



CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
LT. GOVERNOR

TERRENCE M. REIDY  
SECRETARY

*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*

PATRICIA BERRY  
CHAIR

MAURICE M. PILETTE  
VICE CHAIR

**Notice of Meeting**  
**Massachusetts Fire Safety Commission**

Notice is hereby given of a meeting of the Massachusetts Fire Safety Commission. The meeting will be held at **10:00 a.m. on Wednesday, June 8, 2022.** This public hearing will be conducted, and open to the public, via video conference (Microsoft Teams): [Click here to join the meeting](#)  
**Or call in (audio only): +1 857-327-9245,,232728451#** U.S., Boston  
**Phone Conference ID: 232 728 451#**

**Planned Agenda**

1. Chair to open meeting. Introduction of Commission Members.
2. Approval of previous meeting minutes dated May 12, 2021
3. New Business
  - (1) Formal Introduction of New Commission Members (Chief Spanknebel and Mr. Rogers) and Department of Fire Services Deputy General Counsel (John Dean)
  - (2) Staff Docket Update
  - (3) Open Meeting Law Update (M.G.L. c. 30A)
  - (4) Discussion, consideration and vote on updating Automatic Sprinkler Appeals Board Application, Board Memoranda and Hearings Procedures, Board Decorum and adoption of Robert's Rules of Order by Board Counsel, John Dean
  - (5) Review of Legislation filed in the 2021-2022 Legislative Session regarding sprinklers and the Fire Safety Commission (Automatic Sprinkler Appeals Board)
  - (6) Nomination and Election of a Chair and Vice Chair
4. Other Business not reasonably anticipated
5. Adjourn.

Dated: June 1, 2022

John H. Dean, Legal Counsel  
Massachusetts Fire Safety Commission, Automatic Sprinkler Appeals Board

CC: Posted to the Department of Fire Services website  
<https://www.mass.gov/event/mass-fire-safety-commission-june-8-2022-2022-06-08t100000-0400-2022-06-08t110000-0400--->

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

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

**MASSACHUSETTS FIRE SAFETY COMMISSION  
MINUTES OF MEETING  
June 8, 2022  
(Approved June 28, 2023)**

The Massachusetts Fire Safety Commission held a meeting on **Wednesday, June 8, 2022** at 10:00 a.m. Pursuant to M.G.L Chapter 6, Section 200, this was the annually scheduled meeting of the Commission. As authorized by Chapter 22 of the Acts of 2022, and Governor Charlie Baker's Executive Order - COVID-19 Order No. 1, the meeting was conducted virtually and was digitally recorded.

**Present** at the meeting were the following Commission members:

Patricia Berry, Chair	Representative of the Massachusetts Lodging Association
Maurice M. Pilette, Vice Chair	Professional Engineer
Michael Spanknebel	Representative, Fire Chiefs Association of Massachusetts
Peter J. Ostroskey	State Fire Marshal
Daniel 'Gary' Rogers	Representative, Mass. Association of Realtors
Kristin Kelly	Representative, Sprinkler Fitters Union
Alexander McLeod	Designee of the Chairman of the Board of Building Regulations and Standards Department

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

John H. Dean, Esq.	DFS Deputy General Counsel/Counsel for the Commission
MaryElizabeth Lynch-Lent	DFS Paralegal/Executive Assistant to the Commission
Glenn M. Rooney	DFS General Counsel but appearing as public member

**Absent** at the meeting were the following Commission members:

Joseph Shea, Dep. Chief/Fire Marshal	Designee, Commissioner, Boston Fire Dept.
George A. Duhamel	Representative, Electrical Inspectors

**1. Meeting Opening:**

The Chair, Patricia Berry, opened the meeting at approximately 10:05 a.m. Members of the Commission introduced themselves and indicated their representative

capacity, in addition to Department of Fire Services' staff, and members of the general public.

**2. Approval of minutes from the previous Commission Board meeting of August 14, 2019.**

After reviewing the draft minutes from the previous meeting dated May 12, 2021, a Motion was made by Mr. Spanknebel to accept the minutes. The Motion was seconded by Ms. Kelly and was approved by a unanimous vote of the Commission.

**New Business**

**3-1. Formal Introduction of New Commission Members and Counsel to the Commission**

New members of the Commission were introduced and welcomed. Chief Michael Spanknebel represents the Fire Chief's Association of Massachusetts and Daniel "Gary" Rogers represents the Massachusetts Association of Realtors. Both were appointed to the Commission by Governor Baker within the last six months.

Department of Fire Services' new Deputy General Counsel, John H. Dean, introduced himself as well and advised the Commission that he will be taking over for Glenn Rooney as Legal Counsel to the Commission/Automatic Sprinkler Appeals Board.

