|  |  |  |  |
| --- | --- | --- | --- |
| **Deval L. Patrick**  Governor |  | **The Commonwealth of Massachusetts**  **Department of Public Safety**  **One Ashburton Place, Room 1301**  **Boston, Massachusetts 02108-1618**  **Phone (617) 727-3200**  **Fax (617) 727-5732**  **TTY (617) 727-0019**  [**www.mass.gov/dps**](http://www.mass.gov/dps) | **Andrea J. Cabral**  Secretary  **Thomas G. Gatzunis, P.E.**  Commissioner |

# Minutes

# Board of Building Regulations and Standards (BBRS)

# Ashburton Café, One Ashburton Place, Boston, MA

## October 14, 2014 at 1:00 p.m.

1. BG opened the meeting (1:09) and roll call was taken as noted below:

Brian Gale Chair (BG) x present € absent

Richard Crowley V-Chair (RC) € present x absent

Robert Anderson\* (RA) x present € absent

Kevin Gallagher (KG) x present € absent

Jerry Ludwig (JL) x present € absent

Alexander MacLeod (SM) x present € absent

Gary Moccia (GM) € present x absent

Thomas Perry (TP) x present € absent

Timothee Rodrique\* (TR) x present € absent

Stanley Shuman (SS) x present € absent

Harry Smith (HS) x present € absent

\*TP departed at 3:50 p.m. and Tom Riley (TMR) was the designee for RA. TR, who will no longer be a member on the BBRS, was recognized by BG for his service. His words were followed by applause from the BBRS, Staff, and those in attendance.

Also in attendance were Don Finocchio (DF), Deirdre Ann Hosler (DH), and Mike Guigli (MG) from DPS.

General notes on format:

* votes are noted as (Motion by, Second by, All) if the vote is unanimous followed by the time and
* agenda topics appear herein as numbered but may have been taken out of order as indicated by the time.

1. The BBRS approved the September 9, 2014 meeting minutes with edits by RC and TR as found in Exhibit A (HS, SM, All) 1:14.
2. Status update or review and/or approval of action items from previous meetings:
   1. MG noted that edits to the May 13, 2014 white paper on cost and effectiveness of fire protection requirements in 3 to 6 unit residential buildings will be made by the Fire Prevention and Fire Protection Advisory Committee (FPFP) and possibly by the Chapter 34 Advisory Committee. He noted that the Office of Administration and Finance will not review the paper. TR noted that DFS will provide edits and read a letter (Exhibit B) in opposition to the white paper and authored by J. Clancy (building commissioner of Burlington and building official who sits on the Board of Fire Prevention Regulations). The letter was addressed to the BBRS and copied to Gov Patrick among others.
   2. BG addressed a Building Official Certification Committee (BOCC) item pertaining to a request from the MA Federation of Building Officials to appoint Matthew Hakala, Building Commissioner, Town of Westford to the BOCC. BG made this appointment. (1:20)
   3. DPS training on window replacement for commercial buildings was held as an open item.
   4. Bob Carasitti (BC) presented work by the FPFP concerning floor fire protection approval of certain field applied product, e.g. No Burn, Inc. (NBI) He noted that the FPFP found the evaluation methods by IAMPO and ICC to be essentially equivalent. This answered the BBRS question that was originally posed to the FPFP for consideration. He also noted however that the FPFP had reservations about both methods, and recommended that test reports and specifically, time to failure, be reviewed for both the field applied and factory applied I-Joists. After comments from lumber purveyors, an attorney for NBI, and others the BBRS took no action on approving a ‘modified’ official interpretation on this subject and instead approved a motion, in concurrence with a recommendation from the Fire Prevention and Fire Protection Advisory Committee, for the fire test data relative to failure time duration used by IAMPO and ICC on the evaluation of floor fire protection requirements for wood I-joists by COB October 22, 2014. (KG, TR, All) 4:05. It is noted that this motion was made and put on hold at 1:56 in order to allow certain attendees to procure these test results. The vote was made after it was learned that the results could not be made available for this meeting.
   5. BC presented two additional Q&A to an official interpretation on Chapter 34 that was issued earlier this year. The two Q&A created by FPFP address smoke detection requirements in common areas of R-Use buildings when an existing building is altered and only a smoke detection system is installed (but no sprinkler system). The Q&A make it clear that in this case, common area smoke detectors are required. The BBRS approved Exhibit C. (SM, TP, All) 2:02 Staff took an action to post this official interpretation to the DPS website and forward to all building officials via constant contact.
   6. BC presented the final task addressed by the FPFP which was the review of chapter 14 proposed amendments on exterior cladding and related requirements to meet NPPA 285. These proposals were submitted for both the current 8th edition and proposed 9th edition of 780 CMR. An FPFP recommendation indicated that in light of the amount of work being done by this committee and the fact that the 9th edition revision is in process that only the proposals for the 9th edition be considered. FPFP spent time on this topic during two meetings and could not fully endorse any proposal as submitted. However, it was noted that FPFP is open to working with the proponent(s) of the proposal to draft requirements that address the fire protection, fire service, and design issues facing all concerned with this subject. No BBRS action was taken at this time. (2:20)
   7. BG opened this meeting to public hearing of a Chapter 21 code change proposal submitted by the Structural Advisory Committee for masonry reinforcement of intermediate shear walls which was projected and viewed. Public comment was requested but none was received. BG closed the public hearing (2:23) and the BBRS approved Exhibit D for final promulgation and filing with the Secretary of State as soon as Staff can submit. (SM, TP, All) 2:25 BG requested that Staff indicate in the minutes that this ‘immediate’ filing of a code change is not intended to reflect a change in code amendment policy.
   8. In September the BBRS considered approval of a policy but took no action. The policy is meant to address an issue for an approved third party to conduct blower door, duct, and mechanical ventilation testing and verification per a MA amendment\*\* to IECC 2012. In light of the potential high demand for this service for residential building projects MG presented a revised policy and there was discussion and edits were made, and then BBRS approved a policy for an “approved third party” as “*an individual who, in a notarized letter of verification, swears in writing under the penalties of perjury that he/she has demonstrated competence and at least two (2) years of experience in the field of blower door, and/or duct blasting and/or, mechanical ventilation testing*” and that the building official shall accept said letter as part of the permit application, and that this policy shall expire on the date that the 9th edition of 780 CMR is in effect. (TP, HS, All) 2:31

