



**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

**MARCH 30, 2016 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	✓	
Joseph V. Waskiewiez	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

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

- The March 2, 2016 Board Meeting Minutes

**VOCATIONAL SCHOOL PROJECT(S)**

**V1b) BAY PATH VOCATIONAL SCHOOL – 57 OLD MUGGETT HILL ROAD - CHARLTON**

Revisited from the March 30, 2016 at the request of the Chairman

***Commercial Project: Bartlett Junior/Senior High School-Webster. Renovation of four classrooms to turn them into office space for the Webster School Department. Applicant is required to attend.***

***Meeting Notes: Carpentry and electrical have already worked on this project. There would be 4 toilets in the women’s room and 4 toilets/2urinals in the men’s room.***

Meeting Notes: Attorney Kilb noted that the Board’s legal authority lies specifically with the educational value and the safety of the job based on the policy. Regarding the prevailing wage issue raised at the previous Board meeting, the attorney general’s office would be the proper jurisdiction to the extent this is an issue. Mr. Kennedy noted that both the carpentry and electrical classes at the school are taking part in this project.

***A motion was made to allow this project by Mr. Kaldas and seconded by Ms. Alfasso***

***Result: 5 for and 2 against: Motion carries***



**DISCUSSION(S)**

**D1)** Mr. David Martin from HTP Products would like to discuss the current Board Policy on ASME Equivalent Water Heaters.

Meeting Notes HTP is requesting a revision to the Board's current ASME Policy. All of the other States allow their tanks in ASME settings. The 10 year guaranty and the maximum of four tanks do not address the safety issue. Commercial water heaters typically do not last 10 years. Mr. Kennedy noted that OCA notified the Board back in 2005 and requested they look into the issues of failing tanks. The Board subsequently had an engineer at MIT do some research and determined this Policy would be the proper way to go. Mr. Kennedy noted that this appears to be a financial issue and the Board should not change their policy based on that.

No vote required

**D2)** Mr. Frank Teebagy, representing Lubrizol Advanced Materials will be asking the Board to consider removing the 6 story limitation on CPVC in residential installations

*(Documentation provided to Board members at the March 2, 2016 meeting)*

Meeting Notes: Mr. Teebagy note that the product is already accepted by the Board in residential installations. CPVC is currently used in many other parts of the country up to 80 stories. CPVC is also allowed in commercial buildings unlimited for water fountains as per 10.06.

No vote required

~~**D3)** Mr. Christian DeCristofaro would like to address the Board regarding time he worked as an apprentice for Aquatic Environments Inc.~~

~~*Cancelled at the request of the licensee*~~

**VARIANCE REQUEST(S)**

~~**GV266) HYATT HOTEL – 116 RIVERSIDE AVENUE – MEDFORD**~~

~~The Petitioner (Frank Maroney), is seeking a variance from 3.04 (1). The New England Trane Company was hired by the Hyatt Medford Hotel, to replace the existing direct, natural gas fired 100% outside air, makeup air unit (MAU) located in the underground parking garage. New England Trane started the replacement of the MAU on January 11, 2016. Our subcontractor, Francis H. Maroney was hire to modify and re-connect the existing gas piping to the ne MUA. During an inspection by Peter Sparco (Medford Inspector) he had questions regarding the operation of the return air dampers. As this is a gas variance no Board of Health petition is required.~~

~~*Postponed at the request of the applicant*~~

**PV187) GALLANT MACHINE WORKS, INC. – 6-10 EK COURT - SHREWSBURY**

The petitioner, Mr. George Poudrier is requesting a variance from 248 CMR 10.10 Table 1 to allow the elimination of a required shower stall. The applicant states that the shower will never be used and the trap seal will dry up allowing sewer gases to come back into the building. The Shrewsbury Board of Health has been petitioned.

Meeting Notes: This is an existing building. The new tenant moved in and has no use for the shower. All they use are water soluble coolants in their machinery. They have been in business since 1974 and have never had a shower in their other 2 locations.

