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Robert Anderson
Administrator

Date: December 29, 2009

Name of Appellant: W-Boston Hotel & Residence

Service Address: 100 Stuart Street
Boston, MA. 02116

In reference to: 100 Stuart Street
Boston, MA. 02116

Docket Number: 09-817

Property Address: 100 Stuart Street
Boston, MA. 02116

Date of Hearing: 11-24-09

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 Appeal[1]

Docket No. 09-817

Appellant(s): W Boston Hotel and Residences vs. Appellee(s): City/Town of Boston
represented by Kevin Hastings of RW Sullivan Engineering Building Official Louis Santana

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 the 7th Edition 780 CMR 1013.1, 1013.2, 1013.2.1 and 1017.1, 1018.3, 1020.1, 1024.1, 1024.1.1 for the property, W Hotel, located at 100 Stuart Street, Boston, 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 November 24, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Kevin Hastings, Richard Curtiss, Patrick Triggs, and Frank Kodzis appeared for the hearing as noted on the sign in sheet which is on file at the Department of Public Safety.

Discussion

A motion was made to deny the Appellant's request for a variance from the 7th Edition 780 CMR, 1013.1, 1013.2, and 1013.2.1 to allow egress through the common parking garage. The long length of the exit access, the presence of alcohol, the narrow passage around the doorway, among other factors led the board to reach this decision. There was a second on the motion and board vote was taken, which was unanimous.

A motion was made to grant the Appellant's request for a variance from the 7th Edition 780 CMR, 1017.1, 1018.3, 1020.1, 1024.1, 1024.1.1 and allow Stairs #3 and #5 together to meet the main exit width since the two stairs are so close together and each has a 3' door which adds up to the 72" requirement. A condition was placed on the motion that the occupancy load cannot exceed 120 people even though the space is able to have more if the plumbing infrastructure was to change. There was a second on the motion and board vote was taken, which was unanimous. This motion is only significant if the previous issue regarding a second means of egress is resolved.

Conclusion

The Appellant's request for a variance from the 7th Edition 780 CMR 1017.1, 1018.3, 1020.1, 1024.1, 1024.1.1 is hereby **granted** as described in the discussion above and so ordered[2] on this date: November 24, 2009. However, the Appellant's request for a variance from the 7th Edition 780 CMR, 1013.1, 1013.2, and 1013.2.1 is hereby denied as described in the discussion above and so ordered[2] on this date: November 24, 2009.

William Middlemiss — Brian Gale — 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.