

**Fire Safety Code Board
Of Appeal & Review
Draft Hearing Minutes
February 15, 2011**

The Rhode Island Fire Safety Code Board of Appeal & Review met at their headquarters located at 1 Regan Court, Varley Building # 46, in Cranston, R.I. on Tuesday, February 15, 2011 at 9:00 AM. Present were Chairman Newbrook and Commissioners Richard, Jasparro, Walker, Filippi and Dias. Commissioners Blackburn, Pearson, Jackson and Preiss were absent. Also present were Executive Director Tom Coffey and Administrative Aide Desiree Campanini of the Board's staff.

The following is a summary of cases were heard and the votes taken. (Please note that more detailed analysis of each case shall be contained in the final written Decision, issued by the Board, covering each file number.)

Appeal No. 070301: The fire service was represented by Assistant Deputy State Fire Marshal Peter J. Marietti III of the Warwick Fire Marshal's Office. The City of Warwick was represented by its City Solicitor, Peter Ruggiero, Esq., and its Maintenance Director, Mr. David Picozzi who appeared for the property located at 3275 Post

Road (City Hall Annex). A motion was made by Commissioner Walker and seconded by Commissioner Richard to grant the Applicant the following relief. The Applicant was given until January 1, 2014 to upgrade the fire alarm and address the stair enclosure doors. The Applicant received a variance on the door of the elevator opening onto the main stair enclosure. The Applicant was given 30 days to remove the cited combustible storage. And, the Applicant was given until January 1, 2012 to address the emergency lights, exit signage and egress issues outline in the inspection report. The motion was unanimous.

Appeal No. 070302: The fire service was represented by Assistant Deputy State Fire Marshal Peter J. Marietti III of the Warwick Fire Marshal's Office. The City of Warwick was represented by its City Solicitor, Peter Ruggiero, Esq., and its Maintenance Director, Mr. David Picozzi who appeared for the property located at 99 Veterans Memorial Drive (Police Dept.). A motion was made by Commissioner Richard and seconded by Commissioner Filippi to grant the Applicant the following relief. The Applicant was given until January 1, 2014 to address the fire alarm upgrades, stair enclosure and emergency generator issues outlined in the inspection report. The Applicant was further given until January 1, 2012 to address the emergency lighting issues. The motion was unanimous.

Appeal No. 070303: The fire service was represented by Assistant Deputy State Fire Marshal Peter J. Marietti III of the Warwick Fire Marshal's Office. The City of Warwick was represented by its City Solicitor, Peter Ruggiero, Esq., and its Maintenance Director, Mr. David Picozzi who appeared for the property located at 3275 Post Road (City Hall).

A motion was made by Commissioner Walker and seconded by Commissioners Dias and Filippi to grant the Applicant the following relief. The Applicant was given until January 1, 2014 to upgrade the fire alarm and address the cited stair enclosure door issues. The Applicant was further given until January 1, 2012 to address the sprinkler wrench and spare sprinkler head issue. The Applicant was given a variance to provide the vaults and elevator machine room with heat detection in lieu of sprinkler heads. The Applicant was also granted a variance to allow the historical main stairway (vertical opening) to remain with the existing sprinkler protection in this historic building. The motion was unanimous.

Appeal No. 070516: The fire service was represented by Assistant Deputy State Fire Marshal Peter J. Marietti III of the Warwick Fire Marshal's Office. The City of Warwick was represented by its City Solicitor, Peter Ruggiero, Esq., and its Maintenance Director, Mr. David Picozzi who appeared for the property located at 2 East View Drive (Aspray Boat House). A motion was made by Commissioner

Filippi and seconded by Commissioner Jasparro to grant the Applicant the following relief. The Applicant was given a time variance, until January 1, 2014 to correct the cite fire alarm and boiler protection issues. The motion was unanimous.

