

**BOARD OF FIRE PREVENTION REGULATIONS
MINUTES OF BOARD MEETING
October 6, 2016**

The Board of Fire Prevention Regulations held a Board meeting on Thursday, October 6, 2016 at the Department of Fire Services, Boards and Commissions Room, Stow, Massachusetts.

The following Board members were present at this meeting:

Richard K. Arruda	Chief, Dartmouth Fire District 3
Anthony Caputo	Registered Professional Fire Protection Engineer
John J. Clancy	Inspector of Buildings in a City/Town
Joseph Conant	Commissioner, Springfield Fire Department
Jeffrey Cox	Registered Professional Electrical Engineer
John D. Cox	Registered Professional Chemical Engineer
John Dempsey	Designee of the Boston Fire Commissioner
Michael Hazel	Chief, Tewksbury Fire Department
Alfonso F. Ibarreta	Registered Professional Mechanical Engineer
Gary S. Keith	Representative of the Public
William Laidler	Hanover Wiring Inspector
Robert MacKendrick	FPAM Representative
Peter J. Ostroskey	State Fire Marshal
Paul C. Scheiner	Chemist
Kenneth A. Smith	Blasting Association Member

The following Board members were absent from this meeting:

Larry S. Fisher	Electrical Contractor
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DFS/BFPR staffing present at this meeting:

Paul Vigneau	Director, Division of Fire Safety
Richard Fredette	Board Executive Director
Jennifer Hoyt	Division of Fire Safety
Peter Senopoulos	Legal Counsel, Department of Fire Services

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

Robert Duval	National Fire Protection Association
Joseph Landry	Stow Fire Department
Stephen Slaman	Hopkinton Fire Department
Guy Webb	Home Builders & Remodelers Association
Dan O'Brien	The Brennan Group
Robert McEvoy	Authorized Services of New England
Peter Diamond	Municipal Electrical Inspectors Association
David Duval	Massachusetts Systems Contractors Association

Regulatory Public Hearing

1. Open Hearing

Chairman Caputo opened the hearing at 1:02 p.m.

2. Member introductions

Chairman Caputo asked the members of the Board, the Division of Fire Safety staff members to introduce themselves for the record.

Advertised Regulatory Public Hearing held in accordance with M.G.L. c. 30A

The Chairman opened the M.G.L. c. 30A regulatory public hearing and read the regulatory notice for the public hearing relative to proposed amendments to Massachusetts Comprehensive Fire Safety Code, 527 CMR 1.00.

The 1st proposal (527 CMR 1.00, 2.3.5 and 11.7) provides more detailed standards for testing, reconditioning or replacement of stored diesel/biodiesel fuel used to operate stationary generators for certain emergency or required standby power systems. The 2nd proposal (527 CMR 1.00, 18.00) relaxes current provisions for fire department access roads for new one-and two-family dwellings and provides more flexible fire protection options as an alternative to such access requirements for other buildings. The 3rd proposal (527 CMR 1.00, 1.12.8.40.1.1 and 66.21.7) amends current code requirements for the dismantling of underground storage tanks (UST's) and UST dismantling yards as a result of certain statutory amendments.

The Chairman asked if there were any comments received on the 1st proposal: 527 CMR 1.00, 2.3.5 and 11.7.

Mr. Fredette advised the Chairman that no written comments, as per the hearing notice, were received on that proposal.

The Chairman asked if there were any persons present who wanted to provide comments for this proposed regulation.

Hearing none, the Chairman asked for a motion to close the public hearing on this proposal. The motion was made by Dr. Scheiner, seconded by Mr. MacKendrick and unanimously voted by the Board to close the public hearing on 527 CMR 1.00, 2.3.5 and 11.7.

The Chairman asked if there were any comments received on the 2nd proposal: 527 CMR 1.00, 18.00.

Mr. Fredette advised the Chairman that one written comment as per the hearing notice was received from Maynard Fire Chief Anthony Stowers urging the BFPR to not relax any requirements regarding access roads for fire departments and indicated that a copy of this letter was distributed to all present.

Mr. MacKendrick advised the Board that the Fire Prevention Association of Massachusetts is not in favor of this proposal. He stated that they understand the arguments and respect the arguments in favor of this amendment, but in general they feel that it is a step backwards in fire protections and should not go forward.

The Chairman asked if there were any additional public comments or discussion for this proposed regulation.

Hearing none, the Chairman asked for a motion to close the public hearing on this proposal. The motion was made by Mr. MacKendrick, seconded by Mr. Keith and unanimously voted by the Board to close the public hearing on 527 CMR 1.00, 18.00.

The Chairman asked if there were any comments received on the 3rd proposal: 527 CMR 1.00, 1.12.8.40.1.1 and 66.21.7.

