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Board of Building Regulations and Standards (BBRS)

July 13, 2021 Meeting

The Division of Professional Licensure Office
1000 Washington Street - Boston, MA 02118

This was a virtual Microsoft Teams meeting.

Chairman Crowley opened the meeting @ approximately 10:17 a.m. and took roll call as follows.

Richard Crowley, Chair	✓ present <input type="checkbox"/> absent	Kerry Dietz	✓ present <input type="checkbox"/> absent
John Couture, Vice Chair	✓ present <input type="checkbox"/> absent	Steve Frederickson	✓ present <input type="checkbox"/> absent
Lisa Davey	✓ present <input type="checkbox"/> absent	Kent Vinson	✓ present <input type="checkbox"/> absent
Cheryl Lavalley	<input type="checkbox"/> present ✓ absent	Layla D'Emilia*	✓ present <input type="checkbox"/> absent
Michael McDowell	✓ present <input type="checkbox"/> absent	Peter Ostroskey*	✓ present <input type="checkbox"/> absent
Susan Gleason	<input type="checkbox"/> present ✓ absent	Patrick Woodcock*	✓ present <input type="checkbox"/> absent

* *Jen Hoyt participated as the designee for State Fire Marshal, Peter Ostroskey. David Sullivan participated as the designee for Division of Professional Licensure Commissioner, Layla D'Emilia. Ian Finlayson participated as the designee for Department of Energy Resources Commissioner, Patrick Woodcock.*

General notes on format of these minutes

- *These minutes represent general points discussed by Board members and/or attendees. The minutes are not intended to be a verbatim account of discussions.*
- *Votes are noted as **MOTION** by, seconded by, and whether it was a unanimous or split vote.*
- *Agenda topics, as numbered, may/may not 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 Michael McDowell, seconded by Lisa Davey, it was unanimously **VOTED** by **ROLL CALL** to approve the minutes for the June 24, 2021 Board of Building and Regulations and Standards (BBRS) meeting (**EXHIBIT B**). With the published June 8, 2021 meeting minutes displayed, Dan Walsh explained that the watermark on each of the 2021 IBC Chapters discussed and voted has been added to the EXHIBITS portion of the minutes. Jen Hoyt asked that staff send board members each chapter that gets put on the OPSI webpage.

2. **Review\Vote** FPFP tasks assigned during the Board's June 24th meeting. Dan Walsh explained that providing the Board's technical advisory committees specific tasks that target technical information helps them stay on topic. It also helps the committees work within the guidelines established by the Board. Jen Hoyt indicated her intent was to have FPFP review the draft IBC Chapters 3 and 4 that the Board discussed during last month's meeting, and the FPFP can decide which portions of each chapter it should report on. The Board discussed having FPFP review a narrower set of sections such as the DFS proposed changes in Chapter 3 and seeking FPFP input better defining ESS, putting Greenhouses in an F-1 use category, and the need to change from Appendix U to an F-1. In addition, some expressed concern that the Indoor Agriculture provisions drag in other agriculture growing that should be left in Appendix C, and indicated that renaming the section title to include the term "cannabis" could be a solution. Some discussed that growing in a manufacturing environment should be classified F-1, and the FPFP can decide which portions of the chapter are within their purview.

Chairman Crowley recognized State Building Inspector David Holmes. He spoke about the DFS proposal that referring ESS under an H use group classification to 527 CMR conflicts with the building code and that regulating ESS is a building code issue. Jen Hoyt spoke about Table 307, and indicated that explosives are regulated in 527 CMR.

Chairman Crowley recognized State Building Inspector Gene Novak, who spoke about the ICC process, which includes vetting conflicts with other regulations and harmonizing the codes and noted that making changes to the I-Codes makes them confusing to utilize.

On a **MOTION** by Chairman Crowley, seconded by Kerry Dietz, it was a majority **VOTE** by ROLL CALL to send the Draft IBC 2021 Chapters 3 and 4 to FPFP to identify the portions of these chapters the committee feels is within its technical expertise and to identify any technical implications and the costs. During the discussion, some board members spoke about not tying the committee down to any specific tasks. Others talked about executive orders issued by the Governor related to adopting national codes and that amending the codes to address items not specific to Massachusetts can cause inconsistent results. Chairman Crowley amended his motion to include considering the life safety aspects of each chapter sent to FPFP. John Couture, Lisa Davey, Kerry Dietz, Michael McDowell, Kent Vinson, and David Sullivan voted affirmative. Jen Hoyt and Ian Finlayson voted in the negative. Steve Frederickson was not present at the vote.

