

Rick Hamlin
P.O. Box 761
South Dennis, MA 02660

August 10, 2015

8/18/15 - TIGHT TANK OUTLINE

To Whom It May Concern,

My Name is Rick Hamlin. I am involved in several commercial buildings and properties on Main Street Extension, Evergreen Way, and Queen Anne Road in Harwich. The issue in question is related to 248CMR 10.09 (2011), Uniform State Plumbing Code.

10.09 relates to Interceptors, Separators and Holding Tanks. This issue came to light in 2012 during the construction of two (2) commercial warehouses on Queen Anne Road in Harwich, MA, and subsequently affected the construction, and costs of two (2) additional buildings on Evergreen Way in Harwich.

The issue is that of being required to install a "Separator or Holding Tank" (10.09, 2. (b).) The following paragraph "1. a, Requirements" states that "at the same time that a plumbing permit is filed with the Inspector (for an onsite sewage system), the applicant must file for a plumbing permit to install a separator that is subject to 248CMR 10.09 (1) (b), "there shall be floor drains installed in all commercial motor vehicle: i. parking and storage accommodations".

Our contention is very simple:

- First, the regulation specifically refers to the MWRA (Massachusetts Water Resource Authority) Sewage District (10.09, 1.a.) I do not believe that Harwich, or Cape Cod falls within the MWRA Sewage District.
- Secondly, the regulation specifically refers to 248CMR 10.09 (1) (b), "there shall be floor drains installed in all commercial motor vehicle: i. parking and storage accommodations". The type of metal building contractor bay/warehouses we are constructing are not "commercial motor vehicle parking or storage facilities" such as a parking garage in the city of Boston may be. These are simply contractor bays and warehouse buildings.
- Thirdly, 248CMR 10.09 (1) (c.) refers to "Connections to municipal sewers...". We have no municipal sewer connections for the types of buildings being constructed. Our typical building requires a Title 5, sewage system and onsite drainage systems.

The requirement to install the so called Separators is an excessive interpretation of the regulation. In its simplest form, a motor vehicle of ANY type can park outside on the

pavement, concrete, impervious, or a pervious surface of any type, and allow anything to drain onto the surface and eventually into any type of drainage system. However, under this interpretation, a motor vehicle MAY NOT park inside of a commercial building without the drippings, for lack of a better term, collecting on an impervious concrete floor to be swept up and disposed of later on.

The interpretation of the regulation is excessive and costly resulting in the additional costs to a developer of anywhere between \$15,000.00, to as much as \$30,000.00 or more, for a small building. In addition, floor drains open up a property owner to the liabilities of someone pouring oil, gas, antifreeze, or other pollutants into the floor drain, whether intentional or not. This could result in injury to persons or property and under certain circumstances an explosion.

Enclosed is a copy of a letter from the Harwich Board of Health, dated February 9, 2012, who support the elimination of the installation of floor drains under these circumstances. Also enclosed is a copy of the Denial of the Variance from 248 CMR 10.09 from the Commonwealth of Massachusetts Division of Professional Licensure dated March 1, 2012.

We simply would appreciate that the regulation be interpreted for the areas it is intended, such as service facilities, wash racks, restaurants, etc., as well as be interpreted for the specific geographic area mentioned in the regulation.

The regulation is costly and opens owners to unknown liabilities and it should not be forced upon the construction of small commercial buildings which are not intended to be used as, "commercial motor vehicle: i. parking and storage accommodations".

Respectfully,



Rick Hamlin

Copy: Robert C. Chamberlain
Rubin, Rudman, Chamberlain & Marsh

Perspective Attendees: (To be confirmed prior to meeting)

- Rick Hamlin, Owner EG Management Services
- Lou Seminara, Owner Seminara Construction and a realty company
- Steve Boyson, Owner Northbay Construction and Boyson Electric
... Harwich, Yarmouth and Dennis Plumbing Inspectors???

I am in support of amending the regulation based on use.

