



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

A meeting of the Zoning Board of Review of the Town of South Kingstown, County of Washington, in the State of Rhode Island was held virtually VIA Zoom at 7:00 pm on Wednesday January 20, 2021.

Members Present:

- Robert Cagnetta, Chair
- Thomas Daniels, Vice-Chair
- William Mark, Member
- William Rosen, Alt. #1
- Casey Charkowick, Alt. #2

Also present were, Amy Goins, Special Legal Counsel, Jamie Gorman, Interim Building Official and Clerk, and Jessica Spence, Administrative Support Associate.

Mr. Cagnetta opened the meeting at 7:00 pm

The standards of relief were explained as well as some technological aspects of Zoom.

Members voting tonight will be Mr. Cagnetta, Mr. Daniels, Mr. Mark, Mr. Rosen and Mr. Charkowick

Mr. Cagnetta read the first petition.

- **Petition of Christopher G. Kehoe Revocable Trust**, 71 Main Street, Wakefield, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is proposing to convert the existing mixed-use structure into a single family dwelling. Currently, the first story is business use and the second story is a single dwelling unit. Relief is required for locating dwelling units on the first floor in a CD zoning district. There are no exterior changes proposed to the structure. The Lot size is 11,325 square feet. **A Dimensional Variance is required per Zoning Ordinance Section 402 (Notes to Schedule of Dimensional Regulations) and Section 907 (Standards of Relief)**. Owner of the property is Christopher G. and Tracey L. Kehoe Trustees for premises located at 71 Main Street, South Kingstown, RI, Assessor's Map 57-1, Lot 102 and is zoned CD (Commercial Downtown).

An email from the applicant, Christopher Kehoe, requesting a continuation until the February 17, 2021 meeting was read into record.

There was no discussion.

The motion is as follows:

The motion was made to continue the petition until February 17, 2021

Motion made by Mr. Rosen and duly seconded by Mr. Mark

Motion passed unanimously: Vote 5-0

(Rosen-Aye, Mark-Aye, Charkowick-Aye, Daniels -Aye, Cagnetta-Aye)

Mr. Cagnetta read the second petition.

- **Amended Petition of Peter and Christine Naktanis c/o Vincent Babak**, 195 Tunxis Hill Road, Suite 203, Fairfield, CT 06825 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is proposing to construct a three story addition on the front of the existing single family dwelling and a 10' x 10' attached deck at the rear. The proposed addition will be located 35' from the front property line. The required setback is 40'. Relief of 5' is requested. The proposed additions will make the total Lot area

coverage 24.5%. The maximum lot area coverage allowed in an R-30 zone is 20%. Relief of 4.5% is requested. Lot size is 7,500 square feet. **A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming lots of record-Building setback requirements) and Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief).** Owner of the property is Peter A. and Christine M. Naktensis for premises located at 69 Rosebriar Avenue, Assessor's Map 96-1, Lot 43 and zoned R-30.

Peter and Christine Naktensis were both sworn in.
Vincent Babak, AIA was sworn in.
Ed Diamond, AIA was sworn in.

Mr. Diamond explained the proposed design plan and layout of rooms, the current structure is 1600 sf and the proposed structure will be 3200 sf. Mr. Diamond then accounted for the lot coverage and the 4.5% relief needed. Mr. Diamond further explained that to accommodate the needs of the family the proposed relief is needed.

Mr. Daniels asked questions in regards to the site plan, specifically the OWTS location.

Mr. Diamond explained that the existing septic system is in the front yard, and that the applicant is currently in the process of designing an OWTS that will be compliant.

Ms. Naktensis explained that she and her designer are currently working with DEM to find the placement of the current septic system but due to COVID they cannot access the archives through DEM at present.

Ms. Goins advised that the Board that they can rely on the applicant's testimony that they are in fact working on the obtaining a site plan and that any decision will be conditional upon OWTS approval.

Mr. Mark asked for clarification as to why they are back before the Board.

Mr. Diamond explained that the plan is the same, they are only back before the Board to account for lot coverage.

Mr. Rosen enquired further about the existing septic system.

Ms. Naktensis indicated that she is not entirely sure of the existing septic location due to the fact that they can't obtain an original site plan showing the existing septic system.

Ms. Goins advised that the applicant will have to follow DEM regulations and if needed the applicants may have to come before the Board again for additional amended relief. DEM has ultimate approval in regards to septic and wetlands.

