The Commonwealth of Massachusetts
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Board of Building Regulations and Standards
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Vice Chairman

Robert Anderson
Administrator

Date: October 2, 2007

Name of Appellant:	A. Vernon Woodworth
Service Address:	The Schrafft Ctr., 529 Main, Suite 203, Boston, MA 02129
In reference to:	Rockport Chamber Musical Festival, 37 Main St., Rockport, MA 01966
Docket Number:	05-463
Property Address:	Rockport Chamber Musical Festival, 37 Main St., Rockport, MA 01966
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

Patricia Barry, Clerk

cc: State Building Code Appeals Board
Building Official

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board
Docket No. 05-463

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

A. Vernon Woodworth Appellant,	)
v.	)
Rockport, MA and Paul Orlando Appellees	)

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 1006.2.4.3, 605.1, 705.3, 3107.0, and 1017.2.3, of the Massachusetts State Building Code and M-308.1 (National Mechanical Code) pertaining to the property of Rockport Chamber Musical Festival, 37 Main St., Rockport, MA 01966. 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 were Paul Orlando and Ray Porfilio.

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

X..... Granted ☐..... Denied ☐..... Rendered Interpretation

☐.....Granted with conditions (see below) ☐..... Dismissed

The vote was:

X .....Unanimous ☐ ..... Majority

Reasons for Variance:

Testimony was presented by the Appellant and Ray Porfilio, which described the project which includes the removal of the existing building and replacement with a building with similar historical character and with additional seating and conformance to current accessibility requirements. Because of the constraints of the project several code variances were requested which are described in the Sullivan Code Group MEMORANDUM dated August 20, 2007 and filed with the appeal as Exhibit #1.
Following testimony which reviewed Exhibit #1 in detail, and based upon relevant information provided, Sandy MacLeod made a motion to grant the variance from 1006.2.4.3, 605.1, 705.3, 3107.0, and 1017.2.3, of the Massachusetts State Building Code and M-308.1 of the National Mechanical Code because: the local Fire and Building Departments are in support of the appeal, the flood resistant foundation system was designed by a registered structural engineer, and the building is sprinklered throughout. The motion was seconded by Jake Nunnemacher and a vote was taken. The vote to grant the variance in its entirety was unanimous.

Brian Gale (PA) — Chairman -Brian Gale

Alexander MacLeod

Jacob Nunnemacher (PA) — 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.