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

Automatic Sprinkler Appeals Board

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PATRICIA BERRY
CHAIR

MAURICE M. PILETTE
VICE CHAIR

Docket # 21-05
80 Trinity Park
Oak Bluffs, 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, s. 26G, and Chapter 6, s. 201, relative to a decision of the Oak Bluffs Fire Department to require the Martha's Vineyard Camp Meeting Association (hereinafter the "Appellant"), to install automatic sprinklers throughout the Tabernacle building located at 80 Trinity Park, Oak Bluffs, Massachusetts.

B) Procedural History

By written notice dated November 3, 2021 and received by the Appellant on November 3, 2021, the Oak Bluffs Fire Department issued an Order pursuant to the provisions of M.G.L. c. 148, s. 26G to the Appellant requiring automatic sprinklers to be installed throughout the subject building and a proposed addition located at 80 Trinity Park, Oak Bluffs, Massachusetts. On November 18, 2021 the Appellant filed a timely appeal of the determination with the Automatic Sprinkler Appeals Board. The Board held a hearing relative to this appeal on December 8, 2021 via video conference.

Appearing at the hearing on behalf of the Appellant were: Keith Flanders, P.E., Cosentini Associates; Edward Cifune, AIA, Architect, DBVW; Amanda Sawyer, CHA, Owner's Project Manager; Andrew Patch, President, Martha's Vineyard Camp Meeting Association; Dawn McKenna, Interim General Manager, Martha's Vineyard Camp Meeting Association; Ashley Khattach, Capital Improvement Task Force; Jamie Schiff, Board Member, Martha's Vineyard Camp Meeting Association; Scott Slarsky, Leaseholder/Architect and Committee Member, Martha's Vineyard Camp Meeting Association

Appearing on behalf of the Oak Bluffs Fire Department was Fire Chief Nelson Wirtz.

Present for the Board at the hearing was: Patricia Berry, Chair; Maurice M. Pilette, Vice Chair; Deputy Chief Joseph Shea (designee of the Boston Fire Commissioner); Chief Michael Spanknebel; Alexander MacLeod; and Kristin Kelly. Glenn M. Rooney, Esquire, was the Attorney for the Board.

C) Issue(s) Presented

Whether the Board should affirm, reverse or modify the determination of the Oak Bluffs Fire Department requiring sprinklers in the Appellant's building and proposed addition, in accordance with the provisions of M.G.L. c. 148, s. 26G?

D) Evidence Received

1. Application for Appeal by Appellant
2. Appellant's Statement in Support of the Appeal
3. Plan showing new addition to existing structure
4. Plan showing cross section at addition and longitudinal section at addition
5. Plan showing West, North and South Elevations
6. E-mail from Chief Wirtz of the Oak Bluffs Fire Department to Cosentini and Associates confirming that M.G.L. c. 148, s. 26G applies to this project (dated 11/3/2021)
7. Notice of Hearing to Appellant (dated 11/22/2021)
8. Notice of Hearing to Oak Bluffs Fire Department (dated 11/22/2021)
9. Memorandum regarding Remote Hearing Procedures (dated 6/29/2021)
10. Copies of two Memoranda that accompany Hearing Notices (dated 5/1/2020)

E) Subsidiary Findings of Fact

- 1) The subject building known as The Tabernacle, is part of the Wesleyan Grove and is owned by the Martha's Vineyard Camp Meeting Association and is located at 80 Trinity Park, Oak Bluffs, Massachusetts.
- 2) By written notice dated November 3, 2021 and received by the Appellant on November 3, 2021, the Oak Bluffs Fire Department issued an Order pursuant to the provisions of M.G.L. c. 148, s. 26G to the Appellant requiring automatic sprinklers to be installed throughout the subject building and a proposed addition located at 80 Trinity Park, Oak Bluffs, Massachusetts.
- 3) The existing structure on the site, known as the Tabernacle, is a wrought iron structure which was constructed in 1879. The building construction most closely resembles Type IIIB and measures one story in height, rising to 40 ft above grade. The building has several ornate features such as three different levels of roof, iron trusses, stained-glass windows and an octagonal cupola. The wrought iron structure is one of the few remaining of its kind. The Tabernacle has been designated as one of only 2,600 National Historic Landmarks in the United States.
- 4) According to the Appellant, this structure is an assembly occupancy used primarily in July and August for community events, primarily religious and cultural purposes. While the majority of events are for groups 100-300 persons in size, the total capacity of the Tabernacle is approximately 1,600 persons.
- 5) The Appellant testified that the proposed addition would be 1,100 s.f. in size and would add additional restrooms, storage, and be used for supplemental staff purposes. This structure would be accessible from outside the existing Tabernacle structure and would

only be connected to the Tabernacle by overhang flashing to provide cover from the weather. As proposed, the new addition would also contain a 1-hour fire resistance rated wall and a ¾ hour fire rated door between the addition and the Tabernacle.

