



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Fire Prevention Regulations Appeals Board
P.O. Box 1025 ~ State Road

Stow, Massachusetts 01775

(978) 567-3181 Fax: (978) 567-3121

LARRY S. FISHER
CHAIRMAN

MAURA T. HEALEY
GOVERNOR

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

TERRENCE M. REIDY
SECRETARY

Docket # 2025-02
22 Rockview Street
Jamaica Plain (Boston), Massachusetts

FIRE PREVENTION REGULATIONS APPEALS BOARD DECISION

A) Statutory and Regulatory Framework

This matter is an administrative appeal filed in accordance with Massachusetts General Laws Chapter 22D, section 5. The Appellant is seeking the Board of Fire Prevention Regulation's review of a determination of the Boston Fire Department to deny a site plan to subdivide a property located at 22 Rockview Street, Jamaica Plain (Boston), MA. The property is owned by Sven and Amanda Karlsson (hereinafter referred to as the Appellants).

B) Procedural History

By notice dated January 10, 2025 and issued by the Boston Fire Department, the Department denied a site plan to subdivide a property located at 22 Rockview Street, Jamaica Plain (Boston), Massachusetts. The Boston Fire Department determined that the plan would not allow for a code compliant fire department access road, in violation of 527 CMR 1.00, Chapter 18, specifically 18.1.1.3.

On January 27, 2025, the Appellant filed an appeal of the Boston Fire Department's determination with the Fire Prevention Regulations Appeals Board. The Board held a video conference hearing on this matter on February 27, 2025.

Appearing on behalf of the Appellant was: Rick Ames, AIA, Next Phase Studios. Appearing on behalf of the Boston Fire Department was: Christopher Nelson, Senior Fire Protection Engineer. Present for the Board were: Alfonso Ibarreta, Presiding Chair; Dr. Paul Scheiner; Lt. Christopher Towski; and Larry S. Fisher, Alternate. Rachel E. Perlman was the Attorney for the Board.

C) Issue(s) to be Decided

Whether the Board should affirm, reverse or modify the determination of the Boston Fire Department regarding the site plan in accordance with 527 CMR 1.00, Chapter 18?

D) Evidence Received

1. Application for Appeal filed by Appellant (dated 1/27/2025)
2. Order of Notice from the Boston Fire Department (dated 1/10/2025)
3. Subdivision Plan located at 22 Rockview Street, Jamaica Plain
4. More Information Request Letter from Boston Inspectional Services Department to Appellant (dated 7/29/2024)
5. Photographs submitted by Appellant
- 5A. Existing 22 Rockview with New Lot in Front
- 5B. Existing 18' Curb cut
- 5C. 22 Rockview Existing Curb cut # 2
- 5D. 22 Rockview Existing Curb cut with existing house to the left
- 5E. 22 Rockview Existing Curb cut with existing house to the left #2
- 5F. Existing 18' Drive
- 5G. 22 Rockview looking up existing 18' driveway
- 5H. 18-20 Rockview Street as approved
- 5I. 18-20 Rockview Street as approved with existing house behind # 2
- 5J. 18-20 Rockview Street as approved with existing house behind # 3
6. Copy of 527 CMR 1.00, 18.1.1.3 as submitted by the Boston Fire Department

E) Subsidiary Findings of Fact

1. The Appellants sought this Board's review of the Boston Fire Department's denial of a site plan filed with the Department to subdivide a property located at 22 Rockview Street, Jamaica Plain (Boston), Massachusetts. The appeal was filed with the Board under the provisions of M.G.L. c. 22D, s. 5.
2. At the hearing, the Appellants representative, Mr. Ames, testified that the proposed property is located on Rockview Street in the Jamaica Plain neighborhood of Boston. The street was described as being approximately 30-35 feet wide, with single lane parking located on one side.
3. Mr. Ames stated that the proposed plan is to subdivide the existing 20,000 s.f. lot. The upper parcel of land was described as approximately 15,000 s.f. in size, with an existing 1800's era single family Victorian home. The lower portion of the lot is approximately 5,000 s.f. in size and was described as a grass parcel with direct street frontage. The Appellants' intent is to subdivide the parcel and to construct two single-unit unsprinklered condominium cottages with off street parking. Mr. Ames indicated that the upper lot and existing home would remain unchanged.
4. Mr. Ames described the property at 22 Rockview Street as having an existing driveway with a curb cut measuring approximately 18 ft. wide, with a snow wall on one side and a fence on the other. He stated that the driveway leads to the upper parcel of land and the existing house.
5. In describing fire department access to the property, Mr. Ames stated that he believed a standard tank truck (engine) would be able to access the driveway "pretty readily" but also described the access to the driveway as "certainly easy from the uphill" but "it's a little

