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COMMISSIONER, DIVISION OF  
PROFESSIONAL LICENSURE

June 9, 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
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	✓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.*

### 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

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1. **Roll Call.** Chairman Crowley opened the meeting about 10:08 am. He took roll call by asking board members to respond when their called. Each board member noted above as present responded in the affirmative and staff recorded this action.
2. **BBRS Minutes.** Lisa Davey pointed out that the draft minutes should change to reflect her not participating. On a **MOTION** by Jen Hoyt seconded by John Couture it was a unanimous vote to approve the draft meeting minutes for the May 12, 2020 Board of Building Regulations and Standards (BBRS) meeting as amended (**EXHIBIT B**). Roll call: John Couture, Cheryl Lavalley, David Sullivan, Jen Hoyt, Kevin Gallagher, Susan Gleason, Steve Frederickson, Michael McDowell, Kerry Dietz, and Chairman Richard Crowley all responded in the affirmative. Lisa Davey abstained.

3. **BOCC Minutes Review\Vote.** On a **MOTION** by Michael McDowell and seconded by John Couture, it was a unanimous vote to approve the March 3, 2020, Building Official Certification Committee (BOCC) meeting minutes (**EXHIBIT C**). Roll call: Lisa Davey, John Couture, Cheryl Lavalley, David Sullivan, Jen Hoyt, Kevin Gallagher, Susan Gleason, Steve Frederickson, Michael McDowell, Kerry Dietz, and Chairman Richard Crowley all responded in the affirmative.
4. **Review\Vote** actions relating to code change proposals submitted/presented at the May public hearing.
  - **Proposal Number 05-01-2020** – Consider creating a new specialty license category for HVAC work 110.R5 (**EXHIBIT D**). Dan Walsh reported this proposal has been put before the Sheet Metal Board and the Bureau of Pipefitters, Refrigeration Technicians, and Sprinklerfitters Board in an attempt to identify any concerns about the proposal. The initial indicators suggests each board has questions. Staff recommended the BBRS assign this to staff allowing time for information gathering and further conversations with each board at their meetings. Staff would report to the BBRS after each board's concerns have been worked out or details about their concerns with the code change proposal better understood. The Board also considered public comments/correspondence received after the public hearing from David Kerrigan, the Massachusetts Federation of Building Officials, Robert Franey, and an email from Patrick Franey (*these put in a single document named Comments Code Change 05-01-2020* **EXHIBIT E**).

Kerry Dietz asked if the ICC codes address licensing. Dan Walsh responded the building code Mass. Amendment provide the licensing requirements. Jen Hoyt questioned whether other boards have issues with the proposal and thinks the conversations about the proposal should happen in public settings.

John Couture likes the homeowner exemption in the building code thinks it should apply to this proposed license. He expressed interest with including clarifying language which achieves this exemption.

Ian Finlayson spoke about the proposal a change to the energy code and the EAC has discussed the proposal. He thinks the energy office should be included along with other stakeholders.

Jen Hoyt spoke about the process for adopting code provisions and thinks a working group should be created and that the interested boards can then come to this working group with their concerns. She talked about oil burner requirements could be impacted by the proposal and the BFPR would have concerns. Chairman Crowley talked about working through any conflicts and details before the board moves the proposal forward and a working group makeup can be identified at the end of today's meeting.

On a **MOTION** by Jen Hoyt and seconded by Kevin Gallagher, it was a unanimous vote to have staff start a working group for the purposes of working through any issues and reporting back to the BBRS once this effort complete. Roll call: Lisa Davey, John Couture, Cheryl Lavalley, Jen Hoyt, Kevin Gallagher, Susan Gleason, Steve Frederickson, Michael McDowell, Kerry Dietz all responded in the affirmative. David Sullivan and Chairman Richard Crowley abstained.

- **Proposal Number 05-02-2020** – Consider deleting Mass amendment #308.1 9<sup>th</sup> Edition (**EXHIBIT F**). On a **MOTION** by Michael McDowell and seconded by Kerry Dietz, to approve. Kerry Deitz asked if the board would like to replace these references with the ANSI standards. Roll call: Lisa Davey, Steve Frederickson, Michael McDowell, Kerry Dietz, and all responded in the affirmative. John Couture, Kevin Gallagher, Cheryl Lavalley, David Sullivan, Jen Hoyt, Susan Gleason, Chairman Richard Crowley all responded in the negative. Four in the affirmative, seven in the negative the motion fails. No other action taken.
- **Proposal Number 05-03-2020** – New section C405.2.6. Limitation on harmful wavelength from exterior lighting (**EXHIBIT G**). The board received correspondence requesting to rescind the proposal from the proponent to give time for some concerns raised during the public hearing to be resolved (**EXHIBIT H**). No action taken by the board.
- **Proposal Number 05-04-2020** – New section C405.2.7. Light pollution controls (**EXHIBIT I**). The board received correspondence requesting to rescind the proposal from the proponent to give time for some concerns raised during the public hearing to be resolved (**EXHIBIT H**). No action taken by the board.
- **Proposal Number 05-05-2020** – Mandate each new multifamily residential construction have separate water service (**EXHIBIT J**). Steve Frederickson talked about the plumbing starts at the meter and John Couture spoke about the proposal being better suited for those supplying municipal water. On a **MOTION** by John Couture and seconded by Steve Frederickson, it was a unanimous vote to not move this proposal forward because of the lack of jurisdiction. Roll call: Lisa Davey, John Couture, Cheryl Lavalley, Jen Hoyt, Kevin Gallagher, Susan Gleason, Steve Frederickson, Michael McDowell, Kerry Dietz, David Sullivan and Chairman Richard Crowley all responded in the affirmative.
- **Proposal Number 05-06-2020** – MA E-Z Code Chapter 115 -Appendix AA (**EXHIBIT K**). Dan Walsh explained the board received about 120 comments after May 12, 2020, public hearing about this proposal, and some comments included conceptually supporting the energy code including a net-zero provision. The received comments in favor of adoption tend to be from organizations and the received comments in opposition tend to be from individuals. Staff created a document summarizing the received comments (**EXHIBIT L**). Chairman Crowley talked about the net-zero proposal and that the board already assigned, to the EAC, the same net-zero proposal working through the ICC process. He also explained that the MA E-Z proposal a more stringent energy code than the version at the ICC.

