

1. **Review \Vote** BBRS meeting minutes for October 11, 2022, and November 8, 2022

The meeting was called to order at 10:03 AM

Jeffrey Clemons made a **Motion** to approve the October 11, 2022, and November 8, 2022, meeting minutes. Michael McDowell **Seconded** the motion. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Jeffrey Clemons voted **YES**, Betsy Petit voted **YES**, Darien Crimmin voted **YES**, Tarica Leskiw voted **YES**, Sy Nguyen voted **YES**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Ian Finlayson voted **YES**, and Kristen McDonough voted **YES**. The motion passed **Unanimously**.

2. Review \Vote BOCC meeting minutes for November 1, 2022

John Couture made a **Motion** to approve the meeting minutes for November 1, 2022. Michael McDowell **Seconded** the motion. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Jeffrey Clemons voted **YES**, Betsy Petit voted **YES**, Darien Crimmin voted **YES**, Tarica Leskiw voted **YES**, Sy Nguyen voted **YES**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Ian Finlayson voted **YES**, and Kristen McDonough voted **YES**. The motion passed **Unanimously**.

3. Review \Vote BCAB meeting minutes for October 6, 2022, October 18, 2022, and November 3, 2022

John Couture made a **Motion** to approve the October 6, 2022, October 18, 2022, and November 3, 2022, meeting minutes. Michael McDowell **Seconded** the motion. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Jeffrey Clemons voted **YES**, Betsy

TTY/TDD: (617) 701-8645

Commonwealth of Massachusetts Division of Occupational Licensure

Office of Public Safety and Inspections 1000 Washington Street, Suite 710 Boston. Massachusetts 02118

BOARD OF BUILDING REGULATIONS AND STANDARDS Public Meeting

December 13, 2022 @ 10 a.m. until approximately 1 p.m.

Virtual Meeting

Tarica Leskiw

Betsy Pettit

Sy Nguyen

Ativa Rahim

Layla D'Emilia, or designee

Peter Ostroskey, or designee

Patrick Woodcock, or designee

🛛 present 🗌 absent

🗙 present 🔲 absent

 \boxtimes present \square absent

 \boxtimes present \square absent

 \Box present \boxtimes absent

present 🗌 absent

present absent

 \bowtie

EDWARD A. PALLESCHI UNDERSECRETARY OF CONSUMER AFFAIRS AND BUSINESS REGULATION

> LAYLA R. D'EMILIA COMMISSIONER, DIVISION OF OCCUPATIONAL LICENSURE

 \boxtimes present \square absent

🛛 present 🗌 absent

 present
 absent

 present
 absent

 present
 absent

 present
 absent

present 🗌 absent

present absent

http://www.mass.gov/dpl



CHARLES D. BAKER GOVERNOR

KARYN E. POLITO LIEUTENANT GOVERNOR

MIKE KENNEALY SECRETARY OF HOUSING AND ECONOMIC DEVELOPMENT

Roll Call, by BBRS Chair:

David Riquinha

Michael McDowell

Lisa Davey

John Couture

Kent Vinson

Jeffrey Clemons

Darien Crimmin

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Petit voted YES, Darien Crimmin voted YES, Tarica Leskiw voted YES, Sy Nguyen voted YES, Atiya Rahim voted YES, Richard Baldacci voted YES, Ian Finlayson voted YES, and Kristen McDonough voted YES. The motion passed Unanimously.

4. Review Commissioner's Report on process improvements

This item was tabled for a future meeting. No action was taken on the item.

5. Review \Vote Front-End Amendments version of 780 CMR 10th edition

The focus of this review was to make any edits to a staff submitted version of the amendment package to ensure that it incorporates any edits that may have been missed in prior reviews of the document. Staff reported some non-substantive numbering and grammar corrections had been made prior to the meeting, thus reducing the number of items to be reviewed at this meeting. Members were advised that all substantive concerns that the document did not reflect prior decisions should be addressed at this meeting. The Executive Director led the discussion and indicated she had a list of substantive topics reported to staff prior to the meeting which she would go over one at a time to allow the Board to make a decision. Using screenshare technology, Board Counsel Charles Kilb shared a live document where edits would be made in real time as the board reviewed and voted on them.

