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

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

**JUNE 7, 2017 BOARD MEETING MINUTES**

<b>MEMBERS</b>	<b>APPOINTMENT</b>	<b>PRESENT</b>	<b>ABSENT</b>
Mr. Paul Kennedy Sr.	Chairman, Journeyman Gasfitter	✓	
Mr. Joseph McNamee	Member, Master Gas Fitter	✓	
Mr. Bahig A. Kaldas, P. E.	Member, Plumbing Engineer	✓	
Ms. Sarah Badway	Public 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, DPL Designee	✓	

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

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

- The May 31, 2017 Board Meeting Minutes

A motion was made to approve by Ms. Alfasso and seconded by Mr. Waskiewicz.

- The May 31, 2017 Executive Session Minutes

A motion was made by Ms. Alfasso and seconded by Mr. Kilburn.

**DISCUSSION(S)**

**D1)** Board consideration of reducing code restrictions on the use of PVC, CVPC, ABS, and PEX piping.

Agency administration has requested that the Board review its current restrictions on certain types of piping and whether it would be appropriate to amend those restrictions. The Chair called for an initial discussion of the matter. By unanimous consent, the Board allowed members of the public in attendance to provide the Board with their opinions.



Mr. Harry Brett addressed the board. He was concerned with chemicals used in the installation of PVC which are carcinogens. He is also concerned with the installation of PVC in buildings with 6 or more stories. He is concerned the people will not be able to escape the toxic fumes of PVC during a fire. Mr. Brett also noted the agriculture industry never worked out any issues with the Plumbing Board. Mr. Fortes asked about the Farm industry. Board Chairman Mr. Paul Kennedy indicated the Board tried to work with the agricultural industry in the past but they never returned for further discussion.

Mr. Sal Terranova of the Charlotte Pipe Company addressed the Board and stated Charlotte manufactures cast iron as well as PVC. He stated he has issues with Life Safety with unrestricted installation of PVC. PVC in a high rise building would put people at risk. He also spoke about cost. He stated the installed cost needs to be looked at rather than cost of material. He also stated temperature effects PVC and could fail. He continued by stating drain cleaning can damage PVC and things that also effect the cost of PVC would be expansion, hangers and fire stopping.

Mr. Dave of the Cast Iron Soil Pipe Institute addressed the Board. . He stated PVC is good for residential use. Cast iron is better in situations where there is a fire. He stated fire departments like cast iron over PVC in commercial buildings for fire safety. He also spoke about States and Cities where PVC is not allowed. He feels PVC would be better for agriculture installations on a case by case approval.

Mr. Marc Zade Inspector of Plumbing and Gas for the City of Canton addressed the Board and wants to eliminate lead in industry. He feels PVC should be approved for urinals.

Mr. Hugh Kelleher Executive Director of the Greater Boston Plumbing Contractors Association addressed the Board. He stated contractors get blamed when something goes wrong, for example, PVC in a fire. He agrees with the lead concerns.

Mr. Walsh a Plumbing contractor addressed the Board. He stated there are issues with PVC like expansion, and fire issues in high rise buildings.

Mr. Greg Hanley, Plymouth County Commissioner addressed the Board. He stated that he is against the use of cast iron and PVC in dairy facilities. He said bacteria builds up in cast iron and PVC. He also stated there have been studies to prove Stainless Steel or Acid Waste piping is required in dairy producing farms, he indicated that he would submit a copy of these studies to the Board.

After public commentary, the Chair asked if any Board members wanted to comment on the matter.

Mr. Cruz noted that that there is a legitimate issue with lead in urinals that should be addressed. Board member Mr. Kaldas noted that, in the past, the Board approved PVC for certain agricultural uses, and noted that the board was always willing to work with petitioners.

By unanimous consent, the Chair stated that the matter would be placed on the next agenda to determine what further steps the Board would like to take.

The discussion closed at 9:45am.

