



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

Automatic Sprinkler Appeals Board

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CHAIRMAN

RODERICK J. FRASER, JR.
VICE CHAIRMAN

Docket # 2013-01
1407 Central Ave.
Needham, 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, s. 26G; Chapter 6, section 201, relative to a decision of the Needham Fire Department, ordering the installation of automatic sprinklers in a new building constructed by the Public Facilities Department, Permanent Public Building Committee of the Town of Needham (hereinafter referred to as the Appellant). The building, which is the subject of the order, will be located at 1407 Central Avenue, Needham, Massachusetts.

B) Procedural History

By an Order of Notice dated January 10, 2013 and received by the Appellant on the same date, the Needham Fire Department issued a determination requiring automatic sprinklers to be installed in a proposed "salt shed" building on the subject property located at 1407 Central Avenue, Needham, Massachusetts. The determination was issued pursuant to the provisions of M.G.L. Chapter 148, s. 26G. On January 11, 2013, the Appellant filed an appeal of the department's determination with the Automatic Sprinkler Appeals Board. The Board held a hearing on March 13, 2013, at the Department of Fire Services, Stow, Massachusetts.

Appearing on behalf of the Appellant was Steven Popper, P.E., Director of Design and Construction; Richard P. Merson, Director of Public Works; Hank Haff, Public Facilities, Project Manager; and Michael Hicks of Weston & Sampson. Appearing on behalf of the Needham Fire Department was Chief Paul Buckley and David A. Roche, Building Commissioner, Town of Needham.

Present for the Board were: Maurice M. Pilette; Richard Magee, designee of the Commissioner of the City of Boston; Alexander MacLeod; Chief Thomas Coulombe; Anthony DiNatale; and George A. Duhamel. 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 Order of the Needham Fire Department to sprinkler the Appellant's building in accordance with the provisions of M.G.L. Chapter 148, s. 26G?

D) Evidence Received

1. Application for Appeal filed by Appellant
2. Letter/Statement in Support of Appeal
3. Letter of Review / Order of Notice of the Needham Fire Department
4. Letter of Review from the Needham Building Department to the Appellant
5. Waiver Request for Salt Shed from Weston & Sampson to Building Inspector
6. Plans
 - 6A. Transfer Station – Conceptual Site Plan Alt. No. 8
 - 6B. Transfer Station – Conceptual Site Plan Alt. No. 7 – Building Sections
 - 6C. Transfer Station – Conceptual Site Plan Alt. No. 7 – Building Elevations
7. Notice of Hearing to Appellant
8. Notice of Hearing to Needham Fire Department
9. Copies of two Memoranda that accompany Hearing Notices

E) Subsidiary Findings of Fact

- 1) By an Order of Notice dated January 10, 2013 and received by the Appellant on the same date, the Needham Fire Department issued a determination to the Appellant requiring automatic sprinklers to be installed in a proposed “salt shed” building on the subject property located at 1407 Central Avenue, Needham, Massachusetts. The determination was issued pursuant to the provisions of M.G.L. Chapter 148, s. 26G. On January 11, 2013, the Appellant filed an appeal of this decision with the Automatic Sprinkler Appeals Board.
- 2) The new “salt shed” type building will be a one story, wood framed structure, 45 feet in height. The building will be approximately 14,005 s.f. Of this amount, 2,400 s.f. will be an end mounted canopy structure. This building is classified under the State Building Code as Use Group S-2. The Appellant testified that this “open-air,” structure is a utility building that, in their opinion, is the type of building that probably would not be required to be sprinklered under the State Building Code. The building will be used solely for the storage of sand, road salt, as well as plow blades and spreader bodies. The structure will be unheated, have no water supply, no doors, and will be open to weather on two sides. The Appellant testified that the building would only be accessed by heavy machinery operated by town personnel.
- 3) The representatives for both the Appellant and the Needham Fire Department indicated that the building will not present exposure to other buildings in the event of a fire. The Needham Fire Department testified that there is adequate access to the property and adequate water supply via a nearby 8” inch water main available in the event of a fire.
- 4) The Appellant offered testimony suggesting that because of the substantial height of this

building, low fire load and exposure to weather, it is unlikely that sufficient heat would be generated to activate sprinklers in a timely manner in the event of a fire.

- 5) Both parties provided evidence indicating that the unique characteristics and use of this building present a very low fire or explosive hazard. They also indicated that the storage of salt in such an open, damp environment may adversely affect the proper maintenance and operation of sprinkler heads due to corrosion.
- 6) The Appellant testified that the cost to install sprinklers in the facility would be approximately \$167,000.00.
- 7) Both parties testified that due to all the stated factors, the installation of sprinklers under the provisions of M.G.L. Chapter 148, s. 26G would be impractical as applied to this building. Chief Buckley indicated that his conclusion is conditioned upon the continued limited use of the building to loaders and trucks only during delivery and loading operations. Chief Buckley also testified that he would support such a waiver on the condition that the building is not used by persons for any other activity and the building not be used for the storage of equipment, fuels or any flammable or combustible materials.

F) Ultimate Findings of Fact and Conclusions of Law

- 1) The relevant provisions of M.G.L. c. 148, s. 26G, state, (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.” This law reflects amendments to the statute enacted by Chapter 508 of the Acts and Resolves of 2008. The provisions apply to “the construction of buildings, structures or additions or major modifications (emphasis added) 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).
- 2) The Appellant did not contest that this building would be subject to M.G.L. c. 148, s. 26G.
- 3) The Board finds that the provisions of M.G.L. Chapter 148, s. 26G apply to the proposed building. However, based upon the unique characteristics of the building as presented at the hearing and stated herein, including the structure’s limited use, occupancy and fire load, the Board hereby determines that the installation of a sprinkler system would not be practical.

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G) Decision and Order

Based upon the forgoing reasons, this Board unanimously **reverses** the Order of the Needham Fire Department which required automatic sprinklers throughout this particular building. This determination is conditioned upon the limited use of said building as stated in Section E, paragraph 7.

H) Vote of the Board

Maurice M. Pilette, Chairman	In Favor
Anthony DiNatale	In Favor
Alexander MacLeod	In Favor
Richard Magee, Designee	In Favor
Thomas Coulombe	In Favor
George Duhamel	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,



Maurice M. Pilette, P.E., Vice Chairman

Dated: March 27, 2013

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

Steven Popper, P.E.
Town of Needham
500 Dedham Ave
Needham, Massachusetts 02492

Chief Paul F. Buckley
Needham Fire Department
88 Chestnut Street
Needham, Massachusetts 02492