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Chairman

Gary Moccia, P.E.
Vice Chairman

Robert Anderson
Administrator

Date: September 9, 2009

Name of Appellant: Bradley/Nolen

Service Address: Kevin Hastings
Sullivan Code Group
529 Main St., Ste. 203
Boston, MA. 02129

In reference to: 100 White Cedar Point Rd.
West Yarmouth, MA. 02673

Docket Number: 09-768

Property Address: 100 White Cedar Point Rd.
West Yarmouth, MA. 02673

Date of Hearing: 08-06-09

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. 09-768

Appellant(s): Kevin Hastings
representing Bradley & Nolen

vs.

Appellee(s): Town of West Yarmouth
Kenneth Bates

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 3602.13, for the property at 100 White Cedar Point Road, West Yarmouth, 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 August 6, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board. Kevin Hastings, Malcolm Kent, architect, and Kenneth Bates 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 3602.13. The motion was made based on the fact that alternating tread stairs are not regulated by this code and that this type of stairway is commonly used on ships. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

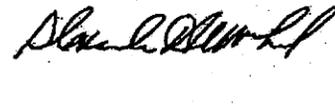
The Appellant's request for a variance to 7th edition 780 CMR 3602.13, is hereby granted as described in the discussion above and so ordered² on this date: August 6, 2009.



Jacob Nunnemacher



Douglas Semple



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.