

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board<sup>1</sup>  
Docket No. 05-362

Kevin Hastings, )  
Appellant, )  
 )  
v. )  
 )  
Town of Sudbury and James F. )  
Kelly, )  
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, Appellant asks the Board to grant a variance from 780 CMR 1014.11 (Interior Stairway Enclosure) of the Massachusetts State Building Code ("MSBC") for 490C Boston Post Road, Sudbury, 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.

The Appellant appeared for the hearing pro se. Present and representing the Town of Sudbury Building Department was James F. Kelly. There was no representative present from the Town of Sudbury Fire Department.

**Discussion**

A motion was made to grant the Appellant's request for a variance from 780 CMR 1014.11 of the MSBC based upon the fact that the building official has no

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<sup>1</sup> 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.

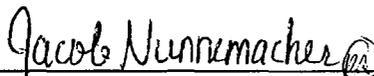
objection to the granting of this variance; the Appellant has agreed that all of the Sidelites will be protected with closely spaced sprinklers on both sides and the 2003 International Building code permits unenclosed stairways. Motion carried 3-0.

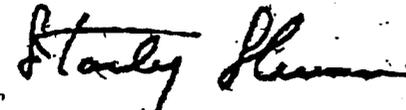
**Conclusion**

The Appellant's request for a variance from 780 CMR 1014.11 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.*