



Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Kevin M. Burke
Secretary

The Commonwealth of Massachusetts

Department of Public Safety

Board of Building Regulations and Standards

One Ashburton Place, Room 1301

Boston, Massachusetts 02108-1618

Phone (617) 727-7532 Fax (617) 227-1754

TTY (617) 727-0019

www.mass.gov/dps

Thomas G. Gatzunis, P.E.
Commissioner

Alexander MacLeod, R.A.
Chairman

Gary Mocca, P.E.
Vice Chairman

Robert Anderson
Administrator

Date: June 16, 2009

Name of Appellant: Brian Hume, AIA

Service Address: 15 Masirio Drive, Suite 101
Berlin, CT. 06037

In reference to: 15 Wattaquadock Hill Road
Bolton, MA. 01740

Docket Number: 09-743

Property Address: 15 Wattaquadock Hill Road
Bolton, MA. 01740

Date of Hearing: 05-26-09

Enclosed please find a copy of the decision on the matter aforementioned.

Sincerely:

BUILDING CODE APPEALS BOARD

Patricia Barry, Clerk

cc: Building Code Appeals Board
Building Official

**COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹**

Docket No. 09-743

Appellant(s): Brian W. Humes, AIA
representing Bolton Policy Department

vs.

Appellee(s): City/Town of Bolton
Michael Sauvageau

Procedural History

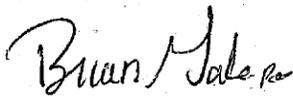
This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant a variance from 6th Edition 780 CMR 918.1 and NFPA 72-2002 5.7.4.2.2, for 15 Wattaquodock Hill Road, Bolton, MA in accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4. The Board convened a public hearing on May 26, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Discussion

A motion was made to grant the Appellant's request for a variance from 6th Edition 780 CMR 918.1 and NFPA 72-2002 5.7.4.2.2, to allow for the placement of three smoke detectors in the return air ductwork leading away from three detention cells within the limited Prisoners Processing Area of a new Police Department Facility. The three smoke detectors would be accessed for maintenance and inspection via removable panels above the Ante Room ceilings immediately adjacent to each cell door. The return air fan equipment from the cells would also operate continuously so there would not be any interruption of cell air flowing past the smoke detector. The Board noted that the smoke detectors could be installed outside the cell room on the condition that they were of a high velocity. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance from 780 CMR 918.1 and NFPA 72-2002 5.7.4.2.2, is hereby granted as described in the discussion above and so ordered² on this date: May 26, 2009.



Brian Gale



Jake Nunnemacher



Alexander MacLeod

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

²In 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.

STATE BUILDING CODE APPEALS BOARD SIGN-IN SHEET

Docket Number 09-743 Appellant Hume, AIA Building Official Sauvageau
 Hearing Date 05-26-09 Hearing Time 11:00 a.m.
 Appeals Board Members MacLeod : Nunnenmacher : Gale

PLEASE PRINT LEGIBLY

<u>Name</u>	<u>Address</u>	<u>Telephone</u>
BOIAN HINKES	JACINTE HINKES ARCHITECT, BRAN, CT	8100 818, 9161
VINCENT A FARR	BOSTON POLICE DEPT. MAIN ST. BOSTON, MA	(617) 229-2276
DONALD LOWE	BOSTON TOWN HALL 663 MAIN ST. BOSTON, MA	978-779-3300
BRUCE GALE	BORS	
DANIEL MANN	BORS	
H. JACOB NUNNENMACHER	BORS	
PATRICE SONG	BORS	

STATE BUILDING CODE APPEALS BOARD

OPENING STATEMENT:

Mr. Chairman:

The date is: May 26, 2009 the docket # is 09-743

The appellant is: Brian Hume, AIA

15 Masirio Drive, Suite 101, Berlin, CT, 06037

The property involved is:

15 Wattaquaddock Hill Road, Bolton, MA, 01740

The appeal is based on the provisions of the 6th Edition of the State Building Code relative to: (Section/Table)

Relief desired:

780 CMR Section 918.1, NFPA 72-2002:5.4.2, (MSBC 918.1)

DECISION: (Please complete this section at the hearing).

