

The Commonwealth of Massachusetts

Department of Public Safety

Board of Building Regulations and Standards

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Vice Chairman

Robert Anderson
Administrator

Date: September 10, 2009

Name of Appellant: Avon Freezer

Service Address: Michael Joanis
Environmental Fire Protection
237 Cedar Hill Street
Marlborough, MA. 01752

In reference to: Avon Freezer
55 Murphy Drive
Avon, MA. 02322

Docket Number: 09-765

Property Address: Avon Freezer
55 Murphy Drive
Avon, MA. 02322

Date of Hearing: 08-06-09

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

Sincerely:

BUILDING CODE APPEALS BOARD

Patricia Barry
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. 09-765

Appellant(s): Michael Joanis, PE
representing Avon Freezer Facility

vs.

Appellee(s): Town of Avon
Robert Borden

Procedural History

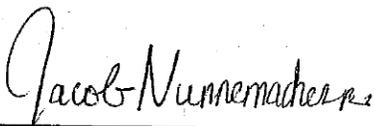
This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant a variance to 7th edition 780 CMR 901.7.2.1, for the property at 55 Murphy Drive, Avon, MA. 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 August 6, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board. Michael Joanis, Robert Borden and others appeared and testified at this hearing. The sign in sheet is on file with the Department of Public Safety.

Discussion

Based on the testimony and exhibits that were presented, a motion was made to grant the Appellant's request for a variance to 7th edition 780 CMR 901.7.2.1. The motion was made to grant the alternative design based on the fact that both the Building Commissioner and the Fire Chief are not opposed to the variance being granted. This is granted under the condition that everyone will be trained once the installation is complete. 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 7th edition 780 CMR 901.7.2.1, is hereby granted as described in the discussion above and so ordered² on this date: August 6, 2009.



Jacob Nunnemacher



Douglas Semple



Alexander MacLeod

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

²In 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.