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

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COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

MAY 31, 2017 BOARD MEETING MINUTES

MEMBERS	APPOINTMENT	PRESENT	ABSENT
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	Consumer Member	✓	
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	Member, Public Safety	✓	

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

- Emergency Egress and Cell Phone Policy

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

- The April 26, 2017 Board Meeting Minutes
Approved by Ms. Alfasso and seconded by Mr. Waskiewiez – 7 in favor, 1 abstained.
- The April 26, 2017 Executive Session Minutes
Approved by Ms. Alfasso and seconded by Mr. Waskiewiez – 7 in favor, 1 abstained,

VOCATIONAL SCHOOL PROJECT(S)

V1) ESSEX TECHNICAL HIGH SCHOOL – 565 MAPLE STREET – DANVERS

PROJECT: The applicant seeks permission for an offsite school project to install all rough-ins and finished plumbing for a single family home to be used by the charity Habitat for Humanity. As this is a residential school project, a representative from the school was not required to attend the meeting.

Meeting Notes:

A motion was made to approve by Mr. Knight seconded by Mr. Waskiewiez.

Condition(s): None

Result: Unanimous



V2) SMITH VOKE & AGRICULTURAL SCHOOL – 80 LOCUST STREET – NORTHAMPTON

PROJECT: The applicant seeks permission for an offsite school project to install underground DWV, install upper rough DWV and water piping on a 2 1/2 bath home to be used by the charity Habitat for Humanity. Students will learn about proper venting methods, pipe pitch, and good plumbing workmanship. As this is a residential school project, a representative from the school was not required to attend the meeting.

Meeting Notes:

A motion was made to Approve by Mr. Knight second by Mr. Waskiewicz.

Condition(s): None

Result: Unanimous

VARIANCES

GV288 - ROBICHAUD GRILL HOUSE - 6 BLACKHORSE LANE - ANDOVER

The Petitioner (Matthew Bean) is seeking a variance from 248 CMR 3.02 to utilize a Kalamazoo K1000HB grille within a grill house. Per the manufacturer listing, this product is only accepted for use in exterior installations and it is also not accepted for installation in Massachusetts for natural gas interconnection. The Petitioner indicates that the grill house is a standalone building used strictly for cooking. There are no sleeping or lounging areas within the building. This specific grill was chosen due to the quality of cooking which can be achieved. The petitioner believes there are no equivalent products currently accepted in Massachusetts. To address safety concerns with installing this grill in the grill house the owner proposes to install the grill under a 1200 CFM exhaust hood with dedicated makeup air system. Additional proposed safety features would include an Ansul fire protection system under the hood and CO monitoring alarm in the building. The Ansul system would include mechanical valve to shut off gas to the appliance when the system is activated. A motorized natural gas shutoff valve on the gas connection to the grill would be operated by CO sensor in the building. As this is a gas variance, no Board of Health petitioning is required

Meeting Notes: This unit is dual fuel using wood and gas. The grill is currently approved for exterior installation only. A letter from manufacturer was submitted to the Board stating the manufacturer does not object to the interior installation with the proposed modifications. Board members indicated concern with the dual fuel nature of the grill, a lack of mandatory oversight like inspections by fire departments, which might occur with commercial grills, as well as concern that code compliant products are available.

Motion was made to deny by Mr. Kilburn seconded by Mr. Waskiewicz.

Condition(s): None

Result: Unanimous.

PV278 – JOSHUA LUTZKER RESIDENCE – 135 WILLARD ROAD - BROOKLINE

The Petitioner (Erick Foster) is seeking a post installation variance from 248 CMR 3.02 due to the installation of a non-product accepted tub. Upon receiving the plumbing project located at this location, the petitioner was provided with a specification packet from a local interior designer with the home owners' fixture selections. He was responsible for purchasing all the fixtures for this product but never checked the product approval code number for this tub. The company that manufactures this tub is based out of Tennessee. The cost of the tub was 12,000 dollars. If the plumber is required to remove this tub, he does not believe he will be able to return it or be

reimbursed for any changes. He also will not be able to collect payment from the customer to remove the tub. The Brookline Board of Health has no objection regarding the installation of this tub

Meeting Notes: This is a Cast Alloy soaking tub. Petitioner not sure if it is slip resistant.

A motion was made to approve with conditions by Mr. Kilburn and Seconded by Mr. Waskiewicz.

Condition(s): A slip resistant bottom must be installed for final approval.

Result: Unanimous.