*A motion was made to allow the elimination of the shower stall required by code by Mr. Knight and seconded by Mr. Waskiewicz*

*Result: Unanimous: Absent Mr. McNamee*

**BOARD OF STATE EXAMINERS OF PLUMBERS AND GASFITTERS MARCH 30,, 2016  
PV241) SAMS MOBIL SERVICE CENTER – 285 BOSTON TURNPIKE ROAD – SHREWSBURY**

The petitioner, (Robert Aoude) is seeking a variance from 248 CMR 10.10 (18) to not require toilet facilities in the shed/office structure that was recently purchased and placed on the property. The petitioner notes the shed is located within 50 feet of the two restrooms on the property, for the business. The applicant properly petitioned the Shrewsbury Board of Health.

Meeting Notes: There is currently no water or drainage located in this office structure. It's about 50' from the existing building with bathrooms. Mr. Kennedy noted that the Board has always required facilities.

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

*Result: Unanimous: Absent Mr. McNamee*

**PV246 – HARVARD UNIVERSITY HEALTH SERVICES – 114 MT. AUBURN ST. – CAMBRIDGE**

The petitioner, Mr. Thomas Hannon (Project Manager) requests the Board grant a variance from the requirement of the Cambridge Inspectional Services for separate sex toilet facilities for employees of the Dental Office in lieu of the provided single, unisex toilet.

*A motion was made to allow the installation of one unisex rest room for staff and one unisex rest room for patients by Mr. Waskiewicz and seconded by Mr. Hanley*

*Result: Unanimous: Absent Mr. McNamee*

**PV247) N.A.R.H., INC. – WINE BEER & MORE – 1440 PLEASANT STREET - BRIDGEWATER**

Petitioner ( Alain Hauvuy, Owner) is requesting a variance from 248 CMR 10.10 (18) (i) (vi) to allow the installation of one unisex handicapped accessible restroom at this location, in order to maintain maximum amount of space for the purpose of creating more storage space for product. Currently the space is 1190 square feet and is being expanded to 2345 square feet in an adjacent vacated space in the same building. The applicant properly petitioned the Bridgewater Board of Health.

*A motion was made to allow the installation of one unisex rest room with rough plumbing installed for a future rest room by Mr. McNamee and seconded by Mr. Hanley*

*Result: Unanimous:*

**PV249) FIRST DENTAL – 8 EARHART LANDING (50 STATION LANDING BLDG) - MEDFORD**

The Petitioner, Keith Garofano is requesting a variance from 248 CMR 10.10 (18) Table 1, to allow the designation of both existing ADA toilet facilities to unisex. One is to be used for employee use only. The space is being renovated into a dentist office, which has an existing ADA men's restroom and an ADA women's restroom. The applicant properly petitioned the Medford Board of Health.

*A motion was made to allow the installation of two unisex single user rest rooms by Mr. McNamee and seconded by Mr. Waskiewicz*

*Result: Unanimous:*

**PV250) TWIN CITY DENTAL CARE – 865 MERRIAM AVENUE – LEOMINSTER**

The Petitioner (Xiaowei Chen, Manager) is seeking a variance from the Board to allow one handicapped accessible restroom and one non handicap restroom. The space is approximately 1,440 square feet. The Leominster Plumbing Inspector (James Imprescia) and the Board of Health have no objections to the proposed number of restrooms.

*A motion was made to allow the installation of one unisex single user rest room for staff and one single user unisex handicap rest room for patients by Mr. McNamee and seconded by Mr. Waskiewicz*

*Result: Unanimous:*

**BOARD OF STATE EXAMINERS OF PLUMBERS AND GASFITTERS MARCH 30,, 2016  
PV251) PATRIOT TAVERN – 100-104 MAIN STREET – WALPOLE**

The Petitioner (Arthur Choo Jr.) is seeking a variance from 248 CMR 10.10 (18) Table 1 to install unisex restrooms for proposed restaurant renovation. By making the restroom unisex will allow both levels of the existing historical restaurant to have handicapped accessible restrooms without having to exit the building to the other level. The restaurant occupancy is 67 patrons. The Walpole Board of Health was properly petitioned. Meeting Notes: This is an existing restaurant where they would like to re-designate the existing rest rooms as unisex.

