

BOARD OF STATE EXAMINERS OF PLUMBERS AND GASFITTERS AUGUST 31, 2016

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 Cruz	Member, LP Installer	✓	
Mr. Harold Knight	Member, Journeyman Plumber	✓	
Mr. Dan Kilburn	Member, Public Safety	✓	

AUGUST 31, 2016 BOARD MEETING MINUTES

9:00 A.M. AGENDA REVIEW: By Chairman Paul Kennedy

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

- The, August 3, 2016 Board Meeting Minutes

A motion was made to accept the minutes as presented by Mr. Kilburn and seconded by Ms. Alfasso

Result: Unanimous

- The, August 3, 2016 Executive Session Meeting Minutes

A motion was made to accept the minutes as presented by Mr. Kilburn and seconded by Ms. Alfasso

Result: Unanimous

DISCUSSION(S)

P1) Rick Carter from Local 12 addressed the Board regarding the current 248 CMR 11.00 regulation and the 5 year work experience requirement for obtaining a Journeyman license.

Meeting Notes: Local 12 apprentices receive 240 hours of training per year and typically achieve well over 1,700 hours per year in work experience. The concern being brought before the Board is that, in the final calendar year, the apprentices complete tier 5 half-way through the year. By that point, the typical apprentice has achieved far more than 8,500 hours of cumulative work experience, however, they have not achieved 1,700 hours of work experience in the final calendar year. This means that, per 248 CMR 11.02(1)(b)(3), they are still not eligible for testing. Legal counsel noted that this regulation can be relaxed with special Board approval, but only on a case by case basis, it cannot be used to reduce all apprenticeships. It was noted that, where a presumption can be made that a person working a full calendar year has achieved 1,700 hours, an applicant claiming to have completed more than 1,700 hours must be able to document those hours.

A Motion was made to delegate authority to the Board staff the power to give special approval to apprentices who meet all other regulation requirements and are able to properly document, after at least 4.5 years, that they have completed all work experience requirements, including a full 8,500 hours of experience, where in the final calendar year, they have less than 1,700 hours.

Motion by Mr. Kilburn and seconded by Mr. Knight.

Result: Unanimous

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VOCATIONAL SCHOOL PROJECT(S)

V1) FRANKLIN COUNTY TECHNICAL SCHOOL – 82 INDUSTRIAL BLVD - TURNERS FALLS
New home project – 0 Forest Street – Erving.

As this is a residential project, the applicant is not required to attend

A motion was made to allow this project as requested by Mr. McNamee and seconded by Mr. Cruz

Result: Unanimous

VARIANCE REQUEST(S)

PV023 – ASHLAND RAIL TRANSIT APARTMENTS - ASHLAND

The petitioner, Mr. Brian Flynn is seeking a variance from 248 CMR 10.06 to allow the use of PEX tubing in a residential building that is four stories in height. The Taunton Board of Health is aware of this variance request.

Meeting Notes: The applicant mentioned that there will be an additional 8 buildings built that will technically be four stories and they would like to install PEX tubing.

A motion was made to deny this request by Mr. Kilburn and seconded by Mr. Cruz

Result: Seven for and two against

PV039a – BARBARA MARKS – 1180 BEACON STREET UNIT 4B – BROOKLINE

The petitioner, Ms. Miriam Spears is requesting a variance from 248 CMR 10.10 Table 1 to eliminate the requirement for a shower and a service sink in this area. The Brookline Board of Health is aware of this variance request.

Meeting Notes: This is a clinical psychologist office. There are no medical services in this building and all of the office is carpeted with the exception of the bathroom.

A motion was made to allow the elimination of the shower and mop sink by Mr. McNamee and seconded by Mr. Waskiewicz

Result: Unanimous

PV039b – BARBARA MARKS – 1180 BEACON STREET UNIT 4B – BROOKLINE

The petitioner, Ms. Miriam Spears is requesting a variance from 248 CMR 10.10 Table 1 to allow the installation of a water dispenser with no drain in this area. The Brookline Board of Health is aware of this variance request.

Meeting Notes: The unit is on the 4th floor of a 7 floor building and the venting would be an issue.

A motion was made to allow the installation of a bottled water dispenser without a drain by Mr. McNamee and seconded by Ms. Alfasso

Result: Unanimous

PV039c – BARBARA MARKS – 1180 BEACON STREET UNIT 4B – BROOKLINE

The petitioner, Ms. Miriam Spears is requesting a variance from 248 CMR 10.10 Table 1 to eliminate the need for a second rest room in this area. The Brookline Board of Health is aware of this variance request.

