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The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Fire Prevention Regulations Appeals Board
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LARRY S. FISHER
CHAIRMAN

Docket # 2025-06
88-102 Elmwood Street
Cambridge, 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 Fire Prevention Regulations Appeals Board's ("Board") review of the Cambridge Fire Department's determination that the entire portion of Elmwood Street in Cambridge, Massachusetts is a fire lane. The appeal was filed by Blair Galinsky of Davis Park Development, LLC (hereinafter referred to as the Appellant).

B) Procedural History

By notice dated September 10, 2025, the Cambridge Fire Department determined that all of Elmwood Street in Cambridge, Massachusetts is a fire lane and ordered that Davis Park Development, LLC comply with NFPA Chapter 18, 18.2.3 et. Seq. and 3.3.131.

On October 24, 2025, the Appellant filed a timely appeal of the Cambridge Fire Department's determination with the Fire Prevention Regulations Appeals Board. The Board held a hearing relative to this appeal on December 9, 2025, via video conference.

Appearing on behalf of the Appellant were: Blair Galinsky Manager of Davis Park Development, LLC; Kevin Freytag and George Barclay, attorneys for the Plaintiff. Appearing on behalf of the Cambridge Fire Department were: Paul Kawai, Assistant City Solicitor; Chief Tom Cahill; and Captain Scott Volz.

Present for the Board were: Larry Fisher, Chair; Dr. Paul Scheiner; Kenneth Smith; and Keith Pogarian, Alternate. Rachel E. Perlman was the Attorney for the Board.

C) Issue(s) to be Decided

Whether the Board should affirm, reverse or modify¹ the Cambridge Fire Department's determination that the entirety of Elmwood Street is a fire lane in accordance with 527 CMR 1.00, Chapter 18, and 527 CMR 1.00, 3.3.131?

¹ In accordance with the Board's authority under M.G.L. Chapter 22D, Section 5.

D) Evidence Received

- | | | |
|-------|---|------------|
| 1. | Application for Appeal filed by Appellant | 10/24/2025 |
| 2. | Statement in Support of Appeal and accompanying Exhibits | 10/24/2025 |
| 2-1. | Order of Notice of the Cambridge Fire Department | 9/10/2025 |
| 2-2. | Quitclaim deed – 95-99 Elmwood Street | |
| 2-3. | Quitclaim deed – 88-102 Elmwood Street | |
| 2-4. | GIS map from the City of Cambridge showing Elmwood Street as it exists in Cambridge | |
| 2-5. | Photographs of work performed by the Developer encroaching on Elmwood St. | |
| 2-6. | Request to Fire Chief to rescind Order of Notice | 9/10/2025 |
| 2-7. | Photograph of one of fire lane sign installed on Elmwood Street | |
| 2-7.1 | Correspondence to Board from Appellant’s Counsel submitting supplemental materials | 11/25/2025 |
| 2-8. | City of Cambridge Fire Department Regulations webpage | |
| 2-9. | City of Cambridge, Massachusetts Traffic Regulations | |
| 2-10. | Cambridge, Massachusetts Code of Ordinances, Section 2.48 | |
| 2-11. | Cambridge, Massachusetts Code of Ordinances, Section 2.50 | |
| 3. | City of Cambridge Response to Appeal with Affidavits of Chief Timothy Cahill, Captain Scott Volz and Attorney Paul Kawai with accompanying Exhibits | 11/25/2025 |
| 3A. | Joint Pre-Trial Memorandum (Middlesex Superior Court, Docket No. 1681CV002244) | |
| 3B. | Findings of Fact, Rules of Law and Order for Judgment (Middlesex Superior Court, Docket No. 1681CV002244) | |
| 3C. | Photograph of Granite Block Obstructions on Elmwood Street | |
| 3D. | Pictures of Elmwood Street taken October 9, 2025 | |
| 3E. | Davis Park’s Revised Proposed Conclusions of Law (Middlesex Superior Court, Docket No. 1681CV002244) | |
| 3F. | Pictures of measurements of Elmwood Street | |
| 3G. | Defendant City of Cambridge Planning Board’s Revised Proposed Conclusion of Law, at pp.4-5 (Middlesex Superior Court, Docket No. 1681CV002244) | |
| 3H. | November 24, 2025 Pictures | |
| 4. | E-mail from Cambridge Fire Chief Thomas Cahill, Jr. to Brooke McKenna and Kathy Watkins | 11/29/2023 |

