



Town of Marblehead
Zoning Board of Appeals

2023 JUL 28 AM 10:35

Town Clerk Stamp

APPEAL FORM

(Appeal of the Building Commissioner's Action/Inaction Regarding Zoning Enforcement)

Date: 7/28/23

With respect to the property at (address): 27 HUGFORD STREET, MARBLEHEAD MA

Assessor Map Number: 150 Parcel Number: 93 LOT

Pursuant to Chapter 40A, §8 of the General Laws and Chapter 200-2-I of the Marblehead Zoning Bylaw and **Section 7 of the Rules and Regulations of the Board of Zoning Appeals**, I (we) respectfully appeal to the Board of Appeals the following action taken or not taken, or determination made, by the Building Commissioner and/or Local Inspector:

- ☒ (a) the failure to take a requested enforcement action. The written request for enforcement, the written response (if any), and a written statement specifying the grounds for this appeal are attached to this Form
- ☐ (b) the failure to issue a requested building permit. The application for the building permit, the written notice (if any) of the denial of the permit, and a written statement specifying the grounds for this appeal are attached to this Form.
- ☐ (c) an order or decision of the Building Commissioner and/or Local Inspector. The written order or decision (if any) and a written statement specifying the grounds for this appeal are attached to this Form.

Applicant Signature: Margaret Clark

Applicant Name Printed: MARGARET CLARK

Applicant Address: 29 HUGFORD STREET, MARBLEHEAD, MA 01945

Applicant Phone Number: (Home) 781-820-3234 (Work) _____ (Fax) _____
(Email) MOCAFER@MSD.COM

Form Complete: Town Engineer's Office: [Signature] Date: 7-28-23
(Signature)

Eng. Dept. - MaryAlley Municipal Building, 7 Widger Road, Marblehead, MA 01045
Phone: 781-631-1529 **Fax: 781-631-2617**

NOTICE OF APPEAL FROM AN ADMINISTRATIVE DECISION

APPELLANT: Margaret Clark
29 Mugford Street
Marblehead, Massachusetts 01945

RE: Request for Enforcement
Re: Property at 27 Mugford Street, Marblehead, MA 01945
Map 150/ Parcel 93Lot

2023 JUL 28 AM 10:30

The undersigned alleges that there has been an error in fact and law by the decision, determination, or requirement by the Marblehead Building Commissioner in his denial of the Appellant's M.G.L. c. 40A § 7 Request for Enforcement related to the property located at 27 Mugford Street. The Appellant contends that the Building Commissioner's Denial of the Request for Enforcement by letter dated June 28, 2023 is factually and legally erroneous, and is arbitrary and capricious in that the denial supports the decision of the Wiring Inspector to fail to enforce the Marblehead Ordinances and impedes Ms. Clark's ability to safely maintain her property and is not compliant per the National Electrical Code.

Attached hereto is the Appellant's Memorandum in Support of Appeal from Administrative Decision Denying Enforcement of Ordinances and/or ByLaws Regarding Relocation and Installation of Electrical Service at 27 Mugford Street and Exhibits.

Applicant: /s/ Margaret Clark
Margaret Clark
29 Mugford Street
Marblehead, MA 01945
781.820.3234
mocasper@msn.com

Date: July 28, 2023

cc: Robin A. Michaud, Marblehead Town Clerk
Bob Ives, Marblehead Building Commissioner
Ronald Marks, Marblehead Wiring Inspector
Marblehead Zoning Board of Appeals
c/o Marblehead Engineering Department

**TOWN OF MARBLEHEAD
ZONING BOARD OF APPEALS**
Mary A. Alley Municipal Building
7 Widger Road
Marblehead, MA 01945

IN RE: APPEAL FROM ADMINISTRATIVE DECISION

RE: Request for Enforcement of Electrical Service Installation
APPLICANT: Margaret Clark, 29 Mugford Street
OWNER: Rory and Julie Ann Gaunt
ADDRESS: 27 Mugford Street, Marblehead, MA 01945
MAP/LOT: Map 150/ Parcel 93

**MEMORANDUM IN SUPPORT OF APPEAL FROM ADMINISTRATIVE DECISION
DENYING ENFORCEMENT OF ORDINANCES AND/OR BYLAWS
REGARDING RELOCATION AND INSTALLATION OF ELECTRICAL SERVICE AT
27 MUGFORD STREET**

NOW COMES MARGARET CLARK ("Clark"), by and through her counsel, Thomas K. MacMillan, Esq. and Kristin M. Yasenka, Esq. and hereby submits her Memorandum in Support of her Appeal From Administrative Decision Denying Enforcement of Ordinances and/or Bylaws Regarding Relocation and Installation of Electrical Service at 27 Mugford Street, Marblehead.

INTRODUCTION

The Applicant, Margaret Clark, is the owner of the property located at 29 Mugford Street, Marblehead. Her neighbors, Rory and Julie Ann Gaunt (the "Gaunts"), own the property at 27 Mugford Street, Marblehead. Ms. Clark learned that the Gaunts intended to place their electric service in a location that impedes Ms. Clark's ability to safely maintain her property and is not compliant per the National Electrical Code, and thus Ms. Clark requested that the Town Building Commissioner enforce the ordinance and deny installation in the Gaunts' proposed location. Ms.

Clark made written demand on the Building Commissioner by letter dated June 5, 2023. See Exhibit 2. Building Official Robert Ives responded by letter dated June 28, 2023 denying Ms. Clark's request for enforcement. See Exhibit 1. Accordingly, Ms. Clark hereby requests that the Zoning Board of Appeals reverse the decision of the Building Commissioner, enforce the Town ordinance and Bylaws, revoke the permit to allow relocation and installation of the electrical service at 27 Mugford Street, and require the Gaunts to remove the electrical service from its installed location.

JURISDICTION

Ms. Clark hereby appeals the Building Commissioner's denial of the request for enforcement to the Zoning Board of Appeals pursuant to M.G.L. c. 40A, § 7, 8 and 15. A board of appeals shall have the power to "hear and decide appeals in accordance with section eight." M.G.L. c. 40A, § 14 (1). In exercising the powers granted by this section, a board of appeals may, in conformity with the provisions of this chapter, make orders or decisions, reverse or affirm in whole or in part, or modify any order or decision, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. *Id.*

FACTUAL BACKGROUND

Ms. Clark owns the property located at 29 Mugford Street. Her property is directly adjacent to the property owned by the Gaunts at 27 Mugford Street. The residential dwellings on 27 Mugford Street and 29 Mugford Street are less than 4 feet apart. The Gaunts' house on 27 Mugford Street is less than 1'-5" from the property line at the farthest spot, and in some places is directly on or over the property line by 1'-10". See Exhibit 3 (Plans of Land).

The Gaunts requested a permit to install an electric service in a service location on the side of their house, which would overhang onto the property of Ms. Clark. The Gaunts' proposed service location is not compliant with the required space per the National Electrical Code section 110.26. Moreover, Mr. Gaunt has not provided proof of ownership of the land as required when obtaining a building permit for construction that extends beyond the existing envelope of the building.

Ms. Clark learned that the Gaunts were seeking to install a new wire service in this location around May 12, 2023. Ms. Clark contacted the Wiring Inspector Ronald Marks regarding the proposed location and communicated her concerns that the scope of work was not defined, that Mr. Gaunt did not request permission to access her property to perform the work, that no other locations that did not overhang Ms. Clark's property were proposed including the front of the house, and that the proposed location infringes on her property. See Exhibit 4 (Email dated May 12, 2023 from Clark); Exhibit 5 (Email dated May 16, 2023 from Clark). Mr. Marks responded by email dated May 16, 2023, stating that the owner, Mr. Gaunt, did not want the service on the front of his house, that the existing location did not satisfy code, and that Mr. Marks was responsible for issuing permits and determining if an installation is installed according to code. See Exhibit 5 (Email dated May 16, 2023 from Marks). Ms. Clark again contacted Mr. Marks stating that until that proof of ownership occurs, the service itself would still be a trespass and that she does not approve access for Bolduc Electrical Contractors to do the work. Ms. Clark also requested that the electrical contractor mark the space to demonstrate its compliance with the code as it did not meet the 3' deep x 2.5' wide clear space in front of the proposed service, required per the National Electrical Code section 110.26. See Exhibit 6 (Email dated May 22, 2023 from Clark). See also Exhibit 7 (Photographs). In response, Mr. Marks

responded by email correspondence of May 22, 2023, and stated that “the service location doesn’t have enough space to code. However, being the wiring Inspector – (Authority having Jurisdiction) I am allowed to approve this type of installation.” See Exhibit 6 (Email dated May 22, 2023 from Marks). The Gaunts then posted a bond and had the installation completed in the location that infringes on Ms. Clark’s property.

Ms. Clark made written demand on the Building Commissioner by letter dated June 5, 2023 requesting enforcement of the ordinance. See Exhibit 2. Building Official Robert Ives responded by letter dated June 28, 2023 denying Ms. Clark’s request for enforcement. See Exhibit 1. Accordingly, Ms. Clark now appeals the decision of the Building Commissioner and requests that this Board reverse the decision, deny and revoke the permit, and require the Gaunts to remove the electrical service.

APPEAL FROM DENIAL OF REQUEST FOR ENFORCEMENT

A. The Building Commissioner Should Have Denied the Issuance of a Permit for Electrical Service Location Not In Conformance With the Town Ordinance and/or Bylaws and in Violation of National Electrical Code section 110.26.

The Marblehead Zoning Bylaw provides:

...the construction, repair, alteration, demolition, reconstruction, height, number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot area that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land in the Town are regulated as hereinafter provided.

§200-1, F.

All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and the use of all premises in the Town, shall be in conformity with the provisions of the Zoning Bylaw.

§200-1, G.

Moreover, the Zoning Bylaw provides that the Building Commissioner “shall administer and enforce this Bylaw, including the receiving of applications, the inspection of premises, the issuing of building permits and issuing violation(s) hereof.” §200-2, A.

Pursuant to the Town Bylaw, Chapter 30-Building, the Building Commissioner is charged with determination of safety requirements. “Any requirements necessary for the strength or stability of any proposed structure, for the safety of the occupants thereof, or **for the protection of adjoining property**, not specifically covered by this code, shall be determined by the Commissioner, subject to appeal. §30-8. (Emphasis added).

All electric installations in Marblehead are subject to the requirements of the Massachusetts Electrical Code, which incorporates the National Electrical Code, per 527 CMR 12.00. See Exhibit 8. NFPA 70 National Electrical Code section 110.26 requires a 3’ deep x 2.5’ wide clear space in front of the proposed service. See Exhibit 9. The Wiring Inspector conceded that the proposed location did not meet these requirements but nonetheless approved the installation. The Building Commissioner agreed with the Wiring Inspector by failing to enforce the ordinance. These actions are contrary to the National, State and Town code required for electrical installations and the Building Commissioner erred by failing to enforce the requirement for the protection of adjoining property. Accordingly, this Board should reverse the decision of the Building Commissioner, revoke the permit, and require the installation be removed for the safety of Clark’s property.

B. This Board Should Revoke The Permit and Require Removal of the Electrical Service.

M.G.L. c. 40A, § 14 (1) provides that this board of appeals may make orders or decisions, reverse or affirm in whole or in part, or modify any order or decision, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance

of a permit. Accordingly, this Board has the authority to revoke the permit and enforce the ordinance as would the Building Commissioner.

CONCLUSION

Accordingly, Ms. Clark requests that the Marblehead Zoning Board of Appeals reverse the decision of the Building Commissioner, revoke the permit, and require removal of the electrical service that infringes on Ms. Clark's property.

RESPECTFULLY SUBMITTED,

MARGARET CLARK

By Her Attorneys,

Date: July 28, 2023

/s/ Thomas K. MacMillan
Thomas K. MacMillan, Esq., BBO# 312150
MacMILLAN LAW OFFICES
145 South Main Street - P.O. Box 5279
Bradford, MA 01835
978-521-5272
tkmmaclaw@aol.com

/s/ Kristin M. Yassenka
Kristin M. Yassenka, Esq., BBO# 659944
Yassenka Law PLLC
One New Hampshire Avenue, Suite 125
Portsmouth, NH 03801
603-952-3452
kristin@yassenkalaw.com

CERTIFICATE OF SERVICE

I state that on this date I am forwarding via hand delivery and email a copy of the Notice of Appeal of Administrative Decision along with this memorandum to Robin A. Michaud, Marblehead Town Clerk, 188 Washington Street, Marblehead, MA 01945, townclerk@marblehead.org; Bob Ives, Marblehead Building Commissioner, 7 Widger Road, Marblehead, MA 01945, ivesb@marblehead.org; Ronald Marks, Marblehead Wiring Inspector, 7 Widger Road, Marblehead, MA 01945, marksr@marblehead.org; Clerk, Marblehead Zoning Board of Appeals, 7 Widger Road, Marblehead, MA 01945, engineering@marblehead.org.

Date: July 28, 2023

/s/ Thomas K. MacMillan
Thomas K. MacMillan, Esq.

APPENDIX

EXHIBIT		Page
1	Denial Letter from Robert Ives dated June 28, 2023	8
2	G.L. 40A s 7 Written Request for Enforcement dated June 5, 2023	9
3	Plans of Land	11
4	Email dated May 12, 2023	13
5	Email chain dated May 17, 2023 and May 16, 2023	17
6	Email chain dated May 22, 2023	25
7	Photographs	38
8	527 CMR 12.00	43
9	NFPA 70 National Electrical Code section 110.26	57



TOWN OF MARBLEHEAD
BUILDING INSPECTION DEPARTMENT

Mary A. Alley Municipal Building • 7 Widger Road, Marblehead, MA 01945
Tel: (781) 631-2220 • Email: build@marblehead.org

EXHIBIT 1

Thomas K. MacMillan, Esq.
Bradford Place
145 S. Main Street, P.O. Box 5279
Bradford, MA 01835-0279

6-28-2023

Re: Electrical service installation. 27 Mugford St. Marblehead, MA 01945

Dear Mr. MacMillan,

I am in receipt of your letter requesting enforcement of ordinances and /or by-laws on behalf of Ms. Clark who resides at 29 Mugford St.. against Rory & Julie Ann Gaunt as it pertains to the relocation and installation of a new electrical service at 27 Mugford St.

The existing service was located in the narrow driveway access on the right side of the building and therefore vulnerable to vehicular damage, and unsafe.

Prior to the installation of the new service and meter the location was reviewed by the Marblehead Wiring Inspector Ron Marks (AHJ), assistant Wiring Inspector Eric Chisholm, Marblehead Municipal Light department engineer Colin Coleman, the electrical contractor, and owner. The determination was made that the only safe location for the service was on the left rear corner of the building at 27 Mugford St, and the installation was completed.

I am in support of the decision that was made by Mr. Marks and respectfully deny your request for any enforcement.

If you have questions or require additional information, please call our office at 781-631-2220.