The board reviewed Section 202 regarding the IBC definition of Agricultural Building. The determination that was made by the board was that as the language should be kept as close to the IBC language as possible, unless there is a need for a Massachusetts specific amendment, the language reflected into the code should remain the same as the original IBC definition. Ian Finlayson made a **Motion** to use the IBC language of Section 202 definition of an Agricultural Building, and to strike out the Massachusetts amendment. Tarica Leskiw **Seconded** the motion. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **NO**, Jeffrey Clemons voted **YES**, Betsy Petit voted **YES**, Darien Crimmin voted **YES**, Tarica Leskiw voted **YES**, Sy Nguyen voted **YES**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Ian Finlayson voted **YES**, and Kristen McDonough voted **YES**. The motion **PASSED** 12-1.

Section 428 was next reviewed by the board. The first issue raised was whether staff incorrectly removed certain references to 527 CMR. At this time Board members requested clarification as to the focus of this review of the Front-End Amendments. Staff indicated that the Board had previously voted to remove redundant references to 527 CMR 1.00, but the DFS designee indicated a desire to restore those references. Michael McDowell made a



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Motion to approve Section 428 as presented during the meeting to the board without any edits. Jeffrey Clemons **Seconded** the motion. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Jeffrey Clemons voted **YES**, Betsy Petit voted **YES**, Darien Crimmin voted **YES**, Tarica Leskiw voted **YES**, Sy Nguyen voted **YES**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Ian Finlayson **ABSTAINED**, and Kristen McDonough voted **NO**. The motion **PASSED** 11-1.

Section 428.1.1 was reviewed by the board. The concern raised was whether the removal of a specific reference to 527 CMR in this Section may not have been correct. Staff indicated that the belief was this reference would fall under the Board's prior vote as being redundant. Michael McDowell made a **Motion** to approve Section 428.1.1 as presented during the meeting to the board without any edits. Jeffrey Clemons **Seconded** the motion. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Jeffrey Clemons voted **YES**, Betsy Petit voted **YES**, Darien Crimmin voted **YES**, Tarica Leskiw voted **YES**, Sy Nguyen voted **YES**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Ian Finlayson voted **YES**, and Kristen McDonough voted **NO**. The motion **PASSED** 12-1.

Section 428.5 was reviewed by the board. The concern raised was whether the removal of a specific reference to 527 CMR in this Section may not have been correct. Michael McDowell made a **Motion** to approve Section 428.5 as presented during the meeting to the board without any edits to include 527 CMR. John Couture **Seconded** the motion. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Jeffrey Clemons voted **NO**, Betsy Petit voted **YES**, Darien Crimmin voted **YES**, Tarica Leskiw voted **YES**, Sy Nguyen voted **YES**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Ian Finlayson voted **YES**, and Kristen McDonough voted **NO**. The motion **PASSED** 11-2

At this point in the meeting, Darien Crimmin informed the board that he would be leaving the meeting and would not be participating in subsequent votes.

Section 428.5.1 was reviewed by the board. The concern raised was whether the removal of a specific reference to 527 CMR in this Section may not have been correct. Michael McDowell made a **Motion** to approve Section 428.5.1 as presented during the meeting to the board without any edits. Tarica Leskiw **Seconded** the motion. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Jeffrey Clemons voted **YES**, Betsy Petit voted **YES**, Tarica Leskiw voted **YES**, Sy Nguyen voted **YES**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Ian Finlayson voted **YES**, and Kristen McDonough voted **NO**. The motion **PASSED** 11-1.



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The Chair called for a 15-minute break.

Sections 602.4.2.2.2, 602.4.2.2.3 and 602.4.2.2.4 was reviewed by the board. The concern raised there were 3 missed amendments for this Section. After a review of the Section, the board members indicated that it appeared nothing was missed in these sections. Michael McDowell made a **Motion** to approve Section 602.4.2.2.2, 602.4.2.2.3 and 602.4.2.2.4 as presented during the meeting to the board without any edits. John Couture **Seconded** the motion. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Jeffrey Clemons **ABSTAINED**, Betsy Petit voted **YES**, Tarica Leskiw voted **YES**, Sy Nguyen voted **YES**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Ian Finlayson voted **YES**, and Kristen McDonough voted **YES**. The motion passed **Unanimously**

