

**Fire Safety Code Board
Of Appeal and Review
Hearing Minutes for June 29, 2010**

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 29, 2010 at 1:00 P.M. Present were Acting Chairman Newbrook and Commissioners Dias, Filippi, Walker, Jackson, Preiss, Blackburn and Richard. Chief Coutu and Commissioners Jaspardo and Pearson were absent. Also present were Executive Director Thomas Coffey and Deputy Director Carol Marsella. The following cases were heard.

APPEAL #100081: Pastor Kaline Fox, for the property located at 20 Polk Street in Johnston. Assistant Deputy State Fire Marshals John Horan and Richard Matarese appeared for the Johnston Fire Marshal's office. Commissioner Blackburn made a motion, seconded by Commissioner Walker, to grant the Applicant the following relief. The Applicant is directed to make any necessary corrections to the fire alarm system of this facility by December 31, 2010 in accordance with the time variance granted to all Places of Worship. The Applicant is further granted a time variance of thirty (30) days to present a plan of action to the Johnston Fire Marshal's office for the correction of all other outstanding deficiencies and an additional 120 days in which to implement that plan of action. The Johnston Fire Marshal's office is authorized to extend the above time line for good faith efforts being

shown by the applicant. The Applicant is directed to do no work at this facility without the proper permits. The motion was unanimous.

APPEAL #080126: Arc of Blackstone Valley, for the property located at 30 Elmwood Drive in East Providence. DSFM Christine Kent appeared for the State Fire Marshal's office. Commissioner Walker recused himself from consideration of this case. Commissioner Blackburn made a motion, seconded by Commissioner Dias, to grant the Applicant a variance, based on structural hardship, in order to be allowed to maintain the cited headroom and winders in their current configuration. There was no objection by the State Fire Marshal's office. The motion was unanimous.

APPEAL #090189: Mr. Chris Suchmann, for the property located at 73 Branch Pike, Smithfield. DSFM Christine Kent appeared for the State Fire Marshal's office. Commissioner Richard made a motion, seconded by Commissioner Jackson, to grant the Applicant a variance, based on structural hardship, in order to allow the cited pull stations to remain at their current height and to allow the current headroom clearance of the cited interior stairway to remain at seventy-three inches. There was no objection by the State Fire Marshal's office.. The motion was unanimous.

APPEAL #070169: Mr. William H. Connerton, for the property located at 469 Thames Street in Newport. ADSFM Raymond Gomes appeared for the Newport Fire Marshal's office. Mr. Connerton stated that he no

longer represents the owner of the above captioned facility and was unable to reach the building owner to make him aware of this hearing.

Accordingly, Commissioner Dias made a motion, seconded by Commissioner Richard, to close the file. The motion was unanimous.

APPEAL #070093: Mr. William H. Connerton, for the property located at 32 Dr. Marcus Wheatland Boulevard in Newport. ADSFM Raymond Gomes appeared for the Newport Fire Marshal's office. Commissioner Jackson made a motion, seconded by Commissioner Dias, to grant the Applicant the following relief. The Applicant is allowed to maintain the third floor of this facility as storage-only. The Applicant is directed to limit the occupancy of the second floor to forty-nine people. If the Applicant wishes to increase the occupancy of the second floor beyond that amount for a special event, he must first inform the Newport Fire Marshal and comply with any additional safeguards deemed necessary by that office for that event. The Applicant is directed to correct any outstanding deficiencies in this facility at the direction and to the satisfaction of the Newport Fire Marshal's office within a timetable established by that office. The motion was unanimous.

APPEAL #070223: Mr. Paul J. Boardman III, for the property located at 254 Thames Street in Newport. Assistant Deputy State Fire Marshals Wayne Clark and Raymond Gomes appeared for the Newport Fire Marshal's office. Commissioner Dias made a motion, seconded by Commissioner Preiss, to grant the following relief. The

Applicant is granted a variance from the provisions of section 13.1.6 in order to be allowed to maintain the current occupancy of the second floor of this facility without providing additional sprinkler coverage, providing he installs a panic bar on the gate covering the means of egress. This variance is limited to the current owner only. The Applicant is granted a variance from the provisions of section 7.4.1.1 in order to relieve the Applicant of the second means of egress requirement. The motion was unanimous.

APPEAL #070220: Spouting Rock Beach Association, for the property located at 34 Ocean Avenue in Newport. Assistant Deputy State Fire Marshals Wayne Clark and Raymond Gomes appeared for the Newport Fire Marshal's office. Commissioner Richard made a motion, seconded by Commissioner Jackson, to grant the following relief. The Applicant is granted a variance to maintain the cited swing of the main door of this facility and without panic hardware, provided that either the main door remains open during all hours of occupancy or that a crowd control manager is stationed at that main door who will open it immediately in case of emergency. The Applicant is directed to provide proof of the flame spread rating of the cited fabrics in this facility to the Newport Fire Marshal's office and to address the location of the cited dumpster of this facility also at the direction and to the satisfaction of the Newport Fire Marshal's office. The Applicant testified that he will cap the occupancy of this facility at 269 people, and accordingly is granted relief from the provisions of RIGL 23-28.6-21 in order not to be required to provide sprinklers in

this seasonal facility. The motion was unanimous.

APPEAL #050699A, 050701A, 050713A, 050714A, 050715A, 050716A, 050717A, 050718A, 050719A, 050720A, 050721A, 050722A, 050723A, 050724A, 050725A, 050726A, 050727A, 050728A, 050729A, 050730A, 050731A: Ferland Property Management, for twenty-one apartment properties, all located in Pawtucket. ADSFM Steven Parent appeared for the Pawtucket Fire Marshal's office. Commissioner Dias recused himself from consideration of these cases. Commissioner Richard made a motion, seconded by Commissioner Walker, to approve the Applicant's plan of action for these facilities, including the priority timelines agreed to by the Pawtucket Fire Marshal's office. The motion was unanimous.

APPEAL #100052A: F.A. French Co., for the property located at 1405 South County Trail in East Greenwich. Chief of Inspections Scott Caron appeared for the State Fire Marshal's office, as the East Greenwich Fire Marshal notified the Fire Board that he was unable to attend the hearing. Commissioner Preiss made a motion, seconded by Commissioner Walker, to approve the Applicant's request to set aside the Board's previous decision in this matter, and to further concur with the State Fire Marshal's office that the Applicant's new proposal meets the provisions of the code and that no relief is necessary. The motion was unanimous.

APPEAL #100125: Mr. David Chamberland, for the property located at

801 Greenwich Avenue in Warwick. ADSFM Peter Marietti appeared for the Warwick Fire Marshal's office. Commissioner Dias made a motion, seconded by Commissioner Filippi, to allow the Applicant to maintain a tent on a seasonal basis, from April 15 through October 15 of each year rather than on a thirty-day basis. The motion was unanimous.

Correspondence: From ADSFM Peter Marietti, requesting that his office be granted the authority to approve tents in the City of Warwick to be maintained on a seasonal basis, from April 15 through October 15, rather than on a thirty-day basis. Commissioner Walker made a motion, seconded by Commissioner Dias, to approve his request. The motion was unanimous.

Correspondence: From Chief Jeffrey Lynch, a request to confirm that the language of the original decision in file #090334 for the property located at 3034 East Main Road in Portsmouth would allow the Chief to approve a stairway rise of eight inches instead of the seven inches required by the new construction provisions of the Code. Commissioner Walker made a motion, seconded by Commissioner Richard, to approve his request. The motion was unanimous.

Respectfully submitted

Carol Marsella