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May 12, 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	<input type="checkbox"/> present ✓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.

*** Vice chair John Couture signed in about 10:35 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.

Public Hearing Portion

*The following is meant to provide a synopsis of proposals reviewed and related discussions.
It is not meant to be a verbatim account.*

1. **Roll Call.** Chairman Crowley opened the meeting about 10:10 am. Chairman Crowley identified the following board members not in attendance during roll call, Lisa Davey, and John Couture. For purposes of these meeting minutes, *John Couture joined the meeting about 10:35 am.*

Public Hearing. In keeping with tradition, Chairman Crowley opened the public hearing by inviting any member of the legislature or representative of another governmental body to testify out-of-order on any code change proposal. Chairman Crowley started with **Proposal Number 05-01-2020** – Consider create a new specialty license category for HVAC work 110.R5 (**EXHIBIT B**). David Kerrigan representing the Air Conditioning

Association of New England explained his clients would like the BBRS to add an HVAC specialty license that would be subject to all the other construction supervisor license requirements and to limit the license to work in single and two-family dwelling structures. He explained that creating this license will bring uniformity to the permitting process. His client's biggest challenge is with the building permit process and specifically the energy requirements and he believe these issues could be resolved at the building code board of appeals and creating this license category would avail that process to his clients. Manny Chaves thinks creating this license would legitimize what is already happening.

Fred Leonardo, representing the Massachusetts Federation of Building Officials supports the proposal as it would clarify how the permitting process is to happen. State District Building Inspector Adelle Reynolds thinks more consideration is needed with whether the work will need a building permit or a sheet metal permit. Art Lawler, representing the Building Officials of Western Massachusetts spoke in support of the proposal.

2. Chairman Crowley called for testimony on **Proposal Number 05-02-2020** – Consider deleting Mass amendment #308.1 in the 9th Edition (**EXHIBIT C**). No testimony on this proposal was offered.
3. Chairman Crowley called for testimony on **Proposal Number 05-03-2020** – New section C405.2.6. Limitation on harmful wavelength from exterior lighting (**EXHIBIT D**) and testimony on **Proposal Number 05-04-2020** – New section C405.2.7. Light pollution controls (**EXHIBIT E**). Both proposals have been offered by the same proponent. James Lowinhold spoke about teaching astronomy at Smith College and about the two proposals address uncontrolled exterior lighting and how these conditions are bad for the public. He explained that the proposals bring principals of light pollution into the building code. He also mentioned members of the state legislature have submitted to the board letters of support: Senator Lindsay N. Sabadosa Building Code Support Letters for 05-03-2020, 05-04-2020, Representative Dylan Fernandes Support Letters for 05-03-2020, 05-04-2020, Senator Jo Comerford Dark Sky Amendments Testimony, and Senator Cynthia Stone Creem support 05-04-20 dark sky amendment (**EXHIBIT F**).

Chairman Crowley asked if the proposals have been offered to the International Code Council (ICC) for inclusion in the IBC and the IECC? Leo Smith from the Northeast Regional International Dark-Sky Association spoke about their intent to bring these to the ICC process. Mr. Smith also talked about the State of Connecticut adopting similar language without running into any known issues.

Alex Baker, member of the Illuminating Engineer Society spoke about concerns with some of the information that has been provided and will follow-up with clarifying information.

Timothy Brothers is with MIT's Wallace Astrophysical Observatory Site Manager in Westford and a resident of Pepperrell spoke about his concerns with the impacts of light pollution and supports the proposals. He believes light pollution is well documented and will submit written information.

Glenn Heinmiller, an architect practicing lighting design spoke about advocating for lighting pollution. However, he thinks neither proposal belongs in the energy code because lighting pollution has nothing to do with building energy.

Tom Mikus a P.E. supports the proposals and talked about the Town of Rockport passing a bylaw which achieves what both proposals offer.

4. Chairman Crowley called for testimony on **Proposal Number 05-05-2020** – Mandate each new multifamily residential construction to include a separate water service (**EXHIBIT G**). Mary Sweeney explained she lives in a condominium development and experienced excessive water bills. Ms. Sweeney explained that no longer using mechanical water meters has fixed her situation. She believes requiring this for all buildings provides more reliability and reduces stress.
5. Chairman Crowley called for testimony on **Proposal Number 05-06-2020** – MA E-Z Code Chapter 115 -Appendix AA (**EXHIBIT H**). Darron Port Codes & Standards Manager, Northeast Energy Efficiency Partnership talked about the proposal and expressed interest in replacing it with the 2021 IECC version. He asked that the BBRS send the MA E-Z Code proposal to the EAC.

