

Commonwealth of Massachusetts
Department of Public Safety
Division of Building Regulations and Standards
One Ashburton Place, Room 1301
Boston, Massachusetts 02108-1618
Phone (617) 727-7532 Fax (617) 227-1754
TTY (617) 727-0019
www.mass.gov/dps

Thomas G. Gatzunis, P.E.
Commissioner

Alexander MacLeod, R.A.
Chairman

Gary Moccia, P.E.
Vice Chairman

Robert Anderson
Administrator

Date: July 20, 2009

Name of Appellant: David H. O'Sullivan

Service Address: O'Sullivan Architects
201 Edgewater Drive, Ste. 215
Wakefield, MA. 01880

In reference to: 175 Haverhill Street
Methuen, MA. 01880

Docket Number: 09-753

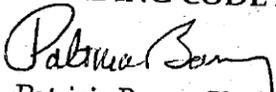
Property Address: 175 Haverhill Street
Methuen, MA. 01844

Date of Hearing: 06-23-09

Enclosed please find a copy of the decision on the matter aforementioned.

Sincerely:

BUILDING CODE APPEALS BOARD


Patricia Barry, Clerk

cc: Building Code Appeals Board
Building Official

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 09-753

Appellant(s): David H. O'Sullivan
representing Ranger Mills LTD Partners

vs.

Appellee(s): City/Town of Methuen
Gerald Deschen

Procedural History

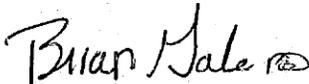
This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant a variance from 780 CMR, 6th Edition, Table 1014.1, 1013.7, 3404.5, and 3400.4 for the property at 175 Haverhill Street, Methuen, 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 June 23, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board. Attendees are noted on the sign in sheet on file at DPS.

Discussion

Based on the testimony and the exhibits (#1 and #2) that were submitted a motion was made to grant the Appellant's request for a variance from 6th Edition 780 CMR Table 1014.1, 1013.7, 3404.5, and 3400.4. This variance allows the means of egress/exit door configuration as described in exhibit 1. The motion is contingent upon installing door closures on the two doors in the corridors and removal of the doorways that lead directly to stairwells. This will make the building exit configuration more code compliant. Prior to making this motion Gary Moccia noted for the record his concerns with work done on the building without a permit. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

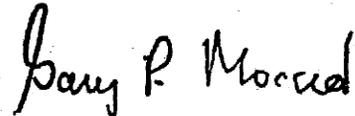
The Appellant's request for a variance from 6th Edition 780 CMR Table 1014.1, 1013.7, 3404.5, and 3400.4, is hereby granted as described in the discussion above and so ordered² on this date: June 23, 2009.



Brian Gale



Douglas Semple



Gary Moccia

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.