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CHARLES BORSTEL
COMMISSIONER, DIVISION OF
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Board of Building Regulations and Standards (BBRS)
October 9, 2018 Regular Meeting
Division of Professional Licensure (DPL)
50 Maple Street in Milford

Chairman, John Couture, opened the meeting at approximately 10:00 a.m.

Chairman Couture took roll call as follows:

John Couture, Chair	✓ present <input type="checkbox"/> absent	Peter Ostroskey**	✓ present <input type="checkbox"/> absent
Kerry Dietz, Vice Chair	✓ present <input type="checkbox"/> absent	Michael McDowell	✓ present <input type="checkbox"/> absent
Richard Crowley, Second V. Chair	<input type="checkbox"/> present ✓ absent	Susan Gleason	✓ present <input type="checkbox"/> absent
Kevin Gallagher	✓ present <input type="checkbox"/> absent	Lisa Davey	<input type="checkbox"/> present ✓ absent
Cheryl Lavalley	✓ present <input type="checkbox"/> absent	Steve Frederickson	✓ present <input type="checkbox"/> absent
Robert Anderson*	✓ present <input type="checkbox"/> absent		

* David Sullivan participated as the designee for Chief of Inspections-Building & Engineering, Robert Anderson

** Jen Hoyt (JH) participated as the designee for State Fire Marshal, Peter Ostroskey.

General notes on format of these minutes

- Votes are noted as **MOTION** by, seconded by, and whether it was a unanimous or split vote.
- Agenda topics as numbered may 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 and Jen Hoyt it was unanimously voted to approve the minutes for the September 11, 2018 Board of Building and Regulations and Standards (BBRS) meeting as submitted (**EXHIBIT B**).
2. **BOCC Minutes.** On a **MOTION** by Rob Anderson and Susan Gleason it was unanimously voted to approve the minutes for the August 1, 2018 Building Official Certification Committee (BOCC) meeting as submitted (**EXHIBIT C**).
3. **Discuss Locking Arrangements and Associated Hardware for Protection Against Active Shooters.**
Rob Anderson introduced the topic indicating that a *draft FAQ* was developed at the request of Chairman Couture to assist building officials and others in understanding code requirements related to free and unimpeded exit from an occupied building and/or space (**EXHIBIT D**). Rob explained that the

draft FAQ was meant only for discussion purposes to give staff a better idea of how to address the issue and was not meant for publication yet.

Chairman Couture observed that there have been several examples of devices installed, primarily in school buildings, designed to deter an intruder that cause conflict with other code provisions and make it difficult for occupants to exit a building timely and safely. Chairman Couture was concerned that devices are being installed without the knowledge of local building code enforcement officials and, though well intended, may ultimately cause greater difficulties. Chairman Couture identified that the National Fire Protection Association (NFPA) has published a standards known as NFPA 3000, *Standard for an Active Shooter/Hostile Event Response (ASHER) Program*, to help identify solutions to these difficulties. Chairman Couture wanted to make it clear that many of the devices being installed do not comply with the code and the FAQ should clearly and simply indicate what may and may not be done in these situations.

Jen Hoyt indicated that a joint memorandum from Office of Public Safety & Inspections (OPSI) Commissioner Borstel and Department of Fire Services (DFS) Marshal was issued back in March addressing this issue. Jen said the memo should be referenced in the FAQ for consistency, she also question the “*defend in place*” language used in the FAQ and requested that it not be used if it cannot be substantiated by code language.

Audience member and Avon Building Commissioner, Robert Borden, identified that ALICE (Alert, Lockdown, Inform, Counter, Evacuate) Training is being conducted with police chiefs and others in many localities, but building code enforcement officials are often left out of the process.

Chairman Couture stressed that NFPA 3000 as well as common sense suggests that all agencies need to work together on solutions.

Audience member and American Institute of Architects (AIA) representative, John Nunnari, questioned whether the concern is with after-market products on installed in existing buildings or new installations.

Both Chairman Couture and Jen Hoyt agreed that designers of newer building designs take the matter into consideration. Therefore, newer structures are less of a concern, it is mainly older buildings that pose the biggest risk.

Following discussion, it was agreed that further research was necessary and better guidance must be offered via the FAQ. The issue will be revisited during the November meeting.