Mr. Fredette advised the Chairman that no written comments, as per the hearing notice, were received on that proposal.

The Chairman asked if there were any public comments or discussion for the proposed regulation.

Hearing none, the Chairman asked for a motion to close the public hearing on this proposal. The motion was made by Dr. Scheiner, seconded by Commissioner Conant and unanimously voted by the Board to close the public hearing on 527 CMR 1.00, 1.12.8.40.1.1.

Statutory Public Hearing

Receipt of comments or petitions for changes to the Massachusetts Fire Safety Code, 527 CMR 1.00 pursuant to M.G.L. c. 148, s. 10.

Chairman Caputo advised that a statutory public hearing in accordance with M.G.L. c. 148 Section 10A is held every May and October to receive comments from the public on any and all sections of 527 CMR 1.00.

Chairman Caputo called the statutory public hearing to order.

Mr. Fredette advised the Chairman that no written comments were received.

The Chairman asked if there were any public comments or discussion on any and all section of 527 CMR 1.00.

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

Monthly Board Meeting

1. Open Meeting

The Chairman opened the meeting at 1:10 p.m.

2. Minutes of the September 1, 2016 meeting submitted for approval.

Upon a motion made by Mr. Keith, seconded by Commissioner Conant, the Board unanimously voted to approve the minutes of the September 1, 2016 meeting as submitted.

Monthly Board Meeting – New Business

1. Discussion and possible vote to approve for final promulgation, the regulations that were the subject of today's Regulatory Public Hearing.

A motion was made by Marshal Ostroskey and seconded by Mr. Laidler to adopt the three amendments that were the subject of today's regulatory public hearing. In discussion it was requested that the Board vote on each amendment separately. Marshal Ostroskey withdrew this motion with no objection.

A motion was made by Marshal Ostroskey and seconded by Mr. Laidler to adopt the amendment to 527 CMR 1.00, 2.3.5 and 11.7 which provides more detailed standards for testing, reconditioning or replacement of stored diesel/biodiesel fuel used to operate stationary generators for certain emergency or required standby power systems as submitted and to start the promulgation process. The Board voted unanimously in favor of the motion.

A motion was made by Marshal Ostroskey and seconded by Mr. Laidler to adopt the amendment to 527 CMR 1.00, 18.00 which relaxes current provisions for fire department access roads for new one-and two-family dwellings and provides more flexible fire protection options as an alternative to such access requirements for other buildings.

Mr. MacKendrick restated that the Fire Prevention Association of Massachusetts is not in favor of this proposal as they feel that it is a step backwards in fire protection and should not be considered.

Mr. Ibarreta asked if there was any other way to relax the current standard.

Chief Hazel inquired if there was any other way to amend the wording so that the authority having jurisdiction can relax the requirements without putting the community or the authority having jurisdiction in peril as going against the written code.

Attorney Senopoulos advised that it was not possible at this time to make such a substantive amendment to this proposal since this was the substantive proposal approved by the E.O. 562 process and is the draft as of the date of the required notice and public hearing.

Mr. Clancy stated the idea of residential sprinklers goes beyond today's proposal and that discussion needs to continue on in the future as it provides the best public safety, however, there are a lot of other potential conflicts if we do not pass this amendment.

Chairman Caputo advised the Board he thinks that towns may have the power through the local planning boards to have strict fire department access road requirements and that it is his understanding that many towns are talking about that possibility.

By majority vote the Board voted in favor of this motion with Mr. MacKendrick and Chief Hazel opposed.

A motion was made by Marshal Ostroskey and seconded by Mr. Keith to adopt the amendment to 527 CMR 1.00, 1.12.8.40.1.1 and 66.21.7 which amends current code requirements for the dismantling of underground storage tanks (UST's) and UST dismantling yards as a result of certain statutory amendments as submitted and to start the promulgation process. The Board voted unanimously in favor of the motion.

2. *Discussion on any and all comments or petitions received relative to today's Statutory Public Hearing on 527 CMR 1.00.*

The Chairman noted that no comments or petitions were received relative to today's Statutory Public Hearing on 527 CMR 1.00

Monthly Board Meeting - Old Business

1. Committee/ Reports

- a. *General Requirements Code Committee-Code Committee Chair /DFS Staff to report*
 - i. *PV work clearances in correlation with the Electrical Code Committee*
 - ii. *Minutes enclosed*
 - iii. *Work completed*

Commissioner Conant advised the Board that the General Requirements Code Committee (PV Working Group) met on September 21, 2016 to discuss photovoltaic systems and they plan to meet again on October 19, 2016.

