



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

Automatic Sprinkler Appeals Board

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Docket # 2025-07
411 North Washington Street
North Attleborough, 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 North Attleborough Fire Department to require Jolie House of JUJU B's, LLC (hereinafter the "Appellant"), to install automatic sprinklers in an existing building located at 411 North Washington Street, North Attleborough, Massachusetts.

B) Procedural History

By written notice dated September 11, 2025 and received by the Appellant on September 11, 2025, the North Attleborough 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 fully installed in an existing building located at 411 North Washington Street, North Attleborough, Massachusetts.

On October 1, 2025, the Appellant filed a timely appeal of the Order with the Automatic Sprinkler Appeals Board. The Board held a hearing relative to this appeal on November 12, 2025, via video conference.

Appearing at the hearing on behalf of the Appellant was: Jolie and Stan House of JuJu B's, LLC. Appearing on behalf of the North Attleborough Fire Department was: Chief Christopher Coleman; Deputy Chief Michael Chabot; Captain Joseph Flynn; and Bryan Butler, North Attleborough Fire Building Commissioner. Molly Hugo of the National Fire Sprinkler Association was an observer.

Present for the Board at the hearing were: Kristin Kelly, Chair; Gary Rogers, Vice Chair; Jennifer McHale; Alexander MacLeod; and Chief Michael Spanknebel. Rachel E. Perlman, Esq., served as counsel to the Board.

C) Issue(s) Presented

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

D) Evidence Received

1.	Application for Appeal filed by Appellant	10/1/2025
2.	Statement in Support of Appeal	
3.	Order of Notice of the North Attleborough Fire Department to Appellant	9/11/2025
4.	First floor plan for subject property	
5.	Flow Test provided by ESI	10/29/2025
5A.	Results of 2 nd Flow Test performed by ESI	11/10/2025
6.	Submissions from the North Attleborough Fire Department	
6A.	Site Plan	
6B.	Restricted Appraisal Report of Property, prepared by FedVal	8/12/2025
6C.	Commercial Evaluation of Real Property – Restricted Appraisal Report Prepared by Cushman & Wakefield of Mass., LLC	11/26/2024
6D.	Assessors Card	10/2/2025
6E.	Chapter 34 Review from Annino, Inc.	5/8/2025
6F.	Building Code Definitions from the 2021 International Building Code	
6G.	E-mail Correspondence between Applicant and North Attleborough Building Department	8/22/2025
6H.	Demo Plan 25-4 from Annino, Inc.	
6I.	Existing Floor Plan from Annino, Inc.	
6J.	Correspondence from North Attleborough Board of Public Works to Captain Joseph Flynn, North Attleborough Fire Department re: water availability with maps	10/21/2025
6K.	Scope of Work and cost from FedVal appraisal	
6L.	Photographs of Property before Construction (from Cushman & Wakefield Appraisal Report)	
6M.	Photographs of Construction being done (from FedVal Appraisal Report)	
6N.	Exterior photograph of construction being done on property, as taken by North Attleborough Fire Dept.	10/1/2025
6 O.	2 exterior photographs of construction being done, as taken by North Attleborough Fire Department	10/28/2025
6P.	Hydrant locations near subject property	

E) Subsidiary Findings of Fact

- 1) By written notice dated September 11, 2025 and received by the Appellant on September 11, 2025, the North Attleborough 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 in an existing building located at 411 North Washington Street, North Attleborough, Massachusetts.
- 2) The Appellant, Jolie House, testified that the property was purchased by herself and her husband in February, 2025 for their growing consignment shop, Jujubees Recycled Ware. The property was described as an 8, 200 s.f.¹ wood, two story rectangular building.
- 3) Ms. House testified that this building will be used as retail space. Specifically, the consignment shop will occupy 4,100 s.f. on the first floor only, with the second floor serving

¹ Exhibit 6D (Assessors Card) lists the gross area of the building as 10,194 s.f.

as a storage space for seasonal items, offseason clothing, and private use. She also stated that there is an unfinished basement totaling nearly 2,000 s.f., which she described as being usable.

