The Commonwealth of Massachusetts
Department of Public Safety
Board of Building Regulations and Standards
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Vice Chairman

Robert Anderson
Administrator

Date: March 13, 2008

Name of Appellant:	Bradley W. Boyd
Service Address:	CM&D Corp. One Hollis Street, Suite 335 Wellesley, MA 02482
In reference to:	127 Edmunds Road Wellesley, MA 02482
Docket Number:	05-464
Property Address:	127 Edmunds Road Wellesley, MA 02482
Date of Hearing:	09-06-07

We are pleased to enclose a copy of the decision on the request for certain variances from the Building Code.

Sincerely:

BUILDING CODE APPEALS BOARD

Patricia Barry

Patricia Barry, Clerk

cc: Building Code Appeals Board
Building Official

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

Building Code Appeals Board
Docket No. 05-464

Ed Rachins, Appellant	)
v.	)
Town of Wellesley, Appellee	)

BOARD'S RULING ON APPEAL

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on Appellant's appeal filed pursuant to 780 CMR §122.1. In accordance with 780 CMR §122.3, Appellant asks the Board to grant a variance from 780 CMR §3603.11.1 of the Massachusetts State Building Code ("Code") with respect to new construction of a home located at 127 Edmunds Road, Wellesley, MA ("Project").

By letter dated July 18, 2007, Michael Grant, Inspector of Buildings for the Town of Wellesley ("Appellee"), informed Appellant that §3603.11.1 requires all exit doors to have a minimum width of 32 inches and height of six feet eight inches. Four exit doors for the Project are 27 and ½ inches in width, although they exceed the height requirement.

In accordance with G. L. c. 30A, §§10 and 11; G. L. c. 143, §100; 801 CMR §1.02 et. seq.; and 780 CMR §122.3.4, the Board convened a public hearing on September 6, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Bradley Boyd appeared on behalf of Appellant. Michael Grant appeared on behalf of Appellee.

Reasons for Variance

The issue is whether a variance from §3603.11.1 should be allowed with respect to four (4) egress doors from the first floor to a patio area when there are, in addition to those four doors, three other egress doors that comply with the Code. Section 3603.11.1 states:

The minimum nominal width of at least one of the exit doors required by 780 CMR 3603.10.1 shall be 36 inches and the minimum nominal height shall be six feet eight inches. All other exit doors and doors leading to or from enclosed stairways, shall not be less than 32 inches in nominal width nor six feet eight inches in nominal height.

Appellee did not object and testified that the house is nearly ready for its certificate of occupancy, having been initially permitted in on November 24, 2003.

Decision

The Chair entertained a motion to grant a variance from §3603.11.1 to allow the undersized doors to remain in place because there are at least two other doors on the same level that meet the Code's dimensional requirements ("Motion"). Following testimony, and based upon relevant information provided, Board members voted to grant the Motion, as described on the record. The Board voted as indicated below.

X..... Granted ☐..... Denied ☐..... Rendered Interpretation☐

___.....Granted with conditions ☐..... Dismissed

The vote was:

X.....Unanimous .....☐ Majority

Brian Gale (PB) Robert Anderson (RA) Dana Haagensen (RB)

Brian Gale Robert Anderson – Chair Dana Haagensen

Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to a court of competent jurisdiction in accordance with Chapter 30A, Section 14 of the Massachusetts General Laws.

A complete administrative record is on file at the office of the Board of Building Regulations and Standards.

A true copy attest, dated: March 13, 2008

Patricia Barry

Patricia Barry, Clerk

All hearings are audio recorded. The digital recording (which is on file at the office of the Board of Building Regulations and Standards) serves as the official record of the hearing. Copies of the recording are available from the Board for a fee of $10.00 per copy. Please make requests for copies in writing and attach a check made payable to the Commonwealth of Massachusetts for the appropriate fee. Requests may be addressed to:

Patricia Barry, Coordinator
State Building Code Appeals Board
BBRS/Department of Public Safety
One Ashburton Place – Room 1301
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