



**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

**MIKE KENNEALY**  
SECRETARY OF HOUSING AND  
ECONOMIC DEVELOPMENT

**Commonwealth of Massachusetts**  
**Division of Professional Licensure**

1000 Washington Street, Suite 710  
Boston, Massachusetts 02118

**EDWARD A. PALLESCHI**  
UNDERSECRETARY OF CONSUMER  
AFFAIRS AND BUSINESS  
REGULATION

**LAYLA R. D'EMILIA**  
COMMISSIONER, DIVISION OF  
PROFESSIONAL LICENSURE

**BOARD OF STATE EXAMINERS OF  
PLUMBERS AND GAS FITTERS**

**November 4, 2020, BOARD MEETING 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 will convene a regular monthly meeting via Gotomeeting  
conference on:**

Board of State Examiners of Plumbers and Gas Fitters  
Wed, November 4 2020 9:00 AM - 1:00 PM (EDT)

**Please join my meeting from your computer, tablet or smartphone.**  
<https://global.gotomeeting.com/join/466641157>

**You can also dial in using your phone.**  
United States (Toll Free): [1 877 309 2073](tel:18773092073)  
United States: [+1 \(646\) 749-3129](tel:+16467493129)

**Access Code:** 466-641-157

New to GoToMeeting? Get the app now and be ready when your first meeting starts:  
<https://global.gotomeeting.com/install/466641157>



## BOARD OF STATE EXAMINERS OF PLUMBERS AND GASFITTERS NOVEMBER 4, 2020

It is anticipated that the topics shown below will be discussed at the aforementioned meeting:

**9:00 A.M. AGENDA REVIEW:** By Chairman Joseph McNamee

### *Member and Staff Attendance*

MEMBERS	APPOINTMENT	PRESENT	ABSENT
Mr. Joseph McNamee	Member, Master Gas Fitter	X	
Mr. Dan Kilburn	Member, DPL Designee	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	
<b>STAFF</b>			
Mr. Charles Kilb	Board Legal Counsel	X	
Ms. Karen Brann	Board Executive Director	X	
Ms. Mary Collins-McCarthy	Associate Executive Director	X	
Mr. Taylor Roth	State Plumbing Investigator	X	
Mr. Scott Padden	State Plumbing Investigator	X	
Mr. Fredrick Lima	State Plumbing Investigator	X	
Mr. James O'Reilly	State Plumbing Investigator	X	
Mr. Joseph Peluso	Board Consultant		

**9:00 A.M. AGENDA REVIEW:** By Chairman Joseph McNamee

### **UP COMING MEETING VENUE**

Due to the COVID-19 State of Emergency upcoming meeting venue may change

### **APPROVAL OF PREVIOUS MEETING MINUTES**

#### **Board Meeting Minutes**

October 4, 2020 Will be voted on during the December meeting.

*April 1, 2020*

*A motion was made by RA to accept the minutes as submitted and seconded by HK Result: Unanimous*

## BOARD OF STATE EXAMINERS OF PLUMBERS AND GASFITTERS NOVEMBER 4, 2020

*August 5, 2020*

*A motion was made by JW to accept the minutes as submitted and seconded by RA. Result: Unanimous*

*September 16, 2020*

*A motion was made by WT to accept the minutes as submitted and seconded by RA. Result: Unanimous*

### **DISCUSSION**

#### **D1 – Campground Advisory**

The Board discussed a staff drafted campground advisory and how to handle these issues going forward. The Sanitary Code provides fixture counts for campgrounds as a whole, but does not address specific buildings. The Plumbing code conversely reflects minimum fixture counts for buildings only. This advisory says you need to look at both codes and address accordingly. Issues should be addressed on a case by case basis.

*Motion: A motion was made by WT to accept the draft advisory and seconded by RA.*

*Results: Unanimous*

#### **D1 – Lack of availability of code compliant construction trailers**

A staff drafted advisory was presented to the Board. The advisory says the code needs to be followed with these trailers. If the code is not followed, a variance request is needed. The advisory is meant to discourage people from simply applying for a variance but first do their research.