PV287 – MWRA – 340 MARGINAL STREET – CHELSEA

The Petitioner (James Luce) is seeking a variance from 248 CMR 10.08 (1) (c). The code requires a building to have an independent connection to a public sanitary sewer outside of the building. The existing MWRA sewage screening building was built in 1957 and is an industrial facility located in Chelsea. Where the area's combined sewage flows through it to provide screening and removal of grit materials prior to entry into the tunnel system and conveyance to the Deer Island Treatment Plant. All sanitary waste systems from the building's plumbing fixtures are gathered together and dropped indirectly to the open waste channels at various locations within the building itself, in lieu of the code required independent connection to a sanitary sewer outside of the building. This variance request is to allow the existing sanitary system to continue to indirectly connect to the open channels within the building to mitigate the requirement to bring the sanitary system outside of this building, where it would in turn, immediately be brought back in to this same building. As this is a state project, no Board of Health petitioning is required

Meeting Notes:

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

Condition(s): None

Result: Unanimous.

PV289 - COTUIT SOLAR - 29 TRINITY PLACE - MASHPEE

The Petitioner (Conrad Geiser) is seeking a variance from 248 CMR 10.10 (5) F and 10/10 (18) to install a composting toilet as an alternative septic system. The Mashpee Board of Health is aware of this variance request.

Meeting Notes: A septic system will be installed as well. This will be a pilot project, which will be collecting data. There will be regular bathrooms with flushing toilets in addition to the composting toilet. The petitioner also requested relief from installing male and female bathrooms making this a Unisex Bathroom

A motion was made to approve by Mr. Kilburn seconded by Mr. Cruz.

Condition(s): Need approval letter from DEP, and submittal of variance paperwork for the unisex bathroom, which can be approved by the office.

Result: Unanimous.

PV290 - FIRST PARISH CHURCH - 4 BEDFORD STREET - LINCOLN

The applicant (Timothy Carey) is seeking a variance from 248 CMR 10.10 (18) Table 1 to eliminate the requirement of a privacy shield for a urinal. A variance was originally granted at this location to allow two toilets in the women's restroom and one water closet and one urinal in the men's restroom. The petitioner states that a privacy shield added to this installation would obstruct clear access to the urinal and provide privacy only from inaccessible vantage points. The petitioner requests the Board amend the previously granted variance that maintains the allowed fixture count, but does not call for the addition of a privacy shield at the required urinal. As this is a state project no Board of Health petitioning is required.

Meeting Notes: If a Privacy shield is installed for the urinal it would not be considered handicap accessible.

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

Result: Unanimous.

PV291 - CAPE CINEMA GROUP, INC - 35 HOPE LANE - DENNIS

The Petitioner (Hugh Hart) is seeking a variance from 248 CMR 10.10(18) regarding the fixture requirements for this location. The Cape Cinema is only a one-screen movie theater. It was built in 1930 and the structure of the building has never been altered. To meet the code requirements, the petitioner would need to install an additional eight water closets to meet the buildings capacity of 311 patrons. The petitioner indicates that there is no space in the building to add any more water closets. The Dennis Board of Health voted to support the variance request.

Meeting Notes: The Petitioner is installing a 3 bay sink. The local inspector has stated that 8 water closets must be added to bring up to code. Presently there are 2 toilets in the ladies room and 2 toilets and 2 urinals in men's room. There is also 1 unisex handicap bathroom.

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

Result: Unanimous.

PV292- DEPARTMENT OF CORRECTION - 2 CLARK STREET - NORFOLK

The Petitioner (Jeffrey Quick) is seeking a variance from 248 CMR 10.10(18)(j) for additional water treatment facilities for the MCI Norfolk Well Field and Treatment Buildings whose employee only bathrooms would be located in excess of 300 feet from the regular place of work. On weekends the minimum coverage is 4 hours per day. The facility is not open to the general public. In addition, the petitioner requests relief from the plumbing code requirements for vent and trap requirements for process equipment drains (no specific code citation provided). As this is a state project, no Board of Health petitioning is required.

Meeting Notes: There are 7 buildings in this complex. The DEP prohibits sewer lines in the area where any bathrooms would be installed.

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

Result: Unanimous.

It was also questioned if the piping identified as process falls under 248 CMR. No floor drains are installed. It is an indirect drain to a large basin. The piping is ductile iron pipe.

A motion was made by Mr. Knight and seconded by Ms. Alfasso to allow the office to approve. Result: Unanimous.

PV293 - TRILLIUM BREWING CO. - 50 HUDSON STREET - CANTON

The Petitioner (Nick Banadies) is requesting a variance from 248 CMR 10.12(1) to indirectly drain a 3 bay sink into a trench drain. The petitioner states that the trench drain was recently installed and is properly trapped and vented. The drain receives rinse water from large brewing tanks when they are cleaned out. The 3-Bay sink will be used to rinse out kegs, similar to what they do with the large brewery tanks... This brewery does not handle or prepare any food. The Canton Board of Health was properly petitioned.

Meeting Notes: Plumbing Inspector Marc Zade feels it could have been installed properly with proper planning. The trap is at far end of trench drain.

A motion was made to deny the variance as requested by Mr. Kilburn and seconded by Mr. Waskiewicz

Result: Unanimous.

A second motion was made to eliminate the requirement for a grease trap on the 3 bay sink by Mr. Kilburn and seconded by Mr. Waskiewicz

Result: Unanimous.

