



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

Automatic Sprinkler Appeals Board

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Docket # 2010-07
13 Albany Road
Deerfield, Massachusetts

AUTOMATIC SPRINKLER APPEALS BOARD DECISION

A) Statutory and Regulatory Framework

This is an administrative appeal held in accordance with Massachusetts General Laws Chapter 30A, Chapter 148, § 26G, and Chapter 6, section 201, relative to a decision of the Deerfield Area Fire Protection District, ordering the installation of automatic sprinklers in a proposed addition and throughout a building complex located at Deerfield Academy, 13 Albany Road, Deerfield, Massachusetts (hereinafter referred to as the Appellant).

B) Procedural History

By written notice received by the Appellant on March 2, 2010, the Deerfield Area Fire Protection District issued a determination to the Appellant, requiring automatic sprinklers to be installed in an addition, which the Appellant is proposing to construct, as well as in all other portions of a building complex located at 13 Albany Road, Deerfield, MA. The determination was issued pursuant to the provisions of M.G.L. c. 148 § 26G. On March 23, 2010, the Appellant filed an appeal of the decision with the Automatic Sprinkler Appeals Board. The Board held a hearing on May 12, 2010, at the Department of Fire Services, Stow, Massachusetts.

Appearing on behalf of the Appellant was Milton Williams, Jr., Director of Facilities, Deerfield Academy and Carl C. Koslowski, Engineer, Rybak Engineering. Appearing on behalf of the Deerfield Area Fire Protection District was Chief Chester Yazwinski and Richard Calisewski, Deerfield Building Commissioner.

Present for the Board were: John Mahan, Chairman; Maurice M. Pilette, Vice Chairman; Frank Kodzis; Thomas Coulombe; Alexander MacLeod; and Aime DeNault. Peter A. Senopoulos, Esquire, was the Attorney for the Board.

C) Issue(s) to be Decided

Whether the Board should affirm, reverse or modify the determination of the Deerfield Area Fire Protection District requiring sprinklers in the Appellant's proposed addition and all other buildings, in accordance with the provisions of M.G.L. c.148 § 26G?

D) Evidence Received

1. Application for Appeal filed by Appellant
2. Statement in Support of Appeal
3. Appeals Building Summary from Appellant
4. Order of Notice issued by the Deerfield Area Fire Protection District
5. Correspondence from Rybak Engineering to the A.S.A.B in regard to the Order of Notice issued by the Deerfield Area Fire Protection District
6. Aerial photograph of the Deerfield Academy property; rink, w. gym, pool, and d. hall (Google Image)
7. Lower level building schematic – Dining Hall and Athletic Complex – Rybak Engineering
8. Upper level building schematic – Dining Hall and Athletic Complex – Rybak Engineering
9. 1st Notice of Hearing to Parties
10. 2nd Notice of Hearing to the Appellant
11. 2nd Notice of Hearing to the Deerfield Area Fire Protection District
12. Copies of two Memoranda that accompany Hearing Notices

E) Subsidiary Findings of Fact

- 1) By written notice received by the Appellant on March 2, 2010, the Deerfield Area Fire Protection District issued a determination to the Appellant, requiring automatic sprinklers to be installed throughout an interconnected structural building complex owned and operated by Deerfield Academy located at 13 Albany Road, Deerfield, MA. The determination was issued pursuant to the provisions of M.G.L. c. 148 § 26G. On May 12, 2010, the Appellant filed an appeal of the Fire Department's determination with the Automatic Sprinkler Appeals Board.
- 2) The determination of the Deerfield Area Fire Protection District was issued as a result of the Appellant's plan to build an addition of approximately 2,000 s.f., to an existing portion of a building complex used as a dining hall. The dining hall, which is undergoing renovation, currently consists of approximately 28,000 square feet. The Appellant indicated that it is going to install an adequate system of sprinklers in both the existing dining hall portion and the planned addition.
- 3) In addition to the Dining Hall, the complex also consists of other several other portions, more specifically described as follows:
 - The East Gym: consisting of approximately 75,500 square feet;
 - A loading dock;
 - The West Gym: consisting of approximately 35,500 square feet;

- The Pool Area, consisting of approximately 16,500 square feet;
 - The Squash Center: consisting of approximately 16,000 square feet; and
 - A Hockey Rink: consisting of approximately 27,000 square feet.
- 4) The areas known as the East Gym, loading dock, pool and squash center either already feature a sprinkler system or are in the process of undergoing sprinkler system installation. The Hockey Rink and the West Gym are not currently sprinklered.
 - 5) It was the Appellant’s initial position that the construction of a 2,000 square foot addition to the dining hall portion of the complex should only trigger the installation of sprinklers throughout the Dining Hall portion and not throughout the entire building complex. It was the Appellant’s initial position that the Dining hall portion of said complex is a separate “building” as that word is used in M.G.L. c. 148, s. 26G, as amended by c. 508 of the Acts of 2008. However, at the hearing the Appellant withdrew this argument and stipulated that the entire interconnected complex is one “building,” as that word is used in M.G.L. c. 148, s. 26G. The Appellant further stipulated that an adequate sprinkler system is required to be installed throughout the building complex, including the Hockey Rink and the West Gym in accordance with s. 26G.
 - 6) Notwithstanding the Appellant’s stipulation that the building complex is subject to provisions of M.G.L. c. 148, s. 26G, the Appellant indicated that due to the great extent and unexpected nature of the required sprinkler installation, a reasonable extension of time would be necessary to complete the installation throughout the complex. Such an extension would be necessary to acquire and accumulate necessary financing, design the new sprinkler systems for submission to and approval of the Fire Department, and to complete actual installation. The Appellant suggested a 3-year period of time to complete the installation of a sprinkler system in the “West Gym” area and a five-year extension for the Hockey Rink. The representatives of the Fire Department indicated that such a request was reasonable and supported Appellant’s request for an extension based upon the circumstances presented.

