

**The Rhode Island Fire Safety Code Board of Appeal and Review met at its headquarters located at 1 Regan Court, Varley Building #46 in Cranston, RI on Tuesday, July 26, 2011 at 1:00 P.M. Present were Chairman Newbrook, Vice Chairperson Filippi and Commissioners Dias, Pearson, Walker, Jasparro, Jackson, Richard, Blackburn and Burlingame. Commissioner Sylvester was absent. Also present were Executive Director Thomas B. Coffey, Jr. and Administrative Assistant Desiree Campanini.**

**The following cases were heard.**

**APPEAL #110124: Dawn Realty Inc., for the property located at 333 Clinton Street, Woonsocket. ADSFM Michael Morin appeared for the Woonsocket Fire Marshal's Office. Commissioner Walker made a motion, seconded by Commissioner Richard to grant the Applicant a time variance of thirty (30) days to submit a plan of action to the Woonsocket Fire Marshal's Office to correct all outstanding deficiencies in this facility and an additional (120) days to implement that plan, with the Woonsocket Fire Marshal's Office authorized to extend the above deadlines, if a good faith effort is being shown by the Applicant. The Board granted a variance to allow the Applicant not to install a Knox Box at this facility, due to this facility being open (24) hours a day, seven days a week. The motion passed with Commissioner Burlingame opposing the vote.**

**APPEAL #090257: Mr. Michael Pearis, for the property located at 22**

**Summer Street, Newport. DSFM Paul Manning appeared for the State Fire Marshal's Office. The Board was advised that this facility is a leased building and that the building owner may not extend the lease as a residential board and care facility. Commissioner Dias made a motion, seconded by Commissioner Jasparro to grant the Applicant a time variance of sixty (60) days from the date of decision to allow the Applicant and the owner to review the current occupancy and determine whether or not the lease will be extended. In the event the lease will be extended, the Board directs that the Applicant submit a plan of action for the correction of all the outstanding deficiencies in this facility within the above (60) days and an additional (150) days to bring this facility into compliance. The Board grants the Applicant a variance to allow the Applicant to maintain the existing interior stair width, on the basis of structural hardship. The motion was unanimous.**

**APPEAL # 090254: Mr. Michael Pearis, for the property located at 77 Coggeshall Avenue, Newport. DSFM Paul Manning appeared for the State Fire Marshal's Office. The Board was advised that this facility is a leased building and that the building owner may not extend the lease as a residential board and care facility. Commissioner Dias made a motion, seconded by Commissioner Jasparro, to grant the Applicant a time variance of sixty (60) days from the date of the decision to allow the Applicant and the owner to review the current occupancy and determine whether or not the lease will be extended. In the event the lease will be extended, the Board directs that the**

**Applicant submit a plan of action for the correction of all the outstanding deficiencies in this facility within the above (60) days and an additional (150) days to bring this facility into compliance. The Board grants the Applicant a variance to maintain the existing width of the north interior stairway of this facility. The Board granted a variance based on structural hardship, for the interior winding stairway. The Applicant was granted a variance to maintain the refrigerator at the top of the stairwell within this facility. The Board granted the Applicant's requested relief to maintain the linen closet within a space under the stairwell of this facility, due to the fact the facility is fully sprinklered and that area is protected. The motion was unanimous.**

**APPEAL #080112: J. DellaGrotta MacMillan M.D., for the property located at 300 Tollgate Road, Warwick. ADSFM Peter Marietti appeared for the Warwick Fire Marshal's Office. Commissioner Pearson made a motion, seconded by Commissioner Richard to grant the Applicant two (2) time variances. The Applicant's first time variance will allow the Applicant thirty (30) days to submit a plan of action to the Warwick Fire Marshal's Office for the installation of the fire alarm system and an additional (120) days to have the fire alarm installed. At that point the Applicant's second time variance will begin which will grant the Applicant thirty (30) days to submit a plan of action to the Warwick Fire Marshal's Office for the installation of the sprinkler system in this facility and an additional (120) days to complete that plan of action, with the Warwick Fire Marshal's Office**

authorized to extend the above deadlines, if a good faith effort is being shown by the Applicant. The motion was unanimous.

