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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

**Massachusetts Board of State Examiners of Plumbers and Gas Fitters,**  
**OCTOBER 3<sup>RD</sup>, 2018 BOARD MEETING MINUTES**

MEMBERS	APPOINTMENT	PRESENT	ABSENT
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	

**Called to order time:** 9:15 a.m.: By Chairman Joseph McNamee

**AGENDA REVIEW:** 9:16a.m. By Chairman Joseph McNamee

**9:20am: APPROVAL OF PREVIOUS MEETING MINUTES:**

- The September 5th, 2018 Board Meeting Minutes

*A motion was made to Approve By:* Mr. Harold Knight *Seconded By:* Mr. Wayne Thomas

*Results: Unanimous*

- The August 1st, 2018 Board Meeting Minutes

*A motion was made to Approve By:* Mr. Harold Knight *Seconded By:* Ms. Ruth Alfasso

*Results: Unanimous*

- The August 1st, 2018 Executive Session Minutes

*A motion was made to Approve By:* Mr. Harold Knight *Seconded By:* Ms. Ruth Alfasso

*Results: Unanimous*



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**VARIANCE REQUESTS**

**PV-51-MBTA-Red Line Test Track – 160 B Street- Boston**

MBTA is seeking relief from 248 CMR 10.06 (2) (b) – Allowable Materials – Storm and Sanitary below Ground. Due to the location of an existing storm drainage pipe running below the footprint of the building and the potential for stray electrical current in the ground, the project requests the use of HDPE Pipe (24” in Diameter) in lieu of product accepted materials. This is a state project therefore, the Boston Board of Health has not been notified.

*A motion was made to Approve By:* Mr. Harold Knight *Seconded By:* Mr. John Cruz

*Results: Unanimous*

**PV- 53 – Night Shift Brewing – 160 – 170 N. Washington Street – Boston**

Night Shift Brewing are proposing gender neutral toilet facilities within the establishment. Rather than individual toilet stalls they are proposing an individual toilet room with a water closet only then shared or common use lavatories within the universal bathroom area. The total occupancy of the pub shall be set at 480 persons. The Boston Assistant Commissioner of Inspectional Services Department has been notified.

*A motion was made to Approve By:* Mr. Wayne Thomas *Seconded By:* Mr. Harold Knight

*Results: Unanimous*

**PV- 29-A. Deangelis P&H- 1180 Beacon Street Suite 2D / 2B – Brookline**

A. Deangelis P&H are seeking relief from 248 CMR 10.10 (18) Table 1. The existing dental office contains two toilet rooms, each containing one water closet and one lavatory. The new space will have one toilet room, with a fixture count of one water closet and one lavatory. The use of the new restroom is for staff only. The Brookline Health Department has been notified.

*A motion was made to Approve By:* Mr. Wayne Thomas *Seconded By:* Mr. Dan Kilburn

*Conditions: One staff single user gender neutral bathroom and one ADA compliant single user gender neutral bathroom in existing area. One single user gender neutral bathroom in new space.*

*Results: Unanimous*

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**PV-54-Boston Public Market Association - 10 –Park Plaza, Suite 4160 - Boston**

Boston Public Market Association is requesting gender neutral toilet facilities within the establishment. They intend on removing two urinals from one of the two men room and designate that room a gender neutral

*Meeting notes: Construction is limited because there is a subway station running under the building. The Board has a concern that removing urinals will impact the occupancy/fixture ratio*

*A motion was made to Approve By: Mr. Dan Kilburn Seconded By: Mr. John Cruz*

*Results: Unanimous*

**PV-55 - David Murray - 225 Beacon Street - Boston**

David Murray of Sea-Dar Construction is seeking relief from 248 CMR 10.05 (1) for the installation of a custom brass sink. Boston Inspectional Services have been properly notified.

*Meeting notes:*

*A motion was made to Approve By: Mr. Joseph Waskiewicz Seconded By: Ms. Ruth Alfasso*

*Results: Unanimous*

**PV-56- U-Name-It Self Storage – 203 Circuit Avenue – West Springfield**

Robert Kushner of U-Name-It Self Storage is seeking relief from 248 CMR 10.09 Interceptors, Separators, and Holding Tanks. They are requesting the use of spill containment curbs rather than the removal of approximately six acres of concrete flooring. The Town of West Springfield Board of Health has been properly notified.

