



300 Centerville Road • Suite 300
Summit West • Warwick, RI 02886
401-738-4500 • Fax 401-738-5892

Sanford J. Resnick**
Jeffrey E. Caffrey
James Moretti

March 26, 2024

Via FedEx Overnight Delivery and email to: jrabbitt@southkingstownri.com

James D. Rabbitt, Planning Director
Town of South Kingstown
180 High Street
South Kingstown, RI 02879

Re: Owner/Applicant: Frank Avenue Industrial Park, LLC
Property: Frank Avenue, South Kingstown (AP: 22-1 Lot 88)

Dear Mr. Rabbitt:

On March 20, 2007, the Planning Board approved a plan. The Decision and plan is attached as Exhibit A approving a building of approximately 50,000 square feet.

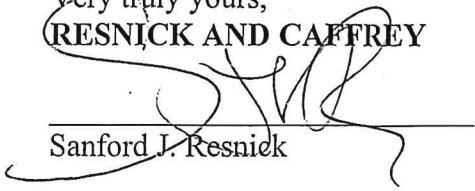
On October 24, 2017, a 2-lot subdivision was approved. One was a lot purchased by 5A Builders, which property contained the 50,000 sf building.

Around the same time, 5A Builders received permission to operate a marijuana cultivation business and to construct a building approximately 10,000 sf, which I believe was later amended to approximately 11,700 sf. This was a portion of the 50,000sf approval.

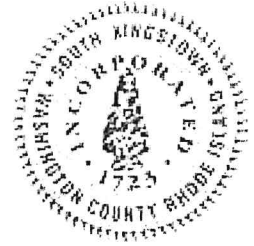
In 2019, 5A Builders met with the then planner Chelsea Siefert, who administratively had approved a plan drawn by Dowdell Engineering which permitted the subdivision of the 50,000 square foot building into four (4) separate buildings (one of them had already been constructed). It was Chelsea's position that if we put a covered storage area connecting the buildings, that she would and could approve the subdivision administratively. The plan was delivered to her, accepted by her, but we have been advised that the Planning Records indicate that it was never approved. We are now submitting a plan showing the four (4) buildings without the covering for approval.

Please review and advise if and when this can be placed on the agenda for hearing.

Very truly yours,
RESNICK AND CAFFREY


Sanford J. Resnick

**TOWN OF SOUTH KINGSTOWN
PLANNING BOARD
PROJECT REVIEW APPLICATION FORM**



This Application Form is to be submitted with each stage of review.

APPLICANT INFORMATION

Applicant Name: Frank Avenue Industrial Park, LLC
Name of Primary Contact (if applicant is an organization): Alexander J. Petrucci
Applicant Address: 220 Knowles Way Extension, Narragansett, Rhode Island 02882
Applicant Phone: 401-523-1805 Applicant Email: ajp1805@aol.com

OWNER INFORMATION

Owner Name(s): Same as applicant
Owner Contact Information: _____

PROJECT INFORMATION

Assessor's Plat and Lot of Parcel(s) Proposed for Subdivision/Development: 22-1/88
Physical Address or Location of Parcel(s): Frank Avenue
Zoning District(s) of Parcel(s): Ind 1 Total Size of Development Parcel: 3.24 Acres
Date of Initial Meeting with Planning Department Staff (before first stage of review): 2007

TYPE OF PROJECT (select all that apply)

- | | |
|--|---|
| <input checked="" type="checkbox"/> Development Plan Review | <input type="checkbox"/> Minor Land Development Project |
| <input type="checkbox"/> Administrative Subdivision | <input type="checkbox"/> Major Land Development Project |
| <input type="checkbox"/> Minor Subdivision, without street creation or extension | <input type="checkbox"/> Multi-Household Land Development Project |
| <input type="checkbox"/> Minor Subdivision, with street creation or extension | <input type="checkbox"/> Flexible Design Residential Project (FDRP) |
| <input type="checkbox"/> Major Subdivision | <input type="checkbox"/> Residential Compound |
| | <input type="checkbox"/> Comprehensive Permit |

CURRENT STAGE OF REVIEW (if applicable)

