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

Robert Anderson
Administrator

Date: January 14, 2010

Name of Appellant: Children's Hospital Boston

Service Address: Ted Dow
Hughes Associates
5 Mount Royal Ave, 3rd Fl.
Marlborough, MA. 01545

In reference to: 10 Centennial Drive
Peabody, MA. 01960

Docket Number: 09-821

Property Address: 10 Centennial Drive
Peabody, MA. 01960

Date of Hearing: 11-24-09

Enclosed please find a copy of the decision on the matter aforementioned.

Sincerely:

BUILDING CODE APPEALS BOARD

Patricia Barry, Clerk

cc: Building Code Appeals Board
Building Official

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal[1]

Docket No. 09-821
Appellant(s): Children's Hospital Boston vs. Appellee(s):City/Town of Peabody
represented by Walter Dow Building Official Kevin Goggin

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant a variance from 7th edition 780 CMR 705.1, 705.2, and 705.5 for the property at 10 Centennial Drive, Peabody, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.;* and 780 CMR 122.3.4, the Board convened a public hearing on November 24, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board. Walter "Ted" Dow appeared for the hearing as noted on the sign in sheet which is on file at the Department of Public Safety.

Discussion

After testimony and discussion a motion was made to grant a variance from the 7th edition 780 CMR 705.1, 705.2, and 705.5 and allow substitution of a fire wall with "back-to-back" 2-hour fire resistance rated walls in lieu of the requirements of these sections, based on the other fire protection measures in place, as noted in the Hughes Associates, Inc. letter dated November 4, 2009. There was a second on the motion and board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance from 7th edition 780 CMR 705.1, 705.2, and 705.5 is hereby **granted** as described in the discussion above and so ordered[2] on this date: November 24, 2009.

William Middlemiss PO | Brian Gale PO | [signature]

William Middlemiss | Brian Gale | Alexander MacLeod

[1] This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

[2] In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.