



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

MAURA T. HEALEY
GOVERNOR

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

SUSAN W. TERREY
INTERIM SECRETARY

KRISTIN M. KELLY
CHAIR

DANIEL GARY ROGERS
VICE CHAIR

Docket # 2025-06
98 Canal Street
Blackstone, 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 Blackstone Fire Department to require Michael Tirpak of Blackstone Block Realty, LLC (hereinafter the “Appellant”), to install automatic sprinklers in an existing building located at 98 Canal Street, Blackstone, Massachusetts.

B) Procedural History

By written notice dated September 3, 2025, and received by the Appellant on September 4, 2025, the Blackstone 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 98 Canal Street, Blackstone, Massachusetts.

On September 5, 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 October 8, 2025, via video conference.

Appearing at the hearing on behalf of the Appellant was: Michael Tirpak of Blackstone Block Realty, LLC. Appearing on behalf of the Blackstone Fire Department was: Chief Kevin Roy; Deputy Chief Brian Gartland; and Vincenzo Tirone, Building Commissioner / Zoning Enforcement Officer, Town of Blackstone.

Present for the Board at the hearing were: Gary Rogers, Vice Chair; Jennifer McHale; Alexander MacLeod; Chief Michael Spanknebel; and Deputy Chief Colin Kelly. Glenn M. Rooney, Esq., served as counsel to the Board.

C) Issue(s) Presented

Whether the Board should affirm, reverse or modify the determination of the Blackstone 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

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|----|---|-----------|
| 1. | Application for Appeal filed by Appellant | 9/5/2025 |
| 2. | Order of Notice of the Blackstone Fire Department (6 pages) | 9/3/2025 |
| 3. | Invoice from LDG Services Corp. to Appellant | 1/8/2025 |
| 4. | Draft Code Review for 'The Blackstone Block Building' from Gorman Richardson Lewis Architects, Inc. (4 pages) | 4/21/2023 |
| 5. | Executive Summary – 98 Canal Street Fire Code Review prepared by Appellant Undated | Undated |
| 6. | Advisory regarding M.G.L. c. 148, s. 26G from the Automatic Sprinkler Appeals Board | 9/3/2024 |
| 7. | Appraisal Report for subject property from CRE Asset Advisors, LLC (162 pages) | 10/1/2024 |
| 8. | Proposed Plans for Existing Base Building Improvements from Architect Mark. A. Schryver | 12/18/24 |

E) Subsidiary Findings of Fact

- 1) By written notice, received by the Appellant on September 3, 2025, the Blackstone Fire Department issued a determination requiring automatic sprinklers to be installed throughout the subject building located at 98 Canal Street, Blackstone, Massachusetts. According to the notice, the determination was issued pursuant to the provisions of M.G.L. c. 148 s. 26G.
- 2) According to a Draft Code Review submitted by the Appellant (Exhibit 4), the property at issue is an existing 3 story brick building built circa 1850, measuring 46' x 82', with an "ell" off the back, measuring 38' x 33'.
- 3) The Appellant described the building as a mix of commercial and residential on floors 1-3, with basement and attic storage. The square footage of the property was described as follows:

Basement (Storage)	4,600 s.f.
1 st Floor (Commercial)	5,100 s.f.
2 nd Floor (Residential)	4,600 s.f.
3 rd Floor (Residential)	3,800 s.f.

The total gross square footage of the building, including basement, is approximately 18,100 s.f.

