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Board of Building Regulations and Standards (BBRS)

September 14, 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	<input type="checkbox"/> present ✓ absent	Kent Vinson	✓ present <input type="checkbox"/> absent
Cheryl Lavalley**	✓ present <input type="checkbox"/> 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	✓ present <input type="checkbox"/> absent	Patrick Woodcock*	✓ present <input type="checkbox"/> absent

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

** Cheryl Lavalley stepped away from the meeting from approximately 11 am to 11:55 am.

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 or 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 Kent Vinson, seconded by Kerry Dietz, it was unanimously **VOTED** by **ROLL CALL** to approve the minutes for the August 10, 2021, Board of Building and Regulations and Standards (BBRS) meeting (**EXHIBIT B**). Jacob Nunnemacher and John Couture abstained. Michael McDowell did not respond.
2. **BCAB Minutes.** On a **MOTION** by, Kerry Dietz seconded by Jacob Nunnemacher, it was unanimously **VOTED**, by **ROLL CALL** to approve the July 20, 2021, and the August 5, 2021, Building Code Appeals Board (BCAB) minutes as submitted, (**EXHIBIT C**). Steve Fredrickson did not respond.

3. **BOCC Minutes.** On a **MOTION** by John Couture, seconded by Kent Vinson, it was unanimously **VOTED** by **ROLL CALL** to approve the August 3, 2021, Building Official Certification Committee (BOCC) minutes as submitted (**EXHIBIT D**).
4. **Review/Vote** appoint academia representative to BOCC. Chairman Crowley explained that the BOCC is made up of 14 members appoint by this board. The academia seat is vacant, and Jennifer DeForge has expressed interest with serving on the BOCC as the representative from academia (**EXHIBIT E**). Ms. DeForge currently teaches at Springfield Technical Community College in the Construction Management program. On a **MOTION** by Michael McDowell, seconded by Kerry Dietz, it was unanimously **VOTED** by **ROLL CALL** to appoint Jennifer DeForge to the BOCC as the representative from academia. The discussion included Michael McDowell knowing Jennifer DeForge and she is an excellent person for this position.
5. **Discuss** Technical Advisory Committee appointments, FPPF. Chairman Crowley informed the board that he appointed Michael Roescher to the Fire Protection Fire Prevention Committee. He explained that Mr. Roescher operates a fire protection business under G.L. 81R. No one had any questions.
6. **Discuss/ Vote** 10th edition based on the 2021 I-Codes. Chairman Crowley talked about the numbering systems of both the IBC (Base Code) and the IRC (Residential Code). The Chapter 1 proposals are the same as the versions discussed during last month's meeting. If anyone has an objection, today's review of the IRC Chapter 1 includes the differences to the IBC proposal presented during the last two meetings (**EXHIBIT F**). With no objection expressed, the review started at R105.2.1, where last month's review stopped. Jacob Nunnemacher talked about R107.2.5 Fire protection System Drawing in the IRC should be given more consideration because some single-and two-family dwelling structures include installing fire sprinklers. Michael McDowell did not have an issue if carrying forward this section if the requirements were limited to fire sprinkler drawings when installing fire sprinklers. The Board had a general discussion about R107.3.2 Approval of Construction Documents and if the section should include a seal/stamp because the proposal uses both terms. Next, Steve Fredrickson expressed concern that this section number in the virgin IRC is 106. Dan Walsh spoke about IBC section 106 is not used in the IRC. The proposal provided to the Board has both IBC and IRC section numbers aligned, and the I-Codes do not follow this scheme. Steve Fredrickson talked about adding the term "Use" to Section 111 CERTIFICATE OF OCCUPANCY AND USE seems not to accomplish much. Adding "is changed" in the first sentence in section 111.1.1 means altering any part of the building will require a new certificate occupancy. The consensus is to strike "is changed." Kristina Gasson, Board Counsel, spoke about some BCAB cases involving the 8th edition that has confused this section. Chairman Crowley asked for Board members to provide staff with their proposal for rewarding this section. The balance of the draft was reviewed.

Next, the Board reviewed Chapter 28 (**EXHIBIT G**). Rob Anderson explained the proposed changes address concerns expressed during the June 8th meeting relating to masonry fireplaces. The Residential Code has more straightforward language, and the change directs the reader to the Residential Code. Some board members expressed the proposal mandates following the Residential Code fireplace requirements. John Couture talked about the Residential Code has clearer language for designing masonry fireplaces and supporting the change. The Board discussed changing "the International Residential Code Chapter 10" in the fifth line of 2801.1 Scope to "Chapter 10 of the International Residential Code may be referenced for prescriptive detail". Michael McDowell offered a **MOTION**, seconded by Kerry Dietz, to accept Chapter 28 as proposed, adding the term "may" before the term Residential. The motion failed by a roll call vote 5 in the affirmative and 5 in the negative; The affirmative votes; John Couture, Kerry Dietz, Susan Gleason, Michael McDowell, and Chairman Crowley. Those voting in the Negative; Steve Fredrickson, Kent Vinson, David Sullivan, Jacob Nunnemacher, and Ian Finlayson. The discussion included some expressing to see the change before approving Chapter 28.

