

**Fire Safety Code Board
Of Appeal & Review
Minutes of December 8, 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, December 8, 2009 at 1:00 P.M. Present were Chairman Coutu, Vice Chairman Newbrook and Commissioners Dias, Filippi, Jasparro, Preiss and Richard. Commissioners Jackson, Walker, Pearson 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 #090378: Western Cranston Green Realty, LLC, for the property located on Gray Coach Lane, Cranston. ADSFM Glenn Bathgate appeared for the Cranston Fire Marshal's office. Commissioner Dias made a motion, seconded by Commissioner Richard and Vice Chairman Newbrook, to grant the Applicant a variance to allow a fire flow of 950 gallons per minute at 20 psi. There was no objection by the Cranston Fire Marshal's office. The motion was unanimous.

APPEAL #090368: Program Director Joanne O'Day, for the property located at 209 Elmwood Avenue in Providence. DSFM David Cionfola appeared for the State Fire Marshal's office. Commissioner Dias

made a motion, seconded by Commissioners Pearson and Jasparro, to allow the Applicant to rely on the provisions of NFPA 101 for locking systems in a healthcare facility for this adult day health care center. This will allow the Applicant to lock against egress, similar to what is found in detention facilities. The motion was unanimous.

APPEAL #090361: Brown University, for the property located at 1 Davol Square in Providence. Assistant Deputy State Fire Marshals Lutz and Dillon appeared for the Providence Fire Marshal's office. Commissioner Dias made a motion, seconded by Vice Chairman Newbrook, to approve the Applicant's plan of action for this facility, to include the addition of a railing along the noted unenclosed pathway across the roof. The motion was unanimous.

APPEAL #090362: Brown University, for the property located at 10 Davol Square in Providence. Assistant Deputy State Fire Marshals Lutz and Dillon appeared for the Providence Fire Marshal's office. Vice Chairman Newbrook made a motion, seconded by Commissioner Richard, to approve the Applicant's plan of action for this facility, to include the addition of a wall system in the tenant storage area, making a portion of that area generally no accessible. The motion was unanimous.

APPEAL #070560: Ms. Victoria Tarsagian, for the property located at 809 Aquidneck Avenue in Middletown. ADSFM Thomas Karpovitz appeared for the Middletown Fire Marshal's office. Vice Chairman

Newbrook made a motion, seconded by Commissioner Jasparro, to grant the Applicant's requested variances, based on structural hardship. The motion was unanimous.

APPEAL #080267A: Mr. Vincent Sandonato, for the property located at 425 East Main Road in Middletown. Deputy State Fire Marshals Christopher Moore and Octavio Vieira appeared for the State Fire Marshal's office and ADSFM Thomas Karpovitz appeared for the Middletown Fire Marshal's office. Commissioner Dias made a motion, seconded by Commissioner Richard, to grant the following relief. The Applicant is granted a time variance of thirty (30) days from December 8, 2009 in which to correct deficiencies 7, 11 and 23. The Applicant is granted a time variance of thirty (30) days from December 8, 2009 in which to submit documentation to the State Fire Marshal's office proving that the facility's sprinkler system is a "wet" system, and that any "dry" sprinklers have been converted to "wet" sprinklers. Deficiencies 9 and 10 are moot once the documentation has been provided. The Applicant is granted a time variance, prior to the opening of the facility for the season in March 2010, in which to correct deficiencies 12, 14, 15, 16, 18, 20, 32 and 33.

The Applicant is granted a time variance of thirty (30) days from December 8, 2009 in which to have the guest rooms lacking mini horns tested for sound levels provided by alternate audible notification appliances. If the Applicant determines that the sound level test fails, he may request another hearing before the Board in

January of 2010 in which to discuss the issue.

The Applicant is directed to provide an illuminated exit sign at the entrance/exit of the Portobello Room prior to the next use of the room. The Applicant is directed to provide plans for the sealing off of the cited laundry chute within thirty (30) days form the hearing date to the State Fire Marshal's office. The Applicant is directed to implement that plan at the direction and to the satisfaction of the State Fire Marshal's office. The motion was unanimous.

APPEAL #090387: Building Nonviolence, LLC, for the property located at 265 Oxford Street in Providence. ADSFM Christopher Dillon appeared for the Providence Fire Marshal's office. The Applicant appeared seeking relief to not install a temporary fire alarm system during construction, which will be completed by May 31, 2010.

Commissioner Dias made a motion, seconded by Commissioner Jasparro, to grant a variance to allow the Applicant to not be required to install a temporary system in this facility during construction. The motion was unanimous.

Old Business: Michael Hagopian Esq. appeared on behalf of the Narragansett Bay Commission and Chief of Inspections Scott Caron appeared on behalf of the State Fire Marshal's office in the matter of NBC vs. the State Fire Marshal's office for the NBC pumping station located on Dexter Road in East Providence, RI. Vice Chairman Newbrook made a motion, seconded by Commissioner Dias, to

amend the Board's decision in the above matter to reflect that the pumping station in question should not be classified as a high hazard occupancy under the state's fire codes. The motion was unanimous.

Old Business: Executive Director Coffey read into the record a letter from Carol Ann Nelson, Director of Facilities for the Catholic Diocese of Providence in which she requested that the extension deadline for fire code compliance recently approved by the General Assembly for public schools be extended to all Catholic schools in the state. Commissioner Preiss made a motion, seconded by Commissioner Richard, to grant that relief.

Respectfully submitted,

Carol Marsella