Respectfully,

Robert Ives – Building Official

CC: Ron Marks, Eric Chisholm, Colin Coleman

File Map 150 Parcel 93

MacMILLAN LAW OFFICES

BRADFORD PLACE
145 SO. MAIN STREET • P.O. BOX 5279
BRADFORD, MASSACHUSETTS 01835-0279

EXHIBIT 2

THOMAS KIRWAN MacMILLAN*

OF COUNSEL
TIMOTHY C. DAY**

*Admitted MA & NH State & Federal Courts
& the U.S. Supreme Court

**Admitted MA, NH & ME State Courts

TELEPHONE (978) 521-5272
FACSIMILE (978) 891-5424
www.macmillanlawoffices.com

Joy P. MacMillan
Office Administrator

VIA U.S.P.S. PRIORITY MAIL AND EMAIL

June 5, 2023

Bob Ives, Interim Building Commissioner
Town of Marblehead
Mary Alley Municipal Building
Building Department
7 Widger Road
Marblehead, MA 01945

Email: build@marblehead.org

Re: G.L. c. 40A, § 7 Request for Enforcement
Re: Electric meter installation
Property Location: 27 Mugford Street, Marblehead, Massachusetts
Owner: Rory Gaunt and Julie Ann Gaunt

Dear Mr. Ives,

This office represents Margaret Clark, owner of the real estate located at 29 Mugford Street, Marblehead. Please consider this letter as Ms. Clark's request in writing, pursuant to G.L. c. GL ch. 40A, § 7, to enforce the Marblehead ordinances and/or by-laws against Rory & Julie Ann Gaunt, owners of the real estate located at 27 Mugford Street, Marblehead, in violation of the same.

The Gaunts' placed their electric meter in a service location that is not compliant with the required space per the National Electrical Code section 110.26. Moreover, the Gaunt have not provided proof of ownership of the land as required when obtaining a building permit for construction that extends beyond the existing envelope of the building.

By email correspondence of May 22, 2023, Wiring Inspector Ronald Marks stated that "the service location doesn't have enough space to code. However, being the wiring Inspector – (Authority having Jurisdiction) I am allowed to approve this type of installation."

Bob Ives, Interim Building Commissioner
G.L. c. 40A, § 7 Request for Enforcement
June 5, 2023
Page Two

Accordingly, Ms. Clark now requests that you, as Building Commissioner, enforce the Marblehead ordinance and National Electrical Code and revoke the permit for the installation by the Gaunts' and order the removal of the electric meter panel.

Please direct all future correspondence regarding this matter to this office.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas K. MacMillan". The signature is stylized with a large, sweeping initial "T" and a cursive "MacMillan".

Thomas K. MacMillan, Esq.

cc: Ronald L. Marks, Wiring Inspector (via mail & email)
Robin A. Michaud, Town Clerk
Margaret Clark
Rory Gaunt
Julie Ann Gaunt

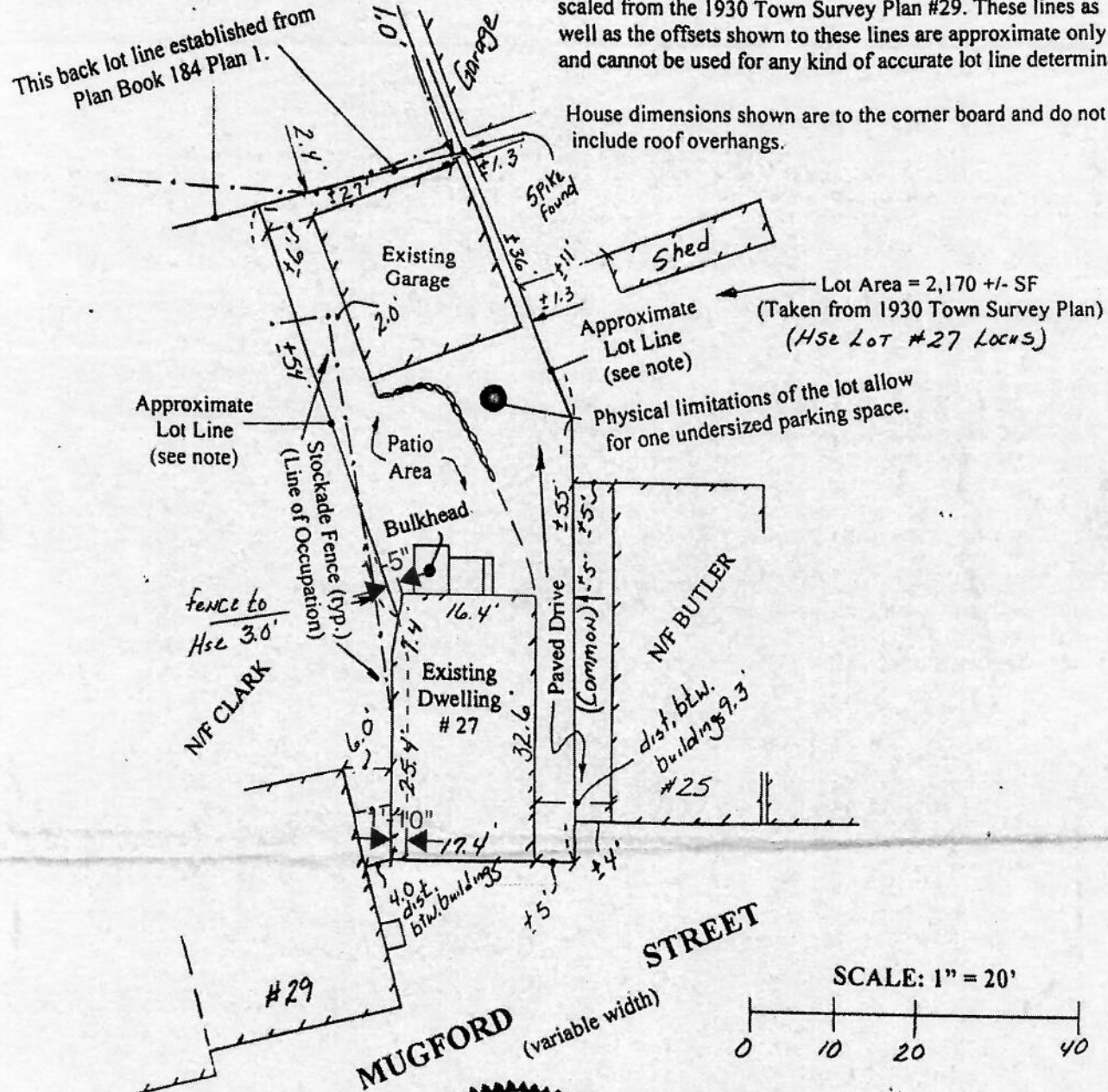
MacMILLAN LAW OFFICES

NOTES:

This plan was drafted via a field survey, research at the Essex County Registry of Deeds as well as survey information provided by the Town of Marblehead Engineering Dept. Exact lot lines were not able to be determined, this plan is to be used for ZBA assistance only to build within the footprint of the existing building.

The side lot lines, street lines and +/- dimensions shown were scaled from the 1930 Town Survey Plan #29. These lines as well as the offsets shown to these lines are approximate only and cannot be used for any kind of accurate lot line determination.

House dimensions shown are to the corner board and do not include roof overhangs.



Lot Area = 2,170 +/- SF
(Taken from 1930 Town Survey Plan)
(Hse Lot #27 Locns)

Physical limitations of the lot allow for one undersized parking space.

EXHIBIT PLAN OF LAND

in
MARBLEHEAD, MA

prepared for
RORY GAUNT

Scale 1"= 20'
BARTRAM LAND SURVEY
 18 Union St. Beverly MA 01915

ASSESSORS:

Map 150 Lot 93

REFERENCES:

1930 Town Survey Plan # 29

Plan Book 184 Plan 1

ZONING:

U Zone



7/26/06

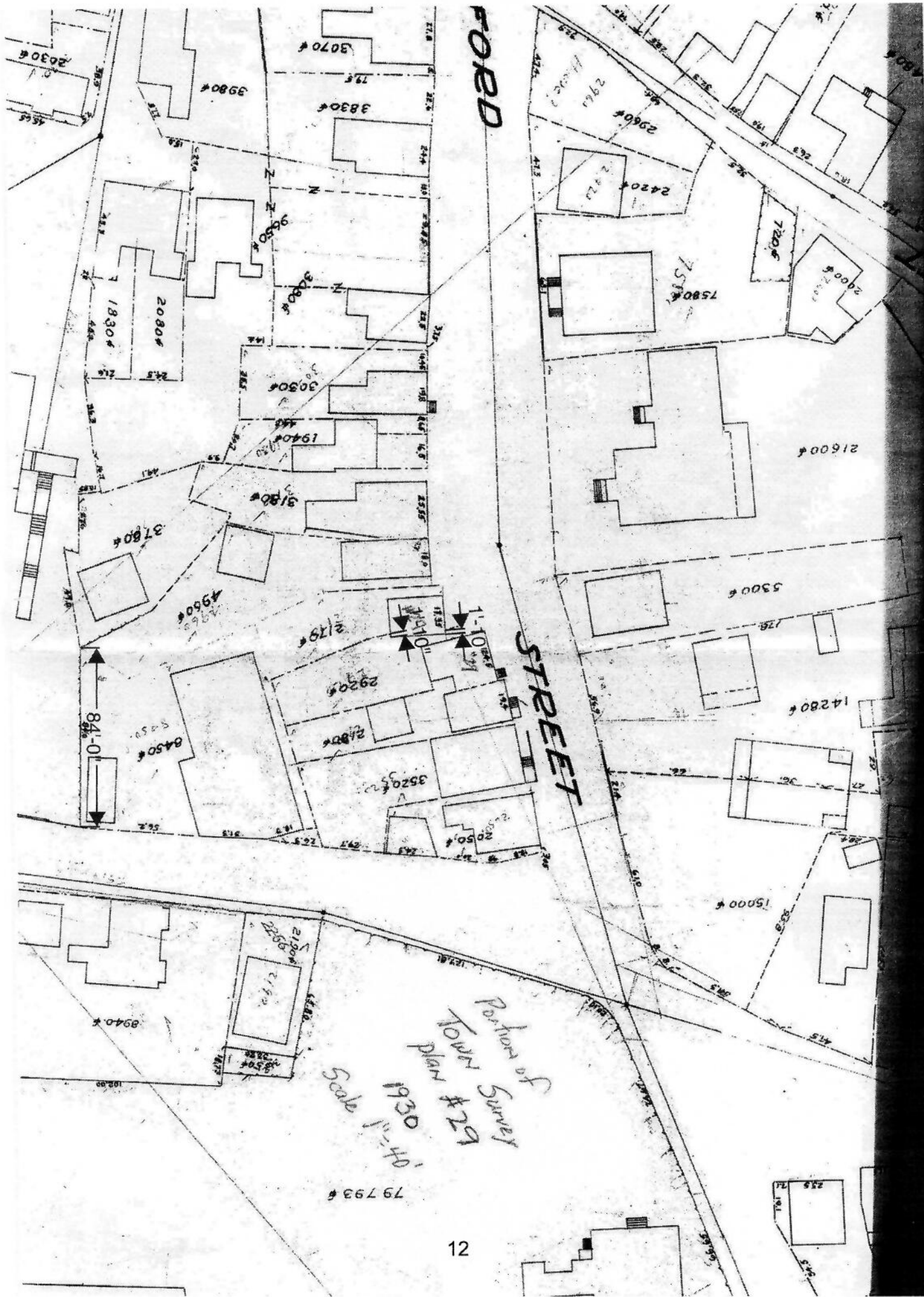


EXHIBIT 4

From: MARGARET CLARK <mocasper@msn.com>
Sent: Friday, May 12, 2023 3:00 PM
To: Ronald Marks <marksr@marblehead.org>
Subject: Rory's electrical service - 5/17

Hi Ron,

I got the attached text last night from Rory, saying the electrician and the town would be on my property installing his service on 5/17. That is not acceptable. They would be trespassing on my private property to install and then maintain it. The panel itself would be a trespass. And they would clearly not be installing it in the location you arranged with their electrical contractor at the front of their house.

See attached plan from Rory's ZBA process years ago. And the referenced 1930s plan. Even though the plan isn't to be used to establish the property boundary, it shows that he knows it isn't his property on this entire side of the house. Anything installed on this whole side, even the location you discussed with his electrician beside his front door or the location towards the back at the angled part of his house would be overhanging my property. He does not have the legal right to do that.

Please notify the electrical contractor that any work he installs on my side will be required to be removed.

Thanks,
Margaret

8:33

5G



Rory >



all accounts. AS it should be.

Please keep this in mind the next time I am having work done on my house.

Monday 2:34 PM

They were on the public sidewalk, not blocking your entry, nor on your property. I have photos showing that.

Read Monday

Today 4:57 PM

Our electrician and the town will be on-site and on your side of the house from 8am - noon on Wednesday May 17th. It should amount to a ladder or two extending into your yard.



iMessage



NOTES:

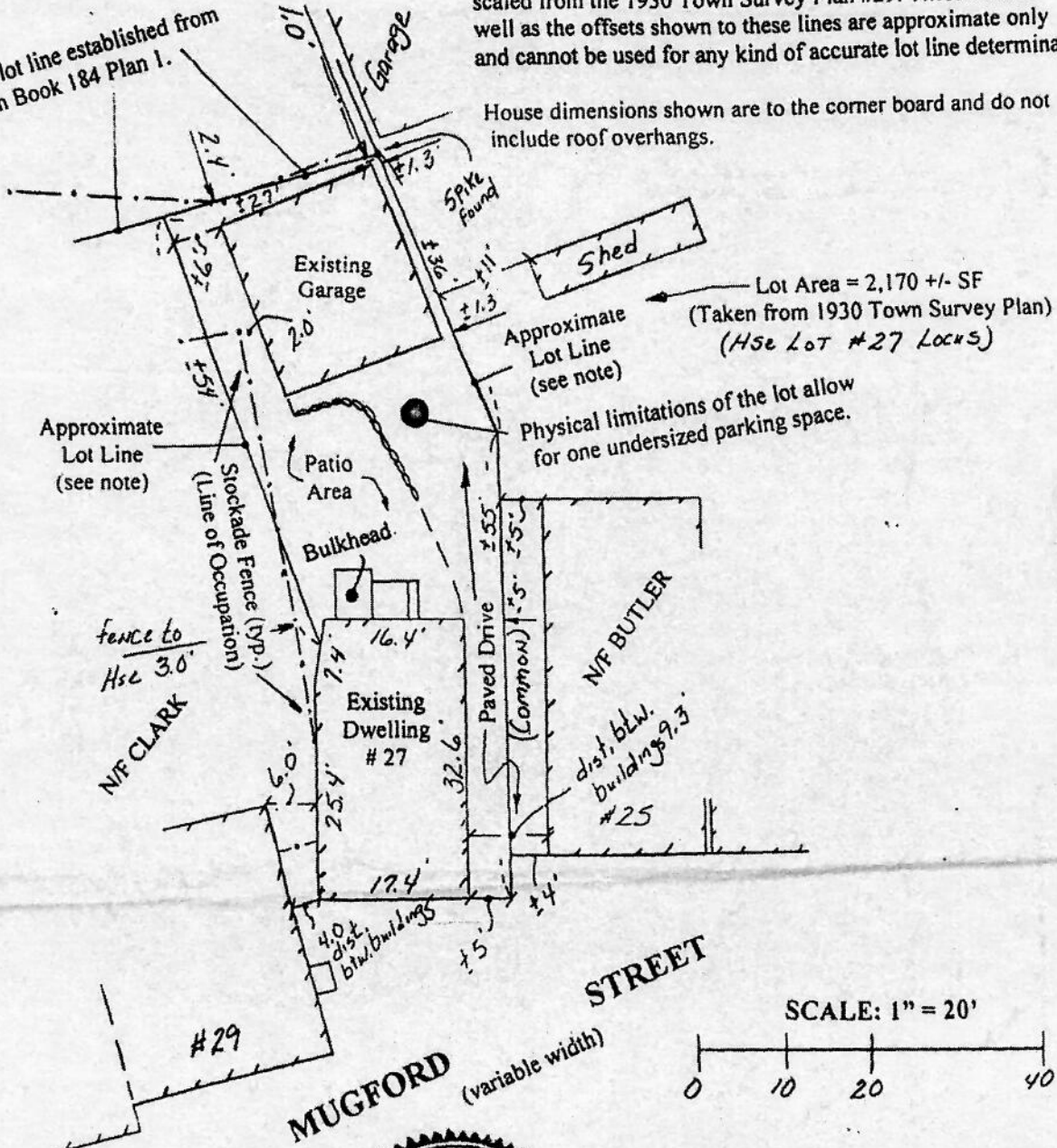
This plan was drafted via a field survey, research at the Essex County Registry of Deeds as well as survey information provided by the Town of Marblehead Engineering Dept. Exact lot lines were not able to be determined, this plan is to be used for ZBA assistance only to build within the footprint of the existing building.

