



Town of South Kingstown Building Code Board of Appeal

Building Code Board of Appeal Meeting Minutes
Wednesday, March 4, 2026 at 4:30 PM
South Kingstown Town Hall, Building Official's Office
180 High Street, Wakefield, RI 02879
www.southkingstownri.gov

Michael Joyce, Chairman
Edward A. Melchiori
Thomas Gilchrist
Laura Krekorian
Vacancy

A. Call to Order

A meeting of the Building Code Board of Appeals for the Town of South Kingstown, County of Washington, in the State of Rhode Island was held at the Town Hall, 180 High Street, Wakefield on Wednesday, March 4, 2026.

Members Present: Edward A. Melchiori, Laura Krekorian and Thomas Gilchrist.

Members Absent: Michael Joyce, Chairman

Also Present: James Gorman, Building Official; Richard Johnson, Deputy Building Official; and Benjamin Barbera, Administrative Associate.

Mr. Gorman called the meeting to order at 4:36:10 pm. The necessary quorum was present.

B. Agenda Items *Order can be subject to change*

Mr. Gorman called for the first petition.

- I. Petition of David Foster, registered contractor. The applicant is seeking relief of ***State Building Code (IRC 2021), Section 310 – Emergency Escape and Rescue Openings, Section 310.2.1 – Minimum Size***. *Emergency escape and rescue openings shall have a net clear opening of not less than 5.7 square feet (0.530 m²).* The applicant requests relief from the above-noted provisions as it relates to a second-story bedroom window. Owners are Joseph & Laura Browne, for premises located at 1552 Kingstown Road, Wakefield, RI 02879.
[1552 Kingstown Road - Application](#)

Mr. Gorman entered all the materials into the record.

David Foster, the applicant and general contractor, was present.

Mr. Foster began by describing the work that has already been completed at the residence. He stated that a second-story egress door was removed and replaced with a window, which now serves a bedroom on the second floor. Referring to a photograph of the front elevation of the home, he noted that there are three windows on the second story, with the center window occupying the location of the former egress door. He further explained that the two flanking windows were replaced in kind and were not previously egress windows.

Mr. Foster goes on to say that the original building plans were approved by the Building Department before any work was done. Mr. Foster's original idea was to replace the door with a window, but after an inspection he was notified that the egress window was too small.

The board then looked at the proposed floor plans to better understand the issue.

Mr. Johnson reviewed the building code which states that a direct replacement of a window has to be as close to the original dimension as possible. The inspector flagged the middle window because it was a door prior to renovations.

The Building Department's approval of the original proposed plans was brought up during discussion again.

Mr. Johnson shows that in the floor plans there is no indication that an egress door is being changed to a window.

Ms. Krekorian proposed the middle window could be replaced with a casement to look like a double-hung window to meet the egress requirements.

There were no further discussions.

Whereas a motion was made.

The motion is as follows:

A motion to deny the petition was made by Ms. Krekorian and duly seconded by Mr. Melchiori.

Motion passed unanimously: (3-0 Vote in favor)

(Ms. Krekorian -Aye, Mr. Melchiori -Aye, Mr. Gilchrist -Aye)

At a meeting held on March 4, 2026, a motion was passed to deny the petition of **David Foster**, registered contractor. The applicant is seeking relief of **State Building Code (IRC 2021), Section 310 – Emergency Escape and Rescue Openings, Section 310.2.1 – Minimum Size**. Emergency escape and rescue openings shall have a net clear opening of not less than 5.7 square feet (0.530 m²). The applicant requests relief from the above-noted provisions as it relates to a second-story bedroom window. Owners are Joseph & Laura Browne, for premises located at 1552 Kingstown Road, Wakefield, RI 02879.

Grounds for Decision:

The Board determined through discussions that the door which was converted to a window must be replaced to meet the egress requirements. The window that was put in by the contractor is not a replacement window, it is an altered opening. The original plans submitted by the contractor made no mention that a door was going to be replaced by a window, which is why the application was first passed by the Building Department.

The following individuals spoke as representatives of the applicant:

- David Foster, applicant and general contractor

There was no one present who spoke either in favor of or in opposition to the petition.

The following materials were entered into the record:

- Elevation of Plans uploaded digitally on February 4, 2026, by David Foster.

Mr. Gorman called for the last petition.

- II. Petition of Peter Fauci, registered architect. The applicant is seeking relief of **State Building Code (IBC 2021), Section G106.4 – Functionally Dependent Facilities**. *A variance is authorized to be issued for the construction or substantial improvement of a functionally dependent facility provided that the criteria in Section 1612.1 are met and the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to methods and materials that minimize flood damages during the design flood and do not create additional threats to public safety.* The applicant requests relief from the above-noted provision as it relates to construction of a new ship repair facility with the lowest floor below the Design Flood Elevation (DFE). Owner is SHM Silver Spring, LLC, for premises located at 362 Pond Street, Wakefield, RI 02879
[362 Pond Street - Application](#)

Mr. Gorman entered all the materials into the record.

Peter Fauci, Seth Lemoine, and Matthew Landry, ESQ. Were present and representing the applicant.

