



Board of Appeals

Wednesday, November 9, 2022, 4:30p.m.

Miller-Vincent Room, 2nd. fl.

Keene Public Library

60 Winter Street

AGENDA

- I. Introduction of Board Members
- II. Minutes of the previous meeting: October 12, 2022
- III. New Business

HBOA 22-09: Petitioner, Ben Wright, of 21D Winchester Ct, has filed a petition for an Appeal of a Property and Housing Standard Notice of Violation for property located at 17-25 Winchester Ct., TMP 592-013-000-000-000, which is in the High Density District. The Petitioner is appealing the violation stating the trash was cleaned on a timely manner and was unfair to ticket each occupant rather than the house.

HBOA 22-10: Petitioner, Michael Sheridan, of 21D Winchester Ct, has filed a petition for an Appeal of a Property and Housing Standard Notice of Violation for property located at 17-25 Winchester Ct., TMP 592-013-000-000-000, which is in the High Density District. The Petitioner is appealing the violation stating that it is not fair to ticket each individual for the trash instead of the house and the yard had been cleaned.

HBOA 22-11: Petitioner, Andrew Miller, of 21C Winchester Ct, has filed a petition for an Appeal of a Property and Housing Standard Notice of Violation for property located at 17-25 Winchester Ct., TMP 592-013-000-000-000, which is in the High Density District. The Petitioner is appealing the violation stating that it is not fair to ticket each individual for the trash instead of the house and that the yard had been cleaned.

HBOA 22-12: Petitioner, Nicholas Mason, of 21C Winchester Ct, has filed a petition for an Appeal of a Property and Housing Standard Notice of Violation for property located at 17-25 Winchester Ct., TMP 592-013-000-000-000, which is in the High Density District. The Petitioner is appealing the violation stating that it is not fair to ticket each individual for the trash instead of the household, there is no evidence the city ordinance Section 18-241 is a ticketable offence;

and this is a college house, which deserves a break from fines as they maintain the property better than previous years.

HBOA 22-13:/ Petitioner, Brendan DiSilva, of 21D Winchester Ct, has filed a petition for an Appeal of a Property and Housing Standard Notice of Violation for property located at 17-25 Winchester Ct., TMP 592-013-000-000-000, which is in the High Density District. The Petitioner is appealing the violation stating that it is not fair to ticket each individual for the trash instead of the house and that the yard had been cleaned.

FBOA 22-01:/ Petitioner, Toby Tousley, of Keene, has filed a petition for an Appeal of a Fire Code Notice of Violation for property located at 160 Emerald St., TMP 583-034-000-000-000, which is in the Downtown Growth District. The Petitioner is appealing the violations from National Fire Protection Codes: NFPA 101: 12.2.5.1.3, 12.3.4.3.3, 12.2.5.2, 12.2.3.8, 7.4.1.2, 12.3.5.2, 12.2.2.2.3, NFPA 10, 7.1.1, NFPA 101, 7.10.1.2, NFPA 25, 3.3.133.1, NFPA 1: 4.4.3.2.3, 4.4.3.1.1, 4.4.3, 14.5.1.2, and 14.9.1.2.

IV. Adjourn

City of Keene
New Hampshire

HOUSING BOARD OF APPEALS
MEETING MINUTES

Wednesday October 12, 2022 4:30 PM Miller-Vincent Room, Keene Public Library

Members Present:

Malcolm Katz, Chair
Steve Walsh
Donald Flibotte
Doug Brown

Staff Present

John Rogers, Building & Health Official
Ryan Lawliss, Housing Inspector
Corinne Marcou, Administrative Assistant

Members Not Present:

1) **Call to Order**

Chair Katz called the meeting to order at 4:30 PM.

2) **Approval of Meeting Minutes – March 24, 2022**

Chair Katz asked for comments on the previous minutes. Hearing none, he asked for a motion to accept the minutes. Mr. Walsh made the motion to accept the minutes as written with Mr. Flibotte seconded.

3) **New Business**

Chair Katz stated that they were waiting for the Applicants to arrive for the minutes. He did question the length of time to wait, with Mr. Brown questioning if they had received notice of the meeting. Ms. Marcou stated they had via email as well as a phone call. She read into the minutes the email notice sent to the four Applicants on Thursday, October 6, 2022 at 4:03 pm,

Hello,

This email is serving as a Notice of Hearing for the City of Keene Housing Board of Appeals. A meeting will be held on Wednesday, October 12, 2022 at 4:30 PM, at the Keene Public Library, 60 Winter St., 2nd floor, in the Miller-Vincent Room.

The attached agenda packet is for your review as well as notice of order the petitions will be heard.

If there are any questions, please reach out prior to the scheduled meeting.

Three of the Applicants arrive at 4:45 pm, stating they originally went to City Hall for the meeting. Of the three in attendance, Nicholas Redden was absent.

Chair Katz opened the meeting asking to hear from David Kosky. Mr. Kosky of 28 Winchester Ct., stated that he is appealing the violation he received on September 26, 2022 as he and his roommates feel that one fine each is excessive, they are asking for one violation for the house. He further stated that there was trash in the back yard from a get together but it was cleaned.

Chair Katz asked to hear from City Staff. Ryan Lawliss, Housing Inspector shared photos taken of the yard showing the trash. He continued that initially, he was noticed about this property via a phone call on September 23, 2022, from a neighbor stating that trash was blowing into their yard as well as disposing of trash in her dumpster on their property. The neighbor stated during the phone conversation, that it was either the tenants of 28-30 Winchester Ct. or their guests using her dumpster. Mr. Lawliss continued that upon arriving at the property, did see the trash in the back yard. He stated he did speak to the property owner of 28-30 Winchester Ct., who stated she wasn't surprised about this one complaint from the neighbor as she has received others in the past from other neighbors as well as the Keene Police Department. The property owner provided Mr. Lawliss with the names of the two units when asked. At this time, the residents of the unit #30 arrived, asking what was happening. Mr. Lawliss explained the situation and stated that he needed to leave to attend to other items, but upon returning, will issue violations if the trash was not cleaned. He did state that upon his arrival, the yard was cleaned. This was Friday, September 23, 2022.

Mr. Lawliss stated that he understood that that weekend was Alumni Weekend at Keene State College, he returned to the property on Monday, September 26, 2022, finding it in worse condition than he had the week prior. It was then he issued the citations to both 28 & 30 Winchester Ct.

Chair Katz commented that this seems to be a recurring problem. Mr. Lawliss stated that was correct and that it wasn't from a lack of the dumpster not being emptied on a regular basis. This was trash that was spread out in the back yard.

Mr. Walsh asked if the tenants at 30 Winchester Ct. had paid their citations. Mr. Lawliss stated that those tenants reached out to him to discuss the citations and the possibility of a fine reduction. He did learn that one of the tenants had been out of state during the weekend party, so he voided that ticket. He continued that one tenant paid their ticket on Tuesday, September 27, 2022. He further stated that, after confirming with the City Attorney, he does not have the authority to reduce fines, he only has the ability to issue and void violations. Mr. Lawliss stated that he met with the tenants once again; explaining the situation. It was concluded that he would void two of the other tickets with the understanding that those two individuals would reimburse the one tenant who already paid her fine, each paying \$41.65 each.

Chair Katz asked Mr. Kosky if he reached out the Housing Inspector as the other tenants had. Mr. Kosky replied that he had not and asked the other two Applicants if they had. Both of the other Applicants stated they hadn't; with Mr. Lawliss stated that one individual reached out to him asking about the appeal process, which is stated on the citation.

Mr. Flibotte asked if during the gathering, was everyone in the back yard and if when someone was finished with a beer, they simply tossed the can on the ground. He further asked if there were no trashcans or bags for the beer cans.

Paul Vieira from 28 Winchester Ct. stated they have an issue with animals getting into their trash periodically. He continued, agreeing that there was a get together and trash in the back yard, but decided not to clean the yard the day after as football games were being air on TV. He stated that they could clean the day after the football games. Mr. Vieira stated that before they got out of bed and had a chance to clean on Monday, September 26, 2022, they each had received a ticket. Mr. Kosky stated that they did have three trashcans for the party but not everyone was using them, that college students didn't care and tossed their trash on the ground.

Chair Katz responded that it didn't matter, it was their party and their responsibility to clean within a reasonable timeframe, prior to the mess becoming an issue for someone else. Mr. Kosky stated that they are asking for a reduction in the ticket as they each can't pay the \$125.00 fine. Chair Katz stated the issue he is concerned with that it appears to be a recurring problem. That a party is had, the yard is a mess without it being cleaned appropriately.

Jared Reed of 28 Winchester Ct. joined the conversation stating that it's difficult with the tenants of 30 Winchester Ct. also having parties and causing trash issues. Mr. Flibotte asked if that trash had been cleaned. Mr. Kosky stated that it is difficult as it is one big back yard since it is a duplex building. Mr. Reed continued that the situation seems unfair for each to receive citation when not all are involved. Mr. Lawliss asked the three Applicants if they were all in attendance at the weekend party. Mr. Reed stated he was with his mother, at his apartment. Mr. Lawliss continued that Thursday, September 22 there was a party, with trash in the yard on Friday, September 23, that the tenants at 30 Winchester Ct. cleaned after asking for assistance from the #28 unit. He continued that Saturday night there was another party, the Applicants chose to watch football on Sunday, then tickets were issued on the morning of Monday, September 26, is when the yard was cleaned.

Mr. Vieira stated that he understands the need for the citations, he reiterated the ask for a price reduction.

Chair Katz clarified that the house as whole agreed that there was trash in the yard, with half of the house having paid their portion and three tenants in attendance, one not, asking for a reduction of one ticket split four ways. He continued that the concern he has is that this is a repetitive issue and has a problem with a reduction. He stated that he cannot reduce the fine for Nicholas Redden at all since he is not before the Board. Mr. Reed asked the Board why the tenants of the #30 unit receive a reduction in their tickets but they cannot.

Chair Katz stated that there is a penalty for trash that should be paid. Agreeing with this was Mr. Reed who then questioned why the #30 unit was able to pay a reduced rate, why he and the other Applicants couldn't have the same.

Mr. Lawliss reiterated that the three tenants at the #30 unit split the cost of one ticket, with the other three voided. He continued that the three Applicants are requesting a ticket reduction.

Mr. Flibotte asked if those in the #30 unit cleaned the trash in the back yard. Mr. Lawliss stated that he isn't sure who cleaned the yard on the Monday after the violations were issued, but he does know they did on the Friday prior. Mr. Flibotte stated that as college students, it is their responsibility to clean after a party either that night or the next morning, not to wait two days.

Chair Katz asked the three Applicants what year they were in; all three stated they were seniors. Mr. Kosky stated that they agree that the yard should have been cleaned sooner, but questioned why the tenants at #30 unit were able to receive a lesser fine than they, even though the trash had been cleaned.

Chair Katz asked how many days after receiving the violation did they reach out to the City. Mr. Vieira stated that once they went to the City, Ms. Marcou stated that their ticket would be suspended until after the meeting. Chair Katz clarified that the deadline of seven days the fine is increased to \$250 is not valid, that the fine remains at \$125.00.

Mr. Lawliss suggested to the Board that if there is to be a reduction in the fine that the Board take into consideration the fine paid by the #30 unit. Chair Katz further clarified that before the Board at this meeting are two fines; one for the Applicant who is not present and the other three who are. As for the Applicant who is not present, his fine remains at \$125.00 with after seven days of this meeting, his fine increases to \$250.00. The Chair continued that it would be his suggestion to have one fine of \$125.00 split three ways providing there is no longer any trash in their yard after any future parties.

Mr. Walsh agreed with the Chair, though he stated that such events will continue to happen and that the \$125.00 fine is of no consequence. He further agreed that the fourth Applicant, who did not provide any communication of his non-attendance, should pay the full amount. He also suggested that this is the last time they split fines, as this will continue to occur. Mr. Browns suggested that if there is another event with these same four Applicants, that the fines are increased to \$250.00

Mr. Rogers recommended that each of these three violations be reduced in their fines, not that the three Applicants split the cost of one. This will then provide a history of violations for each tenant as well as the ability of the Staff to ensure they each make a payment.

Chair Katz stated that it is his opinion that the \$125.00 fine is not a valid penalty and is suggesting a fine of \$50.00 for each, with the understanding that if their names are brought before the Board again, the fine is increased to \$250.00 each.

Chair Katz closed the public hearing for the Board to deliberate.

Mr. Walsh asked for clarification that each of the three Applicants present will receive a \$50.00 fine with the one not present will remain at the \$125.00. After seven days, the fines will increase to \$250.00. Mr. Flibotte reiterated that if the Board hears petitions from these four individuals again, that they fine will be an automatic \$250.00.

Chair Katz made the motion to have the three fines for David Kosky, Paul Vieira and Jared Reed be reduced to \$50.00 with the fine for Nicholas Redden remain at \$125.00, to be paid to the City of Keene, within the next seven days from the day of the meeting. Mr. Walsh seconded. The vote passed unanimously.

Mr. Rogers made note to the Applicants that if any other future events happen, to reach out to either Mr. Lawliss and/or the City.

The Applicants were excused for the Board to continue discussion.

Mr. Walsh suggested that future fines are not issued to the tenants, but lumped together for the property owner, as this will be a continuing issue. He suggested that the onus must be on the property owner.

Chair Katz asked Mr. Lawliss if when he visited the property in question, if the whole property are inspected other than the trash, stating that he noticed items of concern on the property and the building, which the property owner should be made aware of so as to not be renting derelict buildings. Mr. Rogers replied that to make the Board aware of the process is deal with these type of issues with the tenants initially, as these are the responsibility of the tenants. The property owners are made aware of any issues concerning safety of the building. If the tenants do not address issues such as trash, then the City will reach out to the property owners for assistance in rectifying. Mr. Walsh stated that the next instance there is a trash issue such what was discussed at this meeting, is an instant \$125.00 as this will eliminate the issue.

Chair Katz asked if the Housing Inspector has the ability to bargain with the tenants on issued violations. Mr. Rogers responded that he does not, but there has been a discussion on a future fee schedule change with the Ordinance. He continued that the Mr. Lawliss has the authority to void a ticket if he so chooses, as he did with the #30 unit.

Mr. Flibotte made a suggested that the college should be notified of any violations issued. Mr. Rogers did state that the college does have their Code of Conduct and they are notified of significant violations, but not with issues such as with trash.

The Board made note of and agreed the property owners should be invested more so in their properties and the violations issued by the City and Staff. Mr. Lawliss did state that he works closely with the property owner, who are very receptive. He further stated that he issues very few violations overall within a calendar year.

With no further business, Chair Katz adjourned the meeting at 5:20 PM.

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Board of Appeals Appeal of Administrative Decision



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APPEAL OF CITY OF KEENE ADMINISTRITIVE DECISION

Building Code: [Section 18-206](#): Any person aggrieved by an order of the building inspector interpreting the building code may, within 15 days of the date of the order, appeal to the board of appeal established under City Code [section 2-741](#). The board of appeal may affirm such an order or they may modify such order or the application of the building code when in the opinion of the board, enforcement of the provision to the appellants proposal would do manifest injustice and would be contrary to the spirit and purpose of the building code and the public interest.

