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Board of Building Regulations and Standards (BBRS)

September 11, 2018 Regular Meeting

The Home Builders & Remodelers Association of Western Massachusetts  
240 Cadwell Drive, Springfield, MA 01104

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	✓ present <input type="checkbox"/> absent	Susan Gleason	<input type="checkbox"/> present ✓ absent
Kevin Gallagher	<input type="checkbox"/> present ✓ absent	Lisa Davey	✓ present <input type="checkbox"/> absent
Cheryl Lavalley	✓ present <input type="checkbox"/> absent	Steve Frederickson	<input type="checkbox"/> present ✓ 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. **Introduce.** Dan Walsh was introduced as the Office of Public Safety and Inspections (OPSI) Code Development/Manufactured Buildings Program Manager. Mr. Walsh stated that his attention and time will be in addressing issues related to the manufactured buildings program with the following partial action plans in mind:
  - Identify topics for further review and determine whether changes to the code are necessary.
  - Outreach to municipal building officials.
  - Reconvene the Board's study group with the efforts to modernize the building code.
  - Training for municipal officials and the industry.
  - Meet with Third Party Inspectors to understand what other states do and to align with their best practices.
2. **BBRS Minutes.** On a MOTION by Michael McDowell and Richard Crowley it was unanimously voted to approve the minutes for the August 14, 2018 Board of Building and Regulations and Standards (BBRS) meeting as submitted (**EXHIBIT B**).
3. **BOCC Minutes.** There were no draft minutes for the August 1, 2018 Building Official Certification Committee (BOCC) meeting as the meeting was cancelled.

4. **Proposal Number 5-4-2018.** Consider adopting 2015 International Solar Energy Provisions.

Kerry Dietz questioned the Board whether the solar working group has met, which Chairman Couture and David Sullivan stated that they had not met. Chairman Couture indicated concerns over developing a document that conflicts with the Department of Fire Services and will create confusion. Jen Hoyt noted that this was a good opportunity to reignite the group as it may not be feasible in New England to meet solar objectives if the ICC and the IFC are adopted. Ms. Hoyt also stressed the need for distinction to address building officials concerns by codifying goals and objectives towards a path for enforcement and compliance.

Following discussion, on a **MOTION** by Richard Crowley seconded by Kerry Dietz it was unanimously voted to charge staff to reinstate the solar working group and meet at some point in the future, to be determined.

Gordon Bailey, OPSI Building Inspector, questioned the Board if the matter would be applicable to commercial and residential constructions. Inspector Bailey noted that Chapter 15 is not modified in the commercial base code which allows the building official to enforce the IFC requirements on commercial and mix-used buildings, but a gap exists with the IRC. Inspector Bailey added that he would be interested in participating in the study group, if possible.

5. **Proposal Number 5-5-2018.** Consider updating NFPA 241 to the 2013 Edition to coincide with 527 CMR (The Massachusetts Comprehensive Fire Code) and broaden scope beyond standpipes.

Chairman Couture informed Board members that the current reference to NFPA 241 is out of date and does not coincide with 527 CMR. Jen Hoyt noted that a motion to update NFPA 241 to the 2013 should be specific to the jurisdiction as the standard, in its entirety, is adopted under 527 CMR. Ms. Hoyt added that 780 CMR only referenced extracted sections from NFPA 241 in to its code. Charles Kilb, Board Counsel, acknowledged that coordination should take place with the Department of Fire Services as NFPA 241 is under their jurisdiction. Board Counsel asked Ms. Hoyt whether any substantial changes between the 2009 edition and the 2013 edition occurred, which Ms. Hoyt stated that there were none. Board Counsel made a recommendation to the Board to make these changes part of the 10<sup>th</sup> edition as addressing the individual change would be burdensome on OPSI staff. Ms. Hoyt stated that the reference to the 2009 NFPA 241 was made in error and should be corrected.

Following discussion, a **MOTION** by Jen Hoyt was made to update the reference to NFPA 241 from the 2009 to the 2013 version as it is not in line with 527 CMR. With no second to Ms. Hoyt's motion, the motion did not pass.

On a **MOTION** by Jen Hoyt seconded by Richard Crowley it was unanimously voted to update the reference of NFPA 241 from 2009 to 2013 or 2016, as appropriate, in consideration of the 10<sup>th</sup> edition of 780 CMR. Chairman Couture directed OPSI staff to work with the Department of Fire Services on training and jurisdiction regarding expanding scope.

