



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

Automatic Sprinkler Appeals Board

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Docket # 2025-05
39 Bow Street
Beverly, 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. 26G½, and Chapter 6, s. 201, relative to a decision of the Beverly Fire Department to require the Albanian Boston Community, Inc. d/b/a Cunat e Bostonit (hereinafter the “Appellant”), to install automatic sprinklers in an existing building located at 39 Bow Street, Beverly, Massachusetts.

B) Procedural History

By written notice dated May 15, 2025, and received by the Appellant on May 15, 2025, the Beverly Fire Department issued an Order pursuant to the provisions of M.G.L. c. 148, s. 26G½, to the Appellant requiring automatic sprinklers to be fully installed in an existing building operated by said Appellant located at 39 Bow Street, Beverly, Massachusetts.

On June 20, 2025, 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 July 9, 2025, via video conference.

Appearing at the hearing on behalf of the Appellant was: Ardi Bocova, President; Rei Piring, Director; Zenel Lala, Treasurer; Andi Biqiku, Secretary; and Endri Kume, building landlord of 39 Bow St, LLC and Advisor to the Board of Directors. Appearing on behalf of the Beverly Fire Department were Chief Peter O’Connor; Captain Jacob Kreyling; and Jesse Dole, Esq., Assistant City Solicitor, City of Beverly.

Present for the Board at the hearing were: Kristin M. Kelly, Chair; Patricia Berry; Deputy Chief Colin Kelly (designee of the Boston Fire Commissioner); Alexander MacLeod (designee of the Chair of the Board and Building Regulations and Standards); and Jennifer McHale. Rachel E. Perlman, Esquire, served as counsel to the Board.

C) Issue(s) Presented

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

Department requiring sprinklers in the Appellant's proposed building, in accordance with the provisions of M.G.L. c. 148, s. 26G½?

D) Evidence Received

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| 1. | Application for Appeal filed by Appellant | 6/20/2025 |
| 2. | Statement in Support of Appeal | 6/18/2025 |
| 3. | Order of Notice of the Beverly Fire Department to Appellant with related correspondence, Detail Rate Sheet, copy of M.G.L. c. 148, s. 26G½, and inspection history | 5/15/2025 |
| 4. | IRS Classification of 501(c)(7) Non-Profit Social Club | 10/27/2023 |
| 5. | Copy of signed Commercial Lease Agreement between landlord and Appellant | 11/1/2024 |
| 6. | By-laws and Club Rules Excerpt | |
| 7. | Floor Plans – 1 st and 2 nd Floors | |
| 8. | Occupancy Certificate | issued 5/28/2025 |
| 9. | Private Function Event Contract | |
| 10. | Crowd Manager Certificates | |
| 11. | Prior Tenant Occupancy Certificate | |
| 12. | Club Liquor License | issued 6/3/2025 |
| 13. | Owner/Landlord Business Entity Registration with the State of MA | registered 11/20/2024 |
| 14. | Outside and inside photographs with descriptions of building (7 pages) | |
| 15. | Submission from the Beverly Fire Department | |
| 15A. | Common Victualer’s License to Sell All Alcoholic Beverages | issued 6/3/2025 |
| 15B. | E-mail correspondence from Beverly Fire Department to Beverly License Board | 5/22/2025 |
| 15C. | E-mail correspondences between Beverly Fire Department and Appellant | May 2025 |
| 15D. | E-mail correspondences between Beverly Fire Department and Appellant | January 2025 |
| 16. | Withdrawal of Appeal for Beverly-Salem Lodge of Elks located at 39 Bow St., Beverly, MA (Lodge 1309) | 3/8/2007 |

