

**Fire Safety Code Board
Of Appeal and Review
Hearing Minutes July 13, 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, July 13, 2010 at 1:00 P.M. Present were Chairman Coutu, Vice Chairman Newbrook and Commissioners Preiss, Richard, Jackson, Pearson, Jasparro, Dias and Filippi. Commissioners Walker and Blackburn were absent. Also present were Executive Director Thomas Coffey and Deputy Director Carol Marsella. The following cases were heard.

APPEAL #070354: Mr. John Lombardi, for the property located at 88 West Warwick Avenue, West Warwick. Deputy State Fire Marshal Heroux appeared for the State Fire Marshal's office and Assistant Deputy State Fire Marshal Petrozzi appeared for the West Warwick Fire Marshal's office. Commissioner Jackson recused himself from consideration of this case. Commissioner Richard made a motion, seconded by Commissioner Jasparro, to direct the Applicant to either provide to the AHJ and engineer's report certifying the fire resistance rating of the separation between the dwelling units on the second story and the nonresidential occupancies on the first story, or to correct the deficiency. If the deficiency is to be corrected, the Applicant is granted a time variance of thirty (30) days in which to provide the AHJ with plans for the above correction and an additional

120 days to implement that plan of action. The AHJ is granted the authority to extend either or both of the above deadlines for good faith efforts being shown by the Applicant. The motion was unanimous.

APPEAL #070554: Mr. Shawn Bohannon, for the property located at 312-318 Broadway in Newport. ADSFM Raymond Gomes appeared for the Newport Fire Marshal's office. Commissioner Preiss made a motion, seconded by Vice Chairman Newbrook, to grant the Applicant a time variance of thirty (30) days in which to prepare a plan of action for the correction of the outstanding deficiencies in this facility and have it approved by the Newport Fire Marshal's office. The Applicant is then directed to return to the Board on August 31 to present his plan of action to the Board for its approval. The motion was unanimous.

APPEAL #070325C: Moses Brown School, for the property located at 250 Lloyd Avenue, Providence. ADSFM Lisa Krapf appeared for the Providence Fire Marshal's office. Commissioner Jasparro made a motion, seconded by Commissioners Filippi and Dias, to grant the Applicant's request for an extension of a previously granted time variance, to September 2012. The motion was unanimous.

APPEAL #100149: San Miguel School, for the property located at 525 Branch Avenue, Providence. ADSFM Lisa Krapf appeared for the Providence Fire Marshal's office. Commissioner Dias made a motion,

seconded by Commissioners Jasparro, Richard and Filippi, to grant the Applicant the following relief. The Applicant is granted a time variance of one (1) year in which to address item 6A, noted on the Applicant's July 8, 2010 letter to the Board, which references the glass panels on the corridor on the lowest level. The Applicant is directed to disconnect the gas/electric cooking systems in the kitchen, and not utilize the cooking appliances. The Applicant is granted a variance, based on structural hardship, on the corridor width, noted by ADSFM Lisa Krapf verbally at the July 13 hearing. The motion was unanimous.

APPEAL #070295: Mr. Ken Yang, for the property located at 60 Rathbun Street in Woonsocket. ADSFM Michael Morin appeared for the Woonsocket Fire Marshal's office. The Applicant is directed to prepare a plan of action for the correction of the outstanding deficiencies in this facility and have it approved by the Woonsocket Fire Marshal's office. The Applicant is then directed to return to the Board on August 31 to present his plan of action to the Board for its approval. The motion was unanimous.

APPEAL #070433: Mr. Daniel Nelligan, for the property located at 1039 Cass Avenue, Woonsocket. Assistant Deputy State Fire Marshals Francis Dunton and Michael Morin appeared for the Woonsocket Fire Marshals' office. Commissioner Pearson made a motion, seconded by Commissioner Richard and Vice Chairman Newbrook, to grant the following relief. The Applicant granted a

variance on the location of the cited exhaust hood, provided that the Applicant renders the window near the exhaust hood inoperable and redirects the exhaust pipe at the direction and to the satisfaction of the Woonsocket Fire Marshal's office. The Applicant is granted a variance to maintain two-hour separation of the first and second floors only at the portion over the kitchen of this facility, provided that the Applicant provides any fire stopping required by the Woonsocket Fire Marshal's office. The Applicant is granted a time variance of thirty (30) days in which to provide a plan of action to the Woonsocket Fire Marshal's office for the correction of any outstanding deficiencies in this facility and an additional 120 days in which to implement that plan of action. The Woonsocket Fire Marshal's office has the authority to extend either or both of the above deadlines for good faith efforts being shown by the Applicant. The motion was unanimous.

APPEAL #070490: Mr. William Bouvier, for the property located at 86 North Main Street in Woonsocket. ADSFM Michael Morin appeared for the Woonsocket Fire Marshal's office. Vice Chairman Newbrook made a motion, seconded by Commissioners Dias, Jasparro and Jackson, to grant the Applicant the following relief. The Applicant is granted a variance to allow the cited rear exit door to maintain its swing inward. The Applicant is directed to consult the building inspector as to the code compliance of the rear exit stairway. The Applicant is granted a time variance of thirty (30) days in which to submit a plan of action for the correction of all other outstanding

deficiencies to the Woonsocket Fire Marshal's office and an additional 120 days in which to implement that plan of action. The Woonsocket Fire Marshal's office is granted the authority to extend either or both of the above deadlines for good faith efforts being shown by the applicant. The motion was unanimous.

APPEAL #070116: Mr. Viengphet Phiuphonphan, for the property located at 45 Ross Street, Woonsocket. ADSFM Francis Dunton appeared for the Woonsocket Fire Marshal's office. Vice Chairman Newbrook made a motion, seconded by Commissioner Richard, to grant the Applicant a time variance of five months in which to sell this property. If the facility is not sold within that time, the Applicant is directed to convert this facility to a three-unit apartment building, and to add any additional battery operated smoke/CO devices required by the code, in accordance with the Applicant's proposal made at the July 13, 2010 hearing. The Woonsocket Fire Marshal may extend any of the above timelines for good faith efforts being shown by the Applicant. The motion was unanimous.

APPEAL #100103: Mr. Virgilio Dereito, for the property located at 154-156 Warren Avenue, East Providence. Assistant Deputy State Fire Marshals Elmasian and Bellamy appeared for the East Providence Fire Marshal's office. Commissioner Pearson made the motion, seconded by Commissioners Jackson and Jaspardo, to return to the Board on July 27 with a plan of action for the correction of all outstanding deficiencies in this facility that has been reviewed with,

and approved by, the East Providence Fire Marshal's office. The motion passed with Commissioner Preiss abstaining from the vote.

New Business: State Fire Marshal John Chartier presented proposed rules and regulations relevant to the recently enacted fireworks legislation.

Respectfully submitted

Carol Marsella