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Minutes

**BRS Building Code Appeals Board (BCAB)**  
**Meeting Location: Virtual Microsoft Teams-Meeting**  
**June 21, 2022**

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

**Board Members Present:**

Michael McDowell  
Steven Frederickson, Chairman  
Jacob Nunnemacher

**Guests Present:**

See sign-in sheet for each case:

- Case Number:** 21-0134  
**Appellant:** Mark J. Lanza, Esq. (Owner-Turtle Lane, LLC)  
**Property Address:** 283 Melrose Street, Newton, MA. 02466  
**Summary of Case:** Appellants sought relief from 780 CMR 51.00, R105.1, with respect to new construction.

On June 20, 2022, Appellant withdrew the Appeal Application. Accordingly, the Appeal Application is **DISMISSED**.

- Case Number:** 22-0039  
**Appellant:** Kenneth Paquin (Owner-Melinda & Nikol Gonzales)  
**Property Address:** 24 Teele Avenue, Somerville, MA. 02144  
**Summary of Case:** Appellants sought relief from 780 CMR 51.00, R311.7.1, R311.7.6.1, R310.1, R310.2.1, R310.2.2, with respect to an existing building.

Jake Nunnemacher made a **MOTION** that was **SECONDED** by Michael McDowell, to **OVERTURN** the Local Inspector's conclusion about **780 CMR 51.00, R311.7.1** and **R311.7.6** ("Motion One"). Motion One was approved by unanimous vote. A **MOTION** was made by Jake Nunnemacher that was **SECONDED** by Michael McDowell, to **OVERTURN** the Local Inspector's conclusion about **780 CMR 51.00, 310.1**, thus; as a result, the issues about **R310.2.1** and **R310.2.2** are eliminated. ("Motion Two"). Motion Two was approved by unanimous vote.



3. **Case Number:** 22-0043  
**Appellant:** Paul Moan (Owner-Keolis Commuter Services)  
**Property Address:** 700 Atlantic Avenue, Boston, MA. 02111  
**Summary of Case:** Appellants sought relief from 780 CMR 1028.5, with respect to the installation of fare gates and doors at South Station.

Michael McDowell made a **MOTION** that was **SECONDED** by Jake Nunnemacher, to **GRANT** a variance from **780 CMR 1028.5**. The Motion was approved by unanimous vote.

4. **Case Number:** 22-0045  
**Appellant:** Ryan Walsh (Owner-Alexandria Real Estate Equities, Inc.)  
**Property Address:** 325 Binney Street, Cambridge, MA. 02123  
**Summary of Case:** Appellants sought relief from 780 CMR 703.2, with respect to new construction.

Jake Nunnemacher made a **MOTION** that was **SECONDED** by Michael McDowell, to **DENY** the request for **780 CMR 104.10** Modification because that section does not apply, the correct section is **104.11** ("Motion One"). Motion One was approved by unanimous vote. A **MOTION** was made by Jake Nunnemacher that was **SECONDED** by Michael McDowell, to **APPROVED** the proposed alternative design in accordance with **780 CMR 104.11** to meet the requirements of **780 CMR 703.2** ("Motion Two"). Motion Two was approved by unanimous vote.

5. **Case Number:** 21-0007  
**Appellant:** Patrick Costello (Owner-Essex County Sheriff's Department)  
**Property Address:** 20 Manning Avenue, Middleton, MA. 01949  
**Summary of Case:** Appellants sought relief from 780 CMR Section 114.1, 780 CMR 34.00, with respect to an existing building.

Jake Nunnemacher made a **MOTION** that was **SECONDED** by Michael McDowell, to continue the hearing for nine months (through March 2023) on conditions that: (1) Appellant must email State Building Inspector Richard Bienvenue and John Bennett updates every thirty (30) days, by the 22<sup>nd</sup> of each month. Appellant must provide written updates on progress of the plans and the number of residents in the building. (2) Appellant must continue to try to decrease the number of residents in the Building; (3) if Appellant does not provide written updates by the 22<sup>nd</sup> of each month as ordered, a State Inspector can take action up to and including ordering the Building's evacuation. The Motion was approved by unanimous vote.

The meeting adjourned at 2:30 p.m.