*A motion was made to allow the re-designation of the three existing rest rooms as follows:*

*Patrons: Two unisex rest rooms*

*Staff: One unisex rest room.*

*by Mr. Knight and seconded by Mr. Waskiewicz*

*Result: Unanimous:*

**PV254) TERRY MARK'S RESIDENCE – 62 SCHOOL STREET – WALTHAM**

The petitioner, (Raymond Merrill, Project Manager) is requesting a variance from 248 CMR 3.04, to install in the owner's new home, a non-product accepted steam Caribbean BL steam shower at this location. The Waltham Board of Health petitions the State Board of Examiners of Plumbers and Gas Fitters on behalf of the owner, Terry Marks. In an email, the Waltham plumbing inspector, Sal Pinzone indicated he is not opposed to the granting of the variance request. He will insure the installation complies with 248 CMR

*A motion was made to deny the installation of a steam unit that is not Product Accepted by the Board by Mr. Waskiewicz and seconded by Mr. Hanley*

*Result: 7 for and 1 against: Motion carries*

**PV259) MP FRANKLIN CO., LLC – 6-12 SUMMER STREET – BOSTON**

The petitioner, Doug Anderson notes this variance is an extension of the variance granted on August 27, 2014 (PV34). The project includes the enlargement of the existing employee restroom facilities to accommodate additional staff, due to the store's expansion into the third floor of the millennium Tower. Petitioner is requesting that the Board allow an alternative method, as there are unusual circumstances that warrant special conditions, this request is for this location only. Boston Inspectional Services was properly petitioned.

*A motion was made to allow this variance by Mr. MacDonald and seconded by Mr. Knight*

*Result: Unanimous: Recused Mr. McNamee*

**PV260) TD BANK:**

**Single user unisex for employees**

**Alfasso and MacDonald: Unanimous**

**PV262) DEPARTMENT CONSERVATION/RECREATION – 40 ASBURY STREET – TOPSFIELD**

The Petitioner, Darryl Forgione (DCR Regional Engineer) seeks a variance from 248 CMR 10.10 (18) Table 1 has designed 2 accessible restrooms. At DCR's request, one restroom would include a shower, this shower would have privacy lock set on entry door to restroom(s). This would allow DCR staff when returning from a fire or working the field to shower. The staff's ability to protect themselves in the workplace by having this shower would be a tremendous improvement. As this is a state project, no Board of Health petition is required. Meeting Notes: They would like to install a single user unisex rest room with a shower and one single user unisex rest room without a shower.

*A motion was made to allow the installation of one unisex rest room with a shower and one unisex rests room without a shower by Mr. McNamee and seconded by Mr. Waskiewicz*

*Result: Unanimous:*

**PV267) MOLDOVA RESTAURANT -344 WATERTOWN STREET - NEWTON**

**BOARD OF STATE EXAMINERS OF PLUMBERS AND GASFITTERS MARCH 30,, 2016**

The Petitioner, Arthur Andronic is seeking a variance from 248 CMR 10.10 (18) Table 1 to allow additional seating at the restaurant without adding a second rest room. This restaurant does not hold a liquor license. The Newton Board of Health is in favor of this variance request.

Meeting Notes:

*A motion was made to allow the installation of one unisex single user handicap rest room by Mr. Hanley and seconded by Ms. Alfasso*

*Conditions: The maximum number of seats for patrons will be 24*

*Result: Unanimous:*

**PV269) LUNCH BOX – 62 SECOND AVENUE – BURLINGTON**

The Petitioner, (Todd Nordblom) is requesting a variance from 248 CMR 10.10 (18) Table 1 to allow the installation of a single ADA restroom in lieu of two restrooms. The proposed tenant's total lease area is 1537 square feet. The primary hardship is that by introducing a second restroom. The tenant would lose one waxing suite. The Burlington Board of Health voted to offer no objection to the request.

