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

MARCH 3, 2021 BOARD MEETING

OPEN SESSION MINUTES

In accordance with the provisions of G.L. c. 30A § 20, notice was given that the Board of State Examiners of Plumbers and Gas Fitters convened a regular monthly meeting via Microsoft Teams conference on: March 3, 2021 starting at 9:00 a.m.

INFORMATIONAL NOTE: All votes were taken by roll call, where each member voted in favor, the vote will be reported as unanimous.

Member and Staff Attendance

MEMBERS	APPOINTMENT	PRESENT	ABSENT
Mr. Joseph McNamee	Member, Master Gas Fitter	x	
Mr. David Sullivan	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	
STAFF			
Mr. Charles Kilb	Board Legal Counsel	x	



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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		
Mr. Fredrick Lima	State Plumbing Investigator	x	
Mr. James O'Reilly	State Plumbing Investigator	x	
Mr. Joseph Peluso	Board Consultant	x	

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

APPROVAL OF PREVIOUS MEETING MINUTES

Board Meeting Minutes

January 6, 20201 – Executive Session Minutes

Vote: A motion was made by WT and seconded by RA to approve the minutes from the January 6, 2021 Executive Session meeting.

Result: Passed unanimously

February 3, 2021 – Open Session Minutes

Vote: A motion was made by RA and seconded by JW to approve the minutes from the February 3, 2021 Open Session meeting.

Result: Passed unanimously

February 3, 2021 – Executive Session Minutes

Vote: A motion was made by RA and seconded by JW to approve the minutes from the February 3, 2021 Executive Session meeting.

Result: Passed unanimously

VARIANCE REQUEST(S)

PV-175 – NEMA BOSTON – 399 CONGRESS STREET – BOSTON

The Petitioner (Joe Clancy from American Plumbing and Heating) is seeking a variance from 248 CMR 10.10(18) table 1, for the minimum number of required plumbing fixtures for dedicated amenity floor in a newly constructed 21-story high rise residential apartment building. The 21 amenity floor will serve only residence of the apartment complex and their guests. The 21st floor will provide 2 single user female toilet rooms (2 female toilets and sinks), 2 single user male toilet rooms (2 male toilets and sinks), 2 drinking fountains, 1 outdoor shower and one indoor shower room. The required fixture amount should be 5 female toilets, 3 male toilets, 2 female lavatories, 2 male lavatories, 1 drinking fountain and 3 showers. The Boston ISD has been notified.

Vote: A motion was made by RA and Seconded by TW to approve the variance request from 248 CMR, Sections 10.10.(18) Table 1, for relief from the total number of required plumbing fixtures for the Level 21 amenity space at the newly constructed NEMA residential apartment building in Boston, as presented in the variance application.

Results: Motion passed (JM recused)

PV-176 – FLIGHT LEVEL NORWOOD – 125 ACCESS ROAD - NORWOOD

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The Petitioner (Randy Bern from Site management Group. Inc.) is seeking a variance from 248 CMR, Section 10.10 (18)(i) 1-4, for relief from the requirement of having two toilet rooms for a new 7,200 sq. ft. airplane hangar. The Petitioner will construct one gender neutral single user accessible toilet room. The local Board of Health has been notified.

Vote: A motion was made by WT and seconded by JC to allow one bathroom with a second bathroom rough plumbed for future use.

Results: Passed unanimously

GV-177 MIKE CRAWFORD 27 PUDDING STREET - UXBRIDGE

The Petitioner (Paul Messier) is seeking to install a Waterford Tara T-25 LP stove manufactured by FPI. It is a freestanding direct vent stove to be installed in an office as an addition to an existing gas piping system. The stove is believed to have been manufactured approximately 25 years ago. The stove uses a modern millivolt system to provide the pilot and control the glow of gas. The appliance has been converted for use with LP gas.

Vote: A motion was made by WT and seconded by JW to table the application for the petitioner to send the Board engineering reports from the manufacturer. When the reports are received board staff can approve.

Results: Motion passed unanimously.

PV-178 – ETHEL LAVALLEY – 42 FRIENDSHIP STREET – WEST BRIDGEWATER

The Petitioner (David Renzello from HIP Construction, LLC) is seeking a variance from 248 CMR, Section 10.02 (11) to allow the use of an auto vent on a shower stall in a mobile home. The Petitioner is also seeking a variance from 248 CMR, Section 10.10 (7) (c) 4 to allow the continued use of an existing shower stall drain in a mobile home. 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 has been notified.

