

**BOARD OF FIRE PREVENTION REGULATIONS  
MINUTES OF BOARD MEETING  
May 7, 2015**

The Board of Fire Prevention Regulations held a Board meeting on Thursday, May 7, 2015 at the Department of Fire Services, Boards and Commissions Room, Stow, Massachusetts.

The following Board members were present at this meeting:

Anthony Caputo	Registered Professional Fire Protection Engineer
John J. Clancy	Inspector of Buildings in a City/Town
Jeffrey Cox	Registered Professional Electrical Engineer
Larry S. Fisher	Electrical Contractor
Alfonso F. Ibarreta	Registered Professional Mechanical Engineer
Gary S. Keith	Representative of the Public
William Laidler	Hanover Wiring Inspector
Robert MacKendrick	FPAM Representative
Eric H. Madison	Chief, Longmeadow Fire Department
Peter J. Ostroskey	Designee of the State Fire Marshal
Paul C. Scheiner	Chemist
Kenneth A. Smith	Blasting Association Member

The following Board members were absent from this meeting:

Stephen S. Burkott	Chief, Chicopee Fire Department
John D. Cox	Registered Professional Chemical Engineer
Andre Stallworth	Boston Fire Department
Vacant	Fire Chief – 25,000 to 50,000 population

DFS/BFPR staffing present at this meeting:

Stephen Coan	State Fire Marshal
Jennifer Hoyt	Division of Fire Safety
Paul Vigneau	Director, Division of Fire Safety
Barbara DiGregorio	Division of Fire Safety
David Beaudin	Division of Fire Safety
Peter Senopoulos, Esq.	Board Counsel
Steven P. Rourke	DFS General Counsel

Also present were the following interested individuals (and their affiliations):

James Murphy	Department of Public Licensure
Donald Jansen	Department of Public Licensure
Jon Jones	Jon Jones & Associates
Stephen D'Angelo	D'Angelo & Hashem, LLC
David S. Duval	Massachusetts Systems Contractors Association
Commissioner Joseph Conant	Springfield Fire Department
Mark Poirier	Deputy Fire Chief, Bellingham Fire Department

Board Counsel Senopoulos opened the meeting at 1:03 pm and advised the Board that since there is no Chair with the departure of Chief Robinson the appropriate thing to do would be to select a member to act as Chair Pro Tem for the purpose of presiding over the meeting.

Upon a motion made by Mr. Laidler, seconded by Mr. MacKendrick, the Board unanimously voted to appoint Anthony Caputo as Chairman Pro Tem for the purposes of presiding over the meeting today in the absence of a Chairman.

Mr. Caputo, the Chairman Pro Tem, asked the members of the Board and Division of Fire Safety members to introduce themselves for the record.

#### **Statutory Public Hearing held in accordance with M.G.L. c. 148, Section 10.**

Chairman Pro Tem Caputo advised that a statutory public hearing in accordance with MGL c. 148, §10 is held every May and every October to receive comments from the public on any and all sections of 527 CMR, the State Fire Code. Mr. Caputo introduced himself as Chairman Pro Tem of the BFPR and called the Statutory Public Hearing to order at 1:05 pm for the purpose of receiving any public comments or recommendations regarding the code.

Attorney Stephen D'Angelo addressed the Board regarding mulch and the definition of mulch during the new business portion of this meeting. He stated that he could not find a definition on mulch in the regulations. What he discovered in the Highland at Dearborn Apartment fire was that the mulch was not mulch but was yard waste ground up and dyed.

Attorney D'Angelo requests that the Board define mulch in clearer terms as there are dozens for different types of mulch.

The Chairman Pro Tem asked if there were any other persons in the audience who had any comments on any and all BFPR regulations.

Hearing none, the Chairman Pro Tem asked for a motion to close the statutory public hearing. The motion was made by Mr. Laidler, seconded by Mr. Keith and unanimously voted by the Board.

