Diagram

Description automatically generated

**CHARLES D. BAKER**

**GOVERNOR**

**KARYN E. POLITO**

**LIEUTENANT GOVERNOR**

**MIKE KENNEALY**

**SECRETARY OF HOUSING AND ECONOMIC DEVELOPMENT**

**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**



**TELEPHONE: (617) 701-8600**

**FAX: (617) 701-8652**

**TTY/TDD: (617) 701-8645**

[**http://www.mass.gov/dpl**](http://www.mass.gov/dpl)

**BOARD OF STATE EXAMINERS OF** **PLUMBERS AND GAS FITTERS**

**BOARD MEETING MINUTES**

**Wednesday, December 7, 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***

|  |  |  |  |
| --- | --- | --- | --- |
| **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 |  |  |
| Mr. Kevin Casey | Board Staff | X |  |
| Mike Guida | Board Code Consultant | X |  |
| Ken Peterson | Executive Director | 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**

Board Meeting Minutes

March 2. 2022 - Open Session Vote: HK to approve, seconded by RA Results: Unanimously Approved

March 2, 2022 - Executive Session Vote: RA to approve, seconded by HK Results: Unanimously Approved

March 16, 2022 - Open Session Vote: HK to approve, seconded by WT, RA abstained Results: Approved

April 6, 2022 - Open Session Vote: WT to approve, seconded by RA Results: Unanimously Approved

April 6. 2022 - Executive Session Vote: HK to approve, seconded by RA Results: Unanimously Approved

April 14, 2022 – Open Session Vote: WT to approve, seconded by JC Results: Unanimously Approved

May 4, 2022 – Open Session Vote: WT to approve, seconded by RA Results: Unanimously Approved

June 1, 2022 – Open Session Vote: JC to approve, seconded by WT Results: Unanimously Approved

October 5, 2022 – Correction to previously approved open session minutes

Vote: WT to approve, seconded by RA Results: Unanimously Approved

October 20, 2022 - Open Session Vote: WT to approve, seconded by HK Results: Unanimously Approved

October 20, 2022 - Executive Session Vote: WT to approve, seconded by JC Results: Unanimously Approved

November 2, 2022 - Open Session Vote: WT to approve, seconded by HK Results: Unanimously Approved

November 2, 2022 - Executive Session Vote: RA to approve, seconded by WT Results: Unanimously Approved

November 3, 2021, Open Session Vote: WT to approve, seconded by HK Results: Unanimously Approved

**Vocational Commercial Project Applications**

**22-VP-798 –Smith Vocational & Agricultural High School– 80 Locust St, Northampton**

The applicant, Plumbing Instructor Armand Lamour, is seeking permission to have students install rough and finish commercial plumbing on school grounds. Consisting of one (1) half bathroom for faculty, and one (1) utility sink installed in the rear of the building for custodial use. The plumbing students will also extend an existing gas line and install one (1) new gas-fired unit heater in a storage area of the building.

Vote: WT to approve, JW seconded

Results: Unanimously Approved

**Variance Applications**

**22-PV-796- Kelly Kazmierczak, 89 Willow Rd, Boxford**

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. The local board of health and inspector have been notified.

The Chair suggested the motion be tabled until testing information could be found on the product in question.

1st vote: WT to table, RA seconded

Results: Unanimously approved

After finding confirmation online that the product had been tested to sufficient standards, a second vote was taken.

2nd Vote: WT to approve, JW seconded

Results: Unanimously approved

**22-PV-799 – Tyler Thompson, 27 Lorraine Dr., Ashland Minimum Facilities for Building Occupancy**.

The petitioner is seeking relief from 248 CMR 10.15 (Table 2) (4), to allow a fourth toilet to be added to a 3-inch building drain that currently serves three toilets. The Local Plumbing Inspector has no objection to this request, and the board of health has also been notified.

Vote: WT to approve, JW seconded

Results: Unanimously approved

**22-PV-824 Commercial Construction Consulting, 1380 Market St., Lynnfield**

The Petitioner (Doug Anderson, of Commercial Construction Consulting) is seeking a variance from 248 CMR 10.10. (18)(i)(1) and 248 CMR 10.10(18)(k)(1), This is a 3,104 Sq tenant space on the first floor of a veterinary Clinic. The petitioner is seeking to allow for two single-user, gender-neutral bathrooms- one for staff and one for the public. The Petitioner states the space will be occupied by a maximum of 12 employees and 12 clients simultaneously. The local board of health and inspector have been notified.

Vote: RA to approve, JW seconded

Results: Unanimously approved

**22-PV-837 Kourtney Mierzejewski, 225 Wyman St., Waltham, MA**

The Petitioner (Kourtney Mierzejewski of Pinnacle Construction Services) is seeking a variance from 248 CMR 10.06(3)a - Additional limited use of PVC for Commercial Buildings, to install PVC piping to vent an existing Grind to Energy System. The local board of health and inspector have been notified.