The Building Official supported/opposed the appeal filing:

Board members voted to:

Grant Appeal

Deny Appeal

Reason for approval/denial: _____

The decision was _____ unanimous/ _____ objected to by: _____

Reason for objection: _____

Provisos (if any): _____

BOARD: _____



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Vice Chairman

Robert Anderson
Administrator

15-May-09

Mr./Mrs. Brian Hume, AIA
15 Masirio Drive, Suite 101
Berlin, CT. 06037

Docket Number 09-743
Property Address 15 Wattaquadock Hill Road Bolton, MA. 01740
Hearing Location 1380 Bay Street Taunton, MA. 02780
Hearing Date and Time 05-26-09 11:00 a.m.

Dear Mr./Mrs. Hume, AIA

The appeal for the subject property has been scheduled to be heard on the hearing date and time and location indicated above. A map is enclosed for your convenience.

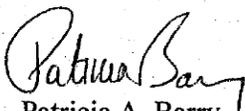
The State Building Code Appeals Board requires your presence or that of your representative at its hearing relative to the above case.

Please bring with you a copy of the record, including any plans, sketches, drawings, etc, that will help to give the Appeals Board grounds to adjudicate this appeal. The State Building Code Appeals Board hearings are held pursuant to 801 CMR 1.02 Informal Fair Hearing Rules.

NO POSTPONEMENTS OR REFUNDS WILL BE GRANTED. In order to reschedule an appeal case, you must first withdraw the original case and file a new application. A new application fee will be required.

Very truly yours,

THE STATE BUILDING CODE APPEALS BOARD


Patricia A. Barry
Coordinator



The Commonwealth of Massachusetts

Department of Public Safety

Board of Building Regulations and Standards

One Ashburton Place, Room 1301

Boston, Massachusetts 02108-1618

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Vice Chairman

Robert Anderson
Administrator

15-May-09

Mr./Mrs. Sauvageau
Building Commissioner
663 Main Street
Bolton, MA. 01740

Docket Number	09-743
Property Address	15 Wattaquodock Hill Road Bolton, MA. 01740
Hearing Location	1380 Bay Street Taunton, MA. 02780
Hearing Date and Time	05-26-09 11:00 a.m.

Dear Mr./Mrs. Sauvageau

The appeal for the subject property has been scheduled to be heard on the hearing date and time and location indicated above. A map is enclosed for your convenience.

The State Building Code Appeals Board requires your presence or that of your representative at its hearing relative to the above case.

Please bring with you a copy of the record, including any plans, sketches, drawings, etc, that will help to give the Appeals Board grounds to adjudicate this appeal. The State Building Code Appeals Board hearings are held pursuant to 801 CMR 1.02 Informal Fair Hearing Rules.

NO POSTPONEMENTS OR REFUNDS WILL BE GRANTED. In order to reschedule an appeal case, you must first withdraw the original case and file a new application. A new application fee will be required.

Very truly yours,

THE STATE BUILDING CODE APPEALS BOARD

Patricia A. Barry
Coordinator



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Commissioner

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Chairman

Gary Moccia, P.E.
Vice Chairman

Robert Anderson
Administrator

15-May-09

Chief John Stephenson
15 Wattaquodock Hill
Bolton, MA 01740

Docket Number 09-743
Property Address 15 Wattaquodock Hill Road Bolton, MA. 01740
Hearing Location 1380 Bay Street Taunton, MA. 02780
Hearing Date and Time 05-26-09 11:00 a.m.

Dear Chief John Stephenson

The appeal for the subject property has been scheduled to be heard on the hearing date and time and location indicated above. A map is enclosed for your convenience.

This notice is forwarded to you by the State Building Code Appeals Board as a courtesy. You are not compelled to attend but are encouraged to do so if you have a particular interest in the case.

If you have any questions relative to the above referenced appeal, please contact your BUILDING OFFICIAL.

