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The Commonwealth of Massachusetts

Department of Public Safety

Board of Building Regulations and Standards

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Gary Moccia, P.E.
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Alexander MacLeod, R.A.
Vice Chairman

Robert Anderson
Administrator

Date: July 31, 2008

Name of Appellant: Kevin Hastings

Service Address: RW Sullivan
The Schrafft Center
529 Main Street, Suite 203
Boston, MA 02129

In reference to: Winchester Hospital
41 Highland Avenue
Winchester, MA 01890

Docket Number: 05-478

Property Address: Winchester Hospital
41 Highland Avenue
Winchester, MA 01890

Date of Hearing: October 4, 2007

We are pleased to enclose a copy of the decision on the request for certain variances from the Building Code.

Sincerely:

BUILDING CODE APPEALS BOARD

Patricia Barry
Patricia Barry, Clerk

cc: Building Code Appeals Board
Building Official

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

Building Code Appeals Board
Docket No. 05-478

Winchester Hospital,)
Appellant;)
v.)
Town of Winchester,)
Appellee.)

BOARD'S RULING ON APPEAL

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on 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 §§1011.3 and 3404.3 of the Massachusetts State Building Code ("Code") in order to complete the renovation taking place in the Nursing Unit at the Winchester Hospital T 41 Highland Avenue in Winchester ("Project").

By letter dated August 22, 2007, Mr. Ronald Haverly, Building Inspector for the Town of Winchester ("Appellee") issued a violation notice for the work performed at the Project since the work did not establish the minimum requirement width for a corridor within an Institutional Use as set forth in 780 CMR §§1011.3 and 3404.3

In accordance with G. L. c. 30A, §§10 and 11; G. L. c. 143, §100; 801 CMR §1.02 et. seq.; and 780 CMR §122.3.4, the Board convened a public hearing on Thursday, October 4, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Kevin Hastings & Bob Humenn appeared on behalf of Appellant. No one appeared on behalf of Appellee.

Exhibits in Evidence

- Exhibit 1: State Building Code Appeals Board Appeal Application Form, dated August 27, 2007, including supporting materials and plans.
- Exhibit 2: Sign-in sheet for hearing on October 4, 2007

Findings of Fact

1. The project is a substantial renovation of an existing hospital building, use group I-2, to create more hospital rooms and bed spaces.
2. The existing corridor width was six to eight feet.
3. While the corridors are being widened as a part of the renovation to eight feet in most areas, the building has structural and service features which prevent the corridors from reaching the required width of eight feet in all areas.
4. The structural and service features which narrow the corridor to seven feet or six feet ten inches in limited areas are elevator and mechanical shafts, columns and medical gas service spaces.
5. The staff will be trained not to leave beds and other items in corridor areas.
6. The Building Inspector for the Town of /Winchester, Ronald Haverty, by letter dated September 21, 2007, stated he does not object to the granting of the variance. (Exhibit 1)

Decision

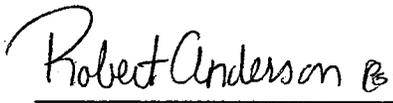
The issue is whether Appellant should be allowed a variance from the limitations set forth in 780 CMR §§1011.3 and 3404.3 which require a minimum of 96 inch width for all corridors in use group I-2 where substantial renovations are performed, as in this case. The Board considered evidence that the renovation took place in an existing building where it was impossible to meet the current requirements for the 96 inch width for parts of the corridor because of structural columns and mechanical shafts and medical gas service spaces. The chairman entertained a motion to grant a variance from 780 CMR §§1011.3 and 3404.3 to allow for limited areas where the width would be less than 96 inches, **on the condition that a sign forbidding the storage of beds (e.g. "No Bed Parking Allowed here") be posted in areas where the corridor is less than eight feet wide.**

The Board voted to approve the Motion as described on the record. The Board voted as indicated below.

X.....Granted with conditions - a sign forbidding the storage of beds (e.g. "No Bed Parking Allowed here") must be posted in areas where the corridor is less than eight feet wide.

The vote was:

X.....Unanimous


Robert Anderson - Chair


Stanley Shuman


Dana Haagensen

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.

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

A true copy attest, dated: July 31, 2008


Patricia Barry, Clerk

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
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