



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Fire Prevention Regulations Appeals Board

P.O. Box 1025 ~ State Road

Stow, Massachusetts 01775

(978) 567-3181 Fax: (978) 567-3121

LARRY S. FISHER
CHAIRMAN

MAURA T. HEALEY
GOVERNOR

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

GINA K. KWON
SECRETARY

Docket # 2025-05
26 Willis Drive
Charlton, Massachusetts

FIRE PREVENTION REGULATIONS APPEALS BOARD DECISION

A) Statutory and Regulatory Framework

This matter is an administrative appeal filed in accordance with Massachusetts General Laws Chapter 22D, section 5. The Appellant is seeking the Fire Prevention Regulations Appeals Board's review of the Charlton Fire Department's denial of a plan to install a building integrated photovoltaic ("BIPV") installation on a residential, single-family home located at 26 Willis Drive, Charlton, Massachusetts. The appeal was filed by the homeowners, James and Jacklyn (Fleming) Triplett, Trustees B&E Family Trust and homeowners (hereinafter referred to as the Appellants).

B) Procedural History

By e-mail notice dated September 25, 2025, the Charlton Fire Department found that a BIPV installation plan for a single-family home at 26 Willis Drive, Charlton failed to comply with 527 CMR 1.00, Chapter 11 specifically, 11.12.3.1.1.

On October 2, 2025, the Appellant filed a timely appeal of the Charlton Fire Department's denial with the Fire Prevention Regulations Appeals Board. The Board held a hearing relative to this appeal on November 19, 2025, via video conference.

Appearing on behalf of the Appellant were: James Triplett, homeowner and Adam Graber, Summit Energy. Appearing on behalf of the Charlton Fire Department were: Chief Rob Barton; Inspector Dennis Carlson; and Curtis Meskus, Charlton Building Commissioner. Present for the Board were: Patricia Sheehan, Presiding Chair; Chief Martin Dyer; Paul Kennedy, Jr. and Lt. Chris Towski, Alternate. Rachel E. Perlman was the Attorney for the Board.

C) Issue(s) to be Decided

Whether the Board should affirm, reverse or modify the determination of the Charlton Fire Department regarding the building integrated photovoltaic installation in accordance with 527 CMR 1.00, Chapter 11?

D) Evidence Received

1. Application for Appeal filed by Appellant 10/2/2025
2. Statement in Support of Appeal from Appellant
3. Appellant's Table of Contents and accompanying Exhibits in Support of Appeal (A-F)

Exhibit A: Application to Town of Charlton for Solar Project on New Home Construction to Install Sunstyle Solar Shingles.

- a. Construction Application (5 pages);
- b. Justin Krogue- Construction Supervisor License (2 pages);
- c. Worker's Compensation Insurance Affidavit (1 page) ;
- d. Certificate of Liability Insurance (1page);
- e. New PV System Plan (Plan) – Sunstyle Shingles-Trustees of B&E Family Trust -26 Willis Dr., Charlton, PV rating 9.9 kW produced by Summit Energy Group (11 Pages);
- f. Existing Rafter Analysis Roof 1, with accompanying photographs (30 pages);

Exhibit B: Email/Text Communications About Roof Access and Pathways; Town of Charlton Decision to Turn Down Application Without 36" Pathways Notwithstanding the Submitted Solar Plan Falls Within Regulatory BIPV Exemption.

- a. September 9th, 2025 Text Between Justin Krogue and Dennis Carlson (Carlson), Fire Inspector of Community Risk Reduction Division, Charlton Fire Department (1 page);
- b. September 23rd, 2025 Email From Adam Graber, Senior Director of Business Development, Summit Solar Responding to Carlson Demand for 36" Pathways of Plan With Attached Regulation That Depicts Massachusetts Exemptions From Required Pathways (1 page);
- c. September 25th, 2025 Email from Dennis Carlson to Adam Graber Setting Out the Town's Understanding of BIPV Regulations the Town Requires Pathways for All Applications. (1 page);
- d. Jackln Fleming, Appellant, September 26th, 2025 Email to Carlson Requesting a More Detailed Explanation of The Town of Charlton's Decision to Turn Down the 26 Willis Drive BIPV Plan (1 page);
- e. Dennis Carlson , September 29th, 2025 Response to Jacklyn Fleming's September 26th, 2025 Email Explaining That (the refusal to accept the plan) the Town of Charlton has Consulted Other Communities and Fire Officials and They All Do It the Same Way (1 page);

Exhibit C: Relative Regulatory Provisions Concerning Roof Access and Pathways.

- a. Code of Massachusetts Regulations Rooftop Access and Ventilation, sections 11.12.3.1, 11.12.3.1.2, and 11.12.3.1.3 1 page);
- b. Code of Massachusetts Regulations R324.6 Roof Access and Pathways (1 Page);
- c. NAPTHA 70 Section 690.12 Rapid shutdown of PV Systems and Buildings incorporated by Massachusetts (1 Page) ;

- d. NAPTHA 70 Section 690.12 (B)(2) Inside the Array Boundary of PV System and What is Required to Comply;

Exhibit D: Sunstyle SolarRoof Shingle Technical Data (1page).

