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December 8, 2020 Meeting  
Via Teleconference

Board of Building Regulations and Standards (BBRS)

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
Vacant	<input type="checkbox"/> present <input type="checkbox"/> absent	Lisa Davey, Vice Chair	✓ present <input type="checkbox"/> absent
Cheryl Lavalley***	✓ present <input type="checkbox"/> absent	Steve Frederickson	✓ present <input type="checkbox"/> 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.

\*\*\* Cheryl Lavalley joined the meeting about 11:00 AM.

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.

Regular Meeting Portion

1. **Roll Call.** Chairman Crowley opened the meeting about 10:03 AM, by taking roll call. Each board member noted as present above, responded as to his or her in attendance.
2. **BBRS Minutes.** On a **MOTION** by Jen Hoyt and seconded by Kerry Dietz it was a unanimous vote to approve, the draft meeting minutes for the November 10, 2020 Board of Building Regulations and Standards (BBRS) meeting (**EXHIBIT B**). Roll call: Lisa Davey, John Couture, David Sullivan, Jen Hoyt, Susan Gleason, Steve Frederickson, Michael McDowell, Kerry Dietz, and Chairman Richard Crowley all responded in the affirmative.
3. **BOCC Minutes Review\Vote.** The draft meeting minutes from October 6, 2020. On a **MOTION** by Lisa Davey and seconded by Jen Hoyt, it was a unanimous vote to approve the October 6, 2020 meeting minutes (**EXHIBIT**

C). Roll call: Lisa Davey, John Couture, David Sullivan, Jen Hoyt, Susan Gleason, Steve Frederickson, Michael McDowell, Kerry Dietz, and Chairman Richard Crowley all responded in the affirmative.

4. **Discuss\Vote** reappoint Jeffery Clemons to the BOCC. The Building Officials of Western Mass., recommend the board reappoint Jeffery Clemons to the BOCC (**EXHIBIT D**). Chairman Crowley recognized Jeffery Clemons who spoke about his service on the BOCC, and expressed his interest in continuing should the board vote his reappointment. On a **MOTION** by Jen Hoyt and seconded by Kerry Dietz it was a unanimous vote to approve reappointing Jeffery Clemons to the BOCC. Roll call: Lisa Davey, John Couture, David Sullivan, Jen Hoyt, Susan Gleason, Steve Frederickson, Michael McDowell, Kerry Dietz, and Chairman Richard Crowley all responded in the affirmative.
5. **BCAB Minutes\Vote** draft BCAB meeting minutes. On a **MOTION** by Kerry Dietz and seconded by Susan Gleason, it was a unanimous vote to approve the October 20, 2020, BCAB minutes (**EXHIBIT E**). Roll call: Lisa Davey, John Couture, Kerry Dietz, David Sullivan, Jen Hoyt, Susan Gleason, Steve Frederickson, Michael McDowell, Kerry Dietz, and Chairman Richard Crowley all responded in the affirmative.
6. **Discuss\Vote** code change proposals presented at the November 2020 Public Hearing.
  - **Proposal Number 11-01-2020** – Consider change to the 2018 energy code (**EXHIBIT F**). Chairman Crowley spoke about the proposal removes the 2014 version of ANIS/RESNET/ICC 301 and requires the users of the code to use the 2019 version. The BBRS issued an advisory this past October that allows using the 2014 or the 2019 version of ANIS/RESNET/ICC 301. The board heard from code users that the software developers interpret the code differently, causing energy index ratings for the same structure to vary. Staff worked with DOER, ICC staff, representatives of the Home Builders Association, and HERS Raters to identify solutions. All the parties involved with this effort agreed with the board's advisory. This proposal removes the 2014 RESNET standards, and unknown are the implications. Chairman Crowley thinks the board should vote down the proposal.

Jen Hoyt expressed interest in tabling until more information is provided. Kerry Dietz agreed.

Michael McDowell offered a motion to refer the proposal to staff to examine the proposal to understand the implications and report back in the spring.

Ian Finlayson talked about the proposal and expressed support for the board's advisory clarifying using RESNET 2014 and 2019. He explained that the proposal weakens the energy code by removing the ventilation rate equation, and the intent is to make complying with the code easier. He spoke about the 2019 ANIS/RESNET/ICC 301 standard is weaker than the 2014 version.

On a **MOTION** by Kerry Dietz and seconded by Jen Hoyt, it was a unanimous vote to table the proposal to have staff analyze and report to the board. Roll call: Lisa Davey, John Couture, Kerry Dietz, David Sullivan, Jen Hoyt, Susan Gleason, Steve Frederickson, Michael McDowell, Kerry Dietz, and Chairman Richard Crowley all responded in the affirmative.

**Proposal Number 11-02-2020** – Consider a new section, C405.2.10 Exterior Luminaires (**EXHIBIT G**). Dan Walsh informed the group that the proponent has withdrawn the proposal. On a **MOTION** by

John Couture and Kerry Dietz seconded, it was a unanimous vote to accept the request to withdraw the proposal. Roll call: Lisa Davey, John Couture, Kerry Dietz, Jen Hoyt, Susan Gleason, Steve Frederickson, Michael McDowell, Kerry Dietz, and Chairman Richard Crowley all responded in the affirmative. David Sullivan abstained.