#### **Monthly Board Meeting Old Business**

##### *1. Minutes from the March 5, 2015 meeting submitted for approval.*

Upon a motion made by Chief Madison, seconded by Mr. Clancy, the Board unanimously voted to approve the minutes of the March 5, 2015 meeting as submitted.

##### *2. Email communication dated February 4, 2015 from Lawrence Forshner regarding Elevator Code – Electrical provisions BBRS/BFPR. a. Informational update*

Mr. Vigneau, on behalf of Mr. Fredette, advised the Board that the meeting to work on the issue of reconciling the language between the elevator code and the building code has not yet taken place.



Mr. Cox advised the Board that he believes all their issues are covered in the new 2015 IBC which is being used as the basis on the new Massachusetts State Building Code.

Upon a motion by Mr. Keith, seconded by Chief Madison, the Board unanimously voted to remove this item from the agenda.

3. *527 CMR 1.00 – Massachusetts Comprehensive Fire Safety Code*

a. *Update on Massachusetts amendments submittal to NFPA for the 2018 edition of NFPA 1*

Mr. Vigneau, on behalf of Mr. Fredette, advised the Board that staff has gone through those amendments that are currently in the code to facilitate in determining which amendments the Board should consider submitting to NFPA for consideration in the 2018 Edition of NFPA 1. Staff is in the process of writing up the substantiation for those amendments which will be forwarded to the appropriate Code Committee to review and then to report back with recommendations to the full Board at the June meeting. He expected to have the information sent out to the appropriate Code Committee in the next week. The four Code Committees that will receive staff recommendation are the General Requirements Code Committee, the Occupancy Code Committee, the Processes Code Committee and the Hazardous Materials Code Committee.

b. *Temporary subcommittee chair appointments*

Mr. Vigneau advised the Board that an Acting Chair needs to be appointed for the General Requirements Code Committee due to the retirement of Chief Burkott and an Acting Chair also needs to be appointed for the Occupancy Code Committee due to the retirement of Chief Robinson.

Staff recommendation is that Chief Madison be appointed as the Acting Chair of the General Requirement Code Committee as he is currently on this committee and Larry Fisher be appointed as the Acting Chair of the Occupancy Code Committee as he is currently on this committee.

A motion was made by Deputy Fire Marshal Ostroskey and seconded by Mr. Laidler to approve the recommendation of staff and appoint Chief Madison as Acting Chair of the General Requirements Code Committee and Larry Fisher as Acting Chair of the Occupancy Code Committee.

There was discussion on this motion regarding whether or not the Acting Chair must be a BFPR member as Chief Madison will be retiring shortly. Board Counsel advised that the Board, by past practice, has appointed board members as committee chairs, however, since committees are established at the discretion of the Board he is unaware of any legal reason why Chief Madison cannot stay on the Code Committee as Chair after his retirement, if that is the desire of the Board.

The Board unanimously approved this motion.

c. *Requests for Interpretation from DFS, Division of Fire Safety*

i. *527 CMR 1.00:10.11.6.1*

Chief Madison advised the Board that the General Requirement Code Committee met to discuss 527 CMR 1.00:10.11.6.1 which states: For other than a single-family dwelling, no hibachi, grill, or other similar devices used for cooking, heating, or any other purpose shall be used or kindled on any balcony, under any overhanging portion, or within 10 ft (3m) of any structure.

The question posed to the General Requirement Code Committee was for the purposed of 524 CMR 1.00:10.11.6.1, can a townhouse or duplex be considered a single family dwelling?

The answer from the General Requirement Code Committee was: "No. For the purposes of 527 CMR 1.00:10.11.6.1 a townhouse or duplex may not be considered a single family dwelling."

Chief Madison explained that the committee when reviewing Chapter 10.11.6.1 intentionally struck two family dwellings, with the intent to regulate where these devices may be kindled in or near structures containing more than a single family.

He indicated that dwelling units separated by a Fire wall as defined in the building code was discussed at length. It was the consensus of the committee that fire walls are most effective, and designed to prevent the spread of fire from one dwelling unit to another when the fire originates for is within the structure and not the exterior of the structure as would be the case in an accident or device failure.

