

BZA APPLICATION FORM

GENERAL INFORMATION

The undersigned hereby petitions the Board of Zoning Appeal for the following:

Special Permit: \_\_\_\_\_ Variance: \_\_\_\_\_ Appeal: ✓

PETITIONER: Steven Lemley & Robert Owens

PETITIONER'S ADDRESS: 7 Harrington Terrace CAMB, MA 02141

LOCATION OF PROPERTY: 1-3 Harwar Drive & S-7 Harrington Ter

TYPE OF OCCUPANCY: MULTIFAMILY ZONING DISTRICT: C-1

REASON FOR PETITION: Residential

<input checked="" type="checkbox"/> Additions	<input type="checkbox"/> New Structure
<input type="checkbox"/> Change in Use/Occupancy	<input type="checkbox"/> Parking
<input type="checkbox"/> Conversion to Add'l Dwelling Unit's	<input type="checkbox"/> Sign
<input type="checkbox"/> Dormer	<input type="checkbox"/> Subdivision
<input type="checkbox"/> Other: _____	

DESCRIPTION OF PETITIONER'S PROPOSAL:

Petitioners' oppose the issuance of a "Commercial/Mixed use" permit for construction of spiral staircases for fire egress. Petitioners' propose construction of IBC/IBC conforming egress or that permit be sought for multifamily residence through a VARIANCE.

SECTIONS OF ZONING ORDINANCE CITED: Art 8 Section 22 - nonconformance

Article 10 Section 13 & 21 - JURISDICTION & STANDING

Article 10 Section 30 et seq. - VARIANCE

Article 1 Section 30 - Safety from fire - ILLUMINATION  
60 - permit requirements

Applicants for a Variance must complete Pages 1-5

Applicants for a Special Permit must complete Pages 1-4 and 6

Applicants for an Appeal to the BZA of a Zoning determination by the Inspectional Services Department must attach a statement concerning the reasons for the appeal

Original Signature(s):

Steven Lemley & Robert Owens  
(Petitioner(s)/Owner)

Steven Lemley & Robert Owens  
(Print Name)

Address:

7 Harrington Terrace Apt. C.  
Cambridge, MA 02141

Tel. No.:

617-460-6525

E-Mail Address:

RobOwens@gmail.com

Date:

12/6/2017

2011 DEC - 6 P 4:45

## **BOARD OF ZONING APPEAL (BZA)**

### **PROCEDURES & APPLICATION**

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#### **Procedure for BZA Petitions**

**Attachment A**

#### **BZA Application:**

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**BEFORE YOU BUY, OR RENT PROPERTY IN THE CITY OF CAMBRIDGE,  
CHECK ALL APPLICABLE LAWS AND REGULATIONS, INCLUDING THE  
CAMBRIDGE ZONING ORDINANCE TO BE SURE THAT THE PROPERTY  
CAN BE USED OR ALTERED FOR THE PURPOSE INTENDED.**

**(Revised: August 2012)**

Steven G. Lemley, Jr. &  
Robert T. Owens, Esq.  
7 Harrington Terrace, Apt C  
Cambridge, MA 02141

December 6, 2017

Commissioner Constantine Alexander  
Cambridge Board of Zoning Appeal  
% Inspectional Services Department  
831 Massachusetts Avenue  
Cambridge MA 02139

Re: Harwell Homes Housing Cooperative  
Permit Number: BLDC-064799-2017  
3 Harwell Dr. Cambridge, MA 02141

Dear Chairperson Alexander:

This appeal is made by aggrieved person, Steven G. Lemley, Jr. & Robert T. Owens, the occupants and stockholder-owner of 7 Harrington Terrace, Apt C Cambridge, MA 02141, under the provisions of Chapter 40A, Section 8 of the Massachusetts Zoning Act & Chapter 10, Section 21 of the Cambridge Zoning Ordinance. The appeal is timely having been made within 30 days after the order/action now being challenged.

The appellants are aggrieved by the orders and decisions of CISD relating to the above-captioned matter by the failure of Cambridge Inspectional Services Department to enforce actions required by law including the failure to issue an inspection report, failure to enforce permit requirements related to construction at their home, and failure to require Harwell Homes to obtain a variance to construct "new spiral staircases". The appellants are further aggrieved by the current and ongoing unpermitted construction of these spiral staircases at their place of residence.

Failure to Issue Inspection Report & Cite Violations

The City confirmed in a letter dated June 21, 2017, that no "Fire Escape and Fire Balcony Affidavits" were on file for the fire escapes at Harwell Homes (enclosed). These affidavits are required by 780 CMR 1001.3.2 to ensure resident safety and certification is required every 5

years by a Massachusetts Registered Professional Engineer, Licensed Fire Escape Installer, or other qualified person acceptable to the Building Official.<sup>1</sup>

After attempting to resolve our concerns with Management, we requested CISD conduct an inspection. Inspector David Byrne of CISD inspected our home and its non-working, nailed-shut fire escape on both August 24, 2017 and again on August 31, 2017 (photos enclosed).

Unfortunately, no report was issued so we contracted a private inspection services, Fire Escape Engineers, to inspect the fire escapes on August 25, 2017 at which time they determined they were in such disrepair as to constitute life safety hazards and serious code violations (reports and photos enclosed).

On September 25, we visited CISD to speak with them about the inspection report and to review any other information. Upon review of the documentation, it was confirmed that no report(s) had been issued in connection with the inspections conducted by Inspector Bryne on August 24, 2017, and August, 31, 2017, at 5-7 Harrington Terrace & 1-3 Harwell Drive, Harwell Homes Cooperative, Cambridge.

As a result, we requested that Inspectional Services produce and/or provide an inspection report(s) as required by 105 CMR 410.000 et seq in letter dated September 28, 2017, and further requested a hearing as to why one should not be issued pursuant to 105 CMR 410.850 (letters enclosed). No response was ever received by Inspectional Services and no hearing was ever granted. Instead, CISD granted Harwell Homes a general building permit on November 6, 2017 for building plans which do not comport with life safety and code requirements as discussed further below.

#### Failure to Enforce Building Permit Requirements

A building permit is required by the Zoning Ordinance and Section 110.0 of the Massachusetts State Building Code (780 CMR).<sup>2</sup> Anyone seeking to construct, alter, repair, or demolish a structure must first obtain a building permit before the start of any work. Otherwise, it is unlawful to engage in alterations without first filing a complete and accurate written application with Inspectional Services and obtaining the required permit.

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<sup>1</sup><https://www.cambridgema.gov/~media/Files/inspectionalservicesdepartment/OnlineForms/Fire%20Escape%20and%20Fires%20Balcony%20Affidavit.pdf>

<sup>2</sup> "Step by Step Guide to Building Permits with Certificate of Occupancy Procedure" City of Cambridge [https://www.cambridgema.gov/~media/Files/CDD/EconDev/PermittingGuides/ed\\_sbs\\_building\\_2012.pdf](https://www.cambridgema.gov/~media/Files/CDD/EconDev/PermittingGuides/ed_sbs_building_2012.pdf)

On November 6, 2017, Harwell Homes, through its agent RM Cochran Company, obtained a building permit for the “Addition/Alteration” of “new spiral staircases” in a “Commercial/Mixed Use” building (Permit Number: BLDC-064799-2017) located at “3 Harwell Dr” only (enclosed).

However, as of November 17, 2017, work had begun on the multifamily residences located at 1-3 Harwell Drive as well as 5-7 Harrington Terrace, but no permits were ever issued for 1 Harwell Drive or 5-7 Harrington Terrace. At present, the work continues but still no permit has been issued for the other locations where constructing is now occurring. Sections 15.04.010 of the Cambridge Municipal Code requires Inspectional Services to impose sanctions for work started prior to obtaining a permit.<sup>3</sup> We made Inspector Byrne aware of this on November 22, 2017 to no avail.

The existing permit for 3 Harwell Drive also mischaracterizes the nature of the buildings as commercial when in fact they are multifamily dwellings. An especially important distinction for purposes of second egress and fire safety concerns and requirements. There also appears to be no Certificate of Occupancy on file based on the information provided to us by CISD.

#### Construction of Second Egress Requires a Variance and Public Notice & Hearing

A variance from the applicable building and zoning laws and ordinances is required to permit construction in a manner that is otherwise prohibited and where specific enforcement would result in an unnecessary hardship. Importantly, before being granted, a variance requires notice of a public hearing so that community concerns, such as those contained in this letter, can be heard.

Unfortunately, the building plans submitted to CISD by Harwell Homes’ agent, “Harwell Homes Exterior Stair Plans”, do not meet the legal standards for construction under the IBC and require a variance for their construction. The building plans also create entirely new safety concerns that do not comply with applicable ordinances, to wit:

1) The building plans include a “New Exterior Door with Panic Hardware” as drawn on the “Partial Second Floor Plan” which arranges the existing egress doors into a series of doors located too closely to one another to safely serve as part of the means of egress.<sup>4</sup>

2) The proposed use of the existing 4’8” x 3’8” “closet” in the back of each second floor apartment as an exit is dangerously unsafe. The ceiling height of the existing exit enclosure passageway (closet) is sloped and measures approximately 5’5” at its lowest point. The sloped

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<sup>3</sup> <https://www.cambridgema.gov/inspection/buildingelectricplumbingpermits/buildingfees>

<sup>4</sup> ICC IBC (2015) Sections 1010.1 *Doors*

ceiling protrudes at a height lower than that allowed for safe means of egress onto more than half of the area square footage of the exit enclosure.<sup>5</sup> The sloped ceiling is also protruding in such a way that the height and clear width of the proposed “New Exterior Door” will be obstructed.<sup>6</sup>

3) The exit enclosure has no lighting of any kind at this time and is not wired for electricity.<sup>7</sup> The enclosure is pitch black upon entry. Additionally, incorporating the existing exit enclosure passageway appears to run afoul of fire-resistance rating requirements.<sup>8</sup>

4) The construction outside and use of a spiral staircase as a means of egress is not allowed under the IBC if serving as an exit discharge.<sup>9</sup> It should be noted that the occupancy limits of the second-story units sharing an egress can, and have in the past, included occupants in excess of five (5) residents. The spiral staircase is a matter of special concern for the occupants of the buildings in question which house the majority of the community’s elderly and disabled residents including those unlikely to safely use a spiral staircase.

If a “compliance alternative” has been granted by CISC, the file on record contains no evidence submitted to support the conclusion that the construction is impractical. CISC may grant a “compliance alternative” only after the applicant has submitted information identifying all items of non and/or partial compliance with the requirements of this code before approval by the building official.<sup>10</sup> The first step CISC would need to take to grant a compliance alternative is issue a report finding immediate life safety concerns in violation of applicable codes.

As such, Harwell Homes should be required to seek a variance for the reasons stated above. In fact, they know as much. Their notice sent to “1 Bedroom Stockholders and Residents” on October 4, 2017, states their design is necessary in part because of the need to avoid “rerouting of current walkways in order to clearance and accessibility codes” (enclosed). In other words, Harwell Homes has acknowledged their belief that the construction of a second egress that meets current code requirements is purportedly impracticable, but they have not sought any variance to justify the use of exterior spiral staircases as a means of egress.

