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**Commonwealth of Massachusetts**  
**Division of Professional Licensure**  
**BOARD OF STATE EXAMINERS OF PLUMBERS AND GAS FITTERS**  
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UNDERSECRETARY OF  
CONSUMER AFFAIRS AND  
BUSINESS REGULATION

**CHARLES BORSTEL**  
COMMISSIONER, DIVISION OF  
PROFESSIONAL LICENSURE

**JANUARY 10, 2018 BOARD MINUTES**

<b>MEMBERS</b>	<b>APPOINTMENT</b>	<b>PRESENT</b>	<b>ABSENT</b>
Mr. Joseph McNamee	Chairman, Master Gas Fitter	X	
Mr. Wayne Thomas	Member, Journeyman Gasfitter	X	
Mr. Bahig A. Kaldas, P. E.	Member, Plumbing Engineer	X	
Ms. Sarah Badway	Consumer Member	X	
Mr. Joseph Waskiewicz	Member, Master Plumber		X
Ms. Ruth Alfasso	Member, Department of Public Health	X	
Mr. John Cruz	Member, LP Installer	X	
Mr. Harold Knight	Member, Journeyman Plumber	X	
Mr. Dan Kilburn	Member, Public Safety	X	

**9:00 A.M. AGENDA REVIEW:** By Chairman Joseph McNamee

Chairman reviews Emergency Egress and Cell Phone Use.

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

- The December 6, 2017 Board Meeting Minutes

*A motion to approve by Mr. John Cruz and seconded by Ms. Ruth Alfasso.*

*Result: Unanimous*

- The December 6, 2018 Executive Session Minutes

*A motion to approve by Mr. John Cruz and seconded by Ms. Ruth Alfasso.*

*Result: Unanimous*

**DISCUSSION(S):**

**D1) Code Requirements for Emergency Eyewashes/Showers**

*Meeting Notes: A handout sheet was distributed to members of the Board.*

- *Inspector Scott Padden stated there might be a conflict with Deluge shower and Eye wash stations. He also stated it was previously discussed that the sizing requirements were 2 in one lab plus 1 in another lab. He also has a concern with a dump out for water conservation.*



- *It was suggested from the floor to make the engineer of design to be responsible for the system.*
- *Board Counsel Charles Kilb suggested that an engineered system could be a viable alternative to the hand out.*
- *Mr. Wayne Thomas stated that to prevent stagnation, the whole dead leg would need to be replaced. Legionella starts at 70 degrees and ends at 120 degrees. The flushing out is the owners responsibility.*

*A motion was made to table until the next meeting by Mr. Wayne Thomas and seconded by Mr. Bahig Kaldas.*

*Condition(s):*

*Result: Unanimous*

***Due to the recent meeting cancellation, the Chairman postponed the remaining Discussions and Product Acceptance until the next meeting.***

## **Vocational School Project**

**V3) Southeastern Regional VTHS- 250 Foundry St. – Easton (Rescheduled from December 6, 2017)**  
Commercial project for the town of Easton’s Fire Department. Install a Kitchen sink, dishwasher and icemaker line to a refrigerator

*Meeting Notes: Staff reported that the petitioner withdrew the variance request.*

*No action taken*

## **VARIANCE REQUEST(S)**

### **PV73) KRINGLE EMPORIUM – 100 UNION STREET – SPRINGFIELD**

The Petitioner (Alicia Bayley) seeks a variance from 248 CMR 10.10(18)(table 1) to install one single user unisex accessible bathroom in lieu of the required two for a retail establishment being placed in a former church with 2,500 sf accessible main floor and a 1,200 sf limited access basement used for storage, mechanical and electrical. The retail establishment will have up to five employees and, while a coffee counter will sell food and beverages, no seating will be provided. The Springfield Board of Health was properly petitioned

*Meeting Notes: This is a candle store with a café. There is no seating. Basement is used for storage and electrical. The occupancy is 39 people. Some of the members were concerned about permitting such a variance due to the size of the space.*

*A motion was made to approve by Mr. Bahig Kaldas and seconded by Mr. Wayne Thomas*

