

FEATURED PRODUCTS AND SERVICES FOR SEPTEMBER

Centerspread

**RIBA Golf Classic
set for Sept. 29**

Page 2

**Clambake draws
biggest crowd
in over 20 years**

Pages 6-12

OSHA, EPA cracking down on home builders

If your jobsite has hazards or your lead license is expiring, you could be in for big trouble, but RIBA can help.

Page 16

Free classes for members in the fall

Classes offered by RIBA continue to multiply, with Excavation, Quickbooks™, OSHA-10, a lead-licensing refresher and more slated in September, October and November.

Pages 21-24

What's the value of 'green' in home appraisals?

Join the discussion on this important issue as home builders meet appraisers at a special workshop in September.

Page 31

Unified R.I. environmental rules would be great benefit, experts say



Stormwater-management expert Andrew T. Der of Baltimore-based Andrew T. Der & Associates LLC addresses a meeting of the Legislative Task Force on Wetland and OWTS Setbacks at Rhode Island Builders Association headquarters on July 17th.

Tangle of local regulations in R.I. unnecessary, out of step with current science, two speakers tell Legislative Task Force; unified rules are recommended.

By Paul F. Eno *Editor*

When it comes to septic systems and wetlands, Rhode Island's multi-layered, local and state regulatory structure might not be the best approach scientifically.

That was the message from two environmental experts who addressed the July 17th meeting of the Legislative Task Force on Wetland and OWTS Setbacks, which is laying the groundwork for unified statewide standards on wetlands and onsite wastewater treatment systems

(OWTS), and the elimination of local regulations. The panel, chaired by Kevin Flynn, director of the Division of Planning, met at the Rhode Island Builders Association's headquarters in East Providence.

The presenters were Andrew T. Der of Baltimore-based Andrew T. Der & Associates, and Mark W. Eisner of Advanced Land and Water Inc., also based in Maryland. Mr. Der specializes in water-resource regulation and stormwater-management issues, and Mr. Eisner in the environmental effects of OWTS. Both believe that Rhode Island's regulations are sometimes confusing, particularly because the terms "setback" and "buffer" are often used interchangeably.

"On the regulatory level, a buffer is the ecological practice of horizontal distancing of hu-

see REGULATIONS...page 32

RIBA golfers to tee off on Sept. 29 at Quidnessett

To benefit Builders Helping Heroes...

WHEN: Monday, September 29th, registration and lunch 11:30 a.m. to 2:45 p.m. Shotgun start will be at 1 p.m.
WHERE: Quidnessett Country Club, 950 North Quidnessett Rd., North Kingstown, RI 02852
COST: \$185 per golfer, \$50 for dinner only.
DEADLINE TO REGISTER: September 22nd. No refunds after that date.
FOR INFORMATION AND TO REGISTER: Logon to www.RIBUILDERS.org, click on this event under the "Events Calendar," or contact Elizabeth Carpenter at (401) 438-7400 or ecarpenter@ribuilders.org.

It's the Rhode Island Builders Association's 24th Annual Golf Classic, to benefit Builders Helping Heroes! Enjoy a day of great golf, fine food and valuable networking at one of the state's flagship country clubs while supporting RIBA's non-profit work to help wounded veterans and their families.

Cart, greens fees, lunch, dinner and a raffle ticket are included in the \$185 full registration fee. There will be prizes for first, second, third and last-place teams, along with awards for longest drive and closest-to-the-pin on numerous holes.

Sponsorships available!

Please consider a sponsorship! *See next page.* And remember that you're helping Builders Helping Heroes.

Many veterans have returned home from war with life-altering injuries sustained while defending our country. These young men and women must now relearn skills we take for granted, such as walking, getting dressed, eating and talking. Their homes are no longer places of comfort but are filled with barriers that make it difficult to complete the simplest tasks.



Among the many foursomes enjoying the 2013 RIBA Golf Classic to benefit Builders Helping Heroes was this team: from left, Kimberly Homs of Great In Counters, Mike McNulty of Millwork One Inc., Rob Sherwood of Conservation Services Group and Ron Smith of Ron Smith Homes LLC.

Builders Helping Heroes helps turn these heroes' homes back into places of comfort.

As a sponsor, your generosity enables RIBA to offer our Annual Golf Classic at an exceptional venue for a reasonable cost, and you provide direct financial support for our Builders Helping Heroes projects.



Proceeds from our 24th Annual Golf Classic will go to support our Builders Helping Heroes Program. Please join us on September 29th and please consider a sponsorship!

**-Executive Director
John Marcantonio**

DEADLINES FOR THE NEXT ISSUE

**For the October issue, copy, ads
and photos must be to us by**

Friday, August 29

Send material to The R.I. Builder Report, c/o RIBA,
450 Veterans Memorial Pkwy., Suite 301, East Providence, RI 02914
or e-mail to builder@newriverpress.com Fax: (401) 356-0913

RIBA welcomes our new members and thanks their sponsors!

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For membership information, visit www.RIBuilders.org
or call (401) 438-7400

RIBA's Golf Classic: The Sponsorships

PRESENTING

Includes two complimentary players, nine tee signs, dominant signage at lunch and dinner, hat giveaway and mention in *The Rhode Island Builder Report* **\$2,000**

PREMIER

Includes two complimentary players, six tee signs, signs at lunch and dinner and mention in *The Rhode Island Builder Report* **\$1,000**

SUPPORTING

Includes two complimentary players, two tee signs, signs at lunch and dinner and mention in *The Rhode Island Builder Report* **\$500**

PATRON

Includes two tee signs and mention in *The Rhode Island Builder Report* **\$300**

FRIEND

Includes one tee sign and mention in *The Rhode Island Builder Report* **\$75**

LOOKING AHEAD!

♦**September 10: Trenching, Excavation & Soil Classification Principles** - 5-7 p.m. at RIBA headquarters. This condensed class is designed for excavation, site utility workers and subcontractors working in below-grade situations. *Details on Page 21.*

♦**September 16: The Value of "Green" in Home Appraisals: Industry Perspectives** - Seminar and panel discussions with RIBA members and appraisers. Offered by the Appraisal Institute's Massachusetts and Rhode Island Chapters. All RIBA members are invited, 2 to 5 p.m., Save the Bay Providence Bay Center, 100 Save the Bay Drive, Providence. *Details on Page 31.*

♦**September 18: Blue Cross Open Enrollment Meeting** - RIBA headquarters, 4-5:30 p.m. Find out about RIBA's health insurance plans. RIBA members only. For more information and to register, logon to RIBUILDERS.org, and click on this event under the "Events Calendar," or contact Robin Barlow, rbarlow@ribuilders.org, or call (401) 438-7400.

♦**September 23: Beginner Quickbooks™ for Contractors** - RIBA headquarters, 5 p.m. FREE for members with a \$25 materials charge. Non-members \$50 with a \$25 materials charge. For more information and to register, logon to RIBUILDERS.org, and click on this event under the "Events Calendar," or contact Sheila McCarthy, smccarthy@ribuilders.org, or call (401) 438-7400. *Details on Page 21.*

♦**September 25: Blue Cross Open Enrollment Meeting** - RIBA headquarters, 4-5:30 p.m. Find out about RIBA's health insurance plans. RIBA members only. For more information and to register, logon to RIBUILDERS.org, and click on this event under the "Events Calendar," or contact Robin Barlow, rbarlow@ribuilders.org, or call (401) 438-7400.