- | | |
|---|--|
| <input type="checkbox"/> Pre-Application Concept Review | <input type="checkbox"/> Release of Performance/Maintenance Guarantee |
| <input type="checkbox"/> Conceptual Master Plan | <input type="checkbox"/> Change to an Approved Plan |
| <input type="checkbox"/> Preliminary Plan | <input type="checkbox"/> Reinstatement or Extension to Approved Plan |
| <input type="checkbox"/> Final Plan | <input type="checkbox"/> Request to Combine Review Stages |
| <input type="checkbox"/> Recording | <input checked="" type="checkbox"/> Other modification of final approval |

WAIVERS AND MODIFICATIONS


Does this application request waiver of or modification to any of the requirements of the Town of South Kingstown Subdivision and Land Development Regulations? yes* no

**If yes, a statement describing the specific regulation(s) for which waiver or modification is requested must be included in the application materials.*

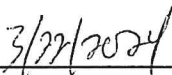
CERTIFICATION OF COMPLETE APPLICATION

(1) The applicant hereby certifies that all of the materials required by the applicable checklist(s), as determined by Planning Department staff during the initial meeting, have been submitted including a review fee in the amount of \$_____.

(2) The applicant hereby certifies that the plan set and other submitted materials conform to the requirements of the current adopted version of the Town of South Kingstown Subdivision and Land Development Regulations, or, that a written statement has been provided listing all requested waivers and/or modifications of the Regulations.



Applicant Signature



Date

Alexander J. Petrucci

Printed Name

OWNER AUTHORIZATION FORM

Submittal Date: _____

Owner Authorization Forms for each owner of the property being considered for subdivision/development is to be submitted with each stage of review. If no changes to the ownership have occurred since the last stage of review, a copy of the previously submitted Form may be submitted with an updated Submittal Date.

I, Frank Avenue Industrial Park, LLC hereby certify that I am an/the owner of property designated as Plat 22-1, Lot 88, as shown on the Town of South Kingstown Tax Assessor Maps.

I further certify that I am the owner of the development rights for this property.

I hereby authorize and am in agreement with the application, signed by Frank Avenue Industrial Park, LLC (applicant), for subdivision or development for the subject property. Said application is to be submitted to the Planning Department of the Town of South Kingstown for review and decision by the Planning Board.

WITNESS its name this _____ day of _____, _____.

BY: 
Frank Avenue Industrial Park, LLC Signature of Owner
by: Alexander J. Petrucci, Member

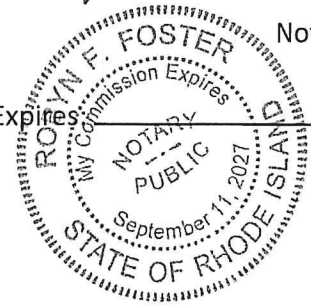
STATE OF RHODE ISLAND

County of Kent

In Warwick on the 22nd day of March 2021, before me personally appeared Alexander J. Petrucci, Member of Frank Avenue Industrial Park, LLC (name) to me known and known by me to the party executing the foregoing instrument and acknowledged said instrument, by him/her executed, to be his/her free act and deed, as Member (individual, corporation, trustee, partnership, non-profit, etc.).


Notary Public

My Commission Expires _____



PROJECT TEAM FORM

Submittal Date: _____

The Project Team Form is to be submitted with each stage of review. If no changes to the Project Team have occurred since the last stage of review, a copy of the previously submitted Form may be submitted with an updated Submittal Date.

ATTORNEY *This entity should be copied on all project correspondence* **YES** **NO**

Name: Resnick and Caffrey, PC

Name of Primary Contact (if attorney is an organization): Sanford J. Resnick, Esq.

Address: 300 Centerville Road, Summit West, Suite 300, Warwick, RI 02886

Phone: 401-738-4500 Email: sresnick@resnickandcaffrey.com

ENGINEER *This entity should be copied on all project correspondence* **YES** **NO**

Name: DiPrete Engineering, Inc.

Name of Primary Contact (if engineer is an organization): _____

Address: _____

Phone: _____ Email: _____

SURVEYOR *This entity should be copied on all project correspondence* **YES** **NO**

Name: DiPrete Engineering, Inc.