*Condition(s): none*

*Result: 4 in favor and 3 against*

### **PV80 – 992 MEMORIAL DRIVE – UNIT 202 – CAMBRIDGE**

The Petitioner (Mark Laverty) seeks a variance from 248 CMR 10.15 to allow laundry connections to be utilized/installed in apartments located on the second floor of a building originally constructed in 1910. The petitioner indicates that laundry connections previously were in use and that the installation of a new laundry stack would require passing through six floors of condos requiring opening up walls at each floor. The

Petitioner also indicates that the intended users would have difficulty using other laundry facilities in the building. The Cambridge Board of Health was properly petitioned.

***Meeting Notes: There is not an individual laundry stack in the building. It was stated it is not practical to install a laundry stack. There is 6 floors and 4 units per floor.***

***A motion was made to approve with conditions by Mr. John Cruz and seconded by Mr. Dan Kilburn.***

***Condition(s): If there is any complaints of a backup on the first floor the installation shall be removed.***

***Result: Unanimous.***

#### **PV81 – 5 TURNER STREET – WALTHAM**

The Petitioner (Frederick Thomas) is seeking relief from 248 CMR 10.15 to allow the installation of a point of use ejector system for a limited use pantry sink. The Petitioner indicates that a connection for a gravity drain required by code would require a neighboring tenant to vacate their adjoining space and cease business to allow for slab cutting and associated work. The Waltham Board of Health supports this request.

***Meeting Notes: Inspector Sal Pinzone is not opposed to the variance.***

***A motion was made to approve with conditions by Mr. Wayne Thomas and seconded by Mr. John Cruz.***

***Condition(s): The approval of the variance will be based on the decision of the Plumbing Inspector who will inspect the site and determine if it cannot be done by gravity.***

***Result: Unanimous***

#### **PV82 – MR. POLANSKY - HAMPTON PLACE CONDOMINIUMS, UNIT 605N**

The Petitioner (Dan Kaplan) seeks a variance from 248 CMR 10.10 to permit the replacement of an existing tub / shower with a stand-up shower with bench seat & hand safety rails while utilizing an existing 1 ½ inch tub drain in lieu of the required two inches. The Petitioner indicates that the existing drain is bored through a 12 inch concrete floor slab and is not accessible from below. It is further noted that the intended users have health issues requiring this installation. The Newton Board of Health was properly petitioned.

***Meeting Notes: A six inch lip can be installed.***

***A motion was made to approve with conditions by Mr. Daniel Kilburn and seconded by Mr. Harold Knight.***

***Condition(s): A six inch (6") shall be installed.***

***Result: Unanimous***

#### **PV83 - MASSACHUSETTS PORT AUTHORITY - TERMINAL B 0- PIER B – LOGAN**

The Petitioner (Scott Anderson) is seeking a variance from 248 CMR 10.06 to utilize otherwise non-permitted CPVC (Non-Potable, wash down water supply) and PVC (room drainage) materials for a new indoor, post security, Pet Relief Room on the Departures Level of Terminal B - Pier B that will be equipped with permeable, artificial turf set on a raised polypropylene grid above a heavy-duty porcelain tile floor pitched to drain, a perimeter, automatic wash down system is planned along with a hose reel with a manual spray fitting. The automatic wash down system is planned along with a hose reel with a manual spray fitting. The automatic wash down piping will run between the turf and the tile. The Petitioner indicates that the proposed materials have been selected for increased durability in the pet waste environment that is expected on the floor of the room. As this is a State project, no Board of Health petitioning is required.

***Meeting Notes: This is a dedicated and ventilated room for airport service dogs.***

***A motion was made to approve by Mr. Harold Knight and seconded by Ms. Ruth Alfasso.***

*Condition(s): None*

*Result: Unanimous*

**PV84 - NEW HOME - MARIA & EMIDIO 604 UNION STREET – BRAINTREE**

The Petitioner (Francine Townsend) seeks a variance from 248 CMR 3.04 to install a non-product accepted whirlpool tub purchased by the homeowner, who was unaware of Massachusetts plumbing code requirements. The Braintree Board of Health was properly petitioned.

