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The Commonwealth of Massachusetts
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Fire Prevention Regulations Appeals Board
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LARRY S. FISHER
CHAIRMAN

Docket # 2025-07
201 Brookline Avenue
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 Regulations' review of the Boston Fire Department's denial of laboratory suite in accordance with NFPA 45 (2019 Edition) Table 5.1.1, as adopted by 527 CMR 26.1.1.

B) Procedural History

By notice dated October 16, 2025, the Boston Fire Department determined that the Laboratory Suite 13-1 did not meet the criteria for a laboratory suite under NFPA 45, due to the lack of fire rated separations as required by NFPA 45 (2019 Edition) Table 5.1.1, as adopted by 527 CMR 1.00, 26.1.1.

On November 14, 2025, the Appellant filed a timely appeal of the Boston Fire Department's determination with the Fire Prevention Regulations Appeals Board. The Board held a hearing relative to this appeal on January 6, 2026, via video conference.

Appearing on behalf of the Appellant were: Arthur Gager, P.E., Jensen Hughes; Ajay Prasad, Jensen Hughes; Tanya Glumack, Jensen Hughes; Derek Naugler, Jensen Hughes; Kristen McDonough, Jensen Hughes; John Townsend and Peter Arsenal, Northstar Project Management; Chad Pires, Environmental Health and Safety, Boston Children's Hospital; Leif Longtine, Environmental Health and Safety, Boston Children's Hospital; Janna Serafim, Code Red Consultants; Despina Felis, Boston Children's Hospital; and David Goldberg, Boston Children's Hospital.

Appearing on behalf of the Boston Fire Department were: Assistant Fire Marshal Sean Barrett, Lt. Michael Kates of the Laboratory Safety Unit, and Christopher Nelson, P.E.

Present for the Board were: Dr. Paul Scheiner, Presiding Chair; Lt. Christopher Towski; Jennifer Hoyt; and Patricia Sheehan, 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 Boston Fire Department's determination that Laboratory Suite 13-1 requires a proper separation in accordance with NFPA 45 (2019 Edition) Table 5.1.1, as adopted by 527 CMR 26.1.1?

D) Evidence Received

- | | | |
|-----|---|------------|
| 1. | Application for Appeal filed by Appellant | 11/14/2025 |
| 2. | Memorandum in Support of Appeal | 11/14/2025 |
| 3. | Statement from Boston Children's Hospital Research Operations
And Environmental Health & Safety Departments | Undated |
| 4. | E-mail correspondences from Christopher Nelson, Senior Fire Protection
Engineer, Boston Fire Department to Arthur Gager, PE from Jensen Hughes | 10/16/2025 |
| 5. | Boston Fire Department Response to Laboratory Suite Classification with Exhibits | |
| 5A. | Copy of 780 CMR, Chapter 2 of the Mass. Building Code | |
| 5B. | Construction Plans – Level 13 as prepared by Elkus Manfredi Architects | |
| 5C. | NFPA 45, Annex D | |

E) Subsidiary Findings of Fact

1. The Appellant's representative, Arthur Gager from Jensen Hughes, testified that the project in question involves an existing shell and core laboratory space at Boston Children's Hospital (BCH) located on the 13th floor of 201 Brookline Avenue, Boston.
2. For background, Mr. Gager explained that the space was based on a permit package in 2023 and that the construction build-out on the 13th floor was completed in 2024 and was first occupied as a control area. Mr. Gager stated that the space was originally intended to be designed and permitted in accordance with 780 CMR 10th Edition (State Building Code). However, because of a delay in the issuance of the 10th Edition of the Building Code, Mr. Gager stated that the project was permitted under the 9th Edition which has no references to NFPA 45 (*Standard on Fire Protection for Laboratories Using Chemicals*).
3. As a result of this regulatory delay, Mr. Gager explained that BCH then filed for an alteration permit to change the space from a control area to two (2) laboratory suites. Mr. Gager stated that the permit was filed and Laboratory Suite 13-2 was approved but Laboratory Suite 13-1 was denied by the Boston Fire Department for failing to comply with 780 CMR (10th Edition) 4.28.3.1 and NFPA 45 (2019 Edition) Table 5.1.1, as adopted by 527 CMR 1.00, 26.1.1.

