



CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

MIKE KENNEALY
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
1000 Washington Street, Suite 710
Boston, Massachusetts 02118

EDWARD A. PALLESCHI
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS
REGULATION

LAYLA R. D'EMILIA
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

Minutes

BBRS Building Code Appeals Board (BCAB)
Meeting Location: Virtual Microsoft Teams-Meeting
September 2, 2021

Meeting Called to order by the Chairman, Steven Frederickson, at 9:30 a.m. followed by Roll call:

Board Members Present:

Michael McDowell
Steven Frederickson, Chairman
Jake Nunnemacher

Guests Present:

See sign-in sheet for each case:

- Case Number:** 21-0084
Appellant: Ilya Shnayder (Owner-Jackson High, LLC)
Property Address: 93 Jackson Street, Holyoke, MA. 01040
Summary of Case: Appellants sought relief from 105 CMR 410.480 and 410.550, with respect to an existing building.

Jake Nunnemacher made a **MOTION** that was **SECONDED** by Michael McDowell, to **GRANT** variances to **105 CMR 410.480** and **G. L. c. 143, s. 3R** on condition that Appellant install a heavier-duty, more-secure electrical locking system that is acceptable to the City.

- Case Number:** 21-0085
Appellant: William L. Harvey, III
Property Address: 73 Dalton Road, Chelmsford, MA. 01824
Summary of Case: Appellants sought relief from 780 CMR 1011.10, with respect to the installation of an exterior spiral stairway.

Jake Nunnemacher made a **MOTION** that was **SECONDED** by Michael McDowell, to **OVERTURN** the Building Commissioner's interpretation of **780 CMR 1011.10** as set forth in his July 17, 2021 Spiral Stairways Code Violation **on condition** that Appellant provide plans for the spiral stairway to the Building Department for the Department's review, and acceptable by the Building Department, and the Building Department is allowed to inspect the spiral stairway to help ensure the stairway's compliance with the applicable requirements of 780 CMR for spiral stairway construction. The BCAB also found that its decision applies only



regarding the Building Commissioner's interpretation of **780 CMR 1011.10** and its decision does not apply to other allegations made by the Town or Appellant.

3. **Case Number:** 21-0086
Appellant: Jorge Rivera
Property Address: 99 Division Street, Harwich, MA. 02671
Summary of Case: Appellants sought relief from 780 CMR 51.00, R305.1, with respect to an existing building.

Michael McDowell made a **MOTION** that was **SECONDED** by Jake Nunnemacher, to **GRANT** a variance from **780 CMR 51.00, R305.1** to match the existing dormer's ceiling height for the bathroom.

4. **Case Number:** 21-0087
Appellant: Paul & Jean DeMeo
Property Address: 9 Willis Road, Gardner, MA. 01440
Summary of Case: Appellants sought relief from 780 CMR R105.1, with respect to an existing building.

Jake Nunnemacher made a **MOTION** that was **SECONDED** by Michael McDowell, to **AFFIRM** the Building Commissioner's interpretation as applied to these facts that the work required a building permit in accordance with **780 CMR 51.00, R105.1** and the Building Department is encouraged to use the least invasive method to open a wall, as the Building Department represented during the hearing to determine whether insulation has been properly installed.

5. **Case Number:** 21-0088
Appellant: Philip M. Koeniger (Owner-EMD Serono)
Property Address: 25 Middlesex Turnpike, Billerica, MA. 01821
Summary of Case: Appellants sought relief from 780 CMR 703.4 and 104.11, with respect to new construction.

Jake Nunnemacher made a **MOTION** that was **SECONDED** by Michael McDowell, to grant variances to **780 CMR 703.4** and **104.11** on condition that Appellant must provide full detection as so testified.

The meeting adjourned at 2:00 p.m.