The side lot lines, street lines and +/- dimensions shown were scaled from the 1930 Town Survey Plan #29. These lines as well as the offsets shown to these lines are approximate only and cannot be used for any kind of accurate lot line determination.

House dimensions shown are to the corner board and do not include roof overhangs.

N/F SULLIVAN and MOORE
Plan Book 184 Plan 1

This back lot line established from
Plan Book 184 Plan 1.



Lot Area = 2,170 +/- SF
(Taken from 1930 Town Survey Plan)
(Hse Lot #27 Locns)

Physical limitations of the lot allow
for one undersized parking space.

ASSESSORS:

Map 150 Lot 93

REFERENCES:

1930 Town Survey Plan # 29
Plan Book 184 Plan 1

ZONING:

U Zone



EXHIBIT PLAN OF LAND

in
MARBLEHEAD, MA

prepared for

RORY GAUNT

Scale 1" = 20'

BARTRAM LAND SURVEY

18 Union St. Beverly MA 01915

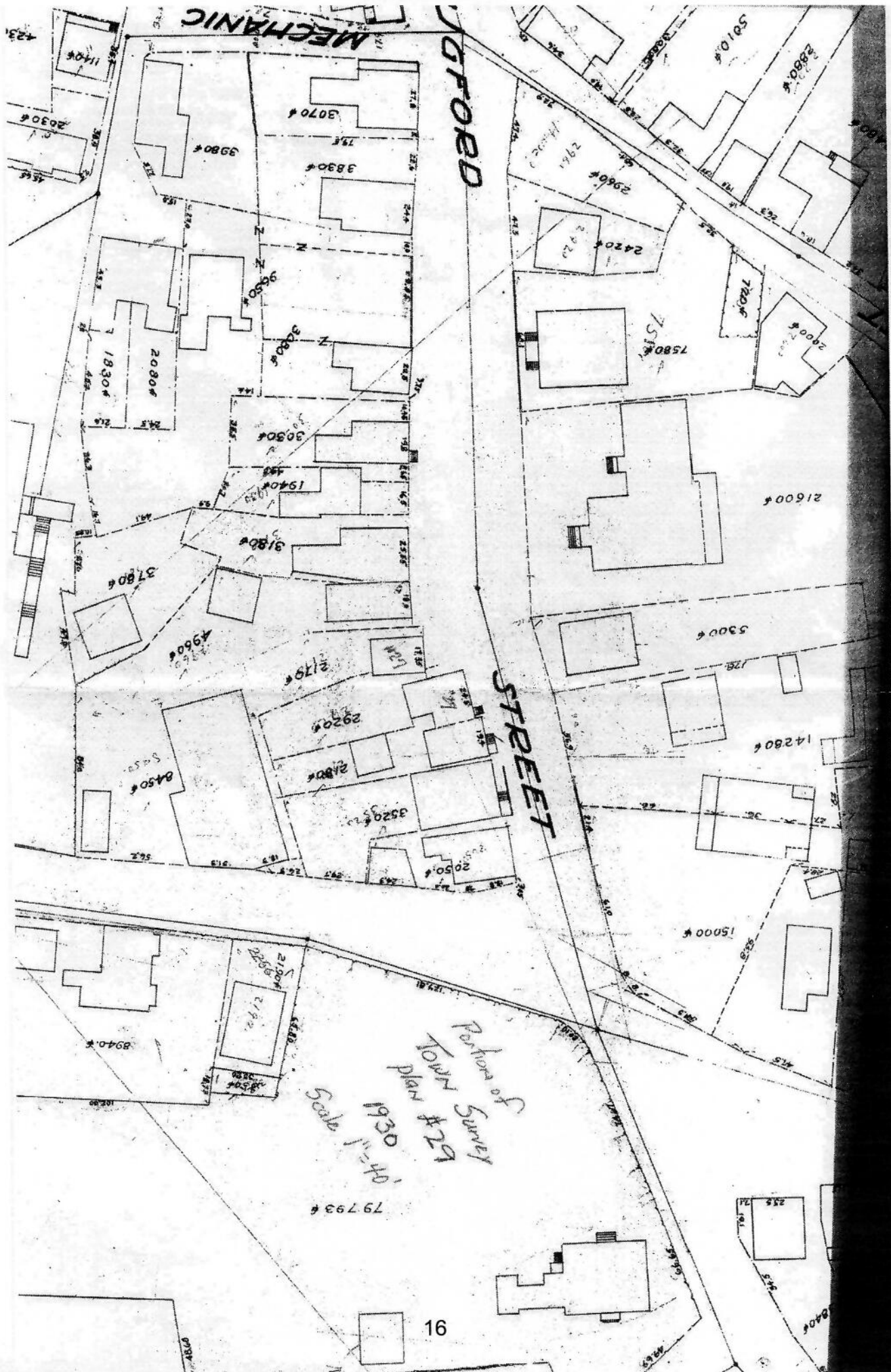


EXHIBIT 5

From: Ronald Marks <marksr@marblehead.org>
Sent: Wednesday, May 17, 2023 9:29 AM
To: MARGARET CLARK <mocasper@msn.com>
Cc: Dennis King <KingD@marblehead.org>; Becky Curran <curranr@marblehead.org>; Bob Ives <ivesb@marblehead.org>; MacMillan Law Offices <tkmmaclaw@aol.com>; R G <rory@lifecyclerenewables.com>; Bolduc Electric <mbolducelectric@gmail.com>
Subject: RE: access

Margaret,

The Service pipe and service equipment is attached to the house, so it becomes part of the structure. As far as, the included attachment "Plan of Land" notes states, Exact Lot Lines were not able to be determined.

I've included an attachment that shows the proposed Service Pipe and Service Meter and Disconnect location.

The suggested location in the 1/18 /23 picture service point (Dead end attachment) was for that location only.

The new proposed service point (dead end attachment) location is indicated on the attachment.

As far as rear service location, we determined that minimum clearances were met.

At the time when we met , the left rear location was an approved proposal that still needed to be evaluated to see if it was possible by the owner and contractor.

It is the Owners prerogative to choose which proposed Meter and Disconnect location.

As you see in the attachment. I will be inspecting the proposed installation, any deviation for that will not be approved.

Hope this helps,

Respectfully,

Ron Marks
Wire Inspector
Town of Marblehead
781-639-9151
marksr@marblehead.org

From: MARGARET CLARK <mocasper@msn.com>
Sent: Tuesday, May 16, 2023 7:52 PM

To: Ronald Marks <marksr@marblehead.org>

Cc: Dennis King <KingD@marblehead.org>; Becky Curran <curranr@marblehead.org>; MacMillan Law Offices <tkmmaclaw@aol.com>

Subject: Re: access

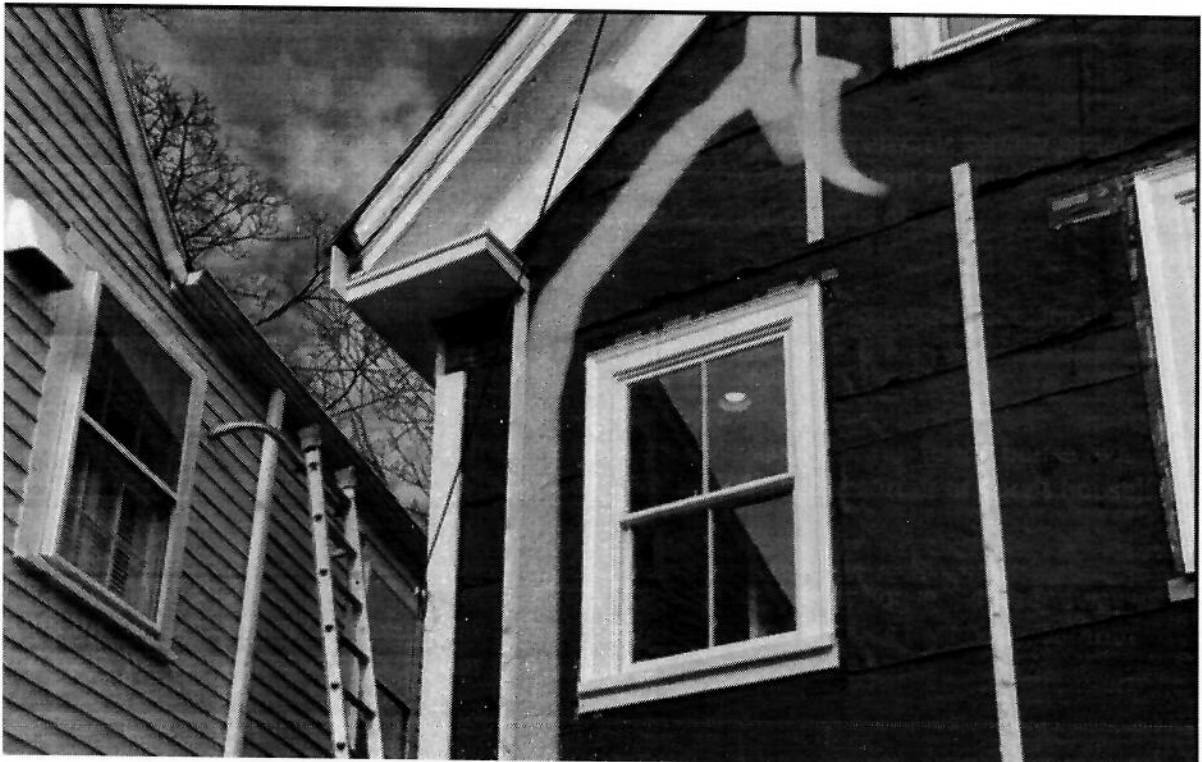
Hi Ron,

Thankyou for your responses below of which I understand most of them. My related comments are below in red.

According to Rory's own drawing, he does not own the property at the rear left side.

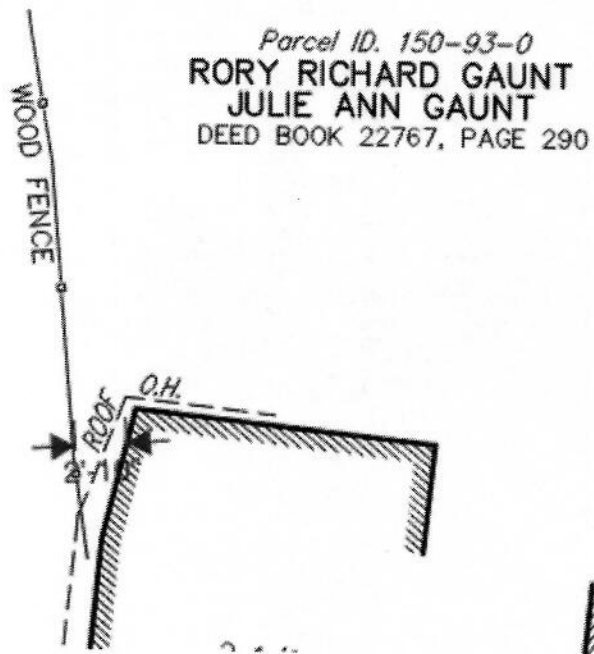
1. Please clarify how the owner of a property can be allowed to place an electric service panel overhanging and trespassing on a neighbor's property, simply because that owner doesn't want it on the front of their house. I don't believe they have the legal right to do so.
2. Please provide (or have their contractor provide) a drawing with the proposed panel location and conduit/wire path indicated.
3. In your 1/18 email, you had indicated the wire from the pole would be run to the house to a point above the upper right corner of the window (+-4' to 5' from the corner of Rory's house). Image from your 1/18 email below.

Please confirm that you will still enforce that the first wire will hit his house +-4' to 5' away from the corner, so that I can move my ladder around while maintaining my house, without hitting it. (Note ladder size also in your photo below.)





4. Is the required 3' clear in front of the electrical service panel provided at the rear left side? Rory just yelled at me, when I tried to measure it outside. And when I measure it on the partial site survey I had done a couple of years ago, it indicates that there would not be 3' clear. See clipped view below.



5. Is it ok by code that there are raised pipes within the required 3' clearance?



6. Has the rear right back side of the Rory's house been considered?
7. Or at a minimum have the conduit travel along his driveway side, instead of overhanging my side? Even moving the conduit/main wire to my side increases the hazard for me, when maintaining the side of my house.
8. If access were to be granted (or forced by the process described below) and you will not be on site:
 - a. what is to prevent the contractor from putting the service in my entryway?
 - b. what is to prevent the contractor from putting the main wire too close to the corner?

I'm also eager to hear responses to the other items from my previous email, from whoever is the appropriate person.

Thanks,
Margaret

From: Ronald Marks <marksr@marblehead.org>

Sent: Tuesday, May 16, 2023 3:00 PM

To: MARGARET CLARK <mocasper@msn.com>

Cc: Dennis King <KingD@marblehead.org>; Becky Curran <curranr@marblehead.org>; MacMillan Law Offices <tkmmaclaw@aol.com>

Subject: RE: access

Margaret,

First, Marblehead Municipal Light Dept approves and decides on meter locations and where power drop is to be connected on a building. Understood.

At this property location power comes from front of property. (Mugford St) Understood.

There is no available power at the rear of his property. Understood.

Regarding my email on 1/18/23 an attached Picture.

