The Commonwealth of Massachusetts
Department of Public Safety
Board of Building Regulations and Standards
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Gary Moccia, P.E.
Vice Chairman

Robert Anderson
Administrator

Date: January 14, 2010

Name of Appellant: Susan Dunham

Service Address: Edward Swan
Nassiri, Swan & Assoc. Inc.
620 Massachusetts Ave., Ste. F
Cambridge, MA. 02139

In reference to: 43-45 Lincoln Avenue
Quincy, MA. 02170

Docket Number: 09-818

Property Address: 43-45 Lincoln Avenue
Quincy, MA. 02170

Date of Hearing: 11-24-09

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. 09-818

Appellant(s): Susan Dunham represented by Edward Swan	vs.	Appellee(s):City/Town of Quincy Building Official Kathleen Nugent

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 103 & 5311 for the properties at 43-45 Lincoln Avenue, Quincy, 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 November 24, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board. Kathleen Nugent appeared for the hearing as noted on the sign in sheet which is on file at the Department of Public Safety. Neither Susan Dunham nor Edward Swan appeared for this hearing.

Discussion

After testimony and discussion a motion was made to uphold the Building Official's order as outlined in the letter from the City of Quincy Inspectional Services dated September 9, 2009. There was a second on the motion and board vote was taken, which was unanimous.

Conclusion

The Appellant's request to not comply with the City of Quincy order relative to 780 CMR 103 & 5311 is hereby **denied** as described in the discussion above and so ordered[2] on this date: November 24, 2009.

William Middlemiss | Brian Gale | 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

[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.