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BOARD OF STATE EXAMINERS OF PLUMBERS AND GAS FITTERS

BOARD MEETING MINUTES

Wednesday, January 11, 2023, 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	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

n/a

Discussion

- 1- Gender-neutral bathroom variance requests.

Board Counsel Kilb requested this discussion regarding the Board's consistency regarding variances seeking multi-user gender-neutral bathrooms, which not referenced in the current plumbing code but are included in the draft code changes. Counsel indicated he was not opining on the merits of any given policy, but was concerned that recent variance requests may render the Board open to accusations of inconsistency. Board members discussed the proposed code changes that are currently under review, and the consensus was that, while not final, these changes should generally be used by the Board when inclined to grant a variance on the subject matter to help the Board be more consistent. In discussion, members noted that some of the proposed changes would likely change, specifically bars on urinals and exemptions for existing installations from installing floor to ceiling partitions. Members agreed this language should be revisited, but they would not seek any changes until a formal public hearing has been held first. No votes taken.

- 2- Shower Base Product Accepted List

Board members discussed the number of shower bases that appear on the Plumbing Product Accepted Database that are either smaller than the 30" width mandated in the code, or once the base is installed- the interior dimensions is less than 30". The Board members discussed the possibility of removing acceptance of these products, accepting smaller showers, and the liability a plumber would have when installing a shower smaller than 30". No action was taken.

- 3- 3- PSI Exam Question Review Committee

Board members discussed the on-going effort to review the questions on the journeyman and master plumber exams for accuracy and relevancy. A review group was formed with the Executive Director-Kenneth Peterson, Code Consultant Mike Guida, Board Counsel Charles Kilb and a Board member to be named later. Members were reminded that participation was welcome, though staff noted that there would be restrictions on outside teaching by participants due to examination security.

Vocational School Commercial Project Applications

22-VSP-948 –Diman Regional Vocational Technical High School

Re: Beech Grove Cemetery, 947 Main Road, Westport

The applicant is seeking permission to have students install rough and finish plumbing at the above address for a half-bath and mop sink with hot water supplied via an electric water heater.

Vote: WT to approve, HK seconded

Results: Unanimously Approved

Variance Applications

22-GV-949 – Christopher Orefice, 3 Randolph St. Canton

The petitioner for Pappas Rehabilitation Hospital for Children is seeking relief from 248 CMR 3.04, Product, Design, and Testing Standards, to allow the installation of a Heat Recovery Steam Generator that is not on the product accepted list. This is a post-installation variance and state inspector Fred Lima has been notified.

Discussion: Inspector Lima was present. Board members discussed the process of utilizing the exhaust from an 850,000 BTU generator, for heat recovery.

Vote: DK to approve, JW seconded

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

22-PV-993 – Jeffrey Daignault, 151 Presidents Drive, Amherst

The petitioner for the University of Massachusetts- Amherst is seeking relief from 248 CMR, 10.02, Principle 7, Drainage System of Adequate Size and related policy that requires secondary roof drainage systems terminate, “a maximum of 60” above grade in an area that will be visible to the people who occupy the building.” This a post-installation variance and state inspector Jim O’Reilly has been notified.

Discussion: Inspector O’Reilly was present. Board members discussed the roof line and pitch as well as the means to protect the sidewalk area from users. Members decided that a railing system installed along the impacted areas would be sufficient to keep people out and protected.

Vote: WT to approve with conditions regarding railing locations that must be provided to the Board Office, JW seconded

Results: Unanimously Approved

22-PV-994 Dan Yerkes, 29 Waterfield Rd, Winchester

The petitioner for the MBTA, per 248 CMR 3.04(2) (a), is seeking relief from 248 CMR, 10.06 (o) PVC Plastic Pipe and Fittings- to allow the installation of PVC for site drainage. The state inspector Taylor Roth has been notified.

Discussion: Inspector Roth was present. Nathan Rae of the MBTA was allowed to present a Power Point presentation on the overall project and the area beneath the walkway where they intend to install PVC for site drainage. The Board discussed the commercial building permit and the necessity to install cast iron plumbing over PVC.

Motion: JW to deny, HK seconded

Results: Motion passed 8 to 1

For motion - WT, JW, HK, RA, SB, DK, JC, JM

Opposed to motion - BK

22-PV- 995 -Dan Yerkes, 29 Waterfield Rd, Winchester

The petitioner for the MBTA is seeking relief from 248 CMR, 10.02(6)(b). All buildings and structures other than residential dwellings intended for occupancy shall be equipped with sufficient sanitary facilities. The state inspector Taylor Roth has been notified.

