



CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

JAY ASH
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Professional Licensure
BOARD OF STATE EXAMINERS OF PLUMBERS
AND GAS FITTERS

1000 Washington Street • Boston • Massachusetts • 02118

JOHN C. CHAPMAN
UNDERSECRETARY OF
CONSUMER AFFAIRS AND
BUSINESS REGULATION

CHARLES BORSTEL
DIRECTOR, DIVISION OF
PROFESSIONAL LICENSURE

JUNE 3, 2015 BOARD MEETING MINUTES

MEMBERS	APPOINTMENT	PRESENT	ABSENT
Mr. Paul Kennedy Sr.	Chairman, Journeyman Gasfitter	✓	
Mr. Joseph McNamee	Member, Master Gas Fitter	✓	
Mr. Bahig A. Kaldas, P. E.	Member, Plumbing Engineer	✓	
Mr. Greg Hanley	Consumer Member	✓	
Mr. Steve Harold	Member, Master Plumber		✓
Mr. John MacDonald	Member, LP Installer	✓	
Ms. Ruth Alfasso	Member, Dept. of Public Health	✓	
Mr. Harold Knight	Member, Journeyman Plumber	✓	
Mr. Dan Kilburn	Member, Public Safety		✓

9:00 A.M. AGENDA REVIEW: By Chairman Paul Kennedy

- Emergency Egress and Cell Phone Policy

9:05 A.M.: APPROVAL OF PREVIOUS MEETING MINUTES:

- The May 27, 2015 Board Meeting Minutes
Motion to approve the minutes by Mr. McNamee and seconded by Mr. Kaldas

VOCATIONAL SCHOOL PROJECTS

V1) BRISTOL-PLYMOUTH VOCATIONAL SCHOOL – 207 HART STREET – TAUNTON

Project on School Property: Applicant is not required to attend.

Project involves plumbing work for an Early Childhood Development Center on campus. The site work and foundation is to be done by outside contractors this summer. All other work shall be done by students.

Motion to approve by Mr. McDonald and seconded by Ms. Alfasso: 1 opposed: Motion carries

VARIANCE REQUESTS

PV279) SURFARI, INC. – 208 MAIN STREET - GLOUCESTER

Ms. Nancy Twomey requests a variance from 248 CMR, Section 10.10 (18) (i) to allow the installation of one handicap accessible rest room. The Gloucester Board of Health does not object to this variance request.



BOARD OF STATE EXAMINERS OF PLUMBERS AND GAS FITTERS – JUNE 3, 2015

A motion was made to allow the 2nd floor small office to utilize the existing unisex rest room on the 1st floor by Mr. McNamee, seconded by Mr. Knight. Unanimous

Meeting Note(s) Currently retail on 1st and 2nd floor. Now they are changing to make the 2nd floor a residence. The people renting the 1st floor would like to have a small office on the 2nd floor and keep the single rest room on the first floor. The 2nd floor will now be an apartment and they are taking about 200 sq ft of this area to make a small office for the retail space downstairs.

PV291) MA DCR – 165 DAY BOULEVARD - SOUTH BOSTON

On behalf of DCR, Mr. Thomas Scarlata is requesting a variance from 248 CMR, Section 10.18 to allow the existing shared changing areas with toilets and showers to remain as is during renovations. As this is a state project, no Board of Health letter is required.

A motion was made to deny this request by Mr. McNamee, seconded by Mr. Hanley. Unanimous

Meeting Note(s) Existing rink built in the 60s. Currently two of the locker rooms share a facility but only one team uses them at one time. They would like to leave the rest rooms as they are. Youth hockey does not use the shower rooms. The shower rooms are used for high school and above. Mr. Kennedy asked if there was a possibility there would be females and males at the high school level using these facilities at the same time. Mr. Scarlata noted that this was a distinct possibility.

ADDITIONAL REQUEST:

The petitioner asked the Board to consider allowing the current fixture count to remain and not require updating with additional fixtures to bring the facility up to current code requirements.

A motion was made to continue this request by Mr. McNamee, seconded by Mr. Hanley. Unanimous

Meeting Note(s) The existing rest rooms are not even close to being up to code. PK: Once you take a permit out for the plumbing work, you must bring the fixture count up to current code requirements. The petitioner was advised to redesign the layout and come back to the Board

PV293) BRISTOL PLYMOUTH REGIONAL TECHNICAL – 207 HART STREET - TAUNTON

The Petitioner (Mr. Stephen Poelaert, Supervisor) requests a variance from 248 CMR (Code of Massachusetts Regulation) 10.00, the Uniform State Plumbing Code, Section 10.10 (18) Table 1. The Petitioner proposes the installation of one unisex employee bathroom rather than one for each sex in the proposed Early Childhood Development Center. The Taunton Board of Health has no objection to this variance request.

