

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board¹
Docket No. 05-352

| | |
|-----------------------------|---|
| _____ |) |
| Peter Boria, |) |
| Appellant, |) |
| |) |
| v. |) |
| |) |
| Town of Charlton and Curtis |) |
| Meskus, |) |
| 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, the Appellant asks the Board to grant a variance from 780 CMR 904.2 (Fire Protection Systems in buildings of 12,000 sf or greater) of the Massachusetts State Building Code (“MSBC”) for 142 Worcester Road, Charlton, MA. 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 January 4, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing pro se. Present and representing the Town of Charlton Building Department was Building Commissioner, Curtis Meskus. There was no representative present from the Town of Charlton Fire Department.

Discussion

Motion was made to approve the Appellants request for a variance from section 780 CMR 904.2 of the MSBC and require that the building official grant the Appellant a temporary certificate of occupancy because the Appellant is currently waiting for water

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.

supply. The following conditions will apply: (1) the temporary certificate of occupancy will expire on April 30, 2008; (2) a hydraulic analysis will be performed for the sprinkler system design once the known water availability is present; (3) the water main entering the store for the sprinkler system must be flushed to ensure that there are no impediments. The main must be flushed prior to April 30, 2008 and (4) the building official and the property owner must work together to come up with a means to provide some form of fire detection system within the building so that there is some form of notification present prior to the fire sprinkler system being installed. Motion carried 3-0.

Conclusion

The Appellant's request for variance from section 780 CMR 904.2 of the MSBC is hereby **GRANTED**.

SO ORDERED.



HARRY SMITH



TIMOTHEE RODRIQUE



STANLEY SHUMAN

DATED: January 24, 2007

** 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.*