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

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UNDERSECRETARY OF
CONSUMER AFFAIRS AND
BUSINESS REGULATION

CHARLES BORSTEL
DIRECTOR, DIVISION OF
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OCTOBER 7, 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	✓	
Ms. Ruth Alfasso	Member, Dept. of Public Health	✓	
Mr. John MacDonald	Member, LP Installer	✓	
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 September 2, 2015 Board Meeting Minutes

A motion was made to accept the minutes by Mr. Hanley and seconded by Ms. Alfasso

Result: Unanimous

DISCUSSION(S):

D1) CODE REVISIONS (SECTION 10.06)

Additional information provided to Board members

Meeting Notes: Harry Brett (Business Manager), Tim Fandel (Business Agent) and Barry Keedy (Business Agent) Mr. Brett spoke about the expansion of PVC. Expansion is not in the best interest of the consumers in Massachusetts. Worker safety and health needs to be considered. Reports are out there on the dangers of the chemicals used when installing PVC. Mr. Brett produced a letter from Mr. Paris from the Boston Fire Department and read it to the Board in opposition of the expansion of PVC. He also read a letter from Ed Kelly of the Professional Fire Fighters of Massachusetts opposing the expansion of PVC. The people coming into the



BOARD OF STATE EXAMINERS OF PLUMBERS AND GAS FITTERS – OCTOBER 7, 2015

industry today are going to be exposed at a much greater rate than us. Mr. Fandel spoke about the harmful effects of PVC on the installation side. We represent workers who will be installing these products and are very concerned. Mr. Brett reminded the Board members that they were appointed and have the responsibility to make the industry safe. Mr. Keedy spoke of the chemicals in CPVC glue and the dangers associated with it. There are numerous class action lawsuits regarding the effects of CPVC.

The Chairman stated that Board members needed to make a decision on where we should go from here with the code changes regarding PEX, PVC, ABS and CPVC. The code is currently not very consistent regarding the number of floor these products are allowed in. Charles asked the Board to consider discussing the difference with residential and commercial. The chairman stated that you have more of a choice in your own home whether or not to have plastic installed than in a commercial environment. For uniformity, the Board may want to consider limiting it all to the same floor height. Mr. Carter

A motion was made to instruct the code committee to write the code for 6 stories by Mr. Harold and seconded by Mr. MacDonald. (Unanimous)

D2) Jocelyn Croft from Franklin County Technical School would like to discuss the current Board Policy regarding Off Site Projects

Meeting Notes:

A motion was made to

Condition(s):

Result:

D3) Edward Adelman from the Massachusetts State College Building Authority would like the Board to consider granting a Variance for the purposes of permitting, but not requiring the re-designation of existing single user mans and ladies rooms, to gender neutral and to be signed simply as “RESTROOM”⁴

Meeting Notes: Mr. Adelman addressed the Board regarding gender identification. There are currently a number of existing single user designated rest rooms in all the schools. He would like to have the opportunity to re-designate any or all of these rest rooms as gender neutral. Charles read language from section 10.10 (18) regarding designated rest rooms. Mr. Hanley stated that he was in favor of this based on the 2011 law change. Charles stated that, legally, they need to file for a variance for every location.

A motion was made to allow the re-designation through the variance process of pairs of single user (one fixture) designated student rest rooms to gender neutral. Variances would have to be filed for each location with specific building identified by Mr. Hanley and seconded by Mr. Knight.

Result: Unanimous

VOCATIONAL SCHOOL PROJECT(S)

V1) KEEFE TECHNICAL SCHOOL – 750 WINTER STREET - FRAMINGHAM

Residential Project: Applicant is not required to attend. (Jay Cheney – 22 Jamie Lane - Hopkinton)

A motion was made to allow by Mr. Hanley and seconded by Mr. MacDonald

Result: Unanimous

BOARD OF STATE EXAMINERS OF PLUMBERS AND GAS FITTERS – OCTOBER 7, 2015
VARIANCES

PV056) – WHARF BUILDING – 44 COMMERCIAL STREET – GLOUCESTER

Mr. Mac S. Bell is requesting a variance from 248 CMR 10.10 (18) Table 1. The petitioner notes this is a 3,940 square foot ground floor tenancy. The petitioner states the reason for the request is that the business employs only two people packing lobsters, and is only in operation for a daytime shift and a shower is not required or wanted to be used by the two employees during their shift. The applicant will provide two designated handicapped accessible toilet rooms in compliance with 521 CMR. The Gloucester Health Department does not feel it appropriate to provide the variance as proposed. However, given the daily function of the facility, the Health Board would not be opposed to a variance request regarding the requirement to have showers. Joseph Guzzo (plumbing inspector) in an email provided the following commentary: "I do not support the variance as requested. This facility is considered under table 1 as industrial, warehouse, factory or similar use, it is 4000 sq. ft. They are required to have men's and women's rooms with showers in each and a urinal in the men's room. I would support as stated in the health department letter not to install showers if the applicant can convince the Board there would be no overnight or 24 hours workers shifts. Therefore the applicant must amend the application. At the minimum we would want to see separate men's and women's rooms with a urinal in the men's room."