4. **Discuss Progress Towards Tenth Edition 780 CMR.** Rob Anderson indicated that work on the new energy code based on the 2018 International Energy Conservation Code (IECC) and will be discussed by members of the Building Code Coordinating Council (BCCC) for duplication and conflict later in the month. However, audience member, Robert DeSousa of PSD Energy Consultants, asked to address several potential changes requested by *Mass Save*. Mr. DeSousa indicated that he does not have specific changes to offer, but *Mass Save* is expected to file requests to change certain requirements relating to interior and exterior lighting power, laboratory ventilation and certain other requirements.

Audience member, Department of Energy Resources (DOER) Deputy Director of Energy Efficiency Division, Ian Finlayson, indicated that DOER staff had reviewed the referenced concepts and believe that they are well founded, based on solid research and asked that they be considered for inclusion in the first iteration draft of the new energy code.

Kerry Dietz and other Board members were wary of including any additional changes, regardless of how well intentioned, without seeing specific code language.

OPSI Counsel, Charles Kilb, noted that the new energy code is scheduled to be reviewed during the October 18th BCCC meeting. Making changes to the draft, which has been posted to the BCCC cloud website for member review, would seem problematic at this point. Counsel Kilb made it clear, however, that additional changes may be approved by Board members, but may have to take a different track than the one already begun for new energy code; i.e. review during the November statutory hearing.

Rob Anderson indicated that all technical advisory committees, with the exception of Geotechnical Advisory Committee (GAC), has begun review of the 2018 I-Codes.

Jen Hoyt requested that the Solar Installation Committee, previously established by Board members, to be activated.

- 5. Discuss Progress of the Manufactured Buildings Study Group.** Rob Anderson gave a brief overview of efforts made by the group thus far, indicating that members have met on 2 occasions this year, in May and again just prior to this meeting. Study group members have reviewed current regulations and processes, listened to testimony from interested parties and have developed several concepts designed to better the program. As directed by Board members earlier in the year, study group members are attempting to conclude efforts and present any and all recommendations for change to Board members by year's end.

OPSI Manufactured Buildings Director\Code Development Manager, Dan Walsh, further outlined some of the changes contemplated by the group, including, but not limited to:

- Better education for licensed construction supervisors, code enforcement officials, and certified installers involved in the process;
- Better communication with Third Party Inspection Agency (TPIA) personnel; and
- Better awareness as to how to resolve issues should something go awry with a project.

Chief Kevin Gallagher indicated that meetings, particular the latest, have been productive, with many sound ideas developed. Chief Gallagher indicated that he is confident that the study group has identified solutions to most all system deficiencies, but further review of the TPIA role in the process is necessary and must be better defined and monitored.

- 6. Discuss approval of 82 new CSLs issued in the month of August, 2018.**
Board members acknowledged approval of 95 new CSLs issued in the month of September, 2018.
- 7. Discuss FPFP recommendations for elevator lobby protection and fire protection for existing single family homes over 14,400 gross sf that are renovated and existing single family homes which are increased by addition to an area in excess of 14,400 gross sf.**

- **Elevator Lobby Protection.** Fire Prevention\Fire Protection (FPFP) Chairman, Robert Carasitti, indicated that a code consulting group known as C3 made inquiries to Board members in letter dated June 7, 2017 regarding elevator lobbies in existing high-rise buildings undergoing renovations. Board members asked the FPFP to review and make recommendations for an Official Interpretation. Chairman Carasitti read questions and proposed answers directly from the August 9, 2018 FPFP meeting minutes as follows.

Question 1. Does the IEBC trigger compliance with current code for elevator lobbies if the building has no smoke control, and was not equipped with smoke control at initial construction?

Answer 1. Yes if the work area includes the lobby. Where the work area captures the entirety of the lobby area or a new lobby is created. Where the work area includes partial areas of lobbies, then the walls of the lobby in the work area, including new walls which would be part of the lobby, would need to be constructed with compliant ratings. As with other sections of the IEBC, the intent is that over time and projects full compliance will ultimately be achieved.

Question 2. Does the IEBC trigger compliance with current code for elevator lobbies if the building is equipped with existing floor mechanical smoke exhaust systems that are fully maintained?

