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

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BUSINESS REGULATION

CHARLES BORSTEL
DIRECTOR, DIVISION OF
PROFESSIONAL LICENSURE

MARCH 29, 2017 BOARD MEETING MINUTES

MEMBERS	APPOINTMENT	PRESENT	ABSENT
Mr. Paul Kennedy Sr.	Chairman, Journeyman Gasfitter	✓	
Mr. Joseph McNamee	Member, Master Gas Fitter	Arrived - 9:05	
Mr. Bahig A. Kaldas, P. E.	Member, Plumbing Engineer	✓	
Ms. Sarah Badway	Consumer Member	Arrived – 9:10	
Mr. Joseph Waskiewiez	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	Designee, Public Safety/DPL	✓	

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

- Emergency Egress and Cell Phone Policy

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

- The March 1, 2017 Public Meeting Minutes

A motion was made to approve the minutes as written by Mr. Knight and seconded by Mr. Kaldas

Motion passed unanimously

- The March 1, 2017 Executive Session Minutes

A motion was made to approve the minutes as written by Mr. Knight and seconded by Ms. Alfasso

Motion passed unanimously

- The March 4, 2017 Minutes from the PHCC Trade Show

No quorum was present at the trade show which was a question and answer session only, accordingly, no vote necessary.

VOCATIONAL SCHOOL PROJECT(S)

VI - SMITH VOCATIONAL HIGH SCHOOL – 80 LOCUST STREET – NORTHAMPTON



Connecting a temporary construction trailer while the administration building is being remodeled.

Notes: No appearance was required

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

Result: Motion passed unanimously (Mr. McNamee and Ms. Badway were not present for this vote)

VII – FRANKLIN COUNTY TECHNICAL SCHOOL – 82 INDUSTRIAL BLVD. – TURNERS FALLS

Students will install underground drainage for a kitchen sink and a single bathroom residence. Students will later install upper rough and finish in the fall and winter.

Notes: No appearance was required

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

Result: Motion passed unanimously (Mr. McNamee and Ms. Badway were not present for this vote)

VARIANCES

GV255 – JOEL IVES – 10 HAVEN AVENUE – ROCKPORT

The Petitioner (Joel Ives) is seeking a variance from 248 CMR 4.04 to allow the installation of a restored and refurbished vintage Glenwood gas range. The range has been modified with a gas safety valve for the oven pilot that will stop the flow of gas in the event that the pilot is extinguished. The range uses LP gas and has standing pilots for the range top burners which are allowed Under NFPA 58. The refurbishing company website claims that the insulation is built into the range and there are no clearance requirements as well as no need to vent this range. (<http://www.antiquestovesbystanleyiron.com/antique-stove-conversion/>). Photos have been submitted with the application. The plumbing inspector (Joseph Guzzo) was mailed a copy of this application on 2/28/2017. As this is a gas variance no Board of Health petitioning is required.

Meeting Notes: This matter was heard out of order after PV265.

A motion was made to approve by Mr. Waskiewicz, seconded by Mr. Knight

Result: Motion passed unanimously

Conditions: Carbon Monoxide Protection must be installed

PV 245 – SANTANDAR BANK – 128 UNION STREET – NEW BEDFORD

The Santander Bank renovation work is on the side of the building which is a slab on grade. The building sewer is located in the partial basement which is a considerable distance away from the project space. In order to reach the partial basement with gravity drainage, the structural slab composed of concrete and steel would have to be jack hammered open outside of the project space. The structural slab would then have to be repaired, and any gravity drainage piping failures would require that the structural slab be opened again in the future to perform any such repairs. This undo difficulty can be avoided with a small duplex grinder pump system requiring only gravity drainage in the Santander Bank project space where the drainage can then be pumped over the drop ceiling until it reaches the partial basement side of the building where it can gravity drain down into the existing building sewer. The pumped drainage will mitigate any materially detrimental issues caused by jack hammering open the structural slab. All grinder pump discharge will be connected as the last connection into the existing building sewer in compliance with the state's plumbing code. The communicating spaces are all business use, office areas. The New Bedford Board of Health was properly petitioned.

