

## Town of South Kingstown, Rhode Island

### BUILDING AND ZONING DEPARTMENT

180 High Street  
Wakefield, RI 02879  
Tel (401) 789-9331 x1225

April 6, 2021

Winding Rhodes Compassion Center  
72 Pine Street, 1<sup>st</sup> Floor  
Providence, RI 02903

At a meeting of the Zoning Board of Review held March 24, 2021, your petition for a Special Use Permit was granted for premises located at 682 Kingstown Road, South Kingstown, Tax Assessor's Map 57-1, Lot 96-1.

Please be further advised that there is a Two-year Expiration on this Special Use Permit with the right to extend, if necessary, per South Kingstown Zoning Ordinance Section 908.

If you have to apply for a building permit, this Decision must be presented to the Building Official's office at the time you make application for your building permit.

Regards,

James Gorman,  
Building Official & Zoning Clerk  
Town of South Kingstown



## Town of South Kingstown, Rhode Island

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### NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

The following motion, made by Mr. Rosen and duly seconded by Mr. Charkowick

Motion passed unanimously 5-0

(W. Rosen-Aye, C. Charkowick-Aye, T. Daniels-Aye, R. Jurczak-Aye, R. Cagnetta-Aye)

At a meeting held on March 24, 2021 regarding the Continuation of the Petition of Winding Rhode Compassion Center, 72 Pine Street, 1<sup>st</sup> Floor, Providence, RI 02903 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking a special use permit to establish a Marijuana Retail Facility (Compassion Center). The State is in the process of expanding State Licensed Retail Compassion Centers. In anticipation of that expansion, applicants must receive local approval for the establishment of the facility as part of their application to the State Department of Business Regulation. Lot size is 2.65 Acres. A Special Use Permit is required per Zoning Ordinance Section 301 (Schedule of Use Regulations Table), Section 504.15 (Marijuana Related Uses) and Section 907 (Standards of Relief). Owner is Scot V Hallberg for premises located at 682 Kingstown Road, South Kingstown, Assessor's Map 57-1, Lot 96-1 and is zoned CH (Commercial Highway). The Use Code is 100-Marijuana Retail Facility.

**The following individuals spoke as representatives of the applicant:**

- Christine Engustian, Attorney for Applicant
- Joseph Casali, PE
- Paul Bannon, Traffic Engineer
- Edward Pimentel, AICP
- Rachel Cross, Vice President Retail Operations
- Steven Ford, Security Consultant

**There was no one present who spoke either in support of or opposition to the petition.**

**The following materials were entered into the record:**

- Application with Cover Letter, signed and dated November 30, 2020; Owner Authorization Form signed and notarized October 30, 2020; 200' Radius Map and Abutter's List;
- Existing Conditions (C1.0) and Aerial Plan (C2.0) prepared by JCE, Joe Casali PE, stamped and dated November 20, 2020, Revised Site Plan (C2.0) prepared by JCE, Joe Casali PE, stamped and dated November 20, 2020 and revised January 8, 2021, Landscape Plan (L1.0) prepared by Diane Soule Landscape Architect dated October 2020
- Floor Plan and Elevations (A1.0, A2.0) prepared by Dennis Colwell Architects, dated September 24, 2020
- RI Department of Business Regulation Application for Medical Marijuana Compassion Center License (440 pages)
- Planning Board Advisory to Zoning, Advisory Development Plan Review Decision, granted on January 26, 2021 and recorded on February 1, 2021 (3 pages)
- Joseph A. Casali, PE, MBA Resume (1 page)
- Project Narrative, prepared by Joseph Casali PE stamped and dated November 24, 2020 (23 pages)
- Edward Pimental, AICP, Pimental Consulting Inc., Resume (3 pages) and Analysis Report (17 pages)
- Paul Bannon, Transportation/Traffic Engineer, Resume (4 pages)
- BETA, Traffic Study dated October 6, 2020 (62 pages)
- Security Protocols (3 pages)
- Zoning Board of Review Presentation, prepared by Joseph Casali PE and Dennis Colwell Architects (14 slides)

- Legal Notice, Proof of Certified Mailings and Notarized Affidavit of Mailing
- Continuation Request from Attorney Christine J. Engustian dated March 12, 2021 requesting a continuation until March 24, 2021

**Findings of Fact:**

1. The Board finds that the special use is specifically authorized by this Ordinance, because A Special Use Permit is required per Zoning Ordinance Section 301 (Schedule of Use Regulations Table), Use Code 100 (Marijuana Retail Facility), Section 504.15 (Marijuana Related Uses) and Section 907 (Standards of Relief).

2. The Board finds that the special use meets all of the criteria set forth in the subsection of this Ordinance authorizing such special use, because it was determined through testimony that the applicant has met all of the criteria set forth under Section 504.15. Furthermore due to the DBR application requirements to obtain the State license, a Zoning Board approval is required for consideration by DBR but does not guarantee that applicant will win the State lottery for the license.

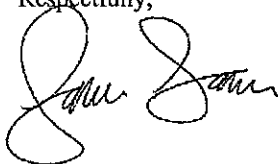
3. The Board finds that granting of the special use permit will not alter the general character of the surrounding area or impair the intent or purpose of this Ordinance or the Comprehensive Plan of the Town. In so doing, the Board has considered whether or not satisfactory provisions and arrangements have been or will be made concerning, but not limited to the following matters, where applicable:

- (i) Ingress and egress to the lot and to existing or proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire, emergency or catastrophe; the applicant has prepared a traffic study and the findings are that this use will not create excess traffic conditions, additionally the applicant has submitted a parking calculation plan which will close one existing point of ingress/egress which will create a smoother traffic flow and additional parking spots. Additionally, the applicant is proposing the addition of crosswalks and sidewalks for pedestrian safety.
- (ii) Off-street parking and loading areas where required, with particular attention to the items in subsection A.1., above, and the noise, glare or odor effects of the special use permit on adjoining lots; parking is more than adequate to meet the Zoning Ordinance requirements.
- (iii) Trash, storage and delivery areas with a particular reference to the items in (i) and (ii) above; will be onsite at the back of the structure in a secured area.
- (iv) Utilities, with reference to locations, availability and compatibility; not applicable
- (v) Screening and buffering with reference to type, dimensions and character; the applicant has submitted a landscape plan which shows sufficient buffering.
- (vi) Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with lots in the zoning district; lighting will be compatible with the Town Code and Ordinance and signage, if any, will be limited and meet all Town Code and Ordinance requirements.
- (vii) Required yards and other open space; not applicable.
- (viii) General compatibility with lots in the same or abutting zoning districts, because this section of Town has allowed for similar businesses and is very commercial in nature.

**Approval is subject to the following conditions:**

- This is a Conditional Zoning Approval and is conditioned upon the applicant obtaining State of Rhode Island licensing approval. The Special Use Permit will have a two year expiration from recorded date per Section 908 with the right to extend if necessary and,
- The applicant must meet all of the conditions set forth under the Planning Board Corrected Development Plan Review/Advisory to Zoning January 26, 2021 and recorded on February 1, 2021 and,
- The designated use is for a Medical Marijuana Compassion Center. In the event the state law changes to allow non-medical Retail Marijuana sales in the future, the applicant will need to come back before the Zoning Board for approval to amend the Special Use Permit, as this would constitute a change of use.

Respectfully,



James Gorman,  
Building Official & Zoning Clerk  
Town of South Kingstown