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

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JOHN C. CHAPMAN
UNDERSECRETARY OF
CONSUMER AFFAIRS AND
BUSINESS REGULATION

CHARLES BORSTEL
DIRECTOR, DIVISION OF
PROFESSIONAL LICENSURE

MAY 25, 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

- Emergency Egress and Cell Phone Policy

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

- The, April 27, 2016 Board Meeting Minutes

Correction(s): Ms. Alfasso: Add language under conditions for PV284 regarding a complete facility review.

Mr. Kaldas: PV284 was missing the second on the motion.

A motion was made to accept the minutes as amended above by Mr. McNamee and seconded by Ms. Alfasso

Result: Unanimous

- The, May 4, 2016 Board Meeting Minutes

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

Result: Unanimous

- The May 4, 2016 Executive Session Minutes

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

Result: Unanimous



DISCUSSION(S):

D1) Paul Denaro from Protein Matrix Company would like to discuss their biodegradable product to remove fat, oils and grease

Meeting Notes: This product is not bacteria or enzyme based. Non-toxic biodegradable and is NSF 60 certified. They are asking the Board to allow this product to be dripped into fixtures prior to the waste entering the grease interceptor. As close to the actual fixture is the best case scenario. Anthony Sillari (Somerville Plumbing Inspector) spoke on the advantages of this product. There is no connection into the potable water system. Mr. Hanley expressed concerned with this product if it's just emptied into the sink. It should be plumber's work and maybe the way to do that is through a trap primer. We need to insure this is plumber's work. Mr. Kilburn stated that, making this plumber's work may violate anti-trust.

A motion was made to allow 50 six month test sites for this product by Mr. McNamee and seconded by Mr. Kilburn

Result: Unanimous

D2) Anthony NiCastro (Apprentice Plumber) and Karl Stocki (Master Plumber) to discuss with the Board Mr. NiCastro's unpaid Apprentice time.

Meeting Notes: Mr. NiCastro stated that Mr. Stocki could not attend because of his work load. Mr. NiCastro stated that he worked for the master without pay. This work was done while working at a facility when Mr. NiCastro was primarily employed by a non-plumbing company.

Mr. Kilburn made a motion to accept what has been submitted and seconded by Mr. McNamee. Atty. Kilb noted that the Board has never approved such a situation without first addressing the issues with the master to ensure the transaction was legal and would advise against approval at this time. Based upon this advice, Mr. Kilburn amended his motion to require the Master to come in and meet with the Executive Director, the Chairman and Board counsel and delegated the authority to make a final decision, seconded by Mr. McNamee: Unanimous

D3) Shawn McGaffigan is petitioning the Board to allow additional attempts to pass the Journeyman Plumber Exam.

Meeting Notes: Mr. McGaffigan was in front of the Board in May of 2015 and the Board granted him two more attempts after taking another 30 hour code prep course. He has failed the exam 10 times. Mr. McGaffigan's employer testified before the Board that his apprentice was a hard and safe worker.

A motion was made to allow Mr. McGaffigan three additional exam attempts by Mr. Hanley and seconded by Mr. Kilburn

Result: Unanimous

VOCATIONAL SCHOOL PROJECT(S)

V1) WORCESTER TECHNICAL SCHOOL – 1 SKYLINE DRIVE – WORCESTER

Habitat for Humanity – 11 Distributer Road – Worcester.

Residential project: Applicant is not required to attend.

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

Result: Unanimous

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VARIANCES

PV319) CLUB CAFÉ – 209 COLUMBUS AVENUE - BOSTON

The Petitioner (Jack Moriarty) is seeking a variance from 248 CMR 10.10 (18) Table 1. The petitioner notes due to the building age, space location, size of existing building systems, physical inability to install more fixtures. Club Café is seeking a variance to keep the existing five (5) toilets in lieu of the required eight (8). The applicant properly petitioned Boston Inspectional Services.

