

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 08-652

Appellant(s): Jerrilee Cain vz. Appellee(s): City/Town of Worthington
Joseph Fydenkevez, Jr.

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant her a variance from 780 CMR 3610.4.7, for 591 Old Post Road, Worthington, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on October 28, 2008 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*.

Discussion

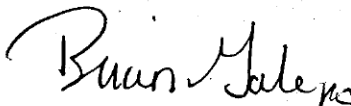
A motion was made to grant the Appellant's request for a variance from 780 CMR 3610.4.7, and allow clearances to combustibles on the sides and above the fireplace fronts to exist as they have since day one of this historic building. The motion also noted it was the appellant's intent all along to move and reconstruct the building to its original plan. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance from 780 CMR 3610.4.7, is hereby granted and so ordered² on this date: October 28, 2008.



Alexander MacLeod



Brian Gale



Douglas Semple

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

² 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.