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| **CHARLES D. BAKER GOVERNOR**  **KARYN E. POLITO**  **LIEUTENANT GOVERNOR**  **MIKE KENNEALY**  **SECRETARY OF HOUSING AND ECONOMIC DEVELOPMENT** | Diagram  Description automatically generated  **Commonwealth of Massachusetts Division of Occupational Licensure**  1000 Washington Street, Suite 710  Boston, Massachusetts 02118 | **EDWARD A. PALLESCHI**  **UNDERSECRETARY OF CONSUMER AFFAIRS AND BUSINESS REGULATION**  **LAYLA R. D’EMILIA**  **COMMISSIONER, DIVISION OF OCCUPATIONAL LICENSURE** |

**BOARD OF STATE EXAMINERS OF**

**PLUMBERS AND GAS FITTERS**

**BOARD MEETING MINUTES**

**Wednesday, December 21, 2022, starting at 9:00 a.m.**

## In accordance with the provisions of G.L. c. 30A § 20, the Board of State Examiners of Plumbers and Gas Fitters convened a regular monthly meeting via telephone/video conference:

***Member and Staff Attendance***

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| **MEMBERS** | **APPOINTMENT** | **PRESENT** | **ABSENT** |
| Mr. Joseph McNamee | Member, Master Gas Fitter | x |  |
| Mr. Harold Knight | Member, Journeyman Plumber | x |  |
| Mr. John Cruz | Member, LP Installer | x |  |
| Mr. Bahig A. Kaldas, P. E. | Member, Plumbing Engineer | x |  |
| Mr. Joseph V. Waskiewicz | Member, Master Plumber | x |  |
| Mr. Wayne Thomas | Member Journeyman Gasfitter | x |  |
| Ms. Ruth Alfasso | Member, Dept. of Public Health | x |  |
| Ms. Sarah Badway | Public Member | x |  |
| Mr. Dan Kilburn | Member, DOL Designee |  | x |
| **STAFF** |  |  |  |
| Mr. Charles Kilb | Board Legal Counsel | x |  |
| Mr. Kenneth Peterson | Executive Director | x |  |
| Mr. Michael Guida | Board Code Consultant | x |  |

**INFORMATIONAL NOTE: All votes were taken by roll call. Where each member voted in favor, the vote will be reported as unanimous.**

**9:00 A.M. AGENDA REVIEW:**

By Chairman Joseph McNamee

**APPROVAL OF PREVIOUS MEETING MINUTES**

No Meeting Minutes Approved

**Discussion**

None

**Variance Applications**

**22-PV-759 – Scott Loikits 12 Mall St. Springfield**

The petitioner is seeking relief from 248 CMR 10.10(18) Table 1 to reduce the number of fixtures required for females from 6 toilets to five. The restaurant (Texas Roadhouse) is planning an addition that would increase their occupant load to 355. The applicant states the restaurant was previously permitted and built with only five female toilets.

The Board discussed the proposed occupancy, which includes people in the waiting area- and decided that the existing fixtures met the requirements under 248 CMR..

Vote: WT to approve, JC seconded

Results: Unanimously approved

**22-PV-839- David O’Connor, 25 Thomson Place, Boston**

The petitioner is seeking relief from 248 CMR 10.10(18) Table 1, to construct 4 single user toilet rooms with shared lavatories due to limited existing space. This restaurant has a proposed seating capacity of 129.

The Board discussed the proposed bathroom layout plan and the fact that they have never approved a communal lavatory plan. The Board suggested the applicant revisit their plan.

Vote: WT to deny, JW seconded

Results: JM abstained, HK, JC, BK, JW, WT, RA, SB vote to deny

**22-PV-852 –David Renzello– 74 Bradford St Unit 2, Provincetown**

The petitioner is seeking relief from 248 CMR 10.10-7-(c) To allow the installation of a shower compartment having less than a 30” finished dimension. The petitioner states that a 30” finished opening is not possible due to the bathroom layout. The local inspector and board of health have been informed.

The Board discussed the proposed layout with the petitioner. The Board also discussed the possibility of rescinding the product from their acceptance list, if walls cannot be installed and still have the minimum required space as dictated by 248 CMR.

