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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

**June 6, 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	

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

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

- The May 2, 2018 Board Meeting Minutes

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

*Result: Unanimous*

- The May 2, 2018 Executive Session Minutes

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

*Result: Unanimous*

**DISCUSSION**

D1 – There were no discussions scheduled this month

**VARIANCE REQUESTS**

**PV-183 – Withdrawn by Applicant 5/18/18 via E-Mail**

**Friendly's Manufacturing and Retail WWT (John Mudd) 26 Kent St. Springfield**

John Mudd is seeking a variance from 248 CMR, Section 10.15 Sanitary waste system. The applicant states "traps and vents will not be needed as the floor drains will not tie into the existing city sewers. They will drain into the new



pump station that will be installed inside the new WWT building". The Springfield Board of Health has been properly notified of this variance request.

**PV-184 –Phillip Boehmke-109 Water St., Unit 302 -Beverly**

Phillip Boehmke is seeking relief from 248 CMR 10.10 (7) (c) 4. Petitioner is asking to keep an 1-1/2" drain for a tub and shower to a shower only conversion. Applicant has fallen several times in the last year. Petitioner states that access to a 2" drain connection is not possible. The Beverly Board of Health has been properly notified of this variance request.

*Meeting Notes: Unable to change 1-1/2 drain to 2" drain as required by 248 CMR. Unit owner has 2 other full bath rooms. Building is 35 year old. The owner has health issues. For health / safety reasons need to replace tub and shower with shower only. A motion was made to approve by Mr. Harold Knight and seconded by Mr. John Cruz.*

*Condition(s): Only one 2.5 gallon shower head and a 6 inch threshold from shower surface to top of barrier*

*Result: unanimous*

**PV-185-Schlager Company Inc -Avalon Communities-855 Broadway-Saugus**

Schlager Company Inc, are seeking "test Site" status for Uponor AquaPEX for potable plumbing in a 6-story multi-family structure. 3<sup>rd</sup> party testing standards as well as the joining method used are outlined in the variance application file. The test site will be open to inspection and review by members of the board. The Saugus Board of Health has been notified of this variance request.

*Meeting Notes:*

*A motion was made to table by Mr. Dan Kilburn and seconded by Mr. Harold Knight.*

*Condition(s):*

*Mr. Harold Knight and Mr. Wayne Thomas recused themselves*

*Result: unanimous*

**PV-186- Superior Plumbing Inc-The Residences at Alewife-211 Concord St –Cambridge**

Superior Plumbing Inc are seeking "test Site" status for Uponor AquaPEX for potable plumbing in a 6-story multi-family structure. 3<sup>rd</sup> party testing standards as well as the joining method used are outlined in the variance application file. The Cambridge Board of Health has been notified of this variance request.

*Meeting Notes: William Lang of Uponor along with the property owner and contractor presented arguments why a test site should be granted. Board Counsel reminded the Plumbing Board that a test site is utilized to allow the testing of a new technology, not for allowing an existing technology to be utilized in a way prohibited by the code, suggested that if the Board desires to increase the usage of PEX, it should make a code change from 3 stories currently allowed to allow up to 6 stories. Mr. Joseph Waskiewicz wanted so know about effects chlorine has on the product. The applicant stated that the UL listing exceeds standards and that field testing can be provided by manufacturers. Mr. John Cruz "should we give a test site or variance, there is no hardship." Mr. Charles Kilb asked the applicant if there was a hardship or unusual circumstance, the applicant indicated that there was not, accordingly he advised the Board that the code would not allow a variance in such circumstances. Mr. Dan Kilburn inquired if there would be parameters for test data and how reports work under test sites.*

*Motion to approve by Mr. Joseph Waskiewicz seconded by Mr. John Cruz. Discussion on the matter continued. Mr. Charles Kilb reiterated that the Board had never approved a test site to bypass an explicit code restriction. Mr. John Cruz withdrew 2<sup>nd</sup> to approve, Mr. Kilburn moved to deny, Mr. John Cruz seconded. Mr. Bahig A. Kaldas, P. E. abstained*

