

**BOARD OF FIRE PREVENTION REGULATIONS
MINUTES OF BOARD MEETING
October 7, 2010**

The Board of Fire Prevention Regulations held a Board meeting on Thursday, October 7, 2010 at the Department of Fire Services, Boards and Commissions Room, Stow, Massachusetts.

The following Board members were present at this meeting:

Jeffrey Cox	Registered Professional Electrical Engineer
David P. Demers	Registered Professional Mechanical Engineer
Jon Jones	Representative of the Public
Robert MacKendrick	FPAM Representative
Kevin C. Robinson	Chief, Marshfield Fire Department
Timothee Rodrique	Designee of the State Fire Marshal
Paul C. Scheiner	Chemist

The following Board members were absent from this meeting:

Stephen S. Burkott	Chief, Chicopee Fire Department
Anthony Caputo	Registered Professional Fire Protection Engineer
Paul M. Fleuriel	Blasting Association Member
William Laidler	Hanover Wiring Inspector
John D. Mauro, Jr.	Chief, Southborough Fire Department
V. Carlisle Smith	Registered Professional Chemical Engineer

Also present were the following interested individuals (and their affiliations)

Richard Fredette	Fire Code Administrator, Division of Fire Safety
David Beaudin	Division of Fire Safety
Peter Senopoulos, Esq.	Department of Fire Services
Gary Keith	NFPA
Frank Kodzis	Fire Marshal, City of Boston
Dottie Harris	ICC
Bruce E. Johnson	ICC
William Ashton	FPAM
Tim Travers	NFSA
Sandy Penttinen	NESEE
Robert Duval	NFPA
David Duval	MSCA/FPFP
Don McNeil	NESEE

The Chairman called the meeting to order at 1:05 p.m. and declared that a quorum is present - seven out of thirteen members.

Statutory Public Hearing held in accordance with M.G.L. c. 148, §10

Mr. Demers stated that a statutory public hearing in accordance with MGL c. 148, s.10 is held every May and every October to receive comments from the public on any and all portions of

527 CMR, the state fire safety code. Mr. Demers introduced himself as Chairman of the Board and called the Statutory Public Hearing to order at 1:05 p.m. for the purpose of receiving any public comments or recommendations regarding the code

Attorney Senopoulos stated that he had not received any written or oral comments on 527 CMR. The Chairman asked if there were any questions or comments. Hearing none, he asked the Board for a motion to close the statutory public hearing. On motion of Mr. MacKendrick, seconded by Mr. Rodrique, the Board unanimously voted to close the statutory public hearing at 1:06 p.m.

Advertised Regulatory Public Hearing held in accordance with M.G.L. c. 30A

Chairman Demers opened the regulatory public hearing at 1:07 p.m. and read the regulatory notice for the public hearing that appeared in the Boston Globe and the Massachusetts Register relative to proposed amendments to 527 CMR 2.00; 527 CMR 8.00 and 527 CMR 13.00.

Attorney Senopoulos stated that he had not received any written comments relating to the proposals.

The Chairman asked if there were public comments relating to the amendments proposed for 527 CMR 2.00 Fireworks. Hearing none, the Chairman asked the Board for a motion to close the hearing on CMR 2.00. A motion was made by Mr. Rodrique, seconded by Chief Robinson, and unanimously voted to close the Public Hearing on CMR 2.00 at 1:09 p.m.

The Chairman asked if there were public comments on the amendments proposed to 527 CMR 527 8.00: Transportation of Flammables and Combustibles, which eliminates the requirement to placard the transportation of Class IIIB flammable liquids consistent with Federal regulations. Hearing none, the Chairman requested a motion to close the hearing on CMR 8.00. A motion was made by Mr. Rodrique, seconded by Chief Robinson, and unanimously voted to close the Public Hearing on CMR 8.00 at 1:09 p.m.

The Chairman asked if there were public comments on the amendments proposed to 527 CMR 13.00 Explosives – which allows the storage of 50 lbs or less of black powder by persons (approx.40) who possess a Certificate of Competency to conduct cannon/mortar firing for celebrations and re-enactments. Hearing none, the Chairman asked for a motion to close the hearing on CMR 13.00. A motion was made by Chief Robinson, seconded by Mr. Rodrique, and unanimously voted to close the Public Hearing on CMR13.00 at 1:10 p.m.

Hearing no other comments or discussion on the above amendments, the Chairman asked the Board for a motion to close the Regulatory Public Hearing portion of the agenda. A motion was made by Mr. Jones, seconded by Mr. Rodrique and unanimously voted to close the Public Hearing.

