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Department of Public Safety
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Robert Anderson
Administrator

Date: December 29, 2009

Name of Appellant: Berkshire Botanical Garden

Service Address: 5 West Stockbridge Rd.
Stockbridge, MA. 01262

In reference to: 5 West Stockbridge Rd.
Stockbridge, MA. 01262

Docket Number: 09-823

Property Address: 5 West Stockbridge Rd.
Stockbridge, MA. 01262

Date of Hearing: 12-03-09

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. 09-823

Appellant(s): Berkshire Botanical Garden vs. Appellee(s):City/Town of Stockbridge
represented by Donald Torrico Building Official Ned Baldwin

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 from the 7th Edition 780 CMR Table 503 for the property, Berkshire Botanical Garden, located at 5 W. Stockbridge Road, Stockbridge, 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 December 3, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Donald Torrico appeared for the hearing as noted 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 the 7th Edition 780 CMR, Table 503 and in lieu of a NFPA 13 dry system allow a supervised smoke and heat detection system to be installed along with the 1- hr separation between the conditioned space and other space. This alternative was proposed because adequate water and pressure is not available. For the record it was noted that the building and fire officials had no objection to the granting of the variance and that the area of this building is about 26% of the allowed area for a 1-story building. There was a second on the motion and board vote was taken, which was unanimous, 2-0.

Conclusion

The Appellant's request for a variance from the 7th Edition 780 CMR Table 503 is hereby **granted** as described in the discussion above and so ordered[2] on this date: December 3, 2009.

(Board member not present)	Douglas Semple	William Middlemiss

[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.