

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board¹
Docket No. 05-365

Kevin Hastings,)
Appellant,)
)
v.)
)
Town of Falmouth and Eladio R.)
Gore,)
Appellees)
)

BOARD'S RULING ON APPEAL

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, the Appellant asks the Board to grant a variance from 780 CMR 3107.5.1, 3107.5.4 and 3107.7 of the Massachusetts State Building Code ("MSBC") for the Marine Biological Laboratory located at 10 MBL Street, Falmouth, MA. 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 February 1, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board. Present and representing the property owner, Marine Biological Laboratory, was the Appellant. There was no representative present from the Town of Falmouth Building and Fire Departments.

Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR 3107.5.1, 3107.5.4 and 3107.7 of the MSBC based upon the hardship that the

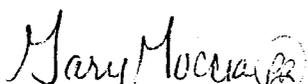
¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108.

Appellant would suffer if required to waterproof this area of the building and based upon the Appellants assurance to this Board that allowing the existing basement and service tunnel to remain without flood resistant construction or protection of the equipment within the room would not be a threat to the functionality or safety within the building. The equipment located in this area of the building must be rated for a damp location. Motion carried 3-0.

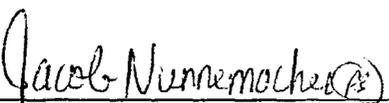
Conclusion

The Appellant's request for a variance from 780 CMR 3107.5.1, 3107.5.4 and 3107.7 is hereby **GRANTED**.

SO ORDERED.



GARY MOCCIA



JACOB NUNNEMACHER



STANLEY SHUMAN

DATED: March 12, 2007

** 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.*