In any event, even if Harwell Homes had sought a variance as required, it should not be granted. Harwell Homes hired an engineer to address this issue in 2014 who produced plans for second egress which do comply with existing code and building requirements (enclosed).

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<sup>5</sup> ICC IBC (2015) Sections 2018 *Interior Space Dimensions*

<sup>6</sup> ICC IBC (2015) Sections 2018 *Interior Space Dimensions*

<sup>7</sup> ICC IBC (2015) Section 1013 *Exit Signs*

<sup>8</sup> ICC IBC (2015) Section 1024 *Exit Passageways*

<sup>9</sup> ICC IBC (2015) Section 1011.10 *Spiral stairways*

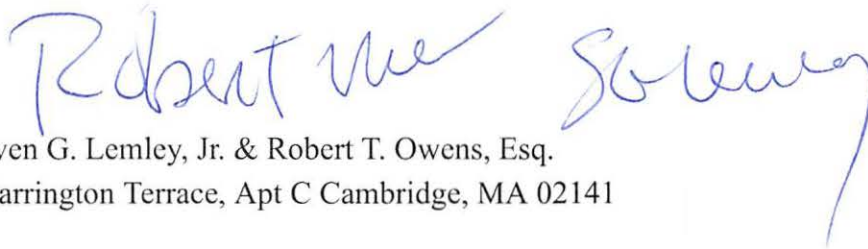
<sup>10</sup> 780 CMR 101.50 & 101.50.1

The 2014 plans call for the construction of a second-floor egress landing which would resolve nearly all the concerns above by eliminating the need for a new exterior door altogether, removing the sloped roof and providing natural illumination. As a result, they serve as proof for why no variance need be granted in this matter.

In summary, we are asking the Board of Zoning Appeals through its authority established in Chapter 10, Section 13 of the Zoning Ordinance to: 1) compel CISD to issue a report and cite any violations; 2) compel CISD to require Harwell Homes to acquire legal permits obtained with complete and accurate information; 3) compel CISD to consider whether a variance is needed for permits connected with the current building design and take all appropriate actions thereafter.

Thank you in advance for your attention to this request. It is not our intention to impede the creation of safe and operable second egress/fire escapes, but rather to ensure that a lasting and legal solution to this concern is obtained once and for all.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert T. Owens". The signature is fluid and cursive, with the first name "Robert" being the most prominent part.

Steven G. Lemley, Jr. & Robert T. Owens, Esq.  
7 Harrington Terrace, Apt C Cambridge, MA 02141

City Solicitor

Arthur J. Goldberg  
Deputy City Solicitor

Vali Buland  
First Assistant City Solicitor



Assistant City Solicitors

Paul S. Kawai  
Samuel A. Aylesworth  
Keplin K. U. Allwaters  
Sean M. McKendry  
Megan B. Bayer

Public Records Access Officer  
Jennifer Simpson

## CITY OF CAMBRIDGE

Office of the City Solicitor  
795 Massachusetts Avenue  
Cambridge, Massachusetts 02139

June 21, 2017

Robert Owens  
1 Harrington Terrace  
Cambridge, MA 02141

### Re: Public Records response for fire escape and fire balcony affidavits

Dear Mr. Owens:

I write in response to your letter received June 8, 2017, enclosed hereto, seeking "All records and documents related in whole or in part to the provisions of the Massachusetts State Building Code, 780 CMR 1001.3.2 . . . for 5 Harrington Terrace, 7 Harrington Terrace, 1 Harwell Drive, and 3 Harwell Drive, Cambridge, MA 02141. Said request includes but is not limited to, copies of all Fire Escape and Fire Balcony Affidavits required every five years by a Massachusetts Registered Professional Engineer, Licensed Fire Escape Installer or other qualified person acceptable to the Building Official."

The City is treating your e-mail inquiry as a public records request pursuant to G.L. c. 66, § 10.

The City does not possess documentation responsive to your request. Because searching for the requested document took less than two hours of staff time, there will be no charge for responding to this public records request, pursuant to 950 CMR§ 32.07(2)(m).

Sincerely,

Jennifer Simpson  
Public Records Access Officer

Enclosure



3 Mount Vernon St Lynn MA 01901

CASE#: 3972

This is FORMAL NOTIFICATION that a LIFE SAFETY ISSUE exists on the fire escape (2nd means of egress) at the address mentioned below. This notification is required by state law (License req.) as well as our insurance company (liability) when a life safety issue is identified before, during or after a full inspection. You and/or your representatives are required to take the immediate steps needed to remedy this situation.

The Fire Escape at **7 Harrington Terrace Unit C Cambridge MA 02141**, should not be used until Emergency or Permanent repairs take effect.

The *Sealed Hatch* will not hold or provide access under any Emergency evacuation and can cause serious and/or fatal injury. Notify occupants verbally and in writing not to use fire escape, block any door and or window access to the Fire Escape.

**Example:**

**Notice: Fire Escape under Repair.**

**Do Not Use until repairs are complete.**

Schedule emergency and or permanent repairs as soon as possible and notify appropriate city officials of the life safety issue and of any delays as required by your local or state laws.

This document serves as written notice that Fire Escape Engineers & Services will not be held Liable and or Responsible for any accidents or injury at the site address below.

# FIRE ESCAPE ENGINEERS-866-649-0333

3972  
CASE NUMBER

7 Harrington Terrace Unit C  
Site Address

Cambridge  
City

MA  
State

Francisco Meneses  
Design Professional/Other

08/25/17  
Site Inspection Date

1



Violation and or code issues make the subject of this picture suspect.



Violation and or code issues make the subject of this picture suspect.



Violation and or code issues make the subject of this picture suspect.



Violation and or code issues make the subject of this picture suspect.



# FIRE ESCAPE ENGINEERS-866-649-0333

3972  
CASE NUMBER

7 Harrington Terrace Unit C  
Site Address

Cambridge  
City

MA  
State

Francisco Meneses  
Design Professional/Other

08/25/17  
Site Inspection Date

2



☐  
Violation and or code issues make the subject of this picture suspect.

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# FIRE ESCAPE ENGINEERS-866-649-0333

3972  
CASE NUMBER

7 Harrington Terrace Unit C  
Site Address

Cambridge

City  
☐

MA  
State

Francisco Meneses  
Design Professional/Other

08/25/17  
Site Inspection Date

3



Violation and or code issues make the subject of this picture suspect.

☐

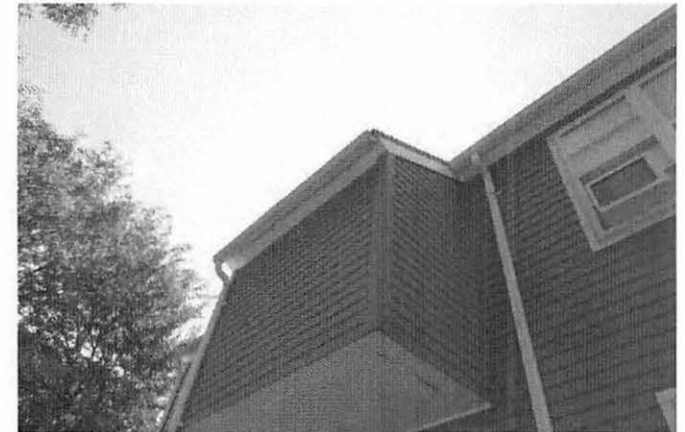
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# FIRE ESCAPE ENGINEERS-866-649-0333

3972  
CASE NUMBER

7 Harrington Terrace Unit C  
Site Address

Cambridge

City  
☐

MA  
State

Francisco Meneses  
Design Professional/Other

08/25/17  
Site Inspection Date

4



Violation and or code issues make the subject of this picture suspect.

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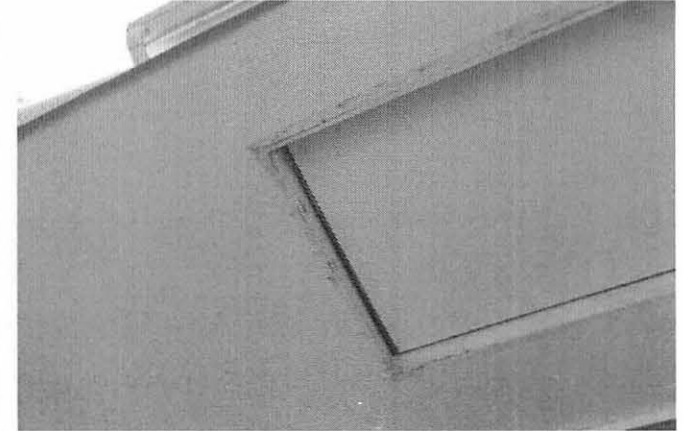
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# FIRE ESCAPE ENGINEERS-866-649-0333

3972  
CASE NUMBER

7 Harrington Terrace Unit C  
Site Address

Cambridge  
City

MA  
State

Francisco Meneses  
Design Professional/Other

08/25/17  
Site Inspection Date

5



Violation and or code issues make the subject of this picture suspect.



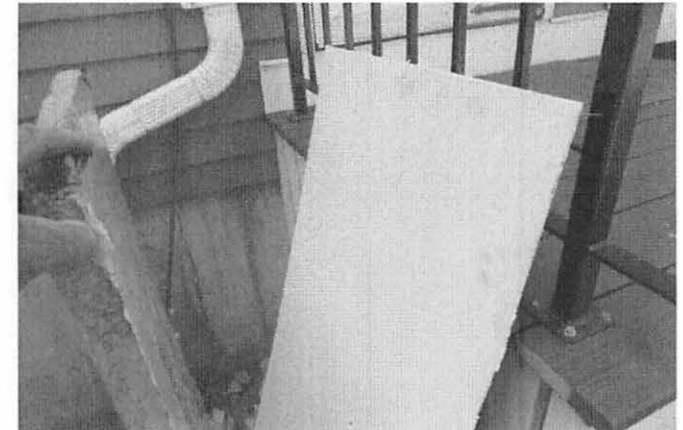
Violation and or code issues make the subject of this picture suspect.



Violation and or code issues make the subject of this picture suspect.



Violation and or code issues make the subject of this picture suspect.



# FIRE ESCAPE ENGINEERS-866-649-0333

3972  
CASE NUMBER

7 Harrington Terrace Unit C  
Site Address



Cambridge

City  
☐

MA  
State

Violation and or code issues make the subject of this picture suspect.

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Violation and or code issues make the subject of this picture suspect.

Francisco Meneses  
Design Professional/Other

08/25/17  
Site Inspection Date

6





# Fire Escape Engineers Confidence Test

## Fire Escape Engineers

Design Company or Other Company Name

3 Mount Vernon Street

Address

Lynn

City

MA

State

01901

Zip Code

Francisco Meneses

Design Professional or Other Name

800-649-3333

Phone

info@fireescapeengineers.com

email

CS-94862

License Number

888-895-7507

fax

1-7-2018

License Expires Date

8-25-2017

Site Inspection Date

This document expires 30 days from date of delivery to owner/agent via email or mail unless Design Professional or Other are retained for Engineer Oversight in writing.