*Motion: A motion was made by HK to accept the advisory on the condition of the removal of the word construction from the language of the advisory and seconded by TW*

*Results: Unanimous*

## **APPEALS**

### **A3 – APPEAL OF INSPECTOR'S DECISION – 113 BURLEY STREET - DANVERS**

#### **Discussion:**

Tabled from the previous board meeting. Project is in compliance at this point. Matt Freeman: Wants some clarity although he already made it compliant. Originally dumped the condensate outside. Failure written up as 10.12 (1) (d). says may and not must. There are other suitable ways. If we dispose of the condensate into the plumbing system, it has to be neutralized. Only falls in the jurisdiction of the Board when it empties into the plumbing system. Should be able to dump it outside if he chooses to.

Norman St. Hilaire: Never saw this presentation. Some of these condensate discharges freeze and result in significant damage. Appliances are installed in unconditioned areas need protection in Danvers. Conclusion was the manufacturer does not clearly allow condensate to be discharged outside. Matt Freeman: Town of Danvers is requiring the discharge. Upon questioning by the Board's attorney, Mr. St. Hilaire verified that it is his contention that the installation discharge does not comply with the appliance manufacturer's installation instructions. Neither party submitted these instructions for the record. The chair announced the Board will deliberate later in quasi-judicial session.

## **VARIANCE REQUEST(S)**

### **PV-53 – ALLA DUPONT – 1885 WESTFIELD STREET – WEST SPRINGFIELD**

**This case was tabled from the 10/7/2020 meeting.**

**This is a Post-Installation variance.** The Petitioner (Grigoriy Fishtik from Greg's Plumbing) is seeking a variance from 248 CMR, Section 3.09 Product, Design and Testing Standards (0) product acceptance, for a shower unit that does not have Mass approval. The local Board of Health has been notified.

**BOARD OF STATE EXAMINERS OF PLUMBERS AND GASFITTERS NOVEMBER 4, 2020**

**Discussion.** *WT: Don't have any documentation showing compliance with plumbing standards. The Intertek test report they provided was for electrical only.*

**Motion:** *A motion was made by WT to table the request and seconded by HK.*

**Result:** *Tabled*

**COMMERCIAL PROJECT APPLICATION**

**PV-69 ESSEX TECHNICAL HIGH SCHOOL – 562 MAPLE STREET – DANVERS**

The Petitioner (James Russell from Essex Technical High School is seeking approval for a Commercial Project Application for the above address. The project will be done by students of the school and consist of installing commercial rough and finish plumbing and gas fitting on a small commercial function hall type of building on school grounds. Gas fitting work will be done on a small commercial kitchen water heater. Students will have an opportunity to install cast iron DWV, copper water piping and commercial plumbing fixtures, gas piping appliances and also underground DWV.

**Discussion:** *Tare down a little cottage. Building a small multi-use building on the same footprint for meetings in the town. Good experience for the students to do underground and other items they are exposed to. Building is about 1,000 square feet. Teacher to student ratio will be 8 to 1 maximum.*

**Motion:** *A motion was made by WT to approve the project and seconded by DK.*

**Result:** *Approved*

**PV-70- JAN WALTER- 141 SHADE STREET - LEXINGTON**

The Petitioner (Jan Walter) is seeking a variance from 248 CMR, Section 10.14 #3 conservation of water (a)1 and 10.10 Shower Controls (e) 2. & 3 for two purchased shower heads and valves which are not listed on the accepted plumbing products online system. The Petitioner is looking for approval to use a Guenda Waterfall Wall Mounted Shower System and a Nivia Rainfall/Mist 20 inch ceiling mount spa shower system.

