

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

(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.)

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.