

COMMONWEALTH OF MASSACHUSETTS
State Building Code Appeals Board
Board's Ruling on Appeal¹

Docket No. 08-607

Appellant(s): Andrew Bradshaw vz. Appellee(s): City/Town of Acton
Frank Ramsbottom

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant requested that the Board grant him a variance from 780 CMR 313.1, Table 313.1.2, and 707, of the Massachusetts State Building Code (MSBC) for 41 Esterbrook Road, Acton, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on July 22, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing *pro se*. Other attendees were present as indicated on the sign-in sheet which is on file at the Department of Public Safety.

Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR 313.1, Table 313.1.2, and 707 of the MSBC. The motion was made to allow the horse stable to be built and connected to the existing riding arena as long as a two-hour fire separation wall and smoke alarm system continuously monitored by the local fire department, be installed. Sandy MacLeod noted that the building official made the correct call on denying the original permit, but that the board granted the variance in light of the use and low risk associated with the site. The board vote was unanimous.

Conclusion

The Appellant's request for a variance from 780 CMR 313.1, Table 313.1.2, and 707 as described in the Discussion above, is hereby granted and so ordered² on this date: July 22, 2008.



William Middlemiss



Brian Gale



Alexander MacLeod

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.