Exhibit E: Sunstyle Installation Manual (29 Pages).

Exhibit F: Technical Brief on Enphase Microinverter System That Demonstrates Compliance With National Electrical and Massachusetts Code

Exhibit G: Nine (9) Contemporaneous Photographs of 26 Willis Drive, Residence Various Views of Construction and Roof Sections With Proposed Solar Shingle Application and Electrical Service Area.

- a. Overview of 26 Willis Drive (showing southern exposure, including solar shingle area over kitchen and outside electric and solar panel control/ emergency shutdown);
- b. Driveway and Side Access Leading to Electric and Solar Panel Control/Emergency Shutdown;
- c. View of Outside Electric and Solar Panel Control/Emergency Shutdown (located below solar shingle area over kitchen);
- d. View Toward Willis Drive- Access to Outside Electric and Solar Panel Control/Emergency Shutdown;
- e. Southern Exposure 26 Willis Drive (showing solar shingle area above kitchen and second roof area with solar shingle area over outside lanai and master bedroom);
- f. Southern Exposure 26 Willis Drive-Alternative view (showing solar shingle area over kitchen and outside electric and solar panel control/emergency shutdown);
- g. Eastern Exposure 26 Willis Drive (showing both roof areas of solar shingles, kitchen and lanai/master bedroom, and outside electric and solar control panel/emergency shutdown);
- h. Northern Exposure 26 Willis Drive (showing northern exposure of solar shingles over outside lanai and master bedroom);
- i. Northern Exposure 26 Willis Dr. -Alternative View (showing solar shingle area over outside lanai and master bedroom).

4. Submission of Revised Plans from Charlton Fire Department

E) Subsidiary Findings of Fact

- 1. The Appellant sought this Board's review of the Charlton Fire Department's denial of a plan to install a building integrated photovoltaic ("BIPV") installation on a residential, single-family home being constructed at 26 Willis Drive, Charlton, Massachusetts. The appeal was filed pursuant to the provisions of M.G.L. c. 22D, s. 5.
- 2. The BIPV installation was described as a SunStyle Solar Shingle System, which is manufactured by Certainty and installed by Summit Energy. The solar shingle was described as looking similar to regular shingles but with the ability to capture energy.
- 3. Mr. Graber of Summit Energy, the contracted installer, testified that the solar shingles would be installed on four specific roof planes of the home and not the entirety of the home, which has 12-13 total roof planes.

4. Mr. Graber also testified that the “active” or electrified shingles would be located in the center or middle of each roof plane with either metal trim or a “passive” or non-electrified shingles around the perimeter. He indicated that the “active” and “passive” shingles are distinguishable from each other.
5. Mr. Graber testified that solar shingles are different from a traditional solar panel because they have flexibility and can be walked on. Based upon that distinction, Mr. Graber stated that the BIPV should be exempt because the shingles are one homogeneous plane and the pathway is the entire roof.
6. The Appellant stated that his installation plan was submitted to the Town of Charlton in August 2025 and denied by the Charlton Fire Department on September 25, 2025. The Appellant testified that the basis for the denial of the plan by the Charlton Fire Department was because the plan did not have the required roof access and pathways of 36” as required by 527 CMR 1.00, Chapter 11 specifically, 11.12.3.1.1. Both the Appellant and Summit Energy believe that the project is exempt from the NFPA codes as the project has proper egress paths and is compliant with all other solar electric codes for Massachusetts and the National Fire Protection Association (NFPA).
7. In response to a question posed by the Board about the electrical exposure when cutting through the shingles, Mr. Graber detailed the system and advised that there is one (1) rapid shutdown for every four (4) shingles, which is then connected to one (1) end phase microinverter, which has the rapid shutdown device within it. However, Mr. Graber cautioned that if the shut off lever is not pulled, cutting through the shingles would likely produce an electric shock.
8. Mr. Graber testified that discussions had occurred between the homeowner, himself and the Charlton Fire Department regarding this plan and in regard to the provisions of 527 CMR 1.00, 11.12.3.1.3 which allows the authority having jurisdiction (AHJ) to reduce or modify roof access for BIPV systems installed as the roof covering when they are listed in accordance with 690.12(B)(2) of NFPA 70 (the National Electrical Code). However, no solutions have been proposed, other than installing the shingles with the setbacks as required in the Code.
9. In response to a question asked by the Board as to whether the BIPV system would still work if it had to be installed with the required setbacks, Mr. Graber stated yes but indicated that the system would not meet the needs of the Appellant as far as total energy capture.
10. In support of the denial of the plan by the Charlton Fire Department, Inspector Dennis Carlson testified that the BIPV plan was first submitted through the town’s online permit company in August 2025. Inspector Carlson then conducted a site visit, photographed the residence from all sides and reviewed the plans and noted that there were no firefighter access pathways or ridge setbacks identified on the plans. Inspector Carlson stated that he provided those comments through the permitting system and asked that the plans be resubmitted with those setbacks and marked the application incomplete at that time.
11. Inspector Carlson testified that there is no fire department access pathways to the four (4) roof planes that the BIPV system will be installed on from other portions of the roof and stated that fire department members would need to evacuate to the ground to get off those roof planes.

