

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board
Docket No. 05-283

Paul Sullivan,)
Appellant,)
)
v.)
)
City of Boston and William Good,)
Appellees)

BOARD’S RULING ON APPEAL

Procedural History

This matter came before the State Building Code Appeals Board (“the Board”) on the 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 Section 917.9 of the Massachusetts State building code (“MSBC”). In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on August 22, 2006 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing the Appellant was Kevin Hastings (“Hastings”) and Don Contas (“Contas”) of the Sullivan Code Group. There was no representative present from the City of Boston Inspectional Services Department (“Boston ISD”). Present and representing the Boston Fire Department (“Boston Fire”) was Lieutenant Cushing (“Cushing”).

Findings of fact

1. The Appellant represents Beth Israel Deaconess Medical Center, Inc. (“Beth Israel”). Beth Israel previously received approval from Boston Fire to install a riser and new fire alarm systems in their high rise hospital building. Multiple floors of the building will be renovated over the next few years and the fire alarm systems will be upgraded during the renovations. (Board records, Contas testimony at hearing).

2. The existing fire alarm system is to remain in operation and run parallel with the new system until the new system is installed tested and approved. (Board records, Letter from Boston Fire dated April 5, 2006).
3. The existing system is a coding system. In the event that the alarm is activated you hear three beeps and a staff member responds to the alert by investigating the situation which includes contacting security to determine if the occupants need to be evacuated. (Board records, Hastings testimony at hearing).
4. The new fire alarm system will be equipped with voice messaging. When the alarm is activated a specific, Massachusetts State Building Code required voice message, which is an automatic alarm, sends a message to the fire floor and the floor above and below. Due to the types of patients occupying this building and their inability to evacuate the building on their own, this code specific message may cause patients to panic and occupants may be unnecessarily alerted to evacuate. Therefore, the voice message will need to be altered. Accordingly, a new evacuation plan will be established based upon the revised message and all personnel will be retrained to respond to the alarm appropriately. (Board records, Contas and Hastings testimony at hearing).
5. The subject building is unable to run the existing system and the upgraded system concurrently. The existing system does not have voice capabilities. As a result the existing system will need to remain in place until all the fire alarm system devices throughout the building are replaced. (Board records, Contas and Hastings testimony at hearing).
6. Boston fire does not object to the granting of this variance but requires that the individuals responsible for alerting the occupants on each floor be designated in writing and submitted to Boston Fire. (Board records, Cushing testimony at hearing).
7. Boston ISD was notified of the request for a variance and conceded that Boston Fire can have jurisdiction over this matter. (Board records, Alexander MacCleod's testimony at hearing).

Conclusion

The Appellant's request for a variance is **GRANTED** from the voice evacuation system requirements of the MSBC provided that the owner and Boston Fire come to an agreement on what the content of the voice message alert will be and how the staff will be trained. If an agreement can not be reached then the Appellant may come back before the Board for a further ruling.

Motion carried 3-0.

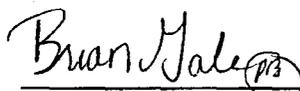
SO ORDERED,



HARRY SMITH



ALEXANDER MACLEOD



BRIAN GALE

DATED: October 25, 2006

** 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 receipt of this decision.*