



City of Cambridge

(Communication No. 5)

IN CITY COUNCIL

October 17, 1988

COUNCILLOR WALTER J. SULLIVAN

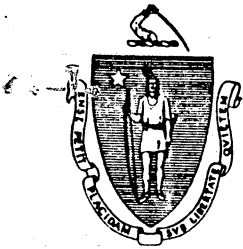
- WHEREAS: This City Council received a communication relative to Catch-A-Rising Star of Massachusetts, Inc., 30B John F. Kennedy Street, Cambridge, regarding a second means of egress of said building; and
- WHEREAS: The second means of egress is a door which opens directly onto the sidewalk from said premises; and
- WHEREAS: The Massachusetts Building Code Appeals Board held a public hearing on this matter, and following public testimony, the Board found sufficient evidence to grant a variance to Section 310.5 of the Building Code to allow said door to remain at its present location and swing or open onto the sidewalk; now therefore be it
- ORDERED: That the City Council go on record approving the second means of egress subject to appropriate insurance being obtained by those occupying the premises, both now and in the future, which shall hold the City of Cambridge harmless from any liability.

In City Council October 17, 1988.
 Adopted by the affirmative vote of 9 members.
 Attest:- Joseph E. Connarton, City Clerk.

A true copy:

ATTEST:-

Joseph E. Connarton, City Clerk.



Michael S. Dukakis
Governor

Kentaro Tsutsumi
Chairman

Charles J. Dinezio
Administrator

The Commonwealth of Massachusetts
Executive Office of Public Safety
State Board of Building Regulations and Standards
McCormack State Office Building
One Ashburton Place - Room 1301
Boston, Massachusetts 02108

(617) 727-3200

STATE BUILDING CODE APPEALS BOARD

Docket #87-125
Date: November 3, 1987

In accordance with MGL c143, Section 100 and the Commonwealth of Massachusetts State Building Code, this Appeals Board has found the following:

The appellant, Dorothy Wrightson, on September 30, 1987 appealed to this Appeals Board the decision of the Building Official, City of Cambridge dated August 17, 1987.

On November 3, 1987, a public hearing was held in Boston before members of the State Board of Building Regulations and Standards who acted as the State Building Code Appeals Board in which a majority of the said Appeals Board found in its opinion the enforcement of the Massachusetts State Building Code would do manifest injustice to the appellant and the relief requested would not conflict with the general objectives of the State Building Code and any of its enabling legislation.

There were present at the said hearing:

Craig Waldron, 319 Broadway, Somerville, MA 02144
John Wrightson, 319 Broadway, Somerville, MA 02144
Dorothy Wrightson, 319 Broadway, Somerville, MA 02144

Frank Gallagher, 14 Appletree Ln., Lexington, MA 02173

David Byrne, City Hall, City of Cambridge, MA 02139

Bruce Butler, 34 Hancock Ave., Newton Centre, MA

The Appellant testified that he represented the owner of property located in Cambridge where the local inspector had noted that an emergency egress door opened onto the sidewalk in violation of Section 310.5 of the Building Code. The Appellant testified that the door had been erected in 1970 under a building permit issued by the local inspector and had been in constant operation since that time. Additionally, construction which was approved in 1985 had also included some alterations to this doorway and these alterations had also been approved by the local inspector. An inspection which had been occasioned by a license application had resulted in this observation by the local inspector. The Appellant indicated that the doorway exited onto J.F. Kennedy Street and that the door had been located in this position when a previous egress doorway was removed. The doorway is equipped with panic hardware and serves as the second means of egress from the basement of the building. The Appellant has had the doorway situation reviewed and indicates that it is very impractical to move the doorway.

The local inspector testified that the doorway had been approved as recently as 1985 but that on his recent inspection, he again reviewed the doorway and now feels that since the exit is directly on a busy city sidewalk, that the danger to the public is high should the door be opened in an emergency situation.

Following testimony, the Board found that the doorway did violate Section 310.5 of the Building Code and that a variance was required to allow the door to remain. The Board considered various options including reversing the swing of the door and

STATE BUILDING CODE APPEALS BOARD

Docket #87-125
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moving the door and relocating the door. Finally, the Board evaluated the degree of risk to public safety of having the door swing onto the sidewalk versus the danger to the occupants of the building by changing the door swing or moving the door and decided that the public safety risk of having the door swing onto the sidewalk was less than the other alternatives. Therefore, the Board voted to grant the variance and allow the doorway to remain.

SO ORDERED

The following Board Members were present and voted in the above manner:

William P. Kramer
Chairman, William P. Kramer

Peter Goodale
Peter Goodale

Stanley Shuman
Stanley Shuman

A true copy attest, dated

November 1, 1987
Peter Larkowich
Peter Larkowich

, Clerk

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

JOHN J. CAMPBELL
COUNSELLOR AT LAW
90 ELLERY STREET, SUITE 23
CAMBRIDGE, MASS. 02138
TELEPHONE (617) 868-6700

October 3, 1988

Mr. Joseph E. Connarton
City Clerk
City Hall
Cambridge, MA 02139

Re: Catch-A-Rising Star of Mass., Inc.
30B JFK Street

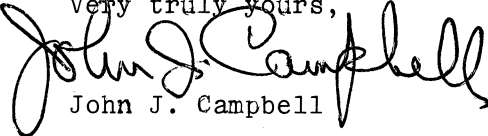
Dear Mr. Connarton:

The Commissioner of Inspectional Service has requested that Catch-A-Rising Star obtain approval by the City Council for a door that opens directly onto the sidewalk from the premises at 30B JFK Street. I therefore request that this matter be placed on the Council agenda for November 7, 1988.

I am enclosing a copy of a decision issued by the State Building Code Appeals Board. On November 3, 1987 the Appeals Board granted a variance to allow the doorway to remain as it has been for a number of years. This matter was handled for the owners of the building by their attorney, Richard Blumsack of Somerville.

Thank you for your consideration of this request.

Very truly yours,


John J. Campbell

JJC:mm

cc: Commissioner Joseph Cellucci
Chairman James McDavitt
Richard Blumsack, Esq.

5.

H-126

Petition from John J. Campbell, Esq., on behalf of Catch-A-Rising Star, requesting approval for a door which opens directly onto the sidewalk from the premises numbered 30B John F. Kennedy St.; said comm. encloses a copy of the State Building Code Appeals Board decision dated November 30, 1987 granting a variance to allow the doorway to remain as is.

In City Council,

October 17, 1988

10-17-88
Order Adopted $\frac{V/V}{9}$

Copy sent to Mr. McDermott,
License Commission + Mr. Cellman,
Comm. of Inspection/Services
11/4/88 mk