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**BOARD MEETING MINUTES**

**Wednesday, October 5, 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***

<b>MEMBERS</b>	<b>APPOINTMENT</b>	<b>PRESENT</b>	<b>ABSENT</b>
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	
<b>STAFF</b>			
Mr. Charles Kilb	Board Legal Counsel	X	
Brian O'Connell	Deputy Commissioner	X	
Mr. Christopher Ryan	Board Code Consultant	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

Minutes from the September 7<sup>th</sup> Meeting

Minutes from September 7<sup>th</sup> Executive Session

Vote: A motion was made by HK to approve and seconded by RA.  
Result: Passed Unanimously

## Discussion

### **Commercial Project Applications**

#### **22-VP-677 – Essex Technical High School – 565 Maple Street, Danvers**

The applicant, James Russell, is seeking permission to have students install rough and finish commercial plumbing on school grounds.

Vote: JW approved HK second  
Results: Unanimously approved.

#### **22-VP-678 – Essex Technical High School – 579 Boston Street, Topsfield**

The applicant, James Russell, is seeking permission to have students to extend a copper water line 150'. The work will take place in the Topsfield Municipal Truck Garage

Vote: JW approved HK second  
Results: Unanimously approved

#### **22-VP-679 – Essex Technical High School – 565 Maple Street, Danvers**

The applicant, James Russell, is seeking permission to have students to replace wall hung toilets, flushometers and wall hung sinks on school grounds.

Vote: JW approved HK second  
Results: Unanimously approved

## Variance Applications

#### **22-PV-642 – Russo Plumbing – 30 Cherry Street, Chelsea**

This is a Post Installation variance. The petitioner is applying for relief from 248 CMR 10.6.1 (Materials). The petitioner's client purchased a vacant residential property adjacent to her existing

business and renovated it with the intent to rent the apartments. The owner has since decided to use the property as an extension of her spa business and states there will be little water usage in the building and seeks to leave the new PVC and PEX plumbing system in place. The local inspector and board of health have been informed.

Members noted that a change of use is a common occurrence, not an unusual circumstance.

Vote: JC deny and HK deny  
Results: Unanimously denied

### **22-PV-654 – Mark Lederer – 79 Pleasant Circle, Canton**

This is a Post Installation variance. The petitioner is seeking relief from 248 CMR 10.2 Basic Principle 2 and 10.14(8) adequate hot water. During final inspection of a bathroom remodel, it was discovered that the hot water in the bathroom sink drops from 120 to 109 while the tub filler is running. From Mr. Lederer, "...I discussed with the inspector and homeowner the possibility of installing an electric 40-gallon hot water tank to be used as a storage tank after the Navien. I obtained a permit and planned to install the water heater in September; however, the homeowner continues to not want the tank, despite my recommendations, and she is happy with how her house and hot water are working." The local inspector and board of health have been informed.

In discussion, members debated whether or not the hot water deficiency in this case was minimal, as fixtures will get enough water if they are not operated simultaneously.

Initial Vote: HK deny, JM second (JM, HK, JW in favor) (DK, JC, RA, SB, and BK oppose)  
Result: Motion failed

Final Vote: DK approved, SB second (JC, RA, B approve) (JM, HK, JW deny)  
Results: Motion passes 5-3

### **22-PV-656 – Code Red Consultants – 149 Franklin Street, Stoneham**

The petitioner, Jeff Perras, is seeking permission to deviate from 248 CMR 10.10(18)(Table 1) to allow for a 50% reduction in plumbing fixtures serving the outdoor stadium as access to plumbing fixtures within the school is provided during a stadium event. The petitioner also seeks relief from 248 CMR 10.10(18)(h)(5) to allow for a single, unisex accessible toilet room to be provided to serve the kitchen staff. The local inspector and board of health have been notified.

Vote: HK approved; JW seconded  
Results: Unanimously approved.

