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**KARYN E. POLITO**  
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SECRETARY OF HOUSING AND  
ECONOMIC DEVELOPMENT

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

1000 Washington Street • Boston • Massachusetts • 02118

**JOHN C. CHAPMAN**  
UNDERSECRETARY OF  
CONSUMER AFFAIRS AND  
BUSINESS REGULATION

**CHARLES BORSTEL**  
COMMISSIONER DIVISION OF  
PROFESSIONAL LICENSURE

**SEPTEMBER, 27, 2017 BOARD MEETING MINUTES**

MEMBERS	APPOINTMENT	PRESENT	ABSENT
Vacant Position	Journeyman Gasfitter		✓
Mr. Joseph McNamee	Chairman, Master Gas Fitter	✓	
Mr. Bahig A. Kaldas, P. E.	Member, Plumbing Engineer		✓
Ms. Sarah Badway	Consumer Member	✓	
Joseph V. Waskiewicz	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		✓

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

- Emergency Egress and Cell Phone Policy

- The September 6, 2017 Board Meeting Minutes

*A motion was made to approve by Mr. John Cruz and seconded by Mr. Joseph Waskiewicz.*

***Result: Unanimous***

- The September 6, 2017 Subcommittee Meeting Minutes

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

***Result: Unanimous***

**DISCUSSION(S)**

**D1)** Request by the American Rental Association of Massachusetts to address the Board.

Comments: The petitioner, Gene LaPierre, addressed the Board. He indicated that his tent installers have problems installing temporary LP gas appliances in rental tents. He indicated that it is costly and arguably unnecessary to require a full plumber or gas fitter to perform these installations. He indicated that there is also confusion as to whether holders of limited LP installer licenses may perform such work. The members indicated a willingness to resolve some of the confusion, however, there was a concern regarding the safety of these installations. At the request of the Deputy Director, the Board took no action at this time and took the information as advisory only, the matter will be brought up at a future meeting.

**No formal action taken.**



## **D2) CARRIED OVER FROM THE SEPTEMBER 6, 2017 MEETING**

Mr. Marc Zade addressed the Board representing Southeastern Technical Institute. Mr. Zade indicated that, due to the loss of an instructor, his school would like to utilize Robert Cabral, also in attendance, who holds a journeyman plumbing license, but does not hold a master level license. Mr. Zade indicated that Robert Cabral was a full time inspector. Legal counsel thereafter addressed the Board. He indicated that legally, 248 CMR 11.05 does not allow for journeyman to be instructors. He noted that by law, there are no variances for educational matters, the code must be followed or amended. He noted that there is some language allowing non-plumbing licensees to provide instruction in specialized areas, such as products, however, the specialized knowledge must be substantially equivalent to the knowledge held by a master licensee, which a journeyman can never have until upgrading. Further, staff researched and found that since section 11 was promulgated, many instructors and at least one school was denied licensure based on attempts to utilize a journeyman as an instructor. Accordingly, legal counsel indicated that there could be a significant legal risk in taking any action that goes against the code and the past practice of the Board. Upon questioning, Mr. Cabral indicated he was willing to apply for the master license and has all the education required to take the master examination, accordingly legal counsel indicated he would personally expedite Mr. Cabral's application upon receipt.

No formal action required.

## **VOCATIONAL SCHOOL PROJECT(S)**

### **V1) BAYPATH REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL – 57 OLD MUGGETT HILL ROAD – CHARLTON**

**PROJECT:** The applicant seeks permission for an offsite school project to install plumbing work including seven water closets, six lavatories, and a kitchen sink in a public building in Oxford called the Carbuncle Pavilion. The applicant agrees to follow the 6 to 1 ratio required for this type of project. As this is a commercial school project, a representative from the school is required to attend the meeting.

**Meeting Notes:** *looking for permission to perform plumbing in a commercial setting which is a recreational building at a beach. There will be handicap bathrooms.*

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

*Condition(s): 6 to 1 ratio, as required by Board policy.*

**Result:** *Unanimous*

### **V2) ASSABET VALLEY REGIONAL TECHNICAL HIGH SCHOOL – 215 FITCHBURG STREET – MARLBOUGH**

**PROJECT:** The applicant seeks permission for an offsite school project to replace bathroom sinks at a town owned golf course. The applicant indicates they will utilize a 4 to 1 ratio for this project. As this is a commercial school project, a representative from the school is required to attend the meeting.