6. **Proposal Number 5-3-2018.** Consider adopting an amendment particular to Micro Units submitted by Mike DiMascio.

Mike DiMascio presented to the Board the requested changes from the June 5, 2018 BBRS meeting and put them in legislative text. Jen Hoyt questioned whether the term "Efficiency Dwelling" was defined as it was not listed under the definitions sections. Mr. DiMascio noted that the term is defined within the code itself. Ms. Hoyt posed the question to the building officials on whether the term was enforceable and could be consistently enforceable throughout the Commonwealth. Chairman Couture indicated comfort of enforcement.

Following discussion, on a **MOTION** by Richard Crowley seconded by Kerry Dietz it was unanimously voted to accept the proposed changes made by Mr. DiMascio and move them forward for public hearing.

7. **Discuss locking arrangements and associated hardware installed to protect against active shooter or other threatening situations in a building/structure.**

Chairman Couture presented to the Board the topic of locking arrangements and associated hardware installed to protect against active shooter or other threatening situations in a building/structure in order to bring clarity as these mechanisms are installed without building permits and are not code compliant. Chairman Couture would like Board members to define a position on the matter and have OPSI staff distribute information for proper training. Jen Hoyt informed Board members that she spoke at an active shooter symposium where they discussed NFPA 3000, the new provision standard for household shooter response, and what to do in case of an event. Ms. Hoyt added that the a joint memo was issued to address lockdown procedures, school evacuation drills, door locking requirements, etc., as a means for fire and building officials to start communications with school system personnel and police departments. Michael McDowell noted that a school system may go before the Board of Appeals for the use of a product.

William Horrocks, OPSI Building Inspector, informed Board members that building officials are left out of discussions at the local community level and must be included. Gordon Bailey, OPSI Building Inspector, added that superintendents meet with the police departments and other departments, but the building official is excluded. Inspector Bailey added that the state police is involved and is providing misinformation. AIA Representative and audience member, John Nunnari, provided Board members with a copy of the *Massachusetts Task Force Report on School Safety and Security Presented to: Governor Deval L. Patrick*, for reference.

David Sullivan questioned whether an individual state trooper was providing misinformation or if this was an initiative from the state police. Inspector Bailey stated that it is coming from state police, not an individual trooper. A comment was made from the public to expand this matter to municipal buildings, not just schools.

Following discussion, on a **MOTION** by John Couture seconded by Jen Hoyt it was unanimously voted to direct staff to work on FAQs to clarify the Board's position, share this position with the State Police, the Department of Fire Services, the Massachusetts Association of School Committees, the Massachusetts Association of School Superintendents, and the Massachusetts Municipal Association, and to begin training for building officials.

8. **Discuss progress relating to the next edition of 780 CMR.**

Cesar I. Lastra, OPSI staff, informed the Board that the Structural Advisory Committee (SAC) met and expressed reservations of meeting the Board's deadline to move forward with the 2018 ICC. However, the SAC will provide more information to the Board upon reviewing the changes made on the 2018 ICC. Mr. Lastra added that OPSI staff is working to meet with the Geotechnical Advisory Committee (GAC).

9. **Discuss approval of 82 new CSLs issued in the month of August, 2018.**

Board members acknowledged approval of 82 new CSLs issued in the month of August, 2018.

10. **Consider request to re-establish the Construction Material Safety Board.**

Dan Walsh informed Board members that Chief Robert Anderson has sent out emails to get contacts in order to establish the working group.

11. **Discuss FPPF 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.**

Mike DiMascio informed the Board that a draft addressing the matter would possibly be available for their review at the October BBRS meeting.

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

Chairman Couture requested that the matters associated with Edmund Slattery (CS-064128) and Douglas Wohn (CS-042576) be discussed at the October BBRS meeting.

13. **Discuss training for Building Code Appeals Board (BCAB) and new BBRS members.**

Chairman Couture informed the Board that Chief Robert Anderson is working to implement future Board of Appeals related training for the members in order to better explain the duties and responsibilities.

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

No matters discussed by the Board.

15. **Adjourn.** On a **MOTION** by Jen Hoyt seconded by Kerry Dietz it was unanimously voted to adjourn the meeting at 12:04 p.m.

#### **EXHIBITS:**

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- A. Meeting Agenda.
- B. August 14, 2018 Board of Building Regulations and Standards (BBRS) meeting minutes.