- 4) Ms. House testified that she takes the safety of her customers, employees, and her new space very seriously and, as a result, had additional safety measures installed in her building, including three sets of tempered glass double doors, 2 single doors, and six floor-to-ceiling windows, as well as a fire exit on the 2nd floor, leading to an outside stairway. Ms. House also stated that the structure will have fireproof insulation, the exterior of the building will be wrapped in metal siding, and that a fire alarm system will be installed in her building and tied into the North Attleborough Fire Department, which is located approximately 1 mile away from her building.
- 5) Ms. House further testified that if the Board was to require sprinklers in her building, she would comply with the Board's decision. However, she does not believe that there is sufficient water or water pressure to allow for such a connection. Specifically, Ms. House stated that she disagrees with statements made by the North Attleborough Public Works Department to the North Attleborough Fire Department that there is "sufficient water flow to support a sprinkler system" in the vicinity of her business (Exhibit 6J).
- 6) Based upon the representation by the North Attleborough Public Works Department of sufficient water, Ms. House testified that she recently had two flow tests performed by ESI Environmental Systems, Inc. from water lines that she described as being "within a reasonable distance" to her building. Ms. House stated that the tests showed very poor water pressure and volume in the vicinity of the subject building (Exhibits 5 and 5A).
- 7) Despite possible issues with water pressure, Ms. House advised that she would be "happy to comply" with sprinkler requirements once improvements to the water lines in the area are complete, and in the alternative, would be willing to entertain sprinkler system alternatives such as using fire resistant materials when insulating or installing a water mist or dry pipe system. Ms. House further indicated that while construction is ongoing, she could build out the structure for a future sprinkler system with the intention of connecting to water once the water issues in the vicinity are corrected. However, Ms. House stated that the "build out" would cost approximately \$55,000.00
- 8) In support of the Order of Notice issued by the North Attleborough Fire Department, Captain Joseph Flynn testified that the subject building was built in 1965 with the gross area of 10,194 s.f. (Exhibit 6D), and that the department issued the order following a review of the building plans for the project, which showed that the renovations were "major" both in scope and in cost.
- 9) As part of the department's review of the project, Captain Flynn testified that he reviewed the building plans and scope for the project, which included: full demolition of interior walls, floors and ceilings; full electrical system upgrade; installation of 6 large windows and a 4 panel slider door; upgrades to the bathrooms on first and second levels and installation of a kitchenette and 40 gallon water heater. According to the Scope of Work included in an appraisal from FedVal (Exhibit 6K), the total cost of the project is \$816,435.00 (excluding sprinklers).
- 10) Captain Flynn stated that the fire department also considered a Chapter 34 review from Annino, Inc. (Exhibit 6E), which stated that the building construction type is Type 5B under the State Building Code, which allows for the use of construction materials with no fire-

resistance rating. In this instance, Captain Flynn stated that the entire structure is wood, both on the interior and exterior and that all elements have a 0 hour for fire resistance rating. Captain Flynn also noted that the Chapter 34 review clearly states that M.G.L. c. 148, s. 26G “would apply to this building as it is greater than 7,500 s.f. Therefore, an automatic sprinkler system shall be provided throughout the building.”

- 11) Captain Flynn further argued that the triggers have been met for M.G.L. c. 148, s. 26G, which were laid out in an advisory memorandum² from this Board in September 2024. Specifically, Captain Flynn argues that the work is “major in scope and expenditure” as it the work affects the entire first and second floors (8,200 s.f.) and that the total cost of the work exceeds thirty-three (33) percent of the total assessed value of the building.
- 12) Captain Flynn also addressed the issue of the water and the water flow test issues. He stated that there is currently an (eight) 8-inch water main that runs up the southbound side of Route 1, directly in front of the subject building, in addition to a (six) 6-inch water main that runs to the side of the property on Summer Street, and a 16 inch water main on nearby Park Street. Captain Flynn stated that the Appellant has legal access to water any of these sources.
- 13) Captain Flynn did concede that water pressures from the main on Route 1 may be variable, as there is an elevation increase from south to north up Route 1 and, depending on which direction the water was flowed from, may result in the difference in water pressures and amount of water flow. However, Captain Flynn testified that there are other businesses in the area that do have sprinkler systems including a nearby bagel shop and the YMCA, which has a cistern to help support their sprinkler system.
- 14) It is the position of the fire department that water is legally available and would support the installation of a cistern, tank or pumps to meet the required flow to have a sprinkler system installed for this building. Chief Coleman also testified that some of the town’s water infrastructure near the subject building may be upgraded within 5-10 years but cautioned that the plans are not yet confirmed or in any capital plans at this time.