Discussion: Inspector Roth was present. The applicant discussed his concerns with safety if a bathroom was installed and that this platform did not have daily personnel working there. Board members noted the issue with the bathroom was not regarding public use but instead for staff, where the Board historically required something for service personnel. It was noted during discussion that there were buildings/structures present on the location and that this was not just an open air platform.

Motion: WT to deny, HK seconded

Results: Motion passed 5 to 4

For motion – WT, JW, HK, RA, JM

Opposed to motion – JC, BK, SB, DK

225-PV-823 – Dean Fawcett, 85 Research Dr., Hingham

The petitioner is seeking relief from 248 CMR 10.09. Interceptors, Separators, and Holding Tanks, to allow their proposed oil waste collection system. The 10,600 sq. ft. industrial space is being renovated to accommodate up to 8 delivery vehicles to support a shipping and receiving business. Waste from the gas/oil interceptor installed inside the building will be piped to an ejector pump that is pumping to an above-grade, 500- gallon holding tank. This building is served by an on-site Title-5 septic system. The local inspector and board of health have been notified

Discussion: The applicant discussed his interceptor design and the parcel of land, and building it is located on. The Board members noted that because the separator did not connect to a sewer or septic system, no approval was needed.

Results: No Action Taken

22-PV-922 Stephen Kennedy, 17 Hale St., Boston

The petitioner for Boston Trinity Academy is seeking relief from 248 CMR 5.09(1)(22) Installation Instructions, and 248 CMR 3.04 Product Design and Testing Standards to allow the school to perform independent third-party testing of the system, as an alternative method to determine the feasibility and safety- prior to ruling on the variance. The local inspector and board of health have been notified.

On behalf of the petitioner, Tom Iskra and Boston Inspectional Services Department, Sean Lydon, spoke on the original installation and their request to have a third-party testing company evaluate the system. Board members discussed the manufacturer's label, indicating an outdoor unit. It was noted that the applicant was not able to produce a letter from the manufacturer supporting their method of installation. During discussion, the applicant also indicated that they only reason the variance was sought was the cost of removing the non-compliant work, which counsel noted was by code not a valid ground for a post installation variance.

Vote: WT to deny, JW seconded

Results: Unanimously denied

JM Recused during this agenda item

22-PV-942 John Alcott 229 Parkerville Rd, Southborough

The petitioner is seeking relief from 248 CMR 3.04 Product Design and Testing Standards to allow the installation of a steam shower system that is not on the product accepted list. The local inspector and board of health have been notified.

Discussion: The petitioner spoke of his plans for the steam shower but could not provide documents stating the standards for which the tub and shower valve have been tested. The petitioner was requested to obtain information regarding the standard for the shower, but he indicated that he would not be able to do so.

Vote: WT to deny, JW seconded

Results: Unanimously denied

JM absent.

22-PV-976 – Kathleen Zelony 12 Estabrook Park Rd. Westminster

The petitioner is seeking relief from 248 CMR 3.04 Product Design and Testing Standards to allow the installation of a steam shower system that is not on the product accepted list. The local inspector and board of health have been notified.

Discussion: The petitioner discussed their plans for a steam shower system. In this case, the petitioner indicated that the shower was third party tested, but the petitioner lacked the documentation. The petitioner was willing to work on obtaining this information.

Motion: To conditionally approve if the petitioner provides testing documents for the shower valve, to the Board Office.

Vote: WT to approve as outlined, JW seconded
Results: Unanimously approved
JM absent.

22-PV-980 –Fred Prezioso, 1051 Beacon St, Brookline

The Petitioner is seeking a Post Installation Variance from 248 CMR 10.10(18)(i) and 10.10(18)(k) Employee toilet facilities for (non-industrial) establishments and medical and health care building toilet facilities. The petitioner states that fixtures were replaced in existing exam rooms and bathrooms, the fixtures installed are not ADA compliant. The applicant was told by the local inspector that the fixtures installed need to be ADA compliant. The local board of health and inspector have been notified.

Discussion: The petitioner sought to combine patient and staff bathrooms, but the Board members noted that such a variance is rarely granted. The Board members indicated that they would not be able to address ADA compliance, as that may be the decision of a different jurisdiction.

Vote: WT to deny, JW seconded
Results: Unanimously Denied
JM absent.

22-PV-996 – Hillary Hubbard, 485 Arsenal St. Unit Lot 2D

The Petitioner is seeking relief from 248 CMR 10.10(18)(i), to permit this business to have only 2- accessible client restrooms (male and female) and one gender-neutral accessible staff restroom. This is an MRI Diagnostic Imaging business, staffed by 4-technicians with a total occupancy of 9. The local board of health and inspector have been notified.

Vote: WT to approve, RA seconded
Results: Unanimously Approved
JM absent.