**Discussion:.** *Informed by their plumber that he couldn't install the fixtures because they were not product accepted. Problems getting info from the Chinese manufacturer. Approved by the UPC for low flow.*

**Paperwork** *says 2 GPM. Shower control valve. Shows as acceptable from the UPC code.*

**Motion:** *A motion was made by RA and to have the request approved in-house on the condition the office receives certificate documentation and seconded by HK.*

**Result:** *Approval upon receiving the proper certification testing paperwork for the shower valve.*

**PV -73 - MBTA BRAINTREE GARAGE AT MBTA BRAINTREE STATION**

The Petitioner (James Shannon from Architectural Engineers, Inc.) is seeking a variance from 248 CMR, Section 10.5(2) (c ), to install an underground line at a pitch of ¼ inch per 10 ft. in lieu of 1/8 inch per ft in order to meet the invert of the installed underground sanitary line. Originally the design intent was to run a pump force main at the ceiling of the first level approximately 250 feet from the sewage ejector pit to the underground sanitary line. Due to the length of the force, the plumbing inspector required the force main to be turned into a pitched sanitary line. A 4" pitch line at 1/8" per ft would leave the line below the 7ft required ceiling height.

**Discussion.** *Would like to pump about 250' away. Could not get pitch on the line. Inspector would not approve. Increasing the drain from 3" to 4" but wants to reduce the pitch underground to a quarter of an inch per every 10'.*

**Motion:** *A motion was made by WT to approve the variance request and seconded by HK.*

**Result:** *Approved*

**PV-74 – CITY OF SALEM – BASEMENT OF THE OLD TOWN HALL**

The Petitioner (Julie Barry from the City of Salem) is seeking a variance from 248 CMR, to have one large toilet room in lieu of separate men's and women's toilet rooms. The local Board of Health has been notified.

*Discussion: Variance is actually for Artist Row. 24 New Derby Street. Service a row of small shops. 4 market stalls. Seasonal. Each has one tenant. Maximum of 2 people in each unit at one time. 500 – 1300 square foot spaces. Artist work and selling. The Board attorney recommended tabling it until next month because the request pertains to a different location than that on the posted agenda.*

*Motion: A motion was made by TW to Table the request until next month and seconded by WT.*

*Result: Tabled*

**PV-75 BAY STATE PHYSICAL THERAPY – UNIT 102A 550 WILLIAM S CANNING BOULEVARD – FALL RIVER**

The Petitioner (James Kimball from Phase Zero Design) is seeking a variance from 248 CMR, Section 10.10(18)(k) to install only two gender neutral toilet facilities to be used by staff, patients and visitors in lieu of separate male and female toilet facilities for patients and visitors. They are required to install 4 toilet rooms in total. The local Board of Health has been notified.

*Discussion: Asking for two rest rooms in lieu of the four required. 4 treatment tables. Full occupancy 16 patients. Neither the BOH or Plumbing Inspector has an opinion in their letter.*

*Motion: A motion was made by WT to approve this variance requests and seconded by HK.*

*Result: One gender-neutral bathroom designated for staff and 1 gender-neutral bathroom designated for patients.*

**PV-76 – MASS BAY COMMUNITY COLLEGE – 89 MT. WAYTE – FRAMINGHAM**

The Petitioner (Jeremy Mason from Howe Engineers) is seeking a variance from 248 CMR, Section 10.10(18)r and 10.10 table 1 to not provide urinals for post-secondary college students. All urinals required for students will be replaced with toilets and the total number of fixtures required will be satisfied. All bathrooms will be single user, the number of lavatories provided for the building will be double than what is required. A total of 4 gender neutral bathrooms will be provided for students on each of the floors with the exception of level 4 which will have 3 gender neutral bathrooms 2 for males and 1 for females.