### **22-PV-65 – Code Red Consultants – 149 Franklin Street, Stoneham**

The petitioner, Jeff Perras, is seeking permission to deviate from 248 CMR 10.10(18) Table 1 to allow for shared, gender-neutral lavatories in lieu of separate men and women lavatory facilities within an educational facility and to deviate from 248 CMR 10.10(18)(Table 1) to allow for the replacement of the required urinals within an educational facility with toilets. The local inspector and board of health have been notified.

The members noted that no single user bathrooms in the vicinity of the multi-user bathrooms. Further, members noted that they have never approved every bathroom in a school becoming gender neutral. Finally, it was noted that the Board had denied proposals in the past where the sinks were not in the same location as water closets. The Board members suggested a redesign was necessary.

A motion was made by JC to deny. The motion was seconded by JW. The motion to deny was passed unanimously.

### **22-PV-658 - DF Plumbing and Mechanical – 195 Industrial Drive, Northampton**

This is a Post Installation variance. The applicant, David Fredenburg, is seeking a variance from 248 CMR 10.09 (b) to not install a separator or bollards given that Each room has interlocked doors with its own HVAC system. Only one door in each room can be opened at any one time. The facility will have clean rooms in it with temp/humidity controls. No vehicles will be allowed in either the shipping or receiving areas. The local inspector and board of health have been notified.

Members noted that the Board generally does not grant variances from 248 CMR 10.09.

Vote: JC deny JW seconded

Result: Deny by vote of 7 to 1 (JM, HK, JW, DK, JC, SB, and BK in favor) (RA oppose)

### **22-PV-659 – Matthew Moynahan – 53 Rocky Neck Avenue, Gloucester**

The petitioner is seeking relief from 248 CMR 10.10 Table 1. Adding a café, with liquor license, to an existing retail space has triggered a change in use from retail to restaurant. The facility has a single ADA bathroom which limits the occupancy to 20. The petitioner hopes to avoid installing a second bathroom and is seeking an occupancy of 50. The local inspector and board of health have been notified.

The applicant failed to appear

Vote: HK table, JW second

Results: Unanimously tabled

### **22-PV-661 – Luis Moreno – 835 Old Marlboro Road, Concord**

The petitioner is seeking a variance from 248 CMR 10.10(1) (B)(p) Item 2 requires that "Urinals listed for elementary, secondary, post-secondary and industrial factory/warehouse are in addition to the toilets required." The petitioner is proposing to replace all urinals with toilets to provide flexibility if multi-user gender-neutral bathrooms are allowed in the future and to address the custodial staff concerns about cleanliness and behavioral issues. The local inspector and board of health have been notified.

Vote: HK approve, RA seconded with conditions

Results: Approved with conditions by vote of 7 to 1 (JM, HK, RA, DK, JC, SB, and BK in favor) (JW oppose)

Conditions: separate lav sinks in every bathroom. No common

lav sink. Signage must be boys and girls. New drawings must be submitted for approval

**22-PV-662 – Avid Engineers – 156 Broad Street, Lynn**

The petitioner requests a variance from 248 CMR 10.10 (N) 5. (Partitions) for the LEO Preschool. Toilet partitions can be an obstacle to providing adequate supervision. To achieve a balance between supervision and privacy, we propose urinal partitions, without doors, to be installed between the child toilets enabling the teacher to assist students as needed. The local inspector and board of health have been notified.

Vote: JW approved, HK seconded

Results: Unanimously approved

**22-PV-664 – Julio Cortez – 107 Ridgefield Circle, Unit A, Clinton**

This is a Post Installation variance. The petitioner seeks relief from 248 CMR 10.8 Table 1 to be allowed to remove a tub in a condominium and install a shower using the existing 1 ½” drain.

The petitioner states that the work was completed out of compassion for an ill resident. The local inspector and board of health have been notified.