Following a discussion of the product and the materials used to install the product- the Board members noted that the subject piping was part of the product itself. No Action was Needed

Results: No Action Taken

**22-PV-841 – Uptack Plumbing and Heating – 159 Prince St., Newton**

This is a post-installation variance. 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. The local board of health and inspector have been notified.

1st vote: JW to deny, HK seconded

Results: Unanimously denied

2nd vote: WT to approve, JC seconded

Results: WT, JC, RA, JW, and BK to approve, HK and JW to deny

Motion passes with the condition that the petitioner provides testing standards/certificate of compliance to the Board Office.

**22-PV-842 –J Michael Sullivan Beacon Architectural Associates– DCR Lifeguard / Public Restroom Facility located @ Revere Beach Blvd & Shirley Ave- Revere**

The petitioner is seeking relief from 248 CMR 10.10 Table 1 building classification as “Public Beaches” which requires buildings to have one (1) bath or shower per 1000 occupants. Based on the projected occupant load this would require two (2) showers within the building. This variance request is to maintain the six rinse stations. There are three rinse stations each on the North and South side of the building. The petitioner states placing the showers inside the building will present issues for DCR in terms of supervision and maintenance, and it could present potential safety issues. This is a state project no Board of health notification is required.

Vote: WT to approve, JW seconded

Results: Unanimously approved

**22-PV-843 – Nick Kozlowski, 325 Main St., Cambridge**

The Petitioner is seeking a variance from 248 CMR 10.10(18)(i)(1) and 10.10. (18)(b)(1)(b) to allow the construction of a multiuser gender-neutral toilet room in lieu of separate male and female-designated rooms on the ground level of the building. The Petitioner states that the proposed gender-neutral toilet rooms along with another gender-neutral single-user toilet room- will provide the required number of plumbing fixtures from 248CMR 10.10 Table 1. The local board of health and inspector have been notified.

The applicant presented the proposed plan for a single, gender-neutral bathroom on the ground level of the building.

Members discussed the bathroom layout and the communal sink area, and the fact that bathrooms with communal sink areas have never been approved by the Board.

Vote: WT to deny, JW seconded

Results: Unanimously denied

**22-PV-844 – Alex Braga, 9 East Bay Road, Osterville**

The petitioner is seeking relief from 248 CMR 3.04, Product, Design, and Testing Standards, to allow the installation of a custom-made, sealed concrete sink that is not on the product accepted list. The local board of health and inspector have been notified.

Vote: HK to approve, JW seconded

Results: Unanimously approved

**22-PV-845 – Alex Braga, 9 East Bay Road, Osterville**

The petitioner is seeking relief from 248 CMR 3.04, Product, Design, and Testing Standards, to allow the installation of a custom-made, sealed concrete shower base that is not on the product accepted list. The local board of health and inspector have been notified.

Vote: HK to approve, JW seconded

Results: Unanimously approved

**22-PV-846 – Alex Braga, 9 East Bay Road, Osterville**

The petitioner is seeking relief from 248 CMR 3.04, Product, Design, and Testing Standards, to allow the installation of a custom-made, sealed concrete soaking tub that is not on the product accepted list. The local board of health and inspector have been notified.

Vote: HK to approve, JW seconded

Results: Unanimously approved

**22-PV-858 –Michael Dupont of American Aero Services–Westcoat Drive, E. Taunton**

The petitioner is seeking relief from 248 CMR 10.10 (18) Table 1, to allow a single user ADA-compliant gender-neutral restroom. The building is 7,400 Sq Ft and is used to store and repair of aircraft, the petitioner states the building is in a locked airport and is not open to the public, and, employs one (1) employee. The airport administration building has other restrooms and is open to the public. The local inspector and board of health have been informed.

Vote: WT to approve, JW seconded

Results: Unanimously approved

**22-PV-899 –Gary Collette, Milton CAT 207 Page St, Stoughton**

The petitioner is seeking relief from 248 CMR 10.10 (18) Table 1, Milton CAT is a 35,225 Sq Ft multi-use building with an allowed occupancy of 396. The petitioner is seeking a reduction of required fixtures based on the actual occupancy of 196. Milton CAT will also provide two (2) additional gender-neutral bathrooms. The Local Plumbing Inspector (Scott Angelos) has no objection to this request, and the board of health has also been notified.

The Board discussed the proposed plan and the stated occupancy rate, which the petitioner clarified would actually be 149. The members noted that it appears the number of fixtures to be provided met the requirements of the code, thus no action was needed.

Results: No Action Taken

**22-PV-900 –Melissa Boynton, Habeeb & Associates Architects– 250 Pawtucket BLVD Tyngsborough, Greater Lowell Tech High School Field House.**

The petitioner is seeking relief from seek relief from 248 CMR 10.10 (18) Table 1, Stadium(s): minimum facilities for building occupancy with a 50% reduction in required restrooms. The occupancy classification has been determined as a stadium, etc. (A-5). The proposed project is seasonal amenities, the facility used for track and field. The total capacity of the proposed bleaches is 800 persons. The proposed Fieldhouse facility shall have seven (7) female water closets total, six (6) within the multi-stall woman's room and one (1) gender-neutral single-user restroom. The men’s room would have four (4) male water closets total, one (1) water closet plus two (2) urinals within the multi-stall men's room in one (1) gender-neutral single-user restroom.

