered, may/may not be in the same order as they appear on the meeting agenda.*
- *The meeting agenda is listed as **EXHIBIT A**; others are listed sequentially as addresses during the meeting.*

1. **BBRS Minutes.** On a **MOTION** by Kerry Dietz, seconded by Jen Hoyt, it was unanimously **VOTED** by **ROLL CALL** to approve the minutes for the June 8, 2021 Board of Building and Regulations and Standards (BBRS) meeting as amended (**EXHIBIT B**). Jen Hoyt sent staff some edits which were displayed during the meeting. During the meeting, Jen Hoyt noted in item number 8 it was the "Grenfell" fire.
2. **Discuss\ Vote** 10th edition based on the 2021 I-Codes. Rob Anderson started with IBC **Chapter 7 (EXHIBIT C)**, and while it was displayed, he explained that this chapter does not include any Mass amendments. Board members discussed whether FFP had provided any comments and whether FFP would typically not review Chapter 7. Rob Anderson explained some of the changes appear to be from ICC bringing into the I-Codes reference standards. No one expressed any concerns with Chapter 7. On a **MOTION** by Kerry Dietz, seconded by John Couture, it was unanimously **VOTED** by **ROLL CALL** to approve the 2021 IBC Chapter 7.

Next, the group reviewed IBC **Chapter 3 (EXHIBIT D)**. Rob Anderson talked about Kerry Dietz requested a definition for an assisted living facility. Rob Anderson mentioned that the user's guide helps the reader with the code changes, which might be an excellent way to explain assisted living facilities in laymen's terms. Rob Anderson explained DFS has proposed adding agriculture cultivation uses and greenhouses used for manufacturing under the moderate hazard factory group category F1.

Chairman Crowley recognized Massachusetts Department of Agricultural Resources Commissioner, John Lebeaux, who spoke about the farming industry and that not all greenhouses include retail and assembly uses and that growing cannabis is different than growing other agricultural products. He noted that the agricultural industry will have many concerns if greenhouses will need to include fire-rated construction requirements.

Rob reviewed Section 306.3, factory, industrial, moderate hazard, designed in the code Group F-1 use, DFS proposed cultivating agriculture as an F-1 use group. Jen Hoyt indicated that Chapter 3 has several agricultural use designations that include processing grown products, and suggested adding agricultural products to group F-1, stating that when farms use their structures for manufacturing product, it should be treated the way it is being used. Rob Anderson noted the IBC has a specific definition, noted below. If you add the public into a greenhouse, you would refer to the definition in Appendix C.

GREENHOUSE. *A structure or thermally isolated area of a building that maintains a specialized sunlit environment used for and essential to the cultivation, protection or maintenance of plants.*

With Chapter 4 was displayed, Jessica Burgess, Counsel for the Mass Department of Agricultural Resources (MDAR), spoke about Section 433, and indicated that it is intended to address growing cannabis. Growers expressed some concerns about the the section title, since indoor agriculture is terminology applicable to general growing uses. The MDAR representative noted the provisions will be applied inconsistently from municipality to municipality and asked that the title be change to something that will result in Section 433 requirements being applied narrowly to cannabis growing.

Chairman Crowley spoke about having staff gather the stakeholders from the farm growers association, MDAR, and DFS to discuss modifications to the title to Section 433 and other changes as necessary so that the terminology used in this section does not unintentionally burden the agriculture industry since manufacturing plants operations are not performed in greenhouse structures.

Jen Hoyt spoke about having a working group address these concerns. Chairman Crowley spoke about identifying possible solutions to the Agricultural industry concerns in a timely fashion and suggested sending issues to a working group if the small group of stakeholders can't identify some solutions. John Couture spoke about continuing to work on Section 433.

Rob Anderson spoke about some questions Kerry Dietz raised relating to not needing all the Mass amendments in Chapter 4. He explained that in some instances, some of the sections are not needed to be carried forward into the 10th edition, but do provide some value to the users of the code because some sections are a comingling of the requirements that can be found in various sections in the code. He indicated that bulk merchandising is an example of a section that should be carried forward to the 10th edition. He noted that the summer camps section requirements are found throughout the base code, and keeping this section in Chapter 4 is merely a convenience to the users of the code. The group discussed carrying and not carrying forward all the sections in Chapter 4. Chairman Crowley requested to table Chapter 3 and Chapter 4 for discussion at a later date. John Couture spoke about having FPDF work on the battery storage proposed changes. No board member expressed any opposition. Because FPDF has not met since the chair of that committee stepped down, Kerry Dietz asked Chairman Crowley to update the Board when he appoints a new FPDF Chairman.

