

Fire Safety Code Board

Of Appeal and Review

April 3, 2012

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 April 3, 2012. Present were Chairman Newbrook, Vice Chairperson Filippi and Commissioners Richard, Blackburn, Burlingame, Sylvester, Jackson, Jasparro, Pearson and Dias. Commissioner Walker was absent. Also present were Executive Director Thomas B. Coffey, Jr. and Deputy Director Carol Marsella.

The following cases were heard:

APPEAL #120032: Bank of Rhode Island, for the property located at 1440 Hartford Avenue in Johnston. Chief Timothy McLaughlin appeared for the Johnston Fire Marshal's Office. Commissioner Sylvester made a motion, seconded by Commissioner Pearson, to grant the Applicant a time variance until December 31, 2012 to either vacate the building or bring the facility into code compliance. Until that time, the Applicant is directed to provide smoke and CO detection in the building, at the direction and to the satisfaction of the Johnston Fire Marshal's Office. The motion was unanimous.

APPEAL #080254: Seabury Condos, for the property located at 4162 Post Road in Warwick. ADSFM Peter Marietti appeared for the Warwick Fire Marshal's Office. Commissioner Jasparro made a motion, seconded by Commissioners Jackson and Richard, to grant the Applicant a variance to allow the unprotected vertical openings in this facility to remain in their current configuration, based upon structural hardship and in the absence of an objection by the Warwick Fire Marshal's Office. The motion was unanimous.

APPEAL #120026: Biki's, for the property located at 2077 West Shore Road, Warwick. ADSFM Matthew O'Donnell appeared for the Warwick Fire Marshal's Office. Commissioner Dias made a motion, seconded by Commissioner Jackson, to grant the Applicant a time variance of thirty (30) days to present a plan of action to the Warwick Fire Marshal's Office for the installation of a compliance hood system in this facility. The Applicant is granted an additional 150 days to implement the plan of action and the Warwick Fire Marshal's Office is granted the authority to extend either or both of the above timelines for good faith efforts being shown by the Applicant. The motion was unanimous.

APPEAL #090405: Administrator Kathleen Lavalee, for the property located at 66 Benefit Street in Providence. Chief of Inspections Scott Caron and Deputy State Fire Marshal Cynthia Dehler appeared for the State Fire Marshal's Office. Commissioner Pearson made a motion,

seconded by Commissioner Sylvester, to grant the Applicant a time variance of thirty (30) days to present a plan of action to the State Fire Marshal's Office for the correction of deficiency 4. The Applicant is granted an additional time variance of 120 days to correct deficiency 4 as it applies to the fourth floor of this facility. The State Fire Marshal's Office is granted the authority to extend that time for good faith efforts being shown by the Applicant. Due to upcoming code changes, the Applicant may not be required to complete the repair of deficiency 4 as it pertains to the remaining three floors. This file will be left open to address that issue. The Applicant is also granted a time variance of thirty (30) days to correct deficiency 5 of the Fire Marshal's report. The motion passed over the opposition votes of Commissioners Blackburn and Burlingame.

APPEAL #120035: Mr. Raymond Kleib, for the property located at 198 Atwells Avenue in Providence. ADSFM Joseph Michalczyk appeared for the Providence Fire Marshals' Office. Commissioner Jackson made a motion, seconded by Commissioner Jasparro to direct the Providence Fire Marshal's Office to do more research on the issue of the cited hibachi grill. The motion passed over the opposition votes of Commissioners Burlingame and Blackburn.

APPEAL #090138: For the property located at 324 North Main Street in North Smithfield, the Applicant failed to appear. ADSFM Brian Gartland appeared for the North Smithfield Fire Marshal's Office. Commissioner Pearson made a motion, seconded by Commissioner

Jackson, to reschedule this facility for May 8, 2012. The motion was unanimous.

APPEAL #090391: North Smithfield School Department, for the property located at 2214 Providence Pike, North Smithfield. ADSFM Brian Gartland appeared for the North Smithfield Fire Marshals' Office. Commissioner Pearson made a motion, seconded by Commissioner Jackson, to grant the Applicant time to correct the windows for rescue, prior to the commencement of the 2012/2013 academic year. The motion was unanimous.

APPEAL #090231: North Smithfield School Department, for the property located at 83 Green Street in Slatersville. ADSFM Brian Gartland appeared for the North Smithfield Fire Marshal's Office. Commissioner Sylvester made a motion, seconded by Commissioner Jasparro, to grant the Applicant a time variance of thirty (30) days from the date of this decision in which to present a plan of action for the installation of a compliant fire alarm system to the North Smithfield Fire Marshal's Office. The Applicant is granted an additional 150 days to implement that plan of action. The North Smithfield Fire Marshal's Office is granted the authority to extend either or both of the above timelines for good faith efforts being shown by the Applicant. The motion was unanimous.

APPEAL #090130: Mr. Patrick Cull, for the property located at 101 Veterans Memorial Parkway in East Providence. DSFM David

Cionfolo appeared for the State Fire Marshal's Office. Commissioner Burlingame recused himself from consideration of this case. Commissioner Blackburn made a motion, seconded by Commissioner Sylvester, to grant the Applicant the requested variance based upon structural hardship. The motion was unanimous.

APPEAL #090279: Silver Lake Community Center, for the property located at 529 Plainfield Street in Providence. DSFM Christopher Moore appeared for the State Fire Marshal's Office. The Board will conduct an on-site inspection of this facility on May 1, 2012 at 10:00 am. No decision was made at the hearing.

Respectfully submitted

Carol Marsella