

April 27, 2009

Mike Guigli  
Board of Building Regulations and Standards  
One Ashburton Place, Room 1301  
Boston MA 02108

Re: Massachusetts stretch building code

Dear Mike:

Tom Downer and I thank you for discussing before the Residential Design committee the proposed stretch building code that the BBRS is presently contemplating. Prior to our meeting there was confusion and uncertainty amongst the group regarding the content of the stretch code as well as the path to implementation. You cleared matters up nicely for everyone.

Given that the public comment period ends tomorrow, our committee would like to submit the following comments for consideration.

1. We support efforts by the BBRS to improve the sustainability of new residential construction. It is congruous with Vitruvius's axiom of Commodity, Firmness and Delight, a pursuit that is core to our mission as architects.
2. Should the stretch code be enacted we strongly encourage the BBRS to refrain from mandating that a third party independent of the design team review its compliance. This mandate is without precedent in residential construction, and ripe for missing its intended goal of building well. As licensed, professional architects we are charged with creating a building that is compliant with all building codes and zoning ordinances. Further, we assemble our buildings holistically, to create structures that are beautiful, functional and long-lasting. Innovation often comes from this process, as we explore better ways to achieve these core goals. As such, the architect is eminently qualified to review on site the materials and methods used by the builder and to determine if the installation conforms to the intent of the design drawings. Insulation systems are no exception. A third party, without prior experience with the project or access to the history of the design, will not add to the building's conformance to the building code. But, a third party will add another expense to construction, an expense that may be in the thousands of dollars for those projects that are far from a HERS rater. This expense cannot be justified to the homeowner (what is the ROI to the homeowner?) when they have in their employ a professional architect. Also, by assigning the review of the stretch code to a third party there are likely to be delays in the construction process as builders wait for the HERS rater to review and approve the installation. Delays seem all but certain given how few individuals meet the state qualifications for a HERS rater. Why create such a bottleneck? Finally, we are concerned that mandating the third party review will stifle innovation. If the architect is charged with winning the approval of a HERS rater and keeping his or her project on budget and on schedule, there is an incentive to repeat the system that has been approved in the past to ensure quick and inexpensive approval for the current project. In conclusion, we would encourage the BBRS stipulate within the stretch code that registered architects are qualified to review the installation of the insulation systems they have designed. To ensure architects remain on the cutting edge of insulation systems and their installation we would also recommend that they attend and successfully complete the same coursework (including continuing education) that is required of a HERS rater.

Attached are our suggested revisions to the proposed stretch code language. Thank you very much for considering the comments of our committee.

Respectfully,

Frank Shirley AIA and Tom Downer AIA  
Co-Chairs, BSA Residential Design committee

To all the members of the BSA / AIA:

The BSA Board of Directors has submitted a letter to the BBRS stating that the BSA supports the adoption of the "Stretch Code" for Massachusetts. As a member, I find this very disturbing.

A.) Do we REALLY want to give each city and town the power to write their own energy code? Are the volunteer citizens who serve on the town boards competently trained and certified in any way that would make them able to weigh tricky cost/benefit analysis that should go into any local revisions to the state-wide energy code? There is a reason that the Building Code Commission has a deliberative process for evaluating proposed amendments to the code in a thoughtful manner that brings in comments and expertise to assist the Commission in making reasoned decisions.

B.) Do we want another level of codes? (Remember the nightmares of the Ch. 148 "fire sprinkler" regulations that used a Judge to define what a building is or isn't, directly contradicting the definition used in the Building Code.)

C.) The Uniform State Building Code has been in effect since 1975. A few of us "old-timers" have bad memories of the "crazy-quilt" mess that was in place prior to 1975. Do any of us want to return to that mess?

Do we want to be in the legal position of certifying that our work is in compliance with local codes that have no established appeals mechanisms?

Are we ready to pay even more liability insurance to cover the cost of law suits that become the only way to resolve disputes when there is no clearly established appeals process?

Please consider the full effects of making a Building Code into a "Stretch Code." It may come back to bite us!

Andrew T. Zalewski AIA

To anyone who has a say, I cannot help but comment:

Unfortunately, what we do not need is another Massachusetts General Law that gives local authority to supersede the building code, which is only two months old. Amend the building code or forget it, but do not pass another local empowerment law. Following the building code is difficult enough without having to find out about local empowerments. The concept of increased energy conservation is a good one, the local empowerment delivery method is terrible.

Paul Lieneck AIA

I am writing in reference to a letter recently sent to the Building Board of Regulations and Standards by the BSA and the Massachusetts AIA strongly endorsing the proposed stretch code and signed by Jim Bachelor, BSA President and Margaret Minor Wood, AIA MA President. I have vehemently opposing views on this proposed legislation and have sent a letter expressing these views. I had wished to share the letter with Mr. Bachelor and Ms. Wood however I have been unable to find any contact information on the BSA web site. Why is it there is no contact information for any of the board of directors? This is not the first time that I have wished to share my views but been unable to connect. Are they not interested in hearing from their "constituents"? Evidently not, as I can assure you my "input" was never sought in this so called endorsement. It makes me once again question why I continue to send in so much of my meger earnings to this organization which pretends to advocate for my professional interest. I guess in this one party state it may be hard to understand that there is anyone who is not in favor of increased taxes, regulations and expansion of the nanny state...and that my objections are like a whisper in the wilderness.

If you would be so kind and pass along my letter it would be greatly appreciated.

Regards,

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