

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

BUILDING CODE APPEALS BOARD
DOCKET NO. 11-997

_____)
Dow Jones, Inc,)
Appellant)
)
v.)
)
City of Chicopee,)
Appellee)
_____)

BOARD’S DECISION ON APPEAL

Introduction

This matter came before the State Building Code Appeals Board (“Board”) on Appellant’s appeal application filed pursuant to G.L. c.143, §100 and 780 CMR 122.1 (“Application”). Appellant owns a printing facility located at 200 Burnett Road, Chicopee, MA, which is undergoing modification to approximately 12,000 square feet of a facility containing approximately 139,000 square feet. Appellant is seeking a compliance alternative pursuant to 780 CMR 3406.1.

Procedural History

The Board convened a public hearing on May 17, 2011, in accordance with G.L.c. 30A, §§10 & 11; G.L.c. 143, §100; 801 CMR 1.02; and 780 CMR 122.3. All interested parties were provided an opportunity to testify and present evidence to the Board. Appellant received a letter, dated March 30, 2011, from the City of Chicopee, which denied the request for a compliance alternative pursuant to 780 CMR 3406.1.

Discussion

The work involves raising the roof on a portion of the facility to install a new printing press. Two other printing presses are currently located in the facility. Appellant would like to have the renovations subject to building type II-A, rather than type I-B, which requires fireproofing of the roof structure. Appellant believes that existing construction type of the building is closest to type II-A, and proposes that the new construction would be equal to the existing building’s fire-resistance rating.

Appellant asserted that to comply with the type I-B requirements construction would be delayed by approximately 3 weeks and add costs in the amount of approximately \$100,000, all while the facility would continue to operate its printing functions (which would necessitate “tight” time deadlines). Spray-on fireproofing would be difficult to clean, and the printing machinery creates significant amounts of dirt/dust/ink residue which can be more easily cleaned from smooth surfaces.

Appellant explained that the renovated space would use the FM Global standards for the new sprinkler system, which would be better than those from the NFPA 13.

Given that the compliance alternative would be based on an upgraded sprinkler system, the Board was concerned that Appellant had not provided support from its fire protection engineer.

Conclusion

The Board made a motion to **deny** the variance/compliance alternative from 780 CMR 34.00, 7th Edition, §3406.1, based on the fact that the Board did not have sufficient information about the sprinkler system (“Motion”). The Motion was approved by a unanimous vote.



H. Jacob Nunnemacher

Douglas A. Semple, Chair

Alexander MacLeod

Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to Superior Court in accordance with G.L. c.30A, §14 within 30 days of receipt of this decision.

DATED: June 15, 2011