

**BOARD OF FIRE PREVENTION REGULATIONS
MINUTES OF BOARD MEETING
August 4, 2016**

The Board of Fire Prevention Regulations held a Board meeting on Thursday, August 4, 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
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

The following Board members were absent from this meeting:

Kenneth A. Smith	Blasting Association Member
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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
Christopher Melite	Division of Fire Safety

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

Robert Duval	National Fire Protection Association
Stephen Leary	Holbrook Associates - BRK Brands
Jack Lyons	National Electrical Manufacturers Association
David Duval	Massachusetts Systems Contractors Association
Justin Davidson	Massachusetts Association of Realtors
Dan Walsh	Massachusetts Federation of Building Officials
Felix Zemel	Department of Public Services
Daniel O'Brien	The Brennan Group

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 at 1:02 pm and asked the members of the Board of Fire Prevention Regulations to introduce themselves for the record. Chairman Caputo 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: 1.12.8.1 (table) and 10.11) clarifies permit requirements for outdoor fires used for cooking and recreational purposes consistent with the provisions of M.G.L. c. 48 § 13. The 2nd proposal (527 CMR 1.00: 10.11.6) broadens the permissible use of certain outdoor heating and cooking appliances on balconies or decks. The 3rd proposal (527 CMR 1.00: 13.7 to 13.10) amends current regulations relating to smoke detectors/alarms for certain 1 through 5 unit residential structures built or modified prior to 1-1-1975 and are applicable upon sale/transfer of said residences as per M.G.L. c. 148, s. 26F. The proposal requires, at a minimum, photoelectric technology with a 10 year non-replaceable (sealed) battery. The amendment also reorganizes the existing regulation and clarifies technical specifications and record keeping requirements.

The Chairman asked if there were any comment received on 527 CMR 1.00: 1.12.8.1 (table) and 10.11 which clarifies permit requirements for outdoor fires used for cooking and recreational purposes consistent with the provisions of M.G.L. c. 48 § 13.

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

Commissioner Conant asked if we were eliminating the 50 foot requirement for open fires.

Jennifer Hoyt advised the Board that this was eliminated as it conflicted with 310 CMR (DEP) regulations which has a 75 foot requirement.

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

Hearing none, the Chairman closed the public hearing on this proposal.

The Chairman asked if there were any comment received on 527 CMR 1.00: 10.11.6 which broadens the permissible use of certain outdoor heating and cooking appliances on balconies or decks.

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

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

Hearing none, the Chairman closed the public hearing on this proposal.

The Chairman asked if there were any comment received on 527 CMR 1.00: 13.7 to 13.10 which amends current regulations relating to smoke detectors/alarms for certain 1 through 5 unit residential structures built or modified prior to 1-1-1975 and are applicable upon sale/transfer of said residences as per M.G.L. c. 148, s. 26F. The proposal requires, at a minimum, photoelectric technology with a 10 year non-replaceable (sealed) battery. The amendment also reorganizes the existing regulation and clarifies technical specifications and record keeping requirements.

Mr. Fredette advised the Board that the following three comments written comments were received for this proposal:

1. Letter from Marcus Boolish, President, Corporation for Battery Recycling regarding 527 CMR 1.00: 13.7.5.1.1
2. Email from Holly Borgman, Director, Government Affairs ADT Security Services regarding 527 CMR 1.00: 13.7 to 13.10
3. Statement received from Justin Davidson, Legislative & Regulatory counsel for the Massachusetts Association of Realtors regarding 527 CMR 1.00: 13.7 to 13.10

Attorney Senopoulos indicated that all Board Members received copies of these comments and that they are also accepted into the record of hearing.

Attorney Senopoulos suggested that the Board reserve the right to re-open the hearing if someone appears in the next thirty minutes who wants to provide comments.

Mr. Stephen Leary, Holbrook Associates - BRK Brands asked for clarification for which homes would need to comply with this regulation.

Attorney Senopoulos and Jennifer Hoyt explained that the board has limited jurisdiction with respect to the smoke detector regulations due to the applicability of the provisions of MGL c. 148 s. 26B and s. 26F, since the Building Code provisions were effective as of 1-1-1975 and are the applicable standard for residential units constructed or modified after said date.

The Chairman asked if there were any other public comments or discussion on this proposed regulation.

Hearing none, the Chairman closed the public hearing on this proposal.