This is where it was thought it could go, instead of between both houses.

However, the owner did not want it on the front of house. How is this a priority over ownership of the location?

The existing service location does not satisfy the code. Ok.

Currently the service is subject to damage. Understood.

(NFPA 70 -527CMR 12:00 Mass Electrical Code- Art 300.4- Protection against physical damage)

The new proposed location at the rear of the property left side, was satisfactory to the owner and electrician. Understood. But they aren't the only ones impacted by the decision. And why wasn't I informed of the proposed change?

I am responsible for issuing permits, and determining if an installation is installed according to the code. Understood.

The Electrical Contractor is required to carry Liability Insurance. Ok.

I do not supervise electrician's during a project. Understood. But given the history of their construction project, I don't trust that they will do what is approved. And given a lack of drawings or marked up photos, I still don't know what you have approved them to build.

I am not the one to answer most of you other questions.

Hopefully , I have answered the electrical related questions.

Respectfully,

Ron Marks

Wire Inspector

Town of Marblehead

781-639-9151

marksr@marblehead.org

From: MARGARET CLARK <mocasper@msn.com>

Sent: Tuesday, May 16, 2023 11:51 AM

To: Ronald Marks <marksr@marblehead.org>

Cc: Dennis King <KingD@marblehead.org>; Becky Curran <curranr@marblehead.org>; MacMillan Law Offices <tkmmaclaw@aol.com>

Subject: Re: access

Hi Ron,

I have the following comments and questions for the Town, regarding the processes described below:

1. Rory has not defined the scope of work he proposes to do on 5/17.
2. Wouldn't Rory have to first get approval from the Town for the new work that he is proposing?
3. Shouldn't there be a public process with the Planning Board, if such new work impacts another's property?
4. Rory didn't "request permission" for access, he just texted me that it was happening. See attached text.
5. He is not seeking access for the "purpose of maintaining or repairing said building or buildings in order to prevent waste". It is my understanding that he plans to "add" a hazardous new electrical service to my side.
6. No one has explained what code/bylaw, if any, has been triggered to force the electric service to move from its existing location on the opposite side of the house.
7. No one has demonstrated that other locations around his house, overhanging his property, would not work.
8. As you know, on 1/17, I caught Rory's contractor on my property about to install a new electrical service panel without permission, or Town approval, in my entryway, which is already too narrow, where it would prevent me from properly maintaining the side of my house, where you told me it would not be allowed to go, and where it would forever trespass and diminish the safety of my property.
9. You said that the electrical service must go on the front of Rory's house and then arranged a location with Rory's electrical contractor.
 - a. That proposed location at the front, but towards my side, appears to also overhang my property, based on Rory's ZBA drawing and related 1930's map. The 1930's map shows that Rory's house infringes on my property +- 2'. But if the Town owns the property from the face of Rory's house toward the street, as Rory claims, that location may not be trespassing on my property. But due process would have to be done, prior to that determination. I've attached Rory's ZBA plan and referenced 1930s again for reference.
 - b. Alternatively, it could go on the front towards its current location. Why is that not being implemented?
10. When I gave access to Rory's contractor this past fall to do other work, they did not follow my written requests for the safety of my children and dog.
11. Rory has repeatedly harassed and threatened me and my property.
12. Paul Haggett screams obscenities at me. He even attempted to feed my dog poisonous insulation/firestopping type material.
13. I do not trust nor feel safe with Rory, Paul, or his subcontractors on my property.
14. If any approved work requires access to my property, I request that you, as wiring inspector, be in attendance to limit the work to what is approved and that a police detail be provided for the duration of the work.

Please make sure that Dennis King considers these issues, prior to granting Rory, or his contractors, further access to my property.

Thanks,
Margaret Clark

From: Ronald Marks <marksr@marblehead.org>
Sent: Monday, May 15, 2023 11:41 AM
To: haggettco@comcast.net <haggettco@comcast.net>; rory@lifecyclerenewables.com <rory@lifecyclerenewables.com>
Cc: Bolduc Electric <mbolducelectric@gmail.com>
Subject: FW: access

Good Morning All,
Mr. Ives received the included email from Rebecca Curran and Chief Dennis King.
Regarding the New Electric Service Installation at 27 Mugford St.

From: Bob Ives <ivesb@marblehead.org>
Sent: Monday, May 15, 2023 11:15 AM
To: Ronald Marks <marksr@marblehead.org>; Eric Chisholm <chisholme@marblehead.org>
Subject: FW: access

From: Dennis King <KingD@marblehead.org>
Sent: Monday, May 15, 2023 10:49 AM
To: Becky Curran <curranr@marblehead.org>
Cc: Bob Ives <ivesb@marblehead.org>
Subject: RE: access

Good morning,

Yes – they would have to make a formal request for permission that should include both a bond and a documented effort that the request they made to their neighbors was denied. I've seen paperwork in Salem where an attorney has sent the neighbor a request to do the work and the neighbor denied it, so we had to get involved. It doesn't have to be an attorney, but they need to try and get permission, and if not given, then seek this route.

Hope that helps.

Dennis King
Chief of Police
Marblehead Police Department

From: Becky Curran <curranr@marblehead.org>
Sent: Monday, May 15, 2023 10:38 AM

To: Dennis King <KingD@marblehead.org>

Cc: Bob Ives <ivesb@marblehead.org>

Subject: access

Hi Dennis – Have you dealt with this before – I only have once – it may come up on Mugford Street

G.L. 266, § Section 120B: Entry on land by abutting property owners not constituting trespass
Section 120B. Whoever, being the owner of land abutting that of another, the building or buildings on which are so close to the land of such other person as to require an entry on said abutting land for the purpose of maintaining or repairing said building or buildings in order to prevent waste, shall not be deemed guilty of trespass or liable civilly for damages, provided that such entry is made expeditiously and in the exercise of due care and that no damage is caused by such entry to the land or buildings of said abutting owner. Before such entry said owner shall notify the chief or other officer in charge of the police department of the city or town in which the land is located that he has requested permission to enter on adjoining land from the owner or occupants thereof for the purpose of maintaining or repairing a building or buildings and that such permission has been refused, and that he intends to enter under the provisions of this section. Before entering on said land, said owner shall post bond with the chief of police in the amount of one thousand dollars to protect the adjoining land owner from damage caused by said entry. No person so entering on land of another shall store material or tools thereon for more than eight hours in any one day nor shall he continue to enter thereon for more than thirty days in the aggregate in any calendar year. After said entry, said owner shall in all respects restore said adjoining land to the condition in which it was prior to said entry.

Rebecca Curran Cutting
Town Planner
Town of Marblehead
Abbot Hall
188 Washington Street
Marblehead, MA 01945
781-631-0000
rebeccac@marblehead.org

EXHIBIT 6

From: Ronald Marks <marksr@marblehead.org>
Sent: Monday, May 22, 2023 12:15 PM
To: MARGARET CLARK <mocasper@msn.com>; R G <rory@lifecyclerenewables.com>
Cc: Dennis King <KingD@marblehead.org>; Becky Curran <curranr@marblehead.org>; Bob Ives <ivesb@marblehead.org>; MacMillan Law Offices <tkmmaclaw@aol.com>; Bolduc Electric <mbolducelectric@gmail.com>; Paul Haggett <haggettco@comcast.net>; McDermott, John <john.mcdermott@calalaw.com>; Eric Chisholm <chisholme@marblehead.org>
Subject: RE: access

Margaret,
Regarding #1.
Yes, you are correct that the service location doesn't have enough space to code.
However, being the wiring Inspector- (Authority having Jurisdiction) I am allowed to approve this type of installation.
The space at the proposed service location is large enough to work on this equipment safely.
I see no reason why Bolduc Electric can't do this installation on Wednesday May 24, 2023.
Thanks,

Ron Marks

From: MARGARET CLARK <mocasper@msn.com>
Sent: Monday, May 22, 2023 11:13 AM
To: R G <rory@lifecyclerenewables.com>; Ronald Marks <marksr@marblehead.org>
Cc: Dennis King <KingD@marblehead.org>; Becky Curran <curranr@marblehead.org>; Bob Ives <ivesb@marblehead.org>; MacMillan Law Offices <tkmmaclaw@aol.com>; Bolduc Electric <mbolducelectric@gmail.com>; Paul Haggett <haggettco@comcast.net>; McDermott, John <john.mcdermott@calalaw.com>
Subject: Re: access

Hi All,

1. Thank you Ron for providing the drawing markup and your approval reasoning. Though, it has always been my understanding that it is required to provide proof of ownership of the land concerned in the application of a building permit, prior to building anything that would extend beyond the existing envelope of the building. Until that proof of ownership occurs, the service itself would still be a trespass and I cannot approve access for Bolduc Electrical Contractors to do that work.

2. Given Rory's vehemence in preventing me from measuring the space at the proposed service location, I still suspect that it doesn't meet the 3' deep x 2.5' wide clear space in front of the proposed service, required per the National Electrical Code section 110.26. Therefore, I also request that you have the electrical contractor mark out the clear space on the ground and share photos of the tape measure, at the tighter end, to demonstrate its compliance with code. It is my understanding that the service itself is approximately 8" deep, including the meter base. Thus, the clearance between the house face and my fence would be required to be 3'-8" x 2'-6".

3. I approve access for the Boban Grubor Painting on 5/25-26, if they agree to follow the safety precautions that I laid out previously to Paul Haggett, but were not followed. These included, but were not limited to:

- limiting their hours to 7:30am-3:30pm to avoid overlapping with my children being home
- keeping the gates closed at all times that they are not passing through them.

4. I do not approve access for Rory or Paul Haggett, for the reasons noted in the email below.

5. Not relevant to the issues at hand, the stored items in my yard were mostly the entire contents of my basement, where I had work done on 5/8. Note Express Permit EP-23-123. I had to keep a clear area around my house for my contractor and moving forward for me to complete the related repairs. And the wood under the tarp in Rory's photo has been there since 2/1/23, when I picked it up from Jessica Wilson on Buy Nothing Marblehead for a family project. Meanwhile, I need a clear path out to my car, access to my grille, and room around the basketball hoop for my kids to play. There are few options in a small yard. See attached photo. Due to the rain over the weekend, much of that has been moved back to my basement. I will also add that my stored items are farther away from the face of Rory's house, than the tight area between our two houses.

I object to Rory's outrageous implications about my jeopardizing his worker's safety. This is another example of him creating a hostile environment, instead of asking for permission for his contractor to temporarily move my stored items, assuring me that they would be put back where they were found at the end of each day. Or alternatively to use staging, given the tight space. Please advise Rory to stop making my items stored on my property his issue.

Barring unforeseen circumstances, I am unavailable 5/24 and 5/25, due to work commitments.

Thanks,

Margaret

From: R G <rory@lifecyclerenewables.com>

Sent: Wednesday, May 17, 2023 2:03 PM

To: Ronald Marks <marksr@marblehead.org>

Cc: MARGARET CLARK <mocasper@msn.com>; Dennis King <KingD@marblehead.org>; Becky Curran <curranr@marblehead.org>; Bob Ives <ivesb@marblehead.org>; MacMillan Law Offices <tkmmaclaw@aol.com>; Bolduc Electric <mbolducelectric@gmail.com>; Paul Haggett <haggettco@comcast.net>; McDermott, John <john.mcdermott@calalaw.com>

Subject: Re: access

Hi Folks,

Thanks for your help in bringing this item to closure. I apologize for the amount of town resources this is taking to resolve. Per the recommendation by Chief King, I would like to formally ask for Margaret's permission to access her property to complete the remaining work needing to be done on our home.

Margaret:

Please accept this note as a request for Paul Haggett & Co with Bolduc Electrical Contractors to enter your property for a 2 - 4 hour period starting at 8am on May 24th in order to install an electric utility connection, wiring and meter installation. In addition, I request that you allow Boban Grubor Painting to access your property in order to paint our newly sided house May 25th and May 26th between the hours of 8am - 2pm. We will have police details present at both jobs and you have my assurance (as always) that the contractors will be respectful of your property and leave no trace of them having been there. All parties involved in the work have sufficient insurance coverage and credentials to perform this work.

Scope of work for Electric Meter Installation on May 24th:

- Run wire conduit under the eaves of our house on the side facing your property. See plan provided by Ron in previous email.
- Use of ladders and 2 - 3 technicians to affix the conduit to the side of our house
- Ground covering will be applied where necessary
- Inspection by town officials

Scope for work for Painting May 25th and 26th: (if Grubor can get the painting done in one day, we won't need access on the 26th)

- Prime and paint the trim of the house and around windows and other non cedar shingle surfaces
- This will include 2 - 3 workers using ladders to apply paint
- Ground covering will be applied where necessary

Out of respect for everyone's time, please reply to all with your response to this request. Also, please advise if you are planning to create an unsafe environment for the technicians/workers. I have noticed you have aggregated "stuff" over the past few days (as seen in the photo below, of you extending a tape measure over the fence, touching my house) along the area where ladders would be touching ground. We cannot ask workers to operate in an unsafe environment.

Kind regards,

Rory



On Wed, May 17, 2023 at 9:29 AM Ronald Marks <marksr@marblehead.org> wrote:

Margaret,

The Service pipe and service equipment is attached to the house, so it becomes part of the structure.

As far as, the included attachment "Plan of Land" notes states, Exact Lot Lines were not able to be determined.

I've included an attachment that shows the proposed Service Pipe and Service Meter and Disconnect location.

The suggested location in the 1/18 /23 picture service point (Dead end attachment) was for that location only.

The new proposed service point (dead end attachment) location is indicated on the attachment.

As far as rear service location, we determined that minimum clearances were met.

At the time when we met , the left rear location was an approved proposal that still needed to be evaluated to see if it was possible by the owner and contractor.

It is the Owners prerogative to choose which proposed Meter and Disconnect location.

As you see in the attachment. I will be inspecting the proposed installation, any deviation for that will not be approved.

Hope this helps,

Respectfully,

Ron Marks
Wire Inspector
Town of Marblehead
781-639-9151
marksr@marblehead.org

From: MARGARET CLARK <mocasper@msn.com>

Sent: Tuesday, May 16, 2023 7:52 PM

To: Ronald Marks <marksr@marblehead.org>

Cc: Dennis King <KingD@marblehead.org>; Becky Curran <curranr@marblehead.org>; MacMillan Law Offices <tkmmaclaw@aol.com>

Subject: Re: access

Hi Ron,

Thankyou for your responses below of which I understand most of them. My related comments are below in red.

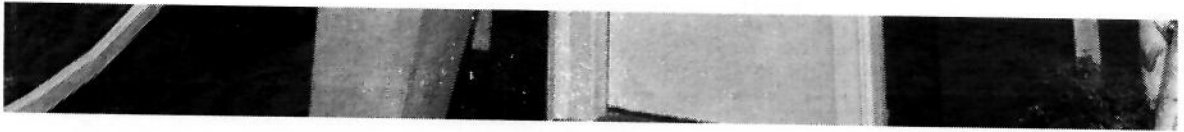
According to Rory's own drawing, he does not own the property at the rear left side.