*Discussion: DCAM project. Student population concerns. Disability, gender issues as well as accessibility to everyone else. New health science and early education building. Will have faculty offices as well. 4 story building. 1<sup>st</sup> two levels are health science and early childhood education rooms. Student lounge as well. 3<sup>rd</sup> floor nursing computer labs library, tutoring. Predominately classrooms. 4<sup>th</sup> floor is faculty offices and mechanicals. Provided separate facilities for students and staff. Now want to do all single user rest rooms. All of the student rest rooms will have just toilets. Each rest room will have one toilet and one sink. The number of fixtures required are compliant with 10.10. Taylor: Makes sense to him.*

*Motion: A motion was made by JC to approve this variance request and seconded by JW.*

*Result: Approved*

**PV-77 – LAUREN AND MICHAEL CAPITANI – 112 WINTER STREET – BELMONT**

The Petitioners (Lauren and Michael Capitani) are seeking a variance from 248 CMR, Section 3.04 number 1, to install a 59" Streamline N-660-59FSWH-FM Soaking Freestanding Tub with internal drain. The tub is 28.3" wide which is 3" narrower than most freestanding tubs. The tub is cUPC certified. The tub is not on the plumbing products approval list. The local Board of Health has been notified.

*Discussion. Need IAPMO certificate*

*Motion: A motion was made by HK and seconded by TW to have the request approved in-house on the condition the office receives certificate documentation.*

*Result: Approve conditionally on office receiving certificate.*

**PV-78 – KATHERINE E. SMITH – 157 RIPLEY ROAD – MONTAGUE**

The Petitioner Katherine E. Smith is seeking a variance from 248 CMR, to install a new bathtub manufactured by the American Bath Factory that is not listed on the plumbing products approval list.

**Discussion**

*Motion: A motion was made by TW and seconded by HK to have the request approved in-house on the condition the office receives certificate documentation.*

*Result: Approve conditionally on office receiving certificate.*

**PV-79 – WESTFORD ACADEMY – 30 PATTEN ROAD – WESTFORD**

The Petitioner (Town of Westford) is seeking a variance from 248 CMR, Section 10.10 table 1, to reduce the number of toilets/sinks provided in the proposed amenities building. The required water closet count for the existing and proposed 1,474 total seating capacity for the high school stadium is 25 fixtures for women and 13 fixtures for men. The proposed amenities building includes a total of 22 toilet fixtures. The men's restroom includes 4 water closets and 4 urinals. The women's restroom includes 13 water closets. The building also includes a family restroom with one toilet. The local Board of Health has been notified.

*Discussion: Proposing new 1,500 square foot stadium with a fixture count reduction of approximately 50%. Numbers work.*

*Motion: A motion was made by WT to approve this variance request and seconded by JC.*

*Result: Approved unanimous*

**PV – 91 – 35 LOMASNEY WAY – BOSTON**

The Petitioner (John Cannistraro from JC Cannistraro) is seeking a post-installation variance from 248 CMR, to not replace the grade drainage systems that have been installed to date. The petitioner states that proceeding with the use of the piping material (SDR) as it is better suited than cast iron for site drainage where the piping could be exposed to salt, rain, ground water, freeze/thaw cycles, etc.

*Discussion: Piping was drawn on the civil drawing and complied with Boston water and sewer and approved by them. The piping is exposed to the outdoors and better than commercial materials. SDR materials were approved by BWSC. Piping is on top of the garage and buried in the ground. All perforated piping. The roof of the garage does already have roof drains which were in the plumbing scope. HK: going forward, all of the work will be done by licensed plumbers. This is landscape drainage only. FL: went by and took a look at the project. There was backfilling going on to cover the black plastic corrugated piping filled with stone. The applicant agreed that as part of the variance, other than materials, all installed work was code compliant and he assumes responsibility for it.*

*Motion: A motion was made by TW to approve this variance and seconded by JW.*

*Result: Approved unanimous*

**PV-95 – CVS – 405 LINCOLN STREET – HINGHAM**

The Petitioner (Robert MacCormack from Avid engineers) is seeking a variance from 248 CMR, Section 10.15(10(a)(2) to install a new sink. The installation of a gravity drain line will require trenching across the floor of an existing pharmacy which is expected to remain open during renovations. This trenching work is expected to be extremely disruptive to ongoing operations. The Petitioner is requesting relief for this particular section and would like to install a small pump under the sink to lift the waste using overhead piping in order to reach the existing gravity drain on the other side of the pharmacy. The local Board of Health has been notified.