Property & Housing Safety Standards: [Section 18-316](#): With the exception of [section 18-300](#), any person aggrieved by an order, decision or requirement of the housing standards enforcement officer, under article III, may appeal to the housing standards board of appeals established by City Code [section 2-1098](#) to [2-1100](#) which may grant relief from the order for actions taken on properties for noncompliance with article III. Any such appeal shall be filed within 15 days of the date of the action aggrieved from. The board of appeals may affirm, reverse or modify such order, decision or requirement when in the opinion of the board, the enforcement of the order, decision or requirement would do manifest injustice and would be contrary to the spirit and purpose of the ordinance and the public interest. The board may waive the requirements of subsection [18-241](#) (10) and (11), when it has been shown that the requirements create a hardship due to the unique characteristics of the site.

Section of the Ordinance in question: Ticket for litter / debris 18-241.8

Fire Code: [NH RSA 674:34](#): Powers of the Building Code of Appeals: I. The building code board of appeals shall hear and decide appeals of orders, decisions, or determinations made by the building official or fire official relative to the application and interpretation of the state building code or state fire code as defined in RSA 155-A:1. An application for appeal shall be based on a claim that the true intent of the code or the rules adopted thereunder have been incorrectly interpreted, the provisions fo the code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of the state building code or the state fire code.

APPLICATION REQUIREMENTS

A complete application must include the following items and submitted by one of the options below:

- **Email:** communitydevelopment@keenenh.gov, with **"BOA APPLICATION"** in the subject line
- **Mail / Hand Deliver:** Community Development (4th Floor), Keene City Hall, 3 Washington St, Keene, NH 03431
- **Attach** the decision of the City of Keene Administrator to be reviewed.

Board of Appeals Appeal of Administrative Decision



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email: communitydevelopment@keeneh.gov

SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law. If applicant or authorized agent, a signed notification from the property owner is required.

OWNER / APPLICANT

NAME/COMPANY: Ben Wright

MAILING ADDRESS: 210 Winchester Ct, Keene NH

PHONE: 978-604-9251

EMAIL: benw156x@gmail.com

SIGNATURE: *[Handwritten Signature]*

PRINTED NAME: Ben Wright

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY: Trevor Graver / Keene Cribs

MAILING ADDRESS:

PHONE: 203-414-8058

EMAIL: landlords@keenecribs.com

SIGNATURE:

PRINTED NAME:

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

SECTION : REASON FOR APPEAL

Provide an outline of your appeal, describing in detail the date and decision that aggrieved you and how enforcement of the code, as presently written and interpreted by the inspector, causes you manifest injustice and is contrary to the spirit and purpose of the ordinance.

On Monday, October 24th, myself along with my 3 other roommates received a ticket for "litter/debris" around 11am, despite our yard of the property we lease being completely clean of said litter and debris. I had just gotten back into Keene from a weekend at home, and was blindsided by a knock on the door and a \$125 ticket almost immediately. After receiving these tickets, my roommates and I were shocked, so my roommate Anthony Maccarone took photos of our yard at the time of the ticket. Another issue that I have with these tickets is being ticketed individually, despite being told last year that tenants should be ticketed as a whole house, not individually.

Thank you,





Date of Violation: 10/24/22 Time: _____

Address of Violation: 17-25 Winchester CT

Vehicle Reg: _____ State _____

Name of Violator: Ben Wright

Address of Violator: 210 Winchester CT

Manner of Service: Hand Mail Residence Vehicle

Warning: No Fine Reinspect date: 10/25/22

Violation	1st Offense		2nd Offense		3rd Offense		Subsequent
	7 Days	After	7 Days	After	7 Days	After	
Minimum Property Stds 18-241	\$125	\$250	\$250	\$500	\$500	\$1,000	\$1,000
Unregistered Vehicle 18-241.5	\$125	\$250	\$250	\$500	\$500	\$1,000	\$1,000
<u>Litter/Debris 18-241.8</u>	\$125	\$250	\$250	\$500	\$500	\$1,000	\$1,000
Dumpster Enclos. 18-241.11	\$125	\$250	\$250	\$500	\$500	\$1,000	\$1,000
No Street # Visible 18-241.15	\$125	\$250	\$250	\$500	\$500	\$1,000	\$1,000
Minimum Housing Stds 18-250-264	\$125	\$250	\$250	\$500	\$500	\$1,000	\$1,000
Building/Sign No Permit 18-27	\$125	\$250	\$250	\$500	\$500	\$1,000	\$1,000
Other	\$125	\$250	\$250	\$500	\$500	\$1,000	\$1,000

	1st Offense		2nd Offense		Subsequent	
	7 Days	After	7 Days	After	7 Days	After
Parking 18-241.4 re: 102-794	\$25	\$50	\$50	\$100	\$100	\$200

Description of Violation: _____

In violation of City of Keene Ordinance: _____

Ryan Lawless
Issuing Officer

10/24/22
Date

This citation may be disposed of without your personal appearance if payment is made within 30 days of issuance. Failure to pay the penalty within 30 days may result in additional penalties and/or court action. To make a payment, place check or money order in the envelope, seal and mail. Responsibility for receipt of payment rests with you. Notify the Code Enforcement Department in writing within 7 days if you wish to contest the issuance of this citation.

603-352-5440

SAVE STEPS - MAIL IT

Insert Payment, Peel Tape, Fold Flap, Seal, and Put on Stamp

City of Keene, NH

Board of Appeals Appeal of Administrative Decision



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Building Code: Section 18-206: Any person aggrieved by an order of the building inspector interpreting the building code may, within 15 days of the date of the order, appeal to the board of appeal established under City Code [section 2-741](#). The board of appeal may affirm such an order or they may modify such order or the application of the building code when in the opinion of the board, enforcement of the provision to the appellant's proposal would do manifest injustice and would be contrary to the spirit and purpose of the building code and the public interest.

Property & Housing Safety Standards: Section 18-316: With the exception of [section 18-300](#), any person aggrieved by an order, decision or requirement of the housing standards enforcement officer, under article III, may appeal to the housing standards board of appeals established by City Code [section 2-1098](#) to [2-1100](#) which may grant relief from the order for actions taken on properties for noncompliance with article III. Any such appeal shall be filed within 15 days of the date of the action aggrieved from. The board of appeals may affirm, reverse or modify such order, decision or requirement when in the opinion of the board, the enforcement of the order, decision or requirement would do manifest injustice and would be contrary to the spirit and purpose of the ordinance and the public interest. The board may waive the requirements of subsection [18-241](#) (10) and (11), when it has been shown that the requirements create a hardship due to the unique characteristics of the site.

Section of the Ordinance in question: _____

Fire Code: NH RSA 674:34: Powers of the Building Code of Appeals: I. The building code board of appeals shall hear and decide appeals of orders, decisions, or determinations made by the building official or fire official relative to the application and interpretation of the state building code or state fire code as defined in RSA 155-A:1. An application for appeal shall be based on a claim that the true intent of the code or the rules adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of the state building code or the state fire code.

APPLICATION REQUIREMENTS

A complete application must include the following items and submitted by one of the options below:

- **Email:** communitydevelopment@keenenh.gov, with **"BOA APPLICATION"** in the subject line
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Board of Appeals Appeal of Administrative Decision



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SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law. If applicant or authorized agent, a signed notification from the property owner is required.

OWNER / APPLICANT

NAME/COMPANY: Michael Sheridan

MAILING ADDRESS: 21 D Winchester Ct

PHONE: 978-337-1600

EMAIL: mikeyjs10@icloud.com

SIGNATURE: *[Handwritten Signature]*

PRINTED NAME: Michael Sheridan

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

SECTION : REASON FOR APPEAL

Provide an outline of your appeal, describing in detail the date and decision that aggrieved you and how enforcement of the code, as presently written and interpreted by the inspector, causes you manifest injustice and is contrary to the spirit and purpose of the ordinance.

We woke up on Monday morning and cleaned our front yard. Around 4 o'clock we received a ticket for litter/debris. Our yard was already cleaned at this point, so it made no sense. Also, each person in our unit received an individual \$125 fine. This is unreasonable because if you were to fine a family in Keene, you would not write a family of four (two parents and two children) four separate tickets.

Thank you,

Michael Sheridan



City of Keene, New Hampshire
Notice of Ordinance Violation

4007 *

Date of Violation: 10/24/22 Time: _____

Address of Violation: 17-25 Winchester Ct

Vehicle Reg: _____ State _____

Name of Violator: Michael Sheridan

Address of Violator: 310 Winchester Ct

Manner of Service: Hand Mail Residence Vehicle

Warning: No Fine Reinspect date: 10/25/22

Violation	1st Offense		2nd Offense		3rd Offense		Subsequent
	7 Days	After	7 Days	After	7 Days	After	
Minimum Property Stds 18-241	\$125	\$250	\$250	\$500	\$500	\$1,000	\$1,000
Unregistered Vehicle 18-241.5	\$125	\$250	\$250	\$500	\$500	\$1,000	\$1,000
X Litter/Debris 18-241.8	\$125	\$250	\$250	\$500	\$500	\$1,000	\$1,000
Dumpster Enclos. 18-241.11	\$125	\$250	\$250	\$500	\$500	\$1,000	\$1,000
No Street # Visible 18-241.15	\$125	\$250	\$250	\$500	\$500	\$1,000	\$1,000
Minimum Housing Stds 18-250-264	\$125	\$250	\$250	\$500	\$500	\$1,000	\$1,000
Building/Sign No Permit 18-27	\$125	\$250	\$250	\$500	\$500	\$1,000	\$1,000
Other	\$125	\$250	\$250	\$500	\$500	\$1,000	\$1,000

	1st Offense		2nd Offense		Subsequent	
	7 Days	After	7 Days	After	7 Days	After
Parking 18-241.4 re: 102-794	\$25	\$50	\$50	\$100	\$100	\$200

Description of Violation: _____

In violation of City of Keene Ordinance: _____

Ryan Lawliss
Issuing Officer

10/24/22
Date

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603-352-5440

SAVE STEPS - MAIL IT

Insert Payment, Peel Tape, Fold Flap, Seal, and Put on Stamp

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APPEAL OF CITY OF KEENE ADMINISTRATIVE DECISION

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Property & Housing Safety Standards: Section 18-316: With the exception of [section 18-300](#), any person aggrieved by an order, decision or requirement of the housing standards enforcement officer, under article III, may appeal to the housing standards board of appeals established by City Code [section 2-1098](#) to [2-1100](#) which may grant relief from the order for actions taken on properties for noncompliance with article III. Any such appeal shall be filed within 15 days of the date of the action aggrieved from. The board of appeals may affirm, reverse or modify such order, decision or requirement when in the opinion of the board, the enforcement of the order, decision or requirement would do manifest injustice and would be contrary to the spirit and purpose of the ordinance and the public interest. The board may waive the requirements of subsection [18-241](#) (10) and (11), when it has been shown that the requirements create a hardship due to the unique characteristics of the site.

Section of the Ordinance in question: _____

Fire Code: NH RSA 674:34: Powers of the Building Code of Appeals: I. The building code board of appeals shall hear and decide appeals of orders, decisions, or determinations made by the building official or fire official relative to the application and interpretation of the state building code or state fire code as defined in RSA 155-A:1. An application for appeal shall be based on a claim that the true intent of the code or the rules adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of the state building code or the state fire code.

APPLICATION REQUIREMENTS

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- **Email:** communitydevelopment@keenenh.gov, with **"BOA APPLICATION"** in the subject line
- **Mail / Hand Deliver:** Community Development (4th Floor), Keene City Hall, 3 Washington St, Keene, NH 03431
- **Attach** the decision of the City of Keene Administrator to be reviewed.

Board of Appeals Appeal of Administrative Decision



For Office Use Only:

Case No. _____
Date Filled _____
Rec'd By _____
Page _____ of _____
Rev'd by _____

If you have questions on how to complete this form, please call: (603) 352-5440 or
email: communitydevelopment@keenenh.gov

SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law. If applicant or authorized agent, a signed notification from the property owner is required.

OWNER / APPLICANT

NAME/COMPANY: Andrew Miller
MAILING ADDRESS: 21 Winchester Court APPT C
PHONE: 413-234-0388
EMAIL: andrew.miller3434@gmail.com
SIGNATURE: *AM*
PRINTED NAME: Andrew Miller

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY:
MAILING ADDRESS:
PHONE:
EMAIL:
SIGNATURE:
PRINTED NAME:

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY:
MAILING ADDRESS:
PHONE:
EMAIL:
SIGNATURE:
PRINTED NAME:

SECTION : REASON FOR APPEAL

Provide an outline of your appeal, describing in detail the date and decision that aggrieved you and how enforcement of the code, as presently written and interpreted by the inspector, causes you manifest injustice and is contrary to the spirit and purpose of the ordinance.

On Monday October 2nd around 1:00PM MY neighbors and I cleaned our yard and then I went to class, I came back to my roommate holding 4 tickets for debris/litter, along with my neighbors. I was told it is suppose to be 1 warning per house and then a ticket for 1 house not every single person with no warning. We cleaned up and my neighbor said he took pictures of the yard as it was being ticketed for proof of our yards being clean. Thank you for your time and sorry for the troubles, my roommate and I are very shocked, and will maintain a clean yard.

Thank You



Board of Appeals Appeal of Administrative Decision

If you have questions on how to complete this form, please call: (603) 352-5440 or
email: communitydevelopment@keenenh.gov



For Office Use Only:	
Case No.	420A22-12
Date Filled	10/28/22
Rec'd By	CSM
Page	1 of 2
Rev'd by	

APPEAL OF CITY OF KEENE ADMINISTRITIVE DECISION

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Section of the Ordinance in question: 18-241.8

Fire Code: NH RSA 674:34: Powers of the Building Code of Appeals: I. The building code board of appeals shall hear and decide appeals of orders, decisions, or determinations made by the building official or fire official relative to the application and interpretation of the state building code or state fire code as defined in RSA 155-A:1. An application for appeal shall be based on a claim that the true intent of the code or the rules adopted thereunder have been incorrectly interpreted, the provisions fo the code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of the state building code or the state fire code.

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OWNER / APPLICANT

NAME/COMPANY: Nicholas Mason

MAILING ADDRESS: 21 c Winchester Court Keene NH 03431

PHONE: 603-8581-6437

EMAIL: nm1193@usnh.edu

SIGNATURE: Nic Mason

PRINTED NAME: Nicholas Mason

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY: ~~Nicholas M~~ Owner Trevor

MAILING ADDRESS:

PHONE: 203-414-8058

EMAIL:

SIGNATURE:

PRINTED NAME:

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

SECTION : REASON FOR APPEAL

Provide an outline of your appeal, describing in detail the date and decision that aggrieved you and how enforcement of the code, as presently written and interpreted by the inspector, causes you manifest injustice and is contrary to the spirit and purpose of the ordinance.