E) Subsidiary Findings of Fact

1. Attorney Freytag, counsel for the Appellant, described Elmwood as a 40 ft. wide private way that runs from Somerville in a southwesterly direction into the City of Cambridge. He stated there are two residential properties on Elmwood, with the Pathmark property on the north/westerly side of the private way and the Davis Park property on the south/easterly section of the private way.
2. Attorney Freytag stated that the appeal was filed based upon the fire department’s process of designating Elmwood as a fire lane and the consequence of said designation on the residents of Davis Park property, in particular.
3. The following items were offered as stipulated facts:
 - 3A. Elmwood Street is a private way, with Appellant and Pathmark each owning to approximately the center line of the street, having a total width of approximately 40 feet (including the sidewalk, planters and fire hydrants on the Pathmark side of the street).

- 3B. Pathmark and Appellant own the road itself, “along their properties, subject to the rights of access and egress of all the other lot owners along Elmwood Street in Cambridge and Somerville,” thus all the parties agree that there is a right of the other party utilize the entirety of the street for egress and travel. This implied easement was an important issue in the court proceed referenced above.”
- 3C. Pathmark improved/modified Elmwood Street with a planting bed and curb, which extends approximately eleven (11) feet into the private way on Pathmark’s side of the street.
- 3D. On October 9, 2025, fire lane signs were installed on Elmwood Street along the edge of Pathmark’s so-called “encroachment” into Elmwood Street.
4. The Board received testimony and documentation detailing prior litigation between Davis Park Development, LLC and Pathmark in Middlesex Superior Court as it related to the installation of the sidewalk and planters on Elmwood².
5. The Appellant argued that this encroachment otherwise obstructs the Appellant’s implied easement to utilize the other half of the private way.
6. Specifically, the Appellant testified that the Pathmark building across the street has no above-ground on-site parking for visitors, employees, or delivery vehicles. As a result, and due to the widened curb and planting beds, Pathmark patrons routinely park on the Davis Park property, which is private. This practice restricts parking availability and access for Davis Park residents and their visitors.
7. Attorney Freytag further argued that the fire lane designation has a disproportionate and adverse impact on the Appellant and Davis Park residents by restricting access to and parking near the property. He asserted that, although Davis Park has the right to use Elmwood, the fire lane designation, combined with unequal enforcement by the City of Cambridge, prevents its use in a manner comparable to Pathmark, effectively creating an unfair burden that functions as a taking.
8. Attorney Freytag stated that following the issuance of the Fire Department’s determination on September 10, 2025 designating Elmwood as a fire lane and ordering the removal of all obstructions and vehicles, fire lane signs were installed on October 9, 2025. He expressed concern that there was no evidence that has been presented that Pathmark received the same order, as an abutting property.
9. Attorney Freytag stated that 527 CMR 1.00 §§ 18.1–18.1.3 require plans for fire apparatus access roads to be submitted to the authority having jurisdiction (“AHJ”) for review and approval prior to construction of a new building. He argued that, because the fire lane designation was not part of a pre-construction approval process, the Cambridge Fire Department lacks authority to designate a portion of a private way as a fire lane, rendering the Order inconsistent with 527 CMR 1.00.
10. Attorney Freytag further cited the City of Cambridge Traffic Regulations, noting that they authorize the Traffic Director to install “tow zone,” “no stopping,” or “fire lane” signage on a public or private way upon a written request from the Fire Chief to ensure emergency access.

² *Davis Park Development, LLC et al vs. City of Cambridge Planning Board et. al*, Middlesex Superior Court, Docket No. 1681CV002244

He contended that there is no record of such a written request for Elmwood and emphasized that the regulations establish a procedural mechanism for requesting signage, not unilateral authority to designate a fire lane. He concluded that, while the fire department has a duty to protect public safety, its failure to follow the required process has resulted in a disproportionate and adverse impact on Davis Park residents' ability to use their property.