1. Please clarify how the owner of a property can be allowed to place an electric service panel overhanging and trespassing on a neighbor's property, simply because that owner doesn't want it on the front of their house. I don't believe they have the legal right to do so.
2. Please provide (or have their contractor provide) a drawing with the proposed panel location and conduit/wire path indicated.

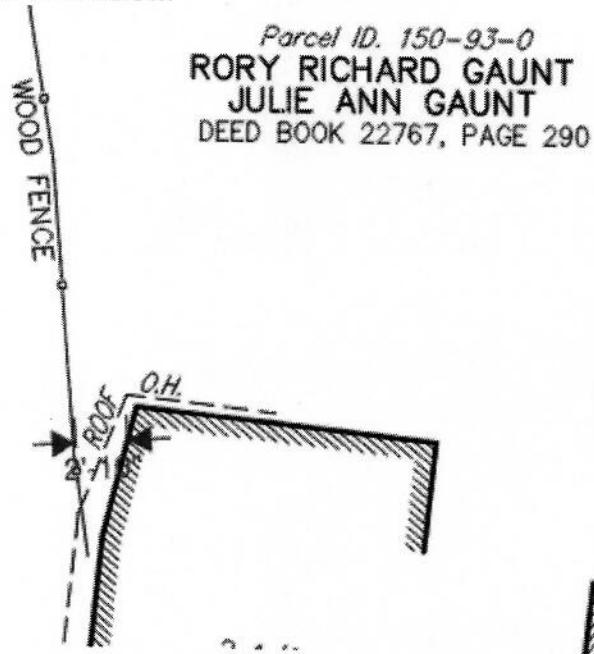
3. In your 1/18 email, you had indicated the wire from the pole would be run to the house to a point above the upper right corner of the window (+-4' to 5' from the corner of Rory's house). Image from your 1/18 email below.

Please confirm that you will still enforce that the first wire will hit his house +-4' to 5' away from the corner, so that I can move my ladder around while maintaining my house, without hitting it. (Note ladder size also in your photo below.)

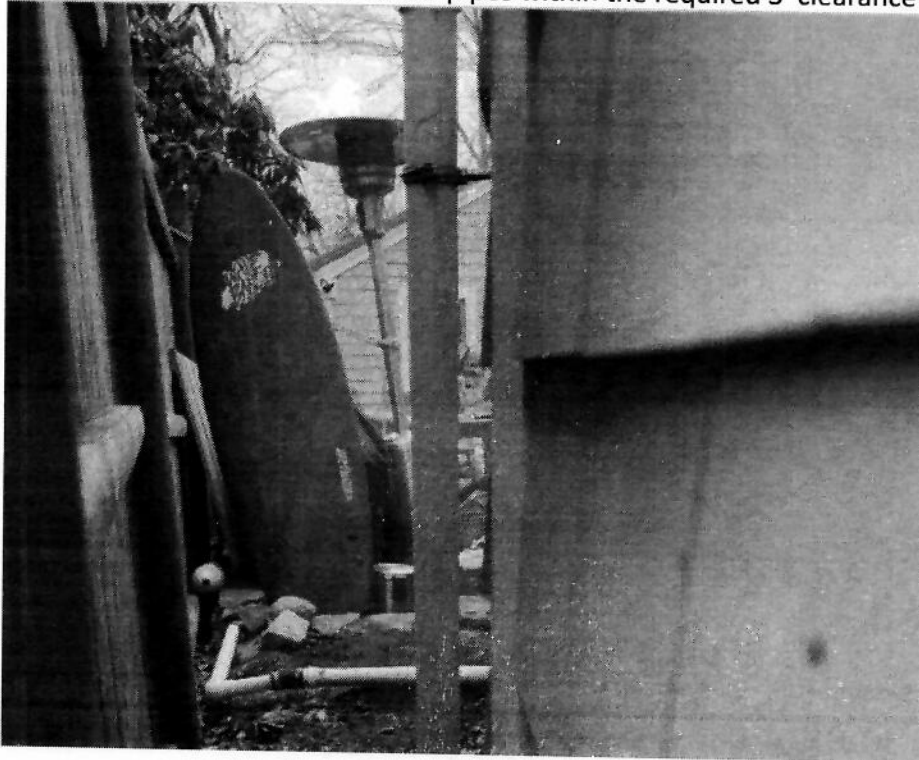


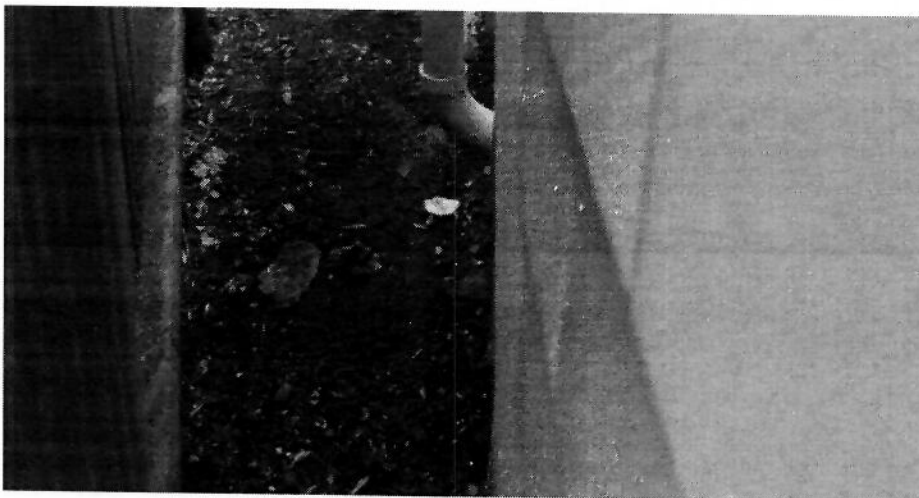


4. Is the required 3' clear in front of the electrical service panel provided at the rear left side? Rory just yelled at me, when I tried to measure it outside. And when I measure it on the partial site survey I had done a couple of years ago, it indicates that there would not be 3' clear. See clipped view below.



5. Is it ok by code that there are raised pipes within the required 3' clearance?





6. Has the rear right back side of the Rory's house been considered?
7. Or at a minimum have the conduit travel along his driveway side, instead of overhanging my side? Even moving the conduit/main wire to my side increases the hazard for me, when maintaining the side of my house.
8. If access were to be granted (or forced by the process described below) and you will not be on site:
 - a. what is to prevent the contractor from putting the service in my entryway?
 - b. what is to prevent the contractor from putting the main wire too close to the corner?

I'm also eager to hear responses to the other items from my previous email, from whoever is the appropriate person.

Thanks,
Margaret

From: Ronald Marks <marksr@marblehead.org>

Sent: Tuesday, May 16, 2023 3:00 PM

To: MARGARET CLARK <mocasper@msn.com>

Cc: Dennis King <KingD@marblehead.org>; Becky Curran <curranr@marblehead.org>; MacMillan Law Offices <tkmmaclaw@aol.com>

Subject: RE: access

Margaret,

First, Marblehead Municipal Light Dept approves and decides on meter locations and where power drop is to be connected on a building. Understood.

At this property location power comes from front of property. (Mugford St) Understood.

There is no available power at the rear of his property. Understood.

Regarding my email on 1/18/23 an attached Picture.

This is where it was thought it could go, instead of between both houses.

However, the owner did not want it on the front of house. How is this a priority over ownership of the location?

The existing service location does not satisfy the code. Ok.

Currently the service is subject to damage. Understood.

(NFPA 70 -527CMR 12:00 Mass Electrical Code- Art 300.4- Protection against physical damage)

The new proposed location at the rear of the property left side, was satisfactory to the owner and electrician. Understood. But they aren't the only ones impacted by the decision. And why wasn't I informed of the proposed change?

I am responsible for issuing permits, and determining if an installation is installed according to the code. Understood.

The Electrical Contractor is required to carry Liability Insurance. Ok.

I do not supervise electrician's during a project. Understood. But given the history of their construction project, I don't trust that they will do what is approved. And given a lack of drawings or marked up photos, I still don't know what you have approved them to build.

I am not the one to answer most of you other questions.

Hopefully , I have answered the electrical related questions.

Respectfully,

Ron Marks

Wire Inspector

Town of Marblehead

781-639-9151

marksr@marblehead.org

From: MARGARET CLARK <mocasper@msn.com>

Sent: Tuesday, May 16, 2023 11:51 AM

To: Ronald Marks <marksr@marblehead.org>

Cc: Dennis King <KingD@marblehead.org>; Becky Curran <curranr@marblehead.org>; MacMillan Law Offices <tkmmaclaw@aol.com>

Subject: Re: access

Hi Ron,

I have the following comments and questions for the Town, regarding the processes described below:

1. Rory has not defined the scope of work he proposes to do on 5/17.
2. Wouldn't Rory have to first get approval from the Town for the new work that he is proposing?

3. Shouldn't there be a public process with the Planning Board, if such new work impacts another's property?
4. Rory didn't "request permission" for access, he just texted me that it was happening. See attached text.
5. He is not seeking access for the "purpose of maintaining or repairing said building or buildings in order to prevent waste". It is my understanding that he plans to "add" a hazardous new electrical service to my side.
6. No one has explained what code/bylaw, if any, has been triggered to force the electric service to move from its existing location on the opposite side of the house.
7. No one has demonstrated that other locations around his house, overhanging his property, would not work.
8. As you know, on 1/17, I caught Rory's contractor on my property about to install a new electrical service panel without permission, or Town approval, in my entryway, which is already too narrow, where it would prevent me from properly maintaining the side of my house, where you told me it would not be allowed to go, and where it would forever trespass and diminish the safety of my property.
9. You said that the electrical service must go on the front of Rory's house and then arranged a location with Rory's electrical contractor.
 - a. That proposed location at the front, but towards my side, appears to also overhang my property, based on Rory's ZBA drawing and related 1930's map. The 1930's map shows that Rory's house infringes on my property +- 2'. But if the Town owns the property from the face of Rory's house toward the street, as Rory claims, that location may not be trespassing on my property. But due process would have to be done, prior to that determination. I've attached Rory's ZBA plan and referenced 1930s again for reference.
 - b. Alternatively, it could go on the front towards its current location. Why is that not being implemented?
10. When I gave access to Rory's contractor this past fall to do other work, they did not follow my written requests for the safety of my children and dog.
11. Rory has repeatedly harassed and threatened me and my property.
12. Paul Haggett screams obscenities at me. He even attempted to feed my dog poisonous insulation/firestopping type material.
13. I do not trust nor feel safe with Rory, Paul, or his subcontractors on my property.
14. If any approved work requires access to my property, I request that you, as wiring inspector, be in attendance to limit the work to what is approved and that a police detail be provided for the duration of the work.

Please make sure that Dennis King considers these issues, prior to granting Rory, or his contractors, further access to my property.

Thanks,
Margaret Clark

From: Ronald Marks <marksr@marblehead.org>
Sent: Monday, May 15, 2023 11:41 AM
To: haggettco@comcast.net <haggettco@comcast.net>; rory@lifecyclerenewables.com <rory@lifecyclerenewables.com>
Cc: Bolduc Electric <mbolducelectric@gmail.com>
Subject: FW: access

Good Morning All,
Mr. Ives received the included email from Rebecca Curran and Chief Dennis King.
Regarding the New Electric Service Installation at 27 Mugford St.

From: Bob Ives <ivesb@marblehead.org>
Sent: Monday, May 15, 2023 11:15 AM
To: Ronald Marks <marksr@marblehead.org>; Eric Chisholm <chisholme@marblehead.org>
Subject: FW: access

From: Dennis King <KingD@marblehead.org>
Sent: Monday, May 15, 2023 10:49 AM
To: Becky Curran <curranr@marblehead.org>
Cc: Bob Ives <ivesb@marblehead.org>
Subject: RE: access

Good morning,

Yes – they would have to make a formal request for permission that should include both a bond and a documented effort that the request they made to their neighbors was denied. I've seen paperwork in Salem where an attorney has sent the neighbor a request to do the work and the neighbor denied it, so we had to get involved. It doesn't have to be an attorney, but they need to try and get permission, and if not given, then seek this route.

Hope that helps.

Dennis King
Chief of Police
Marblehead Police Department

From: Becky Curran <curranr@marblehead.org>
Sent: Monday, May 15, 2023 10:38 AM
To: Dennis King <KingD@marblehead.org>
Cc: Bob Ives <ivesb@marblehead.org>
Subject: access

Hi Dennis – Have you dealt with this before – I only have once – it may come up on Mugford Street

G.L. 266, § Section 120B: Entry on land by abutting property owners not constituting trespass
Section 120B. Whoever, being the owner of land abutting that of another, the building or buildings on which are so close to the land of such other person as to require an entry on said abutting land for the purpose of maintaining or repairing said building or buildings in order to prevent waste, shall not be deemed guilty of trespass or liable civilly for damages, provided that such entry is made expeditiously and in the exercise of due care and that no damage is caused by such entry to the land or buildings of said abutting owner. Before such entry said owner shall notify the chief or other officer in charge of the police department of the city or town in which the land is located that he has requested permission to enter on adjoining land from the owner or occupants thereof for the purpose of maintaining or repairing a building or buildings and that such permission has been refused, and that he intends to enter under the provisions of this section. Before entering on said land, said owner shall post bond with the chief of police in the amount of one thousand dollars to protect the adjoining land owner from damage caused by said entry. No person so entering on land of another shall store material or tools thereon for more than eight hours in any one day nor shall he continue to enter thereon for more than thirty days in the aggregate in any calendar year. After said entry, said owner shall in all respects restore said adjoining land to the condition in which it was prior to said entry.

