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SECRETARY

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Fire Safety Commission

Automatic Sprinkler Appeals Board

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MAURICE M. PILETTE
CHAIRMAN

RODERICK J. FRASER, JR.
VICE CHAIRMAN

Docket # 2012-16
34 Shoemaker Lane
Agawam, Massachusetts

AUTOMATIC SPRINKLER APPEALS BOARD DECISION

A) Statutory and Regulatory Framework

This is an administrative appeal held in accordance with Massachusetts General Laws Chapter 30A, Chapter 148, § 26G, and Chapter 6, section 201, relative to a decision of the Agawam Fire Department, requiring Plex Sports Plus (hereinafter referred to as the Appellant) to install automatic sprinklers throughout an air supported structure proposed to be erected on the Appellant's property located at 34 Shoemaker Lane, Agawam, Massachusetts.

B) Procedural History

By written notice received by the Appellant on November 7, 2012, the Agawam Fire Department issued an Order of Notice to the Appellant informing it of the provisions of M.G.L. c. 148, s. 26G, and the Department's determination to require the installation of automatic sprinklers in an air supported structure that Appellant is planning to erect on Appellant's property, located at 34 Shoemaker Lane, Agawam, MA. The Appellant filed an appeal of said Order with this Board on November 28, 2012. The Board held a hearing on this matter on December 12, 2012, at the Department of Fire Services, Stow, Massachusetts.

Appearing on behalf of the Appellant was Christian Carey, Project Architect. Appearing on behalf of the Agawam Fire Department was Chief Alan Sirois and Attorney Vincent Gioscia, Town Solicitor.

Present for the Board were: Maurice M. Pilette, Chairman; Bartholomew Shea, Designee of the Boston Fire Commissioner; Anthony DiNatale; Alexander MacLeod; Thomas Coulombe; Peter E. Gibbons; Aime DeNault; and George Duhamel. Peter A. Senopoulos, Esquire, was the Attorney for the Board.

C) Issue(s) to be decided

Whether the Board should affirm, reverse or modify the determination of the Agawam Fire

Department requiring sprinklers in the Appellant's proposed air supported structure, in accordance with the provisions of M.G.L. c.148 § 26G?

D) Evidence Received

1. Application for Appeal by Appellant
2. Letter/Statement in Support of Appeal
3. Plans of Facility (items 3A, 3B and 3C)
4. Order of Notice of the Agawam Fire Department
5. Notice of Hearing to Appellant
6. Notice of Hearing to Agawam Fire Department
7. Copies of two Memoranda that accompany Hearing Notices
8. Suggested disposition between Parties
9. Technical Support Documents – Agawam Fire Department

E) Subsidiary Findings of Fact

- 1) By written notice, received by the Appellant on November 7, 2012, the Agawam Fire Department issued a determination requiring automatic sprinklers to be installed throughout the proposed air supported structure to be located at 34 Shoemaker Lane, Agawam, Massachusetts. According to the notice, the determination was issued pursuant to the provisions of M.G.L. c. 148 § 26G. On November 28, 2012, the Appellant filed an appeal of the determination with the Automatic Sprinkler Appeals Board. The Board held a hearing on this matter on December 12, 2012, at the Department of Fire Services, Stow, Massachusetts.
- 2) The Appellant indicated that the planned proposed building will be part of a sports complex. The complex will consist of soccer fields, a 12,000 s.f. building for ancillary purposes including: locker rooms, a snack shop, and pro shop. The Appellant also plans to construct an air supported dome structure that will house soccer fields. The dome will be approximately 300 feet x 200 feet, 75 feet tall and would consist of approximately 60,000 s.f. in floor area.
- 3) The Appellant acknowledged that the 12,000 s.f. structure is over 7,500 s.f. and is subject to the provisions of M.G.L. Chapter 148, s. 26G. Appellant is planning to install an adequate system of automatic sprinkler in said building. However, the appellant is seeking an exemption from the sprinkler requirements of s. 26G for the 60,000 s.f. air supported structure due to its unique characteristics and temporary, seasonal use.
- 4) In support of the exemption, the representative of the Appellant indicated that the structure is supported by air and does not have traditional structural characteristics that would support a sprinkler system. The Appellant also testified that the structure will only be used for sporting events and erected on a temporary, seasonal basis during the colder weather months for a period of not more than 180 days. He also indicated that the structure would not be used for the storage of combustibles and the structure operators would not allow open flames or heat sources at any time within the air supported structure.