3. **Discuss EAC update with respect to reviewing the 2021 IECC.** Dan Walsh explained that DOER Commissioner Patrick Woodcock informed DPL Commissioner D'Emilia that his office would be offering amendments to the 2021 IECC. For this reason, the Energy Advisory Committee has not started its review of the 2021 IECC to provide the Board with recommendations for the 10th edition. Ian Finlayson noted DOER will have its recommendations ready soon. Chairman Crowley discussed that the adoption schedule voted by the Board can be adjusted after the changes are known and the effect of the changes are understood. No action was taken on this agenda item.
4. **Discuss\ Vote 10th edition based on the 2021 I-Codes.** State Building Inspector Gordon Bailey spoke about the process used to develop the IBC, and the IRC Chapter 1 recommendations for the 10th edition involved the help of other state building inspectors. The group received a few comments from municipal building

officials. Inspector Bailey began a review of the IBC (**EXHIBIT C**) by explaining both Chapter 1's mirror in terms of numbering to help with the usability. To help the Board identify the changes from the 9th edition being proposed, he explained that the black-colored font represents the current 9th edition language. The red-colored font represents new language, and the red-colored font with grey highlight represents DFS recommendation. Inspector Bailey explained that most of the recommendations include offer clarifying language and relocating some sections to a more appropriate place within Chapter 1 to help with the usability of the chapters.

Jen Hoyt suggested NFPA 130-2020 should be added to Chapter 35. Kerry Dietz suggested that 105 CMR, the State Sanitary Code, should be added to Chapter 1 and discussed the Board's adoption of the International Property Maintenance Code. Michael McDowell spoke about some of the recommendations that appear to have the building official looking back beyond the first edition of the state building code and noted this will be a problem. Inspector Bailey suggested that striking "unless proven otherwise" might clarify the intent of the provision. Steve Frederickson expressed interest in keeping unless proven otherwise. Kerry Dietz spoke about 102.6.4, cited by a building official, who might be aggrieved but unwilling to appeal to the BCAB because they will need to interact with the building official in the future. Jen Hoyt noted that some people interpret Section 105.2, Work Exempt from Permit, number 15, as replacing fire alarm systems. and that some clarifying language might prevent future problems. Michael McDowell expressed concerns with inspections in the IRC and it not including code sections. He talked about monetary damages the builder incurs when the building official does not act on an application which prevents the work from starting and that the code should allow the builder to start the work. Some discussed that the code has the builder filing a failure to act to resolve the issue. Kerry Dietz suggested adding Peer Review to Section 105.9. She also expressed concern that Section 107.2.2 requires shop drawings before any other trade drawings. Inspector Bailey clarified that the requirement is tied to an IBC Chapter 9 and the tier document submissions provisions. Kerry Dietz and John Nunnari spoke about having the permit drawings under Section 107.1 submitted to the building official and the fire chief at the same time, and they will be offering some language to require this to happen.

5. **Discuss 128 new Construction Supervisor Licenses (CSLs) issued in the month of June 2021.** Board members acknowledged approval of the new Construction Supervisor Licenses CSLs issued.
6. **Discuss CSL Average Passing Score\Medical\Military\ Age or Continuing Education Requirements.** On a **MOTION** by Michael McDowell, seconded by Dave Sullivan, it was unanimously **VOTED** by **ROLL CALL** to approve the renewal of Thomas R. Biscoe, Sr.'s expired Construction Supervisor License (CSL) number CS-106974 due to medical reasons.
7. **Discuss other matters not reasonably anticipated 2 business days in advance of meeting.** The Board discussed not holding an additional special meeting on July 29th to review the 2021 I-Codes. Staff reported that most of the IBC chapters left for the Board to vote are controversial and will be taken up during the Board's regular monthly meetings since not all Board members are available on July 29th. Chairman Crowley expressed an interest in identifying another date to meet during August.

8. **Adjourn Session.** On a **MOTION** by Kerry Dietz, seconded by Jen Hoyt, it was unanimously **VOTED** by **ROLL CALL** to adjourn the meeting @ approximately 1:00 p.m.

Note for the meeting minutes: Inspector Bailey reviewed the proposed changes in the document and ended at Section 107.4 because time ran out. In addition to the changes described above under agenda item number 4, Inspector Bailey noted for the Board that Section 101.4.5 Fire Prevention includes two proposals. The first recommendation (in red font) has been offered by state building officials who worked on chapter 1. The second 101.4.5 Fire Prevention section in red font with grey highlight has been tendered by DFS and is from Section 101.4.5 in the IBC 8th edition state building code.

EXHIBITS:

- A. Meeting Agenda.
- B. June 24, 2021 Board of Building and Regulations and Standards (BBRS) meeting minutes.
- C. 10th 780 CMR Base code Chapter 1 DRAFT 07-07-2021.