Rebecca Curran Cutting
Town Planner
Town of Marblehead
Abbot Hall
188 Washington Street
Marblehead, MA 01945
781-631-0000
rebeccac@marblehead.org

--

Rory Gaunt
Lifecycle Renewables Inc

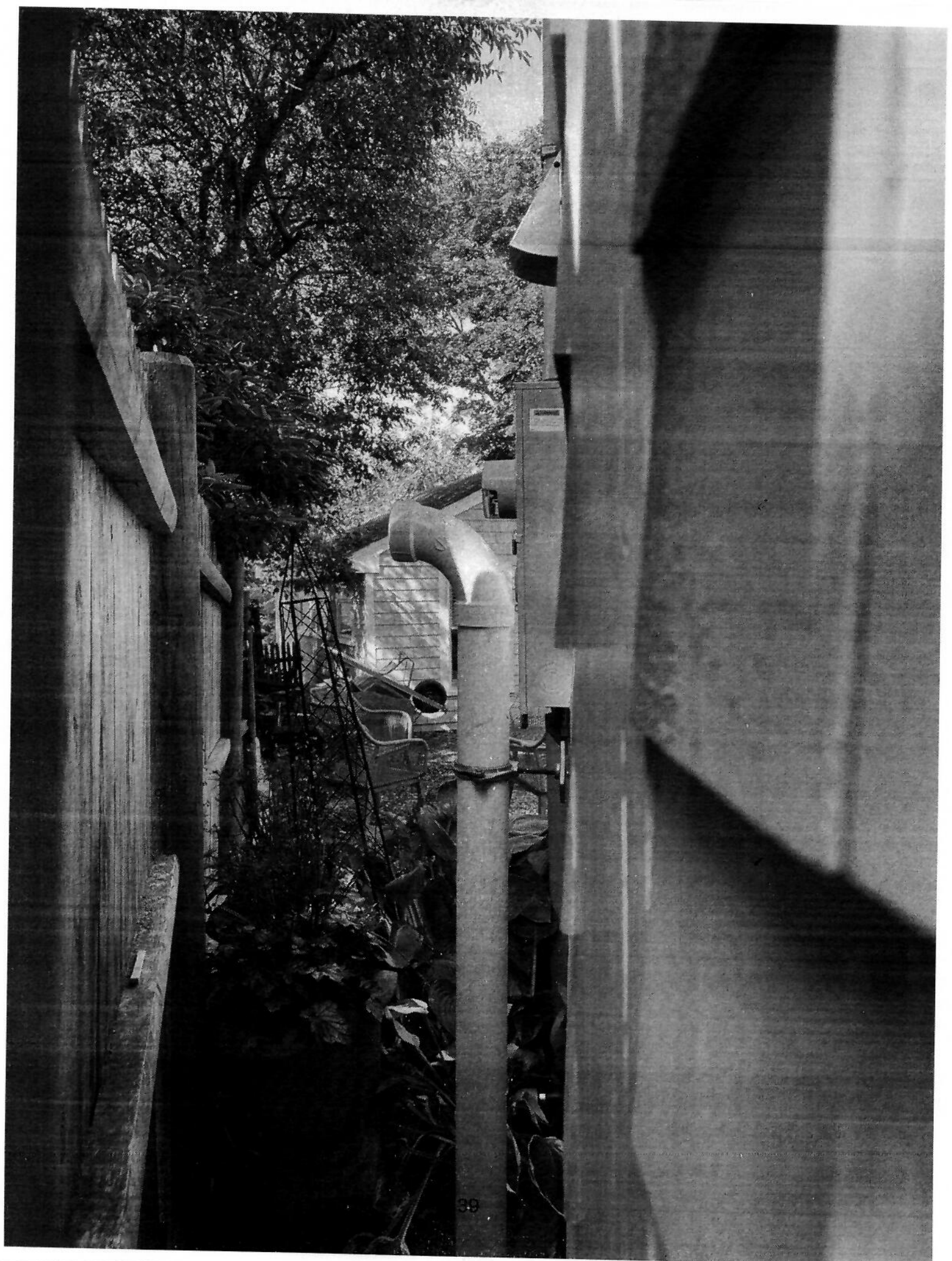
617.633.2101
rory@lifecyclerenewables.com

visit us at:
www.lifecyclerenewables.com

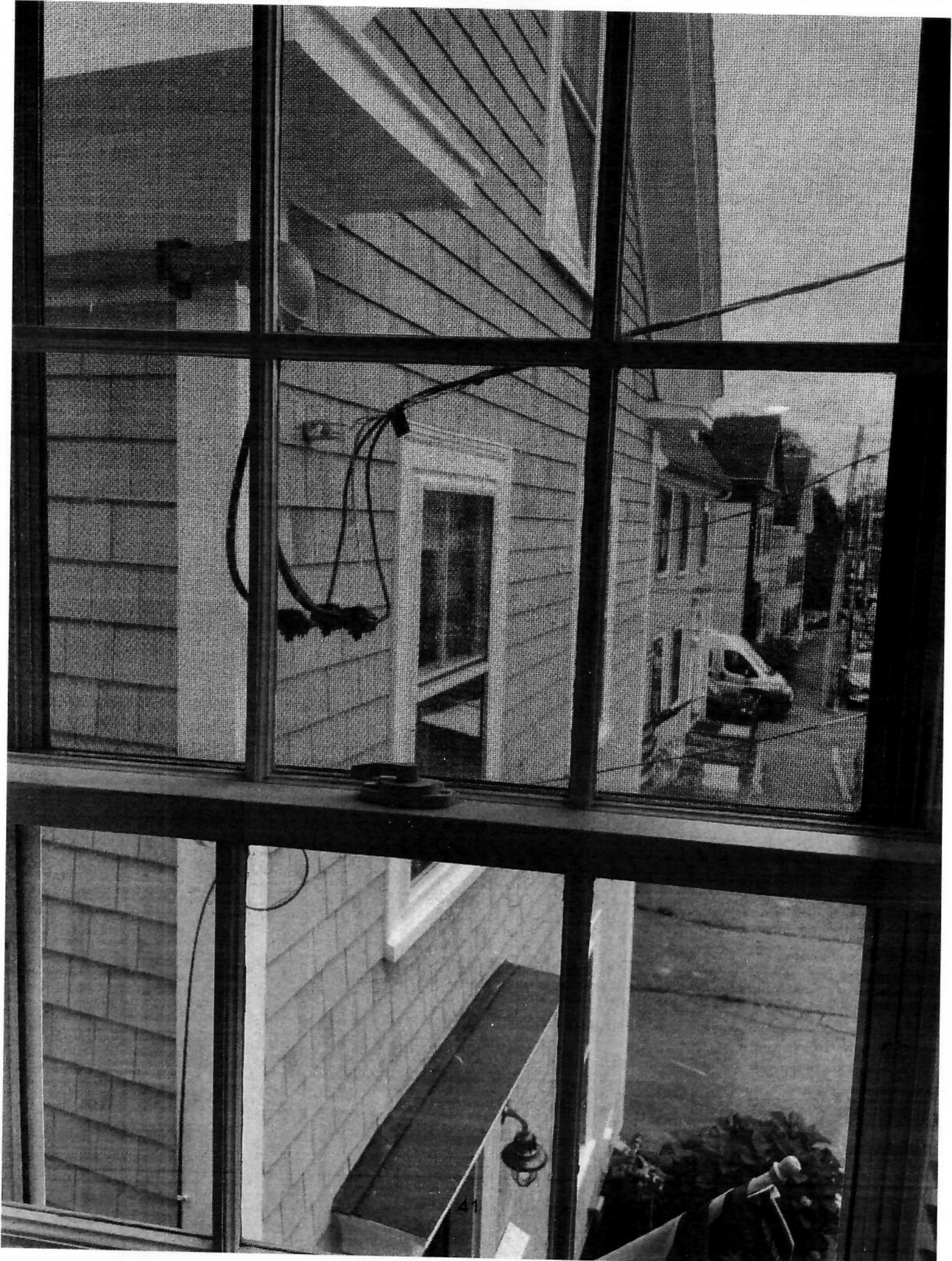


EXHIBIT 7











527 CMR 12.00:

MASSACHUSETTS ELECTRICAL CODE
(AMENDMENTS)

The Massachusetts Electrical Code (527 CMR 12.00) of the Board of Fire Prevention Regulations (BFPR) shall be the 2023 National Electrical Code (NEC), as published by the National Fire Protection Association (NFPA) as NFPA 70 in the form released by vote of the NFPA Standards Council on August 12, 2022, including all modifications made by the BFPR and duly promulgated from time to time in the Code of Massachusetts Regulations. Amendments made by NFPA subsequent to this date have no force or effect until and unless reviewed and promulgated by the BFPR.

Informational Note: The NFPA releases Tentative Interim Amendments (TIAs) from time to time to its standards, including the NEC. True to their title, these changes are tentative, they are of an interim nature, and they amend (in this case) the electrical code. They have not been processed through the NFPA normal standards making process. As of this NEC cycle, these amendments, subsequent to their release, will appear in all renditions of the NEC, both print and electronic, in a form that makes them visually indistinguishable from unamended text.

The NEC version adopted in Massachusetts will be that found in the first printing in book form, and that rendition will include TIAs adopted by the Standards Council at its August 10th - 12th meeting, but no others. Users of this code are advised to consult the front matter on the first page of the NEC for a list of TIAs issued by NFPA, organized by location and specified dates of issuance. In addition, the inside front cover now includes a clear designation of the printing and the TIAs (by number only) that are included. Specific information for each will be found on the NFPA website. The NEC version in effect in Massachusetts will usually vary, increasingly over time, from the version amended by NFPA depending on the timing of BFPR actions subsequent to initial promulgation.

NFPA also issues advisories of errata. These reflect errors in printing, and bring the published version of their standards, including the NEC, into agreement with the actual results of the standards development process. Because the legally enforceable standard is the form as developed through that process, errata are considered to be effective as of the original issuance of the standard, and therefore are considered effective in Massachusetts as of the date of the original promulgation of this code.

Insert the following provisions ahead of the body of the Code:

- Rule 1. All installations, repairs, maintenance, and removal of electrical wiring and electrical fixtures used for light, heat, power, signaling and communications purposes in buildings and structures subject to the provisions of M.G.L. c. 143 shall be reasonably safe to persons and property.
- Rule 2. Conformity of installations, repairs, maintenance, and removal of electrical wiring and electrical fixtures used for light, heat, power, signaling and communications with applicable regulations set forth in the Code, which is hereby filed with the Secretary of the Commonwealth shall be considered as complying with these requirements.
- Rule 3. Additions or modifications to an existing installation shall be made in accordance with this Code without bringing the remaining part of the installation into compliance with the requirements of this Code. The installation shall not create a violation of this Code, nor shall it increase the magnitude of an existing violation.
- Rule 4. Where an actual hazard exists, the owner of the property shall be notified in writing by the authority enforcing this Code. The notification shall contain specifications of the actual hazard that exists, together with a reference to the rule of this Code that is now in violation. (See M.G.L. c. 166, §§ 32 and 33, for enforcement authority.)
- Rule 5. References are made in this code to other standards. Those standards, where duly adopted by law or regulation, may be enforced by the appropriate official. They are not considered part of this Code and they are not enforceable under M.G.L. c. 143, § 3L. For Massachusetts Building Code references, see Appendix A.
- Rule 6. The approving authority may be guided in his approval of specific items of equipment and materials contemplated by the Code, by proof that such equipment and materials have been tested and conform to suitable recognized industry standards.

UNOFFICIAL (Effective February 17, 2023)
527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

12.00: continued

Rule 7. 527 CMR 12.00 shall be effective on all installations for which a permit has been granted subsequent to December 31, 2022.

Rule 8. In accordance with the provisions of M.G.L. c. 143 § 3L, the permit application form to provide written notice of installation of wiring shall be uniform throughout the Commonwealth, and applications shall be filed on the prescribed form. Electronic transmittals of this form shall be permitted when done in accordance with the Uniform Electronic Transactions Act (M.G.L. c. 110G). After a permit application has been accepted by an Inspector of Wires appointed pursuant to M.G.L. c. 166, § 32, an electrical permit shall be issued to the person, firm or corporation stated on the permit application. Such entity shall be responsible for the notification of completion of the work as required in M.G.L. c. 143, § 3L.

Permits shall be limited as to the time of ongoing construction activity, and may be deemed by the Inspector of Wires abandoned and invalid if he or she has determined that the authorized work has not commenced or has not progressed during the preceding 12-month period. Upon written application, an extension of time for completion of work shall be permitted for reasonable cause. A permit shall be terminated upon the written request of either the owner or the installing entity stated on the permit application.

Rule 9. Installations, repairs, maintenance, or removals covered by 527 CMR 12.00 shall also comply with M.G.L. c. 141.

Rule 10. Electrical installations, repairs, maintenance, or removals shall not be concealed or covered from view until inspected by the inspector of wires within and not more than 24 hours for exterior or interior excavations nor more than 72 hours for exterior or interior installations after proper notice to the inspector, Saturdays, Sundays, and holidays excluded.

Rule 11. Electrical installations that appear incompatible with GFCI protection as covered in 210.8 Exception of this Code, regardless of the code requirements in effect at the time when the permit as described in Rule 8 was issued, or when the installation was completed, shall be inspected by a qualified person. The inspection shall review all field elements of the branch-circuit equipment grounding return path, and the quality of any field-accessible cord connections if applicable. The inspection shall be documented, subject to audit by the Inspector of Wires, and inspected by him or her as deemed necessary. Installations of listed equipment that, under normal operating conditions, are found to be incompatible with GFCI protective devices as made available by the manufacturer of the circuit protection currently installed shall be excused from providing GFCI protection. If not connected to an individual branch circuit, incompatible equipment shall be directly wired or connected to a single receptacle, and the circuit shall be arranged so required GFCI protection is retained for the remaining outlets. The inspection documentation required by this rule shall constitute the notice required in Rule 8 and no additional notice shall be required for corrections applied accordingly. The location and the date of this determination shall be forwarded to the Department of Fire Services for inclusion in a central registry of such allowances. The report shall also include the appliance manufacturer and model, together with the identity of the GFCI protective device. This rule shall expire on January 1, 2026.

90.2(D)(5). Delete (d) and revise (c) to read as follows:

(c) Are located in legally established easements, rights-of-way, or by other agreements either designated by or recognized by the public service commissions, utility commissions, or other regulatory agencies having jurisdiction for such installations.

Informational Note: Wiring systems that are maintained by utilities and that operate under this exclusion from coverage by the Massachusetts Electrical Code include, regardless of ownership, luminaires for street and area lighting directly connected to such systems.

UNOFFICIAL (Effective February 17, 2023)
527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

12.00: continued

- 90.4. Revise the heading text and code content to read as follows; Sections 90.4(C) and 90.4(D) remain unchanged from the NEC:

90.4 Enforcement.

(A) Application. This Code shall be used by the authority enforcing the Code and exercising legal jurisdiction over electrical installations.

(B) Interpretations and Appeals. The authority having jurisdiction of enforcement of the Code shall accept listed and labeled equipment or materials where used or installed in accordance with instructions included with the listing and labeling. The authority shall have the responsibility for deciding upon the approval of unlisted or unlabeled equipment and materials, and for granting the special permission contemplated in a number of the rules.

- 90.6. Revise to read as follows:

90.6 Interpretations and Appeals. To promote uniformity of interpretation and application of the provisions of this Code, interpretations may be requested from the Board of Fire Prevention Regulations. Requests for interpretation shall be in the form of a question that can receive a "Yes" or "No" answer. This in no way supersedes the right of any individual who is aggrieved by the decision of an Inspector of Wires to appeal from that decision to the Board of Electricians' Appeals in accordance with M.G.L. c. 143, § 3P. The Board of Fire Prevention Regulations shall, upon the request of the Board of Electricians' Appeals, render interpretations to the Board of Electricians' Appeals.

It is customary to revise this Code periodically to conform with developments in the art and the result of experience, and the current edition of the Code shall always be used.

- 90.10. Add new section numbered 90.10 to read:

90.10. References to Commonwealth of Massachusetts Codes, Regulations, and Laws. References are included in Appendix A for Building Codes, Elevator Regulations, Plumbing and Fuel Gas Code, Board of Fire Prevention Regulations, Division of Industrial Safety, State Sanitary Code, Fire Safety Code, Permit Applications, and Chapters of the General Laws. See Appendix A.

