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## BOARD OF STATE EXAMINERS OF PLUMBERS AND GAS FITTERS

### BOARD MEETING MINUTES

**Wednesday, March 1, 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	Left Early
Ms. Ruth Alfasso	Member, Dept. of Public Health	X	
Ms. Sarah Badway	Public Member	X	
Mr. Dan Kilburn	Member, DOL Designee	X	
<b>STAFF</b>			
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**

None

### **Discussion**

None

## **Vocational School Commercial Project Applications**

### **23-VSP-134 Nashoba Valley Technical High School**

The applicant is seeking permission to have students install rough and finish plumbing at the school for 10 hair sinks, 2 hand sinks and one laundry. Also, the removal and installation of fixtures in two existing baths, relocate booster pump, and install deluge shower with floor drain and trap primer, and to install a hot water system with tempering valve.

Discussion: Plumbing instructor Chris Ryan answered questions about the details of the student led project.

Vote: JC to approve, RA seconded

Results: Unanimously approved

## **Variance Requests**

### **23-PV-089 John Colbert, 10 Recreation Road, Weston**

The petitioner for the MWRA is seeking relief from 248 CMR 10.10 Table 1, Minimum Facilities for Building Occupancy to allow for fewer toilet rooms than the code permits. State Inspector Taylor Roth has been notified.

The applicant clarified that they were seeking one bathroom.

Vote: HK to approve, WT seconded

Results: Unanimously approved

### **23-PV-132 John Colbert, 90 Redfield Road, Wakefield**

The petitioner for the MWRA is seeking relief from 248 CMR 10.10(18)(j) Employee Toilet Facilities for Industrial Buildings to allow for fewer toilet rooms than the code permits. State Inspector Taylor Roth has been notified

The applicant clarified that they were seeking one bathroom.

Vote: JC to approve, WT seconded

Results: Unanimously approved

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### **23-PV-136 Chris Perrotta, 29 Waterfield Road, Winchester**

The petitioner for the MBTA is seeking relief from 248 CMR 10.09(1) (a)(1) Interceptors, Separators and Holding Tanks to allow for an alternative method for a gas, oil, and sand separator. State Inspector Taylor Roth has been notified.

Vote: RA to approve, DK seconded

Results: Unanimously approved

### **23-PV-137 Chris Perrotta, 29 Waterfield Road, Winchester**

The petitioner for the MBTA is seeking relief from 248 CMR, 3.04(1) Product Design and Testing Standards, to allow for the use of an integral area drain made of Fiberglass Reinforced Polymer (FRP) that is structurally bonded to the station platform. State Inspector Taylor Roth has been notified.

Vote: JC to approve, HK seconded

Results: Unanimously approved

### **23-PV-138 Chris Perrotta, 29 Waterfield Road, Winchester**

The petitioner for the MBTA is seeking relief from 248 CMR 10.05(2)c Pitch of Horizontal Drainage Piping to allow for storm pipe drainage at a pitch less than 1/8 inch per foot. State Inspector Taylor Roth has been notified.

Vote: BK to approve, JC seconded

Results: Unanimously approved

### **23-PV-027 Andrew Woodward, 51 Vassar Street, Cambridge**

This variance was tabled at the February 1, 2023, Board meeting. The petitioner is seeking relief from 248 CMR 10.10(18) Table 1 to allow for shared, gender-neutral lavatories in lieu of separate men's and women's lavatory facilities within a multi-use commercial space. This is a proposed 174,000 Sq. Ft. facility of eight (8) stories on the campus of MIT to be used for educational, laboratory, assembly, and office spaces. The petitioner is seeking this variance request for 100% of the required fixtures. The local inspector and the Board of Health have been notified.

The applicant indicated that the proposal has been amended to only seek a little more than 20% of the fixtures to be gender neutral. Urinals will be present, but the variance also seeks a gap between the stall floor and ceilings.

Vote: DK to approve, RA seconded

Results: Unanimously approved

WT left the meeting after this agenda item.

**23-PV-087 Steven Famolare, 7 Louisburg Square, Boston**

The petitioner is seeking relief from 248 CMR, 3.04(1) Product Design and Testing Standards, to allow for the use of a free-standing bathtub that is not on the product accepted list. The local inspector and the Board of Health have been notified.

