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

May 5, 2021 BOARD MEETING MINUTES

The topics shown below were discussed at the aforementioned meeting occurring 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	
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	X	
Mr. George Abban	Board Consultant	X	



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

March 3, 2021 – Executive Session Minutes

Motion: A motion was made by WT and seconded by RA, to approve the minutes from the March 3, 2021 Executive Session meeting. Motion passed unanimously.

April 7, 2021 – Open Meeting Minutes

A motion was made by WT and seconded by HK, to approve the minutes from the April 7, 2021 open session meeting. Motion passed unanimously.

April 7, 2021 Executive Session Minutes

A motion was made by WT and seconded by RA to approve the minutes from the April 7, 2021 Executive Session meeting with the addition of adding Bahig Kaldas as present for the Executive Session. Motion passed unanimously.

DISCUSSION

D1 – Re-visit of Continuing Education policy during the State of Emergency

Attorney Kilb informed the Board that the State of Emergency is still in effect and that the current policy allows the licensees to complete their continuing education 90 days after the State of Emergency is lifted. The Board discussed placing the policy on the agenda to be visited each month. No action taken.

D2: Department of Elementary and Secondary Education

- Board review and possible approval of Plumbing Framework

The chair indicated this had been on prior agendas and no action had yet been taken to give members a chance to review the materials. He then asked if there was any further discussion, hearing none, a vote was called.

Motion: A motion was made by HK and seconded by WT to accept the Plumbing Framework as presented by the Department of Elementary and Secondary Education.

Results: Passed unanimously.

D 3: Code Change Update and review/possible vote on draft Frequently Asked Questions

Attorney Kilb addressed the new code changes to 248 CMR and went over the FAQ sheet.

Motion: A motion was made by HK and seconded by RA, to accept the current version of the FAQ sheet to be put on the Plumbing Board website, with updates as needed.

Result: Passed unanimously.

At the suggestion of staff, the Board discussed adding the code change discussion to the June 2, 2021 meeting agenda to address any further unanticipated matters.

D 4: Delegation of variances granted for the continued use of 1 ½ inch drain for tub to shower conversions.

The issue of delegated authority for the continued use of 1 ½ inch drain for tub to shower conversions was discussed due to the influx of requests that have been received by the Board's office, which had previously been granted delegated authority to grant said requests. Staff indicated that if the Board did not wish to amend the code to allow 1 ½ inch drains as a matter of right, it would be helpful for the Board to indicate the conditions in which 1 ½ drains are and are not acceptable.

Motion: A motion was made by WT and seconded by JW to add a stipulation to the previously issued delegated authority which conditions approval on proof that the drain is inaccessible needs to be included with the variance application submittal.

Results: Passed unanimously.

Staff indicated this may need to be an agenda item at the next meeting to ensure the Board's intent is being met with the office approvals.

D 5: Harold Brothers Training Institute

Harold Brothers Training Institute is seeking ongoing approval to teach all five tiers of plumbing education either in person or online via Goto Learning after the state of emergency is over.

Staff provided the written materials provided by the applicant. Members did not have any questions, thus the chair called for a vote.

Vote: A motion was made by JC and seconded by WT to approve Harold Brothers Training Institute to teach all five tiers of plumbing education either in person or online via Goto Learning, after the COVID-19 state of emergency is lifted.

Results: Passed unanimously.

D 6: New Product Demonstration

- Paul Errigo, Green Crown Water System, GPM 2K water conversation system
This matter was not ready for presentation by the applicant.

Vote: A motion was made by TW and seconded by RA to table the new product demonstration to the June 2, 2021 meeting.

Results: Passed unanimously.

VARIANCE REQUEST(S)

PV-273 VACATIONLAND-232 ZOAR ROAD - CHARLEMONT

The Petitioner (Patrick and Katie Banks) are seeking variances from 248 CMR, Sections 10.02(1), 10.10, 10.05(17), To not require bathroom facilities in the camping structures based upon a centralized sanitary station located within 200 ft of all sites. The local Board of Health has been notified.

10.02(1) – All occupied premises must have potable water

10.10 – Plumbing fixtures

10.05(17)- the Petitioner requests to operate with natural ventilation in their campground restrooms

Vote: A motion was made by WT and seconded by RA to grant the variance requests from 248 CMR, Sections 10.02(1), 10.10 to not require bathroom facilities in the camping structures based upon a centralized sanitary station located within 200 ft. of all sites and 10.05(17), to operate with natural ventilation in campground restrooms. These variances are granted for seasonal use only.