Karen Luther, Executive Director for the Northeast Hearth Patio and Barbeque Association spoke in opposition to the proposal. Her association believes lowering energy usage is an important undertaking but believes in using a balanced approach. She thinks requiring dependency on electricity is an unrealistic objective.

Julie Janiski, Principal at Buro Happold spoke about supporting the proposal and talked about it representing a consensus amongst industry professionals.

Jeff Geisinger, an architect practices Sustainable Design supports the proposal and likes the prescriptive option. He thinks the standard is achievable from a cost perspective.

Chris Schaffner, P.E., with the Green Engineer Inc., supports the proposal as a stretch energy code.

Alejandra Menchaca supports all-electric buildings as a way to reduce carbon emissions by 2050. She spoke about the different types of buildings in which the proposal would fit.

Connor McGuire, Director of Sustainability for Columba Construction spoke about constructing large-scale and small-scale energy-efficient buildings. He thinks the vehicle charging provision needs to be part of the minimum construction requirements because installing the infrastructure for this equipment during the initial construction is less expensive.

State District Building Inspector Adelle Reynolds a member of the EAC thinks the proposal needs feedback from building officials to understand possible complexities concerning the building permit process.

Laura Wagner, a Marlborough City Councilor urged the board to update the Massachusetts stretch energy code to a net-zero using proposal 05-06-2020 as the basis and submitted written testimony (**EXHIBIT H**). Councilor Wagner expressed the proposal objective is to reduce carbon footprint.

Joel Etter, President of the Northeast Hearth, Patio & Barbecue Association spoke in opposition to proposal 05-06-2020, MA E-Z Code, and about how small businesses will get squeezed out should net-zero codes eliminate wood as a fuel source.

Benjamin Silverman, City of Boston Climate and Buildings Program Manager spoke about supporting a net-zero code and expressed the cities of Boston, Somerville and Cambridge continue to support the board adopting a net-zero option.

Chris Mason, Energy & Sustainability Officer for the City of Northampton supports adopting a net-zero energy code and how most buildings being constructed in Northampton exceed the base energy code. He also indicated that Northampton's building commissioner approved his remarks.

Jim McGrath, Open Space Program Manager for the City of Pittsfield supports the code change proposal as it will create jobs and will lower the costs related to maintaining buildings.

Martha Grover, Sustainability Manager for the City of Melrose spoke about a net-zero option that would give homeowners and developers a tool.

Jim Stanislaski, an architect at Gensler supports renewal energy options and spoke about the need for this as an option. He believes renewables are critical to reducing greenhouse gasses.

Andrea Love, Principal at Payette, supports codes that reduce carbon emissions.

Kerry Dietz spoke about code change proposal 05-06-2020 amends the commercial code. Darren Port thinks the principals in the proposal can apply to and be used for any building.

Mercia Hart spoke as a citizen about her support for a net-zero stretch energy code.

Meredith Elbaum, Executive Director, Built Environment Plus, supports the EZ-code proposal because we need renewable energy requirements and thinks we need a statewide standard as opposed to a patchwork of standards.

Amy Latva-Kokko member of the Town of Andover Green Advisory Board supports the proposal and spoke about how it will help the Town of Andover.

Ian Finlayson, representing the Department of Energy Resources spoke about the Baker Administration's commitment to renewable energy and its intent to have all energy coming from clean energy resources by 2050.

Richard Kelleher spoke about oil and gas provide property owners with reliable energy when electric systems go down.

Julie Janeski spoke about welcoming a study to understand that electricity will be in plentiful supply.

Mike Strouse from Newburyport said he supports the code change proposal.

Gary Martin with the Boxford Sustainability Committee spoke about supporting the proposal and about the Town of Boxford having an energy reduction plan which will reduce the Town's energy consumption for Town-owned buildings by 20 percent.

On a **MOTION** by Jen Hoyt seconded by Kerry Dietz it was unanimous to close the public hearing portion of the meeting @ approximately 11:55 a.m. Roll call: Susan Gleason, David Sullivan, Jen Hoyt, Kevin Gallagher, Cheryl Lavalley, Steve Frederickson, Kerry Dietz, Richard Crowley, Michael McDowell, and John Couture all voted in the affirmative.

Chairman Crowley suspended the meeting for 10 minutes before starting the regular meeting agenda.