Monthly Board Meeting - New Business

- 1. Minutes from the September 9, 2010 meeting submitted for approval.*

On a motion made by Chief Robinson, seconded by Mr. Jones, the minutes of the September 9, 2010 meeting were approved as presented.

2. *Discussion and possible vote to approve for final promulgation for the regulations that were the subject of today's public hearing.*

On a motion of Mr. Rodrique, seconded by Chief Robinson, the Board voted unanimously to adopt the amendment to 527 CMR 2.00, with an effective date of March 1, 2011.

On a motion of Mr. MacKendrick, seconded by Chief Robinson, the Board voted unanimously to adopt the amendment to 527 CMR 8.00 as submitted.

On a motion of Mr. MacKendrick, seconded by Mr. Rodrique, the Board voted unanimously to adopt the amendment to 527 CMR 13.00 as submitted.

On a motion of Mr. Rodrique, seconded by Chief Robinson, the Board voted unanimously to delay the time for the filing of the amendment to CMR 2.00 to as close to March 1, 2011 planned effective date based upon the publication dates of the Massachusetts Register publication and that the date in CMR 2.08 (7)(a) and (b) (January 1, 2011) be taken out and have it coincide with the date of publication.

3. *Possible vote to promulgate 527 CMR 38.00 and adoption of NFPA 140 relative to movie production studios (Mauro)*

Upon a motion made by Chief Robinson, seconded by Mr. MacKendrick, it was unanimously voted to adopt 527 CMR 38.00 as presented and to initiate the promulgation process.

4. *Update on small business (Senopoulos)*

Attorney Senopoulos gave the Board additional information regarding the completion of the small business impact statement that is required for all new regulations.

5. *527 CMR 27.00 Emergency and Standby Power Systems (Caputo and Cox) (Report of subcommittee/status report)*

Upon a motion made by Mr. Rodrique, seconded by Mr. MacKendrick, it was unanimously voted to postpone action on this item until the next meeting.

6. *Model Code (Report of subcommittee/status report)*

A motion was made by Mr. Jones, seconded by Mr. MacKendrick, to continue the process and activity to adopt the NFPA 1 Model Code, with Massachusetts amendments, as the future basis for the Massachusetts Fire Prevention Code.

Mr. MacKendrick presented a letter from Rich Tustin, President of the Fire Prevention Association of Massachusetts, which states that on May 11, 2010 FPAM voted unanimously to recommend that the BFPR adopt NFPA 1 as the model fire code for the State of Massachusetts.

Chief Robinson, read a communication submitted by Chief Burkott on behalf of the FCAM Board, which favored adopting NFPA 1 as the model code for Massachusetts. However, such support included the following conditions: The establishment of an appeals board; an analysis about the impact this will have on local communities; an implementation strategy for both fire departments and DFS with DFS taking the lead; that DFS have adequate staff and resources to complete the task and to assist local fire departments in this transition and be capable of providing code enforcement assistance into the future. The letter concluded that it is a very desirable to adopt the model fire code in Massachusetts to enhance the safety of the public, but it must be done with proper planning, personal and resources.

Chief Robinson informed the Board that this is not only Chief Burkott's opinion but also the vote of the Board of Directors of the Fire Chiefs of Massachusetts and it will be brought to the general membership on October 22, 2010 for ratification of the vote of the Board of Directors of the Fire Chiefs of Massachusetts.

Dr. Scheiner stated that he looked at NFPA 1 since the subcommittee meeting and he finds that the language is extremely vague and that much of the language appeared to involve building code matters. He stated that he would be cautious in going down the road of NFPA 1 since the Massachusetts Building Code is based on the International system. He also stated that there is going to be a tremendous amount of conflicting language and perhaps the IFC is more coherent with our current building code and it will make a more streamline system.

Dr. Scheiner stated that he is against the amendment and wondered if we are rushing too quickly when we have not done fair analysis on either one.

A roll call was taken and the motion was approved with Dr. Scheiner abstaining and Chairman Demers not voting.

7. *Request from Rebecca Curran, Town Planner, Town of Marblehead, for approval of Smart Growth Overlay Zoning Bylaw.*

Upon a motion made by Mr. Jones, seconded by Chief Robinson, it was unanimously voted to refer this document to staff for review.

Monthly Board Meeting - Old Business.