Upon a motion made by Mr. Laidler, seconded by Mr. Keith, the Board voted unanimously to close the regulatory public hearing at 1:16 p.m., subject to reopening if persons who want to comment arrive late and before the close of meeting.

Monthly Board Meeting

1. Call to Order.

The Chairman opened the meeting at 1:17 p.m.

2. Member introductions.

The Board of Fire Prevention Regulations introduced themselves at the start of the public hearing.

3. Minutes from the June 2, 2016 meeting submitted for approval.

Upon a motion made by Mr. Keith, seconded by Mr. MacKendrick, the Board unanimously voted to approve the minutes of the June 2, 2016 meeting as submitted.

4. Possible vote to approve for final promulgation the regulations that were the subject of today's public hearing.

A motion was made by Mr. MacKendrick and seconded by Mr. Fisher to adopt the amendment to 527 CMR 1.00: 1.12.8.1 (table) and 10.11 which clarifies permit requirements for outdoor fires used for cooking and recreational purposes consistent with the provisions of M.G.L. c. 48 § 13 as submitted and to start the promulgation process. The Board voted unanimously in favor of the motion.

A motion was made by Chief Arruda and seconded by Chief Hazel to adopt the amendments to 527 CMR 1.00: 10.11.6 which broadens the permissible use of certain outdoor heating and cooking appliances on balconies or decks as submitted and to start the promulgation process. The Board voted unanimously in favor of the motion.

A motion was made by Mr. Keith and seconded by Dr. Scheiner to refer to the General Requirements Code Committee the comments received and made relative to the proposed amendments to 527 CMR 1.00: 13.7 to 13.10 relating to smoke detectors/alarms for certain 1 through 5 unit residential structures. The Board voted unanimously in favor of the motion.

Monthly Board Meeting – New Business

1. *A communication from Stephen T. Pelkey, Atlas PyroVision Entertainment Group, Inc. regarding 527 CMR 1:65.1 and .2.(Fireworks) (See Committee/ Reports agenda item 1.e.ii above)*

Upon a motion made by Mr. Keith, seconded by Dr. Scheiner, the Board unanimously voted to this to the Hazardous Materials Code Committee.

2. *A communication (email) from Felix I. Zemel, Department of Public Safety, regarding flexible plastic wiring (including PVC) in escalators, and in elevators installed in assembly occupancies.*

Upon a motion made by Mr. Laidler, seconded by Jeffrey Cox, the Board unanimously voted to accept the recommendation of Mr. Fredette and to send the prepared response to Mr. Zemel.

3. *A communication from Richard C. Wallace, Director, Pipeline Engineering and Safety Division, Department of Public Utilities, regarding BFPR consideration to amend 527 CMR 1.00: 65.9.8 by extend the distant requirement for blasting analysis and blast plan where gas piping facilities are involved from 250 feet, found in our current regulation to 500 feet.*

Upon a motion made by Dr. Scheiner, seconded by Chief Hazel, the Board unanimously voted to send this communication to the Hazardous Materials Code Committee and to advise Mr. Wallace of the date of the next committee meeting.

4. *A communication from David Beaudin, DFS staff, requesting consideration to amend 527 CMR 1.00: 65.3.5 and 65.4.1.1 as amended by Massachusetts by striking out the last sentence in each section: "The installation of sprinklers shall be to the extent as required by applicable law or regulation."*

Upon a motion made by Dr. Scheiner, seconded by Marshal Ostroskey, the Board unanimously voted to send this communication to the Hazardous Materials Code Committee for consideration.

5. *A communication from Jennifer Hoyt requesting the following:*
 - a. *Make the following editorial change in 12.6.3.2.1 and 12.6.3.2.2* re-identify as 12.6.3.3 and 12.6.3.4 so as to correct an error found between the body of NFPA 1 and the source document, so that the source document and NFPA 1 mean the same with applying the rules of NFPA 1.*
 - b. *Modification to 527 CMR1.00: 20.4.2.5.2; 20.5.2.5.2.1 and 20.7.2.4.2 that would permit 12.6.3.1(1) or 12.6.3.2.1 (cal 117 v. 133) not require both.*

Upon a motion made by Dr. Scheiner, seconded by John Cox, the Board unanimously voted to send these communications to the General Requirements Code Committee for consideration.