I believe that this ticket given on 10/25/22 is unjust. Firstly, giving ~~the~~ individual tickets to each person is out of bounds. ~~We~~ We all live together and the responsibility of cleaning up the mess is something we share. Giving out tickets should be ^{one} to each house as we live together and therefore a ^{household} family/. Secondly, on the Keene city website under Housing Ordinances Sec. 18-241, I found no evidence of the town stating that violating Sec. 18-241 was a ticketable offence. Also there are no criteria or standards to indicate ~~the~~, now, why and when the housing inspector comes around to issue these tickets. ~~I also find~~ Since I found no evidence of a criteria or standard for a front lawn in Keene, I believe that there is bias in the inspector and that the offence may be less than it seems. Lastly, ~~I am~~ ~~trying~~ there are many houses on Winchester court, the trash on the yard is gross and not appealing however it is a college house and I believe that as college students we deserve a break from the constant fines that incur from us trying to have fun. Also, during my time at Keene I have seen these ~~houses~~ property's in significantly more disrepair and ~~neglect~~ neglect and I feel overall I and my roommates are doing better than previous years. Winchester court is also a dead end street, therefore less public traffic, so why the relentless need to ticket and police our houses.

I feel like this situation is similar to when our parents would tell us to clean our room when guests ~~are~~ are coming. The task is minimal yet if we do not complete it - we get punished. I thought I outgrew those days ~~but~~ yet here we are.



City of Keene, New Hampshire
Notice of Ordinance Violation

4012

Date of Violation: 10/24/22 Time: _____

Address of Violation: 17-25 Winchester Ct

Vehicle Reg: _____ State _____

Name of Violator: Nicholas Mason

Address of Violator: 21C Winchester Ct

Manner of Service: Hand Mail Residence Vehicle

Warning: No Fine Reinspect date: 10/25/22

Violation	1st Offense		2nd Offense		3rd Offense		Subsequent
	7 Days	After	7 Days	After	7 Days	After	
Minimum Property Stds 18-241	\$125	\$250	\$250	\$500	\$500	\$1,000	\$1,000
Unregistered Vehicle 18-241.5	\$125	\$250	\$250	\$500	\$500	\$1,000	\$1,000
Litter/Debris 18-241.8	\$125	\$250	\$250	\$500	\$500	\$1,000	\$1,000
Dumpster Enclos. 18-241.11	\$125	\$250	\$250	\$500	\$500	\$1,000	\$1,000
No Street # Visible 18-241.15	\$125	\$250	\$250	\$500	\$500	\$1,000	\$1,000
Minimum Housing Stds 18-250-264	\$125	\$250	\$250	\$500	\$500	\$1,000	\$1,000
Building/Sign No Permit 18-27	\$125	\$250	\$250	\$500	\$500	\$1,000	\$1,000
Other	\$125	\$250	\$250	\$500	\$500	\$1,000	\$1,000

	1st Offense		2nd Offense		Subsequent	
	7 Days	After	7 Days	After	7 Days	After
Parking 18-241.4 re: 102-794	\$25	\$50	\$50	\$100	\$100	\$200

Description of Violation: _____

In violation of City of Keene Ordinance: _____

Ryan Lawliss
Issuing Officer

10/24/22
Date

This citation may be disposed of without your personal appearance if payment is made within 30 days of issuance. Failure to pay the penalty within 30 days may result in additional penalties and/or court action. To make a payment, place check or money order in the envelope, seal and mail. Responsibility for receipt of payment rests with you. Notify the Code Enforcement Department in writing within 7 days if you wish to contest the issuance of this citation.

603-352-5440

SAVE STEPS - MAIL IT

Insert Payment, Peel Tape, Fold Flap, Seal, and Put on Stamp

City of Keene, NH

Board of Appeals Appeal of Administrative Decision



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Case No.	HBOA 22-13
Date Filled	10/20/28
Rec'd By	CAH
Page	1 of 2
Rev'd by	

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APPEAL OF CITY OF KEENE ADMINISTRATIVE DECISION

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Board of Appeals Appeal of Administrative Decision



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I hereby certify that I am the owner, applicant, or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law. If applicant or authorized agent, a signed notification from the property owner is required.

OWNER / APPLICANT

NAME/COMPANY: Brendan DiSilva
MAILING ADDRESS: 21D Winchester Ct
PHONE: 781 910 5897
EMAIL: Brendan.DiSilva@gmail.com
SIGNATURE: 
PRINTED NAME: Brendan DiSilva

~~OWNER~~ **APPLICANT** (if different than Owner/Applicant)

NAME/COMPANY: Trevor Grauer
MAILING ADDRESS: 21D Winchester Ct
PHONE: 203 414 8058
EMAIL: landlord5@keencoribb.com
SIGNATURE: _____
PRINTED NAME: _____

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY: _____
MAILING ADDRESS: _____
PHONE: _____
EMAIL: _____
SIGNATURE: _____
PRINTED NAME: _____

SECTION : REASON FOR APPEAL

Provide an outline of your appeal, describing in detail the date and decision that aggrieved you and how enforcement of the code, as presently written and interpreted by the inspector, causes you manifest injustice and is contrary to the spirit and purpose of the ordinance.

The reasoning for my appeal is that my lawn wasn't dirty. My roommates and I cleaned up everything that morning we have picture proof, about 3,4 hours after cleaning we get written up for a ticket. Also all 4 of us got a ticket when it should only be one per-house. Thank you for taking the time to consider my appeal!



City of Keene, New Hampshire
Notice of Ordinance Violation

4004

Date of Violation: 10/24/22 Time: _____

Address of Violation: 77-25 Winchester Ct

Vehicle Reg: _____ State _____

Name of Violator: Brendan DaSilva

Address of Violator: 21D Winchester Ct

Manner of Service: Hand Mail Residence Vehicle

Warning: No Fine Reinspect date: 10/25/22

Violation	1st Offense		2nd Offense		3rd Offense		Subsequent
	7 Days	After	7 Days	After	7 Days	After	
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Ryan Lawliss
Issuing Officer

10/24/22
Date

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Board of Appeals Appeal of Administrative Decision

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OWNER / APPLICANT

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

SECTION 1: ZONING REFERENCE

Section (s) of the Regulation/Code/Ordinance in question:

NFPA 1: 1.10.9.1 Means of Appeal: Any person shall be permitted to appeal a decision of the authority having jurisdiction to the Board of Appeals when it is claimed that any one or more of the following conditions exist:

1. Describe how the true intent of the codes or ordinances described in NFPA 1 has been incorrectly interpreted:
(Attached additional sheets if needed)

2. Describe how the provisions of the codes or ordinances do not fully apply. (Attach additional sheets if needed)

3. Describe how the decision is unreasonable or arbitrary as it applies to alternatives or new materials.
(Attach additional sheets if needed)



City of Keene

FIRE DEPARTMENT
Office of the Fire Marshal



Office: 31 Vernon Street, Keene, NH 03431
Telephone: (603) 357-9861 • Fax: (603) 283-5668
KFDlifesafety@keenenh.gov

NOTICE OF VIOLATION AND ORDER TO CORRECT

Date of Inspection: 07/22/2022
Date of Notice: 09/19/2022

Occupancy: 160 EMERALD STREET
KEENE, NH 03431

Owner: TOBY D TOUSLEY
PO BOX 626
KEENE, NH 03431-0626

This Notice details the findings of the inspection conducted on 04/14/2022, the inspection conducted on 07/22/2022 and conditions discovered on Fire Incident 22-007193. The buildings were inspected for compliance with the minimum standard for existing buildings as required by the State Fire Code and State Building Code. The building was inspected for fire and life safety concerns. Other problems with the building may need to be addressed that are outside the scope of this inspection. This Notice reflects the violations that were observed at the time of the inspection. Other violations may exist that were not observed at the time of the inspection. In summary, the building is classified as **Mixed Use – Unseparated**. Below is a breakdown of the observed Fire Code Violations. Pursuant to RSA 154:2, II(a), RSA 47:17, XVI, and City Code Section 42-1, you are hereby ordered to correct the below violations within 45 days of receipt of this Notice.

Notwithstanding the foregoing 45 day period for correction, if it is determined that the building(s) constitute a clear and imminent danger to the life or safety of the occupants or other persons at any time, then the building may be ordered to be vacated in accordance with RSA 154:21-a.

VIOLATIONS OF STATE FIRE CODE

Assembly Inspection of 04/14/2022

NFPA 101 12.2.5.1.3 Dead-end corridors shall not exceed 20 ft.

NFPA 101 12.3.4.3.3 Occupant notification shall be by means of voice announcements in accordance with 9.6.3.9, initiated by the person in the constantly attended receiving station

NFPA 101 12.2.5.2 Access Through Hazardous Areas. Means of egress from a room or space for assembly purposes shall not be permitted through kitchens, storerooms, restrooms, closets, platforms, stages, projection rooms, or hazardous areas as described in 12.3.2.

NFPA 101 12.2.3.8 Minimum Corridor Width. The width of any exit access corridor serving 50 or more persons shall be not less than 44 in. (1120 mm).

NFPA 101 7.4.1.2 The number of means of egress from any story or portion thereof, other than for existing buildings as permitted in Chapters 11 through 43, shall be as follows: (1) Occupant load more than 500 but not more than 1000 - not less than 3.

NFPA 101 12.3.5.2 Any building containing one or more assembly occupancies where the aggregate occupant load of the assembly occupancies exceeds 300 shall be protected by an approved, supervised automatic sprinkler system in accordance with Section 9.7 as follows (see also 12.1.6, 12.2.6, 12.3.2, and 12.3.6):(1) Throughout the story containing the assembly occupancy (2) Throughout all stories below the story containing the assembly occupancy (3) In the case of an assembly occupancy located below the level of exit discharge, throughout all stories intervening between that story and the level of exit discharge, including the level of discharge.

NFPA 101 12.2.2.2.3 Any door in a required means of egress from an area having an occupant load of 100 or more persons shall be permitted to be provided with a latch or lock only if the latch or lock is panic hardware or fire exit hardware complying with 7.2.1.7, unless otherwise permitted by one of the following: (1) This requirement shall not apply to delayed-egress locks as permitted in 12.2.2.2.5. (2) This requirement shall not apply to access-controlled egress doors as permitted in 12.2.2.2.6

Sprinkler System Report of 08/17/2021(attached)

NFPA 25 5.4.1.5.4 Replacement sprinkler heads per number of installed sprinklers available in head box.

NFPA 25 5.4.1.5.5 Sprinkler head wrench for each type head provided in head box

NFPA 25 5.3.1.1.1 Sprinklers in the building in service for 50 years, have been replaced or sample tested.

NFPA 25 13.4.2.1 Internally inspect all components operate properly and move freely, valve cleaned and in good condition

NFPA 25 13.4.1.2 Internally inspect valve strainers, filters, and restriction orifices; free from obstructions, & operating properly

NFPA 25 13.2.7.2 & 13.2.7.3 Gauge on valve, when compared to calibrated gauge is error less than 3% full or gauge has been recalibrated or replaced.

NFPA 25 (5.4.1.5.4) Replacement sprinkler heads per number of installed sprinklers available in head box.

NFPA 25 5.4.1.5.5 Sprinkler head wrench for each type head provided in head box.

NFPA 25 5.3.1.1.1 Sprinklers in the building in service for 50 years, have been replaced or sample tested. *Outdated uprights throughout (1956-1960)*

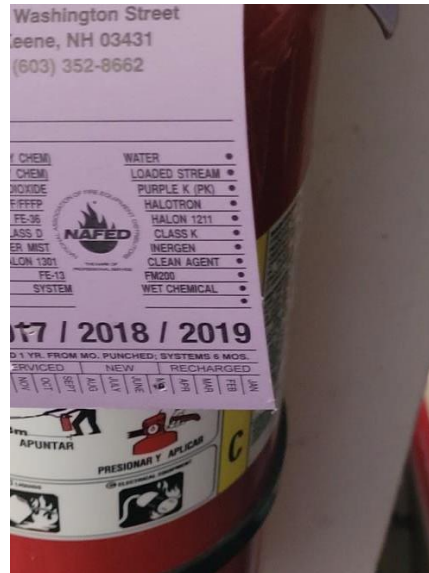
NFPA 25 13.4.2. Internally inspect all components operate properly and move freely, valve cleaned and in good condition.)

NFPA 25 13.4.1. Internally inspect valve strainers, filters, and restriction orifices; free from obstructions, & operating properly.

13.2.7.2 & 13.2.7.3NFPA 25 Gauge on valve, when compared to calibrated gauge is error less than 3% full or gauge has been recalibrated or replaced.

Fire Incident 22-007193

NFPA 10 7.1.1 Responsibility- The owner or designated agent or occupant of a property in which fire extinguishers are located shall be responsible for inspection, maintenance, and recharging & **NFPA 10 7.2.1.2** Fire extinguishers and Class D extinguishing agents shall be inspected either manually or by means of an electronic monitoring device/system at intervals not exceeding 31 days.



NFPA 101 7.10.1.2 Emergency Exit Lights & NFPA 101 7.9.3 Exit signs shall be visually inspected for operation of the illumination sources at intervals not to exceed 30 days or shall be periodically monitored



NFPA 1 11.1.5.5 Extension cords and flexible cords shall not be affixed to structures; extend through walls, ceilings, or floors, or under doors or floor coverings; or be subject to environmental or physical damage & **NFPA 1 11.1.5.6** Extension cords shall not be used as a substitute for permanent wiring.



NFPA 1 11.1.3.2 Multiplug adapters shall not be used as a substitute for permanent wiring or receptacles



NFPA 25 3.3.133.1 Continuous Obstruction. An obstruction located at or below the level of sprinkler deflectors that affects the discharge pattern of two or more adjacent sprinklers.

