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LAYLA D'EMILIA
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

September 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
Kevin Gallagher	<input type="checkbox"/> present ✓ 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.
- Steve Frederickson left the meeting about 10:13

Regular Meeting Portion

1. **Roll Call.** Chairman Crowley opened the meeting about 10:04 AM, by taking roll call. Board members noted as present above, responded as to their being in attendance.
2. **BBRS Minutes.** On a **MOTION** by Kerry Dietz seconded by Jen Hoyt it was a unanimous vote to approve, the draft meeting minutes as amended for the July 14, 2020 Board of Building Regulations and Standards (BBRS) meeting (**EXHIBIT B**). Kerry Dietz offer two edits in item and 4th in the 4th sentence, add the word “pursue” and “provided”. Roll call: Lisa Davey, John Couture, Cheryl Lavalley, David Sullivan, Jen Hoyt, Susan Gleason, Steve Frederickson, Michael McDowell, Kerry Dietz, and Chairman Crowley all responded in the affirmative.

3. **BBRS Public Hearing Minutes.** On a **MOTION** by Kerry Dietz seconded by Jen Hoyt it was a unanimous vote to approve, the draft meeting minutes for the August 14, 2020 Board of Building Regulations and Standards (BBRS) public hearing (**EXHIBIT B**). Roll call: Lisa Davey, John Couture, Cheryl Lavalley, David Sullivan, Steve Frederickson, Michael McDowell, and Chairman Crowley all responded in the affirmative. Jen Hoyt, Susan Gleason, and Kerry Dietz abstained from the vote.
4. **BCAB Minutes Review\Vote.** The draft meeting minutes from June 23, 2020, July 2, 2020, and July 21, 2020, were introduced and voted on together. Kerry Dietz asked Chairman Crowley about whether the board has jurisdiction over the matter decided in Case Number 20-0053 noted on the June 23, 2020 meeting minutes. Chairman Crowley recognized Counsel Charles Kilb who explained the Board does have the authority to grant a variance involving flood elevation situations. However, when granting, the board must consider whether the relief will affect the community's participation in the Flood Insurance Program. On a **MOTION** by Jen Hoyt and seconded by Michael McDowell, it was a unanimous vote to approve the minutes for May 26, 2020, and the June 4, 2020, BCAB minutes (**EXHIBIT C**). Roll call: Lisa Davey, John Couture, Cheryl Lavalley, David Sullivan, Jen Hoyt, Susan Gleason, Steve Frederickson, Michael McDowell, Kerry Dietz, and Chairman Crowley all responded in the affirmative. Kerry Dietz abstained from the vote.
5. **BOCC Minutes Review\Vote.** On a **MOTION** by Kerry Dietz and seconded by Jen Hoyt, it was a unanimous vote to approve the September 4, 2020; Building Official Certification Committee (BOCC) meeting minutes (**EXHIBIT D**). Roll call: Lisa Davey, John Couture, Cheryl Lavalley, David Sullivan, Jen Hoyt, Susan Gleason, Michael McDowell, Kerry Dietz, and Chairman Richard Crowley all responded in the affirmative.
6. **Discuss\Vote** extending the Building Official certification period, 110.R7.3.1. Dan Walsh explained the issue and talked about the two larger education venues which many building officials attend and receive continuing education from have been canceled due to the COVID-19 state of emergency. The state building code stipulates that Building Officials acquire 45 hours of continuing education within each three-year cycle to maintain their certification. Kim Spencer, Program Coordinator Building Official Certification Committee spoke about the process for tracking all the building officials' acquired education during each cycle. She explained the current cycle is due to end December 2020 and recommended any extension, which includes a full year would help with administering the program. On a **MOTION** by John Couture and seconded by Lisa Davey, it was a unanimous vote to extend the Building Official Certification cycle by one year because the state of emergency has caused education venues to cancel during calendar year 2020 leaving less opportunities to acquire education. Roll call: Lisa Davey, John Couture, Cheryl Lavalley, David Sullivan, Jen Hoyt, Susan Gleason, Michael McDowell, Kerry Dietz, and Chairman Richard Crowley all responded in the affirmative.
7. **Discuss\Vote** Chapter 34 report. Propose O&A 5B in Official Interpretation 2014-01 offering additional clarity of the definition of work area" (**EXHIBIT E**). Dan Walsh explained that at the Board, in November 2019 asked the Existing Buildings Technical Advisory Committee (Chapter 34 Committee) perform a technical review proposed questions to be added to the 2014_01 Official Interpretation Existing Buildings document. The question and the answers before the board today provide additional clarity of *the work area*. Mike Guigli authored the question and answers and he explained the process included working with some of the Chapter 34 Committee members to wordsmith the text. Chapter 34 Chairman Mike DiMascio spoke about the process included members of the committee submitting their version of the questions and some of the answers. Because the additional question mostly resembles the question number 5 in the official interpretation, the group recommends the additional question and answers be inserted into the official

interpretation as number 5B and the existing question 5 now labeled as 5A. Mike Guigli spoke about the proposed question 5B clarifies the intended *work area* from that which is unintended. He further explained that the building official cites an existing two-family structure having one means of egress, and the work includes adding a second means of egress, that this work is not part of the *work area* calculation.