1st Vote: HK to deny, JW seconded

Results: HK, JW, JC, BK to deny, JM, WT, RA, SB to approve- Tied Vote/Motion failed

Members noted that the applicant only provided a photograph, which was hard to utilize, however, it did show the shower compartment interfering in the bathroom egress, making a very unique situation.

2nd Vote: JC to reconsider and approve, WT seconded

Results: JC, BK, JM, WT, RA, SB to approve, JW, HK to deny- Motion passed

**22-PV-855 – David Renzello –1731 Beacon St, Brookline**

The petitioner is seeking relief from 248 CMR 10.10-7-(c) To allow the installation of a shower compartment having less than a 30” finished dimension. The petitioner states that a 30” finished opening is not possible due to the bathroom layout.

The local inspector and board of health have been informed.

The petitioner explained his bathroom remodel project but lacked supporting documents with his application. Members noted that the photograph provided did not demonstrate the unique situation as the other variance applied for.

Vote: WT to deny, JW seconded

Results: JM to approve, WT, JW, JC RA, SB, BK, HK

**22-PV-856 – Rene Dionne, Long Home Baths LLC-40 Brookvale St, Lynn**

The petitioner is seeking relief from 248 CMR 10.10-7-(c) To allow the installation of a shower compartment having less than a 30” finished dimension. The petitioner states that a 30” finished opening is not possible due to the bathroom footprint walls are 29” from existing framing.

The local inspector and board of health have been informed.

The petitioner explained his bathroom remodel project but lacked supporting documents with his application.

Vote: HK to table, JW seconded

Results: Unanimously approved

**22-PV-857 – David Renzello-46 Chavenson St, Fall River**

The petitioner is seeking relief from 248 CMR 10.10-7-(c) To allow the installation of a shower compartment having less than a 30” finished dimension. The petitioner states that a 30” finished opening is not possible due to the bathroom layout.

The local inspector and board of health have been informed.

The petitioner explained his bathroom remodel project but lacked supporting documents with his application.

Vote: HK to table, JW seconded

Results: Unanimously approved

**22-PV-922 – Rene Dionne, Long Home Baths LLC, –6 Notre Dame Ave, Cambridge**

The petitioner is seeking relief from 248 CMR 10.10-7-(c) To allow the installation of a shower compartment having less than a 30” finished dimension. The petitioner states that a 30” finished opening is not possible due to a heating obstruction.

The petitioner explained his bathroom remodel project but lacked supporting documents with his application.

Vote: HK to table, JW seconded

Results: Unanimously approved

**22-PV-939 – Edward Farrington, 501 Main St., Hudson, MA**

The petitioner is seeking relief from 248 CMR 3.04, Product, Design and Testing Standards, to allow the installation of a free-standing tub that is not on the product accepted list. There are no testing reports available on the website for this product. The petitioner states the requirement to notify the local health department was waived by the local health department. The local plumbing inspector has been notified.

The petitioner described his struggles to install a product accepted free standing tub that was appropriately sized. The Board discussed the product that was not accepted nor was their testing documents available for consideration.

Vote: WT to deny, JW seconded

Results: Unanimously denied

End of Regular Board Meeting Session

# Executive Session

A motion was made by WT and seconded by SB at 10:01 a.m. to stop the Open Session portion of the meeting and enter the Executive Session portion of the meeting to discuss applicants character, rather than competence, per M.G.L. c. 30A, §21. Each member voted yes. The chair announced that the Board would briefly return to open session in approximately an hour.

See separate minutes

# Note: WT left the meeting at 10:30 a.m. and did not return

# MATTERS NOT REASONBLY ANTICIPATED BY THE CHAIR

# Upon conclusion of Executive Session, members briefly returned to open session at 11:34 a.m.

# Members inquired about the sudden emergence of variance requests regarding shower bases. The Board discussed certain product accepted shower bases that were thought to be code compliant, however when walls are added, the finished space is not code compliant. JM suggested the product lose its product acceptance rating if the walls cannot be installed in a manner consistent with 248 CMR. The Board asked the Board Office to review product accepted shower bases and return with a list of potential issues with shower bases.

# Adjournment

# Vote: JC motion to adjourn, HK seconded

# Results: Unanimously approved at 11:42 a.m.

Items relied upon in Meeting

Agenda

Variance Applications