



CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

JAY ASH
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

OCTOBER 25, 2017 BOARD MEETING MINUTES

MEMBERS	APPOINTMENT	PRESENT	ABSENT
Vacant Seat	Chairman, Journeyman Gasfitter		
Mr. Joseph McNamee	Member, Master Gas Fitter	✓	
Mr. Bahig A. Kaldas, P. E.	Member, Plumbing Engineer	✓	
Open Seat	Consumer Member		
Mr. Joseph 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 Mr. Joseph McNamee

- Emergency Egress and Cell Phone Policy

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

- *The October 4, 2017 Board Meeting Minutes*

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

Condition(s): None

Result: Unanimous

- *The October 4, 2017 PVC Committee Minutes*

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

Condition(s): None

Result: Unanimous



Product Review

D1) – SPYCE – This applicant is opening a restaurant in Downtown crossing and wishes to utilize a Cook and Serve unit which will be used for preparing meals as part of a robotic kitchen. The consumer will order from a computer or smart phone and the unit prepares, cooks and serves the meal. The system then washes itself. The unit uses hot water. The water supply is for cleaning only, it is not used for cooking. Each water connection has a nozzle. Each nozzle is about .09 gallons which is on for about 3 seconds. The food is served on a disposable bowl

A motion was made to approve as a test site by Mr. Harold Knight seconded by Ms. Ruth Alfasso.

Condition(s): The approval is for a test site with a one year allowance. The grease trap must be compliant. Must provide board with test results.

Result: Unanimous

VARIANCES

PV37 – FRAMINGHAM FIRE DEPARTMENT – 10 LORING DRIVE - 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: No additional information was required by the members

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

Result: unanimous

PV38-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: No additional information was required by the members

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

Result: unanimous

PV39 - FRAMINGHAM FIRE DEPARTMENT - 789 WATER STREET -- 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: No additional information was required by the members

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

Result: unanimous

(This variance was Tabled on the October 4th, Board Meeting)

PV46 – LARRY SIMON RESIDENCE – 60 LONGWOOD AVENUE – Brookline

The Petitioner (Richard Castino) requests a variance from 248 CMR 10.15(7) to utilize an existing 1.5 inch waste pipe for use with a new wheelchair accessible shower. The Petitioner indicates that the existing pipe goes into 18 inches of solid concrete subflooring in this building causing access to the main drain to be almost impossible. The Brookline Board of Health was properly petitioned.

Meeting Notes: Cannot put a 6" lip on the shower due to wheelchair access. This is a single unit on the 8th floor of a condo.

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

Result: Unanimous

PV51 - MASS INSTITUTE OF TECHNOLOGY- 77 MASS AVE. - CAMBRIDGE

The Petitioner (James May) seeks a variance from 248 CMR 10.10(18)(r) to convert four multi-fixture restrooms from gender designated to gender neutral as a "pilot". Note: The application did not include floor plans or fixture information and it is not indicated whether these bathrooms are in the same building. The applicant indicates that the plumbing inspector opposed this request. The applicant certifies in writing that they petitioned the Cambridge Board of Health.

Meeting Notes: Prior to the Petitioner's presentation, legal counsel noted for the Board that it had previously approved a gender neutral multi-fixture bathroom at U-Mass Boston. Counsel noted that the Board should take care to ensure that if there will be some bathrooms remaining gender designated, that they equally provide for both genders. The applicant indicated that the four bathrooms would be in three buildings, two in one building, and one in each of two other buildings. During questioning, the applicant told the Board that the two buildings are connected internally, thus the two restrooms essentially complement each other. The applicant did agree that men's rooms to be converted to gender neutral did have urinals, but the applicant brought a student who indicated that these would still be used in gender neutral bathrooms. There are 65 single fixture toilets on campus if students and staff don't wish to use these bathrooms.

A motion was made to approve the four bathrooms to all gender as a pilot project for 1 year by Mr. Daniel Kilburn and seconded by Ms. Ruth Alfasso.

Condition(s): Report back in one year. The applicant must also submit in writing that they are impacting the genders equally for purposes of "potty parity"

Result: unanimous

PV52- MEDITECH - 21 HICKORY DRIVE - WALTHAM

The Petitioner (Alan Auriemma) is asking for a variance from 248 CMR 10.15 to allow the use of an individual sink fixture pump. The applicant indicates the installation would be on the first floor which is a cement slab on grade with the nearest underground plumbing in finished toilet rooms fifteen feet away. The applicant further states that they have in-house staff who could resolve any pump failures, clogs or related problems if they arise. The Waltham Board of Health was properly petitioned.

Meeting Notes: This is for a break room sink.

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

Result: unanimous

PV53 -MARK HARMANN RESIDENCE - 79 FAIRBANKS AVENUE - WELLESLEY

The Petitioner is seeking a variance from 248 CMR 3.04 to allow the installation of a non-product accepted bathtub. The petitioner indicates that this particular bathtub was purchased online and is required for medical purposes. The Petitioner has submitted an installation and care manual with the petition. The Wellesley Board of Health was properly petitioned and has indicated no objection to the request.