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.” The provisions apply to “the construction of buildings, structures or additions or major modifications thereto, which total, in the aggregate, more than 7,500 (emphasis added) gross square feet permitted after January 1, 2010.” (Sec. 6, Chapter 508 of the Acts of 2008). The law is only applicable 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**.
- 2) The Board finds that the subject building consists of approximately 10,194 s.f. in total floor area. The first-floor area contains 4,100 s.f. and the finished upper level (second floor)

² The September 2024 advisory stated, in part, that “major alterations or modifications are reasonably considered major in scope or expenditure, when the total cost of the work (excluding costs relating to sprinkler installation) is equal to or greater than thirty-three (33) % of the assessed value of the subject building, as of the date of permit application.”

contains 4,100 s.f. The remaining square footage is a porch (14 s.f.) and an unfinished basement (1,980 s.f.).

- 3) Based upon the testimony received and exhibits submitted into the record, the Board finds that the building is undergoing major alterations or modifications. In determining whether major alterations are taking place, the Board has relied upon those factors stated in a September 3, 2024, general advisory document referenced by the parties. In the document, the Board discussed the meaning of the words “major alterations” as those terms are used in the statute. The Board, guided by *Congregation Beth Shalom & Community Center, Inc. v. Building Commissioner of Framingham et. Al.*, 27 Mass. App. Ct. 276 (1989), indicated that it would review factors such as: **(A) the nature** of the work and **(B) the scope** of the work or cost/benefit of sprinkler installation. In determining the **nature** of the work, the Board indicated that it would determine if the planned physical work is the type of work that would make the effort to install sprinklers substantially less than it would have been if the building were intact or is the work merely minor repairs or cosmetic vs. major alterations. This Board also established two presumptions that could be used to determine if the **scope** of the alterations or modifications are “major.” The Board concluded that major alterations or modifications could reasonably be considered major in scope when: (1) such work affects thirty-three (33) percent or more of the “total gross square footage” of the building, calculated in accordance with section 26G or (2) when the total cost of the work (excluding costs relating to sprinkler installation) is equal to or greater than thirty-three (33) % of the assessed value of the subject building. It was the conclusion of the Board that if the nature of the work is the type of work described in **A and** also meets at least one of the two presumptions described in **B** above, then it can be reasonable to conclude that the alterations or modifications are “major,” thus requiring sprinklers throughout the building.
- 4) With respect to the Appellant’s contention that the sprinklers should not be required due to the lack of sufficient water and water pressure, the Board is guided by the language of the statute and related case law. In the case of *Chief of the Fire Department of Worcester v. John Wibley, et al.* 24 Mass. App. Ct. 912 (1987), the Massachusetts Appeals Court concluded that “The term ‘sufficient water and water pressure exists’ means that the owner of a building or addition to which the statute applies **must have access to a source of water sufficient to operate an adequate system of sprinklers, or the exemption applies.** The source may be either on the land on which the new building or addition is constructed or off the land, provided that it is legally available to the owner of the building or addition.”
- 5) Here, the Appellant has legal access to a source of water sufficient to operate an adequate system of sprinklers by connecting to the existing municipal water system.
- 6) The Appellant offered no factual or legal basis that would support a total waiver of the mandatory sprinkler provisions. Further, the Appellant acknowledged that she would be willing to install a sprinkler system or use alternative methods to support a sprinkler system.

G) Decision and Order

The Board hereby **upholds** the Order of the North Attleborough Fire Department to require the Appellant to install an adequate system of fire sprinklers throughout the property located at 411 N. Washington Street, North Attleborough, Massachusetts.

Plans are required to be submitted to the Head of the Fire Department within 90 days from the date of this decision. The fire department, as part of its review, may consider alternatives to a traditional fire sprinkler system.

Installation of sprinklers shall be completed no later than July 1, 2026.

H) Vote of the Board

Kristin Kelly, Chair	In Favor
Daniel Gary Rogers, Vice Chair	In Favor
Alexander MacLeod	Opposed
Jennifer McHale	In Favor
Chief Michael Spanknebel	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,

Kristin M. Kelly, Chair

Dated: December 1, 2025

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

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