

**Fire Safety Code Board  
Of Appeal and Review  
Hearing Minutes for September 17, 2009**

**A subcommittee of 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 Thursday, July 16, 2009 at 9:30 am. Present were Acting Chairman Dias, Commissioner Filippi and Deputy Director Carol Marsella. The following cases were heard.**

**Below are the findings of the subcommittee, with recommendations to the full Board. These recommendations will be considered by the full Board at their September 22, 2009 meeting.**

**APPEAL #070413: Mr. Milad Shabo, for the property located at 58 DePasquale Plaza, Providence. ADSFM Richard Silva appeared for the Providence Fire Marshal's office. The code requires a ten foot clearance to the adjacent property line, however there is only a five-foot clearance between this facility and the adjacent property line. The subcommittee recommendation is to grant a variance based on structural hardship. The Providence Fire Marshal's office had no objection.**

**APPEAL #070277: For the property located at 12 Silver Spring Street, Providence. ADSFM Richard Fournier appeared for the Providence**

**Fire Marshal's office. The item under review was for the substantial front door of this facility, which is constructed of glass and for which no panic hardware is made. The subcommittee recommendation is for the Applicant to remove the thumb locks from the bottom of the cited door, and to allow the Applicant to chain the front door locked when the restaurant is closed. The Applicant offered to submit a letter to the Providence Fire Marshal's office indicating that she will abide by this plan of action.**

**APPEAL #060599: Mr. Danny Nguyen, for the property located at 1115 Chalkstone Avenue in Providence. ADSFM Richard Silva appeared for the Providence Fire Marshal's office. Marshal Silva testified that all of the deficiencies outlined in the September 13, 2005 inspection report had been corrected, including the installation of a compliant fire alarm system. The subcommittee recommendation is to close this file.**

**APPEAL #070102: RISD Holdings, for the property located at 262 South Water Street in Providence. ADSFM Richard Fournier appeared for the Providence Fire Marshal's office. There were three outstanding deficiencies noted in the most recent inspection report, dated August 19, 2009. The subcommittee recommendation is to grant the Applicant a time variance of thirty days from the date of the decision in which to present a plan of action to the Providence Fire Marshal's office for the correction of deficiencies 1 and 2, to include the construction of a second means of egress from the second floor**

and also the enclosure of the existing southwest stairway. The Applicant is granted an additional 120 days from the initial thirty-day period in which to implement the above plan of action. The Providence Fire Marshal's office is granted the authority to extend the above deadlines for good faith efforts shown by the Applicant.

For deficiency #3, the recommendation is to grant the Applicant a variance, based on structural hardship, for the cited small granite step which measures eleven inches, three inches in height over the code limit of eight inches. The Providence Fire Marshal's office had no objection.

**APPEAL #070581:** Ms. Adalgisa Mercado, for the property located at 966-970 Broad Street in Providence. ADSFM Joseph Michalczyk appeared for the Providence Fire Marshal's office and testified that there is no indication of separation between the mercantile establishment and the apartments above, and there is no sprinkler system in the building as required by code. The Applicant asked if she would be allowed to correct one deficiency or the other, and be granted relief on the item she chose not to correct. The subcommittee recommendation is for the Applicant to either property separate the occupancies or to provide a limited sprinkler system inside the means of egress from the second, third and fourth floors, at the direction and to the satisfaction of the Providence Fire Marshal's office. The Applicant will submit her plan of action, for whichever method she chooses, to the Providence Fire Marshal's

**office within thirty days from the date of the decision and is granted an additional 120 days in which to implement her chosen plan of action. The Providence Fire Marshal's office is granted the authority to extend the above timeline for good faith efforts being shown by the Applicant. Items 3-10 have been corrected by the Applicant, to the satisfaction of the Providence Fire Marshal's office.**

**APPEAL #060607: West River Commerce Center LLC for the property located at 148 West River Street in Providence. ADSFM Richard Silva appeared for the Providence Fire Marshal's office. Marshal Silva testified that originally the facility was classified as heavy timber construction, which did not require the ceiling to be protected. However, it was later determined to have areas of 3B construction (some steel beams) so was classified as 3B construction. The Applicant has applied intumescent paint to 90% of the cited areas, and will treat the outstanding 10% as tenants vacate those spaces. The Applicant testified that this one-story facility is fully sprinklered and has a compliant fire alarm. The Providence Fire Marshal's office has no objection to the Applicant's proposal. The subcommittee recommendation is that the Applicant shall treat the outstanding surfaces with intumescent paint as the tenants vacate those spaces but prior to re-occupancy by new tenants, at the direction and to the satisfaction of the Providence Fire Marshal's office.**

**APPEAL #070086: Mr. Robert M. Stillings, for the property located at 290 Westminster Street in Providence. ADSFM Richard Silva**

appeared for the Providence Fire Marshal's office. The Applicant testified that no corrections had been made since submittal of their variance appeal in February of 2007, partly due to financial hardship, and also due to the Applicant's intent to sell the facility, which has not come to fruition. Because the subcommittee did not have before it an inspection report from the Providence Fire Marshal's office, nor a building description upon which it could rely, the subcommittee recommended that the Providence Fire Marshal's office re-inspect this facility and indicated that the Applicant may return to the Board to seek relief if so needed.

**APPEAL #060659, 060660, 060661:** The Robinson Green Beretta Corporation, for the properties located at 63 Gesler Street, 103 Gesler Street and 70 Ridge Street in Providence. (Broadway Plaza Apartments). ADSFM Richard Silva appeared for the Providence Fire Marshal's office. The subject under consideration was the use of the fifteen-point plan as a basis of inspection for these facilities. After some discussion by the parties, the subcommittee felt that this matter should be reviewed by the full Board, and was rescheduled to Tuesday, September 22, 2009.

Respectfully submitted,

Carol Marsella

Deputy Director