

CHAPTER 32

CONSTRUCTION IN THE PUBLIC RIGHT-OF-WAY

780 CMR 3201.0 GENERAL

3201.1 Scope: The provisions of 780 CMR 32 shall govern encroachment and projection of structures into the public right-of-way.

780 CMR 3202.0 STREET ENCROACHMENTS

3202.1 General: Except as herein provided, a part of any building hereafter erected and *additions* to an existing building heretofore erected shall not project beyond the *lot lines* or beyond the building line where such lines are established by the *zoning* law or any other statute controlling building construction.

3202.2 Below grade: A part of a building hereafter erected below grade that is necessary for structural support of the building shall not project beyond the *lot lines*, except that the footings of street walls or their supports which are located at least eight feet (2438 mm) below grade shall not project more than 12 inches (305 mm) beyond the *street lot line*.

3202.3 Above grade: All projections hereafter permitted beyond the *street lot line* or the building line above grade shall be so constructed as to be readily removable without endangering the safety of the building.

3202.4 Projections necessary for safety: In any specific application, the code official is authorized to designate by *approved rules* such architectural features and accessories which are deemed desirable or necessary for the health or safety of the public as well as the maximum extent to which such features shall project beyond the *street lot line* or the building line where established by statute, subject to all provisions and restrictions that are otherwise prescribed by law, ordinance or rule of the authorities having jurisdiction over streets or public spaces.

3202.5 Permit revocable: Any permit granted or permission expressed or implied in the provisions of this code to construct a building so as to project beyond the *street lot line* or building line shall be revocable by the jurisdiction at will.

3202.6 Existing encroachments: Parts of existing buildings and structures which already project beyond the *street lot line* or building line are not required to be altered until their removal is directed by the proper authorities of the jurisdiction.

780 CMR 3203.0 PERMISSIBLE STREET PROJECTIONS

3203.1 General: Subject to such provisions as are otherwise prescribed by law or ordinance, or by rules of the authorities having jurisdiction over streets, highways and public spaces, the projections described in 780 CMR 3203.3 through 3203.12.1 shall be permitted beyond the *street lot line* or the building line.

3203.2 Definitions: The following words and terms shall, for the purposes of 780 CMR 3203.0 and as used elsewhere in 780 CMR, have the meanings shown herein.

Areaway (form of construction): An uncovered subsurface space adjacent to a building (see 780 CMR 3203.12.1).

Curb level: The elevation of the street curb as established in accordance with law.

Building or wall height: The elevation of the street grade opposite the center of the wall nearest to and facing the *street lot line*.

Oriel window: A window projected beyond and suspended from the wall of the building or cantilevered therefrom (see 780 CMR 3203.7).

3203.3 Cornices and eaves: Main cornices or roof eaves located at least 12 feet (3658 mm) above the curb level shall not project more than three feet (914 mm).

3203.4 Architectural decorations: Belt courses, lintels, sills, architraves, pediments and similar architectural decorations shall not project more than four inches (102 mm) where less than ten feet (3048 mm) above the curb level, and not more than ten inches (254 mm) where ten feet (3048 mm) or more above the curb level.

3203.5 Ornamental columns: Ornamental columns or pilasters, including the bases and moldings which emphasize the main entrance of the building, shall not project more than 12 inches (305 mm).

3203.6 Entrance steps: Entrance steps and doors shall not project more than 12 inches (305 mm) and shall be guarded by check pieces not less than three feet (914 mm) high, or shall be located between ornamental columns or pilasters.

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3203.7 Oriel windows: *Oriel windows* with the lowest portion at least ten feet (3048 mm) above the curb level shall not project more than 2½ feet (762 mm).

3203.8 Balconies: Balconies located at least ten feet (3048 mm) above the curb level shall not project more than three feet (914 mm), except that where the balcony is required in connection with a fire escape or exterior *stairway* as an element of a *means of egress*, the projection shall not exceed four feet (1219 mm).

3203.9 Awnings: Retractable or fixed awnings shall have clearances above grade and shall be installed in accordance with the requirements of 780 CMR 3105.0 and 3205.0.

3203.10 Awning covers or boxes: Awning covers or boxes located at least eight feet (2438 mm) above the curb level shall not project more than three feet (914 mm).

3203.11 Marquees: For the purposes of 780 CMR 3203.11, a marquee shall include any object or decoration attached to, or part of, said marquee.