Meeting Notes: The square footage is over 1400 square feet. There are core rest rooms that are accessible on the 1st floor.

A motion was made to deny the installation of one unisex non-handicap accessible rest room by Mr. Waskiewicz and seconded by Mr. Cruz

Result: Unanimous

A motion was made to allow the installation of one unisex handicap accessible rest room by Mr. Kilburn and seconded by Mr. Waskiewicz

Result: Unanimous

PV040a – QUALITY BEVERAGE – 525 MILES STANDISH BLVD – TAUNTON

The petitioner, Mr. Kevin Provencher is requesting a variance from 248 CMR 10.10 Table 1 to eliminate the shower requirement in the new and renovated warehouse areas. The Taunton Board of Health is aware of this variance request.

Meeting Notes:

A motion was made to allow the elimination of the shower in the new warehouse by Mr. McNamee and seconded by Ms. Alfasso

Result: Unanimous

PV040b – QUALITY BEVERAGE – 525 MILES STANDISH BLVD – TAUNTON

The petitioner, Mr. Kevin Provencher is requesting a variance from 248 CMR 10.10 Table 1 to eliminate the service sink requirement in the second floor area. The Taunton Board of Health is aware of this variance request.

Meeting Notes: The existing 80,000 square foot facility has about 64,000 square feet dedicated to storage.

A motion was made to allow the elimination of the service sink in the new second floor area by Mr. Knight and seconded by Mr. Waskiewicz

Result: Unanimous

PV041a – GRAFTON DENTAL CARE – 100 WORCESTER STREET, SUITE 50 - GRAFTON

The petitioner, Anurag Gupta is requesting a variance from 248 CMR 10.10 Table 1 to allow the installation of one unisex rest room for staff and one unisex rest room for patients. The Grafton Board of Health is aware of this variance request.

Meeting Notes: The space is 2324 square feet. They would like to install a single unisex rest room for patients and a single unisex rest room for staff.

A motion was made to allow the installation of a single unisex rest room for patients and a single unisex rest room for staff by Ms. Alfasso and seconded by Mr. Waskiewicz

Result: Eight for and one against

PV042 – ARCHBISHOP WILLIAMS HIGH SCHOOL–80 INDEPENDANCE AVENUE - BRAINTREE

The petitioner, Stephen Amari is requesting a variance from 248 CMR 10.06 to allow the installation of “dresser” type fittings on the existing underground brass water mains as a joining method. The Braintree Board of Health is aware of this variance request.

Meeting Notes: The piping ranges from 3” down to 2” and will be buried under the concrete.

A motion was made with conditions to allow the installation of dresser type couplings to transition on the underground piping by Mr. McNamee and seconded by Mr. Knight

Condition: They must install an access panel at the connection of the dresser couplings.

Result: Unanimous

PV044 – MULTI TENANT INDUSTRIAL BUILDING – 4 PRESIDENTIAL WAY – WOBURN

The Petitioner (William Byrne) is requesting a variance from 248 CMR 10.09. Petitioner notes access doors will be located in the building allowing tenant vehicles to drive in to pick up materials under-cover. In some cases, the City to allow indoor overnight parking of the tenant vans at the drive-in locations. The Woburn Board of Health was properly petitioned.

Meeting Notes: This is a health care delivery company and the vehicles need to be left inside overnight. Floor drains are provided, however, the floor is not able to be sloped toward the drains.

A motion was made to allow by Mr. McNamee and seconded by Mr. Kilburn

Result: Unanimous

PV045 – NORTH COAST SEAFOODS 43 BLACKMER STREET – NEW BEDFORD

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The Petitioner ((Brian Jones) is seeking a variance from 248 CMR 10.06 (2) (o) to allow the use of PVC drains, in lieu cast-iron or copper, in the addition to the original building., Petitioner also notes as with the existing seafood plant, will continue to use ozone water as a sanitizing agent within the new addition. Ozone water is a strong oxidizer which will quickly corrode cast iron or copper. The petitioner also notes the same variance request was made and approved in 2004 for the original plant. The plant has operated for 12 years with no issues regarding the process waste piping. The applicant properly petitioned the New Bedford Board of Health.

Meeting Notes: This request is for the underfloor piping in the processing area only.