*Condition(s):*

*Result: Motion to deny passed, 5 in favor, 1 abstained, 3 recused*

*Ms. Sarah Badway, Mr. Harold Knight, and Mr. Wayne Thomas recused themselves and were not present for the discussion.*

**PV-187-B. Thomas Heinzer Associates, Inc-1180 Beacon St-Brookline**

Thomas Heinzer Associates are seeking relief from 248 CMR 10.10 (18) (i) (k) (m) this space is 1568 sf, one employee and a design occupant load of 16 people. The space currently has three non-accessible bathrooms. They will keep two non-accessible bathrooms convert one bathroom to a gender neutral, handicap accessible. The Brookline Board of Health has been properly notified of this variance request.

*Meeting Notes: Brent Heinzer representing quest diagnostics. 1500 square feet of space, built in the 1920's with masonry walls. The nature of the business is a blood draw center, with a total occupancy of sixteen with three staff. Plan to change one to ADA Gender neutral single user bathroom. Mr. Dan Kilburn wants one staff bathroom and two patient bathrooms. Mr. Wayne Thomas suggested two gender neutral patient bathrooms, of which one is ADA compliant.*

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

*Condition(s): One staff bathroom, two gender neutral patient bathrooms, of which one is ADA compliant.*

*Result: unanimous*

**PV-188-Commercial Construction Consulting, Inc.-91 Newbury Street- Boston**

Commercial Construction Consulting, Inc. are seeking relief from 248 CMR 10.10 (18) (i) 4. which requires one toilet room located within the retail establishment provided with the number of fixtures according to the standard set forth in 248 CMR 10.10 (18). The proposed employee restrooms are one floor below, as there is insufficient space within the retail store for a restroom. The Boston Board of Health has been properly notified of this variance request.

*Meeting Notes: Doug Anderson stated that the retail store sells tea. Employee bathroom is not in the retail space. Existing bathroom is one floor down in a common area. Mr. Wayne Thomas, "are there bathrooms for patrons." Seating require bathrooms for nine patrons. There is an elevator in building.*

*A motion was made to by Mr. John Cruz approved by and seconded by Mr. Wayne Thomas. Mr. Joseph McNamee abstained from the vote.*

*Condition(s): ADA bathrooms required and made available to the public.*

*Result: 8 in favor, 1 abstained.*

**PV-189-Tewksbury Hospital-365 East Street-Tewksbury**

Richard Jacobs, Master of Record for Tewksbury Hospital is seeking relief from 248 CMR 10.10 (18) (k) 5. Drinking fountain requirement. Phosphate is added to water as part of a corrosion control program which changes the water to an off color, therefore, they requested to provide patients with bottled water. Starting a renovation in five mental health wards. The applicant indicated a request to remove the water fountains but leave the rough plumbing capped in the wall. As this is a State project, no Board of Health petition is required.

*Meeting Notes: Richard Jacobs. This ward of hospital need to regulate water intake by patients. They intend to leave connections in wall.*

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

*Condition(s):*

*Result: unanimous*

**PV-191- North Shore Community College- 300 Broad Street- Lynn**

C. A Crowley Engineering (Raymond Vincent) are seeking relief from 248 CMR 10.02 (6) (b) and 10.10. The scope of the project is to build a greenhouse adjacent to the existing building. The greenhouse will be provided with hose bibs for irrigation and a gas-fired direct vent unit heater for heating the space. There is no proposed drainage system piping for the greenhouse. The floor of the greenhouse is to be of compacted grave for drainage of the planter area. The adjacent building within 250 feet of the proposed greenhouse contains both staff and student restrooms, as well as a janitor closet. As this is a State project, no Board of Health petition is required.