On a **MOTION** by Kerry Dietz and seconded by John Couture, it was a unanimous vote to approve the updated 2014-01-Official-Interpretation-Existing-Buildings which includes Q&A 5A and 5B. Roll call: Lisa Davey, John Couture, Cheryl Lavalley, David Sullivan, Jen Hoyt, Susan Gleason, Michael McDowell, Kerry Dietz, and Chairman Richard Crowley all responded in the affirmative.

8. **Discuss** Ninth Edition 2018 IECC Energy Code Concerns. Dan Walsh talked about receiving concerns about some of the 2018 IECC amendments and displayed a document, which show the concerns (**EXHIBIT F**). At last month's board meeting, Ian Finlayson from the Department of Energy Resources spoke about the ERI language and the RESNET HERS rating requirements in the IECC 2018 produce different scores for the same home. This new issue has been added to the list and at this point, OPSI staff is working to identify some possible solutions.

Ian Finlayson talked about an issue related to Section C401. Dan Walsh explained the process to make the changes Ian is requesting involve the Secretary of State's office. Board Counsel Charles Kilb is working-on this request and others to understand how many of the issues might require going through the code adoption process. No action was taken.

9. **Discuss/Vote** extending the 2018 energy code concurrency period after August 14th public hearing. Board Counsel Charles Kilb explained that the vote to extend the concurrency period of the 9th edition energy code amendment was by way of an emergency code change, which will expire November 7, 2020, without further board action. He also explained that should no further action be taken, the concurrency period would revert to August 7, 2020. He further explained that should the board be okay with November 7, as the end to the concurrency period in the 9th edition amendment which incorporated the 2018 IECC energy code, a vote to not extend the concurrency period further will allow staff to file the necessary paperwork.

On a **MOTION** by Lisa Davey and seconded by John Couture, it was a unanimous vote to approve the November 7, 2020 end to the 9th edition amendment to the energy code concurrency period which includes the 2018 IECC with Massachusetts Amendments. Roll call: Lisa Davey, John Couture, Cheryl Lavalley, David Sullivan, Jen Hoyt, Susan Gleason, Michael McDowell, Kerry Dietz, and Chairman Richard Crowley all responded in the affirmative.

10. **Discuss** 10th edition 2021 I-Codes adoption staff update. Dan Walsh displayed and explained a draft memo about moving forward with producing the Tenth Edition of 780 CMR (**EXHIBIT G**) and reviewed a draft schedule for Committee Assignments document (**EXHIBIT H**). Dorothy Mazzarella, Vice President, Government Relations For the International Code Council (ICC) spoke about making electronic versions of the codes available to the board and the timetable for the 2021 IRC and the IEBC. Kerry Dietz asked about the ICC publishing a document that identifies changes in the 2021 I-Codes and if that document could be made available to the board. Dorothy Mazzarella said she would work on getting that document to the board.

Jen Hoyt expressed interest with having committee meeting minutes available online and about having staff send to the board subcommittee reports. Chairman Crowley s asked if any other board members would like to receive the same information, and both Kerry Dietz and Lisa Davey expressed interest.

Jen Hoyt also spoke about other boards that might have an interest in the chapters assigned to Rob Anderson such as chapters 3 and 4. She thinks the BFPR might have some concerns. Also, Jen Hoyt expressed interest in having changes going through advisory committees and the code change process. Dan Walsh asked Jen Hoyt to send him any specific chapters and the sections that the BFPR has concerns about, and he would get that information to the assigned person or group shown on the EXHIBIT H document.

Lisa Davey spoke about a vacancy on the Structural Advisory Committee, will help identify possible replacements, and will work with staff to get this filled. No action was taken.

11. **Discuss/Vote** forming Flood Standards Study Group request. Dan Walsh explained that Joy Duperrault sent staff a memo requesting the BBRS formalize a Flood Standards Study Group (**EXHIBIT I**). Chairman Crowley recognized Joy Duperrault who talked about in the past, DCR, CZM and BBRS staff coordinated recommendations about coastal construction issues to the BBRS. Rebecca Haney spoke about her involvement in the past and about her expertise offered to this past process in the past. Lealdon Langley spoke about working with municipal conservation commissions on wetland issues and expressed interest in providing his expertise to this group.

