The Commonwealth of Massachusetts
Department of Public Safety
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Vice Chairman

Robert Anderson
Administrator

Date: December 29, 2009

Name of Appellant: Everett McNeill

Service Address: 189 Villa Street
Waltham, MA. 02453

In reference to: 189 Villa Street
Waltham, MA. 02453

Docket Number: 09-826

Property Address: 189 Villa Street
Waltham, MA. 02453

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

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. 09-826
Appellant(s): Everett McNeill vs. Appellee(s):City/Town of Waltham
Building Official Gregg Schoener

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 5311.5.1, 5311.5.3.2, 5311.5.2 for the property located at 189 Villa Street, Waltham, 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.

Everett McNeill 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 5311.5.1, 5311.5.3.2, 5311.5.2 to allow the attic to be used as a livable space regardless of the stair width, clearance, and tread depth. Since a hardwired smoke detector is present and a CO2 detector will be present and the room will not be used as a sleeping room it is not a health or safety issue. 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 5311.5.1, 5311.5.3.2, 5311.5.2 is hereby **granted** as described in the discussion above and so ordered[2] on this date: December 3, 2009.

Douglas Semple RO — Douglas Semple

Brian Gale RO — Brian Gale

William Middlemiss RO — William Middlemiss

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[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.