Name of Primary Contact (if surveyor is an organization): Robert Babcock

Address: Two Stafford Court, Cranston, Rhode Island 02920

Phone: 401-943-1000 Email: rbabcock@diprete-eng.com

LANDSCAPE ARCHITECT *This entity should be copied on all project correspondence* **YES** **NO**

Name: _____

Name of Primary Contact (if landscape architect is an organization): _____

Address: _____

Phone: _____ Email: _____

ARCHITECT *This entity should be copied on all project correspondence* **YES** **NO**

Name: _____

Name of Primary Contact (if architect is an organization): _____

Address: _____

Phone: _____ Email: _____

OTHER *This entity should be copied on all project correspondence* **YES** **NO**

Name: _____

Role on Project: _____

Name of Primary Contact (if entity is an organization): _____

Address: _____

Phone: _____ Email: _____



Town of South Kingstown, Rhode Island

P. O. Box 31
Wakefield, RI 02880-0031
Tel. 401-789-9331
Fax. 401-788-9792

PLANNING DEPARTMENT

Witness: South Kingstown Town Clerk

Mr. Arthur Arnold
P.O. Box 986
West Kingston, Rhode Island 02892

March 21, 2007

38-11070-0070-017
03-22-2007 9:49:33a

Re: (CA) Development Plan Review Approval, Furniture Facility, a Proposed Furniture Manufacturing Facility, AP 22-1, Lot 38, Located on the Westerly Side of Frank Avenue

Dear Mr. Arnold:

At the meeting of the South Kingstown Planning Board held on Tuesday, March 20, 2007 the Board voted as follows:

"The South Kingstown Planning Board hereby grants Development Plan Approval to Arthur Arnold to construct a proposed furniture manufacturing facility, parking lot, landscaping and associated infrastructure as shown on plans entitled: 'Furniture Facility, Assessor's Plat 22-1, Lot 38 situated on Frank Avenue, South Kingstown, Rhode Island by Dowdell Engineering Inc. and dated January 9, 2007 with revisions through 01/29/07.' This approval is also based on a plan entitled: 'Landscape Plan, Proposed Furniture Facility, Assessor's Plat 22-1, Lot 38, West Kingston, Rhode Island by John Carter & Company, Inc. dated January 2006 with revisions through 02/28/07.' This action is based on the following Findings of Fact and Conditions of Approval:

Findings of Fact

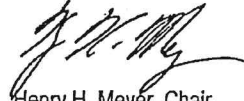
1. The granting of this approval will not result in conditions inimical to the public health, safety and welfare.
2. The granting of this approval will not substantially or permanently injure the appropriate use of the property in the surrounding area or zoning district.
3. The plans for this project comply with all the requirements of the Zoning Ordinance and the Subdivision and Land Development Regulations.
4. The plans for this project are consistent with the Comprehensive Plan.
5. Any conditions or restrictions that are necessary to ensure that these guidelines have been met have been incorporated into the written approval.

Conditions of Approval

1. Site development shall be in substantial conformance with the approved plans.
2. The applicant shall obtain a Physical Alteration Permit from the Town's Department of Public Services for the proposed curb cuts on Frank Avenue and Waites Corner Road.

3. At the completion of the project, the applicant's Landscape Architect shall certify in writing to the Administrative Officer that the locations, quantities, types, and sizes of materials conform to the approved plan.
4. The Town's Building Inspector shall not issue a Certificate of Occupancy until the Town's Administrative Officer certifies that the landscaping has been satisfactorily completed. The time or season of the year will not be cause for relief from this Condition of Approval.

