COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal[1]

Docket No. 08-643

Appellant(s): Kenneth Stone vz. Appellee(s): City/Town of Braintree
Michael McGourty

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 780 CMR 904.4, for the Gas Meter Building at 150 Potter Road, Braintree, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.;* and 780 CMR 122.3.4, the Board convened a public hearing on October 2, 2008 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*. Russ Forsberg from the Braintree Building Department and others were present as well as shown on the sign in sheet that is on file with the Department of Public Safety.

Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR 904.4, and allow the Gas Meter Building to be constructed without a sprinkler system. The motion noted that this variance is granted because of the gas leak detection system and security measures that will be installed, or in place currently, as outlined in the testimony and in the Braintree Electric Light Department letter dated August 6, 2008. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance from 780 CMR 904.4, is hereby granted and so ordered[2] on this date: October 2, 2008.

Douglas Semple RO — Douglas Semple

Gary P. Moccia — Gary Moccia

Brian Gale RO — Brian Gale

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[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

[2] 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.