- **Proposal Number 11-03-2020** – Consider amending Chapter 115, Appendix AA (**EXHIBIT H**). Dan Walsh talked about the board sent the EAC a zero energy design proposal, Proposal Number 11-6-2019 with specific tasks. EAC has not reported back as of yet. The board tasked EAC with examining the feasibility, determine the cost impacts, identify the implications, and determine whether the proposal is legal. One of the public comments received relating to Proposal 11-03-2020 suggests taking the portions of 11-03-2020 that are not in a net-zero design Proposal 11-6-2019, assigned to the EAC and put these together.

Jen Hoyt thinks it is good to consider both and supports sending it to EAC. She does not believe the line between policy and technical issues is entirely situated. Whether each proposal includes policy issues for the board or has technical issues needing to be resolved suggest sending it to one of the board's technical advisory committees.

Kerry Dietz talked about sitting-in on a recent EAC meeting and the EAC needing policy direction. EAC discussed proposal 11-6-2019, and she thinks EAC should identify what needs to change for it to work.

Michael McDowell talked about the proposal (11-03-2020) and how net-zero buildings are getting electricity from other properties, and those properties produce the energy by burning fossil fuel to produce electricity.

Kerry Dietz expressed concern about whether some of the requirements fit within the BBRS authority.

Daron Port talked about the proposal and that it is a spinoff of one submitted to the BBRS last May. He asked that the board send this proposal to EAC for review and offered the BBRS the legal opinions mentioned in the narrative. Chairman Crowley accepted Mr. Ports' offer to provide the legal arguments mentioned in the proposal narrative and asked that he send them to the board staff.

On a **MOTION** by Kerry Dietz and seconded by Lisa Davey, it was a unanimous vote to refer to staff to; look at the ICC version and the requirements in proposal 11-03-2020. Also, to look at the legal interpretations that the proposal proponent offered to provide. Roll call: Lisa Davey, John Couture, Cheryl Lavalley, Kerry Dietz, David Sullivan, Susan Gleason, Steve Frederickson, Michael McDowell, Kerry Dietz, and Chairman Richard Crowley all responded in the affirmative. Jen Hoyt abstained.

- **Proposal Number 11-04-2020** – Consider amending the Stretch Energy Code for base code structures (**EXHIBIT I**). Discussed and voted 11-04-2020 with 11-05-2020.
- **Proposal Number 11-05-2020** – Consider amending the Stretch Energy Code for residential code structures (**EXHIBIT J**). Both 11-04-2020 and 11-05-2020 were taken up together and voted on

together. Dan Walsh explained that some of the mechanical provisions' information suggests they have been taken from either the 2021 IECC or the NYStretch. Since the 2021 IECC is not available, the recommendation is to refer both proposals to staff.

On a **MOTION** by Kerry Dietz and seconded by John Couture, it was a unanimous vote to refer Proposal Number 11-04-2020 and Proposal Number 11-05-2020 to staff because the 2021 IECC is not available. Roll call: Lisa Davey, John Couture, Cheryl Lavalley, Kerry Dietz, David Sullivan, Jen Hoyt, Susan Gleason, Steve Frederickson, Michael McDowell, Kerry Dietz, and Chairman Richard Crowley all responded in the affirmative.

7. **Discuss** draft adoption schedule for next building code edition. Chairman Crowley talked about the draft 10<sup>th</sup> edition adoption schedule prepared by John Nunnari (**EXHIBIT K**). Kerry Dietz talked about the draft schedule and expressed concern that it does not leave enough time for the board to review the code after the technical committees have given their reports. John Nunnari explained the schedule intends to provide a visual so people can have an idea about the process. He also recommended updating it to reflect the availability of the codes that have lagged.

Jen Hoyt wants to be sure the technical advisory committees have the codes. Lisa Davey spoke about updating the schedule and wants to be sure the SAC has all seats filled. Chairman Crowley asked that the schedule be edited to reflect the review starting in December 2020 and put on next month's meeting agenda for a vote.

8. **Discuss CSL Average Passing Score\Medical\Military\Age or Continuing Education Requirements.**

On a **MOTION** by Michael McDowell seconded by John Couture, it was a unanimous vote to approve a medical reinstatement of Timothy Messinger CS-089733. Roll call: Lisa Davey, John Couture, Cheryl Lavalley, Kerry Dietz, David Sullivan, Jen Hoyt, Susan Gleason, Steve Frederickson, Michael McDowell, Kerry Dietz, and Chairman Richard Crowley all responded in the affirmative.

9. **Adjourn.** On a **MOTION** by Jen Hoyt, seconded by Lisa Davey it was unanimously voted to adjourn the regular meeting at about 12:00 p.m. Roll call vote: Lisa Davey, John Couture, Cheryl Lavalley, Kerry Dietz, David Sullivan, Jen Hoyt, Susan Gleason, Steve Frederickson, Michael McDowell, Kerry Dietz, and Chairman Richard Crowley all responded in the affirmative.

#### **EXHIBITS:**

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- A. Meeting Agenda December 8, 2020.
- B. November 10, 2020 meeting minutes.
- C. BOCC draft meeting minutes from October 6, 2020.
- D. Building Officials of Western Mass. Recommendation Letter.
- E. BCAB draft meeting minutes from October 20, 2020.
- F. Proposal Number 11-01-2020.
- G. Proposal Number 11-02-2020.
- H. Proposal Number 11-03-2020.
- I. Proposal Number 11-04-2020.
- J. Proposal Number 11-05-2020.
- K. 780 CMR - 10th Edition Adoption Schedule Draft.