Section 806 was reviewed by the board. The concern raised was that there may be missed amendments for this Section. The front-end amendment draft showed no amendments to Chapter 8. Kristen McDonough indicated she believed that the voted-on language is not reflected in the current document and leaving it out could be a conflict or duplication with 527 CMR. The concern raised was that 3 amendments were missed, and that specific 527 CMR references were voted on in the 10/11 meeting, thus should be included in the document. John Couture made a **Motion** to approve adding amendments to Sections 806.1,806.2 and 806.3 as edited during the meeting and those edits should include the deletion of the exceptions in 806.2 as well as the missing specific language and references to 527 CMR should be readded to both Sections. Kristen McDonough **Seconded** the motion. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Jeffrey Clemons **ABSTAINED**, Betsy Petit voted **YES**, Tarica Leskiw voted **YES**, Sy Nguyen voted **YES**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Ian Finlayson voted **YES**, and Kristen McDonough voted **YES**. The motion passed **Unanimously**

Section 903.2 was reviewed by the board. The concern raised is there may have been an alteredamendment for this Section. David Riquinha made a **Motion** to remove the sentence beginning with "except" from Section 903.2, and to keep the model code language. John Couture **Seconded** the motion. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Jeffrey Clemons **ABSTAINED**, Betsy Petit voted **YES**, Tarica Leskiw voted **YES**, Sy Nguyen **ABSTAINED**, Atiya Rahim voted **YES**,



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Richard Baldacci voted YES, Ian Finlayson voted YES, and Kristen McDonough voted YES. The motion passed Unanimously.

Table 903.2 was reviewed by the board. John Couture made a **Motion** to edit Section 903.2.5 to remove starting from the phrase: "Attics shall be protected as follows:" through the end of numeral IV. Michael McDowell **Seconded** the motion. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Jeffrey Clemons voted **YES**, Betsy Petit voted **YES**, Tarica Leskiw voted **YES**, Sy Nguyen **ABSTAINED**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Ian Finlayson voted **YES**, and Kristen McDonough voted **YES**. The motion passed **Unanimously**.

A concern was raised that in 903.2 Note C had a missed amendment. After some discussion, Michael McDowell made a **Motion** to approve Section 903.2 as presented during the meeting to the board without any edits. Jeffrey Clemons **Seconded** the motion. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Jeffrey Clemons voted **YES**, Betsy Petit voted **YES**, Tarica Leskiw voted **YES**, Sy Nguyen **ABSTAINED**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Ian Finlayson voted **YES**, and Kristen McDonough voted **YES**. The motion passed **Unanimously**.

Section 916.11 was reviewed by the board. There was a concern that amendment language should be removed and the language should have been brought back to the original IBC language. John Couture made a **Motion** to remove Massachusetts amendments to Section 916.11. Michael McDowell **Seconded** the motion. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Jeffrey Clemons voted **YES**, Betsy Petit voted **YES**, Tarica Leskiw voted **YES**, Sy Nguyen voted **YES**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Ian Finlayson voted **YES**, and Kristen McDonough voted **YES**. The motion passed **Unanimously**.

Section 918.2 was reviewed. There was a concern that there was a missed amendment where the word "new" within the Section needed to be removed. John Couture made a **Motion** to approve Section 918.2 with the edit to delete the word "new". Lisa Davey **Seconded** the motion. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Jeffrey Clemons voted



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YES, Betsy Petit voted **YES**, Tarica Leskiw voted **YES**, Sy Nguyen voted **YES**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Ian Finlayson voted **YES**, and Kristen McDonough voted **YES**. The motion passed **Unanimously**.

Chapter 35 was reviewed by the board. John Couture made a **Motion** to strike NFPA 92B 2009 and to update NFPA 241 to the year 2022 as well at 70 to 2022. Michael McDowell **Seconded** the motion. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Jeffrey Clemons voted **YES**, Betsy Petit voted **YES**, Tarica Leskiw voted **YES**, Sy Nguyen voted **YES**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Ian Finlayson voted **YES**, and Kristen McDonough voted **YES**. The motion passed **Unanimously.**

Sections R314.5 and R315.1 were reviewed by the board. NFPA 70 is no longer applicable and must be changed to 72. David Riquinha made a **Motion** to edit Sections R314.5 and R315.1 from 70 to 72. John Couture **Seconded** the motion. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Jeffrey Clemons voted **YES**, Betsy Petit voted **YES**, Tarica Leskiw voted **YES**, Sy Nguyen voted **YES**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Ian Finlayson voted **YES**, and Kristen McDonough voted **YES**. The motion passed **Unanimously.**

The Executive Director noted that this was the final item that was requested to be reviewed by DFS. The Chair opened the matter up to members to bring up additional issues.

