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The Commonwealth of Massachusetts
Executive Office of Public Safety
Fire Safety Commission

Automatic Sprinkler Appeals Board

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MAURICE M. PILETTE
CHAIRMAN

PAUL DONGA
VICE CHAIR

Docket # 2005-129
100 Morrissey Blvd.
Boston, MA

AUTOMATIC SPRINKLER APPEALS BOARD
DECISION AND ORDER

A) Statutory and Regulatory Framework

This is an administrative appeal held in accordance with Massachusetts General Laws Chapter 30A; Chapter 148, section 26A½ and Chapter 6, section 201, relative to a determination of the Boston Fire Department, requiring the installation of an adequate system of automatic sprinklers in two buildings owned and/or operated by the University of Massachusetts at Boston (hereinafter referred to as the Appellant). The buildings, which are the subject of the order, are located at 100 Morrissey Blvd, Boston and are known as the Science and Wheatley Buildings.

B) Procedural History

By written notice received by the Appellant on August 19, 2005, the City of Boston Fire Department issued an Order of Notice to the Appellant informing it of the provisions of M.G.L c. 148, s.26A½, which requires that automatic sprinkler systems be installed throughout the two buildings in accordance with the technical requirements of NFPA 13. The buildings subject to the order are located at 100 Morrissey Blvd, Boston and are known as the Science and Wheatley buildings. The Appellant filed an appeal of said order on August 24, 2005. The Board held a hearing relative to this appeal on May 10, 2006, at the Department of Fire Services, Stow, Massachusetts.

Appearing on behalf of the Appellant was: Anthony Petrillo, of Syska Hennessy Group.
Appearing on behalf of the Boston Fire Department was Richard Baldowski and Lt. Paul Glora of the Fire Prevention Division.

Present for the Board were: Maurice M. Pilette, Chairperson, Stephen D. Coan, Alexander MacLeod, Chief Thomas Coulombe, Peter Gibbons, and John J. Mahan. Peter A. Senopoulos, Esquire, was the Attorney for the Board.

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

Whether the Board should affirm, reverse or modify the enforcement action of the Boston Fire Department relative to the subject buildings in accordance with the provisions of M.G.L. c.148, s. 26A½?

D) **Evidence Received**

1. Application for appeal submitted by Appellant
2. Letter to Sprinkler Appeals Board Proposing Plan to Retrofit Building
3. Order of Boston Fire Department (and proof of delivery)
4. Notice of Hearing to Appellant
5. Notice of Hearing to Boston Fire Department

E) **Subsidiary Findings of Fact**

- 1) On August 19, 2005, the Boston Fire Department issued an Order of Notice to the Appellant requiring the installation of an adequate system of automatic sprinklers for two buildings located at 100 Morrissey Blvd, Boston, MA in accordance with the provisions of M.G.L. c. 148, s.26A1/2. The buildings are known as the Science and Wheatley buildings.
- 2) The appellant does not challenge the applicability of the provisions of MG.L. c. 148, s. 26A½ to the subject buildings.
- 3) Appellant is proposing a plan to retrofit the building with a sprinkler system in order to comply with the Order of Notice. The written details of this proposal were submitted to the Board and requires that both buildings will be retrofitted with a new automatic sprinkler system excluding the following areas:

Science Building

- Upper level garage – Transformer Vault; room UL-01.
- Upper level garage – Switchgear; Room UL-02
- Mechanical duct shaft – extending from level 1 up to level 5.

Wheatley Building

- Upper level garage – Transformer and Switchgear Vault; room G2-12
- Upper level garage – Chemical Storage Room.
- Mechanical duct shaft – extending from 2nd floor up to roof.

- 4) The exiting transformer and switchgear rooms have been, and are currently monitored by heat detectors. The existing rooms are constructed of CMU walls with a concrete ceiling deck and floor. The existing construction has a 3hr fire resistant rating, with no storage. The existing transformers are “dry type” containing no oil. The existing transformer and switchgear equipment within these rooms was formerly owned and maintained by Boston Edison. Currently UMASS owns and maintains the existing transformers and switchgear.

