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The Commonwealth of Massachusetts
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Board of Building Regulations and Standards

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Alexander MacLeod, R.A.
Chairman

Gary Moccia, P.E.
Vice Chairman

Robert Anderson
Administrator

Date: September 9, 2009

Name of Appellant:	Frederick Perkins
Service Address:	6 Hammatt Street, Apt. 2 Ipswich, MA. 01938
In reference to:	13 Topsfield Road Ipswich, MA. 01938
Docket Number:	09-754
Property Address:	13 Topsfield Road Ipswich, MA. 01938
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 Appeal[1]

Docket No. 09-754

Appellant(s): Richard Merry representing Frederick Perkins vs. Appellee(s): City/Town of Ipswich Colleen Fermon (Health agent)

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 to 780 CMR which references 105 CMR 410.480 for the property at 13 Topsfield Road, Ipswich, 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. Richard Merry attended and testified at this hearing.

Discussion

Based on the testimony, a motion was made to grant the Appellant's request for a variance to 780 CMR which references 105 CMR 410.480. The motion was made based on the hardship to meet strict compliance with this requirement. This motion is contingent upon the owner installing a KNOX Box at the front of the building, locks on the front and back doors that are operable from the inside along with door closers, and a bell system (either hard-wired or a wireless system) for occupant notification. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance to 780 CMR which references 105 CMR 410.480, is hereby granted as described in the discussion above and so ordered[2] on this date: June 23, 2009.

Gary P. Moccia — Douglas Semple — Brian Gale

Gary Moccia — Douglas Semple — Brian Gale

[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.