Vote: A motion was made by WT and seconded by JW, to deny the variance requests from 248 CMR, Section 10.02 (11) and 10.10 (7) (c) 4, as presented in the variance application.

Results: Motion passed (JC recused)

PV-190 – BROAD AND LINCOLN, LLC – 116-118 BROAD STREET - MARLBOROUGH

The Petitioner (Keri DeAlmeida from Brown and Lincoln) is seeking a variance from 248 CMR to put up a wall between two bathrooms so the tenants do not have access to both bathrooms and units. The building has two tenants. On June 30, 2020, one tenant's lease expires and the building will be used for only one business and the business will have use of the two bathrooms. The local Board of health has been notified.

Vote: A motion was made by WT to grant the variance request as presented in the application, to install a wall between the two bathrooms to comply with fixture requirements in 248 CMR 10.10 until the tenant's lease expires on June 30, 2022.

Results: Passed unanimously

PV-192 - SABRINA COOMBS, DMD – 1034 NORTH MAIN STREET – BROCKTON

The Petitioner (Lewis Colten from Lewis Colten AIA and Associates) is seeking a variance from 248 CMR, Section 10.10.(18)(k). The Petitioner is upgrading and making the existing toilet room accessible for patient use. The Petitioner would like to use the existing facilities that are up one level for staff use. The Board of Health has been notified.

Vote: A motion was made by WT and seconded by JW, to approve the variance request as presented in the variance application.

Results: passed unanimously

PV-198 – COLEMAN HOUSE - 677 WINCHESTER STREET - NEWTON

The Petitioner (Jenny Budka from Perkins Eastman) is seeking a variance from 248 CMR, Section 10.08 (1) (b) to provide less than 30" clear finished interior in 103 of the 146 showers in the apartment building, measured at the height of the threshold. Showers would have a minimum interior clearance dimension of 27 ½ x 57 ½ taken at the height of the threshold.

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The Petitioner is also seeking relief from 248 CMR, Section 10.10 (7) (c) for the continued use of a 1-1/2" drain in the showers. The local Board of Health has been notified.

Vote: A motion was made by JC and seconded by WT, to grant the variance request, as presented in the variance application, to allow 103 of the apartment showers to have a minimum interior clear dimension of 27 ½ x 57 ½.

Results: Motion passed (JW opposed, all other members stated yes)

After the vote, the Executive Director noted that through delegated authority the Board office will grant the continued use of a 1-1/2" drain during a tub and shower to shower conversion.

Standard Conditions include:

- ***A six inch threshold measured from its finished drain to the top of the threshold.***
- ***Shall be equipped with only one shower head with a flow control device that limits the total flow to a maximum of 2.5 G.P.M.***

PV-199 KARIN QUINN – 66 CHESTNUT STREET – WILMINGTON

The Petitioner (John Klesaris from Zork Services, Inc.) is seeking a variance from 248 CMR, Section 3.04(1) for product acceptance. The homeowner purchased and has started restorations on a clawfoot bathtub that was manufactured in 1923. The petitioner will install a product accepted faucet and drain assembly as well as application of a slip resistant surface coating to the bathtub floor that is acceptable to the Board. The local Board of Health has been notified.

Vote: A motion was made by WT and seconded by HK to grant to variance request from 248 CMR, Section 3.04 (1) Product Acceptance, to install a 5 ½ foot clawfoot bathtub manufactured by S.S.M Co., in 1923. The tub will be installed with a product accepted faucet and drain assembly, as well as application of a slip resistant surface coating acceptable to the Board of Examiners of Plumbers and Gas Fitters, as presented in the variance application.

Results: Passed unanimously

PV-201 – VICTORIA GL LLC d/b/a SUSHI KAPPO – 84-100 PETERBOROUGH STREET (86 PETERBOROUGH) - BOSTON

The Petitioner (Elizabeth Lashway from Lashway Law LLC) is seeking a variance from 248 CMR, Section 10.10(18)(b)(2) (c) to use a small patio for seating up to 10 increasing the capacity to 29 people (19 inside and 10 outside) and to not add another bathroom due to the size of the restaurant. The restaurant has 800 sq. ft. of dining /cooking space on the first floor. The storage space in the basement has another 800 sq.ft. and the patio consists of 275 sq. ft. There is currently 1 unisex bathroom used for both patrons and employees. Boston ISD issued a building code refusal letter in response to Sushi Kappo's application for a use of premises permit for the patio as Plumbing variance is needed.