Results: Passed unanimously

PV-168 DEPARTMENT OF YOUTH SERVICES – 33 GREGORY STREET - MIDDLETON

This variance request was first in front of the Board at the February 3, 2021, meeting where the Board voted to grant the variance request from 248 CMR Section 10.10(i) to not install a bathroom in a new salt and equipment shed at the Northeast Regional Youth Services Center. The original application states that DYS will install an oil and gas separation infrastructure. The Petitioner (Joseph Hogan, JR. from DYS) is now requesting the reconsideration of the installation of an oil and gas separator.

Vote: A motion was made by DS and seconded by HK for the Petitioner to comply with the original board decision made at the February 3, 2021, meeting to grant the variance request to not install a bathroom in a new salt and equipment shed at the Northeast Regional Youth Services Center with the installation of an oil and gas separation infrastructure as stated on the variance application.

Results: Passed unanimously.

PV-173 TONY SALEWSKI – 8 BEACH STREET – EDGARTOWN

The Petitioner (Walter Parker from The Old School Plumber) is seeking a variance from 248 CMR, Section 3.04(1) product acceptance, to use older fixtures that are not product accepted in a residential home.

Vote: A motion was made by TW and seconded by JC to grant the variance requests from 248 CMR, for this project, to approve the use of the sinks as presented with the variance application with the addition of product approved faucets added to them and non-skid bottoms on the tubs

Results: Passed unanimously.

PV-198 COLEMAN HOUSE – 677 WINCHESTER STREET – NEWTON

This variance request was first in front of the Board at the March 3, 2021, where the Board voted to grant the variance request to 248 CMR, Section 10.08(1) as presented, to allow 103 of the apartment showers to have a minimum interior clear dimension of 27 ½ x 57 ½. The Board also granted through delegated authority the continued use of a 1 ½” drain with the following conditions:

- 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.

The Petitioner (Jenny Budka from Perkins Eastman) is concerned that the six inch threshold from the finished drain to the top of the threshold will pose significant accessibility challenges for the older adult population that lives at the Coleman House. The six inch threshold will be in conflict with Massachusetts Architectural Access Board (MAAB) requirements under 521 CMR. Five percent or 8 of the apartments are required to be accessible or Group 2A units as defined by MAAB. Under 521 CMR 44.6.2, showers shall have no more than a ½” curb. The Coleman II remaining showers are considered Group 1 units. 521 CMR 42.7.2(g) states that where curbs are provided for Group 1 units, they shall not exceed 4” in height. Neither requirement allows for a 6” curb height.

The Newton inspector has opposed this variance request. The Board members noted that the 6 inch lip was specifically required to mitigate overflow from an undersized drain, thus if the AAB will not allow that lip, there would be no conflict, the applicant would just not be able to utilize the Board variance, a 2 inch drain would be required.

Vote: A motion was made by HK and seconded by JW to uphold the previous decision of the Board from the March 3, 2021 meeting.

Results: Passed unanimously.

PV-238 DENTIST OFFICE – 1218 HANCOCK STREET – QUINCY

The Petitioner (Leo Martin from Martin Realty Management) is seeking a variance from 248 CMR, 10.10.18(k) medical and health care building toilet facilities. The Petitioner is interested in renting space in a 4 story office building for a dentist office. The floor where the dentist office will be located does not have bathroom facilities. There are bathrooms on the lower level and upper levels that the public can use. The local Board of Health has been notified.

Vote: A motion was made by TW to grant the variance request from 248 CMR, for this project, to not provide a bathroom on the first floor level where the dentist office will be renting space, as there are bathrooms on the other three floors of the building accessible by elevator.

Results: Passed unanimously.

PV-256 BRISTOL COUNTY AGRICULTURAL HIGH SCHOOL – DAIRY BARN – 135 CENTER STREET DIGHTON

The Petitioner (Christopher Garcia from Garcia, Galuska and DeSousa) is seeking a variance from 248 CMR 10.09 (1)(b)1.b, interceptors, separators and holding tanks, to omit the required drain and separator at the Dairy Barn. The proposed Dairy Barn building will house up to 58 cattle and is equipped with overhead doors at the north and south ends of the building to allow for distribution of feed to the cattle. The residual feed has the potential to enter the trench drain and clog the main drain and potential clogging of both the drain and separator. This is a state project and the local Board of Health petition is not required.