Very truly yours,

THE STATE BUILDING CODE APPEALS BOARD

Patricia A. Barry
Coordinator

State Building Code Appeals Board

Summary to be filled out by Appeals Board Clerk

Pursuant to Docket no. (insert Docket no.) 09-743

Based on the following findings of fact/testimony:

1. _____
2. _____
3. _____
4. _____

A motion was made by (insert Board member name) Jake

A second was made by (insert Board member name) Sandy

The motion is:

Motion was made by Jake to grant the variance of 780 CMR Section 918.1, NFPA 72-2002:5.4.2 (MSBC 918.1) to allow a smoke detector used in the air for open detection - Make sure though that you get a detector that's meant for High Velocity - Motion seconded by Sandy

With the following conditions:

1. _____
2. _____
3. _____

The Board voted (to (check one) grant or deny the variance

from 780 CMR Sections (cite all sections that apply) 780 CMR Section 918.1, NFPA 72-2002:5.4.2 (MSBC-918.1)

Members voting for the motion: unanimous

Members voting against the motion: _____

STATE BUILDING CODE APPEALS BOARD

DOCKET NUMBER: 09-743

PROPERTY ADDRESS: 15 Wattaquadock Hill Road, Bolton, MA. 01740

APPELLANT: Brian Hume, AIA

BUILDING OFFICIAL: Michael Sauvageau

(check one)

Item #	Item	Document Dated	Date Received	Appellant	Building Official
1.	Exhibit #1 - Application			✓	
2.	Exhibit #2 - Letter from the Fire Chief no opposition	5-22-09	5-26-09		Fire Chief
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					



The Commonwealth of Massachusetts

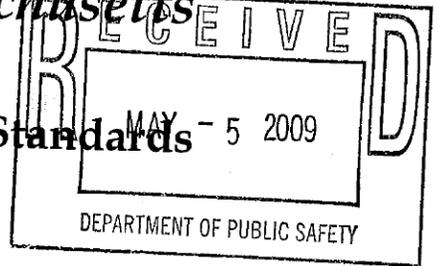
Department of Public Safety Board of Building Regulations and Standards

One Ashburton Place, Room 1301

Boston, Massachusetts 02108-1618

Phone (617) 727-7532

Fax (617) 227-1754



STATE BUILDING CODE APPEALS BOARD APPEAL APPLICATION FORM

DOCKET NUMBER (State Use Only)	09-743	DATE	April 20, 2009
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The undersigned hereby appeals to the State Board of Building Regulations and Standards from the decision of the following person. (Please fill-in the name of the appropriate municipal or state building inspector or other authority. Also, Also indicate if this is a request for a *hearing de novo* (new hearing) relative to a decision of a municipal appeal board.)

Building Official from the City/Town of:	Bolton
Board of Appeals from the City/Town of: (Request for <i>hearing de novo</i>)	
State Building Official:	Michael J. Sauvageau
Other:	

Please mark the appropriate box indicating the requested action to be considered by Appeals Board members.

Variance	<input checked="" type="checkbox"/>	Order	<input type="checkbox"/>	Direction	<input type="checkbox"/>
Interpretation	<input type="checkbox"/>	Failure to Act	<input type="checkbox"/>	Other	<input type="checkbox"/>
STATE USE ONLY					
Fee Received	150.00				
Check Number	9234				
Received By	P. Barry				

(This section must be completed or the application will be returned.)

Has the building or structure been the subject of an appeal by this or any other appeals board previous to this filing?

No Yes If, yes, please indicate the date of the previous appeal, whether the matter was heard before a local or state appeals board, the code section that was at issue, and the specifics of the decision (i.e. a variance was granted/not granted).

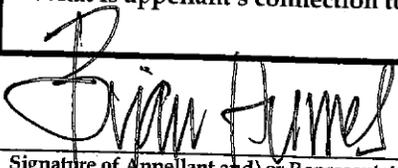
Please take care to submit all written supporting documentation with this application to allow time for review. However, Board members reserve the right to continue proceedings if such material warrant extensive review.

Please provide a brief description of the desired relief below. Additional information may be attached if space is not sufficient. All appropriate code sections that are subject to appeal must be identified in the description.

Refer to Attachment Package

Please complete the following section completely and accurately.

Name of Appellant:	Brian W. Humes, AIA	Representing:	Jacunski Humes Architects, LLC
Address For Service	15 Massirio Drive		
	Suite 101		
	Berlin, CT 06037		
Telephone Number:	860-828-9221	Fax Number:	860-828-9223
Address of Subject Property (if different from service address):	15 Wattaquadock Hill Road		
	Bolton, MA 01740		
What is appellant's connection to subject property?		Architect/Owner's Representative	


Signature of Appellant and/or Representative

Brian W. Humes

Please Print Name Legibly

Please return applications to:
Program Manager, Board of Appeals
Board of Building Regulations and Standards - One Ashburton Place, Room 1301
Boston, MA 02108-1618

DESCRIPTION OF BUILDING OR STRUCTURE RELATIVE TO THE MASSACHUSETTS STATE BUILDING CODE (7th EDITION): (Check as appropriate)

Do not complete the entire table below for a One- or Two-Family Dwelling; complete only section entitled "Description of the Proposed Work".

