

Exhibit 1: State Building Code Appeals Board Appeal Application Form, dated January 28, 2008, including supporting materials and plans.

Findings of Fact

Based on the credited testimony of the witnesses, the Board finds these facts:

1. The building is a new two-story structure of Type 2-C construction with approximately 105,000 gross square feet for assembly (A), business (B) and educational (E) uses, with a basement of approximately 2100 square feet.
2. The calculated occupant load is more than 500.
3. The building is fully equipped with an automatic sprinkler system.
4. The two other egress stairways are fully enclosed.
5. The Appellee supports the granting of the variance.

Decision

Pursuant to M.G.L. c. 143, § 100, the Board has the authority to decide appeals by those “aggrieved by an interpretation, order, requirement, direction or failure to act by any state or local agency or any person or state or local agency charged with the administration or enforcement of the state building code.”

The issue is whether the Appellant should be granted a variance from the provisions of 780 CMR §§ 713.3, Exception 2 and 1014.11 to allow a change to the plans as permitted to eliminate an enclosed stairway and use an open grand stairway as the third egress. For the following reasons, the Board **ALLOWS** the appeal.

The Board noted that the Appellee supported the variance and that under the draft Seventh Edition of the Massachusetts Building Code, Section 1019.1, all three egress stairways in a two story building equipped with an automatic sprinkler system would be allowed to be open for all of the planned use groups of the building.

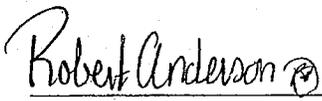
The Chair entertained a motion to grant the variance from the provisions of 780 CMR §§ 713.3, Exception 2 and 1014.11 and allow the issuance of the change to the plans for the permit to

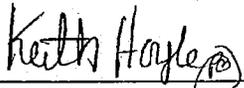
eliminate an enclosed stairway and use the open grand stairway as the third egress. The Board voted as indicated below.

X..... **Granted** Denied Rendered Interpretation
.....Granted with conditions Dismissed

The vote was:

X.....**Unanimous** Majority


Robert Anderson

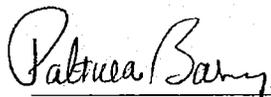

Keith Hoyle


Sandy MacLeod

Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to a court of competent jurisdiction in accordance with Chapter 30A, Section 14 of the Massachusetts General Laws.

A complete administrative record is on file at the office of the Board of Building Regulations and Standards.

A true copy attest, dated: June 19, 2008


Patricia Barry, Clerk

All hearings are audio recorded. The digital recording (which is on file at the office of the Board of Building Regulations and Standards) serves as the official record of the hearing. Copies of the recording are available from the Board for a fee of \$5.00 per copy. Please make requests for copies in writing and attach a check made payable to the Commonwealth of Massachusetts for the appropriate fee. Requests may be addressed to:

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