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Minutes

**BRS Building Code Appeals Board (BCAB)**  
**Meeting Location: Virtual Microsoft Teams-Meeting**  
**December 20, 2022**

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:** 22-0106  
**Appellant:** Matthew Johann (Owner-Boston Properties)  
**Property Address:** 1050 Winter Street, Waltham, MA. 02451  
**Summary of Case:** Appellants sought relief from 780 CMR 703.4, with respect to an existing building.

David Riquinha made a **MOTION** that was **SECONDED** by Kristen McDonough, to **GRANT** a variance from **780 CMR 703.4** for only the atrium area and laboratory use on condition that no high hazard use will be in the building. The Motion was approved by unanimous vote.

- Case Number:** 22-0107  
**Appellant:** Richard Ricker (Owner-Craig Stevens)  
**Property Address:** 945 Main Street, Shrewsbury, MA. 01545  
**Summary of Case:** Appellants sought relief from 780 CMR R114.1, with respect to an existing building.

John Couture made a **MOTION** that was **SECONDED** by Kristen McDonough, to **ALLOW** Appellant's request to withdraw the appeal without prejudice. The Motion was approved by unanimous vote.



3. **Case Number:** 22-0108  
**Appellant:** Richard Smith (Owner-New Vision Realty)  
**Property Address:** 28 Acushnet Avenue, Springfield, MA. 01105-2217  
**Summary of Case:** Appellants sought relief from 780 CMR 903.2, with respect to an existing building.

John Couture made a **MOTION** that was **SECONDED** by Kristen McDonough, to **ALLOW** Appellant's request to withdraw the appeal without prejudice. The Motion was approved by unanimous vote.

4. **Case Number:** 22-0109  
**Appellant:** Michael Detering (Owner-Mr. & Mrs. Capone)  
**Property Address:** 8 Forest Avenue, Everett MA. 02149  
**Summary of Case:** Appellants sought relief from 780 CMR 51.00, R311.7.10.1, with respect to an existing building.

David Riquinha made a **MOTION** that was **SECONDED** by Kristen McDonough, to **ALLOW** installation of the spiral stairway in evidence, which **780 CMR 51.00, R311.7.10.1** allows, and to **OVERTURN** the local Building Inspector's interpretation in his December 1, 2022, letter to Appellant. The Motion was approved by unanimous vote.

5. **Case Number:** 22-0110  
**Appellant:** Orestes G. Brown (Owner-St. Paul's Church)  
**Property Address:** 380 Main Street, North Andover, MA. 01845  
**Summary of Case:** Appellants filed an appeal in regards to a "Failure to Act", with respect to an existing building.

John Couture made a **MOTION** that was **SECONDED** by David Riquinha, to provide the interpretation to the parties that **780 CMR 105.3** does not require evidence of liability insurance as part of a building permit application before the issuance of a building permit and **105.3 (7)** does not authorize a building official to impose such a requirement; to **OVERTURN** the Building Inspector's determination that **780 CMR 105.3** requires evidence of liability insurance; and to remind the Building Inspectors that, when they deny issuance of a building permit, they must provide an applicant a formal, written denial that also specifies the right to appeal the denial to the BCAB. The Motion was approved by unanimous vote.

The meeting adjourned at 12:00 p.m.