



Deval L. Patrick  
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Lieutenant Governor

Kevin M. Burke  
Secretary

# *The Commonwealth of Massachusetts*

## *Department of Public Safety*

*Board of Building Regulations and Standards*

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Commissioner

Alexander MacLeod, R.A.  
Chairman

Gary Moccia, P.E.  
Vice Chairman

Robert Anderson  
Administrator

Date: September 10, 2009

Name of Appellant: Fulton School Residences  
Limited Partnership

Service Address: Janis Mamayek, AIA  
ICON Architects, Inc  
Thirty Eight Chauncy St.  
Boston, MA.

In reference to: Alice E Fulton School Residence  
235 Pond Street  
Weymouth, MA. 02190

Docket Number: 09-766

Property Address: Alice E Fulton School Residence  
235 Pond Street  
Weymouth, MA. 02190

Date of Hearing: 08-06-09

Enclosed please find a copy of the decision on the matter aforementioned.

Sincerely:

**BUILDING CODE APPEALS BOARD**

Patricia Barry, Clerk

cc: Building Code Appeals Board  
Building Official

**COMMONWEALTH OF MASSACHUSETTS**  
**State Building Code (780 CMR) Appeals Board**  
**Board's Ruling on Appeal<sup>1</sup>**

**Docket No. 09-766**

Appellant(s): Janis B. Mamayek, AIA  
representing Fulton School Residences  
Limited Partnership

vs.

Appellee(s): Town of Weymouth  
Thomas Barry

**Procedural History**

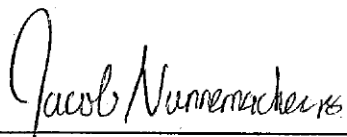
This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant a variance to 6<sup>th</sup> edition 780 CMR 1014.11, 1022.1, and 1017.3, for the property at 235 Pond Street Weymouth, 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 August 6, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board. Janice B. Mamayek appeared at this hearing.


**Discussion**


Based on the testimony and exhibits that were presented, a motion was made to grant the Appellant's request for a variance to 6<sup>th</sup> edition 780 CMR 1014.11, 1022.1, and 1017.3. The motion was made based on the fact that there is no opposition from either the building commissioner or the fire department. The motion requires that a curtain sprinkler for the windows must be installed, and a hold open device must be attached to the doors. There was a second on the motion and a board vote was taken, which was unanimous.

**Conclusion**

**The Appellant's request for a variance to 6<sup>th</sup> edition 780 CMR 1014.11, 1022.1, and 1017.3, is hereby granted as described in the discussion above and so ordered<sup>2</sup> on this date: August 6, 2009.**

  
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Jacob Nunnemacher

  
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Douglas Semple

  
\_\_\_\_\_  
Alexander MacLeod

<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.