

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

Automatic Sprinkler Appeals Board

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MEMORANDUM

TO: Appellants with cases scheduled before Automatic Sprinkler Appeals Board

FROM: Daniel Gary Rogers, Board Chair

DATE: December 5, 2024

RE: Stipulations of Facts and Recommended Dispositions

In order for the Automatic Sprinkler Appeals Board to facilitate and expedite pending appeals, the Board strongly suggests that the parties communicate with one another prior to the hearing for the purpose of developing stipulations (or facts that are not in dispute) and/or a recommended disposition of the case, subject to final approval of the Board.

Stipulations of Facts

It has been the Board's experience that many cases before it do not involve disputed facts. In many cases the Appellant agrees that the subject building is subject to the sprinkler requirements, but seeks an extension of time to complete the requirements based upon legitimate reasons and/or seeks to install a reasonable alternative fire suppression system. In some of these cases, fire departments do not object to a reasonable extension of time or the use of an alternative system as long as long as the appellant complies with certain reasonable conditions.

Accordingly, if the parties can agree upon undisputed facts such an agreement should be committed to writing and signed by both parties and submitted to the Board prior to the hearing.

Recommended Case Disposition (Resolution)

In instances where the parties agree to a resolution of the case, such an agreement should be committed to writing and signed by both parties. The document should include the basis for the suggested resolution, including details about alternative systems (if applicable) and the specific conditions of the agreement, including timelines, if any. It should be noted that the Board does not approve or disapprove of any actions of the head of the fire department, without a full hearing on the appeal. However, the submission of a settlement agreement will result in the case being dismissed.

By observing these suggestions, it is anticipated that your case can be determined in a more efficient and less time-consuming manner.