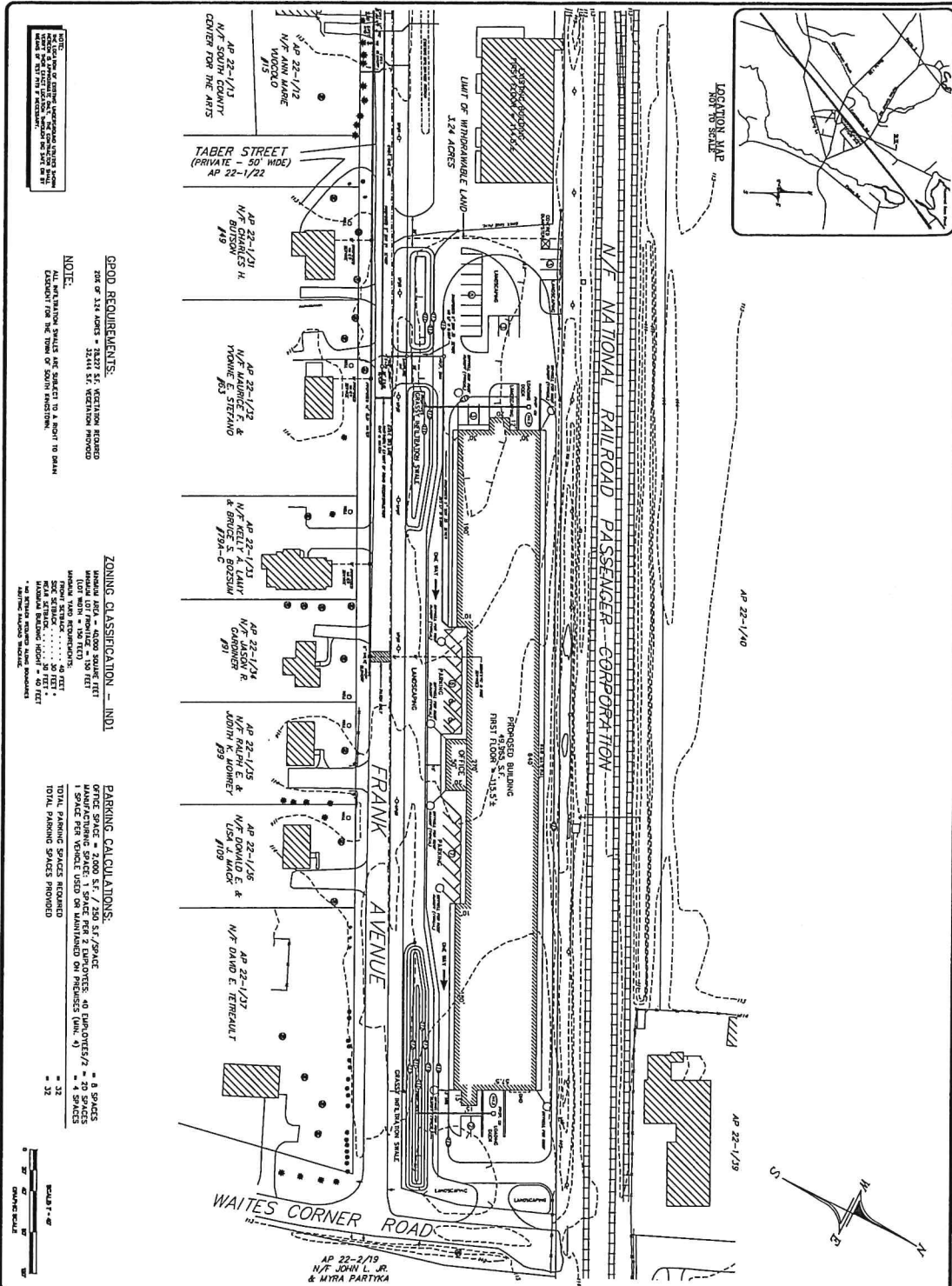
Respectfully,



Henry H. Meyer, Chair
Planning Board

HHM: mft

cc: John C. Carter & Company
Dowdell Engineering, Inc.
Director of Public Services
Building Official
Town Clerk



NOTE:
1. ALL DIMENSIONS SHOWN ARE UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS SHOWN ARE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS SHOWN ARE UNLESS OTHERWISE NOTED.

SPED REQUIREMENTS:

208 of 314 ACRES = 3217 S.F. SECTION RECORD
208 of 314 ACRES = 3217 S.F. SECTION RECORD

NOTE:
ALL DIMENSIONS SHOWN ARE UNLESS OTHERWISE NOTED.
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ZONING CLASSIFICATION - IND1

MINIMUM LOT - 4000 SQUARE FEET
MINIMUM LOT - 4000 SQUARE FEET

MINIMUM LOT - 4000 SQUARE FEET
MINIMUM LOT - 4000 SQUARE FEET

PARKING CALCULATIONS:

OFFICE SPACE = 2000 S.F. / 200 S.F./SPACE = 10 SPACES
OFFICE SPACE = 2000 S.F. / 200 S.F./SPACE = 10 SPACES

OFFICE SPACE = 2000 S.F. / 200 S.F./SPACE = 10 SPACES
OFFICE SPACE = 2000 S.F. / 200 S.F./SPACE = 10 SPACES

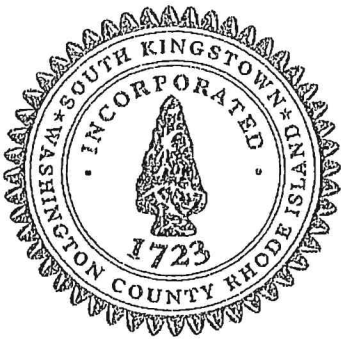
DATE	1/11/21	SCALE	1" = 40'
PROJECT	FURNITURE FACILITY	DATE	JAN 9, 2021
CLIENT	ART ARNOLD	SCALE	1" = 40'