Meeting Notes:

A motion was made to approve by Mr. McNamee, seconded by Mr. Kilburn

Result: Motion passed unanimously

Conditions: None

PV250 – CECILLIA COTTA RAMUSIO – 36 PRINCE STREET - CAMBRIDGE

The Petitioner, Paul Hoyt is seeking a variance to from 248 CMR, Section 10.15 (10) to allow the installation of a macerating toilet system in a condominium where there is a gravity drain available. The Cambridge Board of Health has been properly petitioned.

Meeting Notes: This application was withdrawn, no formal action taken

PV252-REGENCY AT EMERALD PINES CLUBHOUSE – 9 PINETREE DR – METHUEN

The Petitioner, Matt Dennis is seeking a variance from 248CMR, Section 10.10 Table 1 (Bath/Showers) to reduce the number of showers required to 3 in the Pool area.

Meeting Notes:

A motion was made to approve by Mr. McNamee, seconded by Mr. Kaldas

Result: Motion passed unanimously (Ms. Badway was not present for this vote)

Conditions: None

PV 253-BENEFITNESS HEALTH CLUB - 85 HARVARD ST. –BROOKLINE

The Petitioner, Celeste Maher is seeking a variance from 248 CMR 10.10, (18), (i) and 10.10 (18) Table 1. The proposed tenant build-out is for a woman's only fitness center and is requesting a variance to have the required toilet facilities be dedicated woman or gender neutral.

Meeting Notes: The petitioner indicated the occupancy would be 90, the first floor and basement have single user bathrooms which are gender neutral, however a locker room would be multi-user and designated female.

A motion was made to approve by Mr. McNamee, seconded by Ms. Alfasso

Result: Motion passed by majority, 7 in favor of the motion, 1 opposed

Conditions: None

PV254 – BON ME RESTAURANT – 441 STUART STREET, BOSTON

The applicant (Michael Feeney) seeks a variance from 248 CMR 10.10 (18)(b)((2) due to the very small space of the location. There are 1322 square feet at the proposed restaurant's disposal, and adhering to the code requirement for bathrooms physically located within the restaurant, would significantly hamper the restaurant's feasibility. Given the small footprint, the size of the kitchen and the few tables for dine-in customers, there is not enough room in the proposed restaurant's space to install enough bathrooms to comply the code. Further this is a historic building and the middle of the floor of the parcel has a 7" step. Because of this the applicant must install a ramp of 12" for every vertical 1", rendering impossible the use of the space as a restaurant. The Petitioner is requesting the variance to allow the use of the existing handicap-accessible bathrooms for both sexes located on the lower floor for our patrons and employees. Boston Inspectional Services was properly petitioned.

Meeting Notes: Mr. McNamee recused himself and left the room during this agenda item.

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

Result: Motion passed unanimously

Conditions: None

PV256 – TA REALTY – 400 TOTTEN POND ROAD – WALTHAM

The Petitioner (Paul Dionne) is seeking a variance from 248 CMR 10.15.10. The scope of the work was to relocate an existing break room sink, point of use hot water heater and a drain pump to an adjacent wall in the same room of a different tenant in the space below. The Waltham Board of Health was properly petitioned.

A motion was made to approve by Mr. Knight, seconded by Mr. Kaldas

Result: Motion passed unanimously

Conditions: None

PV262 – BOSTON PROPERTIES – 200 CLARENDON STREET – BOSTON

Boston Properties is seeking a variance from 248 CMR 10.10 (18) (i) to allow the existing restrooms on the Third and Fourth floors of the building at 200 Clarendon Street (120 James Avenue), Boston, to remain without floor drains. Boston Properties intends to renovate the existing restrooms, within their existing footprint to replace the existing fixtures. The constraints imposed by the existing configuration of and conditions in the 200 Clarendon Street building, specifically the location of the aforementioned restrooms directly above elevator lobbies (mezzanine level) and escalators on the floors below, makes the installation of floor drains impracticable in this case. The installation of floor drains from these restrooms presents a tremendous hardship (i.e. lobby shut down, removal of large interior wall and ceiling tiles and other interior finishes, etc. for Boston Properties. As mentioned above these existing restrooms do not have floor drains and the proposed renovations will occur within the existing restroom footprint. Boston Inspectional Services was properly petitioned.

