

December 1, 2021

Mr. Jason Pezzullo
Planning Director
869 Park Avenue
Cranston, RI 02910

Re: Comstock Industrial, LLC
AP No. 36/4 Lot No. 46

Dear Mr. Pezzullo:

I am writing to you concerning the letter provided by peer review traffic engineer Fuss & O'Neill dated November 24, 2021. My letter attempts to make two distinct points as direct follow-up to the Fuss & O'Neill Letter.

- 1) The first point relates to the following text from the Nov 24 Fuss & O'Neill letter (third paragraph of their #1):

...we recommend that signal warrant analysis be revisited for the Build condition during the development and preliminary plan review stages when more information is known about the tenant.

Here, to avoid any confusion that might be caused if a casual reader of the Fuss & O'Neill Letter were to infer that we would *expect* to have a tenant identified prior to seeking Preliminary Approval or engaging with the Development Review Board, it needs to be noted that in the expected course of this development (a speculative development), we would *not expect* to have a tenant identified prior to seeking Preliminary Approval from CPC or seeking the approval of the Development Review Board. More likely (unfortunately for me), we'd only expect to experience actionable tenant interest upon having a building permit. Said another way, the likely tenants for this building could be profiled as requiring an accurate projection of when they might take occupancy before engaging in serious leasing discussions, which are resource consuming. So in our expected outcome, the initial report and iterative follow-up provided by Mr. Bannon (at Fuss & O'Neill's request) replicates a "Built" condition as best as can reasonably be done at present and until likely a tenant is identified during vertical construction.

- 2) The second point is in response to the following text from the Fuss & O'Neill letter (fourth paragraph of their #1):

Additionally, if it is possible to obtain an easement to connect the site driveway to Sailor Way, this alternative access driveway should be considered. This would eliminate any adverse impacts to the local roadway network, as vehicles would access the site driveway via the signalized intersection of Plainfield Pike and the I-295 Exit 6 Ramps.

Fuss & O'Neill understandably did not attend the November 2 CPC hearing, but please note that on November 2, 2021 I testified before the CPC on this subject. That testimony can be found on page 64 of the transcript, and reads:

I pursued all of the abutters to the north with no success. I mean, at this point, I think it's -- a few of those lots are constrained by -- not all the lots are created equal. There's some wetlands that -- in some cases what looks like an obvious, you know, potential throughway is impaired by wetlands. And, otherwise, there really would be probably some safety issues. You'd almost have to knock down, you know, buy an entire building and knock it down, which is cost prohibitive. Some tenants just didn't have, you know, didn't have an interest.

For additional clarity I would add the following to my testimony (and subtract several “you knows” if I could):

- First, a clarification: The Fuss & O'Neill letter infers that it would be possible to access Sailor Way from the Subject site. However, Sailor Way is on the north side of Amflex Drive. What appears to be a southern section of Sailor Way (south of Amflex Drive) is a private driveway owned by the easterly abutters of the Subject site, Kamco. Any access to Amflex Drive and then Sailor Way via this private drive would require a lengthy easement from Kamco (and substantial site engineering).
- Although it is not clear in my testimony, I would add/clarify that my pursuit of an easement did include Kamco. My pursuit was respectfully rebuffed. This outcome is in-line with the title history of the sites, through which it can be inferred that at the time of Kamco's site purchase, Kamco was desirous of a private drive with no future overland easement.
- Moving to the west, as alluded to in my testimony, the central lots along Amflex Drive look viable at a “google earth” level, however these lots have significant wetlands, and any path forward would require the destruction of significant wetlands on those sites and on my own, or the outright demolition of those buildings, as it would be difficult (unsafe) to route an easement through an employee car parking lot.
- Further west, towards the western end of Amflex Drive at Comstock Parkway, I spent significant engineering dollars exploring an easement with one abutter, but the resultant “land swap” transaction produced a site that felt dangerous due to the small size of the abutters lot. The multi-tenant nature of these buildings is an additional headwind.
- In summary, at a “google earth” level, some easements seem viable, and I pursued all angles at my own expense. At a detailed level, and with the requirement for mutual interest, none were viable. All discussions of easements have run their course. There is no reason any such discussions would resume.

In closing, I'd like to note that at this time a large body of traffic analysis and data have been provided by Mr. Bannon, and significant review efforts have been completed by Fuss & O'Neill. Fuss & O'Neill's letter notes "all previously issued comments have been sufficiently addressed." As such, all traffic experts are in agreement that the proposed access on Comstock Parkway is appropriate and the ingress and egress at that location will not cause any adverse impact to that roadway.

If you require any additional information, please feel free to contact me. Thank you for your time and consideration.

Regards,



John T. Walsh III
Comstock Industrial LLC