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

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CHARLES BORSTEL  
DIRECTOR, DIVISION OF  
PROFESSIONAL LICENSURE

**APRIL 6, 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          |         | ✓      |

NOTE: The regular meeting of the Board of the State Examiners of Plumbers and Gasfitters on April 6, 2016 was held in the first floor meeting room at the Cape Codder Resort in Hyannis, MA.

**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 February 24, 2016, 2016 Board Meeting Minutes

*A motion was made to accept the minutes by Mr. Hanley and seconded by Mr. Kaldas*

*Result: Unanimous*

- The March 2, 2016, 2016 Board Meeting Minutes

*A motion was made to accept the minutes by Mr. Hanley and seconded by Mr. Kaldas*

*Result: Unanimous*

- The March 2, 2016 Executive Session Minutes

*A motion was made to accept the minutes by Mr. Hanley and seconded by Mr. Kaldas*

*Result: Unanimous*



## VARIANCES

**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.

*Meeting Notes: Replacing an existing make up air system in the basement. The unit they were going to put in had a return air connection which did not appear to be code compliant. There is a Mass Approval number for this unit. The question is more with the return air issue. The unit does meet the 50ppm requirement. This is just a garage with no living area. The inspector questioned it because of the fumes from the cars. The return air never gets back into the combustion chamber. This is the same type of unit they are replacing that was there for many years with no issues. The Medford inspector stated that he did have a problem with this unit installed as it is. He would like to have the return air portion blocked off.*

### Accepted Plumbing Products Online System

By the [Division of Professional Licensure](#)

**Table. ONLINE PLUMBING PRODUCTS SYSTEM: SEARCH RESULTS**

Search Criteria:  
 Type: Gas  
 Manufacturer contains:  
 =  
 Product:  
 Model: aa8  
 Description:  
[New Search](#)

There are **1** record(s) in our database fitting your search criteria. Please note that if your product is not displayed in the search results, you can refine your search criteria.

Displaying page **1** of **1** search results pages  
 Requested products per page: **50**.

| PRODUCT, DESCRIPTION, APPROVAL CONDITION                  | MANUFACTURER | MODEL | ACCEPTED | EXPIRES   | APPROVAL CODE |
|---|--------------|-------|----------|-----------|---------------|
| AA-Series Make Up Air Direct Fired Gas Make Up Air System | Absolulaire  | AA8   | 2/3/2010 | 10/1/2017 | G3-1014-102   |

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***A motion was made to allow the installation of the AA8 makeup air heating unit by Mr. Hanley and seconded by Mr. MacDonald***

***Condition(s): They will close off and seal the return air section.***

***Result: Unanimous***

**PV261) BASS RIVER GOLF COURSE – 52 HIGHBAN ROAD – SOUTH YARMOUTH**

The petitioner seeks a waiver from 248 CMR 10.09 (1) (f) 2, for the Bass River Golf Course in Yarmouth. The Club has a tile V Septic System that was engineered, designed, installed and put into use in 2010. A 1,500 gallon grease trap was part of the system. The Tank (trap) is located over 30 feet from the building and its cast iron inflow pipe is located beneath the building's concrete loading dock. The Tank (trap) out-flow pipe is PVC and extends beneath the walkway to the building in the asphalt parking area and runs under a portion of the Course's irrigation system. The application of the current code requiring both the installation of a ten foot cast iron connection from the tank trap and the retrofitting of the Tank with a forty plus foot cast iron vent back into the through the roof of the building, in this instance, would cause extensive disruption to the operation of the business. The Yarmouth Board of Health supports this variance request.