*Meeting notes: this is a storage facility that wants to include storage of motor vehicles. The applicant stated that 6 acres of concrete flooring would need to be removed in order to install floor drains to the proper pitch and floor draining capability.*

*A motion was made to Deny By: Mr. Joseph Waskiewicz Seconded By: Mr. Harold Knight*

*Results: Unanimous*

**PV- 57 – Wayland High School – 260 Old Connecticut Path – Wayland**

Weston and Sampson are seeking a variance on behalf of the Wayland High School for relief of 248 CMR 10.10 (18) Table 1 minimum facilities in stadiums. The stated total capacity of the proposed bleacher construction project is 1400 persons. The facilities proposed in the new construction include 5 female water closets, 2 male water closets and 3 urinals. The Wayland Board of Health has been properly notified.

*Meeting notes: The applicant was notified that if the new construction can provide 50% of the required fixtures and meets potty parity, then the approval can be done by the Board office through Delegated Authority.*

*A motion was made to Deny By: Mr. Joseph Waskiewicz Seconded By: Mr. Wayne Thomas*

*Results: Unanimous*

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**PV- 58- DCR- Pilgrim Memorial Park Comfort Station – 79 Water Street – Plymouth**

DCR is requesting a variance for the installation of an exterior drinking water fountain and bottle filling station. An overhang will be constructed to prevent the rainwater from entering the sanitary drainage system. This is a state project therefore Board of Health notification is not required.

***Meeting notes:***

***A motion was made to Approve By:*** Mr. Joseph Waskiewiez ***Seconded By:*** Mr. Wayne Thomas

***Results: Unanimous***

**PV- 59 - Jamie Baird - 81 Leonard Drive - Barnstable**

Jamie Baird is seeking relief from 248 CMR 10.02 Principal #26 Materials and designs. He is requesting to install non-product accepted custom concrete trough sink in the bathroom and an integrated marble apron front kitchen sink. Both sinks will be sealed with Drytreat stain proof premium impregnating sealer. The Barnstable Board of Health has been properly notified.

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

***A motion was made to Table By Mr. Kilburn: Seconded By: Mr. Cruz***

***Results: Unanimous***

**PV- 60- The Metropolitan – 35 Lincoln Street – Reading**

Mr. Chad Perry is seeking a Post-Installation variance for the Metropolitan on 35 Lincoln Street, Reading MA. The Cultec System for the storm drains was installed by site work contractors not by the plumber. The Reading Board of Health has been notified.

***Meeting notes: The final portion of the system is to be installed under the plumbing permit and the licensee permit holder shall be responsible for the entire system in order to be finally approved.***

***A motion was made to Approve By:*** Mr. Dan Kilburn ***Seconded By:*** Mr. Joseph Waskiewiez

***Results: Unanimous***

**PV- 61 - Brave All Stars Cheer Inc. – 35 Sixth Road - Woburn**

Brave All Stars Cheer Inc. are seeking a variance from 248 CMR 10.10 (18) Table 1. Since the occupancy are primarily women they would like permission to remove the ADA bathroom to provide more space. Applicant states the occupancy issued by the town is 74 and the square feet of the space is 3680. The Woburn Board of Health has been notified.

***A motion was made to Approve By:*** Mr. Wayne Thomas ***Seconded By:*** Mr. Joseph Waskiewiez

***Results: Unanimous***

**At 10:20 am a break was called by the Chair.**

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At 10:30 am the meeting was called back to order by the Chair.

**PV- 62 – Andranik Movsisyan – 1 Paddock Way – Littleton**

Andranik Movsisyan is seeking relief from 248 CMR 10.10 Fixtures. The product purchased Mesa 608 P Steam Shower and Jetted Tub is not on the Accepted list for plumbing products. The Littleton Board of Health has been notified.