Back

7 Harrington Terrace Unit C

address

Steven Lemley

Building OWNER

Cambridge

City

MA

State

02141

Zip Code

504-495-6184

Phone

N/A

fax

sglemley@gmail.com

email

Steven Lemley

Owner Agent

7 Harrington Terrace Unit C

Mailing Address

Cambridge

City

MA

State

02141

Zip Code

504-495-6184

Phone

N/A

fax

sglemley@gmail.com

email

Draw Building Footprint indicating where fire escape is and north direction.  
Front

Cambridge Inspectional Services Department 831 Massachusetts Avenue

Authority Having Jurisdiction

Address

Cambridge

City

MA

State

02139

Zip Code

N/A

email

617-349-6100

Phone

617-349-6132

fax

Violation Number

☐ Written ☐ Verbal ☒ N/A

Repair/Paint Vendor or Owner/Agent acceptable by AHJ to repair/paint fire escapes:

N/A

Repair Vendor or Agent: Company Name

N/A

Repair Vendor or Agent: Contact Name

N/A

License Number

N/A

Repair Permit Number

This document is  
OR

☒ a. a Pass/Fail Report (not to be used as a construction control document)

☐ b. a Fail Report with attached repairs report (with photos/drawings and repairs criteria as required for permit if permit is needed)

To the best of my Information, Knowledge, Belief and Opinion that the following statements are true and apply regarding this Fire Escape System as of the date of evaluation above.

Indicate inspection was done by:

- ☒ a. a visual walk through of the Fire Escape System all accessible areas only. NO Load Test or destructive testing was performed. Safety hammer testing, scraping, poking, and chipping are all part of visual observation and resulting damage is owner's responsibility to repair or maintain.
- ☐ b. an Evaluation of the Fire Escape System from the ground, with or without the use of visual aid, due to NO ACCESS or UNSAFE STRUCTURE WITH LIFE SAFETY ISSUES.

Fire Escape Results: ☐ Passed ☒ Failed Life Safety Issues? ☒ Yes ☐ No

- ☐ The FE System is Certified by Load Test done by Engineering/Testing Agency at 100 lbs per sq foot.
- ☐ The FE System is Certified by Other Evidence of Strength (full or partial refurbishment or NEW) in lieu of load test.
- ☐ The FE System is Certified by Opinion Affidavit, accepted by AHJ as ready for use with opinion disclaimer of liability.
- ☒ Inspection/Evaluation determined the Fire Escape System FAILED. It is NOT structurally sound and/or painted.

IBC 1001.3.3 All fire escapes shall be examined and/or tested and certified every five years by a design professional or others acceptable who will then submit an affidavit city official.

I declare under penalty of perjury that the foregoing is true and correct. Executed on

Francisco Meneses

CS-94862

License Number

Cambridge Inspectional Services Department

Design Professional or Others Acceptable to AHJ

Authority Having Jurisdiction

Logo

Notary

AHJ accepted form at counter? ☒

AHJ accepted form after final inspection? ☒



7 Harrington Terrace Unit C

Cambridge

MA

Francisco Meneses

8-25-2017

Site Address

City

State

Design Professional/Other

Site Inspection Date

**Deficiency Report with Code Issues and Corrective Action Report**

NOT to be used as a Construction Control Document unless noted and Formal Repair Report attached.

This document expires 30 days from date of delivery to owner/agent via email or mail unless Design Professional or Other are retained for Engineer Oversight in writing.

**Fire Escape Results:** ☐ Passed ☒ Failed **Life Safety Issues?** ☒ Yes ☐ No

OVERALL	TREADS	STRINGERS	RAILS	STRUCTURAL	CEMENT	PAINT	GRATING	LADDER	CANTILEVER	CATWALK
<input type="checkbox"/> EXCELLENT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> EXCELLENT
<input type="checkbox"/> GOOD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> GOOD
<input type="checkbox"/> FAIR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> FAIR
<input checked="" type="checkbox"/> POOR/FAIL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> POOR/FAIL
<input checked="" type="checkbox"/> LIFE SAFETY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> LIFE SAFETY
<input type="checkbox"/> PRE-EXISTING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> PRE-EXISTING
<input type="checkbox"/> MISSING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> MISSING
<input type="checkbox"/> N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> N/A

1) All fabrication, installation and maintenance of fire escape is to code and met industry standards on date of installation ☐ Yes ☒ No ☐ N/A
☐ Repair ☐ Replace ☐ Remarks  
☐ Reinforce ☐ See Report

No access from beam, covered with plywood underneath

2) There are **NO** pre-existing non-conforming issues requiring AHJ notification for approval. ☐ Yes ☒ No ☐ N/A
☐ Repair ☐ Replace ☐ Remarks  
☐ Reinforce ☐ See Report
3) All welds PASS by visual observation only, unless noted: re-bolted, x ray or load tested ☐ Yes ☐ No ☒ N/Aare structurally sound having **NO** internal rust jacking, external surface rust and/or material deterioration.
☐ Repair ☐ Replace ☐ Remarks  
☐ Reinforce ☐ See Report
4) Overall the fire escape system PASSES ☐ Yes ☒ No ☐ N/Ais structurally sound having **NO** internal rust jacking, external surface rust and/or material deterioration.
☐ Repair ☐ Replace ☐ Remarks  
☐ Reinforce ☐ See Report
5) Footings/Piers - PASS ☐ Yes ☐ No ☒ N/Aare structurally sound having **NO** internal rust jacking, external surface rust and/or material deterioration - NO heaving or sinking
☐ Repair ☐ Replace ☐ Remarks  
☐ Reinforce ☐ See Report
6) Walls of attached fire escape system- PASS by visual observation only on date of evaluation ☐ Yes ☐ No ☒ N/Aappear to be structurally sound having **NO** material deterioration - NO structural cracks/ deterioration, deflection or bulging
☐ Repair ☐ Replace ☐ Remarks  
☐ Reinforce ☐ See Report
7) Supports into masonry wall - PASS ☐ Yes ☐ No ☒ N/Aare structurally sound having **NO** material deterioration - NO structural cracks/deterioration, rust jacking, deflection or spalling
☐ Repair ☐ Replace ☐ Remarks  
☐ Reinforce ☐ See Report
8) Thru bolts into wood structure or masonry walls - PASS ☐ Yes ☐ No ☒ N/Aare structurally sound having **NO** material deterioration - NO structural cracks/deterioration, rust jacking, deflection or wood rot
☐ Repair ☐ Replace ☐ Remarks  
☐ Reinforce ☐ See Report
9) Platforms, Slats, Grating, Mesh, Cement, Cast Iron, Wood and Angle and or Steel Frame - PASS ☐ Yes ☐ No ☒ N/Aare structurally sound having **NO** material deterioration - NO internal rust jacking or external surface rust or wood rot
☐ Repair ☐ Replace ☐ Remarks  
☐ Reinforce ☐ See Report
10) Stair Stringers, Upper & Lower Hanger Clips - PASS ☐ Yes ☐ No ☒ N/Aare structurally sound having **NO** material deterioration - NO internal rust jacking or external surface rust or wood rot
☐ Repair ☐ Replace ☐ Remarks  
☐ Reinforce ☐ See Report
11) Stair Treads: Plate, Slats, Grating & Bolts and/or Welds - PASS ☐ Yes ☐ No ☒ N/Aare structurally sound having **NO** material deterioration - NO internal rust jacking or external surface rust or wood rot
☐ Repair ☐ Replace ☐ Remarks  
☐ Reinforce ☐ See Report
12) Railings - on platforms, stairs & catwalks - PASS ☐ Yes ☐ No ☒ N/Aare structurally sound having **NO** material deterioration - NO internal rust jacking or external surface rust or wood rot
☐ Repair ☐ Replace ☐ Remarks  
☐ Reinforce ☐ See Report




7 Harrington Terrace Unit C  
Site Address

Cambridge  
City

MA  
State

Francisco Meneses  
Design Professional/Other

8-25-2017  
Site Inspection Date



This document expires 30 days from date of delivery to owner/agent via email or mail unless Design Professional or Other are retained for Engineer Oversight in writing.

### 13) Ladders to Roof and/or to Grade & Bolts and/or Welds - PASS

☐ Yes ☐ No ☒ N/A

are structurally sound having **NO** material deterioration - **NO** internal rust jacking or external surface rust or wood rot or spauling

☐ Repair ☐ Replace ☐ Remarks  
☐ Reinforce ☐ See Report

### 14) Balanced Ladders: Bolts and/or Welds, Weight, Release Mechanism and other components - PASS

☐ Yes ☐ No ☒ N/A

are structurally sound having **NO** material deterioration - **NO** internal rust jacking or external surface rust and are to grade/public way

☐ Repair ☐ Replace ☐ Remarks  
☐ Reinforce ☐ See Report

### 15) Cantilevers: Bolts and/or Welds, Weight Box, Release Mechanism and other components - PASS

☐ Yes ☐ No ☒ N/A

are structurally sound having **NO** material deterioration - **NO** internal rust jacking or external surface rust and are to grade/public way

☐ Repair ☐ Replace ☐ Remarks  
☐ Reinforce ☐ See Report

### 16) Catwalks & Bolts and/or Welds - PASS

☐ Yes ☐ No ☒ N/A

are structurally sound having **NO** material deterioration - **NO** internal rust jacking or external surface rust and lead to the fire escape and completes to grade

☐ Repair ☐ Replace ☐ Remarks  
☐ Reinforce ☐ See Report

### 17) All components: doors, windows, window guards, cages and gates- PASS

☐ Yes ☐ No ☒ N/A

are single action requiring no special knowledge, no keys and no obstruction and lead to public way

☐ Repair ☐ Replace ☐ Remarks  
☐ Reinforce ☐ See Report

### 18) All electrical power is 10 feet or more away from fire escape or covered to code.

☒ Yes ☐ No ☐ N/A

☐ Repair ☐ Replace ☐ Remarks  
☐ Reinforce ☐ See Report

### 19) Overall the fire escape is not illuminated due to pre-existing code on date of install.

☐ Yes ☐ No ☒ N/A

☐ Repair ☐ Replace ☐ Remarks  
☐ Reinforce ☐ See Report

### 20) Overall fire escape system has no interior or exterior obstructions such as a/c units, plants, bikes, trash etc.

☐ Yes ☒ No ☐ N/A

☐ Repair ☐ Replace ☐ Remarks  
☐ Reinforce ☐ See Report

### 21) Overall fire escape system has no storage of flammables or code restricted items on, in or underneath.

☐ Yes ☒ No ☐ N/A

☐ Repair ☐ Replace ☐ Remarks  
☐ Reinforce ☐ See Report

### 22) The fire escape system is made of: ☐ Painted Steel ☐ Galvanized Steel ☐ Aluminum ☐ Wood ☒ Mix ☐ Other...

### 23) This Fire Escape System is maintained/painted/stained and/or weatherproofed.

☒ Yes ☐ No ☐ N/A

☐ Scrape, Seal and Full Paint  
☐ Scrape, Seal and Spot Paint

### 24) The owner is notified, by email or hand delivered, that EPA Lead Paint Rules apply because the FE system was built before 1960. ☐ Yes ☐ No ☐ N/A

☐ Scrape, Seal and Full Paint  
☐ Scrape, Seal and Spot Paint

### 25) Other remarks or Pre-existing Non-Conforming Issues:

☒ Yes ☐ No ☐ N/A

1. Needs lights inside, too dark

2. Under is covered in plywood and installation needs to be removed for access

3. If ladder drops, it will block the doors on 1st floor

### STEPS TO CERTIFICATION

- ☐ 1) Repair Report by Design Professional or Other Acceptable to AHJ for repair permit if required
- ☐ 2) Permit by licensed vendor with EPA license
- ☐ 3) Progress and or final inspection by Design Professional or Other Acceptable to AHJ
- ☐ 4) Submit final Certification by Load Test, Other Evidence of Strength, or Opinion Affidavit
- ☐ 5) repeat every 5 years





7 Harrington Terrace Unit C  
Site Address

Cambridge  
City

MA  
State

Francisco Meneses  
Design Professional/Other

8-25-2017  
Site Inspection Date



# Guidelines and Procedures for Fire Escape Systems As Per AHJ

**2012 IFC 1104.16.5.1** Fire escape stairs must be examined every 5 years by a design professional or others acceptable to the Authority Having Jurisdiction and inspection report must be submitted to the AHJ.