Tom Davis

*Plumbing + Gas Inspector Town of Harwich
8/18/15*



TOWN OF HARWICH

BOARD OF HEALTH

732 Main Street • Harwich, MA 02645

508-430-7509 • Fax 508-430-7531

E-mail: health@town.harwich.ma.us

February 9, 2012

Harwich Queen Anne Realty Trust
Old Harwich Brewster Realty Trust
Richard A. Hamlin, Trustee
PO Box 271
South Dennis, MA 02660

RE: 289 & 293 Queen Anne Rd, Harwich-request for variance from 248 CMR
10.09(1)(a)-"separators and interceptors"

Dear Mr. Hamlin,

At a meeting of the Board of Health held February 7, 2012, a hearing was conducted to consider the request for a variance to install interceptors and separators as required for the construction of 2 commercial buildings at the above referenced property. As presented to the BOH, it is understood that 248 CMR 10.00 has provisions that any building constructed with the inclusion of overhead garage doors must make provisions to capture oils, grease, sand and hazardous materials. Since there is no municipal sewer available, any waste collection system would further be required to be contained in a non-industrial tight tank collection system. The interceptor system is required regardless of the use of the building.

After considerable discussion and review of the materials in the application packet presented by Mr. Hamlin, it was a decision of the BOH to allow the applicant the opportunity to pursue the variance with the Board of State Examiners of Plumbers and Gasfitters. In reaching their conclusion, the BOH considered the history and experience with the applicant on other similar sites in town. Mr. Hamlin has demonstrated responsible management of business tenants through strict lease guidelines and evaluation of business practices to ensure suitable use of the buildings. He ensures the same efforts going forward. Should use conditions change upon tenant turnover, he has guaranteed that individual units would comply with the interceptor/tight tank requirements and invites the governing boards to be part of the review process.

Sincerely,

Paula J. Champagne, R.S, CHO
Health Director

Cc:
Building Commissioner
Plumbing Inspector



PATRICK
GOVERNOR

BARBARA ANTHONY
UNDERSECRETARY OF OFFICE
OF CONSUMER AFFAIRS AND
BUSINESS REGULATION

THOMAS P. MURRAY
DEPUTY GOVERNOR

Commonwealth of Massachusetts
Division of Professional Licensure

1000 Washington Street • Boston • Massachusetts • 02118

MARK R. KMETZ
DIRECTOR, DIVISION OF
PROFESSIONAL LICENSURE

MICHAEL J. BIALECKI
SECRETARY OF HOUSING
AND ECONOMIC DEVELOPMENT

March 1, 2012

Harwich Queen Anne Realty Trust
P.O. Box 271
South Dennis, MA 02660
Attn: Richard Hamlin

Re: Variance Request – 289/293 Queen Ann Road - Harwich

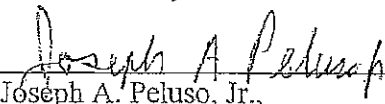
Dear Mr. Hamlin:

Please be advised, on February 29, 2012, the Board of the State Examiners of Plumbers and Gas Fitters deliberated on and voted unanimously to **Deny a variance** from 248 CMR 10.09

The variance request was to amend the requirements of 248 CMR 10.09. The applicant cited cost and proposed usage as the hardship. The Board determined that there was insufficient evidence to support the request for a variance.

The denial of this variance is based solely on the presentation, information and documentation submitted in the application by the petitioner. All plumbing and gas fitting work, if applicable, shall comply with the rules and regulations of 248 CMR.

Sincerely,
For the Board,



Joseph A. Peluso, Jr.,
Executive Director
The Board of the State Examiners of Plumbers and Gasfitters

cc: Robert Labonte
Plumbing and Gas Inspector

IMPORTANT NOTICE TO APPLICANTS

A COPY OF THE BOARD APPROVAL FOR THIS REQUEST, IF GRANTED MUST BE FILED BY THE APPLICANT WITH THE LOCAL BOARD OF HEALTH, IF APPLICABLE, AND THE LOCAL PLUMBING AND/OR GAS FITTING INSPECTOR BEFORE THE START OF ANY PLUMBING OR GAS FITTING WORK.

MAR 05 2012