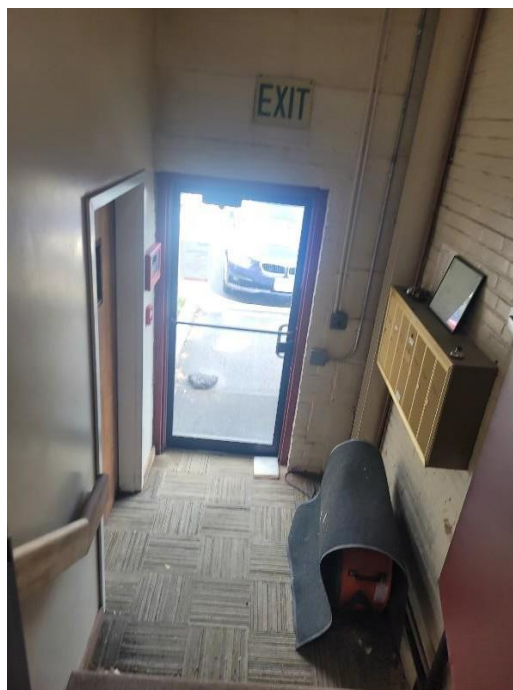
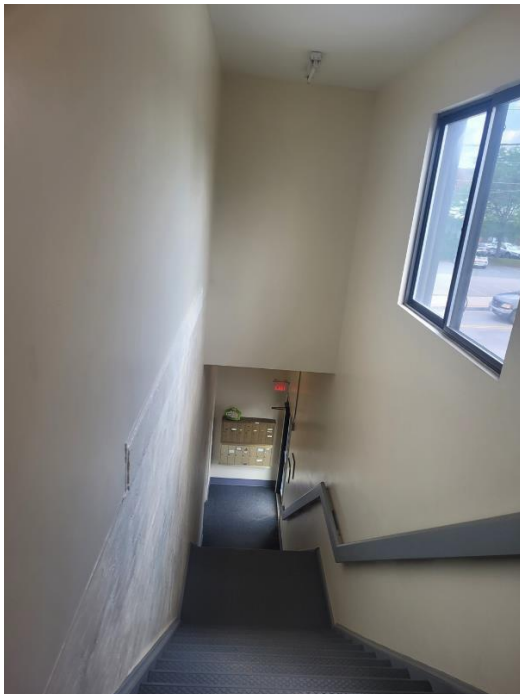


Inspection of Residential Resources on 07/08/2022

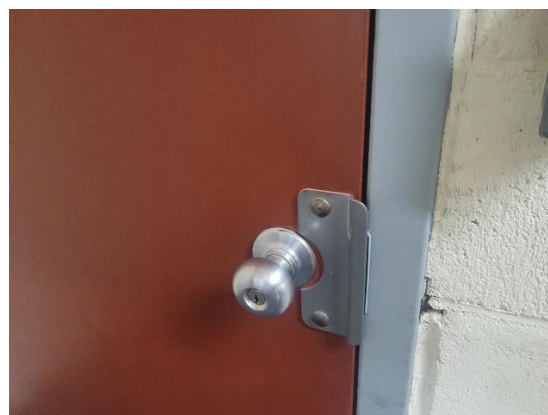
NFPA 10 7.1.1 Responsibility- The owner or designated agent or occupant of a property in which fire extinguishers are located shall be responsible for inspection, maintenance, and recharging & **NFPA 10 7.2.1.2** Fire extinguishers and Class D extinguishing agents shall be inspected either manually or by means of an electronic monitoring device/system at intervals not exceeding 31 days.



4.4.3.2.3 Lighting. Illumination of means of egress shall be provided & **NFPA 101 7.10.1.2 Emergency Exit Lights & NFPA 101 7.9.3 Exit signs** shall be visually inspected for operation of the illumination sources at intervals not to exceed 30 days or shall be periodically monitored



NFPA 1 4.4.3.1.1 Unobstructed Egress In every occupied building or structure, means of egress from all parts of the building shall be maintained free and unobstructed & **NFPA 1 4.4.3.1.2** No lock or fastening shall be permitted that prevents free escape from the inside of any building & **NFPA 1 4.4.3 Means of Egress.** No lock or fastening shall be permitted that prevents free escape from the inside of any building other than in health care occupancies and detention and correctional occupancies where staff are continually on duty and effective provisions are made to remove occupants in case of fire or other emergency.





NFPA 1 14.5.1.2 Door Leaf Swing Direction. Door leaves required to be of the side-hinged or pivoted-swinging type shall swing in the direction of egress travel



160 EMERALD STREET / PID 2526

The safety-during-building-use goal of prescriptive fire code (as adopted by the State of New Hampshire – **RSA 153:14, V; RSA 154:2, II(a)**) is to provide an environment for the occupants of the building that is reasonably safe during the normal use of the building [**NFPA 1 4.1.3.2.1**]. These codes are enforced to provide an environment for the occupants in a building or facility and for the public near a building or facility that is reasonably safe from fire and similar emergencies and to protect fire fighters and emergency responders [**NFPA 1 4.1.3.1.1**].

In sum, this property appears deficient in nearly every component of fire and life safety code including the following:

- 1) **Building Services-** Installation and maintenance of smoke control systems, fire detection, alarm and communication systems, and automatic sprinklers
- 2) **Fire Protection Features** - Meeting the minimum construction requirements defined for the occupancy in order to limit the spread of fire and smoke throughout the building, protect exit access and ensure the integrity of the building is maintained for the time needed for all occupants to evacuate safely.
- 3) **Means of Egress-** methods to assure continuous and unobstructed way of travel from any point in a building or a structure to a public way consisting of three separate and distinct points.

As the Authority Having Jurisdiction (AHJ) for the City of Keene, I am requiring you to retain the services of a Fire Protection Engineer (FPE) to perform an existing building investigation and evaluation report. The report shall analyze the occupancy classification, building construction, existing conditions, state fire code requirements and an egress analysis to bring the facility up to current code requirements.

All of the following conditions apply to this requirement:

- 1) The independent reviewer shall provide an evaluation and recommend necessary changes of the proposed design, operation, process, or new technology [**NFPA1 1.15.2**].
- 2) The review will be at your expense [**NFPA 1 1.15.1**].
- 3) The submittal is to bear the stamp of a registered design professional [**NFPA 1 1.15.3**].
- 4) The AHJ shall make the final determination as to whether the provisions of this Code have been met [**NFPA 1.15.4**].

CORRECTION OF VIOLATIONS OF STATE CODES

Due to the severity of these violations, you are hereby ordered to correct these violations within 45 days of receipt of this Notice; a reinspection will be conducted on 45 days from this Notice. City Code Sec. 42-1(a).

If a violation is unable to be corrected within the timeframe provided, within 45 days of receipt of this Notice, you must provide an action plan to correct those violations. A corrective action plan may be sent to: KFDlifesafety@keenenh.gov.

APPEALS

If you disagree with Notice, you may appeal to the Keene Fire Chief, or his designee, **within 10 days of the date of your receipt of this Notice**. City Code Sec. 42-32; RSA 31:39-c, I. Your appeal must be sent to: KFDlifesafety@keenenh.gov.

If, following the Keene Fire Chief's or his designee's review, you disagree with the decision of the Keene Fire Chief or his designee, you may appeal the Keene Fire Chief's decision to the City of Keene's Board of Appeals **within 15 days of your receipt of the Fire Chief's decision**. RSA 674:34, I; City Code Sec. 2-741 – 2-743.

A request for a variance from or exception to the State Fire Code may be made to the State Fire Marshal. RSA 153:4-a, I; N.H. Admin. R. Saf-C 6005.04. Such a request may be made via: <https://www.nh.gov/safety/divisions/firesafety/documents/variance-request-form.pdf>. A copy of any request for a variance or exception made to the State Fire Marshal shall be mailed to the City of Keene Fire Department, 31 Vernon Street, Keene, NH 03431.

FURTHER INFORMATION

If you have any additional questions or concerns, do not hesitate to contact me at the contact information below.

Donald M. Farquhar
dfarquhar @keenenh.gov
603-757-0681

Annual Fire Extinguisher Inspection

Life Safety Fire Protection Inc NH

MA Lic#SC-006025

97 Lower Jaffrey Road, Dublin, NH, 03444

Phone (603) 563-7700

Fax (603) 563-7070

Website <http://www.lifesafetyfire.com>



Inspector: Matt Duncan

Inspection date: 08/02/2022

Inspection conducted at location:

160-180 Emerald Street Fire Extinguisher

160-180 Emerald Street

Keene, NH 03431

Phone: Fax:

For Customer:

160-180 Emerald Street

160-180 Emerald Street

Keene, NH 03431

Phone: Fax:

Inspection performed in accordance with NFPA 10 Standard for Portable Fire Extinguishers 2018 ed.

Hand Portable Extinguisher Summary Totals				
Items	Total Devices	Total Inspected	Total Failed	Total Not Inspected
Dry Chem - st. press (ABC)	10	10	1	0
Total	10	10	1	0

Hand Portable Extinguishers								
#	Device Size	Area Location	S/N Barcode	Inspection	Maintenance	Last/Next 6 Yr. Maint.	Mfr Date	Last/Next Hydro Date
1	Dry Chem - st. press (ABC) 5 lb	2nd. Floor Across From Room 209	1	Pass 8/2/2022	Pass 8/2/2022		2008	7/2/2020/ 7/2/2032
2	Dry Chem - st. press (ABC) 5 lb	2nd. Floor Next To Tousley Property Office	2	Pass 8/2/2022	Pass 8/2/2022		2008	7/2/2020/ 7/2/2032
3	Dry Chem - st. press (ABC) 5 lb	2nd. Floor Across From Room 180/220	3	Pass 8/2/2022	Pass 8/2/2022		2008	7/2/2020/ 7/2/2032
4	Dry Chem - st. press (ABC) 5 lb	2nd. Floor Next to Room 180/211	4	Pass 8/2/2022	Pass 8/2/2022		1995	7/2/2021/ 7/2/2033
5	Dry Chem - st. press (ABC) 5 lb	2nd. Floor Electrical Room #200	5	Pass 8/2/2022	Pass 8/2/2022		2008	7/2/2021/ 7/2/2033
6	Dry Chem - st. press (ABC) 5 lb	2nd. Floor Landing of Rear Stairwell	6	Pass 8/2/2022	Pass 8/2/2022	5/2/2014/ 5/2/2020	2008	8/2/2022/ 8/2/2034
7	Dry Chem - st. press (ABC) 10 lb	Ground Level Rear Boiler Room #160/30	7	Pass 8/2/2022	Pass 8/2/2022		1987	7/2/2020/ 7/2/2032
8	Dry Chem - st. press (ABC) 10 lb	Ground Level Across From Room 180/111	8	Pass 8/2/2022	Pass 8/2/2022		1989	7/2/2020/ 7/2/2032
9	Dry Chem - st. press (ABC) 10 lb	Ground Level Outside Room 180/104	9	Pass 8/2/2022	Pass 8/2/2022		2008	7/2/2020/ 7/2/2032
10	Dry Chem - st. press (ABC) 5 lb	Ground Level Elevator Machine Room	10	Pass 8/2/2022	Pass 8/2/2022		2008	7/2/2020/ 7/2/2032

Deficiencies

Dry Chem - st. press (ABC)

2nd. Floor Landing of Rear Stairwell Amerex B402

Ques: Hydrostatic test - was extinguisher removed from service and replaced?

Technician Response: Due For Hydrostatic Testing; Swapped With A Loaner Extinguisher

Liability Release Statement:

The owner and/or designated representative acknowledges the responsibility of the operating condition of the component parts at the time of this inspection. It is agreed that the inspection service provided by the contractor as prescribed herein is limited to performing a visual inspection and/or routine testing, and any investigation or unscheduled testing, modification, maintenance, repair, etc., of the component parts is not included as part of the inspection work performed. It is further understood that all information contained herein is provided to the best of the knowledge of the party providing such information.



8/2/22

Customer: Toby Tousley

Technician: Matt Duncan

Annual Water-Based Fire Protection Systems Inspection

Life Safety Fire Protection Inc NH

MA Lic#SC-006025
97 Lower Jaffrey Road, Dublin, NH, 03444
Phone (603) 563-7700
Fax (603) 563-7070
Website <http://www.lifesafetyfire.com>



Inspector: Matt Duncan

Inspection date: 08/02/2022

Inspection Location

160-180 Emerald Street Fire Sprinkler

160-180 Emerald Street

Keene, NH 03431

Phone:

Customer

160-180 Emerald Street

160-180 Emerald Street

Keene, NH 03431

Phone:

*Inspection performed in accordance with
NFPA 25 Standard for the Inspection, Testing, and Maintenance
of Water-Based Fire Protection Systems, 2017 edition.*

System Summary	Number of Systems at Site
Items	Total Systems
Wet System	3

Wet System	
Wet System Inspection	
North Riser Unit #168	
Sprinkler heads free of leakage, corrosion, external loading, damage or loss of fluid in glass bulb element, painted heads, and pointed in proper direction. (5.2.1.1.1; 5.2.1.1.2)	N/I
Escutcheons and coverplates in place, if applicable. (5.2.1.1.5)	N/I
Minimum clearance maintained below all sprinklers. (5.2.1.2)	N/I
Replacement sprinkler heads per number of installed sprinklers available in head box. (5.4.1.5.4)	Pass
Sprinkler head wrench for each type head provided in head box. (5.4.1.5.5)	Pass
List of sprinklers installed on the property posted on head box. (5.4.1.5.6)	N/A
System piping free of mechanical damage, leaks, corrosion, & without external loads on or hung from piping. (5.2.2.1 & 5.2.2.2)	Pass
Pipe hangars, braces & supports not damaged, loose or unattached. (5.2.3)	Pass
Sprinklers in the building in service for 50 years, have been replaced or sample tested. (5.3.1.1.1)	Yes Heads Sent For Testing 7/2022
Sprinklers with fast-response elements in service for 20 years have been replaced or sample tested. (5.3.1.1.1.3)	N/A
Dry sprinklers in service for 10 years have been replaced or sample taken (if dry sprinklers present). (5.3.1.1.1.6)	N/A
Alarm Valve	
North Riser Unit #168 Front Closet	
Water pressure gauge indicate normal pressure being maintained. (13.4.1.1)	Pass
Valves & trim free of physical damage, & valves in normal position. (13.4.1.1)	Pass
Valve is accessible and free of external leaks & properly secured (13.3.2.2)	Pass
Retard chamber and alarm drains free from leakage. (13.4.1.1)	N/I
Hydraulic nameplate, if applicable, securely attached and is legible (5.2.5)	N/A
Information sign securely attached and legible. (5.2.8)	N/A
Pressure (psi) shown on System side pressure gauge.	95 PSI
Size of main drain	2"
Pressure (psi) shown on Supply Water pressure gauge. (13.2.5)	90 PSI
Residual Pressure with valve open (13.2.5)	80 PSI
Static Pressure after valve closed (13.2.5)	95 PSI
Main Drain Test Pressure less than 10% reduction in flow from original acceptance test or previous test results (13.2.5.3)	Pass
Valve Status Test - Valves open when returned to service. (13.3.3.4)	Pass
Internally inspect all components operate properly and move freely, valve cleaned and in good condition. (13.4.2.1)	N/I
Internally inspect valve strainers, filters, and restriction orifices; free from obstructions, & operating properly. (13.4.1.2)	N/I
Gauge on valve, when compared to calibrated gauge is error less than 3% full or gauge has been recalibrated or replaced. (13.2.7.2 & 13.2.7.3)	N/I

Wet System	
Wet System Inspection	
South Riser	
Sprinkler heads free of leakage, corrosion, external loading, damage or loss of fluid in glass bulb element, painted heads, and pointed in proper direction. (5.2.1.1.1; 5.2.1.1.2)	N/I
Escutcheons and coverplates in place, if applicable. (5.2.1.1.5)	N/I
Minimum clearance maintained below all sprinklers. (5.2.1.2)	N/I
Replacement sprinkler heads per number of installed sprinklers available in head box. (5.4.1.5.4)	Pass
Sprinkler head wrench for each type head provided in head box. (5.4.1.5.5)	Pass
List of sprinklers installed on the property posted on head box. (5.4.1.5.6)	N/A

