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## Minutes

### **BBS Building Code Appeals Board (BCAB)**

**Meeting Location: Milford District Office, 50 Maple Street, Milford, MA.**

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

#### **Board Members Present:**

Richard Crowley, Chairman

Sandy MacLeod

Jake Nunnemacher

#### **Board Members Not Present:**

None

There were four (4) cases on the docket scheduled each 30 minute period, beginning at 9:30 a.m. and running until approximately 12:45 p.m. The three board members identified above served each case; guests varied with each case. A copy of the sign-in sheet for each case is appended to these minutes to identify attendees.

#### **Guests Present:**

See sign-in sheet for each case:

1. Meeting minutes
2. 

<b>Case Number :</b>	<b>15-1593</b>
<b>Appellant:</b>	<b>James Correia</b>
<b>Address of Property:</b>	<b>7 Fiskdale Road, Brookfield, MA. 01506</b>
<b>Summary of Case:</b>	This appeal concerned a variance from 780 CMR ( <i>The State Building Code, Eighth Edition</i> ) Section 105.5, with respect to a building official's determination that the project to erect a deck and an addition has been abandoned.

On a **MOTION** by Richard Crowley, and **SECONDED** by Sandy MacLeod, it was a **TWO to ONE VOTE**, Jake Nunnemacher was opposed to allow the reinstatement of the "Sun Room" and the "Rear Deck" and to overturn the building official's decision that the building permit was abandoned on conditions that: Appellant provide a letter to the building official describing the delays to work caused by the Zoning issues and Appellant's injuries; Appellant acknowledges

That work will proceed as his own risk because the resolution of Zoning issues may prevent Appellant from continuing to use the building as a restaurant; Appellant must provide monthly status updates to the building official about his progress of work pursuant to the building permit.

3. **Case Number :** 16-1594  
**Appellant:** A. Vernon Woodworth for Steven Miller  
**Address of Property:** 17-25 Piedmont Street, Boston, MA. 02116  
**Summary of Case:** This appeal concerned a variance from 780 CMR (*The State Building Code, Eighth Edition*) Section 1021.1, with respect to egress from an existing roof deck.

**List of Exhibits:**

- Exhibit 1.** Application dated January 9, 2016 and received on January 7, 2016  
**Exhibit 2.** Floor Plans of 17-25 Piedmont Street, 6 pages.

On a **MOTION** by Jake Nunnemacher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted that we **GRANT** a variance from **780 CMR 1021.1** on condition that: (1) smoke detection is provided in all common areas of the building; (2) manual pull stations are installed in Units #3 and #4 at the roof level; (3) horn strobes must be installed on both roof decks; (4) all fire protection must be weatherproof.

4. **Case Number:** 16-1595  
**Appellant:** Steven DeFusco for A-M Realty Trust  
**Address of Property:** 43 Forest Street, Methuen, MA. 01844  
**Summary of Case:** This appeal concerned a variance from 780 CMR (*The State Building Code, Eighth Edition*) Section 1021.1 and 1021.2, with respect to Unit #3 in a four-dwelling unit building.

**List of Exhibits:**

- Exhibit 1.** Application dated January 7, 2016.  
**Exhibit 2.** Hand Sketch of property, 3 pages.  
**Exhibit 3.** Series of smaller sized photos (4).  
**Exhibit 4.** 2 pages of photos (8 ½ x 11).

On a **MOTION** by Jake Nunnemacher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted to overturn the building official's decision with respect to compliance with **780 CMR 1021.1 and 1021.2** because those sections of the Code are not applicable in these particular circumstances. The applicable code section is 780 CMR 102.6.4. Thus, if Gibney concludes that the existing egress through the basement is not safe in compliance with 780 CMR 102.6.4 (which the present conditions showed), he may accept compliance alternatives to achieve an acceptable level of safety for that particular means of egress, or if Appellant chooses not to consider those compliance alternatives, other new means of egress as suggested could be considered. We believe that, in any event, Appellant and Gibney can arrive at a solution that is acceptable to Gibney in accordance with 780 CMR 102.6.4. The appeal is **GRANTED with conditions**.

5. **Case Number :** 16-1596  
**Appellant:** Kevin McHugh for DCAM  
**Address of Property:** Gerald J. Mason Pool, Armory St. Agawam, MA. 01001

**Summary of Case:** This appeal concerned a variance from 780 CMR (*The State Building Code, Eighth Edition*) Section 1008.1.2, with respect to the continued use of overhead doors in a DCR pool facility located at the Gerald J. Mason Memorial Swimming Pool.

**List of Exhibits:**

**Exhibit 1.**

Application dated December 29, 2015.

**Exhibit 2.**

Email from Louise Vera dated January 11, 2016, 1 page.

On a **MOTION** by Sandy MacLeod and **SECONDED** by Jake Nunnemacher, it was **UNANIMOUSLY** voted to **GRANT** a variance to **780 CMR 1008.1.2 on conditions that:** DCR ensures that no one gets locked inside the facility when the doors are closed and secured; the doors remain open during hours of operation of the pool facility.

6. The meeting adjourned at 12:45 p.m.