**Meeting Notes:** *Looking for permission to perform plumbing in a commercial at a town owned country club.*

*A motion was made to approve by Mr. Waskiewicz and seconded by Mr. Cruz.*

**Condition(s): 4 to 1 ratio, as agreed to by the applicant.**

**Result: Unanimous**

### **V3) WORCESTER TECHNICAL HIGH SCHOOL – 1 SKYLINE DRIVE – WORCESTER**

**PROJECT:** The applicant seeks permission for an offsite school project to install commercial kitchen sinks as well as a washer and gas dryer for an office to be utilized by Habitat for Humanity. The applicant indicates they will have three instructors supervising six students for this project. As this is a commercial school project, a representative from the school is required to attend the meeting.

**Meeting Notes:** *The applicant did not attend.*

*A motion was made to table by Mr. Waskiewicz and seconded by Mr. Cruz.*

**Result: Unanimous**

### **VARIANCES**

#### **PV27 - UMASS LOWELL EAST CAMPUS RECREATION FIELDS STORAGE BLDG**

The Petitioner (Richard Wood) is seeking a variance from 248 CMR 10.10(18)(I) to not install toilet facilities in a 2,150 square foot storage building which is not intended to be used for working or habitation. The Petitioner indicates that the building will have limited heating and cooling systems and exterior water service. As this is a State project, no Board of Health petitioning is required.

**Meeting Notes:** *The building is unheated. No one will work in building. It will be for storage only. The petitioner is looking to eliminate bathrooms. There is a sand and gas separator installed. There is also a wye installed in the sanitary system for future plumbing.*

*A motion was made to approve by Mr. Knight and seconded by Mr. Waskiewicz*

**Result: 4 in favor, 1 opposed.**

#### **PV 28 - ASHKENAZY ACQUISITION - 300 FANUEUIL HALL - BOSTON**

The Petitioner (Don Contois) seeks a variance from 248 CMR 10.06(2)(0) to utilize schedule 40 PVC piping below ground and to a nominal height of two feet above the slab at the above referenced location. The Petitioner states that below slab soil conditions of the Faneuil Hall site are very corrosive and contains salt water which would be detrimental to the longevity of cast iron piping. The Petitioner indicates that previous variances for this piping were approved by the Board in the past in other areas of the building. Finally, the Petitioner states that cast iron piping installed at this site in the past have experienced complete failure. Boston Inspectional Services was properly petitioned.

**Meeting Notes:** *Because the Chairman is a Boston Inspector he invoked the rule of necessity to participate in this matter in order to maintain a quorum. He indicated for the record that he was impartial and there were no objections to his participation.*

*A motion was made to approve by Mr. Knight and seconded by Mr. Waskiewicz*

**Condition(s):**

**Result: unanimous**

**PV29 - DAVIO'S NORTHERN ITALION RESTRAUNT-250 GRANITE ST-BRAINTREE**

The Petitioner (Paul Flaherty) requests a variance from 248 CMR10.10 (18) for a reduction in the number of bathroom fixtures. The applicant calculated the number of restrooms based on occupancy, which is 444 people, to require 7.4 women's water closet fixtures and 3.7 men's restroom water closets. No seating count was provided in the application. The Petitioner would like to be permitted to install 7 women's water closet fixtures and 3 men's water closet fixtures. The Braintree Board of Health was properly petitioned.

*Meeting Notes: The 444 people was based on the egress number not the actual number of people. The Board clarified that this number is irrelevant for the code, the actual number of seats plus staff is 401, which is the code significant number. The applicant indicated that the men's room would have 2 water closets and 2 urinals, no urinals had been mentioned in the original application.*

*A motion was made to accept the plan as presented since it is code compliant by Mr. Knight and seconded by Mr. Waskiewicz*

*Result: unanimous*

**PV23 - UMASS AMHERST – CHENOWORTH HALL - 360 CAMPUST WAY- AMHERST**

NOTE: This matter was originally heard by the Board on September 6<sup>th</sup>. At that time, the Board voted to table the matter to research past approvals for this type of request.

The Petitioner (Peter Radzim) is requesting a variance from 248 CMR 10.15 to add three handwashing sinks with deck mounted eyewash stations for a laboratory in which the sinks will be fed with tempered water piping from a tempered water loop located on the fourth floor and to pipe waste to a special lab waste system in lieu of the regular waste system. As this is a state project, no Board of Health petitioning is required.