Next Rob Anderson presented the Base Code Chapter 32 (**EXHIBIT H**). He explained it has no historic Mass Amendments and the proposal is to carry the 2021 language as written. On a **MOTION** by Michael McDowell, seconded by John Couture, it was unanimously **VOTED** by **ROLL CALL** to approve Chapter 32 as presented.

Next, Rob Anderson introduced the draft Base Code Chapter 33 (**EXHIBIT I**). He pointed out that DFS has proposed several amendments to this chapter and explained that each is identifiable in red font with grey highlight. Jacob Nunnemacher talked about the DFS proposed changes to Section 3301.1 intended to have the code users go to Chapter 16 of NFPA 1 for safeguards during construction. Chairman Crowley spoke about the amendment about a different construction code (NFPA 1). Doing this adds duplicative regulations and confusion. Kerry Dietz expressed interest in having the specific requirements in 780 CMR. Jacob Nunnemacher agreed to make available the particular sections of NFPA 1 that DFS proposes that the building code uses. Next, the group discussed Section 3301.3, a new provision that DFS has proposed. It gives equal authority to the building official, and the fire code official, which leaves someone aggrieved by the fire code official's decision unclear were to appeal (BCAB or BFPR). Chairman Crowley spoke about using the building official in consultation with the fire code official terminology as done in previous editions of the state building code. An aggrieved party is clear that they file with the BCAB. Next, the group reviewed DFS proposed amendment to add Section 3301.3.1, and Jacob Nunnemacher talked about the text have been lifted from NFPA 1. John Couture expressed concern that the appeal procedure is not being clear and questioned why is DFS proposing this text be put into 780 CMR if DFS wants the fire code official to have the authority. Jacob Nunnemacher talked about the appeal procedure for this section is to the BFPR. Several board members spoke about the requirements for design and construction of buildings come from the state building code, and these requirements need to have one authority, and the right to appeal needs to be clear.

Chairman Crowley talked about recently polling a large group of building officials at an in-person meeting. He asked about using the building official and the fire code official instead of how the 9th edition reads, building official in consultation with the fire code official. Overwhelmingly they prefer "building official in consultation with the fire code official." In addition, the building officials asked for an emergency code change to adopt the ESS and Solar requirements in the 2021 IRC and the Cannabis requirements in the 2021 IBC. Ken Vinson spoke about building officials, and fire chiefs have been working together on these issues. John Couture offered a motion to have staff explore an emergency amendment to adopt the ESS, Solar, and Cannabis requirements in the 2021 IBC and IRC to help building officials enforce the state building code, and Michael McDowell seconded. The discussion included putting this topic on the Board's next agenda. Kerry Dietz asked to amend the motion to include the Indoor Agriculture provisions that the Board had moved to the administration process. After some discussions, John Couture withdrew his motion.

7. **Discuss** 123 new Construction Supervisor Licenses (CSLs) issued in the month of August 2021. Board members acknowledged the number of newly issued CSLs.
8. **Discuss** other matters not reasonably anticipated 48 hours in advance of meeting. Kerry Dietz spoke about receiving messages about state employees having to provide vaccine verification and asked if board members are considered state employees for this purpose. Board Counsel, Kristina Gasson explained that Board members are considered state employees. When more information about the process to provide individual verification is known, she will make sure everyone receives the information.
9. **Adjourn Session.** On a **MOTION** by Kerry Dietz, seconded by David Sullivan, it was unanimously **VOTED** by **ROLL CALL** to adjourn the meeting @ approximately 12:57 p.m.

EXHIBITS:

- A. Meeting Agenda.
- B. August 10, 2021, Board of Building and Regulations and Standards (BBRS) meeting minutes.
- C. July 20, 2021, and the August 5, 2021, Building Code Appeals Board (BCAB) minutes.
- D. August 3, 2021, Building Official Certification Committee (BOCC) meeting minutes.
- E. BOCC Appointment Jennifer A. DeForge.
- F. 10th 780 CMR Residential Chapter 1 Draft 09-14-2021.
- G. 2021 CHAPTER 28 4 13 2021 DRAFT (2)
- H. 2021 CHAPTER 32 7 13 2021 DRAFT.
- I. 2021 CHAPTER 33 7 13 2021 DRAFT.