Appeal No. 070538: The fire service was represented by Assistant Deputy State Fire Marshal Peter J. Marietti III of the Warwick Fire Marshal's Office. The City of Warwick was represented by its City Solicitor, Peter Ruggiero, Esq., and its Maintenance Director, Mr. David Picozzi who appeared for the property located at 27 Pilgrim Parkway (Senior Center). A motion was made by Commissioner Richard and seconded by Commissioners Filippi and Walker to grant the Applicant the following relief. The Applicant was given a time variance until January 1, 2014 to address the recommended fire alarm and sprinkler upgrades in this facility. The Applicant was further given until January 1, 2012 the address the corridor door in the woodworking shop and the exit signs. Finally, pursuant to the recommendation of Commissioner Jasparro, the Applicant was given thirty (30) days to provided this facility with the cited spare sprinkler heads and sprinkler wrench. The motion was unanimous.

Appeal No. 090342: The fire service was represented by Assistant

Deputy State Fire Marshal Peter J. Marietti III of the Warwick Fire Marshal's Office. The City of Warwick was represented by its City Solicitor, Peter Ruggiero, Esq., and its Maintenance Director, Mr. David Picozzi who appeared for the property located at 3027 West Shore Road (Buttonwoods Center). A motion was made by Commissioner Dias and seconded by Commissioner Filippi to grant the Applicant the following relief. The Applicant was given a time variance until January 1, 2014 to address the fire alarm and stair enclosure upgrades with the proviso that the original door would be repaired within sixty (60) days. The Applicant was directed to provide the required sprinkler wrench within thirty (30) days and to test and/or replace the sprinkler heads by January 1, 2012. Finally, the Applicant was granted a variance to allow the unoccupied bathrooms to maintain locked doors opening directly into the cited stairway. The motion was unanimous.

Appeal No. 090343: The fire service was represented by Assistant Deputy State Fire Marshal Peter J. Marietti III of the Warwick Fire Marshal's Office. The City of Warwick was represented by its City Solicitor, Peter Ruggiero, Esq., and its Maintenance Director, Mr. David Picozzi who appeared for the property located at 955 Sandy Lane (McDermott Pool). A motion was made by Commissioner Walker and seconded by Commissioner Filippi to grant the Applicant the following relief. The Applicant was granted a time variance, until

January 1, 2014, to upgrade the fire alarm and emergency generator. The Applicant was further given a time variance until January 1, 2012, to address the cited exit discharge to the public way issue. Finally, the Board granted a variance to allow this limited occupancy pool not to be provided with sprinkler coverage in accordance with a plan of action agreed to by the parties. The motion was unanimous.

Appeal No. 090344: The fire service was represented by Assistant Deputy State Fire Marshal Peter J. Marietti III of the Warwick Fire Marshal's Office. The City of Warwick was represented by its City Solicitor, Peter Ruggiero, Esq., and its Maintenance Director, Mr. David Picozzi who appeared for the property located at 975 Sandy Lane (Ice Rink).

A motion was made by Commissioner Dias and seconded by Commissioners Filippi and Walker to grant the Applicant the following relief. The Board granted the Applicant a time variance, until January 1, 2014 to address the fire alarm and sprinkler upgrade issues pursuant to the parties' agreement that the City would make every effort to complete this work as soon as possible depending upon available funds. The motion was unanimous.

Appeal No. 090345: The fire service was represented by Assistant Deputy State Fire Marshal Peter J. Marietti III of the Warwick Fire

Marshal's Office. The City of Warwick was represented by its City Solicitor, Peter Ruggiero, Esq., and its Maintenance Director, Mr. David Picozzi who appeared for the property located at 925 Sandy Lane (Public Works Garage). A motion was made by Commissioner Richard and seconded by Commissioners Dias and Jasparro to grant the Applicant the following relief. The Board granted the Applicant a time variance until January 1, 2014 to provide this facility with a local fire alarm, and until January 1, 2012 to install approved emergency lights and exit signage. The motion was unanimous.

Appeal No. 090346: The fire service was represented by Assistant Deputy State Fire Marshal Peter J. Marietti III of the Warwick Fire Marshal's Office. The City of Warwick was represented by its City Solicitor, Peter Ruggiero, Esq., and its Maintenance Director, Mr. David Picozzi who appeared for the property located at 3259 Post Road (Warwick Museum of Art). A motion was made by Commissioner Dias and seconded by Commissioners Jasparro and Richard to grant the Applicant the following relief. The Board granted the Applicant a time variance, until January 1, 2014 to provide this facility with an alarm system approved by the Warwick Fire marshal or designee. The Board granted a time variance until January 1, 2012, to provide the required emergency lighting and exit signage. Finally, the Board granted a variance to allow this historical structure to maintain the existing vertical openings in accordance with a plan of

action agreed to by the parties. The motion was unanimous.

