

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.

Matthew J. Landry, Esq. of Blish & Cavanagh, 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: M&M Terminal Site Improvements Date: 6.25.25
44 Railroad Street

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) 4 Assessor's Lot(s) 187
2. Number of Lots: 1 3. Zoning Designation(s): Manufacturing (M)
4. Street Name: 44 Railroad Street

5. Divider/ Developer: M&M Transport Service, LLC/Four Sons, LLC (Owner)

6. Divider's/ Developer's Name: Mark Warsofsky

(Please Print)

Divider's/ Developer's Name: Mark R. Warsofsky

(Signature)

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

(Signature)

(Signature)

(Please Print)

(Please Print)

8. Surveyor/ Engineer/ Attorney/ Representative: Attorney

Name: Matthew J. Landry, Esq.

Address: Blish & Cavanagh, LLP 30 Exchange Terrace, Providence, RI 02903

Daytime Telephone # 401-831-8900 Facsimile # mjl@blishcavlaw.com

Project Narrative – 44 Railroad Street

The Subject Property

The subject property consists of approximately 0.334 acres (14,560s.f.) and is more particularly described as Lot 18 on North Smithfield Tax Assessor's Plat 4. The Owner/Applicant is Four Sons, LLC and its principal Mark Warsofsky. The Site is situated within the Manufacturing (M) Zoning District and the Water Supply Protection Overlay District.

Existing site conditions include a Garage (3,492sf) and office space used in conjunction with the Applicant's trucking and transportation operation. The Property also includes site improvements such as impervious surface areas to the rear of the building, two (2) concrete fueling pads, a 10,000 gallon above ground storage tank, and minor Septic and lightning improvements (the "Accessory Uses").

The existing trucking and transportation use of the property are permitted uses in the Manufacturing (M) Zoning District under use code K.6 "Rail or motor freight terminal". The associated site improvements, i.e. above ground storage tank for fueling, are incidental to the existing trucking and transportation operation and are otherwise lawfully permitted accessory uses (See Solicitor Archambault Memorandum, December 10th, 2024, attached hereto as Ex. A).

Proposed Site Improvements

The Applicant is seeking to lawfully permit the existing concrete fueling pads, above ground storage tank and associated accessory uses. In conjunction with this request, the Applicant is proposal removal of impervious surface areas, such as asphalt and concrete fueling pads and resetting jersey barriers to conform to side yard and rear yard setbacks. Substantive improvements to drainage and stormwater infiltration are also proposed for the site in addition to Positive Limiting Barriers and monitoring wells.

The Applicant submitted a formal petition to the North Smithfield Zoning Board of Review in October, 2024 seeking exemptions from a 1995 decision of the Zoning Board rendered in conjunction with the construction of the existing warehouse/garage structure. The submission was revised in March 2025 following additional engineering and drainage design completed by Conoco Engineering. The Applicant is now seeking relief under the Unified Development Review process to streamline the permitting review.

Prior Permitting History

The existing Garage, constructed in 1995, required both Site Plan Review approval by the North Smithfield Planning Board and Dimensional Relief from the North Smithfield Zoning Board of Review. On or about January 10th, 1995, the Planning Board granted final Site Plan approval with six (6) stipulations regarding site conditions. The six (6) stipulations were incorporated into the Zoning Board of Review's decision, approving the dimensional variances requested, into its written decision dated April 25th, 1995.

The six (6) stipulations were as follows:

- 1) That the north wall of the facility be constructed of concrete masonry units;
- 2) That a suitable screening plan be designed to screen the new facility (Garage) along the southern and western property lines. Options for screening included:
 - a. With Edgecomb's permission, establish screening on adjacent Lot 203;
 - b. Provide screening on the subject property to the front right corner of the building where the residual property line from the edge of the building to the property line with Edgecomb measures 11' and stop there and hope screening on the Edgecomb site can take up from that point to the end of the property;
 - c. If screening stops at the back corner of the building, that there is no continuous outside storage in the back; if the petitioner does intend to have storage in the rear lot, screening would then need to go to the back lot line;
- 3) None of the property to the rear of the building be paved and that it be left as close to the natural state as possible;
- 4) The side lot bordering Edgecomb remain gravel. No asphalt or impervious paving be used in this area;
- 5) Pavement be limited to the area in front of the building including the four (4) parking spaces; and
- 6) Only one (1) tenant is to occupy the building which will eliminate the transfer to self-storage in the future.

