

**BOARD OF FIRE PREVENTION REGULATIONS
MINUTES OF BOARD MEETING
April 11, 2019**

The Board of Fire Prevention Regulations held a Board meeting on Thursday, April 11, 2019 at the Department of Fire Services, Boards and Commissions Room, Stow, Massachusetts.

The following Board members were present at this meeting:

Richard Arruda	Chief, Dartmouth Fire District 3
Anthony Caputo	Registered Professional Fire Protection Engineer
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
William Laidler	Hanover Wiring Inspector
Robert MacKendrick	FPAM Representative
Peter Ostroskey	State Fire Marshal
Kenneth A. Smith	Blasting Association Member

The following Board members were absent from this meeting:

Larry S. Fisher	Electrical Contractor
Alfonso Ibarreta	Registered Professional Mechanical Engineer
Gary S. Keith	Representative of the Public
Paul C. Scheiner	Chemist

DFS/BFPR staffing present at this meeting:

Paul Vigneau	Director, Division of Fire Safety
Glenn Rooney	Legal Counsel, Department of Fire Services
Jennifer Hoyt	Division of Fire Safety
Christina Rodriguez	Division of Fire Safety

Monthly Board Meeting

1. Chairman to open the meeting.

Chairman Caputo opened the meeting at 1:07 p.m. and asked the members of the Board and the Division of Fire Safety staff to introduce themselves for the record.

2. Minutes from the January 10, 2019 meeting submitted for approval.

Upon a motion made by Mr. MacKendrick, seconded by Mr. Laidler, the Board unanimously voted to approve the minutes of the January 10, 2019 meeting as submitted.

New Business

1. Staff overview of proposed amendment package for 527 CMR 1.00 Massachusetts Comprehensive Fire Safety Code

Mr. Vigneau informed the Board that the code committees have been meeting and have reviewed the proposals presented to them. Staff has gathered the code committee work into a draft format in the document presented to the Board. Staff legal counsel needs to continue their review and staff will work with code committee with any work necessary to finalize the amendment package. Chief Arruda asked if appendix language is included in the document. Legal has advised for staff to remove the appendix language and send the code change through the promulgation process separate from the appendix.

Old Business

1. Committee/ Reports

a. Administrative Code Committee

i. March 21, 2019 approved meeting minutes.

Mr. Vigneau reported on work completed by the Administrative Code Committee. He briefly discussed high-level changes made to Chapters 1 through 9 and summarized work identified in the minutes. Mr. Vigneau discussed that each code committee reviewed AHJ language and agreed to move forward with the concept.

b. General Requirements Code Committee

i. February 8, 2019 approved meeting minutes.

ii. March 14, 2019 draft meeting minutes.

iii. April 10, 2019 draft meeting minutes.

Mr. Vigneau reported on work completed by the Administrative Code Committee. He briefly discussed high-level changes made to Chapters 1 through 9 and summarized work identified in the minutes. Mr. Vigneau discussed that each code committee reviewed AHJ language and agreed to move forward with the concept.

c. Occupancy Code Committee

i. February 11, 2019 approved meeting minutes.

Chairman Fisher was not present so Mr. Vigneau reported that the committee reviewed Chapter 28: Marinas & boatyards. The committee recommended the formation of a working group to review the provisions of the code, and consider adoption with the 2018 NFPA 1 adoption. The committee decided to adopt Chapter 38: Marijuana facilities in its entirety. Chief Arruda mentioned that FCAM representative has retired and the position on the committee would be open at this time.

d. *Processing Code Committee*

- i. *March 11, 2019 approved meeting minutes.*

Mr. Vigneau reported for Chairman Keith regarding work completed by the Processing Code Committee. The committee reviewed hot work regulations. Legal identified some issues with the language which staff will revisit. Additionally, some language was considered for mobile on-demand refueling. The committee adopted the language without background information on the origin of the requirements. After legal review, issues were identified on licensing and jurisdiction. As necessary, the committee may reconvene to discuss legal's concerns and address them as needed.