*Meeting Notes: A mixing valve will be installed for the hand held shower.*

*A motion was made to approve by Mr. John Cruz and seconded by Ms. Ruth Alfasso.*

*Condition(s): None*

*Result: 6 in favor and 1 opposed*

**PV85 - MASS ARMY NATIONAL GUARD - 98 MONTAUK ROAD - BROCKTON**

The Petitioner (Michael Camoscio) seeks a variance from 248 CMR 10.04 and 10.09 for permission to not install floor drains in a maintenance facility used to maintain military vehicles. The Petitioner indicates that the code issue was triggered due to an unrelated bathroom installation. With regards to the floor drains, the existing slab on grade floor would need to be modified to include a floor drainage system with proper venting and an oil water separator with proper venting through the roof of the facility. The existing service bays have one way access at each bay, meaning the work to install a floor drainage system with proper venting would limit the amount of bays that would be available to perform maintenance. The Petitioner further indicates that the facility does have an exterior area that is served by an exterior oil water separator. As this is a state project, no Board of Health petitioning is required.

*Meeting Notes: This is a 7000 square ft. military facility. Inspector Roth feels something should be installed. There are strict procedures in place for spills. There are 6 overhead doors.*

*A motion was made to approve with conditions with a time limit of 5 years by Mr. Dan Kilburn and seconded by Mr. Harold Knight*

*Condition(s): Use the alternative method as a temporary solution for 5 years until the building is remodeled.*

*Result: 6 in favor and 1 opposed.*

**PV86 - JAMESTOWN DESIGN PLACE LP - BOSTON**

The Petitioner (Andrew Powers) seeks a variance from 248 CMR 10.15 to allow two 4" vent extensions servicing a new gas/oil interceptor, to be installed on the exterior façade of the existing building and terminate above the roof line in lieu of installing the vents through the existing interior space. The renovation work is being performed on the ground floor of the existing eight story building. The Petitioner states that installing the vents in the interior space would negatively impact all existing tenant spaces on the floors above. Boston Inspectional Services was properly petitioned

*Meeting Notes: Table*

*A motion was made to table by Mr. Harold Knight and seconded by Ms. Ruth Alfasso.*

*Result: Unanimous*

**PV87- ANCHOR INN - 1 SOUTH STREE – HYANNIS**

The Petitioner (Robert Penney) is seeking a variance from 248 CMR 10.06 to utilize existing PVC drains serving two lavatories and bar sinks in two back to back basement hotel rooms with a common wet wall which are being converted to office space. The Petitioner states if this was permitted, he would transition outside of the wall and beneath the cabinets back to approved copper/brass drainage piping. All other materials would conform to code. The Hyannis Board of Health was properly petitioned.

*.Meeting Notes: There is no cast iron or copper in the area. Inspector Larry Lemieux is not opposed.*

*A motion was made to approve by Mr. John Cruz and seconded by Mr. Harold Knight.*

*Result: Unanimous*

**PV88 - 1842 BEACON STREET - BROOKLINE**

The Petitioner (Sammi Kassis) is seeking a variance from 248 CMR 10.10(18) to install a single unisex bathroom for a dental office to be located in a 1,380 square foot space with an occupancy of 23. The Petitioner notes that a maximum of 13 people would be present at any time and that public restrooms are located within 10 feet of the office. The Brookline Board of Health was properly petitioned.

*Meeting Notes: The public bathrooms in the common area are not handicap accessible.*

*A motion was made to approve with conditions by Mr. Dan Kilburn and seconded by Ms. Ruth Alfasso*

*Condition(s): The new bathroom will be labelled Staff only.*

*Result: Unanimous*

**PV89 - MA DOT - 75 SUNDERLAND ROAD - DEERFIELD**

The Petitioner (Christopher Garcia) seeks a variance from 248 CMR 10.02(8)(b) to not install bathroom facilities in a new 1,060 square foot building which will house salt brine making equipment. The building will house a salt hopper, brine maker, and blending deliver system. The brine maker does require a non-potable make-up water connection. The building will have a domestic water service and will be heated with natural gas unit heaters. The building will not be permanently occupied by on-site staff. There are two existing buildings on-site which provide for staff bathroom facilities and which are located approximately 280' feet from the proposed brine making building. As this is a state project, no Board of Health petitioning is required.