- Article 100. Coordination, Selective (Selective Coordination). Revise this definition to read as follows:

Localization of an overcurrent condition to restrict outages to the circuit or equipment affected for fault current events that extend beyond 0.1 second, and accomplished by the selection and installation of overcurrent protective devices and their ratings or settings for the range of available overcurrents under such conditions, whether originating from overload, ground-fault, or short circuit, and for the full range of overcurrent protective device opening times applicable to such events.

- Article 100. Manufactured Home, Informational Note No. 2. Add the following sentence.

Manufactured Housing that is not designed to be transportable on running gear, and that is not produced under regulations that expressly cover such housing, is covered under Article 545.

- Article 100. Occupiable Space. Insert the following definition:

A room or enclosed space designed for human occupancy in which individuals congregate for amusement, educational or similar purposes or in which occupants are engaged for labor, and which is equipped with means of egress and light and ventilation facilities.

UNOFFICIAL (Effective February 17, 2023)
527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

12.00: continued

110.14(A). Delete the last sentence of the first paragraph and insert the following two sentences in its place:

Connection by means of wire binding screws or studs and nuts having upturned lugs or equivalent shall be permitted for 10 AWG or smaller solid conductors, or conductors with Class B stranding. Where Class C stranded conductors are terminated on and not looped through such terminals, the uninsulated strands shall be completely enclosed within the termination, or the strands at the terminals shall be made solid.

110.24. Insert an additional informational note as follows:

Informational Note No. 3. The marking required in this section is useful in determining compliance with 110.9, but must be understood as transitory and requiring reconfirmation prior to the performance of additional electrical work. This and numerous other locations in the NEC require field markings of the available fault current. A major component of this current is usually that contributed by the utility through the service. The utility contribution is inherently dynamic in value, particularly on the medium voltage portions of their distributions. Without notice, automatic line sectionalizing can transfer a service from the tail end of one circuit to the head end of an adjacent circuit, with a significant increase in available fault current. In addition, there are numerous sources of on-site contributions to available fault current.

110.26(A)(1). Add a fourth paragraph (d) as follows:

(d) Adequate Accessibility. By special permission, smaller spaces may be permitted where it is judged that the particular arrangement of the installation will provide adequate accessibility.

210.8. Insert the following exception after the first paragraph:

Exception: Permanently connected equipment and cord-and-plug connected stationary equipment that is listed, but incompatible with GFCI protective devices as made available by the manufacturer of the circuit protection currently installed, shall be permitted to omit such protection provided it is installed and inspected in accordance with the provisions of Rule 11 of this Code. This exception shall expire on January 1, 2026.

Revise the second paragraph to read as follows:

For the purposes of this section, when determining distance from receptacles the distance shall be measured as the shortest path the supply cord of equipment connected to the receptacle would follow without piercing a floor, wall, ceiling, fixed barrier, or without passing through a cabinet door opening, doorway, or window.

210.8(A)(7). Revise to read as follows:

(7) Sinks - where receptacles are installed within 1.8 m (6 ft) from the top inside edge of the bowl of the sink, or where located within a cabinet supporting a sink.

210.8(B)(7) Revise to read as follows:

(7) Sinks - where receptacles are installed within 1.8 m (6 ft) from the top inside edge of the bowl of the sink, or where located within a cabinet supporting a sink.

210.8(F). Delete this requirement.

210.12(B). Replace the parent text and list items with the following:

All 120-volt, single-phase, 15- and 20-ampere branch circuits supplying outlets or devices installed in dwelling units shall be protected by any of the means described in 210.12(A)(1) through (A)(6).

UNOFFICIAL (Effective February 17, 2023)
527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

12.00: continued

210.21(B). Insert a new fifth paragraph as follows:

(5) Receptacle Outlets on Individual Branch Circuits. A receptacle outlet installed to comply with a requirement for an individual branch circuit shall contain a single receptacle, or a multiple receptacle if, and then only to the extent that, the supplied equipment includes multiple supply cord connections.

210.25(B). Add an exception as follows:

Exception: Branch circuits supplying lighting outlets in common areas on the same floor as a dwelling unit in a new or existing two-family or an existing three-family building shall be permitted to be supplied from equipment that supplies one or more of those dwelling units.

210.52(A)(2)(1). Revise to read as follows:

Any space 600 mm (2 ft) or more in width (including space measured around corners) and unbroken along the floor line by doorways, fireplaces, stationary appliances, and similar openings.

210.52(A)(4). Delete 210.52(A)(4) in its entirety.

210.52(C). Make the following three revisions:

I. Revise the parent language to read as follows:

In kitchens, pantries, breakfast rooms, dining rooms, and similar areas of dwelling units, receptacle outlets for countertop and work surfaces that are 300 mm (12 in.) or wider shall be installed in accordance with 210.52(C)(1) through (C)(3). Receptacle outlets rendered not readily accessible by appliances fastened in place, appliance garages, sinks, or rangetops as covered in 210.52(C)(1), Exception No. 1, or appliances occupying assigned spaces shall not be considered as these required outlets.

"For the purposes of this section, where using multioutlet assemblies, each 300 mm (12 in.) of multioutlet assemblies containing two or more receptacles installed in individual or continuous lengths shall be considered to be one receptacle outlet."

II. Revise 210.52(C)(2) to read as follows: "At least one receptacle outlet shall be installed to serve each island and peninsular countertop or work surface, and shall be located in accordance with 210.52(C)(3). A receptacle in a wall countertop or work surface that directly faces a peninsular countertop or work surface shall be permitted to serve as the receptacle for the peninsular space."

III. Revise: 210.52(C)(3) to read as follows: "Receptacle outlets shall be located in one or more of the following spaces:

- (1) On or above, but not more than 500 mm (20 in.) above, a countertop or work surface.
- (2) In a countertop or work surface, using a receptacle outlet assembly listed for the location.
- (3) Not more than 300 mm (12 in.) below countertops or work surfaces on peninsular or island countertops or work surfaces where the surface is flat across its entire surface (no backsplashes, dividers, etc.) and there are no means to mount a receptacle within 500 mm (20 in.) above the countertop or work surface, such as an overhead cabinet. Receptacles installed below a countertop or work surface shall not be located where the countertop or work surface extends more than 150 mm (6 in.) beyond the face of such receptacles.

Exception to (3): Receptacle outlets shall be permitted below wall-mounted countertops or work surfaces in construction for the physically impaired.

UNOFFICIAL (Effective February 17, 2023)
527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

12.00: continued

215.15. Barriers. Revise to read as follows:

"Barriers shall be placed in panelboards, switchboards, switchgear, and motor control centers such that no energized, uninsulated, ungrounded supply terminal is exposed to inadvertent contact by persons or maintenance equipment while servicing load terminations. This requirement shall be applied to the supply terminals of equipment supplied by feeder taps as covered in 240.21(B) or by transformer secondary conductors as covered in 240.21(C), in all instances where the equipment disconnecting means is located within the same enclosure, or is located remotely and also controls other loads."

220.40. Insert the following informational Note:

Informational Note No. 3: Beginning on January 1, 2024, cities and towns that have adopted the Specialized Stretch Energy Code will require new one- and two-family homes built with fossil fuel equipment to be pre-wired for future electrification conversion. For heating equipment, this will apply to heat pumps or to resistance heat or to both as applicable. The requirements will also extend to fossil-fueled major appliances. This will effectively require the service, and intermediate feeders if present, to be wired based on the future requirements as if it were an all-electric home at the time the home is built. In addition, where this Energy Code is in effect, the advance installation of branch-circuit wiring for all future electrical equipment that would be required to accomplish the future conversion from fossil fuel applications must be in place, routed to locations that are appropriate to meet this intent.

225.30(F). Revise to read as follows:

(F) Documented Switching Procedures. Additional feeders or branch circuits shall be permitted to supply large capacity multibuilding industrial or institutional installations under single management where documented safe switching procedures are established and maintained for disconnection.

225.31 Exception No. 1. Revise to read as follows:

Exception No. 1: For large capacity multibuilding industrial or institutional installations under single management where documented safe switching procedures are established and maintained for disconnection, and where the disconnection is monitored by qualified individuals, the disconnecting means shall be permitted to be located elsewhere on the premises.

230.85. Make the following changes in this Section:

I. Replace the parent language with the following:

For one- and two-family dwelling units, an emergency disconnecting means shall be installed. This section shall apply to new one- and two-family dwellings, or new buildings of double occupancy, at least one of which is a dwelling unit. It shall also apply to two-family dwellings or buildings of double occupancy at least one of which is a dwelling unit, and newly created by subdivision of an existing one-family dwelling.

II. In 230.85(A)(1), identify the existing exception as Exception No. 1. Insert a second exception to read as follows:

Exception No. 2: A building supplied by a service lateral or by underground service conductors shall be permitted to be capable of disconnection from a readily accessible location outside of the dwelling by using a method providing remote control of the service disconnecting means, and marked: EMERGENCY ELECTRICAL DISCONNECT and NOT SERVICE EQUIPMENT. The control wiring shall be enclosed in a raceway.

UNOFFICIAL (Effective February 17, 2023)
527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

12.00: continued

III. Revise 230.85(C) to read as follows:

This section shall apply to one- and two-family dwellings if the service(s) is (are) entirely replaced. This section shall also apply to one- and two-family dwellings if the service(s) is (are) increased in capacity in terms of its (their) rating in amperes. This section shall not apply to service equipment repairs that consist exclusively of replacement of one or more of the following components of the service equipment:

- (1) Meter socket(s)
- (2) Service entrance conductors
- (3) Service entrance or other related raceways and fittings
- (4) Main overcurrent device

250.130(C). Delete this subsection.

250.140(B). Revise the final clause to read: "and the grounded conductor complies with list item (4)." Delete list item (5).

300.4(D). Delete this subsection.

300.5(A). Add an informational note to this subsection as follows:

Informational Note: Cables suitable for direct burial are often sleeved in various raceways for design reasons. If such cable is installed with sufficient cover for direct burial, then the characteristics of that raceway need not be evaluated. Other rules of this Code that apply to raceways generally may apply. *See* 300.5(H).

300.11(B). Revise this subsection as follows:

I. Delete the second sentence in 300.11(B) which reads: "Support wires and associated fittings that provide secure support and that are installed in addition to the ceiling grid support wires shall be permitted as the sole support."

II. Revise 300.11(B)(2) to read as follows:

(2) Nonfire-Rated Assemblies. Branch-circuit wiring associated with equipment that is located within, supported by, or secured to a suspended ceiling that is not an integral portion of a fire-rated floor/ceiling or roof/ceiling assembly shall be permitted to be supported by the ceiling support wires.

III. Delete 300.11(B)(2) Exception.

300.17. Add a second paragraph as follows:

Where different raceway wiring methods are joined together without a pull point at the transition, there shall not be more than the equivalent of four quarter bends (360° total) between pull points, *e.g.*, conduit bodies and boxes.

305.15(A). In Note 4 to Table 305.15(A), insert the words "or institutional" after the word "industrial".

310.12. Delete the second paragraph.

310.15(C)(1). Delete the fourth itemized adjustment provision (d) covering AC and MC cable.

UNOFFICIAL (Effective February 17, 2023)
527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

12.00: continued

310.15(C)(1). Revise Table 310.15(C)(1) to read as follows:

Number of Conductors ¹	Percent of Values in Tables 310.16 through 310.19, as Adjusted for Ambient Temperature if Necessary
4 through 6	80
7 through 24	70
25 through 42	60
43 and above	50

¹Number of Conductors is the total number of conductors in the raceway or cable, including spare conductors. The count shall be adjusted in accordance with 310.15(E) and (F), and shall not include conductors that are connected to electrical components but that cannot be simultaneously energized.

Informational Note: Overheating may occur where continuous, fully loaded conductor diversity is less than 50% and the number of current-carrying conductors exceeds nine. See 310.15(C).

314.29(A). Revise to read as follows:

(A) In Buildings and Other Structures. Boxes and conduit bodies shall be installed so the contained wiring and devices are accessible. Boxes and conduit bodies that are recessed into or behind finished surfaces of buildings shall have access to their internal contents maintained by openings in their covers and in the building finish that comply with 314.29(A)(1), (A)(2), or (A)(3) as applicable. Removable finished covers that maintain this access shall be permitted.

(1) Boxes 1650 cm³ (100 in.³) or Less in Size. The openings, if reduced from the outer walls of the box, shall be centered not more than 25 mm (1 in.) from the centerline of the box, and shall not extend beyond the walls of the box. If rectangular, the opening shall be not less than 73 mm (2 7/8 in.) by 45 mm (1 3/4 in.) in size. If circular, the opening shall not be less than 90 mm (3 1/2 in.) in diameter.

Exception: Smaller openings in building surfaces that accommodate one or more individual devices shall be permitted if all of the following conditions are met:

- (a) The outlet box that supplies the device(s) is nonmetallic.
- (b) The branch circuit wiring that supplies each device consists of a separate nonmetallic cable assembly originating outside the box, or conductors in a nonmetallic raceway all of which originate outside the box. Other than connections to a single device, these conductors shall not be spliced in the box, and no other wiring shall enter the box.
- (c) Each device shall be capable of removal from the building surface opening without being damaged. If a special tool is required for this purpose, the applicable circuit directory for the device shall record the location of the tool, together with a product code/QR code for acquiring a replacement if necessary.
- (d) All connections for each device to the branch circuit wiring shall be made with listed clamping-type wire connectors, which shall be supplied with the devices. The branch-circuit conductors shall be arranged to permit the connector(s) to be exposed after the device has been fully removed.
- (e) The device(s) shall be listed for this application.

(2) Boxes Larger Than 1650 cm³ (100 in.³) in Size. The openings shall not be smaller than the outer walls of the box.

(3) Conduit Bodies. The openings shall not be smaller than outer walls of the conduit body.

UNOFFICIAL (Effective February 17, 2023)
527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

12.00: continued

320.80(A). Delete the last sentence of the first paragraph, which reads: "The 90°C (194°F) rating shall be permitted to be used for ampacity adjustment and correction calculations; however, the ampacity shall not exceed that for a 60°C (140°F) rated conductor."

334.10. Insert an exception to follow (3) to read as follows:

Exception to (2) and (3): For buildings or structures required to be of Type I or Type II construction, Type NM, or Type NMC cables shall be permitted to be used, provided that where so applied in buildings or structures exceeding three stories above grade, circuits run in Type NM or NMC cable shall not leave the floor or dwelling unit from which the circuits originate. Cables shall be installed within walls, floors, or ceilings that provide a thermal barrier of material that has at least a 15-minute finish rating as identified in listings of fire-rated assemblies.

334.12(A)(2). Revise to read as follows:

(2) In dropped or suspended ceilings in other than one- and two-family and multifamily dwellings, unless run so as to closely follow the surface of framing members, running boards, or the equivalent, or unless connected to luminaires or other pieces of electrical equipment in accordance with 334.30(B)(2).