hard from the downhill”. Mr. Ames further indicated that a ladder truck exiting the property would be unable to perform a three-point turn and would need to back down the driveway.

6. Initially, Mr. Ames stated that the width of the driveway is consistent from the street to the existing home and that there was a “fair amount of parking and pavement” at the top of the driveway. However, Mr. Ames later stated that at its narrowest point, the driveway is only 15 ft. wide. Mr. Ames indicated that during the project development, they did not perform a swept path analysis to determine if fire apparatus would be able to turn onto the existing driveway.
7. Mr. Ames stated that the project was approved by the Boston Zoning Board of Appeals before his clients were notified by the Boston Fire Department about the access issue. Mr. Ames conceded that while the fire department can’t grant relief from the frontage requirements as it pertains to the driveway width, he does not believe that the frontage presents a fire safety issue.
8. Mr. Ames indicated that aside from appealing to this Board, the only other remedy to increase the frontage to comply with the Code would be to go back through the zoning process again with the City of Boston and allocate a 2’x15’ space to get the proper frontage but that it would further delay the project by approximately a year and would incur an additional cost to his clients.
9. When questioned by the Board about access to the existing home from the lower grass lot, Mr. Ames stated that there was a stairwell in the back corner that allows some access between the upper and lower parcels. He said it was more common for access to be gained to the upper lot by the driveway.
10. When questioned by the Board regarding whether he and the Appellants considered installing a fire sprinkler system in the existing single-family home, Mr. Ames stated that there had been discussions but that the water access to the home would be difficult, as water is provided to the home through the back of the property. Further, Mr. Ames stated that the conditions for fire access in the existing home are not changing, and that the homeowners were not inclined to install sprinklers, as they had just finished renovating the home.
11. In support of the Order of Notice issued by the Boston Fire Department, Senior Fire Protection Engineer, Christopher Nelson, testified that the Department’s denial of the fire department access plan was due to life safety concerns and access issues. As currently proposed, this project does not comply with the requirements of 527 CMR 1.00, Chapter 18 which requires that a twenty (20) foot fire apparatus access road be provided.
12. Mr. Nelson testified that the basis for the Department’s denial of the site plan is 527 CMR 1.00, section 18.1.1.3, which requires “adequate frontage . . . at least 20 feet or more abutting a private way.” Mr. Nelson stated that if the two proposed units are constructed, it’s the position of the Department that there would not be adequate frontage as required by section 18.1.1.3, and the Department would not have adequate access to the upper lot and existing home.

13. Mr. Nelson testified that if the Appellants were able to obtain the additional variance to allow for the additional 2 feet, the Department would likely approve the project, as the property would have 20 feet of frontage, as required.
14. Mr. Nelson also outlined the Department's fire suppression concerns, stating that if a fire were to occur in the existing home on the upper level of the property right now, the Department would have adequate fire suppression access to the home through the lower, grassy parcel. However, if the condo units are built, the Department's access would be restricted solely to the driveway, which would be too narrow to fit a standard ladder truck. In addition, Mr. Nelson stated that while the upper lot does have access to the lower lot by a small staircase, access to the lower lot would be eliminated with the construction of the condo units and dedicated parking spots would further limit egress solely to the driveway.
15. When questioned by the Board as to the length of the driveway, Mr. Nelson stated that based upon the plans submitted into the record by Mr. Ames, the distance from Rockview Street up the driveway to the existing home is approximately 62 ft. (Mr. Ames stated the distance is between 62 and 70 ft. (see Exhibit 3)).
16. The parties advised the Board that fire hydrants are available and located on Rockview Street and the nearest fire station is located on Centre Street, approximately ½ mile away from the property.

