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April 14, 2020 Meeting  
Via Tele-Conference

## Board of Building Regulations and Standards (BBRS)

Vice Chair Lisa Davey, opened the regular meeting at approximately 10:15 a.m.

Chairman Crowley took roll call as follows:

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

\* David Sullivan participated as the designee for DPL Commissioner, Layla D'Emilia.

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

### General notes on format of these minutes

- These minutes represent general points of discussion by members and audience participants during the regular meeting session. 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 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.
- Chairman Crowley signed in about 10:20 am, Vice chair Couture signed in about 10:2 am, and Michael McDowell signed in about 11:10 am.

### Regular Meeting

1. **Roll Call.** Vice Chair Lisa Davey opened the meeting about 10:15 am by requesting each board member identify they are in attendance. Vice Chair Davey identified the following board members not in attendance during roll call, Chairman Crowley, Vice Chairman Couture, Michael McDowell, and Steve Frederickson. For purposes of these meeting minutes, Chairman Crowley signed in about 10:20 am, Vice chair Couture signed in about 10:22 am, and Michael McDowell signed in about 11:10 am. (Note for the meeting minutes, seven members of the Board confirmed participation constituting a quorum of the board).
2. **BBRS Regular Minutes Review\Vote** March 10, 2020 BBRS draft meeting minutes. On a **MOTION** by Kerry Dietz, seconded by Jen Hoyt, it was a unanimous of those voting to approve the March 10, 2020 meeting minutes for the

Board of Building and Regulations and Standards as amended. Roll call vote: Kerry Dietz, Susan Gleason, David Sullivan, Jen Hoyt, voted in the affirmative. Kevin Gallagher, Cheryl Lavalley, Lisa Davey abstained and Richard Crowley, John Couture, Michael McDowell was not available for this vote (**EXHIBIT B**).

3. **BCAB Minutes Review\Vote.** On a **MOTION** by John Couture and seconded by Jen Hoyt, it was a unanimous vote to approve the 1/09/2020, 01/21/2020 and 02/06/2020 the Building Code Appeals Board (BCAB) meeting minutes. Roll call vote: Kerry Dietz, Susan Gleason, David Sullivan, Jen Hoyt, Kevin Gallagher, Cheryl Lavalley, Lisa Davey, Richard Crowley, and John Couture voted in the affirmative. Michael McDowell was not available for this vote (**EXHIBIT C**).
4. **Discuss\Vote** Discuss\Vote relief for CSLs expiring during and immediately after the state of emergency (up to 90 days after). Chairman Crowley noted this agenda item includes two parts. The first considers suspending the in-person classroom CSL continuing education requirement so that licensees can complete their education requirements by way of approved online courses. The second part is allowing staff to process licenses in hardship situations, involving licensees expiring within 30 days of the end after the emergency who are uncomfortable taking online classes. In this situation, would the board delegate to staff the authority to renew licenses which expire within 30 days after the end of the state of emergency so long as the licensee commits to completing their education requirements within 90 days of the end of the state of emergency using the in-person education provisions in 110.R5.

John Couture expressed concern that the end of the emergency might bring a spike in requests. Dan Walsh explained that staff is speaking with licensees requesting to complete all their required education requirements via on-line. Chairman Crowley recognized Michael Giampietro from Mass Nail IT, who described an email dated 4/11/2020 he sent to staff (**EXHIBIT D**). He expressed not having issues with the board allowing licensees completing their education requirements using on-line approved courses for those renewing for up to 90 days after the state of emergency but encouraged the board to reinstate the in-person education requirement at the end of 90 days after the emergency. Guy Webb from the Home Builders Association thinks this is a reasonable adjustment, but the in-person requirement needs to go back after the 90-day reprieve. Kerry Dietz asked the education providers participating in this meeting to talk about the number of attendees in each class. Guy Webb indicated that the home builder offerings have room for more to attend than each session have. Michael Giampietro thinks the in-person providers have flexibility to accommodate the needs. Dave Sullivan talked about most of the calls OPSI staff have been receiving suggests most are concerned about the in-person classes not happening during of the state of emergency and need an alternative. Robert de Sousa, Energy Code & Standards Specialist asked for clarification about the discussion. Chairman Crowley responded that the discussion limited to considering suspending the in-person education requirement during the emergency and for 90 days after.

Andrew Crane Home Builders and Remodelers of Western Massachusetts spoke about students looking for webinars to apply to the required education requirements during the state of emergency. Kim Spencer, CSL Continuing Education Program Coordinator, explained that approved courses presented by way of webinars would need to be authorized by the BBRS. Jen Hoyt spoke in support of having options for the licensee.

On a **MOTION** by Jen Hoyt, seconded by Kevin Gallagher, on a roll call vote, it was a unanimous vote to waived the in-person classroom training requirement for CSL renewal applications submitted during the state of emergency and up to 90 days following the end of the state of emergency. During this time, the BBRS will accept live webinars in place of the in-person training requirement. Also, delegate staff, in hardship cases involving licensees uncomfortable completing their required education using on-line options, the authority to renew licenses expiring during the 30-day period after the end of the state of emergency. The licensee must commit to completing their in-person education within

90 days after the end of the emergency. Roll call vote: Kerry Dietz, Susan Gleason, David Sullivan, Jen Hoyt, Kevin Gallagher, Cheryl Lavalley, Lisa Davey, Richard Crowley, Michael McDowell, and John Couture voted in the affirmative.

5. **Discuss** other matters not reasonably anticipated 48 hours in advance of meeting. Lisa Davey asked to speak about an issue with the control construction documents and the need for RDPs to make site visits. Some firms have employees who do want to do site visits in fear of exposure to COVID-19. She participated in some discussions recently about the concern. Some RDPs do not think they can sign the control construction documents if the general contractor provides video and photos as a substitute for the RDP performing site visits. She wonders whether the board would give some guidance. John Nunnari representing the Massachusetts AIA echoed this concern. He thinks design firms not considered an essential service, and site supervisors taking photos and sending to the RDP as part of signing control construction documents might be an option. He asked if staff could discuss this possibility with the Board of Registration of Architects staff and develop some guidance. Jen Hoyt thinks more though about the legal implications are needed.

John Couture thinks #3 on the control construction document already addresses the concern, and we do not need to tell an RDP how to achieve signing. Chairman believes staff can follow up with DPL staff. Lisa Davey expresses a willingness to participate.

6. **Adjourn.** On a **MOTION** by Jen Hoyt, seconded by Lisa Davey it was unanimously voted to adjourn the regular meeting at about 11:55 am. Roll call vote:, Susan Gleason, David Sullivan, Jen Hoyt, Kevin Gallagher, Cheryl Lavalley, Lisa Davey, Richard Crowley, Michael McDowell, and John Couture voted in the affirmative. Kerry Dietz did not participating for this vote.

#### **EXHIBITS:**

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- A. Meeting Agenda.
- B. Minutes for the March 10, 2020 Board of Building and Regulations and Standards (BBRS) meeting.
- C. Meeting minutes for the 1/09/2020, 01/21/2020 and 02/06/2020 Building Code Appels Board (BCAD).
- D. Email Mass Nail It dated April 11, 2020.