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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

Massachusetts Board of State Examiners of Plumbers and Gas Fitters,
DECEMBER 5th, 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:

9:04 a.m. By Chairman Joseph McNamee

9:05 a.m. Chairman Joseph McNamee called a moment of silence in remembrance of George H.W. Bush

9:06 a.m. AGENDA REVIEW: By Chairman Joseph McNamee

APPROVAL OF PREVIOUS MEETING MINUTES:

- The October 3rd, 2018 Board Meeting Minutes

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

Results: 8 to 0 with 1 absent

- The November 7th, 2018 Board Meeting Minutes

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

Results: 8 to 0 with 1 absent

- The October 3rd, 2018 Executive Session Minutes

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

Results: 8 to 0 with 1 absent

- The November 7th, 2018 Executive Session Minutes

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

Results: 8 to 0 with 1 absent



**BOARD OF STATE EXAMINERS of PLUMBERS AND GAS FITTERS
DECEMBER 5TH, 2018 MEETING**

VARIANCE REQUESTS

PV—97-Mighty Squirrel Beer Company-411 Waverly Oaks Road – Waltham

Patrick Andrews of The Mighty Squirrel Beer Company is seeking relief from 248 CMR 10.10 (18) Table 1 requirement of a shower for employee (Industrial Factory / Warehouse and Similar Usage) 1 per 15. Applicant claims a lack of floor space on the upper floor level and extensive removal of the floor slab on the lower level as a hardship. The Waltham Board of Health has been properly notified.

Meeting Notes: The Board noted that the shower requirement was for safety.

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

Result: 8 to 0 with 1 absent

PV- 98 – Starbucks, Market Place Logan LLC – 1 Harborside Drive Terminal B - Boston

William Brady of Vanderweil Engineers is seeking a variance for Starbucks at Logan Airport. The variance request is the elimination of the required grease interceptor that is triggered by the 12” bowl depth of the custom made Elkay work sink. This sink is at the coffee brewer station, and is not for use with grease-laden waste. This is state property, therefore no Board of Health notification is required.

Meeting Notes: this application for variance was withdrawn by the Applicant

PV-99 –Temazcal Restaurant, Market Place Logan LLC – 1 Harborside Drive Terminal B - Boston

William Brady of Vanderweil Engineers is seeking a variance for Temazcal Restaurant at Logan Airport. The variance request is for a non-product accepted custom made trough that will be located below a tilting skillet. This is state property, therefore no Board of Health notification is required.

Meeting Notes:

A motion was made to Approve by: Mr. Bahig A. Kaldas, P. E. and seconded by: Mr. Wayne Thomas

Condition(s):

Result: 8 to 0 with 1 absent

PV-100 – Edgartown Yacht Club – One Dock Street – Edgartown

Garett Pennucci is seeking relief from 248 CMR 10.06 (2) (o) 3. Limited use of PVC in Commercial Buildings. The building is constructed on a pier which extends over the open ocean. The under floor sanitary piping will be exposed to the elements (salt air and salt water splash). They are requesting the use of PVC Schedule 80 pipe. The Edgartown Board of Health has been properly notified.

Meeting Notes: A motion was made to delegate the authority to the Board office if schedule 80 drainage fittings are available or polypropylene pipe and fittings may be used. by: Mr. Dan Kilburn and seconded by: Mr. Harold Knight

Result: 8 to 0 with 1 absent

BOARD OF STATE EXAMINERS of PLUMBERS AND GAS FITTERS
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PV- 102 – Quality Beverage L.P. – 525 Myles Standish Blvd. - Taunton

Kevin Provencher of PDA Incorporated is seeking a variance from 248 CMR 10.10 (18) (i) 2. Travel distance to employee toilet rooms. The proposed addition will act as an extension of their existing warehouse storage facility. The Taunton Board of Health has been properly notified.

Meeting Notes: Mr. Wayne Thomas recused himself from this variance request

A motion was made to Approve by: Ms. Ruth Alfasso *and seconded by:* Mr. Dan Kilburn

Result: 7 to 0 with 1 recusal and 1 absent

PV- 104 – MBTA - Burgin Parkway - Quincy

Mike Doyle of Architectural Engineers, Inc. is seeking 2 variances at the same location. The first variance seeks relief from 248 CMR 10.10 (18) Table 1. Male and female employee toilet rooms. The Quincy Adams Station Parking Garage will be staffed with 2 – 3 employees maximum during all hours of operation. The request is for a single user ADA compliant gender neutral toilet room.