September 25: Andersen/Coventry Lumber Trade Expo - Crowne Plaza Hotel, 801 Greenwich Ave., Warwick, Grand Ballroom Salons #1-#2-#3, 4-8 p.m. *Details on page 15.*

♦**September 29: RIBA's Annual Golf Classic** - Quiddnessett Country Club, North Kingstown, to benefit Builders Helping Heroes. *Details on page 2*

♦**September 30: Advanced Quickbooks™ for Contractors** - RIBA headquarters, 5-7 p.m. Learn how to get the most out of reports in QuickBooks. FREE for members with a \$25 materials charge. Non-members \$50, with a \$25 materials charge. *Details on page 22.*

♦**October 8-9 - OSHA 10-Hour Course** - 11:30 a.m. to 5 p.m. each day at RIBA headquarters. FREE for members and their employees, with \$25 book charge. \$125 for non-members, with \$25 book charge. For more information and to register, logon to RIBUILDERS.org, and click on this event under the "Events Calendar," or contact Sheila McCarthy, smccarthy@ribuilders.org, or call (401) 438-7400. *Details on Page 22.*

♦**October 10: 4-Hour Lead Safe Refresher Class** - RIBA headquarters, East Providence, 1 to 5 p.m. FREE for members, with a \$15 materials charge. \$75 for non-members, with a \$15 materials charge. To register, logon to RIBUILDERS.org, and click on this event under the "Events Calendar," or contact Sheila McCarthy, smccarthy@ribuilders.org, or call (401) 438-7400. *Details on page 22.*

♦**October 16: How to Get Results with Social Media** - RIBA headquarters, East Providence, X to X p.m. FREE for members, with a ? materials charge. \$? for non-members, with a \$X materials charge. To register, logon to RIBUILDERS.org, and click on this event under the "Events Calendar," or contact Sheila McCarthy, smccarthy@ribuilders.org, or call (401) 438-7400. *Details on page 23.*

♦**October 23: Job Costing for Contractors** - RIBA headquarters, East Providence, X to X p.m. FREE for members, with a ? materials charge. \$? for non-members, with a \$X materials charge. To register, logon to RIBUILDERS.org, and click on this event under the "Events Calendar," or contact Sheila McCarthy, smccarthy@ribuilders.org, or call (401) 438-7400. *Details on page 23.*

♦**November 5: Mold Awareness for Contractors** - RIBA headquarters, East Providence, 5 to 7 p.m. FREE for members, with a ? materials charge. \$? for non-members, with a \$X materials charge. To register, logon to RIBUILDERS.org, and click on this event under the "Events Calendar," or contact Sheila McCarthy, smccarthy@ribuilders.org, or call (401) 438-7400. *Details on page 24.*

**More information, registration and payment for most
RIBA events is available at RIBUILDERS.org.**

♦Indicates a RIBA-sponsored event.

PRESIDENT'S MESSAGE



Felix A. Carlone

No 'lazy, hazy' summer at RIBA!

In song and story, summer is generally thought of as being “hazy and lazy,” a time for taking it easy and a season when things slow down. But it's been just the opposite for the Rhode Island Builders Association this year!

In July, we came out of the 2014 session of the General Assembly with a clear message from lawmakers and the governor that they agree with the business community on the need for a strong, skilled workforce, more reasonable tax rates and a friendlier business climate.

Legislation to unify and energize career and technical education (CTE) in the state, lowering of the corporate tax and other measures are plainly steps in the right direction.

It certainly isn't “clear sailing” for Rhode Island's economy and the housing market yet, to say the least, but RIBA is in the thick of the planning to implement positive changes. And we are well represented on commissions charged with implementing the CTE reform, and moving forward with statewide standards for wetlands and septic systems. *See page 1.* And we continue to work hard to bring simplification and clarification to the state's regula-

tory climate.

As for “lazy,” there's no hint of that for RIBA's leaders, members and staff. Our Annual Clambake on August 8th was the best attended in many years, with over 400 people, and everyone had a great time under clear and sunny skies. *See page 6.* And we look forward to our 24th Annual Golf Classic in North Kingstown on September 29th. *See page 2.*

It isn't just fun and networking. RIBA has announced a huge array of classes and seminars for this fall – all with free tuition for members and their employees. These include classes on trenching and excavation, beginner and advanced classes on Quickbooks™ for contractors, required OSHA courses, a lead-licensing refresher, mold awareness and more. Check www.RIBuilders.org or call Sheila McCarthy at (401) 438-7400 for more details on RIBA's ever-growing educational programs. *See pages 21-24.*

We head into fall with increasing confidence that the rest of 2014 will see improvement for our industry, and that 2015 will be even better!



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420: Biggest crowd in over 20 years!

By Paul F. Eno Editor

With 420 people attending, the Rhode Island Builders Association welcomed the biggest crowd in 20 years to its 64th Annual Clambake. And it was a perfect day for it at Francis Farm, Rehoboth, Mass., on August 8th.

"It was a great day, a great crowd and great food," commented Don Hamel, who spent the day staffing an entirely new event, sponsored by Andersen Corp., at the Clambake: a Baseball Pitch competition that offered a top prize of four tickets for box seats at Fenway Park, based on those with the fastest pitches as measured



Kevin Shea of Butera Building and Design winds up for the pitch at the Andersen Corp. Baseball Pitch venue at the RIBA Clambake as Andersen's Don Hamel takes it all in. Kevin got the ball through the open window twice!

electronically, plus the ability to get the ball through an open window. *See page 11.*

Plywood record smashed

Speaking of the day's contests and events, plywood-throwing titan Kevin Sweeney of ProProducts Web Design smashed his own 2013 record of 32 feet with a herculean hurl of 39 feet, 4 inches. That was no easy task in this RIBA-invented sport: The plywood, donated by Riverhead Building Products, was a 5/8-inch sheet weighing 67 pounds. Enthusiastic members and guests also plunged into horseshoes, the football toss, nail driving, golf chipping and insulation tossing, with the 45-pound insulation bale provided by Anchor Insulation & Co., Inc. *See all the event winners on page 12*

There was ample opportunity to engage in impromptu sports on the bocce or basketball courts, or just simply relax in the pavilion, in the air-conditioned lounge, on the patio, or at a picnic table under a tree on the spacious grounds. And everyone enjoyed the food, beginning with clam cakes and chowder, and little necks, in the afternoon, hot dogs later, and the big feed itself at 5 p.m.

Several gubernatorial candidates visited

the Clambake venue, including Republicans Ken Block and Alan Fung, along with Democrat Gina Raimondo. Mr. Block even took a whack at nail driving.

Attendees also enjoyed over 20 exhibits by the major sponsors, and were able to see new products and speak with representatives. *See the complete list of sponsors on page 12.*

At the end of the day, event winners won awards, and many went home with raffle prizes.

As in past years, many companies were well represented. Along with Andersen Corp., Riverhead Building Supply and Anchor Insulation, these included Arnold Lumber Co.; Butera Building & Design; William J. Canning Management Co.; Consolidated Concrete Corp.; CRM Modular Homes; Davitt Design Build Inc.; Douglas Lumber, Kitchens & Home Center; Dynasty Electric LLC; Humphrey's Building Supply Center; Hurd Auto Mall; J&A Electric Inc.; Jutras Woodworking Co.; National Building Products; Pro-Products Web Design; Spaulding Brick Co., Inc.; James P. Tavares Construction Inc. and others.

RIBA thanks the many generous sponsors who helped keep the cost of tickets low for our members, and the many donors who provided prizes! *See page 12 for a complete list.*

Don't miss out on next year's fun! Plan to attend the 65th Annual Outing and Clambake in 2015. Watch for more information!



THE RHODE ISLAND builder report

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Officers of the Rhode Island Builders Association
President Felix A. Carlone
Vice President..... Roland J. Fiore
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The Rhode Island Builder Report
Publishing Director..... John Marcantonio
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Thanks to our many generous sponsors, prices for our Clambake tickets remained low this year. Whether your company was a sponsor this year or whether you have never sponsored a RIBA event before, please consider a sponsorship in 2015!

-Executive Director John Marcantonio

RIBA's 64th Annual Clambake



↑
Attendees sit down for the feast during the Clambake on August 8th at Francis Farm.

Bill Dawson, Laura Ash and Karalyn Wood from Pawtucket Credit Union, a Premier Sponsor of the Clambake.



↑
Colleagues from various supplier members gather at the Baseball Pitch, set up by Andersen Corp., the Clambake's Extended Premier Sponsor.

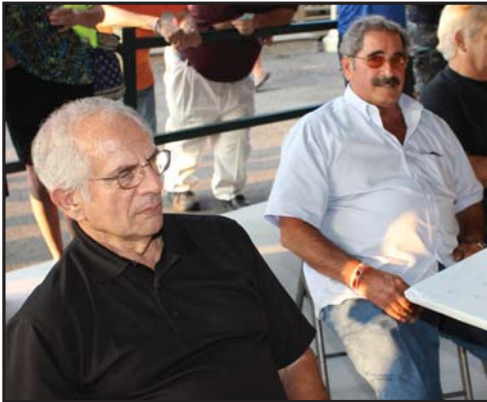


↑
Mike McDole, second from right, led the crew from Premier Sponsor National Building Products.



←
Premier Sponsor Riverhead Building Supply donated the sheet for the Plywood Throwing contest. From left are Bill Hofius of Riverhead, 3rd place winner Luis Silva of Dynasty Electric, 2nd place winner Lou Cotoia of Premier Sponsor Arnold Lumber Co., Ken Coury of Riverhead, and 1st place winner Kevin Sweeney of ProProducts Web Design.

