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*Via US Mail and email to: [jrabbitt@southkingstownri.com](mailto:jrabbitt@southkingstownri.com)*

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

**Re: Curtis Corner Road  
AP: 40-4 Lot:55  
"The Village at Curtis Corner"**

Dear Mr. Rabbitt:

Please be advised that the undersigned represents 5A Builders, LLC, the original Applicant and developer of the above captioned subdivision.

On March 24, 2021, the Planning Board issued a Preliminary Plan Approval for Curtis Corner Road. The approval was limited to 24 lots containing 16 single family homes and 8 duplex buildings, totaling 32 dwelling units. Condition of Approval #4 states "Approval is based upon the provision of 25% subsidized housing units available for LMI residents. The LMI dwelling units will be sold to a person or family with an income at or below 100% of the Area Median Income (AMI) and be deed restricted for a period of 99 years. Any unit offered for lease shall be offered for at no more than 80 percent of AMI pre Rhode Island State law." Condition of Approval #6 states "As part of the final plan submittal, the applicant shall indicate which specific lots and/or units will contain LMI Housing units (as referenced above) and shall propose the schedule by which the LMI Housing Units will be constructed. Said Schedule shall not exceed the construction of three (3) market-rate units for every one (1) LMI Housing unit."

On April 4, 2022, James D. Rabbitt, Administrative Officer for the Town of South Kingstown Planning Board, issued the Final Approval for The Village at Curtis Corner Major Subdivision/Comprehensive Plan Permit. Final approval repeated the language in the conditions of approval for the Preliminary Approval, #4 and #6. But added language in Condition of Approval #3b which states "Lots 4-6, 9-10, 14, and 20-21 shall be developable lots each to contain a two-household detached structure or duplex (Use Code 11) with one housing unit in each duplex dwelling deed-restricted for rental as an LMI Housing unit."

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TOWN OF  
SOUTH KINGSTOWN, RI

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The language in the Preliminary Approval and the Final Approval as to Conditions of Approval #4 indicates that property can be sold or rented and sets forth the income criteria. The language in Condition #3 of the Final Decision limits the sale for rentals only.

Although we do not dispute that the intent and the presentation before the Planning Board of Review indicated that these units would be rented. It has now become apparent by the real estate marketing team and the applicant that limiting the property to only rental and not sales, is not in the best interest of the developer, nor the town. The Town's obvious concern is that the LMI units are available. As long as they qualify, it should not matter to the Town whether they are rental units or sale units.

The purpose of this letter is to request that the Town of South Kingstown Planning Board place this property on the Agenda for a formal request of the developer to amend the Final Approval with the intent not to limit the LMI Units to rental only.

We would propose that conditions of approval 3b be amended to read "Lots 4-6, 9-10, 14, and 20-21 shall be developable lots each to contain a two-household detached structure or duplex (Use Code 11) with one housing unit in each duplex dwelling deed-restricted for rental or sale as an LMI Housing Unit." or whatever language that the Planning Board deems appropriate to give the developer the alternative as to whether the property should be sold to a low and moderate income buyer or rented to a qualified low and moderate income renter.

We appreciate your cooperation.

Very truly yours,  
**RESNICK AND CAFFREY**



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Sanford J. Resnick