A motion was made to approve the installation of one unisex rest room for staff by Mr. McNamee and seconded by Ms. Alfasso: Unanimous

Meeting Note(s) There are only 6 staff members which may increase to 8 in future years but they don't see the need for designated rest rooms.

PV296) NORFOLK HOUSE – 19 COURT STREET - DEDHAM

Mr. Peter Smith, Partner is requesting a variance from 248 CMR, Section 10.06 (m) 7 to allow the use of PEX piping for the domestic water systems which will minimize the disruption to the existing walls, ceilings, millwork, etc. The building is listed as 3.5 stories in height. The Board of Health recommends the variance be submitted.

A motion was made to allow the installation of PEX tubing in this residential building by Mr. McNamee and seconded by Mr. MacDonald: Unanimous

Meeting Note(s) They are bound to preserve as much of the historical content of the building as possible. It used to be a single family home and now it is being converted to 6 individual living units.

PV297) POPEYES – 622 PARK AVENUE - WORCESTER

Mr. Jose Santos, Architect is requesting a variance from 248 CMR, Section 10.10 (8) (d) to allow the elimination of the required commercial food waste disposer. The Worcester Board of Health has been notified.

A motion was made to deny this request by Mr. McNamee and seconded by Mr. Hanley. Unanimous

BOARD OF STATE EXAMINERS OF PLUMBERS AND GAS FITTERS – JUNE 3, 2015

Meeting Note(s) The petitioner has not got any written documentation from the BOH. BOH said it was not in their jurisdiction and would not issue anything. Mr. Kennedy noted that per the code, a petition to the BOH, not a response, is all that is required prior to Board consideration.

PV298) MA DOT – FORE RIVER BRIDGE – QUINCY & WEYMOUTH

Mr. Michael J. Doyle, Sr. Plumbing Designer is requesting a variance from 248 CMR, Section 10.06 (h) (13) to allow the use of Belco epoxy re-enforced fiberglass piping system currently not product accepted. As this is a state project no Board of Health letter is required.

The Board determined that, because the storm drainage piping at this location never enters the building, it does not fall within the jurisdiction of the Board: No action required

PV299) ROMANOW CONTAINER – 30 PORTER ROAD - LITTLETON

Mr. Ted Romanow, Owner is requesting a variance from 248 CMR, Section 10.10 (18) (i) (iv) to waive the travel distance of three hundred feet to employee toilet facilities. The Littleton Board of Health has no objection to the proposal as long as this use of the addition is for storage.

A motion was made to not require rest rooms in the new warehouse area by Mr. Hanley, seconded by Ms. Alfasso: Unanimous

Meeting Note(s) The new addition is strictly for storage. They are just loading and unloading trucks. The total new space is about 65,000 sq ft. The maximum travel distance would be 475 ft. The space is heated.

PV301) BREAKWATERS – 432 SEA STREET - HYANNIS

The Ms. Janise Loux is requesting a variance from 248 CMR, Section 10.10 (18) to allow the installation of one unisex employee rest room in lieu of the required two. The Barnstable Board of Health is in favor of this variance request.

A motion was made to approve the installation of one unisex rest room for employees by Mr. McNamee, seconded by Mr. Hanley: Unanimous

Meeting Note(s) This is a small condominium complex. They sold the old office and now they are looking to install a unisex rest room for the pool employee.

PV302) ELIZABETH RANDLETT – 65 MIDDLE STREET UNIT 1 - GLOUCESTER

The Ms. Elizabeth Randlett is requesting a variance from 248 CMR, Section 10.10 (18) to allow the installation of one unisex rest room in lieu of the required two. The Gloucester Board of Health has been notified of this variance request.

A motion was made to approve the installation of one unisex rest room at Follies Drift Bar by Mr. Hanley and seconded by Mr. McNamee: Unanimous

Meeting Note(s) The occupancy of the 1st building will be 35 people.

PV303) ELIZABETH RANDLETT – 65 MIDDLE STREET UNIT 1 - GLOUCESTER

The Ms. Elizabeth Randlett is requesting a variance from 248 CMR, Section 10.10 (18) to allow the installation of one unisex rest room in lieu of the required two. The Gloucester Board of Health has been notified of this variance request.

A motion was made to approve the installation of one unisex rest room for the 65 Middle Gallery by Mr. Hanley and seconded by Mr. McNamee: Unanimous

Meeting Note(s) This is a gallery named 65 MIDDLE: This space is 600 sq ft.

PV304) ELIZABETH RANDLETT – 65 MIDDLE STREET UNIT 1 - GLOUCESTER

The Ms. Elizabeth Randlett is requesting a variance from 248 CMR, Section 10.10 (18) to allow the installation of one unisex employee rest room in lieu of the required two. The Gloucester Board of Health has been notified of this variance request.

