

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

BUILDING CODE APPEALS BOARD
DOCKET NO. 11-987

_____)
Salisbury Beach Realty, LLC,)
Appellant)
)
v.)
)
Town of Salisbury,)
Appellee)
_____)

BOARD’S DECISION ON APPEAL

Introduction

This matter came before the State Building Code Appeals Board (“Board”) on Appellant’s appeal application filed pursuant to G.L. c.143, §100 and 780 CMR 122.1 (“Application”). Appellant requested the Board grant variances from 780 CMR 3400.3(4), 3400.3(6) and 904.3 with respect to an exterior deck attached to a building located (on the beach) at 25 Broadway, Salisbury, MA.

Procedural History

The Board convened a public hearing on April 19, 2011, in accordance with G.L.c. 30A, §§10 & 11; G.L.c. 143, §100; 801 CMR 1.02; and 780 CMR 122.3. All interested parties were provided with an opportunity to testify and present evidence to the Board. The Town issued a letter, dated March 21, 2011, which stated that a fire protection sprinkler system must be installed beneath the exterior deck, and that a variance would be required for the installation of a galvanized wire mesh fence beneath the deck platform (to prevent the accumulation of debris under the deck).

Discussion

The deck in issue, containing approximately 8048 square feet, extends from the building over beach into the inter-tidal zone. As a result, the area beneath the deck is subject to exposure from wind, sand, and tidal flows. Appellant argued that the installation of a sprinkler system to protect the underside of the deck would be impractical because of the exposure to the elements, freezing temperatures and damage from salt air and salt water.

The Town’s Fire Department and Building Department did not object to the installation of a wire fence beneath the deck.

Conclusion

The Board made a motion to **grant** a variance from 780 CMR 3400.3(4), 3400.3(6) and 904.3 to allow the installation of galvanized wire to protect the underside of the deck, with the conditions that: the wire must run to the top (to the underside of the deck); the wire must be maintained at all times; no flammable liquids are allowed on the deck; no cooking is allowed on the deck; no storage

of propane (or other flammable materials not part of the deck structure) is allowed on or beneath the deck; the area beneath the deck must be maintained free of debris. The motion was approved unanimously.



Ralph Cirelli

Douglas A. Semple, Chair

Alexander MacLeod

Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to Superior Court in accordance with G.L. c.30A, §14 within 30 days of receipt of this decision.

DATED: April 27, 2011