Motion 1: A motion to deny was made by JW, this motion was not seconded.

Motion 2: A motion was made by DS and seconded by TW to grant the variance request from 248 CMR, Section 10.10(18)(b)(2)(c), with the condition of a time variance for 1 year from the date of the March 3, 2021, Board of State Examiners of Plumbers and Gas Fitters meeting, to become compliant with 248CMR.

Results: Motion passed (JM recused, JW against, all other members voted yes)

PV-159 ATF ATHLETIC ALEXI TURNPIKE ST, UNITS 8 – 11, 290 TURNPIKE STREET SOUTH EASTON

The Petitioner (Jeffrey Metcalfe) is seeking a variance from 284 CMR, Section 10.10 Table 1, to provide 2 HP bathrooms (1 per gender) with a toilet and sink. The Petitioner will provide 1 uni-sex HP shower. The employees will use 1 of the new HP bathrooms. The fitness classes do not exceed 2-12 people and there are three employees that do not work the same shifts together. The tenant space consists of 7,200 sq. ft. and is

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considered a business use group for commercial recreation – indoors. The local Board of Health has been notified.

Discussion:

Vote: A motion was made by JC and seconded by WT to grant the variance request from 248 CMR, Section 10.10 (6)(b) as presented in the variance application dated February 22, 2021, to allow one accessible bathroom per gender (2 total) with a toilet and sink and to provide one gender-neutral accessible shower.

Results: Motion passed unanimously.

PV-160 SOUTH SHORE BASEBALL ACADEMY, UNITS 3-7, 290 TURNPIKE STREET SOUTH EASTON

The Petitioner (Jeffrey Metcalfe) is seeking a variance from 248 CMR, Section 10.10 Table 1, to provide 2 HP bathrooms (1 per gender) with a toilet and sink. The Petitioner will provide 1 uni-sex HP shower. There is 1 employee who will use 1 of the new bathrooms. The tenant space consists of 8,896 sq.ft. and is considered a business use group for training and skill development. The class size will not exceed 10-12 students. The local Board of Health has been notified.

Vote: A motion was made by JC and seconded by WT to grant the variance request from 248 CMR, Section 10.10 (6)(b) as presented in the variance application dated February 22, 2021, to allow one accessible bathroom per gender (2 total) with a toilet and sink and to provide one gender-neutral accessible shower.

Results: Motion passed unanimously.

PV-204 CITY OF FALL RIVER COMMUNITY UTILITIES – 700 WILSON ROAD – FALL RIVER

The Petitioner (Edward Whatley) is seeking a variance from 248 CMR, Section 10, for the City's unmanned utility structure be exempt from 248 CMR. The Petitioner is also seeking relief from 248 CMR 10.10 (18) to install a single user 521 CMR compliant gender neutral restroom.

The City of Fall River Department of Community Utilities is replacing an unmanned sewer pump station at 700 Wilson Road. The electrical and control equipment will be enclosed in a generator building to prevent weather-related damage. This building is not intended for human occupancy and the building's sole purpose is to provide weather protection. Community Utilities requested a determination from the Plumbing Inspector that unmanned assets of this type should not be subject to the plumbing code. The plumbing inspector stated that a variance would be required from the State Plumbing Board, but he had no issues with the variance request. The Board of Health agreed with the plumbing inspector. Upon questioning, the applicant indicated individuals would periodically work in the building but the nearest bathroom was more than a mile away.

Vote: A motion was made by TW and seconded by JC voted to deny the variance request from 248 CMR, Section 10 Principles 1 and 3 and section 10.02 (6)(b) as presented in the variance application. The Board members noted that the applicant only mentioned cost but did not provide evidence to find a hardship or unusual circumstance to support the request for a variance.

Results: Motion passed unanimously

FYI – Board Delegated Staff Approvals – Board Vote Not Required

DELEGATED AUTHORITY GAS VARIANCE

SPP-4, FY21 – OXFORD PROPERTIES – 645 SUMMER STREET – BOSTON

The Petitioner (Joseph Philbrick from AHA Consulting Engineers, Inc) is seeking a variance from 248 CMR, Section 10.14 (7) (j) 2, for the installation of a recycled water system reclaiming Reverse Osmosis Reject water for flushing one toilet.