Wet System Inspection	
South Riser	
System piping free of mechanical damage, leaks, corrosion, & without external loads on or hung from piping. (5.2.2.1 & 5.2.2.2)	Fail
Pipe hangars, braces & supports not damaged, loose or unattached. (5.2.3)	Pass
Sprinklers in the building in service for 50 years, have been replaced or sample tested. (5.3.1.1.1)	Yes Heads Sent For Testing 7/2022
Sprinklers with fast-response elements in service for 20 years have been replaced or sample tested. (5.3.1.1.1.3)	N/A
Dry sprinklers in service for 10 years have been replaced or sample taken (if dry sprinklers present). (5.3.1.1.1.6)	N/A
Alarm Valve	
South Riser Unit 180/112	
Water pressure gauge indicate normal pressure being maintained. (13.4.1.1)	Pass
Valves & trim free of physical damage, & valves in normal position. (13.4.1.1)	Pass
Valve is accessible and free of external leaks & properly secured (13.3.2.2)	Pass
Retard chamber and alarm drains free from leakage. (13.4.1.1)	N/I
Hydraulic nameplate, if applicable, securely attached and is legible (5.2.5)	N/A
Information sign securely attached and legible. (5.2.8)	N/A
Pressure (psi) shown on System side pressure gauge.	90 PSI
Size of main drain	2"
Pressure (psi) shown on Supply Water pressure gauge. (13.2.5)	90 PSI
Residual Pressure with valve open (13.2.5)	85 PSI
Static Pressure after valve closed (13.2.5)	90 PSI
Main Drain Test Pressure less than 10% reduction in flow from original acceptance test or previous test results (13.2.5.3)	Pass
Valve Status Test - Valves open when returned to service. (13.3.3.4)	Pass
Internally inspect all components operate properly and move freely, valve cleaned and in good condition. (13.4.2.1)	N/I
Internally inspect valve strainers, filters, and restriction orifices; free from obstructions, & operating properly. (13.4.1.2)	N/I
Gauge on valve, when compared to calibrated gauge is error less than 3% full or gauge has been recalibrated or replaced. (13.2.7.2 & 13.2.7.3)	N/I

Wet System	
Wet System Inspection	
West Riser	
Sprinkler heads free of leakage, corrosion, external loading, damage or loss of fluid in glass bulb element, painted heads, and pointed in proper direction. (5.2.1.1.1; 5.2.1.1.2)	N/I
Escutcheons and coverplates in place, if applicable. (5.2.1.1.5)	N/I
Minimum clearance maintained below all sprinklers. (5.2.1.2)	N/I
Replacement sprinkler heads per number of installed sprinklers available in head box. (5.4.1.5.4)	Pass
Sprinkler head wrench for each type head provided in head box. (5.4.1.5.5)	Pass
List of sprinklers installed on the property posted on head box. (5.4.1.5.6)	N/A
System piping free of mechanical damage, leaks, corrosion, & without external loads on or hung from piping. (5.2.2.1 & 5.2.2.2)	Pass
Pipe hangars, braces & supports not damaged, loose or unattached. (5.2.3)	Pass
Sprinklers in the building in service for 50 years, have been replaced or sample tested. (5.3.1.1.1)	Yes Heads Sent For Testing 7/2022
Sprinklers with fast-response elements in service for 20 years have been replaced or sample tested. (5.3.1.1.1.3)	N/A
Dry sprinklers in service for 10 years have been replaced or sample taken (if dry sprinklers present). (5.3.1.1.1.6)	N/A
Alarm Valve	
West Riser 180-104	
Water pressure gauge indicate normal pressure being maintained. (13.4.1.1)	Pass
Valves & trim free of physical damage, & valves in normal position. (13.4.1.1)	Pass
Valve is accessible and free of external leaks & properly secured (13.3.2.2)	Pass
Retard chamber and alarm drains free from leakage. (13.4.1.1)	Pass

Alarm Valve	
West Riser 180-104	
Hydraulic nameplate, if applicable, securely attached and is legible (5.2.5)	N/A
Information sign securely attached and legible. (5.2.8)	N/A
Pressure (psi) shown on System side pressure gauge.	92 PSI
Size of main drain	2"
Pressure (psi) shown on Supply Water pressure gauge. (13.2.5)	92 PSI
Residual Pressure with valve open (13.2.5)	90 PSI
Static Pressure after valve closed (13.2.5)	95 PSI
Main Drain Test Pressure less than 10% reduction in flow from original acceptance test or previous test results (13.2.5.3)	Pass
Valve Status Test - Valves open when returned to service. (13.3.3.4)	Pass
Internally inspect all components operate properly and move freely, valve cleaned and in good condition. (13.4.2.1)	N/I
Internally inspect valve strainers, filters, and restriction orifices; free from obstructions, & operating properly. (13.4.1.2)	N/I
Gauge on valve, when compared to calibrated gauge is error less than 3% full or gauge has been recalibrated or replaced. (13.2.7.2 & 13.2.7.3)	N/I

Control Valves								
Type	Area/Location	Model Size	Accessible	Condition	Secured	Exercised	Seal	Valve Test
Control Valve - locked/tamper	North Riser Unit #168 Front Closet	OS and Y 6"	Pass	Pass	Pass	Pass	N/A	Pass
Control Valve - locked/tamper	South Riser Unit 180/112	OS and Y 6"	Pass	Pass	Pass	Pass	N/A	Pass
Control Valve - locked/tamper	West Riser 180-104	OS and Y 6"	Pass	Pass	Pass	Pass	N/A	Pass

Supervisory Devices			
Type	Area/Location	Visual Insp	Functional Test
Tamper Switch	North Riser Unit #168 Front Closet	Pass	Pass
Tamper Switch	South Riser Unit 180/112	Pass	Pass
Tamper Switch	West Riser 180-104	Pass	Pass

Alarm Devices			
Type	Area/Location	Visual Insp	Functional Test
Electric Bell	North Riser	Pass	Pass
Waterflow Alarm - Vane Type	North Riser Unit #168 Front Closet	Pass	Pass 66 Seconds
Electric Bell	South Riser	Pass	Pass
Waterflow Alarm - Vane Type	South Riser	Pass	Pass 60 Seconds
Waterflow - Pressure Switch	South Riser Unit 180/112	Pass	Pass 1 Min. 46 Seconds
Water Motor Alarm	West Riser 180-104	Pass	Fail

Comments

Deficiencies
*PAR response indicated "Pass After Repair". Technician notes a deficiency of a device, and repairs the deficiency during inspection.
Wet System Inspection
South Riser

Ques: System piping free of mechanical damage, leaks, corrosion, & without external loads on or hung from piping. (5.2.2.1 & 5.2.2.2)

Technician Response: Pipe/Fittings - Leaking on 1" pipe after inspector's test valve in Darien Eyewear



Water Motor Alarm

West Riser 180-104

Ques: Motor gong operates properly. (13.2.6.1.2)

Technician Response: Failed To Operate

Not Inspected

Wet System Inspection

North Riser Unit #168

Question: Sprinkler heads free of leakage, corrosion, external loading, damage or loss of fluid in glass bulb element, painted heads, and pointed in proper direction. (5.2.1.1.1; 5.2.1.1.2)

Technician Response: This Inspection Included Common Areas And Riser Rooms Only. Accessibility limited; some areas not readily accessible.

Question: Escutcheons and coverplates in place, if applicable. (5.2.1.1.5)

Technician Response: This Inspection Included Common Areas And Riser Rooms Only. Accessibility limited; some areas not readily accessible.

Question: Minimum clearance maintained below all sprinklers. (5.2.1.2)

Technician Response: This Inspection Included Common Areas And Riser Rooms Only. Accessibility limited; some areas not readily accessible.

Alarm Valve

North Riser Unit #168 Front Closet

Question: Retard chamber and alarm drains free from leakage. (13.4.1.1)

Technician Response: Previously Removed

Question: Internally inspect all components operate properly and move freely, valve cleaned and in good condition. (13.4.2.1)

Technician Response: Internal Inspection Conducted 7/25/2022

Question: Internally inspect valve strainers, filters, and restriction orifices; free from obstructions, & operating properly. (13.4.1.2)

Technician Response: Previously Removed

Question: Gauge on valve, when compared to calibrated gauge is error less than 3% full or gauge has been recalibrated or replaced. (13.2.7.2 & 13.2.7.3)

Technician Response: Gauges Replaced 7/2022

Not Inspected

Wet System Inspection

South Riser

Question: Sprinkler heads free of leakage, corrosion, external loading, damage or loss of fluid in glass bulb element, painted heads, and pointed in proper direction. (5.2.1.1.1; 5.2.1.1.2)

Technician Response: This Inspection Included Common Areas And Riser Rooms Only. Accessibility limited; some areas not readily accessible.

Question: Escutcheons and coverplates in place, if applicable. (5.2.1.1.5)

Technician Response: This Inspection Included Common Areas And Riser Rooms Only. Accessibility limited; some areas not readily accessible.

Question: Minimum clearance maintained below all sprinklers. (5.2.1.2)

Technician Response: This Inspection Included Common Areas And Riser Rooms Only. Accessibility limited; some areas not readily accessible.

Alarm Valve

South Riser Unit 180/112

Question: Retard chamber and alarm drains free from leakage. (13.4.1.1)

Technician Response: Previously Removed

Question: Internally inspect all components operate properly and move freely, valve cleaned and in good condition. (13.4.2.1)

Technician Response: Internal Inspection Conducted 7/26/2022

Question: Internally inspect valve strainers, filters, and restriction orifices; free from obstructions, & operating properly. (13.4.1.2)

Technician Response: Previously Removed

Question: Gauge on valve, when compared to calibrated gauge is error less than 3% full or gauge has been recalibrated or replaced. (13.2.7.2 & 13.2.7.3)

Technician Response: Gauges Replaced 7/2022

Wet System Inspection

West Riser

Question: Sprinkler heads free of leakage, corrosion, external loading, damage or loss of fluid in glass bulb element, painted heads, and pointed in proper direction. (5.2.1.1.1; 5.2.1.1.2)

Technician Response: This Inspection Included Common Areas And Riser Rooms Only. Accessibility limited; some areas not readily accessible.

Question: Escutcheons and coverplates in place, if applicable. (5.2.1.1.5)

Technician Response: This Inspection Included Common Areas And Riser Rooms Only. Accessibility limited; some areas not readily accessible.

Question: Minimum clearance maintained below all sprinklers. (5.2.1.2)

Technician Response: This Inspection Included Common Areas And Riser Rooms Only. Accessibility limited; some areas not readily accessible.

Alarm Valve

West Riser 180-104

Question: Internally inspect all components operate properly and move freely, valve cleaned and in good condition. (13.4.2.1)

Technician Response: Internal Inspection Conducted 7/26/2022

Question: Internally inspect valve strainers, filters, and restriction orifices; free from obstructions, & operating properly. (13.4.1.2)

Technician Response: Internal Inspection Conducted 7/26/2022

Question: Gauge on valve, when compared to calibrated gauge is error less than 3% full or gauge has been recalibrated or replaced. (13.2.7.2 & 13.2.7.3)

Technician Response: Gauges Replaced 7/2022

Liability Release Statement:

The owner and/or designated representative acknowledges the responsibility of the operating condition of the component parts at the time of this inspection. It is agreed that the inspection service provided by the contractor as prescribed herein is limited to performing a visual inspection and/or routine testing, and any investigation or unscheduled testing, modification, maintenance, repair, etc., of the component parts is not included as part of the inspection work performed. It is further understood that all information contained herein is provided to the best of the knowledge of the party providing such information.



8/2/22

Customer: Toby Tousley

Tech: Matt Duncan

5 Year Water-Based Fire Protection Systems Inspection

Life Safety Fire Protection Inc NH

MA Lic#SC-006025
97 Lower Jaffrey Road, Dublin, NH, 03444
Phone (603) 563-7700
Fax (603) 563-7070
Website <http://www.lifesafetyfire.com>



Inspector: Eric Holdredge

Inspection date: 07/27/2022

Inspection Location

160-180 Emerald Street Internal Inspection

160-180 Emerald Street

Keene, NH 03431

Phone:

Customer

160-180 Emerald Street

160-180 Emerald Street

Keene, NH 03431

Phone:

*Inspection performed in accordance with
NFPA 25 Standard for the Inspection, Testing, and Maintenance
of Water-Based Fire Protection Systems, 2017 edition.*

<i>System Summary</i>	<i>Number of Systems at Site</i>
Items	Total Systems
Wet System	3

<i>Wet System</i>	
Alarm Valve	
West Riser	
Size of main drain	2"
Internally inspect all components operate properly and move freely, valve cleaned and in good condition. (13.4.2.1)	Pass
Internally inspect valve strainers, filters, and restriction orifices; free from obstructions, & operating properly. (13.4.1.2)	Pass
Gauge on valve, when compared to calibrated gauge is error less than 3% full or gauge has been recalibrated or replaced. (13.2.7.2 & 13.2.7.3)	Yes

<i>Wet System</i>	
Alarm Valve	
Casino Closet North Riser	
Size of main drain	2"
Internally inspect all components operate properly and move freely, valve cleaned and in good condition. (13.4.2.1)	Pass
Internally inspect valve strainers, filters, and restriction orifices; free from obstructions, & operating properly. (13.4.1.2)	Pass
Gauge on valve, when compared to calibrated gauge is error less than 3% full or gauge has been recalibrated or replaced. (13.2.7.2 & 13.2.7.3)	Yes

<i>Wet System</i>	
Alarm Valve	
Storage Room Middle Of Building South Riser	
Size of main drain	2"
Internally inspect all components operate properly and move freely, valve cleaned and in good condition. (13.4.2.1)	Pass
Internally inspect valve strainers, filters, and restriction orifices; free from obstructions, & operating properly. (13.4.1.2)	Pass
Gauge on valve, when compared to calibrated gauge is error less than 3% full or gauge has been recalibrated or replaced. (13.2.7.2 & 13.2.7.3)	Yes

Comments



North Riser 6" Alarm Valve Internal



West Riser 6" Alarm Valve Internal



South Riser 6" Alarm Valve Internal

Liability Release Statement:

The owner and/or designated representative acknowledges the responsibility of the operating condition of the component parts at the time of this inspection. It is agreed that the inspection service provided by the contractor as prescribed herein is limited to performing a visual inspection and/or routine testing, and any investigation or unscheduled testing, modification, maintenance, repair, etc., of the component parts is not included as part of the inspection work performed. It is further understood that all information contained herein is provided to the best of the knowledge of the party providing such information.

Customer: _____

Tech: Eric Holdredge

7/27/2022

VIOLATIONS OF STATE FIRE CODE

Assembly Inspection of 04/14/2022

This was an inspection at the Casino

NFPA 101 12.2.5.1.3 Dead-end corridors shall not exceed 20 ft. The Chief has incorrectly interpreted "Dead End Corridors" There are NO corridors at the Casino nor dead ends. The Chief has no explanation or description of where this situation exists, it's just words copied and pasted leaving me to guess at what the problem might be. NFPA has no definition of "corridor".