On a **MOTION** by Jen Hoyt, seconded by Kent Vinson, it was unanimously **VOTED** by ROLL CALL to send IBC chapters 3 and 4 to FPDF for further review.

Next, the group reviewed IBC **Chapter 12**. Rob Anderson recommended not carry forward Mass amendment 1201.1, notes 1 and 2. Kerry Dietz agreed. Chairman Crowley asked if anyone has an objection to this recommendation, and no one spoke in opposition. The group reviewed Mass amendment 1203.5.2.1, Kerry Dietz expressed interest in not carrying this section forward, and no board members opposed. The board next reviewed 1209.4, air sealing, and decided not to bring this provision forward into the 10th edition. On a **MOTION** by Kerry Dietz, seconded by John Couture, it was unanimously **VOTED** by ROLL CALL to approve IBC Chapter 12 without the Mass amendments (**EXHIBIT E**).

Next, the Board reviewed IBC **Chapter 8** and started with 804. DFS has proposed to strike the exception to 804.1. Jen Hoyt talked about the need to test traditional materials. Kerry Dietz asked to have ICC to explain the exception. Next, the Board

reviewed 806.2 and the proposed DFS amendment to refer the reader to 527 CMR. Steve Frederickson indicated that draperies and furniture are not in the building during final inspections. Rob Anderson suggested clarifying this issue in a commentary. On a **MOTION** by Kerry Dietz, seconded by John Couture, it was unanimously **VOTED** by ROLL CALL to approve IBC Chapter 8 with the proviso that staff asks ICC to clarify the exception in 804.1 (**EXHIBIT F**).

Next, the Board reviewed IBC **Chapter 6**. Rob Anderson explained the I-Code changed for the mass timber provisions, and there are no Mass amendments. No concerns were expressed by members of the Board about this chapter. On a **MOTION** by John Couture, seconded by Kent Vinson, it was unanimously **VOTED** by ROLL CALL to approve IBC Chapter 6 (**EXHIBIT G**).

Next, the Board reviewed IBC **Chapter 10 (EXHIBIT H)**. Rob Anderson explained the I-Code includes many changes and it has few Mass amendments. He recommended keeping Mass amendment 1001.3.2.1 Maintenance of Exterior Stairs and Fire Escapes and 1001.3.2.2 Testing and Certification. Kerry Dietz asked if these belong in Chapter 10. Rob Anderson responded that he would try to see if a more appropriate place exists. John Couture suggested maybe a note in Table 110. Next, the Board reviewed DFS proposal to amend Section 1002, Fire safety and evacuation plans, to refer the code users to 527 CMR. Jen Hoyt explained she believes these requirements have been in the Fire Safety Code.

Rob Anderson discussed how the Board ultimately decides how to refer the reader to 527 CMR throughout the code is likely dependent on whether the 10th edition is a blended document or a front-ended amended document and indicated should the 10th edition be promulgated the same manner as the 9th edition, then directing the code users to 527 CMR in Chapter 1 of the building code may be less complicated.

Next, in 1006.3.4, DFS proposed to strike number 3 and add language to number 4 to send the code users to 903.3.1.2. Jen Hoyt spoke about changing 1006.3.4 concerning elevator lifts for vehicles because the condition creates a pit. With respect to item 4 under this section, the code does not allow one means of egress from townhouses, and she noted that the code should not allow one egress from R-3 uses without the fire sprinkler system and that it should go to FFPF for review. Chairman Crowley asked why the board would want to remove ICC language. Jen Hoyt spoke about the fallibility that exists with the ICC process, and the Board should make changes where it identifies problems. Next, DFS proposed to add Section 1006.4.1.1. Chairman Crowley indicated that changing the base code language should involve the proponent of the change taking their recommended change to the ICC process unless the proposed change to the base code addresses a unique matter to Massachusetts.