F) Ultimate Findings of Fact and Conclusions of Law

- 1) The provisions of M.G.L. c. 148, s. 26G, states, (in pertinent part): “Every building or structure, including any additions or major alterations thereto, which totals, in the aggregate, more than 7,500 gross square feet in floor area shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code.” The stated provisions of this statute reflect recent amendments enacted in 2008, as per Chapter 508 of the Acts and Resolves of 2008.
- 2) The provisions of the new law apply to “the construction of buildings, structures or additions or major modifications thereto, which total, **in the aggregate**, more than 7,500 gross square feet permitted after January 1, 2010”. (Sec. 6, Chapter 508 of the Acts of 2008. (emphasis added)). On October 14, 2009, this Board under the authority of M.G.L. c. 30A, s. 8, issued a written guidance document to assist heads of fire departments and building owners to understand the basic requirements of this law. In that document, the Board detailed the various modifications to the old law and provided detailed guidance regarding the types of

buildings or structures subject to the enhanced sprinkler protection requirements. In the guidance document, the Board also focused on the provisions of the new law relative to the construction of “additions” to existing buildings. With respect to additions under the prior law, the statute required enhanced sprinkler protection in the “addition only” and only if the addition consisted of more than 7,500 gross square feet in floor area. However, the elimination of the limiting words “addition only,” in the new law and the requirement that the square footage determination be conducted “in the aggregate”, indicates the clear intent of the Legislature to require the enhanced sprinkler protection throughout the building if the gross s.f. of the addition, combined with the existing building, totals more than 7,500 s.f. “in the aggregate.”

- 3) The Board hereby finds that the construction activity has been or will be permitted after January 1, 2010, the effective date of the new revisions to M.G.L. c.148, s. 26G. Accordingly, the Board finds that an adequate sprinkler system is required to be installed throughout the entire interconnected building complex, including the proposed addition and those portions designated as the Hockey Rink and the West Gym. At the hearing, the representative for the Appellant did not provide any factual, technical or legal basis to support contrary findings and, in fact, stipulated to such findings.
- 4) Notwithstanding the requirement to install an adequate system of automatic sprinklers as herein determined, the Board finds that a reasonable extension of time is warranted, based upon the factors and circumstances presented at the hearing. The Fire Department representative concurred that a reasonable extension of time, as suggested by the Appellant, is appropriate in this case.

G) Decision and Order

Based upon the evidence and testimony presented at the hearing, the Board hereby **upholds** the determination of the Deerfield Area Fire Protection District to install sprinklers throughout both the subject existing building complex and the proposed addition in accordance with the requirements of M.G.L. c. 148, § 26G.

The Board hereby determines that plans for the installation of an adequate system of automatic sprinklers in the West Gym shall be submitted to the Fire Department no later than two and one-half years from the date of this decision, (December 24, 2012). Said system shall be completed no later than three years (June 24, 2013) from the date of this decision.

In addition, the Board hereby determines that plans for the installation of an adequate system of automatic sprinklers in the hockey rink shall be submitted to the Fire Department no later than four and one-half years (December 24, 2014) of the date of this decision. Said system shall be completed no later than five-years (June 24, 2015) from the date of this decision.

H) Vote of the Board

John Mahan, Chairman	In Favor
Maurice Pilette, Vice Chair	In Favor
Frank Kodzis, Boston Fire Marshal	In Favor
Thomas Coulombe	In Favor
Alexander MacLeod	In Favor
Aime DeNault	In Favor

I) Right of Appeal

You are hereby advised you have the right, pursuant to section 14 of chapter 30A of the General Laws, to appeal this decision, in whole or in part, within thirty (30) days from the date of receipt of this order.

SO ORDERED,



John Mahan, Chairman

Dated: June 24, 2010

A COPY OF THIS DECISION AND ORDER WAS FORWARDED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED TO:

Milton Williams, Jr., Director of Facilities
Deerfield Academy
7 Boyden Lane
P.O. Box 87
Deerfield, Massachusetts 01342

Chief Chester Yazwinski
Deerfield Area Fire Protection District
P.O. Box 308
Deerfield, Massachusetts 01342