*Meeting Notes: It was investigated and found to have two prior approvals for this type of request (PV112-2013 and PV011- 2015).*

*A motion was made to approve by Mr. Cruz and seconded by Mr. Waskiewicz*

*Result: unanimous*

**PV30 - UMASS AMHERST - LIFE SCIENCE BUILDINGSS - 249 THATCHER ROAD.**

The Petitioner (Peter Radzim) is seeking a variance from 248 CMR 10.13 to remove safety showers in two levels of a life sciences building being renovated. The Petitioner has indicated that there are deck mounted eyewash stations at each hand washing sink however, the purpose of these is for biological and animal related needs, not chemicals. Accordingly, the Petitioner feels that the showers are unnecessary. As this is a state project, no Board of Health petitioning is required.

*Meeting Notes: There is no chemical exposure as it is a biological lab.*

*A motion was made to approve by Mr. Waskiewicz and seconded by Mr. Cruz.*

*Result: Unanimous*

**PV31 - UMASS AMHERST MORRILL 1V NORTH - 639 NORTH PLEASANT STREET**

The Petitioner (Peter Radzim) is seeking a variance from 248 CMR 10.13 to not install safety showers in a new vivarium (an enclosure adapted for keeping animals, in this case rodents, under semi natural conditions for observation or study) and related support space. A deck mounted eyewash station will be provided at the hand washing sink in each Vivarium holding//procedures room. The Petitioner indicates that eyewash station are provided for biological and animal related needs, not chemicals. Accordingly, the Petitioner feels that the showers are unnecessary. As this is a state project, no Board of Health petitioning is required.

***Meeting Notes: These are animal holding rooms. There will be no chemicals used.***

***A motion was made to approve by Mr. Waskiewicz and seconded by Mr. Cruz.***

***Result: Unanimous***

#### **PV32-UMASS AMHERST-MORRILL IV-639 NORTH PLEASANT STREET-AMHERST**

The Petitioner (Peter Radzim) is seeking a variance from 248 CMR 10.10(18) to not provide separate staff bathrooms in the new vivarium, which will be on a secure floor, not open to the public. Access to the fourth floor will be restricted to authorized personnel, controlled by a card access system. There will be no teaching or classroom spaces used by students. The building is classified as occupancy Group B. Two single user, gender neutral bathrooms will be provided. One of the bathrooms will handicap accessible. As this is a State project, no Board of Health Petitioning is required.

***Meeting Notes: There will be two unisex bathrooms installed. This is for faculty research only. No students will be present in this area. There will be 25 occupants. The board noted that this was an employee only space and a variance was not required.***

***No action was taken.***

#### **PV33 - GASPAR SAUSAGE - 384 FAUNCE CORNER RD. N. DARTMOUTH**

The Petitioner (Larry Couto) is requesting a variance from 248 CMR 10.06 to install Schedule 40 polypropylene for a food processing waste and vent system in lieu of code required cast iron in commercial buildings. The Petitioner submits that the properties of polypropylene are such that there will be no corrosion to the piping system as a result of the production process including the daily wash down of the process areas. Production waste temperature would be lower than the allowable constant operating limits provided by the polypropylene manufacturer. Long term the Petitioner believes this will provide the owner a maintenance free reliable system that would help alleviate lost productivity due to repairs associated with cast iron systems. The Dartmouth Board of Health was properly petitioned.

***Meeting Notes: Mr. Couto stated he has been granted this before on his other projects. Maximum Temp is 140 degrees. All sanitary will be cast iron. The system will tie into an interceptor.***

***A motion was made to approve by Mr. Knight and seconded by Mr. Waskiewicz***

***Result: Unanimous.***

#### **PV34 - BAYSTATE NOBLE HOSPITAL -. 15 WEST. SILVER STREET - WESTFIELD**

The Petitioner (Nicole Parker) requests a variance from 248 CMR 3.04 to utilize a non-product accepted hand sink. The Petitioner indicates that they were unable to find an accepted fixture for use with ISO Classified Ante Rooms which supports their specific operation and procedural requirements associated with ante room gowning, hand-washing, and cleaning procedures while also adhering to both USP8797 and MA draft sterile compounding

regulations. The specific hardship has been to find a particular fixture which meets the exact dimensional requirements required for hand and fore-arm washing procedures while not impeding on ante room material and personnel circulation needs. The Westfield Board of Health reviewed the plan and design for the proposed new hand sink and opined that this sink will meet all applicable state sanitary code standards. Therefore, the Board of Health supports the installation of this piece of equipment.

