The Commonwealth of Massachusetts
Department of Public Safety
Board of Building Regulations and Standards

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Robert Anderson
Administrator

Date: December 29, 2009

Name of Appellant: James LaMantia

Service Address: 32 Oliver Street
Southbridge, MA. 01550

In reference to: 415 Hamilton Street
Southbridge, MA. 01550

Docket Number: 09-824

Property Address: 415 Hamilton Street
Southbridge, MA. 01550

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. 09-824
Appellant(s): James LaMantia vs. Appellee(s):City/Town of Southbridge
Building Official Nick Tortis

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 108.3.5.1 for the property located at 415 Hamilton Street, Southbridge, 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.

Nick Tortis and James LaMantia 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 deny the Appellant's request for a variance from the 7th Edition 780 CMR 108.3.5.1 and uphold the denial letter dated September 15, 2009 issued by the Building Inspector. The motion is based on the appellant's plan to make this a 3-unit building and therefore the permit holder would require a construction supervisor license. It was noted also that the building may exceed 35,000 cubic feet and therefore may require construction control. There was a second on the motion and board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance from the 7th Edition 780 CMR 108.3.5.1 is hereby **denied** as described in the discussion above and so ordered[2] on this date: December 3, 2009.

Brian Gale — 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.