NFPA 101 3.1 *General. The definitions contained in this chapter shall apply to the terms used in this Code. Where terms are not defined in this chapter or within another chapter, they shall be defined using their ordinarily accepted meanings within the context in which they are used. Merriam-Webster's Collegiate Dictionary, 11th edition, shall be the source for the ordinarily accepted meaning.*

Merriam-Webster Definition of corridor: "a passageway (as in a hotel or office building) into which compartments or rooms open".

NFPA 101 12.3.4.3.3 Occupant notification shall be by means of voice announcements in accordance with 9.6.3.9, initiated by the person in the constantly attended receiving station

The true intent of this Code has been incorrectly interpreted by the Chief. This is completely out of context, it's just words copied and pasted. If the Chief had followed through and read Section 9.6.3.9 it would lead him to the correct information, which is NFPA 72 **National Fire Alarm and Signaling Code (big surprise)**.

NFPA 101 9.6.3.9 "Automatically transmitted or live voice evacuation or relocation instructions shall be permitted to be used to notify occupants and shall comply with either 9.6.3.9.1 or 9.6.3.9.2."

NFPA 101 9.6.3.9.1 "Automatically transmitted or live voice evacuation or relocation instructions shall be in accordance with NFPA 72"

NFPA 101 13.3.4.3.7 *Where the authority having jurisdiction determines that a constantly attended receiving station is impractical, automatically transmitted evacuation or relocation instructions shall be provided in accordance with NFPA 72.*

NFPA 72 3.3.66 *Definition: Constantly Attended. Attended 24 hours a day and 365 days a year*

NFPA 72 .10.10.2 *Audible alarm notification appliances for a fire alarm system shall produce signals that are distinctive from other similar appliances used for other purposes in the same area that are not part of the fire alarm or emergency communications system.*

NFPA 72 26.1.1* *Where any system regulated by this Code sends signals to a supervising station, the entire system shall become a supervising station alarm system.*

Enhanced Content *Figure A.26.1.1 shows the responsibility of each of the two chapters for the two common arrangements of fire alarm systems transmitting from a protected premises to a supervising*

station. In the first arrangement, the fire alarm system master control unit connects to a supervising station transmitter at the protected premises that, in turn, transmits either to an off-site supervising station or to a supervising station at some other location on the same site. In the second arrangement, the fire alarm system master control unit is colocated with the supervising station at the protected premises.

The reality is that the casino is a permitted project designed by a licensed architect, approved by both Code enforcement and Fire Department less than 9 months prior to this inspection. The strobes and audible devices at the casino transmit to an off site supervising station called Mutual Aid, a constantly attended receiving station.

NFPA 101 12.2.5.2 Access Through Hazardous Areas. Means of egress from a room or space for assembly purposes shall not be permitted through kitchens, storerooms, restrooms, closets, plat forms, stages, projection rooms, or hazardous areas as described in 12.3.2. The Chief has misinterpreted the true meaning of this code. Yet again, there is no explanation of which of these situations exist. It's just words copied and pasted leaving me to guess at what he is insinuating. There does happen to be a door that leads to the exterior from the kitchen, but it is NOT means of egress for the occupant load. Egress exits are clearly labeled and designated by the design professional. I suspect the Chief could also be misinterpreting "storeroom" and or "closet". There is an exit door from the break room in the rear of the Casino, but it is NOT means of egress for the occupant load. Regardless of means of egress, the break room is NOT a storeroom, nor a closet. There are 2 required means of egress that require 3- 36" doors, as provide and stamped by the design professional, neither of which are in the break room. All of this is previously approved and accepted by both Code enforcement and Fire prevention less than 9 months prior to this inspection. I have included the professional design.

NFPA 101 12.2.3.8 Minimum Corridor Width. The width of any exit access corridor serving 50 or more persons shall be not less than 44 in. (1120 mm). The true intent of this code doesn't remotely apply to the Casino. The Chief has misinterpreted exit access corridor. There is no explanation of where this exists which leaves me guessing. There are no "exit access corridors". I suspect the Chief is misinterpreting the break room as a corridor, but there is no clarification. The break room measures 12' X 20' and does have an exit (non means of egress for the occupant load). Chapter 12.2 is specifically for requirements of means of egress. As stated above the break room exit is NOT means of egress for the occupant load. Furthermore, the Chief can't call the break room a storeroom/closet (as above) and an exit access corridor (as herein) at the same time. It's either a room or a corridor. NFPA has no description of "corridor". Merriam-Webster Definition of corridor: a passageway (as in a hotel or office building) into which compartments or rooms open.

NFPA 101 7.4.1.2 The number of means of egress from any story or portion thereof, other than for existing buildings as permitted in Chapters 11 through 43, shall be as follows: (I) Occupant load more than 500 but not more than 1000 -not less than 3. The true intent of this code has been misinterpreted by the Chief. The allowable occupant load calculated and stamped by the licensed design professional is

325. This was approved by both Code Enforcement and KFD less than 9 months before this inspection. I suspect that the Chief's interpretation is confusing gross area with net area. The Chief shows no calculations, proof or explanation. Regardless, the licensed design professional trumps the Chief's analysis because it's a stamped drawing by a licensed professional. The required means of egress, per the licensed professional is 2, made up of 3-36" doors. I have included the professional design.

NFPA 101 12.3.5.2 Any building containing one or more assembly occupancies where the aggregate occupant load of the assembly occupancies exceeds 300 shall be protected by an approved, supervised automatic sprinkler system in accordance with Section 9.7 . as follows (see also 12.1.6, 12.2.6, 12.3.2, and 12.3.6):(1) Throughout the story containing the assembly occupancy (2) Throughout all stories below the story containing the assembly occupancy (3) In the case of an assembly occupancy located below the level of exit discharge, throughout all stories intervening between that story and the level of exit discharge, including the level of discharge. This is just absurd. The entire building has an approved supervised automatic sprinkler system. In fact it has been approved by both Captain Bates (less than 9 months prior to inspection) and Captain Lafreniere on numerous previous occasions. This is beyond misinterpreting the true meaning of the code. This is just pasting a code on a piece of paper to make it look important.

NFPA 101 12.2.2.2.3 Any door in a required means of egress from an area having an occupant load of 100 or more persons shall be permitted to be provided with a latch or lock only if the latch or lock is panic hardware or fire exit hardware complying with 7.2.1.7, unless otherwise permitted by one of the following: (1) This requirement shall not apply to delayed-egress locks as permitted in 12.2.2.2.5. (2) This requirement shall not apply to access-controlled egress doors as permitted in 12.2.2.2.6 The Chief has a habit of ZERO information of where the violation exists, leaving me to guess. All 3 of the 36" egress doors have panic hardware on them. This is just another code on a piece of paper. I suspect the Chief is misinterpreting "required means of egress" for the break room exit door.

Sprinkler System Report of 08/17/2021(attached)

The Chief has removed all fire code violations from the provided sprinkler report.

I would like to point out that there is a pattern of misinterpretation from the Chief.

It appears that he only read the first couple of pages. He misinterpreted it because if he had read the entire report none of the following would have come up in the first place.

NFPA 25 5.4.1.5.4 Replacement sprinkler heads per number of installed sprinklers available in head box.

NFPA 25 5.4.1.5.5 Sprinkler head wrench for each type head provided in head box

NFPA 25 5.3.1.1.1 Sprinklers in the building in service for 50 years, have been replaced or sample tested.

NFPA 25 13.4.2.1 Internally inspect all components operate properly and move freely, valve cleaned and in good condition

NFPA 25 13.4.1.2 Internally inspect valve strainers, filters, and restriction orifices; free from obstructions, & operating properly

NFPA 25 13.2.7.2 & 13.2.7.3 Gauge on valve, when compared to calibrated gauge is error less than 3% full or gauge has been recalibrated or replaced.

NFPA 25 (5.4.1.5.4) Replacement sprinkler heads per number of installed sprinklers available in head box.

NFPA 25 5.4.1.5.5 Sprinkler head wrench for each type head provided in head box.

NFPA 25 5.3.1.1.1 Sprinklers in the building in service for 50 years, have been replaced or sample tested. Outdated uprights throughout (1956-1960)

NFPA 25 13.4.2. Internally inspect all components operate properly and move freely, valve cleaned and in good condition.)

NFP A 25 13 .4.1. Internally inspect valve strainers, filters, and restriction orifices; free from obstructions, & operating properly.

13.2.7.2 & 13.2.7.3NFPA 25 Gauge on valve, when compared to calibrated gauge is error less than 3% full or gauge has been recalibrated or replaced.

Fire Incident 22-007193

This is Carpet Clearance Warehouse when a car drove through the wall 4/25/2022

NFPA 10 7.1.1 Responsibility-The owner or designated agent or occupant of a property in which fire extinguishers are located shall be responsible for inspection, maintenance, and recharging & NFPA 10 7.2.1.2 Fire extinguishers and Class D extinguishing agents shall be inspected either manually or by means of an electronic monitoring device/system at intervals not exceeding 31 days.

I am not appealing this. The Tenant has complied. However, this "violation" does not warrant a Fire Protection Engineer to perform an existing building investigation.



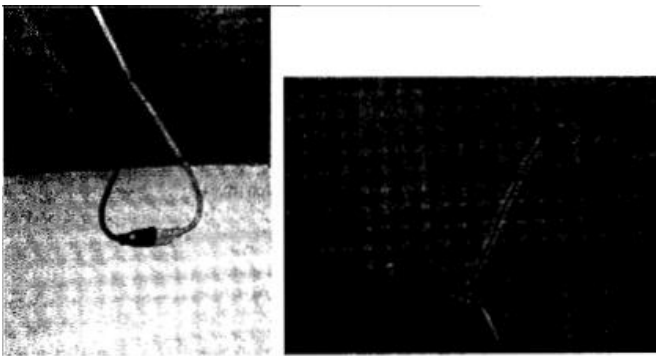
NFPA 101 7.10.1.2 Emergency Exit Lights & NFPA 101 7.9.3 Exit signs shall be visually inspected for operation of the illumination sources at intervals not to exceed 30 days or shall be periodically monitored

“NFPA 7.10.1.2 Exits” is just a heading for additional paragraphs in the section. I don’t know if the Chief has misinterpreted the code because, as usual, there is no explanation other than a picture of an exit light over a door. What ever the chief is after does not warrant a Fire Protection Engineer to perform an existing building investigation.



NFPA 1 11.1.5.5 Extension cords and flexible cords shall not be affixed to structures; extend through walls, ceilings, or floors, or under doors or floor coverings; or be subject to environmental or physical damage & NFP A 1 11.1.5.6 Extension cords shall not be used as a substitute for permanent wiring.

The tenant has 2 hanging lights plugged in with extension cords. I am not appealing this. However this "violation" does not warrant a Fire Protection Engineer to perform an existing building investigation



NFPA 1 11.1.3.2 Multi plug adapters shall not be used as a substitute for permanent wiring or receptacles

As is customary from the Chief, there is no reference or explanation. The picture below is from under a desk serving a computer, a printer, a calculator, etc.. Most of the wires are communication wires. In this picture there clearly is a permanent wired receptacle. The Chief has misinterpreted the true intent of the code because multiplug adapters are allowed.

NFPA 1 11.1.3.1 Multiplug adapters, such as multiplug extension cords, cube adapters, strip plugs, and other devices, shall be listed and used in accordance with their listing.

I propose the Chief stop pulling codes out of context, and read the code as it's intended.

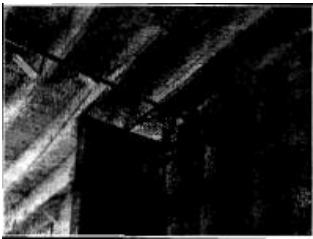


NFPA 25 3.3.133.1 Continuous Obstruction. An obstruction located at or below the level of sprinkler deflectors that affects the discharge pattern of two or more adjacent sprinklers.

The Chief has misinterpreted the true intent of the code because this is only a definition. There is no description of a violation and no code violation cited. This is just words copied and pasted.

NFPA 13 5.2.1.2.1* Unless greater distances are required by 5.2.1.2.2, 5.2.1.2.3, or 5.2.1.2.4, or lesser distances are permitted by 5.2.1.2.6, clearance between the deflector and the top of storage shall be 18 in. (457 mm) or greater.

In the pictures below, there is nothing below the deflector closer than 18"



Inspection of Residential Resources on 07/08/2022

NFPA 10 7.1.1 Responsibility- The owner or designated agent or occupant of a property in which fire extinguishers are located shall be responsible for inspection, maintenance, and recharging & NFPA 10 7.2.1.2 Fire extinguishers and Class D extinguishing agents shall be inspected either manually or by means of an electronic monitoring device/system at intervals not exceeding 31 days.

The extinguisher in the picture is professionally tagged by a certified agency. Once again there is no explanation of a violation. It's just another code pasted on a piece of paper. What ever the chief is after does not warrant a Fire Protection Engineer to perform an existing building investigation.



NFPA 1 4.4.3.2.3 Lighting. Illumination of means of egress shall be provided [See 5.3.4(10).] & NFPA 101 7.10.1.2 Emergency Exit Lights & NFPA 101 7.9.3 Exit signs shall be visually inspected for operation of the illumination sources at intervals not to exceed 30 days or shall be periodically monitored 7.10.1.2.1*

NFPA 1 4.4.3.2.3 isn't where you find the requirements for illumination of means of egress. This chapter points you to NFPA 101 7.8 *Illumination of means of egress*. What the Chief repeatedly does is take code out of context and pastes it on a piece of paper with no explanation other than a bad picture, leaving me to guess what he's after.

The Chief is misinterpreting the true intent of the code because the 2 pictures below are an incomplete picture of the egress path. There are numerous directional illuminated exit signs with emergency lighting that direct people toward both of these exit doors.

NFPA 101 7.10.1.2.1* Exits, other than main exterior exit doors that obviously and clearly are identifiable as exits, shall be marked by an approved sign that is readily visible from any direction of exit access.

The commentary from NFPA 101 7.10.2.1 states:

A.7.10.1.2.1 Where a main entrance also serves as an exit, it will usually be sufficiently obvious to occupants so that no exit sign is needed.

Both of these doors are main entrances. Neither of these doors are means of egress for assembly or any transient occupancy. Regardless, they both have exit signs.



NFPA 1 4.4.3.1.1 Unobstructed Egress In every occupied building or structure, means of egress from all parts of the building shall be maintained free and unobstructed & NFP A 1 4.4.3.1.2 No lock or fastening shall be permitted that prevents free escape from the inside of any building & NFPA 1 4.4.3 Means of Egress. No lock or fastening shall be permitted that prevents free escape from the inside of any building

other than in health care occupancies and detention and correctional occupancies where staff are continually on duty and effective provisions are made to remove occupants in case of fire or other emergency .

Once again the Chief has copied and pasted a code on a piece of paper. He has misinterpreted the true intent of the code. NFPA 101 chapter 7 has the requirements for egress, not NFPA 1.

