



MAURA T. HEALEY
GOVERNOR

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

GINA K. KWON
SECRETARY

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

Docket # 2025-11
245R & 247 Gallivan Blvd.
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 a review by the Fire Prevention Regulations Appeals Board of a determination of the Boston Fire Department to deny a site plan to build a new two (2) unit building behind 245R and 247 Gallivan Blvd., Boston, MA. The property and project was represented by Erik Krakowski, Builder/Project Team representative (hereinafter referred to as the Appellant).

B) Procedural History

By notice dated December 19, 2025 and issued by the Boston Fire Department, the Department denied a site plan to subdivide a property located at 245R and 247 Gallivan Blvd., Boston, MA, 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 18.2.3.2.1.1.1 and 18.2.3.5.1.1.

On December 30, 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 10, 2026.

Appearing on behalf of the Appellant was: Erik Krakowski, Builder/Project Team representative. Appearing on behalf of the Boston Fire Department was: Assistant Fire Marshal, Sean Barrett, and Christopher Nelson, Senior Fire Protection Engineer.

Present for the Board were: Dr. Paul Scheiner, Presiding Chair; Chief Richard Arruda; Lt. Christopher Towski; and Kenneth Smith, 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 | 12/30/2025 |
| 2. | Statement in Support of Appeal | |
| 3. | Order of Notice and Denial of Permit from the Boston Fire Department | 12/19/2025 |
| 4. | Proposed Plot Plan showing new structure from Spruhan Engineering | 10/21/2025 |
| 5. | Drawing List (5 pages) | |
| 6. | 6 Photographs of the property | |
| 7. | Memorandum from Christopher Nelson, P.E., Boston Fire Department in support of project denial | 1/29/2026 |

E) Subsidiary Findings of Fact

1. The Appellant sought this Board's review of the Boston Fire Department's denial of a site plan to build a new two (2) unit building behind 247 Gallivan Blvd., Boston, MA. The appeal was filed with the Board under the provisions of M.G.L. c. 22D, s. 5.
2. At the hearing, the Appellant, Mr. Krasowski, testified that the proposed new building would be constructed at the rear of a lot, behind 247 Gallivan Blvd., "just under 150 feet" from the street. He stated the new building would be approximately 2,400 s.f. in size, with each unit being 1,200 s.f. and would be accessed directly from Gallivan Blvd. by a 19 foot wide driveway. Mr. Krasowski stated that he intends to install a sprinkler system in the new structure, which would be connected to a tank located in the basement of the building. He admitted, however, that a fire protection plan has not yet been created, developed, or shared with the Boston Fire Department.
3. Mr. Krasowski stated that while the minimum requirement for an access way is 20 feet, the driveway is only 19 feet wide and cannot be expanded due to the property line and an existing fence. During his presentation, Mr. Krasowski advised that he consulted ADU guidelines that stated the minimum requirement for additional rear structures is 10 feet. As a result, Mr. Krasowski is seeking relief from the 20 foot requirement.
4. Mr. Krasowski testified that the project plan also calls for the widening of the paved area between the existing house to the lot line and for the paving of the entire area between the existing house and the new property. The new dwelling would have 2 parking spaces per unit, and the new parking area behind the existing structure could accommodate upwards of 10 cars. Mr. Krasowski stated that parking would be prohibited in the driveway and is restricted solely to the designated parking area.
5. In describing fire department access to the property, Mr. Krasowski stated that based upon his swept path analysis, there would be room for a "small truck, 25-foot truck to back up and turn around inside" the same rear parking area behind the current structure. Mr.

Krasowski conceded that he did not submit the swept analysis to the Boston Fire Department at the time the permit package was submitted, nor was it provided to this Appeals Board.

