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BOARD OF STATE EXAMINERS OF
PLUMBERS AND GAS FITTERS

JUNE 3, 2020 - BOARD MEETING MINUTES

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	
STAFF			
Mr. Charles Kilb	Board Legal Counsel	X	
Mr. Laurent A. Lemieux	Board Executive Director	X	
Ms. Karen Brann	Associate Executive Director	X	
Mr. Taylor Roth	State Plumbing Investigator		
Mr. Scott Padden	State Plumbing Investigator		
Mr. Fredrick Lima	State Plumbing Investigator	X	
Mr. James O'Reilly	State Plumbing Investigator	X	
Ms. Cynthia Johnson	Board Administrative Assistant		
Mr. Joseph Peluso	Board Consultant	X	



Due to the state of emergency, this meeting was held remotely. All votes taken were roll call.

DISCUSSIONS

❖ D1: Brookline Fossil Fuel Ordinance

Attorney Kilb explained the proposed Brookline fossil fuel ordinance, which is currently being reviewed by the Attorney General's Office. As part of that review, the Attorney General solicited the Board of Building Regulations and Standards (BBRS) for an opinion as to possible conflicts with building laws and regulations. The BBRS responded that it appeared the ordinance would conflict with the building code and suggested it may be an issue with the gas code, which led the Attorney General to refer the matter to the Plumbing Board. Attorney Kilb reviewed the ordinance, in particular, its regulation of permits and that its focus appeared to be regulating gas fitting. Upon review, the members, including the chair, indicated that the ordinance appeared to conflict with the gas code and related permits. A motion was made by Wayne Thomas to have the Board Attorney draft a letter in opposition and it was seconded by Joseph Waskiewicz. The Motion passed unanimously on a roll call vote with each member voting yes.

❖ D2 – Consider amending elevator policy regarding oil water separators in light of Basic Principle 13

(13) Principle No. 13 - Harmful Substances must Be Excluded from the Plumbing System. No substance that will cause or exacerbate clogs or stoppages in pipes, produce explosive mixtures, destroy the pipes or their joints, or interfere unduly with the sewage disposal process shall enter the sanitary drainage system. Special waste water discharges containing such hazards must be collected and disposed of or treated prior to entering the sanitary drainage system.

Attorney Kilb spoke about the Board policy involving sump pump discharges from elevator pits. There is a concern about petroleum distillates entering either the storm or sanitary system if a separator is not present. The proposal was to amend the current policy to require separation for all elevator pits where the discharge would empty into either storm or sanitary. A motion was made to amend the policy and require separation on all elevator pit discharges due to Principle no. 13 by John Cruz and seconded by Harry Knight. On a roll call vote, the motion carried with 8 in favor and 1 (Wayne Thomas) against.

❖ D3: - BBRS proposal to create a CSL / HVAC license type

Attorney Kilb advised Board members of a proposal by the BBRS to create an HVAC license which would be a specialized construction supervisor license. By implication, permits to perform covered work would need to be submitted by that construction supervisor. The proponents of this license would also consider offering a grandfathering period. Attorney Kilb indicated that the proposal did not include a definition for HVAC, but noted that the common understanding of the term was heating, ventilation, and cooling. He also noted that the proposal was brought up at a recent Sheet Metal Board meeting and they voted to oppose as written because of concerns of conflict and duplication. The matter was also to be reviewed by the Bureau of Pipefitters, Refrigeration Technicians, and Sprinklerfitters later in the day. Chairman McNamee asked when the BBRS was looking to vote on this. Attorney Kilb said it is on their agenda for the next BBRS meeting. A motion was made by Wayne Thomas to advise the BBRS the plumbing board is against this license as written and seconded by Harry Knight. On a roll call vote, the motion carried unanimously with each member voting yes.