- b. *Processes Code Committee-Code Committee Chair/DFS Staff to report*
 - i. *Hot works- Chapter 41*
 - ii. *Minutes enclosed*
 - iii. *Work completed*

Mr. Caputo advised the Board that the Processes Code Committee finished their work at their last meeting and that the minutes are enclosed.

- c. *Equipment Code Committee-Code Committee Chair/ DFS Staff to report*
 - i. *Chapter 50 – CR licensing/correlation Chapter 1*
 - ii. *Minutes enclosed*
 - iii. *Work completed*

Mr. MacKendrick advised the Board that the committee met on September 22, 2016 and voted to require a CR license for companies involved in the cleaning and inspection of commercial cooking operations. Mr. MacKendrick also advised the Board that the work of the Equipment Code Committee is finished and that the minutes are enclosed.

- d. *Occupancy Code Committee-Code Committee Chair/DFS Staff to report*
 - i. *Minutes enclosed*
 - ii. *Work completed*

In Mr. Fisher's absence Mr. Fredette advised the Board that the work of this committee is finished and that the minutes are enclosed.

- e. *Hazardous Code Committee-Code Committee Chair/DFS Staff to report*
 - i. *Work completed*

The work of the Hazardous Code Committee has been completed.

- f. *Electrical Code Committee-Code Committee Chair/DFS Staff to report*

- i. *Work completed*
- ii. *Communication from Jon Macht, Macht Solar, requesting an interpretation on Article 110, Section 110.31 – Enclosure for Electrical Installations – PV.*

Mr. Laidler advised the Board that their work on the 2017 Massachusetts Electrical Code has went through the BCCC. Attorney Senopoulos indicated that the proposal is on target for a hearing in December.

Mr. Jeff Cox advised the Board that the interpretation Code Committee met this morning; however, there was not a quorum present. Mr. Cox brought forth his recommendation on the interpretation request of 527 CMR 12.00: Article 110.31 from Mr. Macht.

Upon a motion made by Mr. Laidler, seconded by Dr. Scheiner, the Board unanimously voted to accept Mr. Jeff Cox draft recommended interpretation of 527 CMR 12.00: Article 110.31 adding to the end of response to question #1 “as further explained in response #3”.

- g. *Administrative Code Committee-Code Committee Chair/DFS Staff to report*
 - i. *Chapters 1 through Chapter 6*
 - ii. *Minutes enclosed*
 - iii. *Work completed*

Dr. Scheiner advised the Board that the work of Administrative Code Committee is complete and that the minutes are enclosed.

2. *DFS, Executive Director, discussion on process of adoption of NFPA 1, 2015.*

Mr. Fredette advised the Board that the work of all the code committees for the review of NFPA 1 2015 edition has been completed except for the Photovoltaic Working Group and that the next step is to compile this information and create a Massachusetts amendment package which he anticipates he can send out one week before the next meeting so that the Board may review for a possible vote for promulgation at the next meeting.

3. *DFS update on Smoke Alarm Guidance Documents.*

Mr. Vigneau advised the Board that the final draft of the Smoke Alarm Guidance Document for consumers was included in the meeting package for the Board’s information.

4. *DFS update on Gene Waters communication relative to Open Air Fires.*

Board Counsel Senopoulos advised the Board that this information came to the Board for information only and that there was no request of this Board.

Upon a motion made by Marshal Ostroskey, seconded by Mr. John Cox, the Board unanimously voted to remove this item from the agenda because there is no further action needed at this time.

5. *DFS update on communication and response to C. Scott Ananian, Town Meeting Member Precinct 10, Brookline, MA regarding MGL 143 s. 98.*

Upon a motion made by Mr. Laidler, seconded by Mr. MacKendrick, the Board unanimously voted to approve the draft response to Ananian as presented.

6. *DFS update on replacement in kind issue.*

Ms. Hoyt advised the Board that Mr. Riley and his staff from Department of Public Safety are drafting an interpretation and when it is published it will be presented to the Board.

7. *DFS Legal Counsel update on regulations*

Board Counsel Senopoulos presented the written status summary report that was distributed today.

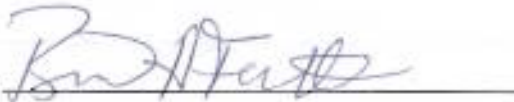
Items not reasonably anticipated by the Chair

Ken Smith advised the Board that he came across House Bill No. 4645 An Act relative to drinking water safety and that some of the language conflicts with 527 CMR 1.00.

Board Counsel advised the Board that the legal staff will be monitoring this matter.

A motion was made by Dr. Scheiner and seconded by Mr. John Cox to adjourn the regular meeting at 1:50 p.m. The board voted unanimously on this motion.

Submitted by: Executive Director



Date: 12/12/2016