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LAYLA R. D'EMILIA
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BOARD OF BUILDING REGULATIONS AND STANDARDS

Public Minutes

Sept 13, 2022 @ 10 a.m. until approximately 2 p.m.

Virtual Meeting

Roll Call, by BBRS Chair:

| | | | |
|--------------------|---|-------------------------------|---|
| David Riquinha | <input checked="" type="checkbox"/> present <input type="checkbox"/> absent | Tarica Leskiw | <input checked="" type="checkbox"/> present <input type="checkbox"/> absent |
| Lisa Davey | <input checked="" type="checkbox"/> present <input type="checkbox"/> absent | Betsy Pettit | <input type="checkbox"/> present <input checked="" type="checkbox"/> absent |
| Michael McDowell | <input checked="" type="checkbox"/> present <input type="checkbox"/> absent | Atiya Rahim | <input checked="" type="checkbox"/> present <input type="checkbox"/> absent |
| John Couture | <input checked="" type="checkbox"/> present <input type="checkbox"/> absent | Sy Nguyen | <input checked="" type="checkbox"/> present <input type="checkbox"/> absent |
| Steve Frederickson | <input checked="" type="checkbox"/> present <input type="checkbox"/> absent | Layla D'Emilia, or designee | <input checked="" type="checkbox"/> present <input type="checkbox"/> absent |
| Kent Vinson | <input checked="" type="checkbox"/> present <input type="checkbox"/> absent | Peter Ostroskey, or designee | <input checked="" type="checkbox"/> present <input type="checkbox"/> absent |
| Darien Crimmin | <input checked="" type="checkbox"/> present <input type="checkbox"/> absent | Patrick Woodcock, or designee | <input checked="" type="checkbox"/> present <input type="checkbox"/> absent |

1. **Review \Vote** approval of BBRS August 25, 2022 Meeting Minutes

Michael McDowell made a **Motion** to approve the BBRS August 25, 2022 Meeting Minutes. The motion was **Seconded** by Lisa Davey. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Steve Fredrickson voted **YES**, Kent Vinson voted **YES**, Darien Crimmin voted **YES**, Tarica Leskiw voted **YES**, Atiya Rahim voted **YES**, Sy Nguyen voted **YES**, Richard Baldacci voted **YES**, Ian Finlayson voted **YES**, and Jacob Nunnemacher voted **YES**. The motion passed **Unanimously**.

2. **Review \Vote** approval of BCAB July 26, 2022 and August 4, 2022 Meeting Minutes

Kent Vinson made a **Motion** to conditionally approve the BCAB July 26, 2022 and August 4, 2022 Meeting Minutes provided some typos be fixed prior to posting. The motion was **Seconded** by Lisa Davey. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Steve Fredrickson voted **YES**, Kent Vinson voted **YES**, Darien Crimmin voted **YES**, Tarica Leskiw voted **YES**, Atiya Rahim voted **YES**, Sy Nguyen voted **YES**, Richard Baldacci voted **YES**, Ian Finlayson voted **YES**, and Jacob Nunnemacher voted **YES**. The motion passed **Unanimously**.

3. **Review \Vote** Proposed amended language for laboratories in Chapter 4 submitted by BFPR.

This item was taken out of order and was originally item 4 on the agenda. A presentation of the proposed changes was given by Johnathan Eisenburg on Section 428 of Chapter 4. The intent behind the proposals were to have a focused scope for specialty laboratories, and to better regulate certain laboratory designs. He indicated that this proposal was intended to add an additional optional pathway for compliance on top of two options already provided by the code. The board members asked what the cost implication of the proposals, if adopted, would





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be. After clarification on which portion of the proposals were being discussed Mr. Eisenberg indicated that he believed there would be a marginal cost increase should these proposals be adopted but could not confirm a figure. Mr. Eisenberg indicated that he had discussed the proposal with the International Code Counsel prior to providing the proposal to the BBRS for review, but could not indicate whether it would be incorporated in future model codes issued by the body. The board members asked a few clarifying questions regarding various aspects of the proposal, and suggestions were entertained on how to best indicate that the proposed changes are another path for construction design to consider. Jacob Nunnemacher made a **Motion** to accept the changes to Section 428 as presented. Kent Vinson **Seconded** the motion. A **Roll Call** vote was made where David Riquinha voted **NO**, Lisa Davey voted **NO**, Michael McDowell voted **NO**, John Couture voted **NO**, Steve Fredrickson voted **NO**, Kent Vinson voted **YES**, Darien Crimmin voted **NO**, Tarica Leskiw voted **NO**, Atiya Rahim voted **NO**, Sy Nguyen voted **NO**, Richard Baldacci voted **NO**, Ian Finlayson voted **YES**, and Jacob Nunnemacher voted **YES**. The motion **FAILED** 3-10.

Jacob Nunnemacher indicated that the proposal itself, while containing some language changes that may not be suitable to the majority for the 10th edition, had considerable merit and changes involving pinpoint citations as well as clarifying language being added to subsection 428.3.7.1, which one member found was too vague. A **Motion** was then made by John Couture to have the proposal sent back to the proponents who drafted it to allow them to address the concerns, the matter being tabled so that it would be reviewed at the next BBRS meeting on October 11, 2022. Ian Finlayson **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**, Steve Fredrickson voted **YES**, Kent Vinson voted **YES**, Darien Crimmin voted **YES**, Tarica Leskiw voted **YES**, Atiya Rahim voted **YES**, Sy Nguyen voted **YES**, Richard Baldacci voted **YES**, Ian Finlayson voted **YES**, and Jacob Nunnemacher voted **YES**. The motion passed **Unanimously**.

