



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

180 High Street
Wakefield, RI 02879
Tel (401) 789-9331 x1224
Fax (401) 789-9792

October 9, 2020

Nicholas Lacroix
N & N Associates
10 Kent Avenue
Warwick, RI 02886

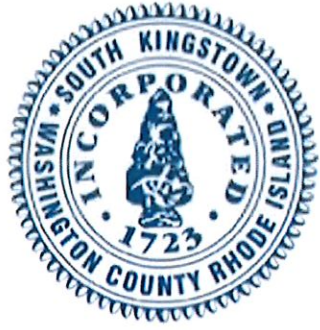
At a meeting of the Zoning Board of Review held September 16, 2020, your petition for a special use permit was granted for premises 703 Kingstown Road, South Kingstown, RI, Assessor's Map 57-1, Lot 92

Please be further advised that there is a ***One-year Expiration***. Any variance or special use permit shall expire one year after the date of the filing of the decision in the office of the Town Clerk, unless the applicant shall, within one year, obtain a legal building permit and proceed with the construction, or obtain a certificate of occupancy when no legal building permit is required. If application is made prior to the expiration of the initial one-year period, the Board may, upon written request and for cause shown, renew the variance or special use permit for a second one-year period. Said request for an extension need not be advertised nor noticed. Per South Kingstown Zoning Ordinance Section 910.

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,
Interim Building Official & Zoning Clerk
Town of South Kingstown



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B/P:1760/Pgs 665 - 666 (2 pgs)
INST# 9408
TOWN OF SOUTH KINGSTOWN, RI

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NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

The following motion, made by Mr. Jurczak and duly seconded by Mr. Daniels

Motion passed unanimously 5-0

(R. Jurczak-Aye, T. Daniels-aye, W. Mark-Aye, W. Rosen-Aye, R. Cagnetta-Aye)

At a meeting held on September 16, 2020 regarding Petition of N & N Associates Inc., 10 Kent Avenue, Warwick, RI, 02886 for a Special Use Permit under the Zoning Ordinance as follows: The applicant is seeking a special use permit to establish a State Licensed Marijuana Retail 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 .7 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 Karen Sweet for premises located at 703 Kingstown Road, South Kingstown, RI, Assessor's Map 57-1, Lot 92 and is CH (Commercial Highway). The Use Code is 100-Marijuana Retail Facility.

The following individuals spoke as representatives of the applicant:

- Attorney James Callaghan
- Nicholas Lacroix, applicant
- Todd Brayton, PE, Bryant Associates
- James Caldarone, PLS, South County Survey Co.

The following individual spoke at the hearing with concerns in regards to the request:

- Katherine Savage, Attorney, Hinckley Allen, present for an abutting neighbor

The following materials were entered into the record:

- Application signed and dated July 14, 2020; Signed and Notarized Owner Authorization Form dated July 13, 2020; Planning Board Development Plan Advisory to Zoning recorded July 1, 2020; Site Plan prepared by South County Survey Co. stamped and dated May 1, 2020; Floor Plan
- 200' Radius Map and Abutter's List; Legal Notice, Certified Mail Receipts and Notarized Affidavit of Mailing
- Traffic Impact Analysis prepared by Bryant Associates, dated May 2020
- Vicinity Map prepared by South County Survey Co., dated September 11, 2020
- Documents of Incorporation
 - By-Laws of N&N Associates, Inc.
 - Entity Summary from RI Secretary of State
 - Amended Articles of Incorporation dated August 15, 2019 from State of Rhode Island, Business Services Division

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 including: submittal to the Department of Business Regulation for licensing; operational procedures and staffing protocol; location of the facility relative to schools and/or other marijuana related uses; hours of operation; implementation of adequate security measures; and Development Plan Review Approval.

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 indicated that in speaking with the South Kingstown Police Department, the Technical Review Committee, and the Planning Board, it was determined that of the two existing points of ingress and egress the Northern point will be closed creating a single means of ingress and egress allowing for better control of traffic and parking. The applicant also indicated that if necessary a traffic detail would be hired to control traffic into and out of the location.

(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; the parking is more than adequate, seven parking spaces are required under the Ordinance and the site has thirty-four designated parking spaces.

(iii) Trash, storage and delivery areas with a particular reference to the items in (i) and (ii) above; located on-site.

(iv) Utilities, with reference to locations, availability and compatibility; not applicable, existing utilities are already in place.

(v) Screening and buffering with reference to type, dimensions and character; the proposed location is sufficiently buffered in relation to any residential area.

(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 provided to illuminate the marijuana facility and its surrounding area and any accessory uses including storage areas, the parking lot(s), front façade and any adjoining public sidewalks.

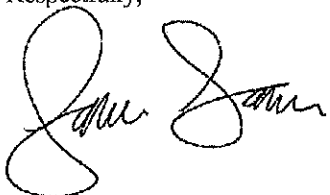
() Required yards and other open space; not applicable

() General compatibility with lots in the same or abutting zoning districts, because the exterior appearance of the structure is already established it fits within the general compatibility of the immediate neighborhood.

Approval is subject to the following conditions:

- The applicant must meet all of the conditions set forth under the Planning Board Development Plan Advisory to Zoning granted on June 23, 2020 and recorded July 1, 2020 and,
- 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 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,
Interim Building Official & Zoning Clerk
Town of South Kingstown