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Board of Building Regulations and Standards (BBRS)

November 9, 2021, Meeting

This was an in-person meeting.

Chairman Crowley opened the meeting @ approximately 10:05 a.m. and took roll call as follows.

Richard Crowley, Chair	√ present <input type="checkbox"/> absent	Kerry Dietz	√ present <input type="checkbox"/> absent
John Couture, Vice Chair	√ present <input type="checkbox"/> absent	Steve Frederickson	<input type="checkbox"/> present √ absent
Lisa Davey	√ present <input type="checkbox"/> absent	Kent Vinson	√ present <input type="checkbox"/> absent
Cheryl Lavalley	<input type="checkbox"/> present √ absent	Layla D'Emilia*	√ present <input type="checkbox"/> absent
Michael McDowell	√ present <input type="checkbox"/> absent	Peter Ostroskey*	√ present <input type="checkbox"/> absent
Susan Gleason	√ present <input type="checkbox"/> absent	Patrick Woodcock*	√ present <input type="checkbox"/> absent

* *Jen Hoyt participated as the designee for State Fire Marshal, Peter Ostroskey. David Sullivan participated as the designee for Division of Occupational Licensure Commissioner, Layla D'Emilia. Ian Finlayson participated as the designee for Department of Energy Resources Commissioner, Patrick Woodcock.*

General notes on format of these minutes

- *These minutes represent general points discussed by Board members and/or attendees. The minutes are not intended to be a verbatim account of discussions.*
- *Votes are noted as **MOTION** by, seconded by, and whether it was a unanimous or split vote.*
- *Agenda topics, as numbered, may/may not 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.*

Public Hearing Portion

Chairman Crowley asked that each Board Member to introduce themselves provide their constituency group. Then Chairman Crowley called for anyone to speak on the State Building Code at 10:06 AM. Having no respondents, he asked for a motion to table the public hearing. On a **MOTION** by John Couture, seconded by Jen Hoyt, it was unanimously **VOTED** to table the public hearing @ 10:18 AM to give time for folks who might be arriving a little later. Chairman Crowley reopened the public hearing at approximately 12:50 PM and called for anyone to come forward to speak to the Board about the State Building Code. No one from the public responded. On a **MOTION** by Lisa Davey, seconded by Kerry Dietz, it was unanimously **VOTED to close the public hearing of the portion of the meeting.**

Regular Meeting Portion

1. **BBRS Minutes.** On a **MOTION** by Ian Finlayson, seconded by Mike McDowell, it was unanimously **VOTED** by **ROLL CALL** to approve the minutes for the October 12, 2021, Board of Building and Regulations and Standards (BBRS) meeting (**EXHIBIT B**).
2. **BCAB Minutes.** On a **MOTION** by, Kerry Dietz seconded by Michael McDowell, it was unanimously **VOTED**, by **ROLL CALL** to approve the September 21, 2021, and the October 7, 2021, Building Code Appeals Board (BCAB) minutes as submitted, (**EXHIBIT C**).
3. **BOCC Minutes.** On a **MOTION** by Michael McDowell seconded by Lisa Davey it was unanimously voted to approve the minutes for the September 7, 2021, and the October 5, 2021, Building Official Certification Committee (BOCC) meeting as submitted (**EXHIBIT D**).
4. **BOCC** appointment, Metro West Building Officials Association. The President of the Metro West Building Official Association has recommended Building Commissioner Henry Fontaine to be their representative on the Building Official Certification Committee. On a **MOTION** by John Couture seconded by Michael McDowell it was unanimously voted to appoint Commissioner Henry Fontaine to the BOCC as the Metro West Representative.
5. **Discuss** Technical Advisory Committee appointments, FPPF. Chairman Crowley informed the board that he appointed Alexander MacLeod to the Fire Protection Fire Prevention Committee. He explained that Mr. MacLeod is a practicing Architect and has been appointed to fill the architect representative position.
6. **Review\Vote** DOER IECC 2021 Code Amendments - for 10th edition CH13 and Res CH11 (**EXHIBIT E**). Ian Finlayson walked through the Base Code Chapter 13 and the Residential Chapter 11 updates that reflect changes offered during last month's review of the DOER proposed amendments to the 2021 IECC. Table R404 includes clarifying 1 and 2 family dwellings and an exception if the installation would require an upgrade to the electrical system. Ian Finlayson talked about the requirements in Table R404 not intended to apply to townhouses that do not have deeded parking spaces. The Board discussed eliminating multifamily from the Table and inserting a note that the reference is for coordination with Table 405.13 or the IECC Commercial Code. No decision was made about making this change. Ian Finlayson then reviewed the changes to the Commercial proposed amendments. He talked about Table C405.13 now cap the number of EV Spaces to 16.

