

Deval L. Patrick  
Governor

Timothy P. Murray  
Lieutenant Governor

Kevin M. Burke  
Secretary

# The Commonwealth of Massachusetts

## Department of Public Safety

Board of Building Regulations and Standards

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Thomas G. Gatzunis, P.E.  
Commissioner

Gary Moccia, P.E.  
Chairman

Alexander MacLeod, R.A.  
Vice Chairman

Robert Anderson  
Administrator

Date: October 2, 2007

Name of Appellant: Lt. Edward Williams

Service Address: Brockton Fire Department, 560 West  
Street, Brockton, MA 02301

In reference to: 779 Montello Street, Brockton, MA

Docket Number: 05-462

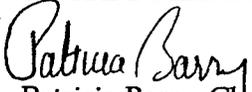
Property Address: 779 Montello Street, Brockton, MA

Date of Hearing: 08-21-07

We are pleased to enclose a copy of the decision relative to the above case wherein certain variances from the State Building Code had been requested.

Sincerely:

STATE BUILDING CODE APPEALS BOARD

  
Patricia Barry, Clerk

cc: State Building Code Appeals Board  
Building Official

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board  
Docket No. 05-462

BOARD'S RULING ON APPEAL

All hearings are audio recorded. The digital recording (which is on file at the office of the Board of Building Regulations and Standards) serves as the official record of the hearing. Copies of the recording are available from the Board for a fee of \$10.00 per copy. Please make requests for copies in writing and attach a check made payable to the Commonwealth of Massachusetts for the appropriate fee. Requests may be addressed to:

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

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Lt. Edward Williams )  
Appellant, )  
 )  
v. )  
 )  
City of Brockton and Joseph Vasapollo )  
Appellees )  
 )

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Procedural History

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant asks the Board to grant a variance from the Massachusetts State Building Code ("MSBC") pertaining to sprinklering of a three family dwelling undergoing renovations due to damages sustained in a fire at the property of 779 Montello Street, Brockton, MA. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on August 21, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing himself was the Appellant. Also present was Deputy Mark Baker.

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

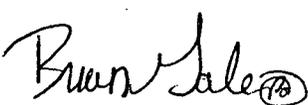
- ..... Granted                      ..... Denied                      ..... Rendered Interpretation
- .....Granted with conditions (see below)                      ..... Dismissed

The vote was:

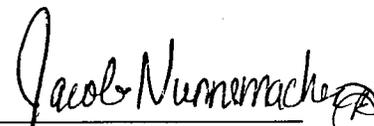
- .....Unanimous                       ..... Majority

**Reasons for Dismissal:**

The appeal was not filed within 45 days of the issuance of the building permit so this case was dismissed per Section 112.1. Although it was suggested that a vote was not required for this dismissal ruling a vote was taken nevertheless. Brian Gale and Alexander MacLeod voted in favor of the dismissal and Jake Nunnemacher voted against.

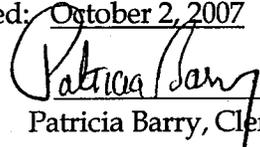
  
Chairman - Brian Gale

  
Alexander MacLeod

  
Jake Nunnemacher

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

A true copy attest, dated: October 2, 2007

  
Patricia Barry, Clerk

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