*Meeting Notes: restrooms are within 300 feet from this building. No floor drains in the greenhouse. Watering of plants go to the floor. Mr. Taylor Roth not sure if bathrooms are easy to get to in winter. A motion was made to approve by Mr. Wayne Thomas and seconded by Mr. Dan Kilburn. Condition(s): place a canopy above area to from green house to school building*  
*Result: unanimous*

**PV-192-Sea-Dar Construction-225 Beacon Street- Boston**

Sea-Dar Construction (David Murray) are seeking relief from 248 CMR 10.05 (1) General Regulations:

Three custom stone sinks are to be installed in a residential renovation. These sinks are to conform to 248CMR 10.00 but must receive MA Approval due to the custom nature. The Boston Inspectional Services Department have been notified of this variance request.

*Meeting Notes: no overflow and no stopper. Natural stone sinks. Powder room and master bathroom. A motion was made to approve by Mr. Harold Knight and seconded by Mr. Wayne Thomas. Mr. Joseph McNamee abstained.*  
*Condition(s):*  
*Result: unanimous*

**PV-194- Coneco Engineers & Scientists, Inc.- 621 Trapelo Road- Belmont**

Coneco Engineers & Scientists, Inc. seek relief from 248 CMR 10.03 (Definition- Drinking Water Station, with Drain) to allow the drains from the drinking fountain to be connected to the on-site storm drainage system rather than the sanitary sewer. (Note: the drinking water fountain is within the property outside of a building) As this is a State project, no Board of Health petition is required.

*Meeting Notes: connect drinking fountain to storm not sanitary,*  
*A motion was made to approve by Mr. Wayne Thomas and seconded by Mr. Harold Knight.*  
*Condition(s):*  
*Result: unanimous*

**PV- 197- Raynham Sewer Department-Locations as Listed in application submittal-Raynham**

The Raynham Sewer Department seeks relief from 248 CMR 10.16 (6) Vent Terminals at 123, 165, 170, 182, 190, 191, 214, 215, 224, 225, 234, 245, 254, 255, 265, 266, 276, 283, 286, 295, 296, 323, 326, 331, 342 Robinson Street, 21, 35, 40, 41, 50, 53, 60, 63, 70, 79, 80 Laurel Lane, 28, 30, 39, 50, 51, 61, 70, 79, 82, 92, 118, 134, 142, 145, 154, 174, 184, 196, 203, 225, 239, 244, 271, 272, 280, 295, 312, and 335 Hall Street to install Non-Product Accepted "Vent Stack Odor Eliminators" on the vent terminals of these homes for the alleviation of odors in this neighborhood. The Raynham Board of Health have been properly notified of this variance petition.

*Meeting Notes: A motion was made to deny by Mr. Joseph Waskiewicz and seconded by Mr. Harold Knight. Mr. John Cruz recused*  
*Condition(s):*  
*Result: Seven in favor one opposed.*

**PV-198-City of Gardner Public Schools-70 Waterford Street-Gardner**

City of Gardner Public Schools seek relief from 248 CMR 10.10 (18) Minimum Facilities for Building Occupancy Other Than Residential. The new stadium will have a capacity for 1500 spectators. The applicant states sporting events throughout the year typically have no more than 750 spectators. High school graduation is one of a few times a year that the stadium will be near or at capacity. The proposed fixture count is as follows:  
 Men's Room: - 3 water closets - 3 urinals – 3 lavatory sinks  
 Women's Room: - 6 water closets – 3 lavatory sinks  
 Gender Neutral room: -1 water closet – 1 lavatory sink

Building Clarification	Use Group	Toilets	Urinals Males		Lavatories Each Sex	Drinking Water Station with drain	Bath/ Show.	Other Fixtures	Pertinent Regulations. 248 CMR 10.10(19)
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Coliseums, Arenas	A-3	1 per 30	1 per 60	50%	1 per 150				
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Bathrooms located in the High School will be open during events at the stadium. The school district will install signs near all stadium bathroom entrances indicating location of additional bathrooms. The Gardner Board of Health have been properly notified of this variance petition.