22-PV-997-Francis Scavone, 488 Pleasant St, Worcester

The Petitioner is seeking a Post Installation Variance from 248 CMR 10.10-18 (i), the applicant is seeking to have one (1) ADA gender-neutral restroom for patients and staff, and there are 2 additional non-ADA restrooms within the space. The local board of health and inspector have been notified. Members noted that they would consider the ADA bathroom the patient bathroom, the non-ADA bathrooms for staff.

Vote: WT to approve, RA seconded
Results: Unanimously Approved
JM absent.

22-GV-1022, Greg Bankowski, 11 Old Worcester Rd, Webster

The petitioner is seeking relief from 248 CMR 3.04 Product Design and Testing Standards to allow the installation of a powder coating oven that is not on the product accepted list. This is a post-installation variance and the local inspector and board of health have been notified.

Motion: To conditionally approve provided the petitioner provides an engineered letter to the Board Office stating the oven is safe to use.

Vote: WT to approve as described, DK seconded

Results: Unanimously Approved

FYI – Board Delegated Staff Approvals – Board Vote Not Required

Residential Vocational School Projects

22-DAVSP-946 Pathfinder Regional Vocational Technical High School

Re: 11 Jon Drive, Belchertown

The students will install rough and finish plumbing for a half-bath in the basement of a residential property with existing underground plumbing.

22-DAVSP-947 Montachusett Regional Vocational Technical School

Re: 4-2 Taft Road, Fitchburg Habitat for Humanity

The students will install rough and finish plumbing for two full bathrooms, a kitchen sink with dishwasher, and laundry, in a new construction, single-family, residential property

FYI – Board Delegated Staff Approvals – Board Vote Not Required

(Continued use of 1-1/2” tub drain for shower conversion.)

Rene Dionne	44 Johnson St	Taunton
Rene Dionne	121 Pine Grove Ave	Bellingham
Rene Dionne	60 Honeysuckle Dr	Chicopee
Rene Dionne	15 Waters Edge	Ludlow
Rene Dionne	6 Notre Dame Ave	Cambridge
Rene Dionne	10 Hildreth Ave	S. Hadley
David Renzello	75 Water St	Pembroke
David Renzello	82 Princeton St	Waltham
David Renzello	214 E. Main St	Avon
David Renzello	1198 Patridgeville Rd	Athol
Peter DiGiano	89 Capt. Crosby Rd	Centerville/Barnstable
Peter DiGiano	50 Leo St	Fall River
Daniel Arroyo	64 Park Terrace Rd	Worcester
Paul Bruno	1475 Ma Ave Unit 347	Lexington

Mike Fleming	12 Meeting House Ln Unit 312	Scituate
Edmund Gendreau	140 Railroad Rd	Norwood
Kevin Sears	260 Burgess Ave	Westwood
Rene Dionne	300 Falmouth Rd # 5A	Mashpee
Rene Dionne	195 Mechanic St	Marlborough
Rene Dionne	57 May St	Worcester
Rene Dionne	7 Cottage St	Chelsea
Rene Dionne	166 W. Alvord St	Springfield
Rene Dionne	140 Old Ferry Rd Unit J	Haverhill
David Renzello	516 HaverhillSt	Reading
David Renzello	62 LynnwoodLn	Worcester
David Renzello	8 Mechanic St	Douglas
David Renzello	33 Cedarwood Ave	Waltham
David Renzello	10 Charlotte St	Brockton
David Renzello	33 A Purchase St	Milford
David Renzello	41 Linwood St	Lynn
David Renzello	135 Pimlico Pond Rd	Maspee
David Renzello	15 Boutwell Hill Rd	Westford
Janet Lombardi	119 Brewster Rd	Waltham
Charles Bernyk	53 Sachem St	Billerica
Rene Dionne	22 Homer Rd	Belmont
Rene Dionne	312 West St	Hatfield
Michael Blometh	148 Main St Osgood	N.Andover
Michael Blometh	360 Revere Beach Blvd #220	Revere
Michael Blometh	18 Stevens Rd	Hudson
Michael Blometh	30 Fenwick St	Somerville
Michael Blometh	76 Orvis Rd	Revere
Michael Blometh	98 Village Post Rd	Danvers
Michael Blometh	8 English St	Salem
Michael Blometh	19 Garden st #107	Danvers

EXECUTIVE SESSION

None

BOARD WILL CONSIDER ANY MATTERS NOT REASONABLY ANTICIPATED BY THE CHAIR

Members were reminded that the PHCC trade show was on March 4th.

QUASI-JUDICIAL SESSION
(Disciplinary decisions - Closed per M.G.L c. 30A, §18)

None

ADJOURNMENT

At 12:22, DK made a motion to adjourn, it was seconded by JC and was approved unanimously via a roll call vote in which each member voted yes.