6. *A communication from Felix I. Zemel, Department of Public Safety, regarding LNG Storage Working Group.*

Upon a motion made by Mr. MacKendrick, seconded by Chief Arruda, the Board unanimously voted to assign Anthony Caputo, Alfonso Ibarreta, and Deputy Chief Dempsey to this working group.

7. *Review and possible vote to initiate the promulgation process to adopt the 2017 National Electrical Code with Massachusetts Amendments (527 CMR 12.00)*

A motion was made by Jeff Cox and seconded by Mr. Fisher to initiate the promulgation process to adopt the 2017 Electrical Code with Massachusetts Amendments (527 CMR 12.00) as submitted.

A motion was made by Marshal Ostroskey, seconded by Dr. Scheiner to amend the original motion and strike out 2014 from the title, strike 2017 in the first sentence, and change the date in Rule 7 from December 31, 2017 to December 31, 2016 in the document that was presented. The Board voted unanimously in favor of this motion.

The Board went back to the original motion and unanimously voted to initiate the promulgation process to adopt the 2017 Electrical Code with Massachusetts Amendments into 527 CMR 12.00 as amended.

Monthly Board Meeting - Old Business

1. *Committee/ Reports*
 - a. *General Requirements Code Committee-Code Committee Chair /DFS Staff to report*
 - i. *PV work clearances*
 - ii. *Administrative procedures- DFS/DPS*

Commissioner Conant advised the Board that the General Requirements Code Committee will be meeting on August 16, 2016.

- b. *Processes Code Committee-Code Committee Chair/DFS Staff to report*
 - i. *Hot works- Chapter 41- 2015 proposal- meeting TBD*

Mr. Caputo advised the Board that he is working with DFS staff to set a date for this meeting.

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

Mr. MacKendrick advised the Board that he is working with DFS staff to set a date for this meeting.

- d. Occupancy Code Committee-Code Committee Chair/DFS Staff to report*
 - i. Chapter 26- 2015 edition proposal- meeting TBD*

Mr. Fisher advised the Board that he is working with DFS staff to set a date for this meeting.

- e. Hazardous Code Committee-Code Committee Chair/DFS Staff to report*
 - i. 60.8 -2015 proposal*
 - ii. Proposal from Stephen Pelkey 65.1 and .2 (2015)*
 - iii. Proposal from Dave Beaudin 65.3.5 and 65.4.1.1 (2015)*

Mr. John Cox advised the Board that he is working with DFS staff to set a date for this meeting.

- f. Electrical Code Committee-Code Committee Chair/DFS Staff to report*
 - i. Proposals for the 2017 edition of NEC.*
 - ii. Correlation with NFPA 1- meeting TBD.*

Mr. Laidler advised the Board that his committee has completed their work for this cycle.

- 2. *Staff update on replacement in kind.*
 - a. Joint interpretation on replacement in kind referencing all three permits aspects: Permits required by the building code so that there would be no more permits from the Fire Departments, 27A permits under the Building Code, and fire protection aspects under the jurisdiction of the Fire Code.*

Jennifer Hoyt advised the Board that this is still in process at this time.

- 3. *Discussion and possible vote on intention of board to ultimately adopt NFPA-1 (2015 Edition) with Massachusetts Amendments (527 CMR 1.00)*
 - a. Administrative Code Committee-Code Committee Chair/DFS Staff to report*
 - i. Correlation from 2012 to 2015 edition of NFPA 1- meeting TBD*

Upon a motion made by Mr. MacKendrick, seconded by Dr. Scheiner, the Board unanimously voted that it is their intent to move toward the 2015 edition of NFPA 1.

Monthly Board Meeting- Promulgation

- 1. *Status Updates*
 - a. 18.2.3 Access Roads*
 - b. 1.12.8.40.1.1 and 66.21.7.4.3.4- Transport of Tanks to Tank-yards-UST's*
 - c. 11.7.5 Maintenance and Testing and 2.3.5 ASTM Publications*

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

Items not reasonably anticipated by the Chair

Chairman Caputo asked is anyone present had any additional comments on the public hearing that was held today. Hearing none, the Chairman asked for a motion to adjourn.

A motion was made by Commissioner Conant and seconded by Dr. Scheiner to adjourn the regular meeting at 1:52 p.m. The board voted unanimously on this motion.

Submitted by: Executive Director



Date:

9/7/2016