

**Fire Safety Code Board  
Of Appeal & Review  
Minutes of June 23, 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 23, 2009 at 1:00 P.M. Present were Chairman Coutu, Vice Chairman Newbrook and Commissioners Jackson, Pearson, Richard, Jasparro, Preiss, Walker, Dias and Filippi. Commissioner Blackburn 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 #080239: Mr. Peter Culp, for the property located at 314 Angell Street in Providence. Assistant Deputy State Fire Marshals Brian Kreizinger and Richard Fournier appeared for the Providence Fire Marshal's office. Commissioner Richard made a motion, seconded by Commissioner Jasparro and Vice Chairman Newbrook, to grant the Applicant the following relief. The Applicant is granted a variance to maintain the center stairway as an unenclosed stairway. The Applicant is granted a time variance of thirty days in which to submit a plan of action to the Providence Fire Marshal's office for the correction of deficiencies 1, 2, 3, 4, 5 and 6 of the July 9, 2008 inspection report, and an additional 120 days in which to make those corrections. The Providence Fire Marshal's office is granted the authority to extend the above time line for good faith efforts on the**

**part of the Applicant. The motion was unanimous.**

**APPEAL #090190: Brown University, for the property located at 12 South Main Street, Providence. Assistant Deputy State Fire Marshals Lutz and Fournier appeared for the Providence Fire Marshal's office. Commissioner Pearson made a motion, seconded by Commissioners Filippi and Dias, to approve the Applicant's plan of action and requested variances for this facility. The motion was unanimous.**

**APPEAL #060620: Mr. Leonard Ferreira, for the property located at 1965 East Main Road in Portsmouth. Chief Jeffrey Lynch and ADSFM Phillip Simmons appeared for the Portsmouth Fire Marshal's office. Commissioner Dias made a motion, seconded by Vice Chairman Newbrook and Commissioner Jackson, to grant the Applicant's request for variances, based on structural hardship. The motion was unanimous.**

**APPEAL #070099: Rhode Island Nurseries, for the property located at 238 Glen Road in Portsmouth. ADSFM Phillip Simmons appeared for the Portsmouth Fire Marshal's office. Commissioner Walker made a motion, seconded by Vice Chairman Newbrook, to grant the Applicant a variance, not to provide a local fire alarm system in this storage facility, provided there is no public access, and noting that this variance is for this owner and this occupancy only. The motion was unanimous.**

**APPEAL #070057: Mr. Dennis Gignac, for the property located at 158 Oriole Avenue, Pawtucket. ADSFM Jeffrey Johnson appeared for the Pawtucket Fire Marshal's office. Commissioner Dias made a motion, seconded by Commissioner Jackson, to grant the Applicant a time variance of thirty days in which to submit plans for the correction of all outstanding deficiencies in this facility, and an additional 120 days to make those corrections. The Pawtucket Fire Marshal's office shall have the authority to extend the above deadlines for good faith efforts on the part of the Applicant. The motion was unanimous.**

**APPEAL #070033: Farietta & Sanchez Realty, for the property located at 23 Broad Street in Pawtucket. ADSFM Jeffrey Johnson appeared for the Pawtucket Fire Marshal's office. It was determined that the Applicant required time to prepare a plan of action for the correction of the outstanding deficiencies in this facility, and is directed to return to the Board on September 1, 2009 with such a plan.**

**APPEAL #060664: MWL Consulting Co., for the property located at 96 Pelham Street in Newport. ADSFM Wayne Clark appeared for the Newport Fire Marshal's office. Vice Chairman Newbrook made a motion, seconded by Commissioner Richard, to grant the following relief. The Applicant is directed to immediately install a K-type fire extinguisher in the cooking area of this facility. The Applicant is granted a time variance of thirty days in which to submit plans for the correction of all other outstanding deficiencies in this facility and an additional 120 days in which to implement that plan. The motion was**

unanimous.

**APPEAL #060674:** Ms. Kathleen Staab, for the property located at 49 Touro Street in Newport. ADSFM Wayne Clark appeared for the Newport Fire Marshal's office. Vice Chairman Newbrook made a motion, seconded by Commissioner Jackson, to grant the Applicant a time variance of sixty days in which to submit plans for the corrections of the deficiencies noted in the Marshal's October 2, 2007 report, and an additional 120 days in which to make the corrections. The Newport Fire Marshal's office is authorized to extend the above deadline for good faith efforts being made by the Applicant. The Applicant is granted a variance to maintain the exit stair from the projection room, to maintain the doors located at the rear of the balcony and to maintain the current balcony center aisle, based on structural hardship, and to reduce the fixed seating of this facility to 496 persons. The motion was unanimous.

**APPEAL #060693:** Mr. John B. Maytum, for the property located at 4 Equality Park Place in Newport. ADSFM Wayne Clark appeared for the Newport Fire Marshal's office. Commissioner Dias recused himself from consideration of this case. Vice Chairman Newbrook made a motion, seconded by Commissioners Jasparro and Filippi, to grant a time variance of thirty days in which to submit plans for the correction of all outstanding deficiencies in this facility and an additional 120 days in which to implement that plan. The Newport Fire Marshal's office is authorized to extend the above deadline for

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

**APPEAL #090192: Mr. Thomas Abruzese, for the property located at Waites Wharf, Newport. ADSFM Wayne Clark appeared for the Newport Fire Marshal's office. After lengthy discussion of the Applicant's request, and testimony taken, it was determined that this case shall be tabled until July 28, 2009, at which time the Applicant may return to the Board, if necessary.**

**Correspondence: Commissioner Dias made a motion, seconded by Commissioner Pearson, to grant the request of Bungi North (East) LLC for a thirty-day extension for demolition of their facility located at 38 Colfax Street in Pawtucket. The motion passed with Vice Chairman Newbrook abstaining from the vote.**

**Old Business: Commissioner Pearson made a motion, seconded by Commissioner Filippi, to approve the modifications to emergency lights and exit signs to be used in tents, as presented by the Newport Tent Company and the RI Tent Company (tamper-proof exit lights). The motion was unanimous.**

**Respectfully submitted,  
Carol Marsella**