**Meeting Notes:**

*A motion was made to deny by Mr. Joseph Waskiewicz and seconded by Mr. Wayne Thomas.*

*Condition(s): None*

*Legal Counsel noted that the Board has previously allowed fixtures of 50% of the code requirements for secondary school stadiums. A motion was made to allow the office to approve the stadium if designed to hold 50% of the code required fixtures by Mr. Dan Kilburn, seconded by Mr. Wayne Thomas. It was estimated that this would be met if a fixture count of 13 toilets for women and 7 toilet / urinal combination for men in the stadium was achieved.*

*Result: unanimous*

**PV-199- Judith Fessenden- 173 College Farm Road- Waltham**

Petitioner Judith Fessenden is seeking relief from 248 CMR 10.10 (7) © 4. Requirement of 2” shower drain for the installation of a handicap shower in the location of the existing tub and shower. The Waltham Board of Health have been properly notified of this variance petition.

**Meeting Notes:**

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

*Condition(s): Six inch curb from top of shower drain to top of threshold and only (one) two and a half gallon per minute shower head*

*Result: unanimous*

**PV-200 – Milltown Plumbing and Heating - 85 Grove St. - Wellesley**

Fred Webster of Milltown Plumbing and Heating is seeking relief from 248 CMR 10.10 (7) (c) 1. And 2. The shower measures 27 inches wide, the total area is 1809 square inches. The Wellesley Board of Health have been properly notified of this variance petition.

*Meeting Notes: A motion was made to approve by Mr. Dan Kilburn and seconded by Mr. John Cruz.*

*Condition(s):*

*Result: unanimous*

*A motion by Mr. Dan Kilburn and seconded by Ms. Ruth Alfasso to give BDA to the Executive Director for conversion of a tub and shower unit to a shower only utilizing the existing one and one half inch drain provided the following conditions are met: 1) Documented health condition, 2) Single bathroom only 3) Residential application only 4) six inch curb from top of drain to top of threshold 5) only (one) two and a half gallon shower head 6) Need a proper variance application submittal.*

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

### **Full operation of unlisted gas equipment**

DAGV91--Benevento Companies- 900 Salem Street – Wilmington- Full operation of the Equanox Series Low NOx Burner

DAGV283 – Bradford Industries, Inc. – 75 Rogers Street – Lowell – Full operation of a gas train for a hot oil heater.

## **Vocational School Projects**

V1) Smith Vocational and Agricultural School- Pioneer Valley Habitat for Humanity-141 Pine St – Florence Students will learn about and install underground DWV, install upper rough DWV and water piping

*Meeting Notes: Approved by delegated authority, no vote needed*

V3) Worcester Technical High School- Matthew 25 INC- 9 Mt. Pleasant St.- Worcester

Students will install and design a DWV system, a water distribution system along with a natural gas system for a single family duplex home

*Meeting Notes: Approved by delegated authority, no vote needed*

## **EXECUTIVE SESSION**

At approximately 10:15 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 within thirty minutes if there were any open session items not reasonably anticipated prior to the meeting or to adjourn.

*A motion was made to enter Executive Session by Mr. Harold Knight and seconded by Mr. Joseph Waskiewiez, thereafter a roll call vote was taken:*

MEMBER	YEA	NAY	ABSENT	RECUSED	ABSTAINED
Mr. Thomas	✓				
Mr. McNamee	✓				
Ms. Badway	✓				
Mr. Waskiewiez	<b>X</b>				
Mr. Kaldas	✓				

Ms. Alfasso	✓				
Mr. Cruz	✓				
Mr. Knight	✓				
Mr. Kilburn	✓				

Participants were asked to leave the room until called.

*At 10:50 a.m., the Board came back into open session.*

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

*Mr. Joseph Waskiewicz* asked for a copy of the draft for the October language, legal counsel will email.

NEPGMIA next Tuesday, June 12, Board Members invited to attend.

Next meeting either last Wednesday in June or second Wednesday of July, the Executive Director will confirm.

**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.

*At am a motion was made to adjourn at 10:55 a.m. by Mr. Dan Kilburn and seconded by Mr. John Cruz.*

*This motion was approved unanimously*