RIBA's 64th Annual Clambake



Mark Kane of Supporting Sponsor Bernstein Global Wealth Management, left, meets Wayne Swenson of BayCoast Bank. →

← George Pesce of Premier Sponsor Consolidated Concrete Corp., right, takes in the prize drawings with retired state Building Commissioner Joe Cirillo.



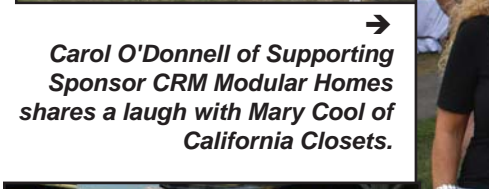
← Jerry Fiske of Supporting Sponsor Anchor Insulation & Co. meets up with RIBA President Felix Carlone.



← From left are Joyce Therrien, Chuck Lowe and Michelle Soares of Supporting Sponsor Builders Insurance Group.



← RIBA Executive Director John Marcantonio, right, checks out the wares from Supporting Sponsor A.W. Hastings & Co.



→ Carol O'Donnell of Supporting Sponsor CRM Modular Homes shares a laugh with Mary Cool of California Closets.



↑ Rob Sherwood of Conservation Services Group, second from left, teams up with fellow Supporting Sponsor National Grid.



← Supporting Sponsor Harvey Building Products displayed wares and gave away ball caps. The caps were popular with attendees and were prominent all over the grounds.

→ Supporting Sponsor Douglas Lumber, Kitchens & Home Center was well represented.



RIBA's 64th Annual Clambake



→ Supporting Sponsor Home Healthsmith drew much interest with its Stairlift display.



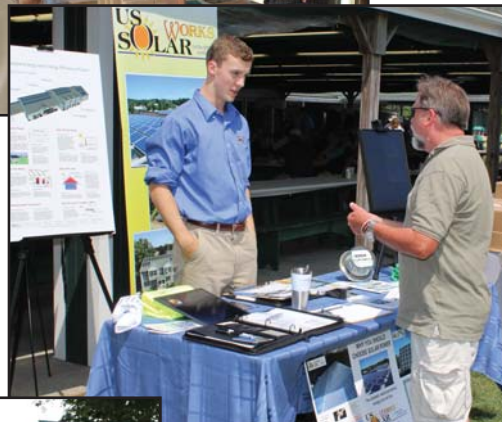
← Supporting Sponsor Hurd Auto Mall showcased an array of work vehicles.



← Supporting Sponsor Metrie displayed a selection of solid wood and composite wood moldings.



← Supporting Sponsor US Solar Works tapped into the interest in energy-efficient products.



↑ Supporting Sponsor Wolf Distributors drew attention with a wide selection of building materials.



↑ Among the 2014 gubernatorial candidates who stopped by the Clambake were Republican contender Alan Fung, Mayor of Cranston.

→ Democratic candidate Gina Raimondo with RIBA's Bob Baldwin.



← Republican candidate Ken Block tries his hand at nail driving.



↑ Over at the bocce court, Lorene Voyer of Davitt Design Build goes for the victory.





↑
Andrew George of Trinity Excavating tosses the plywood.



↑
Jutras Woodworking takes on Canning Management on the volleyball court.



→
There was plenty of hot competition on the horseshoe pitch.



↑
Lots of attendees were fascinated as the bakemaster started preparations for the feast.

→
Joe Cracco of Modern Yankee Builders, left, and Bill Geddes of Geddes Builders enjoy some clam cakes and chowder.



↑
The guys from Davitt Design Build go for the hoops.

←
Izzy Borges of Jutras Woodworking makes the football toss.





←
Over 400 sit down for dinner:
The feast begins!

Doug Oliveira wins a cooler during
awards and door-prize drawings at
the end of the day. ↓



↑
The winner of the Baseball Pitch competition was Jack Lucia of Jutras Woodworking, left. Presenting the award is Andersen's Don Hamel. Jack will be entered in a drawing to win four Red Sox tickets.



↑
RIBA Treasurer Steve Gianlorenzo, flanked by
his sons Andrew and Steve Jr., was attending the
Clambake for the 45th year.

Cheryl Boyd of Premier Sponsor Arnold Lumber Co. is
president of RIBA's Professional Women in Building
Council, which raised \$380
toward scholarships and
programs with a raffle. →



Finally: What happened to that Andersen Window?

What happened to that Andersen Window used in the baseball Pitch competition at the Clambake? Well, there it is at right. The lower sash was open for the entire competition as over 275 baseballs were thrown at it for more than five hours. A radar gun was on hand the whole time to gauge ball speeds, which sometimes exceeded 70 miles an hour. Winner Jack Lucia rocketed his ball at 74 miles an hour.

At the end of the day, the window still operated and Andersen staffers were able to lock it.



EVENT WINNERS

Horseshoes	Chris Germana (John F. Nilan Plastering) Kyle Lemke (Liberty Cedar)	Golf Chipping	Tyler Fiske (Anchor Insulation) 5"
Plywood Throw	Kevin Sweeney (ProProducts) 39' 4"	Football Toss	Angelo Squadrito
Insulation Toss	Russ Chase (ProProducts) 48'	Baseball Pitch	Jack Lucia (Jutras Woodworking) 74 mph
		Nail Driving	Lou Cotoia

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And prize donors!

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Rhode Island Builders Association • Osterman Propane • Scituate Lumber Inc.
Solar Works • Spaulding Brick Co., Inc. • Tomark Construction Inc.
TradeSource Inc.**

Member Profile: Alex Mitchell of Meridian Custom Homes

'Building is where our hearts are'

By Paul F. Eno *Editor*

It's a real kids-with-a-lemonade-stand success story.

"As kids, my brother, Rod, and I were always working on somebody's house – painting, shingling, building decks," recalls Alex Mitchell.

When they got out of college in the 1980s (Alex at Bentley University and Rod at Boston College), they had a mutual interest in real estate. Between them, they had a working knowledge of business, finance and architecture, so they plunged into real estate together in 1986, then started Meridian Custom Homes a few years later.

"Building was where our hearts were," Alex says. "We began an eight-lot subdivision in Barrington, then got into a 63-unit condominium development in East Providence. And it steamrolled from there. The market was strong then."

Why the name "Meridian"?

"We were looking for something with meaning. We settled on Meridian because that's the part of the day when the sun is at its highest point," Alex explains.

In fact, the sun is still at the zenith for Meridian Custom Homes. With a dozen employees, including the Mitchells, the company currently has 18 pre-sold homes under construction, with 21 pre-sold and still in the design and permitting stages.

"It's a backlog we haven't seen in a decade," says Alex.

Meridian builds mid-range to high-end homes and generally works in areas within an hour of its headquarters at Providence's prestigious Richmond Square. These areas include Rhode Island and parts of eastern Massachusetts as far north as Boston.

"We're working in a dozen communities right now," Alex says.

Houses built by Meridian run from 1,800-square-foot starter homes to a 12,000-square-foot waterfront mansion on a five-acre waterfront lot in Barrington.



Alex Mitchell and staffer Sue Andrade at the Rhode Island Home Show

"The last seven years have been very challenging, as they have for everyone. But we worked hard to assess what we do and what we can do better," Alex explains. "It worked for us, and in the last nine months things have really blossomed."

Custom homes have remained Meridian's bread and butter, however, and the company didn't turn to remodeling as many other builders did during the recession.

"We do occasional remodeling, but usually as a favor for family and friends or for a very large project," says Alex.

One of the more challenging projects was a 7,000-square-foot custom home built for a couple that was in England during most of the job.

"That took some unique management techniques, and a great deal of Internet communication with videos and photos!" Alex remembers. "But they loved the house."

Meridian Custom Homes joined the Rhode Island Builders Association as soon as the company was founded.

"We appreciate all RIBA's member services, but the legislative advocacy is really amazing in what it achieves. RIBA is also a great resource for us to find good professionals to work with. The networking and camaraderie are great, and we enjoy the events," Alex declares. "You meet good people and you learn something every time."

Meridian has been a regular at RIBA's annual Home Show.

"The Home Show is always good for us. We always generate more business and it always pays for itself. And it keeps our name in the public eye."

Alex sees a bright future. "We're really enjoying ourselves again. Clients aren't under the financial pressures they were, and we're planning work farther north into Massachusetts."

To find out more, visit www.MeridianCustomHomes.com. 

Meridian Custom Homes Inc.

