

City of Newton



PUBLIC BUILDINGS DEPARTMENT

A. NICHOLAS PARNELL, AIA, COMMISSIONER

Telephone: (617) 796-1600

Fax: (617) 796-1601

TTY: (617) 796-1089

52 ELLIOT STREET

NEWTON HIGHLANDS, MA 02461-1605

David B. Cohen

Mayor

November 9, 2009

Honorable David B. Cohen
1000 Commonwealth Avenue
Newton, MA 02459

Dear Mayor Cohen,

As you are aware, the Board of the State Examiners of Plumbers and Gasfitters rejected our variance request from 248 CMR 10.06. I want to assure you the work being done on the new Newton North is of the highest quality and is adhering to rigorous quality control mechanisms. I categorically deny the plumbing board claims that there is "poor workmanship" on our site.

The Board mentioned four items that led to their denial of the variance: an alleged broken pipe, an inappropriate joining method, improper slope of piping, and "poor workmanship." The section of pipe that was inspected had been excavated in order to affix a dust collector to the main building. In the process of re-excavating the pipe, it had sustained a crack, the coupling was disturbed and the PVC pipe pitch had sagged. Since the City's variance was for the use of PVC materials, we felt it would be less disruptive to the project to show a portion of the pipe that was already exposed and easily viewed rather than digging up the already underground portion of the pipe. Of course this particular section of pipe, its joining method and pitch were going to be corrected in the normal course of quality assurance once the reason for its excavation in the first place was completed. Concluding that all 1300 linear feet of PVC piping that was the subject of the Variance Request was improperly installed based upon inspection of this section of pipe is simply wrong. The Board should have permitted the City to respond to this inaccuracy and complete the testing agreed to at the October 7th meeting rather than summarily denying the City's Variance Request.

It is important to remember that in three important respects the City has shown its good faith and willingness to work with the Plumbing Board. First, it was the City which brought this matter to their attention in the first place in an effort to work with the Board. Second, the City was happy to enter into an inspection and testing

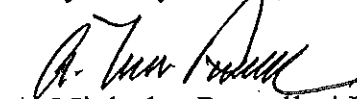
agreement with the Board at its October 7th meeting. Third, the City was expecting and fully prepared to appear before the Board to discuss the findings of their on-site inspection, but we were never afforded the opportunity to do so.

In response to the denial of the Variance, as we informed the Board in a letter dated November 3rd, we will redirect the rainwater system to provide irrigation. The connection to the irrigation system will be made outside the building's foundation, and any section of the piping conveying rainwater that is within 10 feet of the building will be installed by plumbers and will be cast iron pipe. The City intends to leave all the remaining PVC piping in place. We will, of course, comply with any applicable requirements of the plumbing code. This course of action will enable the City to achieve the environmentally desirable goal of using rainwater, instead of potable water, to irrigate our playing fields. It is important to note that these actions in response to the Plumbing Board's decision will not materially affect the cost of the project, nor will it affect the completion date of the project. Further, should there be a different resolution of this matter in the future, it would not be of significant cost or cause delays should we choose to redirect the piping for the originally intended rainwater system.

I want to be clear that in taking those actions we were in no way in agreement with the Board's assessment of the workmanship on this project. The extent to which the plumbing code applies to innovative and "green" systems such as the rainwater harvesting system proposed for Newton North High School is far from settled. In my opinion, the state should be encouraging and assisting this type of innovation rather than making it more difficult. Unfortunately, the Board has rejected the City's good faith efforts to work together towards resolution.

While the Plumbing Board's action will not materially add to the cost of the project, nor will it affect our schedule for a September 2010 opening, it is my sincere hope that the City and the Plumbing Board can come to a mutually satisfactory conclusion to this matter. I am still of the belief that both parties have the same interest at heart: to build a first class facility, utilizing the newest technology to provide a safe environment for the City's students at the least possible expense to the taxpayers.

Very Truly Yours,



A. Nicholas Parnell, AIA
Commissioner, Public Buildings