Appeal No. 110034: The fire service was represented by Assistant Deputy State Fire Marshal Peter J. Marietti III of the Warwick Fire Marshal's Office. The City of Warwick was represented by its City Solicitor, Peter Ruggiero, Esq., and its Maintenance Director, Mr. David Picozzi who appeared for the property located at 181 Asylum Road (Park Maintenance Building). A motion was made by Commissioner Richard and seconded by Commissioner Dias to grant the Applicant the following relief. The Board granted a time variance until January 1, 2012 to provide this facility with emergency lighting and exit signage. The Board further granted a variance, based upon the current occupancy and intensity of use, to maintain the existing exit access and discharge. However, as Commissioner Dias pointed out, if occupancy changes or the use intensifies in the future, the Warwick Fire Marshal will be required to re-inspect and determine whether additional safeguards are necessary. The motion was unanimous.

Appeal No. 110035: The fire service was represented by Assistant Deputy State Fire Marshal Peter J. Marietti III of the Warwick Fire Marshal's Office. The City of Warwick was represented by its City

Solicitor, Peter Ruggiero, Esq., and its Maintenance Director, Mr. David Picozzi who appeared for the property located at Range Road (Police Firing Range). A motion was made by Commissioner Walker and seconded by Commissioner Jasparro to accept the Warwick Fire Marshal's determination that there were no longer any active fire code deficiencies within this facility. Accordingly, the file shall be closed upon receipt of the Warwick Fire Marshal's confirmation letter. The motion was unanimous.

Appeal No. 110036: The fire service was represented by Assistant Deputy State Fire Marshal Peter J. Marietti III of the Warwick Fire Marshal's Office. The City of Warwick was represented by its City Solicitor, Peter Ruggiero, Esq., and its Maintenance Director, Mr. David Picozzi who appeared for the property located at 145 Range Road (Highway Dispatch Office). A motion was made by Commissioner Dias and seconded by Commissioner Jasparro to grant the Applicant the following relief. The Board granted the Applicant a time variance until January 1, 2012 to address the emergency lighting, exit signage and boiler protection issues cited by the Warwick Fire marshal's Office. The motion was unanimous.

Appeal No. 110037: The fire service was represented by Assistant Deputy State Fire Marshal Peter J. Marietti III of the Warwick Fire Marshal's Office. The City of Warwick was represented by its City Solicitor, Peter Ruggiero, Esq., and its Maintenance Director, Mr. David Picozzi who appeared for the property located at 925 & 935 Sandy Lane (Public Works Facility). A motion was made by Commissioner Dias and seconded by Commissioner Richard to grant the Applicant the following relief. The Board granted the Applicant a time variance until January 1, 2014 to address the fire alarm and emergency generator issues. The Board further granted the Applicant a time variance until January 1, 2012 to address the emergency lighting and exit issues cited by the Warwick Fire marshal's Office. The motion was unanimous.

Appeal No. 110038: The fire service was represented by Assistant Deputy State Fire Marshal Peter J. Marietti III of the Warwick Fire Marshal's Office. The City of Warwick was represented by its City Solicitor, Peter Ruggiero, Esq., and its Maintenance Director, Mr. David Picozzi who appeared for the property located at 771 Post Road (Fire Station #2). A motion was made by Commissioner Walker and seconded by Commissioners Richard and Filippi to grant the Applicant the following relief. The Board granted a time variance until

January 1, 2014 to address the fire alarm and emergency generator issues. The Board further granted the Applicant until January 1, 2012, to address the emergency lighting and exit sign issues. Finally, pursuant to its understanding that the Warwick Fire Marshal shall educate the managing officer of each fire station in the proper maintenance and care of the currently installed battery-powered Smoke and CO detectors, the Board granted the Applicant a time variance until January 1, 2013 to upgrade these devices to meet the current requirement of the code. The motion was unanimous.

