



**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

**JAY ASH**  
SECRETARY OF HOUSING AND  
ECONOMIC DEVELOPMENT

**Commonwealth of Massachusetts**  
**Division of Professional Licensure**  
**Office of Public Safety and Inspections**  
1 Ashburton Place, Rm 1301 • Boston • Massachusetts • 02108

**JOHN C. CHAPMAN**  
UNDERSECRETARY OF  
CONSUMER AFFAIRS AND  
BUSINESS REGULATION

**CHARLES BORSTEL**  
COMMISSIONER, DIVISION OF  
PROFESSIONAL LICENSURE

**Board of Building Regulations and Standards (BBRS)**  
**April 10, 2018 Meeting**  
**Division of Professional Licensure (DPL)**  
**50 Maple Street in Milford 01757-3698**

1. Chairman, John Couture, opened the regular meeting at approximately 1:06 p.m.

Chairman Couture took roll call as follows:

John Couture, Chair	√ present <input type="checkbox"/> absent	Peter Ostroskey*	√ present <input type="checkbox"/> absent
Kerry Dietz, Vice Chair	√ present <input type="checkbox"/> absent	Michael McDowell	√ present <input type="checkbox"/> absent
Richard Crowley, Second V. Chair	<input type="checkbox"/> present √ absent	Susan Gleason	√ present <input type="checkbox"/> absent
Kevin Gallagher	<input type="checkbox"/> present √ absent	Lisa Davey	√ present <input type="checkbox"/> absent
Cheryl Lavalley	√ present <input type="checkbox"/> absent	Steve Frederickson	√ present <input type="checkbox"/> absent
Robert Anderson	√ present <input type="checkbox"/> absent		

\* *Jen Hoyt (JH) participated as the designee for State Fire Marshal, Peter Ostroskey.*

**General notes on format of these minutes:**

- *Votes are noted as **MOTION** by, seconded by, and whether it was a unanimous or split vote.*
- *Agenda topics as numbered may 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.*

2. **Wagdy Anis.** Rob Anderson informed Board members that Wagdy Anis passed away on the morning of March 10, 2018. Rob indicated that Wagdy had a long history with the BBRS, dedicating significant amounts of time to assist with code issues. Wagdy provided numerous courses of instruction to help code users and enforcers understand the complexity of the code and, for many years, served as chair to the Board's Energy Advisory Committee (EAC). Wagdy was widely known and respected throughout the industry. He will be greatly missed.
3. **BBRS Minutes.** On a **MOTION** by Kerry Dietz seconded by Steve Frederickson it was unanimously voted to approve the minutes (**EXHIBIT B**) for the February 13, 2018 Board of Building Regulations and Standards (BBRS) meeting as submitted.
4. **BOCC Minutes.** On a **MOTION** by Kerry Dietz seconded by Rob Anderson it was unanimously voted to approve the minutes (**EXHIBIT C**) for the February 13, 2018 Building Official Certification Committee (BOCC) meeting as submitted.

On discussion, Chairman Couture noted that there is still concern over appointing authority issues. OPSI inspector, William Horrocks, who serves as the Board's representative on the BOCC, continues to vote in opposition to certain New Employee Report Forms (NERF). Additionally, BOCC members have recently reviewed a troubling issue in the Town of Littleton and have convened a hearing relating to the matter during the February meeting. Essentially, the town has appointed a person as a local inspector who, by BOCC member's determination, is not qualified for the position. Chairman Couture wanted to know what could be done about the matter.

Rob Anderson explained that, since the February meeting minutes and hearing decision have now been approved, the decision will be forwarded to Littleton authorities. If, after receiving the decision, nothing changes, Board members may consider a follow-up letter from OPSI counsel or perhaps a department review (*which would be performed by OPSI inspectors*).

Following discussion, it was agreed that town authorities should be afforded some time to receive, read and react to the decision. If nothing changes within a reasonable period of time, a follow-up letter should be drafted and forwarded by OPSI counsel.

5. **Manufactured Buildings.** Rob Anderson indicated that a survey was forwarded to the head of each building department in the commonwealth on February 21<sup>st</sup> asking whether or not they have experienced any difficulties with manufactured buildings over the last 2 years. To this point, about 70 responses have been received. Most responses indicated no issues, some identify deficiencies that had been resolved and a few reveal ongoing issues. Prior to the BBRS meeting, a small group met informally to discuss survey results and general program requirements. History demonstrates that, in most instances, difficulties relating to manufactured buildings occur during the set. Group members conceptually discussed:

- Better defining requirements for manufacturers to educate and certify installers of product;
- Better educating construction supervisor licensees as to duties and responsibilities if installing manufactured building product, perhaps requiring mandatory education and so marking their license cards – Mike McDowell suggested requiring a course certificate rather than marking the license card;
- Enhancing or differing the role of Third Party Inspection Agencies (TPIAs) with regard to the process.

