



The Commonwealth of Massachusetts

Department of Public Safety

Board of Building Regulations and Standards

One Ashburton Place, Room 1301

Boston, Massachusetts 02108-1618

Phone (617) 727-7532 Fax (617) 227-1754

TTY (617) 727-0019

www.mass.gov/dps

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Robert Anderson
Administrator

Date: July 10, 2008

Name of Appellant: Rockwood Edwards, P.E.

Service Address: Schirmer Engineering Co.
1253 Worcester Road, Suite 401
Framingham, MA 01701

In reference to: 100 Main Street
Cambridge, MA

Docket Number: 05-465

Property Address: 100 Main Street
Cambridge, MA

Date of Hearing: September 6, 2007

Enclosed please find a copy of the decision in the aforementioned appeal.

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. 05-465

Massachusetts Institute of Technology,)
Appellant;)
v.)
City of Cambridge,)
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 has requested that the Board review Appellee’s decision to deny the Appellant’s application for a building permit for the property located at 100 Main Street, Cambridge, MA.

By letter dated July 11, 2007, Ranjit Singanayagam, Building Commissioner of the City of Cambridge (“Cambridge”), informed Appellant that two items on the drawings submitted with the permit application violated the Building Code, 780 CMR. Specifically, the plans violated 780 CMR §§708.2 and 1014.11.

In accordance with G. L. c. 30A, §§10 and 11; G. L. c. 143, §100; 801 CMR 1.02 et. seq.; and, 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.

Present and testifying at the hearing were Rockwood Edwards of Schirmer Engineering, Michael Hand and Howard Harrison of MIT on behalf of Appellant. Lt. Chris Towski, Cambridge Fire Department and Chenier Durand, Cambridge Building Inspector, testified on behalf of the Appellee.

Exhibits in Evidence

Exhibit 1: State Building Code Appeals Board Appeal Application Form, dated January 23, 2008, including supporting materials and plans.

Findings of Fact

Based on the credited testimony of the witnesses and the plans submitted, the Board finds these facts:

1. The building is a new Type 2A structure of six stories above ground and three levels of parking below ground constructed for classrooms, study and dining areas and offices.
2. The plans provide for the building to be connected on the first and second floors to an older building, E52, which has been designated as historically significant.
3. The connections between the buildings are 20 feet, 11 and 5/8 inches in width. Further width would obscure the historically significant exterior detail of the older building.
4. The door openings in the connections between the buildings are 8 feet, 8 ½ inches in width.
5. The door openings are thus approximately 42% of the width of the aggregate width of the building connection and thus exceed the 25% of width of opening allowed in a fire wall under 780 CMR §708.2.
6. The plans call for an increase in sprinkler capacity from the light hazard standard to the ordinary hazard standard of NFPA 13 on both ends of the building connection, and a doubling of the required capacity of the sprinkler water supply.
7. In addition, a line of sprinklers with six foot spacing will be installed within 12 inches of the openings on both sides of the building connection.
8. Two sets of 90 minute rated fire doors with automatic closure will be installed in the opening.
10. The building is planned to have two enclosed stairways with fire separation, one which is smokeproof and the other pressurized, to serve all six stories, sized to accommodate 580 occupants.
11. The second floor occupant load is calculated to be 846 occupants. The second floor includes a balcony overlooking the lobby on the first floor.
12. In addition to the enclosed stairways, there are three open stairways from the second to the first floor, in addition to the building connection corridor to Building E52. The Appellant wishes to designate one of the three open stairways, with a capacity of 280, as the required third means of egress.
13. The lobby space where the open stairway is located will have smoke detectors, which would provide early warning to the occupants of the second and first floors and more time for evacuation.

14. The Appellee does not object to the granting of the variances.

Decision

Pursuant to M.G.L. c. 143, § 100, the Board has the authority to decide appeals by those “aggrieved by an interpretation, order, requirement, direction or failure to act by any state or local agency or any person or state or local agency charged with the administration or enforcement of the state building code.”

The first issue is whether the Appellant should be granted a variance from the provisions of 780 CMR 708.2 to depart from the maximum building separation fire wall opening of 25% to allow a 42% opening in the corridor within the building connector between the new building and Building E52. For the following reasons, the Board **ALLOWS** the appeal.

The Board noted that the areas in the vicinity of the openings of the connector in both buildings would have enhanced sprinkler coverage, from the light hazard to the ordinary hazard standard under NFPA 13 and additional lines of sprinklers with six foot spacing on the center within 12 inches of the openings, also on both ends of the connectors. The connectors would be equipped with two sets of automatic closing 90 minute rated fire doors.

The second issue is whether to grant a variance to allow an open stairway from the second to the first floor as the required third means of egress in lieu of an enclosed third stairway in accordance with 780 CMR 1014.11. For the following reasons, the Board **ALLOWS** the appeal.

The Board noted that there were two other open stairways and the building connector which would allow for egress from the second floor, which opens to the lobby with a balcony. The Board also noted that the 2003 edition of the International Building Code would allow an open stairway as a third means of egress, and that the lobby of the building would be equipped with smoke detectors to provide early warning of any fires.

The Chair entertained a motion to grant the two variances from the provisions of 780 CMR §§ 708.2 and 1014.11 and allow the issuance of the building permit with the plans submitted. The Board voted as indicated below.

X..... Granted

The vote was:

X.....Unanimous



Robert Anderson



Brian Gale



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: July 10, 2008



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 \$5.00 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
Boston, MA 02108