***Meeting Notes: The applicant failed to appear***

***A motion was made to table by Mr. Knight and seconded by Mr. Waskiewicz***

***Result: Unanimous***

**PV35 – D’AMOUR CANCER CENTER - 3350 MAIN STREET -SPRINGFIELD**

NOTE: This is the same subject matter as PV34, however it is a different building in a different city

The Petitioner (Nicole Parker) requests a variance from 248 CMR 3.04 to utilize a non-product accepted hand sink. The Petitioner indicates that they were unable to find an accepted fixture for use with ISO Classified Ante Rooms which supports their specific operation and procedural requirements associated with ante room gowning, hand-washing, and cleaning procedures while also adhering to both USP8797 and MA draft sterile compounding regulations. The specific hardship has been to find a particular fixture which meets the exact dimensional requirements required for hand and fore-arm washing procedures while not impeding on ante room material and personnel circulation needs. The Springfield Board of Health was properly petitioned and, upon review, indicated that the type of hand wash sink that is proposed would not construe a public health hazard, therefore that board is in favor of granting the variance.

***Meeting Notes: The applicant failed to appear***

***A motion was made to table by Mr. Waskiewicz and by seconded by Mr. Knight.***

***Result: Unanimous.***

**PV36 – JOHN P. MUSANTE HEALTH CENTER – 70 BOLTWOOD WALK) AMHERST**

The Petitioner (Mr. Hafner) requests a variance from 248 CMR 10.10(18) to not install a Drinking Water Station in a community health center. The Petitioner states that they would like to use a bottled water dispenser with disposable cups to help limit the spread of germs and/or bacteria to the served population. The Amherst Board of Health was properly petitioned but takes no position regarding this variance request.

***Meeting Notes: The applicant failed to appear***

***A motion was made to table by Mr. Waskiewicz and by seconded by Mr. Knight.***

***Result: Unanimous.***

**PV37 – FRAMINGHAM FIRE DEPARTMENT – 10 LORING DRIVE - FRAMINHAM**

NOTE: This is the first of three variances for the same subject matter in the same city, just different structures

The Petitioner (James Paolini) seeks a variance from 248 CMR 10.15 to allow building drainage to be discharged into a sump instead of code required gravity. The Petitioner indicates that to comply with the code, a series of concrete floors would need to be saw cut and trenched through the facilities which might undermine the structural footings. Such in installation could also require crossing of electrical lines and drainage lines, which could pose

additional challenges with proper pitches as well as closing the building for two to three weeks. The Framingham Board of Health voted that it had no objection to this variance request.

*Meeting Notes: The applicant failed to appear*

*A motion was made to table by Mr. Knight and seconded by Mr. Waskiewicz.*

*Result: Unanimous*

**PV38-FRAMINGHAM FIRE DEPARTMENT - 1055 WORCESTER ROAD- FRAMINGHAM**

NOTE: This is the same subject matter as PV37 in the same city, just a different structure

The Petitioner (James Paolini) seeks a variance from 248 CMR 10.15 to allow building drainage to be discharged into a sump instead of code required gravity. The Petitioner indicates that to comply with the code, a series of concrete floors would need to be saw cut and trenched through the facilities which might undermine the structural footings. Such an installation could also require crossing of electrical lines and drainage lines, which could pose additional challenges with proper pitches as well as closing the building for two to three weeks. The Framingham Board of Health voted that it had no objection to this variance request.

*Meeting Notes: The applicant failed to appear*

*A motion was made to table by Mr. Knight and seconded by Mr. Waskiewicz.*

*Result: Unanimous*

**PV39-FRAMINGHAM FIRE DEPARTMENT - 1055 WORCESTER ROAD- FRAMINGHAM**

The Petitioner (James Paolini) seeks a variance from 248 CMR 10.15 to allow building drainage to be discharged into a sump instead of code required gravity. The Petitioner indicates that to comply with the code, a series of concrete floors would need to be saw cut and trenched through the facilities which might undermine the structural footings. Such an installation could also require crossing of electrical lines and drainage lines, which could pose additional challenges with proper pitches as well as closing the building for two to three weeks. The Framingham Board of Health voted that it had no objection to this variance request.

*Meeting Notes: The applicant failed to appear*

*A motion was made to table by Mr. Knight and seconded by Mr. Waskiewicz.*

*Result: Unanimous*

**PV40-PINE GROVE HIGH SCHOOL - 191 MAIN STREET - ROWLEY**

The Petitioner (Jon Richardson) is seeking a variance from 248 CMR 10.10(18) to utilize a single gender neutral bathroom in lieu of two staff bathrooms, one male and one female, required by the code. The Petitioner indicates the installation is a renovation of a kitchen built in 1954 which has a single toilet stall. The request indicates that the building cannot increase in size, so there would be no room for an additional bathroom. The Rowley Board of Health as well as the Plumbing Inspector support the variance request.