11. In support of the Cambridge Fire Department's determination, Assistant City Solicitor, Paul Kawai submitted a memorandum into the record outlining that this issue arose out of "an earlier litigation in which the Appellant appealed the grant of a special permit for the Pathmark Development. The [Middlesex Superior] Court held that Pathmark's improvements to the private way, which involved building a sidewalk and planters in the private way on Pathmark's side, were reasonable and valid under the law, over Appellant's objections that such sidewalk and planters interfered with its right to use the entire private way for driving" (Exhibit 3).
12. Attorney Kawai testified that, as a condition of the special permit, Pathmark was required to maintain parking arrangements that allowed emergency vehicle access, with the Cambridge Planning Board leaving the specific emergency access plan to the developer. Attorney Kawai further stated that, after the special permit was issued and upheld by court order, the Appellant did not appeal the decision and instead placed obstructions, including granite blocks and debris, in the private way in response to the improvements. Attorney Kawai and Chief Cahill asserted that these granite blocks would impede certain fire apparatus even in the absence of parked vehicles, creating a safety risk to Pathmark residents and responding firefighters. Accordingly, Chief Cahill designated Elmwood as a fire lane on September 10, 2025, and ordered the removal of all vehicles and obstructions by September 30, 2025.
13. Attorney Kawai stated that the Fire Chief's authority to designate a fire lane is granted under both 527 CMR 1.00 and M.G.L. c. 89, § 7A. Attorney Kawai also entered into the record an affidavit and photographs from Captain Scott Volz documenting the condition of Elmwood on or about October 9, 2025, after the Order was issued, showing junk and inoperable vehicles, including a school bus, in violation of the City's Order.
14. Addressing the Appellant's procedural concerns, Attorney Kawai asserted that Chief Cahill verbally requested the installation of fire lane signage through the City's Traffic Department and submitted an email from Chief Cahill to the Traffic Director inquiring about the fire lane designation process. Finally, regarding fairness, he stated that the City has not yet enforced parking or fire lane violations but will do so if successful on appeal and emphasized the distinction between unauthorized obstructions placed on Elmwood and court-approved improvements to the private way.

F) Ultimate Findings of Fact and Conclusions of Law

1. The Board accepts the parties' stipulated facts noted in Section 3 (A-D) above as true and undisputed. The stipulated facts are incorporated herein by reference and form part of the Board's Ultimate Findings of Fact to the extent they are relevant and material to the issues before the Board.
2. The applicable sections of 527 CMR 1.00, Chapters 3 and 18 to the subject private way (Elmwood) are as follows:

3.3.131* **Fire Lane.** A fire apparatus road, which is marked with approved signs or other approved notices.

18.1.1 Application

18.1.1.1 This chapter shall apply to public and privately owned fire apparatus access roads.

18.2.3 Fire Apparatus Access Roads

18.2.3.1 Required Access

18.2.3.1.1 Approved fire apparatus access roads shall be provided for every facility, building, or portion of a building hereafter constructed or relocated.

18.2.3.1.2 Fire apparatus access roads shall consist of roadways, fire lanes, parking lot lanes, or a combination thereof.

18.2.3.5.1.1 Fire department access roads shall have an unobstructed width of not less than 20 feet (6.1m). Fire department access roads constructed in the boulevard-style shall be allowed where each lane is less than 20 feet but not less than ten³ feet when they do not provide access to a building or structure.

18.2.3.6 Marking of Fire Apparatus Access Road

18.2.3.6.1 Where required by the AHJ, approved signs, approved roadway surface markings, or other approved notices shall be provided and maintained to identify fire apparatus access roads or to prohibit the obstruction thereof or both.

18.2.3.6.2 A marked fire apparatus access road shall also be known as a fire lane.

18.2.4 *Obstruction and Control of Fire Apparatus Access Road.

18.2.4.1 General.

18.2.4.1.1. The required width of a fire apparatus access road shall not be obstructed in any manner, including by the parking of vehicles.

3. The Board finds that the provisions of 527 CMR 1.00, Chapter 18 apply to both public and privately [emphasis added] owned fire apparatus access roads, pursuant to 527 CMR 1.00, § 18.1.1.1.

4. Based on the testimony and photographs in the record, the Board finds that Elmwood does not maintain the required unobstructed width of 20 feet. Specifically, the curb, planting beds and trees installed on the Pathmark side extend approximately eleven (11) feet into the private way, and when granite blocks and vehicles are placed within the remaining width, the available clearance is reduced below the minimum required by 527 CMR 1.00 § 18.2.3.5.1.1.

³ Spelling error in the Fire Code.

G) Decision and Order

The Board **modifies** the Cambridge Fire Department order to allow for 20 ft. of width on Elmwood Street to be used as a fire department access road (fire lane).

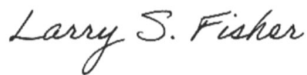
H) Vote of the Board

Larry S. Fisher, Chair	In Favor
Dr. Paul Scheiner	In Favor
Kenneth Smith	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,



Larry S. Fisher, Chair
Fire Prevention Regulations Appeals Board

Dated: January 16, 2026

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

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