Rob explained that the group will meet more formally to further review survey results and determine what programmatic and/or regulatory changes may be made to address concerns.

Audience member, William Solfisburg, indicated that Board members had previously decided to form a manufactured buildings study group and had unanimously voted to allow his participation in group discussions. Mr. Solfisburg indicated that he knows of at least a dozen people who would file complaints about the manufactured building program. He expressed that, in his opinion, the TPIAs are part of the problem with the system and the BBRS has not appropriately enforced regulations.

6. **Reflected Light Issues.** Rob Anderson explained that Chief Gallagher asked to have this matter made part of the agenda in recognition of recent fires in Somerville. Rob explained that this issue surfaced several years back where it was discovered that, at certain times of the year, under certain conditions, sunlight reflecting off certain objects (*usually Low-E glazing*) can generate intense heat causing damage to neighboring buildings/structures. In most instances, damage is limited to deformation of vinyl siding. However, forensics have revealed that reflected light may have caused the referenced Somerville fires. Rob identified that, in years past, Board members had published advisories and thoughts about how to best prevent or lessen damage by installing window screen and/or awnings.

Following a brief discussion, Board members determined that this is more of a consumer protection issue and should be addressed in that forum.

7. **NFPA 241 and Related Issues.** Rob Anderson indicated that work continues with the *Construction Fire Safety Partnership*, a group formed by the Associated General Contractors (AGC), led by Joe Kelly. The group, comprised of construction industry personnel and regulators, have met on several occasions to discuss how best to prevent construction fires like those that have occurred in Waltham and Weymouth. The larger group has broken into sub-groups to study best practices, regulatory policies and training initiatives. As part of the effort, Department of Fire Services (DFS) representative, Jen Hoyt, and Rob Anderson will work on some guidelines for building and fire officials regarding safety practices during construction.
8. **Renovated Large Single- and Two-family Homes - Sprinkler Requirements.** Fire Prevention\Fire Protection (FPFP) Committee Chair, Robert Carasitti, addressed the referenced matter indicating that members of the FPFP committee discussed whether or not to recommend revising 780 CMR, Section R313.2. Currently, the code requires large, single- and two-family homes to be equipped with automatic fire sprinkler systems if greater than 14,400 square feet in aggregate area when newly constructed. This requirement was enacted under the seventh edition of the code in 2007. However, the code does not clearly specify what happens when an existing 14,400, plus square foot home is renovated or when a home is enlarged to make it greater than 14,400 square feet. FPFP members suggested that January 1, 2008 should be the line of demarcation to determine whether or not sprinkler systems were required to be installed in large, renovated structures.

Mike McDowell indicated that this discussion should not take place; that sprinkler systems do not belong in single- and two-family homes, and further indicated that the homebuilders association is attempting to remove the requirement from the *International Residential Code* (IRC).

Jen Hoyt cautioned that Board members need to stick to facts when addressing issues and need to have substantiation when making claims about whether or not a code requirement is warranted. Jen continued to identify that OPSI Building Inspector, Gordon Bailey, first raised this question, and it lingers. Originally, the question was about what happened when an 8,000 square foot home morphed into a 16,000 square foot home. Based on actions taken with regard to other life safety items, it seemed that the logical thing to do was to require at least the addition to be sprinklered.

Kerry Dietz added that is difficult to gauge when a building should or should not be equipped with a sprinkler system based on a cost evaluation method. Property values in the western part of the state are often significantly lower than Boston and surrounding areas in the east. Using cost percentages as a determining factor penalizes property owners in the western part of the commonwealth where prices tend to be lower.

Chairman Couture noted that there are limited numbers of these large structures that exist or will exist in the state.

Following discussion, Jen asked that the matter again be directed to FPPF to look at solutions in concert with IRC, Appendix J and clearly define guidance.

9. **Elevator Lobbies Undergoing Renovations.** FPPF Chairman Carasitti expressed that 3 specific questions were posed relating to elevator lobbies undergoing renovation work. Chairman Carasitti indicated that FPPF members have discussed these questions on numerous occasions, but were still debating partial conditions and a few other issues.

Following a brief discussion, on a **MOTION** by Jen Hoyt seconded by Kerry Dietz it was unanimously voted to allow staff to work with FPPF and Existing Building Committee advisory members to complete final language and issue relevant responses to each question.

