

Building Official

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board  
Docket Nos. 05-380; 05-381; 05-382

BOARD'S RULING ON APPEAL

All hearings are audio recorded. The digital recording (which is on file at the office of the Board of Building Regulations and Standards) serves as the official record of the hearing. Copies of the recording are available from the Board for a fee of \$10.00 per copy. Please make requests for copies in writing and attach a check made payable to the Commonwealth of Massachusetts for the appropriate fee. Requests may be addressed to:

Patricia Barry, Coordinator  
State Building Code Appeals Board  
BBRS/ Department of Public Safety  
One Ashburton Place - Room 1301  
Boston, MA 02108

\_\_\_\_\_  
Christopher J. Connell & Dawn A. Connell )  
Appellant, )  
)  
v. )  
)  
Town of Pittsfield and Edwin May, )  
Appellees )  
\_\_\_\_\_ )

Procedural History

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant asks the Board to grant a variance from 780 CMR, Sections 1017.4 of the Massachusetts State Building Code ("MSBC") and Chapter 143, Section 3R of the Massachusetts General Laws for three (3) properties located at 20-22 Pomeroy Avenue; 765 Tyler Street; and 118 Lincoln Street, respectively, all located in Pittsfield, Massachusetts. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public

hearing on March 8, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing the Appellant was Darren Lee; Appellant Christopher J. Connell was also present. Present and representing the Town of Pittsfield Building Department were Edwin May, Building Inspector, and Albert Leu, Building Inspector.

**Decision:** Following testimony, and based upon relevant information provided, Board members voted as indicated below.

**In the matter of Docket Number 05-380:**

..... Granted                      ..... Denied                      ..... Rendered Interpretation

.....Granted with conditions (see below)                      ..... Dismissed

The votes were:

.....Unanimous                      ..... Majority

**Reasons for Variances:**

1. There are no objections from the local building officials in granting the requested variance from the installation of a buzzer or "striker mechanism."
2. Alternative security measures are in place, which include a window in the door at the subject property that provides visibility with regard to visitors as well as self-closing and self-locking mechanisms on the door.

The motion to grant the variance was made by Member Brian Gale and seconded by Member Jake Nunnemacher. The variance is **GRANTED**. Members voting unanimously to grant the variance were Harry Smith; Jake Nunnemacher; and Brian Gale.

**In the matter of Docket Numbers 05-381 and 05-382:**

..... Granted                      ..... Denied                      ..... Rendered Interpretation

.....Granted with conditions (see below)                      ..... Dismissed

The votes were:

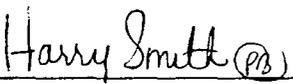
.....Unanimous                      ..... Majority

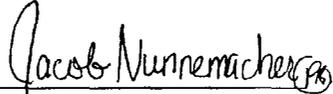
**Reasons for Variances:**

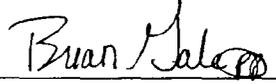
1. There are no objections from the local building officials in granting the requested variances from the installation of a buzzer or "striker mechanism."
2. Alternative security measures are in place at 765 Tyler Street, Pittsfield, MA (Docket # 05-381), which include a steel door with a push-bar exit that may be unlocked only with a master key.
3. Alternative security measures are in place at 118 Lincoln Street, Pittsfield, MA (Docket #05-382) which include a window in the door at the subject property that provides visibility with regard to visitors as well as self-closing and self-locking mechanisms on the door that may only be unlocked by a master key.

The motion to grant the variance in both appeals was made by Brian Gale; the motion was seconded by Jake Nunnemacher. The variances are **GRANTED** by a majority vote of 2-1. Members voting to grant the variance were Harry Smith and Brian Gale. Members voting to oppose the variance were Jake Nunnemacher. The reason stated for opposition to the variances in both Docket Number 05-381 and Docket Number 05-382 is overriding security concerns.

**The following members voted in the above manner**

  
\_\_\_\_\_  
Chairman -Harry Smith

  
\_\_\_\_\_  
Jake Nunnemacher

  
\_\_\_\_\_  
Brian Gale

A complete administrative record is on file at the office of the Board of Building Regulations and Standards.

A true copy attest, dated: September 18, 2007

  
\_\_\_\_\_  
Patricia Barry, Clerk

Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to a court of competent jurisdiction in accordance with Chapter 30A, Section 14 of the Massachusetts General Laws.