VOCATIONAL SCHOOL COMMERCIAL PROJECT

- ❖ **CPA-16 - Franklin County Technical School - Conway Highway Garage – Conway**
Franklin County Technical School Department Head Matt West along with Instructor Holland Herzig have filed a Commercial Project Application for the drainage, waste and vent work along with the water distribution system in the Conway Highway Garage in Conway Massachusetts. According to the Board’s Policy regarding on the job training provided by vocational high schools:

Projects in public parks and in public facilities are subject to the following provisions:

- a. The student-to-licensed plumber/gas-fitter instructor ratio may not be greater than six to one.
- b. Students must have successfully completed at least 165 educational hours of the tiered plumbing educational program (tier 1 and half of tier 2).
- c. A representative from the school (instructors are preferred, but not required) shall appear before the Board for each application submitted for review.
- d. The Board review and determination will be based upon the information provided in the Vocational School Project Approval Application Form as well as the information provided by the school representative.

Holland Herzog made a presentation to the Board regarding this project. Joe Waskiewicz asked if there were any plans available. There were no plans accompanying the application. A motion was made to table this request until the petitioner could provide the Board with plans by Joe Waskiewicz and seconded by John Cruz. On a roll call vote, the motion carried unanimously with each member voting yes.

VARIANCES

- ❖ **PV-133-Waters Corporation-177 Robert Treat Paine Drive-Taunton**
Applicant Joe Forcucci of Waters Corporation is seeking a variance from 248 CMR 3.04. The air driven diaphragm pumps are not listed on the Accepted Plumbing Products Online System. No test report submitted with the application. Included with this application was written documentation that the Taunton Board of Heath had been petitioned regarding this variance request.
A motion was made to table this request by Joe Waskiewicz and seconded by John Cruz as the applicant did not appear. On a roll call vote, the motion carried unanimously with each member voting yes.
- ❖ **PV-221 George’s Coffee Shop – 178 Washington Street – Gloucester**
Dean Salah of George’s Coffee Shop, is seeking a variance from 248 CMR 10.10. The petitioner is seeking a variance to not add a third bathroom. The establishment currently has 2 bathrooms and an occupancy count of 56. They are proposing to add 14 seats to a new section, an 8 seat bar and three high top tables that seat 2 people each. Included with this application was written documentation that the Gloucester Board of Heath had been petitioned regarding this variance request.
A motion was made to allow the installation of two unisex rest rooms by Dan Kilburn and seconded by Ruth Alfasso. On a roll call vote, the motion carried unanimously with each member voting yes.

- ❖ **PV-222 - Shower Stall – 18 Cherry Street – Westwood**
 Michael Fafara of Fafara Plumbing and Hearing, Inc., is seeking a variance from 248 CMR 10.10 (7) (C). The shower stall does not meet the code requirement. This now requires a post installation variance Included with this application was written documentation that the Westwood Board of Heath had been petitioned regarding this variance request.
 A motion was made to allow the installation of this shower stall which does not meet the 30” requirement but has a length of 60” by Dan Kilburn and seconded by Wayne Thomas. On a roll call vote, the motion carried unanimously with each member voting yes.

- ❖ **PV-223 - Dr Jitin Sahani DMD- 33 Pond Street – Brookline**
 Applicant Lewis Colten of Lewis Colten, AIA & Associates is requesting a variance from 248 CMR 10.15(10). They are asking the Board to consider the use of pumps where gravity drains are available. . Included with this application was written documentation that the Brookline Board of Heath had been petitioned regarding this variance request.
 A motion was made to allow the use of pumps for this installation by Harry Knight and seconded by Wayne Thomas. On a roll call vote, the motion carried unanimously with each member voting yes.

- ❖ **PV-225 – Claremont Brookline Avenue LLC – 700 Brookline Avenue – Brookline**
 Jacob Littman of WSB USA is seeking a variance from 248 CMR 10.12 (1) (f). The request is to discharge the waste water generated by the swimming pool to enter into the sanitary drainage system rather than the storm water system as required by code. Included with this application was written documentation that the Brookline Board of Heath had been petitioned regarding this variance request.
 A motion was made to allow the discharge of pool water into the sanitary system with conditions by Wayne Thomas and seconded by Harry Knight. On a roll call vote, the motion carried unanimously with each member voting yes (Bahig Kaldas absent)
Conditions: The applicant must provide the Executive Director with a letter stating the MWRA is willing to accept the discharge of pool water into their sanitary waste system.