## **VARIANCES**

### **PV305 - LONGVIEW PLACE, LLC - 70 HOPE AVENUE - WALTHAM**

The Petitioner (Doug Anderson) is requesting a variance from 248 CMR 10.10 (18) (b)(1)(b) – places of assembly, regarding separate toilets per sex. The petitioner requests utilizing a single unisex toilet room due to a low number of users. The Waltham Board of Health was properly petitioned.

**Meeting Notes:** There will be 10-12 people in this assembly area. It is 2620 square feet. There will also be a gym, yoga, and child spaces, which are intended to be used by residents. There are 120 units.

**A motion was made to deny by Mr. Joseph McNamee and seconded by Mr. Harold Knight.**

**Result: unanimous**

**PV306) MELVILLE CANDY COMPANY – 28 YORK AVENUE – RANDOLPH**

The Petitioner (Scott Griffin) requests a variance from 248 CMR 10.10 (18) to not require the installation of showers at this location. The Randolph Board of Health was properly petitioned.

**Meeting Notes:** There is 1 shift per day. The minimum fixtures count will be met.

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

**PV307-FITCHBURG STATE UNIVERSITY-EDGERLY HALL-160 PEARL ST.-FITCHBURG**

The Petitioner (Christopher Robinson) is requesting a variance from 248 CMR 10.10(18) (i) 1 & 2 to install a single unisex staff restroom on the second floor of a three story building used for classes and offices. Renovations to the building include installing a new elevator and updating first floor student bathrooms to become ADA compliant. Most staff are located on the third floor where there are existing men's and women's staff bathrooms. The variance would allow the use of the unisex staff restroom on the second floor to cover the first floor spaces which also include a staff lounge and student club space. The alternative would be to locate another staff restroom on the first or second floors, which the applicant states would be difficult in this building. Since an elevator is being installed, the upper floor staff restrooms are available. As this is a State project, no Board of Health petitioning is required.

**Meeting Notes:** The building was built in 1905. An elevator will be added. The first floor bathrooms will be renovated. The fixture count will exceed the minimum requirements.

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

**Result: unanimous**

**PV308-SOUTH SHORE YMCA - 61 ENTERPRISE DRIVE (1 HERITAGE) - QUINCY**

The petitioner is seeking to obtain a variance from 248 CMR 10.15 to pump waste from seven hand sinks up 10 inches to a gravity waste pipe located in the ceiling space above. All other ejector pumps will be located in a floor mounted cabinet below the sink counter in the area of the hand sinks being served. The Quincy Board of Health was properly petitioned.

**Meeting Notes:** It will be pumped up 10 feet. This will be a day care center. There will be 2 hand washing sinks in each unit. 1 for toddlers and one for teachers. Chairman Mr. Paul Kennedy noted Plumbing inspector is against the variance. The petitioner stated the inspector was misinformed and spoke to him this morning. The cement floor cannot be cut because the slab is 17" thick and structural. It is also close to a column.

**A motion was made to continue and to resolve the issue with inspector by Mr. Joseph McNamee and seconded by Mr. Joseph Waskiewicz.**

**Result: unanimous**

**PV309) JOHN BARKAN RESIDENCE – 14 LOCKWOOD ROAD – NEWTON**

The Petitioner (Asher Nichol), is seeking a variance from 248 CMR Section 3.04 to allow the installation of a custom cement oval cylinder pedestal sink not accepted for use in Massachusetts. The Newton Board of Health was properly petitioned.

**Meeting Notes:** The petitioner wants to re-install the sink. It does not have an overflow. A strainer will be installed to prevent filling the sink.

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

***Result: unanimous***

### **PV311 – L. KNIFE & SON – 35 ELDER AVENUE – KINGSTON**

The Petitioner (Kevin Provencher) is seeking a variance from 248 CMR 10.10 (18) (j) (iv) to utilize toilet facilities in an industrial establishment beyond 300 feet from the regular place of daily work activity. The petitioner indicates that they are seeking to add an addition to their existing warehouse storage and distribution facility. The function will be a combination of bulk goods storage and product pick areas. Daily activity within the space will consist of employees using fork trucks to retrieve and organize product, traveling back and forth between the addition and the existing building, where existing toilets and lavatories are located. The Kingston Board of Health was properly petitioned.

