

The Rhode Island Fire Safety Code Board of Appeal & Review met at their headquarters located at 1 Regan Court, Varley Building #46, in Cranston, RI on Tuesday, June 24, 2008 at 1:00 P.M. Present were Chairman Coutu, Vice Chairman Newbrook and Commissioners Blackburn, Richard, Jackson, Preiss, Pearson, Jasparro, Dias and Filippi. Also present were Executive Director Thomas Coffey and Deputy Director Carol Marsella. The following cases were heard.

APPEAL #080173: Club Element, for the property located at 101 Richmond Street, Providence. Chief of Inspections William Howe appeared for the State Fire Marshal's office and Assistant Deputy State Fire Marshals Richard Silva and Richard Fournier appeared for the Providence Fire Marshal's office. Commissioner Blackburn recused himself from consideration of this case. The marshals from Providence requested that the case be held over two weeks because they did not have time to prepare for the hearing. Marshal Silva stated that he wanted certain (unnamed) witnesses to appear for Providence and they would not be available until that time. This case will be heard on July 8, 2008

APPEAL #080060A: Mrs. Dolores D'Agostino, for the property located at 75 Ellenfield Street, Providence. Assistant Deputy State Fire Marshal's Richard Silva and Richard Fournier appeared for the Providence Fire Marshal's office. It was determined that as the formal decision had not been produced, the Applicant would return with her plan of action on July 29, 2008 and that the decision would be

produced shortly.

APPEAL #050621A: Superintendent Donna A. Morelle, for the property located at 45 Highland Avenue, Cumberland. ADSFM James Conway appeared for the Valley Falls Fire District. Vice Chairman Newbrook made a motion, seconded by Commissioners Richard, Blackburn and Jackson, to grant the Applicant a time variance until the commencement of the 2009-2010 academic year in which to install the compliant fire alarm system, at the direction and to the satisfaction of the Valley Falls Fire Marshal's office. The motion was unanimous.

APPEAL #050044B: Mr. Ernest Benoit, for the property located at 28 Fish Road, Tiverton. ADSFM Tom Mello appeared for the Tiverton Fire Marshal's office. Commissioner Pearson made a motion, seconded by Commissioner Richard and Vice Chairman Newbrook, to grant the Applicant a time variance until such time as the sprinkler system could be feasibly tied into the water district, provided that all other system are in place and will be maintained, that the occupant load is reduced to 300 people, and that any time an occupancy of over 300 is anticipated, the Applicant will work with the Tiverton Fire Marshal's office on a plan of action. This variance is provided to this facility only for the current owners, the Knights of Columbus. The motion was unanimous.

APPEAL #050693A: Mr. Al Baldera, for the property located at 141

Reservoir Avenue, Lincoln, DSFM Cynthia Dehler appeared for the State Fire Marshal's office. Commissioner Richard made a motion, seconded by Vice Chairman Newbrook, to grant the Applicant a time variance to maintain the current conditions, i.e. no occupancy of the downstairs portion of the premises, until such time as the Applicant reoccupies that level of the facility, at which time, the sprinkler system must be in operation. Signage noting that the sprinkler system is inoperable must be posted, at the direction and to the satisfaction of the State Fire Marshal's office. The motion was unanimous.

APPEAL #060132: Mr. Craig DiPetrillo, for the property located at 15 Thomas Street, North Providence. Assistant Deputy State Fire Marshals Unsworth and Horan appeared for the North Providence Fire Marshal's office. Commissioner Pearson made a motion, seconded by Commissioners Jasparro and Blackburn, to grant the Applicant a time variance of 30 days in which to submit and have plans reviewed for the fire alarm system, and an additional 120 days for the installation of the fire alarm system. The North Providence Fire Marshal's office is authorized to extend the above deadlines for good faith efforts shown by the Applicant. The motion was unanimous.

APPEAL #050544: Mr. James Paolucci, for the property located at 226 Cowesett Avenue, West Warwick. ADSFM Albert Heroux appeared for the West Warwick Fire Marshal's office. Commissioner Jackson recused himself from consideration of this case. Commissioner

Blackburn made a motion, seconded by Vice Chairman Newbrook, to grant the following relief. Variances, based on structural hardship, have been granted for ceiling height and headroom of the cited stairs, and for riser height. The Applicant is granted a time variance of thirty days in which to install handrails in the cited locations, and a time variance of twenty-four months in which to complete the balance of the work necessary to bring this facility into compliance, as part of a renovation process outlined in the Applicant's presentation packet. The motion was unanimous.