3203.11.1 Projection and clearance: The horizontal clearance between a marquee and the curb line shall not be less than two feet (610 mm). A marquee projecting more than ⅓ of the distance from the property line to the curb line shall not be less than ten feet (3048 mm) above the ground or pavement below.

3203.11.2 Thickness: The maximum height or thickness of a marquee measured vertically from its lowest to its highest point shall not exceed three feet (914 mm) where the marquee projects more than ⅓ of the distance from the property line to the curb line, and shall not exceed nine feet (2743 mm) where the marquee is less than ⅓ of the distance from the property line to the curb line.

3203.11.3 Roof construction: Where the roof or any part thereof is a skylight, the materials shall consist of approved *plastics* or wired glass not less than ¼ inch thick with a single pane not more than 18 inches (457 mm) wide. Every roof and skylight of a marquee shall be sloped to downspouts that shall conduct any drainage from the marquee in such a manner so as not to spill over the sidewalk.

3203.11.4 Location prohibited: Every marquee shall be so located as not to interfere with the operation of any exterior *standpipe*, and such that the marquee does not obstruct the clear passage of *stairway* or *exit discharge* from the building or the installation or maintenance of street lighting.

3203.11.5 Construction: A marquee shall be supported entirely from the building and

constructed of noncombustible materials. Marquees shall be designed and constructed to withstand *wind* or other *lateral loads* and *live loads* as required in 780 CMR 16. Structural members shall be protected to prevent deterioration.

3203.12 Vaults: Vaults below the sidewalk level shall not extend closer than three feet (914 mm) to the curb line. The construction and utilization of such vaults shall be subject to the terms and conditions of the authority or legislative body having jurisdiction.

3203.12.1 Areaways: *Areaways* shall not project beyond the *street lot line* more than four feet (1219 mm), provided that every such *areaway* shall be covered over at the street grade by an approved grating of metal or other noncombustible material.

780 CMR 3204.0 SPECIAL AND TEMPORARY PROJECTIONS

3204.1 Alley projections: The permissible projection beyond *street lot lines* shall apply in general to building projections into alleyways, except as modified by the authority having jurisdiction or by special deed restriction.

3204.2 Special permits: Where authorized by special permit, vestibules and storm doors shall be erected for periods of time not exceeding seven months in any one year, and shall not project more than three feet (914 mm) nor more than ¼ of the width of the sidewalk beyond the *street lot line*. Temporary entrance awnings shall be erected with a minimum clearance of seven feet (2134 mm) to the lowest portion of the hood or awning where supported on removable steel, or other approved noncombustible supports.

780 CMR 3205.0 AWNINGS AND CANOPIES

3205.1 Permit: A permit shall be obtained from the code official for the erection, repair or replacement of any fixed awning, canopy or hood, except as provided for in 780 CMR 3205.1.1, and for any retractable awning located at the first-story level and extending over the public street or over any portion of a *court* or yard beside a building serving as a passage from a required *exit* or *exit discharge* to a public street.

3205.1.1 Exemption from permit: A permit shall not be required: for the erection, repair or replacement of fixed or retractable awnings installed on occupancies in Use Group R-3 unless such awnings project over public property; for retractable awnings installed above the first story; or where the awning does not project over the public street or over any court or yard serving as a passage from a required *exit* to a public street.

3205.2 Retractable awnings: There shall be a minimum clearance of seven feet (2134 mm) from the sidewalk to the lowest part of the framework or any fixed portion of any retractable awning, except that the bottom of the valance of canvas awnings shall have a minimum clearance of six feet nine inches (2057 mm) above the sidewalk. Retractable awnings shall be securely fastened to the building and shall not extend closer than 12 inches (305 mm) in from the curb line. Retractable awnings shall be equipped with a mechanism or device for raising and holding the awning in a retracted or closed position against the face of the building.

3205.3 Fixed or permanent awnings: The clearance from the sidewalk to the lowest part of any fixed or permanent awning shall be the same as required in 780 CMR 3205.2 for retractable awnings. Fixed or permanent awnings installed above the first story shall not project more than four feet (1219 mm).

3205.4 Canopies: Stanchions that support canopies shall be placed not less than two feet (610 mm) in from the curb line. The horizontal portion of the canopy framework shall not be less than eight feet (2438 mm) nor more than 12 feet (3658 mm) above the sidewalk and the clearance between the covering or valance and the sidewalk shall not be less than seven feet (2134 mm).