

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board<sup>1</sup>  
Docket No. 05-301

Shawn McCormack,	)
Appellant,	)
	)
v.	)
	)
City of Leominster and William	)
Charpentier,	)
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, Appellant requests that the Board grant a variance from 780 CMR 1204.1 of the Massachusetts State Building Code ("MSBC") regarding 7 Gordon Street, Leominster, 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 September 19, 2006 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing the property owners, Tom and Mary Aronson, was Shawn McCormack of Owens Corning ("Appellant"). Present and representing the City of Leominster was Building Inspector William Charpentier. There was no representative present from the City of Leominster Fire Department.

**Findings of fact**

1. The subject property is located at 7 Gordon Street, MA.
2. The portion of the subject property at issue in this appeal is an existing finished basement.

<sup>1</sup> 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. The portion of the subject property at issue in this appeal is an existing finished basement. One half of the basement ceiling height is 7 feet ½ inch, and the other half is 6 feet 5 ½ inches.
3. The Appellant is seeking a variance from 780 CMR 1204.1 for the 6 foot 5 ½ inch ceiling height.
4. The Appellant's company will demolish the existing exterior wall and Owens Corning metal framing and wall panel systems will be installed along the perimeter of the basement to help reduce mold.
5. The basement smoke detector is located in the furnace room. It should be moved to a different location.

**Discussion**

A motion was made to GRANT the Appellant's request for a variance from 780 CMR 1204.1 based upon the fact that this is an existing condition and the Appellant is only changing out the wall structure for mold control purposes. The Appellant must get together with the Building and Fire departments to determine where the smoke and carbon monoxide detectors should be located in the basement. Motion carried 3-0.

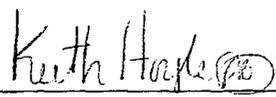
**Conclusion**

The Appellant's request for variance from 780 CMR 1204.1 of the MSBC is **GRANTED.**

**SO ORDERED.**

  
\_\_\_\_\_  
**HARRY SMITH**

  
\_\_\_\_\_  
**ALEXANDER MACLEOD**

  
\_\_\_\_\_  
**KEITH HOYLE**

DATED: November 22, 2006

*\* 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.*