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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

JUNE 29, 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		Arrived at 9:45am PV364
Joseph V. Waskiewicz	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, May 25, 2016 Board Meeting Minutes

A motion was made to accept the Minutes as presented by Mr. McNamee and seconded by Mr. Kaldas

Abstained: Absent during this meeting Unanimous

- The May 25, 2016 Executive Session Minutes

A motion was made to accept the Minutes as presented by Mr. McNamee and seconded by Mr. Knight

Abstained: Absent during this meeting Unanimous

- The, June 1, 2016 Board Meeting Minutes

A motion was made to accept the Minutes as presented by Mr. McNamee and seconded by Mr. Kaldas

Abstained: Absent during this meeting Unanimous



DISCUSSION(S):

D1) 248 CMR 10.14 (1) (L) 4. - 30 GPM REQUIREMENT FOR EMERGENCY SHOWERS

Meeting Notes: The Chairman spoke about reducing the current 30 GPM requirement down to 20 GPM and also add the 15 minute requirement that is in the current ANSI standard Z358-1-2009. Attorney Kilb noted that since these were in the current standard, the Board can allow such installations via the new technology/Product Acceptance section of 10.06. The Board can notify product manufacturers and installers through the website

A motion was made, consistent with the standard, to:

- 1. allow emergency shower products to be accepted with a 20 GPM flow rate for a minimum of 15 minutes*
- 2. reduce to current temperature requirement of 70-90 degrees to 60-70 degrees based on documented data on legionella bacteria in water above 70 degrees*

By Mr. McNamee and seconded by Mr. MacDonald

Result: Unanimous

VOCATIONAL SCHOOL PROJECT(S)

V1) ASSABET VALLEY VOCATIONAL SCHOOL – 215 FITCHBURG STREET - MARLBOROUGH

Habitat for Humanity – 33-35 Main Street - Northborough

Residential project: Applicant is not required to attend.

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

Result: Unanimous

VARIANCES

GV320) KEYLLA CARVALHO – 26 ANDOVER STREET – LOWELL

The petitioner (Gary De Los Santos) notes Kelly Carvalho will operate the restaurant which has a capacity of 200 patrons. The petitioner is seeking a waiver from 248 CMR 3.04 regarding an unlisted steam table. As this is a gas variance, no Board of Health petitioning is required.

Meeting Notes: The applicant purchased a gas steam table and put it in place. They did not know that they needed Mass approval. The plumbing informed them they would need a variance in order to install this product.

A motion was made to table as the applicant did not appear by Mr. McNamee and seconded by Mr. Kilburn

Result: Unanimous

Revisited when applicant appeared:

A motion was made to continue this until the applicant can provide the Board with the manufacturer's information before proceeding with this variance request by Mr. Knight and seconded by Mr. Hanley

Result: Unanimous

PV339) CAREWELL URGENT CARE OF MA – 757 BOSTON POST ROAD E. – MARLBOROUGH

The Petitioner (Fred Prezioso) is requesting a variance to allow for one unisex accessible public rest room, one unisex accessible patient rest room and one staff rest room. Meeting the requirements of 248 CMR 10.10 for a facility of this size and limited staff would result in the loss of two exam rooms and would add little, if any, benefit to the clinic's daily operation. The Marlborough Board of Health is in favor of this request.

Tabled on June 1, 2016

A motion was made to table as the applicant did not appear by Mr. McNamee and seconded by Mr. Kilburn

Result: Unanimous

Revisited when applicant appeared:

Meeting Notes: The applicant noted that they wanted a single user staff rest room, a single user public rest room and a single user patient rest room.

A motion was made to allow:

- 1. One unisex single user staff rest room*
- 2. One unisex single user handicap patient rest room*
- 3. One unisex single user handicap public rest room*

By Mr. MacDonald and seconded by Mr. Kaldas

Result: 6 for and 2 against

PV343 – DIVISION OF MARINE FISHERIES-FIELD STATION-FLATROCK RD.-SANDWICH

Applicant proposes to construct a new 1,669 square foot Field Station at their existing site, located on Flatrock Road in Sandwich. The Field Station will have a seasonal occupancy, with minimal use during the winter. Hot water for the building will be generated through an electric water heater. No fuel source is provided in the building. Due to the limited number of occupants, the applicant seeks relief from installing a urinal. A dedicated male and a designated female bathroom with one toilet and one lavatory will be provided for the maximum of 4 occupants. In addition, the applicant requests installation on 1 exterior shower in lieu of dedicated interior showers. As this is a state project no Board of Health petitioning is required.

