COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal[1]

Docket No. 08-675
Appellant(s): John Webby on behalf of Ruth Goodhall vz. Appellee(s): City/Town of Swansea David Betts

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 him a variance from 780 CMR 5111.8, for 89 Chase Farm Road, Swansea, 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 January 8, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing representing himself and his wife. David Betts appeared as well.

Discussion

A motion was made to deny the Appellant's request for a variance from 780 CMR 5111.8, after hearing testimony regarding the property. The permit was revoked based on inactivity from May 2007 to October 2008. The motion was made to uphold the building officials ruling to revoke the permit and have the appellant work out the issues that have arisen with the Conservation Department and then reapply with no fee for a building permit and continue to comply with 780 CMR 6th edition. 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 5111.8, is hereby denied as described in the discussion above and so ordered[2] on this date: January 8, 2009.

Douglas Semple

Jacob Nunnemacher

Alexander MacLeod

[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.