E) Subsidiary Findings of Fact

- 1) By written notice dated May 15, 2025 and received by the Appellant on May 15, 2025, the Beverly Fire Department issued an Order pursuant to the provisions of M.G.L. c. 148, s. 26G½, to the Appellant requiring automatic sprinklers to be fully installed in an existing building operated by the Appellant located at 39 Bow Street, Beverly, Massachusetts.
- 2) The property at issue is the Albanian Boston Community, Inc. d/b/a Cunate Bostonit. Mr. Kume, the building landlord and advisor on the Board of Directors testified that this organization is newly established as a private, non-profit social club operating under Internal Revenue Code 501(c)(7) status since 2022. The organization signed a lease for the subject property at 39 Bow Street, Beverly, MA in December 2024 and following extensive remodeling, opened the organization’s doors on June 12, 2025. Mr. Kume stated that the property would be used for the benefit of the Albanian community.
- 3) The property was described by Mr. Kume as a two-story wood structure, with some steel framing supporting the second-floor roof structure. The first floor contains the members

only bar area, kitchen, bathroom, and lounge and is approximately 3,200 s.f. with an occupancy of 95 people. The second floor contains an event hall, with a serving bar and is approximately 5,000 s.f. with an occupancy of 265 people. The members-only bar area is currently operated from 9 a.m. to 10:30 p.m. The second-floor event space would be operated from 12:00 p.m. to 5 p.m. or with evening hours, not to exceed last call at 12:30 a.m.

- 4) The facility has a number of fire safety features including: pull stations, heat and smoke detectors, fire extinguishers in the kitchen and members only bar, and at all exits, as well as illuminated exit signs and large exit doors.
- 5) Mr. Kume testified that the facility has just finished renovations and as such, no functions have been booked in the second-floor event hall but he envisions events such as birthday parties, baptism showers, baby showers and maybe wedding parties. However, Mr. Kume testified that the organization, after conversation with the Beverly Fire Department and having received the Order to install sprinklers, has carefully studied prior decisions of this Board and now has several members certified as crowd managers and has developed a detailed 'Function Event Contract' to ensure a safe experience for all.
- 6) The organization's 'Function Event Contract' (Exhibit 9), covers the 2nd floor function space and lists the nature of event and states "this event is a private function featuring a meal as the primary attraction." The contract also requires information on the purpose of event, date of event, and maximum attendance, which "shall not exceed the amount stated on the occupancy permit issued by the City of Beverly Building Department currently 265." The facility contract also states that the operator "shall arrange tables and chairs within the designated event space(s) in well-defined aisles to ensure unimpeded and easy egress for all attendees" and that lighting levels "within the designated event space(s) during the Event will not be significantly low.
- 7) Mr. Kume indicated that the prior occupants of the building, the Beverly-Salem Lodge of Elks, had received a similar Order to install sprinklers from the Beverly Fire Department in 2006. However, documentation Mr. Kume received from the Automatic Sprinkler Appeals Board and entered into the record as Exhibit 16, indicates that the Order had been withdrawn by the Beverly Fire Department on February 27, 2007. The documentation, signed by Deputy Chief Wayne Francis of the Beverly Fire Department, stated that "the operations of the second floor of your club, the "function hall" fall within the ruling of the matter of 91 Manville Street, Leicester, MA (Automatic Sprinkler Appeals Board Docket #2005-23) and are therefore exempt from the requirements of M.G.L. c. 148, s. 26G½" (see Exhibit 16).
- 8) Mr. Kume stated that while the building ownership has changed, there are no other changes to the occupancy and/or use of the facility that would otherwise trigger the requirement to install sprinklers under M.G.L. c. 148, s. 26G½.
- 9) When asked by the Board about estimates for the installation of sprinklers, Mr. Kume stated that he had tried to get "some" and that the "ballpark number" was about \$70,000.00.