**IBC 1001.3.3** All fire escapes shall be examined and/or tested and certified every five years by a design professional or others acceptable who will then submit an affidavit city official.

**ICC 2015 104.7.2** Technical assistance. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to inspection by the fire code official, the fire code official is authorized to require the owner or agent to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the fire code official and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The fire code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

**NFPA LIFE SAFETY CODE 101 7.2.8.6.2** The Authority Having Jurisdiction (AHJ) shall approve any fire escape by Load Test or other evidence of strength (Certification).

**OSHA 1910.37** Exit routes must be maintained during construction, repairs, alterations or provide alternative egress with equivalent level of safety acceptable to AHJ.

## 2010 EPA 402(c)(3)

EPA's Lead Renovation, Repair and Painting Rule (RRP Rule) requires that firms performing renovation, repair, and painting projects that disturb lead-based paint in homes, child care facilities and pre-schools built before 1978 have their firm certified by EPA (or an EPA authorized state), use certified renovators who are trained by EPA-approved training providers and follow lead-safe work practices (Fines per violation by EPA \$37,500)

## Terms and FAQs

### Fire Escape Certification OR Deficiency Report with Code Issues

This form is a certification of a fire escape system OR a report of failure to certify a fire escape system.

#### Indicate inspection was done by:

- a visual walk through of the Fire Escape System all accessible areas only. NO Load Test or destructive testing was performed. Safety hammer testing, scraping, poking, and chipping are all part of visual observation and resulting damage is owner's responsibility to repair or maintain.
  - Design Professional or Other performed a physical/visual walk through on each floor from roof to grade operating and or assessing every accessible component of FE system.
- an Evaluation of the Fire Escape System from the ground, with or without the use of visual aid, due to NO ACCESS or UNSAFE STRUCTURE WITH LIFE SAFETY ISSUES.
  - This only applies to Fail Reports Only and NO PASS Reports. These can be issued **without** physical/visual observation walk through on each floor from roof to grade operating and or assessing every accessible component of FE system. The fire code official or AHJ is authorized to require documentation to be prepared by, and bear the stamp of, a registered design professional.

#### Load Testing

Under the national law (see above) fire escape systems must be certified by load test every 5 years to verify structural integrity at 100 lbs per square foot.

Load tests must be performed by a qualified testing agency/company acceptable to the AHJ (authority having jurisdiction).

A Fire Escape System is Load Tested only after passing and submitting a Pre Load Test Evaluation to AHJ confirming by report that FE System is structurally sound having NO material deterioration - NO structural cracks/deterioration, rust jacking, deflection or wood rot. AHJ may witness Load Test if requested. Upon completion of a Load Test a Certification by Load Test is submitted to AHJ. The fire code official or AHJ is authorized to require documentation to be prepared by, and bear the stamp of, a registered design professional.

There are two other methods of certifying a fire escape: other evidence of strength and opinion affidavit with disclaimer of liability.

#### Other Evidence of Strength

In lieu of a load test, the AHJ can accept other evidence of strength as certification of a fire escape system which requires a full evaluation of the fire escape system and a subsequent report with photos, drawings or contrasting markings detailing all code violations to be submitted to AHJ. Repairs permit and EPA Permit (if lead paint on fire escape) may then be required by AHJ as well as engineer's oversight of repairs. After partial, full refurbishment of the fire escape system or NEW fire escape system, a re-evaluation is required and a confidence test for certification under "other evidence of strength" submitted to AHJ.

Other Evidence of Strength in Lieu of Load Test is achieved only when entire existing fire escape system has had all major structural connections, components, materials, and or welds rebolted, reinforced, repaired or entire system was replaced in Lieu of Load Test. Partial Load Testing can occur if only spot repairs are made and remaining original hardware, components and or material on FE System is Load Tested. The fire code official or AHJ is authorized to require documentation to be prepared by, and bear the stamp of, a registered design professional.

#### Opinion Affidavit

In lieu of a load test, the AHJ may accept an opinion affidavit with a disclaimer of liability as certification of a fire escape system from a qualified design professional or other stating that the fire escape system is ready for its intended use. An Opinion Evaluation is a visual observation of accessible areas only and non accessible areas are observed with visual aids/photos/video and or disclaimed. The Opinion Affidavit (if acceptable to AHJ) in Lieu of Load Test and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the fire code official or AHJ and shall analyze the fire safety properties of the design, operation or use...(Pass/Fail Evaluation). The fire code official or AHJ is authorized to require documentation to be prepared by, and bear the stamp of, a registered design professional. (Repair Report for Permit if required)

#### Inspection/Evaluation determined the Fire Escape System FAILED. It is NOT structurally sound and/or painted.

An Opinion Evaluation determined, by visual observation of accessible areas only and non accessible areas were observed with visual aids/photos/video and or disclaimed, that the Design Professional and or other cannot proceed to Load Test and therefor cannot submit Certification and or an Opinion Affidavit. The fire code official or AHJ is authorized to require documentation to be prepared by, and bear the stamp of, a registered design professional.





7 Harrington Terrace Unit C

Cambridge

MA

Francisco Meneses

8-25-2017



Site Address

City

State

Design Professional/Other

Site Inspection Date

This document expires 30 days from date of delivery to owner/agent via email or mail unless Design Professional or Other are retained for Engineer Oversight in writing.

## Confidence on Five Year Inspections of Fire Escapes

Existing fire escapes must be examined for structural adequacy and safety. This inspection requirement applies to all elements of fire escapes such as metal balconies and stairs and any fixed or movable ladders associated with the fire escapes. The inspection requirement applies to fire escapes attached to the exterior of buildings. It does not apply to the types of building elements such as elevated porches, walkways and architectural stairs.

### What is Required?

The local code on Fire Escapes requires examination of fire escapes and periodic inspection reports submitted to the Authority Having Jurisdiction (AHJ).

Specifically, the local code states:

Specifically, the national law states:

### Who May Perform The Examination?

The examination may be performed by "registered design professionals" e.g., State-registered Structural or Civil Engineers. Examinations may also be performed by "others acceptable to the AHJ." This includes licensed contractors who are competent in the installation and maintenance of fire escapes.

### Once I get the Examination and Inspection Report, What Do I DO?

Submit a copy of the inspection report to the AHJ. If the examination was conducted in response to a written or verbal violation, please also include a copy of the violation. Submit the inspection report and, if applicable, the violation by US mail, email or fax to:

Cambridge Inspectional Services Department  
Authority Having Jurisdiction

831 Massachusetts Avenue  
Address

Cambridge  
City

MA 02139  
State Zip Code

email:

FAX: 617-349-6132

For more information please contact the Authority Having Jurisdiction at 617-349-6100 .



7 Harrington Terrace Unit C

Cambridge

MA

Phone

Francisco Meneses

8-25-2017

Site Address

City

State

Design Professional/Other

Site Inspection Date

This document expires 30 days from date of delivery to owner/agent via email or mail unless Design Professional or Other are retained for Engineer Oversight in writing.

Repair Vendor or Owner/Agent acceptable by AHJ to repair/paint fire escapes:

N/A

Repair Vendor or Agent: Company Name

N/A

Repair Vendor or Agent: Contact Name

N/A

License Number

License Expires Date

Address

Phone

fax

N/A

Repair Permit Number

City

State

Zip Code

email

Repairs Completion Date

Repair Co. EPA Renovator's License and Expire Date

Repair Co. Workmans Comp Insurance and Expire Date

Repair Co. Liability Insurance and Expire Date

Repair/Paint Vendor or Owner/Agent References:

Reference Name

Phone

Remarks

Reference Name

Phone

Remarks

Reference Name

Phone

Remarks

The Authority Having Jurisdiction (AHJ), the Design Professional (or other acceptable to AHJ) and the Owner/Agent of the Fire Escape System ALL require proof of the the following:

- 1) Business License
- 2) Construction License
- 3) EPA Renovator's License (when Fire Escape System has Lead Paint)
- 4) Workman's Compensation Insurance
- 5) Liability Insurance

All permits, if required, have to be signed off by AHJ before release of the Certification of the Fire Escape System.

All work performed by owner/agent, non-licensed and or uninsured individuals may be rejected if not to industry standard. Additional fees and documentation may be required in these cases before release of the Certification of Fire Escape System otherwise others may certify at their own risk.

All parties must sign a disclaimer if no load test is performed or no other evidence of strength is achieved.

### Vendor Estimate with Costs Breakdown

Total Amount

Structural Repairs Amount

Paint Amount

Engineer Oversight Amount

Load Test Amount

A formal proposal contract will replace this form of verbal acceptance of costs, terms and conditions.

I declare under penalty of perjury that the foregoing is true and correct.

Francisco Meneses

CS-94862

License Number

N/A

License Number

N/A

Design Professional or Others Acceptable to AHJ

Repairs Vendor

Notary

Owner/Agent



Steven G. Lemley, Jr & Robert T. Owens, Esq.  
Steering Committee Members of  
Harwell Homes Empowered Residents Organization  
7 Harrington Terrace, Apt C  
Cambridge, MA 02141

September 24, 2017

via hand delivery

Mr. Ranjit Singanayagam  
Commissioner  
Cambridge Inspectional Services  
831 Massachusetts Avenue  
Cambridge MA 02139

Re: Second Means of Egress Construction Plans for 5-7 Harrington Terrace & 1-3 Harwell Drive

Dear Commissioner Singanayagam:

First, we would like to thank you and Inspector Byrne for all your assistance in the matter of our fire escape/means of egress concerns with the one-bedroom units in Harwell Homes.