The group had a general discussion about the MA E-Z proposal. Some expressed concern that EAC is already discussing a net-zero proposal the Board sent to the EAC with specific objectives (*for the purposes of these meeting minutes, the board charged the EAC to report back on code change proposal 11-06-2019 which amends Appendix 115 AA. The charges to the EAC include considering the feasibility, with respect to; the cost impacts, legal implications, and identify all the technical implications*). Some board members talked about the MA E-Z proposal attempts to reduce carbon emissions and its reliance on power plants, which shifts emissions into rural areas since urban areas are less likely to have land to dedicate to power plants.

John Couture offered a **MOTION** to vote down the proposal because EAC currently discussing a net-zero proposal and the board should wait for the EAC report before considering another net-zero proposal and Michael McDowell seconded.

Darren Port, from Northeast Energy Partnership, asked to be recognized. Board Counsel Charles Kilb indicated the chair has the desecration to recognize Mr. Port during a motion. Chairman Crowley recognized Mr. Port

who indicated the EAC is expecting the board to send the MA E-Z proposal to them and he is planning a presentation for the July EAC meeting. Mr. Port also talked about DOER planning to present the board with a net-zero proposal.

Mike McDowell talked about 70% of electricity in Massachusetts is generated from natural gas. Ian Finlayson spoke about renewable energy capacities and offered to provide projections at a future meeting. Some board members asked if the motion proponents would allow EAC to consider the MA E-Z proposal. John Couture pointed out that the EAC is already considering a net-zero proposal and thinks the board should wait for that proposal to play out before sending another, which intended to achieve the same result. Some thought the advisory committee should have the opportunity to give the board their expertise and recommendation.

Roll call: John Couture, Cheryl Lavalley, Susan Gleason, Steve Frederickson, Michael McDowell, and Chairman Richard Crowley all responded in the affirmative. Lisa Davey, Jen Hoyt, Kerry Dietz, Kevin Gallagher responded in the negative. David Sullivan abstained. Six in the affirmative, four in the negative, and one abstention. The motion carried.

On a **MOTION** by Kerry Dietz and seconded by Kevin Gallagher it was unanimous to forward code change proposal 05-06-2020 to the EAC for possible review and consideration. No tasks for EAC were included in the motion. Roll call: Lisa Davey, John Couture, Cheryl Lavalley, David Sullivan, Jen Hoyt, Kevin Gallagher, Susan Gleason, Steve Frederickson, Michael McDowell, Kerry Dietz, and Chairman Richard Crowley all responded in the affirmative.

5. **Discuss\Vote** extending the concurrency period for the 2018 energy code to January 1, 2021. Dan Walsh explained the board received requests from industry to extend the amended 9<sup>th</sup> edition energy code to January 1, 2021 (**EXHIBIT M**). The code effective date is February 7, 2020 and it includes provision for a 6-month concurrency period. Board Counsel Charles Kilb spoke about extending the concurrency period would take a code change and he explained that given the concurrency period is due to expire in August, making this change before the concurrency period ends will take an emergency regulation change for it to be effective. He explained the board does not need to vote today, but if inclined to extend the 9<sup>th</sup> edition energy code concurrency period, he will have language ready for next month's meeting. Changing the concurrency period by an emergency change will allow a 90-day extension. Ian Finlayson spoke about the need to make some errata changes and asked the board to vote these at the same time. Board Counsel Charles Kilb explained OPSI staff has been waiting to understand all of the changes DOER would like to offer. With no other comments from board member, Chairman Crowley closed this topic; the board took no action.
6. **Adjourn**. On a **MOTION** by Jen Hoyt, seconded by John Couture it was unanimously voted to adjourn the regular meeting at about 12:10 p.m. Roll call vote: Lisa Davey, Susan Gleason, David Sullivan, Jen Hoyt, Kevin Gallagher, Cheryl Lavalley, Richard Crowley, Kerry Dietz, Michael McDowell, John Couture, Chairman Richard Crowley voted in the affirmative.

#### EXHIBITS:

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- A. Meeting Agenda June 9, 2020.
- B. May12, 2020 meeting minutes as amended.
- C. March 3, 2020 Building Official Certification Committee (BOCC) meeting minutes.
- D. Proposal Number 05-01-2020 - Create a new specialty license category for HVAC work 110.R5.
- E. Comments Code Change 05-01-2020.

- F. Proposal Number 05-02-2020 – Consider deleting Mass amendment #308.1 9th Edition.
- G. Proposal Number 05-03-2020 – New section C405.2.6. Limitation on harmful wavelength from exterior lighting.
- H. Request to rescind correspondence about Proposal Number 05-03-2020 and 05-04-2020.
- I. Proposal Number 05-04-2020 – New section C405.2.7. Light pollution controls.
- J. Proposal Number 05-05-2020 – Mandate each new multifamily residential const. have a separate waster service.
- K. Proposal Number 05-06-2020 – MA E-Z Code Chapter 115 -Appendix AA.
- L. Comments Received Regarding Net Zero\EZ Net Zero document.
- M. Requests for Extension of the Energy Code Concurrency Period.