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**BOARD OF BUILDING REGULATIONS AND STANDARDS VIRTUAL MEETING MINUTES**  
**Solar Setbacks Subcommittee**  
**May 8, 2025**  
**Meeting called to order 9:06 AM.**  
**Meeting Minutes**

**1. Roll Call**

Attendee	Present	Absent
John Couture	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mark Durrenberger	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Luke McKneally	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ian Finlayson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Darren Crimmin	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Patty Sheehan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jacob Nunnemacher	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Pillsbury	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jason Ferschke	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**2. Approval of minutes of 4/16/25 meeting**

Ian Finlayson made a motion to approve the minutes, seconded by Mark Durrenberger. The motion was approved unanimously, with each member voting yes.

**3. Work product to be created by this subcommittee**

- a) Draft guidance clarifying permitting requirements for solar installations  
Chair McKneally shared with the subcommittee both the rough notes from last meeting and the clean draft in word format (Solar Permit Guideline Recommendations\_I) for the permitting requirements. This word doc also contains some notes from the code change discussion from last meeting and verbiage from 107.3.1 and R107.3.1 Fire Department Review.

Discussion followed about 107.3.1 and R107.3.1. Currently language states for permits that include Fire Protection systems work, construction documents shall be filed with the building official. Discussed adding after the word work the following verbiage...and for solar PV installation work under R324.6 Roof Access and Pathways. This would need to be written under the residential code section for solar reviews to take into account the commercial side.



The subcommittee next discussed fire protection systems work. Explanation given was if a building permit is for residential (one- or two-family homes and townhouses), anything to do with Fire Protection – smoke alarms, carbon monoxide and sprinklers, heat detectors, under the building code the matter would be sent to the Fire Department for review. Concerns expressed that this may be excessive and not a best or widespread practice today. Further discussion about it being in the building code, building officials should be able to handle it and not have to include Fire. Question about what the justification is for bringing in a Fire Official and when should the fire department review.

Jake Nunnemacher indicated that Fire officials should review anything fire related, sprinkler systems and fire alarms, as they are the experts and have the knowledge of these. In the code it does state...to provide safety to firefighters and emergency responders during emergency operations. Noted this points directly to the intent of the building code.

Concerns expressed about how long this process would/could take. Question posed from the Chair, is there an instance where a review is not necessary? Mark Durrenberger posed a scenario to the Chair's question about when a new builder does a house with an attached garage, a vapor barrier is put in which is a heavy-duty drywall between the garage and the house. This is done by code. This is part of the fire code, yet the building inspector inspects.

Ian Finlayson pointed out if the subcommittee were to endorse a process that involves a Fire Department permit review, there needs to be justification for why that's necessary for solar when it's not necessary for other things. Where else in the code do we say it's necessary to have a fire department permit review?

Jake Nunnemacher clarified the fire department review is for fire operations access, not fire inspection. Fire argument is that it is a direct fire department emergency operation (Accessing Pathways and Ridge Setbacks) and it goes back to R101.3.

Chair McKneally did provide comment that the subcommittee is specifically addressing this with 324.6.

Sam Pillsbury noted subcommittee should be careful in separating the discussion between the initial permit application review and a post installation inspection. He also asked if the subcommittee should take a second to look at the verbiage and R105.3 which is the action on application. This opens the door for interaction with fire officials. He would like to see some change on the back end of this.

Mark Durrenberger shared Sam Pillsbury's document that highlights the varying ways different towns do this. One of the things he highlighted is we do have at least a handful of towns where company is required to pay an additional fee for this interaction with the fire departments, whereas, typically that's not required for any other technologies.

Ian Finlayson expressed specific concerns over PV installation being a "shall" and not a "may" and the impact on different organizations time and adding bureaucracy to the process. Referring to 107.3.1, concerns voiced that this may confuse people and no one will do it if shall is removed. Differing views expressed on this.

Board Counsel Kilb noted if using shall in an explanatory document, the shall is a mandate, thus it would need to be able to cite to a provision of the building code where the mandate comes from. He further notes that such mandates would be appealable to the Building Code Appeals Board.

Jake Nunnmeacher expressed view that the word may is problematic in that if it is only an option it will not be done. With sprinklers, fire alarms, there are specific standards on to how they are installed. It does not depend on how the fire department operates. There is more of an argument that the installation of Access Pathways and Ridge setbacks is much more variable and unique to the

fire department and should cause the review; more so than smoke, CO detectors and sprinklers.

Sam Pillsbury asked if fire department shall review the application in the instance of a request for a variance or a relief from Access paths and Ridge Setback requirements. He noted in more instances than not, they will be able to look at those applications, those roof layouts and identify, yes, there are access paths, one on the street side, etc. This may be beneficial to everybody because of sensitivity to the bandwidth available for all the departments.

Further comments made that there is an interest in having the fire department review access matters.

Comments about solar ready vs solar.

Question posed by Mark Durrenberger to Jake Nunnemacher – is there data showing how often firefighters must roof vent in a fire? Mark shared data from the National Fire Information Reporting System, a national database with all events fire departments attend. MA 2023 data had over 3,000,000 records of actions taken by fire departments. Massachusetts fought 5195 fires on one- and two-family homes. There was venting action recorded on 584 of those homes. That is 11.24% of fires on one- and two-family homes. Comment made - we are trying to write code to restrict solar arrays on 100% of our homes when you vent on 11% of all homes. Noted to make matters even worse, at the current market penetration, there are 7% of homes that have solar. Meaning that you would vent on less than 1% of all houses that have solar systems. So we're requiring a fire department inspection or review of a plan set for an event that will happen less than 1% of the time.

Response from Jake Nunnemacher concerning where this data comes from, what is included in it, what types of ventilation action is reported, etc.

Ian Finlayson made a motion to update verbiage to include: For permits that include solar PV installation work, construction documents shall be filed with the building official who may cause them to be filed with the head of the local fire department for review under R324.6 Roof Access and Pathways.

Yes: Luke McKneally, Ian Finlayson, Sam Pillsbury

No: Jake Nunnemacher

Abstain: Mark Durrenberger

Motion carried by majority vote.

Chair McKneally stated he will update Solar Permit Guideline Recommendations 2025,05.08 notes doc to match what was discussed and voted on. He will write up a code change proposal form for 107.3.1 to share with BBRS to address solar. The code change proposal will be submitted as well as the guidance (page 1).

Ian Finlayson asked subcommittee for feedback on step #6 step of the permit process. Step = inspections to be performed (as required) by both departments. Discussion about how much time and money this takes. Verbiage changed to inspections to be performed; note deficiencies to be corrected on the Permit. Final comments and thoughts expressed. Mark Durrenberger and Sam Pillsbury stated how difficult and frustrating it is to customers as they sometimes have to wait a considerable amount of time after paying in full to get final approvals. Mark Durrenberger noted that BBRS needs to take this financial consideration into account as well.

4. Other matters not reasonably anticipated 48 hours in advance of meeting - none

Sam Pillsbury made a motion to adjourn the meeting at 10:56 AM, seconded Jake Nunnemacher. The motion was approved unanimously with each member voting yes.

Items Relied Upon

Agenda

Draft Minutes

Draft code language

Draft flow chart developed during meeting