The Requested Relief

The Applicant anticipates a formal submission for Unified Development Review under R.I. Gen. Laws § 45-23-50.1 and the Town of North Smithfield Land Development and Subdivision Regulations seeking the following waivers:

- 1) Relief from Stipulation # 2 of the 1995 Zoning Board Decision with respect to screening;
- 2) Relief from stipulation #3 of the 1995 Zoning Board Decision with respect to impervious surface area in the rear of the building;

- 3) Relief from Stipulation #4 of the 1995 Zoning Board Decision with respect to impervious surface area used along former Edgecomb Lot 203;
- 4) Relief from Stipulation of the 1995 Zoning Board Decision with respect to limiting pavement to an area in front of the existing building including 4 parking space.
- 5) To the extent applicable, authorization or relief to authorize the accessory features constructed on site, above ground storage (fuel) tank; concrete fueling pads and site improvements.
- 6) To the extent required, a Special Use Permit to permit the Accessory Uses;
- 7) Relief to allow minimal increase to off-site stormwater flow.

Conoco Engineering is communicating with RIDEM regarding the proposed stormwater control systems for the site and will continue to supplement the submission as additional feedback and information becomes available.

A

MEMORANDUM

TO: Robert Najarian, Chairperson
FROM: Leo Cote, Building Official
CC: Stephen R. Archambault, Zoning Solicitor
David Igliozi, Esq., Town Solicitor
DATE: December 10, 2024
SUBJECT: 44 Railroad Street – Zoning Relief

This memorandum is provided at the request of Chairman Najarian and is intended to clarify the required zoning relief related to the request to install an accessory fuel tank and pump for M & M Transport Service, LLC., located at 44 Railroad Street, Assessor's Plat: 4, Lot: 187, zoned Manufacturing (M).

The current trucking company use is classified in the North Smithfield Use Regulations Table as Use Code K.6. "Rail or motor freight terminal." This use is an authorized use in the M-District as indicated by a "Y" in the use table. The fuel tank and pump (fueling facility) are considered an "accessory use" to the principal trucking company use, as the fueling facility is clearly subordinate and incidental to the trucking company, and only exists to support the current use.

However, because the original trucking company required dimensional relief (less than the required side-yard setbacks) from the ZBR when it was constructed in April 1995, the use is now controlled by Zoning Section 340-2.8 "Uses under special use permit and variance provisions." This section reads in part; *"Any use which has been permitted by special use permit or variance under the terms of this chapter...shall...be considered a use by special use permit or a use by variance and shall require further action of the Board for and changes in uses."* As a result, installation the proposed fueling facility requires ZBR approval.

Further, the 1995 zoning approval included several stipulations recommended by the Planning Board. One stipulation is directly related to the request and requires relief from the ZBR. Planning Board recommended stipulation #3 reads; "None of the property to the rear of the building [may] be paved and that it [shall] be left as close to the natural state as possible." The paving and installation of the fueling facility at the rear of the property are in violation of stipulation #3. As a result, the applicant will require the ZBR to remove and/or alter this stipulation to allow for the installation of the fueling facility.

To summarize, the current building and use is allowed "by right," and the fueling facility is allowed as an accessory use. However, since the original building required a dimensional relief and as part of that approval the ZBR included a stipulation prohibiting any alteration to rear of the property, the applicant requires a ZBR approval to remove the stipulation prohibiting alteration of the rear of the property, as well as ZBR approval under Zoning Section 340-2.8, to expand the approved use to include a fueling facility.

Re: Water Supply Protection Overlay Section 6.19.8.1 "Exemptions,"

1. Any expansion and/or alteration of a lawfully established use that is less than or equal to twenty (20%) of the existing gross floor area (GFA) shall be exempt from the provisions of this section.

Tuesday, April 25, 1995

MR. HALLIWELL: The North Smithfield Zoning Board is now back in session. Gentlemen, what is your pleasure?