The applicant failed to appear

Vote: HK tabled; JW seconded

Results: Unanimously tabled

**22-PV-667 – Bruno Plumbing & Heating – 98 Crowninshield Road, Brookline**

The applicant, Bruno Federiconi, is seeking relief from 248 CMR 10.15 (10) (a) 2 to be allow to install a laundry ejector pump to help the occupants manage assisting an elderly family member. Installing a laundry drain by gravity would require significant excavation of a new concrete floor. The local inspector and board of health have been notified.

Vote: RA approved, JC seconded

Results: Unanimously approved

**22-PV-669 – LFY Architects – 1 Wilson West Way, North Attleborough**

The variance request is for the reduction of public restroom plumbing requirements for the new bleacher occupant load of 2025 for the high school sports complex football field. Per 10.1 0 Table 1 "Stadiums" the number of plumbing fixtures required would be:

- WC= (1/30) 34 Female/ (1/60) 17 Male (w/ 50% allowed to be Urinals)

- Lav = (1 /150) 7 Female / (1 /150) 7 Male The applicant is requesting:

WC = 17 Female (50% reduction) / 9 Male (50% reduction) - (w/ 50% allowed to be Urinals)

Note: Family bathroom to be counted as additional female fixture count Lav= 4 Female (43% reduction) I 4 Male (43% reduction)

Note: Family bathroom to be counted as additional female fixture count The local inspector and board of health have been notified.

Vote: HK approved; JC seconded

Results: Approved with conditions-

Conditions:WC = 17 Female (50% reduction) / 9 Male (50% reduction) - (w/ 50% allowed to be Urinals)

Note: Family bathroom to be counted as additional female fixture count

Lav= 4 Female (43% reduction) I 4 Male (43% reduction)

**22-PV-672 – Leonid Rabkin, PE – 155 Portland Street, Boston**

The petitioner is seeking relief from 248 CMR 10.14 (4) to install a 4” water main instead of a the required 6” main due to concerns regarding reduced water quality and stagnation within the water distribution system. The local inspector and board of health have been notified.

Vote: B approved; JC seconded

Results: Unanimous approval with conditions- a licensed engineer must provide signed and stamped plans and a signed and stamped letter.

**22-PV-673 – Armor Development – 471 Main Street, Unit 101, Stoneham**

The petitioner is seeking relief from 248 CMR 10.6(2)(o) PVC use. A 4” cast iron drain is not available in this location on the first floor of the mixed usage building. Since the cast iron drain is located more than 40' away under a different tenant occupied space under the existing concrete slab the petitioner is seeking to tie in new work to an existing PVC stack. The local inspector and board of health have been notified.

Members noted that no variance appeared to be required. No Action Taken

**22-PV-674 – James Morrill – 56 Winchester Street, Newton**

The petitioner is seeking variance from 248 CMR 10.02 (6) (b) and 10.15 (2) (b) to be allowed to not install a mop sink. The petitioner states that, given the existing building’s structure, layout, and plumbing, including a 3” sanitary drain run in the garage drop ceiling. The addition of a drop sink would require a 4” drain which will not fit within the ceiling. The local inspector and board of health have been notified.

Members noted that it was important to adhere to the code in this instance.

Vote: JC deny, JW seconded

Results: Unanimously in favor of denying the request

**22-PV-675 – Mark Shahood Jr. – 41 Rolling Lane, Needham**

The petitioner is seeking a variance to be allowed to replace a 60”x30” fiberglass shower pan that has a 29” rough opening that was damaged during a remodel project in a separate bathroom with a new pan with the same measurements. Increasing the pan to accommodate a 30” rough opening would require a major remodeling project. The local inspector and board of health have been notified.

Withdrawn, no action taken

**22-PV-681 – Annie Raymond – 35 Columbus Avenue, Northampton**

The petitioner is seeking relief from 248 CMR 3.04 (Product Acceptance) to install two 41” round bathtubs that are not product accepted. The petitioner has found two different tubs that would work for their renovations, they are;

Signature Hardware’s 41" SIGLO ROUND JAPANESE SOAKING TUB Heatgene HG1023 Acrylic 41" Freestanding Soaking Bathtub

The local inspector and board of health have been notified.

