

## APPENDIX B: APPLICATION FOR SUBDIVISION AND LAND DEVELOPMENT PROJECTS

The undersigned owner of land hereby requests to be placed on the agenda of the North Smithfield Planning Board and state that the required information detailed in the Subdivision Regulations of the Town of North Smithfield have been presented to the Administrative Officer.

Ryan C. Hurley of Kiernan, Plunkett & Redihan, LLP  
is hereby designated as the person to whom legal process may be served in condition with any proceedings arising out of this application. I/We also certify that the undersigned is the owner of the property designed below:

Name of Project: High Rock Condominiums Date: 11/29/2021

**Classification**

☐ Minor  
☒ Major

**Type of Project**

☐ Administrative  
☐ Subdivision  
☒ Land Development Project



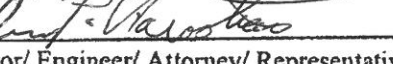
**Review Stage**

☐ Pre-Application/Concept  
☐ Master Plan  
☐ Preliminary Plan  
☒ Final Plan

1. Assessor's Plat(s) 3 Assessor's Lot(s) 2  
2. Number of Lots: 1 3. Zoning Designation(s): M-Manufacturing  
4. Street Name: 1 Tupperware Drive  
5. Divider/ Developer: High Rocks II, LLC  
6. Divider's/ Developer's Name: armen Harootian  
(Please Print)

Divider's/ Developer's Name: \_\_\_\_\_  
(Signature)

7. Names, addresses, and signatures of all persons with 10% or more interest:

<u></u> (Signature)	<u>Amy Hardin</u> (Please Print)
<u></u> (Signature)	<u>Carrie Stevens</u> (Please Print)
<u></u> (Signature)	<u>Armen Harootian</u> (Please Print)

8. Surveyor/ Engineer/ Attorney/ Representative: Ryan C. Hurley  
Name: Ryan C. Hurley  
Address: 146 Westminster Street, 5th Floor, Providence, RI 02903  
Daytime Telephone # 401-831-2900 Facsimile # 401-331-7123

(The owner hereby grants permission to Planning Board members and other Town officials to enter the designated property for the purpose of inspection after notifying the owner 48 hours in advance of site visit.)



*Partners:*

*Thomas C. Plunkett*  
*Charles N. Redihan, Jr.*  
*Eric B. DiMario ♦*  
*Ryan C. Hurley*  
*Brittance N. Donley ♦ †*

*Associates:*

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*Founding Partner:*

*Leonard A. Kiernan, Jr.*  
*(Retired)*

*Of Counsel:*

*Michael R. Calise*  
*Robert N. Huseby*  
*Robert W. Smith ♦*  
*Robert D. Valvo*

*Edward J. Plunkett (1940-1991)*  
*John A. DeSano (1956-2008)*

♦ Also admitted Massachusetts  
† Also admitted Connecticut

December 1, 2021

North Smithfield Planning Board  
Memorial Town Building  
One Main Street  
P.O. Box 248  
Slatersville, RI 02876

Re: High Rocks II, LLC  
Vs. Town of North Smithfield  
Plat 3 Lot 2

Dear Board Members:

Please allow this correspondence to serve as a brief history of the development that has taken place at 1 Tupperware Drive since 2006. On October 18, 2006, the Town of North Smithfield Planning Board approved the master plan of Blackstone Smithfield Corp. to convert the old Tupperware Mill building into a mixed-use residential/commercial/warehouse building. Blackstone Smithfield Corp. is the predecessor of High Rocks II, LLC. On February 23, 2017, the Town of North Smithfield Planning Board approved the preliminary plan of Blackstone Smithfield Corp. In conjunction with this development, the Town of North Smithfield Zoning Board granted a special use permit to allow residential units at the property and to allow commercial/warehouse uses on November 14, 2006.

Over the following years, the project was built. As you may remember, the country went through a significant housing crisis during those years. The impacts of the housing crisis were significant on this development. As a result of the housing market crash approximately 25% of all the residential condominium units that were sold met the requirements for affordable housing. The Town had no program to allow a greater incentive to buyers and, therefore, a buyer could purchase the non-restricted unit for the same price as a deed restricted unit. Blackstone Smithfield met with an affordable housing agency to discuss this issue and, for the same reason explained above, the agency chose not to participate. Blackstone Smithfield worked with the Town Manager, Town Assessor and Town Planner but the affordable units were simply unsellable without greater incentives. Blackstone Smithfield also went as far as to privately fund the purchase of 3 affordable housing unit, but within one year each of those buyers failed to fulfill their financial obligations and the units were foreclosed

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upon. Then, on February 11, 2009 the Town recorded an approved plan which does not reference the number of residential units nor any affordable housing.

On July 19, 2018 and September 28, 2018, the Town sent letters to Blackstone Smithfield Corp. regarding the issue of affordable housing and stated that the Town would not issue additional permits or C.O.'s until the issue was resolved.

To address the issue of affordable housing, High Rocks II first submitted an application for a major land development on Plat 3 Lot 2A to the Planning Board. This major land development consisted of constructing a new standalone building on Plat 3 Lot 2A that would have been comprised of 14 affordable housing units for rent. After a couple of hearing, the Planning Board approved High Rocks II's combined pre-application/masterplan.

Thereafter, an opportunity arose that would allow for the affordable housing units to be built in Tupperware Mill Building on Plat 3 Lot 2. This new solution to the affordable housing issue had many advantages but, most importantly, it alleviated one of the Planning Board's concerns in that it allowed the affordable housing units to be mixed in with the other non-deed restricted residential units and not located in a separated standalone building. The space for those new residential units in the Tupperware Mill Building came when a commercial tenant vacated its space. High Rocks II put together a design to build 38 new residential rental units within that vacated commercial space. Of those 38 new residential rental units, High Rocks II proposed that 18 be low/moderate income affordable housing. This new plan will provide the Town with the 12 affordable units needed to satisfy the 10% minimum for the first development plus an additional 6 more affordable units.

On February 6, 2020, the Planning Board approved High Rocks II's new proposal subject to approval from the Zoning Board, and with the requirement that High Rocks II must return to the Planning Board for final approval.

On or about June 29, 2020 High Rocks II submitted an application to the Town's Zoning Board of Review seeking a variance to accommodate the increased number of residential units. That application went to hearing but was denied.

Next, High Rocks II worked diligently with the Town Council to avoid litigation on this matter. The Town Council amended the Town Ordinance, Chapter 10,

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Article 3, Section 10-64 whereby said project may have one hundred thirty-three (133) residential units of which three must be affordable housing units.

Currently, the Tupperware Mill Building consists of 133 residential condominium units. The Town issued building permits for all these units including the so called "ground keepers" building. The Town has issued all of the occupancy certificates for residential condominium units except for the "ground keepers" building, which remains under construction.

High Rocks II also designated three affordable housing units. Those units are 204, 219, and 212. My client executed a monitoring service agreement with Community Land Housing Land Trust of Rhode Island which was recorded in the land evidence records on September 15, 2021.

My client now comes before this Board asking to amend the final plan so that the recorded amended final plan shows the total number of residential units and the number of affordable housing units and makes reference the Town's Amended Ordinance.

Very truly yours,



Ryan C. Hurley  
RCH/klc  
[rhurley@kprlaw.com](mailto:rhurley@kprlaw.com)

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