- 5) The Agawam Fire Chief testified that the order was issued pursuant to M.G.L. Chapter 148, s. 26G due to the size of the building, which totals over 7,500 s.f. of floor area and because the proposed structure appears to be subject to the provisions of c. 148, s. 26G. He indicated that according to the M.G.L. c. 148, s. 1 definition, a structure includes a tent. Chief Sirois also indicated that the Appellant may, in the near future, erect another similar structure.
- 6) Chief Sirois testified that he agreed with the facts and circumstances as presented by the Appellant. The Chief also concurred that the unique design characteristics of the structure present significant complications to sprinkler installation. He indicated that the parties have met and have agreed on a set of facts and have developed a proposed disposition agreement which would support an exemption from sprinkler installation in the air supported structure if certain conditions are met.
- 7) Chief Sirois further testified that the Agawam Fire Department and Building Department, as per said proposed agreement, would determine and establish a maximum and limited occupant load and egress capability once formal plans are submitted for his review and approval.

F) Ultimate Findings of Fact and Conclusions of Law

- 1) The relevant provisions of M.G.L. c. 148, s. 26G, state, (in pertinent part): “Every building or structure, including any additions or major alterations thereto, which totals, in the aggregate, more than 7,500 gross square feet in floor area shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code.” This law reflects amendments to the statute enacted by Chapter 508 of the Acts and Resolves of 2008. The provisions apply to “the construction of buildings, structures or additions or major modifications (emphasis added) thereto, which total, in the aggregate, more than 7,500 gross square feet permitted after January 1, 2010”. (Sec. 6, Chapter 508 of the Acts of 2008).
- 2) The Appellant does not contest a finding that the proposed structure consists of over 7,500 s.f. in floor area and that the proposed air supported dome is a structure as that term is used in M.G.L. c. 148, s. 26G.
- 3) The Board notes that sprinkler requirements of M.G.L. c. 148, s. 26G are separate and distinct from the sprinkler requirements of 780 CMR, the State Building Code. However, this Board, although not bound by said code, may nevertheless refer to said Code for guidance in rendering determinations, particularly in cases involving unique circumstances and/or characteristics. The Board notes that said code considers, as temporary, buildings or structures that are erected for a period 180 days within a twelve-month period. In general the building code exempts such structures from sprinkler requirements. The Board also finds that such air-supported structures present unique challenges relating to sprinkler installation. Said structures generally lack necessary structural capability or integrity to support the weight of a sprinkler system. Additionally, it appears that there are limited technical standards for the method and manner of sprinkler installation within such temporary structures. Finally, the Board finds that the terms and conditions stated in the suggested disposition agreement between the Agawam Fire Department and Appellant, dated December 5, 2012, establish an adequate level of life safety protection in light of the temporary nature and unique characteristics of this structure.

G) Decision of the Automatic Sprinkler Appeals Board

Based upon the evidence and testimony presented at the hearing, the Board hereby **modifies** the original determination of the Agawam Fire Department to install sprinklers throughout the proposed 60,000 s.f. air supported structure in accordance with the requirements of M.G.L. c. 148, § 26G. The Board determines that an adequate system of automatic sprinklers is not required to be installed as long as the conditions stated in the suggested disposition agreement between the Agawam Fire Department and Appellant, dated December 5, 2012, are continuously met. The terms and conditions contained in said agreement (attached hereto) are hereby incorporated herein by reference as part of this decision.

H) Vote of the Board

Maurice M. Pilette, Chairman	In Favor
Bartholomew Shea, Designee	In Favor
Anthony DiNatale	In Favor
Alexander MacLeod	In Favor
Thomas Coulombe	In Favor
Peter E. Gibbons	In Favor
Aime DeNault	In Favor
George Duhamel	In Favor

I) Right of Appeal

You are hereby advised you have the right to appeal this decision, in whole or in part, within thirty (30) days from the date of receipt of this order, pursuant to section 14 of chapter 30A of the General Laws.