PV294 – ALLEN BELL - ISLAND VARIETY – 59 OLD SOUTH ROAD - NANTUCKET

The Petitioner (Patricia Roggeveen) is requesting a variance from 248 CMR 10.10 (18) Table 1 to utilize a single unisex bathroom. The petitioner notes the square footage of the building is 5,153 sf. This is currently an operational variety retail store with typically 2 employees and short term shoppers. The Nantucket Board of Health was properly petitioned.

Meeting Notes: The store is not located in a tourist area and is intended for local residents only. The floor space is limited and there is no food served. The petitioner indicated this was new construction and that there was intent to rough-in a second bathroom for future use.

A motion was made to deny Mr. Kilburn and seconded by Mr. Cruz.

Result: Unanimous

PV299 – MED/SPRING URGENT CARE – 127 MAIN STREET – MEDFORD

The Petitioner (David Ferguson, PE) is seeking a variance from 248 CMR 10.10(18). Petitioner notes the occupancy will be a local Walk-In, Urgent Care Center staffed by a maximum of (7) employees. Petitioner is asking that the requirements to have both a male and female toilet room be provided meeting the requirements of 10.10(18)(m) and as allowed in subsection .The Medford Board of Health was properly petitioned.

Meeting Notes: No action required, office can approve

PV298 – MED/SPRING URGENT CARE – 425 WASHINGTON STREET - WOBURN

The Petitioner (David Ferguson, PE) is seeking a variance from 248 CMR 10.10(18) to install a single handicapped accessible unisex bathroom instead of the required two. Petitioner notes the occupancy will be a walk-in, urgent care center staffed by a maximum of (7) employees. The Medford Board of Health was properly petitioned.

Meeting Notes: No action required, office can approve

PV300 and PV 301 - CITRA LABS - 55 MESSINA DRIVE - BRAINTREE

The Petitioners (Joseph Harold and Stephen Kennedy) are seeking a post-installation variance from the plumbing code (correct code citation not provided) to pump acid waste rather than have it flow by gravity and to make a direct connection to the existing sanitary waste from the new master neutralizer. Citra Labs currently shares the building on site, with three other tenants. This existing multi-tenant building is on a slab on grade construction with plumbing line infrastructure that is shared amongst all tenants on site. Citra Labs is currently building a new clean room to support the manufacture of a porous bone cement. The Braintree Board of Health was properly petitioned.

Meeting Notes: The petitioner wants to pump the acid waste overhead. Inspector Andy Lyne is fine with the pump but wants to see the acid waste terminate outside the building.

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

Condition(s): The acid waste is allowed to be pumped and tied into the Building Drain inside the building for a period not to exceed 6 months, provided the Building Drain is in good condition. After 6 months the acid waste shall terminate the building separately and tie into the Building Sewer.

Result: Unanimous.

PV302 - FRESENIUS KABI. - 29 DAN ROAD - CANTON

The Petitioner (Joseph Whitney) is requesting a variance from 248 CMR 10.13 (L) to not install an emergency eyewash station in a clean room to be utilized for the manufacturing of drugs and nutritional products. The Canton Board of Health was properly petitioned.

Meeting Notes: An eyewash is to be installed immediately outside the clean room to eliminate contamination that could occur had eyewashes been in the clean room. Portable eyewash units will be utilized inside the clean room.

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

Result: Unanimous.

PV303-GANDARA FACILITY - 59 SOTH STREET - WARE

The Petitioner (Henry East-Trou) is requesting a variance from 248 CMR 10.10 (18)(m) to waive the requirement of installing a handicapped accessible bathroom. The Petitioner is proposing to install an alternative handicapped accessible gender neutral bathroom in the south east end of the building. This accessible bathroom will be in addition to one with a shower installed adjacent to an accessible bedroom on the north side of the first floor. The Ware Board of Health was properly petitioned.

Meeting Notes: This facility is an all woman’s shelter. There are 15 residents and three employees. The majority of the residents will be on second floor, with 1 resident on the first floor. There are 2 accessible bathrooms on first floor now.

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

Result: Unanimous.

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 Ms. Alfasso and seconded by Mr. Waskiewiez, thereafter a roll call vote was taken:

MEMBER	YEA	NAY	ABSENT	RECUSED	ABSTAINED
Mr. Kennedy			x		
Mr. McNamee	X				
Ms. Sarah Badway	X				
Mr. Waskiewiez	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 10:50 a.m.

QUASI JUDICIAL SESSION

At 10:50 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 Ms. Alfasso and seconded by Mr. Waskiewicz,
Result: Motion passed unanimously*

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

PL-14-254 – A separate written decision will be issued.

The Board returned to open session at 11:03 a.m.

ADJOURNMENT

MOTION TO ADJOURN at 11:05 by Mr. Kilburn, seconded by Mr. MacDonald.

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.
Board of Examiners of Plumbers and Gasfitters

Respectfully Authorized by;

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