6. In support of the denial of the site plan by the Boston Fire Department, Assistant Fire Marshal Sean Barrett, testified that the denial was due to life safety concerns and access issues. As currently proposed, Marshal Barrett stated this project does not comply with the requirements of 527 CMR 1.00, Chapter 18 which requires a twenty (20) foot wide fire apparatus access road. He stated that while Gallivan Blvd. is a four lane undivided road with two lanes of travel in each direction, the driveway to the property is only 19 feet wide, with a curb cut access also less than 20 feet wide.
7. In response to the Appellant's argument (ADU) guidelines, Marshal Barrett clarified that the Appellant is trying to use the ADU guidelines for the 10 foot clearance. However, it is the department's position that this proposed structure is not an accessory dwelling unit, but rather an *additional* (emphasis added) dwelling unit.
8. Marshal Barrett explained that the proposed project for a two unit dwelling, would actually be 100 ft. larger in size than the existing single family home on that site. Based upon the building's larger size, Marshal Barrett stated that it does not comply with the ADU guidelines in Chapter 18, which would be applicable for the 20 foot clearance for the parking situation and, as a result, the building was refused as zoning for two dwellings on the same lot.
9. Marshal Barrett expressed concern that if the structure was built, it would create an inaccessible landlocked dwelling and would place future residents and first responders at what he called an "unacceptable risk." He referred to photographs entered into the record (Exhibit 6) by the Appellant, which show at least 9 vehicles parked between the existing property and the rear of the property. He explained that there is no parking on Gallivan Blvd. and that the nearest street parking is on side streets on the other side of Gallivan Blvd. Without available street parking directly in front of 247 Gallivan Blvd., Marshal Barrett stated that residents would likely use the rear parking area, further decreasing available space and fire department access.
10. Marshal Barrett also identified overhead access obstructions, including a tree at the front of the property which directly abuts and hangs over the driveway, and wires hanging from the rear of the current structure to the back of the property. Marshal Barrett also advised that the rear of the property is abutted by a cemetery, which has a walking path. However, that path is inaccessible to vehicles due to granite bollards.
11. Marshal Barrett also testified that the Appellant failed to provide a required swing study (swept path analysis) for fire department apparatus. He advised that the specifications necessitate a swing study for a 44-foot ladder apparatus (measuring 8 feet wide) and that without that information, the department could not ensure that a fire truck could access the proposed rear structure.
12. In response to a Board question regarding the nearest firehouse, Marshal Barrett advised that Engine 16 is located approximately 2/3 miles away on Gallivan Blvd. and that the nearest available hydrants to the property are approximately 300-400 feet away on Owencroft Road and further down on Gallivan Blvd.

13. At the conclusion of his presentation, Marshal Barrett referenced prior decisions of the Fire Prevention Regulations Appeals Board including cases 20-01 for 229 Rear Lexington Street, East Boston and 25-02 for 22 Rockview Street, Jamaica Plain. He stated that those cases had similar conditions, with overhead obstructions and access roads of less than 20 feet wide. He stated that in both cases, the Board upheld the fire department's denials and requested that the Board uphold the denial in this matter as well.

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 - Fire department access and water supplies shall comply with this chapter. The provisions of the chapter shall not apply to any city, or town which has accepted the provisions of M.G.L. Chapter 41, Section 81 *et. seq.* or similar laws which provide local jurisdiction over fire department access and water supply. In the absence of any such laws, fire department access and water supply shall comply with this chapter.

527 CMR 1.00, 18.2.3.2.1.1.1 - Where a new building, not provided with adequate frontage, is to be located behind an existing building that has frontage, a fire department access road shall extend to within 25 feet of at least one exterior door that can be opened from the outside and provides access to the interior of the building.

527 CMR 1.00, 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 ten¹ [sic] feet when they do not provide access to a building or structure.

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 as proposed, 247R Gallivan Blvd., presents fire department access issues. Based upon the testimony of the Appellant and the plans submitted into the record, the driveway entrance is 19.3' but narrows to 19.1' as it moves towards the rear of the property and cannot be widened due to property lines and an existing fence. The Board further finds that there is no alternate rear access to the property, as it directly abuts a cemetery with a restricted walking path.
4. The Board also finds that the proposed new building would be approximately 150 feet away from Gallivan Blvd., which is in violation of 527 CMR 1.00, 18.2.3.2.1.1.1.
5. The Board finds that based upon the exhibits submitted into the record and the testimony

¹ Spelling error in the Fire Code.

received from both parties, there is no factual or legal basis to grant the Appellant's 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 247 Gallivan Blvd., Boston, MA.

H) Vote of the Board

Dr. Paul Scheiner, Presiding Panel Member	In Favor
Chief Richard Arruda	In Favor
Lt. Christopher Towski	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 Panel Member
Fire Prevention Regulations Appeals Board

Dated: February 26, 2026

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

Erik Krasowski
6 Campbell Park Place
Somerville, MA 02144
Erik.Krasowski@gmail.com

Sean Barrett, Assistant Fire Marshal
Christopher Nelson, FPE
Boston Fire Department
1010 Mass. Ave, 4th Floor
Boston, MA 02118
Sean.Barrett@boston.gov
Christopher.Nelson@boston.gov