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Minutes

**BRRS Building Code Appeals Board (BCAB)**

Meeting Location: Milford District Office, 50 Maple Street, Milford, MA. 01757

October 4, 2018

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Meeting Called to order by the Chairman, John Couture, at 9:30 a.m. followed by Roll call:

**Board Members Present:**

Mike McDowell  
John Couture, Chairman  
Jake Nunnemacher

**Board Members Not Present:**

None

There were seven (7) cases on the docket scheduled each 30 minute period, beginning at 9:30 a.m. And running until approximately 1:30 p.m. The three board members identified above served each case; guests varied with each case. A copy of the sign-in sheet for each case is appended to these minutes to identify attendees.

**Guests Present:**

See sign-in sheet for each case:

1. Meeting minutes
2. Case Number : 18-0098  
Appellant: Michael Valente  
Address of Property: 1451 North Street, Pittsfield, MA 01201  
Summary of Case: Appeal with respect to work taking place on the existing building located at 1451 North Street, Pittsfield, MA.

On a **MOTION** by Mike McDowell and **SECONDED** by John Couture, it was **TWO TO ONE** (Jake Nunnemacher opposed) vote on an **INTERPRETATION** that this is a bar and not a nightclub. It has been sprinklered and it's a huge improvement.

3. Case Number : 18-0109  
Appellant: Megan Buczynski  
Address of Property: 101 Academy Drive, Bourne, MA 02532



Summary of Case: Appeal with respect to the construction of a backstop for a baseball field located on the campus of the Massachusetts Maritime Academy.

On a **MOTION** by Mike McDowell and **SECONDED** by Jake Nunnemacher, it was a **UNANIMOUSLY** voted to **GRANT** a variance to 780 CMR 9<sup>th</sup> Edition Section 1604.11 to allow it to be under the Massachusetts requirement because it is a fence.

4. **Case Number :** 18-0110  
**Appellant:** Thomas Peterman  
**Address of Property:** 50 Stoughton Street, Dorchester, MA 02125  
**Summary of Case:** Appeal filed with respect to renovations of an existing building located at 50 Stoughton Street, Boston, MA.

On a **MOTION** by Jake Nunnemacher and **SECONDED** by Mike McDowell, it was **UNANIMOUSLY** voted to **UPHOLD** the determination of the Building Department this is in a repair as stated. Since they are using the work area method this is potentially a level 2 or 3. He is ordering the appellant to go to the Building Department and document the square footage of the renovation.

5. **Case Number :** 18-0111  
**Appellant:** Paul Esteve  
**Address of Property:** 485 Foley Street, Somerville, MA 02145  
**Summary of Case:** Appeal filed with respect to new construction of a mixed-use development located at 485 Foley Street, Somerville, MA.

On a **MOTION** by Jake Nunnemacher and **SECONDED** by Mike McDowell, it was **UNANIMOUSLY** voted to **GRANT** a variance to 780 CMR 403.61 and 3007.1 for the relocation of the vestibule and elevator access on level 2 conditioned that baggage be put in front of the doors so the vestibule doesn't get blocked and must be accessible to the Fire Department. On a **MOTION** by Jake Nunnemacher and **SECONDED** by Mike McDowell, it was **UNANIMOUSLY** voted to **GRANT** a variance to 780 CMR 1025.1 for the elimination of illuminated stairways 2 stairways in the podium building with no opposition from the town. On a **MOTION** by Jake Nunnemacher and **SECONDED** by Mike McDowell it was **UNANIMOUSLY** voted to **GRANT** a variance to 780 CMR 705.3 as stated in provided paperwork with no opposition. On a **MOTION** by Jake Nunnemacher and **SECONDED** by Mike McDowell it was **UNANIMOUSLY** voted to **GRANT** a variance to 780 CMR 705.8 as described in the documents. Jake is giving the authority to the Building Inspector to determine 780 CMR 202 and 205 for the towers on the north face MBTA Headhouse if the inspector deems this unsafe they can return to us.

6. **Case Number :** 18-0121  
**Appellant:** Daniel LeBlanc (Owner-Leblanc Property Holdings, LLC)  
**Address of Property:** 42 Felton Street, Waltham, MA 02453  
**Summary of Case:** Appeal filed with respect to new construction of a three story, 16 unit, commercial condominium building located at 42 Felton Street, Waltham, MA.

On a **MOTION** by John Couture and **SECONDED** by Jake Nunnemacher it was **UNANIMOUSLY** voted to **OVERRULE** the Building Officials determination of 780 CMR Section 102.6.4. On a **MOTION** by John Couture and **SECONDED** by Jake Nunnemacher it was **UNANIMOUSLY** decided to **UPHOLD** the Building Officials ruling of 780 CMR 107.4 appellant testified there are some changes so they must go back to the Building Department to show how its built. On a **MOTION** by Mike McDowell

and **SECONDED** by Jake Nunnemacher it was **UNANIMOUSLY** decided to **GRANT** a variance to 780 CMR 111.1 as long as there is no change than it can be used. On a **MOTION** by John Couture and **SECONDED** by Jake Nunnemacher it was **UNANIMOUSLY** decided to **UPHOLD** the Building Officials ruling on 780 CMR 111.1 they must get individual occupancy permits with the town.

7. **Case Number :** 18-0122  
8. **Appellant:** Steven C. Hayes (Owner-G. Howland Hayes)  
**Address of Property:** 563 Route 6A, Dennis, MA 02660  
**Summary of Case:** Appeal filed with respect to the renovation of and addition to an existing building, to create mixed use of business and residential uses, located at 563 Route 6A, Dennis, MA.

On a **MOTION** by Mike McDowell and **SECONDED** by John Couture it was **TWO TO ONE** vote (Jake Nunnemacher opposed) to **GRANT** a variance to 780 CMR Chapter 9 Section 903.2 on a mixed use Building not to require sprinklers on a mixed use building with the condition that he must get approval from the Building Department of the alarm system and the Fire suppression as well.

9. **Case Number :** 18-0125  
**Appellant:** Robert Joseph  
**Address of Property:** 70-72 Windsor Road, Medford, MA 02155  
**Summary of Case:** Appeal filed with respect to the construction of new porches and exterior decks on an existing two-family building located at 70-72 Windsor Road, Medford, MA 02155.

On a **MOTION** by Mike McDowell and **SECONDED** by John Couture it was **UNANIMOUSLY** voted to **OVERRULE** the Building Officials position to MSBC 780 CMR Section R507.5 to allow the 2X4 use under R502.3 2X4 construction on structural engineer's design and computer programs.

10. The meeting adjourned at 1:30 p.m.