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Board of Building Regulations and Standards (BBRS)
February 13, 2018 Meeting
Division of Professional Licensure (DPL)
50 Maple Street in Milford 01757-3698

1. Chairman, John Couture, opened the regular meeting at approximately 1:08 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 appear herein as numbered but may have been taken out of 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. On a **MOTION** by Jen Hoyt seconded by Cheryl Lavalley it was unanimously voted to approve the minutes (**EXHIBIT B**) for the January 9, 2018 Board of Building Regulations and Standards (BBRS) meeting as submitted.
 3. The January 3, 2018 Building Official Certification Committee (BOCC) meeting was cancelled due to weather concerns. The meeting was rescheduled for February 13th. Consequently, minutes were not ready for Board approval.
 4. The following items reflect discussions and actions relative to code change proposals submitted for consideration at the *Board's November 14, 2017 Public Hearing*.
 - A.) Rob Anderson introduced the first proposal (**EXHIBIT C**) which intends to re-insert *Coastal A Zone Provisions* into varied sections of the International Building Code (IBC) and International Residential Code (IRC). These requirements were made part of early draft versions of the ninth edition code, but

were omitted from the final version since associated Federal Emergency Management Agency (FEMA) maps were not ready for public use. In the intervening time between approval of the final draft and the public hearing, maps were completed.

Chairman Couture noted that he has received many calls of concern regarding the proposal; that the proposal affects the entire coastline and he is uncomfortable with advancing it without further study. Several other Board members expressed similar concern.

Following discussion, on a **MOTION** by Kerry Dietz seconded by Susan Gleason it was unanimously voted to table action on the proposal and form a study group to review concerns and differing opinions relating to the proposal. The study group shall have input from staff and be comprised of, at minimum, members from:

- Industry (i.e. design professional, building contractors);
- Business (i.e. developers, business owners);
- The Architectural Access Board (AAB);
- Environmental protection (i.e. the Department of Environmental Protection (DEP), the Division of Energy Resources (DOER)).

Chairman Couture reserved the right to contemplate other members and add or otherwise revise membership to the group as appropriate.

B.) Rob Anderson introduced the second proposal (**EXHIBIT D**) which intends to clarify certain flood hazard requirements of the International Existing Building Code (IEBC) and International Residential Code (IRC).

Steve Frederickson indicated that, in his opinion, the code already sufficiently addressed the issue and we, as a Board, should refrain from making changes to the international codes unless absolutely necessary.

Code change proponent, Eric Carlson, explained that the intent is to give a code reader better guidance when dealing with a substantial improvement.

Ultimately, after some debate, on a **MOTION** by Rob Anderson seconded by Jen Hoyt it was unanimously voted to deny the proposal and, instead, issue appropriate guidance in the form of an FAQ or similar method. Eric Carlson offered assistance in developing the guidance.

C.) Rob Anderson introduced the third proposal (**EXHIBIT E**) which intends to revise certification requirements for certain concrete testing lab personnel as established in Chapter 110.R1.

Rob explained that a change was made in the ninth edition that would necessitate a higher level certification than has been required since the inception of the program, without an apparent need. Acquiring the higher certification requires lab personnel to pass significantly enhanced examination requirements. In checking with former staff member, Tom Riley, who ran the program for many years, the requirement seems to be excessive. The proposed code change would revert certification requirements to that established in the eighth and earlier versions of the code.

Following discussion, on a **MOTION** by Rob Anderson seconded by Susan Gleason it was unanimously voted to approve the code change to revert back to previously established certification requirements for referenced laboratory personnel.

- D.) Rob Anderson introduced the fourth proposal (**EXHIBIT F**) which intends to revise certain energy conservation requirements of the International Existing Building Code (IEBC) and International Residential Code (IRC).

Following a brief discussion, on a **MOTION** by Jen Hoyt seconded by Susan Gleason it was unanimously voted to table action and forward the proposal to members of the Energy Advisory Committee (EAC) for review and guidance.

- E.) Rob Anderson introduced the fifth proposal (**EXHIBIT G**) which intends to revise certain sections of Chapter 110.R3 pertaining to manufactured building plan submittals.

Rob explained that Board members will be discussing manufactured buildings issues more specifically later in the meeting; likely there will be some revisions suggested to program requirements over time. Rob suggested that it may be better to defer action on this and other proposed manufactured building regulatory changes until the process is examined more globally.

Following a short discussion, on a **MOTION** by Jen Hoyt seconded by Kerry Dietz it was unanimously voted to table the proposal and defer final action until the regulations, as a whole, are further studied.

- F.) Rob Anderson introduced the sixth proposal (**EXHIBIT H**) which intends to revise certain sections of Chapter 110.R3 pertaining to construction trailer requirements.

Following brief discussion, on a **MOTION** by Jen Hoyt seconded Kerry Dietz it was unanimously voted to table the proposal and defer final action until the regulations, as a whole, are further studied.

- G.) Rob Anderson introduced the seventh proposal (**EXHIBIT I**) which intends to revise certain sections of Chapter 1 and 110.R5 pertaining to the need for construction supervision.