DESCRIPTION OF PROPOSED WORK (check all applicable)

New Construction <input checked="" type="checkbox"/>	Existing Building <input checked="" type="checkbox"/>	Repair(s) <input type="checkbox"/>	Alteration(s) <input checked="" type="checkbox"/>	Addition <input checked="" type="checkbox"/>
Accessory Bldg. <input type="checkbox"/>	Demolition <input checked="" type="checkbox"/>	Other <input type="checkbox"/> Specify: _____		

Brief Description of Proposed Work:
 New 11,830 s.f. 2-story "Business" addition to an existing 3,948 s.f. 6-bay 1 story Fire Apparatus Building.

USE GROUP AND CONSTRUCTION TYPE

USE GROUP (Circle appropriate Use Group)			CONSTRUCTION TYPE	
A Assembly	A-1	A-2	A-3	1A
	A-4	A-5		1B
B Business				2A
E Educational				2B
F Factory	F-1	F-2		2C
H High Hazard				3A
I Institutional	I-1	I-2	I-3	3B
M Mercantile				4
R Residential	R-1	R-2	R-3	5A
S Storage	S-1	S-2		5B
U Utility	Specify: _____			
M Mixed Use	Specify: _____			
S Special Use	Specify: _____			

COMPLETE THIS SECTION IF EXISTING BUILDING UNDERGOING RENOVATIONS, ADDITIONS AND/OR CHANGE IN USE

Existing Use Group: <u>S-1</u>	Proposed Use Group: _____
Existing Hazard Index (780 CMR 34): <u>Group 1</u>	Proposed Hazard Index (780 CMR 34): _____

BUILDING HEIGHT AND AREA

BUILDING AREA	Existing (if applicable)	Proposed
Number of Floors or stories include basement levels	1 story	2 story
Floor Area per Floor (sf)	3,948	1) 7,297. 2) 4,533
Total Area (sf)	3,948	11,830
Total Height (ft)	22'	27'

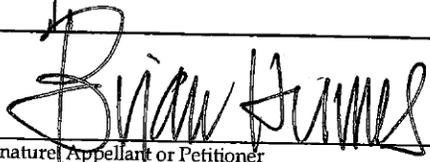
Are there unresolved issues with local zoning ordinances? Yes or No
 If yes, please explain briefly why this zoning issue is not a factor in the appeal:

STATE BUILDING CODE APPEALS BOARD
Service Notice

I, Brian W. Humes, as Architect for the
 Appellant/Petitioner Town of Bolton an appeal filed with the State
 Building Code Appeals Board on April 19 2009

HEREBY SWEAR UNDER THE PAINS AND PENALTIES OF PERJURY THAT IN ACCORDANCE WITH THE PROCEDURES ADOPTED BY THE STATE BOARD OF BUILDING REGULATIONS AND STANDARDS AND SECTION 122.3.1 OF THE STATE BUILDING CODE, I SERVED OR CAUSED TO BE SERVED, A COPY OF THIS APPEAL APPLICATION ON THE FOLLOWING PERSON(S) IN THE FOLLOWING MANNER:

	NAME AND ADDRESS OF PERSON OR AGENCY SERVED	METHOD OF SERVICE	DATE OF SERVICE
1	Michael J. Sauvageau Town of Bolton, 17 Main Street, Bolton, MA 01462	B	T.B.D.
2			
3			


 Signature of Appellant or Petitioner

On the 19th Day of April 20 09 PERSONALLY APPEARED

BEFORE ME THE ABOVE NAMED Brian W. Humes
 (Type or Print the Name of the Appellant)

AND ACKNOWLEDGED AND SWORE THE ABOVE STATEMENTS TO BE TRUE.


 NOTARY PUBLIC Gail C. Evarts

02/28/2013
 MY COMMISSION EXPIRES

Relief is requested from MSBC [780 CMR] Section 918.1 General, as it relates to installation of automatic fire detection systems in accordance with the provisions of NFPA 72. More specifically, relief from the referenced NFPA section 5.7.4.2.2 as identified in the Town Building Commissioners response letter dated March 11, 2009 (copy attached).