4. **Review \Vote** Proposed amended language for Chapter 4 submitted by DFS

This item was taken out of order and was originally item 3 on the agenda. The Chapter was discussed in depth as to what changes were being made to the chapter and why the changed were being proposed. In summary, the changes were largely intended to protect consumers from dangers that could arise in the various types of installations. Board staff brought to the Board's attention that in some areas it appeared that copyrighted language was pasted into the proposal. Legal Counsel noted that this would need to be remedied as the Board could face serious legal consequences if it was deemed to have infringed upon a private party's copyright. Counsel



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noted that this could be remedied by instead citing to the copyrighted work. With regards to citations to 527 CMR 1.00, it was noted that pinpoint citations would be ideal as otherwise users would not understand where the building code was directing them. Members also noted that subsection 433.8 would need to be corrected. Kent Vinson made a **Motion** to accept Chapter 4 as proposed except for Section 433.8, and on the condition pinpoint citations be added to the proposal. Jake Nunnemacher **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 **YES**, Steve Fredrickson voted **YES**, Kent Vinson voted **YES**, Darien Crimmin voted **NO**, Tarica Leskiw voted **YES**, Atiya Rahim voted **YES**, Sy Nguyen voted **YES**, Richard Baldacci voted **YES**, Ian Finlayson voted **YES**, and Jacob Nunnemacher voted **YES**. The motion **PASSED** 12-2.

A 10-minute break was taken between this item and the next item.

5. **Review \Vote** Proposed amended language for R3 by staff.

Gordon Bailey presented the proposed changes to Chapter 110.R3 using screenshare technology. He indicated that the changes made were corrections made to the chapter to have it be more accurate to the rest of 780 CMR. A discussion was had on if mobile homes should be included in this chapter, and if the updated energy code was properly incorporated and referenced in the Chapter. Ian Finlayson made a motion to accept the proposal as presented on the conditions that Section 110.R3.9.3.2.5 would reference the updated energy code, and the title be adjusted to include manufactured and mobile homes. A **Roll Call** vote was made where David Riquinha voted **YES**, Lisa Davey voted **YES**, Michael McDowell voted **YES**, John Couture voted **YES**, Steve Fredrickson voted **YES**, Kent Vinson voted **YES**, Darien Crimmin voted **YES**, Tarica Leskiw voted **YES**, Atiya Rahim voted **YES**, Sy Nguyen voted **YES**, Richard Baldacci voted **YES**, Ian Finlayson voted **YES**, and Jacob Nunnemacher voted **YES**. The motion passed **Unanimously**.

6. **Review \Vote** Proposed amended language for R5 by staff.

Board Counsel Charles Kilb provided a brief overview of the proposed changes to Chapter 110.R5 using screenshare technology. There were concerns raised regarding the proposed changes removing the ability of individuals repeatedly failing the examination to be deemed to have been passed if the weighted average of three examinations could be made to create a passing score along with a few other requirements. Further, a Board member requested that provisions regarding oral examinations remain in the code in case necessary for ADA



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accommodations. John Couture went through the changes and indicated in some areas he disagreed with the changes as he felt the existing language may be superior. In particular, discussion was held regarding the complaint process, which counsel noted was complex. Upon conclusion of discussion, Ian Finlayson made a **Motion** to accept the proposal as written except to revert to existing code for the examination evaluations and oral examination sections. 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 **NO**, Steve Fredrickson voted **YES**, Kent Vinson voted **YES**, Darien Crimmin voted **YES**, Tarica Leskiw voted **YES**, Atiya Rahim voted **YES**, Sy Nguyen voted **YES**, Richard Baldacci voted **YES**, Ian Finlayson voted **YES**, and Jacob Nunnemacher voted **YES**. The motion **PASSED** 13-1

7. **Discuss \Vote** Remaining Chapter 9 coordination with any FPDF changes to Table 903.2.

This item was tabled by the chair for the next meeting. No action was taken on the item.

8. **Review \Vote** Proposed amended language for Chapter 1 (not including Section 101.4.5) by staff.

This item was tabled by the chair for the next meeting. No action was taken on the item.

9. **Review \Vote** Construction Supervisor Licenses waiver request

Michael McDowell made a **Motion** to approve the waiver request sent to the board for review. 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**, Steve Fredrickson voted **YES**, Kent Vinson voted **YES**, Darien Crimmin voted **YES**, Tarica Leskiw voted **YES**, Atiya Rahim voted **YES**, Sy Nguyen voted **YES**, Richard Baldacci voted **YES**, Ian Finlayson voted **YES**, and Jacob Nunnemacher voted **YES**. The motion passed **Unanimously**.

10. **Discuss** Construction Supervisor Licenses granted in the month of August 2022.

Executive Director Greer Spatz informed the board that there were 117 CSLs issued, 1035 CSLs renewed, and 6 CSLs reinstated in the month of October.

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

No matters were brought to the board for consideration that were not reasonably anticipated 48 hours in advance of the meeting. Ian Finlayson inquired of the status of the timeline for the promulgation process. Staff informed



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the board that with more proposals and chapters still needing to be voted on by the BBRS, the promulgation process may have a potential to be delayed. To mitigate these concerns, the board agreed to have a meeting on September 22, 2022 from 10 AM to 2PM virtually with the intent to vote on the remaining proposals and chapters not yet voted on.

The meeting was adjourned at 2:03 PM

Documents Used During Meeting

BBRS August 25, 2022 Meeting Minutes
BCAB July 26, 2022 and August 4, 2022 Meeting Minutes
Proposed amendments for Chapter 4 submitted by DFS
Proposed amendments for Section 428 submitted by BFPR
Proposed amendments for R3 submitted by staff
Proposed amendments for R5 submitted by staff
Construction Supervisor Licenses waiver request
Construction Supervisor Licenses report