F) Ultimate Findings of Fact and Conclusions of Law

1. The applicable sections of 527 CMR 1.00, Chapter 18 to the subject property are as follows:

527 CMR 1.00, 18.1.1.3 “This chapter shall apply to new one- or two-family dwellings, not provided with adequate frontage and located behind an existing building that has frontage. For purposes of this section, adequate frontage shall mean at least 20 feet or more abutting a public way.”

2. The Board takes administrative notice based upon Fire Prevention Regulations Appeals Board docket numbers 20-01 (East Boston) and 20-03 (Brighton) that the City of Boston has not accepted the provisions of M.G.L. Chapter 41, Section 81 *et. seq.*, the so-called *Subdivision Control Law*, or similar laws which provide local jurisdiction over fire department access and water supply. Accordingly, 527 CMR 1.00, Chapter 18 controls the fire department access issues presented in this appeal.
3. The Board finds that the existing driveway presents fire department access issues and heard direct testimony from the Appellant's representative that the entrance is 18 feet wide but narrows to approximately 15 feet wide as it goes up towards the existing family home. The Board, through photographs submitted into the record, also noted the presence of aerial obstructions including electrical service lines and phone lines running in front of the property and up the driveway, which may further restrict fire apparatus access, based upon vehicle height. The Board also noted that there is no fire department access to 22 Rockview Street from the back of the existing single-family home, on Chestnut Ave, which runs parallel to Rockview Street.

4. The Board finds that the narrowing of the driveway further enhances the deficiencies of the property and creates access issues to and evacuation egress from the existing single-family home on the property, as well as the fire department's ability to perform fireground operations from the front of 22 Rockview Street. The fire department's access to this property would be further impaired if the proposed new one-family dwellings were constructed on the lower portion of the lot at 22 Rockview Street.
5. 527 CMR 1.00, 18.1.1.3 provides that its requirements apply to new one- or two-family dwellings that lack adequate frontage and are located *behind* an existing building with frontage. While the proposed new one-family dwellings themselves may meet the technical definition of having adequate frontage, they would be located *in front of* an existing building that currently relies on that same frontage for access. By placing these two new structures between the existing building and the public way, the result is a significant reduction in access to the existing building for the fire department.
6. Although 527 CMR 1.00, 18.1.1.3 primarily contemplates new dwellings *behind* existing buildings with adequate frontage, the underlying intent of the section—ensuring adequate fire department access —applies with equal force to this scenario, where new dwellings placed *in front of* an existing building would compromise fire department access. The Board cannot interpret the Fire Code in a manner that effectively cuts off or impairs fire department access to an existing building simply because the new construction has adequate frontage on its own. The Board must recognize that the intent and spirit of Section 18.1.1.3 prohibits the creation of conditions that obstruct or hinder fire department access to existing buildings. Allowing the proposed development to proceed would create exactly such a condition – placing new construction in a manner that restricts fire department access to the existing building, in contravention of fundamental life safety principles embedded in the Fire Code.¹
7. The Board finds that based upon the exhibits submitted into the record and the testimony received from both parties, that there is no factual or legal basis to grant the Appellants' request for a variance in this matter.

G) Decision and Order

Based upon the forgoing reasons, this Board unanimously **upholds** the Order of the Boston Fire Department to deny the site plan for the property located at 22 Rockview Street, Boston (Jamaica Plain), MA

¹ See M.G.L. Chapter 22D, section 5: "The appeals board may [. . .] provide reasonable interpretations of the state fire code consistent with the purpose thereof."

H) Vote of the Board

Alfonso Ibarreta, Presiding Panel Member
Dr. Paul Scheiner
Lt. Christopher Towski

In Favor
In Favor
In Favor

I) Right of Appeal

You are hereby advised 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,



Alfonso Ibarreta, Presiding Panel Member
Fire Prevention Regulations Appeals Board

Dated: March 17, 2025

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

Richard Ames, AIA, Architect
Next Phase Studios
P.O. Box 470678
Brookline, Massachusetts 02447
rames@nps-architects.com

Christopher Nelson, FPE
Boston Fire Department
1010 Mass. Ave, 4th Floor
Boston, MA 02118
Christopher.Nelson@mass.gov