

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

Building Code Appeals Board  
Docket No. 08-551

\_\_\_\_\_  
Nantucket Memorial Airport, )  
Appellant; )  
 )  
v. )  
 )  
Town of Nantucket, )  
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 permit for renovations and an addition to the Nantucket Airport building.

By letter dated February 12, 2008, Bernard Bartlett, Building Commissioner for the Town of Nantucket, ("Nantucket"), informed Appellant that a permit application for renovations and addition to the Nantucket Airport building was denied, stating that the plans for the building violated 780 CMR §§ 707.0 and 3408.6.3.

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 April 3, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and testifying at the hearing were Vernon Woodworth of R.W. Sullivan, Inc., Ray Porfilio of Earthtech, Inc., and Al Peterson of Nantucket Memorial Airport on behalf of Appellant. The Appellee made a written submission and did not appear in person.

### Exhibits in Evidence

- Exhibit 1: State Building Code Appeals Board Appeal Application Form, dated February 25, 2008, including supporting materials and plans.
- Exhibit 2: Email from Anne Barrett, Town of Nantucket, forwarding email from Bernard Bartlett, Nantucket Building Commissioner
- Exhibit 3: Letter from ATC Associates, Inc., regarding soil characteristics.

### Findings of Fact

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

1. The project is a 24,000 square foot expansion of the Nantucket Memorial Airport terminal and operations building. The existing building is of Type 5B construction, previously partially equipped with an automatic sprinkler system. The new construction will be of Type 5A construction. Upon completion, the entire structure will be fully equipped with an automatic sprinkler system. The new construction will accommodate Transportation Security Administration passenger screening and a passenger waiting hall for the airport.
2. A fire wall to divide the existing structure and the extension will be included to meet the calculated occupancy requirements of the building, which has a proposed A-3 use.
3. A steel beam supporting the existing roof structure at the joint between the old and the new construction is in line over part of the proposed fire wall. The steel beam does not provide support for or depend on the fire wall for support. The steel beam will be fireproofed.
4. The existing structure includes a square plan masonry tower of three stories plus glass enclosure on top for airport control purposes. The scope of the expansion has triggered the requirements of 780 CMR 3408.4.3.2 to require the entire structure to be compliant with 780 CMR 3408.6.3 for "all masonry walls shall be connected to roof or floor diaphragms or other elements providing their lateral support . . ."

5. The existing construction of the tower provides an adequate level of lateral load bearing resistance due to the square section and the interior structure and layout of floors and stairs.

6. A soil analysis at the site conducted by ATC Associates, Inc. concluded that "compacted granular fills such as those predominantly found at the subject project are not subject to liquefaction . . . if the standard penetration resistance of medium to fine sand is 15 blows or more per 1 ½ inches which was found to be the case when ATC performed penetration tests at the project in January 2008."

7. The Appellee has reviewed the plans of the Appellant and does not object to the granting of the variance on appeal.

### 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 707.5, on the continuity of a fire wall between the existing structure and the new structure.

The second issue is whether the Appellant should be granted a variance from the provisions of 780 CMR 3408.6.3, reduction of earthquake hazards, in a portion of the existing structure, the airport control tower.

For the following reasons, the Board **ALLOWS** the appeal.

On the first issue, the Board noted the overall increase in the fire safety provided by the new construction of the extension and the upgrading of the existing structure with full automatic sprinkler coverage. The possibility of the steel beam overhanging a portion of the fire wall failing and damaging the fire wall is remote given the strength and support of the beam as long as the steel beam is fireproofed. The Board therefore imposes the condition that the steel beam supporting the roof on the existing structure and partially over the new firewall be fireproofed.

On the earthquake hazard reduction issue, the Board noted the square and squat character of the existing masonry control tower, the internal structure and support of the

tower, and that the soil characteristics did not indicate that liquefaction was likely in an earthquake.

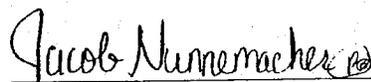
The Chair entertained motions to grant the variance from the provisions of 780 CMR 707.5 and to grant a variance from the provisions of 780 CMR 3408.6.3. The Board voted as indicated below on both motions.

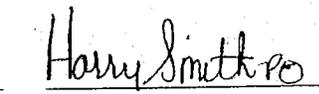
**X.....Granted with condition: that the steel beam supporting the roof on the existing structure and partially over the new firewall be fireproofed.**

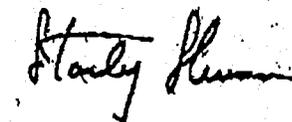
The vote was:

**X.....Unanimous**

..... Majority

  
\_\_\_\_\_  
Jacob Nunnemacher

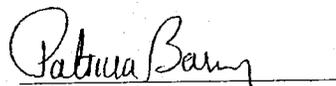
  
\_\_\_\_\_  
Harry F. Smith -Chair

  
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Stanley Shuman

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: June 19, 2008

  
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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:

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