Meeting Notes: Chris Garcia explained that there is a new field station being constructed. The building will be used to collect samples that will be sent off to another site for testing. There will be a maximum of 4 employees in the building at one time. Most of the people coming into the building will be having a wet suit on so they would rather have an outside shower. There are no chemicals being used in this building.

A motion was made to allow the elimination of a urinal installation and also to allow the installation of an outside shower in lieu of an inside shower as required by code by Mr. McNamee and seconded by Mr. MacDonald.

Result: Unanimous

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PV345) COMMUNITY BUILDING @ 50 WELLS ROAD - LINCOLN

The applicant (Eliza Datta) is seeking a variance from 248 CMR 10.10 (18). The project overall is an upgrade of the facility. The number of units and total square footage is unchanged. Water heaters are being replaced and Type M copper water piping is being replaced with Type L. The administration building is having interior renovations including an accessible toilet room, and a small workout area. The office typically has one or two staff members working at this location. The administration building also has a small meeting room, for Trustee's use, holding short meetings. Each Trustee already has use of their own toilet facilities, located in their own housing unit. Maintenance is in a separate building with their own toilet facilities. The new accessible bathroom created can fit in the available space. Two accessible bathrooms (Men's & women's) creates space problems within the existing building. The Lincoln Board of Health supports this variance request.

Meeting Notes: The applicant stated that there are only two employees working in this building at one time.

A motion was made to allow the installation of a unisex handicapped accessible rest room by Mr. Knight and seconded by Mr. McNamee

Result: Unanimous

V346) MINILUXE – 16 KILMARDNOCK STREET – BOSTON

The Petitioner (Gary Sadler) is seeking a variance from 248 CMR 10.10 (18). The calculated occupant load for the space is (1,820 square-feet). Petitioner proposes the installation of a single ADA compliant Unisex toilet room at this location. The applicant properly petitioned Boston Inspectional Services.

A motion was made to table as the applicant did not appear by Mr. McNamee and seconded by Mr. Kilburn

Result: Unanimous

PV348a) AMAZON DELIVERY STATION – 12 INDUSTRIAL ROAD – MILFORD

The Petitioner (Wael Sammur) is seeking a variance from 248 CMR 10.09. The petitioner notes the existing industrial space (approximately 160,000 sq. ft.) is being repurposed to accommodate loading/unloading and storage of package delivery vehicles. The floor of the existing space is to be utilized for vehicular operations is not pitched and is not provided with floor drains. In lieu of installing floor drains and implementing spray down operations for floor cleaning. Tenant intends to perform floor cleaning operations with a floor scrubber unit. Tenant proposes to install a sump drain in the existing floor for handling of discharge water from floor scrubber unit. The sump drain will be the upstream component of a dedicated waste system that will drain to a Title-5 certified tight tank outside the building. The applicant properly petitioned the Milford Board of Health.

Meeting Notes: Andy Daly noted that they would like to utilize a commercial scrubber which will enter into a centralized sump. This will allow them to eliminate the need to cut up the existing floor which has no pitch in order to install floor drains. There could be as many as 70 vehicles stored overnight at this facility. The chairman noted that the floor scrubber proposed is a standard floor cleaning machine which would not be sufficient if there was a major spill. Members noted that there are other alternative methods accepted by the Board and that the Board would be willing to work with the applicant further if needed.

A motion was made to deny the installation of a sump drain in lieu of the required floor drain by Mr. McNamee and seconded by Mr. Waskiewicz

Result: Unanimous

PV348b) AMAZON DELIVERY STATION – 12 INDUSTRIAL ROAD – MILFORD

The Petitioner (Jake Bush) is seeking a variance from 248 CMR 10.10 (18) Table 1. The existing space is being re-purposed to accommodate loading/unloading and storage of package delivery vehicles. The building tenant operations does not necessitate the use of showers and has not included them in previous version in other locations including Massachusetts. Since the tenant will only be dealing with the loading and unloading of pre-packaged items, and has not required showers in similar locations, is requesting relief from this requirement. The space currently has an emergency eyewash station in case of an emergency. The Milford Board of Health was properly petitioned.

