



*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*  
*Fire Safety Commission*

*Automatic Sprinkler Appeals Board*

*P.O. Box 1025 ~ State Road*

*Stow, Massachusetts 01775*

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CHAIRMAN

PETER GIBBONS  
VICE CHAIRMAN

**Docket # 2015-12**  
**685 Main Street**  
**Hingham, Massachusetts**

**AUTOMATIC SPRINKLER APPEALS BOARD DECISION**

**A) Statutory and Regulatory Framework**

This is an administrative appeal held in accordance with Massachusetts General Laws Chapter 30A, Chapter 148, section 26G, and Chapter 6, section 201, relative to a decision of the Hingham Fire Department, requiring the Second Parish Church (hereinafter referred to as the Appellant) to install automatic sprinklers throughout a building that it owns located at 685 Main Street, Hingham, Massachusetts.

**B) Procedural History**

By written notice received by the Appellant on December 8, 2015, the Hingham Fire Department issued a determination requiring automatic sprinklers to be installed throughout the subject building. According to the notice, the determination was issued pursuant to the provisions of M.G.L. c. 148, section 26G. On December 10, 2015, the Appellant filed an appeal of the determination with the Automatic Sprinkler Appeals Board. The Board held a hearing on January 13, 2016 at the Department of Fire Services, Stow, Massachusetts.

Appearing at the hearing on behalf of the Appellant were: Robert Carasitti, Code Consultant to Appellant; Gene Raymond, Jr., Architect; and Lisa Shetty, Appellant's Property Manager. Appearing on behalf of the Hingham Fire Department were Captain David Damstra and Lieutenant Chris DiNapoli.

Present for the Board were: Maurice M. Pilette, Chairman; Peter Gibbons, Vice Chairman; Jack Dempsey, designee of the Commissioner of the City of Boston; Alexander MacLeod; and Chief Thomas Coulombe. Peter A. Senopoulos was the Attorney for the Board.

**C) Issue(s) to be Decided**

Whether the Board should affirm, reverse or modify the determination of the Hingham Fire Department requiring an adequate system of automatic sprinklers to be installed throughout Appellant's building, based upon the provisions of M.G.L. c.148, section 26G?

**D) Evidence Received**

1. Application for Appeal filed by Appellant
2. Statement in Support of Appeal
3. Order of Notice of the Hingham Fire & Rescue Department (12/8/2015)
4. Attachment A - Plans Package from Raymond Design & Associates, Inc.
  - 4A. Site Plan
  - 4B. Foundation Plan
  - 4C. First Floor Plan
  - 4D. Second Floor Plan & Entry Roof Plan
  - 4E. Exterior Elevation South
  - 4F. Exterior Elevation – West (East Sim)
  - 4G. Sections
  - 4H. Sections
  - 4I. Interior Elevations
5. Attachment B – Town of Hingham Preservation Committee letter of Support (12/8/2015)
6. Attachment C – Application for Community Preservation Funding
7. Attachment D – Drawings of all three levels of building
8. Attachment E – Second copy of Order of Notice of the Hingham Fire & Rescue Department (12/8/2015)
9. Attachment F – Plans showing proposed fire warning system (heat / smoke detection)
  - 9A. Existing 2<sup>nd</sup> Floor
  - 9B. Existing 1<sup>st</sup> Floor
  - 9C. Existing Ground Floor
10. Notice of Hearing to Appellant (12/15/2015)
11. Notice of Hearing to Hingham Fire & Rescue Department (12/15/2015)
12. Copies of two Memoranda that accompany Hearing Notices
13. Photographs of Property (1 page – photographs listed A-G)

**E) Subsidiary Findings of Fact**

- 1) By written notice received by the Appellant on December 8, 2015, the Hingham Fire Department issued a determination requiring automatic sprinklers to be installed throughout the subject building. According to the notice, the determination was issued pursuant to the provisions of M.G.L. c. 148, section 26G. On December 10, 2015, the Appellant filed an appeal of the determination with the Automatic Sprinkler Appeals Board. The Board held a hearing on January 13, 2016 at the Department of Fire Services, Stow, Massachusetts.
- 2) The Appellant testified that the subject building is a historic church located on Main Street in Hingham. The Church was constructed in 1742 and is located between two historic districts within Hingham (in the ‘Glad Tidings Plain Historic District’) and is considered a historic structure by the Hingham Historic District Commission. The Appellant is planning to construct two handicapped accessible ramps with a joint landing that will provide entrance and egress to two levels of the existing structure. One ramp will be erected to provide access to the church sanctuary and the second ramp will provide access to the church’s community hall. The access ramps and associated landing will be ADA (American Disability Act) compliant. The Appellant also plans to provide an enclosure to protect the ramps and landing from the weather. The Appellant’s representatives indicated that there is no other work planned for the church structure and that said work is not part of a series of planned future or “phased-in” projects that, if considered together, could possibly be considered one long term project that could be considered “major” for section 26G purposes.

