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BOARD OF BUILDING REGULATIONS AND  
STANDARDS NOTICE OF VIRTUAL MEETING  
Solar Setback Subcommittee Minutes

**In accordance with the provisions of G.L. c. 30A § 20, notice is hereby given that the Solar Setback Subcommittee of the Board of Building Regulations and Standards (BBRS) will convene a meeting in accordance with G.L. c143 § 97 on:**

**December 20, 2024 @ 9 a.m. until approximately 11 a.m.**

Meeting called to order at 9:03am.

**1) Roll Call**

- John Couture – Absent
- Mark Durrenberger – Present
- Luke McKneally – Present
- Ian Finlayson – Present
- Darrien Crimmin – Absent
- Patty Sheehan – Present
- Jake Nunnemacher -Present
- Sam Pillsbury – Present
- Jason Ferschke – Present

**2) Approval of Minutes from 11/21/24**

Jake Nunnemacher made a motion to approve meeting minutes for 11/21/2024 with corrections. Mark Durrenberger seconded the motion all members in favor. Motion carries.

**3) Work product to be created by this subcommittee**

- a) Draft guidance clarifying permitting requirements for solar installations

i. R324.6 Roof Access and Pathways

At the last meeting Jake Nunnemacher was tasked with looking under R324.6 for Exceptions #1 (detached non inhabitable structures) and #2 (roof access), he presented his proposals to members for review.



Jake Nunnemacher proposed replacing the term habitable with “occupiable” in the code due to lack of clarity regarding detached non-habitable structure requirements in the fire code. He also suggested adding the definition of “occupiable” in the code section as it isn’t part of it, which means capable of working, living, eating or cooking within.

He mentioned the term habitable in the current code is interpreted by many as any building that doesn’t have people sleeping in it isn’t subject to the rules and regulations of Exception #1. After speaking with the NFPA about the definition of habitable, Jake Nunnemacher concluded it means where people will congregate/live etc.

He stated if the fire service comes to a building and there is a chance people are in it, they will perform an aggressive interior attack to perform rescue operations requiring ventilation.

Jake Nunnemacher then went over his changes for Exception #1 using the added term occupiable in the code language when it’s not required to provide roof access, access - pathways and ridge setbacks. For exception #1 he broke it down into 4 parts A through D.

Part A - Detached structures without walls but not limited to open air buildings, pavilions, pergolas, parking shade structures, carports, trellises and similar structures.

Part B- Detached non-occupiable structures larger than 720 ft<sup>2</sup>.

Part C - Detached non-occupiable structures where the fire official has determined that rooftop operations will not be employed.

Part D - Structures where the fire official has determined that rooftop operations will not be employed.

He then went over Exception #2 when Fire Chief in consultation with the building official may reduce or eliminate the roof access, access pathways and ridge set back requirements. Again, he broke it down into 4 parts A through D.

Part A- Rooftop operations will not be employed.

Part B- Alternative access opportunities.

Part C- Ground level access to the roof is unattainable.

Part D- Adequate alternative ventilation opportunities are present such as skylights gable vents etc. The Fire Chief shall report in writing any reduction and or elimination of the roof access, access pathway or ridge setback requirements to the building official.

Members then had a long discussion regarding the proposals and voiced concerns for some time. Charles Kilb mentioned he wanted members to be mindful when creating specific definitions so not affect other areas of the code which can lead to confusion. He highlighted that the base code has a definition of occupiable space, and the residential code has a definition of occupied space.

He also mentioned with respect to the proposed changes for exception #2 he mentioned that under Chapter 143, Section 3A, it is the building official that is the authority having jurisdiction over the building code. He added the building code does not have right to declare another authority having jurisdiction over its provisions. He recommends changing exception # 2 so that it's the building official in consultation with the fire official to make those determinations.

Members had a detailed discussion about the proposal and decided to discuss it at a future meeting.

Luke McKneally presented the perimeter pathways/access pathways proposed changes for review and discussion. He suggested the term obstructions be defined specifically because throughout the code it is not consistently defined.

Mr. McKneally then went over an example where the fire code says the fire department makes the final determination of what is an obstruction.

Members had a long conversation regarding the positive and negative proposed changes to the perimeter pathways/access pathways.

**4) Other matters not reasonably anticipated 48 hours in advance of meeting**

Next meeting will be January 24, 2025, at 9am to 11am.

At 11:00 a.m., Mark Durrenberger made a motion to adjourn the meeting, seconded by Sam Pillsbury. All members voted in favor of the motion.

Items Relied Upon

Agenda

Draft Minutes

Draft Code changes regarding solar installation/perimeter pathways