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

4. According to Mr. Gager, the fire department denial was due to the presence of a break area and meeting room space within Laboratory Suite 13-1 and the lack of a fire resistance rated separation between the actual laboratory space and the ancillary spaces including the enclosed offices, cubicles, restrooms, meeting space and a kitchenette. He stated that the Boston Fire Department expressed concern that other BCH employees, who may be unfamiliar with the lab spaces and with the protocols to keep the spaces safe, would have access to Laboratory Suite 13-1. Mr. Gager stated that these non-lab spaces would be restricted by key card access and would be exclusively used by laboratory personnel assigned to work within Laboratory Suite 13-1.
5. Mr. Gager testified that NFPA 45 requires that laboratory suites or units be separated from non-suites by two hour fire resistance rated construction. However, he stated that laboratory units or suites can [emphasis added] include offices, laboratories and other incidental contiguous rooms maintained for and used by laboratory personnel. Mr. Gager stated that, in his opinion, the intent of the code is not to prohibit meeting or break rooms for researchers while allowing corridors and bathrooms. Rather, the intent is to allow spaces necessary for the operation of the laboratory and cited NFPA 45, Annex D.6 (see Exhibit 2, pg. 2) which states, in part:

Laboratory units can include nonlaboratory areas. The assumption is that the personnel in the areas work for the same organization and are knowledgeable about the hazards of the laboratory. If this is not true, then the nonlaboratory areas should not be included in the laboratory unit and should be separated by an appropriate fire-rated barrier. An example of this situation is an education laboratory that other students need to walk past to reach an exit or an industrial laboratory that shares a corridor with the accounting or business part of the same or a different organization.
6. Based upon a plain reading of the Code, Mr. Gager believes that the space at issue should be approved by the Boston Fire Department. He further stated that the lab space at issue is currently in use and is in the process of conducting research and he advised that if the Board upholds the denial and requires the installation of additional fire rated walls, all lab work and research would be halted for at least a year.
7. In response to a question posed by the Board regarding the categories of hazards or chemicals being used in the lab spaces, Mr. Gager stated there would be no flammable gases or pyrophoric chemicals, but that common corrosives would likely be used. Mr. Gager also described the Laboratory Suite 13-1 as being very similar to the approved Lab Suite 13-2. However, Suite 13-2 has a two hour separation between the lab space and the meeting/break rooms.
8. In support of the Boston Fire Department's denial of BCH's plan, Captain Michael Kates of the Laboratory Safety Unit testified that the State Building Code determines when a fire separation is required and reiterated that this project fell under the 9th Edition of the State Building Code, which has no reference to NFPA 45.
9. Captain Kates stated that BCH elected to use the Laboratory suite design option under the State Building Code (Section 428), which allows significantly more hazardous materials, including flammable liquids to be used in those spaces. Captain Kates cited Section 428.3.1 of the State Building Code which permits a Class C laboratory suite to 150 gallons of Class I flammables per suite and with two (2) suites on the 13th floor, the allowable limit increases to 300 gallons. As a result of this increased fuel load, Captain Kates stated that

Section 428 requires strict compartmentation, fire separation, and engineering controls before a suite can be approved.

10. Captain Kates stated that Laboratory Suite 13-1 includes a meeting room and a break room area inside the laboratory suite boundaries. He described those areas as being “non-laboratory” by function, as they are non-lab work areas and are not direct support spaces incidental to experimentation. Captain Kates stated that once those spaces are included within the laboratory suite, Section 428.3.1 of the State Building Code applies and fire resistance rating separations are required.
11. Captain Kates also testified that while it is the intent of BCH to limit access to the 13th floor solely to laboratory workers and to provide training to those employees, it is the Department’s position that strict access to those non-lab spaces would likely be relaxed over time. As a result, the non-lab spaces could become usable to a larger group of people including visitors, executives, vendors, etc., who would not be knowledgeable about laboratory hazards and safety requirements.
12. Captain Kates also advised the Board that the Boston Fire Department applied this code (NFPA 45) exactly as adopted by the Commonwealth, did not add any additional requirements, and is enforcing the separations necessary to make the laboratory suites safe and consistent with both NFPA 45 and section 428 of the State Building Code, and to protect lab and non-lab employees alike.