The Board considered if a vote was needed to allow moving 2021 IECC with the DOER proposed amendment with the change discussed through A&F process. (delete) "rather than voting to move to the website for the public to access along with the other IBC 2021 unofficial 10th edition chapters." Some felt the Board should consider this action instead of moving the 2021 IECC to the website to conform with the portion of the statute that stipulates adopting the most recent version of the IECC within one year of publication. Board Counsel Kristina Gasson discussed the board voting to accept the IECC 2021 with the DOER proposed amendments confirming the Board's obligation. Some members asked staff to review the proposed schedule to revisit the need to move IECC forward at the next meeting.

On a **MOTION** by, Kerry Dietz seconded by Michael McDowell, it was unanimously **VOTED** to approve the 2021 with the DOER proposed amendment with the change discussed and put up on the webpage as the board's intent for the tenth edition.

7. **Discuss\ Vote** 10th edition. (**EXHIBIT F**). Rob Anderson started with Section 110.R5 and the board's directing staff in July 2020 to report back with an option that amends the section requiring a Construction Supervisor Specialty License for constructing and maintaining swimming pools. The proposal includes changes to have two subcategory licenses and regulate pools associated with Commercial and residential uses. He worked with Swimming Pool

industry folks who explained the industry operates with two licenses in other jurisdictions. Charles Stefanini and Jason Davidson, representing the Pool & Hot Tub Alliance, spoke about individuals that maintain pools never construct them and don't believe someone who will never build a collection should need the requirements to build pools. Michael McDowell spoke about needing a license for hot tubs, and spa instantiations should be part of this license category. The board discussed requiring a permit to repair pools is beyond its authority and not necessary to perform work to swimming pools, and some expressed interest in creating one license. Kerry Dietz asked that staff investigate the need to make another change to 110.R5 to capture the requirement that a CSL needs a Manufactured Buildings Certificate if the updated provisions in 110.R4 are fully adopted. Chairman Crowley asked that staff make the adjustments for one license and bring the section back for review at a future meeting.

110.R1 Concrete Testing Laboratories (**EXHIBIT G**). Caesar Lastra Technical Code Coordinator-Building & Engineering for Public Safety and Inspections' office reviewed the changes. These reflect changes the Board voted for but have not been fully promulgated. Additional changes include updating the agency acronym to DOL. On a **MOTION** by Michael McDowell, seconded by Susan Gleason, it was unanimously **VOTED** to approve the version presented.

110.R2 Concrete Field Testing Technician Licensing (**EXHIBIT H**). Cesar Lastra explained the change strikes Concrete Field Testing Technician Grade I. The discussion included this is repeated and is unnecessary. On a **MOTION** by Michael McDowell, seconded by Lisa Davey, it was unanimously **VOTED** to approve the version presented, with the additional striking of Field Testing Technician Grade I.

Staff reported that the Structural Advisory Committee might have some proposed changes to 110.R4 Registration of Native Lumber Producers. No action was taken by the board.

110.R3 Manufactured Buildings (**EXHIBIT I**). Dan Walsh explained that the version presented matched the version the board voted to approve and move into the next steps for promulgation in June of 2019, and the changes requested were incorporated. On a **MOTION** by Michael McDowell, seconded by Kerry Dietz, it was unanimously **VOTED** to approve the 2021 version presented.