*Meeting Notes: They are remodeling the kitchen area of the snack bar and have installed point-of-use interceptors as required. The pipe then runs to an existing outside grease trap which was originally installed in 2009. The existing grease trap is located under the parking lot right in front of the main entrance to the building. They would need to dig this up in order to install the code required vent. The drain from the building to the trap is cast iron. The inlet line to the tank was replaced with cast iron during renovation. The plumbing inspector told them at the time to install the chamber vent. The trench is still open. There was no permit taken out at the time the trap was installed in 2009.*

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

*Result: Unanimous*

*A motion was made to allow the existing 10' discharge line from the tank to remain as PVC by Mr. Kaldas and seconded by Mr. Hanley*

*Result: Unanimous*

**PV274 - HEARTH & KETTLE PROPERTIES, LLC – 141 FALMOIUTH ROAD - HYANNIS**

The Petitioner (/William Catania) seeks a variance to allow the use of PVC in lieu of cast-iron pipe for the Water Park. Petitioner notes high humidity and corrosive pool chemicals will expose the cast iron pipes (even with insulation to collect condensation and cause problems the pipes. The petitioner would like to substitute PVC piping which will create a safer and more sanitary environment for the public. The applicant properly petitioned the Barnstable Board of Health.

*Meeting Notes: They are enclosing an existing courtyard in the back with grass. When the area is enclosed, they will be installing roof drains. Because of the chlorine in the air, they are concerned that the cast iron would break down. Mr. Hanley noted that they could simply jacket the cast iron piping.*

*A motion was made to deny the request by Mr. Hanley and seconded by Mr. MacDonald*

*Result: Unanimous*

**PV275) PLEASANT BAY BOATING COMMUNITY – 2070 ROUTE 28 – BREWSTER**

The Petitioner (Leslie Schneeberger) is requesting a variance from 248 CMR 10.10 (18) Table 1, to not require the installation of an additional restroom. The applicant properly petitioned the Brewster Board of Health.

*Meeting Notes: This is a 503C Corp. that provides boating areas to the people of the community. There is a renovation going on to the existing building. 980 square feet of space is being renovated now. They are asking to install one unisex rest room for the employees.*

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

*Result: Unanimous*

**BOARD OF STATE EXAMINERS OF PLUMBERS AND GAS FITTERS – APRIL 6, 2016**

**PV280) LORENZO DE MONACO – 23 UNITY COURT – BOSTON**

The Petitioner (Timothy Steward) is seeking a variance from 248 CMR 3.04 to install four (4) concrete sinks, fabricated by Stone Soup Concrete, Easthampton. Petitioner notes each sink is a monolithic casting, reinforced with several layers of steel mesh placed carefully to gain optimal structural soundness. Overflows are cast into the concrete and connect to a standard drain. In addition to the sinks site-fabricating a tub basin with conventional framing cement board, water proofing and a finish concrete overlay, also by Stone Soup Concrete. The tub will also have a built-in overflow. The applicant properly petitioned Boston Inspectional Services in compliance with MGL c.142 section 13.

*Meeting Notes: This is a single family home in the North End. These are custom made concrete sinks and a bathtub. The tub and sinks will have overflows.*

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

*Result: Unanimous*

**PV281) PRANAU PATEL – 157 WEST STREET – GARDNER**

The petitioner (Troy Hebert) is requesting a variance from 248 CMR 10.10 (18) Table 1. The petitioner notes the project consists of converting a picture frame store into a small convenience store. There is an existing toilet room with a slop-sink room. The store is approximately 900 square feet. The petitioner seeks relief to have an employee only unisex restroom. The room is not large enough for a handicapped accessible restroom. The Gardner Board of Health at their meeting on Monday, March 21, 2016 held a hearing on this variance request. The Board letter states the petitioner's request for a single unisex restroom that would replace the two non accessible restrooms currently installed.

*Meeting Notes: This is an old studio being converted to a convenience store. There is only one employee working there at one time. They want to eliminate one rest room and make the other unisex*

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

*Result: Unanimous*

**PV282a) PHYSICIANONE URGENT CARE – 1210 BOYLSTON STREET – BROOKLINE**

The Petitioner (Joseph Fournier) notes the proposed facility is not an overnight facility and is classified as an outpatient clinic. The petitioner proposes to have three separate toilet facilities within the space (2450 s.f.), all of which are handicapped accessible. The request is to designate the toilet rooms as unisex. The maximum occupancy load is 24 persons.

