



# The Commonwealth of Massachusetts

## Executive Office of Public Safety

STATE BOARD OF BUILDING REGULATIONS AND STANDARDS  
McCormack State Office Building  
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SBBRS NEWSLETTER January, 1986

Dear Building Official:

This Newsletter is the first in a series to be sent to you to inform you of the programs and actions of the State Board of Building Regulations and Standards (SBBRS). A second purpose of this Newsletter is to provide information of a general nature that I hope will aid you in your work.

As you know, the SBBRS develops and promulgates the State Building Code and pertinent regulations, and the Local and State Building Officials are responsible for their enforcement. It is important and necessary, therefore, for both parties to work together for mutual benefits. As the Chief of Inspections in the Department of Public Safety and as a member of the SBBRS and its administrator, I am promoting and coordinating this type of interaction. I am convinced this will result in more uniform enforcement of an improved Code.

I would like to solicit your suggestions, comments and requests for articles and information you would like to see in this Newsletter in the hope that it can be both informative and responsive to your needs.

Sincerely yours,

*Charles J. Dinezio*

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### LEGISLATION - HOUSE 6582

A piece of legislation House, 6582, an Act Providing for an Alternative Zoning Enforcement Officer, would have allowed Town Selectmen (or Planning Boards) to appoint a separate Zoning Officer if the local zoning by-law provided for such appointment. This bill was passed by the House of Representatives, but died in third reading in the Senate. According to Mr. F. Calnan, Deputy Building Commissioner of the City of Lynn, who spoke at a recent meeting, this bill had escaped the attention of Building Officials until the time it reached the Senate. Mr. Calnan indicated Building Officials should watch for similar legislation anticipated in the current legislative year.

## RECENT STATE BUILDING CODE APPEALS BOARD DECISIONS

The State Building Code Appeals Board is currently meeting twice each month and hearing an average of five appeals at each meeting. Section 126.7.11 (Contents of Decision) of the Code states that, "Any decision shall not be considered by any person or agency as a precedent for future decisions." Decisions of the Appeals Board, therefore, do not in any way alter or modify the requirements of the Code as they are specific to the location and issues appealed, and the decisions of the Board may not be generally applied. The Board's decisions, however, are instructive of the types of decisions that are often appealed and the limits of relief that can be granted through the appeals process.

### Appeal Docket Number 806:

The Building Inspector denied a permit for an addition to an existing building of unlimited area. The Inspector cited the requirements of Section 307.2 which establishes minimum fire separation requirements for one story buildings of unlimited area. Table 307 would require a 50 foot separation.

The Appellant maintained that if viewed as a single building, the proposed configuration would satisfy the 50 foot separation from all internal lot lines except in one instance. The Appellant offered as a compensating feature to construct a party wall of 4-hour fire-resistant construction with all appropriate opening protectives.

The Board confirmed the Inspector's interpretation of the requirements of Section 307.2 but found that the compensating feature, the 4-hour wall, would provide equivalent protection to that intended by the separation requirement of Section 307.2.

### Appeal Docket Number 828:

The Building Inspector denied the permit for a hotel and cited the non-conformance of the plans which showed inoperable windows in sleeping rooms below the fourth floor as a violation of Section 609.4.

The Appellant contended that if the proposed building were classified as a "high rise" the requirements of Section 609.4 would not apply. The Appellant argued that the windows as designed exceed the 3.3 square foot area requirement and could be broken for emergency escape. The building is to be fully sprinklered.

The Board confirmed the permit denial by the Inspector in that the building would not be properly classified as a high rise building. The Board required the strict application of the requirements of Section 609.4.

Appeal Docket Number 829:

The Building Inspector denied the permit for a second story addition to a mall in which there are party walls located on property lines which separate the mall building from the adjoining anchor stories. The second story was designed with glass openings in the party walls. The Inspector cited non-compliance with the requirements of Table 214, Table 902 and Section 907 which govern fire-resistance ratings and opening protectives for party walls.

The Appellant requested the Board to find that these requirements were not applicable to a "Type E" covered mall, or alternatively, to vary the requirements and allow as a compliance alternative a deluge sprinkler system to be located on both sides of the glass openings.

The Board confirmed the Inspector's denial and interpreted the Code as requiring a 3-hour fire-resistance rated fire wall with appropriate opening protectives. The Board accepted the deluge sprinkler system to protect both sides of the glass at the party wall as an alternative to opening protectives.

Appeals Docket Number 823:

The Building Inspector ordered the removal of polyvinyl chloride (PVC) pipe used as hydronic piping in a condenser water system. The Inspector cited sections 101.3 and 1100.2 which references the BOCA Mechanical Code (1978).

The appellant argued that the BOCA Mechanical Code (1978) contains no reference to hydronic piping while the BOCA Mechanical Code (1984) refers to hydronic piping in Section M-700 and allows PVC pipe for such installations.

The Board confirmed the Inspector's decision in that the BOCA Mechanical Code (1978) while not directly addressing hydronic piping prohibits the use of PVC in hot water heating systems. As the latest (1984) edition of the BOCA Mechanical Code does allow this material the Board found that the appellant was attempting to comply with the State Building Code. The Board varied the standard to allow completion of the condenser system, provided all other provisions of the Code are met, including provisions to adequately preserve the integrity of the fire-resistive construction where it is penetrated by the PVC pipe.

**APPEALS FORMS**

We plan to soon send a small supply of the new appeals forms, service notices and instruction sheets to all building departments, so that they can be readily available to those wishing to file an appeal. The forms can be duplicated.