Meeting Notes: This is a club/café that is an historic building. They bare increasing the occupancy and are now 3 toilets under the current code requirements for the ladies room. There are more toilets than required by code in the men's room.

A motion was made to allow the existing five toilets in the ladies room to remain and not to require installation of the addition three which would meet the current code requirements by Mr. MacDonald and seconded by Mr. Knight

Result: Unanimous

PV320) KEYLLA CARVALHO – 26 ANDOVER STREET – LOWELL

The Petitioner (Keylla Carvalho) is seeking a variance regarding an unlisted steam table. Petitioner notes the restaurant has a capacity of 200 patrons.

A motion was made to table this request as the applicant failed to attend by Mr. Hanley and seconded by Ms. Alfasso

Result: Unanimous

PV323) DUVA REALTY TRUST– 993 MILBURY STREET – WORCESTER

The Petitioner Eric Johnson is seeking a variance from 248 CMR 10.10 (18) Table 1. Petitioner notes they are rebuilding an existing bathroom because it was destroyed when a water pipe broke (the building has been vacant for three years). Also noted is the space is being used by 5-6 employees. The request is to install one unisex restroom for employees. The building is 4,000 square feet. The Worcester Board of Health was properly petitioned.

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

PV324) – URQUHART FAMILY LLC – 205 SCHOOL STREET - GARDNER

The Petitioner (Jay Davis Drake) notes the Urquhart Family, LLC has been leasing the 3rd & 4th floors of the property to the Rural Community Assistance Partnership for use as their corporate offices for many years. Recently, RCAP vacated the 3rd floor space where there are existing ADA compliant toilet rooms and RCAP now has no access to the 3rd Floor. On the 4th floor, there are separate toilet facilities for men and women, but no ADA toilet facilities. This is due to the current building construction, it is not possible to reconfigure the existing facilities to provide ADA compliant fixtures. However, there is existing space adjacent to the other facilities that can be reconfigured to provide a unisex toilet room. The Gardner Board of Health approved the variance request.

A motion was made to have the Executive Director provide the applicant with a letter stating they do not need a variance to install the unisex rest room by Ms. Alfasso and seconded by Mr. MacDonald

Recused: Mr. Hanley Result: Unanimous

PV327) RALPH HOBBS – MAIN DECK PROPERTIES – 27 KONDELIN RD – GLOUCESTER

The Petitioner (Ralph Hobbs) is seeking relief from the requirement to provide two handicapped accessible restrooms. all underground piping has been installed for the second restroom in the future to accommodate a

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possible future increase of employees. There are presently 3 employees. The Gloucester Board of Health has no objection regarding this request.

A motion was made to allow the installation on one unisex employee rest room by Mr. MacDonald and seconded by Ms. Alfasso

Result: Unanimous

PV328) LNG STORAGE FACILITY – 200 MULLINS WAY - HADLEY

The petitioner notes the building is a conex box only used for an electrical control room. The building is unmanned that is located within 300 feet to a restroom. The petitioner is seeking relief from requiring the installation of toilet rooms. As this is a State project, no Board of Health petition is required.

Meeting Notes: This is a building that just contains controls. The building is never manned. It is located within 300' of a building that does contain rest rooms.

A motion was made to eliminate the requirement for rest rooms at this facility by Mr. McNamee and seconded by Mr. Kilburn

Result: Unanimous

PV329) JASON RYAN – 39 BLACKTHORN ROAD – SHREWSBURY

~~The Petitioner (Mike Gaspari) seeks relief from 248f CMR 3.04. He notes the customer purchased the jacuzzi tub, which was made in Canada. The jacuzzi is not listed on the Board's Website. The petitioner notes the tub fills through the jets. He would like to install a traditional spout and eliminate the fill through the jets, thus eliminating the chance for syphonage. The Shrewsbury Board of Health was properly petitioned. Applicant **Withdrew**~~
Cancelled

PV330) THERAPEUTIC MASSAGE BUSINESS – 10 MAIN STREET – COTUIT

The Petitioner (Ms. Beth Madden) requests a variance from 248 CMR Section 10.10 (18) (k). The petitioner notes remodeling work is being done in an existing non-conforming building that a doctor's office and a dentist share. The doctor's office is being remodeled into massage rooms to expand the existing business on the second floor of the building. The applicant properly petitioned the Cotuit Board of Health.