Next the Board discussed IBC 2021 Chapter 33 (**EXHIBIT J**). Rob Anderson explained that DFS had proposed changes that sent the reader to 527 CMR. The Board had discussed at its September 14, 2021, that the modifications duplicate requirements in 780 CMR. An aggrieved party will be left with uncertainty about where they would appeal or seek relief by sending the reader to another CMR. After the Board meeting, Rob Anderson took the concerns expressed by individual board members and offered some changes that appear in orange highlight. These were referred to Jen Hoyt with the intent to work through some of the issues. Some of the changes included Section 3301.1.1. He added "applicable" before 527 CMR to clarify that not all of 527 CMR is applicable. In Section 3301.3, Rob Anderson talked about adding a reference to NFPA 241 rather than bringing into Chapter 33 specific text from that standard. Jen Hoyt talked about 780 CMR not adopting NFPA 241, and it is under the jurisdiction of 527CMR. Rob Anderson explained the intent is to have the building permit process include requirements in NFPA 241 to get the information to the fire chief. The Board discussed the goal of having the fire chief receive a fire safety plan when applicable. Chairman Crowley asked Jen Hoyt for language that would achieve her goal.

Chairman Crowley tabled Chapter 33 to give staff time to work out coordination issues with 527 CMR 1.00.

Next, the Board considered the 2021 IBC Chapter 5 (**EXHIBIT K**). Rob Anderson reviewed the changes from the 2015 IBC and the 2018 IBC. On a **MOTION** by Michael McDowell, seconded by Lisa Davey, it was unanimously **VOTED** to approve the 2021 version presented.

8. **Discuss** 78 new Construction Supervisor Licenses (CSLs) issued in the month of September 2021. Board members acknowledged the number of newly issued CSLs.
9. **Discuss\Vote Waver Continuing Education Requirements Section 110.R5.4.19.**
On a **MOTION** by John Couture, seconded by Michael McDowell, it was unanimously **VOTED** to wave in-person requirement for medical reasons.
 - a. Leland Hussey CS-032197 (*Continuing Ed.*)
 - b. John Scanlon CS-006068 (*Continuing Ed.*)
 - c. Gilbert Alegi CS-007443 (*Continuing Ed.*)
 - d. John Robinson CS-058022 (*Continuing Ed.*)
10. **Discuss** other matters not reasonably anticipated 48 hours in advance of meeting. Chairman Crowley asked about meeting December 9th and January 20 in addition to the regularly scheduled meeting on the 2nd Tuesday of each month.
11. **Adjourn Session.** On a **MOTION** by Kerry Dietz, seconded by Jen Hoyt, it was unanimously **VOTED** to adjourn the meeting @ approximately 1:08 p.m.

EXHIBITS:

- A. Meeting Agenda.
- B. October 12, 2021, Board of Building and Regulations and Standards (BBRS) meeting minutes.
- C. September 21, 2021, and the October 7, 2021, Building Code Appeals Board (BCAB) minutes.
- D. September 7, 2021, and the October 5, 2021, Building Official Certification Committee (BOCC) meeting minutes.
- E. IECC2021 MA amendments redline Commercial Chapter BBRS10-25-21 and IECC2021 MA amendments redline Residential Chapter (BBRS revised 10-21-21).
- F. 780 CMR 110.R5 10 12 2021 DRAFT (002).
- G. 110.R1 CONCRETE TESTING LABORATORIES DRAFT 11 09 2021.
- H. 110.R2 CONCRETE FIELD TESTING TECHNICIAN LICENSING DRAFT 11 09 2021.
- I. 780 CMR 110.R3 11 09 2021 DRAFT.
- J. 2021 CHAPTER 33 7 13 2021 DRAFT. The version sent to Board members was dated 7/13/2021; however, the version available in person and discussed was dated 9/15/2021.
- K. 2021 IBC CHAPTER 5 5 11 2021 DRAFT.