

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board¹
Docket No. 05-355

Doug Anderson, R.W. Sullivan, Inc.,
Appellant

vs.

Richard Osborne, Haverhill
Building Inspector,
Appellee

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 503.0, 780 CMR 705.3 and 780 CMR 1014.11.1 of the Massachusetts State Building Code ("MSBC") for 109-117 Essex Street, Haverhill, MA. At issue, is the conversion of an existing mill building complex to a residential multi-family (R2) Use Group.

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 January 23, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing the owner Forest City Corporation was, Doug Anderson, R.W. Sullivan, Inc. ("Appellant"). Present and representing the City of Haverhill Building

¹ 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.

Department was Richard Osborne (“Appellee”). Also present were: Les Godin, Frank Valdes and Doug Arsham.

Findings of Fact

1. The subject property is an existing 9-story mill building complex which is being converted to a residential multi-family (R2) Use Group.
2. One of the buildings exceeds the allowable height restriction for the construction type; the exterior wall openings between the two buildings exceed the allowable percentages; and the exterior walls of the exit stairways have openings within ten feet horizontally.
3. For Building 2, the existing structural members are predominately heavy timber (Type 4 Construction), however the proposed renovations will likely include the installation of new suspended ceilings in some areas, creating concealed floor spaces that are not permitted in Type 4 construction. The building will therefore be classified as Type 3A construction.
4. The height of Building 2 is 9 stories and exceeds the allowable height limitation of five stories and 70 feet for the proposed Type 3A construction and residential occupancy. If the building was new, it would have to be of Type 2A construction to comply with the height limitations. However, since it is a high-rise structure, the MSBC would allow the construction type to be reduced to Type 2B.
5. The height limits for 3A and 2B are identical, indicating that the MSBC considers these construction types equivalent in terms of building height. Therefore, if the building is allowed to be Type 2B construction due to the presence of the additional high-rise fire protection features, it is reasonable to allow Type 3A construction with high-rise fire protection.
6. The exterior walls at the interior wedge where the Buildings 1 and 2 abut have openings which exceed the allowed percentages, measured to an imaginary line between the two buildings. Sprinklers will be installed at the inside of each opening within the minimum required fire separation distance.
7. One exit stair includes an existing exterior window. The MSBC requires that either the stair wall openings or the adjacent exterior wall openings within 10 feet be provided with ¾ hour opening protectives. A variance is requested to allow omission of fire shutters on the existing exterior windows in the stair enclosure and the adjacent exterior windows within 10 feet of the stair enclosure.

Discussion

A motion was made to Grant the Appellant’s request for a variance from 780 CMR 503.0 780 CMR 705.3 and 780 CMR 1014.11.1 of the MSBC which was unanimously

approved by the Board; with the condition that the stair enclosure is fully sprinkled on every level. The City of Haverhill had no objection to the granting of these variances; as there is no increase in safety hazard and the building will comply with the MSBC in every other respect.

Conclusion

The Appellant's request for a variance from 780 CMR 503.0, 780 CMR 705.3 and 780 CMR 1014.11.1 is hereby **GRANTED** subject to the above stated condition.


SO ORDERED.



HARRY SMITH



KEITH HOYLE



ALEXANDER MACLEOD

DATED: April 25, 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.*