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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 # 2026-03
51 Fuller Street
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 three-story building containing six (6) townhouses at 51 Fuller Street, Boston, MA. The property is owned by Sean George (hereinafter referred to as the Appellant).

B) Procedural History

By notice dated March 13, 2026 and issued by the Boston Fire Department, the Department denied the site plan to build a new three-story building containing six (6) townhouses. The Boston Fire Department determined that the plan would not allow for fire department access, in violation of 527 CMR 1.00, Chapter 18, specifically 18.2.3.2.1.1.1 and 18.2.3.2.2.

On April 24, 2026, 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 June 9, 2026.

Appearing on behalf of the Appellant was: Sean George, property owner; Attorney Paul Rufo; and Michael DiMascio, AIA. 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: Jennifer Hoyt, Presiding Chair; Chief Richard Arruda; John Cox; and Dr. Paul Scheiner, 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

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| 1. | Application for Appeal by Appellant | 4/24/2026 |
| 2. | Order of Notice of the Boston Fire Department | 3/13/2026 |
| 3. | Photographs of Hydrants on Fuller Street (1 page) | |
| 4. | Photographs of 51 Fuller Street Site (1 page) | |
| 5. | Map showing hydrant locations and street widths | |
| 6. | 51 Fuller Street Drawings (32 pages) | |
| 7. | Survey of Proposed Townhouses by Greater Boston Surveying and Engineering | 10/2/2024 |
| 8. | Survey of Fuller Street with prior house on property by Greater Boston Surveying and Engineering | 10/2/2024 |
| 9. | Fire Alarm & Sprinkler System Narrative Report for 51 Fuller Street, Boston from Zade Engineering, LLC (6 pages) | 10/6/2025 |
| 10. | Revised Drawings - 51 Fuller Street Drawings (32 pages) as shown to the Boston Planning and Development Agency | Undated |

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 three-story building containing six (6) townhouses. Each townhouse would be approximately 1,500 s.f. in size and would be protected by an NFPA 13 sprinkler system. The appeal was filed with the Board under the provisions of M.G.L. c. 22D, s. 5.
2. The Appellant's architect, Mr. DiMascio, testified that the denial letter issued by the Boston Fire Department was due to insufficient access to the building. Specifically, access is impacted on the right side by a basement stairway and at the rear by gates and fences enclosing each unit's patio.
3. Mr. DiMascio testified that while the department's denial letter (Exhibit 2) stated that "there is only a 3.5' access path between the bottom of the entry stairs and the property line," he believes that measurement is incorrect, as the pathway was being measured from the overhang of a second-floor bay window. Mr. DiMascio indicated that the space was actually 5 feet wide.
4. Mr. DiMascio testified that the access concerns identified in the department's denial letter have been resolved through revisions to the project plans (Exhibit 10), including relocating the basement stairway and removing the rear fencing and gates, which provide fire department access on both sides of the building. He further testified that the most remote townhouse entrance would be approximately 124 feet from fire department vehicle access on Fuller Street and the furthest point of the building approximately 145 feet away, both within the allowable limits for a building protected by an NFPA 13 sprinkler system. Based on these revisions, Mr. DiMascio believes the site plan determination should be reversed.
5. In support of the Boston Fire Departments denial, Assistant City Fire Marshal Sean Barrett argued that the Board should uphold the denial of the developer's site plan application because the project, as submitted, presents significant fire safety and emergency access problems.