MR. DUBE: In the petition of Eugene, Robert and Normand Lapierre, requesting a dimensional variance for left and right side set backs for property located on Assessor's Plat No. 4, Lot 187, Providence Pike, North Smithfield RI, I find the following findings of fact:

1. Mr. Therrien of National Surveyors-Developers, Inc. testified there was no other suitable use of the property.

2. Petitioners agree to all stipulations incorporated in the Planning Board Site Plan Review approval of January 10, 1995.

As a result of the above, I vote to grant the variance based on the evidence in the record and the Planning Board Site Plan Review approval with related stipulations. Additionally, I find there is no other reasonable alternative to enjoy legally beneficial use of the subject property unless they are granted this relief. I move to grant.

MR. HALLIWELL: Do I have a second?

MR. SHAW: Seconded.

MR. HALLIWELL: Discussion?Roll call vote.

MR. HALLIWELL: Mr. Dalti?

MR. DALTI: Yes.

MR. HALLIWELL: Mr. Dube?

MR. DUBE: Yes.

MR. HALLIWELL: Mr. Mowry?

MR. MOWRY: Yes.

MR. HALLIWELL: Mr. Shaw?

MR. SHAW: Yes.

Chair votes yes. Petition is granted.

Respectfully submitted,

Marjorie G. Therrien, Clerk
No. Smithfield Zoning Board of Review

RECEIVED FOR RECORD
NORTH SMITHFIELD, R.I.
95 APR 28 PM 2:38
PAGE 4
BOOK NO. 154



OFFICE OF THE
PLANNING BOARD

Town of North Smithfield

Memorial Town Building, Slatersville, Rhode Island 02876
401-767-2202



February 13, 1995

Zoning Board of Review
Town of North Smithfield
Memorial Town Building
Slatersville, RI 02876

Zoning Board Members:

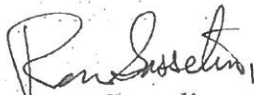
On January 10, 1995, the Planning Board voted to grant final Site Plan Review approval to Lee Laliberte for the siting of a manufacturing/warehouse facility on Plat 4, Lot 187 with the following stipulations:

1. That the north wall of the facility be constructed of concrete masonry units.
2. That a suitable screening plan be designed to screen the new facility along the southern and western property lines. Options for screening included;
 - a. With Edgecomb's permission, establish screening on Lot 203.
 - b. Provide screening on the subject property to the front right corner of the building where the residual property line from the edge of the building to the property line with Edgecomb measures 11' and stop there and have screening on the Edgecomb side can take up from that point to the end of the property.
 - c. If screening stops at the back corner of the building, that there is no continuous outside storage in the back; if the petitioner does intend to have storage in the rear lot, screening would then need to go to the back lot line.
3. None of the property to the rear of the building be paved and that it be left as close to the natural state as possible.
4. The side lot bordering Edgecomb remain gravel. No asphalt or impervious paving be used in this area.
5. Pavement be limited to the area in front of the building including the 4 parking spaces.

Zoning Board
Page 2

6. Only 1 tenant is to occupy the building which will eliminate the transfer to self-storage in the future.

Truly yours,

 K.A.P.

