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BOARD OF STATE EXAMINERS OF PLUMBERS AND GAS FITTERS

BOARD MEETING MINUTES

Wednesday, April 5, 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

January 11, 2023-Open Session

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

February 1, 2023- Open Session

Vote: RA to approve, JC seconded, Results: Unanimously Approved

February 1, 2023-Executive Session

Vote: JW to approve, RA seconded, Results: Unanimously Approved

February 22, 2023-Open Session

Vote: JW to approve, HK seconded, Results: Unanimously Approved

March 1, 2023-Open Session

Vote: RA to approve, JW seconded, Results: Unanimously Approved

March 1, 2023-Executive Session

Vote: JC to approve, RA seconded, Results: Unanimously Approved

Discussion

Aquatechnik Safety-Pol system mechanical fittings for domestic plumbing, heating/cooling and industrial fluid transport.

Discussion: Mike Thomas of Aquatechnik discussed their distribution piping and fittings. Thomas is looking for approval to install in residential and commercial properties. Thomas answered questions about the products and informed the Board that installers must be certified.

Vote: HK to approve 10 residential test locations for a year and submit quarterly reports on their performance; then revisit the application next year. WT seconded.

Results: Unanimously Approved

Vocational School Commercial Project Applications

23-VSP-224- Greater New Bedford Regional Vocational Technical High School

RE: 18 Park St. Mattapoisett

The applicant is seeking permission to have students install rough and finish plumbing for two-ADA bathrooms in a new addition to the Mattapoisett Parks Department Building.

Vote: WT to approve, JC seconded

Results: Unanimously Approved.

23-VSP-246- Shawsheen Valley Technical High School

RE: 6 Good Street, Billerica

The applicant is seeking permission to have students install two water fountain bottle fillers in the Billerica Police Department.

Vote: WT to approve, JC seconded

Results: Unanimously Approved.

Variance Requests

23-PV-293 – Finn Chappell, 100 Terminal Road, East Boston

The petitioner is seeking relief from 248 CMR 10.02 (26) Materials and Design, to allow the installation of polypropylene piping and fittings in lieu of cast iron, in a pet relief area. State Inspector Padden has been notified.

Vote: RA to approve, WT seconded

Results: Unanimously Approved.

23-PV-93 Timothy Cullen, 42 Parkins Court, Haverhill

The petitioner is seeking relief from 248 CMR 10.10 (7) (b) Shower Waste Outlet, to allow for the installation of a shower on an existing 1 ½” drain. This is a post installation variance. The local inspector and the Board of Health have been notified.

Vote: HK to table, DK seconded

Results: Unanimously Approved.

23-PV-181- Doug Anderson, 12 Hemenway Street, Boston

The petitioner for the Berklee College of Music is seeking relief from 248 CMR 10.10.(18)(G)(5), Dormitory Toilet Facilities, to allow all single-user toilet facilities to be designated as gender-neutral. The applicant is also seeking permission to redesignate the gang bathrooms as the population changes in the future. The local inspector and the Board of Health have been notified.

The applicant was not present for this agenda item.

Vote: JW to table, RA seconded

Results: Unanimously Approved

23-PV-217 – Wellington Farias, 88 Turnpike Street, North Andover

The petitioner is seeking relief from 248 CMR 10.10(18)(n) Toilet Facilities General to allow for a bathroom remodel with multiple fixtures and no floor drain. The local inspector and the Board of Health have been notified.

Upon discussion the Board was updated that the proposed installation did not require a variance and has been designed to be code compliant. No Action Taken

23-PV-222 Michael DiMascio, 675 Main Street, Woburn

The petitioner is seeking relief from 248 CMR 10.10 918)(m) Medical and Health Care Building Toilet Facilities to allow a reduction in the number of toilet facilities required. The local inspector and the Board of Health have been notified.

Vote: WT to approve one toilet facility for staff and another for the public, HK Seconded
Results: Unanimously Approved

23-PV-244 – Paul Grasso, 600 West Cummings Park, Woburn

The petitioner is seeking relief from 248 CMR 10.09, Interceptors, Separators and Holding Tanks to be allowed to utilize existing space for the purpose of modifying electronic equipment on trailers, without installing the required gas, oil and sand separator. The local inspector and the Board of Health have been notified.