A motion was made to allow the installation of PVC drain piping by Mr. McNamee and seconded by Mr. Waskiewicz

Result: Unanimous

A motion was made by Mr. Hanley to reconsider the motion. (there was no second). Motion fails

PV049 – FACTOR BIOSCIENCE – 1035 CAMBRIDGE STREET - CAMBRIDGE

The Petitioner (Fred Prezioso) is seeking a variance from 248 CMR 10.13 to allow the use of five (5) individual chip tanks with PH monitor recordings in lieu of a centralized system. The Cambridge Board of Health has been properly notified.

Meeting Notes: They are looking to install individual ph chip tanks with monitoring. They would like to install three 5 gallon tanks for individual sinks and one 10 gallon chip tank to service two sinks. It's an existing building with a slab. This is a structural slab.

A motion was made to allow the installation of three chip tanks (One 5 gallon capacity and two 10 gallon capacity) with ph monitoring for this location by Mr. McNamee and seconded by Mr. Hanley

Recused: Mr. Kaldas

Result: Unanimous

PV050 – PROPOSED RESTAURANT – 1025 CENTRAL STREET – LEOMINSTER

The Petitioner (Pascal Oncal) is seeking a variance from 248 CMR 10.10 (18) Table 1. The footprint of the proposed restaurant exceeds 1,200 square feet. This variance is to allow a single unisex restroom for patrons. This would be in addition to a restroom proposed in the back of the restaurant for employees. The Leominster Board of Health notes they would prefer this type of installation as it would keep patrons out of the kitchen area.

Meeting Notes:

It was determined by the local inspector after this application was filed that the total space was under 1,200 square feet. Therefore, no variance was required.

PV051 – COMMERCIAL PROPERTY – 60 MAPLE STREET - FLORENCE

The Petitioner, Kelly MacKay is requesting two variances for this location. The first request is to have one unisex men's and women's restrooms. The space is approximately 1380 square feet. The second request is to provide a spring water rather than a drinking fountain. The Northampton Board of Health takes no position on this request.

Meeting Notes: This is a massage therapist office. There is one existing ADA unisex rest room.

A motion was made to allow the utilization of the existing single unisex rest room by Mr. Hanley and seconded by Ms. Alfasso

A motion was made to allow the installation of a spring water dispenser in lieu of a piped in drinking fountain by Mr. Waskiewicz and seconded by Mr. Knight

Result: Unanimous

PV052 – ST. ALOYSIUS CATHOLIC SCHOOL – CONVERT STREET – GILBERTVILLE

The Petitioner, David Mazeika is seeking a variance to allow one unisex handicapped accessible restroom on the first floor for the staff members of the school and another unisex handicapped accessible restroom for the students. There is an existing dedicated boys and girls (students) restrooms located in the basement that are

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being updated. The building has not been used as a school for over 35-years, but has been used as a CCD Center. The staff will consist of 5 full time employees. Currently there are 30 students enrolled in grades Pre-K to 6th grade. The Hardwick Board of Health notes the plumbing inspector for the town (Edward Kent) has been notified and he is in support of the variance.

Meeting Notes:

A motion was made to allow the installation of a unisex rest room for staff and a single unisex rest room on the first floor for students by Mr. Kilburn and seconded by Mr. Knight

Recused: Mr. Waskiewiez

Result: Unanimous

PV060 – MICHAUD MITSUBISHI – 75 NEWBURY STREET – DANVERS

The Petitioner (Patrick Finn) is seeking a variance from 248 CMR 10.09. The existing showroom has wall to wall carpet and is used for display of certified pre-owned cars. No service, repair or reconditioning of cars is done at this building. No drains exist currently inside the building. We have approval for six cars and would like to add twelve more for a total of 18 cars in the showroom. The Danvers Board of Health has no objection to this variance.

Meeting Notes: Existing building with 8500 square feet of showroom space.

A motion was made to allow the showroom to have a maximum of 18 cars without a floor drain by Mr. Kilburn and seconded by Mr. Waskiewiez

Result: Unanimous

PV354) DYS – 456 FLAX POND ROAD – BREWSTER

This is a rescheduled variance from June 29, 2016

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.

Meeting Notes: The PVC piping was discovered during renovations.

A motion was made to allow this request with conditions by Mr. Kilburn and seconded by Mr. Kaldas

Conditions: The water will be tested 4 times within the next 60 days. The schedule for complete pipe replacement will be presented to the Board within 60 days.