Regular Meeting Portion

Chairman Crowley resumed the meeting about 12:08p.m. by taking roll call: John Couture, **Jen Hoyt**, Kerry Dietz, Kevin Gallagher, Cheryl Lavalley, David Sullivan, Susan Gleason, Steve Frederickson and Chairman Richard Crowley all responded in the affirmative. Mike McDowell did not respond, *he connected back into the meeting about 12:30 p.m.*

6. **BBRS Minutes.** On a **MOTION** by David Sullivan seconded by John Couture it was unanimously voted to approve the minutes (**EXHIBIT I**) for the April 14, 2020 Board of Building Regulations and Standards (BBRS) meeting as submitted. Roll call: John Couture, Cheryl Lavalley, David Sullivan, Jen Hoyt, Susan Gleason, and Chairman Richard Crowley all responded in the affirmative. Steve Frederickson and Kerry Dietz abstained, Kevin Gallagher and Michael McDowell did not respond.
7. **Vote** draft BCAB meeting minutes. On a **MOTION** by John Couture and seconded by Jen Hoyt, it was a unanimous vote to approve the February 18, 2020, and the March 5, 2020, draft BCAB meeting minutes (**EXHIBIT J**). Roll call: John Couture, Cheryl Lavalley, David Sullivan, Jen Hoyt, Susan Gleason, Steve Frederickson, Kerry Dietz, Kevin Gallagher, and Chairman Richard Crowley all responded in the affirmative. Michael McDowell did not respond.
8. **Discuss/Vote** staff follow up on ACA/NE propose change to IECC Mass. Amendments R403 for licensed sheet metal workers to be accepted to test ductwork. Dan Walsh explained today's information is intended to update the board. He gave some background with the Air Conditioning Association of New England submitted a code change in May 2018 to include licensed sheet metal workers with the professionals performing duct testing under section R403.3.3. This provision as a Mass amendment specifies a HERS Rater, HERS Rating Field Inspector, or an applicable BPI Certified Professional performing duct testing. The board has unanimously supported the proposal in concept and assigned to staff to work with the proponent, EAC, and others, including legal counsel if necessary, to identify a workable solution. Dan Walsh spoke about talking with Ian Finlayson about removing the professionals performing the tests from R403.3.3, and how Ian expressed his concern that this approach would be too drastic. The EAC discussed possible workable solutions at their May 4th meeting and offered "a suitable trained licensed sheet metal worker" be added to the list of professionals in R403.3.3 and R403.6.2 (**EXHIBIT K**).

Kerry Dietz asked if the EAC Chairman could explain what they meant by the term "suitable". Curtis Meskus, EAC Chairman explained the committee wanted to be sure that individuals trained in duct testing would be performing the duct testing.

Ian Finlayson spoke about why the requirement exists and that the ACA new England folks are looking for an exemption from the duct testing certification.

Steve Frederickson spoke about having a license means the individual is suitable and suggests removing the term "suitable" because it is not necessary.

Jen Hoyt spoke about the DFS hot works program and it qualifies the person performing that work. She suggests striking "suitable" or defining the term.

Michael McDowell thinks licensed sheet metal workers should be allowed to test ductwork.

Board Counsel Charles Kilb suggested staff will work the language so that the spirit of the objective is met. No other comments or feedback were offered by the board, so Chairman Crowley closed this discussion. No vote was taken.

9. **Discuss/Vote** a change to BBRs Official Interpretation No. 2014_03 Question 1 so that floor truss assemblies considered compliant to the 2015 IRC Section R302.13 Fire protection of floors, Exception 4 (**EXHIBIT L**). Dan Walsh explained this topic was requested by Michael McDowell after he spoke with Chairman Crowley about an issue with a recent BCAB decision involving a residential project, utilizing floor trusses, has been directed to cover the bottoms of the floor trusses. He believes that situation fits exception 4 in R302.13 and spoke about exception four being misinterpreted.

Mathew Hunter, American Wood Council, Northeast Regional Manager offered an ICC staff interpretation (**EXHIBIT M**) which clarifies the same provision in the 2012 IRC. He believes the IRC requires covering the underside of floor trusses.

