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BOARD OF STATE EXAMINERS OF PLUMBERS AND GAS FITTERS

October 2, 2024

BOARD MEETING AGENDA MINUTES

**IN ACCORDANCE WITH THE PROVISIONS OF G.L. C. 30A § 20, NOTICE IS
HEREBY GIVEN THAT THE BOARD OF STATE EXAMINERS OF PLUMBERS AND
GAS FITTERS CONVENED A BOARD MEETING
MEETING VIA TELEPHONE/VIDEO CONFERENCE:**

Member and Staff Attendance

: MEMBERS	APPOINTMENT	PRESENT	ABSENT
Mr. Joseph McNamee	Chairman, Master Gas Fitter	X	
Mr. Harold Knight	Vice-Chairman 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	
Mr. Kenneth Peterson	Executive Director	X	
Mr. Michael Guida	Board Code Consultant	X	

9:00 A.M. AGENDA REVIEW:

By Chairman Joe MacNamee

Variances

24-PV-214, Janine Perry, 3299 Main Street, Brewster

The petitioner for the Cape Rep Theatre in Brewster is seeking relief from 248 CMR 10.02, Basic Principles, to allow the restoration of the historic Crosby Barn without the required bathrooms. Code-compliant bathrooms are approximately 80-feet away from the barn. State Inspector Lima has been notified.

Vote: WT to approve, with the condition that there not be simultaneous events at the barn and the house for a three-year time period, DK seconded

Results: Unanimously approved

24-PV-216, Joseph Placenti, 27 Clark Street, Norfolk

The petitioner is seeking relief from 248 CMR 10.10 Table 1 to allow a reduction in fixtures for a temporary housing shelter. State Inspector O'Reilly has been notified.

Vote: WT to approve, HK seconded

Results: Unanimously approved

24-PV-221, Daniel Wahlberg, 1 Constitution Drive, Charlestown

The petitioner is seeking relief from 10.10 Table 1 to allow the reduction of fixtures in a medical/health care facility. Inspector Padden has been notified.

Vote: HK to approve on bathroom for patients and another bathroom for staff members, WT seconded

Results: Unanimously approved

24-PV-202, Dave Taggart, 140 First Street, Cambridge

The petitioner is seeking relief from 248 CMR 10.15 (9) (a), to allow the installation of a discharge pump for a RODI system that cannot drain by gravity.

The Board of Health and local inspector have been notified.

VARIANCE WITHDRAWN

24-PV-199, Gregory Riley, 40 Lackey Dam Road, Uxbridge

The petitioner is seeking relief from 248 CMR 10.10 Table 1, to allow the construction of a 420,000 sqft warehouse without the required showers. The Board of Health and local inspector have been notified.

Vote: WT to approve one shower for men and one shower for women or two unisex showers, HK seconded

Results: Unanimously approved

24-PV-201, Gerald Sullivan, 271 Church Street, Clinton

The petitioner for the Council on Aging is seeking relief from 248 CMR 10.10 Table 1, to allow a reduction in the fixtures required for their proposed fitness area renovation project. The Board of Health and local inspector have been notified.

Motion Passed in September – no action required

24-PV-200, Charlie Cashin, 492 Sutton Street, North Andover

The petitioner is seeking relief from 248 CMR 10.10 Recreational Facilities, to allow the construction of a children's lacrosse program facility without the required showers. This is a post-installation variance, and the Board of Health and local inspector have been notified.

The applicant changed the prior request to seek a single gender neutral shower. Members in discussion felt that a hardship was not justified.

Vote: HK to deny, DK seconded

Results: HK, DK, JC, WT, BK, JM to deny RA, SB to approve. Request denied by vote of 6 to 2.

24-PV-212, Stephen Douglas, 307 Broadway Street, Arlington

The petitioner is seeking relief from 248 CMR 10.10 (c)(4) to allow a reduction in the required fixtures for their 730 sq ft take-out establishment. The Board of Health and local inspector have been notified.