Meeting Notes: A waxing salon will contain 5 waxing suites. Two employees would be working at this location. The employees and patrons will predominantly be female.

*A motion was made to allow the installation of one unisex single user rest room with rough plumbing for a future rest room by Mr. Hanley and seconded by Mr. MacDonald*

*Result: Unanimous:*

**PV270) DAVIS REALTY TRUST – 1074 – MAIN STREET - WALTHAM**

The Petitioner (Shanta Patel) The petitioner notes the location is undergoing renovations to the property. The property is the location of Veronica Mini Mart, a convenience store. In doing so we are removing a wall and expanding the floor space to add more counter space. The petitioner is seeking a variance to allow the installation on one unisex handicapped accessible restroom for employees, in lieu of the required 2 non-handicap employee restroom. The Waltham Board of Health was properly petitioned.

Meeting Notes: There is one table for the Keno machine.

*A motion was made to allow the installation of one unisex single user handicap rest room for patrons and employees by Mr. Waskiewicz and seconded by Mr. Knight*

*Conditions: The maximum number of seats for patrons will be 6*

*Result: Unanimous:*

**PV272) CHILDREN'S HOSPITAL – WEST BLDG. 4<sup>TH</sup> FLOOR – 9 HOPE AVENUE - WALTHAM**

Petitioner (Kenneth Fairney) seeks a variance from 248 CMR 10.15. The petitioner notes there are twenty nine sinks on the fourth floor, twenty seven of these sinks discharge to existing sanitary in the building by gravity. Two sinks are above the pharmacy area which we cannot do any work to interrupt or contaminate the area. Petitioner is asking to install a pump under each sink which will discharge to the gravity system on the fourth floor. The applicant properly petitioned the Waltham BOH.

Meeting Notes:

*A motion was made to allow the installation of two pumps for the exam room sinks by Mr. McNamee and seconded by Mr. Waskiewicz*

*Result: Unanimous: Recused Bahig Kaldas*

**PV277) MAURALINH NAIL SALON – 1089 COMMONWEALTH AVENUE – ALLSTON**

The Petitioner (Samara Tilkin) notes given the small square footage of the establishment and the low occupancy a variance is requested to allow the installation of one (1) fully accessible unisex single user toilet room within the salon. The applicant properly petitioned the Boston Inspectional Services.

Meeting Notes: There will be up to six staff members in this 1540 square foot space

*A motion was made to allow the installation of one unisex single user rest room by Mr. Knight and seconded by Mr. MacDonald*

**BOARD OF STATE EXAMINERS OF PLUMBERS AND GASFITTERS MARCH 30,, 2016**

**Result: Unanimous: Absent Mr. McNamee**

**PV278) ASSOCIATION TO PRESERVE CAPE COD – 482 MAIN STREET – ROUTE 6A - DENNIS**  
Petitioner seeks a variance from 248 CMR, Section 10.06 allow the existing PVC drain piping in this historic building to remain during the first phase of renovations. The Dennis Board of Health has been notified of this variance request.

Meeting Notes: This is a change of use from a single family residence to a small office. This building is not open to the public.

*A motion was made to allow the existing PVC to remain by Ms. Alfasso and seconded by Mr. MacDonald*

**Result: Unanimous: Absent Mr. McNamee**

**PV244) BROOKLINE DENTAL SPECIALIST – 21 LONGWOOD AVENUE – BROOKLINE**

Petitioner, Julie Nelligan is requesting a variance from 248 CMR 10.10 (18) Table 1 to allow the installation of a single unisex handicap accessible restroom for staff use only in lieu of two restrooms. They are providing additional men's and ladies handicap accessible rest rooms for patients and visitors. The Brookline Board of Health has been properly petitioned.

Meeting Notes: They would like to provide designated rest rooms for the patients and one unisex rest room for the staff.

