

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

BUILDING CODE APPEALS BOARD
DOCKET NO. 11-1020

_____)
Palmer Road Nominee Trust,)
Appellant)
)
v.)
)
Town of Monson,)
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. Appellant sought review a building official’s State Building Code change of use determination, his decision to require a building permit, a decision to require an engineer’s review, and a decision about sprinkler installation, implicating 780 CMR 303.1.1, 110.1, 110.7.2, 3404.12, and 3400.3(1), all with respect to a building located at 130 Palmer Road, Monson, MA 01057.

Procedural History

Sometime in February 2011, the Building Commissioner for the Town was contacted to conduct an inspection of the building which had been undergoing work in preparation for opening a new restaurant (within a part of the building that had been used as a restaurant). The Building Commissioner concluded that the construction taking place for the new restaurant would constitute a change of use under the Code, further requiring a building permit and the installation of a sprinkler system.

The Board convened a public hearing on August 4, 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 an opportunity to testify and present evidence to the Board. Testimony was taken from George L. Robichaud (Fire Chief for the Town); Harold P. Leaming (Acting Building Commissioner); and Raymond Blanchette, Esq. (on behalf of Appellant).

The following materials were entered into evidence:

Exhibit 1: The application, including copies of: Appellant’s written discussion and argument; correspondence; plans and other building-related documents on file with the Town.

Exhibit 2: A discussion of the issues and conclusions submitted by the Town’s Acting Building Commissioner.

Conclusion

The Board considered a motion to uphold the Building Commissioner's determinations as set forth in Exhibit 2 ("Motion"). The Motion was **approved** by a unanimous vote.



Jeffrey Putnam

Brian Gale, 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: November 3, 2011