

**Fire Safety Code Board
Of Appeal & Review
Minutes of June 2, 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, June 2, 2009 at 1:00 P.M. Present were Chairman Coutu, Vice Chairman Newbrook and Commissioners Blackburn, Richard, Jackson, Preiss, Walker, Jasparro, Dias and Filippi. Commissioner Pearson was absent from the hearing. Also present were Executive Director Thomas B. Coffey, Jr. and Deputy Director Carol Marsella. The following cases were heard.

APPEAL #060143: Mr. Stephan Najmy, for the property located at 1016 east Main Road, Portsmouth. ADSFM Phillip Simmons appeared for the Portsmouth Fire Marshal's office. Vice Chairman Newbrook made a motion, seconded by Commissioner Dias, to grant the following relief. The Applicant is granted a variance, based on structural hardship, for the height of the basement ceiling. The Applicant is granted a variance to maintain a single, non-compliant means of egress from the basement and to maintain non-compliant stairs from the first floor to the basement, provided there is no public access to the basement and provided that the Applicant adds domestic sprinkler heads in the basement or separates the basement, at the direction and to the satisfaction of the Portsmouth Fire Marshal's office. The Applicant granted a variance to maintain a

horizontal opening under the egress stairs provided he installs fire rated glass in that opening and seals the cited window, at the direction and to the satisfaction of the Portsmouth Fire Marshal's office. The Applicant is granted a time variance of thirty (30) days in which to submit plans for the above corrections to the Portsmouth Fire Marshal's office and an additional 120 days in which to make those corrections. The motion was unanimous.

APPEAL #090168: Mr. Todd Sloane, for the property located at 7 Greenhouse Road in Kingston. DSFM Wade Palazini appeared for the State Fire Marshal's office. Commissioner Richard made a motion, seconded by Commissioner Walker and Vice Chairman Newbrook, to grant the Applicant's request for variance from the provisions of section 8.6.8.2, there being no objection from the State Fire Marshal's office. The motion was unanimous.

APPEAL #060830: Mr. Sam Slade, represented by W. Keith Burlingame, for the property located at 105 Main Street in Wakefield. ADSFM Bruce Rice and ADSFM Christopher Heiner appeared for the Union Fire District Fire Marshal's office. Commissioners Blackburn and Dias recused themselves from consideration of this case. Vice Chairman Newbrook made a motion, seconded by Commissioners Jackson and Jasparro, to approve the Applicant's plan of action as submitted at the hearing. Additionally, the Applicant is directed to either maintain his current fire alarm system or remove the system from the facility. The motion was unanimous.

APPEAL #050010: Mr. Richard Perry, for the property located at 296-302 Rathbun Street in Woonsocket. ADSFM Francis Dunton and ADSFM Michael Morin appeared for the Woonsocket Fire Marshal's office. It was determined that the Applicant will return on July 21, 2009 with the additional information requested by the Board.

APPEAL #060970: Regarding the property located at 191 High Street in Woonsocket. ADSFM Francis Dunton and ADSFM Michael Morin appeared for the Woonsocket Fire Marshal's office. The Applicant failed to appear. Vice Chairman Newbrook made a motion, seconded by Commissioner Richard, to close the file. The motion was unanimous.

APPEAL #070035: Regarding the property located at 63-67 Robinson Street in Woonsocket. ADSFM Francis Dunton and ADSFM Michael Morin appeared for the Woonsocket Fire Marshal's office. The Applicant failed to appear. The Board was informed that the Applicant no longer owns this facility and it is now in foreclosure. Commissioner Richard made a motion, seconded by Vice Chairman Newbrook, to close the file. The motion was unanimous.

APPEAL #060654: Director Debra Perry for the property located at 514 Blackstone Street in Woonsocket. Chief of Inspections Scott Caron appeared for the State Fire Marshal's office and ADSFM Francis Dunton and ADSFM Michael Morin appeared for the

Woonsocket Fire Marshal's office. Commissioner Richard made a motion seconded by Vice Chairman Newbrook to grant the following relief. Regarding the windows in the following rooms that were not adequate to code for windows of rescue: the Applicant is directed to attach steps below the cited windows in the "Henny Penny Room"; for the "Rainbow Room", the Applicant is directed to install a door in order to separate the corridor. A variance is granted for the "Circle of Friends Room". In order not to provide the gymnasium with sprinklers, the Applicant is directed to reduce the occupancy of the gym to 299 persons, and any change of use or increase of occupancy needs approval of the Woonsocket Fire Marshal's office. The Applicant testified that she will install exterior emergency lighting on the exterior of the gym on the playground side and on the exterior of the storage room adjacent to the gym. The Applicant is granted a time variance of thirty (30) days in which to present a plan to the Woonsocket Fire Marshal's office for the above corrections and an additional 120 days in which to make those corrections. The motion was unanimous.

APPEAL #090147: Mr. Cornelis J. deBoer, for the property located at 518 Lloyd Avenue, Providence. ADSFM Lisa Krapf appeared for the Providence Fire Marshal's office. Commissioners Filippi and Dias made a motion, seconded by Vice Chairman Newbrook, to grant the following relief. The Applicant is granted a variance in order to maintain the fire extinguishers on the first floor at their current height. The Applicant is granted a variance to maintain the door from

the rear stair enclosure to the boiler room, and to allow the boiler room to maintain its current location. The Applicant is directed to clean out the storage in the basement and to replace the non-rated panel and cover the center stair enclosure with rated sheetrock except in the location of the clean-out. The Applicant is granted a variance, on the basis of structural hardship, to maintain the dimension of the front stairs to the second floor and to maintain the current corridor width. The Applicant is granted a variance to maintain the third floor without two means of egress, provided there are no students on the third floor, that it is only maintained for storage, and that the stove is removed from that location and the pipe is capped. The Board approves the Applicant's request to remove the fire escape from the third floor. A variance, based on structural hardship, is granted to maintain the current dimensions of one window on the first floor north side classroom. The Applicant is granted a time variance, prior to occupancy of this school, in which to install a compliant municipally connected fire alarm. The Applicant is directed to eliminate the combustibles in the basement and fire stop the penetrations, and either sprinkle the basement, spray on fire retardant material or sheet rock the basement in an effort to achieve separation as much as possible, to the satisfaction of the Providence Fire Marshal's office prior to occupancy of the school. The Applicant is granted a variance to allow the mingling of the population on all floors. Any corrections of deficiencies in this facility are to be made prior to the commencement of the 2009-2010 academic year, and the Providence Fire Marshal is granted the authority to extend the above

deadline for good faith efforts being made by the Applicant. The motion was unanimous.

Commissioner Jsparro made a motion, seconded by Vice Chairman Newbrook and Commissioner Walker, to approve the subcommittee recommendations from the May 21, 2009 meeting. The motion was unanimous.

Commissioner Dias and Vice Chairman Newbrook made a motion, seconded by Commissioner Jackson, to approve the request of the Fire Marshal's Association to re-affirm specific provisions of Fire Board interpretation 04-03 and 04-05. The motion was unanimous.

Commissioner Dias made a motion, seconded by Commissioner Filippi and Vice Chairman Newbrook, to change certain language in the code from “rated by UL” or “UL approved” to read “nationally recognized testing laboratory”. The motion was unanimous.

Respectfully submitted,

Carol Marsella