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*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*  
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*Automatic Sprinkler Appeals Board*

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MAURICE M. PILETTE  
CHAIRMAN

PETER GIBBONS  
VICE CHAIRMAN

**Docket # 2015-06**  
**1 School Street**  
**Townsend, 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, and Chapter 6, s. 201, relative to a decision of the Townsend Fire Department, ordering the installation of automatic sprinklers in a proposed addition and throughout a building complex located at St. John the Evangelist Parish, 1 School Street, Townsend, Massachusetts (hereinafter referred to as the Appellant).

**B) Procedural History**

By written notice dated November 13, 2014 and re-issued on April 22, 2015, the Townsend Fire-EMS Department issued a determination to the Appellant requiring automatic sprinklers to be installed in two buildings on the property of St. John the Evangelist Parish located at 1 School Street, Townsend, MA. The determination was issued pursuant to the provisions of M.G.L. c. 148, s. 26G. On April 11, 2015, the Appellant filed an appeal of the determination with the Automatic Sprinkler Appeals Board. The Board held a hearing on June 10, 2015, at the Department of Fire Services, Stow, Massachusetts.

Appearing on behalf of the Appellant was Patrick J. Slattery, Architect; Reverend Jeremy St. Martins, Pastor; and Gerard J. Cormier, Parish Building Committee member. Appearing on behalf of the Townsend Fire-EMS Department was Operations Captain, Michael Grimley; Fire Prevention Officer, Leon M. Niemiera; and Building Commissioner, Richard Hanks.

Present for the Board were: Maurice M. Pilette, Chairman; Peter Gibbons, Vice Chairman; Deputy Chief/Fire Marshal Jack Dempsey (designee of the Boston Fire Commissioner); Alexander MacLeod; and Steven P. Rourke (designee of the State Fire Marshal). 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 Townsend Fire-EMS Department requiring sprinklers in the Appellant's proposed connector between two buildings and in all other related buildings or structures, in accordance with the provisions of M.G.L. c.148, s. 26G?

**D) Evidence Received**

1. Application for Appeal filed by Appellant
2. Letter of Representation from St. John the Evangelist Church, Townsend (4/12/2013)
3. Letter/Statement in Support of Appeal (4/8/2015)
4. Order of Notice issued by the Townsend Fire-EMS Department
5. Post-Development Drainage Plan - showing connection between 2 church buildings (12/2014)
6. Photographs of Property
  - 6A. Existing Condition
  - 6B. Proposed Connector
7. Plan of Proposed Connector – St. John the Evangelist Church (4/9/2015)
8. Rejection of Appeal by Automatic Sprinkler Appeals Board (4/14/2015)
9. Re-issue of Order of Notice from the Townsend Fire-EMS Department (4/22/2015)
10. Notice of Hearing to Appellant (5/27/2015)
11. Notice of Hearing to Townsend Fire-EMS Department (5/27/2015)
12. Copies of two Memoranda that accompany Hearing Notices

**E) Subsidiary Findings of Fact**

- 1) By written notice dated November 13, 2014 and re-issued on April 22, 2015, the Townsend Fire-EMS Department issued a determination to the Appellant requiring automatic sprinklers to be installed in two buildings on the property of St. John the Evangelist Parish located at 1 School Street, Townsend, MA. The determination was issued pursuant to the provisions of M.G.L. c. 148, s. 26G. On April 11, 2015, the Appellant filed an appeal of the determination with the Automatic Sprinkler Appeals Board. The Board held a hearing on June 10, 2015, at the Department of Fire Services, Stow, Massachusetts.
- 2) The determination of the Townsend Fire-EMS Department was issued as a result of the Appellant's plan to build a connector between two buildings on the premises, which would provide direct accessibility for parishioners including the elderly/disabled, and would provide another entrance into the Parish buildings.
- 3) The Appellant testified that the Parish building is approximately 38' x 89' on each of its two floors (6,764 total s.f.) and the Father Mealey Hall is approximately 38' x 59' (2,242 s.f.). The newer parish building, constructed in 2012 is completely sprinklered and has a fully compliant fire notification system with direct connection to the Townsend Fire-EMS Department. The other building on site, Father Mealey Hall, whose construction dates to the late 1800's, is not sprinklered and only features battery operated smoke detectors.

- 4) The Appellant indicated that the proposed single story connecting structure located at ground level will be about 25', 10" long x 8' ft. wide, for an approximate total of 208 s.f. It will be constructed of non-combustible materials, including light gauge metal framing, with fire retardant plywood sheathing and metal windows and siding. The Appellant is proposing to extend sprinkler protection from the new parish building, through the connector, and into Father Mealey Hall, stopping at a point directly beyond the fire wall. At the point of connection with each building, the connector will feature a 3-hour fire-rated wall and fire doors. The Appellant indicated that the connector would be heated, but would not be considered an occupiable space. At the hearing, the Appellant also proposed that in addition to the fire rated walls and fire doors in the proposed connector, an upgraded fire alarm system could be extended into Father Mealey Hall to add an extra layer of protection.
- 5) The Appellant testified that if the Board were to order sprinklers throughout Father Mealey Hall, the Parish would likely abandon plans to construct the connector, as the sprinkler cost would be very high and the Parish has no current plans to hold fundraisers to obtain additional funding.
- 6) The representative of the Townsend Fire-EMS Department testified that the Department's determination to install a sprinkler system was based upon the provisions of M.G.L. c. 148, s. 26G. They concluded that the connector could be considered an "addition" as that term is used in s. 26G and that the construction of the additional space between the two buildings would combine the two separate buildings into one building that consists of well over 7500 s.f. of floor area in the aggregate, thus triggering sprinkler protection throughout the entire building.