334.17. Revise to read as follows:

334.17 Through or Parallel to Framing Members and Furring Strips. Types NM, and NMC cable shall comply with 300.4 where installed through studs, joists, rafters, and similar members. Grommets or bushings shall be used in metal studs as required in 300.4(B)(1), shall remain in place during the wall finishing process, shall cover the complete opening, and shall be listed for the purpose of cable protection.

In both exposed and concealed locations, where the cable is installed parallel to framing members, such as joists, rafters, or studs, or is installed parallel to furring strips, the cable shall be secured so that the nearest outside surface of the cable is not less than 19 mm (¾ in.) from the nearest edge of the framing member or furring strip where nails or screws are likely to penetrate. Where this distance cannot be maintained, the cable shall be protected from penetration by nails or screws by a steel plate, sleeve, or equivalent at least 1.6 mm (1/16 in.) thick. A listed and marked steel plate less than 1.6 mm (1/16 in.) thick that provides equal or better protection against nail or screw penetration shall be permitted for this purpose.

Exception: For concealed work in finished buildings, or finished panels for prefabricated buildings where such supporting is impracticable, it shall be permitted to fish the cable between access points.

334.30. Revise 334.30 as follows [(A), (B), and (C) unchanged from the NEC]:

334.30 Securing and Supporting. Nonmetallic-sheathed cable shall be secured by staples, cable ties, straps, or similar fittings so designed and installed as to not damage the cable. The cable length between the cable entry and the closest cable support shall not exceed 450 mm (18 in.) Where staples are used for cable sizes smaller than three 8 AWG conductors, they shall be of the insulated type, or listed noninsulated staples driven by staple guns shall be permitted. Cable shall be secured in place at intervals not exceeding 1.4 m (4½ ft) and within 300 mm (12 in.) from every cabinet, box, or fitting. Where the cable is run diagonally behind strapping of a nominal 19 mm (¾-in.) thickness it shall be considered supported, secured, and in compliance with 334.17 where it is not pulled taut. For other than within 300 mm (12 in.) of a cable termination at a cabinet, box, or fitting, cables passing through successive holes in adjacent framing members no more than 600 mm (24 in.) apart shall be considered to be secured.

Sections of cable protected from physical damage by raceway shall not be required to be secured within the raceway.

UNOFFICIAL (Effective February 17, 2023)
527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

12.00: continued

334.80. Delete the second paragraph and revise the first paragraph to read as follows:

334.80 Ampacity. Type NM, and NMC cables shall have conductors rated at 90°C (194°F). Where installed in thermal insulation, the ampacity of conductors shall be that of 60°C (140°F) conductors. The ampacity of Types NM, and NMC cables installed in cable tray shall be determined in accordance with 392.11.

338.10(B)(4). Insert an informational note as follows:

Informational Note: This section includes service entrance cables with a round configuration commonly known as SER cable. The interior installation of this cable is governed by the same rules as apply to nonmetallic sheathed cable.

338.10(B)(4)(a)(3). Revise to read as follows:

Where installed in thermal insulation, the ampacity shall be in accordance with the 60°C (140°F) conductor temperature rating. The maximum conductor temperature rating shall be permitted to be used for ampacity adjustment and correction purposes, if the final derated ampacity does not exceed that for a 60°C (140°F) rated conductor.

344.6. Add an exception as follows:

Exception: Rigid metal conduit made from nonferrous metals other than aluminum shall be permitted to be approved.

352.12. Add a new (F) to read as follows:

(F) High-Rise Buildings. Where used in buildings more than 21 m (70 ft) above mean grade, rigid nonmetallic conduit shall not be used unless the building is protected by an approved fire sprinkler system(s) installed on all floors as a complete system, or the conduit is concealed behind a thermal barrier as described in 362.10(2) or 362.10(5), or the conduit is encased in not less than 50 mm (2 in.) of concrete.

368.8. Insert a new Section 368.8 in Part I of Article 368 as follows:

368.8 Tests Prior to Energizing. Busway system joint tightness, phasing, and insulation resistance shall be verified by test prior to energizing the system for the first time. Joint resistance shall be evaluated by a qualified person using equipment identified for the specific function. A written record of these tests shall be made available to the authority having jurisdiction.

368.14. Insert a new Section 368.14 in Part II of Article 368 as follows:

368.14 Protection from Liquids, Moisture and Other Contaminants. Busway shall be protected from liquids, moisture, and other contaminants or corrosion that may result in electrical failure.

(A) During Construction. Indoor busways shall be protected from moisture during storage as well as during or after installation. Special consideration shall be given to riser busways to protect them from moisture from uncompleted roofs, walls, *etc.* Outdoor busways shall be treated the same as indoor busways until after busway is properly installed, as it is not weather resistant until completely and properly installed. Busway shall have the exposed ends of uncompleted runs protected to prevent accidental contamination during the construction period.

(B) Protection from Snow Buildup. Outdoor busway shall be mounted in such a manner as to prevent snow or ice buildup forcing water into the busway through weep holes. This may require that consideration be given to horizontal snow or ice buildup or drifting of snow.

UNOFFICIAL (Effective February 17, 2023)
527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

12.00: continued

(C) Protection from Falling Liquids. Slant shields, drip pans, or other approved protective shields shall be installed to protect indoor busway in locations where there is a possibility of water spillage or dripping condensate from roof drains, water pipes, and the like.

368.56(B). Revise the rule in list item (2) and the exception to (B)(2) to read as follows:

(2) The length of the cord or cable from a busway plug-in device to a suitable tension take-up support device shall not exceed 2.5 m (8 ft).

Exception to (B)(2): By special permission in industrial establishments only, where the conditions of maintenance and supervision ensure that only qualified persons will service the installation, flexible cord suitable for hard usage or extra hard usage or bus drop cable shall be permitted to extend horizontally greater lengths than 2.5 m (8 ft) where the longer length is essential for periodic repositioning of equipment. The flexible cord or bus drop cable shall be supported at intervals not to exceed 2.5 m (8 ft), and suitable tension take-up device(s) shall be installed at the end of the horizontal run to relieve strain in both the horizontal and vertical directions.

372.23. Revise this section to read as follows:

372.23 Ampacity of Conductors. The ampacity adjustment factors in 310.15(C)(1) shall not apply where 30 or fewer current-carrying conductors occupy no more than 20% of the interior cross-sectional area of cellular concrete floor raceways.

374.23. Revise this section to read as follows:

374.23 Ampacity of Conductors. The ampacity adjustment factors in 310.15(C)(1) shall not apply where 30 or fewer current-carrying conductors occupy no more than 20% of the interior cross-sectional area of cellular metal floor raceways.

390.23. Revise this section to read as follows:

390.23 Ampacity of Conductors. The ampacity adjustment factors in 310.15(C)(1) shall not apply where 30 or fewer current-carrying conductors occupy no more than 20% of the interior cross-sectional area of underfloor raceways.

400.5. Revise Table 400.5(A)(3) to read as follows:

Number of Conductors	Percent of Values in Tables 400-5(A) and 400-5(B)
4 through 6	80
7 through 24	70
25 through 42	60
43 and above	50

Informational Note: Overheating may occur where continuous, fully loaded conductor diversity is less than 50% and the number of current-carrying conductors exceeds nine. See 310.14(A)(3).

400.12(4). Revise the existing exception as follows:

Exception to (4): Flexible cord and cable shall be permitted to be installed in accordance with 368.56(B) and 590.4. For other applications, where the length of the cord from the supply termination to a suitable tension take-up device is limited to 2.5 m (8 ft), flexible cord shall be permitted to have one connection to the building surface.

UNOFFICIAL (Effective February 17, 2023)
527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

12.00: continued

400.17. Revise the second paragraph to read as follows:

Flexible cords and cables shall be permitted to be installed in raceways not longer than 15 m (50 ft) in length where required to protect the flexible cord or cable from physical damage. The ampacity of the conductors within a raceway shall be adjusted in accordance with Table 400.5(A)(3) based on the total number of current-carrying conductors within the raceway, and then further derated by a factor of 0.8, or the ampacity shall be calculated in accordance with 310.14(B). The raceway shall be exposed over its entire length.

406.4(D)(3). Delete the exception.

406.9(C). Replace the entire content with the following sentence: "Receptacles shall not be installed within or directly over a bathtub or shower stall."

410.16(D). Revise items (1) through (4) to read as follows:

(1) 300 mm (12 in.) for surface-mounted incandescent luminaires with a completely enclosed light source, or for LED luminaires not covered in (2) following, that are installed on the wall above the door or on the ceiling.

(2) 150 mm (6 in.) for surface-mounted fluorescent luminaires, or for surface-mounted LED luminaires that are factory wired with their drivers, and that are installed on the wall above the door or on the ceiling.

(3) 150 mm (6 in.) for recessed incandescent luminaires, or for LED luminaires not covered in (4) following, with a completely enclosed light source, and that are installed in the wall or the ceiling.

(4) 150 mm (6 in.) for recessed fluorescent luminaires, or for recessed LED luminaires that are factory wired with their drivers, and that are installed in the wall or the ceiling.

410.36(B). Add a second paragraph as follows:

In addition to, or *lieu* of, the mechanical fastening means, luminaires equaling or exceeding 1.8 kg (4 lb) shall be directly supported to the building structure or to approved intermediate supports rigidly secured to the building structure. The luminaire support shall be by wire, chain, or threaded rod of sufficient strength to carry the luminaire. Luminaires equal to or greater than 600 mm (2 ft), nominal, on a side shall be supported at each end of a diagonal axis regardless of weight.

440.14. Insert a second informational note as follows:

Informational Note No. 2: Article 440 generally only applies to equipment that incorporates hermetic refrigerant motor-compressors. See also 430.109(B) for specific provisions governing the disconnecting requirements for such equipment, wherever located, that uses a motor that is 1/8 hp or less.

517.13. Delete the Exception.

517.26. Delete (2), which would otherwise read: "Section 700.10(D) shall not apply."

680.4. Delete this requirement.

680.8. Insert an informational note ahead of 680.8(A) as follows:

Informational Note: Unlisted swimming pool pump motors have been observed in the field as having been supplied by their manufacturer with undersized cords, cords of excessive length, cord connectors on outdoor applications that are unsuitable for wet locations, and other violations of this Code. The fact that a manufacturer may supply them in this form does not excuse compliance with the rules of this Code.

UNOFFICIAL (Effective February 17, 2023)
527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

12.00: continued

Listed storable swimming pool pump motors with long factory-supplied cords are prominently marked as such and are not covered in Part II of Article 680. They are not manufactured for use with permanently installed pools and they need not be bonded where used as intended. See 680.31.

680.23(B)(2)(a). Amend this provision to read as follows:

(a) Metal Conduit. Metal conduit shall be listed stainless steel or approved red brass.

680.23(F)(1). Wiring Methods. Revise the requirement to read as follows:

Branch circuit wiring on the supply side of enclosures and junction boxes connected to underwater luminaires and running in corrosive, wet, or below-grade locations shall comply with 680.14 or shall be liquidtight flexible nonmetallic conduit. Wiring methods in dry, noncorrosive locations within or on buildings shall be selected and run in accordance with the applicable requirements in Chapter 3. Wiring in all locations shall include an insulated or covered equipment grounding conductor of a wire type, sized in accordance with 250.122 but not smaller than 12 AWG.

(Exception unchanged from the NEC.)

680.26(B)(2)(b). Insert an additional paragraph to follow the five item list and reading as follows:

"This method shall only be permitted for above-ground pools."

680.74(A). Delete numbered paragraphs (3), (4), and (5). Delete Exception No. 1 and Exception No. 3, and designate Exception No. 2 as Exception.

690.31(D)(2). Revise the second sentence of the second paragraph to read as follows:

The labels shall be reflective, all letters shall be capitalized, and the letters shall have a minimum height of 9.5 mm ($\frac{3}{8}$ in.) in white on a red background.

690.56. Insert the following Informational Note after the section title and before 690.56(A):

Informational Note: The Massachusetts Comprehensive Fire Code, 527 CMR 1.00, requires signage adjacent to the building or service disconnect that provides contact information and identifies the party responsible for the operation of the PV system.

Article 691. Delete this article.

700.10(D). Revise as follows:

I. Insert the following title and parent wording:

Fire Protection. Emergency systems shall meet the additional requirements in 700.10(D)(1) through (D)(3).

II. Delete (D)(1); renumber (D)(2) through (D)(4) as (D)(1) through (D)(3).

III. In the resulting (D)(3), change "700.10(D)(2)" to read "700.10(D)(1)."

527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

700.12(H)(2)(2). In the third sentence, delete the word "also". Then delete the second sentence that reads:

Flexible cord- and plug-connection shall be permitted provided that the cord does not exceed 900 mm (3 ft) in length.

REGULATORY AUTHORITY

527 CMR 12.00: M.G.L. c. 143, § 3L.

110.26 Spaces About Electrical Equipment. Working space, and access to and egress from working space, shall be provided and maintained about all electrical equipment to permit ready and safe operation and maintenance of such equipment. Open equipment doors shall not impede access to and egress from the working space. Access or egress is impeded if one or more simultaneously opened equipment doors restrict working space access to be less than 610 mm (24 in.) wide and 2.0 m (6½ ft) high.

(A) Working Space. Working space for equipment operating at 1000 volts, nominal, or less to ground and likely to require examination, adjustment, servicing, or maintenance while energized shall comply with the dimensions of 110.26(A)(1), (A)(2), (A)(3), and (A)(4) or as required or permitted elsewhere in this *Code*.

Informational Note: See NFPA 70E-2021, *Standard for Electrical Safety in the Workplace*, for guidance, such as determining severity

of potential exposure, planning safe work practices including establishing an electrically safe work condition, arc flash labeling, and selecting personal protective equipment.

(1) Depth of Working Space. The depth of the working space in the direction of live parts shall not be less than that specified in Table 110.26(A)(1) unless the requirements of 110.26(A)(1)(a), (A)(1)(b), or (A)(1)(c) are met. Distances shall be measured from the exposed live parts or from the enclosure or opening if the live parts are enclosed.

...

(2) Width of Working Space. The width of the working space in front of the electrical equipment shall be the width of the equipment or 762 mm (30 in.), whichever is greater. In all cases, the work space shall permit at least a 90-degree opening of equipment doors or hinged panels.

...

Table 110.26(A)(1) Working Spaces

Nominal Voltage to Ground	Minimum Clear Distance		
	Condition 1	Condition 2	Condition 3
0-150	900 mm (3 ft)	900 mm (3 ft)	900 mm (3 ft)
151-600	900 mm (3 ft)	1.0 m (3 ft 6 in.)	1.2 m (4 ft)
601-1000	900 mm (3 ft)	1.2 m (4 ft)	1.5 m (5 ft)

Note: Where the conditions are as follows:

Condition 1 — Exposed live parts on one side of the working space and no live or grounded parts on the other side of the working space, or exposed live parts on both sides of the working space that are effectively guarded by insulating materials.

Condition 2 — Exposed live parts on one side of the working space and grounded parts on the other side of the working space. Concrete, brick, or tile walls shall be considered as grounded.

Condition 3 — Exposed live parts on both sides of the working space.