SO ORDERED,



Maurice M. Pilette, Chairman

Dated: December 26, 2012

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

Christian Carey, Architect
P.O. Box 151
Westfield, Massachusetts 01086

Chief Alan Sirois
Agawam Fire Department
800 Main Street
Agawam, Massachusetts 01001



AGAWAM FIRE DEPARTMENT

800 MAIN STREET, AGAWAM, MA 01001
TELEPHONE (413) 786-0657 FAX (413) 786-1241



ALAN SIROIS, CHIEF OF DEPARTMENT
BERNARD CALVI, DEPUTY CHIEF
SCOTT MITCHELL, FIRE INSPECTOR
BRIAN KEEFE, DRILL INSTRUCTOR

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afldtraining@agawam.ma.us

Ex. 8

TO: Commonwealth of Massachusetts Sprinkler Appeals Board
FROM: Alan Sirois, Chief, Agawam Fire Department
DATE: December 5, 2012
SUBJECT: Suggested Disposition of Automatic Sprinkler Appeals Board Case: # 12-16

In accordance with guidance dictated in a memorandum from the Automatic Sprinkler Appeals Board, Stipulations of Facts and Recommended Dispositions, dated August 8, 2003, the following is presented as a suggested disposition of Appeals Board Case # 12-16;

Whereas:

1. The proposed air supported dome structure(s) to be located at 34 Shoemaker Lane, Agawam Massachusetts shall be larger than 7,500 gross square feet.
2. The use of the proposed air supported dome structures(s) will be limited to sporting events only.
3. The proposed air supported dome structures(s) will be constructed in compliance with current applicable building codes.
4. The Commonwealth of Massachusetts Sprinkler Appeals Board has heard a number of similar appeals in which variance from M.G.L. 148 § 26G was granted with conditions, including Docket # 2011-11, Docket # 2003-05, Docket # 00-02, Docket # 90-016

Therefore, the Agawam Fire Department (hereafter "the Fire Department"); Plex Sports Plus, Don Cameron and his designees (hereafter "the Appellant") agree to the following;


1. The air supported structure(s) shall be used for sporting events only.
2. The air supported structure(s) shall be erected for less than 180 days within a twelve-month period.
3. The Appellant shall not allow open flame or heat sources at any time within the air supported structure(s).
4. The Appellant shall provide documentation to the Fire Department that the air supported structure(s) membrane meets the current Massachusetts flammability standard for tents (NFPA 701).
5. The Appellant shall construct the air supported structure(s) in accordance with all applicable building code, including but not limited to, International Building Code (IBC) Chapter 31 and Massachusetts 780 CMR Chapter 31.
6. Storage of combustible materials within the air supported structure(s) shall be prohibited.
7. The Fire Department and Agawam Building Department shall determine a maximum occupancy for the air supported structure(s) and the number of egresses required.
8. The Appellant may allow a limited number of observers during sporting events if the following conditions are met:

- a. A fire alarm system, approved by the Fire Department and including fire detection capabilities, horns, strobes, and pull stations is installed.
- b. Emergency lighting is installed in accordance with applicable code and approved by the Head of the Fire Department and the Agawam Building Inspector.
- c. Exit signage is installed in accordance with applicable code and approved by the Head of the Fire Department and the Agawam Building Inspector.
- d. Maximum occupancy for the structure is not exceeded.
- e. The Appellant complies with the requirements of Massachusetts 527 CMR 10.13(2).

As outlined in the memorandum from the Automatic Sprinkler Appeals Board, dated August 8, 2003, this agreement is committed in writing, signed by both parties, and includes the basis for the suggested disposition and the specific conditions of the agreement.

It is understood by both parties that, notwithstanding the existence of any such written agreement, recommended disposition or stipulation, the ultimate decision to accept, deny or modify the contents of this agreement, and the ultimate determination of this case remains within the sole authority and jurisdiction of the Board.


Alan Sirois, Fire Chief


Don Cameron

Enclosures: Automatic Sprinkler Appeals Board Memorandum, dated August 8, 2003
Automatic Sprinkler Appeals Board Decision, Docket # 2011-11
Automatic Sprinkler Appeals Board Decision, Docket # 2003-05
Automatic Sprinkler Appeals Board Decision, Docket # 00-02
Automatic Sprinkler Appeals Board Decision, Docket # 90-016



AGAWAM FIRE DEPARTMENT

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It is understood by both parties that, notwithstanding the existence of any such written agreement, recommended disposition or stipulation, the ultimate decision to accept, deny or modify the contents of this agreement, and the ultimate determination of this case remains within the sole authority and jurisdiction of the Board.


Alan Sirois, Fire Chief


Don Cameron

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