We are writing you now because we recently received a notice from Peabody Properties, Inc. (enclosed) that an architectural plan (enclosed) had been "verbally approved" by Inspectional Services. This caught us by surprise because we felt Inspector Byrne had made clear to Harwell Homes and Peabody Properties that resident input would be an important part of any approval process but, to date, we have had none.

The Harwell Homes Empowered Residents Organization was formed, in part, over resident frustrations with safety concerns shared with the Board of Directors and Property Management. In particular, one of the challenges in raising awareness about the fire escapes in the one-bedroom units has been that they comprise just 16 of the 56 units within the housing cooperative. As a result, fire escape maintenance and inspection has gone totally neglected, degrading to such a level that the fire escapes were, until recently, nailed and boarded shut with flammable foam insulation placed within the egress hatch.

Careful consideration as to how to best address the egress concerns at the one-bedroom units in Harwell Homes is needed because they house the majority of the community's elderly and disabled residents. We have concerns, discussed below, about the ability of residents to safely egress through the exit enclosure and spiral staircase described in the J. Ferrera's "Harwell Homes Exterior Stair Plans".

We believe Inspectional Services should require that the second means of egress be constructed in a manner similar to that shown in "Old Drawing 2014" (enclosed) i.e. an open/unenclosed landing and non-spiral staircase.

The attached alternative plans for a second egress were developed in 2014, ironically, around the time the fire escapes are believed to have been nailed shut, and as part of a multi-million dollar renovation project. As a result, it would appear that the persons responsible have had both the means and the knowledge to take action for quite some time.

After reviewing J. Ferrera's "Harwell Homes Exterior Stair Plans", we are concerned that the proposed modifications and use of the existing 4'8" x 3'8" exit enclosure passageway do not meet the standards of the ICC IBC (2009) for the following reasons:

- 1) The proposed construction of a "New Exterior Door with Panic Hardware" as drawn on the "Partial Second Floor Plan" arranges the existing egress doors into a series located too closely to one another to safely serve as part of the means of egress.<sup>1</sup> However, the construction of a second-floor egress landing similar to that shown in the "Old Drawing 2014" plans would resolve this issue by eliminating the need for a new exterior door altogether.
- 2) The ceiling height of the existing exit enclosure passageway is sloped and measures approximately 5'5" at its lowest point. The sloped ceiling protrudes at a height lower than that allowed for safe means of egress onto more than half of the area square footage of the exit enclosure.<sup>2</sup> The sloped ceiling is also protruding in such a way that the height and clear width of the proposed "New Exterior Door" will be obstructed.<sup>3</sup> An outdoor/unenclosed egress landing would resolve this issue by eliminating the sloped roof altogether.
- 3) The exit enclosure has no lighting of any kind at this time and is not wired for electricity.<sup>4</sup> Additionally, incorporating the existing exit enclosure passageway may run afoul of fire-resistance rating requirements.<sup>5</sup> An outdoor/unenclosed egress landing would appear to resolve both issues.
- 4) To the extent that the spiral staircase is used as part of the existing exit enclosure passageway, its usage would not be in accordance with reasons stated above. The use of a spiral staircase, however, is less clear if serving as an exit discharge for a space such as an outdoor/unenclosed egress landing.<sup>6</sup> It should be noted that the occupancy limits of the second-story units sharing an egress can, and have in the past, included occupants in excess of five (5) residents. As these fire escapes serve the majority of the community's elderly and disabled residents including those unlikely to safely use a spiral staircase such as a 94 year old woman.

The current fire escape is over 40 years old; there is every reason to believe our next solution will last just as long. Focusing on the future, this letter is a sincere request that Inspectional Services bring regulatory oversight and integrity to this process while providing a safe and compliant means of egress that lasts.

---

<sup>1</sup> ICC IBC (2009) Sections 1008.1.8 *Door Arrangement* & 1021.4 *Exit Door Arrangement*

<sup>2</sup> ICC IBC (2009) Sections 1003.2 *Ceiling Height* & 1208.2 *Minimum Ceiling Heights*

<sup>3</sup> 1003.3 *Protruding Objects*; Section 1008.1 *Doors* & Section 1023.2 *Width Obstruction*

<sup>4</sup> ICC IBC (2009) Section 1024 *Luminous Egress Path Markings*

<sup>5</sup> ICC IBC (2009) Section 1022.1 *Enclosures required*

<sup>6</sup> ICC IBC (2009) Section 1009.9 *Spiral stairways*

We would respectfully request that you acknowledge this letter and give some indication as to next steps on plans for our fire escapes. We would also ask that you make us aware of any permits or approvals connected to this matter moving forward. Please also let this letter serve as a request for records including any inspection reports.

Thank you again for your assistance in this matter.

Sincerely,

Steven G. Lemley, Jr. & Robert T. Owens, Esq.

504 495-6184

617 460-6525

[sglemley@gmail.com](mailto:sglemley@gmail.com) & [robrowens@gmail.com](mailto:robrowens@gmail.com)

Residents of 7 Harrington Terrace, Apartment C

Steering Committee Members of the Harwell Homes Empowered Residents Organization

Enc. Fire Escape Engineers Report

Harwell Homes Exterior Stair Plans

“Old Drawing 2014” Documents (4 pages)

“Secondary Egress” notice from Management

Steven G. Lemley, Jr & Robert T. Owens, Esq.  
Steering Committee Members of  
Harwell Homes Empowered Residents Organization  
7 Harrington Terrace, Apt C  
Cambridge, MA 02141

September 28, 2017

Mr. Ranjit Singanayagam  
Commissioner  
Cambridge Inspectional Services  
831 Massachusetts Avenue  
Cambridge MA 02139

Sent by Certified Mail # 7017 0530 0000 6926 9030 & via Electronic Mail: ranjits@cambridgema.gov

Re: Request for Inspection Report(s) & Request for Hearing - 105 CMR 410.850 (corrected copy)

Dear Commissioner Singanayagam:

We hope this letter finds you well. We write again so soon because we were recently provided with copies of all documentation on file with Inspectional Services regarding the above referenced matter by Inspector David Byrne on the morning of September 25, 2017. Upon review of the documentation, it appears that no report(s) has been issued in connection with the inspections conducted by Inspector Bryne on August 24, 2017, and August, 31, 2017, at 5-7 Harrington Terrace & 1-3 Harwell Drive, Harwell Homes Cooperative, Cambridge.

As a result, we are requesting that Inspectional Services produce and/or provide an inspection report(s) as required by 105 CMR 410.000 et seq. or otherwise provide us with an opportunity to be heard as to why a report(s) should not be issued in connection with these inspections.

However, if we are mistaken and an inspection report(s) and/or compliance order(s) have already been issued by Inspectional Services in this matter, we would ask that you please provide them to us at your earliest convenience and disregard this "Request for Hearing" upon our receipt of the same. Otherwise, please find enclosed a Petition for Administrative Hearing pursuant to 105 CMR 410.850 for failure by Inspectional Services to issue a report(s) on inspections as required by 105 CMR 410.831.

Please know that we are making this request to ensure that any plan for the means of egress in the one-bedroom units is based on recorded observational data collected to inform and ensure a lasting and safe solution for our community; a plan that complies with all current code requirements wherever feasible.

For that purpose, we are further including a video link to the inspection conducted by Fire Escape Engineers on August 25, 2017, the day after Inspector Byrne's first inspection:

[https://www.youtube.com/watch?v=nVa\\_kL64tEM](https://www.youtube.com/watch?v=nVa_kL64tEM)

In closing, we would like Cambridge Inspectional Services to know of our sincere gratitude for the time and energy devoted to this concern. We can say without reservation that but for Inspectional Services' involvement, the attention and progress achieved so far would not have been possible.

We further recognize that your department's resources are precious and finite; and we would like to avoid any needless delay or time wasted as we pursue a safe and effective means of egress solution. As such, we hope Inspectional Services will respond to our hearing request by issuing inspection reports that will help support and ascertain a compliant construction solution moving forward.

Once again, thank you and your staff for your time and attention to this request. Please know our persistence is motivated by our sincere concerns for the safety of our community.

Accordingly, please contact us at any time with any questions or information.

Thank you.

Sincerely,

Steven G. Lemley, Jr.   Robert T. Owens, Esq.

504 495-6184                617 460-6525

[soglemley@gmail.com](mailto:soglemley@gmail.com)   [robowens@gmail.com](mailto:robowens@gmail.com)

Residents of 7 Harrington Terrace, Apartment C

Steering Committee Members of the Harwell Homes Empowered Residents Organization

Enc. Email Correspondence with Inspector Dave Power regarding Fire Escapes dated May 30, 2017  
Petition for Administrative Hearing pursuant to 105 CMR 410.850 dated September 28, 2017

CAMBRIDGE INSPECTIONAL SERVICES DEPARTMENT

PETITION FOR ADMINISTRATIVE HEARING (105 CMR 410.850)

Date of Request: September 28, 2017

Property Addresses: 5-7 Harrington Terrace & 1-3 Harwell Drive

Date(s) of Inspection: August 24, 2017 & August 31, 2017

We, Steven G. Lemley & Robert T. Owens, the occupants of 7 Harrington Terrace, Apartment C, Cambridge, MA 02141, respectfully and timely request a hearing pursuant to 105 CMR 410.850 for failure to issue report(s) as required by 105 CMR 410.831 for inspections conducted on August 24, 2017, and August 31, 2017, by Cambridge Inspectional Services .

The inspections at issue included conditions that endangered and impaired health and safety including, but not limited to, nailed shut fire escapes, blocked egress, failure to file required fire escape affidavits, no emergency egress lighting, et al. Accordingly, we seek documentation of these conditions as a necessary first step towards a safe, fair and lasting resolution in this matter; and as required by the state sanitation code.

As a result, we would please request that Inspectional Services send notice to all affected parties of the scheduled hearing as well as to the address below:

Steven G. Lemley & Robert T. Owens  
7 Harrington Terrace, Apartment C  
Cambridge, MA 02141

Additionally, if any variances have been applied for and/or granted in this matter, we respectfully request notice and an opportunity to be separately heard on the issue(s) as the occupants of the inspected premises.

Thank you.

Respectfully submitted by,

Steven G. Lemley      Robert T. Owens, Esq.  
[sglemley@gmail.com](mailto:sglemley@gmail.com)    [robowens@gmail.com](mailto:robowens@gmail.com)  
(504) 495-6184      (617) 460-6525



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## Permit Number: BLDC-064799-2017



### Permit Details

Type: <b>Building</b> (Commercial/Mixed Use)	IVR Number: <b>171439</b>	Application Date: <b>11/6/2017</b>
Work Class: <b>Addition / Alteration</b>	Project Name:	Issued Date: <b>11/6/2017</b>
Status: <b>Issued</b>	District: <b>City</b>	Expiration Date: <b>5/5/2018</b>
Description: <b>new spiral stai...</b>	Square Feet: <b>0.00</b>	Final Date: <b>None</b>
new spiral staircases	Valuation: <b>49457.5000</b>	

### Primary Address Details

Parcel : **80-165**  
Address : **3 Harwell Dr**  
**Cambridge, MA 02141**  
**United States**



### Contact Details

Type	Company	First Name	Last Name	Title
Applicant	RM Cochran Company	Robert	Cochran	

1

Displaying items 1 - 1 of 1

### Existing Inspections

Type	Status	Request Date	Scheduled Date	Inspector
No records to display.				

