

65-49

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

GARRETT S. HOAG  
DANA T. LOWELL  
F. LESTER FRASER

KATHARINE E. TOY, CLERK  
TELEPHONE  
235-1664

Appeal of Hathaway House Book Shop, Inc.

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:45 p.m. on October 28, 1965, on the appeal of Hathaway House Book Shop, Inc. from the order of the Inspector of Buildings to install an automatic sprinkler system in the basement of the existing building owned by it at 103 Central Street as required by Chapter IV, Section 4 (j) of the Building Code. Said appeal was made under the provisions of Chapter I, Section 4 and 12 of the Building Code and alternatively under Chapter I, Section 10 and 11 of the Building Code.

On October 8, 1965, the appellant filed its request for a hearing before this Board, and thereafter due notice of the hearing was given by mailing and publication.

Henry D. White, attorney, represented the appellant at the hearing.

Statement of Facts

The property involved is located within a business district on the northwest corner of Central Street and Weston Road. There is an existing wood frame building on the property known as the Hathaway House Book Shop. A two-story concrete block addition approximately 29' x 54' has recently been constructed for the storage and selling of books. When the permit was issued in April 1965, it was issued under the condition that a sprinkler system would have to be installed in the basement of the existing building, as required under Chapter IV, Section 4 (j) of the Building Code. On October 6, 1965, the Inspector of Buildings notified the appellants that upon his inspection of the new addition, he found that the sprinkler system had not been installed in the basement of the existing building and that a Certificate to use the new addition as a Place of Public Assembly in conjunction with the existing building could not be issued until either a sprinkler system had been installed or a variance had been obtained from the Board of Appeal allowing the occupancy of the building without the required system. He further notified the appellant that the new addition could not be occupied or used in any way until said requirement had been complied with.

Mr. White stated at the hearing that the new addition, in his opinion, is an entirely separate building as it is separated from the old building by a fire wall which has five automatic fire doors, four of which are sliding doors and the fifth swings shut automatically.

Decision

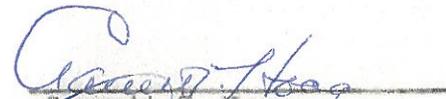
Chapter IV, Section 4 (j) of the Building Code requires that automatic sprinklers shall be installed in certain portion of buildings used

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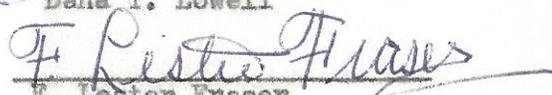
as stores and other specified uses, not of Type I construction. This applies to all buildings hereafter constructed or altered after May 23, 1960.

It is the opinion of this Board that all possible safety measures should be exercised in a building of this type. The existing building is an old wood-frame building and all precautions should be taken to protect the public and those occupying the building against any possible fire hazard. The proximity of the fire station, in the opinion of this Board, does not warrant the waiving of a requirement which has been adopted at a recent Town Meeting to provide safety for the general public.

Accordingly, the appeal is dismissed and the Inspector of Buildings is hereby ordered to require the installation of automatic sprinklers in the basement of the existing building as required under the provisions of Chapter IV, Section 4 (j) of the Building Code.

  
Garrett S. Hoag

  
Dana T. Lowell

  
F. Lester Fraser

Filed with Town Clerk \_\_\_\_\_

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