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

Docket No. 08-648

Appellant(s): John Ciccariello vz. Appellee(s): City/Town of Framingham
Mark Hughes

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 1014.3.1, for 40 Clinton Street, Framingham, MA a.k.a. Christa McAuliffe Charter School. 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 28, 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*. Mark Hughes and others were present as well as shown on the sign in sheet that is on file with the Department of Public Safety (DPS).

Discussion

A motion was made to deny the Appellant's request for a variance from 780 CMR 1014.3.1, because the Board cannot allow the life safety risk that this lift may present by impeding or blocking a major exit path in the building. 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 1014.3.1, is hereby denied and so ordered[2] on this date: October 28, 2008.

Alexander MacLeod | Brian Gale | Douglas Semple

[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.