No Action Taken

23-PV-245 – Jay Oster, 98 Crownshield Avenue, Uxbridge

The petitioner, on behalf of Bay State Bath, is seeking relief from 248 CMR10.10.7(b)1 to allow for the installation of a 1½” drain, instead of the 2” required drain for a full tub to shower conversion on the second floor. This is a post-installation variance. The local inspector and the Board of Health have been notified.

In discussion, members disagreed as to whether or not the applicant did their due diligence in discovering the problem prior to installation.

1st Vote: JW to Deny, JC seconded, HK and BK to deny, WT, RA, SB, and DK, JM abstain
Results: Motion did not pass

2nd Vote: RA to approve, SB seconded, JM, WT, DK to approve, HK, JC, BK, and JW to deny
Results: Motion approved

23-PV-255 – Michael Marcoux, 6 Carley Road, Lexington

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. This is a post-installation variance. The local inspector and the Board of Health have been notified.

Vote: DK to approve, JW seconded
Results: Unanimously Approved

23-PV-258 – Larry Couto, 630 Curren Road, Fall River

The petitioner is seeking relief from 248 CMR 10.02 (26) Materials and Design, to allow the installation of schedule 40 polypropylene piping and fittings in lieu of cast iron in a food processing plant. The local inspector and the Board of Health have been notified.

Vote: JC to approve, HK seconded
Results: Unanimously Approved

23-PV-259 – Jennifer Ramler, 31 Sea Street, Harwich Port

The petitioner is seeking relief from 248 CMR 10.10 Table 1, to allow a reduced number of toilet facilities required, due to the increase in outdoor seasonal seating. The local inspector and the Board of Health have been notified.

The applicant indicated that the current facility has 110 indoor seats, wants to add 34 outdoor seats. However, the applicant indicated that there are only two current toilets despite five being required. Members noted that in this instance the applicant needs more toilets even for indoor seating before contemplating adding more outdoors.

Vote: DK to deny, HK seconded
Results: Unanimously Denied

23-PV-260 Michael LePage, 1181 North Main Street, Fall River

The petitioner for the Fall River Fire Museum is seeking relief from 248 CMR 10.10(18), Table 1, Hall, Museums, Libraries to allow for reduced number of ADA toilet facilities. The local inspector and the Board of Health have been notified.

Vote: DK to approve, JW seconded, HK absent
Results: Unanimously Approved

23-PV-261- John Butler, 404 East Washington St., North Attleboro

The petitioner is seeking relief from 248 CMR 10.10 (j)(4), Employee Toilet Facilities for Industrial Buildings, to eliminate the required ADA men's and women's showers. The local inspector and the Board of Health have been notified.

Vote: WT to approve rough-in only of 4 showers, JW seconded, HK absent
Results: Unanimously Approved

23-PV-262 – Paul Joncas, 594 Airport Road, Fall River

The petitioner is seeking relief from 248 CMR, 10.10 Table 1, to allow for a reduced number of showers for the warehouse space. The local inspector and the Board of Health have been notified.

Vote: WT to approve 2 gender-neutral showers, JW seconded, HK absent
Results: Unanimously Approved

BOARD WILL CONSIDER ANY MATTERS NOT REASONABLY ANTICIPATED BY THE CHAIR

None

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

A motion was made by JC and seconded by WT at 12:04 PM to enter Quasi-Judicial Session, Each member voted yes.

QUASI JUDICIAL SESSION

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

Appeal of Inspector's Decision

23-AID- 215

The Board opened the meeting to the matter of 23-AID-215 and 23-216, Scott Parker – 100 Summit Avenue, Chelsea.

The Appellants in this matter were appealing the decision of State Inspector Padden with regards to the installation of certain commercial kitchen equipment (23-AID-215) and the requirements surrounding floor drains (23-AID-216).

Prior to any Board deliberation, the applicant indicated that the matters could be resolved with the Inspector or via the Board's variance process. Legal Counsel noted to the Appellant that the appellant had a right to a decision if desired, however the appellant waived this right and agreed to drop the appeals.

No action was taken.

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: RA motion to adjourn, JC seconded

Results: Unanimously approved at 12:33 P.m.

Items relied upon in Meeting

Agenda

Correspondence

Variance Applications