DOWDELL
DOWDELL ENGINEERING, INC.
CIVIL & ENVIRONMENTAL ENGINEERS
SURVEYORS & LAND PLANNERS

RETURN TO: DOWDELL
1111
1111
1111

NO.	REVISION	DATE
1	THE COMPLETION	1/27/21
2	SUBMITTAL	1/27/21

FURNITURE FACILITY
ASSESSOR'S PLAT 22-1 LOT 38
SITUATED ON
FRANK AVENUE
SOUTH KINGSTOWN, RHODE ISLAND
PREPARED FOR
ART ARNOLD



Town of South Kingstown, Rhode Island

180 High Street
Wakefield, RI 02879
Tel. 401-789-9331
Fax 401-788-9792
www.southkingstownri.com

PLANNING DEPARTMENT

October 25, 2017

Alex Petrucci
5A Builders
15 Robertson Road
Narragansett, RI 02882

Witness: South Kingstown Town Clerk

Re: **PRELIMINARY PLAN MINOR SUBDIVISION – Western Industrial**, a proposed two (2) lot minor subdivision, no street creation, with one (1) lot to contain two (2) existing condominium buildings, AP 22-1, Lot 38, located on Frank Avenue, 5A Builders, applicant, and Arnold Holdings, Ltd, owner

Dear Mr. Petrucci:

At the meeting of the South Kingstown Planning Board held on Tuesday, October 24, 2017 the Board voted as follows:

Motion: "The South Kingstown Planning Board hereby grants Preliminary Plan approval to the 'Preliminary Plan, Minor Subdivision, Assessor's Plat 22-1 Lot 38,' a proposed two (2) lot subdivision resulting in one (1) developable lot, located on Frank Avenue, AP 22-1 Lot 38, as depicted on the plan entitled: 'Preliminary Plan, Minor Subdivision, Assessor's Plat 22-1 Lot 38, Prepared for Kingston Station Commercial Condominium,' Sheet 1 of 1, dated 09-28-17 with revisions through 10-03-17. Plan by Dowdell Engineering, Inc., P.O. Box 1684, 3949 Old Post Road, Charlestown, RI 02813. This approval is based upon the following Findings of Fact and Conditions of Approval:

Findings of Fact

1. The subdivision is consistent with the South Kingstown Comprehensive Community Plan.
2. The subdivision is in compliance with the standards and provisions of the Town of South Kingstown Zoning Ordinance.
3. With the required Conditions of Approval, there will be no significant negative environmental impacts from the proposed subdivision.
4. With the required Conditions of Approval, the subdivision, as proposed, will not result in the creation of individual lots or building sites with such physical constraints to development that building on the lots/sites according to pertinent regulations and building standards would be impracticable.
5. The subdivision parcels have adequate and permanent access to a public street, namely Frank Avenue.

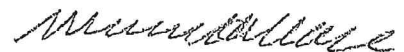
6. With the required Conditions of Approval, the subdivision provides for safe circulation of pedestrian and vehicular traffic, for adequate surface water run-off, for suitable building sites, and for preservation of natural, historical, or cultural features that contribute to the attractiveness of the community.
7. The design and location of building lots, utilities, and other improvements minimize flooding and soil erosion.
8. Thorough technical review of the development has been conducted by the South Kingstown Technical Review Committee, and Planning Board.
9. The applicant has requested that the Planning Board establish a financial guarantee in an amount sufficient to cover the required off-site improvements, namely the extension of the water main and sewer main within Frank Avenue.