Meeting Notes: The existing rest room facilities are being upgraded and they would like to eliminate the shower requirements.

A motion was made to allow the elimination of the required showers by Mr. McNamee and seconded by Mr. Kilburn

Result: Unanimous

PV349) BEAUPORT HOTEL – 55 COMMERCIAL STREET – GLOUCESTER

The Petitioner (William Lane Jr.) is seeking a variance from 248 CMR 10.10 (18) Table 1 to provide unisex bathroom on the second and third floor as opposed to separate male and female bathrooms. The local plumbing inspector (Joseph Guzzo) requests a unisex bathroom for housekeeping staff for ease of use and to prevent possible us as unisex without approval. The Gloucester Board of Health has no objection with this request.

Meeting Notes: The upper two floors are strictly for housekeeping and the local plumbing inspector suggested they should apply for a variance to repurpose the existing restrooms as unisex.

A motion was made to allow unisex rest rooms on the second and third floors by Mr. MacDonald and seconded by Mr. Knight

Result: Unanimous

PV350) UMASS AMHERST – 380 CAMPUS CENTER DRIVE – AMHERST

The Petitioner (Thomas Shaw) is seeking a variance from 248 CMR 10.10 (18) (a) through (l) and Table 1, where separate facilities are required to be provided and designated for each sex. This variance would only apply to single user facilities that are currently required to be designated as Men's and Women. A list of the gendered single use restrooms and bathrooms proposed to be re-signed is appended to this form. Please note that the University currently has 95 non gendered single use restrooms in academic and administrative buildings across campus which were installed to meet accessibility requirements when renovating buildings or were included in the programming of all new buildings during the past 10 years. The hardship that would result if this variance were not approved would be twofold: (1) The risk that the Commonwealth would face civil rights and Title IX litigation in not provided accommodations, (2) The not insubstantial cost of constructing additional single use restrooms in existing buildings. As this is a State project, no Board of Health petitioning is required.

Meeting Notes: There are 39 rest rooms which are currently single user designated rooms they would like to re-designate as gender neutral. All rest rooms will have locked doors. Legal Counsel noted that the legal issues raised were relatively remote, however, the request is consistent with proposed code changes currently pending.

A motion was made to allow the re-designation of all existing single user rest rooms to gender neutral by Mr. Kilburn and seconded by Ms. MacDonald

Result: Unanimous

PV351 ANDOVER CAFÉ, LLC/DBA LAROSA'S – 7 BARNARD STREET – ANDOVER

Larosa's is seeking a variance to add seating to its current location from 60 seats to 85 seats. The 60 seats are permanent indoor and 25 are seasonal patio seats. Our hardship is lack of square footage. Currently LaRosa's indoor space is 1700 square feet, which includes 2 ADA restrooms, along with kitchen, bar, service & takeout area. Larosa's also has an employee restroom located in our office. The Andover Board of Health supports this request.

Meeting Notes: Mr. Camarada stated that he is going to add additional outside seating. They would like to make both ADA compliant toilets as unisex.

A motion was made to allow the additional seats to be added without increasing the number of fixtures and to allow both ADA restrooms to be designated as unisex by Mr. Knight and seconded by Ms. Alfasso

Result: Unanimous

PV354) DYS – 456 FLAX POND ROAD – BREWSTER

The Petitioner (Timothy Cabral) is seeking a variance from 248 CMR 248 2.06 (2). The petitioner notes the water main below grade is "PVC" pipe feeding all outer buildings. Piping is believed to be installed in 1978. Petitioner is requesting a variance to maintain the pre-existing, non-conforming conditions. To replace the existing lines would disrupt the facility and be a hardship. As this is a state project, no Board of Health petitioning is required.

A motion was made to table as the applicant did not appear by Mr. McNamee and seconded by Mr. Kilburn

Result: Unanimous

PV356 – JAY EZHO THACHAM – 30 STEARNS ROAD – BROOKLINE

The Petitioner (Jay Thacham) seeks a variance from 248 CMR 10.15. There is no access to drain and vent on the same or lower floor (condominium). The petitioner is requesting use of a pump. He also notes no access to the owner's space on lower floor to tie in the drain resulting in no gravity drain being available from a washing machine. The Brookline Board of Health has no objection to the request.