**3-2. Staff Docket Update**

Executive Assistant to the Commission, MaryElizabeth Lynch-Lent, presented the docket update. Specifically, Ms. Lynch-Lent presented information on the number of cases that had been received by the Automatic Sprinkler Appeals Board since May 12, 2021 (the last Fire Safety Commission meeting). The breakdown was as follows:

**May 1, 2021 to May 31, 2022**

**9 cases received:**

- 4 – s. 26G
- 5 – s. 26H

**Of those 9 cases:**

**4 – Withdrawn / Dismissed**

**1 - Rejected**

**4 - Decisions Rendered**

- 1 upheld FD order ( 26G)
- 1 modified FD order (26G)
- 2 reversed FD order (26G)

---

**Total Cases since January 1, 2005 to date (May 31, 2022): 567**

<b>Total 26A½ Cases</b>	5
<b>Total 26G Cases</b>	113
<b>Total 26G½ Cases</b>	405
<b>Total 26H Cases</b>	34
<b>Total 26I / 27A / Building Code Cases (no jurisdiction, automatic rejection)</b>	10
<b>Total Rejections (2005 to now)</b>	101
<b>Total Withdrawals / Dismissals (2005 to now)</b>	298
<b>Decisions Rendered (including Motions to reconsider denials)</b>	168

### **3-3. Open Meeting Law Update (M.G.L. c. 30A)**

Attorney Dean advised the Commission that there are two pieces of legislation that are currently pending before the Massachusetts Legislature, which would modify the provisions of the Open Meeting Law to allow remote meetings to continue until December 2023. Governor Baker's current Executive Order is set to expire on July 15, 2022 which would require Boards and Commissions to resume in person meetings. Attorney Dean indicated that both bills do not appear to be moving very quickly. However, there is an amendment contained in the Senate Budget, which was recently passed, which would essentially do the same – allowing remote meetings until 2023. He advised that DFS staff is watching the amendment carefully and will update the Commission.

### **3-4. Discussion, consideration and vote on updating Automatic Sprinkler Appeals Board Application, Board Memoranda and Hearings Procedures, Board Decorum and adoption of Robert's Rules of Order by Board Counsel, John Dean**

Attorney Dean addressed the Commission and suggested that certain changes could be made to expedite the hearings process for the Automatic Sprinkler Appeals Board. Among the suggestions presented were:

- Edit the Automatic Sprinkler Appeals Board appeal application and requiring the Appellant to complete the application and put together a cohesive appeal application including exhibits for submission to the Board, rather than staff

handling it. Similarly, the fire department would be required to do the same in order to present their position to the Board;

- Adopt a time limit of 15 minutes each for the Appellant and Fire Department to present their cases, 3-5 minute rebuttals for each party; and then the Board would be able to ask questions at the end of each presentation;
- Remove unnecessary records from the administrative record, such as correspondence, background documents, and copies of the hearing notices and agendas, unless there is a default issue;
- Adoption of Roberts Rules of Orders for the Board (and Commission) members to follow in order to generate the cleanest and most accurate record of a hearing/meeting.

Attorney Dean indicated that by adopting these changes, the time spent by the Board, the Appellant and Fire Department would be able to more quickly narrow the focus of the appeal and make it the cases easier to understand for all involved.

Several Commission members including Mr. Rogers, Mr. Spanknebel and Ms. Kelly were in support of these changes. However, Mr. Spanknebel expressed concern about the parties receiving additional time to present their cases if there was a complex issue before the Board. Attorney Dean indicated that the Board/Commission can certainly extend additional time if needed but the 15 minute window would encourage both parties to keep their arguments brief and focused.

The Commission voted unanimously to adopt the suggested changes.

### **3-5. Review of Legislation filed in the 2021-2022 Legislative Session of potential interest to members of the Fire Safety Commission (Automatic Sprinkler Appeals Board)**

Commission members reviewed legislation filed in the 2021-2022 Legislative Session regarding sprinklers and the Fire Safety Commission (Automatic Sprinkler Appeals Board). Counsel to the Commission, Attorney Dean, 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. 2416** – “An act relative to fire protection”
- **H. 2417 / S. 1627** – “An act relative to enhanced fire protection in new one and two family dwellings”
- **H. 2441** – “An act enhancing the safety of high-rise buildings”
- **H. 2510** – “An act relative to fire protection systems for buildings and structures”

- **H. 2838** – “An act to protect historic buildings from fires”

Attorney Dean indicated that only H. 2417 is currently moving within the Legislature and was Ordered to a 3<sup>rd</sup> Reading before the full House of Representatives on June 8, 2022.

Mr. Pilette reiterated his concerns with H. 2417 and S. 1627 that the bills, as drafted, may create a competing appeals process between the Automatic Sprinkler Appeals Board and other boards, which may have jurisdiction to hear appeals.

### **3-6. Nomination and Election of a New Chair and Vice Chair**

Ms. Berry 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. Mr. Spanknebel seconded the motion. By unanimous vote, Mr. Pilette was voted as the new Chair.

Mr. MacLeod made a second motion to nominate Ms. Berry as the Vice Chair. Mr. Pilette seconded the motion. By unanimous vote, Ms. Berry was voted as the new Vice Chair.

### **4. Other Business Not Anticipated**

Ms. Kelly brought it to the attention of the Commission that in November 2019, the Automatic Sprinkler Appeals Board heard a case involving a property located on Park Street in Rehoboth, MA. At that time, the Board reversed the Order of the Rehoboth Fire Department due to the lack of legally accessible and available water. Subsequently in February 2022, the property in question burned down.

Attorney Rooney, through the Chair, requested to speak on this issue. He indicated that the Department was aware of this fire. He further stated that the Board, in its history, has never required an Appellant to supply a water system by any other means, i.e. water tank or cistern, when water was not otherwise legally accessible/available. Despite the unfortunate outcome, Attorney Rooney believes the Board was on solid ground in making that decision.

Mr. Pilette indicated that he believes the Commission and Board should look at the issue of water and water availability moving forward.

### **5. Adjourn**

Mr. Pilette made the Motion to adjourn the meeting and Mr. MacLeod seconded the motion. Motion to adjourn was approved by unanimous vote of the Board at approximately 11:05 a.m.