Mr. Landry begins by saying that they had been in front of the Planning Board and got approval for the proposed warehouse facility. The existing building on the lot has fallen into disrepair. The existing building will be renovated to make it more modern with updated bathroom facilities, HVAC, and a new septic system. The structure is considered for water-dependent use and will be used for boat maintenance. The renovation would allow for trailers and other equipment to enter at grade level. The renovation has been designed to ensure it's compliant with the flood plain, except for the one-foot flood elevation that is required. The applicants are asking for a variance because if they were to raise the structure by one-foot it would render the warehouse unusable.

Mr. Fauci stated that the interior of the proposed structure will be constructed of corrosion-resistant and non-absorbent materials, and that all electrical components will be elevated above the designated flood level. He further noted that, with respect to life safety, the warehouse will not be utilized for sleeping purposes and will not contain hazardous materials below regulated thresholds.

Mr. Lemoine added that the reinforced concrete slab has been engineered to accommodate both structural loading and flood conditions. He explained that flood vents have been incorporated into the foundation walls. He further stated that the existing grade of the building is 7.84 feet and that the proposed design will raise the elevation to 8.5 feet at the top of the slab.

Mr. Melchiori inquired about any recent flooding issues in the area, to which Mr. Lemoine responded that he was not aware of any prior flooding events.

Ms. Krekorian questioned the need for the proposed building to be larger than the original structure. Mr. Lemoine explained that the increase in size is necessitated by a backlog in boat servicing, and noted that the previous building was only used seasonally due to the absence of heating.

Mr. Lemoine further stated that the new warehouse will include additional storage space and a small workshop area. He noted that the proposed structure represents a 34.5% increase in lot coverage compared to the original building, which has already received approval from the Coastal Resources Management Council (CRMC).

Board discussion ensued pertaining to the applicant's hardship.

There was no further board discussion.

Whereas the following motion was made.

The motion is as follows:

A motion to approve the petition by Mr. Gilchrist and duly seconded by Mr. Melchiori.

Motion was granted unanimously: (3-0 in favor)

(Mr. Gilchrist -Aye, Mr. Melchiori -Aye, Ms. Krekorian -Aye)

At a meeting held on March 4, 2026, for the petition of **Peter Fauci**, registered architect. The applicant was granted relief of **State Building Code (IBC 2021), Section G106.4 – Functionally Dependent Facilities**. A variance is authorized to be issued for the construction or substantial improvement of a functionally dependent facility provided that the criteria in Section 1612.1 are met, and the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to methods and materials that minimize flood damages during the design flood and do not create additional threats to public safety. The applicant requests relief from the above-noted provision as it relates to construction of a new ship repair facility with the lowest floor below the Design Flood Elevation (DFE). The owner is SHM Silver Spring, LLC, for premises located at 362 Pond Street, Wakefield, RI 02879.

Grounds for Decision:

The Board determined through discussions to approve the application, providing relief from appendix G501.3, because the intended use of the structure is as an aquatic-based functional facility as recognized in Appendix

G103.5, which includes ship repair. The hardship of denying this petition would cause significant alterations to the height of the floor, which would make boat trailer entry and boat repairs much more difficult and expensive.

The following individuals spoke as representatives of the applicant:

- Peter Fauci, the applicant.
- Seth Lemoine, structural designer.
- Matthew Landry, the applicant's attorney

There was no one present who spoke either in favor of or in opposition to the petition.

The following materials were entered into the record:

- Elevation of Plans created by Pacific-Visions Studio LLC dated February 6, 2026 (G0.00, G0.01, G0.02, G1.02, A1.01, A1.02, A2.01, A3.01, A4.01, A4.02, A6.01, A9.01, A12.01, A12.02, and A12.03); Preliminary Plan Submission created Principe Company, Inc. and stamped by Thomas J. Principe, III PE, dated September 19, 2025 (15 pages); Electrical Floor Plans created by Pacific-Visions Studio LLC dated February 6, 2026 (E0.01, E1.01, E2.01, E2.02, E3.01, and E4.01); Fire Protection Plan created by Pacific-Visions LLC, dated February 6, 2026 (FP.01, FP.1, and FP.2); Mechanical Floor Plans created by Pacific-Visions Studio LLC, dated February 6, 2026 (M0.01, M1.01, M2.01, M3.01, and M4.01); Plumbing Floor Plans created by Pacific-Visions Studio LLC, dated February 6, 2026 (P0.01, P1.01, P1.02, P2.01, P3.01, and P4.01); Slab Design created by Principe Company, Inc. stamped by Thomas J. Principe, III P.E. dated February 3, 2026; Revised Code Analysis Summary Sheet uploaded digitally by Peter Fauci dated February 11, 2026 (two-pages); Revised Formal Hardship Statement uploaded digitally by Peter Fauci and dated February 26, 2026; Revised Variance Application Narrative uploaded digitally by Peter Fauci and dated February 11, 2026 (3 pages).

C. Other Items

I. Adjournment

There was no other business to discuss.

Mr. Melchiori made the motion to adjourn, which was duly seconded by Ms. Krekorian.

All members were in favor.

Meeting adjourned at 5:12:46 pm.