*Meeting Notes: there are 5 kitchen employees*

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

***Result: Unanimous***

**PV41 - UMASS BOSTON - 100 MORRISSEY BOULEVARD - BOSTON**

The Petitioner (Dorothy Renaghan) is seeking a variance from 248 CMR 10.02 (which in turn would apply to 248 CMR 3.04) to utilize a non-product accepted force balanced flexible expansion joint (FLEX-TEND). The Petitioner indicates that below grade sanitary and storm piping internal to the building will be supported from the pile-supported garage structure and will not settle over time, however, there are poor soil conditions beyond the footprint of the building and the piping installed there is expected to settle, over time. The purpose of this product will be to allow piping beyond the face of the building to settle over time and yet still allow for proper system drainage. As this is a state project, no Board of Health petitioning is required.

***Meeting Notes: Site installed tanks could sink as much as 17 inches and the pipe is attached to building.***

*A motion was made to approve by Mr. Knight and seconded by Mr. Waskiewicz.*

***Result: Unanimous.***

**PV42 - DECHELLS RESIDENCE - 109 WATER STREET #305 - BEVERLY**

The Petitioners seeks further consideration of a variance from 248 CMR 10.10 with regards to a shower installation. On December 7, 2016, the Board permitted the installation of a shower with a 2 inch drain with the stipulation that a six inch lip be installed. The Petitioner is concerned that, due to medical issues, this would create a slip and fall issue. The Beverly Board of Health was properly petitioned.

***Meeting Notes: This variance was previously approved to install a 1 ½ drain with a 6 inch shower lip. The shower Pan is 52"x38". They are proposing to install a 2 ½ shower lip***

*A motion was made to approve by Mr. Waskiewicz and by seconded by Mr. Cruz.*

***Condition(s): A lip installed between 2 and 3 inches.***

***Result: Unanimous.***

**PV43 - LONG WHARF CUSTON HOUSE - BLOCK 62-70 - BOSTON**

The Petitioner (James Lerardi) is requesting two variances.

Variance 1 – The Petitioner requests a variance from 248 CMR 10.16 to utilize schedule 40 PVC piping throughout both the basement and office floors of a commercial building. The Petitioner indicates that the basement is subject to standing salt water creating a corrosive environment that is subject to freezing.

***A motion was made to approve by Mr. Knight and seconded by Mr. Waskiewicz***

***Result: Unanimous.***

Variance 2 – The Petitioner requests a variance from 248 CMR 10.10(18) to not install drinking water stations at this time. Per the code, the Petitioner could install a drinking water station without drain, so long as rough plumbing is added for a future drain. The Petitioner will install the rough plumbing for a connection to the sanitary drainage system, however, they would like to not install the drinking water station during reconfigurations until future retail and office tenant fit-outs occur.

***A motion was made to approve by Mr. Knight and seconded by Mr. Waskiewicz***

***Result: Unanimous.***

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

Full Authorization for operation of unlisted gas equipment.

DAGV 282 – Table Talk Pies, Inc., 120 Washington Street, Worcester – impingement oven

DAGV 334 – Wm Brewing Co., 220 Wood Road, Braintree – Hot liquid tank and boiler kettle tank

No discussion took place regarding this agenda item.

Matters not reasonably anticipated:

Mr. Peter Defrietas addressed the Board on Gender Neutral Public Bathrooms. He wanted to know if one or two handicap accessible bathrooms would be required for two public gender neutral bathrooms.

***The Board will have further discussion on this matter in the future and will need to consult with Mr. Thomas Hopkins from the AAB.***

At approximately 10:50 am, the Chairman stated the Board would enter into a short recess. The Board will then return into Executive Session for about an hour and would return to Open Session for the sole purpose of adjourning. Participants were asked to leave the room until called.

***A motion was made to enter executive session to discuss applicant's character, rather than competence at 11:17 a.m. by Mr. McNamee and seconded by Mr. Cruz, thereafter a roll call vote was taken:***

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

### **ADJOURNMENT**

MOTION TO ADJOURN at ***12:05 Mr. John Cruz and seconded by Mr. Waskiewiez.***

#### LIST OF DOCUMENTS USED:

1. Meeting agenda
2. Minutes from prior meeting
3. Variance applications for above referenced agenda items

Respectfully Submitted By;

Frederick M. Lima  
for the Board of State Examiners of Plumbers and Gasfitters

Joseph McNamee, Chairman  
Board of State Examiners of Plumbers and Gasfitters