

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS
State Building Code Appeals Board
Docket No. 05-391

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

Harold Cutler)
 Appellant,)
))
v.))
))
City of Boston and Luis Santana)
 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 780 CMR, Section 924 of the Massachusetts State Building Code ("MSBC") relative to building fire pumps for the property of 2420 Beacon St., 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 April 5, 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, Harold Cutler. Also present were Mohammed Zade and Dana Angelo.

Decision: Following testimony, and based upon relevant information provided, Board members voted to grant a to 780 CMR, Section 924 and 924.1 as indicated below. It was noted that the variance was granted in consideration of a hardship to the owner to remove an existing 6" water line to install an 8" main if the variance were not granted.

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

The vote was:

.....Unanimous Majority

Reasons for Variance:

Testimony was presented relative to a variance request on 780 CMR 924.0 and 924.1.

The Appellant indicated that a 6" main was installed to serve the referenced property. An 8" main is required by 780 CMR. The building is equipped with three standpipes (see exhibit 1 which summarizes the test results). The Appellant noted that it is unlikely that three standpipes would ever be required in a fire emergency. Consequently, "practical compliance" in a two standpipe arrangement was considered reasonable.

National Fire Protection Association (FPA) Standard 20, Section 14.2.7.2.2 indicates that "the fire pump shall be operated at maximum allowable discharge to determine its acceptance. This reduced capacity shall not constitute an unacceptable test." (see exhibit 2). When tested for "practical compliance" exhibit 1 shows that the actual test condition measurements slightly exceed the requirements.

Following testimony, Jake Nunnemacher made a motion to grant the variance. The motion was seconded by Stan Shuman. As part of the motion, it was noted that City of Boston Inspectional Services Department (ISD) and the Boston Fire Department (BFD) did not oppose the granting of a variance as evidenced documents required by both of ISD and BFD. Additionally, it was noted that credible evidence was submitted to indicate that the system, as installed, would function as intended by provisions of 780 and related standards. Consideration of hardship to the owner to remove the 6" and install a 8" main if the variance were not granted was also noted.

The following members voted in the above manner

Brain Gale
Chairman - Brain Gale

Stanley Shuman
Stanley Shuman

Jake Nunnemacher
Jake Nunnemacher

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

A true copy attest, dated:

August 20, 2007
Patricia Barry
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.