Vote: JW approved, HK seconded  
Results: Unanimously approved.

**22-PV-683 – Tyler O’Brien – 385 Myles Standish, Taunton**

The petitioner is seeking relief from 248 CRM: 10.10 (j) Employee Toilet Facilities for (Industrial) Buildings. 300' of travel distance cannot be achieved due to the hardship of racking in the warehouse. The warehouse is to be comprised of racking where no persons will typically work. Persons working in the office are located less than 300' to toilet facility. The local inspector and board of health have been notified.

The applicant indicated that the distance in question was a little over 500 feet, but employees will be on forklifts. Members were not in agreement that racking positions were a legitimate reason not to install required bathrooms.

Vote: JW deny, DK seconded

Results: Motion is denied 5 to 3 (JW, DK, JC, SB, and BK in favor) (HK, JM, RA oppose)Appeal of an Inspector’s Decision

**22-AID-668 – James A. Loft - 3101 Briarwood Village, Clinton**

The parties giving testimony were sworn in, exhibits accepted, and each party was given an opportunity to present their position. The Board engaged in no deliberation in open session. The chair notified the parties that a written decision would thereafter be issued explaining the Board’s decision.

**22-AID- 682 – Thomas Iskra - Boston Trinity Academy, 17 Hale Street, Boston**

The parties giving testimony were sworn in, exhibits accepted, and each party was given an opportunity to present their position. The Board engaged in no deliberations in open session. During the hearing, the parties indicated that additional fact finding was needed and requested the matter be continued to the next meeting.

Vote: DK to continue hearing to next meeting, RA seconded

Results: Motion Unanimously approved

**FYI – Board Delegated Staff Approvals – Board Vote Not Required**

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

22	DAPV	645	David	Renzello	17 Beethoven St	Roxbury
22	DAPV	646	David	Renzello	153 Whipple Rd	Tewksbury
22	DAPV	647	David	Renzello	82 Violetwood Circle	Marlborough
22	DAPV	648	David	Renzello	26 Sandy Ridge Circle	Sharon
22	DAPV	649	David	Renzello	65 Cherry St	Plymouth

22	DAPV	650	David	Renzello	557 Essex Ave Unit B	Gloucester
22	DAPV	651	David	Renzello	20 Wareham Ave	Wareham
22	DAPV	652	David	Renzello	35 West Crook St	Brockton
22	DAPV	653	David	Renzello	203 Park Place	Raynham
22	DAPV	1017	Steven	Lamb	21 Atherton St	Stoughton
22	DAPV	645	David	Renzello	17 Beethoven St	Roxbury
22	DAPV	646	David	Renzello	153 Whipple Rd	Tewksbury
22	DAPV	647	David	Renzello	82 Violetwood Circle	Marlborough
22	DAPV	648	David	Renzello	26 Sandy Ridge Circle	Sharon
22	DAPV	649	David	Renzello	65 Cherry St	Plymouth
22	DAPV	650	David	Renzello	557 Essex Ave Unit B	Gloucester
22	DAPV	651	David	Renzello	20 Wareham Ave	Wareham