Ron Gosselin
Planning Board Chairman

pc: Lee Laliberte

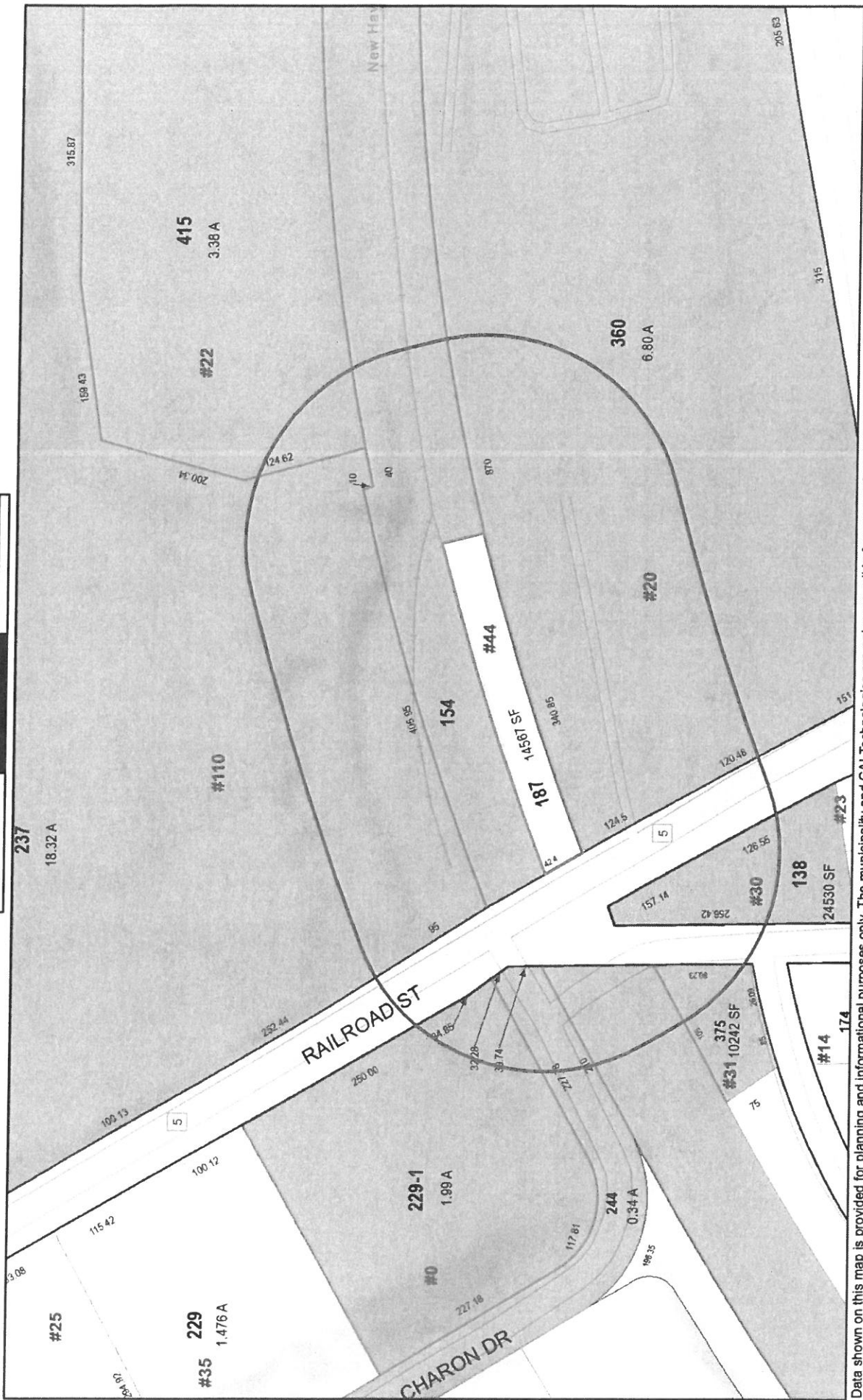


North Smithfield, RI

1 inch = 141 Feet

www.cai-tech.com

CAI Technologies



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

Parcel Number	Property Address	Owner Name	Co-Owner Name	Owner Address	Owner Address 2	Owner City	Owner State	Owner Zip
004-035	0 PROVIDENCE PIKE	DUDLEY DEVELOPMENT CORP		PO BOX 1168		SLATERSVILLE RI		02876
004-138	30 BLACK PLAIN RD	FERNANDES EUGENE NUEZA &	RALPH EUGENE	30 BLACK PLAIN RD		N SMITHFIELD RI		02896
004-154	0 RAILROAD ST	NORTH SMITHFIELD TOWN OF		83 GREENE ST		NO SMITHFIELD RI		02896
004-229-1	0 RAILROAD ST	DARCY CHIULLI REALTY TRUST LLC		PO BOX 1160		SLATERSVILLE RI		02876
004-237	110 GRAHAM DR	110 GRAHAM LP		2703 JENNER DR APT F		BALTIMORE MD		21209
004-244	0 CHARON DR	NORTH SMITHFIELD TOWN OF		83 GREENE ST		NO SMITHFIELD RI		02896
004-375	31 TIFFT RD	GREMO LINDA C &	AZARGOON MOGTABA	31 TIFFT RD		N SMITHFIELD RI		02896
005-360	20 PROVIDENCE PIKE	K & B PROPERTIES LLC		20 PROVIDENCE PK		N SMITHFIELD RI		02896
005-415	22 STEEL ST	CUSTOM COATINGS INC		4258 ALBANY ST		ALBANY NY		12205