A motion was made to table as the applicant did not appear by Mr. McNamee and seconded by Mr. Kilburn

Result: Unanimous

PV357 – CRESSET GROVE LLC – 65 GROVE STREET - WATERTOWN

The petitioner (Keith Rhodes) is seeking a variance from 248 CMR 10.09. Petitioner notes the parking garage G/O/S interceptor outlet pipe is lower than the city sewer. The petitioner proposes to take the gas & oil trap discharge pipe to the city sewer independently it will have to be a force main due to utility conflicts in the surrounding areas and the MWRA sanitary main we would have to connect to is a residentially sized main and there is spare capacity concern and with a force main connecting to the residential main we want to make, we don't introduce the potential to cause sewage backflow into a residence. Therefore we are requesting the variance to allow us to re-enter the building and have the discharge from the G/O/S be pumped to the sanitary main on the opposite side of the site that is more adequately sized to commercial sewage flow. The applicant properly petitioned the Watertown Board of Health.

Meeting Notes: This is a commercial building which needs a forced main. Instead of running 100' of forced main, they would like to empty the discharge into a 10" gravity main.

A motion was made to allow this installation by Mr. Waskiewicz and seconded by Mr. Kaldas

Results: Unanimous

PV358 – BENTLEY UNIVERSITY- 175 FORREST STREET – WALTHAM

The Petitioner notes Bentley University is undertaking a project to build a new arena on its South / Athletic campus. This construction is constrained between Beaver Street and Field Road to the North & East, and wetlands to the South and West, limiting the amount of buildable areas for the required program. Because of these constraints and the program requirements for the new space, we are asking for relief from 248 CMR 10.10 (18) Table 1, to reduce the required plumbing fixture count. Petitioner is requesting a 50% reduction regarding required fixtures. The applicant properly petitioned the Waltham Board of Health.

Meeting Notes: The petitioner noted that there is a new arena being constructed and would like to reduce the amount by 50%. The local plumbing inspector stated that 50% appears to be a little drastic.

A motion was made to allow a reduction in the fixture requirement to 29 men and 31 women for public access by Mr. Kaldas and seconded by Mr. McNamee.

Result: Unanimous

PV359 – UMASS DARTMOUTH – 285 OLD WESTPORT ROAD – N. DARTMOUTH

Petitioner notes references Variance request # 100 re: MSCBA VARIANCE APPLICANT, SINGLE-USER GENDER-NEUTRAL RESTROOMS. Per the referenced variance, UMass Dartmouth is requesting the usage of 'gender-neutral' signage on single-user restrooms that are otherwise required to be designated as either men or women, located in projects owned, renovated, or managed by MSCBA, UMBA and the State of which UMass Dartmouth is the 'end user'. Attached to this application is the location information of the single user men & women toilet rooms on our main and satellite campuses that would be designated as Restroom, as shown on the attached sign(s) (ADA and non-ADA).

The hardships stated in variance request #100 apply to UMass Dartmouth: The hardship that would otherwise result would be: (1) the inability to accommodate the preference of transgender individuals, which could result in discomfort or stigma; (2) the potential exposure of the Commonwealth to civil rights litigation; (3) the additional cost of construction and operation of restrooms and bathrooms provided in excess of the requirements in Table 1, and (4) the continued inconvenience of all building users to wait in line to use a gender-specific restroom when other restrooms are vacant. As this is a state project no Board of Health petitioning is required.

Meeting Notes: There are 36 rest rooms which are currently single user designated rooms they would like to re-designate as gender neutral. All rest rooms will have locked doors. Legal Counsel noted that the legal issues raised were relatively remote, however, the request is consistent with proposed code changes currently pending.

