

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

BUILDING CODE APPEALS BOARD
DOCKET NO. 11-1015

Acton Community Access)
 Television,)
 Appellant)
)
 v.)
)
 Town of Acton,)
 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 is seeking a variance from Section 507.2.3 of the 2009 International Mechanical Code in order to install a residential type of electric stove in a television studio (for occasional use in cooking program) without having to install a Type 1 hood and proper fire suppression system, as part of renovation work at 16A Craig Road, Acton, MA 01720 (“Project”).

Procedural History

On or about May 20, 2011, the Building Department for the Town of Acton denied a building permit application for the Project, noting that the absence of a Type 1 hood and a fire suppression system was “incompatible and possibly dangerous when interacting with a grease fire.” The Board convened a public hearing on July 7, 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.

Discussion

The Project called for the installation of an electric cook top in a television studio space. The cook top would be moveable to allow for different television programming and classroom uses. The cook top would be a type for residential use. The building has a sprinkler system. Appellant was concerned about costs with respect to the installation of equipment such as hoods and fire suppression systems for stoves, given that the Project is for a community access television operation.

Conclusion

The Board considered the following motion: to allow a variance from Section 507.2.3 of the 2009 International Mechanical Code to permit the installation of an induction cook top, with the conditions that fire extinguishers in compliance with 780 CMR 906.1 and NFPA 10 must be available when the cook top is in use and a self-circulating hood must be installed for smoke/odor removal. The motion was approved by two to one vote.



H. Jacob Nunnemacher (opposed)

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: October 17, 2011