Result: Unanimous

PV370 – COURTYARD BY MARRIOTT – UNIVERSITY AVENUE – WESTWOOD

Continued from the August 3, 2016 Board Meeting (Applicant to provide additional information)

The Petitioner (Matt Kalbus) notes 248 CMR 10.10 (18) requires toilet fixtures of 1/50 for women and 1/100 for male for A-3 occupancy, based on this we are one fixture short with our occupancy count. The owner believes this higher fixture count requirement over the IBC requirement is not needed for this hotel. They would contend that the higher fixture count is more than what is required due to the fact that the same occupants that will be using the A-3 occupancy are public space) would also be hotel guests that have access to toilet facilities in their guest units. We do not have a public bar, restaurant or other type of amenities that would be used by people off the street not staying at the hotel. Owner has similar sized hotels in other in numerous other states and the IBC required plumbing fixture counts have always been sufficient for guest's use. The Westwood Board of Health is not opposed to the granting of this variance.

Meeting Notes:

A motion was made to allow this variance by Mr. McNamee and seconded by Mr. Waskiewiez

Recused: Mr. Knight Result: Unanimous

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PV375 – BARRY SOUL YOGA – 171 ARMORY STREET – BROOKLINE**

Continued from the July 27, 2016 Board Meeting

The petitioner, David Schwarzman is seeking a variance from 248 CMR 10.10 (18). The space is being converted from a retail space to a Yoga studio. The plumbing inspector has required a new ADA bathroom. The rentable square feet is only 700 square feet and cannot accommodate the Yoga studio requirements if required to enlarge the bathroom. The Brookline Board of Health does not recommend the request for a waiver of the code at this location.

Meeting Notes: Mr. Kennedy asked if the AAB has made a recommendation.

A motion was made with conditions to allow the existing unisex non ADA rest room to remain by Mr. McNamee and seconded by Mr. Knight

Conditions: A letter of approval must be submitted to the Board office prior to approving this variance.

Result: Seven for and two against

FYI – Board Delegated Staff Approvals – Board Vote Not Required

Drinking fountain requirements waiver in medical and office buildings.

DA PV048 – PARTNERS HEALTHCARE – MGH – 0 EMERSON PLACE – BOSTON

DA PV056 – KIT CORPORATION – 80 PROSPECT STREET - CAMBRIDGE

Shower requirements waiver in medical and dental office buildings.

DA PV041b – GRAFTON DENTAL CARE – 100 WORCESTER STREET, SUITE 50 – GRAFTON

DA PV047 – PRIMARY CARE OUTPATIENT CENTER – 147 PELHAM STREET – METHUEN

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

DA PV043 – BARISMO, INC. – 6 ADELE ROAD – WOBURN

DA PV046 – McCUTCHEON DEVELOPMENT, LLC – 26 HATFIELD STREET - NORTHAMPTON

Full Authorization for operation of unlisted gas equipment.

DA GV292 – STONE COLD BREWERY – 500B WEST STREET – BARRE

DA GV230 – MARTINGNETTI LIQUORS – 100 CHARLES F. COLTON – TAUNTON

DA GV067 – INOVATIVE NATURAL GAS – 40 QUINSIGAMOND AVENUE – WORCESTER

DA GV149 – APPLIED PLASTICS – 55 ENDICOTT STREET - NORWOOD

APPEAL OF INSPECTORS DECISION

A motion was made by Mr. Hanley, seconded by Mr. Kilborne, to suspend the open meeting and enter into quasi-judicial session pursuant to M.G.L. c. 30A, §18 and c. 142, §13 in order to decide the matter of Mitchell v. Elder, an appeal of the decision of a local inspector of plumbing and gas fitting.

A full record of the matter, including the Board’s decision, will be issued in writing in a separate decision.

At approximately 11:15 a.m., the Chairman stated the Board would enter into an Executive Session to discuss applicant’s character, rather than competence. Participants were asked to leave the room.

EXECUTIVE SESSION

A motion was made to enter executive session by Mr. Hanley and seconded by Ms. Alfasso

Roll Call

MEMBER	YEA	NAY	ABSENT	RECUSED	ABSTAINED
Mr. Kennedy	✓				
Mr. McNamee	✓				

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Mr. Hanley	✓				
Mr. Waskiewiez	✓				
Mr. Kaldas	✓				
Ms. Alfasso	✓				
Mr. Cruz	✓				
Mr. Knight	✓				
Mr. Dan Kilburn	✓				

ADJOURNMENT

A motion was made to adjourn the meeting of August 31, 2016 at 12:00pm by Mr. Kilburn and seconded by Ms. Alfasso. 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