Vote: A motion was made by TW and seconded by HK to deny the variance request from 248 CMR, Section 10.09 (1)(b)1.b, to omit the required drain and separator at the Dairy Barn, as presented in the variance application. The Board determined that there was insufficient evidence to support the request for a variance.

Results: Motion passed 5 to 4, with votes as follows: In favor: JM, DS, HK, WT, RA; Opposed: JC, BK, JW, SB.

PV-257 BOSTON MARKET TERMINAL – 34 MARKET STREET – EVERETT

The Petitioner (Chris Mora from the Davis Companies) is seeking a variance from 248 CMR, Section 10.10, for the reduction in the number of plumbing fixtures required for the S-1 Moderate Hazard Warehouse occupancy due to the anticipated use of the facility. The Petitioner proposes that the function of the space does not typically involve the type of work that would necessitate access to on site shower facilities.

The local inspector appeared and indicated opposition to the plan due a lack of hardship. The members indicated a full record was needed before any decision could be made.

Vote: A motion was made by HK and seconded by WT to table the variance request for the Petitioner to send the Board information on the total employee count.

Results: Motion passed with DS abstaining, all other members voting yes.

PV-258 – BOLTON STREET TAVERN -587 BOLTON STREET – MARLBOROUGH

The Petitioner (John Stouraras from Bolton Street Tavern) is seeking a variance from 248 CMR, for the relief from the requirement for additional toilets in the ladies room. The Petitioner proposes to put seasonal gazebo seating area on a grass area located on the property. The local Board of Health has been notified.

Vote: A motion was made by WT and seconded by JC to grant the variance request from 248 CMR, for this project, to keep the current bathroom fixture count as is during the seasonal use of outdoor seating and limit the total occupancy to a maximum of 228 people including both inside and outside seating.

Results: Passed unanimously.

PV-260 – CAPE COD REGIONAL TECHNICAL HIGH SCHOOL – 351 PLEASANT LAKE AVENUE – HARWICH

The Petitioner (Christopher Marcia from Garcia, Galuski and DeSousa) is seeing a variance from 248 CMR, Section 10.10 Table 1 minimum facilities for building occupancy, for relief to building toilet facilities with 50% of the required water closet fixtures. The petitioner proposes that the proposed athletic field bathrooms be allowed to be constructed with a total of 4 female water closets, 2 male water closets, 2 male urinals and 2 lavatories per sex. The toilet rooms will be constructed adjacent to the proposed bleachers. The bleacher will have a capacity of 480 people. The local Board of Health has been notified.

Vote: A motion was made by HK and seconded by RA to grant the variance request from 248 CMR, Section 10.10 Table 1, for this project, to build toilet facilities at 50% of the required amount at the new multi-purpose athletic field. There will be 4 female water closets, 2 male water closets, 2 mail urinals and 2 lavatories per sex.

Results: Passed unanimously.

PV-261 TRANSLATE BIO – 200 WEST STREET – WALTHAM

The Petitioner (Dennis Robarge from North Shore Mechanical Contractors) is seeking a variance from 248 CMR, Section 10.15 (10) sumps and ejectors, to use a Duplex Lift Station for the first floor lab waste drainage. Floors 2 through 4 will drain by gravity. The local Board of Health has been notified.

Vote: A motion was made by WT and seconded by HK to grant the variance request on the condition of a letter submitted to the Board from a Massachusetts Engineer, stating the system will be able to handle the flow.

Results: Passed unanimously.

PV-262 GREAT EASTERN SEAFOOD 88 BLACK FALCON AVE – BOSTON

The Petitioner (Bob Avila from Avila Plumbing and Heating) is requesting three variances from 248 CMR 10.06, materials.

1. To not provide a 5th women's shower and to only provide the 4 men and 4 women base building showers that are currently provided.
2. To install Schedule 40 polypropylene drain pipe and fitting for waste and vent systems in food process areas in lieu of cast iron for waste and vent system in a commercial building.
3. To install flexible PEX tubing for final equipment connections for water piping. Water main headers will be run in the interstitial space in copper or stainless steel up to a vacuum breaker and a shut off valve below the ceiling. After the shut off valve the request is to use PEX tubing.

This is a state project, the local Board of Health petition is not required.

Vote: A motion was made by JW and seconded by RA to grant the variance requests to not provide a 5th women's shower and to only provide the 4 men and 4 women base building showers that are currently provided.

