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The Commonwealth of Massachusetts

Department of Public Safety Board of Building Regulations and Standards

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Gary Moccia, P.E.
Vice Chairman

Robert Anderson
Administrator

Date: September 8, 2009

Name of Appellant: Kristin J. Weisker

Service Address: Edward Valanzola, Esq.
121 North Main Street
Mansfield, MA. 02048

In reference to: 160 East Street
Mansfield, MA. 02048

Docket Number: 09-750

Property Address: 160 East Street
Mansfield, MA. 02048

Date of Hearing: 06-23-09

Enclosed please find a copy of the decision on the matter aforementioned.

Sincerely:

BUILDING CODE APPEALS BOARD

Patricia Barry, Clerk

cc: Building Code Appeals Board
Building Official

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 09-750

Appellant(s): Attorney Edward Valanzola vs.
representing Kristin H. Weisker

Appellee(s): City/Town of Mansfield
Nicholas J. Riccio

Procedural History

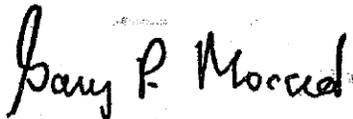
This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant a variance to 7th edition 780 CMR 5302.1, 5302.2, and 5302.3, for the property at 160 East Street, Mansfield, 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 June 23, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board. Attorney Valanzola and Mr. Riccio appeared and testified at this hearing.

Discussion

Based on the testimony and exhibits that were presented, a motion was made to grant the Appellant's request for a variance to 7th edition 780 CMR 5302.1, 5302.2, and 5302.3. The motion requires that if a building were to be erected within six feet of the garage addition then the garage will need to be retrofitted to meet to the firewall requirements of 780 CMR 5302.1, 5302.2, and 5303.3. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

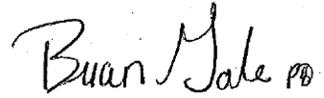
The Appellant's request for a variance to 7th edition 780 CMR 5302.1, 5302.2, and 5302.3, is hereby granted as described in the discussion above and so ordered² on this date: June 23, 2009.



Gary Moccia



Douglas Semple



Brian Gale

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.