

STATE OF RHODE ISLAND CITY OF EAST PROVIDENCE

COUNTY OF PROVIDENCE MINUTES

ZONING BOARD OF REVIEW

A special meeting of the East Providence Zoning Board of Review was held at 6:00 P.M., on Wednesday, **19 August 2021**, in the City Council Chambers, East Providence City Hall.

The following members were present:

Eugene Saveory – Chairman

Michael Beauparlant – Acting Chairman

John Braga

Richard Croke, Sr.

Gary Pascoa – **ABSENT**

Matthew Robinson – 1st Alternate

Andrew Cotton – 2nd Alternate – **ABSENT**

Edward Pimentel – Zoning Officer / Clerk

Michael Marcello – City Solicitor – **ABSENT**

Dylan Conley – Assistant City Solicitor

I. OPENING STATEMENT BY CHAIRMAN

Chairman Saveory announces that it is the policy of the Zoning Board of Review to caution all petitioners that they have the right to counsel before the Board and failure to do so at this time does not constitute sufficient grounds for a change in circumstances under the eighteen-month repetitive petition clause. All petitioners are also cautioned that if the petition is approved, all construction must be done in compliance with the submitted plan(s), application and testimony presented to the Zoning Board of Review. A change of any sought must obtain the requisite approval of the Zoning Board of Review. All work that deviates from the approval will be ordered halted and promptly removed. Comments will be limited to the petition being heard and no comments will be heard that do not pertain to an item scheduled on tonight's docket. He also notes that it is the policy of the Board that no new agenda item will be heard after 10:30PM.

Chairman Saveory also notes that the Board welcomes any commentary from the public provided it solely pertains to an item on tonight's docket.

A. Swearing in of the Zoning Officer

Chairman Saveory asks **Assistant Solicitor Conley** to swear in the **Zoning Officer, Mr. Pimentel**.

II. SEATING OF ALTERNATE MEMBERS

Chairman Saveory informs the public that **Mr. Pascoa** is absent and **Mr. Robinson** will be a participating and voting member tonight.

III. STAFF REPORTS

1. Planning Department Staff Report - Previously Submitted

IV. CONTINUED BUSINESS

1A. Petition No. 6840 CIRCLE HOLDINGS, LLC, requests a waiver of the mandatory submission of a Class I Surveyed Site Plan, to introduce a Medical Marijuana Compassion Center, otherwise defined as a prohibited land use, for property located at 15 CIRCLE STREET, being MAP 402, BLOCK 4, PARCEL 4, in a COMMERCIAL 2 DISTRICT

Attorney David Johnson is representing the petitioners.

Attorney Johnson explains that he is representing **Rhode Island Care Concepts Inc** and they are looking

to open up a compassion center facility. This will strictly be the retail sale of medical marijuana if even DBR approval and notes that the C2 district does allow the sale of drugs. **Attorney Johnson** explains that he has brought 3 experts tonight, one appraiser, one civil engineer and one land use & planning expert.

Attorney Johnson goes into some information about the property and regulations they have to follow. The DBR is the one who awards licenses and only one license is issued per zone. His clients were picked out of the lottery out of the entire zone. The petitioners will be using the existing building footprint and parking lot. Since the property was previously a bank, it will be a well suited building for what they are seeking. The property will only be selling pre-sealed and pre-packaged marijuana. The marijuana will be held in the existing vault and there will be security cameras inside and outside of the building. There will be no cultivation, manufacturing or any other "offensive" activity, all of that will happen offsite, this property will be strictly used for retail sales. Going into further about security, a security memorandum was previously included in the board's packets. There will be a dedicated security team as stated by the DBR and will be audited on a monthly basis to make sure everything is functioning as it is supposed to and will be on call 24/7, 365 days a year. The idea behind security is for deterrence and detection. They meet with the neighbors back in July and heard their concerns regarding property values dropping for the residential properties in the area. So, the petitioners hired an appraiser to see if there would be any affects to their values.

James San Giovanni, expert witness in appraising with offices located in Cranston, RI, is properly sworn in.

Motion by Vice Chairman Beauparlant to accept Mr. San Giovanni as an expert witness in appraising, the motion is Seconded by Mr. Robinson.

Roll Call Vote

Mr. Robinson – Aye

Mr. Croke – Nay

Mr. Braga – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

Mr. San Giovanni explains to the board that he owns his own company that he is the chief appraiser for and also started his own school to help others to be licensed appraisers. **Mr. San Giovanni** explains that he appraised the properties around the area and created a report based on market trends. **Mr. San Giovanni** passes out the report he created.

Motion by Vice Chairman Beauparlant to accept Mr. San Giovanni's report as Exhibit A, the motion is Seconded by Mr. Robinson.