- 6) The Appellant also indicated that the proposed work on this project would also include replacing the roof of the Tabernacle and restoring interior center pieces and lighting, and that a fire alarm system would also be installed, to include horns and strobe light notification.
- 7) While the Appellant concedes that the existing structure and proposed addition are subject to M.G.L. c. 148 s. 26G, they are requesting relief from the sprinkler requirement in the Tabernacle based upon the historic nature and architectural significance of the existing structure and due in part to the fact that the building is an open-air structure. The Appellant argued that the installation of a sprinkler system would be “extremely detrimental to the aesthetics of the space and would also require a dry sprinkler system be designed” due to the sprinkler system being exposed to freezing temperatures (see Ex. 2). However, the Appellant stated that they would be willing to sprinkler the new addition.
- 8) Upon questioning by the Board, the Appellant acknowledged that they had not conducted an engineering analysis to determine if the existing structure could support the weight of a sprinkler system nor had they obtained any cost estimates for the installation of a sprinkler system.
- 9) When asked about the availability of water and the water pressure to the structure, the Appellant’s Fire Protection Engineer stated that domestic water was available and that the pressure was 40 psi per 1,000 gpm flowing. The engineer also indicated that there are several hydrants surrounding the grassy area around the Tabernacle property.
- 10) In support of the Oak Bluff Fire Department’s position, Chief Nelson Wirtz testified that while the Tabernacle is a historic structure and a valued asset to the community, that the scope and nature of the project triggers the provisions of M.G.L. c. 148, s. 26G and that he does not have the ability, based upon the law, to grant the relief being sought.
- 11) Chief Wirtz further testified that he believed there was adequate water supply to the building and surrounding areas. He indicated that the nearest fire station to the property is approximately 3 minutes away but that the fire department is a call/volunteer fire department and their ability to respond to the structure depends on the availability of his firefighters and how quickly they can respond to the station.

F) Ultimate Findings of Fact and Conclusions of Law

- 1) The 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, as stated, reflects recent amendments to the statute enacted by Chapter 508 of the Acts and Resolves of 2008. The new provisions apply to “the construction of buildings, structures or *additions* or major modifications thereto, which

total, in the aggregate, more than 7,500 gross square feet permitted after January 1, 2010” (emphasis added) (Sec. 6, Chapter 508 of the Acts of 2008).

- 2) Based upon this language the law is only triggered if: (1) a new building or structure is constructed, (2) an addition is built onto an existing building or structure, or (3) major alterations or modifications are made to an existing building.
- 3) The Appellant’s conceded that M.G.L. c. 148, s. 26G does apply in this case, based upon the size of the existing Tabernacle structure and the proposed addition, which would be 1,100 s.f. in size.
- 4) The Board finds that the Appellant’s claim about the Tabernacle’s unique architectural and historical characteristics dating back to its construction in 1879 has merit and recognizes the structure, as part of the larger Wesleyan Grove, has been designated a National Historic Landmark as of 2005.
- 5) The provisions of M.G.L. c. 148, section 26G specifically allow this Board to take such factors relating to architectural and historic significance into consideration in rendering its decisions.

G) Decision and Order

The Board finds that the proposed addition to the existing Tabernacle building triggers the provisions of M.G.L. c. 148, s. 26G requiring installation of sprinklers throughout both the new additional space and throughout the existing church areas.

However, based upon the evidence presented at the hearing and the reasoning stated herein, the Board hereby **modifies** the Order of the Oak Bluffs Fire Department according to the following:

The Appellant shall install:

- An adequate sprinkler system throughout the proposed new addition, including under the stage area within the Tabernacle, if it is continued to be used for storage or any other purpose;
- 2-hour fire rated wall and doors;
- A manual fire alarm system throughout the Tabernacle and its addition, including horns and strobes, the nature and extent of such system shall be determined by the Oak Bluffs Fire Department; and
- A fire fire hydrant within 100 feet of the building if determined necessary by the Oak Bluffs Fire Chief.

H) Vote of the Board

Patricia Berry, Chair	In Favor
Maurice Pilette, Vice Chair	In Favor
Deputy Chief Joseph Shea, designee	In Favor
Michael Spanknebel	In Favor
Alexander MacLeod	In Favor
Kristin Kelly	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,



Patricia Berry, Chair

Dated: December 14, 2021

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

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