Steve Frederickson indicated that the proposed change, which requires homeowners to employ only licensed personnel when hiring building contractors to work on their home, is excessive. Steve indicated that it would be difficult to police and is limiting to homeowners. This proposal would prevent a homeowner from hiring a neighbor or relative to assist with home repairs and other projects.

Attorney, Charles Kilb, cautioned that this type of change would cause a lot of scrutiny in that it limits choice for the homeowner.

Following discussion, on a **MOTION** by Kerry Dietz seconded by Steve Frederickson it was unanimously voted to deny the proposal.

H.) Rob Anderson introduced the eighth proposal (**EXHIBIT J**) which intends to revise certain sections of Chapter 110.R5 pertaining to construction supervisor license (CSL) continuing education requirements.

Attorney Kilb advised that any Board member who is in the business of providing continuing education for licensed construction supervisors should recuse themselves.

Mike McDowell identified that he will recuse himself from the vote, but not from discussion of the proposal. Mike indicated that many boards do not allow on-line courses at all to satisfy continuing education requirements and most on-line courses offered for CSL continuing education purposes are horrific.

Code change proponent, Tony Bowers, indicated that his proposal intends to recognize changes that Board members have already approved and are now in effect that address concerns raised by Mr. McDowell concerning on-line courses. He further explained that his proposal simply reverts to requirements that were allowed by the eighth edition code. Mr. Bowers continued to suggest that Mr. McDowell originally proposed limitations for on-line courses.

Chairman Couture corrected Mr. Bowers, identifying that Mr. McDowell was not the originator of the change.

Audience member Robert Borden stressed that licensees do not retain knowledge gained through on-line courses. Typically, licensees learn much better in a structured, classroom environment.

Audience member Guy Webb complimented Mr. Bowers' on-line training as very good, but noted many others do not achieve high standards.

Rob Anderson suggested that Board members consider accepting virtual training as acceptable for face time, classroom training as a compromise. Rob expressed concern that there may not be sufficient numbers of providers to accommodate in-class trainings as now required in the ninth edition.

Guy Webb indicated that his organization and other education providers are prepared to handle the increased need.

Following lengthy discussion, on a **MOTION** by Jen Hoyt seconded by Kerry Dietz it was voted in the majority deny the proposal. Mike McDowell and Rob Anderson abstained from the vote.

Jen noted that Board members may consider virtual training in the future, but a concise code change would need to be offered for review.

I.) Rob Anderson introduced and Jen Hoyt explained the ninth proposal (**EXHIBIT K**) which intends to revise Section AJ102.3.2 of the code.

Jen identified that the suggested language to the referenced section concerning smoke and carbon monoxide protection required when renovating or adding to existing single- and two-family home construction is not incorrect, but a bit redundant. Jen suggested that the issue could be clarified by an FAQ or similar method.

Following discussion, on a MOTION by Rob Anderson seconded by Jen Hoyt it was unanimously voted to deny the proposal and issue clarification via an FAQ or similar method.

- J.) Rob Anderson introduced the final proposal (**EXHIBIT L**) which intends to revise certain sections of the International Energy Conservation Code (IECC) to require fit-up for electric vehicle (EV) charging stations.

National Grid representative and audience member, Kevin Rhodes, indicated that there may be some incentives available through utility companies over time to encourage the installation of EV charging stations and suggested that Board members may consider the measure as an add to the stretch code, if not the base.

Division of Energy Resources (DOER) representative and audience member, Ian Finlayson, supported the change, whether in the main body of the code or stretch, but suggested that Board members consider tabling the proposal to allow further discussion through the Energy Advisory Committee (EAC).

Mike McDowell indicated that he is not opposed to EV in general, but does not believe it should be a code mandate. First, it takes away choice in the matter and second, it increases cost. Recent changes to the commonwealth's electrical code have already caused about a 30% increase in electrical costs to a typical home project.

NAIOP representative and audience member, Tamara Small, indicated that she and her organization has testify in opposition to the EV proposal on 4 occasions and reiterated that the proposal should not be mandated by code, rather, it should be a building owner's choice.

Following discussion, on a **MOTION** by Kerry Dietz seconded by Jen Hoyt it was voted in the majority to table the proposal and refer to the EAC for further review and refinement.

Chairman Couture was opposed to the motion indicating that the proposal is not appropriate for a building code. If placed anywhere as a requirement, he suggested, it is better suited as made part of a municipalities zoning requirements.

5. Chairman Couture introduced the topic concerning follow-up for manufactured building issues indicating that, based on information presented at the previous meeting, he has some concern about the process in general as well as related regulations. However, with that said, he is not certain if concerns are widespread or limited in scope. Consequently, Chairman Couture asked Board members Kevin Gallagher and Cheryl Lavalley to work with Office of Public Safety inspectors to get a better handle on the scope of difficulties; first by asking municipal inspectors to respond to a survey concerning any manufactured building

deficiencies that they may have experienced and next to analyze data received related to the regulatory and enforcement process.

On a question by Board member Lisa Davey, Chairman Couture indicated that all manufactured building issues, including commercial, should be reviewed.

Audience member, Catherine Christina, suggested that Board members should get input from homeowners as well as inspectors in order to get a complete picture.

