

**Fire Safety Code Board
Of Appeal & Review
Minutes of March 17, 2009 hearing**

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, March 17, 2009 at 1:00 P.M. Present were Chairman Coutu, Vice Chairman Newbrook and Commissioners Dias, Filippi, Jasparro and Richard. Commissioners Jackson, Pearson, Walker, Preiss and Blackburn were absent from the hearing. Also present were Executive Director Thomas B. Coffey, Jr. and Deputy Director Carol Marsella. The following cases were heard.

APPEAL #060686: Moretti Investments, for the property located at 85 West Reservoir Road in Smithfield. DSFM Christine Kent appeared for the State Fire Marshal's office. Commissioner Dias made a motion, seconded by Vice Chairman Newbrook, to grant the following relief. The Applicant is granted a variance on items 1, 6 and 7, with the proviso that the basement will be used for storage only and that there will be no public access to the basement of the facility. The Applicant is granted a time variance of thirty days in which to correct items 2, 3 and 4. The Applicant is granted a time variance of thirty days in which to submit a plan for the correction of deficiency #5 to the State Fire Marshal's office and an additional 120 days in which to implement that correction. The motion was unanimous.

APPEAL #060666: Mr. David Kaufer, for the property located at 35 Star Street in Pawtucket. DSFM Arthur DaCosta appeared for the State Fire Marshal's office. Commissioner Richard made a motion, seconded by commissioners Filippi and Jasparro, to grant the Applicant a variance, based on structural hardship, for the deficiencies listed in the Marshal's November 20, 2008 report. The motion was unanimous.

APPEAL #060962: Mr. David Labossiere, for the property located at 98 Roosevelt Avenue in Pascoag. Chief John DeFusco appeared for the Pascoag Fire Marshal's office. Commissioner Dias made a motion, seconded by Vice Chairman Newbrook, to grant the following relief. The Applicant is granted a variance on items 5 and 6 of the November 14, 2006 inspection report. The applicant is granted a variance on item #8, provided that the occupancy of this area, maintained as a private meeting room for members, is limited to 20 members. The Applicant is granted a time variance of thirty days in which to provide plans to the Pascoag Fire Marshal's office for the correction of all other deficiencies in this facility, noting that a sprinkler system is not required in this facility. The Applicant is granted a time variance of 120 days after the initial thirty days in which to implement the approved plans. The motion was unanimous.

APPEAL #060871: Mr. Antonio V. Ricci, for the property located at 1052 Park Avenue in Cranston. DSFM James Moore appeared for the State Fire Marshal's office. Commissioner Filippi made a motion,

seconded by Commissioner Richard and Vice Chairman Newbrook, to grant the Applicant a variance on item #1 of the September 1, 2006 inspection report on the basis of structural hardship. The applicant is granted a time variance of thirty days in which to present to the State fire Marshal's office a plan of action for the correction of all deficiencies in this facility. The applicant is granted an additional 120 days from the initial 30 day time variance in which to implement this plan of action. The State Fire Marshal's office is authorized to extend the above deadlines for good faith efforts shown by the Applicant. The motion was unanimous.

APPEAL #060250: Noah's Ark daycare, for the property located at 1308 Phenix Avenue, Cranston. DSFM James Moore appeared for the State Fire Marshal's office. Vice Chairman Newbrook made a motion, seconded by Commissioners Richard and Dias, to grant the Applicant's request for variance on the only item of deficiency on the Marshal's report. The motion was unanimous.

APPEAL #050190B: Mr. Charles Samos, for the property located at 150 Waterman Street in Providence. DSFM Arthur DaCosta appeared for the State Fire Marshal's office. Vice Chairman Newbrook made a motion, seconded by Commissioner Filippi, to grant the Applicant relief from the height requirements for the day care. The Applicant is directed to seal off the stairs at the direction and to the satisfaction of the State Fire Marshal's office. The Applicant testified that he is in the process of selling this facility, and the Board directs that Mr. Samos

inform the new owner that he/she must bring this facility up to code prior to the re-occupancy of the upper floors. The motion was unanimous.

Subcommittee reports:

Commissioner Filippi made a motion, seconded by Commissioner Jasparro, to grant the Department of MHRH a time variance, until April 6, 2010, to develop a plan of action for compliance with the code for the facilities licensed by MHRH. The motion was unanimous.

On another matter, Commissioner Richard made a motion, seconded by Vice Chairman Newbrook, to change certain code verbiage to read “nationally recognized testing authority”. The motion was unanimous.