A motion was made to allow the re-designation of all existing single user rest rooms to say "Restroom" by Mr. Waskiewicz and seconded by Mr. Knight

Result: Unanimous

PV361 –SMITH VOKE SCHOOL–FORESTRY STORAGE BARN–0 HAYDENVILLE RD-LEEDS

Smith Vocational High School is in the planning stages of constructing an equipment barn for the school's forestry department. The building is planned for the school's 182 acre wood lot in Leeds. This is not a classroom facility but an equipment storage building only. It is needed to secure the department's heavy equipment. The obstacle for the school is to bring the utilities to the site. The distance from Haydenville road is 3,440 feet. We do not have access to city water from Haydenville road. To supply water to this building we would need to drill an artesian well and bring electricity up from the main street to power it. Smith Vocational is also seeking a variance on an oil separator and are proposing building a sump in the floor capable of holding all fluids associated with their equipment and using speedy dry if a spill occurred for clean-up. The Board of Health was properly petitioned.

Meeting Notes: Tim Smith stated that this will be a new storage facility for heavy equipment storage. This building is so remote that they have no access to a public water supply. The building will not be heated.

A motion was made to allow no fixtures in this building by Mr. MacDonald and seconded by Mr. Waskiewicz

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Result: Unanimous

PV364 – JULIEN MARKET – 481 MAIN STREET – WALTHAM

The petitioner (Marie Julien) is seeking a variance from 248 CMR 10.10 (18) Table 1. The petitioner notes the market is 1500 square feet with an existing single restroom. The request is to not require the addition of another restroom. The Waltham BOH petitions the Board of State Examiners of Plumbers and Gas Fitters on behalf of Marie Julien, regarding this request for one (1) bathroom only.

A motion was made to allow the installation of one single user unisex rest room for employees by Mr. McNamee and seconded by Mr. Kilburn

Result: Unanimous

PV366 – JET AVIATION OF AMERICA – 380 HANSCOM DRIVE, BLDG 21 – BEDFORD

The Petitioner (Joseph Philbrick) notes NFPA 409 5.11.2.11 requires the provision of a bypass around the oil/water separator to allow the emergency direct disposal of water and flammable liquids. As there is currently no Board Approved product available for such a bypass, is requesting a variance from 248 CMR 3.04 (1). The proposed bypass manhole shall accomplish the required bypass of emergency flow around the oil/water separator with a dual outlet system. Under non-emergency, daily conditions, a low level 6 inch sewer line that exits the bypass manhole will allow for normal sewer flows to discharge into the public sewer system. There is also a 16 inch outlet from the bypass manhole that is approximately 3 inches higher than the 6 inch outlet. This 16 inch outlet from the bypass manhole will divert higher flows to the 100,000 gallon underground foam storage tank. During emergency events, the 6 inch outlet will be manually closed to divert all discharge into the foam storage tanks. As this is a state project, no Board of Health petitioning is required.

Meeting Notes: There is a trench drain in the building now. They would like to install a diverter valve on the main in case of a catastrophic event

A motion was made to allow the installation of this valve by Mr. Hanley and seconded by Mr. MacDonald

Result: Unanimous

FYI – Board Delegated Staff Approvals – Board Vote Not Required

Drinking fountain requirements waiver in medical and office buildings.

DA PV365 – MASSACHUSETTS GENERAL HOSPITAL – 265 CHARLES STREET – BOSTON

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

DA PV344) REALTY ASSOCIATES FUND – 20 STATE STREET, 10TH FLOOR – BOSTON

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

DA PV352) AYSA LLC – 442 FRANLIN STREET - WORCESTER

Full Authorization for operation of unlisted gas equipment.

DAGV154 – BRITTANY DYE AND PRINT – 1357 RODNEY FRENCH ROAD – NEW BEDFORD

At 10:20am the Chairman called a roll call to enter into Executive Session

EXECUTIVE SESSION

At 10:15 a.m., a motion was made to enter by Mr. Hanley to enter Executive Session to discuss individuals' character, rather than competence, this motion was seconded by Mr. Knight.

A roll call vote was taken:

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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 30 minutes.

The Board returned to Open Meeting at 11:40 a.m.

A motion was made by Mr. MacDonald, seconded by Mr. Hanley, to close the open session and enter quasi judicial session per M.G.L. c. 30A, §18. Result: Unanimous.

QUASI JUDICIAL SESSION

PL-15-041

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 a final decision in the above captioned matter. Result: Unanimous.

ADJOURNMENT

*A motion was made to adjourn the meeting of by Mr. Knight and seconded by Mr. Kaldas
Result: Unanimous*

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