0

Displaying items 0 - 0 of 0

### Remaining Inspections

Type	Status	Date	Reinspection
Building			No
Excavation Depth & Soil Conditions			No
Building Footings			No
Building Foundation			No
Building Drainage			No

1

Displaying items 1 - 9 of 9

### Existing SubPermits

Permit Number	Type	WorkClass	Status
No records to display.			

0

Displaying items 0 - 0 of 0

### Remaining SubPermits

Type	WorkClass
Apply Certificate of Occupancy	Building New

1

Displaying items 1 - 1 of 1

### Existing SubPlans

Plan Number	Type	WorkClass	Status
-------------	------	-----------	--------

### Remaining SubPlans

Type	WorkClass
------	-----------

## **HARWELL HOMES COOPERATIVE, INC.**

**DATE: OCTOBER 4, 2017**  
**TO: 1 BEDROOM STOCKHOLDERS & RESIDENTS**  
**FROM: NANCY BRANCO**  
**RE: 1BR SECOND FLOOR EGRESS**

---

As a follow up to Tuesday's meeting I would like to clarify a few points with regards to the second means of egress from second floor 1BR units. While we did have a final bid from Crosswinds, in the amount of \$39,680 this was not part of the original construction contract but rather budgeted as an alternate.

Changing the second floor egress came out of conversations with Residents and the Board, Mortgage and Construction Committees and while the current system was and still is operational we recognized that we had the opportunity to change it while the GC was on site.

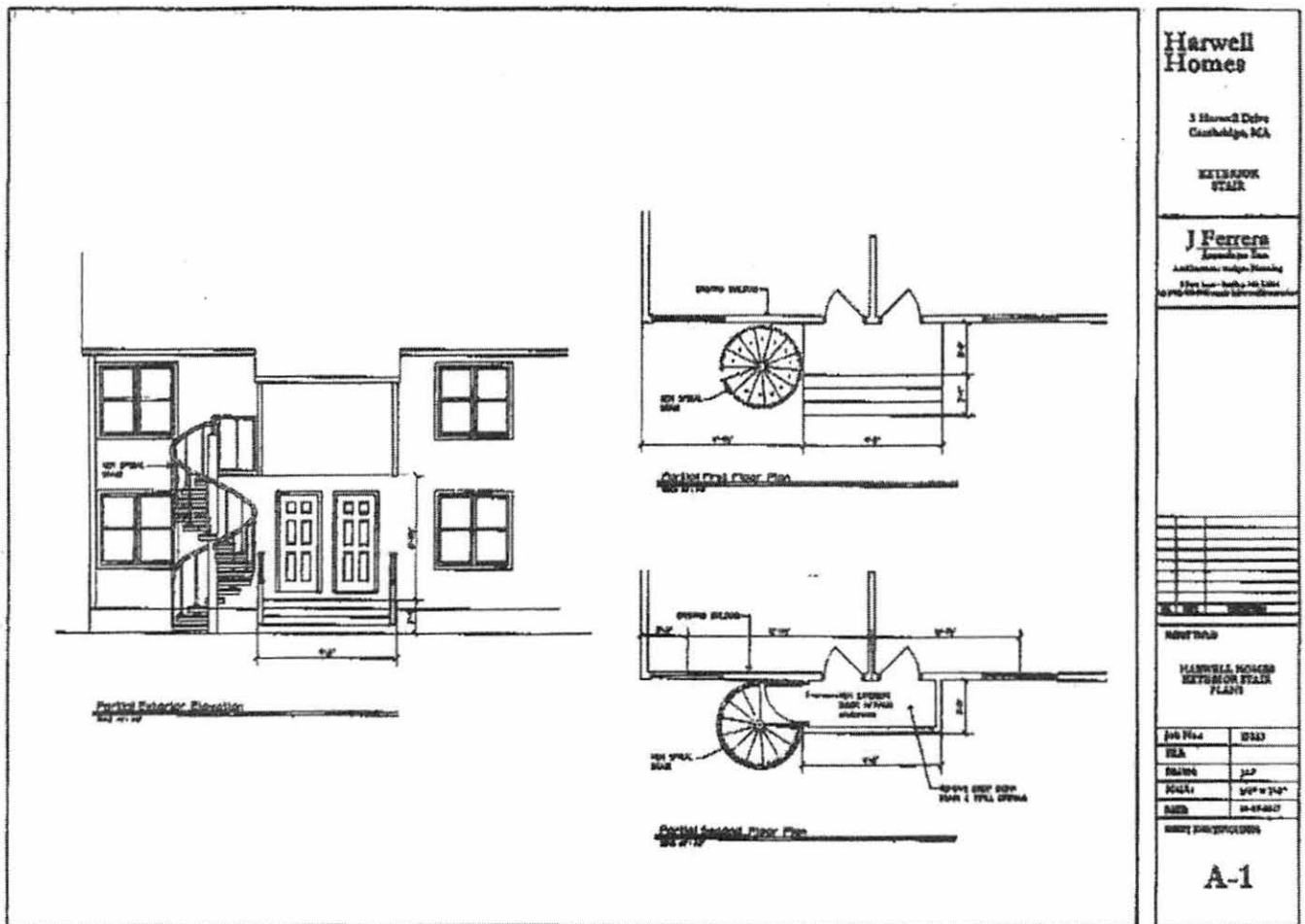
As many of you know from the numerous meetings with 1BR residents, the Board and in some cases the Architect we walked the areas, drawings in hand and debated the many concerns that were being raised, including but not limited to:

1. Safety of residents if new stairs, landings or balconies potentially provided access to intruders.
2. Obstruction of 1<sup>st</sup> floor resident's windows, not only for lighting but again safety.
3. Intrusion and obstruction of outdoor space, particularly behind 1-3 Harwell Drive.
4. The rerouting of current walkways in order to clearance and accessibility codes.

As discussed last night, due to the safety concerns that were raised with the City's Inspectional Services Department we will be replacing the current "hatch" system with the spiral staircase as shown in the drawing that was handed out. This egress addresses those safety concerns as it pertains to an emergency exit and complies with current City codes.

Please note the Board received and reviewed bids and a contractor has been selected and we are in the process of securing the permits.

**WORK IS SCHEDULED TO BEGIN APPROXIMATELY THE END OF OCTOBER.**





To: Shareholders in One Bedroom Units  
From: Laurie McGrath, Peabody Properties, Inc.  
Date: 9/20/2017  
Re: Secondary Egress

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As per the approval and vote of the Board of Directors of Harwell Homes on 9/19/17, a contract is to be executed to create a new secondary egress from your units via a spiral staircase with a door in replacement of the current "hatch" secondary egress. Though the city has not issued formal citation or condemnation of the current hatch egress, they do agree that it is prudent to get the new egresses erected immediately as it will provide a secondary egress that complies with current codes and is a more useful egress in the event of an emergency.

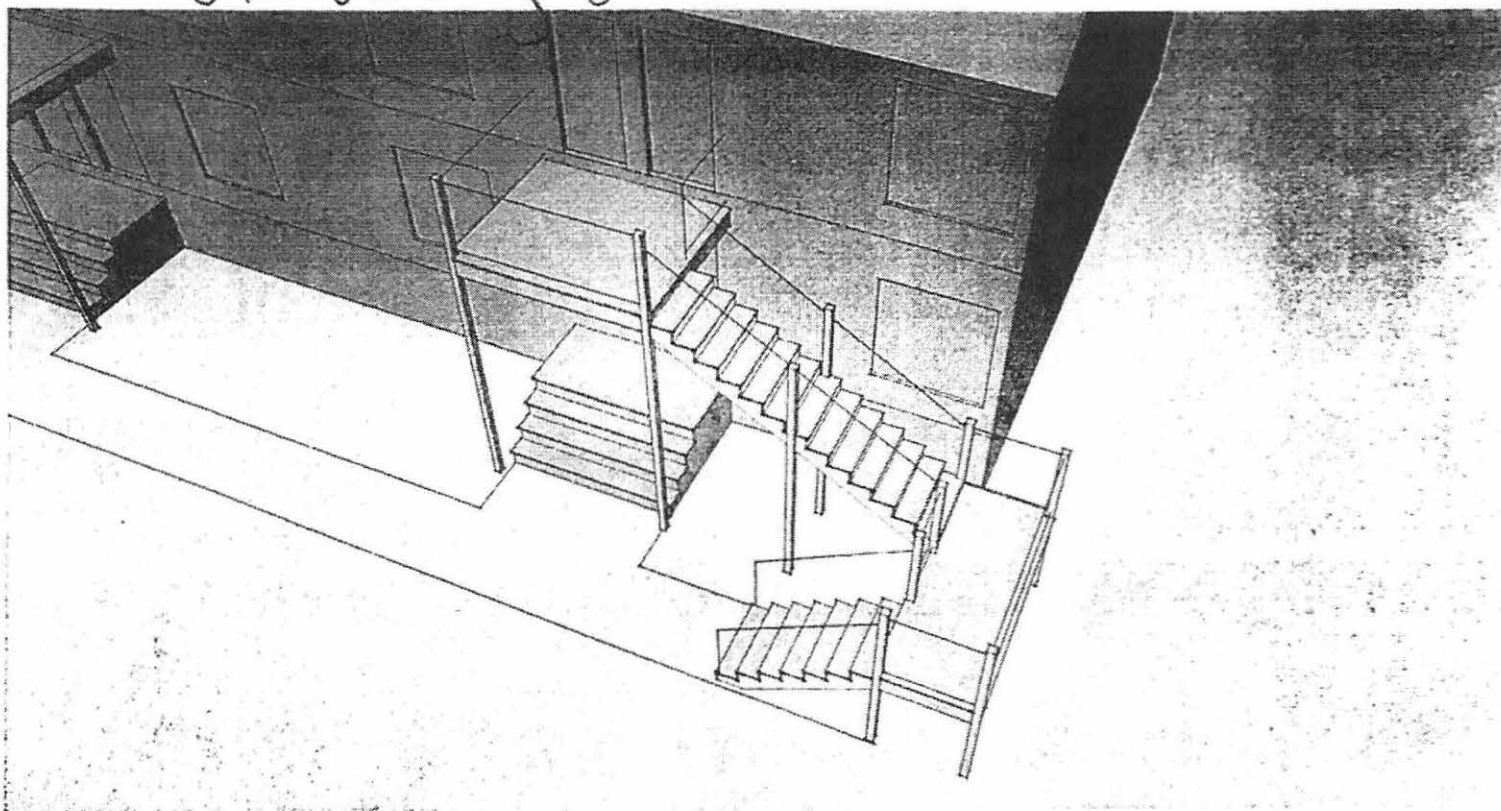
The city of Cambridge Inspectional Services has verbally approved the architectural plan and we will ask for formal written approval and begin the permit and construction phase. We are told by the contractor that this construction should take 3 or so weeks.