BOARD OF STATE EXAMINERS OF PLUMBERS AND GAS FITTERS – JUNE 3, 2015

A motion was made to approve the installation of one unisex rest room for her office and the retail space by Mr. MacDonald and seconded by Mr. McNamee: Unanimous

Meeting Note(s) This is going to be a retail store and her office as well. She is asking for one common core unisex rest room for her office and the retail space. No seating

PV305a) HILTON HOMEWOOD SUITES – 111 BOYLSTON STREET - BROOKLINE

Mr. Shane Wise from RW Sullivan Engineers is requesting a variance from 248 CMR, Section 10.06(2)(o)2 to allow the use of PVC for the pool backwash discharge into the sanitary system. The Brookline Board of Health is aware of this request.

A motion was made to allow the use of PVC for the pool backwash system into the sanitary system by Mr. MacDonald and seconded by Mr. McNamee: Unanimous

Meeting Note(s) Drainage from the backwash of the pool is typically PVC. This variance is to allow PVC from the backwash to the sanitary system

PV305b) HILTON HOMEWOOD SUITES – 111 BOYLSTON STREET - BROOKLINE

Mr. Shane Wise from RW Sullivan Engineers is requesting a variance from 248 CMR, Section 10.10, (10) (a) to allow the installation of floor drains with no pitch of the planked flooring. The Brookline Board of Health is aware of this request.

A motion was made to allow the installation of floor drains with no pitch in the areas where there is planked flooring by Mr. Knight and seconded by Mr. McNamee

Meeting Note(s) Because of the planked construction, they cannot pitch the floor. They are installing indirect waste and 2 general area floor drains. The flooring will be waterproof

DISCUSSION

Mr. Kennedy advised the Board that he received a call from Dave Moshiek regarding the city of Boston Inspectional Services requiring restaurants to come to this board for a variance if they were increasing seating. The question was raised as to whether or not they are required to upgrade the rest rooms if they are not doing any permitted plumbing work. Mr. Kennedy suggested that Board Counsel research this further and bring it back to the Board at the June 24th meeting. No formal action.

Motion to enter into recess at 10:20am by Mr. Hanley and seconded by Mr. McNamee.

The Board reconvened open session at 10:55am

Mr. Erich Roht approached the Board regarding an issue he is having in Marshfield. He owns a Marina and clam shack that is approximately 60 years old. They have been serving food for a number of years and used portable toilets. Mr. Roht purchased the property 3 years ago and was told at the time that if he provided rest rooms less than 300 feet from the water, it would be code compliant. Now the building inspector is saying the rest rooms are not sufficient and now he must install toilets down at the marina. He has since gained all of the approvals to building these new facilities. The commissioner is now saying he cannot stay open while construction of these rest rooms takes place unless he gets a variance from the Plumbing Board. The local Board of Health is comfortable with him using the existing rest rooms and portable toilets while the new rest rooms are constructed. The local Board of Health has given Mr. Roht eight weeks to get the new septic system installed for the rest rooms.

A motion was made to allow the facility to stay open with the current rest rooms while under construction by Mr. Kaldas and seconded by Mr. Knight. Motion withdrawn before vote.

Counsel weighed in that the Board should not vote on this without first hearing from the municipality, as there was no-one from the building or plumbing department here to weigh in while records indicate the municipality might have concerns that need to be addressed. .

BOARD OF STATE EXAMINERS OF PLUMBERS AND GAS FITTERS – JUNE 3, 2015

A motion was made by Mr. Hanley and seconded by Ms. Alfasso to delegate authority to the Board Chairman to meet with both parties and either approve or deny the variance.

At approximately 10:50am the Chairman stated the Board would enter into an Executive Session for approximately 30 minutes to discuss applicant's character rather than competence. The public was asked to leave the room during this session.

*A motion was made to enter into executive session at 10:50am by Mr. Hanley and seconded by Mr. Kaldas:
A roll call vote was taken.*

EXECUTIVE SESSION

CHARACTER REVIEW(S)

CR1) JPK CR2) ATZ CR3) DPJ

The Board returned to the open meeting at approximately 11:15am

A motion was made to adjourn the meeting by Mr. Hanley, seconded by Mr. Knight.

LIST OF DOCUMENTS USED:

1. Meeting agenda
2. Minutes from prior meeting
3. Variance applications for above referenced agenda items

Respectfully Submitted By;

Wayne E. Thomas

Wayne E. Thomas, Executive Director
Board of Examiners of Plumbers and Gasfitters

Respectfully Authorized by;

Paul Kennedy, Sr.

Paul Kennedy Sr., Chairman
Board of Examiners of Plumbers and Gasfitters