Chairman Couture indicated that he does not want the issue to linger and would like to review progress and suggested solutions during the April Board meeting.

6. Rob Anderson introduced the May Public Hearing item indicating that Board members need to consider adoption of the 2018 International Energy Conservation Code (IECC) by early next year as required by statute. Additionally, there are a number of other items that Board members have been contemplating for adoption, whether clean-up of the first iteration ninth edition code or new provisions, such as tiny house requirements. Rob indicated that the list of items included on the agenda represent only a few items, likely there are more.

DOER representative, Ian Finlayson, indicated that the differences between 2015 and 2018 IECC are not too significant and he can work to summarize them for Board member review. International Code Council (ICC) representative, Dottie Harris, indicated that the ICC publishes a significant change document that may help Board members discern differences between the two versions as well. National Grid representative, Kevin Rhodes, indicated that he too would lend assistance to identify and explain differences.

On a question from Kerry Dietz, Ian Finlayson identified that EAC members would review how moving towards the 2018 IECC may affect the stretch energy code.

7. Rob Anderson reminded Board members that the Milford conference room is not available for the June and July meetings. Additionally, Rob mentioned that it has been difficult attempting to secure space for the March meeting in Springfield.

Kerry Dietz indicated that she would lend assistance in securing space at UMass in Springfield for future meetings.

8. Rob Anderson indicated that Fire Prevention\Fire Protection (FPFP) Chairman Robert Carasitti is ill and not able to attend the meeting to speak to agenda items 7 and 8 eight concerning certain fire protection issues. Jen Hoyt noted that FPFP minutes have not yet been reviewed and approved by members, so it may be a bit soon to attempt to finalize action on these issues. Resultantly, Chairman Couture deferred action on these item to a future meeting(s).

9. Rob Anderson introduced the topic of recent construction related fires and implementation of the National Fire Prevention Association (NFPA) Standard 241 explaining that OPSI staff along with Department of Fire

Services (DFS), municipal fire and building code enforcement authorities, building contractors groups and others have teamed-up to form the Construction Fire Safety Partnership. The group has met on several occasions to discuss specifics related to the Waltham, Weymouth and Boston fires and how best to prevent further occurrences and will meet again in January, February and beyond at the Associated General Contractors office in Wellesley. The overall group has divided into three subgroups to review educational initiatives, policy and procedure issues and best practices.

10. Cambridge Fire Lieutenant, Chris Towski introduced himself as 1st Vice President of the Fire Prevention Association of Massachusetts (FPAM) as well as a member of the referenced Construction Safety Partnership. Lt. Towski wanted to share that the mission of FPAM is to provide citizens of the commonwealth and others with an understanding of fire safety and relayed that he and the association are always ready to lend a hand to Board members concerning any matter of fire safety.
11. Rob Anderson introduced the topic of reflected light issues indicating that it is a peculiar phenomenon that occurs at certain times and under certain conditions. Essentially, when sunlight hits *Low E* glazed windows at a particular angle, the concentrated light may reflect and cause damage to neighboring property. Argon or other gases that are used to help achieve window energy efficiency sometimes leaches-out from between the glass panes causing a cupping effect to the outer pane. When sunlight hits, the cupped pane may act like a magnifying glass, enhancing reflected light temperatures to the point of melting siding or causing other damages to neighboring properties. The issue has been known for a period of time, and some solutions (such as installing screens or awnings) have been offered to lessen negative effects. Most damage reports were limited in scope to nuisances such as melted siding, but recently, the affect has been determined to have caused fires in the City of Somerville. Although Board members have reviewed the issue in the past, Chief Gallagher (in previous meetings) has asked members to take another look in view of these recent fires.
12. Chairman Couture deferred discussion of fire service elevator access issues to a future meeting(s).
13. On a **MOTION** by Kerry Dietz seconded by Steve Frederickson it was unanimously voted to approve 53 new construction supervisor licenses (CSLs) issued in the month of January.
14. Under matters not reasonably anticipated:
 - Rob Anderson explained that the office has recently been made aware of potential building code requirements proposed as part of cannabis use, sale and processing regulations. Rob and others will reach out to the cannabis commission to review statutory requirements of general law Chapter 143 concerning the Board's authority to prescribe building code requirements.
15. On a **MOTION** by Jen Hoyt seconded by Rob Anderson it was unanimously voted to adjourn the regular meeting at approximately 3:20 p.m.

EXHIBITS:

- A. Meeting Agenda.
- B. BBRs January 9, 2018 Meeting Minutes.

- C. *Coastal A Zone* Code Change Proposal.
- D. Existing flood hazard Code Change Proposal.
- E. Concrete testing lab personnel certification Code Change Proposal.
- F. Energy conservation Code Change Proposal.
- G. Manufactured building plan submittals Code Change Proposal.
- H. Construction trailer requirement Code Change Proposal.
- I. Licensed construction supervisor Code Change Proposal.
- J. CSL continuing education Code Change Proposal.
- K. Section AJ102.3.2 Code Change Proposal.
- L. Electric Vehicle (EV) Code Change Proposal.