



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 Moccia, P.E.
Vice Chairman

Robert Anderson
Administrator

Date: September 9, 2009

Name of Appellant: Harvard University

Service Address: Rocky Edwards
Schirmer Engineering Corp.
1253 Worcester Rd., Suite 401
Framingham, MA. 01701

In reference to: 11 Oxford Street
Cambridge, MA.

Docket Number: 09-767

Property Address: 11 Oxford Street
Cambridge, MA

Date of Hearing: 08-06-09

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. 09-767

Appellant(s): Rocky Edwards
representing Harvard University

vs.

Appellee(s): City of Cambridge
Michael Grover

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 to NFPA 13 Section 8.5.5.3.1 for the property at 11 Oxford Street Cambridge, 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 August 6, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board. Rocky Edwards, Michael Grover, and Paul Dunphy appeared at this hearing.

Discussion

Based on the testimony and exhibits that were presented, a motion was made to grant the Appellant's request for a variance to NFPA 13 Section 8.5.5.3.1 and not require sprinkler heads below the optical table clouds per this NFPA Standard. The motion was made due to the fact that the Cambridge Fire Department has been at the site and had made no objections to the alternative design. There was a second on the motion and a board vote was taken, which was 2-1, with D. Semple and A. MacLeod voting to approve the variance.

Conclusion

The Appellant's request for a variance to NFPA 13 Section 8.5.5.3.1, is hereby granted as described in the discussion above and so ordered² on this date: August 6, 2009.



Jacob Nunnemacher



Douglas Semple



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

² 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.