President: Alexander A. Mitchell

RIBA member since: 1986

Focus: High-end and mid-range custom homes

Serves: Southeastern New England

Founded: 1986

Based: Providence, Rhode Island



We're glad that Meridian Custom Homes has profited so much from the Rhode Island Home Show! Feedback clearly shows that visitors want to see more contractors and suppliers exhibiting. For information, contact Bob Yoffe at (800) 963-3395 or visit www.RIBAHomeShow.com.

***-Executive Director
John Marcantonio***



The Rhode Island Builders Association held a Build-PAC fundraiser on July 24th at the Squantum Association, East Providence. Over 50 people attended. The Build-PAC raises money to help support political candidates committed to helping the housing market and the economy. Here, RIBA lobbyist Joseph W. Walsh, left, discusses legislative highlights with the group. At right is RIBA President Felix A. Carlone. To find out more about Build-PAC and RIBA's advocacy program, contact RIBA Executive Director John Marcantonio at (401) 438-7400.



Among those attending were Ronald J. Caniglia of Stand Corp., left, and Dean Martineau of Paolino Properties.



Thomas J. Lopatosky of Lopco Contracting, left, and David A. Caldwell Jr. of Caldwell & Johnson Inc.



John E. Anderson of Insurance Reconstruction Services/Tech Builders, left, with Michael L. DeCesare of DeCesare Building Co.



Frank Bragantin of Ferland Corp., left, and Bill Walsh.



RIBA Vice President Roland Fiore, left, and Legislative Committee Co-Chairman Bob Baldwin.



Member News



Andersen, Coventry Lumber slate Trade Expo in September

WHEN: Thursday, September 25th, 4-8 p.m.

WHERE: Crowne Plaza Hotel, 801 Greenwich Ave.,
Warwick 02886

COST: Free

DEADLINE TO REGISTER: September 19th

FOR INFORMATION AND TO REGISTER: Contact
Dave Kosky, DKosky@CoventryLumber.Com, (401) 562-
0172.

All contractors are invited to attend the Andersen Trade Expo, sponsored by Coventry Lumber, on September 25th.

Meet Andersen product experts and learn about products and services, along with marketing and architectural tools to support your business. Cocktails, dinner, prizes and networking will be included.

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RIBA's free safety & lead training for members and their employees can 'save' your business

Agencies are watching residential construction sites for violations

OSHA keeping an eye on home building sites for safety issues

National Association of Home Builders

There are strong signs that the Occupational Safety and Health Administration (OSHA) is increasing enforcement actions at residential construction sites throughout the country. A prime reason is that new data show the number of fatalities in residential construction increased by 37 percent compared with just a 3 percent increase in non-residential construction in 2012, the most recent year for which information is available. *See story on page 26.*

OSHA has also instituted a number of local enforcement-emphasis programs aimed at reducing construction hazards, including those on residential jobsites.

There are a few simple things that builders and trade contractors should do to improve safety on the jobsite and be prepared for OSHA inspections:

- Take advantage of OSHA-related classes offered by the Rhode Island Builders Association. They are free for members and their employees. *See page 4.*
- Conduct an assessment to identify and correct safety hazards on the jobsite.
- Conduct appropriate safety training for employees.
- Update records and make sure they are readily available in case of an OSHA inspection.
- Understand the OSHA inspection process (see link below to NAHB's "OSHA Inspection Toolkit").

Builders and trade contractors should pay particular attention to the following hazards, which were the top 10 most frequently cited by OSHA in 2013. The number refers to the OSHA standard concerned.

1. 1926.501 - Duty to have fall protection
2. 1926.451 - General scaffold requirements
3. 1926.1053 - Ladders
4. 1926.503 - Fall protection training requirements
5. 1910.1200 - Hazard Communication
6. 1926.102 - Eye and face protection
7. 1926.100 - Head protection
8. 1926.453 - Aerial lifts
9. 1926.651 - Specific Excavation Requirements
10. 1926.20 - General safety and health provisions

Regarding number 9, there have been some recent questions by

see OSHA...page 33

EPA levying huge fines for unlicensed lead work

Is your Lead Renovation, Repair, and Painting (RRP) license about to expire? If it is, don't take the risk of crippling fines from the state and the Environmental Protection Agency (EPA).

In fact, the EPA just levied the largest civil penalty ever for RRP violations: \$500,000 against Lowe's for using unlicensed contractors to do work for its customers.

EPA inspectors discovered violations of the RRP record-keeping requirements and work practice. An EPA press release states that Lowe's hired contractors who were not EPA certified, not properly trained, did not use lead-safe work practices and incorrectly used lead-test kits at during renovations at residential sites.

Many RRP licenses will soon be up for renewal as their five-year expiration dates approach. So take advantage of the Rhode Island Builders Association's four-hour lead-licensing refresher course. RIBA is offering that course on October 10th.

In addition, RIBA offers lead-licensing classes on a regular basis. Check the events calendar on page 4 and on www.RIBuilders.org for classes and dates.

Remember that Massachusetts has a reciprocal agreement with Rhode Island. If you take the RRP class in Rhode Island, Massachusetts will accept the credit toward your Massachusetts license.

The RRP rule applies to all firms and individuals who are paid to perform renovation, repair and painting projects that disturb paint in homes. Rhode Island and Massachusetts have additional rules.

Compliance rules include home-improvement contractors, maintenance workers, painters and other specialty trades.

For more information on the classes RIBA offers, contact Sheila McCarthy (401) 438-7400 or smccarthy@ribuilders.org.

For more information on scheduled RIBA classes, see the following pages and the calendar on page 4. If there is a class you would like to see offered, contact Sheila McCarthy at (401) 438-7400 or smccarthy@ribuilders.org

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What's more, our designer for the Westerly Kitchen Showroom and Selection Center is Lauren Burnap. Reach Lauren at (401) 596-2806 or lburnap@arnoldlumber.com.

The new Cabinetry Selection Center and Showroom will offer all of the services you'll find at our Wakefield Kitchen Design Center and Showroom. That includes the right cabinets, countertops and hardware for home, office and commercial applications.

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arnoldlumber.com Page 2

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Use the drop-down navigation on our website to find more information about products and services provided by the National Lumber in-house divisions and other members of the National Lumber Family of Companies.



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national-lumber.com Page 4

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Trenching, Excavation and Soil Classification

September 10

WHEN: Wednesday, September 10th, 5-7 p.m. at Rhode Island Builders Association headquarters, 450 Veterans Memorial Pkwy., East Providence 02914

COST: FREE for members and their employees, with \$10 book charge. \$45 for non-members, with \$10 book charge. Credit cards accepted. Lunch is included.

DEADLINE TO REGISTER: September 4th

FOR INFORMATION AND TO REGISTER: Logon to www.RIBUILDERS.org, click on any of these events under the "Events Calendar," or contact Sheila McCarthy at smccarthy@ribuilders.org, or call (401) 438-7400.

This class is designed for excavation, site utility workers and subcontractors working in below-grade situations. It focuses on soil conditions, inspections, classifications and hands-on mechanical inspections, and neighboring states' variances.

The instructor is David Taillon of Ocean State Risk Management LLC.

An OSHA Emphasis Program has remained in effect for excavations since 1998. The class is FREE for members and their employees.

Beginner Quickbooks for Contractors

September 23

WHEN: Tuesday, September 23rd, 5 p.m.

WHERE: RIBA headquarters, 450 Veterans Memorial Pkwy. #301, East Providence 02914

COST: FREE for members with a \$25 materials charge. \$50 for non-members with a \$25 materials charge.

DEADLINE TO REGISTER: September 19th

FOR INFORMATION AND TO REGISTER: Logon to RIBUILDERS.org, and click on this event under the "Events Calendar," or contact Sheila McCarthy, smccarthy@ribuilders.org, or call (401) 438-7400.

Join instructor Jeanne George for a journey into "Beginner QuickBooks™ for Contractors." The class covers the basics of setting up and using QuickBooks and is geared toward beginners or those who feel they don't have a good foundation for using QuickBooks. Topics covered will include setting up QuickBooks, working with lists, working with bank accounts, creating invoices, receiving payments and making deposits, and entering and paying bills. Participants are encouraged to bring their laptops to the workshop. Class size is limited. Light refreshments will be served at 4:30 p.m.

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Lead licensing refresher

October 10

WHEN: Friday, October 10th, 1-5 p.m.

WHERE: Rhode Island Builders Association headquarters, 450 Veterans Memorial Pky #301, East Providence 02914

COST: FREE for members, with a \$15 materials charge. A \$75 charge for non-members and a \$15 materials charge.

DEADLINE TO REGISTER: October 6th.