10. **Swimming Pool Installer License.** Chairman Couture indicated that a bill has once again been filed regarding licensing swimming pool installers. Chairman Couture related incidences in which faulty installation methods have caused considerable property damage and expressed concern with regard to installer credentials as well as oversight of the installation process in general. Chairman Couture supported establishing pool installer requirements under the direction of the Board.

Audience member *Association of Pool and Spa Professionals* representative, Charles Stefanini, was present and identified that a new bill has been filed that places licensing, if passed, under the authority of the BBRS.

Following a brief discussion, Board members asked staff to begin work on developing requirements.

11. **Concrete Testing Laboratories (CTL).** Cesar Lastra reviewed CTL requirements via a *PowerPoint Presentation (EXHIBIT D)* to Board members. Cesar explained that 780 CMR, Section 110.R1 establishes regulations for license laboratories. The impetus for the regulations was a structural failure and eventual collapse of a building located at 2000 Commonwealth Avenue in Boston that occurred on January, 25 1971. The failure occurred in three stages beginning with punching shear in the uppermost floor of the 16 story building, followed by collapse of the roof slab and the eventual progressive collapse of the east side of the building. Four workers were killed and 20 injured. It was determined that improper shoring of floors, low concrete strength and improper concrete detailing all contributed to the punching shear failure. Resultantly, regulations were initiated to help prevent future occurrences.

Cesar continued to explain the application and review process completed by OPSI staff each year in compliance with the referenced regulations. Cesar noted that the process relies heavily on appropriately credentialed personnel operating the labs as well as appropriately calibrated equipment.

Following his presentation and a brief discussion with Board members, Cesar asked for approval of 19 locations (**EXHIBIT E**) that have presented appropriately completed applications for 2018. On a **MOTION** by Rob Anderson seconded by Kerry Dietz it was unanimously voted to approve the 19 laboratories identified on **EXHIBIT E**.

Additionally, Cesar asked Board members to consider the request of Anthony Crupi, Lab Supervisor for the Department of Conservation and Recreation, to use the *North East Transportation Technician Certification Program* (NETTCP) instead of *Cement and Concrete Reference Laboratory* (CCRL) as allowed by the regulations. Board members tabled action on the request until next month.

12. **Cannabis Grow Facility Study Group.** Rob Anderson indicated that staff is looking to secure membership for the committee and hopes to begin work soon.

Chairman Couture asked work to begin by July. Audience member and *American Institute of Architects* (AIA) representative, John Nunnari, asked for an industry member to be made part of the group.

13. **Winter Storm Emergency Actions.** Chairman Couture wished to recognize and thank all OPSI inspectors who were part of emergency efforts during recent winter storms. Chairman Couture indicated that many OPSI inspectors participated during the most recent events as well as previous events. Chairman Couture recognized that, as most people were safely at home, OPSI and other municipal inspectors endured inclement weather to assess building damage due to the storms.

14. **New Construction Supervisor Licenses (CSL).** On a **MOTION** by Kerry Dietz seconded by Lisa Davey it was unanimously approve 66 new construction supervisor licenses issued in February and 114 new licenses issued in the month of March, 2018.

15. **CSL Requests for Reinstatement.** On a **MOTION** by Steve Frederickson seconded by Jen Hoyt it was voted in the majority to approve the following requests:

- Dinarte Alves CS-080419 (*Medical*)
- Bryan Wood CS-091879 (*Medical*)
- Robert J. Wong CS-003520 (*Age \ Medical*)

Rob Anderson abstained from vote.

16. **BOCC Appointment.** Chairman Couture approved the request of *Massachusetts Federation of Building Officials* President, Robert Borden, to appoint Mike Giampietro to the Building Official Certification Committee (BOCC).

17. **Other Matters not anticipated.** Mike McDowell noted that he just became aware of differences in what a construction supervisor licensee is being asked to provide during on-line renewal procedures vs. hard-copy paper renewals. Mike indicated that license renewals are being held-up due to HIC requirements and it is causing great difficulty for many licensees. Mike noted that not all CS licensees are required to be registered as home improvement contractors and they should not be prevented from renewing a license in a timely manner due to inconsistencies in the procedures.

Kerry Dietz asked if we can place the issue of the sanitary vs. the building code on a future agenda for discussion.

18. **Adjourn.** On a **MOTION** by Kerry Dietz seconded by Lisa Davey it was unanimously voted to adjourn the meeting @ 2:42 p.m.

**EXHIBITS:**

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- A. Meeting Agenda.
- B. BBRB February 13, 2018 Meeting Minutes.
- C. BOCC February 13, 2018 Meeting Minutes.
- D. CTL *PowerPoint Presentation*.
- E. List of 19 CTLs for approval.