

Town of South Kingstown, Rhode Island

PLANNING DEPARTMENT

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January 27, 2021

The Winding Rhode Compassion Center, Inc.
c/o Patrick J. Casey, III, President
72 Pine Street
Providence, RI 02903

RE: **PUBLIC HEARING ON A DEVELOPMENT PLAN/ADVISORY TO ZONING – The Winding Rhode Compassion Center**, proposed change of use to medical marijuana compassion center (Use Code 100), advisory to the zoning board on required Special Use Permit, AP 57-1, Lot 96 (Unit 1), located at 682 Kingstown Road, The Winding Rhode Compassion Center, Inc., *applicant*, Scot V. Hallberg, *owner*

Dear Mr. Casey,

At the meeting of the South Kingstown Planning Board held on **January 26, 2021** the Board voted as follows:

“The South Kingstown Planning Board hereby grants advisory Development Plan approval for The Winding Rhode Compassion Center, Inc. application, a proposed medical marijuana compassion center with associated parking and landscaping improvements on Assessor’s Plat 57-1, Lot 96 (Unit 1), located at 682 Kingstown Road, The Winding Rhode Compassion Center, Inc., *applicant*, Scot V. Hallberg, *owner*. Development Plan approval for The Winding Rhode Compassion Center, Inc. application is based upon plans entitled *The Winding Rhode Compassion Center*, 682 Kingstown Road, Unit #1, South Kingstown, Rhode Island, AP 57-1, Lot 96-0, Sheets C1.0, C2.0, L1.0, A1.0 and A2.0, dated November 2020 with revisions through January 8, 2021, completed by Joe Casali Engineering, Inc., 300 Post Road, Warwick, RI 02888.

This approval is based upon the following Findings of Fact and Conditions of Approval:

Findings of Fact

- A. The granting of approval will not result in conditions inimical to the public health, safety, and welfare.
- B. With the required Conditions of Approval, the granting of such approval will not substantially or permanently injure the appropriate use of the property in the surrounding area or zoning district.
- C. With the required Conditions of Approval, the plans for the project comply with all the requirements of the Zoning Ordinance and the Subdivision and Land Development Regulations.
- D. The plans for the project are consistent with the Comprehensive Community Plan.
- E. Any conditions or restrictions that are necessary to ensure that these findings have been met have been incorporated into this approval.

In addition to the Development Plan Review standards listed above, the Planning Board further finds that:

- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area in the immediate vicinity so as not to adversely affect said area.
- G. The exterior appearance of the structure is consistent with the exterior appearance of existing structures within the immediate neighborhood, so as to prevent blight or deterioration, or substantial diminishment or impairment of property values within the neighborhood.
- H. Lighting is provided to illuminate the marijuana retail facility or marijuana cultivation facility, its immediate surrounding area, any accessory uses including storage areas, the parking lot(s), and its front façade.
- I. The facility is designed to service the communities of Charlestown, Exeter, Hopkinton, Narragansett, Richmond, South Kingstown, and Westerly (Zone 5 per the Rhode Island Department of Business Regulation, Office of Cannabis Regulation and RIGL § 21-28.6-1).
- J. The commercial shopping center is home to a multitude of uses subject to seasonal shifts and patronage.
- K. The area surrounding the shopping center is subject to seasonal shifts associated with increases in seasonal traffic.

Findings of Fact – Waivers Requested

In accordance with Article VIII, Section B(1) of the Subdivision and Land Development Regulations with regard to waivers, the Planning Board hereby grants the following waivers:

<i>Section</i>	<i>Waiver</i>
Development Plan Review Checklist Requirements	
Item B(21)	Certification by a RI Registered Land Surveyor that a perimeter survey of the land being developed has been performed and meets a Class I standard for property lines and a Class III standard for topographic and existing conditions information.
Item D(6)	For developments proposing use of existing physical access to a State right-of-way, 2 copies of an amendment to the original RIDOT Physical Alteration Permit, or of a letter from RIDOT indicating that no further RIDOT approval is necessary

In doing so, the Planning Board finds that:

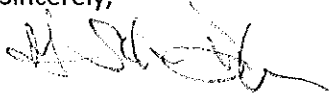
- L. The waiver(s) or modification(s) is/are reasonable and within the general purposes and intents of these regulations; and that
- M. Literal enforcement of the regulations is impracticable and will exact undue hardship because of the peculiar conditions pertaining to the land in question; or waiver or modification of the regulations is in the best interest of good planning practice or design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance.

Conditions of Approval

1. Approval is conditioned upon the applicant obtaining the required Special Use Permit for the medical marijuana compassion center (Use Code 100 – Marijuana retail facility) use from the Zoning Board of Review.

2. Development of the site shall be in strict conformance with the approved site plan, unless amended by these Conditions of Approval.
3. The applicant shall obtain all required local and State permits prior to commencing any site improvements and obtaining a Certificate of Use or Occupancy.
4. Any proposed signage must comply with the requirements established by Article 8 of the Town of South Kingstown Zoning Ordinance and all proposed lighting shall be dark sky compliant.
5. Prior to any request for a Certificate of Occupancy, a Rhode Island certified Professional Engineer shall inspect all of the site improvements and submit certification to the Administrative Officer, the Department of Public Services, and the Building Official siting that construction substantially conforms to the approved plans.
6. Prior to any request for a Certificate of Occupancy, a RI licensed Landscape Architect shall inspect the installation of the landscape improvements and submit certification to the Administrative Officer of the Planning Board that the installation substantially conforms to the approved plan and the planting standards of the South Kingstown Subdivision and Land Development Regulations.
7. The applicant shall guarantee all landscape materials depicted on the approved plan set for a period of one (1) year from the date of planting.
8. The applicant shall incorporate architectural treatment(s) to the southern elevation in order to break up the long wall and create a street presence/feel. This could be accomplished with faux windows and/or trellis/arbor/landscaped features with wisteria type vines and/or plantings.
9. The applicant shall modify the proposed handicapped parking spaces in front of the proposed front door by moving them to the north/right of their proposed location. The movement of these spaces to the right will allow additional queuing space at the proposed stop bar/exit aisle without conflicting with turning movements into the spaces, so long as the relocation does not affect sight distances to the northeast around the building.
10. The applicant will provide a uniformed officer for purposes of traffic control for the first month of operation. The applicant will continue to provide a uniformed officer for traffic control upon the request of the South Kingstown Police Chief who shall consult with the Town Engineer and Director of Public Services on the need for such officer.
11. The applicant will modify their proposed hours of operation to be consistent with the requirements of the Town's stated hours outlined in Article 5, Section 504.15 (Marijuana-related uses) of the Zoning Ordinance.
12. The applicant shall provide a pedestrian stacking plan for no more than four (4) individuals and provide measures to prevent additional stacking from occurring.
13. Upon request by the Police Chief or Department of Public Services, the applicant shall conduct a post-construction traffic analysis and review to determine if additional traffic safety measures are required.

Sincerely,



F. Steven DiMasi, Chair
South Kingstown Planning Board