*Meeting Notes: This is a seasonal building which is used to make brine. There is heat and water in the building. It was noted by members that the Board does not typically allow such variances due to the need for sanitary facilities.*

*A motion was made to Deny by Mr. Wayne Thomas and seconded by Mr. Harold Knight.*

*Result: Unanimous*

**PV90 - D.C. KAUFMAN ELECTRICAL INC., OWNER - 185 NEWTON ST-WALTHAM**

The Petitioner (David Kaufman) is seeking a variance from 248 CMR 10.10 to not require the installation of a second bathroom on a 2,278 foot office building. The Petitioner notes that he is not remodeling the entire building, there will only be 1 person in the office, and the majority of the space will be used for the storage of equipment and supplies. The Waltham Board of Health was properly petitioned.

*Meeting Notes: There will be 1 full time employee. Inspector Sal pinzone is in favor.*

*A motion was made to approve by Mr. Wayne Thomas and seconded by Mr. John Cruz.*

*Condition(s): None*

*Result: Unanimous*

**PV92 – 908 DEVICES – 645 SUMMER STREET - BOSTON**

The Petitioner (Andrew Pappas) seeks a variance from 248 CMR 10.13 to not install a waste piping and neutralization system for a business which develops and produces handheld chemical detectors. The Petitioner indicates that only a small amount of chemicals are on site and states that all chemical waste would be collected in disposal containers and would not be discharged into the sanitary waste system. As this is a state project, no Board of Health petitioning is required.

*Meeting Notes: The sinks are for hand wash only. Chemical detectors are manufactured at this facility. Any chemicals that are stored are very small amounts and do not leave the container. They are used for detection purposes only. There is 25000 square feet. There is no chemicals in the manufacturing area. The chemicals are in the lab.*

*A motion was made Deny by Mr. Bahig Kaldas and seconded by Ms. Ruth Alfasso*

*Condition(s): None*

*Result; Unanimous*

**PV93 – MICRO/MEDICINE (Proposed) SPACE IS VACANT 1440 MAIN STREET - WALTHAM**

The Petitioner (David Lewis) seeks a variance from 248 CMR 10.13 to not install a neutralization system for a business that will utilize four laboratory sinks for a business that develops technology for isolating various components from human blood and bone marrow. The Petitioner notes that they qualify as a small quantity generator for hazardous waste. The Waltham Board of Health was properly petitioned.

*Meeting Notes: There will be 4 sinks. Two sinks will be in the manufacturing area. The sinks will be primarily used for hand washing. Inspector Sal Pinzone would be comfortable with chip tanks installed.*

*A motion was made to approve with conditions by Mr. Bahig Kaldas and seconded by Mr. Daniel Kilburn.*

*Condition(s): A chip tank is to be installed and the waste is to be monitored after the chip tank. If the PH level exceeds the requirements a full neutralized system will be required.*

*Result: 6 in favor and 2 opposed*

**PV95- TEMESCAL WELLNESS 141 SW CUTOFF- WORCESTER**

The Petitioner (Tyme Ferris) is requesting two variances from 248 CMR 10.15:

- A. The Petitioner seeks approval to use a sump pump system pumping runoff from cannabis cultivation tables to an outdoor tight tank. In support of this, the Petitioner notes that no municipal sewer system will be available for at least three years and states that DPH requirements mandate collection. Finally, the Petitioner notes that drainage must be pumped as the tanks would be located below or at no descending pitch to an existing tight tank.
- B. The Petitioner request using PVC piping instead of copper or cast iron due to the high sodium content in the effluent runoff.
- C. The Petitioner certifies that the Worcester Board of Health was properly petitioned.