**Meeting Notes:** This is a 47000 square foot addition. It is 150 x 350 feet. The number of employees or hours will not change. The existing building is 120 square feet. There will be a max of 42 employees at one time. The existing Men's room has 3 toilets and 2 urinals. The existing Woman's room has 1 toilet and 1 lav. The maximum travel distance to the bathrooms will be 350 feet.

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

***Result: unanimous***

### **PV312 - COMMERCIAL BUILDING - 3 GREEN STREET - WOBURN**

The Petitioner (R. Paul Morris) is seeking two variances from 248 CMR 10.10 (18). For the first variance, the Petitioner seeks to waive the requirement to install a separate men's and women's bathroom in a 2,500 square foot industrial space being updated after fire damage. The Petitioner states a single occupant handicapped accessible bathroom would be sufficient and that an additional bathroom would not be needed and would take up too much square footage. They will install an underground rough for the second bathroom in each space. For the second variance, they seek a waiver to not install a shower in the industrial space. The Woburn Board of Health was properly petitioned.

#### ***(a) 1<sup>st</sup> variance Meeting Notes:***

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

***Result: unanimous***

#### ***(b) 2nd variance Meeting Notes:***

***A motion was made to approve the second variance by Mr. Harold Knight and seconded by Mr. Daniel Kilburn.***

***Result: unanimous***

### **PV313 - EL HUIPIL MEXICAN - RESTAURANT-51-R MAIN STREET - MAYNARD**

The Petitioner (Alonso Moreno) is seeking a variance from 248 CMR 10.10 (18) to increase a 48 seat restaurant by adding a 44 seat outdoor area to be used seasonally without meeting the code requirements for five water closets.

The restaurant will have a total dining area of 800 square feet. The Maynard Board of Health was properly petitioned.

**Meeting Notes:**

*The applicant did not appear. A motion was made to Table by Ms. Ruth Alfasso and seconded by Mr. Harry Knight.*

***Result: unanimous***

**PV315 - BION, LLC - 356 MAIN STREET - FITCHBURG**

The Petitioner (Paul St. Lieneck) is requesting a variance from 248 CMR 10.10 (18) Table 1. The proposed occupancy will operate with a limited staff and as such a variance is requested from the code requirements from the requirements to; provide toilet rooms for men and women and a shower. Existing is a single toilet with water closet and lavatory. The usual occupancy is 5 persons. The usual occupancy is one or two family members; based on the Department, a variance is requested to allow the existing single toilet room to provide the minimum plumbing fixtures for the wholesale baker use with the limited occupancy that exists. The variance is contingent upon occupancy remaining at no more than 5 occupants with no public access. The petitioner submitted a letter to the Building Commissioner regarding this request.

**Meeting Notes:** This is a Bakery. There is 1 employee but could go to 5 employees. There is no public use. A letter of support is attached to the application.

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

***Result: unanimous***

**PV316 - SANOFI GENZYME - 8 NEW YORK AVENUE - FRAMINGHAM**

The Petitioner (David DeStefano, PE) is requesting a variance from 248 CMR 10.013 to use fiberglass (FRP) piping for under slab process waste, HBOD waste and glycol waste gravity drainage collections systems and double-contain FRP for under slab Zinc waste drainage system that are not listed in the Board accepted products listings. This piping system is specified as NOV Centricast CL, 2030 100 mil lined vinyl ester resin pipe and fittings for carrier pipe due to superior corrosion resistance to the De-ionized waste for injection (WF) and cleaning chemicals utilized for the facility for microbial control in Biopharmaceutical manufacturing facilities. This piping is also proposed to be used downstream of our Process Waste Neutralization system out to the sampling manhole where it is ten combined with sanitary waste. The petitioner will be able to provide the Board with additional information. Framingham Board of Health was properly petitioned.