APPEAL #050866: Mr. Jay Senerchia, for the property located at 1051-1055 Main Street in West Warwick. ADSFM Albert Heroux appeared for the West Warwick Fire Marshal's office. Commissioners Pearson and Newbrook made a motion, seconded by Commissioners Richard and Filippi, to grant the Applicant a time variance of thirty days in which to submit plans for the correction of the deficiencies outlined in the AHJ's June 19, 2008 inspection report, and an additional 120 days in which to make the corrections. The West Warwick Fire Marshal's office is granted the authority to extend the above deadlines for good faith efforts shown by the Applicant. The motion was unanimous.

APPEAL #050898: Mr. Donald Morash, for the property located at 83-85 Earl Street in West Warwick. ADSFM Albert Heroux appeared for the West Warwick Fire Marshal's office. The Applicant failed to appear.

APPEAL #070549A: Mr. Ted Castillo, for the property located at 809 Admiral Street, Providence. Assistant Deputy State Fire Marshals Richard Silva, Frank Mills and Timothy Lutz appeared for the Providence Fire Marshal's office. Commissioner Blackburn made a motion, seconded by Commissioners Preiss and Pearson, to approve a code compliant system, and grant a time variance in which to bring the system into compliance as follows. The applicant is granted a time variance of thirty days to have plans submitted to the Providence Fire Marshal's office, an additional thirty days for the plans to be approved, and an additional 120 days for the system to be installed, at the direction and to the satisfaction of the Providence Fire Marshal's office.

APPEAL #080110: Mr. Michael Lozano, for the property located at 839 Broad Street, Providence. Commissioner Newbrook made a motion, seconded by Commissioner Richard, to grant the Applicant a time variance of six months to bring the system into full compliance, and further authorizes the Providence Fire Marshal's office to issue a TCO at their discretion. The motion was unanimous.

Under new business, Chief Deputy R. Michael DiMascolo of the State Fire Marshal's office requested a ruling regarding on/off switches on exit signage and emergency lights for tents. Commissioner Preiss made a motion, seconded by Commissioner Jasparro, to allow the cited devices to be used, provided they utilize a key-operated switch,

and grants a time variance until May 2009 for the retrofit of these devices. The motion passed over the objection of Commissioner Preiss.

Also under new business, the Board considered a request from the North Providence Fire Marshal's office regarding carbon monoxide detection. Commissioner Newbrook made a motion, seconded by Commissioner Pearson, to communicate to the North Providence Fire Marshal's office that the scope of the fire code is limited to buildings only, and that the code cannot require detection in parking lots, parking spaces and parking areas out of doors.

Under old business, Vice Chairman Newbrook made a motion, seconded by Commissioners Richard and Jackson, to approve Blanket Variance 08-04, which in part, extends the time for compliance with the requirements for hardwired smoke and CO detection in three-family apartment buildings to July 1, 2009. The motion was unanimous.

Vice Chairman Newbrook made a motion, seconded by Commissioner Filippi, to approve Blanket Variance 08-04, which addresses questions submitted on May 29, 2008 by the Acting President of the RI Fire Marshals' Association. The motion was unanimous.

Executive Director Thomas Coffey Jr. read into the record a request from the Executive Director of the RI Farm Bureau, Alfred R.

Bettencourt, Jr. asking that the Board extend the deadline for compliance with the code as it pertains to animal barns until September 1, 2008. Commissioner Filippi made a motion, seconded by Vice Chairman Newbrook, to so extend that deadline. The motion was unanimous.

Executive Director Thomas Coffey Jr. read into the record a joint request from the Portsmouth Fire Marshal's office, Dr. Susan Lusi, Superintendent of the Portsmouth School Department, and Mr. Joseph Watson of Hughes Associates, requesting an extension of a time variance, previously granted by the Board, for the installation of the sprinkler and fire alarm systems in the Portsmouth High School. Vice Chairman Newbrook made a motion, seconded by Commissioner Richard, to approve an extension of time until October 15, 2008, for the installation of compliance sprinkler and fire alarm systems within the Portsmouth High School, and grants the Portsmouth Fire Marshal the ability to extend that time for good faith shown. The motion was unanimous.

Respectfully submitted,

Carol Marsella

Deputy Director