Meeting Notes: They have been occupying the upper level for a number of years and are now taking over the level below.

A motion was made to allow the usage of the current facilities to remain by Mr. McNamee and seconded by Mr. Hanley

Result: Unanimous

PV331) SCOTT WESSELS – 34 ROBERT W. ROYLE ROAD – TAUNTON

The Petitioner (Scott Wessels) is seeking a variance from the fixture requirements for this garage. The petitioner notes the garage was originally going to be under 1,100 square feet but has now increased to 1,485. The garage will always have less than 10 occupants and will potentially be a motorcycle repair business. The Taunton Board of Health has no objection with this request.

A motion was made to allow the use of one unisex rest room for the massage business by Mr. MacDonald and seconded by Mr. McNamee

Result: Unanimous

PV333) TRAILSIDE MUSEUM – OTHER EXHIBIT -B1904 CANTON AVENUE – MILTON

The applicant proposes to construct a new 12' x 16' shed at the River Otter Exhibit at the Trailside Museum in the Blue Hills reservation. The museum is occupied and operated by the Massachusetts Audubon Society. The shed

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will only be used to house the animals. Staff will spend a minimum amount of time there. The staff use it primarily to let otters in and out of their cages in the morning and evening. As the building will not be occupied, the applicant seeks relief from installing rest rooms. As this is a State project, no Board of Health petition is required. ***Meeting Notes: This is a heated building. They are looking to renovate the otter exhibit. The structure is being built to house the otters while maintenance is performed at the exhibit. It will also allow vets to service the animals.***

A motion was made to eliminate the requirement for rest rooms in the otter building by Mr. McNamee and seconded by Ms. Alfasso

Result: Unanimous

PV334) ROPES COURSE / TREE TOP ADVENTURES – 200 NEW BOSTON DRIVE – CANTON

The Petitioner (Christopher Kerr) is requesting a variance from 248 cmr 10.02 and 10.10 (18) Table 1. The petitioner is opening an aerial ropes course at the Irish Cultural Centre. They intend to build permanent restrooms, but this will take months of planning, permitting and designing. Therefore, in the short term they are applying for a variance from the State Plumbing code to permit the installation of four (4) portable restrooms from United Site Services for their outdoor ropes course. The Canton Board of Health has been properly petitioned.

Meeting Notes: They have leased 3 acres of woods and are building a ropes course which will be opening early in July. It is approximately 300 yards away from the main building where facilities are located. The Board determined that no variance is required for this project.

Result: No Action taken

GV335) DISTRICT COURT HOUSE – 425 MAIN STREET - GREENFIELD

The existing courthouse was a T shaped building, 47,000 sf. with 6 courtrooms, typical public service offices and 2 holding cells. The renovated Court house building is 105,660 sf., with 11 court rooms, typical public service offices and 23 holding cells. The project was designed in 2012-2013. The building Permit was issued March 12, 2014. The plumbing contractor started his portion of his work on May 20, 2014. Our original request for the renovated courthouse required only 3100 CFH of gas to operate. On May 21, 2015 the Berkshire Gas Company notified the owner that there was a moratorium on gas and the courthouse would receive no additional gas from the 3100 CFH allocated. The plumbing contractor had submitted the Water Heaters and the Mechanical contractor had submitted the boilers for approval. The 2 water heaters and 2 boilers are located in the existing building so the equipment was purchased and installed prior to May 21, 2015. Working with the Plumbing inspector (Dennis Driscoll) Berkshire Gas, BG Mechanical and Cosentini, it was agreed that only one water heater (100 CFH) and one boiler (3000 CFH) would fire at one time. The redundant water heater and boiler would operate by means of automatic alteration. They were asked to request a variance by Scott Padden. I believe the inspector wants all gas equipment to fire simultaneous. Based on a letter from Berkshire Gas this request cannot be accomplished.

