

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

Building Code Appeals Board  
Docket No. 05-481

Georgia Saffron,	)
Appellant	)
v.	)
Colleen E. Fermon,	)
City of Ipswich Health Director,	)
Appellee	)

BOARD'S RULING ON APPEAL

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on 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 105 CMR § 410.480 of the Massachusetts State Sanitary Code ("Code") with respect to the main entry door lock of an owner occupied 4 unit building located at 8 Putnam Road, Ipswich, MA ("property").

In accordance with G. L. c. 30A, §§10 and 11; G. L. c. 143, §100; 801 CMR §1.02 et. seq.; and 105 CMR §410.840 (C), the Board convened a public hearing on October 23, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Harry Lampropoulos was present at the hearing on behalf of Appellant.

Reasons for Variance

The issue is whether Appellant should be allowed a variance from 105 CMR § 410.480. Section 410.480 states:

- The owner shall provide, install and maintain locks so that:
- (A) Every dwelling unit shall be capable of being secured against unlawful entry.
- (B) Every door of a dwelling unit shall be capable of being secured from unlawful entry.
- (C) The main entry door of a dwelling containing more than three dwelling units shall be so designed or equipped so as to close and lock automatically with a lock, including a lock with an electrically-operated striker mechanism, a self-closing door and associated equipment. Every door of the main common entryway and every

exterior door into said dwelling, other than the door of such main common entryway which is equipped as provided in the preceding sentence shall be equipped with an operating lock. (M.G.L. c. 143, § 3R.)

(D) Every entry door of a dwelling unit or rooming unit shall be capable of being secured from unlawful entry.

(E) Every openable exterior window shall be capable of being secured.

(F) Locking devices shall comply with the requirements of 780 CMR 1017.4.1 to avoid entrapment in the building.

The property is an owner occupied four (4) unit building located in a residential area. The owner of the property lives on the first floor overlooking the front and rear entrances. The property has three exits, and each of the tenants has a key to the front and back doors of the building.

Appellee did not object to granting the variance. The Board acknowledged this fact.

### Decision

Board member Keith Hoyle motioned to grant the variance from § 410.480 and the motion was seconded by Alexander MacLeod commenting that at letter was provided by the Board of Health stating that it does not oppose to granting the variance ("Motion"). Following testimony, and based upon relevant information provided, Board members voted to allow the Motion, as described on the record. The Board voted as indicated below.

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

..... Granted with conditions                      ..... Dismissed

The vote was:

..... **Unanimous**                      ..... Majority

Keith Hoyle                      Alexander MacLeod                      Harry Smith -Chair

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.

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

A true copy attest, dated: June 6, 2008

  
Patricia Barry, Clerk

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 \$5.00 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  
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