

**COMMONWEALTH OF MASSACHUSETTS**

**SUFFOLK, SS**

**State Building Code Appeals Board<sup>1</sup>  
Docket No. 05-318**

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William Hammer, HKT  
Architects, Inc.

Appellant

vs.

David C. Holmes, State  
Building Inspector  
Appellee

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**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 780 CMR 1014.7 and 780 CMR 1016.5 of the Massachusetts State Building Code ("MSBC") for Fitchburg State College, 160 Pearl Street, Fitchburg, MA. 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 November 2, 2006 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing the owner, Fitchburg State College, was William Hammer of HKT Architects ("Appellant"). Also present at the hearing were: Janet Chrisos, Massachusetts State College Building Authority; Edward Adelman, Massachusetts State College Building Authority; and David C. Holmes, State Building Inspector, Department of Public Safety.

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<sup>1</sup> 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.

**Findings of Fact**

1. The subject project involves the renovation of the Holmes Dining Hall and associated site work at Fitchburg State College. Relief is sought for eliminating 4" on center balusters to the exterior guard rails when the sloped walk is at the same grade as the adjacent ground surface.
2. For the subject ramps and stairways as depicted in Exhibits 1 and 2, there is no difference in elevation with the surrounding grades, and no loss of safety to the public.
3. The State Building Inspector had no objection to granting the variance.

**Discussion**

A motion was made to Grant the Appellant's request for a variance from 780 CMR 1014.7 and 780 CMR 1016.5 allowing for the omission of guards in the location of the subject ramps and stairways as further depicted in Exhibits 1 and 2. The motion was unanimously approved under each section of the Code.

**Conclusion**

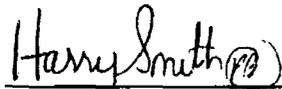
The Appellant's request for variance from 780 CMR 1014.7 and 780 CMR 1016.5 is hereby **GRANTED**.

**SO ORDERED.**



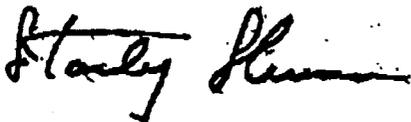
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**TIM RODRIQUE**



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**HARRY SMITH**



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**STAN SHUMAN**

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DATED: January 26, 2007

*\*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.*