

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board  
Docket No. 05-392

BOARD'S RULING ON APPEAL

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 \$10.00 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:

Patricia Barry, Coordinator  
State Building Code Appeals Board  
BBRS/Department of Public Safety  
One Ashburton Place - Room 1301  
Boston, MA 02108

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Peter Harrod	)
Appellant,	)
	)
v.	)
	)
City of Boston and Thomas White	)
Appellees	)

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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 2807.1 of the Massachusetts State Building Code ("MSBC") pertaining the property of 800 Boylston St. Boston, 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 August 21, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing himself was the Appellant. Also present were Brian Kuhn, Ron Swenson, and Jeremy Mason.

**Decision:** Following testimony, and based upon relevant information provided, Board members voted as indicated below.

X..... **Granted**                      ☐..... Denied                      ☐..... Rendered Interpretation  
☐.....Granted with conditions (see below)                      ☐..... Dismissed

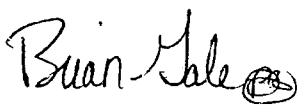
The vote was:

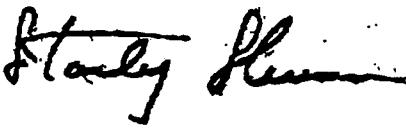
X .....Unanimous                      ☐ ..... Majority

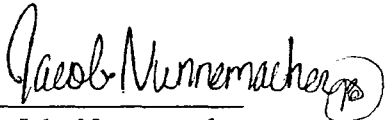
**Reasons for Variance:**

Testimony was presented by the attendees, which outlined the project which consist of a new 14 story building of mixed use containing two below grade levels of parking, two levels of retail space on the first and third floors, business use on the second floor mezzanine, and condo and hotel spaces on floors four through fourteen. Also described was the laundry services provided to floors eight and below. The appellant noted that the original design called for a straight shaft laundry chute with a roof level vent. However, because of a construction issue significant hardship would ensue if the vent was required to exit at the roof instead of at floor level eight, which is proposed, and for which a variance to 2807.1 has been requested. The attendees outlined with engineering analysis (this and other substantiating documents are on file with this appeal case) that the proposed design with a 90-degree side vent and an added vent fan is comparable in performance to a roof vent configuration. The attendees noted also that the IBC 2000, 2003, and 2006 editions do not contain any requirements that laundry chute vents discharge through the roof of buildings. In addition the chute is fully sprinklered. City of Boston ISD and Boston Fire Department were not present for this hearing. The appellant testified that City of Boston Building Inspector, Thomas White, was invited to attend.

Following testimony, and based upon relevant information provided, Jake Nunnemacher made a motion to grant the variance based on the noted hardship and that an engineering model was done which demonstrated no increased safety hazard of the proposed design versus a code compliant configuration. The motion was seconded by Stanley Shuman and a unanimous vote to grant the variance followed.

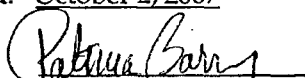
  
Chairman - Brian Gale

  
Stanley Shuman

  
Jake Nunnemacher

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

A true copy attest, dated: October 2, 2007

  
Patricia Barry, Clerk

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.