Meeting Notes: There is no paperwork on record. Mr. Kennedy stated that the original approval was for manual alternation between equipment. It needs to be set up so that everything needs to be manual so that 2 boilers or 2 water heaters to run at the same time.

A motion was made to allow manual alternation by Mr. Knight and seconded by Ms. Alfasso

Result: Unanimous: Mr. Hanley abstained and Mr. McNamee was absent

PV336) MODERN SMILES DENTAL CARE – 120 CAMBRIDGE STREET - BURLINGTON

The petitioner is requesting a variance from 248 CMR to:

1. Allow the installation of one unisex rest room for employees and one unisex handicap rest room for patients and guests.
2. Allow the installation of a Poland Springs water dispenser in lieu of a drinking fountain
3. Allow the elimination of a shower stall.

The Burlington Board of Health has no objection regarding this variance request..

Meeting Notes: This building is 1950 square feet with 5 exam rooms.

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A motion was made to allow:

- 1. One unisex rest room for employees and one unisex handicap accessible rest room for patients and guests;*
- 2. The installation of a water dispenser in lieu of a drinking fountain with rough plumbing for a future drinking fountain and;*
- 3. The elimination of the shower requirement by Mr. MacDonald and seconded by Mr. Knight*

Result: Unanimous: Mr. McNamee not present

PV337) LLB BUILDERS – 5 & 7 BARRY AVENUE – METHUEN

The plumber is requesting a post-installation variance from the requirements of 248 CMR 10.10 to allow the existing fiberglass shower stall recently installed to remain. The outside dimensions of the stall are 32” x 32” but the interior square inches are not code compliant. The plumber confirmed prior to installation that the item in question was listed on the Board’s website as approved. The Methuen Board of Health has been properly petitioned.

A motion was made to allow the 32” x 32” fiberglass shower that is currently installed to remain by Mr. Hanley and seconded by Mr. Kilburn

Result: Unanimous: Mr. McNamee was not present

FYI – Board Delegated Staff Approvals – Board Vote Not Required

Drinking fountain requirements waiver in medical and office buildings.

DA PV321 – BOSTON ENERGY RETROFIT, LLC – 360 WASHINGTON STREET – WOBURN

DA PV326 – RICHARD OSBERG – 617 MILL STREET - WORCESTER

Shower requirements waiver in medical and dental office buildings

DA 322 – DR. NASRIN SADEGHI – 274 MAIN STREET - READING

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

DA PV318 – LITTLE LEAF FARMS, LLC – 105 WALKER ROAD – SHIRLEY

DA PV325 – PAUL DIONNE COMPANY, INC. – 92 JENSPIN ROAD - WILLMINGTON

Full Authorization for operation of unlisted gas equipment.

DA GV348 – FORGET ME NOT PET CREMATORY – 80 LYMAN STREET - NORTHBOROUGH

DA GV298 – LOWELL GENERAL HOSPITAL – 1 HOSPITAL DRIVE – LOWELL

EXECUTIVE SESSION

At 11:15 a.m., a motion was made to enter by Mr. Hanley to enter Executive Session to discuss individual’s character, rather than competence, this motion was seconded by Mr. Knight:

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

The Chair anticipated that the Board would remain in Executive Session for approximately 15 minutes.

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The Board returned to Open Meeting at 11:32am

ADJOURNMENT

*A motion was made to adjourn the meeting by Mr. Knight and seconded by Mr. Kilburn.
Unanimous*

LIST OF DOCUMENTS USED:

1. Meeting agenda
2. Minutes from prior meeting
3. Variance applications and other related documentation for the 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