

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board¹
Docket No. 05-292

Paul Maduri,)
Appellant,)
)
v.)
)
Town of Milton and Steven)
Crawford,)
Appellees)

BOARD'S RULING ON APPEAL

Procedural History

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant asks the Board to grant a variance from 780 CMR 3400.3 of the Massachusetts State Building Code ("MSBC") for Fitness Unlimited located at 364 Granite Avenue, Milton. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on September 7, 2006 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Findings of fact

1. The subject property is a fitness Center located at 364 Granite Avenue, Milton ("Fitness Unlimited").
2. Paul Maduri ("Appellant") seeks to renovate an existing basement locker room and construct an addition at Fitness Unlimited.
3. The Milton Fire Department and Milton Building Department consider this a major construction project and therefore require the Appellant to bring this facility in conformance with the MSBC.
4. The Appellant has until June 30, 2008 to install the sprinkler system.

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108.

Discussion

The MSBC requires that a sprinkler system be installed in a use group A-3 facility. A motion was made to deny the Appellant's request for a variance from 780 CMR 3400.3 based upon a letter of opposition from the Milton Fire Department and a letter from the Town of Milton Building Commissioner stating that the Appellant has agreed to install a code compliant sprinkler system if the Board denies his appeal. Motion carried 3-0.

Conclusion

The Appellant's request for variance from 780 CMR 3400.3 is **DENIED**.

SO ORDERED.


HARRY SMITH


JACOB NUNNEMACHER


BRIAN GALE

DATED: November 22, 2006

** In accordance with M.G.L. c. 30A § 14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.*