12. Inspector Carlson stated that while the AHJ has the authority to reduce or modify the roof access in 527 CMR 1.00, 1.11.12.3.1, it was decided that the Charlton Fire Department would not approve such reductions or modifications, to ensure consistency with all solar applications received by the department and to ensure firefighter safety.
13. Inspector Carlson testified that he had reached out to other cities and towns to determine whether they had seen similar BIPV systems and whether any alterations, reductions or modifications to setbacks had been made by those fire departments. He stated that, to his knowledge, no department has authorized any such reduction or modification of setbacks or access pathways.
14. Inspector Carlson advised that a new set of plans was submitted through the permitting portal on November 11, 2025 and stated that the plans met the exact specifications that he had requested back when the original plans had been submitted in August 2025 and that he had approved the new plans. However, the Appellant, Mr. Triplett, testified that he did not authorize anyone to submit the new set of plans to the Town of Charlton and wanted the Board to make a determination on the first set of plans from August 2025 (Exhibit 3A).
15. When questioned by the Board about access to other areas of the roof, Inspector Carlson testified that some portions are able to be accessed by a ground ladder or an aerial device (ladder truck) but in the case of a fire, the department would want to ventilate the building directly above the fire and not from across a building, which would spread the fire throughout the property.
16. Inspector Carlson also stated that Willis Drive is accessible by a dirt road and abuts a lake. He stated that access to the road by an aerial device (ladder truck) would be difficult and that water access in this area is an issue, as the Town of Charlton has a limited fire hydrant system and that the department must bring water to their incidents. He stated that the lake would not be a viable water source, as there is no access off Willis Drive.
17. Chief Barton of the Charlton Fire Department testified that the policy and procedure for firefighters operating at incidents with solar arrays is that they are to initiate a power shutdown, and by the time firefighters access the roof, it would be at least 30 seconds, which is the industry standard for the time it takes for a solar panel to become de-energized.
18. Chief Barton stated that while it is expected that the solar system would be shut down, having a 36-inch pathway would allow them an area of caution where firefighters could safely operate and vertically ventilate at the highest point, without having to worry about whether the solar system is truly off.
19. Lastly, Inspector Carlson testified that a new set of plans was submitted to the Town of Charlton on November 11, 2025 through the permitting portal. Inspector Carlson stated that he reviewed the revised plans and found that they met the exact qualifications that had been discussed at the outset of this project and that he approved the revised plans (Exhibit 4).

F) Ultimate Findings of Fact and Conclusions of Law

1. The applicable sections of 527 CMR 1.00, Chapter 11 to the subject property are as follows:

11.12.3.1.3 The AHJ shall be permitted to reduce or modify roof access for BIPV systems installed as the roof covering when they are listed in accordance with 690.12(B)(2) of NFPA 70.

2. The Board finds that the Charlton Fire Department denied the original BIPV plan in August 2025 because the plan did not have the required roof access and pathways of 36 inches, which is specified in 527 CMR 1.00, 11.12.3.1.1.

3. The Board also finds that the AHJ has the authority in 11.12.3.1.2 to reduce or modify roof access based upon fire department ventilation procedures or alternative methods to ensure access. It has been the position of the Charlton Fire Department not to exercise said authority and to require that all solar installations have fire department access pathways. Based upon testimony received, the Board determined that the AHJ acted within their authority to deny the plan in accordance with 11.12.3.1.2 to ensure firefighter safety. The Board also found, based on the testimony of the Appellant, that there are alternative plans that would allow for the installation of the BIPV system despite the potential for the energy capture to be less than the original plans and which would adhere to the Code and ensure firefighter safety.

G) Decision and Order

Based upon the forgoing reasons, this Board **upholds** the Order of the Charlton Fire Department’s denial of the BIPV plan that was submitted on or about August 7, 2025.

H) Vote of the Board

| | |
|--|----------|
| Patricia Sheehan, Presiding Panel Member | In Favor |
| Chief Martin Dyer | In Favor |
| Paul Kennedy, Jr. | In Favor |

I) Right of Appeal

You are hereby advised you have the right, pursuant to section 14 of chapter 30A of the General Laws, to appeal this decision, in whole or in part, within thirty (30) days from the date of receipt of this order.

SO ORDERED,



Patricia Sheehan, Presiding Panel Member
Fire Prevention Regulations Appeals Board

Dated: December 15, 2025

**A COPY OF THIS DECISION AND ORDER WAS FORWARDED BY E-MAIL AND
CERTIFIED MAIL, RETURN RECEIPT REQUESTED TO:**

James and Jacklyn Triplett
Trustees B&E Family Trust
25 Camp Hill Drive
Oxford, Massachusetts 01540
lawoffjt@aol.com

Chief Rob Barton
Inspector Dennis M. Carlson
Charlton Fire Department
P.O. Box 114
Charlton City, MA 01508
Rob.Barton@townofcharlton.net
Dennis.Carlson@townofcharlton.net