1. *Request for interpretation from Rene J. Demers, Mammoth Fire Alarms, regarding a letter Lowell Fire Chief Edward Pitta sent out to all existing master box owners in the city. (CMR 24 Jones)*

Mr. Jones informed the Board that this issue was referred to legal for assistance. Attorney Senopoulos indicated that the resolution of this issue may be based upon whether or not a building permit is required and that a letter, as per previous Board discussion, has been sent to the BBRS relative to this matter.

Upon a motion made by Mr. Rodrique, seconded by Mr. MacKendrick, it was unanimously voted to postpone until the next meeting.

2. *Request for an interpretation on 527 CMR 24 from Raymond Tassinari, Atlas Alarm Corp. (CMR 24 Jones)*

Mr. Jones informed the Board that this issue was referred to legal for assistance. Upon a motion made by Mr. Rodrique, seconded by Mr. MacKendrick, it was unanimously voted to postpone until the next meeting.

3. *Tom Sri, Government Affairs Manager, Kidde Residential & Commercial, submitted information on their new product and proposed amendment to 527 CMR 32.*

Mr. Jones informed the Board that this issue will be acted on at the subcommittee meeting to be held on November 4, 2010 at 2:30 p.m.

4. *Wendy Gifford, on behalf of Universal Security Instruments, Inc., submitted information on their new product and requested that the Board review it so that it may be deemed acceptable under 527 CMR 32.*

Mr. Jones informed the Board that this issue will be acted on at the subcommittee meeting to be held on November 4, 2010 at 2:30 p.m.

Monthly Board Meeting – For status only CMR Subcommittees

1. *Status of CMR 6 Liquefied Petroleum Gas Containers and Systems (MacKendrick)*

Mr. MacKendrick advised the Board that it is in the process of review.

At this time, Mr. Rodrique gave the Board an update on the propane issue in Massachusetts.

2. *Status of CMR 10 Floor Finishing (update in view of House, No. 4565)*

Mr. Rodrique informed the Board that the subcommittee will be meeting on October 13, 2010.

3. *Status of CMR 10.03 Mulch*

Mr. Rodrique informed the Board that the subcommittee will be meeting on October 13, 2010.

4. *Status of CMR 10.13 (8) Overnight Shelters now called Temporary Place of Overnight Accommodation*

Mr. Rodrique submitted the revised draft for the Board to review with a possible vote at the next meeting as an emergency.

5. *Status of 527 CMR 14.00: Flammable and Combustible Liquids, Flammable Solids or Flammable Gases (Caputo)*

In Mr. Caputo's absence this item has been postponed until the next meeting.

6. *Status of 527 CMR 15.00 Marine Fueling Regulation (Caputo)*

In Mr. Caputo's absence, Attorney Senopoulos advised the Board that the regulation is being reviewed to focus on commercial activities as directed by the Board at a previous meeting.

7. *Status of 527 CMR 21.00 Decorations, Curtains, Draperies, Blinds and other Window Treatments (Scheiner)*

Dr. Scheiner gave the Board an update on this matter, which centered on the definition of decoration and testing criteria.

8. *Status of 527 CMR 29.00 Upholstered Furniture, Molded Seating and Re-Upholstered Furniture (Scheiner)*

Dr. Scheiner advised the Board that the subcommittee was reviewing the regulation in regard to assisted living environments, dormitories, individual rooms, and the effective date. Dr. Scheiner also requested input from legal at the next subcommittee meeting.

9. *Status of 527 CMR 30.00 (MacKendrick)*

Mr. MacKendrick gave the Board an update on this matter and advised them that the Small Business Impact Statement will be completed before the next meeting.

10. *Status of 527 CMR 31.00 Carbon Monoxide Alarms (Jones)*

Mr. Jones advised the Board that the subcommittee met on October 6, 2010 and are attempting to address how to incorporate the current NFPA 720 into the CMR.

11. *Status of 527 CMR 33.00 Chemical Process Safety (Scheiner/Smith)*

Dr. Scheiner advised the Board that subcommittee members have until October 15, 2010 to submit their comments on the small business impact statement.

12. *Status of 527 CMR 40.00 Inspection, Testing, and Maintenance of Water Based Fire Protection Systems (Caputo)*

In Mr. Caputo's absence, Mr. Fredette advised the Board that they are working on the small business impact statement.

Monthly Board Meeting – for status only – regulations in the promulgation process

1. *Status of CMR 12.00 Massachusetts Electrical Code for 2011*

Attorney Senopoulos advised the Board that it is currently at the Executive Office of Public Safety.

Upon a motion made by Mr. MacKendrick, seconded by Mr. Jones, it was unanimously voted to adjourn at 2:38 p.m.