There was no further testimony.

Mr. Cagnetta asked if anyone present wished to speak.

Bert Hess was present and told the history of the lot in regards to the original septic system, the amount of land fill that was required to put in and get approved the existing one-bedroom septic system and the existing home that was built. Mr. Hess also expressed some concerns about the site plan and its completeness. Mr. Hess also expressed concerns about the use of Zoom.

Mr. Cagnetta read into record the letter from Mr. Hess to the Zoning Board of Review, dated January 14, 2021.

Mr. Hess also expressed concerns in regards to storm water, removal of existing septic and the potential impact on health by its removal.

Mr. Cagnetta read into record the letter from Mr. Hess to the Zoning Board of Review, dated November 8, 2021.

Mr. Hess also expressed that he has requested copies of the building plans and SSD from RIDEM and that these plans and approvals should all be available and part of this application.

Mr. Hess had no further comment.

Ms. Naktenis explained that she is aware of the history of the property and while she appreciates Mr. Hess' concerns, he is not a direct abutter, however, during the past hearing both of her direct abutting neighbors were in support of her application. She also stated that Mr. Hess' house is also a 3-story dwelling and is closer to the wetlands than either of the two houses to the north of him. Ms. Naktenis indicated that they have been doing their due diligence in working with the appropriate professionals to create the least impact on the wetlands. Finally due to COVID this project is taking much longer than anticipated and they do not want to hold off any further; they are looking to make this their year round home.

Mr. Diamond indicated that if there is a conflict with the final OWTS design the structure will be re-designed to accommodate the OWTS location. In regards to rain water management they will rely on the design calculations determined by the site engineer.

Ms. Naktenis explained that the proposed addition will be moving forward onto the lot to be the least intrusive to the wetlands along the backside and that they are doing everything possible to be environmentally conscious. In addition they only designed a one-car garage on the south side of the lot so they could locate the proposed above ground septic on the north side of the lot. The driveway will remain in its same general vicinity and would be a semipermeable driveway which would meet any environmental concerns.

Mr. Gorman explained that the OWTS and Soil Erosion Permit will be accounted for in the building permitting process. The driveway will require two spaces, one of which can be inside the garage.

Mr. Daniels asked if any of the proposed design falls within the wetlands setback.

Ms. Naktenis stated that based on her conversations with the DEM Biologist, the proposed design will not be intrusive on the wetlands and that was the reason for designing the project forward instead of going back. She also explained that based on these conversations where she believes the wetlands begin.

Mr. Gorman stated that he believes the setback requirement is 50' from the fresh water wetlands.

Discussion ensued in regards to existing shed location.

Mr. Charkowick enquired as to how many more regulatory approvals are still needed.

Ms. Naktenis stated that she believes they need the septic plan approved by DEM and a structural engineer to review the existing structure prior to obtaining the building permits.

Rich Reda was sworn in and testified that he is the direct abutter to the left of the applicant and that they are very comfortable with the proposed plans and trust that the Naktenis' would do the right thing in the event of any unforeseen issues.

Mr. Hess spoke about the existing shed location and also about the wetlands location in the back of the house.

Mr. Gorman explained that as long as the applicant made the proper applications to DEM and that DEM approved the applications to be within the 50' wetlands, DEM would have jurisdiction over what is allowable within the wetland setbacks. Any necessary DEM approvals would be required prior to issuance of the building permit.

There were no further questions.

There was no one else who present who wished to speak.

There was no further testimony.

Public comment was closed and Board discussion ensued.

The motion is as follows:

**The following motion, made by Mr. Mark and duly seconded by Mr. Charkowick
Motion passed unanimously: Vote 5-0
(W. Mark-Aye, C. Charkowick-Aye, T. Daniels-Aye, W. Rosen-Aye, R. Cagnetta-Aye)**

At a meeting held on January 20, 2021 regarding the Amended Petition of Peter and Christine Naktanis c/o Vincent Babak, 195 Tunxis Hill Road, Suite 203, Fairfield, CT 06825 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is proposing to construct a three story addition on the front of the existing single family dwelling and a 10' x 10' attached deck at the rear. The proposed addition will be located 35' from the front property line. The required setback is 40'. Relief of 5' is requested. The proposed additions will make the total Lot area coverage 24.5%. The maximum lot area coverage allowed in an R-30 zone is 20%. Relief of 4.5% is requested. Lot size is 7,500 square feet. A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming lots of record-Building setback requirements) and Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief). Owner of the property is Peter A. and Christine M. Naktanis for premises located at 69 Rosebriar Avenue, Assessor's Map 96-1, Lot 43 and zoned R-30.