**Meeting Notes:** *Stainless Steel is normally used but the chemicals used in the cleaning process has been putting holes in the Stainless Steel. This was approved in 2014 but was never installed.*

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

***Result: unanimous***

**PV317-BRISTOL COUNTY SHERIFFS OFFICE- 400 FAUNCE CORNER. ROAD - NO. DARTMOUTH**

The Petitioner (Chris Horta) seeks a variance from 248 CMR 10.10(18) to provide a single bathroom for a 50 x 100 storage building to be used by the Bristol County Sheriff's Office for maintenance vehicles and equipment. The area is to be used for storage only, at no time will staff be stationed at this building. As this is a state project, no Board of Health petitioning is required.

**Meeting Notes:** *A Floor drain with a gas oil separator will be installed.*

*A motion was made to approve by Mr. Joseph McNamee and seconded by Ms. Ruth Alfasso.*

***Result: unanimous***

**PV318 - DEPARTMENT OF TRANSPORTATION - 8 PARK PLAZA - BOSTON**

The Petitioner (William Cappola Jr.) seeks a post installation variance from 248 CMR (no specific code provision cited) to waive the code required maximum 24 inch drop to traps for floor sinks and the maximum 20 inch maximum for the toilet due to a 22 inch concrete slabs. The petitioner indicates he rolled wye fittings up and then over to these fixtures with a 90 degree elbow off of the horizontal drain while knowing the adjacent restaurant fit-outs were done with no regard for the maximum 24 inch drop requirement. To raise these now would involve recoring holes to gain a few inches less in some instances and none in others. As this is a state project, no Board of Health petitioning is required

Meeting Notes: There are 4 floor drains. This will be a drop of 4 feet to the trap. The traps will receive condensate. One will receive a 3 bay sink which is used for dishwashing.

*A motion was made to continue by Mr. Joseph McNamee and seconded by Mr. Joseph Waskiewicz.*

***Condition(s):*** *The Board would like the State Inspector to review this matter more fully with the Petitioner.*

***Further, the members indicated that, to increase the likelihood of approving a variance, a trap primer should be installed, and that the 3 bay sink should be directly connected to the drainage system.***

***Result: unanimous***

**NOT REASONABLY ANTICIPATED PRIOR TO THE MEETING**

***Board Member Joseph Waskiewicz addressed the Board on Chronic Toxic Wasting on PVC joints on piping used for gas venting of certain types of boilers. He stated the installers are not following the installation procedures. Mr. Waskiewicz wants the board to review the issue and possibly eliminate PVC used for venting certain boilers with the flue gas exceeding certain temperatures.***

***Mr. McNamee stated some manufacturers switched to schedule 80 piping for gas venting.***

***Mr. Kaldas stated his firm does not allow PVC on gas venting.***

***The Chair noted that the Board could include this discussion at the next meeting as part of the Board's larger discussion on restrictions on the use of certain types of pipes.***

***No formal action.***

**EXECUTIVE SESSION**

At approximately 10:45 a.m., the Chairman stated the Board would need to enter into an Executive Session pursuant to M.G.L. c. 30A, §21 to review applicant's character, rather than competence. The chair estimated that the Board would return to Open Session at approximately 11:00 a.m. Participants were asked to leave the room until their matter was called.

***A motion was made to enter executive session at 10:45 by Mr. McNamee and seconded by Mr. Cruz, thereafter a roll call vote was taken:***

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

Ms. Badway	<b>X</b>				
Mr. Waskiewiez	<b>X</b>				
Mr. Kaldas	<b>X</b>				
Ms. Alfasso	<b>X</b>				
Mr. Cruz	<b>X</b>				
Mr. Knight	<b>X</b>				
Mr. Kilburn	<b>X</b>				

## SEE SEPARATE MINUTES FOR THE EXECUTIVE SESSION ACTION(S)

The Board returned to open session at 11:05 a.m.

### **ADJOURNMENT**

MOTION TO ADJOURN at 11:05 am by Ms. Ruth Alfasso and seconded by Mr. Daniel Kilburn.

#### 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;

*Paul Kennedy, Sr.,*

Paul Kennedy Sr., Chairman  
Board of Examiners of Plumbers and Gasfitters