*Meeting notes: To be reviewed by the Board office through Delegated Authority. If the ETL test standard meets the standard for accepted products, The Board office may approve this variance.*

*A motion was made to Table By: Mr. Dan Kilburn Seconded By: Ms. Ruth Alfasso*

*Results: Unanimous*

**PV - 64 – Boylston Properties - 485 Arsenal Street Buildings C, D, and F - Watertown**

R.W. Sullivan are seeking relief from 248 CMR 10.09 (1) (b) 3.a.i and 10.22 Figure 15. The sand oil separator is located below the invert elevation of the sanitary sewer on site, therefore the affluent from the sand oil separator must be ejected. The Watertown Board of Health has been notified.

*A motion was made to Approve By: Mr. Harold Knight Seconded By: Mr. Joseph Waskiewicz*

*Results: Unanimous*

**PV - 65 – Bank of America – 375 Main Street – Woburn**

Approach Architects are seeking a variance from 248 CMR 10.10 (18) (i) 4. They are requesting the installation of one ADA compliant gender neutral single user bathroom. The lease space is 2631 square feet. There will be between two to five employees. The Woburn Board of Health has been notified.

*A motion was made to Approve By: Mr. Dan Kilburn Seconded By: Mr. Joseph Waskiewicz*

*Results: Unanimous*

**PV - 66 –Lutheran Church of the Redeemer – 60 Forest Park Road - Woburn**

Approach Architects are seeking a variance from 248 CMR 10.10 (18) (h). They are requesting to install two gender neutral ADA compliant bathrooms for congregants at services as well as for morning day care and after school programs employees and handicapped student use. The applicant has provided an occupant calculation with the variance application. The Woburn Board of Health has been properly notified.

*A motion was made to Approve By: Mr. Joseph Waskiewicz Seconded By: Ms. Ruth Alfasso*

*Results: Unanimous*

**PV-67- FedEx Ground Package Systems, Inc. – 375 Ballardvale Street – Wilmington**

FedEx Ground Package Systems, Inc. are seeking a variance from 248 CMR 10.02 Principle (6) (b) required plumbing fixtures. The Wilmington Board of Health has been notified.

*A motion was made to Deny By: Mr. John Cruz Seconded By: Mr. Dan Kilburn*

*Results: Unanimous*

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**PV-52- Peter Riva - Jamsan Hotel – 110 Hartwell Ave. - Lexington**

Peter Riva is requesting the use of a Ejector Pump system rather than allow the sanitary system to drain by gravity. The Town of Lexington has been notified.

*The applicant failed to appear when called. A motion was made to table By: Mr. Harold Knight **Seconded**  
By: Mr. Dan Kilburn*

*Results: Unanimous*

*Meeting notes: Applicant arrived late*

*A motion was made to reopen By: Mr. Harold Knight **Seconded** By: Mr. Dan Kilburn*

*Results: Unanimous*

*A motion was made to approve By: Mr. Joseph Waskiewiez **Seconded** By: Mr. Dan Kilburn*

*Conditions: a WAG type solenoid valve to be installed to shut off water.*

*Results: Motion passes 6 to 1*

At 11:08 am a break was called by the Chair.

At 11:19 am the meeting was called back to order by the Chair.

**FY18-PV56 -UMASS AMHERST-BAKER HOUSE DORMITORY-160 CLARK HILL ROAD-  
AMHERST**

The petitioner is reporting back to the Board after a 1 year pilot program. Meeting notes from the 10/25/2017 are included at the end of the variance request.

The Petitioner (M. Blakey Smith) seeks a permanent 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 permanently as a pilot project was successful by Ms. Ruth Alfasso and seconded by Mr. Daniel Kilburn.*

*Condition(s):*

*Result: unanimous*

At 12:10 pm a motion was made to end general session and go into Quasi-Judicial Session By: Mr. Dan Kilburn **Seconded** By: Ms. Ruth Alfasso

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Mr. Joseph Waskiewicz was not present for this vote.

**Result: unanimous**

**Appeal of an Inspector's Decision**

**IAD – 50 - Dan Laque - 4602 Oak Point Drive – Middleboro**

Dan Laque has formally appealed the Local Plumbing Inspectors decision and is seeking the Boards interpretation of 248 CMR 10.19 (2) (a) and (d)

(a) Plumbing in manufactured homes shall comply to the latest Rules and Regulations established by the Secretary of the Department of Housing and Urban Development authorized by the National Manufactured Home Construction and Safety Standards.