**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 reflect amendments to the statute created pursuant to Chapter 508 of the Acts and Resolves of 2008.
- 2) In most situations involving additions to an existing building, the floor plan for both the existing building that is being added to and the proposed additional structure and building dimensions, as completed, are clearly delineated and obvious. However, if the addition connects two existing structures, the determination of whether all the connected structures should be considered one building for the purposes of enhanced sprinkler protection is not so clear. In such cases, the Board will review the details and characteristics of the structure or connected structures, in light of the enhanced fire safety intent of s. 26G and common sense.
- 3) The determination of whether a building or structure, or a complex or set of buildings or structures should be considered "one" building for the purposes of s. 26G sprinkler protection, is dependent on many factors which have been outlined in previous decisions of this Board.

Such factures include, but are not limited to: plot and property boundary lines; building ownership and control; building configuration and location and nature of exterior walls and fire walls; the characteristics, dimensions and combustible fire load of the point of “connection” of buildings or structures; the operational relationship between structures, such as legal occupant load, use group classification, shared utilities, facilities and restroom access; the nature and extent of existing fire protection and detection systems and the nature of smoke and fire behavior.

- 4) The statute states that for the purposes of this law, “the gross square footage of a **building or structure** shall include the sum total of the combined floor areas for all floor levels, basements, sub-basements and additions, in the aggregate, **measured from the outside walls**, irrespective of the existence of interior fire resistive walls, floors and ceilings” (emphasis added). This language is quite specific in defining what dimensions and areas of a building are used to calculate the gross square footage to determine if sprinklers are required. Although the specified area used to calculate the gross square footage of a building may be broad, the Legislature makes a distinction between interior “fire resistive” walls and “outside walls”. It is clear that a building should be measured and, in most cases, defined by the limits of outside or exterior walls.
- 5) With respect to the existing two buildings, the Board finds, based upon the characteristics presented at the hearing, that each of the two existing structures are considered a separate building for the purposes of s. 26G. Each building is clearly defined and separated by independent outside walls. The Parish building consists of approximately 6,764 s.f. of total floor area and, as of 2012, is completely sprinklered throughout. Father Mealey Hall consists of approximately 2,242 s.f. of floor area. The addition of the approximately 208 s.f. addition to either building would not trigger the s. 26 sprinkler system installation, since the calculation of the total s.f. of each building combined with the additional space remains well under the 7,500 s.f. threshold.
- 6) The Board finds, based upon the characteristics of the complex as completed, particularly with regard to the statements of the Appellant’s representatives with respect to the fire protection considerations, should not be considered one building for the purposes of s. 26 sprinkler protection. The Board bases this conclusion on the following factors: (a) each of the existing buildings is clearly defined and separated by independent outside walls; (b) the Parish building consists of approximately 6,764 s.f. of total floor area and, as of 2012, is completely sprinklered throughout; (c) the 25’, 10” long x 8’ ft. wide connector between the Parish building and Father Mealey Hall will feature a 3-hour, fire-rated wall and fire rated doors at the points of connection with the two buildings; (d) said connector will be fully sprinklered throughout, including the point of connection through Father Mealey Hall; and (e) the connecting structure will be used for passage between the two buildings rather than occupancy and will not contain or be used to store combustibles.

Based upon the nature and extent of the above stated characteristics, the existing fire protection systems and the nature of smoke and fire behavior, it is unlikely that fire will spread from one building to the other. In addition, the Appellant has agreed to upgrade the fire alarm system, to be approved by the head of the fire department in Father Mealey Hall.

At the hearing, the Fire Department indicated agreement to these conditions and conclusions.

**G) Decision and Order**

Based upon the evidence presented at the hearing and the reasoning stated herein, the Board reverses the decision of the Townsend Fire-EMS Department to require sprinklers in Father Mealey Hall. This decision is based upon the following conditions:

- (1) The connecting structure between the two buildings shall be fully sprinklered;
- (2) Fire doors shall be installed and continuously activated at each end of the connector;
- (3) The elimination of any combustibles within the connector space; and
- (4) A fire alarm system is to be installed in Fr. Mealey Hall in accordance with the fire alarm code and approved by the head of the fire department.

**H) Vote of the Board**

Maurice Pilette, Chairman	In Favor
Peter Gibbons, Vice Chair	In Favor
Jack Dempsey, Boston Fire Marshal	In Favor
Alexander MacLeod	In Favor
Steven Rourke, Designee, State Fire Marshal	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,



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Maurice M. Pilette, Chairman

Dated: July 15, 2015

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

Patrick J. Slattery, Architect  
139 Leominster Road  
Lunenburg, Massachusetts 01462-2053

Chief Mark Boynton  
Townsend Fire-EMS Department  
P.O. Box 530 – 13 Elm Street

Townsend, Massachusetts 01469