DAGV-120 – RAW SEAFOODS – 41 CURRANT ROAD – FALL RIVER

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The Petitioner (Thomas Etter from Etter Engineering, Co. Inc.) requests to allow the installation and testing of an unlisted natural gas fired Convey Oven at the above location.

DAGV – 121 RAW SEAFOODS – 41 CURRANT ROAD – RALL RIVER

The Petitioner (Thomas Etter from Etter Engineering Co, Inc.) requests a variance from 248 CMR Section 3.04 (1), for full operation of a natural gas fired Unitherm Food System, Inc. box oven with a Thermair TA0025 burner locate at the above location.

DAGV – 143 MACOM – 100 CHELMSFORD STREET – LOWELL

The Petitioner (Tom Turner) requests a variance from 248 CMR, Section 3.04(1) for full operation of a natural gas fired Turner EnviroLogic Regenerative Thermal Oxidizer located at the above location.

THE VARIANCE REQUESTS BELOW ARE ALL 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.

DAPV- 167 – JAMES SULLIVAN – 340 MAIN STREET UNIT 705 MELROSE

DAPV-172 – KATHLEEN HOWARD – 1 MELISSA LANE - OXFORD

DAPV-179 – PAT AND MIKE CORF – 19 MORPHEW LANE - ROWLEY

DAPV-180 – GENNIE AND KENNETH JOHNSON – 75 SANDY POND UNIT 15 - AYER

DAPV-181 – DOROTHY COGGER – 53 WARREN STREET UNIT 115 - NEWBURYPORT

DAPV-182 – MARIA CAMMARATA – 700 GOVERNORS DRIVE - WINTHROP

DAPV-183 – CATHERINE PINET – 14 DALLAS DRIVE UNIT 303 - DRACUT

DAPV-184 – JEAN BASILE – 133 FRANKLIN STREET #104 - STONEHAM

DAPV-185 – LINDA WEISSENBERGER – 78 OLD COLONY WAY - ORLEANS

DAPV-186 – JOHN LUCAS – 100 APACHE WAY – TEWKSBURY

DAPV-187 – ROBERT ROGERS – 1170 WILSON ROAD UNIT 37 – FALL RIVER

DAPV-188 – DAVID KEENEY – 22 HORNE WAY – MILLBURY

DAPV-191 – THOMAS HAYES – 25 HUNTER’S RUN WEST – HAVERHILL

DAPV-194 – STEPHANIE HARTMAN – 71 WILLOW POND DRIVE – ROCKLAND

DAPV-195 – ROSANNA PARIBELLO – 62 QUAIL RUN – TEWKSBURY

DAPV-200 – FOREST WHITE – 9 PUTMAN STREET – SUTTON

DAPV-203 – ROD RAHINI – 20 ANDREWS STREET - CAMBRIDGE

MATTERS NOT REASONABLY ANTICIPATED BY THE CHAIR

JC notified the Board that in the last edition of Progress Magazine, a publication issued by PHCC, one of the continuing education providers, ICC, advertised that they were the Board's preferred provider. Legal Counsel noted that he was notified of the issue and believes it was an error, he noted that the Board does not have preferred providers. ICC representative Dottie Mazzarella was in the audience and addressed the Board. She indicated that the ICC uses the term preferred with regards to other continuing education programs it administers with third parties and that its use with plumbing education in this advertisement was an error that they would avoid in the future. Members indicated that this was acceptable so long as it was rectified for the future. No formal action taken.

QUASI JUDICIAL SESSION

At 10:48 a.m., the Chair noted that the sole matter remaining was a final decision and order made after an adjudicatory proceeding, thus he requested that the Board enter quasi-judicial session. The chair noted that the Board would adjourn directly after this session, no further topics would be discussed.

A motion was made by WT and seconded by JC to enter quasi-judicial session. This motion passed unanimously.

Upon conclusion of the quasi-judicial session, the following was reported for the record:

Docket no. 2018-000658-IT-ENF, a motion was made by WT, seconded by HK to issue a final decision, this was approved unanimously.

ADJOURNMENT

At 11:12, the chair noted that all agenda items were complete and requested a motion to adjourn.

A motion was made by HK and seconded by WT to adjourn. This motion passed unanimously.

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