

**Docket No. 08-661**

vz. Appellee(s): City/Town of Swampscott  
J. Alan Hezekian

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 rescind the Building Official order for 29 Tidd Street, Swampscott, 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 November 6, 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*. J. Alan Hezekian from the Swampscott Building Department was present as well.

A motion was made to uphold the order (per 780 CMR 118.0) and outlined in the Swampscott Building Department letter dated July 25, 2008 after hearing testimony regarding the retaining wall located on the property. The motion upholds the Building Official's decision to require the appellant to have the wall inspected by a registered structural engineer. Further the motion requires that the engineer's report be supplied to the Swampscott Building Department within the time frame set by the building official. There was a second on the motion and a board vote was taken, which was unanimous.

The Appellant is ordered<sup>2</sup> to comply with the motion as described in the discussion above<sup>2</sup> on this date: November 6, 2008.

Douglas Semple

## Douglas Semple

Jacob Nunnemacher

Jacob Nunnemacher

Stacy Luman

Stanley Shuman

<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

<sup>2</sup>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.