NFPA 101 7.1.1 Application. Means of egress for both new and existing buildings shall comply with this chapter. (See also 4.5.3.)*

NFPA 101 7.2.1.5.1 Door leaves shall be arranged to be opened readily from the egress side whenever the building is occupied.

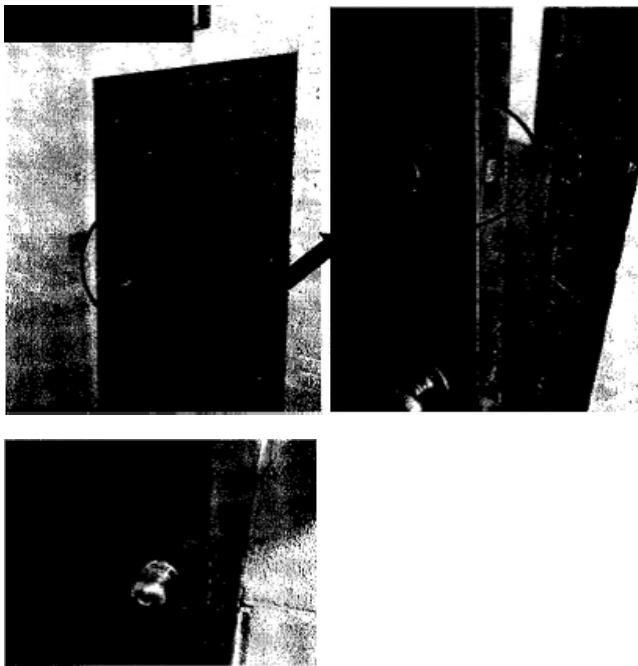
NFPA 101 7.2.1.5.3 Locks, if provided, shall not require the use of a key, a tool, or special knowledge or effort for operation from the egress side.

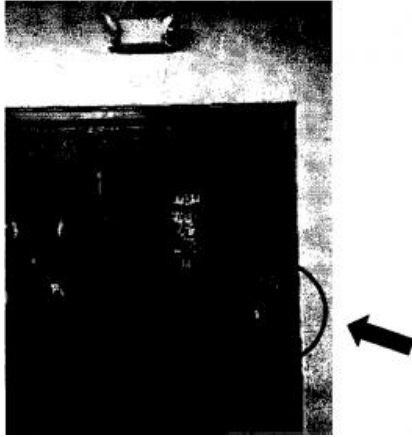
One of these pictures shows a door with a thumb latch which is arranged to be opened readily on the egress side. The picture next to it shows the keyed deadbolt of the same door on the NON egress side as permitted in NFPA 101 7.2.1.5.1 and 7.2.1.5.3

Another picture of a keyed lock set is taken from outside the building. The egress side of this door has a commercial grade Schlage lock with a free turning mechanism that can't be locked on the inside even when the door is locked from the outside. There was no investigation of the egress side of the lock. This is just a picture of an outside lock, which is permitted as above.

The picture of the door with the padlock is from the NON egress side and is only padlocked when it is unoccupied as permitted in NFPA 101 7.2.1.5.1.

None of these doors serves assembly use or any transient occupancy.



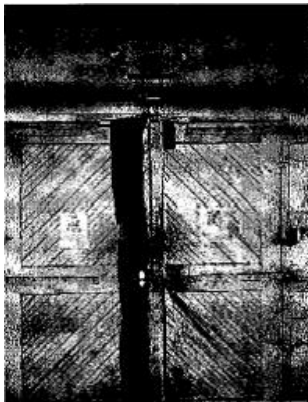


NFPA 1 14.5.1.2 Door Leaf Swing Direction. Door leaves required to be of the side-hinged or pivoted-swinging type shall swing in the direction of egress travel

The Chief has blatantly, and I dare say deliberately, misinterpreted the true intent of the code on this one. NFPA 1 Chapter 14 is Means of Egress

These in swinging doors in the picture are loading dock doors that have absolutely nothing to do with means of egress. While standing in this area it is painfully obvious that these doors are not means of egress.

I can only assume that this picture was deliberately taken to make it look like a violation. If the Chief had backed the camera up a couple of feet you would see the out swinging means of egress immediately adjacent to these doors. The reason the exit sign is over these doors is because the hallway behind the camera has a bend. The previous Fire prevention officer, Captain Lafreniere, asked me to install it there so it could be seen from the bend in the hallway. If it was over the door to the left it would not be seen. Keep in mind that this exit is not intended to serve assembly use or any transient occupancy.



160 EMERALD STREET/ PIO 2526

The safety-during-building-use goal of prescriptive fire code (as adopted by the State of New Hampshire - RSA 153:14, V; RSA 154:2, II(a)) is to provide an environment for the occupants of the building that is reasonably safe during the normal use of the building [NFPA 1 4.1.3.2.1]. These codes are enforced to provide an environment for the occupants in a building or facility and for the public near a building or facility that is reasonably safe from fire and similar emergencies and to protect fire fighters and

emergency responders [NFPA 1 4.1.3.1.1]. In sum, this property appears deficient in nearly every component of fire and life safety code including the following:

1. Building Services- Installation and maintenance of smoke control systems, fire detection, alarm and communication systems, and automatic sprinklers *What the Chief has found is an uninspected fire extinguisher and 2 extension cords that probably shouldn't be there. The rest of his "VIOLATIONS" don't exist. Stating the property appears deficient in nearly every component of fire and life safety code is an absurd overreach.*
2. Fire Protection Features - Meeting the minimum construction requirements defined for the occupancy in order to limit the spread of fire and smoke throughout the building, protect exit access and ensure the integrity of the building is maintained for the time needed for all occupants to evacuate safely. *There is no true intent of the code here. The Chief alleged numerous violations, but he has not cited even one violation nor shown proof that the construction requirements don't meet the minimum to limit the spread of fire and smoke.*
3. Means of Egress- methods to assure continuous and unobstructed way of travel from any point in a building or a structure to a public way consisting of three separate and distinct points. *This is an excerpt from NFPA 1 14.9.1.2. The Chief is misinterpreting the true intent of this code. What is the Chief basing this on? As usual there is no evidence or explanation. Does this mean the 200 square foot mercantile space in the front of the building needs 3 means of egress? This statement by itself means nothing. There is not even a picture that accompanies this statement.*

If you look at the paragraph directly before NFPA 1 14.9.1.2 it states:

NFPA 1 14.9.1.1 (1)A single means of egress shall be permitted where permitted in Chapters 11 through 43 of NFPA 101.

There are many circumstances you don't need 3 separate and distinct points. Everything the Chief claims is out of context.

That being said, the common area of the building has extensive means of egress with SIX separate and distinct points of exit, all of which have adequate emergency lighting and exit signs. In addition, there are 2 more distinct means of egress just for the casino alone. There are dozens of means of egress from other parts of the building that have and only need 1.

I have no idea what the Chief is talking about with this statement, he is just pasting misinformation on paper.

As the Authority Having Jurisdiction (AHJ) for the City of Keene, I am requiring you to retain the services of a Fire Protection Engineer (FPEJ) to perform an existing building investigation and evaluation report. The report shall analyze the occupancy classification, building construction, existing conditions, state fire code requirements and an egress analysis to bring the facility up to current code requirements. All of the following conditions apply to this requirement:

The Chief has not shown any significant reason to require an existing building investigation by a fire protection engineer. It is obvious that the Chief is pulling code out of context with no attempt to follow through on the true intent of the code. Everything is a misinterpretation. I am genuinely concerned that he is in a position of authority.

Codes may change every year. But the basics haven't changed in decades. Fire separation, sprinkler systems, and egress were figured out long before Chief Farquahar was born.

My building, at 160 Emerald St, is a typical renovated textile mill building. These mill buildings had sprinklers installed for HIGH HAZARD and my building is no exception. Don't take my word for it. The licensed professional who stamped the plans for the casino designates it as high hazard There will never be an occupancy in my building that requires more sprinkler than high hazard. I have my sprinkler system inspected and tested every year. Yet the Chief claims the automatic sprinkler system is deficient.

Two years ago, Captain Bates convinced me to upgrade my sprinkle alarm system. Captain Bates inspected and approved it. Yet the Chief claims the alarm and communication systems are deficient.

This building was turned into a mixed occupancy in the mid 1980's by Jack Bradshaw. This would have been a change of use and probably had to go to planning, certainly inspected by Code enforcement, and most likely by KFD.

In 1980 Code enforcement certainly understood fire separation. I know that both sides of the walls have 5/8 type X drywall. I am certain that Code insisted.

In the same areas of where the Chief took pictures you can see the fire protection. You can see the sheetrock from floor to ceiling. You can see the fire doors, with closers, in every single door opening. You can see the exit signs, the emergency lighting and the fire extinguishers.

All of these systems have been in place since the 1980's. Yet the Chief claims the minimum construction requirements are deficient.

In the 16 years that I have owned the building there have been some changes. Most notably is the Casino, a change of use, which required all the scrutiny expected from Code and Fire.

A child care facility came and went, numerous hair salons, several business to mercantile changes, etc. All of these required the scrutiny expected from Code and Fire.

During those 16 years there has been countless inspections from numerous different agencies both City and State. Code, Fire, Health and more. None of the many inspectors came to the conclusion that this property appears "deficient in nearly every component of fire and life safety code". Yet the Chief claims this.

I also have insurance inspections. If you listen to the Chief, I wonder why they still insure my building.

- The independent reviewer shall provide an evaluation and recommend necessary
- changes of the proposed design, operation, process, or new technology [NFPA 11.15.2].
- 2) The review will be at your expense [NFPA 11.15.1].

- 3) The submittal is to bear the stamp of a registered design professional [NFPA 11.15.31.
- 4) The AHJ shall make the final determination as to whether the provisions of this Code have been met [NFPA 1.15.4].

CORRECTION OF VIOLATIONS OF STATE CODES

Due to the severity of these violations, you are hereby ordered to correct these violations within 45 days of receipt of this Notice; a reinspection will be conducted on 45 days from this Notice. City Code Sec. 42-1(a). **This is my favorite part. The violations are so severe that it took 5 months for the Chief to notify me.**

If a violation is unable to be corrected within the timeframe provided, within 45 days of receipt of this Notice, you must provide an action plan to correct those violations. A corrective action plan may be sent to: KFDlifesafety@keeneenh.gov.

The following is the Chiefs' response to my appeal.

I appreciate your comprehensive appeal (City Code Sec. 42-32; RSA 31:39-c, I) to the violation letter for 160 Emerald Street (09/19/2022). The updated sprinkler report shows significant improvements in the system. I will remove all fire code violations the provided sprinkler report answers. The report also notes the inspection was limited to common areas and riser rooms due to limited access. The inspection of Residential Resources on 07/08/2022 showed large HVAC ducts impeding sprinkler heads. In review of permits for the building, I was unable to locate a permit that would align with the scope of HVAC work observed. The permit and inspection process would (or should) have identified the HVAC ducts obstructing the discharge pattern of the sprinklers. I have concern that other such occurrence may be present within the building. A full evaluation of the sprinkler system, including all spaces, is needed to satiate the balance of sprinkler code violations.

The impeded sprinkler heads at Residential Resources is new information because it was not divulged in the original "Violation Notice". This is a new action from the Chief.

I am sorry if the Chief can't find a permit for an HVAC unit. But I did take a look at it and there is one sprinkler head above an HVAC duct. It happens to be in a common area that the sprinkler report says got inspected. The reason it is not flagged in the report is because the sprinkler is 18" above the duct.

NFPA 13 5.2.1.2.1* Unless greater distances are required by 5.2.1.2.2, 5.2.1.2.3, or 5.2.1.2.4, or lesser distances are permitted by 5.2.1.2.6, clearance between the deflector and the top of storage shall be 18 in. (457 mm) or greater.

Why is the Chief is concerned that other such ALLOWED occurrences may be present within the building?

So the Chief sees one sprinkler head above a duct. He doesn't bother to measure the distance, he doesn't bother to check the code for requirements, but he determines the

entire 100,000 square foot building needs to be evaluated to “satisfy the balance of the sprinkler code violations”.

Well, what is the balance of the sprinkler code violations? As is customary with the Chief, he doesn't tell me.

How can I rectify, not to mention appeal, the “balance of the sprinkler code violations” if he doesn't specify what the balance of the sprinkler code violations are?

I could respond, at great length, to the other violation appeal responses. However, that would only serve to distract from the central point of the Notice of Violation and Order to Correct letter; completion of an existing building investigation and evaluation report by a Fire Protection Engineer (FPE).

Why is the Chief refusing to validate his alleged code violations?
Why does discussing code violations distract from the “central point”?

I thought the central point for requiring a building investigation report was because of the 11 pages of alleged violations that prefaced his order for the report.
This begs a lot of questions.

Why, at the last minute, do code violations have no bearing on his order for the report?
What is his reason for requiring such an in depth evaluation?
Why didn't the Chief divulge his reasons for ordering a building investigation report in the original action?
How could I have possibly appealed the “central point” if it wasn't code related, and no other reason was given except codes?

It is obvious to me that the Chief wants this evaluation just because he wants it.

At its core, fire code is designed to provide an environment for the occupants of the building that is reasonably safe during the normal use of the building [NFPA 1 4.1.3.2.1]. The first step in understanding what fire code applies is to determine what occupancy classifications are present. Occupancy classification provides rationale criteria to match a building's use and occupancy with the features required to address fire hazard and life safety considerations. This designation is fundamental in establishing the features of construction, occupant safety requirements, and means of egress and fire protection systems. Thus far, we know the building contains one assembly, the casino. It appears there is at least one gymnasium, which is likely an assembly. We are aware of a licensed adult daycare center on the second floor. We are aware of wood working operation on the ground level. The building has dozens of other occupancies that share exit access paths or lack occupancy separation fire barriers, or both. By definition, the building is a mixed occupancy. Without establishing an occupancy classification for every space, we cannot know what code should apply.

Yes we have a casino. It was a change of use that got permitted, inspected and approved.

A gymnasium on the surface sounds like assembly. But if it's less than 50 people it's not assembly no matter what you call it. Just because the Chief calls it a gymnasium means nothing. It's typical of him to throw words around with no details.

NFPA 101 commentary : A.3.3.196.2 *Assembly Occupancy. Assembly occupancies are characterized by the presence or potential presence of crowds with attendant panic hazard in case of fire or other emergency. They are generally open or occasionally open to the public, and the occupants, who are present voluntarily, are not ordinarily subject to discipline or control.*

The alleged gymnasium is a personal trainer and private instructor. Would a yoga instructor be considered a gymnasium? Would it be assembly?

The licensed day care is licensed for less than 12 persons which makes it a day care home. There aren't any surprises here. It's not assembly.

The wood working operation has been under the same management in the same location since the 1980's, when Jack Bradshaw made the building a mixed use.

Virtually all of the current occupancy has not changed since the 80's. Offices are still offices, storage is still storage, mercantile is still mercantile.

The Chief is trying to insinuate that all of a sudden the building is unpermitted mixed use building with no oversight. The truth is that the building has been mixed use for 40 years.

