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**Conservation Law Foundation Subcommittee**  
**NOTICE OF MEETING**

**In accordance with the provisions of G.L. c. 30A § 20, notice is hereby given that the Coastal Law Foundation Subcommittee (CLFS) will convene a meeting on:**

**June 27, 2022, @ 1 PM via teleconference.**

**Attendees:**

Greer Spatz Croxford – Executive Director  
Charles Kilb – Board Counsel  
Paige Brenner – Program Coordinator 1  
Darien Crimmin – BBRs Member  
Ian Finlayson – BBRs Member  
Tarica Leskiw – BBRs Member  
Dan Walsh – DPL  
Rebecca Haney – EEA  
Lisa Berry-Engler – EEA  
Joy Duperault – DCR  
Ali Hipple – Conservation Law Foundation  
Deanna Moran – Conservation Law Foundation  
Eliza Leeson

1. **Discuss** 10<sup>th</sup> edition proposed amendments to 780 CMR submitted by the Conservation Law Foundation and reviewed by the Coastal Subgroup  
Executive Director Greer Spatz opened the meeting explaining that the BBRs had reviewed the proposal submitted to them by the Coastal Law Foundation and explained that since the BBRs had rejected the original three part proposal, the subcommittee was formed to craft an alternative. Board Counsel Charles Kilb explained that he had no issue with two of the three major proposals. However, he indicated that the portion of the proposal purporting to regulate how variances should be handled would not be adoptable as proposed as the Building Code Appeals Board (BCAB) had explicit statutory authority to grant variances and that there cannot be anything written in the building code that may inhibit the BCAB's authority. Joy Duperault asked if the variances may be changed on a statutory basis, Counsel responded that the BCAB's authority, like





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that of the BBRS, could always be changed by the legislature, however, unless a change is made, the presumption must be to follow the law as written.

The alternative map portion of the proposal was discussed in depth and Lisa Berry-Engler explained that current FEMA maps do not accurately capture current flood data or forecast future food zones. The different maps that could be used as alternatives were discussed in depth. Any potential alternative maps being as holistically comprehensive as the current FEMA maps being used were addressed. Rebecca Haney explained the shortcomings of FEMA maps and how it may affect a buildings freeboard. "Freeboard" was explained and is defined by FEMA to be an additional amount of height above the Base Flood Elevation used as a factor of safety in determining the level at which a structure's lowest floor must be elevated or floodproofed to be in accordance with state or community floodplain management regulations. Executive Director Greer Spatz asked what the difference between Massachusetts and other states freeboard requirements were, and Ms. Haney summarized that the measurement methods of how high the freeboard should be in each zone were not consistent. Darien Crimmin inquired of the cost implications of the proposal and if there was any data on future savings incurred by raising a building higher than the current requirement. Ms. Duperault indicated the best method of measuring savings is insurance premiums, which are higher when the amount of freeboard is closer to the flood source, by raising the freeboard, there is a potential cost savings via lesser insurance premiums. By unanimous consent, the members agreed that the BBRS should consider just the freeboard component of the original CLF proposal; additional information be provided to the board regarding the cost implications as well as the necessity and desirability of raising the freeboard height.

2. **Discuss** Other matters not reasonably anticipated 48 hours in advance of meeting.

No matters were brought to the subcommittee that were not reasonably anticipated 48 hours in advance of the meeting.

The meeting was adjourned at 1:41 PM





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Documents relied on in meeting:

Agenda

CLF proposal