Meeting Notes: Mr. McNamee recused himself and left the room during this agenda item.

A motion was made to approve by Mr. Kilburn and seconded by Mr. Knight

Result: Motion passed unanimously

Conditions: The installation of a pump is required

PV263 – ANTIOCH MISSIONARY BAPTIST CHURCH–1080-1062 BLUE HILL AVE-DORCHESTER

This is an existing mixed use building that was converted to a church and offices, 30+ years ago, but the occupancy was not changed from Group B at that time. A permit application is filed to make legal the existing occupancies as A-4, B, and M, and to modify the egress for life safety. No plumbing work will be done at this time on the church. The church is Group A-3 with an occupant load of 257. Two men's water closets, three women's water closets, one men's lavatory and one women's lavatory are required per code. There are three existing restrooms, each with a lavatory and a water closet: one men's and one women's, and one unisex. Existing conditions represent a deficiency of 2 total water closets. None of the existing restrooms conform to the accessible restroom code requirements. They are requesting relief from the minimum fixture and accessibility requirements, given that the church has been operating for over 30 years, there is no work on the restrooms, and installing new restrooms would be a hardship. Boston Inspectional Services was properly petitioned.

Meeting Notes: Mr. McNamee recused himself and left the room during this agenda item.

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

Result: Motion passed unanimously

Conditions: None

PV265a/b) HOMEWOOD SUITES & HAMPTON INN-371 WASHINGTON ST.WOBURN

The Petitioner (Shane Wise) is seeking a variance from 248 CMR 10(12)(4) regarding pool discharge to the storm system.

(a) The City is requesting the discharge connect to the sanitary system.

(b) Regarding the use of schedule 40 PVC for the pool backwash discharge line to the sanitary system, as cast iron will corrode over time due to salinity and corrosiveness of chlorine.

The Woburn Board of Health takes no position regarding this variance

Meeting Notes: This matter was heard out of order after PV270. Mr. Kaldas recused himself and left the room during this agenda item.

A motion was made to approve by Mr. McNamee, seconded by Mr. Waskiewicz

Result: Motion passed unanimously

Conditions: None, though it was noted that the Board office has delegated authority to approve this type of installation.

PV268 UMASS BOSTON - 100 MORRISEY BOULEVARD - BOSTON

The Petitioner (Paul Kondrat) is seeking a variance from 248 CMR 10.10(18) table 1. The existing McCormack and Wheatley buildings are being renovated, no change to the occupant load is proposed, however, the existing installation was not compliant in terms of the required numbers of drinking fountains. The applicant is proposing,

based on spacing hardships, to increase the number of drinking fountains to meet at least 50% of the required fixture counts. As this is a state project, no Board of Health petitioning is required.

*Meeting Notes: A scrivener's error on the agenda transposed this item with PV270
A motion was made to approve by Mr. Waskiewicz, seconded by Ms. Alfasso*

*Result: Motion passed unanimously
Conditions: None*

PV269 UMASS BOSTON - 100 MORRISEY BOULEVARD - BOSTON

The Petitioner (Paul Kondrat) is seeking a variance from 248 CMR 10.10(18). The existing McCormack and Wheatley buildings are being renovated, no change to the occupant load is proposed. While the applicant is able to have the required number of bathroom plumbing fixtures, the travel distance of students/staff would exceed the required 300 feet, specifically 365 feet, 351 feet, and 348 feet. As this is a state project, no Board of Health petitioning is required.

*Meeting Notes: A scrivener's error on the agenda transposed this item with PV270
A motion was made to approve by Mr. McNamee, seconded by Ms. Alfasso*

*Result: Motion passed unanimously
Conditions: None*

PV270 - UMASS BOSTON - 100 MORRISEY BOULEVARD - BOSTON

The Petitioner (Paul Kondrat) is seeking a variance from 248 CMR 10.06 (1) (m). The existing McCormack and Wheatley buildings have a DI water system that was installed when the buildings were constructed. The original DI water system is currently piped with aluminum piping. The scope of work associated with the project is to replace branch piping from the mains to the DI plumbing fixtures. The new piping from the mains to the fixtures will be polypropylene plastic, with specified connection fittings manufactured by the polypropylene manufacturer. Upon describing the scope of work to State Inspector/Investigator Roth on 3/16/17 he indicated that he approves the approach. The applicant is asking for a variance to the code requirements for water distribution piping above grade inside the building, to assure that a full replacement of all aluminum piping will not be required. As this is a state project, no Board of Health petitioning is required. Please refer to attached letter from UMASS Boston which speaks to the aluminum piping's service record.