Chairman Crowley spoke about the BBRS Coastal Subgroup might be the group to pick up the tasks Joy Duperrault has requested. The board could broaden the Coastal Subgroups mission to include additional assignments.

Joy Duperrault spoke about the Flood Standards Study Group and some of the focus would need to include coastal concerns. Chairman Crowley assigned staff to look into this request and provide the Board with a recommendation. No other action taken.

12. **Discuss/Vote** Fire Rated Duct External Draft Communication. Dan Walsh talked about receiving requests to clarify how the state building code treats fire-rated duct assemblies and which building officials can utilize as a way to accept this type of construction assembly. In addition, many of the people, through communication Dan Walsh received, requested that the BBRS clarify whether it created a checklist (**EXHIBIT J**), which some municipalities are requiring the project RDP confirm as part of issuing a Certificate of Occupancy. Dan Walsh explained that BBRS has already assigned to the Fire Prevention Fire Protection Technical Advisory Committee (FPFP) a review of fire-rated duct assemblies around possible code compliance considerations. In answer to the requests received, a draft Memo (**EXHIBIT K**) has been prepared for the board's consideration. The draft memo does three things, it makes clear that the checklist (**EXHIBIT J**) has not been sanctioned by the BBRS, it provides the FPFP report to the board, and it explains the code requirement when section 104.10 Modifications to the code, and 104.11 Alternative Materials, Design and Methods of Construction and Equipment.

Chairman Crowley recognized Rockwood Edwards who spoke about the acceptance criteria being interpreted and enforced differently in various cities and towns. Some situations involve people not involved with the project have questioned the products used after the installation has occurred. Working through these questions is taking extra time and putting additional costs on the construction.

Rockwood Edwards also spoke about architects, engineers, consultants, contractors, and AHJ's are spending extra time documenting conditions, sometimes changing products after it has been specified and bought onto projects. He thinks clarification from the BBRS will alleviate these issues. He thinks AC179 provides acceptance criteria that should be considered.

On a **MOTION** by Michael McDowell and seconded by John Couture, it was a unanimous vote to approve and distribute the draft memo (EXHIBIT K). Roll call: Lisa Davey, John Couture, Steve Frederickson, Cheryl Lavalley, David Sullivan, Jen Hoyt, Susan Gleason, Michael McDowell, Kerry Dietz, and Chairman Richard Crowley all responded in the affirmative.

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

Age qualification: Thomas Healey CS-025484, and Medical reinstate: John Svrcek CS-062719. Dan Walsh asked if the board would also consider Edward B. Bergin, CS-00951 for a medical reinstatement. On a **MOTION** by Lisa Davey and seconded by Kerry Dietz, it was a unanimous vote to approve reinstatement of Thomas Healey under the age provisions, and John Svrcek and Edward B. Bergin under the medical reinstatement so long as each applications is found to be in order. Roll call: Lisa Davey, John Couture, Steve Frederickson, Cheryl Lavalley, David Sullivan, Jen Hoyt, Susan Gleason, Michael McDowell, Kerry Dietz, and Chairman Richard Crowley all responded in the affirmative.

14. **Adjourn.** On a **MOTION** by Kerry Dietz, seconded by Jen Hoyt it was unanimously voted to adjourn the regular meeting at about 12:10 p.m. Roll call vote: Lisa Davey, John Couture, Susan Gleason, David Sullivan, Jen Hoyt, Cheryl Lavalley, Steve Frederickson, Kerry Dietz, Michael McDowell, Chairman Richard Crowley voted in the affirmative.

EXHIBITS:

- A. Meeting Agenda September 8, 2020.
- B. July 14, 2020 meeting minutes.
- C. June 23, 2020, July 2, 2020 and July 21, 2020 BCAB meeting minutes.
- D. September 4, 2020; Building Official Certification Committee (BOCC) meeting minutes.
- E. Propose Q&A 5B in Official Interpretation 2014-01 offering additional clarity of the definition of work area.
- F. Suggested Changes to the 2018 IECC Mass Amendments_8-31-2020.
- G. BBRS Committee Assignments for 2021 Code Transition Staff Memorandum.
- H. BBRS Committee Assignments for 2021 Code Transition Revised 8 25 2020.
- I. Flood Standards Study Group memo 8-19-20.
- J. Fire Rated Duct Checklist 104.10 and 104.11.
- K. Fire Rated Duct Product Listing Alternatives 7-24-2020_Draft.