- 10) In support of the Order of Notice, Captain Kreyling of the Beverly Fire Department testified that he issued the Order based upon discussions with the Albanian Boston Community and their intention to operate the property differently than the Elks had and that those operational changes would exceed the limitations set forth in M.G.L. c. 148, s. 26G½.
- 11) Captain Kreyling stated that the Appellant had told him that they intended to use the 2nd floor for events including weddings with possible dancing and planned to serve alcohol for such events. He also stated the Appellant advised that such events would reach full capacity.
- 12) Based upon these conversations, Captain Kreyling stated that the department had offered the Appellant an opportunity to “change the liquor license card and the usage of this building to disallow alcohol usage on the 2nd floor as the Elks” but that the Appellant did not accept that offer.
- 13) Captain Kreyling also expressed concern over the age and construction of the building describing it as “mostly wood frame” and stated that the older style egresses do not meet The Americans with Disabilities Act (“ADA”) standards. He stated that he had requested that the Appellant engage with an architect or designer to determine if the egresses met ADA standards. Further, he indicated that the building shows evidence of a previous fire, which had been repaired, and that the building contains an older electrical system, which may be pushed to limit by hosting modern larger events.
- 14) Captain Kreyling spoke about the Leicester decision (Automatic Sprinkler Appeals Board Docket #2005-23 – 91 Manville Street, Leicester, MA) referenced by the Appellant. Captain Kreyling stated that the building referenced in the Leicester case was “substantially different” than this building at 39 Bow Street. Specifically, he stated that the Leicester building was only used once per week and that no alcohol was served, which is why the building was exempted from the provisions of M.G.L. c. 148, s. 26G½.¹ Captain Kreyling stated that based upon the Appellant’s testimony, this building at 39 Bow Street will be used more frequently and will routinely have alcohol available during events, which contributed to his decision to issue the Order to install sprinklers.
- 15) When asked by the Board about the scope and timeline for sprinkler installation, Captain Kreyling stated that he would be looking to have sprinklers throughout the facility. In addition, he requested monthly updates on the progress of said installation, with final installation completed by December 2025.

¹ The Leicester decision (ASAB 2005-23) states that the facility rents out “two hall areas approximately 80 times per year for privately organized function activities (paragraph (E)(4)).” Further, paragraph (E)(8) of the decision states, in pertinent part, “[a]t events that feature alcoholic beverages, the Appellant provides a “standup only” service bar that serves soft drinks and alcoholic beverages to only function guests. The service bar is only open during the hours that a function is ongoing and at no other time.”

F) Ultimate Findings of Fact and Conclusions of Law

- 1) The subject building is a place of public assembly (A-2 occupancy), as defined by the Massachusetts State Building Code, with a capacity of 100 persons or more (see Exhibit 11, City of Beverly – New and Renewal Certificate of Inspection).
- 2) The provisions of the 2nd paragraph of M.G.L. c. 148, s. 26G½, in pertinent part states: “every building or structure, or portions thereof, of public assembly with a capacity of 100 persons or more, that is designed or used for occupancy as a night club, dance hall, discothèque, bar, or similar entertainment purposes...(a) which is existing or (b) for which an approved building permit was issued before December 1, 2004, shall be protected throughout with an adequate system of automatic sprinklers in accordance with the state building code”. The law was effective as of November 15, 2004 and required all systems to be installed within 3 years of the effective date of the act (by November 15, 2007).
- 3) In a memorandum dated January 10, 2005, this Board issued a guidance document relative to c.148, s. 26G½. In said memorandum, this Board noted that the statute did not contain a definition of the words “nightclub, dance hall, discotheque, bar or similar entertainment purposes”. This Board reviewed the legislative intent and background of the statute and concluded that there were certain characteristics typical of bars, nightclubs, dancehalls and discotheques. This Board indicated that such occupancies are characterized, but not limited to, the following factors:
 - a) No theatrical stage accessories other than raised platform;
 - b) Low lighting levels;
 - c) Entertainment by a live band or recorded music generating above normal sound levels;
 - d) Later-than-average operating hours;
 - e) Tables and seating arranged or positioned so as to create ill-defined aisles;
 - f) A specific area designated for dancing;
 - g) Service facilities primarily for alcoholic beverages with limited food service; and
 - h) High occupant load density.

It was the interpretation of this Board that such characteristics are typical of the “A-2 like” occupancy (which was a general reference to the A-2 use group referenced in 780 CMR, The Massachusetts State Building Code) and that these are the type of factors that heads of fire departments should consider in enforcing the sprinkler mandates of M.G.L. c.148, s. 26G½. It was noted that the list of characteristics was not necessarily all-inclusive. Additionally, the factors may be applied individually or in combination depending upon the unique characteristics of the building at the discretion of the head of the fire department.

- 4) Based upon the testimony provided and documentation submitted into the record, this building has not yet been rented out for private functions. However, the Appellant has indicated that when rentals do occur, they would strictly be organized private dining events that feature a meal as the main attraction and that guests who attend such organized dining events would be present as the result of a written invitation.

