

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board<sup>1</sup>  
Docket No. 05-315

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Peter Harrod, P.E., Rolf Jensen &  
Associates, Inc.

Appellant

vs.

Boston Inspectional Services  
Department

Appellee

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**BOARD'S RULING ON APPEAL**

**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 780 CMR 403.2 and 780 CMR 915.2 of the Massachusetts State Building Code ("MSBC") for 772-779 Boylston Street, Boston, 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 November 2, 2006 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing the owner, Mandarin Oriental Boston, was Peter Harrod, P.E. of Rolf Jensen & Associates, Inc. ("Appellant"). Also present at the hearing were: Jared Birmingham, Rolf Jensen & Associates, Inc; Scott Bettano, RDK Engineers; and Ron Swenson, CBT Architects. There was no representative present from the Boston Inspectional Services Department.

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<sup>1</sup> 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.

### Findings of Fact

1. The subject project involves the construction of a new 14-story high rise building and one-story arcade with associated retail space; which extends to the east off the existing Boylston Street arcade that serves the Pru Center Mall.
2. The Appellant sought approval for a variance from the requirements set forth under 780 CMR 403.2 and 780 CMR 915.2.
3. Section 403.2 requires all buildings and structures to be equipped throughout with an automatic sprinkler system in accordance with 780 CMR 906.2.1 and M.G.L. c. 148, section 26A.
4. In this case, the proposed transformer vault design will afford a level of life safety equivalent to that intended by the Code such that omitting sprinklers in this area is deemed appropriate.
5. Section 915.2 requires all fire department connections shall be arranged such that the attachment to any one water sprinkler connection will serve all sprinklers, and the attachment to any one standpipe connection will serve all standpipes within the building.
6. In this case, the proposed fire department connection configuration will afford a level of life safety equivalent to that intended by the Code as it pertains to allowing the automatic/standpipe risers serving the Green Level Parking areas of the high rise to be fed from the existing Prudential Center fire department connection.

### Discussion

A motion was made to Grant the Appellant's request for a variance from 780 CMR 403.2 and 780 CMR 915.2 allowing for the construction of the 14-story high rise building and one-story arcade with associated retail space. The motion was unanimously approved under each section of the Code.

### Conclusion

The Appellant's request for variance from 780 CMR 403.2 and 780 CMR 915.2 is hereby GRANTED.

SO ORDERED.



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TIM RODRIQUE

Harry Smith  
HARRY SMITH

Stanley Shuman  
STAN SHUMAN

DATED: January 8, 2007

*\* 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.*