

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board<sup>1</sup>  
Docket No. 05-299

|                                     |   |
|-------------------------------------|---|
| Walter McLaughlin, Jr.,             | ) |
| Appellant,                          | ) |
|                                     | ) |
| v.                                  | ) |
|                                     | ) |
| Town of Brewster and Victor Staley, | ) |
| 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 111.8 of the Massachusetts State Building Code ("MSBC") in regards to 45 Doran Drive (Assessors Map 23, Lot 67) Brewster, 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, Lucille Owocki, was Walter McLaughlin, Jr. ("Appellant"). There was no representative present from the Town of Brewster Building Department. There was no representative present from the Town of Brewster Fire Department.

**Findings of fact**

1. The subject property is located at 45 Doran Drive (Assessors Map 23, Lot 67) Brewster, MA.
2. Building permit no 05-542 was revoked due to the subject property owner's inaction on the permit.

<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.

3. The property owner did not commence construction when the building permit was active because the issuance of the permit was being appealed to the Town of Brewster Board of Appeal.
4. The property owner was warned by a Town of Brewster building inspector that if she were to build on the property during the appeal it would be at her own risk. The property owner took heed to this warning and did not commence construction.
5. The property owner did not request a building permit extension therefore the permit was revoked.
6. The Town of Brewster Building Commissioner does not oppose the granting of the Appellant's request for a variance.

**Discussion**

A motion was made to GRANT Appellant's request for a variance from 780 CMR 111.8 because the owner received contradictory statements on whether she should commence construction or not under building permit no. 05-542. The Town of Brewster Building Commissioner supports the Appellant's request for a variance. The Building Commissioner is hereby ordered to reissue the building permit. Motion carried 3-0.

**Conclusion**

The Appellant's request for variance from 780 CMR 111.8 of the MSBC is **GRANTED.**

**SO ORDERED.**

  
\_\_\_\_\_  
**HARRY SMITH**

  
\_\_\_\_\_  
**ALEXANDER MACLEOD**

  
\_\_\_\_\_  
**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.*