Answer 2. Yes if the work area includes the lobby. BUT, it may possible for an equivalency or alternative method without the physical lobby enclosure if it can be demonstrated that there is an existing and maintained smoke control system which prevents the migration of smoke into the elevator hoistway as intended by the elevator lobby.

Question 3. Where floor mechanical smoke exhaust systems are provided and maintained, can a floor exhaust system be decommissioned in exchange for installing an elevator lobby on that floor?

Answer 3. No unless both of the following conditions are satisfied:

- a) The Fire Department permits the decommissioning of the smoke control system, or portion thereof, under MGLA C148 s 27A
- and*
- b) An engineering evaluation of proposed changes justifies such a modification of an existing system does not violate the original purpose of the system (smoke overhaul, past variance or alternate approach, etc.).

It would need to be a very detailed review to make sure the smoke control system only relates to the elevator lobby issue at the time of the review.

Existing Building Advisory Committee Chairman, Mike DiMascio, was also in attendance and indicated that existing building committee members concurred with these responses.

- **Fire protection for existing single family homes over 14,400 gross sf that are renovated and existing single family homes which are increased by addition to an area in excess of 14,400 gross sf.**

Chairman Carasitti reviewed this matter indicating that the question was first raised by an OPSI building inspector. FFPF members had previously reviewed the matter and made some recommendations, but Board members wanted the FFPF to review a bit further. Based on this instruction, FFPF members proposed code change language for Appendix J of 1&2 Family Code. Again, Chairman Carasitti read recommended changes directly from the August 9, 2018 FFPF meeting minutes, which read:

The FFPF recommends that the BBRS revise R313.2 Exception to read as follows:

EXCEPTION: ~~An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings having an aggregate area greater than 14,400 ft² that are not already provided with an automatic residential sprinkler system.~~
Existing buildings see section AJ102.3.2.

Change AJ102.3 to Fire Protection Systems and renumber AJ102.3 to AJ102.3.1 and renumber subsections accordingly. The proposed changes are as follows:

AJ102.3 Revise the section as follows:

AJ102.3 ~~Smoke, Carbon Monoxide and Heat Protection.~~ ~~Smoke, carbon monoxide and heat protection shall be provided when required by this section and designed, located and installed in accordance with the provisions for new construction. See sections R314, R314.5, and R315.~~
Fire Protection Systems. Regardless of the category of work, fire protection systems shall be provided as required in AJ102.3.1 through AJ102.3.2.

AJ102.3.1 Smoke, Carbon Monoxide and Heat Protection. Smoke, carbon monoxide and heat protection shall be provided when required by this section and designed, located and installed in accordance with the provisions for new construction. See sections R314, R314.5, and R315.

AJ102.3.1.1 through AJ102.3.1.3 Add the subsections as follows:

AJ102.3.1.1 Adding or Creating One or More Sleeping Rooms.

1. Single-family Dwelling. When one or more sleeping rooms are added or created to an existing dwelling, the entire dwelling shall be provided with smoke, heat and carbon monoxide protection.
2. Two-family Dwelling. When one or more sleeping rooms are added or created to one dwelling unit that unit shall be provided with smoke, heat and carbon monoxide protection detectors. When sleeping rooms are added or created to both units the entire building shall be provided with smoke, heat and carbon monoxide protection.
3. Townhouses Dwelling Unit. When one or more sleeping rooms are added or created to an existing dwelling unit, the entire unit shall be provided with smoke, heat, and carbon monoxide protection.

AJ102.3.1.2 Complete Reconstruction. If a dwelling or townhouse building undergoes reconstruction such that more than 50% of walls and ceilings are open to framing, then the entire existing building shall be provided with smoke, heat and carbon monoxide protection.

AJ102.3.1.3 Adding an Attached Garage. If a garage is created under or attached to an existing dwelling unit, a heat detector shall be provided in the garage in accordance with R314.8.

Add AJ102.3.2 as follows:

AJ102.3.2 Automatic Fire Sprinkler System. Existing buildings shall be provided with residential automatic sprinklers under the following conditions:

- b. Existing 1&2 Family Buildings changing is use to Lodging House.
- c. Existing 1&2 Family buildings over 14,400gsf where more than 50% of the building floor area is being altered.
- d. An addition is being added that would result in the aggregate area of the building being 14,400 gsf or more.
- e. Existing 1&2 Family buildings where previously uninhabitable space is being converted to habitable space resulting in an aggregate habitable area of 14,400 gsf or more.
- f. An existing commercial building being converted to a 1&2 Family building where the aggregate habitable area is 14,400 gsf or more.
- g. Changes in use that require the application of the commercial code: See 780 CMR Commercial.

