

## **SUBCOMMITTEE DECISION**

**MUNICIPALITY: West Warwick**

**FILE NO.: 100108**

**LOCATION OF PREMISES:33 Factory Street**

### **APPLICANT:**

**Mr. Mark A. Demers, Sr.**

**155 Brookside Avenue**

**West Warwick, RI 02893**

**USE OR OCCUPANCY: Storage**

**This case was originally reviewed by the Board on June 11, 2013 at 1:00 P.M. At that time, it was determined that a subcommittee of the Board should conduct an on-site review of the property. Accordingly, an on-site inspection of the facility located at 33 Factory Street in West Warwick, RI commenced at 10:00 A.M on Tuesday, June 25, 2013. Present for this review were Chairman Newbrook and Commissioners Thornton, Booth and Burlingame, along with the Executive Director. The fire service was represented by Assistant Deputy State Fire Marshals James Bobola, Albert Zinno and Louis Traficante of the West Warwick Fire Marshal's Office along with Chief of Inspections Scott Caron of the State Fire Marshal's Office. The findings and recommendations of the Subcommittee were thereupon**

referred to the full Board.

The above-captioned case was most scheduled for hearing on June 25, 2013 at 1:00 P.M. At that time, Vice Chairperson Filippi and Commissioners Blackburn, Burlingame, Sylvester, Thornton, Walker, Booth and Jackson were present. A motion was made by Commissioner Walker and seconded by Commissioner Sylvester to approve the subcommittee recommendations as outlined below. The motion was unanimous.

#### **FINDINGS OF FACT**

The Board finds that the subject facility was advised on March 10, 2010 by Assistant Deputy State Fire Marshal and Director of Communications John Peiczarek that a fire alarm system would be required in this facility. The Board further finds that a punch list of the general deficiencies within this facility was created by the West Warwick Fire Marshal's Office on January 10, 2013. The Board finds that a more detailed fire inspection report would be helpful and that the Applicant and the West Warwick Fire Marshal's Office should develop a plan of action for the correction of the remaining deficiencies within this facility.

#### **CONCLUSIONS AND VARIANCE REQUESTS**

1. The Board hereby directs the West Warwick Fire Marshal's Office and the Applicant to return on July 23, 2013 at 1:00 P.M. in order to

**review the deficiencies within this facility and outline a plan of action for their correction, including a timetable. Accordingly, the Board hereby directs the West Warwick Fire Marshal's Office to conduct a follow-up inspection of this facility in preparation of the July 23, 2013 hearing and to further share that with the Applicant prior to the hearing in order to develop a mutually agreeable plan of action for this particular property. Accordingly, the parties are hereby directed to return to the Board on July 23, 2013 with the above information.**

### **STATUS OF DECISION AND APPEAL RIGHTS**

**This Decision represents a comprehensive, integrated plan of fire safety for the above-captioned facility under the above-cited use or occupancy. Accordingly, every variance granted is conditioned upon the Applicant's timely and continued compliance with all of the directives of the Board. Every variance granted is further conditioned upon the continued use or occupancy of this facility under the above-cited classification reviewed by the Board. (See: Board Rules and Regulations, section 6-2-17).**

**Failure of the Applicant to initially comply with the full Decision of the Board, within the stated time frame, shall void all variances granted herein. (See: Board Rules and Regulations, section 6-2-18.) In the event of complete, timely and continued compliance with the full Decision of the Board, the above cited variances shall be deemed to have vested in the above-captioned facility. As long as this facility is in continued compliance with the full Decision of the Board, the above-cited variances shall remain with this facility in the absence of**

**any change in use or occupancy mandating review under a separate classification of the Fire Code or a revision of the above-cited classification. (See: Board Rules and Regulations, section 6-2-19).**

**Such changes in use or occupancy of this facility, or failure to continually comply with the Board's Decision shall void all variances granted under the above-cited use or occupancy. If such change creates a new use or occupancy as outlined in R.I.G.L. 23-28.1-6, all variances granted under the original use or occupancy are void and this facility shall be reviewed under the newly created use or occupancy. (See: Board Rules and Regulations, section 6-2-20).**

**The Applicant may appeal the Board's decision within thirty (30) days of the mailing date of this decision by submitting a written appeal of the above subcommittee recommendations to the entire Fire Board for review, pursuant to Board Rule 6-2-9. The Applicant shall thereupon be scheduled for hearing before the full Board of Appeal & Review. Commencement of such an action does not operate as an automatic stay of this decision (RIGL 42-35-15(c)).**