

**BOARD OF FIRE PREVENTION REGULATIONS  
MINUTES OF BOARD MEETING  
December 1, 2016**

The Board of Fire Prevention Regulations held a Board meeting on Thursday, December 1, 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
Larry S. Fisher	Electrical Contractor
Michael Hazel	Chief, Tewksbury Fire Department
Alfonso F. Ibarreta	Registered Professional Mechanical Engineer
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:

Gary S. Keith	Representative of the Public
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DFS/BFPR staffing present at this meeting:

Paul Vigneau	Director, Division of Fire Safety
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
Jon Jones	Jon Jones & Associates
Jack Lyons	National Electrical Manufacturers Association
Robert Bedard	Massachusetts Electrical Code Advisory Committee
Kendall Buck	Home Builders Association of Massachusetts
Mark Poirier	Bellingham Fire Department
George A. Duhamel	Duhamel Electric
John Dagnello	Massachusetts Electrical Code Advisory Committee
James M. Naughton	Massachusetts Electrical Code Advisory Committee
Joseph V. Sheehan	Interested Party
David Clemons	Section Chief, Department of Fire Services
David Duval	Massachusetts Systems Contractors Association

## **Advertised Regulatory Public Hearing**

### *1. Open Hearing*

Chairman Caputo opened the hearing at 1:03 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.

### *3. Advertised Regulatory Public Hearing to receive public comments on the proposed amendments to: 527 CMR 12.00: Massachusetts Electrical Code :*

The Chairman opened the regulatory public hearing and read the regulatory notice for the public hearing relative to proposed amendments to Massachusetts Electrical Code (527 CMR 12.00), including the adoption of the National Electrical Code (NFPA 70, 2017 Edition), with amendments particular to Massachusetts. It was noted that the notice (see attached) also appeared in six publications, pursuant to MGL c. 143, s. 3L.

The Chairman asked if there were any comments or discussion on 527 CMR 12.00, The Massachusetts Electrical Code.

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

Mr. Laidler stated that Peter Diamond sent a letter by email on November 1, 2016 with a comment on 527 CMR 12.00 (Deletion of Section 110.24 of the NEC). Chairman Caputo read the letter for the record and copies were distributed to the Board.

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 Mr. Laidler, seconded by Commissioner Conant and unanimously voted by the Board to close the public hearing on 527 CMR 12.00 at 1:12 p.m.

## **Monthly Board Meeting**

### *1. Minutes of the October 6, 2016 meeting submitted for approval.*

Upon a motion made by Mr. Laidler, seconded by Dr. Scheiner, the Board unanimously voted to approve the minutes of the October 6, 2016 meeting as submitted.

## **Monthly Board Meeting – New Business**

### *1. 527 CMR 1.00, Massachusetts Comprehensive Fire Safety Code: Review and discussion of first draft of the Massachusetts code amendment package relating to the adoption of NFPA-1 2015 Edition.*



Mr. Vigneau advised the Board that staff has prepared a 1<sup>st</sup> rough draft of the Massachusetts Code Amendment package relating to the adoption of NFPA-1 2015 Edition which was distributed today for the Board to review. He requested that each board member review the draft and forward any comments to him before December 16<sup>th</sup> so that we can prepare a revised document for discussion at the January regular meeting.

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

1. *Review of comments received relative to today's Regulatory Public Hearing and vote to submit proposed amendment 527 CMR 12.00 (Massachusetts Electrical Code) to the Secretary of State's office for final promulgation.*

Mr. Laidler advised the Board that the 527 CMR 12 Massachusetts Electrical Advisory Committee met this morning and reviewed the comment from Peter Diamond on 527 CMR 12.00 (Deletion of Section 110.24 of the NEC) and that it is the committee's recommendation to reject the comment that was submitted by Peter Diamond.

Upon a motion made by Mr. Laidler, seconded by Mr. Fisher, the Board unanimously voted to accept the recommendation of the 527 CMR 12.00 Massachusetts Electrical Advisory Committee and reject the comment submitted by Peter Diamond.

Mr. Laidler made a motion, which was seconded by Mr. Fisher and unanimously voted by the Board to accept the proposed 527 CMR 12.00 Massachusetts Electrical Code as presented with three modifications. 1<sup>st</sup> modification is to add 110.16(B), 2<sup>nd</sup> modification is to add 620.51(D)(2) as a deletion, and the 3<sup>rd</sup> modification is to delete to 370.8 and to change 300.11B, I, from the word "third" to the "second"...sentence..

Upon a motion made by Mr. W. Jeff Cox, seconded by Mr. Laidler, the Board unanimously voted to adopt the 527 CMR 12.00 Massachusetts Electrical Code as modified and to initiate the promulgation process with the Secretary of State's Office. It was noted that staff is authorized to make any additional non-substantive corrections/edits if necessary.

Mr. Laidler thanked W. Jeffrey Cox, Larry Fisher, Barbara DiGregorio, Paul Vigneau, Peter Senopoulos, Richard Fredette and especially Fred Hartwell for all their hard work on 527 CMR 12 Massachusetts Electrical Code.

Upon a motion made by Mr. Laidler, seconded by Mr. Fisher, the Board unanimously voted to authorize Board Counsel Senopoulos to have the leeway to change the effective date on Rule 7 of this regulation, to the next Mass. Register publication date (1-13-17) if necessary, in the unlikely event that there is a delay in the final approval/promulgation process.

2. *Committee/ Reports*
  - a. *General Requirements Code Committee-Code Committee Chair /DFS Staff to report*
    - i. *PV work clearances meeting update*

Ms. Hoyt advised the Board that the PV working group met on November 21, 2016 and discussed the Boulder Compromise and that the next meeting of the PV working group will be held on December 19, 2016 at 9:30 a.m.

- b. *Processes Code Committee-Code Committee Chair/DFS Staff to report*

No report

c. *Equipment Code Committee-Code Committee Chair/ DFS Staff to report*

No Report

d. *Occupancy Code Committee-Code Committee Chair/DFS Staff to report*

No report

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

John Cox advised the Board that his only comment at this time is that the Material Safety Data Sheets should be referred to as Safety Data Sheets.

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

Ms. Hoyt advised the Board that the Board of Building Regulations and Standards (BBRS) met in November and Department of Public Safety staff had a replacement in kind interpretation that was not reviewed at the Board level but it was sent to FFPF for review on the technical level. Ms. Hoyt advised the Board that she was able to work with DPS on the interpretation, and that they are on the same mind on how replacement in kind should be applied.

4. *DFS Legal Counsel update on regulations*

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

**Items not reasonably anticipated by the Chair**

Mr. Vigneau advised the Board that we received a letter from Felix I. Zemel, Administrator of the BBRS requesting that they establish a joint working group to investigate the creation of a NFPA 241 Fire Prevention Manager Certification.

Upon a motion made by Chief Arruda, seconded by Mr. Laidler, the Board unanimously voted to respond to the BBRS that the Chairman of the BFPR or his designee shall represent this Board on said working group and to clarify whether the BBRS and the BFPR are members of this working group and not MA Department of Public Safety and the MA Department of Fire Services as indicated in the letter.

A motion was made by Dr. Scheiner and seconded by Mr. MacKendrick to adjourn the regular meeting at 2:00 p.m. The board voted unanimously on this motion.

Submitted by: Director, Division of Fire Safety 

Date: 1/17/17