**APPEAL #080301:** Mr. Carlos Arruda, for the property located at 774 Warwick Avenue, Warwick. ADSFM Peter Marietti appeared for the Warwick Fire Marshal's Office. Vice Chairperson Filippi made a motion, seconded by Commissioner Jasparro to grant the Applicant a time variance of thirty (30) days to submit a plan of action to correct all outstanding deficiencies in this facility and an additional (120) days to implement that plan. The motion was unanimous.

**APPEAL #080350:** G.W. Realty, Inc., for the property located at 1645 Warwick Avenue, Warwick. ADSFM Peter Marietti appeared for the Warwick Fire Marshal's Office. Commissioner Dias made a motion, seconded by Vice Chairperson Filippi to grant the Applicant a variance based on structural hardship for the dead end corridor located outside the Real Estate One Office based on business use only and no overnight occupancy, with a fully compliant fire alarm system installed. The motion passed with Commissioner Walker abstaining from the vote.

**APPEAL #110120:** Mr. Hampton Hodges, for the property located at 334 Knight Street, Warwick. ADSFM Peter Marietti appeared for the Warwick Fire Marshal's Office. Commissioner Walker made a motion, seconded by Commissioner Jasparro to grant the Applicant a time variance of one (1) year to work with the Warwick Fire Marshal's

**Office and come up with a plan of action to address the fire alarm and sprinkler systems within this facility. The Board noted that this facility is vacant and maintains a fire watch. The motion was unanimous.**

**APPEAL #110124: Father Roland Simoneau, for the property located at 70 Transit Street, Warwick. ADSFM Peter Marietti appeared for the Warwick Fire Marshal's Office. Commissioner Dias made a motion, seconded by Commissioner Walker to re-classify this building as an existing Place of Worship and to accept the Applicant's plan of action to bring this facility into compliance with all fire code requirements within one year, with the exception of the installation of the fire alarm system. The Board granted the Applicant an additional year to bring this facility into compliance with a fire alarm system. The Board also granted the Applicant a time variance of thirty (30) days from the date of the decision to have the approved fire extinguishers installed in this facility. The motion passed with Commissioner Richard opposing the vote.**

**Mr. Brian Peterson and Mr. Jonathan DePault, for the properties located at:**

**APPEAL #110110: Power Road, Cranston, (DCYF Building #18)**

**APPEAL #110111: Power Road, Cranston, (DCYF Building #19)**

**APPEAL #110112: Power Road, Cranston, (DCYF Building #20)**

**APPEAL #110113: Power Road, Cranston, (DCYF Building #21)**

**APPEAL #110114: Power Road, Cranston, (DCYF Building #22)**

**APPEAL #110115: Power Road, Cranston, (DCYF Building #157)**

**APPEAL #110116: Power Road, Cranston, (DCYF Building #156)**

**APPEAL #110117: Power Road, Cranston, (DCYF Building #158)**

**Chief Scott Caron appeared for the State Fire Marshal's Office and ADSFM Kevin Morris appeared for the Cranston Fire Marshal's Office.**

**Commissioner Walker made a motion, seconded by Commissioner Jasparro to grant the Applicant a time variance of one (1) year, to allow DCYF to discontinue fire protection services to the above captioned buildings, in accordance with the Applicant's plan of action. The parties are requested to report back and provide the Board with a status report. At that time the Board will determine whether the above variance should be extended. This variance does not extend to buildings 165 and 17 which will be allowed to maintain the limited occupancy and existing fire protection systems until fully vacated. As condition of this relief, the Board directs the Applicant to maintain the perimeter fencing and to further provide the State Fire Marshal's Office with a log of the roving security force assigned to patrol this complex. The motion passed with Commissioner Dias opposing the vote.**