- 4) The Appellant did not provide detailed testimony as to the renovations taking place within the building other than to offer that some renovation would be occurring within one of the residential apartments as well as the commercial spaces on the first floor which would be renovated “down to the studs.” He also mentioned that HVAC and plumbing work had been completed in the commercial spaces.
- 5) In support of his appeal, the Appellant testified that the subject property should be exempt from the provisions of M.G.L. c. 148, s. 26G for several reasons: (1) the 2nd and 3rd floors of the property are used for residential purposes, (2) that sufficient water and water pressure does not exist to the subject property and (3) that the alterations and modifications to the property do not trigger the requirements of s. 26G, as less than 33% of the total gross square footage of the building will be altered.
- 6) Citing the last sentence of M.G.L. c. 148, s. 26G, the Appellant stated that the law specifically exempts “buildings or additions used for residential purposes” and that the residential apartments on the 2nd and 3rd floor should be exempt from the Order. The Appellant stated that an exemption meets the intent of the law and is in line with prior Board interpretations, in which the Board has determined that s. 26G does not “apply to those parts or portions of the building used for residential purposes, rather than to the entire building.”
- 7) As to the issue of sufficient water and water pressure, the Appellant testified that following conversations with a member of the Blackstone Department of Public Works, he was advised that the domestic water line into the subject building is one (1) inch in diameter. However, it would not be sufficient to provide water for both domestic purposes and a sprinkler system and a separate water line would need to be installed.
- 8) The Appellant also stated that due to recent road work and road repaving in the area of Canal and Bridge Streets, adjacent to his property, that he would not be able to access or otherwise easily install another water line via Bridge Street due to a moratorium on opening the street. However, the Appellant stated that a water line currently services homes across the street from his property on Canal Street. However, he was unable to provide any information on whether the Canal Street water line would provide sufficient water and water pressure, nor did he have any information or cost estimates on a potential water connection.
- 9) Lastly, as to the Appellant’s argument on “triggers” to M.G.L. c. 148, s. 26G, the Appellant referenced a September 2024 advisory memorandum¹ on the law that was issued by the Automatic Sprinkler Appeals Board. The referenced memorandum discussed potential triggers for the law, which included whether work was “merely minor repairs or cosmetic vs. major alterations” and whether said work “affects thirty-three (33)% or more of the “total gross square footage” and whether said “major alterations” are “reasonably considered major in scope or expenditure” when the total costs of the work . . . is equal to or greater than thirty-three (33)% of the assessed value of the building.”

¹ 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.”

- 10) The Appellant stated that the square footage of building, according to the appraisal submitted into the record (Exhibit 7), shows the building has 12,636 total s.f. The two commercial spaces on the first floor being altered/modified have a combined square footage of 3,920, which according to the Appellant, is just 31% of the total square footage being altered and does not trigger the requirements of s. 26G, as less than 33% of the total gross square footage of the building will be altered.
- 11) The Appellant also provided information on the overall costs of the project, including buildout of the commercial spaces and paving the front parking lot, which totaled \$402,907.58. The Appellant argued that the construction/build out costs, in comparison to the total assessed value of the property (\$1,750,000), is only 23% of the appraised value.
- 12) At the conclusion of the Appellant's presentation, the Appellant requested a waiver from the sprinkler requirement in favor of a 2-hour fire separation between the commercial and the residential units, which would be achieved through the installation of 2 layers of drywall on the ceiling between the residential and the commercial portions. The Appellant also testified that the property has a fire panel and fire alarm system that had been installed by the prior owner in either 2021 or 2022.
- 13) In support of the Order of Notice issued by the Blackstone Fire Department, Deputy Chief Gartland testified that 98 Canal Street is a "mixed use building", with commercial and residential spaces. He stated that the Order to install sprinklers was issued following an inspection on September 3, 2025 and that the order was issued due to the overall size of the building and the scope of the project.
- 14) Deputy Gartland testified that the department was aware that work was primarily being done on the first floor in the commercial spaces and in one apartment on the second floor. However, he also indicated that work had been completed in the basement area, which the department believed should count towards the 33% triggering threshold for sprinklers. The Appellant offered that the basement work was limited to structural reinforcement with the installation of an LVL beam and reinforced Lally columns for the safety of the entire structure. The Appellant stated that the space would not be "usable space."

