

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board¹
Docket No. 05-370

Edward Richardson,)
Appellant,)
)
v.)
)
Town of Westwood and Joseph)
Doyle, Jr.,)
Appellees)

BOARD'S RULING ON APPEAL

Procedural History

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant asks the Board to grant a variance from 780 CMR 806.2 (Sleepers, bucks and grounds) of the Massachusetts State Building Code ("MSBC") for Westwood High School located at 200 Nahatan Street, Westwood, MA. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on February 20, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant failed to appear for the hearing. Present and representing the Town of Westwood Building Department was Joseph Doyle, Jr. ("Building Commissioner"). There was no representative present from the Town of Westwood Fire Department.

Discussion

A motion was made to deny the Appellant's request for a variance from 780 CMR 806.2 of the MSBC. The Appellant submitted a letter in addition to his appeal application

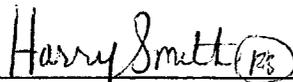
¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108.

asserting that the "floor construction of the floor is reinforced concrete slab on grade with vented wood floor consisting of 1-1/4" tongue and groove wood flooring on 3/4" fire treated plywood on 2x4 fire treated sleepers, which sit on 5/8" fire treated plywood spacers". The letter submitted to the Board was unsigned, the Appellant was not present for the hearing nor were any of the manufacturer specifications provided to the Board therefore the Board could not confirm or deny whether the plywood, sleeper and plywood spacers were in fact fire treated. Motion carried 3-0.

Conclusion

The Appellant's request for a variance from 780 CMR 806.2 is hereby **DENIED**.

SO ORDERED.



HARRY SMITH



ALEXANDER MACLEOD



KEITH HOYLE

DATED: March 14, 2007

** 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.*