



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
One Federal Street, Suite 600
Boston, Massachusetts 02110-2012

LAYLA R. D'EMILIA
UNDERSECRETARY, CONSUMER
AFFAIRS AND BUSINESS
REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

BOARD OF BUILDING REGULATIONS AND STANDARDS VIRTUAL MEETING MINUTES
Solar Setbacks Subcommittee
April 16, 2025
Meeting called to order 9:03 AM.
Meeting Minutes

1. Roll Call

Attendee	Present	Absent
John Couture	☐	☒
Mark Durrenberger	☒	☐
Luke McKneally	☒	☐
Ian Finlayson	☒	☐
Darren Crimmin	☐	☒
Patty Sheehan	☒	☐
Jacob Nunnemacher	☒	☐
Sam Pillsbury	☒	☐
Jason Ferschke	☒	☐

2. Approval of minutes of 3/28/25 meeting

Jake Nunnemacher made a motion to approve the minutes, seconded by Ian Finlayson. A roll call vote was conducted, the motion passed by majority vote, 6 in favor, 1 abstention:
Yes: Mark Durrenberger, Luke McKneally, Ian Finlayson, Jake Nunnemacher, Sam Pillsbury, Jason Ferschke
No: none
Abstention: Patty Sheehan

3. Work product to be created by this subcommittee

a) Draft guidance clarifying permitting requirements for solar installations

Members discussed that the focus of this task is on the 10th edition as it exists now, though it can reference how changes proposed will help the process in the future. The subcommittee commenced its review with R324.3

The subcommittee discussed the process flow for solar permits with steps of:

- i) Building permit solar PV application submitted
- ii) Building permit Solar PV Application shared with Fire Department
- iii) Both Building Department and Fire Department review Application



Members noted that the Building departments would be reviewing under R324, while the Fire Department is reviewing under 527 CMR 1.00 11.12.3 (Solar for 1-2 family homes and townhouses)

- (iv) Clear comments are provided in application by Building and Fire Department and sent back to applicant. Note deficiencies.
- (v) Inspections performed (required) by both departments
- (vi) Results of inspections documented in permit
 1. If there are any deficiencies, they must be resolved/corrected
 2. If there are no deficiencies, then the permit may be closed

The concerns discussed included there is no requirement in the building code to send the permit to the fire department for their review, approval, and commentary; potential delays could emerge dealing with two inspectors, appeals process, communication, construction control docs (R107.3.2) not required for residential and inconsistent processes used across municipalities; members also noted that there is no documented permit process for solar.

There were many recommendations put forth to improve the solar permit process including considering a checklist format similar to "National simplified residential PV and energy storage permit guidelines" along with permit application, improved communication to inform Fire Department of PV systems, best practices to work together to get to safe installation, clearer language in the building code, and an overall more streamlined process for all involved.

It was noted that when the building department reviews the permit under the current 780, CMR, 10th Edition R 324 Photovoltaic systems and the fire department reviews the permit under 527 CMR 11.12. 3.2. (overall section for One- and two-family dwellings and townhouses), the review breaks down further to 2.3 access pathways, 2.4 setbacks at the ridge, 2.5 alternative setbacks at ridge. Recommendation to possibly adjust IBC 107.3.1 (fire department review) and chapters 4, 9, and 34, R107.3.1 and R107.3.2 Construction control docs where special conditions exist., and R 105.3.1 (permitting section of the residential code under application for permit) action on application. Once a permit is applied for, the building official has 30 days to examine or cause to be examined the application.

Further dialogue continued on the contents for an appropriate permit application and supplemental materials. This encompassed creating an appropriate process, including what is expected to be on a permit application, a simple checklist and clear requirements.

There was a thorough discussion on the appeals process and where appeals would go. The subcommittee discussed the entire process at length. If the fire official is deciding on the fire code, that would go through an appellate process separate from the building code. Conversely, If the building official is deciding a matter based on the building code, that would go through the Building Code Appeals Board. It was noted that the Building Code Appeals Board, and the building official have no authority to interpret or enforce the fire code. Similarly, fire officials cannot enforce the building code. Unlike building officials, Fire Officials are mandated reporters. If they notice a violation of any code, they are mandated by law to notify the building official of such violation. Where it gets problematic is if the official is citing outside their code. It was stated the importance of officials staying in their lane.

Luke McKneally will clean up a draft process flow chart and put it into a more step by step to be reviewed at next meeting. The notes will be added in and shared with the group for further discussion next month.

Members then made final comments regarding the previous lack of requirements for solar in the codes. It was acknowledged that solar is growing throughout communities and there needs to be clear requirements. The subcommittee members noted that fire and building officials are engaged in this process through this subcommittee and expressed hope for a thorough discussion.

4. Other matters not reasonably anticipated 48 hours in advance of meeting - none

Next Solar Setbacks Meeting to take place Thursday, May 8, 2025, 9-11 AM. Purpose of this meeting is to further discuss the current permitting requirements for the solar installations (process pathway).

Ian Finlayson made a motion to adjourn the meeting at 11:03 AM, seconded Mark Durrenberger. The motion was approved unanimously with each member voting yes

Items Relied Upon

Agenda

Draft Minutes

Draft code language

Draft flow chart developed during meeting