

TOWN OF YARMOUTH BUILDING DEPARTMENT

1146 Route 28, South Yarmouth, MA 02664 508-398-2231 ext. 260

NOTICE OF VIOLATION

Inspection Date: January 25, 2007 Inspection Type: MA State Building Code,
Yarmouth Zoning Bylaw

Property Address: 25 Ocean Avenue, South Yarmouth, MA 02664

Owner's Name: Martin J. Cariglia, Trustee

Mailing Address: c/o Ms. Sue Thorbahn, Fletcher, Tilton & Whipple PC, 370 Main
Street, Worcester, MA 01608

On January 25, 2007, I inspected your property at 25 Ocean Avenue, South Yarmouth, MA 02664, on the recommendation of Capt. Robert Kelleher of the Yarmouth Fire Department. During the inspection, I observed finished rooms constructed in the basement of the house, which appear to constitute a separate apartment. This basement apartment includes a bedroom, a kitchen, a living area, and a bathroom. The house is assessed by the Town of Yarmouth as a single-family dwelling with an unfinished basement. All three allowed, assessed bedrooms are located on the first floor.

None of the observed violations listed below have been constructed or installed with the benefit of a Building Permit. Please be advised of the following 780 CMR (MA State Building Code) and Town of Yarmouth Zoning Bylaw violations:

780 CMR 110.1 Permit application: *It shall be unlawful to construct, reconstruct, alter, repair, remove or demolish a building or structure; or to change the use or occupancy of a building or structure; or to install or alter any equipment for which provision is made or the installation of which is regulated by 780 CMR without first filing a written application with the building official and obtaining the required permit therefor.*

780 CMR 3603.10.4 Emergency egress from sleeping rooms: *Sleeping rooms shall have at least one operable window or exterior door approved for emergency egress or rescue in each such room. The units shall be operable from the inside to a full clear opening without the use of a key or tool. Emergency escape windows, under 780 CMR 3603.10.4, shall have a sill height of not more than 44 inches (1118 mm) above the floor.*

APPROVED
Capt. Robert Kelleher
1/26/07
Yarmouth Fire & Rescue

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780 CMR 3603.10.4.1 Minimum size. All emergency escape windows from sleeping rooms shall have a net clear opening of 3.3 square feet (0.307 m²). The minimum net clear opening shall be 20 inches by 24 inches in either direction.

780 CMR 3603.6.4.2 Minimum glazing area: Every room or space intended for human occupancy shall have an exterior glazing area of not less than 8% of the floor area. 1/2 of the required area of glazing shall be openable. Glazed openings shall be located such that they open directly onto a street or public alley, or a yard or court, or other open space located on the same lot as the building...

780 CMR 3603.6.2 Ventilation required: Every room or space intended for human occupancy shall be provided with natural or mechanical ventilation...

780 CMR 3603.8.1 Minimum ceiling height: (Exception 3) Habitable basements shall have a minimum clear ceiling height of seven feet zero inches, except that beams, girders and other obstructions spaced not less than four feet on center may project not more than six inches below the required ceiling height.

Town of Yarmouth Zoning Bylaw 103.1.1 Compliance certification. Buildings, structures or land may not be erected, substantially altered or changed in use without certification by the Building Inspector that such action is in compliance with then applicable zoning, or without review by him regarding whether all necessary permits have been received from those governmental agencies from which approval is required by federal, state or local law. Issuance of a building permit or certificate of use and occupancy, where required under the Commonwealth of Massachusetts State Building Code, may serve as such certification.

You are hereby ordered to vacate immediately the basement apartment. You are required to make application for all relevant building permits, including electrical and plumbing/gas, for any of the non-permitted work currently in place that you may wish to keep, and to make application for a demolition permit for all work that is to be removed.

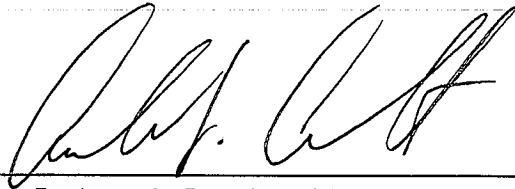
You are further required to inform any potential buyers of this property that the basement apartment and other habitable uses of the basement are not legally permitted.

Violations of 780 CMR and Town of Yarmouth Zoning Bylaw are the responsibility of the owner of the property. All relevant building and electrical permits must be applied for. Upon sale of the property, this responsibility shall pass to any future owners.

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Failure to comply may result in criminal / civil complaints being filed against you. You may be subject to fines as prescribed by pertinent laws and regulations, and/or the issuance of any relevant licenses may be delayed.

Signed:



Andrew L. Arnault, Local Building Inspector

1-26-07

Date

CERTIFIED MAIL 7004 0750 0002 3562 8782

Copy to: Yarmouth Board of Health
Yarmouth Fire Department