FOR INFORMATION AND TO REGISTER: Logon to www.RIBUILDERS.org, click on this event under the "Events Calendar," or contact Elizabeth Carpenter at ecarpenter@ribuilders.org or Sheila McCarthy at smccarthy@ribuilders.org, or call (401) 438-7400.

This is a four-hour refresher class with Sharon & John Barr of Lead Safe RI. It's meant for contractors who have their lead renovator/remodeler license and whose license is up for renewal or has expired within the prior six months. *Related story on page 16.*

The class will review lead-hazard controls and update attendees on any changes to regulations since they were issued their licenses.



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OSHA-10 Course

October 8-9

WHEN: Wednesday & Thursday, October 8th and 9th,

11:30 to 5 p.m. each day at Rhode Island Builders Association headquarters, 450 Veterans Memorial Pkwy., East Providence 02914

COST: FREE for members and their employees, with \$25 book charge. \$125 for non-members, with \$25 book charge. Credit cards accepted. Lunch is included.

DEADLINE TO REGISTER: October 1st

FOR INFORMATION AND TO REGISTER: Logon to www.RIBUILDERS.org, click on any of these events under the "Events Calendar," or contact Sheila McCarthy at smccarthy@ribuilders.org, or call (401) 438-7400.

RIBA once again offers the OSHA 10-Hour Certification Course in October, with Scott Asprey of Risk & Safety Management.

This course provides training in compliance with the Dept. of Labor & Training's municipal jobsite rules. It trains safety directors, foremen and field employees in OSHA standards and highlights major safety concerns to be aware of so that jobsite accidents can be reduced. Everyone completing the course will receive a copy of the OSHA Standard 29 CFR Part 1926 and an OSHA-10 certification card.

Advanced Quickbooks for Contractors

September 30

WHEN: Tuesday, September 30th, 5-7 p.m.

WHERE: Rhode Island Builders Association headquarters, 450 Veterans Memorial Pkwy., East Providence 02914

COST: FREE for members, with a \$25 materials charge. A \$50 charge for non-members and a \$25 materials charge.

DEADLINE TO REGISTER: Full payment required by September 22nd. Credit cards accepted. Must provide proof of employment with member company upon registration for class to be free.

FOR INFORMATION AND TO REGISTER: Logon to RIBUILDERS.org, click on this event under the "Events Calendar," or contact Sheila McCarthy at smccarthy@ribuilders.org or (401) 438-7400.

Instructor Jeanne George will help you learn how to invoice from an estimate in QuickBooks™ as the Rhode Island Builders Association offers this advanced workshop in the most popular contractor bookkeeping software.

How to get results with social media

October 16

WHEN: Thursday, October 16th, 5-7 p.m.

WHERE: Rhode Island Builders Association headquarters,
450 Veterans Memorial Pkwy., East Providence 02914

COST: Open to everyone in the industry. FREE for
members and non-members.

DEADLINE TO REGISTER: Friday, October 10th

FOR INFORMATION AND TO REGISTER: Logon to
www.RIBUILDERS.org, click on this event under the
"Events Calendar," or contact Sheila McCarthy at
smccarthy@ribuilders.org, or call (401) 438-7400.

"How to Get Results with Social Media" will be the subject with marketing expert Betty Galligan of Newberry Public Relations & Marketing Inc. If you have a Facebook page, a LinkedIn profile, a Twitter account, or use Google+ but don't know if it's all helping or harming your business, then this seminar is for you!

Learn how to get maximum results with a minimum of time using the right social-media channels to reach your customers and prospects.

Learn the secrets of job costing

October 23

WHEN: Thursday, October 23rd, 5 to 7 p.m.

WHERE: Rhode Island Builders Association headquarters,
450 Veterans Memorial Pkwy., East Providence 02914

COST: Open to everyone in the industry. FREE for
members and non-members.

DEADLINE TO REGISTER: October 17th

FOR INFORMATION AND TO REGISTER: Logon to
www.RIBUILDERS.org, click on this event under the
"Events Calendar," or contact Sheila McCarthy at
smccarthy@ribuilders.org, or call (401) 438-7400.

Join instructor Jason DaPonte of Sansiveri, Kimball & Co. for "Proper Job Costing to Increase the Bottom Line" at RIBA on October 23rd.

Learn all about job costing and cost allocation, indirect job costs and how they affect you, general and administrative expenses, and timely input of information and report processing.

Also learn about estimating costs to complete jobs, how to use software, and how to do a break-even analysis.



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Mold awareness for contractors

November 5

WHEN: Wednesday, November 5th, 5-7 p.m.

WHERE: RIBA headquarters, 450 Veterans Memorial Pkwy. #301, East Providence 02914

COST: FREE for members with a \$10 materials charge. \$45 for non-members with a \$10 materials charge.

DEADLINE TO REGISTER: October 31st

FOR INFORMATION AND TO REGISTER: Logon to RIBUILDERS.org, and click on this event under the "Events Calendar," or contact Sheila McCarthy, smccarthy@ribuilders.org, or call (401) 438-7400.

In this Mold Awareness Workshop with Eric Anderson of Insurance Reconstruction Services, get the latest on this important and highly litigious topic. Topics include: Introduction to mold and indoor air quality, basic health hazards associated with mold, potential locations of mold within buildings, monitoring and sampling of mold within buildings and HVAC systems, protecting yourself and others when working with mold, and good work practices when dealing with small-scale mold growth.



Pell visits RIBA

Democratic gubernatorial candidate Clay Pell stopped by the Rhode Island Builders Association's headquarters over the summer to talk about housing issues in the state, particularly the cost of housing and the cost of construction.

Mr. Pell met with RIBA Legislative Committee Co-Chairman Stephen Carlino and Executive Director John Marcantonio.

"I'm pleased that Clay took the time to come in and talk with us about these important issues for our industry," Mr. Marcantonio commented. "Having the chance to speak directly with candidates about these issues is always welcome."

Mr. Pell said that he also appreciated the opportunity.

"I thank John Marcantonio and the Rhode Island Builders Association for their advocacy for a growing Rhode Island. I had the pleasure of meeting with John and other RIBA members recently, and our conversation highlighted what I also believe: That with the right leadership and focus, Rhode Island can have a thriving economy that builds on the state's incredible physical assets."

Mr. Pell noted that he is not accepting campaign contributions from political action committees.

Find out more about Mr. Pell at www.ClayPell.com.



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Let us hear from you now!



Steven Carlino

There's no time to take a break. The 2014 session of the General Assembly is over, but the Rhode Island Builders Association's Legislative Committee is already working on initiatives for the 2015 session. And that's right around the corner.

While we have much to be grateful for in 2014, several stubborn issues remain unresolved, and we need to tackle these again next year.

The legislative successes we have had in recent years took place because our members turned out in force to make their voices known, both one-on-one to their state lawmakers and at the State House.

So for our members as well as for our Legislative Committee, now is the time to get ready for 2015. RIBA will work on these issues throughout the fall, and many important matters will be on the table. Your voice will be needed so we can have continued

success in supporting our industry and our state's economy.

If you have run into issues for your business that need attention, now is the time to let us know so that we can work on them together, and this includes local as well as state matters, especially regarding regulations.

Contact RIBA Executive Director John Marcantonio at (401) 438-7400, any of our RIBA officers or the Legislative Committee co-chairmen. Let us know what your concerns are: regulatory issues, cost matters, planning problems, approval times – we can only take action when we know what the issues are.

Find out what you can do for yourself, your business and our industry when it comes to advocacy...please contact us now, before the 2015 session begins.



Robert J. Baldwin

RIBA's Legislative Committee

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Federal figures show huge increase in construction fatalities

While Rhode Island reported no construction deaths in 2012, the Rhode Island Builders Association offers safety classes required by the Occupational Safety and Health Administration (OSHA). These classes are free for RIBA members and their employees.

By Paul F. Eno *Editor*

Some 849 construction workers were killed on the job in the United States in 2012, including 199 in residential construction, the highest number of fatalities in any industry.

So says the U.S. Bureau of Labor Statistics (BLS), whose Census of Fatal Occupational Injuries (CFOI) shows that construction deaths increased in 2012, the most recent year for which information is available, for the first time since the recession began.

Among the national statistics:

- There were 199 fatalities in residential construction in 2012, an annual increase of 37.2 percent, compared with just 3 percent in non-residential construction.
- Between 2011 and 2012, the increase in the number of fatalities among construction workers 45 years of age or older was 15.2 percent, compared with 1.9 percent among their younger counterparts.
- In 2012, 222 Hispanic construction workers died on the job, a 12.7 percent increase from 2011.
- Among self-employed construction workers, fatalities increased 27.8 percent from 2011 to 2012, while the increase among wage-and-salary workers was 4.4

percent.