Chair Pro Tem Caputo asked what if the exterior was non combustible.

Deputy Fire Marshal Ostroskey was concerned that this will be out of sync with the definition of single family dwelling in the building code.

Mr. Vigneau read the proposed answer from staff that stated: Yes. The Board believes that the intent of s. 10.11.6.1 is to minimize or prevent the spread of fire from one dwelling unit to another in the event of a fire caused by the device due to accident or device failure. Accordingly the board interprets the words "Single Family Dwelling" to include not only a standalone dwelling with no other dwelling unit(s) attached thereto, but also a single dwelling unit located adjacent to, but not above, one or more dwelling units, and separated from any attached dwelling unit by a fire wall, as defined by the building code.

Chief Madison amended his report to read for the purposed of 527 CMR 1.00:10.11.6.1, can a townhouse or duplex be considered a single family dwelling? "No. For the purposes of 527 CMR 1.00:10.11.6.1 a townhouse or duplex may not be considered a single family dwelling unless the exterior finish on such structure is non combustible."

Upon a motion made by Chief Madison, seconded by Mr. Fisher, the Board by majority vote accepted the report of the General Retirement Code Committee as amended. Deputy Fire Marshal Ostroskey opposed.

#### *4. Promulgation status:*



*a. Executive Order No. 562.*

Board Counsel Senopoulos discussed Executive Order No. 562 with the Board.

Upon a motion made by Chief Madison, seconded by Mr. MacKendrick, the Board unanimously voted to seek a waiver to Executive Order No. 562 for 527 CMR 1.00 Massachusetts Comprehensive Fire Safety Code and 527 CMR 12.00, The Massachusetts Electrical Code.

**Monthly Board Meeting New Business**

1. Discussion on any and all comments for petitions received relative to 527 CMR 1.00.

See Statutory Public Hearing section of the minutes for the comments submitted by Attorney Stephen D'Angelo.

The Board discussed the comments of Attorney Stephen D'Angelo and determined to include these comments in the public comments of the Statutory Public Hearing and to hold them for consideration in the promulgation of the 2018 edition of NFPA 1.

2. Discussion led by State Fire Marshal Stephen D. Coan regarding smoke detectors and welding.

State Fire Marshal Coan addressed the Board on the issue of smoke alarms and inoperable smoke alarms.

The Marshal requested that the Board appoint a committee to hear testimony and study the 10 year sealed battery technology for the purpose of possible recommendation to the BFPR on requiring long life sealed battery technology under sale or transfer under 26F.

Upon a motion made by Mr. Keith, seconded by Chief Madison, the Board voted to appoint a special task group to review the regulations and technology relative to smoke alarms.

With the consent of the Board, Chair Pro Tem Caputo appointed the following BFPR members to the special task group to review the regulation and technology relative to smoke alarms.

Larry Fisher  
Gary Keith  
Commissioner Conant  
Dr. Paul Scheiner

Stakeholders and other interested parties will also be invited to the meetings of the special task group.

State Fire Marshal Coan addressed the Board regarding welding, welding safety and welding qualifications in the Commonwealth.

Upon a motion made by Mr. Keith, seconded by Chief Madison, the Board voted to appoint a special task group to work on review of welding permitting and welding qualifications.

With the consent of the Board, Chair Pro Tem Caputo appointed the following BFPR members to the special task group to review welding permitting and welding qualifications:

John Clancy  
Alfonso Ibarreta  
William Laidler  
Chief Madison

State Fire Marshal Coan thanked Chief Madison for his service to this Board.

**Items not reasonably anticipated by the Chair.**

John Clancy, Deputy Fire Marshal Ostroskey and the rest of the Board thanked Chief Madison for his commitment and service to the Board of Fire Prevention Regulations.

A motion was made by Dr. Scheiner and seconded by Mr. Clancy to adjourn the meeting at 2:35 pm. The Board voted unanimously on this motion.

Submitted by: Executive Director



Date:

5/7/2015