The following individuals spoke as representatives of the applicant:

- Edward Diamond
- Peter Naktanis
- Christine Naktanis

The following materials were entered into the record:

- Original Application signed and dated October 16, 2020; Owner Authorization Form signed and notarized October 16, 2020; Plan of Land prepared by South County Survey, James T. Caldarone PLS dated July 29, 2020; Existing and Proposed Architectural Drawings prepared by Vincent Babak, AIA dated October 16, 2020
- Radius Map, 200' Abutter's List, Original Legal Notice and Certified Mailing Receipts with Affidavit of Mailing
- Correspondence
 - Bert Hess, 59 Rosebriar Avenue, received November 11, 2020, to Zoning Board of Review, 2 pages
 - Bert Hess, 59 Rosebriar Avenue, received January 14, 2021 to Zoning Board of Review
 - Bert Hess, 59 Rosebriar Avenue, received January 15, 2021 to Zoning Board of Review
 - Bert Hess, 59 Rosebriar Avenue, received January 20, 2021 to Zoning Board of Review
- Amended Application signed and dated December 21, 2020; Owner Authorization Form signed and notarized October 16, 2020; Plan of Land prepared by South County Survey, James T. Caldarone PLS dated July 29, 2020; Lot Area Calculations Site Plan; Existing and Proposed Architectural Drawings prepared by Vincent Babak, AIA dated October 16, 202
- Amended Legal Notice, Proof of Certified Mailings and Notarized Affidavit of Mailing

The following spoke either in favor of or opposition to the petition.

- Bert Hess, 59 Rosebriar Avenue, in opposition
- Rich Reda, 73 Rosebriar Avenue, in support

Findings of Fact:

1. The Board finds that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(16), because in this case the proposed addition is in the front of the property and is away from the wetlands. The applicants have shown due diligence in trying to conform to regulations while still be cognizant of the wetlands located on the property.
2. The Board finds that that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain, because the applicants are simply looking to make this their permanent year round home.
3. The Board finds that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based, because in looking at the surrounding area, what the applicants are proposing to build is consistent with other homes in the neighborhood, many being 3-story dwellings with three to four bedrooms.

4. The Board finds that the relief to be granted is the least relief necessary, because they are asking for minimal lot coverage relief of 4.5% and the proposed increase from the current one-bedroom to a possible three-bedroom septic is not excessive.

5. The Board finds that that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, because the applicants have faced many obstacles due to COVID restrictions that are in place. The Board is not here to add additional hurdles for items that do not fall under the Zoning Board's purview. Prior to any building permits being issued, RI DEM and other agencies will need to review and approve the application.

Approval is subject to the following conditions:

- The decision is a Conditional Zoning Approval and is conditioned upon any necessary CRMC and RI DEM approvals and will have a two year expiration from the recorded date per Section 908 of the Zoning Ordinance with the right to extend if necessary.

Mr. Cagnetta read the third petition.

- **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.

Attorney David Johnston was present.

Mr. Johnston is present tonight as the attorney of record. Mr. Johnston also serves as the President of Rhode Island Care Concepts, Inc.

Mr. Johnston reviewed what he is seeking before the Board tonight and gave a brief project overview as well as a summary of State licensing procedures, the DBR application process and subsequent lottery for obtaining the State license for this designated zone. In addition he gave a brief summary of parking, ingress/egress, lighting, hours of operation, security, and procedures for retail distribution.

Edward Pimentel, was sworn in and recognized as an expert witness in land use, planning and zoning.

Mr. Pimentel reviewed his submitted report in regards to land use, planning and zoning. He stated how the applicant has met all the requirements of the Development Plan Review, which was granted. Mr. Pimentel then reviewed how the proposed plan fits well within current zoning regulations and meets all of the requisite standards required to grant a Special Use Permit under the zoning ordinance, as well as fitting in with the Town's Comprehensive Plan.

There were no questions of this witness.