- Fall fatalities in all construction increased 9.3 percent, from 269 to 294, between 2011 and 2012, but jumped 81.5 percent in residential construction, from 27 to 49.

So many rules! Why so many deaths?

With an unprecedented number of safety regulations imposed on the construction industry by the Occupational Safety and Health Administration (OSHA), why the increase in fatalities?

There seem to be no easy answers.

"It's a good question, and I hope someone is studying this," commented OSHA Area Director Maryann Medeiros. "It would be interesting to look at each case, determine the work being done, the location, years in business, worker's construction education and experience, safety training and many other factors."

The National Association of Home Builders plans to do precisely what Ms. Medeiros suggests.

"We are identifying researchers to get into the BLS statistics in depth so trends can be looked at over longer periods," said Robert Matuga, NAHB's assistant vice president for labor, safety and health policy. "Until we study the figures further, we can only speculate why there are so many fatalities in the face of so many rules."

Mr. Matuga suggested that new workers, the amount of training workers might have, and hazard-awareness levels might play a role in the statistics.

"Many workers left the industry during the downturn, and there are many new workers coming in who might not be familiar with hazards on the jobsite."



RIBA is here to help prevent you and your employees from becoming statistics by offering free safety education for members and their employees. Fatalities are unacceptable in our industry, and nothing can be worse than losing an employee to an accident. Please take advantage of our educational programs that can help you prevent a tragedy. For class information, see page 4, 21-24 or visit www.RIBuilders.org.

-Executive Director John Marcantonio

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Federal court strikes down local apprenticeship rules

By Paul F. Eno Editor

In a case that could have implications for Rhode Island's statewide rules for apprenticeship programs on public projects, a federal appeals court has decided that municipalities can't make such rules.


The decision by the U.S. Court of Appeals for the First Circuit in Boston, handed down on July 16th, upheld a lower court decision that essentially prevents municipalities within its jurisdiction (Rhode Island, Massachusetts, Maine, New Hampshire and Puerto Rico) from cutting small contractors out of the bidding process by mandating apprenticeship training.

In 2013, the U.S. District Court ruled that a Quincy, Mass., ordinance requiring that any contractor bidding on a public proj-

ect have a state-approved apprenticeship program violated the federal Employee Retirement Income Security Act, which sets minimum labor standards for private employers. The challenge to the ordinance was brought by the Merit Construction Alliance, a group based in Kingston, Mass., that represents 75 non-union contractors.

The July 16th ruling is considered a major setback for trade unions, which maintain

apprenticeship programs and generally benefit when those programs are mandated on public projects. Smaller, non-union contractors, however, generally can't afford apprenticeship programs, especially when laws require high ratios of journeymen to apprentices as state rules do for many trades in Rhode Island.

Watch *The Rhode Island Builder Report* for more information on this issue. 

As a member of RIBA, you get a free listing in the association's online directory RIBAlist.com to help you get work. Keep your listing updated by logging on to RIBUILDERS.org.

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A conversation with environmental experts...

Andrew T. Der

Andrew T. Der & Associates LLC

Mark W. Eisner

Advanced Land & Water Inc.

Andrew T. Der has been a recognized water-resources expert for 30 years. A consultant to industry and government since 2001, Mr. Der was an associate and director of environmental services for two civil engineering firms before founding Andrew T. Der & Associates LLC, based in Baltimore, Md. He has co-authored books and published articles on environmental science, and he lectures widely. His specialty is water resources, with emphasis on stormwater management, and stream and wetlands regulation.

Mark W. Eisner P.G. is president of Sykesville, Md., based Advanced Land and Water Inc. With over 28 years of experience in environmental and hydrogeological consulting, Mr. Eisner directs environmental and hydrogeologic investigations for both private and public-sector clients. One of his specialties is the environmental effect of onsite wastewater treatment systems (OWTS).

THE BUILDER: As experts in the field of wetlands and onsite wastewater treatment systems (OWTS) issues, respectively, you both recently testified before the Legislative Task Force charged with laying the groundwork for state-wide standards in Rhode Island's OWTS and wetlands rules. What's your general take on this state's current environmental regulations?

DER: I think the intentions behind Rhode Island's regulations are productive, progressive and good. The fact that this (Task Force) exists shows that Rhode Island is forward-thinking in addressing these issues. I was very pleased to address this group because it reflected the growing pains Maryland went through in dealing with the same issues in the Chesapeake Bay watershed.

EISNER: My broad-brush overview is that Rhode Island does many things quite well. Regulations ought always to be works in progress. They're living, breathing documents and there's always room for improvement. That improvement can be nothing more than closing unintended loopholes or removing ambiguities.

For example, when I met with the Task Force in July, I opined



Andrew T. Der

Mark W. Eisner

that the 1971 Rhode Island wetlands statute appears at odds with current federal statutes and regulations in certain ways. I suggested, and I'm sure Andrew agrees, that your wetlands statutes be updated based on what the feds are doing, which is generally a progression we've observed in a number of other states.

There are some elements of Rhode Island's wetlands rules that seem commingled with the OWTS regulations. I offered the Task Force some recommendations to de-convolute that.

THE BUILDER: When combining layers of regulation, should credit be given for stormwater management when it comes to buffer distance? Does the science support this and do you see this used in Maryland?

DER: The short answer is yes. Using stream buffers is a desktop-planning tool based on generic assumptions. In nature, that approach doesn't always fit. The concept of stormwater management has developed over the years, appropriately, in the world of engineering. The concept of disconnecting stormwater through vegetated filtration areas – buffers – was developed separately in the world of ecology.

If done correctly, both methods can be effective. If you use them both on the same site, stacking their benefits, as it were, there are situations where it would be appropriate to give credit for stormwater management in lieu of a buffer, or a combination of both. It depends on the site characteristics.

Decisions like that must be made on the ground level.

THE BUILDER: What's the difference between a buffer and a setback, and why are these terms used so inappropriately so often?

DER: On the regulatory level, a buffer is the ecological practice of horizontal distancing of human activity from a sensitive fea-



ture such as a stream. The idea is to disconnect any surface runoff from any impervious, graded area, allowing the stormwater to dissipate and filter.

A setback is more of a safety measure to allow for separation of human activity from something else. It could be set on a property line. It's not necessarily related to surface-water quality.

EISNER: A buffer is a vegetated strip between a source of stormwater runoff and a sensitive feature, such as a stream or wetland. It naturally filters potentially pollutant-bearing runoff.

As Andrew said, a setback differs. It's a horizontal separation distance between an OWTS and any feature. It might be ecological but doesn't have to be. It could be a building or a property line. Setbacks can be intended to achieve multiple objectives. These can include scientific ones, such as attenuation and dilution as well as legal and pragmatic ones, such as not building too close to a foundation where you might have difficulty positioning a backhoe if you have to work on the system sometime in the future.

The terms are sometimes confused because both can involve strictures, like building no closer than X feet. Buffers are useful in a stormwater-separation context, while setbacks go more with OWTS because of the capability to dilute more rainwater with distance.

THE BUILDER: What is "biomat"?

EISNER: Biomat is short for "biological material." It's an active, microbial layer that forms at and beneath the discharge point in an OWTS drain field. It forms all by itself in drain fields that are developed in all but the sandiest and most gravelly soils. In silty or loamy soils, you would expect biomat to form. Studies show that substantial denitrification occurs within the biomat, and many of those studies are relatively new.

THE BUILDER: Can you explain how biomat can make a traditional OWTS as effective as a denitrification system? And how will this new science influence future regulation?

EISNER: The nitrate concentrations in wastewater from a septic tank *versus* wastewater from an engineered denitrification system, what Rhode Island calls I/A (innovative/alternative) systems, has been well studied for years. While the science behind biomat denitrification is solid, many regulators prefer I/A-style denitrification systems because they can "reach out and touch it." They can order it to be installed, inspect it, take pictures, test, order maintenance and all that.

Biomat forms and functions naturally, underground where its efficacy is harder to see directly. And it's harder to measure directly. It might take some turnover of regulatory officials, along with some in the technical community, before the benefits of biomat are more widely accepted.

For example, the most definitive paper we know of on the issue was only published in 2009.

THE BUILDER: When it comes to environmental regula-

tions in general, do you often see a disconnect with what the actual science shows?

DER: Sometimes I do. It's very challenging. Nature in general and water in particular aren't static. They're always changing, and desktop planning doesn't always work. So there is some disconnect between science and administrative procedure.

