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The Commonwealth of Massachusetts
State Board of Building Regulations and Standards

CODEWORD

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WHO REGULATES BUILDING PERMITS?

In recent months, we have investigated several complaints about illegal practices of certain cities and towns with regard to issuance of building permits. In one incident, a town Board of Selectmen actually issued a building permit, and prevented the building official from using town counsel to challenge this action. Due to our intervention, the Attorney General's Office is now undertaking legal action to resolve this problem.

Many other complaints have dealt with procedures in which a permit applicant is forced to obtain sign-offs from other municipal officers or boards before he may apply for a building permit. We regard this type of process as illegal, since it effectively delegates the authority to issue or refuse building permits to the other officials and boards. Chapter 143, Section 3 of the General Laws gives this authority **only** to the Building Official, and does not authorize delegation of the authority to grant or deny the permits.

A building official is free to consult with other municipal authorities to assist him in the performance of his duties. However, a building official is also bound by certain requirements - he must issue or deny permit applications within thirty days, and any denials must be specific as to sections of code or law violated. Other municipal authorities are not bound by these limits, and are provided with their own enforcement tools to do their respective jobs. The bottom line is that the building code, not any other regulation or code, has statutory authority to regulate the issuance or denial of building permits, and the building official, not any other municipal authority, is empowered by law to administer the building code and to issue or deny building permits.

ROOFING REMINDER

One of the most notable advances in building technology has been the development of roofing systems which employ new materials. Recently, these new systems have overtaken the conventional "tar and gravel" built-up roofs, and now constitute more than half of all new roofs installed every year. The new systems use materials which are generally described as elastomers, since they are generally more elastic than conventional roofing products and can withstand more movement of their substrates without failure than can built-up roofs. Many new systems are also "single-ply", that is the systems consist of only one layer.

Several different materials are now in common use, including Ethylene Propylene Diene Monomer (EPDM), Polyvinyl Chloride (PVC) and modified bitumens. Each material has its own advantages and disadvantages, and each manufacturer's roofing system has unique features, installation requirements, and physical properties. It is important that building officials keep these facts in mind. Permit applicants must demonstrate that the specific system proposed for installation has the proper classification per the ASTM E-108 Test, as required by Section 926 of the State Building Code.

The ASTM E-108 Test evaluates roof covering systems to determine fire retardant characteristics for spread of flame due to burning brands or other exterior exposure to fire. Systems are classified as Class A, B or C, with Class A systems withstanding the most severe fire exposure during testing. If the proper class of roof covering is not applied, the building may be exposed to a greater fire hazard than its construction type should merit. Building officials should take care to obtain confirmation during plan review that the roof covering has the required classification, and should verify during inspection that substitution of a less fire retardant roof covering has not occurred.

CHIMNEY LINER PERFORMANCE STANDARDS

At the recommendation of the Construction Materials Safety Board, the State Board of Building Regulations and Standards has formally interpreted Section 2108.3.2 (Masonry chimneys, Lining). The performance standards of Section 2108.3.2 require fire clay flue lining (ASTM C315) or in the alternative a liner of other approved material that will resist corrosion, softening or cracking from flue gases at temperatures up to seventeen hundred (1700) degrees Fahrenheit. As the standards of the Underwriters' Laboratories UL 103 HT (high temperature) test demands a higher performance than the requirements of the Code, chimney liners tested to this standard and listed by Underwriters Laboratories are to be accepted as meeting the requirements of this Section.

MASSACHUSETTS BUILDING COMMISSIONERS AND INSPECTORS ASSOCIATION, INC.

Election of Officers

For those of you who may not be aware, the Massachusetts Building Commissioners and Inspectors Association recently elected the following officers to serve for 1986-1987:

President	Joseph Cellucci Cambridge Building Commissioner
Vice President	Charles McArthur Bedford Inspector of Buildings
Treasurer	James Starratt Lynn Building Commissioner
Secretary	Herbert Haskell Marblehead Inspector of Buildings

We congratulate the newly installed officers, and wish them a successful year. We also wish to commend last year's officers who under the able leadership of Sam Desalvo worked so successfully to provide excellent training programs in addition to their other duties.

Educational Seminar

At the invitation of the President of the Massachusetts Building Commissioners and Inspectors Association, the membership of the Southeastern Massachusetts Building Officials and Fire Chiefs Association and the membership of the Building Officials of Western Massachusetts attended a joint seminar on egress. This seminar was held on November 13, 1986 at Finally Michael's Restaurant in Framingham, with approximately 220 building officials attending.

Mr. Julius Ballanco, Senior Staff Engineer, BOCA International presented the BOCA Code's requirements for egress and compared specified BOCA requirements with those of the State Building Code. Mr. Ballanco distributed a resource document, a Continuing Education Workbook, Means of Egress. Many items of his presentation provoked spirited discussion particularly the BOCA code's requirements for single exit construction, occupancy loads, travel distance, corridor width and lobbies.