Next, Jen Hoyt discussed her comment regarding Section 1008.2.3, and the need for clarification about a safe dispersal area. Rob Anderson noted that Section 1028.5 requires the *exit discharge* shall provide direct and unobstructed access to a *public way*. He also spoke about researching when the IBC references ANSI A117.1 and mentioned that while ANSI 117 provides accessible features and site design for public buildings for states to adopt, G.L. 22, § 13A empowers the architectural access board to amend 521 CMR to provide accessibility requirements for Massachusetts. Rob Anderson further noted that the BBRS must direct the code users to 521 CMR when the IBC references ANSI 117. Kerry Dietz expressed interest in striking every reference to ANSI 117 in the IBC. Rob Anderson explained how 521 CMR is one of the specialty code referenced in IBC Section 101.4, Referenced Codes, and G.L. 143, § 96 requires the state building code to incorporate 521 CMR specialized construction code. He offered to follow up with William Joyce, Executive Director for the Architectural Access Board, for his recommendation. Next, he recommended carrying forward the Mass amendment to Section 1010.2.7 because it is derived from the Massachusetts statutes.

Next, the group reviewed the DFS proposal to strike “approved smoke or heat detection system” from Section 1010.2.13. Jen Hoyt explained she does not think smoke and heat detection is the same as a fire sprinkler system. Kerry Dietz offered a motion to have ICC explain why smoke or heat detection in this section is considered equivalent to fire sprinklers. The board did not vote on this motion as it was not seconded. On a **MOTION** by John Couture, seconded by Kent Vinson, it was unanimously **VOTED** by ROLL CALL to have FFPF look at the differences between smoke and heat detection versus a fire sprinkler system and to offer their input on this item.

Next, DFS proposed to remove exception two in Section 1010.2.13.1, Delayed egress locking system. No board member expressed an objection. Rob Anderson reviewed Mass amendment 1013.1.1, Transformer Vaults. He recommended carrying this amendment forward because the legislature asked for DPS to work with stakeholders to create the language. Kerry Dietz asked about coordinating this provision with Eversource to help project designers and indicated that her experiences have been that utility companies have a lot more requirements. Next, DFS proposed a new Section 1015.7.1, Skylights and 1015.9, Inner courts to align with 527 CMR. Some expressed concerns about the load requirement. Kerry Dietz thought the load

requirements work. The group discussed changing the term “guard” to “rail”. Jen Hoyt indicated that she did not want to change her proposal without having the amended code language in written form.

Rob Anderson explained that the DFS proposal to add a new Section 1029.4 is the same as the issue with Section 1015.7.1.

Rob Anderson explained his method to answer the question DFS has raised regarding “low fire hazard use” related to Section 1030.6.3.1, and he thinks the concern could be clarified in a code user guide. Jen Hoyt disagreed with Rob Anderson’s answer.

- 1030.6.3.1 What is a “low fire hazard use”?

I could not find a definition in the IBC or IFC, but a Google search provides the following for **Low Hazard** - Any fire that develops here would increase at a moderate rate and have moderate heat release rates. Examples of buildings in this category include armories, bakeries, beauty salons, barber shops, doctors' offices, canneries, wineries, foundries, breweries, office buildings, and municipal buildings.

- 1030.7 Why is Exception 3 unlimited exit access travel distance?

The ICC Commentary explains the following.



Exception 3 allows for unlimited travel distance in open-air assembly seating with Types I and II construction. Typically these large sports stadiums have multiple exits for smooth crowd movement before and after a sporting event, and there are very low smoke and fire hazards.
The allowance to use the open stairway or ramp for multiple stories is addressed in Section 1006.3.1, Exception 4, and Section 1019.3, Exception 7.

3. **Discuss other matters not reasonably anticipated 2 business days in advance of meeting.** None at this meeting.
4. **Adjourn Session.** On a **MOTION** by Kerry Dietz, seconded by Jen Hoyt, it was unanimously **VOTED** by **ROLL CALL** to adjourn the meeting approximately 1:00 p.m. The discussion included Kerry Dietz discussing that board members should be prepared for the meetings by reviewing each chapter before meetings and bringing their concerns to each meeting.

EXHIBITS:

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- A. Meeting Agenda.
 - B. June 8, 2021 Board of Building and Regulations and Standards (BBRS) meeting minutes amended.
 - C. 2021 CHAPTER 7 5 11 2021 DRAFT.
 - D. 2021 CHAPTER 3 5 11 2021 DRAFT (2).
 - E. 2021 CHAPTER 12 6 8 2021 DRAFT.
 - F. 2021 CHAPTER 8 5 11 2021 DRAFT.
 - G. 2021 IBC CHAPTER 6 5 11 2021 DRAFT.
 - H. 2021 IBC CHAPTER 10 6 8 2021 DRAFT.