EISNER: We see it in some jurisdictions and some in the development industry see it too, or think they do. Zoning objectives sometimes are sought in the name of environmental protection, perhaps to achieve an anti-sprawl agenda.

We scientists are trained to be conservative but also defensible. Those who are against sprawl often use environmental arguments to support anti-development agendas more truly, like traffic or income disparity in home values. Environmental issues are still sometimes used to oppose projects.

In the end, though, environmental consultants and planners don't set policy. All we can do is explain and recommend, and whether we're heeded is outside our control.

THE BUILDER: Do you often see a "more is better" attitude among regulators, and are there dangers to that?

DER: I sometimes see that, and it's probably an intuitive reaction (by regulators). If you're thirsty and have a small glass of water, you probably want a bigger glass than you may need. It's a human approach, and sometimes it's appropriate. But the concept of "more" can be defined in different ways.

"More" can mean more of a different environmental-management strategy, that with more of one thing, you can do more of another. Rather than regulate something more, you can regulate something else differently, and sometimes that's a better "more."

THE BUILDER: Now that you've looked at and discussed Rhode Island's rules, what changes would you recommend?

DER: I'd suggest a more unified approach to the regulations and more consistency in bringing them current. There's no perfect fix, but if there are going to be debates about criteria, let's at least have everyone on the same playing field. From that point of view, I'd like to see the regulations congruent with the federal definitions of "Waters of the U.S." Those aren't problem-free either, but at least we'd be on that playing field and it's a good starting point for further deliberation.

The (Legislative Task Force) is a great step, and I'd like to see that continue. It has great potential to unify all these local criteria into a more statewide system where everyone knows what the rules are. Let's agree on a practical and sensible way to manage growth and the environment, but let's do it in a uniform manner in the state and not have surprises.

EISNER: Regarding OWTS issues, I would update the 1971 wetlands statute for conformity with federal statutes and guidelines. I would distinguish between buffers and setbacks and stop using the terms interchangeably.

Also, I'd separate the wetlands and OWTS regulations. Right

...continued next page

...from previous page

now, there appears to be some wetlands material in the OWTS regulations. And speaking broadly, I understand New England's strong tradition of local government, but Rhode Island is small. The smaller the state, the more alike the conditions from one jurisdiction to another, hydrogeologically, from a groundwater perspective, etc. So there's less technical need for different requirements every time you cross a boundary. Scientifically, Rhode Island towns don't differ enough to justify wholly different rules.

THE BUILDER: From a physiographic perspective, Rhode Island only has two major zones: the "coastal plain" and the "New England upland."

EISNER: That's similar to Maryland, with I-95 dividing the area of the state to the west, with bedrock, and the part east of the Fall Line, with sand and silt but no bedrock.

So you still don't need a 39-system approach in Rhode Island. You might consider a two-tiered system to accommodate environmental needs in the two areas of the state. One size might not fit all, but two sizes might fit almost all.

THE BUILDER: In your experience, how do local governments use environmental rules to slow or stop development?

DER: I've seen political and administrative processes facilitate development goals as well as not facilitate them. It's easy to simplify that thought, but the fact is that, from a water-resource perspective, projects sometimes don't make sense and sometimes they do, depending on specific issues. That's not always clear.

THE BUILDER: Properly designed, can a development actually help clean up the environment?

DER: Absolutely, and many urban corridors and centers that are expanding now are doing so on land already altered by human activity. In Maryland, that activity has often been agricultural, and that's not much of an issue in Rhode Island. But you could be working with a Brownfield or the re-development of a 50-year-old, or "pre-stormwater," developed parcel that had no environmental controls.

When such properties are developed today, under current environmental criteria, they can actually improve water quality and provide net benefits to the watershed.

EISNER: Development can absolutely help clean up the environment. We're working now with the proposed developer of a 62-lot subdivision on what was a Maryland golf course. The development plan, despite the creation of 62 homes, will be way less impactful on Chesapeake Bay and its tributaries than the golf course.

Environmentally impactful land uses can be discontinued in favor of more environmentally sensitive land uses, even involving development. It depends on what was there before. Ending a land-use practice that pollutes is a good thing.

"Development can absolutely help clean up the environment.... Environmentally impactful land uses can be discontinued in favor of more environmentally sensitive land uses, even involving development."

-Mark W. Eisner

THE BUILDER: In Maryland, the counties, some of which are as big or almost as big as Rhode Island, have regulatory authority and do their own environmental reviews. Can you see a more centralized process working in this relatively small state, as opposed to 39 municipal jurisdictions?

DER: Yes, and even more so than in Maryland because of your high concentration of adjacent municipalities, and your minimal geographic expanse. A unified, state-level process everyone can live with can be of tremendous benefit.

THE BUILDER: So a single standard, applied uniformly, with variations for local conditions, would actually help the environment?

DER: Yes. Consistency is rarely bad.

EISNER: That or the two-fold approach I mentioned could be a workable answer. There can be isolated places where there's technical justification for differing regulations, and state regulators should be empowered to make wise, location-specific decisions.

THE BUILDER: Any other thoughts on Rhode Island's decisions and how we can balance our development objectives with environmental quality?

DER: Yes. It's unproductive to think that you can't balance development objectives with environmental quality. We're all here. We all live somewhere. We contribute to the tax base, and it can be done.

We caused water-quality degradation, but we also have the ability to restore it, and we are. Every year, water quality in the Chesapeake Bay area improves, and that's a statistical fact. I'm impressed at Rhode Island's initiative, which is more conscientious and progressive than many other states. There's no reason Rhode Island can't do the same thing.

EISNER: I was thrilled for Rhode Island to find that the Task Force I testified before even exists. By convening this group and allowing the development community a real voice in its deliberations to develop recommendations for the legislature to consider, your state is already doing more than some jurisdictions.

No state can withstand unending regulation without consequences to the economy and jobs. So there is a need for balance, and in Rhode Island that seems to be understood.



Appraisal Institute sets Sept. program for builders on 'green' issues

WHEN: September 16th, 2 to 5 p.m.

WHERE: Save the Bay Providence Bay Center, 100 Save the Bay Drive, Providence.

FOR INFORMATION AND TO

REGISTER: Visit www.MASSRIAppraisalInstitute.org or

contact Lianne Andreucci at (781) 397-8922 or office@massri-appraisalinstitute.org.

Further information TBA.

Builders and developers will get an in-depth look at the energy-efficiency issues in appraisals at a seminar offered by the Appraisal Institute's (AI's) Massachusetts

and Rhode Island Chapter.

"High Performance Energy Efficient Residential Construction: Industry Perspectives," will take place along with an AI business meeting, and members of the Rhode Island Builders Association are invited to attend.

Panel discussions will include RIBA Legislative Committee Co-Chairman Robert J. Baldwin and green building expert David A. Caldwell Jr.

Hors d'oeuvres will be served, and there will be a chance for networking.


"We see a real need for appraisers to stay up-to-date regarding high-performance, energy-efficient residential building issues," said AI's Brad Hevenor.

"In addition, we'd like more input and communication on this topic across real estate industries. As we see it, the panel should provide an excellent interdisciplinary opportunity to bring various stakeholders together to share knowledge and insight, and ultimately better understand the role of the real estate appraisal and the appraisal profession in the marketplace for energy-efficient residential construction."

The September 16th program will provide timely, real estate-related market information to attendees. There will be four presentations:

- "Trends in Residential Building Science – Case Study in Passive House Certification";
- A "Green" Builder Case Study;
- A second green building topic, to be determined;
- and "The Market for High Performance Homes in Rhode Island, a Broker's Perspective."

AI plans more seminars on the valuation of sustainable buildings, including a two-day program, "Residential & Commercial Valuation of Solar," to be offered on October 27th and 28th in Dedham, Mass.

Watch for more information in the September *Rhode Island Builder Report*. 

Have employees who need apprenticeship training?

RICTA classes begin in Sept.

The Rhode Island Construction Training Academy (RICTA) provides the classroom work required by the state in a number of apprenticeship trades, including electric, pipefitter, HVAC, sprinklerfitter and sheet metal. Additional trades are added as the need arises.

RICTA is preparing to start its fifth year at its Pawtucket location, and members of the Rhode Island Builders Association can come themselves or send employees to RICTA for the same special price as Associated Builders and Contractors (ABCRI) members can. Having apprentices can help you bid on state contracts.

The training programs begin the week of September 14th and run through April. Classes are held two nights a week, from 6 to 9 p.m. with a total of 156 hours per year of study. After each year of completion, a certificate is issued. Upon completion of the program, credits can be transferred to the Community College of Rhode Island and applied toward an associate's degree.


