



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

*Automatic Sprinkler Appeals Board*

*P.O. Box 1025 ~ State Road*

*Stow, Massachusetts 01775*

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VICE CHAIRMAN

**Docket # 2017-09**  
**159 Camelot Drive**  
**Plymouth, Massachusetts**

**AUTOMATIC SPRINKLER APPEALS BOARD DECISION**

**A) Statutory and Regulatory Framework**

This is an administrative appeal held in accordance with Massachusetts General Laws (M.G.L.) Chapter 30A; Chapter 148, s. 26G; Chapter 6, section 201, relative to a decision of the Plymouth Fire Department, ordering the installation of automatic sprinklers in a proposed addition to an existing building owned by the Town of Plymouth (hereinafter referred to as the Appellant). The owned/planned addition to the building, which is the subject of the order, is located at 159 Camelot Drive, Plymouth, Massachusetts.

**B) Procedural History**

By an Order of Notice dated September 20, 2017 and received by the Appellant on the same date, the Plymouth Fire Department issued a determination requiring automatic sprinklers to be installed in a "salt shed" building on the subject property located at 159 Camelot Drive, Plymouth, Massachusetts. The determination was issued pursuant to the provisions of M.G.L. Chapter 148, s. 26G. On September 21, 2017, the Appellant filed an appeal of the departments' determination with the Automatic Sprinkler Appeals Board. The Board held a hearing on November 8, 2017, at the Department of Fire Services, Stow, Massachusetts.

Appearing on behalf of the Appellant, Town of Plymouth, was James Ierardi and Michael Richard from Weston & Sampson. Appearing on behalf of the Plymouth Fire Department were: Chief G. Edward Bradley and Paul McAuliffe, Director of Inspectional Services, Plymouth Building Department.

Present for the Board were: Maurice M. Pilette, Vice Chairman; Peter Gibbons; Deputy Chief Jack Dempsey; and Alexander MacLeod. 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 Order of the Plymouth Fire Department to sprinkler the Appellant's building in accordance with the provisions of M.G.L. Chapter 148, s. 26G?

**D) Evidence Received**

1. Application for Appeal by Appellant
2. Statement in Support of Appeal (9/26/2017)
3. Site Plan – Salt Shed Improvements
4. Floor/Foundation – Index of Drawings
5. Foundation Details / Barrier Wall Details
6. Roof Framing Plan, Barrier Wall Details, Truss Bearing Plate Details
7. Transverse Bldg. Section
8. Building Elevations (Front/Left Side)
9. Building Elevations (Rear/Right Side)
10. Typical Wall Sections
11. Side Entrance Closure
12. Wall Section & Construction Details
13. Existing/New Building Section, Alternate #1: Lean-To Wall Section
14. Alternate #1: Lean-To Wall Section
15. Roofing Details
16. Order of Notice from Plymouth Fire Department and Inspectional Services Division
17. 1<sup>st</sup> Notice of Hearing to Parties (9/29/2017)
18. 2<sup>nd</sup> Notice of Hearing to Appellant (10/18/2017)
19. 2<sup>nd</sup> Notice of Hearing to Plymouth Fire Department and Inspectional Services Division (10/18/2017)
20. Copies of two Memoranda that accompany Hearing Notices
21. Picture of Existing structure submitted by the Plymouth Fire Department

**E) Subsidiary Findings of Fact**

- 1) By an Order of Notice dated September 20, 2017 and received by the Appellant on the same date, the Plymouth Fire Department issued a determination requiring automatic sprinklers to be installed in a “salt shed” building on the subject property located at 159 Camelot Drive, Plymouth, Massachusetts. The determination was issued pursuant to the provisions of M.G.L. Chapter 148, s. 26G. On September 21, 2017, the Appellant filed an appeal of the departments’ determination with the Automatic Sprinkler Appeals Board. The Board held a hearing on November 8, 2017, at the Department of Fire Services, Stow, Massachusetts.
- 2) At the beginning of the hearing, the Appellant’s representatives indicated that they do not contest that this project would generally be subject to the provisions of M.G.L. c. 148, s. 26G.
- 3) The Appellants’ representatives testified that the existing “salt shed” will have a canopy structure and an addition added to the building. The building is currently 6,150 s.f. in size, the proposed open-sided canopy structure would be 2,613 s.f., and the enclosed addition would be 1,920 s.f., for a total square footage of 10,683.
- 4) According to the Appellants’ representatives, the current building, is located in a fairly remote area, approximately 60 feet apart from other structures on said property and would be used solely for the storage of sodium chloride, commonly known as “road salt.” They indicated

that it is non-combustible and has no flashpoint. The representatives further stated that the current building classification is a Use Group “U”, which is not intended for human habitation or occupancy, and that the building would be open to weather on 3 sides.

- 5) Appellants’ representatives testified that this expanded “salt shed” type building will be a one story, wood framed structure, 39 feet in height. They testified that this “open-air,” structure is a utility building that, in their opinion, would be very difficult to install sprinklers, since storage of salt in such an open, damp environment may adversely affect the proper maintenance and operation of sprinkler heads due to an enhanced corrosive environment. In addition, Appellant raised environmental concerns caused by excessive runoff of salt in the event the stored salt was soaked with water.
- 6) Appellants’ representatives stated that the building is currently used and would continue to be used solely for the storage of road salt and would be unheated, have no water supply, features one overhead door, and would be open to weather on three sides. The Appellant testified that the building would only be accessed by heavy machinery operated by town personnel, and vehicles would not be parked or stored in said building.
- 7) The representatives for both the Appellant and the Plymouth Fire Department indicated that the building, in the event of a fire or explosion situation, would not compromise the safety of other buildings due to its remote location and adequate clearance from other buildings. In addition, the Plymouth Fire Department testified that there is adequate access to the property and adequate water supply via a municipal hydrant system which is available in the event of a fire. Fire Chief Bradley and Director McAuliffe did not contest any facts or conclusions presented by Appellant and testified that they would support the Board’s waiver of sprinklers in this case.

**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.” 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 did not contest that this building would be subject to M.G.L. c. 148, s. 26G.
- 3) The Board finds that the provisions of M.G.L. Chapter 148, s. 26G apply to the proposed building. However, based upon the unique characteristics of the building as presented at the hearing and stated herein, including the structure’s limited use, occupancy, and fire load, and the hostile environment for sprinkler protection, the Board hereby determines that the installation of a sprinkler system would not be practical.

**G) Decision and Order**

Based upon the forgoing reasons, this Board unanimously **reverses** the Order of the Plymouth

Fire Department to require automatic sprinklers throughout this particular building. This determination is conditioned upon the limited use of said building as stated in this Board's findings in Section E, paragraph 6, and that the existing water supply and building access is not reduced.

**H) Vote of the Board**

Maurice M. Pilette, Vice Chairman	In Favor
Peter Gibbons	In Favor
Deputy Chief, Jack Dempsey	In Favor
Alexander MacLeod	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,



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Maurice M. Pilette, P.E., Vice Chairman

Dated: December 12, 2017

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

A. Vernon Woodworth, FAIA  
AKF  
99 Bedford Street, 2<sup>nd</sup> Floor  
Boston, MA 02111

Chief G. Edward Bradley  
Plymouth Fire Dept.  
114 Sandwich Street  
Plymouth, MA 02360