

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board
Docket No. 05-432

BOARD'S RULING ON APPEAL

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
Boston, MA 02108

Andrew Zalewski)
Appellant,)
v.)
Town of Bedford and Dan Sullivan)
Appellees)

Procedural History

This matter came before the State Building Code Appeals Board ("the Board") on the 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 1017.4.1.2 of the Massachusetts State Building Code ("MSBC") for the property of 3000 Thompkins Farm, Bedford, MA. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on June 26, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing himself was the Appellant. Daniel Sullivan from the Bedford Building Department and David Denaro from Keith Construction, Inc. were present.

Decision: Following testimony, and based upon relevant information provided, Board members voted as indicated below.

..... Granted Denied Rendered Interpretation
.....Granted with conditions (see below) Dismissed

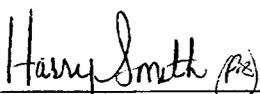
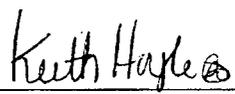
The vote was:

.....Unanimous Majority

Reasons for Variance:

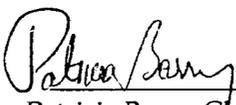
Testimony was presented for a garage which is located under the living area of the building that is subject of this appeal. The garage is open to outside air, fully sprinklered, with one egress location within 150 ft of travel distance from any location in the garage. The exit through the proposed door of the second egress leads to stairs up to the 1st floor of the building and out to grade, which is higher than on the other side of the building where the other garage egress is located. Per 780 CMR 1017.4.1.2 a paddle release is required on the second egress door. However this presents a security issue, since the paddle could be activated by any person coming into the garage from the outside. A motion for a variance to 780 CMR 1010.5, 1007.0, and 1017.4.1.2, was made by Keith Hoyle to allow for a keyed locked on this second egress door that would open automatically if any one of these conditions occurs: the sprinkler is activated, the smoke detectors are activated, or there is a loss of power to the building or to the lock for this door. Dan Sullivan was asked if he would support this motion and he said he did. The motion was seconded by Alexander MacLeod.

The following members voted in the above manner

| | | |
|--|---|--|
|  _____ |  _____ |  _____ |
| Chairman -Harry Smith | Alexander MacLeod | Keith Hoyle |

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

A true copy attest, dated: October 10, 2007



Patricia Barry, Clerk

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.