The Commonwealth of Massachusetts
Department of Public Safety
Board of Building Regulations and Standards
One Ashburton Place, Room 1301
Boston, Massachusetts 02108-1618
Phone (617) 727-7532 Fax (617) 227-1754
TTY (617) 727-0019
www.mass.gov/dps

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Vice Chairman

Robert Anderson
Administrator

Date: November 18, 2009

Name of Appellant: Dennis & Susan Spinney

Service Address: Andrew Marengo
APM Construction
6 Sandra Lane
Dudley, MA. 01571

In reference to: 8 Konkel Drive
Dudley, MA. 01571

Docket Number: 09-813

Property Address: 8 Konkel Drive
Dudley, MA. 01571

Date of Hearing: 11-05-09

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 Appeal[1]

Docket No. 09-813
Appellant(s): Dennis and Susan Spinney vs. Appellee(s): City/Town of Dudley
represented by Andrew Marengo Building Official Daniel Heney

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 the 7th edition 780 CMR 5305, for the property at 8 Konkel Drive, Dudley, 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 November 5, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board. Andrew Marengo appeared and testified before the board.

Discussion

After testimony and discussion, a motion was made to grant the Appellant's request for a variance to the 7th edition 780 CMR 5305, for basement ceiling height, with the condition that smoke detectors and carbon monoxide detectors be installed and/or upgraded throughout the house to comply with these detector requirements found in the 7th edition 780 CMR. 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 the 7th edition 780 CMR 5305 is hereby **granted** as described in the discussion above and so ordered[2] on this date: November 5, 2009.

Douglas Semple PD
Douglas Semple

William Middlemiss PD
William Middlemiss

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.