*Discussion. Petitioner wants to install a new sink. Doesn't want to trench over to the gravity drain. This sink is being used for hair coloring and will be located in the middle of the store.*

*Motion: A motion was made by JC to deny this variance and seconded by JW.*

*Result: Deny, JM in favor. 8 to 1 motion carries*

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

### **DAPV-80 – Kim Geary and Jerry McIntyre – 59 Vine Street - Lexington**

The Petitioner (Clint Mauche from Newpro) is seeking a variance from 248 CMR, Section 10.10 (7) (c) 4 to allow the continued use of an existing 1 ½” bathtub drain for a new proposed shower. The Petitioner states that a 2” drain is not accessible, there will only be one 2.5 GPM showerhead and there will be a 6” minimum threshold shower pan installed. The local Board of Health petition has been received.

### **DAPV-81 – Jim and Colette Lindsay – 123 Charles Street - Reading**

The Petitioner (Clint Mauche from Newpro) is seeking a variance from 248 CMR, Section 10.10 (7) (c) 4 to allow the continued use of an existing 1 ½” bathtub drain for a new proposed shower. The Petitioner states that a 2” drain is not accessible, there will only be one 2.5 GPM showerhead and there will be a 6” minimum threshold shower pan installed. The local Board of Health petition has been received.

### **DAPV-82 – JIM ZATROS – 331 CHERRY STREET - BRIDGEWATER**

The Petitioner (Paul Charron from Charron Plumbing) is seeking a variance from 248 CMR, Section 10.10 (7) (c) 4 to allow the continued use of an existing 1 ½” bathtub drain for a new proposed shower. The Petitioner states that a 2” drain is not accessible, there will only be one 2.5 GPM showerhead and there will be a 6” minimum threshold shower pan installed. The local Board of Health petition has been received.

### **DAPV-83 – RICHARD ZECKHAUSER – 975 MEMORIAL DRIVE APT 912 - CAMBRIDGE**

The Petitioner (Richard Zeckhauser) is seeking a variance from 248 CMR, Section 10.10 (7) (c) 4 to allow the continued use of an existing 1 ½” bathtub drain for a new proposed shower. The Petitioner states that a 2” drain is not accessible, there will only be one 2.5 GPM showerhead and there will be a 6” minimum threshold shower pan installed. The local Board of Health petition has been received.

### **DAPV-84 – DEBORAH AND VICTOR REISELMAN – 36 HAWTHORN CIRCLE - PEABODY**

The Petitioner (Clint Mauche from Newpro) is seeking a variance from 248 CMR, Section 10.10 (7) (c) 4 to allow the continued use of an existing 1 ½” bathtub drain for a new proposed shower. The Petitioner states that a 2” drain is not accessible, there will only be one 2.5 GPM showerhead and there will be a 6” minimum threshold shower pan installed. The local Board of Health petition has been received.

### **DAPV-85 – LAWRENCE PAINTER – 100 COVE WAY UNIT 810 - QUINCY**

The Petitioner (Cole Caron from Newpro) is seeking a variance from 248 CMR, Section 10.10 (7) (c) 4 to allow the continued use of an existing 1 ½” bathtub drain for a new proposed shower. The Petitioner states that a 2” drain is not accessible, there will only be one 2.5 GPM showerhead and there will be a 6” minimum threshold shower pan installed. The local Board of Health petition has been received.

### **DAPV-86 – ERNIE ROGERS AND MARY DESMERAIS 2 FREDRICH STREET UNIT 6 - DRACUT**

The Petitioner (Clint Mauche from Newpro) is seeking a variance from 248 CMR, Section 10.10 (7) (c) 4 to allow the continued use of an existing 1 ½” bathtub drain for a new proposed shower. The Petitioner states that a 2” drain is not accessible, there will only be one 2.5 GPM showerhead and there will be a 6” minimum threshold shower pan installed. The local Board of Health petition has been received.