Conditions of Approval

1. Approval is limited to two (2) lots in total: Lot 1 is to contain the two existing condominium buildings; Lot 2 is a new lot which may accommodate future development of up to four (4) previously approved commercial/industrial structures.
2. The subdivision shall be developed in conformance with the plans and specifications submitted in support of the application, and with the Conditions of Approval found herein.
3. The applicant shall submit a Final Plan and draft Record Plan that reflect the Conditions of Approval. If only one sheet, the Final Plan shall be considered the draft Record Plan. The draft Record Plan shall depict the lot geometries, including required building setbacks, and the location of installed bounds. The draft Record Plan shall also include notation of Conditions number two (#2), above, and eleven (#11), and twelve (#12), below. The Final Plan and draft Record Plan shall be subject to review and approval by the Administrative Officer. Upon approval, and satisfaction of all items contained within these conditions, the applicant shall submit the Record Plan on polyester film to the Administrative Officer prior to recording.
4. The applicant shall submit a utility plan and profile designs to the Town's Department of Public Services depicting the details of the sewer main extension and water main extension. The utility plan and sewer main extension profile designs are to be reviewed and approved by the Department of Public Services prior to issuance of Final Plan approval.
5. The sewer main extension necessary to service Lot 2 shall be installed, tested, and determined operational by the Town Department of Public Services (DPS). Documentation of DPS approval of the installation shall be provided to the Administrative Officer prior to issuance of a certificate of occupancy. Once installed, the applicant shall submit an as-built plan of the sewer main extension, which meets the requirements of the Town's Subdivision and Land Development Regulations, to the Town Department of Public Services, who shall review and approve the same. The as-built plan shall be stamped and signed by a Rhode Island certified Professional Engineer. The water and sewer main extensions may be contained on a single as-built plan.
6. The details of the proposed water main extension necessary to service Lot 2 shall be approved by Kingston Water prior to Final Plan approval. Documentation of such approval shall be provided to the Administrative Officer with the Final Plan submittal.
7. The water main extension necessary to service Lot 2 shall be installed, tested, and determined operational by Kingston Water prior to Final Plan approval. Documentation from Kingston Water indicating the same shall be provided to the Administrative Officer prior to issuance of a certificate of occupancy. Once installed, the applicant shall submit an as-built of the water line extension, which meets the requirements of the Town's Subdivision and Land Development Regulations, to the Town Department of Public Services, who shall review and approve the same. The as-built plan shall be stamped and signed by a Rhode Island certified Professional Engineer. The water and sewer main extensions may be contained on a single as-built plan.
8. The applicant shall secure Right-of-Way Utility Permits from the Town's Department of Public Services for extension of the water and sewer mains within Frank Avenue.

9. Survey monumentation shall be shown on the Record Plan and installed in the field to define the new lot lines. The number and location of the monuments shall be subject to the approval of the Administrative Officer as part of approval of the draft Record Plan. The Project Surveyor shall certify that the monumentation is installed prior to recording.
10. The applicant shall record deed descriptions for both lots concurrent with the recording of the Record Plan.
11. The applicant shall obtain a Physical Alteration Permit, and if necessary, a Tree Permit from the Town's Department of Public Services to locate any new driveway servicing the lots.
12. The applicant shall secure a Soil Erosion, Run Off and Sediment Control (SERSC) Permit from the Town's Department of Public Services for any development on Lot 2 prior to applying for a building permit.
13. The applicant shall submit a cost estimate for extension of the water and sewer mains with the Final Plan submittal. Pursuant to the Town of South Kingstown Subdivision and Land Development Regulations, Article VII, Section C.1, the applicant shall provide a financial guarantee for the installation of the water and sewer main extensions in an amount to be determined by the Administrative Officer, with recommendation by the Director of the Department of Public Services, at the time of Final Plan approval. Said financial guarantee shall be based upon actual cost estimates which would be required for the Town to complete all improvements required as a condition of final plan approval.
14. The applicant shall provide said financial guarantee, as described in condition number thirteen (#13) above, in a form determined to be acceptable to the Town of South Kingstown Finance Director pursuant to the Town of South Kingstown Subdivision and Land Development Regulations, Article VII, Section C.2, prior to recording of the Record Plan.
15. Pursuant to the Town of South Kingstown Subdivision and Land Development Regulations, Article VII, Section C.5, the applicant shall provide a maintenance guarantee which shall be equal to five percent (5%) of the total estimated cost of extension of the water and sewer mains. The initial period for such maintenance guarantee shall be one (1) year and shall commence upon approval of the as-built plan(s) required by Conditions number five (#5) and seven (#7), above."

Respectfully,



Maria H. Mack, Chair
Planning Board

MHM/GAP

c: Arnold Holdings, Ltd.
DiPrete Engineering, Inc.
✓ Resnick and Caffrey
Kingston Water
Town Clerk
Director of Public Services
Director of Financer
Building Official