- 5) Furthermore, such “organized” private dining events, by their very nature, have pre-arranged limitations on attendance and seating because a meal is being prepared and served. They tend to have a fixed starting and ending times and do not have later than average operating hours. Whether the meal is buffet style or sit-down, each guest has a chair and a table to sit down and eat. The tables and chairs are not positioned as to create ill-defined aisles. Although there may be dancing to live or recorded music during some portion of the event, the entertainment is not the main feature of the event. The dancing activity is limited to those persons who are attending for the purposes of eating a meal. Each guest has a seat at a table. In such situations the occupant load is not typically concentrated or crowded. According to the testimony, the characteristics of such events are within the strict control of an on-site manager and are established by a written agreement.
- 6) Notwithstanding the incidental appearance of live or recorded music for dancing purposes, the Board concludes that under certain circumstances, a place of assembly which provides facilities for organized private dining events may not necessarily be subject to the retroactive sprinkler installation requirements of M.G.L. c.148, s. 26G½. The existence of the following characteristics in certain facilities is distinguishable from the “A-2 like” characteristics that this Board concluded were typical of nightclubs, dancehalls and discotheques and within the legislative intent of this law. The characteristics are as follows:
1. The facility is used for events that feature a meal as the primary attraction.
 2. The facility is used for events that are organized for the purpose of a private function.
 3. Attendance for each specific event is limited and pre-arranged between the facility operator and the private event organizers. The number of guests is limited by written invitation or limited ticket availability and does not exceed the agreed upon attendance limit. Each event has a definite starting and ending time.
 4. Tables and chairs are arranged in well-defined aisles in such a manner to not impede easy egress, and
 5. There are no significantly low lighting levels, and
 6. The maximum documented legal capacity, based upon the available floor space, is not less than 15 feet (net) per occupant. The Board notes that this formula is consistent with the definition of the “unconcentrated” Assembly Occupancy found in 780 CMR, The State Building Code (6th Edition), table: 780 CMR 1008.1.2².
 7. The characteristics of the event, as referenced above, are strictly controlled by an on-site manager and are made part of a written function event contract.

Examples of organized private dining events may include organized banquets, private parties, fund raisers, wedding receptions and ceremonial banquet events, as long as all the aforementioned characteristics exist. This determination does not preclude such a facility

² As noted in the Leicester decision, (ASAB 2005-23).

from ever hosting an event that features music by a live band or recording, dancing or similar entertainment as the main attraction. Under the provisions of M.G.L. c.148, s. 26G½, 4th paragraph, such a facility may be used as a nightclub, dance hall, discotheque or similar entertainment purposes on a temporary basis without the need to install an adequate system of automatic sprinklers under said section. However, such temporary use is allowed only if a permit is issued for such use by the head of the fire department in consultation with the local building inspector. The issuance of such a permit is a matter within the sole discretion of the head of the fire department who may set the terms and conditions to protect against fire and preserve public safety.

- 7) Accordingly, the Board finds that the intended use of the facility for social activities within the function hall that feature “A-2 like” activities, such as music and dancing, would be considered “privately organized dining events” which feature a meal as the primary attraction. As such, the Board finds that said facility, based upon its stated intended use, meets the seven (7) characteristics as stated above and is not subject to the sprinkler requirements of s. 26G½, as long as the characteristics stated in section F, paragraph (3), items (a) through (g) are met for all future events that feature music or entertainment.
- 8) This determination does not preclude the Beverly Fire Department from future review of the subject building and events held by the Albanian Boston Community, Inc. to determine whether said events continue to meet the seven (7) characteristics as stated above in section F, paragraph (3), items (a) through (g).

G) Decision and Order

Based upon the evidence presented to the Board and for the reasons stated herein, the Board **reverses** the Order of the Beverly Fire Department to require adequate sprinkler protection in the subject building in accordance with the provisions of M.G.L. c. 148, s. 26G½.

H) Vote of the Board

Kristin M. Kelly, Chair	In Favor
Patricia Berry	In Favor
Alexander MacLeod	In Favor
Deputy Chief Colin Kelly	In Favor
Jennifer McHale	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,



Kristin M. Kelly, Chair

Dated: August 4, 2025

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

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