We look forward to completing this important project and will send out a schedule and more information as it becomes available to us.

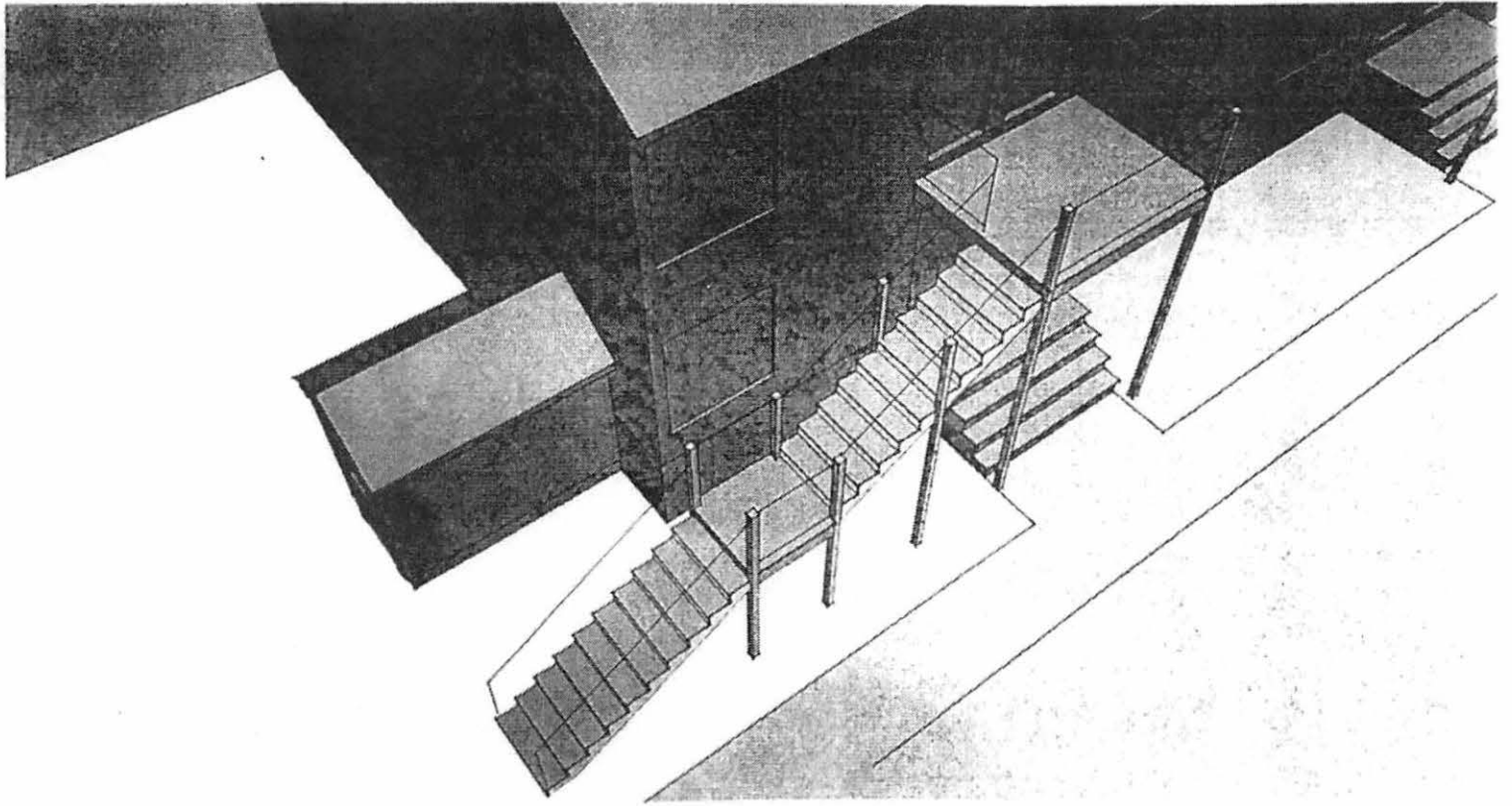
In the interim, please be aware that re-inspections of all "hatch" egresses will take place on 9/22/17 by our Service Manager, Jonny Diaz and PPI's Assistant Facilities Director, Mark Regan.

Thank you in advance and if you have any questions or concerns please feel free to contact me at 781-794-1000

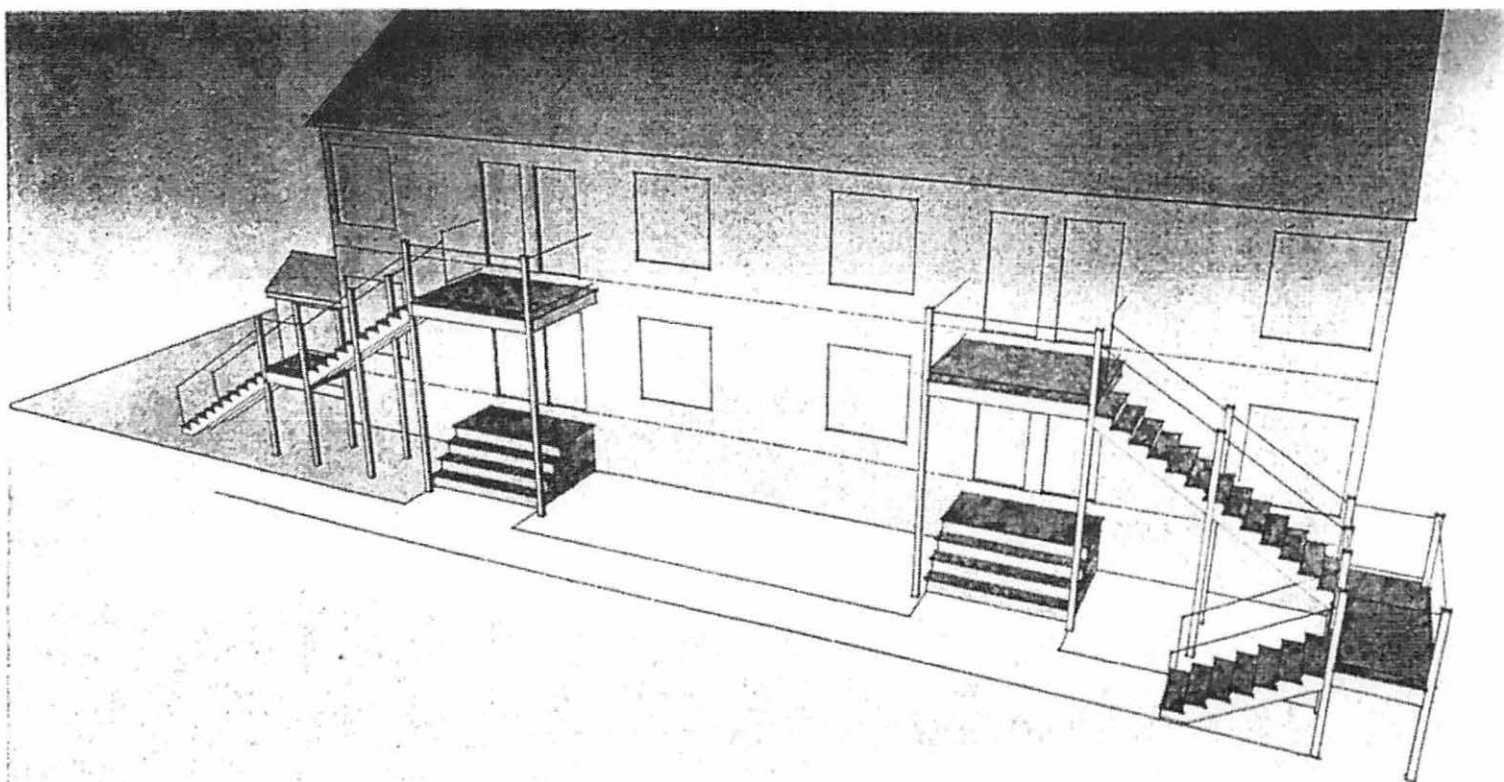
old drawing 2014



file



2014



BZA APPLICATION FORM

GENERAL INFORMATION

The undersigned hereby petitions the Board of Zoning Appeal for the following:

Special Permit: \_\_\_\_\_

Variance: \_\_\_\_\_

Appeal: ☒ \_\_\_\_\_

2017 DEC 19 PM 2:10

OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

PETITIONER: Steven Lemley & Robert Owens

PETITIONER'S ADDRESS: 7 Harrington Terrace CAMB, MA 02141

LOCATION OF PROPERTY: 1-3 Harwen Drive & S-7 Harrington Ter

TYPE OF OCCUPANCY: MULTIFAMILY ZONING DISTRICT: C-1

REASON FOR PETITION: Residential

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Additions                | <input type="checkbox"/> New Structure |
| <input type="checkbox"/> Change in Use/Occupancy             | <input type="checkbox"/> Parking       |
| <input type="checkbox"/> Conversion to Add'l Dwelling Unit's | <input type="checkbox"/> Sign          |
| <input type="checkbox"/> Dormer                              | <input type="checkbox"/> Subdivision   |
| <input type="checkbox"/> Other: _____                        |  |

DESCRIPTION OF PETITIONER'S PROPOSAL:

Petitioners' oppose the issuance of a "Commercial/Mixed use" permit for construction of spiral staircases for fire egress. Petitioners' propose construction of IBC/IBC conforming egress or that permit be sought for multi-family residence through a VARIANCE.

SECTIONS OF ZONING ORDINANCE CITED: Art 8 Section 22 - nonconformance

Article 10 Section 13 & 21 - JURISDICTION & STANDING

Article 10 Section 30 et seq. - VARIANCE

Article 1 Section 30 - Safety from fire - ILLUMINATION  
60 - Permit Requirements

Applicants for a Variance must complete Pages 1-5

Applicants for a Special Permit must complete Pages 1-4 and 6

Applicants for an Appeal to the BZA of a Zoning determination by the Inspectional Services Department must attach a statement concerning the reasons for the appeal

Original Signature(s):

Steven Lemley & Robert Owens  
(Petitioner(s)/Owner)

Steven Lemley & Robert Owens  
(Print Name)

Address:

7 Harrington Terrace Apt. C

Cambridge, MA 02141

Tel. No.:

617-460-6525

E-Mail Address:

rob Owens@gmail.com

Date:

12/6/2017



1-3 Harwell Dr. / 5-7 Harrington Terr.