The second variance is to allow the use of a bottle water station in lieu of a plumbed drinking fountain. Since this is State owned property no Board of Health notification is required for staff only.

Meeting Notes:

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

Result: 8 to 0 with 1 absent

PV-105 – MBTA – Union and Ivory Street - Braintree

Mike Doyle of Architectural Engineers, Inc. is seeking 2 variances at the same location. The first variance seeks relief from 248 CMR 10.10 (18) Table 1. Male and female employee toilet rooms. The Braintree Station Parking Garage will be staffed with 2 – 3 employees maximum during all hours of operation. The request is for a single user ADA compliant gender neutral toilet room for staff only.

The second variance is to allow the use of a bottle water station in lieu of a plumbed drinking fountain. Since this is State owned property no Board of Health notification is required.

Meeting Notes:

A motion was made to Approve by: Mr. Harold Knight *and seconded by:* Ms. Ruth Alfasso

Result: 8 to 0 with 1 absent

PV- 106 – Paul Lessard Plumbing and Heating – 109 Cross Street - Andover

This is a Post-Installation Variance. Paul Lessard is seeking relief from 248 CMR 3.04 Product acceptance. The homeowner purchased a non-product accepted shower base for their bathroom remodel. The Andover Board of Health has been properly notified.

Meeting Notes: The Applicant failed to appear

A motion was made to Table by: Mr. Harold Knight *and seconded by:* Ms. Ruth Alfasso

Result: 8 to 0 with 1 absent

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PV – 108 – Richard Cantelli Jr. – 20 Birch Hill Road – Newton

Richard Cantelli Jr. is seeking relief from 248 CMR 3.04 (1) Board required product acceptance. The Acorn Engineering Company S Series 85 Gallon Stationary Whirlpool S-85-S along with MXT15-OTG Lead-Free Adjustable Thermostatic Mixing Valve are not listed as product accepted in the Massachusetts Product Accepted Data Base. The Newton Health Department has been properly notified.

Meeting Notes:

A motion was made to Approve by: Mr. John Cruz ***and seconded by:*** Mr. Wayne Thomas

Result: 8 to 0 with 1 absent

PV- 109 – Worcester Public Market – 152 Green Street – Worcester

Allen W. Fletcher of Harding Green LLC is seeking a variance from 248 CMR 10.10 (18) (i) and Table 1 minimum facilities for building occupancy retail. There are 5 shops of approximately 300 Square feet each. They are asking that each small space not provide individual toilet and sink but rather to rely on core facilities located between 50 and 150 feet from the storefronts. The Worcester Board of Health has been properly notified.

Meeting Notes:

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

Result: 8 to 0 with 1 absent

APPEAL OF AN INSPECTOR'S DECISION

~~**Withdrawn AID—96—Mike Espinola—5 Water Street—Danvers**~~

~~Petitioner Mike Espinola is aggrieved by the Danvers Gas Inspector's decision. The applicant claims the inspector failed a job due to the use of PVC schedule 40 plastic piping being used to vent the products of combustion for gas furnaces and hot water heaters. The aggrieved states the reason for the appeal as "not a code violation". The date of the Inspector's decision is listed as October 23rd, 2018. The Board Office received the appeal application on October 29th, 2018. It appears the applicant is within the 10 days per MGL c 142, s 13. Norman St. Halaire is named on the appeal.~~

VARIANCE RETURNED

PV-XX- Thomas Lambert – 20 Hammond Pond Parkway #407 – Newton

Applicant chose to withdraw the variance request via e-mail. Returned check number 740 for \$86.00 Jim Lally, Newton Plumbing Inspector has been notified.

PV-XXX- Pingree School – 537 Highland Street - Hamilton

Upon review of the application for variance from State Plumbing Code Pre-Installation, according to 248 CMR 10.02 Founding Principles the Plumbing Board has no jurisdiction in this matter at this time.