Jen Hoyt spoke about a white paper (AWC-Basis of IRC Membrane Protection-Provisions-1507) (**EXHIBIT N**) which was distributed to the board. ~~She explained that the white paper outlines the code change to the 2012 IRC and its continuation in 2015 IRC, although the section moved. The white paper clearly states the importance of floor protection and outlines the minimum safety standard of 2x10 dimensional lumber and how equivalency to 2x10 dimensional lumber joist construction is evaluated. Since the~~ ~~and would like to have the~~ ICC staff interpretation ~~aligns with the official BBRs interpretation No. 2014_03, she would like it to be sent out to building officials. Her position is that~~ ~~she thinks~~ the current official BBRs interpretation is correct and ~~does not agree strongly disagrees~~ with changing the BBRs Official Interpretation No. 2014_03 without ~~supporting test data, since it would greatly reduce fire and life safety.~~

Steve Frederickson thinks the bottom of floor trusses need to be covered in structures regulated in the IRC.

~~Chairman Crowley seemed to recall the board discussing some time ago that floor trusses do not need to be covered.~~

Brian P. Tully, Fire Marshal with the Boston Fire Department opposes any change to the interpretation. Chairman Crowley did not think the interpretation needs to change however he thinks how we have been interpreting the provision needs to be different.

~~Michael McDowell spoke about the R302.13 and it captures I-joists only.~~

~~Jen Hoyt explained that the current 9th edition of the code reverts to base 2015 IRC language and clarifies reference to 2x10 dimensional lumber which is an improvement from the MA amendment wording in the 8th edition. In the current 9th edition, there is no limiting reference to I-joists, rather exception 4 requires an equivalency to 2x10 dimensional lumber performance.~~

District State Building Inspector Gordon Bailey spoke about his district meeting with municipal building inspectors has included talking about exception four and his meeting discussions have included floor framing assemblies tested to the equivalent of 2 x 10 allowing time for occupants to self-evacuate.

Bob Carasitti, FPDF Chair spoke about remembering the FPDF discussing this provision in the past and that part of their consideration included the floor assembly lasting 10 to 15 minutes.

~~10~~On a **MOTION** by Jen Hoyt and seconded by Kevin Gallagher, it was a majority vote to not change the BBRs Official Interpretation No. 2014_03. Roll call: John Couture, Cheryl Lavalley, Jen Hoyt, Susan Gleason, Steve

Frederickson, Kerry Dietz, Kevin Gallagher, all responded in the affirmative. Chairman Richard Crowley and Michael McDowell voted in the negative. David Sullivan abstained. Note for the meeting minutes: *Chairman Crowley had technical issues during this topic and asked Second Vice Chair John Couture to preside over this agenda item.*

On a MOTION by Kevin Gallagher and seconded by Jen Hoyt, it was a unanimous vote to send out to all municipal building officials the BBRS Official Interpretation No. 2014_03 and the ICC staff interpretation. Mathew Hunter requested the names on the ICC staff interpretation be redacted and BBRS staff get an okay from ICC before distributing or posting the document. Roll call vote: Susan Gleason, David Sullivan, Jen Hoyt, Kevin Gallagher, Cheryl Lavalley, Richard Crowley, Kerry Dietz, Michael McDowell, and John Couture voted in the affirmative.

10. **Adjourn.** On a **MOTION** by Jen Hoyt, seconded by Kerry Dietz it was unanimously voted to adjourn the regular meeting at about 1:35 p.m. Roll call vote: Susan Gleason, David Sullivan, Jen Hoyt, Kevin Gallagher, Cheryl Lavalley, Richard Crowley, Kerry Dietz, Michael McDowell, and John Couture voted in the affirmative

EXHIBITS:

- A. Meeting Agenda.
- B. Proposal Number 05-01-2020 - Create a new specialty license category for HVAC work 110.R5.
- C. Proposal Number 05-02-2020 – Consider deleting Mass amendment #308.1 9th Edition.
- D. Proposal Number 05-03-2020 – New section C405.2.6. Limitation on harmful wavelength from exterior lighting.
- E. Proposal Number 05-04-2020 – New section C405.2.7. Light pollution controls.
- F. Letters in support 05-03-2020 and 05-04-2020 from the Ma. General Court.
- G. Proposal Number 05-05-2020 – Mandate each new multifamily residential const. have a separate waster service.
- H. Proposal Number 05-06-2020 – MA E-Z Code Chapter 115 -Appendix AA.
- I. April 14, 2020 meeting minutes.
- J. Meeting minutes for the BCAB February 18, 2020, and the March 5, 2020.
- K. Duct Testing IECC 2018 Mass. Amendment Section R403.3.3 and R403.6.2, EAC recommend May 4, 2020
- L. BBRS Official Interpretation No. 2014_03.
- M. ICC staff interpretation.
- N. AWC-BasisofIRCMembraneProtection-Provisions-1507-white paper.