



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Fire Safety Commission

P.O. Box 1025 ~ State Road

Stow, Massachusetts 01775

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

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LT. GOVERNOR

THOMAS A. TURCO, III
SECRETARY

CHIEF THOMAS COULOMBE
CHAIRMAN

MAURICE M. PILETTE
VICE CHAIRMAN

Notice of Meeting
Massachusetts Fire Safety Commission

In accordance with the provisions of M.G.L. c. 30A § 20, notice is hereby given of a meeting of the Commonwealth of Massachusetts' Fire Safety Commission. The meeting will be held at **9:15 a.m. on Wednesday, August 14, 2019** in the Boards and Commissions Room, at the Department of Fire Services, State Road, Stow, MA.

Planned Agenda

1. Chair to open meeting. Introduction of Commission Members.
2. Approval of previous meeting minutes dated August 9, 2017
3. Introduction of new Commission Member
4. New Business
 - (1) Staff Docket Update
 - (2) Review of Legislation filed in the 2019-2020 Legislative Session regarding sprinklers and the Fire Safety Commission (Automatic Sprinkler Appeals Board)
 - (3) Court Cases of Note
 - (4) Nomination and Election of a Chair and Vice Chair
5. Other Business not Anticipated
6. Adjourn.

Dated: August 8, 2019

Glenn M. Rooney, Legal Counsel
Massachusetts Fire Safety Commission, Automatic Sprinkler Appeals Board

CC: Posted to the Department of Fire Services website
<https://www.mass.gov/event/massachusetts-fire-safety-commission-2019-08-14t091500-0400-2019-08-14t110000-0400>

Secretary of State
State Publications and Regulations Division
One Ashburton Place, Room 1613
Boston, Massachusetts 02108

Executive Office of Administration and Finance
State House, Room 373
Boston, Massachusetts 02133

**MASSACHUSETTS FIRE SAFETY COMMISSION
MINUTES OF MEETING
August 14, 2019
(Approved by Fire Safety Commission – May 14, 2021)**

The Fire Safety Commission held a meeting on Wednesday, August 14, 2019 at the Department of Fire Services, Boards and Commissions Room, Stow, Massachusetts.

Present at the meeting were the following Commission members:

Thomas Coulombe, Chairman	Representative, Fire Chiefs Association of Massachusetts
Maurice M. Pilette, Vice Chairman	Professional Engineer
Peter J. Ostroskey	State Fire Marshal
Jack Dempsey, Dep. Chief/Fire Marshal	Designee, Commissioner, Boston Fire Dept.
Kristin Kelly	Representative, Sprinkler Fitters Union
Alexander McLeod	Designee of the Chairman of the Board of Building Regulations and Standards Department
Patricia Berry	Representative of the Massachusetts Lodging Association

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

Glenn M. Rooney, Esq.	DFS Attorney and Counsel for the Commission
MaryElizabeth Lynch-Lent	Executive Assistant to the Commission

Absent at the meeting were the following Commission members:

Aime DeNault	Representative of the Mass. Association of Realtors
George A. Duhamel	Representative, Electrical Inspectors

1. Meeting Opening:

The Chairman, Thomas Coulombe, opened the meeting at approximately 9:15 a.m. The Chairman introduced himself and the other Commission members, who indicated their representative capacities.

2. Approval of minutes from the previous Commission Board meeting of August 9, 2017.

After reviewing the draft minutes from the previous meeting dated

August 9, 2017, a Motion was made by Mr. Pilette to accept the minutes. The Motion was seconded by Mr. MacLeod and was approved by a unanimous vote of the Commission.

3. Commission members were introduced to our newest member, Kristin Kelly, representing the Sprinkler Fitters Union. Ms. Kelly was appointed to the Commission by Governor Baker on January 31, 2019. Her term will expired June 2, 2020.

New Business

4-1. Staff Docket Update

Executive Assistant to the Board, MaryElizabeth Lynch-Lent, presented the docket update to the Fire Safety Commission. Ms. Lynch-Lent presented information on the number of cases that had been received by the Automatic Sprinkler Appeals Board since August 9, 2017 (the last Fire Safety Commission meeting). The breakdown was as follows:

14 cases received:

- **1 – s. 26A½**
- **10 – s. 26G**
- **3 – s. 26G½**
- **0 – s. 26H**

Of those 14 cases:

3 – Withdrawn / Dismissed

3 - Rejected

1 – Case Pending Resolution on local level

7 - Decisions Rendered

- **4 upheld FD order (3 - 26G and 1 – 26G½)**
- **0 modified FD order**
- **3 reversed FD order (26G)**

Total Cases since January 1, 2005 to date (July 18, 2019): 548

Total 26A½

- 5

Total 26G	- 104
Total 26G½	- 403
Total 26H	- 27
Total 26I / 27A / SBC cases (no jurisdiction, automatic rejection)	- 9
Total Rejections	- 99
Total Withdrawals	- 283
Total Dismissals	- 3
Decisions Rendered	- 162 (which includes 6 Mot. to Reconsider Denials)
Pending Cases	- 1