Vote: JC to approve the establishment to use the existing bathroom to the rear of the space, HK seconded

Results: Unanimously approved

24-PV-213, Gino DiGiallonardo, 146 S. Main Street, Milford

The petitioner for the Central Mass Ball Clubb is seeking relief from 10.10 Table 1, to allow the construction of a 12,500 sq ft baseball facility without the required shower and mop sink. The Board of Health and local inspector have been notified. In discussion, members noted a slop sink could be utilized, however regarding the shower, members felt to be consistent with prior decisions it should be mandated.

Vote: HK to deny the shower request, and the slop sink can be installed in lieu of a mop sink, JC seconded

Results: HK, JC, BK, RA, DK, JM to deny, WT, SB to approve. Decision issued by vote of 6 to 2.

24-PV-215, Mike Bell, 30 Sturgis Street, Woburn

The petitioner is seeking relief from 248 CMR 3.04 to allow the installation of a pipe liner that was installed outside of the scope of product acceptance. This is a post-installation variance, and the Board of Health and local inspector have been notified.

1st Vote: JC to delegate the acceptance of the pipe liner to Board staff, RA seconded

Results: JC, RA, JM, HK, BK, SB to delegate, WT against, DK abstained. Motion passed 6 to 1 with one abstention.

24-PV-217, George Baberkov, 322 Turkey Hill Road, Northampton

The petitioner is seeking relief from 248 CMR 10.20(9) to allow area drains around their swimming pool to be discharged to daylight. The Board of Health and local inspector have been notified.

Vote: BK to approve with the condition that the town approves of this installation for salt water pools only, JC seconded

Results: HK, BK, JC, JM, RA, SB, to approve, WT and DK opposed; motion passed 6 to 2.

24-PV-223, Anjanette Cuan, 315 Walnut Street, Newton

The petitioner is seeking relief from 248 CMR 10.10 Table 1 to allow a reduction in the required fixtures for their take-out establishment. The Board of Health and local inspector have been notified.

Vote: RA to approve, HK seconded

Results: Unanimously approved

24-PV-239, Robert Perry, 638 Quequechan Street, Fall River

The petitioner is seeking relief from 248 CMR 10.05, to allow the installation of a pipe liner in an emergency by an unlicensed plumber. This is a post-installation variance. The Board of Health and local inspector have been notified.

Members noted that they lack the authority to approve illegal plumbing work.

Vote: WT to deny, HK seconded

Results: Unanimously denied

At 10:40 a.m., a motion was made by WT to enter into Investigative Conference per M.G.L. c. 112, s. 65C, seconded by JC. The motion was approved unanimously.

Closed Session: Investigative Conference per M.G.L. c. 112, s. 65C

No decisions were reported based on the conference.

Board Delegated Staff Approvals- Special Permission

24-DAGV-207- Gregory Mahoney- 6 Atlantic St Gloucester

The request for Full Operation of an Unlisted Appliance has been granted for one (1) natural gas **Residential Range** in accordance with 248 CMR 3.04 (1) at the above-listed address by Delegated Authority.

FYI – Board Delegated Staff Approvals – Board Vote Not Required

Fixture Variances

24-DAFV-205- Shiba Nemat Nasser- 44 Bournedale Rd Boston

The request for the use of unlisted fixtures in accordance with 248 CMR 3.04 (1) at the above-listed address by Delegated Authority.

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

None

QUASI-JUDICIAL SESSION

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

Executive Session

The purpose of executive session, pursuant to M.G.L. c. 30A, §21 was to discuss applicant's character, rather than competence. The chair announced that after Executive Session the Board would enter investigative conference, no additional open session items were on the agenda.

Vote: HK to go into Executive Session at 10:43, RA seconded

Results: Unanimously approved

Adjournment

Upon conclusion of Executive Session at 11:29 a.m., a motion was made by RA to adjourn the meeting, seconded by JC. The motion was unanimously approved.

Items Relied Upon

Agenda

Variance applications