To install Schedule 40 polypropylene drain pipe and fitting for waste and vent systems in food process areas in lieu of cast iron for waste and vent system in a commercial building.

To install stainless steel flex tubing for final equipment connections for water piping instead of PEX.

Results: Passed unanimously.

PV-263 MIDDLESEX COUNTY 4-H FAIRGROUNDS ADMINISTRATION BUILDING – 55 SOUTH CHELMSFORD ROAD – WESTFORD

The Petitioner (Richard Gray from Middlesex County 4-H Fair, Inc.) is seeking a variance from 248 CMR Section 10.06 (o), to use PEX and PVC to redo the restrooms in the building instead of cast iron drains and copper piping. The local Board of Health has been notified.

Upon questioning, the applicant was unable to indicate a hardship or unusual circumstance requiring a variance from the code.

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

Results: Passed unanimously.

PV-264 COURTYARD BY MARRIOTT – 102 CONSTITUTION AVENUE – LITTLETON

The Petitioner (Robert Wilder from Wilder Plumbing Corp) is seeking a variance from 248 CMR 10.09 1A1 and 10.09 2A, to not install an interior grease trap.

Upon questioning, the applicant was unable to indicate a hardship or unusual circumstance requiring a variance from the code.

Vote: A motion was made by WT and Seconded by JW to deny the variance request from 248 CMR, Section 10.09 1A1 and 10.09 2A, as presented in the variance application.

Results: Passed unanimously.

PV-267 – BABSON COLLEGE GOVONI FIELD – 231 FOREST STREET – BABSON PARK (NEEDHAM)

The Petitioner (Thomas Scarlata from Bargmann Hendrie + Archetype, Inc.) is seeking a variance from 248 CMR, Section 10.10 (18)(b)2, the Petitioner is constructing a structure for batting practice and there are no sanitary sewers near the proposed structure. The current Govoni Field is serviced by portable toilets. The petitioner wants to continue using the portable toilets.

The members noted that the portable toilets mentioned by the applicant are not plumbing fixtures and would not comply with the code, thus not acceptable for indefinite use.

Vote: A motion was made by JC and Seconded by JW to deny the variance request.

Results: Passed unanimously.

PV-268 – FISH MV LLC – 80 MAIN STREET – VINEYARD HAVEN

The Petitioner (Andrew Kahl from AMK Concepts) is seeking a variance from 248 CMR, to have one unisex accessible bathroom and one employee bathroom. Customer space will be very limited with only 8 interior seats. The space does not allow for an additional accessible bathroom. The local Board of Health has been notified.

The applicant was not present at the meeting.

Vote: A motion was made by HK and seconded by JW to table the variance request.

Results: Passed unanimously.

PV-269 – THERMO FISHER- 220 MILL ROAD - CHELMSFORD

The Petitioner (Scott Hale from Columbia Construction Company) is seeking a variance from 248 CMR, Section 10.02(6)(b), to not require a bathroom in the Boiler Building by allowing use of the base building core facilities. The Boiler Building is 1,577 sq. ft. which houses 2 gas boilers that serve the process area and is located within 300' of the base building facilities. The local Board of Health has been notified. Upon questioning, the applicant was unable to indicate a hardship or unusual circumstance requiring a variance from the code. The members also noted that this was a new building, thus compliance with the code should not be as difficult as renovating an existing building.

Vote: A motion was made by JC and seconded by JW to deny the variance request from 248 CMR, Section 10.02 (6) (b), as presented in the variance application.

Results: Passed unanimously.

PV-270 BUNKER HILL COMMUNITY COLLEGE – 250 RUTHERFORD AVENUE – CHARLESTOWN

The Petitioner (Thomas Svirsky from Cosentini Associates) is seeking a variance from 248 CMR, Section 10.10 (18), for relief from the requirements for separate toilet facilities. Restroom facilities will be provided throughout the building that are considered gender neutral allowing all users to access the same facilities and relieving users from having to identify as a specific gender. As this is a state project the local board of Health does not need to be petitioned.

Vote: A motion was made by WT and seconded by HK to grant the variance request from 248 CMR, Section 10.10 (18), for relief from the requirements for separate male and female toilet facilities.

Results: Passed unanimously

WITHDRAWN VARIANCE

PV-218 BREAK ROCK BREWERY QUINCY -552 VICTORY ROAD - QUINCY
(4/7/2021 MEETING)

FYI – Board Delegated Staff Approvals – Board Vote Not Required

DELEGATED AUTHORITY GAS VARIANCE

DAGV-40 – AGRI-MARK -958 RIVERDALE STREET – WEST SPRINGFIELD

Full operation of a Natural Gas fired CFR Dryer, 18 MMBTU total.