*Meeting Notes: They are developing this 2400 sq. ft. space into a clinic care area with no overnight stay. They are proposing one unisex rest room in the lobby, one unisex rest room for patients in the clinical care area and one unisex rest room for staff. All unisex rest rooms, if approved would be handicap accessible.*

*A motion was made to allow the installation of the following:*

*One unisex rest room in the lobby for patients and guests*

*One unisex rest room in the clinical area for patients*

*One unisex rest room in the clinical care area for employees*

*By Mr. Hanley and seconded by Mr. Knight*

*Result: Unanimous*

**BOARD OF STATE EXAMINERS OF PLUMBERS AND GAS FITTERS – APRIL 6, 2016**

**PV283b) PHYSICIANONE URGENT CARE – 1019 TRAPELO ROAD – WALTHAM**

The Petitioner (Joseph Fournier) notes the proposed facility is not an overnight facility and is classified as an outpatient clinic. The petitioner proposes to have three separate toilet facilities within the space 3400 sq. ft.) all of which are handicapped accessible. The request is to designate the toilet rooms as unisex. The maximum occupancy load is 24 persons.

*Meeting Notes: They are developing this 3400 sq. ft. space into a clinic care area with no overnight stay. They are proposing designated rest rooms in the lobby for patients and guests and one unisex rest room for staff in the clinical care area.*

*A motion was made to allow the installation of the one unisex rest room in the clinical care area for employees  
By Mr. Hanley and seconded by Mr. MacDonald*

*Result: Unanimous*

**PV284) FRESENIUS – 99 HAYDEN AVENUE – LEXINGTON**

The Petitioner: (Timothy Murphy) requests a variance to add pumps instead of gravity fed discharge. The petitioner notes the critical lab is below the proposed space. The lab produces surgical Brian mesh that is use in human bodies and cannot be exposed to any dust changes in temperature and also air quality. This space is fed with a special air system to insure temp and 45% humidity at all times. If there was an interruption or deviation, they are required to write a report in some case to the F.D.A. as to why there was an issue with the science and what the cause. In some case the lab would need to be recertified. The Lexington Board of Health, after discussing this matter with the plumbing inspector, the Office of Public Health is not opposed with this request.

*A motion was made to Table this request by Mr. Hanley and seconded by Mr. MacDonald.*

*Result: Unanimous*

*Applicant requested a postponement*

**PV285) VAM REALTY TRUST – 241 FRANCIS AVENUE – MANSFIELD**

The Petitioner (Paulo Oliveira) requests a variance from 248 CMR Section 10.09. The Petitioner notes the proposed building will be used as a repair facility for storage containers. No vehicles will be in the building at any time. The building will have four bays. Two bays will be used for spray booth and sand blast booth. The storage units are transported throughout the site with the use of fork-lifts. We feel that the floor drain and oil/water separator are not necessary as there will never be any vehicles in the building. The Mansfield Board of Health was properly petitioned.

*Meeting Notes: Request withdrawn*

**BOARD OF STATE EXAMINERS OF PLUMBERS AND GAS FITTERS – APRIL 6, 2016  
PV286) ESSEX SPORTS CENTER – 60 SUMMER STREET – MANCHESTER**

The Petitioner (Harry Angevine) requests a variance to be able to convert one of the proposed referee shower/locker rooms into a dedicated single user shower/locker room in the event of female participants at the hockey facility. As part of this overall request we wanted to note that we do not intend to request any reduction in fixtures at this facility. We would like to inquire as to whether the water that is generated as a result of the snow/dump/melt pit would be allowed to discharge into the site drainage system provided onsite rather than the municipal sewer system as currently designed. As this is a State project, no Board of Health petition is required.

