

# GORHAM & GORHAM

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October 18, 2023

**VIA REGULAR MAIL**  
**VIA ELECTRONIC MAIL**  
**Email: [rgoff@Burrillville.org](mailto:rgoff@Burrillville.org)**

Ray Goff, Planning Director  
Burrillville Planning Department  
144 Harrisville Main Street  
Harrisville, RI 02830

Re: Clear River Farms  
Developer/Owner: Wayne and Sherrie Faring  
Request for Extension Pursuant to R.I. Gen. Laws § 45-23-41 (h)

Dear Mr. Goff:

I trust that this correspondence finds you well. I am writing to you regarding the Faring 5-Lot Residential Compound – the Clear River Farms project (“Clear River Farms”). As you know, this was before the Planning Commission in December 2018, on a hearing on Preliminary Approval. To date we have requested three (3) extensions pursuant to R.I. Gen. Laws § 45-23-41 (h); all were granted.

Like the prior requests for extension, we remain mired in litigation with the neighbors at 930 East Wallum Lake Road. We hope to have it resolved within the next few months, but the continued litigation necessitates another request for extension of the Preliminary Plan approval granted in December, 2018.

I am therefore respectfully requesting that the Planning Commission grant an extension of our Preliminary approval pursuant to R.I. Gen. Laws § 45-23-41 (h) and the local regulations pertaining to requests for extensions of approval(s).

As you know, R.I. Gen. Laws § 45-23-41 (h) provides:

**§ 45-23-41. General provisions – Major land development and major subdivision – Preliminary plan.**

(h) *Vesting*. The approved preliminary plan is vested for a period of two (2) years with the right to extend for two (2), one-year extensions upon written request by the applicant, who must appear before the planning board for each annual review and provide proof of valid state or federal permits as applicable. ***Thereafter, vesting may be extended for a longer period, for good cause shown***, if requested, in writing by the applicant, and approved by the planning board. The vesting for the preliminary plan approval includes all general and specific conditions shown on the approved preliminary plan drawings and supporting material. [***Emphasis added.***]

We last amended our plans in August, 2022, to allow for a driveway accessing Lot 1 that runs from the new cul-de-sac (private) road to the rear of 900 East Wallum Lake Road. This eliminates the need to use an existing right-of-way (or common driveway) shared with 930 East Wallum Lake Road, as we originally intended; however, use of that common driveway remains a focus of litigation.

We assert that we have demonstrated “good cause” (as required by the statute and the regulations) for the requested approval extension and are prepared to present the same to the Planning Commission at a public meeting on November 6, 2023.

Please advise whether and how this matter will receive a hearing on our request and what documents or other information you will require to facilitate the request.

Thank you for your attention and cooperation in this matter.

Very truly yours,

  
David M. D'Agostino

DMD:cg

cc: Wayne Faring (*via email only*)  
Richard Leddy, PLS (*via email only*)  
Nicholas Piampiano, P.E., (*via email only*)