Appeal No. 110039: The fire service was represented by Assistant Deputy State Fire Marshal Peter J. Marietti III of the Warwick Fire Marshal's Office. The City of Warwick was represented by its City Solicitor, Peter Ruggiero, Esq., and its Maintenance Director, Mr. David Picozzi who appeared for the property located at 450 Cowesett Road (Fire Station #5). A motion was made by Commissioner Richard and seconded by Commissioners Filippi and Walker to grant the Applicant the following relief. The Board granted a time variance until January 1, 2014 to address the fire alarm and emergency generator issues. The Board further granted the Applicant until January 1, 2012, to address the emergency lighting and exit sign issues. Finally, pursuant to its understanding that the Warwick Fire Marshal shall educate the managing officer of each fire station in the proper maintenance and care of the currently installed battery-powered

Smoke and CO detectors, the Board granted the Applicant a time variance until January 1, 2013 to upgrade these devices to meet the current requirement of the code. The motion was unanimous.

Appeal No. 110040: The fire service was represented by Assistant Deputy State Fire Marshal Peter J. Marietti III of the Warwick Fire Marshal's Office. The City of Warwick was represented by its City Solicitor, Peter Ruggiero, Esq., and its Maintenance Director, Mr. David Picozzi who appeared for the property located at 1501 West Shore Road (Fire Station # 4). A motion was made by Commissioner Jasparro and seconded by Commissioner Filippi to grant the Applicant the following relief. The Board granted a time variance until January 1, 2014 to address the fire alarm and emergency generator issues. The Board further granted the Applicant until January 1, 2012, to address the emergency lighting and exit sign issues. Finally, pursuant to its understanding that the Warwick Fire Marshal shall educate the managing officer of each fire station in the proper maintenance and care of the currently installed battery-powered Smoke and CO detectors, the Board granted the Applicant a time variance until January 1, 2013 to upgrade these devices to meet the current requirement of the code. At this time Commissioner Jasparro further advised the parties that the upgrades of the CO and Smoke Detectors should be expedited by the parties. And, the parties acknowledged the importance of this issue. The motion was

unanimous.

Appeal No. 110041: The fire service was represented by Assistant Deputy State Fire Marshal Peter J. Marietti III of the Warwick Fire Marshal's Office. The City of Warwick was represented by its City Solicitor, Peter Ruggiero, Esq., and its Maintenance Director, Mr. David Picozzi who appeared for the property located at 456 West Shore Road (Fire Station # 6). A motion was made by Commissioner Dias and seconded by Commissioner Walker to grant the Applicant the following relief. The Board granted a time variance until January 1, 2014 to address the fire alarm and emergency generator issues. The Board further granted the Applicant until January 1, 2012, to address the emergency lighting and exit sign issues. Finally, pursuant to its understanding that the Warwick Fire Marshal shall educate the managing officer of each fire station in the proper maintenance and care of the currently installed battery-powered Smoke and CO detectors, the Board granted the Applicant a time variance until January 1, 2013 to upgrade these devices to meet the current requirement of the code. The motion was unanimous.

Appeal No. 110042: The fire service was represented by Assistant Deputy State Fire Marshal Peter J. Marietti III of the Warwick Fire

Marshal's Office. The City of Warwick was represented by its City Solicitor, Peter Ruggiero, Esq., and its Maintenance Director, Mr. David Picozzi who appeared for the property located at 1651 Post Road (Fire Station # 8). A motion was made by Commissioner Filippi and seconded by Commissioners Dias and Richard to grant the Applicant the following relief. The Board granted a time variance until January 1, 2014 to address the fire alarm and emergency generator issues. The Board further granted the Applicant thirty (30) days to provide this station with the required spare sprinkler heads. The motion was unanimous.