FYI – Board Delegated Staff Approvals – Board Vote Not Required

Delegated Authority Plumbing Variances

DAPV – 1 - 103 - Joyce Jobe – 4 Hawthorne Village, Apt. B - Franklin

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Petitioner Joyce Jobe has requested a variance from 10.10 (7) (b) Shower Waste Outlet: Waste outlets serving shower stalls and compartments shall be no less than two inches in diameter. There is a letter from his Health Care Provider accompanying this variance application. The variance was conditionally approved through delegated authority. The conditions for approval are: 1) A variance application submittal. 2) Only 1 shower per variance. 3) Legitimate health concern with medical note. 4) A 6" threshold from shower surface to top of barrier lip. 5) Only one 2.5 gallon shower head. A letter to grant variance with conditions has been sent to the applicant. The Franklin Board of Health has been properly notified.

DAPV- 107 – Donna Hamilton / Patti McCarthy – 300 Commercial Street Apt. # 14 - Braintree

Petitioners Donna Hamilton / Patti McCarthy has requested a variance from 10.10 (7) (b) Shower Waste Outlet: Waste outlets serving shower stalls and compartments shall be no less than two inches in diameter. There is a letter from his Health Care Provider accompanying this variance application. The variance was conditionally approved through delegated authority. The conditions for approval are: 1) A variance application submittal. 2) Only 1 shower per variance. 3) Legitimate health concern with medical note. 4) A 6" threshold from shower surface to top of barrier lip. 5) Only one 2.5 gallon shower head. A letter to grant variance with conditions has been sent to the applicant. The Braintree Board of Health has been properly notified.

Vocational School Projects

V1) Minuteman High School

RE: Lexington Housing Assistance Board - 241 Grove Street – Lexington

Job consists of first floor kitchen and half bath, second floor full bath and basement water heater, 2 instructors, 12 students

V2) Franklin County Technical School

RE: Franklin County Building Society – 0 Forest Street - Erving

Single family ranch, Job consists of plumbing work: 2 Bathrooms, 1 kitchen, 1 laundry. Maximum of 8 students working on project (Sophomores, Juniors and Seniors).

V3) Diman Regional Vocational Technical High

RE: City Hall of Fall River - 1 Government Center – Fall River

Job consists of gas fitting work: for 1 generator and 1 furnace which will have independent LP tanks for gas supply. Maximum of 4 – students working on project (Juniors and Seniors).

V4) Worcester Technical High School

RE: Worcester Technical High School – 1 Skyline Drive -Worcester

Job consists of plumbing work: Remove existing half circle (Bradley hand wash sink) and replace it with a 2 bay stainless steel sink for handwashing purposes for students. Maximum of 6 students working on project (Juniors and Seniors).

V5) Assabet Valley RTHS

RE: Habitat for Humanity – 37 – 39 Mains Street - Northborough

2 family: Job consists of finish plumbing work: 4 bathrooms, 2 kitchens. Rough work was installed previously by a licensed plumber who is in agreement for the school to acquire a permit and finish the work. Maximum of 8 students working on project. (Juniors and Seniors).

V6) Upper Cape Cod Regional Technical School

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RE: Greenhouse - 220 Sandwich Road - Bourne

Project at school (greenhouse): Replace 2 existing gas fired Reznor heaters with 2 gas fired Modine Hot Dog Heaters. Maximum of 4 students working on project. (Juniors and Seniors).

9:40 a.m. Chairman Joseph McNamee called a ten minute break

9:50 a.m. The chair announced that the Board would need to enter Executive Session to discuss applicant's character rather than competence per M.G.L. c. 30A. The chair anticipated the session would last an hour.

A motion was made to enter into Executive Session by: Mr. Harold Knight and seconded by: Mr. John Cruz

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				

Result: 8 to 0 with 1 absent

EXECUTIVE SESSION

See Separate Minutes

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.

10:25 a.m. *A motion was made to Adjourn by: Mr. John Cruz and seconded by: Mr. Dan Kilburn*

Result: 8 to 0 with 1 absent

Respectfully Submitted By:

**BOARD OF STATE EXAMINERS of PLUMBERS AND GAS FITTERS
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Laurent A. Lemieux,
Executive Director
Board of State Examiners of Plumbers and Gasfitters

Respectfully Authorized by:

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