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 in part, reflects amendments to the statute due to the enactment of Chapter 508 of the Acts and Resolves of 2008. The amendment arose in the aftermath of a tragic commercial building fire which occurred in Newton, Massachusetts in February, 2000, resulting in the death of five individuals. 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) In determining the square footage calculations of the building, the Board relied upon the Draft Code Review document in Exhibit 4, due to the fact that neither the Appellant nor the Blackstone Fire Department could present consistent calculations on the actual square footage.
- 3) The subject building consists of approximately 18,100 s.f. in total floor area. The non-residential portions are the basement (4,600 s.f.) and first floor commercial spaces (5,100 s.f.) which total approximately 9,700 s.f. of floor area. The remaining 8,400 s.f. is residential space on the 2nd and 3rd floors of the structure.
- 4) The provisions of M.G.L. c. 148, s. 26G, state in the last sentence of the second paragraph that “this section shall not apply to buildings or additions used for residential purposes”. In determining the significance of this “residential” building exemption in s. 26G, as applied to this building, which features both residential and non-residential portions, the Board is guided by the definition provided in M.G.L. Chapter 148, section 1. In accordance with said section, the definition of the word “building” states (in pertinent part): “shall be construed where the context allows as though followed by the words “or part or parts thereof”.” In applying this definition to this building involving a mix of residential and non-residential portions, the Board interprets this exception to only apply to those parts or portions of the building used for residential purposes, rather than to the entire building. Accordingly, those non-residential parts or portions of the building remain subject to the sprinkler provisions if they total, in the aggregate, more than 7,500 gross s.f. and are undergoing major modifications or alterations.

The Board believes that this interpretation is in harmony with both the plain meaning of the applicable statutes and the legislative public safety intent to provide enhanced sprinkler protection in certain larger buildings undergoing major alterations or modifications.

- 5) The non-residential portions of this building total approximately 9,700 s.f., which is well over the 7,500 s.f. threshold. The only remaining issue to determine is if these portions are also undergoing major alterations or modifications. In determining whether major alterations are taking place, the Board has relied upon those factors stated in an October 14, 2009, 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)% 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.

- 6) In reviewing the testimony of the Appellant, the Board finds that major alterations took place in the basement (4,600 s.f.), including reinforcement of the floors on the “entire right side” of the building through the installation of two LVL beams, reinforcement of existing Lally columns and installation of new Lally columns. The Appellant also stated HVAC and plumbing for the commercial units was also updated on the ceiling of the basement. The Board also finds that major alterations are planned within the first floor commercial (5,100). The work invoice entered into the record (LDG Services, Corp., Exhibit 3) shows that the renovations include the review and addition of: all new electrical/lighting, plumbing, new heating, ventilation, and air conditioning; installation of all new drywall and plaster and repairs of ceilings in all environments; installation of new doors, baseboards and finishing; installation of new bathroom; and painting of all surfaces. With respect to the commercial portions of the building, the Board determines that the current alterations and modifications to this portion are considered “major” in scope.
- 7) The Appellant offered no factual or legal basis that would support a total waiver of the mandatory sprinkler provisions.

G) Decision and Order

The Board hereby determines that the subject building is a mixed-use building featuring both residential and non-residential portions. The provisions of M.G.L. c. 148, s. 26G, in conjunction with the definition stated in M.G.L. c. 148, s. 1, create an exemption from the s. 26G enhanced sprinkler requirements for those identifiable portions of the building used for residential purposes.

Accordingly, based upon the evidence and testimony presented at the hearing, the Board hereby upholds the Order of the Blackstone Fire Department to require the installation of sprinklers throughout the basement and first floor levels of the building located at 98 Canal Street, Blackstone, Massachusetts.

Plans for the sprinkler installation shall be submitted to the Blackstone Fire Department within thirty (30) days from the date of this decision, in accordance with the Order of Notice.

H) Vote of the Board

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



Daniel Gary Rogers, Vice Chair

Dated: November 3, 2025

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

Michael Tirpak
Blackstone Block Realty, LLC
21 Francis Street, Apt. 1
Marlborough, MA 01752
Mtirpak435@gmail.com

Chief Kevin Roy
Deputy Chief Brian Gartland
Blackstone Fire Department
15 Saint Paul Street
Blackstone, MA 01504
kroy@townofblackstone.org
bgartland@townofblackstone.org