Appeal No. 110043: The fire service was represented by Assistant Deputy State Fire Marshal Peter J. Marietti III of the Warwick Fire Marshal's Office. The City of Warwick was represented by its City Solicitor, Peter Ruggiero, Esq., and its Maintenance Director, Mr. David Picozzi who appeared for the property located at 314 Commonwealth Avenue (Fire Station # 9). A motion was made by Commissioner Richard and seconded by Commissioner Filippi to grant the Applicant the following relief. The Board granted a time variance until January 1, 2014 to address the fire alarm and emergency generator issues. The Board further granted the Applicant until January 1, 2012, to address the emergency lighting and exit sign issues. Finally, pursuant to its understanding that the Warwick Fire Marshal shall educate the managing officer of each fire station in the

proper maintenance and care of the currently installed battery-powered Smoke and CO detectors, the Board granted the Applicant a time variance until January 1, 2013 to upgrade these devices to meet the current requirement of the code. The motion was unanimous.

Appeal No. 110044: The fire service was represented by Assistant Deputy State Fire Marshal Peter J. Marietti III of the Warwick Fire Marshal's Office. The City of Warwick was represented by its City Solicitor, Peter Ruggiero, Esq., and its Maintenance Director, Mr. David Picozzi who appeared for the property located at 2373 West Shore Road (Fire Station # 3). A motion was made by Commissioner Richard and seconded by Commissioner Walker to grant the Applicant the following relief. The Board granted a time variance until January 1, 2014 to address the fire alarm issue. It was noted during the hearing that the Applicant maintains alternative power generation in this station. The Board further granted the Applicant until January 1, 2012, to address the emergency lighting and exit sign issues. Finally, pursuant to its understanding that the Warwick Fire Marshal shall educate the managing officer of each fire station in the proper maintenance and care of the currently installed battery-powered Smoke and CO detectors, the Board granted the Applicant a time variance until January 1, 2013 to upgrade these devices to meet the current requirement of the code. The motion was unanimous.

Appeal No. 110045: The fire service was represented by Assistant Deputy State Fire Marshal Peter J. Marietti III of the Warwick Fire Marshal's Office. The City of Warwick was represented by its City Solicitor, Peter Ruggiero, Esq., and its Maintenance Director, Mr. David Picozzi who appeared for the property located at 915 Sandy Lane (Fire Alarm Headquarters). A motion was made by Commissioner Filippi and seconded by Commissioner Dias to grant the Applicant the following relief. The parties noted that a fire alarm system would not be required for this facility. The Board further granted the Applicant a time variance until January 1, 2012 to address the emergency lighting, exit signage and boiler protection issues. Finally, the Board was advised that the Applicant had the required emergency generator documentation and would provide it to the Warwick Fire Marshal. The motion was unanimous.

Appeal No. 110046: The fire service was represented by Assistant Deputy State Fire Marshal Peter J. Marietti III of the Warwick Fire Marshal's Office. The City of Warwick was represented by its City Solicitor, Peter Ruggiero, Esq., and its Maintenance Director, Mr. David Picozzi who appeared for the property located at 80 Bend Street (Bend Street Complex). A motion was made by Commissioner

Richard and seconded by Commissioner Walker to grant the Applicant the following relief. The Board was advised that a fire alarm system would not be required in this smaller facility. The Board granted the Applicant a time variance until January 1, 2012 to provide this facility with emergency lighting and exit signage. The motion was unanimous.

Appeal Nos. 050853, 060018, 060019, 060020, 060021, 060022, 060023, 060024, 060025, 060026, 060027, 060028, 060029, 060030, 060031, 060032, 060033, 060034, 060035, 060036, 060037, 060038, 060039, 060040, 060041, and 060042: Mr. Paul Janson, Co-Director City of Warwick Department of Buildings and Grounds, appeared and requested a time extension for compliance with the R.I. Fire Code for the City of Warwick Public Schools as outlined in the original Decisions covering the above-captioned cases. The fire service was represented by Assistant Deputy State Fire Marshal Peter J. Marietti III of the Warwick Fire Marshal's Office. After a discussion, it was determined that the Applicant should work with the Warwick Fire Marshal's Office to develop a supplemental comprehensive plan of action to bring these facilities into compliance. Accordingly, a motion was made by Commissioner Walker and seconded by Commissioner Jaspardo to direct the parties to develop a supplemental comprehensive plan of action and to return to the Board and present this plan on Tuesday April 26, 2011 at 1:00 PM. The motion was unanimous.