Due to the high voltage in these rooms, the Appellant requests a waiver from providing sprinklers in these areas, which would provide greater safety to the maintenance personnel.

- 5) In reviewing the past successful history of heat detector monitoring of these rooms, Appellant believes that the existing heat detectors and construction type will successfully and adequately protect these areas. Appellant indicated that there are plans underway by UMASS to install smoke detectors in these specific areas wired to remote indicators.
- 6) With respect to existing mechanical duct shaft space: The duct shafts extend through several levels throughout the buildings. The shafts are limited to HVAC ducts and piping and are not usable for storage. The top of the shafts in each building will be protected by new sprinklers. Physically, Appellant indicates that it would be impossible to provide any additional sprinkler coverage in these shafts.
- 7) The chemical storage room is currently protected by a dry chemical suppression system specifically suited for the type of chemicals stored in this room. Due to the potentially adverse reaction of water from a sprinkler system, the design calls for the existing dry chemical suppression system to remain without adding any new sprinkler coverage.
- 8) The Fire Department does not challenge the testimony of Appellant's representatives and description of the buildings. The representatives do not challenge the alternative and modified sprinkler plan as presented to the Board and agree that the unique characteristics of the buildings, as described, warrant the alternative plan as presented. However the fire department seeks additional technical conditions for those rooms that house electrical equipment. The technical conditions included:
 1. Transformer vaults shall be protected in accordance with NFPA ch.13.section 8.14.10.3
 2. Only dry type electrical equipment may be used in these rooms
 3. Equipment is installed in a 3 hour rated enclosure including protection from penetrations
 4. No combustibles may be stored in the rooms
 5. Smoke and heat detectors will be wired to remote indicators
 6. Room shall be placarded with the name of the dry agent used

F) Ultimate Findings of Fact and Conclusions of Law

- 1) The provisions of M.G.L. c. 26A1/2 provide for automatic sprinklers to be installed in buildings, which are over 70' feet in height on a retroactive basis.
- 2) The Board finds that the sprinkler provisions of M.G.L. c.148, s.26A1/2 apply to both buildings that are the subject of this appeal. However the Board finds that these buildings present unique circumstances that would make the activation of a sprinkler system throughout the entire building detrimental to public safety.
- 3) The Board finds that the sprinkler design plan proposed by the Appellant with the inclusion of the six (6) conditions of the Boston Fire Department provides an adequate

level of protection consistent with the public safety intent of the provisions M.G. L. c. 148, s. 26A½.

G) Decision and Order

For the foregoing reasons, the Board hereby approves the report and plan submitted by the Appellant at the hearing with the addition of the 6 conditions recommended by the City of Boston Fire Department. Appellant shall submit technical details of these plans to the City of Boston Fire Department within 90 days of the date of this decision. Such plans shall be in accordance with this determination and shall be acceptable to the fire department.

H) Vote of the Board

Maurice Pilette, (Chairperson)	In favor
Stephen D. Coan, State Fire Marshal	In favor
Thomas Coulombe	In favor
Alexander MacLeod	In favor
Peter Gibbons	In favor
John J. Mahan	In favor

I) Right of Appeal

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

SO ORDERED,



Maurice Pilette, P.E. Chairman

Dated: June 6, 2006

A COPY OF THIS DECISION AND ORDER WAS FORWARDED BY CERTIFIED MAIL, RETURN RECEIPT TO: Anthony J. Petrillo, Syska Hennessy Group, Inc., One Broadway, 9th Floor, Cambridge, Massachusetts 02142 and 1st Class Mail, Postage Pre-paid to: Richard Baldowski and Lt. Paul Glora, Boston Fire Department – Fire Prevention, 115 Southampton Street, Boston, Massachusetts 02118.