6. Marshal Barrett asserted that the revised plans displayed during the hearing have not been formally submitted to the City for consideration and that neither he nor the department have had the opportunity to view them prior to the hearing. He requested that the Board only consider the plans that were submitted by the Appellant at the time of their initial filing with this Board as those were the plans Marshal Barrett based his denial letter on.
7. Marshal Barrett testified that, although the Appellant describes the structure as a single building with multiple townhouse units, the Boston Fire Department considers each six-unit townhouse structure to be a separate building. As a result, the building at issue would be viewed as the first of six buildings, with five buildings located behind it, creating significant access and firefighting operational concerns.
8. Marshal Barrett advised that in order to reach the rear units, firefighters would have to travel a long, indirect route around the building. Based on the plans submitted, the required travel distance to parts of the development would exceed the 250-foot maximum allowable access distance, even with sprinklers installed. Marshal Barrett also cited the proposed front access path, which is effectively narrowed to 3.5 feet wide rather than 5 feet due to window overhangs. He also stated that the rear access pathway would be entirely blocked due to fencing and gates separating patios for each unit.
9. Marshal Barrett referenced concerns under 527 CMR 1.00 (Massachusetts Comprehensive Fire Safety Code) and applicable standards including NFPA 1500, NFPA 1710, and NFPA 1932, which govern firefighter safety, fire suppression, and ladder operations.
10. Marshal Barrett stated that safe ladder placement would require more clearance than the site provides and due to the proposed narrow pathways and window overhangs, firefighters may be unable to safely deploy ground ladders to 2nd or 3rd floor windows. He also stated that the department's aerial ladder trucks would not reach the furthest townhouse unit as their aerial ladders have a maximum horizontal reach of about 90 feet, while the furthest townhouse would sit approximately 119 feet from the street. As a result, occupants in upper floors may not be reachable during a rescue.
11. Marshal Barrett further testified that Boston fire engines typically carry 300 feet of hose. If this proposed project were to move forward, reaching the farthest townhouse would require nearly the entire hose length under ideal conditions. He argued that real-world conditions could create hose kinks, obstructions, and delays, making effective firefighting difficult. In addition, a fire at this location would require the department to deploy multiple hose lines to supply enough water, which could further narrow the proposed access pathways.
12. Marshal Barrett acknowledged that while the proposed project includes a sprinkler system, he emphasized that while sprinklers are designed to control fires, they do not necessarily extinguish them and firefighters would still need adequate access to complete suppression and rescue operations.
13. Marshal Barrett also noted that there is no clear trash storage plan and trash bins could potentially obstruct the already narrowed emergency access paths. Mr. DiMascio stated that the trash bins in the initial plans were for rendering purposes and no final trash location had been identified.

14. In response to a question regarding Fuller Street, both parties described it as a one-way street between Washington Street and Dorchester Ave in the Dorchester neighborhood of Boston. According to Exhibit 5, Fuller Street is approximately 25 feet wide and allows for on-street parking on both sides. The nearest firehouse to the property is Engine 18, located approximately ½ mile away on Dorchester Avenue.
15. At the conclusion of his presentation, Marshal Barrett reiterated that the modified plans discussed and shown by Mr. DiMascio have not been presented to the City and therefore should not be considered by the Board.

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, 18.2.3.2.2 – Fire apparatus access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located no more than 150 ft. (46m) from fire apparatus access roads as measured by an approved route around the exterior of the building or facility.

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 Boston Fire Department’s denial of the project was based upon the submitted plans in Exhibit 6. As a result, the Board’s determination in this matter is solely based upon those plans and not on the revised plans that were displayed and discussed during the hearing and entered into the record as Exhibit 10.
4. Based on the plans submitted as Exhibit 6, the Board finds that the proposed project is a single building containing six townhouse units and is not a “building behind a building” as contemplated by 527 CMR 1.00, § 18.2.3.2.1.1.1. The Board further finds that the Appellant acknowledged the original project design did not provide the fire department access required by the Fire Code.

5. The Board finds that the proposed access on the side and rear of the structure would restrict the Boston Fire Department's access and prevent the safe deployment of ground ladders and effective hose line operations.
6. Based on the record and testimony received at the hearing, the Board finds that, after receiving the department's denial letter, the Appellant modified the plans in an effort to address those concerns. However, the revised plans were not formally submitted for review to the City of Boston.
7. The Board acknowledges the Boston Fire Department's safety concerns but finds that earlier and continued communication regarding the revised plans would have clarified whether the proposed modifications adequately addressed those concerns and may have avoided the need for this appeal. The record shows that, after receiving the department's denial letter which served as basis for this appeal, the Appellant revised the plans in an effort to address the issues raised, but the revised plans were not formally submitted to the City of Boston for review.

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 51 Fuller Street, Boston, MA.

H) Vote of the Board

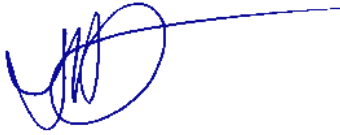
Jennifer Hoyt, Presiding Panel Member	In Favor
Chief Richard Arruda	In Favor
John Cox	In Favor

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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,



Jennifer Hoyt, Presiding Panel Member
Fire Prevention Regulations Appeals Board

Dated: July 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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