Paul Bannon, was sworn in and recognized as an expert witness in traffic engineering. Mr. Bannon reviewed how the traffic findings were determined for the traffic study that was conducted. He then reviewed ingress and egress points for the proposed location, peak traffic conditions for the surrounding roads, safety data, and trip generation for the proposed use.

Mr. Daniels asked for clarification in regards to traffic in and out of the location during the peak period, roughly between 4:00 – 6:00 pm.

Mr. Bannon testified that they worked with RIDOT and the proposed design would have no adverse impact to traffic along this stretch of Kingstown Road.

Mr. Johnston stated that they will have exterior security personnel to deal with car stacking and that they have also discussed getting a police detail if necessary during the initial opening day/week as needed.

Mr. Daniels asked how many medical marijuana cards have been issued for zone 5 and what the process was to obtain the product. He also expressed concerns about a secondary black market to young adults at the local high school and town parks.

Mr. Johnston stated that he does not believe that information is publically available due to HIPA regulations. Mr. Johnston then explained the initial intake process, logging of patient and purchase information to monitor possible abuse. Once purchased the patient must leave the parking lot immediately, consumption on the premises is strictly prohibited. All of the product will be carefully monitored and tracked to prohibit abuse and any finding of abuse will result in the patient being immediately banned and logged into the state system. In the event it is found out that product is being used illegally, they have met with the police, and this will be treated as an illegal activity and dealt with accordingly. Mr. Johnston stated that they strongly feel that through a controlled, responsible point of sale with extensive monitoring that there is a greater potential to mitigate possible illegal abuse through this strictly monitored business, while still allowing for patients to be able to obtain medical marijuana for legitimate medical reasons.

Ms. Goins spoke to the Board about that the Town will be amending its Zoning Ordinance to state that any change from medical to recreational uses would need to obtain an amended special use permit for recreational sales, if recreational sales were to become legal.

Mr. Johnston further reviewed security and point of sale procedure.

Mr. Mark enquired about the 2000' proximity for other marijuana related businesses.

Ms. Goins explained that under the current law and DBR regulations only one license is allowed collectively in zone 5. However, if in the future the State authorizes additional licenses for this zone, the Special Use Permit, if not expired would still be valid. At that time the Town Council may find it appropriate to amend the 1500' distance from any other marijuana retail or cultivation facility. Ms. Goins advised that the Council, in August 2018, previously reduced the separation distance from 2000' to be 1500'.

Mr. Johnston stated that there are no cultivators within the 2000' distance.

Mr. Rosen asked if a patient limited to a certain amount to purchase and what will happen to the property if they do not win the lottery.

Mr. Johnston explained that product sold can be in tinctures, ointments, vaporizing cartridges and flowers, and that there are equivalency tables for all product forms that determine the amount of a particular product that can be sold to one person at one time.

Ms. Goins advised that if granted this would be a conditional approval based on issuance of winning a state license and hold a two-year expiration. If in the future, the State changed the laws to allow more than one license per zone, and the special use permit has not expired, the owner could put a compassion center there.

Mr. Charkowick asked about how State regulations determine the amount of product that can be purchased by anyone patient and the potential for illegal resale. He asked is the amount allowed to be purchased for daily, weekly, or monthly sales per patient.

Mr. Johnston advised that each patient is allotted a weekly amounts, and that due to tracking of the products it makes it easy to determine who purchased the product originally. This market is not ideal for resale, partly due to the fact that this product is much more expensive than could be found on the black market, also due to the tracking system of the product it makes it much easier to track any potential abuse of the system.

The Board had no further questions.

Mr. Cagnetta asked if anyone in the audience wished to speak.

Katherine Savage, attorney for Costanza Realty, 667 Kingstown Road was present with several question. Ms. Savage wanted to clarify what the patient care room will be used for. She also wanted to know how much traffic would increase from current levels, and if there was any thought of using the land as a cultivation facility in the future.

Mr. Johnston explained that there is no onsite consumption of any product allowed, the patient care room is used for medical consultation and intake. Mr. Johnston explained that certain plants are more effective for certain ailments or issues. In regards to cultivation, it is not allowed in that zoning district and that due to wetlands and the required wetland buffer zone there is no practical space to allow for cultivation even if the zoning changed.

Mr. Bannon stated that he does not have pre-existing information on that site.