### **DAPV-87 – JOHN BURNS – 270 MAIN STREET UNIT 14 – NORTH READING**

The Petitioner (Clint Mauche from Newpro) is seeking a variance from 248 CMR, Section 10.10 (7) (c) 4 to allow the continued use of an existing 1 ½” bathtub drain for a new proposed shower. The Petitioner states that a 2” drain is not accessible, there will only be one 2.5 GPM showerhead and there will be a 6” minimum threshold shower pan installed. The local Board of Health petition has been received.

**BOARD OF STATE EXAMINERS OF PLUMBERS AND GASFITTERS NOVEMBER 4, 2020**  
**DAPV-88 – GEORGE TRAVIS – 61 ALRICK ROAD - QUINCY**

The Petitioner (George Travis) is seeking a variance from 248 CMR, Section 10.10 (7) (c) 4 to allow the continued use of an existing 1 ½” bathtub drain for a new proposed shower. The Petitioner states that a 2” drain is not accessible, there will only be one 2.5 GPM showerhead and there will be a 6” minimum threshold shower pan installed. The local Board of Health petition has been received.

**DAPV-89 – TOM HILDRETH – 26 CENTERCREST DRIVE UNIT 26 - TYNGSBOROUGH**

The Petitioner (Clint Mauche from Newpro) is seeking a variance from 248 CMR, Section 10.10 (7) (c) 4 to allow the continued use of an existing 1 ½” bathtub drain for a new proposed shower. The Petitioner states that a 2” drain is not accessible, there will only be one 2.5 GPM showerhead and there will be a 6” minimum threshold shower pan installed. The local Board of Health petition has been received.

**DAPV-90 – DEBORAH KALIL – 300 FENNO STREET UNIT 14 - REVERE**

The Petitioner (Clint Mauche from Newpro) is seeking a variance from 248 CMR, Section 10.10 (7) (c) 4 to allow the continued use of an existing 1 ½” bathtub drain for a new proposed shower. The Petitioner states that a 2” drain is not accessible, there will only be one 2.5 GPM showerhead and there will be a 6” minimum threshold shower pan installed. The local Board of Health petition has been received.

**EXECUTIVE SESSION**

*A motion was made by DK and seconded by WT to go into executive session to discuss the Character Reviews per M.G.L. c. 30A, s. 21. A roll call vote was taken and each member said yes.*

*The Chair announced that the Board would go into quasi judicial session following executive session, then adjourn, no further open session items would take place.*

**QUASI JUDICIAL SESSION**

The Board reported for the record the following actions taken during quasi-judicial session:

Appeal of an Inspector’s Decision

Condensate waste. JW condensing furnaces are designed to be installed in a conditioned space. CK: Mr. St. Hillaire cited a section of the code and the manufacturer’s installation instructions.

*Motion: A motion was made by DK and seconded by HK in favor of the appellant.*

2019-000527-IT-ENF

*Motion: A motion was made by WT and seconded by DK to impose a \$1,000 fine for performing plumbing work without a license.*

*Results: Approved unanimously*

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

None

**ADJOURNMENT**



**BOARD OF STATE EXAMINERS OF PLUMBERS AND GASFITTERS NOVEMBER 4, 2020**

**Note:**

Reasonable accommodations or modifications will be provided to enable individuals with disabilities to participate in this Plumbing Board meeting. **All requests should be submitted to Cheryl Yebba at (617)-727-4992 no later than one (1) week prior to the scheduled Board Meeting.** While the Board of Examiners of Plumbers & Gas Fitters will attempt to honor all requests, those requests received after that date may not be provided due to feasibility.

Respectfully Submitted By;

*Karen R. Brann*

Karen Brann, Executive Director  
Board of Examiners of Plumbers and Gasfitters

Respectfully Authorized by;

*Joseph McNamee*

Joseph McNamee., Chairman  
Board of Examiners of Plumbers and Gasfitters