Meeting Notes:

A motion was made to approve by Mr. McNamee, seconded by Mr. Waskiewicz

Result: Motion passed unanimously

Conditions: Existing piping may remain from the point of connection

FYI – Board Delegated Staff Approvals – Board Vote Not Required

Full operation of unlisted gas equipment

GV228 –MOMO'S RESTAURANT – 23 N. PLEASANT STREET – AMHERST

MATTERS NOT REASONABLY ANTICIPATED BY THE CHAIR:

1. PV266 EXISTING STORAGE BUILDING – 50 MANCA DRIVE - GARDNER

This matter was not scheduled for this meeting and was not anticipated by the chair or staff, but as the applicant appeared and indicated an urgent need for the Board to review the matter, the Board proceeded. The Applicant (Chris Coughlin) states that toilet rooms should not be required in the subject building as it is a storage building where employees will not be expected to spend extended period of time. There is a new building being constructed adjacent to the storage building with toilet rooms that are accessible. The

Gardner Board of Health approved the request at their February 27, 2017 meeting. The Gardner Board noted its opinion that there was no public health reason why a restroom should be installed in this facility since there will be a restroom in the adjacent administration building.

Meeting Notes: The building in question was not heated but will contain a water supply for a sprinkler system. The applicant indicated the space was approximately 14,000 square feet.

A motion was made to deny the variance by Mr. McNamee, seconded by Mr. Waskiewicz

Result: Motion to deny failed by majority, 2 in favor of the motion, 6 opposed

A motion was made to approve the variance by Mr. Kilburn, seconded by Ms. Alfasso

Result: Motion to approve passed by majority, 6 in favor of the motion, 2 opposed

Conditions: None

2. The Board held a moment of silence in honor of Salvatore Sansone who recently passed away. Mr. Sansone tirelessly served the Board for many years as an inspector, state investigator, and in many other capacities.
3. Joseph Rose of the Propane Gas Association of New England, who has provided the Board with valuable assistance for many years, announced he would be retiring in June. Mr. Rose introduced his successor to the Board, Leslie Anderson.

EXECUTIVE SESSION

At approximately 10:30 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 by Mr. McNamee and seconded by Mr. Waskiewicz, thereafter a roll call vote was taken:

MEMBER	YEA	NAY	ABSENT	RECUSED	ABSTAINED
Mr. Kennedy	X				
Mr. McNamee	X				
Ms. Sarah Badway	X				
Mr. Waskiewicz	X				
Mr. Kaldas	X				
Ms. Alfasso	X				
Mr. Cruz			X		
Mr. Knight	X				
Mr. Dan Kilburn	X				

See separate minutes for Executive Session matters

The Board returned to open session at 10:55 a.m.

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. McNamee, seconded by Mr. Kilburn.

Result: Motion passed unanimously

At the conclusion of the quasi-judicial session, the Board reported the following:

1. Docket No. 20150925-006-IT-ENF – A motion was made by Mr. Kilburn, seconded by Mr. Kaldas to issue a final decision. Motion passed unanimously (decision will be issued in writing separately)
2. Docket No. PL-15-051 – A motion was made by Mr. Kilburn, seconded by Mr. McNamee to issue a final decision. Motion passed unanimously (decision will be issued in writing separately)

ADJOURNMENT

MOTION TO ADJOURN by Mr. Waskiewicz, seconded by Mr. Knight. Motion passed unanimously.

LIST OF DOCUMENTS USED:

1. Meeting agenda
2. Minutes from prior meeting
3. Variance applications for above referenced agenda items

Respectfully Submitted By;

Board of Examiners of Plumbers and Gasfitters

Respectfully Authorized by;

Paul Kennedy, Sr.,

Paul Kennedy Sr., Chairman

Board of Examiners of Plumbers and Gasfitters