



MAURA T. HEALEY
GOVERNOR

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

TERRENCE M. REIDY
SECRETARY

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

Automatic Sprinkler Appeals Board

P.O. Box 1025 ~ State Road

Stow, Massachusetts 01775

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

KRISTIN M. KELLY
CHAIR

DANIEL GARY ROGERS
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 **9:30 a.m. on Wednesday, July 10, 2024.** This public hearing will be conducted, and open to the public via video conference at:

[Join the meeting now](#)

Meeting ID: 258 251 772 416

Or call in (audio only): [+1 857-327-9245](tel:+1857-327-9245)

Passcode:

Xza6ya

Phone Conference ID:

424 698 164#

Planned Agenda

1. Chair to open meeting. Introduction of Commission Members.
2. Approval of previous meeting minutes dated June 28, 2023
3. New Business
 - (1) Staff Docket Update
 - (2) Review of Legislation filed in the 2023-2024 Legislative Session regarding sprinklers and the Fire Safety Commission (Automatic Sprinkler Appeals Board)
4. Nomination and Election of a Chair and Vice Chair
5. Other Business not reasonably anticipated
6. Adjourn.

Dated: June 28, 2024

Rachel E. Perlman, 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-2024-07-10t093000-0400-2024-07-10t101500-0400>

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
July 10, 2024
(Approved on June 11, 2025)**

The Massachusetts Fire Safety Commission held a meeting on **Wednesday, July 10, 2024**. Pursuant to M.G.L Chapter 6, Section 200, this was the annually scheduled meeting of the Commission. The meeting was conducted virtually and was digitally recorded.

Present at the meeting were the following Commission members:

Kristin Kelly, Chair	Representative, Sprinkler Fitters Union
Daniel ‘Gary’ Rogers, Vice Chair	Representative, Mass. Association of Realtors
Patricia Berry, Vice Chair	Representative of the Massachusetts Lodging Association
Michael Spanknebel	Representative, Fire Chiefs Association of Massachusetts
Patrick Ellis, Deputy Chief	Representative, Boston Fire Commissioner
Jon M. Davine	State Fire Marshal
Alexander MacLeod	Representative, Board of Building Regulations and Standards
Jennifer McHale	Registered Professional Engineer

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

Rachel E. Perlman, Esq.	DFS Deputy General Counsel/Counsel for the Commission
MaryElizabeth Lynch-Lent	DFS Paralegal/Executive Assistant to the Commission

Absent at the meeting were the following Commission members:

George Duhamel	Representative, Electrical Inspectors
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1. Meeting Opening:

The Chair, Kristin Kelly, opened the meeting at approximately 9:32 a.m. Members of the Commission introduced themselves and indicated their representative capacity, in addition to Department of Fire Services’ staff.

2. Approval of minutes from the previous Commission Board meeting of June 23, 2023.

After reviewing the draft minutes from the previous meeting dated June 23, 2023 a Motion was made by Ms. Berry to accept the minutes. The Motion was seconded by Chief Ellis and was approved by a unanimous vote of the Commission.

New Business

3-1. 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 from June 20, 2023 to June 28, 2024. The breakdown was as follows:

June 20, 2023 to June 28, 2024

13 cases received:

- 9 – s. 26G
- 0 – s. 26G½
- 4 – s. 26H

Of those 9 cases:

2 – Withdrawn / Dismissed

1 – Rejected

5 – Pending hearing in July / August

1 – Pending written decision

4 - Decisions Rendered

- 3 upheld FD order (26G)
- 1 reversed FD order (26G)

In addition, Ms. Lynch-Lent presented information on the total number of cases received by the Board from January 1, 2005 to June 28, 2024.

Total Cases since January 1, 2005 to date (June 28, 2024): 590

Total 26A½ Cases	4
Total 26G Cases	127
Total 26G½ Cases	408
Total 26H Cases	40
Total 26I / 27A / Building Code Cases (no jurisdiction, automatic rejection)	11
Total Rejections (2005 to now)	102
Total Withdrawals / Dismissals (2005 to now)	300
Decisions Rendered (including Motions to reconsider denials)	179
Case Pending Hearing	5

In reviewing the docket with the Commission, Ms. Lynch-Lent advised that a number of new appeal applications have been filed with the Automatic Sprinkler Appeals Board relative to M.G.L. c. 148, s. 26H. These appeals are from the City of New Bedford, which had issued approximately 17 Orders of Notice to install sprinklers in identified lodging and boarding houses across the City. Ms. Lynch-Lent indicated that in her conversations with New Bedford Fire Chief Kruger, he did not anticipate that all of the cases would be appealed to the Board.

3-3. Review of Legislation filed in the 2023-2024 Legislative Session of potential interest to members of the Fire Safety Commission (Automatic Sprinkler Appeals Board)

Commission members reviewed legislation filed in the 2023-2024 Legislative Session regarding sprinklers and the Fire Safety Commission (Automatic Sprinkler Appeals Board). Ms. Lynch-Lent identified the bills and advised the Commission that the formal legislative session is set to end July 31, 2024 and advised that it is unlikely these bills would progress any further. The following bills were reviewed:

- **H. 2290** – “An act relative to fire protection”
- **H. 2289** – “An act relative to enhanced fire protection in new one- and two-family dwellings”
- **H. 2310** – “An act enhancing the safety of high-rise buildings”

- **H. 2386** – “An act relative to fire protection systems for buildings and structures”
- **H. 2723** – “An act to protect historic buildings from fires”

During discussion, Mr. MacLeod asked Boston Fire Marshal, Chief Ellis, whether there were a lot of high-rise buildings in Boston that were exempt from the high-rise sprinkler requirements under M.G.L. c. 148, s. 26A½. Chief Ellis confirmed there were approximately 40 buildings throughout the city, primarily residential, without sprinklers.

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

Mr. MacLeod 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 Mr. Rogers as Chair. Ms. Berry seconded the motion. By a vote of 6-1 (Mr. Rogers abstained), Mr. Rogers was voted as the new Chair.

Mr. Rogers made a motion to nominate Ms. Kelly as the Vice Chair. Marshal Davine seconded the motion. By unanimous vote, Ms. Kelly was voted as the new Vice Chair.

4. Other Business Not Anticipated

Deputy Chief Ellis advised the Commission that he has been promoted to the Deputy Chief of Operations for the Boston Fire Department. Deputy Chief Colin Kelly has now been promoted to Fire Marshal for the City of Boston and will be serving on the Commission and Automatic Sprinkler Appeals Board for future meetings. Commission members congratulated both on their promotions.

Ms. Lynch-Lent advised the Commission that due to the large number of appeals recently received by the Automatic Sprinkler Appeals Board, hearings will need to be held on August 14, 2024, September 11, 2024 and October 9, 2024 and requested that the members hold their calendars open for those dates.

5. Adjourn

Marshal Davine made the Motion to adjourn the meeting and Chief Ellis seconded the motion. Motion to adjourn was approved by unanimous vote of the Board at approximately 9:50 a.m.