**A.**

*Meeting Notes: They would like to designate one of the single user rest rooms as unisex for the times when there may be a female hockey player taking part in a game on a team that is predominantly men.*

*A motion was made to allow the installation of one female rest room by Mr. Hanley and seconded by Mr. MacDonald*

*Result: Unanimous*

**B.**

*Meeting Notes: They would like to discharge the shavings from the Zamboni into the site drainage system through a pit and a separator. Mr. Kennedy noted that they should get letter from the local water/sewer department that they approve of this installation. There should also be curbing installed.*

*A motion was made to allow the discharge of from the Zamboni to go into a pit with a separator and have the final point of discharge the site system by Mr. Hanley and seconded by Mr. MacDonald*

*Conditions:*

- 1. Provide a letter from the water/sewer department stating they approve of this installation*
- 2. A curb will be installed around the pit area to prevent discharge of other materials into the pit*

*Result: Unanimous*

**PV287) BRIAN & KARA FITCH – 14 WILLIS CIRCLE - MIDDLEBORO**

The Petitioner (Brian Fitch) requests a variance from 248 CMR 10.10 (Table 1) to determine if the Board should consider their barn and riding stable as a place of assembly and thus, require rest rooms. The Middleboro Board of health has been properly petitioned

*Meeting Notes: The seating area they originally planned has been removed and the viewing window with also be removed. There will be no employees and is in a residential area.*

*A motion was made to allow the installation of the barn without facilities by Mr. Hanley and seconded by Mr. Kaldas*

*Result: Unanimous*

**DISCUSSION(S):**

**D1)** Comparison of passing rates for candidates taking the Journeyman Plumber exam in both the 3 year and 5 year programs.

*Meeting Notes: Mr. Thomas noted a dramatic difference between the first time passing rates of those in the 3 year program and those in the 5 year program*

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D2) Code questions from the audience.

*Bottle fillers recessed in the wall. Does that require a variance? A motion was made to consider this type of unit to be a drinking fountain, thus no variance required by Mr. Kaldas and seconded by Mr. Hanley.  
Unanimous*

*Should an ADA lavatory installation require a carrier? Mr. Kennedy noted that the requirement for a carrier would have to be determined by the building inspector. Mr. Hanley noted that we should follow the manufacturer installation instructions. No vote taken.*

*Underground piping with a floor cleanout, does the bend need to be a long sweep or can it be a 1/4 bend. Members opined that a 1/4 bend would be fine. No vote taken*

*Atty. Kilb noted that the code changes are still in the review process.*

*Atty. Kilb discussed a proposed policy which, if enacted by the Board would add some clarification to 248 CMR 11.02*

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

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

DA PV279 – UMASS FIVE COLLEGE FEDERAL CREDIT UNION – 225 KING STREET - GARDNER

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

DA PV282b – PHYSICIANONE URGENT CARE - 1210 BOYLSTON STREET- BROOKLINE  
DA PV283b – PHYSICIANONE URGENT CARE – 1019 TRAPELO ROAD – WALTHAM

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

DA GV229 – BERRY PLASTICS CORP. – 44 O’NEILL STREET – EASTHAMPTON  
DA GV152 – MKS INSTRUMENTS INC – 90 INDUSTRIAL WAY - WILMINGTON  
DA GV289-FY-15 – KEN’S FOODS INC – ONE D’ANGELO DRIVE - MARLBOROUGH

**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 11:15 a.m. But would likely close the meeting to enter into quasi-judicial session. 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. Waskiewiez  | X   |     |        |         |           |
| Ms. Alfasso     |     |     | X      |         |           |
| Mr. Hanley      | X   |     |        |         |           |
| Mr. MacDonald   | X   |     |        |         |           |
| Mr. Dan Kilburn |     |     | X      |         |           |
| Mr. Knight      | X   |     |        |         |           |

**QUASI JUDICIAL SESSION**

PL-15-050

PL-15-043

Upon conclusion of quasi-judicial session, the Board reported the following for the record:

A motion was made by Mr. Hanley, seconded by Mr. MacDonald, to issue final decisions in the above captioned cases. Result: Unanimous.

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

**ADJOURNMENT**

*A motion was made to adjourn the meeting at 11:30am by Mr. Hanley and seconded by Mr. MacDonald*

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