*A motion was made to allow the installation of one unisex single user rest room for staff and designate both patient rest rooms as unisex by Mr. Knight and seconded by Mr. MacDonald*

**Result: Unanimous: Absent Mr. McNamee and Mr. Hanley**

**FYI – Board Delegated Staff Approvals – Board Vote Not Required**

**Drinking fountain requirements waiver in medical and office buildings.**

DA PV244a – BROOKLINE DENTAL SPECIALIST – 21 LONGWOOD AVENUE – BROOKLINE

DA PV248 – UMASS MEDICAL CENTER – 55 LAKE AVENUE NORTH – WORCESTER

DA PV255 – EMD MILLIPOR CORP – 400 WHEELER ROAD – BURLINGTON

DA PV258 – WPI SUMMER PROGAMS – 20 TROWBRIDGE ROAD – WORCESTER

DA PV260 – TD BANK – 1641 BEACON STREET – BROOKLINE

DA PV273 – ANDY HOWARTH OWNER – 799 MAIN STREET - WORCESTER

**Shower requirements waiver in medical and dental office buildings**

DA PV244b – BROOKLINE DENTAL SPECIALIST – 21 LONGWOOD AVENUE – BROOKLINE

DA PV265 – STEPHANIE MILLS – 93 TRAPELO ROAD – BELMONT

DA PV268 – PLEASANT DENTAL CARE – 126A PLEASANT VALLEY STREET – METHUEN

DA PV276 – PERFECT DENTAL -

**Floor drains and gas/oil/sand separator waiver when installing permanent bollard(s)**

DA PV186 - GALLANT MACHINE WORKS, INC. – 6-10 EK COURT - SHREWSBURY

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

DA PV257 – RE-VOLV – 11 TOWN FOREST ROAD - OXFORD

**Floor drains and gas/oil/sand separator waiver in a showroom with a maximum of six vehicles**

DA PV252a – FATHER AND SONS AUDI / VW – 434 MEMORIAL AVENUE - WEST SPRINGFIELD

DA PV252b – FATHER AND SONS AUDI / VW – 214 NEW BRIDGE STREET – WEST SPRINGFIELD

**Full Authorization for operation of unlisted gas equipment.**

DAGV052 – CLEAN ENERGY – 14 COTTAGE STREET – DISPENSER #1 – EAST BOSTON

**APPEAL OF INSPECTOR DECISION / INTERPRETATION**  
**QUASI-JUDICIAL SESSION**

AID1) John Saluski vs. Steve Mattes (City of Quincy)

A motion was made by Mr. McNamee, seconded by Mr. Knight, and it was unanimously approved to go into quasi-judicial session.

The Board conducted a full adjudicatory hearing in this matter. Upon hearing presentations by both parties, the Board entered into deliberative session to deliberate. Thereafter, the Chairman advised the appellant and the inspector of the Board’s decision to find unanimously in favor of the appellant in this matter. A separate written decision will be issued in accordance with law.

**EXECUTIVE SESSION**

At approximately 11:00 a.m., the Chairman stated the Board would enter into a closed Executive Session. The purpose of the Executive Session was, pursuant to Massachusetts General Law, Chapter 30A, § 21 to discuss individual’s character, rather than competence. He noted that the Board would return to Open Session at approximately 11:30am. A motion was made by Mr. Hanley, seconded by Mr. MacDonald to enter Executive Session. Thereafter, the roll call was summoned and the following is the result:

MEMBER	YEA	NAY	ABSENT	RECUSED	ABSTAINED
Mr. Kennedy	X				
Mr. McNamee	X				
Mr. Kaldas	X				
Mr. Waskiewicz	X				
Ms. Alfasso	X				
Mr. Hanley	X				
Mr. MacDonald	X				
Mr. Dan Kilburn			X		
Mr. Knight	X				

**BOARD WILL CONSIDER ANY MATTERS NOT REASONABLY ANTICIPATED BY THE CHAIR:**

None

**ADJOURNMENT**

MOTION TO ADJOURN by Mr. McNamee and seconded by Mr. Kaldas.

**BOARD OF STATE EXAMINERS OF PLUMBERS AND GASFITTERS MARCH 30,, 2016**  
**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