DAGV-204 – KARLA SANGREY – 50 ROUTE 20 – MILLBURY

Full operation of two, Durr Systems, Inc, regenerative thermal oxidizers at 8202 CFH each.

DAGV-240 – RIVERSIDE SPECIALTY FOODS – 34 INTERNATIONAL WAY-LAWRENCE

Full operation of a SAKK Bread Baking Oven, designed with eighteen, 115 BTU burners.

THE VARIANCE REQUESTS BELOW WERE APPROVED BY THE OFFICE VIA DELEGATED AUTHORITY FOR 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-266	Ben Alpern	60 Rantoul St Apt #410	Beverly
DAPV-274	Patti Gorham	18 Longobardi Drive	Franklin
DAPV-275	Linda Cramer	130 Trotter Road, #108	Weymouth
DAPV-276	Leonid Kizelshteyn	164 Quincy Shore Dr Unit 96	Quincy
DAPV-277	Gail Sands	35 Partridge Street	Watertown
DAPV-278	Jennifer Goba	185 Quincy Street	Quincy
DAPV-279	Charles Tinschert	44 Fish Street	Lunenburg

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DAPV-280	Darth Maul	85 N Main ST, Unit 2	Uxbridge
DAPV-281	David Goodall	11 Old Oxford Road	Charlton
DAPV-282	Carol Colucci	44 Flint Locke Drive	Plymouth
DAPV-283	William Donahue	3 Cranston Street	Worcester
DAPV-284	James Braver	10 Hammond Pond Parkway Apt 204	Newton
DAPV-285	Arlene Beecher	36 Pine Grove Street	Needham
DAPV-286	Jenny Gelber	144 Moody St Build 15 #21	Waltham
DAPV-287	Anthony Bova	18 Cleveland Place	Boston
DAPV-288	Shaheen Mozaffar	442 Place Lane	Woburn
DAPV-289	Tom Trumball	66 Middle Road	Amesbury
DAPV-290	John Mannila	6 Pinebrook Lane	Worcester
DAPV-291	Ronald Lewis	150 Wrentham Road	Bellingham
DAPV-292	Wesley Nedd	283 Nottingham Drive	Centerville
DAPV-293	John Mangold	2 Stetson Street	Leominster
DAPV-294	Micahel Manganano	227 Randolph Street	Abington
DAPV-295	Linda Puryear	27 Sawmill Drive	Dracut
DAPV-296	Joseph D'Agostino	8 Walcott Street	Wakefield
DAPV-297	Mattie Hathaway	8 Maple Tree Lane	Worcester
DAPV-298	Narayan Sharma	31 Cortland Grove Dr Unit 31	Shrewsbury
DAPV-299	Carrie Hjelm	217 Pierce Road	West Brookfield
DAPV-300	Randi Wasik	545 Marshall Street	Paxton
DAPV-301	Leo Lin	808 Willard St Unit 11	Quincy
DAPV-302	Bonie lai	533 Cambridge Street Unit 202	Allston
DAVP-303	Robert and Maryann McGovern	74 Bruce Road	Waltham
DAPV-304	Dennis Fitzgerald	234 Low Street Apt 3	Newburyport
DAPV-305	Paula Sherman	6 Majestic Way	Salem
DAPV-306	Rosa Maria McLaughlin	158 Wachusett Street Unit 1	Jamaica Plain
DAPV-307	Ernesto Schirmacher	193 Oak Street Unit 608	Newton
DAPV-308	Ronald Brown	4 Bradner Street	Foxborough

At 12:46, the chair noted that all open session items were complete and that only Executive Session items remained.

A motion was made by HK and seconded by WT to go out of open meeting and go into Executive Session pursuant to M.G.L. c. 30A, §21 to discuss applicants character, rather than competence, and to discuss strategy with respect to litigation if where an open meeting may have a detrimental effect on the litigating position of the Board as declared by the chair.

Motion passed unanimously.

The chair noted that the Board would adjourn upon conclusion of the Executive Session.

QUASI JUDICIAL SESSION

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

NONE

ADJOURNMENT

At 1:43, a motion was made by WT and seconded by HK to adjourn. A roll call vote was taken and the matter 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