Occasionally something changes. When it does, like the casino, it goes through the expected process.

In addition to a lack of occupancy classification, the overall structure gives an impression of unpermitted work (as discussed in the sprinkler example above). Other indicators of unpermitted modifications are the presence of locks and absence of closing / panic hardware on many of the egress doors. Importantly, the cumulative effects of alterations, additions, or changes of occupancy affect every aspect of the buildings fire protection engineering design.

I have addressed every code violation cited by the Chief. I believe I have shown that the codes have been misinterpreted. He has refused to respond to any of the individual codes cited.

In sum, the building presents us with unknown occupancy classifications and cumulative effects of unknown alterations for an unknown period. The confluence of these two fact sets led to the requirement for an existing building investigation and evaluation report by a

Fire Protection Engineer (FPE). The building investigation and evaluation report is the only feasible way to ensure all applicable code requirements are being met. Such a study also protects you against misapplication of code that could result in costly rework; and would offer alternative paths to code compliance that may offer a lower initial or ongoing cost for achieving code compliance.

These “two fact sets” did not lead to the requirement for an existing building investigation and evaluation report. It was the 11 pages of Violations.

As an interim step, I feel it would be mutually beneficial if a more thorough evaluation of the building were allowed. To perform such an evaluation I would need the support of the State Fire Marshal’s office. For a competent baseline assessment the inspection, team would need full access to the building for 6- 8 hours. If you are amenable to allowing us to perform such an assessment, we could make arraignments to do so next week.

In response to your appeal, you have not presented any material evidence that would support a reversal of my requirement for you to retain the services of a Fire Protection Engineer (FPE) to perform an existing building investigation and evaluation report. As such, you may appeal my decision to the City of Keene’s Board of Appeals within 15 days of this decision (RSA 674:34, I; City Code Sec. 2-741 – 2-743). Additionally, as noted in the violation letter , if it is determined that the building(s) constitute a clear and imminent danger to the life or safety of the occupants or other persons at any time, then the building may be ordered to be vacated in accordance with RSA 154:21-a.

Respectfully,

Donald M. Farquhar, Chief of Department

Donald M Farquhar

EXHIBIT O - CONFIDENTIAL

2015 IBC Code Criteria
Tenant Fit Up - 160 Emerald Street Keene, NH

Use and Occupancy IBC 2015 - Life Safety Code Classification	
302.1 General Use Groups	A3 - Assembly B - Business (accessory)
Building Type	3

Table 1004.1.2 Maximum Floor Area Allowance

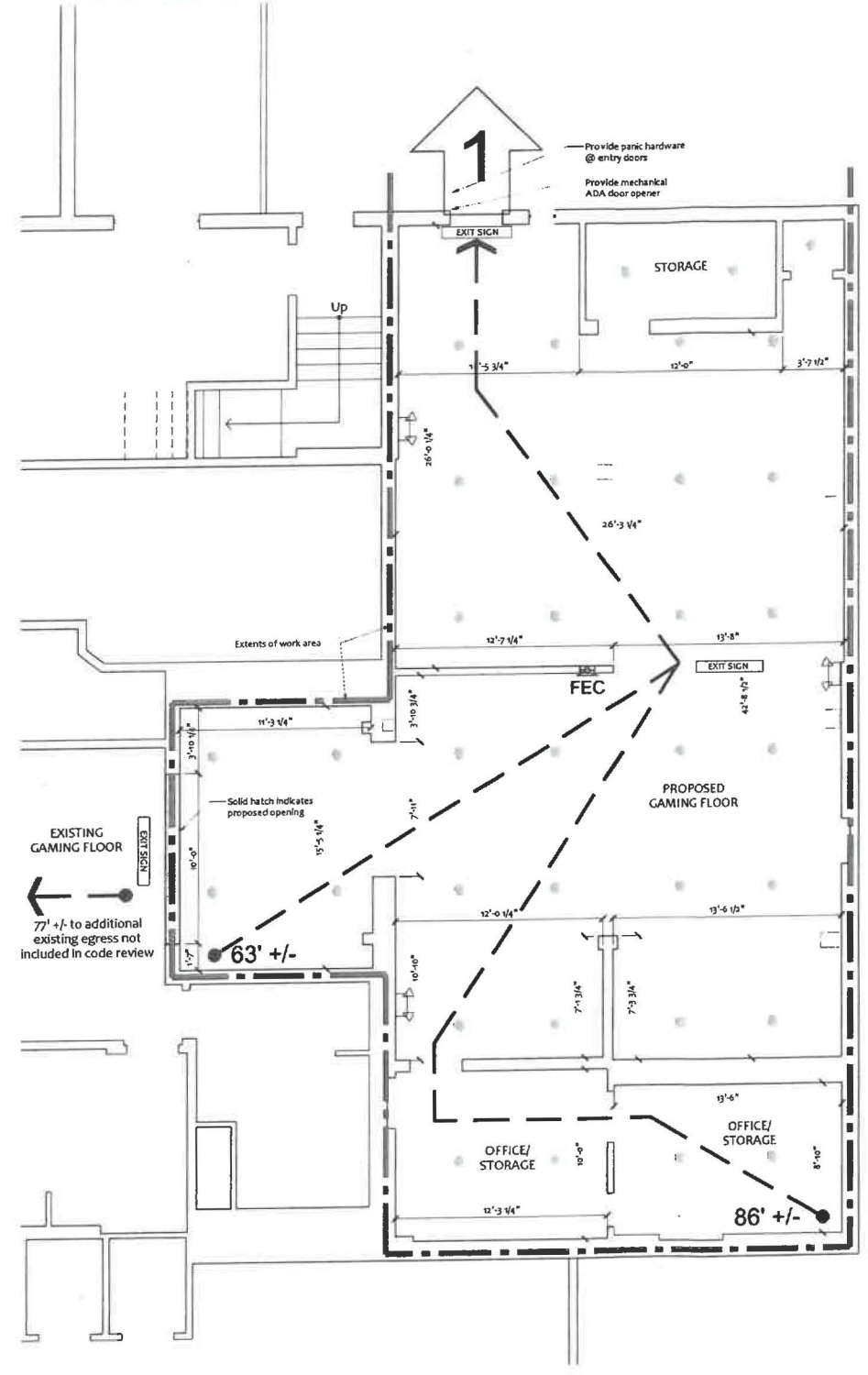
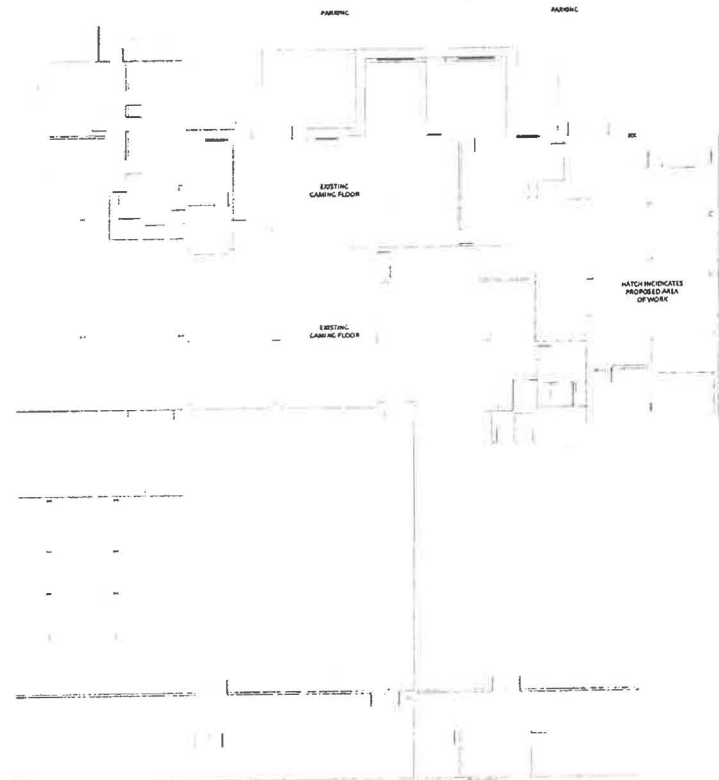
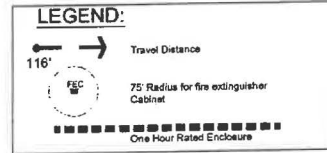
Occupancy	Floor Area Per Occ.
Assembly Areas (standing)	11 SF/Nat
Storage, Mechanical	300 SF, Gross

Egress Summary

Exit Number	Egress Width	Egress Capacity
1	36"	120 ppl
2	36"	120 ppl
3	36"	120 ppl
TOTAL		360 ppl

Allowable Occupant Load	325
Design Occupant Load	125
Min. No. of Exits	2
No. of Exits Provided	3

Note: Occupant load to be posted and limited to 125 occupants



- GENERAL NOTES:**
- Contractor shall review existing conditions by field visit prior to submitting bid.
 - Dimensions shown are approximate only. All dimensions shall be field verified and coordinated with existing conditions.
 - Contact architect / engineer for decisions related to variation from information shown.
 - Contractor shall use due care in cutting into and working adjacent to existing conditions which are to remain. Any disturbed existing conditions shall be patched to match previous condition.
 - The contractor shall certify that all work is in accord with the 2015 version of the International Building Code, all other local or national codes and requirements and good construction practices.
 - All new finishes to be Class A.
 - Sprinkler layout shows accurate quantity and approximate location. Original sprinkler designed for Storage use (high hazard) and has not been modified.
 - Means of egress to remain unchanged for proposed change in use.
 - Panic hardware to be installed on all required egress doors.
 - Exit signs and emergency lighting to be provided as required.
 - Bathroom signage to be provided for public restrooms.
 - Exits in addition to those used for occupant load are provided within 250' required travel distance in a building where sprinklers are provided.

- DEMOLITION NOTES:**
- The contractor shall coordinate the actual work scope with field conditions and design plan requirements.
 - Contractor to take all necessary measures to control dust, debris and noise resulting from demolition operations. Install temporary barriers as required to contain demolition materials from entering occupied spaces.
 - Contractor shall provide enclosed chutes to transfer demo materials to dumpster located at grade. Transfer of debris through occupied areas of the building will not be allowed. Approve in advance with owner location of dumpster. Protect grounds and landscape materials from damage. Restore any site areas damaged by operations to match previous conditions.
 - Where work involves load bearing structures, provide temporary bracing or shoring as required to safely transfer required load. Do not proceed with work unless all shoring is in place.
 - Contractor to remove demolition debris from site and dispose of materials in legal landfills approved for construction debris. Dumping slips shall be retained by the contractor and given to the owner if requested.
 - The contractor shall be responsible for obtaining all permits required for this work, and arranging for any required inspections.

These drawings are LIMITED SCOPE and are intended only to describe general design intent, scale, overall spatial relationships and material where indicated. These drawings shall be considered preliminary for purposes of design review, comment, or budget pricing only, unless expressly released for other purposes as indicated in the issue log. The architect assumes responsibility for errors in the information provided, and not for omissions.

Architect:
Timothy Sampson
NCARB, LEED AP
103 Roxbury Street
Suite 206
Keene, NH
603 769 7736

Engineer:

SAMPSON ARCHITECTS
2021 WDP21-005

Prepared For:
Emerald Gaming LLC

PROJECT:
Game Room Expansion
160 Emerald Street
Keene, NH 03431

TITLE:
Plans
Notes

Date:	Revisions:
9.22.21	Permitting

SCALE: as noted

DATE: 9.23.21

SHEET NUMBER:
A1



City of Keene

FIRE DEPARTMENT

Office of the Fire Chief

Office: 31 Vernon Street Keene, NH 03431

Telephone: (603) 757-0671 • Email dfarquhar@keeneh.gov



TOBY D TOUSLEY
PO BOX 626
KEENE, NH 03431-0626

October 12, 2022

Mr. Tousley,

I appreciate your comprehensive appeal (City Code Sec. 42-32; RSA 31:39-c, I) to the violation letter for 160 Emerald Street (09/19/2022). The updated sprinkler report shows significant improvements in the system. I will remove all fire code violations the provided sprinkler report answers. The report also notes the inspection was limited to common areas and riser rooms due to limited access. The inspection of Residential Resources on 07/08/2022 showed large HVAC ducts impeding sprinkler heads. In review of permits for the building, I was unable to locate a permit that would align with the scope of HVAC work observed. The permit and inspection process would (or should) have identified the HVAC ducts obstructing the discharge pattern of the sprinklers. I have concern that other such occurrence may be present within the building. A full evaluation of the sprinkler system, including all spaces, is needed to satiate the balance of sprinkler code violations.

I could respond, at great length, to the other violation appeal responses. However, that would only serve to distract from the central point of the Notice of Violation and Order to Correct letter; completion of an existing building investigation and evaluation report by a Fire Protection Engineer (FPE).

At its core, fire code is designed to provide an environment for the occupants of the building that is reasonably safe during the normal use of the building [NFPA 1 4.1.3.2.1]. The first step in understanding what fire code applies is to determine what occupancy classifications are present. Occupancy classification provides rationale criteria to match a building's use and occupancy with the features required to address fire hazard and life safety considerations. This designation is fundamental in establishing the features of construction, occupant safety requirements, and means of egress and fire protection systems. Thus far, we know the building contains one assembly, the casino. It appears there is at least one gymnasium, which is likely an assembly. We are aware of a licensed adult daycare center on the second floor. We are aware of wood working operation on the ground level. The building has dozens of other occupancies that share exit access paths or lack occupancy separation fire barriers, or both. By definition, the building is a mixed occupancy. Without establishing an occupancy classification for every space, we cannot know what code should apply.

In addition to a lack of occupancy classification, the overall structure gives an impression of unpermitted work (as discussed in the sprinkler example above). Other indicators of unpermitted modifications are the presence of locks and absence of closing / panic hardware on many of the egress doors. Importantly, the cumulative effects of alterations, additions, or changes of occupancy affect every aspect of the building's fire protection engineering design.

In sum, the building presents us with unknown occupancy classifications and cumulative effects of unknown alterations for an unknown period. The confluence of these two fact sets led to the requirement for an existing building investigation and evaluation report by a Fire Protection Engineer (FPE). The building investigation and evaluation report is the only feasible way to ensure all applicable code requirements are being met. Such a study also protects you against misapplication of code that could result in costly rework; and would offer alternative paths to code compliance that may offer a lower initial or ongoing cost for achieving code compliance.

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In response to your appeal, you have not presented any material evidence that would support a reversal of my requirement for you to retain the services of a Fire Protection Engineer (FPE) to perform an existing building investigation and evaluation report. As such, you may appeal my decision to the City of Keene's Board of Appeals within 15 days of this decision (RSA 674:34, I; City Code Sec. 2-741 – 2-743). Additionally, as noted in the violation letter, if it is determined that the building(s) constitute a clear and imminent danger to the life or safety of the occupants or other persons at any time, then the building may be ordered to be vacated in accordance with RSA 154:21-a.

Respectfully,

Donald M. Farquhar, Chief of Department