Mr. Johnston explained that in speaking with the property owner when the business was run as a nursery and based on his sales records, the highest daily customer volume was approximately 400 transactions per day which was during the Christmas season. In addition a lot of the medical marijuana business has moved to online pre-ordering which is greatly reducing trip time and keeps traffic flow moving.

Mr. Bannon explained that the 3 existing state licensed facilities during peak hour trips are servicing approximately 20,000 patients statewide with a peak trip number of approximately 350 times per hour; these 350 trips are the combined number of trips between all 3 facilities, the trip numbers will now be distributed between 9 facilities statewide for the same 20,000 customer base, therefore greatly reducing the amount of trips per hour per facility.

Ms. Savage had no other questions and there was no one else present who wished to speak.

Mr. Johnston in closing stated that they are hopeful to be successful with DBR and that they understand the risks of this type of use, but that they believe very strongly that a controlled type of sale of this product is the best way to mitigate potential abuse. He stated RI Care Concepts believes that this is part of the solution to an ongoing problem versus a continuation or worsening of the problem. To that end they are dedicated to finding the best solutions while bringing the positive effects to the community while mitigating the negative.

There was no further testimony.

Board discussion ensued.

The Motion is as follows:

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.

Due to the late hour the motion was made to continue the following petitions until January 27, 2021.

Motion made by Mr. Rosen and duly seconded by Mr. Charkowick
Motion passed unanimously (Vote 5-0)
(W. Rosen-Aye, C. Charkowick-Aye, -Aye, -Aye, R. Cagnetta-Aye)

Petition of Matthew and Jeanmarie Leonard, 68 Potter Road, Wakefield, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a 21' x 24' detached garage, with studio above, and 10' x 10' storage area to the rear. The garage will be located 6' from the front property line. The required front setback is 25'. Relief of 19' is requested. The garage will also be located 6' from the side property line. The required side yard setback is 20'. Relief of 14' is requested. Lot size is 27,320 s.f. **A Dimensional Variance is required per Zoning Ordinance Section 208 (Nonconforming Lots of Record-Accessory Building Setback Requirements), Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief).** Owner of the property is Matthew J. and Jean Marie Leonard for premises located at 68 Potter Road, South Kingstown, RI, Assessor's Map 87-2, Lot 124 and zoned R-80.

Petition of Robert and Constance Booth c/o RCM Builders, 4 Ann Street, #2, Westerly, RI 02897 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is proposing to demolish the existing garage and construct a 30' x 25' detached garage with storage room above. The garage will be located 16' from the front property line. The required front yard setback is 25'. Relief of 9' is requested. The proposed lot coverage will be 21%. The maximum lot coverage allowed is 20%. Relief of 1% is requested. The structure will meet the height requirement of 20'. Lot size is 12,365 square feet. **A Dimensional Variance is required per Zoning Ordinance Section 208 (Nonconforming lots of record-Accessory building setback requirements), Section 401 (Schedule of**

Dimensional Regulations) and Section 907 (Standards of Relief). Owner of the property is Robert W. and Constance M. Booth for premises located at 133 Browning Street, Assessor's Map 96-2, Lot 32 and zoned R 30.

Petition of Sean Dougherty, 60 Broad Rock Road, Wakefield, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to elevate the existing dwelling in same location to comply with the floodplain elevation requirements. The proposed exterior stairs and entry deck will be located 7.4' from the side property line. The required side yard setback is 11'. Relief of 3.6' is requested. The first floor entry door will have a roof overhang located 32.7' from the front property line. The required front yard setback is 35'. Relief of 2.3' is requested. Lot size is 7,961 s.f. **A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming Lots of Record-Building Setback Requirements) and Section 907 (Standards of Relief).** Owner of the property is Sean Daugherty for premises located at 705 Middlebridge Road, South Kingstown, RI, 02879, Assessor's Map 35-4, Lot 97 and is zoned R 20.

Other Business:

- **Minutes:**
Motion made by Mr. Daniels to approve the December 16, 2020 minutes and duly seconded by Mr. Rosen, all members present were in favor, motion passed unanimously.
- **Attendance:**
- January 27, 2021 meeting, all members present can attend.
- **Adjournment:**
The motion was made to adjourn by Mr. Charkowick and duly seconded by Mr. Mark, all members present were in favor. Meeting adjourned 10:08 p.m.