- ❖ **PV- 227 – Holyoke Community College – 303 Homestead Avenue – Holyoke**
 Preston Richardson of Pfeufer Richardson Architects are seeking a variance from 248 CMR 10.10 (18) table 1 minimum facilities. They are requesting to eliminate the men and ladies rooms in a dog kennel building. No Board of Health petition is required for buildings owned, used, or leased by the State of Massachusetts.
 A motion was made to deny this request by John Cruz and seconded by Joe Waskiewicz. On a roll call vote, to motion carried unanimously with each member voting yes. (Bahig Kaldas absent)

- ❖ **PV-228 - Porchlight Bentures - 62 Main Street – Upton**
 Applicant Richard Schnitzlien of Fiske and Main is requesting a variance from 248 CMR 10.09. He is asking the Board to exempt his cheese shop from the requirement of a grease interceptor serving a 3 bay sink with bowl depths greater than 10 inches deep. Included with this application was written documentation that the Upton Board of Heath had been petitioned regarding this variance request.
 A motion was made to grant this request by Joe Waskiewicz and seconded by Dan Kilburn. On a roll call vote: 3 yes (Waskiewicz, Kilburn, Alfasso). 5 no. (McNamee, Knight, Cruz, Badway, Thomas) Motion failed: (Bahig Kaldas absent). The Chair did not call for a motion to deny, but notified the applicant that there was insufficient support of the Board to pass the variance as requested.

❖ **PV-229 – Robert Weissman – 12 Drew Place – Woburn**

Applicant Robert Weissman is requesting a variance from 248 CMR 3.04. The whirlpool type tub is not listed on the Accepted Plumbing Products Online System. The test report submitted with the application does not list the model of the tub. Included with this application was written documentation that the Woburn Board of Health had been petitioned regarding this variance request.

The petitioner did not attend. A motion was made by Wayne Thomas to deny this request and seconded by Harry Knight. On a roll call vote, the motion carried unanimously with each member voting yes. (Bahig Kaldas absent)

FYI – Board Delegated Staff Approvals – Board Vote Not Required

Continued use of 1-1/2” tub drain for shower conversion

❖ **DAPV-205 – Stephanie Adelman – 50 Longwood Avenue #1108 - Brookline**

Stephanie Adelman is installing a shower into an existing 1-1/2” tub drain. The variance package included a note from a health care professional. The in-office approval included the condition of a six inch threshold from the top of the drain outlet to the top of the barrier lip and only one two point five gallon per minute maximum shower head. Included with this variance request was written documentation that the Brookline Board of Health has been petitioned.

❖ **DAPV-200-Peter Lennon-109 Water St., Unit 303, Beverly**

Stephanie Adelman is installing a shower into an existing 1-1/2” tub drain. The variance package included a note from a health care professional. The in-office approval included the condition of a six inch threshold from the top of the drain outlet to the top of the barrier lip and only one two point five gallon per minute maximum shower head. Included with this variance request was written documentation that the Brookline Board of Health has been petitioned.

Full operation of unlisted gas equipment

❖ **Special Permission Granted**

SSP-5 – Bristol County Agricultural High School – 135b Center Street – Dighton
The Board of State Examiners of Plumbers and Gas Fitters through delegated authority Grants special permission from 248 CMR 10.14 (7) (j) 2. Regarding the application submitted by Christopher M. Garcia and designed by Garcia, Galuxka and Desoursa, Inc. consulting engineers. The request is for the installation of an **on-site irrigation system** at the above referenced location.

VARIANCES WITHDRAWN

❖ **PV- 209 –Arsenal Yards Holding LLC – 485 Arsenal Street – Watertown**

Variance application was withdrawn by applicant.

VARIANCES RESOLVED

❖ **W-PV-210-Wayne Cunningham - Cunningham Machine - 35 Hunt Rd., Chelmsford**

Applicant George Elston of Jay Elston Plumbing and Heating has installed a MDC trap at the location in compliance with 248 CMR.

A motion was made to adjourn the meeting at 10:26 am by Harry Knight and seconded by John Cruz. On a roll call vote, the motion carried.