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Minutes

BRRS Building Code Appeals Board (BCAB)
Meeting Location: Virtual Microsoft Teams-Meeting
November 21, 2023

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

Board Members Present:

David Riquinha
John Couture, Chairman
Kristen McDonough

Guests Present:

See sign-in sheet for each case:

- Case Number:** 23-0094
Appellant: Andrea Garcia (Owner-Admir Dzemailovic)
Property Address: 23B Bay Road, Revere, MA. 02150
Summary of Case: Appellants sought relief from 780 CMR 9th Edition, Section 105.3.1.1, with respect to new construction.

David Riquinha made a **MOTION** that was **SECONDED** by Kristen McDonough, to **GRANT** a variance to **780 CMR 9th Edition Section 105.3.1.1**, conditioned on 1) The Appellant and the Building Commissioner must work together to make reasonable structural improvements without displacing the family. The Motion was approved by unanimous vote.

- Case Number:** 23-0102
Appellant: Dennis Bain (Owner-John Anderson)
Property Address: 25 West Street, Stoneham, MA. 02180
Summary of Case: Appellants sought relief from a "Failure to Act", with respect to an existing building.

John Couture made a **MOTION** that was **SECONDED** by David Riquinha, to **REMAND** this appeal back to the Building Department and to order that the Building Permit be issued conditioned on 1) a plot plan signed by a certified land surveyor that also meets zoning and town bylaws must be submitted prior to the issuance of the building permit. The Motion was approved by unanimous vote.



3. **Case Number:** 23-0103
Appellant: Dennis Bain (Owner-Frank Orloff)
Property Address: 34 Gould Street, Stoneham, MA. 02180
Summary of Case: Appellants sought relief from a “Failure to Act”, with respect to an existing building.

John Couture made a **MOTION** that was **SECONDED** by David Riquinha, to **REMAND** this appeal back to the Building Department and to order that the Building Department issue the Building Permit for the deck that was constructed without a permit. The Board noted that there was failure on both sides as a denial letter was never issued from the Building Inspector. The Motion was approved by unanimous vote.

4. **Case Number:** 23-0099
Appellant: Joseph Schott (Owner-Leslie Floyd)
Property Address: 6 Tom’s Neck Farm Way, Edgartown, MA. 02539
Summary of Case: Appellants sought relief from 780 CMR R105.3.1.1.1, 780 CMR R322, with respect to an existing building.

David Riquinha made a **MOTION** that was **SECONDED** by Kristen McDonough, to **GRANT** a variance to **780 CMR Section R105.3.1.1.1 & 780 CMR R322**, conditioned on 1) Appellant must include hydrostatic openings as required. 2) Appellant must bring mechanical equipment in the dwelling above base flood elevation. 3) Appellant must address any basement space that is below grade on all four sides. The Motion was approved by unanimous vote.

5. **Case Number:** 23-0079
Appellant: David M. Silveira (Owner-South Coast & Associates)
Property Address: 111 Prospect Street, Dartmouth, MA. 02748
Summary of Case: Appellants sought relief from a “Failure to Act” on a request of a denial letter, with respect to an existing building.

David Riquinha made a **MOTION** that was **SECONDED** by John Couture, to **UPHOLD** the claim of a “Failure to Act”. This Board cannot offer any disciplinary action if that is what the appellant is seeking. Disciplinary action would only be addressed by the BOCC if Appellant so desires. The Motion was approved by unanimous vote.

6. **Case Number:** 23-0110
Appellant: David M. Silveira (Owner-South Coast & Associates)
Property Address: 136 Winterville Road, Dartmouth, MA. 02748
Summary of Case: Appellants sought relief from a “Failure to Act” on a request of a denial letter, with respect to an existing building.

David Riquinha made a **MOTION** that was **SECONDED** by Kristen McDonough, to **UPHOLD** the claim of a “Failure to Act”. This Board cannot offer any disciplinary action if that is what the appellant is seeking. Disciplinary action would only be addressed by the BOCC if Appellant so desires. The Motion was approved by unanimous vote.

The meeting adjourned at 2:30 p.m.