Meeting Notes: This is an acrylic tub with an overflow. It also has a hand spray. The faucets are part of the unit.

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

Condition(s): The hand spray must meet the requirements of 248CMR.

GV54 - RONALD HURLEY - 164 COTUIT ROAD - SANDWICH

The petitioner (Ronald Hurley) is seeking a variance from 248 CMR 3.04 to install a non-product accepted stove. Mr. Hurley notes the stove is not installed. As this is a gas variance no Board of Health petitioning is required.

Meeting Notes: The stove is over 100 years old. There is 70" clearance on sides of stove and will be installed on a slate floor. It is also a combination wood and gas. There are 2 flues on the stove. One for gas and one for wood which will be vented individually. A co detector is installed.

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

Condition(s): This must be approved by an engineer using the same procedure as an unlisted appliance.

Result: unanimous

PV55 - MONOGRAM FOODS - 301 BALLARVALE STREET - WILMINGTON

The Petitioner (Richard Griffin) is seeking a variance from 248 CMR 10.10(18)(table 1) to remove the requirements for showers normally required for a 23,000 square foot, 60 occupant tenancy for an industrial bakery. The applicant proposes roughing in, but not installing, the plumbing for the four code required showers. The Wilmington Board of Health was properly petitioned.

Meeting Notes: The applicant was not present

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

Result: Unanimous

PV56 -UMASS AMHERST-BAKER HOUSE DORMITORY-160 CLARK HILL ROAD-AMHERST

The Petitioner (M. Blakey Smith) seeks a variance from 248 CMR 10.10(18)(r) to convert two multi-fixture restrooms from gender designated to gender neutral to accommodate students taking part in the Spectrum living community (LGBTQIA+) as well as students wishing to utilize a gender inclusive housing option. The Petitioner indicates that, on the floor in question, there are two wings, each with a single user bathroom with a lavatory, shower, and toilet as well as a multi-stall bathroom with seven toilets, six lavatories, five showers, and a service sink (no urinals indicated). Provided pictures indicate shower and lavatory privacy partitions for Board review. As this is a state property, no Board of Health petitioning is required.

Meeting Notes: The applicant indicated that all genders are affected equally by these proposals. There are single use bathrooms on the same floor. The applicant indicated that prior to seeking the variance, the bathroom had been unofficially considered gender neutral for several years without complaints.

A motion was made to approve as a pilot project by Ms. Ruth Alfasso and seconded by Mr. Daniel Kilburn.

Condition(s): 1 year pilot project. Must report back to Board.

Result: unanimous

FYI – Board Delegated Staff Approvals – Board Vote Not Required

Full Authorization for operation of unlisted gas equipment.

DAGV 43 – Fratelli’s Bakery – 1 Washington Street, Taunton – Baxter Revolving Tray Oven

EXECUTIVE SESSION

At approximately 10:30 am, the Chairman stated the Board would need to enter into Executive Session for about twenty minutes and would return to Quasi-Judicial Session followed by an Open Session for the purpose of allowing a few items not reasonably anticipated prior to the meeting. 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 by Mr. Cruz and seconded by Mr. Knight, thereafter a roll call vote was taken:

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

QUASI JUDICIAL SESSION

At 10:55 a.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-14-030 – A separate written decision will be issued.

The Board returned to open session at 11:03 a.m.

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

The Chairman addressed the Board and asked if one meeting per month would be beneficial for the time being. Ms. Ruth Alfasso suggested the first Wednesday of the month for the meetings.

Mr. Daniel Kilburn made a motion to have one meeting a month at 9:00 a.m. on the first Wednesday of the month effective immediately, Ms. Ruth Alfasso seconded this.

Result: Unanimous

Board Consultant Mr. Joseph Peluso asked the Board if they would consider allowing staff delegated authority to approve vocational school projects meeting the Board's policy that are in-house or residential in nature. It was noted that the Board does not require applicants to appear for this permission and the Board typically approves them without any questions. Staff indicated that any approved would be made as an FYI on the Board's agenda that way the Board can involve itself in any projects desired.

Mr. Daniel Kilburn made a motion to delegate the authority to staff to approve compliant in-house and residential vocational school projects, seconded by Mr. John Cruz.

Result: Unanimous

Mr. Robert Pink addressed the Board and requested guidance on how to properly test a carbon monoxide system in a commercial kitchen.

Mr. Daniel Kilburn will look into this matter and advise the Board as necessary.

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 Cheryl Yebba at (617)-727-4992 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.

ADJOURNMENT

MOTION TO ADJOURN at 11:20A.M. by Mr. Harold Knight seconded by Ms. Ruth Alfasso.

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
State Plumbing and Gas Inspector/Investigator

Respectfully Authorized by;

Charles Kilb, Board Counsel
Board of Examiners of Plumbers and Gasfitters