



## 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

February 2, 2021

Rhode Island Care Concepts  
c/o David Johnston  
15 Circle Street,  
East Providence, RI 02915

At a meeting of the Zoning Board of Review held January 20, 2021, your petition for a Special Use Permit was granted for premises located at 711 Kingstown Road, South Kingstown, RI, Assessor's Map 57-2, Lot 76

Please be further advised that there is a ***Two-year Expiration*** on this Special Use Permit with the right to extend 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



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R/P:1775/Pas 477 - 479 (3 Pgs)  
INST# 12097  
TOWN OF SOUTH KINGSTOWN, RI

February 2, 2021

## 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, W. Mark -Aye, R. Cagnetta-Aye)

At a meeting held on January 20, 2021 regarding Petition of Rhode Island Care Concepts, Inc. c/o David L. Johnston, 15 Circle Street, East Providence RI 02915 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 2.27 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 RSP Realty, LLC for premises located at 711 Kingstown Road, South Kingstown, RI, Assessor's Map 57-2, Lot 76 and is zoned CH (Commercial Highway). The Use Code is 100-Marijuana Retail Facility.

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

- Attorney David Johnston
- Edward Pimentel
- Paul Bannon

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

- Katherine Savage, attorney for Costanza Realty, 667 Kingstown Road

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

- Application signed and dated December 4, 2020; Owner Authorization Form notarized and dated June 30, 2020;
- Submissions and Plans:
  - Site Development Plan (C1) prepared by S.F.M. Associates and stamped by Scott F. Moorehead, PE dated July 8, 2020 and September 10, 2020;
  - Existing Conditions Plan (Sheet 2) prepared by Scituate Surveys, Inc. and stamped by Angelo M. Raimondi, PLS dated June 15, 2020; Grading and Drainage Plan (Sheet 3) prepared by Scituate Surveys, Inc. and stamped by Angelo M. Raimondi, PLS dated June 15, 2020;
  - Site Drainage Plan (C4) prepared by S.F.M. Associates and stamped by Scott F. Moorehead, PE dated June 15, 2020;
  - Site Construction Details prepared by S.F.M. Associates and stamped by Scott F. Moorehead, PE dated June 15, 2020; Erosion Control Details (C6) prepared by Hali Beckman, Ltd. and stamped by Scott F. Moorehead, PE dated June 15, 2020;
  - Landscape Plan (L-1, L-2) prepared by S.F.M. Associates and stamped by Kurt Van Dexter, RLA dated June 24, 2020 and July 16, 2020;
  - Construction Plans Progress Print (A1.1, A2.0, A2.1) dated May 18, 2020; Lighting Plan with Technical Specifications Version A (16 pages) prepared by RAB and dated July 1, 2020;
  - Lighting Plan with Technical Specifications Version B (18 pages) prepared by RAB and dated July 15, 2020;

- Corrected Development Plan Review/Advisory to Zoning dated September 10, 2020; Rhode Island Care Concepts, Inc., Security Memorandum (3 pages) dated September 1, 2020;
- Storm Water Analysis (20 pages) prepared by S.F.M. Associates and stamped by Scott F. Moorehead, PE dated June 2020;
- Watershed Plan prepared by S.F.M. Associates and stamped by Scott F. Moorehead, PE dated June 16, 2020; Operation and Maintenance Plan (3 pages) prepared by S.F.M. Associates and stamped by Scott F. Moorehead, PE dated June 2020;
- Sewer Service Engineering Review Request dated June 22, 2020; Suez water letter dated June 4, 2020;
- Union Fire District letter dated July 13, 2020;
- Written Narrative in Support (13 pages) prepared by Natural Resource Services, Inc., Scott P. Rabideau PWS dated June 30, 2020;
- 1000' Radius Map and Abutter's List prepared by Scituate Surveys, Inc. and stamped by Angelo M. Raimondi, PLS dated September 17, 2020;
- 1000' Zoning Map prepared by Scituate Surveys, Inc. and stamped by Angelo M. Raimondi, PLS dated September 17, 2020; CC Form 1 (5 pages),
- General Contact Information, Taxpayer Identification & Affirmations signed and dated December 4, 2020.
- Legal Notice, Proof of Certified Mailings and Notarized Affidavit of Mailing
- DBR Application, redacted copy (513 pages)
- Supplemental Report (16 pages) received January 15, 2021

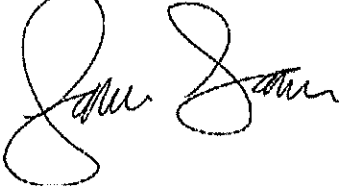
### Findings of Fact:

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.
  - (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
  - (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; signage, if any, will be limited and meet all Town Code and Ordinance requirements. In regards to lighting the applicant has submitted a lighting plan which is dark sky compliant.
  - (vii) Required yards and other open space; this is a large parcel and the actual facility will only utilize a small portion of the lot, allowing for open space.
  - (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 granted on September 8, 2020 and recorded on September 14, 2020 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,

A handwritten signature in black ink, appearing to read "James Gorman", written in a cursive style.

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