1053

Petitioner

78-125  
CAMBRIDGE CITY OF PUBLIC WORKS DEPT  
147 HAMPSHIRE ST  
CAMBRIDGE, MA 02139

80-142  
CAMBRIDGE CITY OF PARKING  
CITY HALL  
CAMBRIDGE, MA 02139

STEVEN LEMLEY & ROBERT OWENS  
7 HARRINGTON TERRACE  
CAMBRIDGE, MA 02141

78-125 /80-142  
CITY OF CAMBRIDGE  
C/O LOUIS DEPASQUALE  
CITY MANAGER

78-125 /80-142  
CITY OF CAMBRIDGE  
C/O NANCY GLOWA  
CITY SOLICITOR

79-96  
REIS, ILDA A. LIFE ESTATE  
70 LINCOLN ST  
CAMBRIDGE, MA 02141

79-112  
RAULINAITIS, ALICE M.  
65 UNION ST  
CAMBRIDGE, MA 02141

79-137  
CAMBRIDGE COMMUNITY HOUSING  
DEVELOPMENT, INC.  
C/O WINN COMPANIES  
6 FANEUIL HALL MARKETPLACE  
BOSTON, MA 02109

80-3  
MASSACHUSETTS ALLIANCE OF  
PORTUGUESE SPEAKERS  
1046 CAMBRIDGE  
CAMBRIDGE, MA 02139

80-4  
BARRETO, JOSE & MARIA BARRETO LIFE ESTATE  
401 COLUMBIA ST  
CAMBRIDGE, MA 02141

80-5  
MARTINS, ANTONIO C.  
15 SUMMIT AVE  
SOMERVILLE, MA 02143

80-6-7  
389 COLUMBIA STREET TRUST,  
ANTONIO C. MARTINS, TRUSTEE  
15 SUMMIT AVE  
SOMERVILLE, MA 02143

80-7  
ANTONIO C. MARTINS & MARIA S. CLOTILDE  
TRUSTEES 381 COLUMBIA STREET TRUST,  
15 SUMMIT AVE  
SOMERVILLE, MA 02143

80-8  
KALLAN, JANET M. A LIFE ESTATE  
377 COLUMBIA ST  
CAMBRIDGE, MA 02141

80-10-11-12-13  
COLUMBIA ST., LLC  
234 BROADWAY  
CAMBRIDGE, MA 02139

79-38  
MOURA, JOSE C. & CONCEICAO F. MOURA  
A LIFE ESTATE  
62 LINCOLN ST  
CAMBRIDGE, MA 02141

79-37  
BAIROS, DIANE M.  
66 LINCOLN ST  
CAMBRIDGE, MA 02141

79-72  
42-46 LINCOLN LLC  
C/O TORRINGTON PROPETIES  
60 K. STREET  
SOUTH BOSTON, MA 02127

80-32  
LODUCA, ROBERT & RAE ANN LODUCA  
43 LINCOLN ST.  
CAMBRIDGE, MA 02141

80-35  
BARRY, DONNA  
53 LINCOLN ST  
CAMBRIDGE, MA 02141

80-35  
GHODSSI, AZITA  
55 LINCOLN ST.  
CAMBRIDGE, MA 02141

80-35  
CHEN, XI & MIAOYU WANG  
72 FAIRVIEW AVE  
READING, MA 01867

80-35  
CRANE, MATTEO S. &  
NIKLA EMAMBOKUS CRANE  
49 LINCOLN ST. UNITD  
CAMBRIDGE, MA 02141

80-36  
ASHER DEVELOPMENT I LLC  
300 1ST AVE, SUITE 300  
NEEDHAM, MA 02192

80-46  
WAGERS, MATTHEW  
461 WINDSOR ST  
CAMBRIDGE, MA 02141

80-176  
PINTO, JOSE F. & LIDIA PINTO  
32 HICKORY LANE  
NORTH READING, MA 01864

80-179  
WANTMAN, ERNEST M.,  
TR. OF THE 231 WEBSTER AVE REALTY TR.  
P.O. BOX 391443  
CAMBRIDGE, MA 02138

80-87  
KOTHARI, DHURVA & BRAJESH K. KOTHARI  
RAVI M. RAJU & MUPPALA S. RAJU  
434 WINDSOR ST  
CAMBRIDGE, MA 02141

80-88  
DONOVAN, PHILOMENA,  
TR. OF THE DONOVAN FAMILY TRUST  
440 WINDSOR ST  
CAMBRIDGE, MA 02140

80-90  
MALTHANER, CAROL W.  
452 WINDSOR ST  
CAMBRIDGE, MA 02141

1-3 Harwell Dr./5-7 Arlington Ave.

2 of 3

80-90  
PAZMANY, CSABA  
452-454 WINDSOR STREET, UNIT #2  
CAMBRIDGE, MA 02141

80-90  
BLANC, CHRISTIAN P. & VALERIE L. BLANC  
454 WINDSOR ST. UNIT#1  
CAMBRIDGE, MA 02139

80-90  
RADELJIC, KATHERINE  
452-454 WINDSOR ST. UNIT#454/2  
CAMBRIDGE, MA 02141

80-118  
BELLIARDI, RODOLFO  
195 WEBSTER AVE  
CAMBRIDGE, MA 02141

80-126  
MEDEIROS, VIRGINIA A LIFE ESTATE  
467 WINDSOR ST  
CAMBRIDGE, MA 02141

80-132  
ALDABAGH, WASEEM & ABIR ALDABAGH  
473-475 WINDSOR ST  
CAMBRIDGE, MA 02139

79-73  
SOUSA, MANUEL C. & TERESA SOUSA  
401 WINDSOR ST  
CAMBRIDGE, MA 02141

80-147  
KOMESSAR, DAVID, SAUL KOMESSAR &  
DEBRA MAGIER TRUSTEE  
P.O. BOX 920448  
NEEDHAM, MA 02492

80-156  
FERREIRA, JAMES, MARGARET A. FERRIERA,  
PATRICIA T. FERREIRA, ALICE VELOSA  
& MARY A. O'KEEFE  
250 WEBSTER AVENUE  
CAMBRIDGE, MA 02141

80-160  
ROGERS, MARK P.  
TR. THE 1010 CAMBRIDGE ST. REALTY TR.  
390 CAMBRIDGE STREET  
CAMBRIDGE, MA 02141

80-165  
HARWELL HOMES, INC.  
C/O PEABODY PROPERTIES INC.  
1536 GRANITE ST  
BRAINTREE, MA 02184

80-172  
1000 CAMBRIDGE ST. REALTY LLC  
92A GLENN ST  
LAWRENCE, MA 01843

79-95  
FOX, WILLIAM R. II &  
SARAH JANE O'CONNELL WHITE  
340 COLUMBIA ST. UNIT#1  
CAMBRIDGE, MA 02139

79-95  
KLEIN, ELANA B.  
338 COLUMBIA ST., #2  
CAMBRIDGE, MA 02141

79-95  
GENG, XUDONG  
338-340 COLUMBIA ST., UNIT #3  
CAMBRIDGE, MA 02141

80-9  
PENG, ZHAOHUA & WEI HE  
367-373 COLUMBIA ST., #373  
CAMBRIDGE, MA 02139

80-9  
LAIBSTAIN, DAVID B.  
367-373 COLUMBIA ST. UNIT#369/3  
CAMBRIDGE, MA 02139

80-9  
WERLE, DEBRA KEENE  
371 COLUMBIA ST. UNIT#3  
CAMBRIDGE, MA 02139

80-9  
FEATHERINGILL, JULIA & JOE ZANE  
369 COLUMBIA ST. UNIT#2  
CAMBRIDGE, MA 02139

80-9  
BUDD, HEATHER G.  
371 COLUMBIA ST. UNIT#2  
CAMBRIDGE, MA 02139

80-9  
BALTUS, ANDREW & GRETCHEN BALTUS  
367-373 COLUMBIA ST. UNIT#367  
CAMBRIDGE, MA 02139

80-120  
CANTOR, LEON, JAYNE CANTOR &  
MOLLY CANTOR  
146 HOLWORTHY ST  
CAMBRIDGE, MA 02138

80-120  
SUEN, MICHAEL  
446 WINDSOR ST., #3  
CAMBRIDGE, MA 02141

80-120  
OCHOA, ARTURO R. & HANNAH BIGGS  
446 WINDSOR ST. UNIT#2  
CAMBRIDGE, MA 02139

80-120  
BEROSH, JOHN & KRISTINA KEHRER  
448 WINDSOR ST. UNIT#1  
CAMBRIDGE, MA 02139

80-120  
MCGANN, MARK R.  
444 WINDSOR ST., UNIT #3  
CAMBRIDGE, MA 02139

80-120  
RHODE, CYRUS G., JR.  
539 BLUFF VIEW LANE  
SPENCER, TN 38585

80-125  
SYED, SALAM A. & FARHANA A. SYED  
469 WINDSOR ST., UNIT #1  
CAMBRIDGE, MA 02141

80-125  
GOODMAN, CRAIG & CLAIRE GOODMAN  
469 WINDSOR ST. #3  
CAMBRIDGE, MA 02139

80-125  
AHSANULLAH, SHAH S. & ELIZABETH AHSANULL  
469 WINDSOR ST. UNIT#2  
CAMBRIDGE, MA 02141

1-3 Harwell Dr. / 5-7 Harrington Dr. 343

80-177  
PINTO, JOSE F. & LIDIA PINTO  
32 HICKORY LANE  
NORTH READING, MA 01864

80-178  
CHOEDON, KELSANG  
424 WINDSOR ST., #1  
CAMBRIDGE, MA 02141

80-178  
BONHOMME, ABRAHAM &  
ROSE-MURLANDE M. BONHOMME  
430 WINDSOR ST., #2  
CAMBRIDGE, MA 02141

80-178  
DEVITO, SIMONE  
C/O JAS HOMEOWNERSHIP LLC  
ATTN: JUST A START CORP  
1035 CAMBRIDGE ST. #12  
CAMBRIDGE, MA 02141

80-178  
MORSHED, HAFEZ, A.  
424 WINDSOR ST., #12  
CAMBRIDGE, MA 02141

80-178  
RAHMAN, SAZZADUR  
424 WINDSOR ST., #11  
CAMBRIDGE, MA 02141

80-178  
TESFAYE, FREHIWOT  
424 WINDSOR ST., #10  
CAMBRIDGE, MA 02141

80-178  
OBERHAUSER, JENNIFER  
424 WINDSOR ST., #9  
CAMBRIDGE, MA 02141

80-178  
DAS, DILIP & MOUMITA DAS  
424 WINDSOR ST., #8  
CAMBRIDGE, MA 02141

80-178  
GONZALEZ, MIRIAM A.  
424 WINDSOR ST., #7  
CAMBRIDGE, MA 02141

80-178  
BIEBER, JOELLA R.  
424 WINDSOR ST., #6  
CAMBRIDGE, MA 02141

80-178  
FAJORS, LINDA R.  
424 WINDSOR ST., #5  
CAMBRIDGE, MA 02141

80-178  
HIRUY, YOHANNES S.  
424 WINDSOR ST., #4  
CAMBRIDGE, MA 02141

80-178  
CHUNGDAK, NYIMA  
424 WINDSOR ST., #3  
CAMBRIDGE, MA 02141

80-178  
HANNAN, MOHAMMED A. & KANIZ FOUZIA  
424 WINDSOR ST., #2  
CAMBRIDGE, MA 02141