

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

(978) 567-3181 Fax: (978) 567-3121

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LT. GOVERNOR

DANIEL BENNETT
SECRETARY

CHIEF THOMAS COULOMBE
CHAIRMAN

MAURICE M. PILETTE
VICE CHAIRMAN

Docket # 2018-04
95 Charge Pond Road
Wareham, 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 Wareham Fire Department, ordering the installation of automatic sprinklers in a proposed new salt shed to be owned by the Town of Wareham (hereinafter referred to as the Appellant). The new building, which is the subject of the order, would be built at 95 Charge Pond Road, Wareham, Massachusetts.

B) Procedural History

By an Order of Notice dated March 19, 2018 and received by the Appellant on March 20, 2018, the Wareham Fire Department issued a determination requiring automatic sprinklers to be installed in a new proposed "salt shed" on the subject property located at 95 Charge Pond Road, Wareham, Massachusetts. The determination was issued pursuant to the provisions of M.G.L. Chapter 148, s. 26G. On May 3, 2018, the Appellant filed an appeal of the department's determination with the Automatic Sprinkler Appeals Board. The Board held a hearing on June 13, 2018, at the Department of Fire Services, Stow, Massachusetts.

Appearing on behalf of the Appellant, Town of Wareham, was Jeff Alberti, Vice President/Consultant, Weston & Sampson and David Menard, Director of Municipal Maintenance, Town of Wareham.

Appearing on behalf of the Wareham Fire Department was Lt. Christopher Smith.

Present for the Board were: Thomas Coulombe, Chairman; Maurice M. Pilette, Vice Chairman; Patricia Berry; 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 Wareham 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
3. Order of Notice of the Wareham Fire Department (3/19/2018)
4. Detailed Drawings “New Salt Storage Structure – Town of Wareham” 18 pages
5. Notice of Hearing to Appellant (5/16/2018)
6. Notice of Hearing to Wareham Fire Department (5/16/2018)
7. Copies of two Memoranda that accompany Hearing Notices

E) Subsidiary Findings of Fact

- 1) By an Order of Notice dated March 19, 2018 and received by the Appellant on March 20, 2018, the Wareham Fire Department issued a determination requiring automatic sprinklers to be installed in a new proposed “salt shed” on the subject property located at 95 Charge Pond Road, Wareham, Massachusetts. The determination was issued pursuant to the provisions of M.G.L. Chapter 148, s. 26G. On May 3, 2018, the Appellant filed an appeal of the departments’ determination with the Automatic Sprinkler Appeals Board. The Board held a hearing on June 13, 2018, 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. Chapter 148, s. 26G.
- 3) The Appellants’ representatives testified that the existing salt shed on the property needs to be replaced and that the proposed new salt shed would be large enough to house salt for the entire winter season. The new salt shed will have extended canopies on each side and would be approximately 8,960 s.f. in size, with another 2,008 s.f. with extended roofs/canopies for a total square footage of 10,968. The salt shed would be classified as an S-2 occupancy, “low hazard storage.”
- 4) According to the Appellants’ representatives, the proposed building would be located in a remote area on the site, approximately 50 feet apart from other structures on said property. The shed will 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 building would not be used for human habitation, occupancy or to store motor vehicles or other tools and equipment.
- 5) Appellants’ representatives testified that this salt shed type building will be a one story, wood framed structure, 45 feet in height. They testified that this “open-air,” structure would have one large garage door that is capable of closure and that the open canopied areas on each side of the building would be only be used for the storage of non-combustible materials such as cement blocks, catch basins, etc. and that no vehicles would be stored in or around the building, including the canopy areas.
- 6) The Appellants testified that the board should waive the requirement of a sprinkler system in this structure due to the characteristics and use of the structure. The Appellants noted that the Board has issued several previous determinations that have waived the s. 26G requirements for other such salt shed utility structures. In their opinion, a sprinkler system would be very impractical in this

building based upon its limited use to store road salt. Additionally, they indicated that the storage of salt in such an open, damp environment adversely affects the proper maintenance and operation of sprinkler heads due to the corrosive environment. In addition, Appellant raised environmental concerns caused by excessive runoff of salt in the event the stored salt was soaked with water.

- 7) Appellants' representatives stated that the inside of the building would be used solely for the storage of road salt and would be unheated and have no water supply. The Appellant reiterated 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.
- 8) The representatives for both the Appellant and the Wareham 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 Wareham Fire Department testified that there is adequate access to the property and adequate water supply, less than 300 feet away, via an 18 inch municipal hydrant system which is available in the event of a fire. Lt. Smith, on behalf of the Wareham Fire Department, 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. Chapter 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. Chapter 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 this structure, as presented at the hearing and stated herein, the Board hereby determines that the installation of a sprinkler system would not be practical. Such factors include the structure's limited use to store road salt, limited occupancy, minimum fire load and the difficulty to operate and maintain a sprinkler system in such a corrosive, damp, cold and otherwise hostile environment. The Board notes that the representatives for the Wareham Fire Department did not contest any findings that support this determination

G) Decision and Order

Based upon the forgoing reasons, this Board unanimously **reverses** the Order of the Wareham Fire Department to require automatic sprinklers throughout this particular building. This determination is based upon the following conditions:

1. That the new building be used only for the storage of salt, sand, and like materials;
2. That the lean-to/canopies, only be used for non-combustible materials;

3. That vehicles not be stored in the shed or under the canopy areas; and
4. If there is any change of use, that the Wareham Building and Fire Departments be notified immediately to determine whether sprinklers would be required.

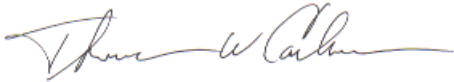
H) Vote of the Board

Chief Thomas Coulombe, Chairman	In Favor
Maurice M. Pilette, Vice Chairman	In Favor
Patricia Berry	In Favor
Deputy Chief, Jack Dempsey	In Favor
Peter Gibbons	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,



Chief Thomas Coulombe, Chairman

Dated: July 9, 2018

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

Jeff Alberti, Vice President
Weston & Sampson
100 Foxborough Blvd., Suite 250
Foxborough, Massachusetts 02035

Lieutenant Christopher Smith
Wareham Fire Department
273 Main Street
Wareham, Massachusetts 02571