*Meeting Notes: Install a tight tank and use PVC piping. There will be 20 gallons per day of run off which is high in sodium.*

*A motion was made to approve with conditions by Mr. Bahig Kaldas and seconded by John Cruz.*

*Condition(s): The piping from the sump to the tank would have to be polypropylene.*

**Result: Unanimous**

**PV96-RUSSELL RABY-53 PIEDMONT ST- WALTHAM**

The Petitioner (Russell Raby) is requesting a post installation variance from 248 CMR 10.10 to install a shower that does not meet the 30 inch minimum dimension requirement due to space limitations. The Petitioner certifies that the Pepperell Board of Health was properly petitioned.

*Meeting notes: The pan is 30” x 30” but the area is 27” The bathroom is very small. Inspector Sal Pinzone is opposed to the size of the shower.*

*A motion was made to Deny by Mr. Bahig Kaldas and seconded by Mr. Wayne Thomas.*

**Result Unanimous**

**PV97 – STURBRIDGE ORTHODONTICS, P.C. – STURBRIDGE**

The Petitioner (Patricia Sweitzer) seeks a variance from 248 CMR 10.10(18) to allow an orthodontic office to utilize two unisex bathrooms for both patients and staff. The Petitioner states that the facility is just less than 2400 square feet and will have no more than twelve people at any one time. The Sturbridge Board of Health was properly petitioned.

*Meeting Notes: Proposing 2 unisex bathrooms. 1 for patients and 1 for staff. 12 people max.*

*A motion was made to approve by Mr. Wayne Thomas and seconded by Ms. Ruth Alfasso.*

**Result: Unanimous**

**EXECUTIVE SESSION**

**CHARACTER REVIEW(S)**

At approximately 11:32 a.m., the Chairman stated the Board would need to enter into Executive Session to discuss applicant’s character, rather than competence and would return to an Open Session in approximately thirty minutes if there were any open session items not reasonably anticipated prior to the meeting.

*A motion was made to enter executive session by Mr. Harold Knight and seconded by Ms. Ruth Alfasso, thereafter a roll call vote was taken:*

MEMBER	YEA	NAY	ABSENT	RECUSED	ABSTAINED
Mr. Thomas	✓				
Mr. McNamee	✓				
Ms. Badway	✓				
Mr. Waskiewiez			✓		
Mr. Kaldas	✓				
Ms. Alfasso	✓				
Mr. Cruz	✓				
Mr. Knight	✓				
Mr. Kilburn	✓				

Participants were asked to leave the room until called.

**At 12:00 p.m. the Board came back into open session.**

## **QUASI JUDICIAL SESSION**

At 12:00 p.m., the Chairman announced that the Board would need to suspend the open meeting and conduct a quasi-judicial session pursuant to M.G.L. c. 30A, §18.

*A motion was made to enter quasi-judicial session by Mr. Daniel Kilburn and seconded by Mr. Harold Knight,*

*Result: Motion passed unanimously*

At the conclusion of the quasi-judicial session, the Board reported the following:

PL-16-928 – A separate written decision will be issued.

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

None

### **ADJOURNMENT:**

**MOTION TO ADJOURN** *At 12:15 am a motion was made by Mr. Daniel Kilburn and seconded by Mr. Harold Knight.*

*Result: Unanimous*

#### **Note:**

Reasonable accommodations or modifications will be provided to enable individuals with disabilities to participate in this Plumbing Board meeting. All requests should be submitted to Deborah Cassano at (617)-727-3110 no later than one (1) week prior to the scheduled Board Meeting. While the Board of Examiners of Plumbers & Gas Fitters will attempt to honor all requests, those requests received after that date may not be provided due to feasibility.

List of documents used:

1. Meeting Agenda
2. Minutes for the prior meeting
3. Variance applications for the above referenced agenda items
4. Draft of document outlining code requirements for emergency eyewashes and showers

Respectfully Submitted By;

Frederick M. Lima  
State Plumbing and Gas Inspector/Investigator  
Board of State Examiners of Plumbers and Gasfitters