4-2. Review of Legislation filed in the 2018-2019 Legislative Session of potential interest to members of the Fire Safety Commission (Automatic Sprinkler Appeals Board)

Commission members reviewed legislation filed in the 2018-2019 Legislative Session regarding sprinklers and the Fire Safety Commission (Automatic Sprinkler Appeals Board). Commission staff provided a summary of the each bill and its impact, as well as the current status of each bill. The following bills were reviewed:

- H. 2086 – “An act relative to fire protection systems for buildings and structures”
- H. 2123 – “An Act establishing the Building Code Coordinating Council”
- S. 1396 – “An Act establishing the Building Code Coordinating Council”
- H. 2027 – “An act relative to enhanced fire protection in new one and two family dwellings”
- H. 2028 – “An act relative to fire protection”
- H. 2082 – “An act relative to the disclosure of automatic fire sprinkler system information”
- H. 2413 – “An act to protect historic buildings from fires”
- S. 1799 – “An act further regulating certain light frame residential construction”

Mr. Coulombe questioned as to whether the Building Code Coordinating Council (“BCCC”) still meets. Marshal Ostroskey stated that they do still meet on an “as needed” basis to review any regulations that are pending to ensure there are no conflicts with any other codes.

The Board had further discussion regarding H. 2028, the M.G.L. c. 148, s. 26I bill. Marshal Ostroskey indicated that this bill should be of particular interest to the Massachusetts Fire Safety Commission/Automatic Sprinkler Appeals Board because of this bill passes and becomes law, any section 26I appeals would be appealed to the Automatic Sprinkler Appeals Board. Mr. Coulombe suggested that the Commission and/or Board may want to advocate more for this particular piece of legislation, to

provide an appeals route for this last section of the sprinkler series contained in M.G.L. c. 148, section 26. In addition, this bill, if passed, would streamline the appeals route and second, would provide a cost savings to both the aggrieved party and the fire department, as they first step would no longer be appealing decisions to Court, saving on Court costs and attorney costs.

There was additional discussion as to whether more information regarding Automatic Sprinkler Appeals Board decisions can be made available on our website. Mr. Pilette expressed concern that the decision listed on the website may be too limited and inquired as to whether more cases can be uploaded.

4-3. Review of Court Cases involving ASAB Decisions

Attorney Rooney gave a brief overview of recent cases that either involved the Automatic Sprinkler Appeals Board, or have touched on issues raised by the Board, including sober homes:

Crossing Over, Inc. and Theodore Bronson v. City of Fitchburg, Automatic Sprinkler Appeals Board & City of Fitchburg Fire Prevention Bureau, C.A. No. 1785CV01318 (Worcester Sup. Ct.), *appeal docketed*, No. 2019-P-0903 (Mass. App. Ct. June 17, 2019).

Danielle Donohue and Lincolnshire House, LLC v. City of Methuen and State Building Code Appeals Board, C.A. No. 1877CV01205C (Essex Sup. Ct.)

Vanderburgh House, LLC and Southbridge RE, LLC v. City of Worcester and State Building Code Appeals Board, C. A. No. 1885CV01300-D (Worcester Sup. Ct.).

Jeffrey D. Summers; Jeffrey's House Inc v. City of Fitchburg, et al, C. A. No. No. 18-1725 (Court of Appeals, First Circuit)

4-4. Nomination and Election of a New Chair and Vice Chair

Mr. Coulombe opened the nominations for the members to elect a new Chair and Vice Chair in accordance with M.G.L. c. 6 § 200. Mr. MacLeod made a motion to nominate Maurice Pilette as Chair of the Board and Patricia Berry as Vice Chair. Chief Dempsey seconded the motion. A vote was taken and Mr. Pilette and Ms. Berry were voted as the new Chair and Vice Chair Commission.

5. Other Business Not Anticipated

Chief Coulombe inquired as to whether cases before the Automatic Sprinkler Appeals Board could be stacked or grouped together to save Board members with time

and travel to Board meetings. Attorney Rooney indicated the Board that is not always possible, as the statute requires that any appeals received by the Board must be heard within 30 days.

Attorney Rooney did suggest that one option would be for the Chairman of the Commission/Board to select just 5 members to attend Board meetings each month on a rotating basis, rather than the 6 or more that usually attend. No action or further discussion on this matter.

Mr. Coulombe also inquired as to the status of appointments to the Board. Ms. Lynch indicated that the Mr. Duhamel and Mr. Coulombe are currently expired but may continue to serve until such time as the Governor's Office re-appoints or replaces them. She also indicated that Board member Mr. DeNault no longer wishes to serve on the Board and that the Massachusetts Association of Realtors is currently in the process of soliciting interested members.

6. Adjourn

Fire Marshal Ostroskey made the Motion to adjourn the meeting and Ms. Berry seconded the motion. Motion to adjourn was approved by unanimous vote of the Board at approximately 10:07 a.m.