

**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, February 4, 2014 at 1:00 P.M. Present were Chairman Newbrook, Vice Chairperson Filippi and Commissioners Booth, Pearson, Thornton, Jackson, Richard, Burlingame and Sylvester. Commissioners Walker and Blackburn were absent. Also present were Peter Dennehy Esq., and Administrative Assistant Desiree Campanini.**

**The following cases were heard.**

**APPEAL #140014: DNV Investments, LLC, for the property located at 32-36 Franklin Street, Newport. ADSFM Christopher Mahoney appeared for the Newport Fire Marshal's Office. Commissioner Thornton made a motion, seconded by Commissioner Sylvester, to grant the Applicant a time variance of seven (7) days from the date of this hearing, to bring the fire extinguishers into compliance, remove storage near the electrical panels and to allow the Newport Fire Marshal's Office access to inspect units 2-E and 3-W for the second means of egress from these units. The Board granted the Applicant a time variance of thirty (30) days to submit a plan of action to the Newport Fire Marshal's Office for the installation of a fire alarm system and to correct any other outstanding deficiencies in this facility and an additional 150 days to implement that plan, with the Newport 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 #140001: Friendship Lodge, for the property located at 1167 Putnam Pike, Chepachet. ADSFM Paul Desnoyers appeared for the Chepachet Fire Marshal's Office. Commissioner Thornton made a motion, seconded by Commissioners Pearson and Booth, to grant the Applicant a variance based on structural hardship to allow the cited doors on the first floor to open against the direction of egress travel. Also the Board granted the Applicant a variance based on structural hardship not to equip these doors with panic hardware. The Board granted the Applicant a time variance of sixty (60) days to re-adjust the north side exit door and to have the curtains in the 2nd floor window treated with a flame retardant substance. The motion was unanimous.**

**APPEAL #140003: Yardney Technical Products, for the property located at 2000 South County Road, East Greenwich. Chief Scott Caron appeared for the State Fire Marshal's Office. Commissioner Sylvester made a motion, seconded by Commissioners Jackson and Booth, to grant the Applicant's request for relief from the provisions of RIGL 23-28.28.-32 (Bond for Blasting Operation), with no objection from the State Fire Marshal's Office. The motion was unanimous.**

**APPEAL #140007: Mr. Oleg Kishovich, for the property located at 1599 Main Street, West Warwick. Deputy Chief James Gumbley appeared for the State Fire Marshal's Office. ADSFM James Bobola**

appeared for the West Warwick Fire Marshal's Office. Commissioner Thornton made a motion, seconded by Commissioners Richard and Booth, to grant the Applicant a time variance of thirty (30) days to submit a plan of action to the West Warwick Fire Marshal's Office for the installation a fully compliant fire alarm system and sprinkler system in this facility and an additional ninety (90) days to implement that plan, with the West Warwick Fire Marshal's Office authorized to extend the above deadlines, if a good faith effort is being made by the Applicant. The Applicant was granted a time variance of seven (7) days from the date of this hearing for installation of portable fire extinguishers in this facility. The motion passed with Commissioner Burlingame abstaining from the vote.

**APPEAL #130201A:** Mr. Carter Richardson, for the property located at 22 Malbone Road, Newport. ADSFM Christopher Mahoney appeared for the Newport Fire Marshal's Office. Commissioner Richard made a motion, seconded by Commissioner Thornton, to grant the Applicant a time variance of thirty (30) days to submit a plan of action to the Newport Fire Marshal's Office for the installation of a fire alarm system and to correct any other outstanding deficiencies in this facility with an additional 150 days to implement that plan, with the Newport Fire Marshal's Office authorized to extend the above deadlines, if a good faith effort is being shown by the Applicant. The Board granted the Applicant a variance to allow the smoke detectors to be installed outside of the bedrooms. The Board granted the Applicant a time variance of seven (7) days from the date of this

hearing to have the fire extinguishers installed in this facility and to remove any flammable liquid being stored in the basement of this facility. The motion was unanimous.

**APPEAL #1401006:** Landing Real Estate Group, for the property located at 125 Van Zandt Avenue, Newport. ADSFM Christopher Mahoney appeared for the Newport Fire Marshal's Office. Commissioner Richard made a motion, seconded by Commissioner Booth, to grant the Applicant a time variance of thirty (30) days to submit a plan of action to the Newport Fire Marshal's Office to bring this facility into full compliance with the fire code and an additional 150 days to implement that plan, with the Newport Fire Marshal's Office authorized to extend the above deadlines, if a good faith effort is being shown by the Applicant. The Board granted the Applicant a time variance of seven (7) days from the date of this hearing to have the fire extinguishers installed, remove storage next to the hot water heater, to remove all chocks and replace them with the appropriate hold-open device for doors. The motion was unanimous.

#### **OLD BUSINESS:**

ADSFM Christopher Mahoney of the Newport Fire Marshal Department requesting a clarification of a decision in file numbers 130039, 130040 and 130041 regarding third party monitoring or radio box for emergency forces notification in these facilities. Commissioner Thornton made a motion, seconded by Commissioner

**Pearson, to advise Mr. Ray Meyerson as a condition in granting these variances a plan of action for all three properties would be developed and submitted to the Newport Fire Marshal's Office. The Board was advised by the Newport Fire Marshal's Office that no plan of action has been submitted for the Applicant's properties, as of this date. In accordance with the Board Rules and Regulations section 6-2-23, the board hereby directs that the Applicant to appear before the Board on Tuesday, February 25, 2014 to be heard and shown cause why all previously granted variances should not be declared void and that all cited violations be reinstated.**

**Mr. Timothy Wensus of Hughes Associates, Inc., requesting clarification of a decision in file number 130182A, for the property located at 224 Benefit Street, Providence. Mr. Timothy Wensus of Hughes Associates requested that an omission of material fact that does not appear in the Decision be corrected in accordance with Board Rules and Regulations section 6-2-16. Commissioner Thornton made a motion, seconded by Commissioner Sylvester, to correct and amend the Decision to adopt the relief set forth in the Applicant's October 28, 2013 plan of action/variance request which incorporates a 20 page spreadsheet listing 113 items and timeline for compliance. Specifically, the Board ratifies and approves the "Dimensional Variations", "Arrangement of the Means of Egress" variances and the "Time Variances" listed therein. The motion was unanimous.**

**Respectfully Submitted**

**Desiree Campanini**

**Administrative Assistant**