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Board of Boiler Rules

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EDWARD S. KAWA JR
CHAIRMAN

Minutes
Board of Boiler Rules
Department of Fire Services
One State Road, Stow, MA 01775
Meeting of November 6, 2025

***Prior to opening this meeting, the Chairman reminded attendees that recording the meeting without prior permission of the Board is strictly prohibited. This meeting is being recorded by DFS staff for the purpose of generating meeting minutes. ***

Meeting called to order by the Chairman, Ed Kawa, at 10:04 A.M. The Chairman opened this meeting of the Board of Boiler Rules, explaining that in accordance with M.G.L. Chapter 146 Section 3, the Board is holding a public hearing to hear comment on proposed changes to 522 CMR, as well as conducting a regular meeting. Please note, in accordance with the Massachusetts Open Meeting Law, this public meeting is being recorded for purpose of generating meeting minutes by DFS staff. By continuing to participate in or attend this meeting, you consent to the recording. If you do not wish to be recorded, please exit the meeting now.

1) Hearing of Petitions for Changes to 522 CMR: The Chairman asked if there was anyone present who would like to present proposed changes to 522 CMR; he also stated that no petitions had been received by DFS staff prior to this meeting. Hearing no one present to present proposed changes, the Chairman said the 'hearing' would be kept open for one hour, while the rest of the meeting is conducted.

2) Attendance

Board Members Present:

Edward Kawa, Chairman
Charles Perry, Boiler Manufacturers
Douglas Smiley, Insurance Companies
Max Greig, User Group

Board Members Not Present:

Anthony Lucia, Operating Engineers

DFS Staff Present:

Jon Davine, State Fire Marshal
Rachel Perlman, DFS
David Clemons, DFS

Sonya Frade, DFS
Greg Folsom, DFS
Kevin Busch, DFS

Attendees Present:

Dennis Donovan, Coastal Inspection
Stephen Kapnis, CNA
Mike Robillard, Sompo
Chris Fialkowski, FM
Erik Newhouse, HSB

Chris Hastings, CHUBB
Trey Guerrini, CHUBB
Dan Lynch, ISB
Tom Stanton, ARISE

- 3) Minutes from previous meetings: The minutes from the previous meeting held on October 2, 2025, were reviewed.

Motion to approve the minutes from the meeting on October 2, 2025, made by Charlie Perry, seconded by Douglas Smiley; Motion to approve the minutes from the meeting on October 2, 2025; motion passed by unanimous vote.

- 4) Review requests for inspectional considerations/ extensions of certificates: The following requests for extension of the inspectional requirement received since the last regular meeting in September were entered into record:
- a. Stoney Brook / MMWEC, Ludlow requested a one-month extension on October 1, 2025. The location has since been reinspected and certificates are now current.
 - b. Flexcon Industries from Randolph requested a one-month extension on three units. Inspection was in process to be scheduled sometime in November 2025.
 - c. Salem Harbor Station, Salem requested a one-month extension on October 10, 2025, for 36 pressure vessels. Inspection to be scheduled sometime in November 2025.
 - d. Agri-Mark Inc., West Springfield, requested a two-month extension on October 24, 2025. Due to maintenance and repair of their back up boiler.

Motion to approve these extensions as read, made by Douglas Smiley seconded by Charlie Perry; motion passed by unanimous vote.

- 5) Update regarding Commonwealth Fusion Systems (CFS) in Devens, MA. On May 29, 2025, CFS submitted a formal letter requesting that the Massachusetts Board of Boiler Rules concur that their pressurized helium filled vacuum vessel, which is a component of their SPARC Nuclear Fusion Tokamak Reactor in Devens, is not a jurisdictional object under Massachusetts General Laws (MGL), Chapter 146, and of the regulations 522 CMR. On September 4, 2025, representatives of CFS gave a presentation to the Board during the Board's regular meeting. On September 26, 2025, the Board sent a formal letter to CFS requesting follow-up clarifications on statements made during the presentation and copies of the licenses referenced in the presentation. On October 22, 2025, CFS responded to 2 of the 5 questions asked by the Board. The Board has been provided with a copy of CFS responses. Charlie Perry questioned whether CFS had responded to the follow up question that Board had sent to CFS regarding the ASME code of construction of the vessel. Chairman Kawa said that was one of the questions CFS did not respond to.

- 6) City of Boston Henderson School, Boston, MA. Update from our last meeting in which representatives of the Boston Public Schools had made a presentation to the Board regarding the installation of 4 new gas fired boilers. This was a follow-up due to an inspection that was conducted by DFS and there were issues of non-compliance of the combustion air requirements noted. DFS Supervisor Daniel Laperle also did a presentation outlining the code requirements for combustion air. The Board denied the request for a variance of the code requirements made by representatives of Boston Henderson Schools. A couple of days after the meeting, they agreed to make modifications to comply with the Boards requirements. They did, however, request 2 of the 4 boilers operate until such time that they could make the required changes. DFS District Engineering Inspector Kevin Busch performed a site visit to verify the setup of operating just 2 of the boilers to ensure there was sufficient combustion air while they're making modifications to comply with the NFPA 54 code requirements for all 4 boilers.
- 7) Updates from DFS Staff: There were no updates provided.
- 8) Matters not reasonably anticipated: None
- 9) Adjournment of Meeting: The next meeting will be tentatively scheduled for Thursday, February 5, 2026.

Motion to adjourn the meeting made by Charlie Perry, seconded by Doug Smiley; motion passed by majority vote, regular meeting adjourned at 11:00AM