\*\* “….testing and verification shall be done by a HERS Rater, HERS Rating Field Inspector, an applicable BPI Certified Professional, or a BBRS *approved* third party.”

1. BG opened the review and discussion of 780 CMR 9th edition:
   * 1. MG projected the file for Chapter 1 of the base volume and proceeded through its entirety. Several topics were discussed including but not limited to; insertion of language stating that 780 CMR trumps municipal bylaws, insertion of *International Building Code 2015* (IBC) permit exemptions, and insertion of language stating that a certificate of occupancy cannot be issued with any Title V issues outstanding. No specific edits were made and the BBRS approved Exhibit E for movement to BCCC for review and first read. (TMR, HS, Approved) TR and KG↓ 3:50. TR noted that his nay vote was made because he knows there are inherent conflicts with this Chapter and the revised 527 CMR that is planned to be effective in January 2015 and that the conflicts should be resolved before going to BCCC.

MG projected the file for Chapter 1 of the residential volume and proceeded through its entirety. It was noted that this chapter has many sections with identical language to that found in Chapter 1 of the base volume. However for some sections, like inspections and construction documents for example, appropriate changes were made and *International Residential Code 2015* language was used whenever possible. In addition several topics were discussed including but not limited; the same three topics noted in the paragraph above, and consensus to reserve Section 105.9 and 106 to avoid confusion. The BBRS approved Exhibit F for movement to BCCC for review and first read. (TMR, HS, Approved) TR and KG↓ 3:58. TR noted that his nay vote was made because he knows there are inherent conflicts with this Chapter and the revised 527 CMR that is planned to be effective in January 2015 and that the conflicts should be resolved before going to BCCC. TMR noted that the latest version of 527 CMR is not yet well understood and therefore submitting proposed 780 CMR 9th Edition Chapters 1 to the BCCC for first read was hoped to help identify any alleged conflicts and duplications between these Chapters 1 and any other specialized code of the Commonwealth, including 527 CMR.

* + 1. MG noted that the MA amendments to Chapters 2 to 35 are moving forward with input from the Geotechnical Advisory Committee complete and input from Structural, Fire Prevention and Fire Protection, and Chapter 34 to be complete in time for the November 18 BBRS meeting.
    2. At 2:34 DF presented Exhibit G which summarized the 9th edition 780 CMR creation and review process utilizing comparisons of the 2009 to 2012 I-Codes, the 2012 to 2015 I-Codes, and the current MA amendments to the 8th edition. He noted that stakeholders, building officials, technical experts, and others have been involved in this process for both the base and residential volumes.

