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| **Deval L. Patrick**  Governor |  | **The Commonwealth of Massachusetts**  **Department of Public Safety**  **One Ashburton Place, Room 1301**  **Boston, Massachusetts 02108-1618**  **Phone (617) 727-3200**  **Fax (617) 727-5732**  **TTY (617) 727-0019**  [**www.mass.gov/dps**](http://www.mass.gov/dps) | **Andrea J. Cabral**  Secretary  **Thomas G. Gatzunis, P.E.**  Commissioner |

# Minutes

# BBRS Building Code Appeals Board (BCAB)

# Meeting Location: Taunton District Office, 1380 Bay Street, Taunton, MA

## Meeting Date: December 4, 2014

## Meeting Time: 9:30 a.m.

1. Meeting called to order by the Chairman, Harry Smith, at 9:30 a.m. followed by roll call:

**Board Members Present:**

Sandy MacLeod

Harry Smith, Chairman

Jake Nunnemacher

**Board Members Not Present:**

None

There were six (6) cases on the docket scheduled each 30 minute period, beginning at 9:30 a.m. and running until approximately 12:50 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. November 25, 2014 meeting minutes approved.
2. **Case Number: 14-1449**

**Appellant: John Langton for American Capital Energy**

**Address of Property: 97 Sam Ryder Road, Chatham, MA. 02633**

**Summary of Case:** This appeal concerned a “Failure to Act”.

On a **MOTION** by Jake Nunnemacher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY voted to DENY the appellants request for a “Failure to Act”** because it appears that the town has some concerns and from testimony the appellant and the town will work together to get the documents needed for a certificate of occupancy.

1. **Case Number: 14-1450**

**Appellant: John Langton for American Capital Energy**

**Address of Property: 59 High Point Lane, Tisbury, MA. 02568**

**Summary of Case:**  This appeal concerned a “Failure to Act”.

*The appellant requested a continuance.* On a **MOTION** by Jake Nunnemacher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted to **GRANT** **a continuance**.

**Case Number: 14-1451**

**Appellant: Michael Walker, AIA, for Weatherly & Richard Dorris**

**Address of Property: 36 Quissett Harbor Road, Falmouth, MA. 02540**

**Summary of Case:**  This appeal concerned a variance from 780 CMR *(The State Building Code, Eighth Edition)* Section 706.6 Exception #2.

On a **MOTION** by Sandy MacLeod and S**ECONDED** by Harry Smith, it was a **TWO TO ONE VOTE,** Jake Nunnemacher was opposed, that we **GRANT** **a variance to 780 CMR Section 706.6 Exception #2.** This lower portion is a part of the existing building and that it will have 6” concrete block wall between the two structures so that the roof will clearly bear on that 6” concrete block wall. Testimony was heard from FEMA that it’s basically an existing building and we are going to allow a separation from the buildings. This includes the 5/8” type X gypsum board to the underside of the shed roof.

1. **Case Number: 14-1452**

**Appellant: Christopher J. Lynch, P.E.**

**Address of Property: 164 High Street, Greenfield, MA. 01301**

**Summary of Case:**  This appeal concerned a variance from 780 CMR *(The State Building Code, Eighth Edition)*, Section 716.5.5., and relief from the requirement of smoke dampers in the smoke barriers.

On a **MOTION** by a **MOTION** by Jake Nunnemacher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted to **GRANT** **a** **variance to 780 CMR, 8th Edition, Section 716.5.5** contingent on the fact that the appellant meets the requirements in the 2015 IBC 717.5.5 Exception #2 & 407 of the 2015 IBC.

1. **Case Number: 14-1453**

**Appellant: Christopher J. Lynch, P.E**

**Address of Property: 759 Chestnut Street, Springfield, MA. 01199**

**Summary of Case:**  This appeal concerned a variance from 780 CMR *(The State Building Code, Eighth Edition)*, Section 716.5.5., and relief from the requirement of smoke dampers in the smoke barriers.

On a **MOTION** by a **MOTION** by Jake Nunnemacher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted to **GRANT** **a** **variance to 780 CMR, 8th Edition, Section 716.5.5** contingent on the appellant as he testified is going to comply with the 2015 IBC 717.5.5 Exception #2 & Section 407 of the 2015 IBC. Also noted that the City of Springfield is not opposed to us granting this variance.

1. **Case Number: 14-1454**

**Appellant: Mark Zaccheo for Olive Street Development**

**Address of Property: 15 School Street, Montague, MA. 01351**

**Summary of Case:**  The appeal concerned a variance from IBC (*International Building Code)* Chapter 9, Section 903.3.1.2 & IEBC Section 102.2.1.

On a **MOTION** by Sandy MacLeod and S**ECONDED** by Harry Smith, it was a **TWO TO ONE VOTE,** Jake Nunnemacher was opposed, that we **GRANT** **a variance to Chapter 903.3.1.2 & IEBC Section 102.2.1** in allowing him to not install sprinklers in the attic of this building but to install an NFPA 13R system on the habitable floors. This is contingent on that he must remove the planks and if not he must paint them with intumescent paint.

8. The meeting adjourned at 12:50 p.m.