- 3) The representatives of the Appellant indicate that they considered other alternative accessibility design plans such as the installation of an elevator. However, all of the alternative designs involved complications due to historical and architectural considerations, location of structural beams, utilities, building configuration and plot plan.
- 4) The Appellant indicated that the existing Church building consists of approximately 9,084 s.f. and that the addition of the enclosed vestibule would add approximately 375 s.f.
- 5) The Appellant testified that due to the Church's designation as 'historic' by the Town of Hingham, the Church was required to develop an acceptable plan that maintains the historical aspects of the building. The plan involving the subject ramps, landing and enclosure, as described herein, was accepted by the Town.
- 6) The Appellant testified that the current assessed value of the building is approximately \$706,000. The Appellant also testified that the cost of the project is currently just under \$150,000. Estimates to sprinkler the entire Church building and vestibule were approximately \$200,000.
- 7) The representatives for the Appellant stated that the addition of the new enclosed ramp vestibule [375 s.f.] is only a 4% increase to the square footage of the building, which is significantly less than the minimum 33% amount established by the Board in its October 14, 2009 memorandum.
- 8) The representatives of the Hingham Fire Department testified that the department issued the Order as it believes the enclosed ramp vestibule could be considered an "addition" to the building under section 26G, thus triggering the enhanced sprinkler provisions. In addition, they indicated that the Fire Department would not oppose a determination by the Board that sprinklers are not required under these circumstances. They indicated, from a fire safety perspective, that the installation of accessible ramps increases egress capabilities. They also agreed with the Appellant's contention that the church has unique characteristics that involve both architectural and historical significance.
- 9) Upon questioning by the Board, the representatives of the Hingham Fire Department testified that the response time to the property in the event of an emergency is a matter of minutes from the nearest station and that the property currently has a central station fire alarm and is equipped with fire extinguishers.

**F) Ultimate Findings of Fact and Conclusions of Law**

- 1) The provisions of M.G.L. c. 148, section 26G state, (in pertinent part): "Every building or structure, including any additions or major alterations thereto, which totals, in the aggregate, more than 7,500 gross square feet in floor area shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code." This law, as stated, reflects amendments to the statute enacted by Chapter 508 of the Acts and Resolves of 2008. The revised provisions apply to "the construction of buildings, structures or additions or major modifications thereto, which total, in the aggregate, more than 7,500 gross square feet permitted after January 1, 2010". (Sec. 6, Chapter 508 of the Acts of 2008). For existing buildings subject to the law, the installation of sprinklers will, in general be required if either: (1) "major" modifications are taking place or (2) any addition is made to the building. In a guidance memorandum issued by this Board on October 14, 2009, the Board indicated that the determination of whether "major" alterations or modifications are occurring will be based upon (1) a review of the nature, scope of the work and related expenditures and (2) whether the

alterations affect a substantial portion of the building. In said memorandum, the Board established a presumption that “major alterations or modifications” are reasonably considered major in scope when (A) such work affects thirty-three (33) % or more of the “total gross square footage” of the building, calculated in accordance with section 26G or (B) when the total cost of the work (excluding costs relating to sprinkler installation) is equal to or greater than thirty-three (33) % of the assessed value of the subject building, as of the date of permit application.

- 2) The Board finds that the planned construction work, as described at the hearing, is not “major” in scope or expenditure. The existing Church building consists of approximately 9,084 s.f. and the construction of the enclosed ramp and landing consists of approximately 375 s.f. Such work affects significantly less than thirty-three (33) % of the “total gross square footage” of the building. The current assessed value of the building is approximately \$706,000 and the estimated cost of the project is under \$150,000. Accordingly the cost of the planned work is also significantly less than (33) % of the assessed value of the subject building.
- 3) With respect to the construction of the enclosed ramp and landing, this Board has consistently determined that any addition to a building within the scope of section 26G, regardless of the size of the additional space, which totals in the aggregate more than 7,500 gross square feet s.f. will, in general, trigger the installation of sprinklers. However, the Board, upon a review of the nature and characteristics of the planned work in this case, determines that sprinkler installation is not required under section 26G. The planned additional space is clearly limited to that space taken up by the proposed accessible ramps and landing. The enclosed vestibule is merely ancillary to and necessary for the safe maintenance and use of said ramps. The additional space will be created for the sole purpose of providing enhanced ingress or egress capability for the building occupants, rather than for the purpose of increased occupancy or storage. The Board also finds that the church, built in 1742 has unique characteristics that involve both architectural and historical significance. The Appellant’s limited design options for the handicapped accessible ramps and related enclosure were due to the need to preserve the architectural and historical characteristics of the building. The provisions of M.G.L. c. 148, section 26G specifically allow this Board to take such factors relating to architectural historic significance into consideration in rendering its decisions.

**G) Decision of the Automatic Sprinkler Appeals Board**

Based upon the evidence presented at the hearing and the foregoing reasons, the Board hereby **reverses** the Order of the Hingham Fire Department. Accordingly, the installation of an adequate system of automatic sprinklers is not required as a result of the work described at the hearing. This decision is based upon the following condition:

The Appellant shall install additional heat and smoke detection alarms in the balcony level of the sanctuary, adjacent to the stairs and in the vestibule area, including that portion of the planned vestibule containing the accessible ramps as indicated in Appellant’s Exhibit 2, page 3.

**H) Vote of the Board**

Maurice M. Pilette, Chairman  
Peter E. Gibbons, Vice Chairman

In Favor  
In Favor

Jack Dempsey, Deputy/Fire Marshal, City of Boston  
Alexander MacLeod  
Thomas Coulombe

In Favor  
In Favor  
In Favor

**D) Right of Appeal**

You are hereby advised you have the right to appeal this decision, in whole or in part, within thirty (30) days from the date of receipt of this order, pursuant to section 14 of chapter 30A of the General Laws.

SO ORDERED,



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Maurice Pilette, P.E., Chairman

Dated: February 11, 2016

**A COPY OF THIS DECISION AND ORDER WAS FORWARDED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED TO:**

Robert M. Carasitti, P.E., FSFPE  
17 Brian Road  
Lancaster, Massachusetts 01523

Captain David Damstra  
Hingham Fire & Rescue - Fire Prevention Division  
210 Central Street  
Hingham, Massachusetts 02043