At 2:37 Eric Carlson from DCR used Exhibit H as an overview of the new flood construction requirements along with DCR recommendations on MA amendments to the *International Residential Code 2015* (IRC). The recommendations included among other things; 1 ft higher free board in A-Zones, , incorporation of ‘break-away’ features for patios and decks located behind coastal engineered structures, and additional garage, foundation and accessory structure restrictions in Coastal A-Zones and V-Zones.

At 3:16 Ian Finlayson provided an overview using Exhibit I of the residential provisions of the *International Energy Conservation Code 2015* (IECC) and DOER recommended MA amendments which included among other things; HERS index tradeoffs for installation of solar PV, inclusion of the 8th edition Energy Star Homes compliance option, fenestration U-factors of .30, and installation of 220V circuits for an electric vehicle charging stations. 3:35

There was much discussion and Q&A on both the flood construction and IECC 2015 but no BBRS vote was requested or made. Staff noted that the 8th edition tread and riser dimensions for the residential volume will be carried forward into the 9th edition as it was noted that stairways without rails, or with inconsistent treads and risers or with clutter are the predominant causes of falls associated with stairs, not the slightly steeper dimensions as used in MA historically. In addition, the elimination of minimum room size in the IRC allows for smaller homes, and makes it prudent to carry forward the MA stairway dimensions.

* + 1. Staff noted that the BBRS will be emailed the Concrete Test Labs (R1) and Manufactured Buildings (R3) regulations that are under revision.
    2. There was no discussion on the 2015 *International Fire Code* or *International Mechanical Code*.
    3. The BBRS was informed that certain professionals including the Structural Advisory Committee for example would prefer to have the amendments to the IBC in a ‘front end’ form vs. ‘imbedded’. No opinion was given for the IRC since it is not a code used often by this community.

1. BBRS approved 82 new CSLs in the month of September 2014. (HS, TR, All) 4:05
2. As part of the Construction Supervisor License (CSL) the BBRS discussed two CSL complaint hearing decisions. In each case the individual aggrieved by the decision had made a request for a review. BBRS denied the requests to review the following decisions:
   1. Docket No. 2014-466, CSL Angelica Cortez
   2. Docket No. 2013-445, CSL Charles J. Roobian (TR, HS, All) 4:08
3. The BBRS reviewed and approved the endorsement of the actions and recommendations in the Building Official Certification Committee (BOCC) meeting minutes from September 3, 2014 with a request to correct the vote recorded at the bottom of page 4. (HS, TR, All) 4:09
4. This agenda item on an Official Interpretation on M.G.L. pertaining to sprinkler requirements was not discussed.
5. DF noted that the small business impact statements (SBIS) for two code change proposals (Radon Mitigation in Residential Buildings and Reserved section on Waiver of Continuing Education for CSL) from the July Public Hearing were emailed to the BBRS for review. He also noted that since this is an administrative function that is required as part of the Executive Order 485 process and is done by Staff no BBRS approval is deemed necessary but any member, if he chooses, will be provided an opportunity for review is so desired. There was BBRS consensus to move forward the two SBIS’s.
6. This agenda item to provide background on changes in contact information, including email addresses for BBRS et al. was not discussed.
7. There were no new applications or renewals of Concrete Testing Laboratories to review.
8. There were no new applications or renewals of Native Lumber Producers to review.

13. There were no matters not reasonably anticipated 2 business days in advance of the meeting.

14. Adjournment of the meeting was approved. (TR, HS, All) 4:18

**Exhibits** (listed as file names)

A. BBRS Minutes September 9 2014 (Approved October 14 2014)

B. Clancy\_Letter\_White\_Paper\_to\_BBRS

C. 2014\_01\_Official\_Interpretation\_Existing\_Buildings\_(Approved October 14 2014)

D. 2014\_02\_Chapter\_21\_Masonry\_Reinforcement\_SAC\_redline\_07\_08\_14

E. 2014\_04\_Chapter\_01\_Staff\_redline\_10\_14\_14

F. 2014\_04\_Chapter\_51\_R01\_Staff\_redline\_10\_14\_14

G. 9th Edition Process Overview

H. DCR\_Carlson\_Flood\_Construction

I. 2014\_04\_Chapter\_51\_R02\_to\_R44\_Staff\_redline\_10\_10\_14