Vote: WT to approve, JW seconded

Results: Unanimously approved

**22-PV-901 –Michelle Moseley, of Ayers Saint Gross– 7 Hawthorne St, Worcester**

The petitioner is seeking relief from seek relief from 248 CMR 10.03 & 10.10-18 (r)

Clark University is building a new 68,626 Sq Ft building and requests to provide gender-neutral bathrooms throughout the new building. The petitioner is seeking to install a larger bathroom with individual toilet stalls and a communal hand-washing area. The fixture counts on the project will meet what is required in 248 CMR. The local inspector and board of health have been informed.

Members discussed the bathroom layout and the communal sink area, and the fact that bathrooms with communal sink areas have never been approved by the Board. It was also noted that the Board has never approved so many gender-neutral bathrooms in such a use group. The applicant will be redesigning.

Vote: JW to table, HK seconded

Results: Unanimously approved

**22-PV-902 –Sanjay Kudtarkar, 105 Leanne Dr, N. Andover**

The petitioner is seeking relief from seek relief from 248 CMR 3.04- (Product Acceptance) To install one (1) non-product accepted shower base 34”x32”x72” that meets the shower area requirements as stated in 248 CMR. The petitioner also has one (1) non-product accepted Vitreous China corner lavatory with an overflow. The Local Plumbing Inspector (Steve Galinsky) has no objection to this request, the board of health has also been notified.

During discussion, some members indicated that it appeared that the base had not been tested to a standard.

Vote: JC to approve, RA seconded

Results: Approved by majority vote of 4 to 3.

Roll Call: Yes – HK, JC, BK, RA; No - JM, JW, WT

**22-PV-919 –Jeremy Mason of Howe Engineers, 175 North Harvard St, Allston**

The petitioner is seeking relief from 248 CMR 10.10-18 (r), Harvard University American Repertory Theater is a mix use building. The petitioner is requesting single-user toilet stalls with full-height partitions with, shared common sinks in one large room throughout the building. The plumbing fixture count will be consistent with the required fixtures stated in 248 CMR. The local inspector and board of health have been informed.

The applicant presented the proposed plan for single-user toilet stalls with communal sinks in the same room, with various locations throughout the building.

Members discussed the bathroom layout and the communal sink area, and the fact that bathrooms with communal sink areas have never been approved by the Board. It was also noted that the Board has never approved so many gender-neutral bathrooms in such a use group.

Members asked the applicant to rethink their design and come back with a different plan.

Vote: JW to table, JC seconded

Results: Unanimously denied

**22-PV-920 –Caitlin Gamache, Code Red Consultants–** **200 Seaport BLVD, Boston**

The petitioner is seeking relief from 248 CMR 10.10-18 (I) location of employee toilets. The applicant states that two (2) Modular units will be used for ticket sales and will be located on the apron/pier structure that surrounds the Commonwealth Pier Project. The modular ticket booths will utilize the bathrooms located within the Commonwealth Pier Building during operating hours and, is within 300’ of both ticket booths. This is a state project, so no Board of health notification is required.

Vote: JW to approve, JC seconded

Results: Unanimously approved

**22-PV-923 –Dawn Brantley, MEMA–The Bob Eisengrein Com100 Sherman Ave, Devens**

The petitioner is seeking relief from 248 CMR 10.10 (18) Table 1, MEMA has identified the above address to be utilized as a temporary emergency shelter, the shelter will have a maximum of 125 individuals for 3 to 5 days. The petitioner is seeking to have one (8) stalled shower mobile facilities and one ADA shower unit outdoors adjacent to the front of the building. The shower trailers will be connected to the on-site water and sewer utilities. The petitioner states that licensed Massachusetts plumbers will do the installation, all work will be permitted and inspected in compliance with 248 CMR. The local inspector and board of health have been informed

The petitioner discussed the proposal to have two trailers with showers and bathrooms for a duration of six months.

Board members discussed the need to follow CMR 248 and use proper materials and standards.

The Chair suggested the proposal be approved with a six-month approval starting in January.

Vote: JW voted to approve, HK seconded

Results: Unanimously approved

**Board Discussion:**

Members discussed the use of the So-vent system and whether or not permission is needed before using the product. Members agreed that permission is not needed, and Counsel Kilb reminded the Board that they had covered this topic before and they did not need to take any action unless they’d like to alter their prior decision.

No action taken.

**Adjournment**

Motion to adjourn by WT at 11:45 a.m., seconded by JW

Results: Unanimously approved

**Items relied upon in Meeting**

Agenda

Variance Applications