Mr. MacKendrick opined that there are no current regulations for mobile on-demand refueling and it is necessary to have some regulations in place for enforcement and safety.

e. *Equipment Code Committee*

- i. *February 22, 2019 approved meeting minutes.*

Chairman MacKendrick reported that the Equipment Code Committee had a presentation by Brian O'Connor from NFPA regarding energy storage systems. Following the presentation, the committee decided to adopt Chapter 52 for energy storage systems in its entirety. Mr. Vigneau mentioned that the committee may need to reconvene to review permit requirements for permitting of ESS outside of a building.

f. *Hazardous Code Committee*

- i. *February 26, 2019 approved meeting minutes.*
ii. *March 14, 2019 draft meeting minutes.*
iii. *April 10, 2019 draft meeting minutes.*

Chairman John Cox reported that the Hazardous Code Committee met a few times and discussed blasting requirements specific to the location of seismographs relative to inhabited buildings. Mr. Smith presented historical background information on the origin of the code and proposed code changes which the committee approved. The committee reviewed some aspects of cannabis extraction activities. The committee also reviewed the maximum allowable quantities tables and how it relates to licenses, containers, and other chapters in the code. The Hazardous Code Committee will continue their review as an effort of the 2018 NPFA 1 adoption process.

g. *Electrical Code Committee*

- 1) *Two communications from Frederic P. Hartwell, President of Hartwell Electrical Services, Inc. regarding the Board of Electricians' case BEA-18-00006-AP Appeals*

Chairman Laidler reported that the code committee met and continued to review the 2020 National Electric Code in relation to the MA amendment package. The next meeting is planned for May and a draft is anticipated to be presented to the BFPR for review in September.

- a. Requesting the Superior Court to remand this matter, in order that it be allowed to reopen with respect to streetlights in the Town of Millis for further*

proceedings not inconsistent with its position on the extent to which 527 CMR 12 applies to municipal street lighting.

The Board has previously voted to table the item.

b. Requesting the following interpretation, does the conversion of ownership of a luminaire installed pursuant to c. 164 §34A and made subject to "an alternative tariff approved by the department" result in the luminaire becoming subject to provisions in the National Electrical Code as it applies in Massachusetts?

- 2) *Communication from the Executive Director Board of State Electrical Examiners requesting no action on Mr. Hartwell's communication until pending litigation is resolved.*

Mr. Hartwell contacted Mr. Laidler this morning, expressing disappointment that the Board has not opined on his request for a response. Mr. Hartwell feels that the Board may issue an opinion regardless of the pending litigation. Counsel Rooney reiterated his previously stated position that he recommends the Board continues to table the matter until the pending litigation is resolved.

Regarding items a. and b., no vote is necessary since the Board previously voted to table the items at a prior meeting.

2. Items not reasonably anticipated by the Chair

- a. Mr. Laidler made a point to discuss electrical permits being denied if the permit application is submitted by mail rather than in person or online. Chief Hazel raised the concern that people have misrepresented their license and company affiliation but the in-person permit application allows the AHJ to see and check the person's license matches the information provided. Mr. Vigneau stated that the permit application is under pains and penalties of perjury.

Mr. Laidler made a motion that legal review the legality of M.G.L. c.143 s.3L and whether or not mailing is still acceptable. Mr. John Cox seconded the motion. The board voted unanimously.

- b. Request for interpretation with respect to riding arena lighting from an email from Michael Newman to Paul Vigneau dated December 7, 2018. Mr. John Cox reported that the recommendation is to accept the equipment based on the manufacturer's listing, packaging that included the cable, and the UL listing.

Motion made by Mr. Laidler to accept the proposed draft interpretation, as amended by staff as necessary, and to be sent out to the proponent, seconded by Mr. MacKendrick. The Board voted unanimously.

- c. Mr. Vigneau recommended that the May meeting be public hearing – only.

Mr. Jeff Cox raised a concern that the work of BFPR and the code committees stay on track. Mr. Vigneau reassured him that the intent of staff is to have a final amendment package for consideration by the Board.

Motion made by Mr. MacKendrick for staff to cancel the May BFPR meeting, seconded by Mr. Laidler. The Board voted unanimously to accept.

Submitted by: PSAV Date: 7/23/2019