Vote: DK to approve, JC seconded

Results: Unanimously approved

WT absent

**23-PV-088 Kevin Pender, 101 Summit Avenue, Brookline**

The petitioner is seeking relief from 248 CMR 3.05, Permits and Inspections, and 10.04 Testing and Safety, to allow for the installation of the main building drain, replaced by another plumber without a plumbing permit. This is a post-installation variance. The local inspector and the Board of Health have been notified.

The applicant clarified that the work done was actually performed by an unlicensed business that no longer exists. The applicant indicated the variance was sought to allow the elderly owners to utilize the installation without it being tested or inspected because it was already covered. Legal counsel indicated that granting such a variance would violate the code provisions governing after the fact variances and would be unprecedented. Staff were able to get the Inspector to join the meeting. The inspector and the applicant agreed to take action to inspect the piping, the applicant will be fully responsible for permits and code compliance, therefore, the variance will not be required.

NO ACTION TAKEN

**23-PV-093 Timothy Cullen, 42 Perkins Court, Haverhill**

The petitioner is seeking relief from 248 CMR 10.10 (7) c (4) Shower Compartments, to allow the use of a 1 ½ drain for a new shower. This is a post-installation variance. The local inspector and the Board of Health have been notified.

Variance Tabled

**23-PV-119 Wellington Farias, 3 North Street, Hopkinton**

The petitioner is seeking relief from 248 CMR 10.15 Table 1 and Table 2, Sanitary Drainage System to allow the installation of another bathroom on a 3” building drain. The local inspector and the Board of Health have been notified.

Vote: HK to approve, JC seconded

Results: Unanimously approved

WT absent

**23-PV-128 Jim Riley, 400-440 Boston Post Road, Wayland**

The petitioner is seeking relief from 248 CMR 10.10(18), Minimum Facilities for Building Occupancy other than Residential to allow the dog day care facility to have just one accessible toilet room. The local inspector and the Board of Health have been notified.

Vote: HK to approve, RA seconded, JC recused

Results: Unanimously approved

WT absent

**23-PV-127 Jennifer Dione, 4263 North Main Street, Fall River**

The petitioner is seeking relief from 248 CMR 10.10(18), Minimum Facilities for Building Occupancy other than Residential, to have one bathroom for both staff and patients. The local inspector and the Board of Health have been notified.

The applicant indicated that had previously been granted the same variance. However, staff researched and indicated that the prior variance was granted for space that was half the size.

Vote: DK to deny, HK seconded,

Results: Unanimously approved

WT absent

**BOARD WILL CONSIDER ANY MATTERS NOT REASONABLY  
ANTICIPATED BY THE CHAIR**

None

The chair announced that the Board did not anticipate any matters further matters for open session, the public can attend the hearing presentations but that deliberations and a following executive session would be closed, the Board would be adjourning upon conclusion of the Executive Session.

A motion was made by HK and seconded by JC at 11:05 AM to enter Quasi-Judicial Session, Each member voted yes.

**QUASI JUDICIAL SESSION**

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

**23-AID-129**

The Board considered the matter of 23-AID-129 – Americo Colaluca, 550 GAR Highway, Somerset

The inspector indicated that the matter was not timely, accordingly the Board heard arguments from both parties as to the timeliness, it did not hear the merits of the matter. The Board did not go into closed session to deliberate.

A motion was made by HK and seconded by JC to dismiss the appeal because it was not submitted in the ten-day period following the inspector's decision, they would not be legally permitted to hear the appeal. A written decision will be sent to the parties.

Staff noted the appellant filed a variance for the same matter, that will be on the next agenda.

### **23-AID-133**

The Board allowed the parties to make presentations regarding their appeal in the matter of 23-AID-133 – Alan Gray, 345 Lincoln Avenue, Amherst

Thereafter, the Board engaged in deliberations in quasi-judicial closed session.

Upon conclusion of deliberations, the Board identified its decision for the record:

Vote: BK voted in favor of the Inspector, seconded by HK., thus denying this appeal.

Results: This appeal was unanimously denied. A written decision will be sent to the parties

### **Executive Session**

A motion was made by HK and seconded by JC at 11:45 AM to enter the Executive Session portion of the meeting to discuss applicant's character, rather than competence, per M.G.L. c. 30A, §21. Each member voted yes. The chair announced that the Board would return to open session solely to adjourn at the end of Executive Session.

See separate minutes

### **ADJOURNMENT**

Vote: JC motion to adjourn, HK seconded

Results: Unanimously approved at 12:05 P.m.

### **Items relied upon in Meeting**

Agenda

Correspondence

Variance Applications