(d) Additions or renovations made to the Plumbing and/or Gas Systems of such units shall be made in compliance with all provisions of M.G.L. c. 142 and 248 CMR 3.00 through 10.00. His permit indicated replacement of: bathtub, dishwasher, food disposer, kitchen sink, two lavatories, shower stall, two toilets, and 1 hot water heater all types. The Local Plumbing Inspector believes this is a renovation.

*Meeting notes: Review of this matter is untimely with the exception of the inspector waiving the ten day rule. The Inspector chose to uphold the time requirement as outlined in M.G.L. Ch. 142 Sec. 13*

*A motion was made to Dismiss the Appeal By: Mr. John Cruz Seconded By: Mr. Harold Knight*

**Results: Unanimous**

*At 12:35 pm a motion was made to end Quasi-Judicial session and enter into Executive Session By: Mr. Harold Knight Seconded By: Mr. Dan Kilburn*

Mr. Joseph Waskiewicz was not present for this vote.

**Result: unanimous**

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

**Delegated Plumbing Variances:**

**DAPV-46-Kay Kaufman Shelemay – 60 Walker Street - Cambridge**

The continued use of 1-1/2" tub drain for new shower replacement. Conditions included: only one shower, a note from a health professional, 6" threshold from shower drain to top of barrier lip and only one 2.5 gallon shower head. The City of Cambridge Board of Health has been notified.

**DAPV-47-Susan Rosenkaimer-13 Dante Ave. – Franklin**

The continued use of 1-1/2" tub drain for new shower replacement. Conditions included: only one shower, a note from a health professional, 6" threshold from shower drain to top of barrier lip and only one 2.5 gallon shower head. The Town of Franklin's Board of Health has been notified

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**DAPV- 63 - Falmouth High School Athletic Complex – 874 Gifford Street – Falmouth**

Falmouth Public Schools has been granted relief from 248 CMR 10.10 (18) Table 1 Minimum facilities for stadiums via Board sanctioned delegated authority. The total seating capacity of 828, they have exceeded the 50% threshold in the renovation. Potty Parity has been met. The Falmouth Board of Health has been notified.

**Full operation of unlisted gas equipment**

**DAGV – 76 – FY-18 – Coating Systems Inc. – 90 Phoenix Ave.- Lowell**

Full operation of the unlisted gas convection / cure and I/R Oven manufactured by General Automatic Transfer CO., Serial # 17028, subject to the approval of the Local Plumbing Inspector.

**DAGV – 151 – FY-18 – Entegris, Inc. – 129 Concord Road - Bellerica**

Full operation of the unlisted gas equipment (a gas dryer) subject to the approval of the Local Plumbing Inspector.

**Vocational School Projects**

V1) **Smith Vocational & Agricultural High School-North Amherst Community Farm-189 N. Pleasant St. Amherst-MA**, remodel of an old farmhouse, converting to a two family home. No gas work within the scope of this project.

**EXECUTIVE SESSION**

*At 12:35 p.m., a motion was made to Enter Executive Session by: Mr. Wayne Thomas and seconded by: Mr. Daniel Kilburn*

*Roll call vote results: 8 to 0 with one member absent*

MEMBER	YEA	NAY	ABSENT	RECUSED	ABSTAINED
Mr. Wayne Thomas	X				
Mr. Joseph McNamee	X				
Ms. Sarah Badway	X				
Mr. Joseph Waskiewiez			X		
Mr. Bahig Kaldas	X				
Ms. Ruth Alfasso	X				
Mr. John Cruz	X				
Mr. Harold Knight	X				
Mr. Daniel Kilburn	X				



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The chair estimated that the Board would return to open session in approximately 30 minutes, at which time, it was expected to adjourn the meeting.

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

None

**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.

*A motion was made to Adjourn By:* Mr. Dan Kilburn *Seconded By:* Ms. Ruth Alfasso

*Result: unanimous*

*Adjourn Time: 12:56pm*