Ian Finlayson at this time noted some errata he found in reference to the stretch code that were located within the reviewed document and emailed the requested edits to staff as well as screenshared the changes with the board. He noted that the errata was in all prior Board approved versions, thus was not a drafting error, but indicated changes were not substantive, thus was allowed to proceed.

David Riquinha made a **Motion** to approve the clarification edits made by Ian Finlayson for IBC Section C103.2, and Section 101.4.6, and IRC Section R101.4.6 and R1101.1.1. Ian Finlayson **Seconded** the motion. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **NO**, John Couture voted **NO**, Jeffrey Clemons voted **NO**, Betsy Petit voted **NO**, Tarica Leskiw voted **YES**, Sy Nguyen voted **NO**, Atiya



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Rahim voted **YES**, Richard Baldacci voted **YES**, Ian Finlayson voted **YES**, and Kristen McDonough voted **YES**. The motion **PASSED** 7-5.

Lisa Davey made a **Motion** to approve the changes and clarifications discussed during the current meeting to be updated to the already promulgated 10th Edition. Tarica Leskiw **Seconded** the motion. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Jeffrey Clemons voted **YES**, Betsy Petit voted **YES**, Tarica Leskiw voted **YES**, Sy Nguyen voted **YES**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Ian Finlayson voted **YES**, and Kristen McDonough voted **YES**. The motion passed **Unanimously.**

6. Review \Vote Staff Changelog

After a brief overview of what was contained in the changelog and staff informed the board that this was an informative piece meant to guide board members through the edits made to the Front-End Amendment version of 780 CMR 10th edition by staff. No action was taken on this item.

7. Review \Vote Proposed Meeting Dates for 2023

After some clarifications made on the dates listed, John Couture made a **Motion** to approve the Proposed Meeting Dates for 2023. Tarica Leskiw **Seconded** the motion. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Jeffrey Clemons voted **YES**, Betsy Petit voted **YES**, , Tarica Leskiw voted **YES**, Sy Nguyen voted **YES**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Ian Finlayson voted **YES**, and Kristen McDonough voted **YES**. The motion passed **Unanimously**.

8. Review \Discuss Code promulgation process

Staff reminded the board that a public hearing for the 10th edition cannot be held until the promulgated code has gone through the proper channels to be reviewed. However, once a public hearing can be held, the board is allowed to hold multiple meetings in various locations. Various board members indicated a desire to hold some public hearings in person, and staff confirmed that an in person meeting would be an option. The finalization of the building code will also be determined by one final vote at the end of the process, and changes can be made to the code in the meantime.



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9. Review \Vote Construction Supervisor License Waivers and Medical Reinstatement.

John Couture made a **Motion** to approve the CSL Waivers and Medical Reinstatements. Michael McDowell **Seconded** the motion. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Jeffrey Clemons voted **YES**, Betsy Petit voted **YES**, Tarica Leskiw voted **YES**, Sy Nguyen voted **YES**, Atiya Rahim voted **YES**, Richard Baldacci voted **YES**, Ian Finlayson voted **YES**, and Kristen McDonough voted **YES**. The motion passed **Unanimously**.

10. Review Construction Supervisor License totals for the month of November

Executive Director Greer Spatz Croxford informed the board that there were 94 issued, 1226 renewed, and 6 reinstated Construction Supervisor Licenses in the month of November.

11. Discuss other matters not reasonably anticipated 48 hours in advance of meeting

Michael McDowell voiced a concern that the website needs to be updated to include the changes made during this meeting. Staff informed the board that the document voted on at this meeting would be what is put up on the website in coming weeks and would be available for the public to review. Some board members indicated they would like to discuss how to make the next code promulgation smoother. Other board members stated that it may be better to wait prior to the start of the next promulgation process to determine a way to keep the promulgation on track. No formal action was taken.

The meeting adjourned at 1:25 PM

Documents Used During Meeting

BBRS meeting minutes for October 11, 2022, and November 8, 2022 BOCC meeting minutes for November 1, 2022 BCAB meeting minutes for October 6, 2022, October 18, 2022, and November 3, 2022 Front-End Amendments version of 780 CMR 10th edition Staff Changelog



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Proposed Meeting Dates for 2023 Construction Supervisor License Waivers and Medical Reinstatement Construction Supervisor License Report