COMMONWEALTH OF MASSACHUSETTS

**SUFFOLK, SS**

**State Building Code Appeals Board[1]**
**Docket No. 05-297**

| | |
|---|---|
| Robert Carasitti, Appellant, | ) |
| v. | ) |
| Town of Canton and Edward Walsh, 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 requests that the Board grant a variance from 780 CMR 705.4 of the Massachusetts State Building Code ("MSBC") in regards to #1, #2 & #3 Windsor Village, Canton, 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 September 19, 2006 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing the property owner, Criterion Canton Apartments, LP, was Robert Carasitti ("Appellant"). Present and representing the Town of Canton Building Department was Edward Walsh. Present and representing the Town of Canton Fire Department was Charles Doody.

### Findings of fact

1. The subject property is located at #1, #2 & #3 Windsor Village, Canton, MA.
2. The subject property is currently designed with an NFPA 13R system and non fire rated exterior sheathing.

[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.

3. The subject property is currently in its framing stage.
4. Town of Canton Building and Fire Departments are concerned about life safety due to the fact that the NFPA 13R system does not protect unoccupied spaces.
5. 780 CMR 705.4 requires that the exterior wall sheathing of a structure have a fire resistance rating unless an NFPA 13 system is used.
6. The Town of Canton Building and Fire Departments do not have a preference in regards to whether the property owner uses fire rated exterior sheathing or an NFPA 13 system.

**Discussion**

A motion was made to DENY Appellant's request for a variance from 780 CMR 705.4 because the Appellant has a compliance alternative. The Appellant can install fire rated exterior sheathing or install an NFPA 13R system. Motion carried 3-0.

**Conclusion**

The Appellant's request for variance from 780 CMR 705.4 of the MSBC is **DENIED.**

**SO ORDERED.**

Harry Smith (PO)

**HARRY SMITH**

**ALEXANDER MACLEOD**

Keith Hoyle (PO)

**KEITH HOYLE**

DATED: November 28, 2006

** 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.*