F) Ultimate Findings of Fact and Conclusions of Law

1. The applicable section of NFPA 45 (2019 Edition), Table 5.1.1 (as adopted by 527 CMR 1.00, Section 26.1.1) are as follows:

Δ Table 5.1.1 Separation Requirements and Height Allowances for Laboratory Units

Laboratory Unit ^a	Permitted Stories Above Grade	Permitted Stories Below Grade	Fire Separation ^b
A	1-3	Not permitted	2 hours
B	1-3 4-6	1	1 hour 2 hours
C	1-6 Over 6	1-2	1 hour ^c 2 hours
D	No limit	No limit	1 hour ^c

^aRefer to Table 9.1.1 for laboratory unit classification.

^bSeparation in this table refers to fire separation from laboratory unit(s) to nonlaboratory areas or fire separations from laboratory unit(s) of equal or lower hazard classification.

^cSee 5.1.2.

2. The Board finds that there are two laboratory suite spaces on the 13th floor of BCH at 201 Brookline Ave, Boston, identified as Laboratory Suite 13-1 and Laboratory Suite 13-2 (see figure below). The Board finds that the plan for Laboratory Suite 13-1 was denied for

lack of fire rated separations between spaces to be used for laboratory purposes and ancillary spaces such as conference rooms, break areas and administrative offices.

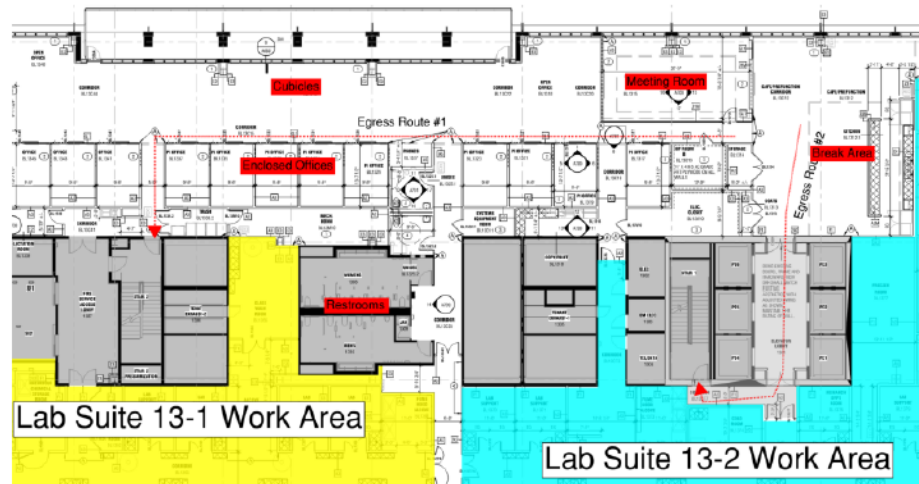


Figure 1 - Level 13 Non-Laboratory Egress Overview

3. The Board finds that BCH and its engineers designed and intended to permit the laboratory spaces in accordance with 780 CMR (10th Edition) of the State Building Code. However, that version of the code was delayed and the project was ultimately permitted under the 9th Edition of the State Building Code and NFPA 45 (*Standard on Fire Protection for Laboratories Using Chemicals*).
4. The Board finds that while BCH requested classification of the laboratory spaces as ‘laboratory suites’ under 780 CMR 428, this Board does not have any jurisdiction under the State Building Code and takes no position on the space classification.
5. The Board finds that Laboratory Suite 13-2 was approved by the Boston Fire Department based upon the existence of 2 hour fire barrier separations (figure above) but did not hear any substantial testimony as to why Laboratory Suite 13-1 was not constructed in similar manner to include fire rated separations.
6. The Board finds that the meeting/break room exceeds the intent of the code and does not consider the space to be an accessory. To align Laboratory Suite 13-1 with the safety requirements of NFPA 45 (2019 Edition), Table 501.1 as adopted by 527 CMR 1.00, 26.1.1, the Appellant may wish to consider modifying the space to eliminate the kitchenette.

G) **Decision and Order**

Based upon the evidence presented to the Board and for the reasons stated herein, the Board hereby **upholds** the determination (denial) of the Boston Fire Department regarding 201 Brookline Ave, Boston.

H) Vote of the Board

Dr. Paul Scheiner, Presiding Chair	In Favor
Lt. Christopher Towski	In Favor
Jennifer Hoyt	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,



Dr. Paul Scheiner, Presiding Chair
Fire Prevention Regulations Appeals Board

Dated: February 20, 2026

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

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