The RICTA curriculum has been devel-

oped under guidelines of the National Center for Construction Education and Research (NCCER) and approved by the Rhode Island Dept. of Labor and Training. All RICTA instructors are active in the fields they teach. In addition to classroom lectures and discussions, teaching includes hands-on work, field trips and guest speakers.

RICTA has been in operation since 1992. Many who attend are registered apprentices, but that isn't required.

Beginning this year, RICTA is also a Massachusetts-approved training facility in HVAC, pipefitting and sprinkler fitting. Massachusetts also accepts electrical training hours from RICTA.

RICTA has two- or four-year programs designed to prepare students for careers in the construction industry. RICTA is affiliated with ABCRI and is often known as the "ABC School."

For more information, visit www.RICTA.org or contact Kristen Brescia at (401) 305-3510 or kristen@ricta.org. 



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REGULATIONS...from page 1

man activity from a sensitive feature such as a stream. The idea is to disconnect any surface runoff from any impervious, graded area, allowing the stormwater to dissipate and filter,” Mr. Der explained. “A setback is more of a safety measure to allow for separation of human activity from something else. It could be set on a property line, and not necessarily be related to surface-water quality.”

When both wetlands buffers and setbacks are used together, developers should receive a “credit” depending on site character and conditions, he suggested. He cited Maryland criteria as an example.

“When contemporary stormwater management is used at a given site, buffers could be reduced; even to 25 feet to wetlands. A larger buffer in certain soils could be redundant, creating little net gain environmentally, relative to the measure,” Mr. Der pointed out.

He also explained how new development can actually help provide net environmental gain over pre-development conditions.

“When new development that employs good stormwater management replaces old development that had no controls, water quality can actually improve.”

Mr. Eisner echoed Mr. Der’s points, also explaining the difference between setbacks and buffers, and pointing out that Rhode Island OWTS regulations can be confusing and antiquated.

“The Rhode Island wetlands statute dates to 1971, and there has been new science since then. I would update the wetlands law for conformity with federal statutes and guidelines, and I would distinguish between buffers and setbacks, and stop using the terms interchangeably,” Mr. Eisner said.

Part of the new science since 1971 is the discovery of the filtration effect of biological material or “biomat” that naturally grows around OWTS in conducive soils.

“This is a recent finding, and the definitive paper on it was published only in 2009,” he explained. This study is “Microbial Diversity of Septic Tank Effluent and a Soil Biomat,” published in *Applied and Environmental Microbiology* (May 2009) and cited by the National Institutes



Mark W. Eisner of Advanced Land and Water Inc., an expert on the environmental effects of onsite wastewater treatment systems, reviews the subject with the Legislative Task Force at RIBA headquarters on July 17th.

of Health.

“A 50-foot setback with biomat will work just as well (to protect sensitive environmental features from OWTS effluent) as an engineered denitrification system (EDS) would, depending on soil conditions.”

Sandy soils would require a 100-foot setback with an OWTS, but in soils that encourage biomat growth, a traditional septic system with a 50-foot setback is just as effective as an EDS, Mr. Eisner indicated.

“Also, I’d separate the wetlands and OWTS regulations. Right now, there appears to be some wetlands material in the OWTS regulations.”

He also saw little need for local wetlands and OWTS rules.

“The smaller the state, the more alike the conditions from one jurisdiction to another, hydrogeologically, from a groundwater perspective, will be. So there’s less technical need for different requirements every time you cross a boundary. Scientifically, Rhode Island towns don’t differ enough to justify wholly different rules.”

He cited local regulations that far exceed both state rules and scientific justification, such as South Kingstown’s required 150-foot OWTS-to-wetlands buffer. He explained that a statewide system of regulation could be far more consistent for developers and communities, and well within the bounds of good environmental

science.

Both men answered numerous questions from panel members, including Dept. of Environmental Management (DEM) Director Janet Coit, and Coastal Resources Management Council (CRMC) Coastal Policy Analyst James Boyd.

While Mr. Der and Mr. Eisner stopped short of suggesting specific regulatory changes for Rhode Island, Mr. Der summed up their opinion: “Rhode Island needs a process that works, not confuses. There’s a need for consistency in regulations.”

Both presentations are available online at www.RIBuilders.org. See the in-depth interview with both experts on page 28.

The two presentations were well received by the task force, and there was much discussion on the questions, to the point that the meeting ran for four hours instead of its planned three.

“The most significant point for me was that, since we put the state’s stormwater regulations into effect in 2010, we have probably been duplicating the protection to the point of excess, with no benefit,” said Task Force member Gary Ezovsky CE of the Rhode Island Small Business Economic Summit.

“The fact that some buffers can be reduced because of the investment in engineered stormwater systems created, I

continued on next page...

Rita Bentz, 97, mother of John Bentz

Rita Bentz, mother of John Bentz of the Property Advisory Group, passed away on August 4th at Elmhurst Extended Care, Providence. Mrs. Bentz was 97.

Born in Providence, daughter of the late Oscar and Mary Nelson, she was the wife of the late Charles Bentz. Mrs. Bentz was a waitress for many years at the Grist Mill Restaurant, Seekonk and the TK Club, Pawtucket. She was a lifelong communicant of Grace Church, Providence.

...from previous page

think, a mind-shift for some people around the table,” Mr. Ezovski added.

The Task Force has 15 members. Along with Mr. Flynn, Director Coit, Mr. Boyd and Mr. Ezovski, members present included Russell J. Chateaufort CE, Thomas E. D’Angelo of RIBA’s Environmental Committee, Burrillville Director of Planning and Economic Development Thomas Kravitz, Scott Moorehead CE of RIBA, Eric Prive PE of DiPrete Engineering Associates, and Nancy Scarduzio of the Office of Regulatory Reform.

Other Task Force members are Joseph A. Casali CE, Lorraine Joubert of the University of Rhode Island, South Kingstown Planning Director Vincent Murray, Scott Rabideau of Natural Resources Inc., and biologist Thomas E. Kutcher of Save the Bay. Others present at the meeting included South Kingstown Senior Planner Douglas McLean, Planning Consultant Jane Weidman and several staffers.

The General Assembly established the Task Force in 2013 because “dissimilar municipal standards have resulted in a land-use system wherein local governments manage watersheds and groundwater aquifers using a variety of methods resulting in diverse outcomes,” and called for a uniform statewide regulatory process for OWTS and wetlands.

The Task Force is scheduled to submit its recommendations to the General Assembly by December 31st with the goal of replacing local wetlands and OWTS regulations with a statewide system.

Along with John Bentz, she is survived by another son, Charles F. Bentz, five grandchildren and eight great-grandchildren.

Memorial donations may be made to the

Rhode Island Chapter of the American Parkinson Disease Association P.O. Box 41659, Providence, RI 02940.

Online condolences may be made at WoodlawnGattone.com.

OSHA...from page 16

builders about OSHA’s requirements for house foundations/basement excavations. For parts of the country where basements are common, the area between the house foundation and basement excavation becomes a trench (by OSHA’s definition) when constructing formwork, foundations or walls.

In 1995, OSHA issued a memo: “Suspension of 29 CFR 1926.652 to House Foundation/Basement Excavations,” whereby the agency altered the requirements as they apply to house construction, which is still in effect at the present time. This memo essentially requires house foundations to be benched 2 feet horizontal for every 5 feet vertical (for a diagram of what this looks like, see page 2 of NAHB’s “Trenching Safety Card”) when other conditions outlined in the memo exist.

More information for OSHA’s trenching and excavation requirements can also be found in NAHB’s *Trenching and Excavation Safety Handbook*.

Finally, there are additional resources to assist builders:

- NAHB’s “Construction Safety & OSHA” webpage, which contains compliance-assistance information and safety toolkits: www.NAHB.org/safety.
 - NAHB’s “OSHA Inspection Toolkit” that provides information on dealing with OSHA’s stepped-up enforcement.
 - Easy-to-use handbooks and videos that present key safety issues builders and workers need to focus on to reduce accidents and injuries, which can be found at <https://builderbooks.com/book/safety.html>.
 - “OSHA Assistance for the Residential Construction Industry”: www.OSHA.gov/SLTC/residential/index.html.
- If you have questions or need additional information, NAHB can help. Contact the NAHB Labor, Safety and Health Policy staff: Robert Matuga, at rmatuga@nahb.org or (800) 368-5242 Ext. 8507, or Chelsea Veticik at cvetick@nahb.org, (800) 368-5242 Ext. 8590.

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