CONSTRUCTION SUPERVISOR LICENSE (CSL) SUSPENSIONS

Under MGL c 62C, S.47A, the following licenses have been suspended and will remain suspended until the Department of Revenue has notified the Board that they are no longer delinquent:

<u>License Holder</u>	<u>CSL Number</u>
Joseph H. Arseneau	033175
Lyndel R. Cabbage	032710
Roger C. Pelletier	034212
Samuel P. Reed	030971
Joseph R. Worcester	024387

CODEWORD

This issue's CODEWORD is: Compliance Alternative. In existing buildings only, "Where compliance with the provisions of the code for new construction, required by this article (Article 22), is impractical because of structural or construction difficulties or regulatory conflicts, compliance alternatives may be accepted by the building official," (see Section 2206.1).

How should the building official determine if the use of a compliance alternative can be allowed? His first tool for making this determination is the investigation and evaluation of the existing building required by Section 2202.1. This documentation of the existing conditions provides the framework for the evaluation of the proposed compliance alternative. The items of non or partial compliance and any proposed compliance alternatives must be specifically documented in the permit application (see Section 2202.4).

The second tool available to the building official is Part Two of Appendix T, Suggested Compliance Alternatives. These examples of generally acceptable compliance alternatives and the associated commentaries illustrate the principles that can be applied and the alternatives that can be accepted. The examples given cannot necessarily be applied in all cases, but provide excellent guidance and direction.

The final step the building official must take when accepting or rejecting any compliance alternative is its documentation. Section 2202.5 requires that complete documentation of proposed compliance alternatives and the official's action be submitted to the State Board of Building Regulations and Standards for review. Compliance alternatives must not be considered as "convenient" solutions to problems with existing buildings, but, rather must be carefully considered methods of meeting the intent of the code provisions of Article 22 on a case-by-case basis.

LEGISLATION - CHAPTER 687 OF 1985

This Act, passed in December of 1985, amends Chapter 143 by striking out Sections 62 to 66, inclusive, and inserting new sections and amending Sections 70 and 71B. The effect of this Act is to transfer to the Division of Inspection of the Department of Public Safety, on January 1, 1987, the sole responsibility for elevator inspections within the Commonwealth. Prior to this Act, properly qualified local building officials could be responsible for elevator inspections.

Currently, the Elevator Section of the Division is compiling a computerized data base of elevators in the Commonwealth. Local Inspectors maintaining such records are urged to contact the Elevator Section to arrange the turnover of local records.

RECENT STATE BUILDING CODE APPEALS BOARD DECISIONS

Section 126.7.11 (Contents of Decision) of the Code states, "Any decision shall not be considered by any person or agency as a precedent for further decisions."

Appeal Docket #903

The building official refused to issue a building permit for a twelve unit (R-2) residential structure, citing excessive travel distance to exitway discharge as his reason for refusal. The second means of egress from this structure (two story apartments above a ground level garage) was to be provided by a balcony, common to all units, which provided a travel distance of approximately two hundred and twenty (220) feet for the most remote units. The Inspector cited the requirements of Table 607 which limits this travel distance to one hundred (100) feet.

The Appellant argued that the balcony was an acceptable second means of egress in that it provided two stairways to grade in addition to the interior exitway.

The Board found that as one of the balcony's stairways was adjacent to the interior exit's discharge, it could not be considered as remote. Therefore, it could not be considered as a code complying second means of egress. The Board determined the building official's computation of travel distance in excess of two hundred (200) feet was correct and required the Appellant to resubmit complying plans.

Appeal Docket #906

The building official issued an exitway order to the owner of an existing building. The order cited a violation of Section 616.11, Discharge Identification, as an exitway stairway continued beyond the floor of discharge. No barriers (partition, door, etc.) were present to prevent persons from passing the exit and continuing into the basement.

The Appellant argued that the exit was clearly obvious, marked by an illuminated sign, and through a door with a vision panel giving a view of the exterior. The Appellant cited the NFPA Life Safety Code which under these conditions would not require a barrier.

The Board found that the lack of a barrier could allow a person to continue beyond the exit and become trapped with no way to exit from the basement without returning to the stairway exit. Additionally, the Board found that where the State Building Code specifically addressed this issue (Section 616.11) and allows no exceptions, the use of the Engineering Practice Standard, NFPA 101-1976, The Life Safety Code could not be allowed. The Board directed the Appellant to provide the required barriers.

TECHNICAL DIRECTOR HONORED

Mr. David C. Macartney, Technical Director, State Board of Building Regulations and Standards, has been honored by his appointment to the Building Officials and Code Administrators International (BOCA), Code Interpretations Committee. This Committee regularly reviews requests for formal interpretation of the BOCA Codes and these interpretations provide a basis for BOCA code changes and clarification.