22	DAPV	652	David	Renzello	35 West Crook St	Brockton
22	DAPV	653	David	Renzello	203 Park Place	Raynham
22	DAPV	1018	John	Lennon	26 Cary Road	Plymouth
22	DAPV	1019	Sreeni	Kommineni	23 Barton Rd	Havard
22	DAPV	1020	Bob	Laraia	199 Lake St #23	Weymouth
22	DAPV	1021	David	Renzello	2c Morgan Mil	Johnston
22	DAPV	1022	John	Tedeschi	961 Boylston	Newton
22	DAPV	1023	Curtis	Stake	3 Faircare Dr	Boylston
22	DAPV	1024	Mike	Blomerth	26 Cedar St	Woburn
22	DAPV	1025	Mike	Blomerth	26 Cedar St	Woburn
22	DAPV	1026	Mike	Blomerth	26 Cedar St	Woburn
22	DAPV	1027	Mike	Blomerth	26 Cedar St	Woburn
22	DAPV	1028	Mike	Blomerth	26 Cedar St	Woburn
22	DAPV	1029	Mike	Blomerth	26 Cedar St	Woburn
22	DAPV	1030	Mike	Blomerth	26 Cedar St	Woburn
22	DAPV	1031	Mike	Blomerth	26 Cedar St	Woburn
22	DAPV	1032	Mike	Blomerth	26 Cedar St	Woburn
22	DAPV	1033	Mike	Blomerth	26 Cedar St	Woburn
22	DAPV	1034	Mike	Blomerth	26 Cedar St	Woburn
22	DAPV	1035	Mike	Blomerth	26 Cedar St	Woburn
22	DAPV	1036	Mike	Blomerth	26 Cedar St	Woburn
22	DAPV	1037	Mike	Blomerth	26 Cedar St	Woburn
22	DAPV	1038	Mike	Blomerth	26 Cedar St	Woburn
22	DAPV	1039	Ryan	Powers	26 Cedar St	Woburn
22	DAPV	1040	Ryan	Powers	26 Cedar St	Woburn

22	DAPV	1041	Ryan	Powers	26 Cedar St	Woburn
22	DAPV	1042	Ryan	Powers	26 Cedar St	Woburn
22	DAPV	1043	Ryan	Powers	26 Cedar St	Woburn
22	DAPV	1044	Ryan	Powers	26 Cedar St	Woburn
22	DAPV	1045	Ryan	Powers	26 Cedar St	Woburn
22	DAPV	1046	Ryan	Powers	26 Cedar St	Woburn
22	DAPV	1047	Ryan	Powers	26 Cedar St	Woburn
22	DAPV	1048	Ryan	Powers	26 Cedar St	Woburn
22	DAPV	1049	Ryan	Powers	26 Cedar St	Woburn
22	DAPV	1050	Jonathan	Mayer	26 Cedar St	Woburn
22	DAPV	1051	Jennifer	Bylo	55B Corporate Park Dr	Pembroke
22	DAPV	1052	David	Renzello	20 Morgan Mill Rd	Johnston (RI)
22	DAPV	1053	Kathleen	Ordmandy	37 Dennis St Apt 6	Attleboro

22	DAPV	1054	Susan	Kuriakose	250 Hammond Pd Pkwy	Newton
22	DAPV	1055	Gerard	Owerka	25 Rockland St	Stoughton
22	DAPV	1056	Pete	DiGiano	26 Cedar St	Woburn
22	DAPV	1057	Pete	DiGiano	26 Cedar St	Woburn
22	DAPV	1058	Pete	DiGiano	26 Cedar St	Woburn
22	DAPV	1059	Mike	Blomerth	26 Cedar St	Woburn
22	DAPV	1060	Pete	DiGiano	26 Cedar St	Woburn
22	DAPV	1061	Pete	DiGiano	26 Cedar St	Woburn
22	DAPV	1062	Mike	Blomerth	26 Cedar St	Woburn

No action required

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

The chair announced that the remaining agenda items would be in closed session and the Board did not anticipate any matters for open session and would be adjourning upon conclusion of Investigative Conference.

JC made a motion to enter quasi-judicial session for deliberations, the motion was seconded by HK and was unanimously approved.

## **QUASI JUDICIAL SESSION**

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

The Board engaged in deliberations in the matter of 22-AID-668, 3101 Briarwood Village, Clinton (see above)

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

Vote: DK uphold the Inspector's decision denying the installation, HK seconded

Results: Motion to uphold unanimously approved.

## **EXECUTIVE SESSION**

None held

## **ADJOURNMENT**

At 1:00 p.m. A motion to adjourn was made by JC, seconded by HK

Results: Unanimously approved.

The Chair noted that the Board would hold an additional meeting on October 20, 2022 primarily for character reviews.