Jen Hoyt noted that a building owner can always exercise his\her right of appeal if aggrieved by a decision. Ultimately, it was agreed to move the language forward to public hearing in November.

8. **Discuss CSL Average Passing Score\Medical\Military\ Age or Continuing Education Requirements.**

Rob Anderson explained that the following individuals have requested reinstatement of license for certain reasons. Rob explained that Mr. Slattery, Smalankas, and Lannigan have applied for due to medical issues that interfered with their abilities to renew the license during the normal period. All but Mr. Lannigan have submitted requisite paperwork. We are awaiting information relating to Mr. Lannigan's request.

Mr. Wohn's request is a bit different. Mr. Wohn served as a City of Boston building inspector for a long period of time. In this capacity, he achieved and maintained requisite continuing education credit to retain\renew his building official certification. Building officials are required to attain 45 hours of acceptable credit over a three year period (*15 hours period year*) whereas licensed construction supervisors only need to acquire 12 hours over a two year period. Accordingly, regulations only require a certified building official to acquire the 45 hours accredited to both license and certification, not an additional 12 hours to retain his\her construction supervisor license (CSL). However, the expectation is that a licensee will renew his\her CSL each two year period based on the 45 hours accumulated. Mr. Wohn did not renew his CSL on the regular two year cycle, so theoretically, his licensed expired.

However, years ago a former chief for the Department of Public Safety issued a memorandum to municipal building inspectors indicating that they did not need to renew their CSL each two year period during the time they were actively employed as an inspector. Instead, the license would be held in abeyance and could be reactivated upon request by the inspector. This policy was deemed impractical and circa 2010, inspectors were advised to renew their CSL on a regular basis. Not all inspectors were duly noticed and therefore expected that they may renew their license following their service as a building official, Mr. Wohn being one.

On discussion, Chairman Couture and Steve Frederickson indicated that they recall the policy and were okay with renewing the license.

OPSI Counsel indicated that Board members are within their rights to do so based on the history, but recommended that the issue be memorialized in a written procedure like all other exceptions categories.

Following discussion, on a MOTION by Kevin Gallagher seconded by Kerry Dietz it was unanimously voted to approve reinstatement of each identified license. It was noted that Mr. Lannigan's shall be reinstated upon receipt of missing information.

- Edmund Slattery CS-064128 (*medical*)
- George J. Smalanskas CS-105844 (*medical*)
- Robert Lannigan CS-092412 (*medical*)
- Douglas Wohn CS-042576 (*former City of Boston inspector*)

9. **Discuss Construction Supervisor License (CSL) Disciplinary Hearing Docket Number C18-00027 Pursuant to 780 CMR 110.R5.2.10.** OPSI Counsel Kilb introduced the topic indicating that the licensee has request review of a disciplinary hearing decision as allowed by the section. Counsel indicated that Board members must first decide whether or not they will entertain request. If not, no further action is required. If yes, we may want to enter executive session to further discuss.

Following a brief discussion, on a MOTION by Kerry Dietz seconded by Jen Hoyt it was unanimously voted to deny the request for review in support of the hearings officer decision.

10. **Discuss other matters not reasonably anticipated 2 business days in advance of meeting.**

Chairman Couture raised an issue with regard to meeting start times, indicating that, with other responsibilities, it is sometimes difficult to attend a 1 p.m. meeting that may not end until 5 p.m. He recommended a 10 a.m. start time for future meetings. It was agreed to begin the November meeting @ 10 a.m. and continue the discussion for meetings next year.

11. **Adjourn.** On a MOTION by Kerry Dietz seconded by Kevin Gallagher it was unanimously voted to adjourn the meeting at 2:38 p.m.

EXHIBITS:

- A. Meeting Agenda.
- B. September 11, 2018 Board of Building Regulations and Standards (BBRS) meeting minutes.
- C. August 1, 2018 Building Official Certification Committee (BOCC) meeting minutes.
- D. Draft FAQ relative to Intruder Prevention Hardware & Code Requirements.