The local authority having jurisdiction has identified Use Group R-1, Residential, an environment where the occupants are primarily transient in nature (i.e., hotel, motel, boarding house), to be the Occupancy of the three (3) detention cells within the limited Prisoner Processing area of a new Police Department facility. Their determination is based on the premise that I-3 requires greater than 5 detention cells to be applicable and as we have but 3 detention cells, R-1 is the overriding use group for all other unclassified "sleeping spaces". Our experience is that this is not the appropriate Use Group classification given the nature of the use and persons typically occupying detention cells.

The building code acknowledges this and allows for fire protection compliance in facilities of this type by constructing and outfitting the detention areas to meet the requirements for 308.4 Use Group I-3 (prisons, jails, detention centers, etc.), Occupancy Condition IV (308.4.4.). This facility utilizes the Sally Port as the adjacent smoke compartment with remote-controlled release in the event of emergency. Use Group I-3 also allows the smoke detectors to be positioned *outside* the sleeping space in such a manner to prevent damage or tampering ... (918.4.5). Use Group R-1 necessitates the installation of smoke detection equipment *within* sleeping spaces in accordance with the NFPA 72 and the before mentioned section 5.7.4.2.2.

The design indicates the three (3) smoke detectors seeking relief to be installed within the return air ductwork leading away from each cell, accessed for maintenance and inspection via removable panels above the Ante Room ceilings immediately adjacent each cell door. The return air fan equipment from the cells will also operate continuously so there is no interruption of cell air flowing past the smoke detector. We believe this approach meets the intent of the MSBC with regard to smoke detector placement in detention centers of limited size and scope.



Michael Sauvageau
Inspector of Buildings

BUILDING DEPARTMENT

663 Main Street
Bolton, MA 01740

Tel. (978) 779-3312

March 11, 2009

Kevin W. Lipe, AIA
15 Massirio Drive, Suite 101
Berlin, CT 06037

Dear Kevin,

Please be advised that I have reviewed the proposed smoke detection for the prisoners lock-ups of Bolton Public Safety Building and find that I will not be able to issue an occupancy certificate with such a proposed design without a variance to Section 918.1 of the Massachusetts State Building Code [780 CMR] granted by the Massachusetts Building Code Appeals Board. More specifically, the variance would be to the provisions of NFPA 72-2002:5.7.4.2.2 as referenced in MSBC: 918.1.

NFPA 72-2002: 5.7.4.2.2- Detectors placed in environmental air ducts or plenums shall not be used as a substitute for open air detectors.

MSBCP: 918.1 General- Automatic fire detection systems shall be of an approved type and shall be installed in accordance with the provisions of 780CMR and NFPA 72 listed in Appendix A [2002 edition].

Please forward me any correspondence and approvals related to this correspondence.

Thanks,


Michael J. Sauvageau



Bolton Fire Department

15 Wattaquodock Hill Road

Bolton, Massachusetts 01740

Board of Appeals
Board of Building Regulations and Standards
One Ashburton Place, Room 1301
Boston, MA 02108

May 22, 2009

To Whom It May Concern,

On behalf of the Bolton Fire Department, I am expressing my complete support behind the request for a variance for the placement of smoke detectors in the ductwork by the Bolton Public Safety Building. The Bolton Fire Department had requested assistance from the State Fire Marshal's Office for the review of the Fire Protection System being proposed for the Public Safety Building. We have worked with Dana Haagansen, Fire Protection Engineer for the State Fire Marshal, during this review process. In consultation with Dana Haagansen and Mike Sauvageau, Bolton's Building Commissioner, the Fire Department agrees that the detention cells should be designated as an R-1 classification. NFPA 72-2002 requires detectors to be placed in the room, in this case a detention cell. There are no approved tamper proof detectors of detention grade available. Therefore we agree that a detection system placed in the air return ductwork for each detention cell would satisfy the requirement of a detector in each room. We support the variance of NFPA 72-2002 5.7.4.2.2 – Detectors placed in environmental air ducts or plenums shall not be used as a substitute for open area detectors.

Sincerely,


John Stephenson
Bolton Fire Chief