Meeting Notes: Nobody works in this building at night. This building can only be used for fish processing by law. Mr. Hanley said that he supported the plumbing inspector. It's a 4,000 sq ft building. They should have designated rest rooms or at least a rough in for the 2nd bathroom.

A motion was made to allow a single unisex rest room with rough plumbing installed for a second future men's room including a urinal and to eliminate the shower requirement by Mr. Harold and seconded by Mr. MacDonald.

Result: Unanimous

Revisit from the previous Board Meeting – Applicant has additional information

PV069) UMASS AMHERST ROBESHAM CENTER – 360 CAMPUS WAY - AMHERST

Mr. Brian Cuff is requesting a variance from 248 CMR Section 10.06 (2). The Petitioner notes that during a site inspection by the State plumbing inspector, it was noted that PVC piping used for the inside leaders were in violation of the plumbing code, and that the piping should be cast-iron. As this is a State project, a Board of Health petition is not required.

From 09-30-2015

A motion was made by Mr. Kaldas and seconded by Mr. Hanley to continue this request until they can determine exactly where the drain discharges to.

Unanimous

Meeting Notes: Mr. Kennedy stated that it is a structure and the materials need to be code compliant. Charles stated that, according to the plumbing code, this is plumbing and the only way you can deviate from that is to get a variance by showing a hardship.

A motion was made to deny this variance request by Mr. Knight and seconded by Mr. Hanley

Result: Unanimous

PV074) ICE HOUSE SKATING RINK – 55 NORTH STREET - CANTON

Mr. Gregory L. Pando is requesting a variance from 248 CMR Section 10.10 (18) to allow a reduction in the fixture requirements. Seating capacity for the rink is 1,350 which would only be occurring once or twice per year. The Petitioner proposes a toilet count of 12 toilets for women and 4 toilets and urinals for men will support a capacity for 360 women and 480 men. The Canton Board of Health supports this variance request.

Meeting Notes: The capacity of this building is based on life safety and assumes everything would be used at the same time. That is the egress capacity. The more realistic requirement would be 810 and would encompass the seating capacity of the rink.

BOARD OF STATE EXAMINERS OF PLUMBERS AND GAS FITTERS – OCTOBER 7, 2015

A motion was made to allow the installation of 12 toilets for women and 4 toilets and 4 urinals for men by Mr. Hanley and seconded by Mr. MacDonald

Result: Unanimous

PV092) WHITWELL BUILDING APARTMENTS – 28-32 DERNE STREET - BOSTON

Mr. Joe Consalvo is requesting a variance from 248 CMR Section 10.06 (2) (m), to allow the use of CPVC pipe and fittings above ground inside the building. The subject building is currently six (6) stories. Five are above grade and a basement which, will be converted to a twenty (20) vehicle private garage. The proposed enlargement to the penthouse will create an additional story. The resulting building permit will list the building as seven (7) stories. The applicant properly petitioned Boston Inspectional Services.

Meeting Notes: They are adding penthouses and now the building is technically 7 stories. CPVC will only be used on 6 stories. The building permit says it's a 7 story building.

A motion was made to deny this request by Mr. MacDonald and seconded by Mr. Knight.

Result: Unanimous

PV094) ALDO – UNIT ID #104 – 800 BOYLSTON STREET - BOSTON

Mr. Barry Porter is requesting a variance from 248 CMR Section 10.10 (18) (i) to allow the construction of one (1) unisex employee restroom on the second floor of the subject space. The petitioner notes there are only eight (8) employees at any given time. The applicant properly petitioned Boston Inspectional Services.

Meeting Notes: None

A motion was made to allow the installation of one unisex employee rest room on the second floor by Mr.

Hanley and seconded by Mr. Harold

Result: Unanimous

PV095) BROTHERS MEAT MARKET – 113 IRVING STREET - FRAMINGHAM

Ms. Maria Rebelo Marques is requesting a variance from 248 CMR Section 10.10 (18). There are presently two (2) employee restrooms. Relief is sought to allow the removal of one employee restroom. There are three (3) employees. The Framingham Board of Health notes the request for one unisex bathroom, for the use of employees only, does not conflict the requirement to provide convenient and accessible restrooms for employees in compliance with 105 CMR 590.0087 6-402.11. Based on this, the environmental health section of the department of Inspectional Services does not have an objection to the variance request.

Meeting Notes: 1800 square feet space for employees only.

A motion was made to allow the installation of one unisex employee rest room by Mr. Knight and seconded by Mr. Harold

Result: Unanimous

PV096) 7 ELEVEN STORE – 68 POND STREET - SHARON

Mr. Mike Coste requests a variance from 248 CMR Section 10.10 (18). There are two (2) employee restrooms. The second restroom space is needed for a backroom freezer. The proposed plan shows the second restroom removed. The remaining restroom would be designated as an employee unisex restroom. The applicant properly petitioned the Sharon Board of Health.

Meeting Notes: There are currently 2 toilet rooms and they would like to increase their storage space. There is no seating

A motion was made to allow the installation of one unisex employee rest room by Mr. Harold and seconded by Mr. MacDonald

BOARD OF STATE EXAMINERS OF PLUMBERS AND GAS FITTERS – OCTOBER 7, 2015

Result: Unanimous

GV097) ESSEX COUNTY JAIL – 20 MANNING AVENUE - MIDDLETON

The Petitioner notes the laws in Massachusetts applicable to correctional facilities require the jail to be provided with heat as of October 15th. Without the installed guards the State Inspector has indicated the work is not complete and the gas may not be turned on with a variance from the plumbing Board. The facility is asking for a time variance to allow the gas to be turned on before the roof guards are installed. In the interim, the fall protection program will continue to be utilized. As this is a gas variance, no Board of Health letter is required

Meeting Notes: They would like a 90 day extension to be allowed to open now while they have the guard rails manufactured and installed. The contractor has a safety policy in place. Scott Padden stated that he was not in favor of this variance but they are now stuck. It's not the fault of the jail but the responsibility lies with the architect and engineers. They were told about this some time ago.

A motion was made to issue a 90 day extension in order for the jail to open while the railings are manufactured and installed by Mr. Hanley and seconded by Mr. Harold

Result: Unanimous

PV098) TOM BERENDSEN – 34 WOBURN STREET - LEXINGTON

Mr. Brian Powderly is requesting a variance from 248 CMR Section 3.04 (1) & 10.06 (1). The Petitioner installed a rectangular cast-iron bathtub that does not have a non skid surface and is not product accepted. The applicant properly petitioned the Lexington Board of Health.

Meeting Notes: None

A motion was made to allow the non skid surface that has been applied to remain by Mr. MacDonald and seconded by Mr. Harold pending final approval by the local plumbing inspector.

Result: Unanimous

PV099) SARAH ROWE – 15 BAILEY STREET – SOMERVILLE

Ms. Sarah Rowe is requesting a variance from 248 CMR Section 3.04 (1) to install a bathtub that is not product accepted. Ms. Rowe notes that it is a freestanding tub, however the back edge of it is flat, allowing it to be installed against the wall, this is a very unique feature and I have not been able to find any bathtubs on the MA Accepted plumbing products list that have this feature. The Somerville Board of Health relies on the expertise of the City's Plumbing Inspector on these matters and defers to his opinion. It is the Boards understanding that the Somerville Plumbing Inspector (Kevin Klein) does not oppose this appeal for a variance.

Meeting Notes: None

A motion was made to allow the installation of this unlisted product by Mr. Harold and seconded by Ms. Alfasso

Result: Unanimous

FYI – Board Delegated Staff Approvals – Board Vote Not Required

Floor drains and gas/oil/sand separator waived when installing an alternate system.

DA PV093 - ACORN ACRES MHP LLC – 113 WASHINGTON STREET - AUBURN

Test Site for Grease Guardian Automatic Grease Recovery System Model GGX75-AST approved by the Board on 07-29-2015. (up to 8 test sites approved.)

Boston Medical Center – 850 Harrison Avenue - Boston

EXECUTIVE SESSION

The Board did not enter into executive session as the applicant failed to appear

CHARACTER REVIEW(S)

CR1) W.S

BOARD WILL CONSIDER ANY MATTERS NOT REASONABLY ANTICIPATED BY THE CHAIR

ADJOURNMENT

MOTION TO ADJOURN by Mr. Hanley and seconded by Ms. Alfasso

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