Roll Call Vote

Mr. Robinson – Aye

Mr. Croke – Aye

Mr. Braga – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

Mr. San Giovanni explains his findings with the board and the concept of opening this facility and how it will affect the surrounding area. Portsmouth, RI currently has a similar layout in the neighborhood with commercial and residential within 1 mile radius, although East Providence is denser. Within 1 mile radius around 15 Circle Street is a wide range of residential and commercial/manufacturing. For residential there are single family homes, multi-families, mobile homes, and condos. Within the last year there were 154 sales in a 1 mile radius, and there are commercial buildings surrounding the area that have been there since the 1940's that have trucks driving in the area. There will be no changes to the exterior of the buildings or any

The motion to accept Mr. San Giovanni as an expert witness passes 4-1.

The motion to accept Mr. San Giovanni's report passes 5-0.

smells coming from the property. **Mr. San Giovanni** believes that there will be no adverse effect on the city and when potential buyers are looking for a home they are more concerned with sex offenders, loud noises, bars, etc. This particular area is a buffer zone and the surrounding businesses are more 9am-5pm.

Mr. Croke inquires if **Mr. San Giovanni** is being paid by the petitioner.

Mr. San Giovanni answers that he isn't.

Mr. Croke inquires how much time he spent looking at the property.

Mr. San Giovanni answered that the report took about 4 hours, he drove by both the proposed East Providence facility and the existing Portsmouth facility.

Mr. Croke exclaims that he doesn't give a damn about Portsmouth and that this is East Providence. **Mr. Croke** inquires if **Mr. San Giovanni** would want this across from his house.

Mr. San Giovanni explains that it would be no different than living across the street from a bank.

Attorney Johnson explains that another concern from the neighbors was parking, they are required to have 23 space but believes that they have more than adequate parking. **Attorney Johnson** adds that they are willing to provide traffic details for the first week then continue to have it as needed. The petitioners are willing to make a stipulation to have additional security staff for directing parking to make it as efficient as possible.

Armand Petrola, is properly sworn in.

Mr. Petrola explains to the board that he is a University of Rhode Island graduate, specializes in traffic engineering. As done numerous traffic studies, up to about 100, and is a licensed engineer in the state of Rhode Island.

Attorney Johnson inquires if **Mr. Petrola** can be approved as an expert witness.

Motion by Vice Chairman Beauparlant to accept Mr. Petrola as an expert witness, the motion is Seconded by Mr. Robinson.

Roll Call Vote

Mr. Robinson – Aye

Mr. Croke – Nay

Mr. Braga – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

The motion to accept Mr. Petrola as an expert witness passes 4-1.

Mr. Petrola explains to the board that he did an inventory and studies in the project area of Newport Avenue, Circle Street and Ferris Avenue. He obtained crash data from the East Providence Police Department from the last 3 years in this area. They also analyzed the data collected and made his recommendations. Regarding the safety portion, there was only 9 crashes in the project area in the last 3 years. One resulted in a minor injury and the rest were fender benders. **Mr. Petrola** adds that he made trips to the Portsmouth, Warwick and Providence compassion centers. **Mr. Petrola** believes that this facility will serve mainly the residents of East Providence with medical marijuana cards. At the worst case scenario, there would be about 100 trips to the facility, and adds that if this facility was under state jurisdiction there wouldn't be a requirement for a traffic study.

Vice Chairman Beauparlant inquires if **Mr. Petrola** has taken into consideration the growth in the industry.

Vice Chairman Beauparlant mentions that Colorado has seen a 26% increase and Oregon has seen a 29% increase.

Mr. Petrola explains that Colorado and Oregon have recreational and medical marijuana, this facility will be just for medical. It also depends on the number of patient applications that are submitted for medical marijuana cards.

Vice Chairman Beauparlant notes that since the pandemic the numbers have gone up and inquires in **Mr. Petrola's** experience, would this be good for the area.

Mr. Petrola answers yes, these will be quick transactions and will service the City of East Providence.

Mr. Croke inquires if **Mr. Petrola** is being paid for the study.

Mr. Petrola answers yes.

Mr. Croke notes that he was recently in the area of the Providence marijuana center and their parking lot and the street were jammed. People were even parking in the post office parking lot to get to the facility in Providence. Their parking lot is much larger than the proposed facility and are having issues.

Mr. Petrola notes that the Providence location services numerous more people including northern Rhode Island.

Mr. Croke inquires what about the people from Pawtucket and Central Falls.

Mr. Petrola explains that they estimated having people coming over from East Providence, Pawtucket, Barrington, etc. and these are conservative estimates.

Mr. Croke inquires how **Mr. Petrola** would like to have this next to his home.

Mr. Petrola answers yes he would, it would be like living next to pharmacy.

Mr. Croke inquires if the study took into consideration the two school and the playfield.

Mr. Petrola answers that it did not pertain to the site and will have minor impact on Circle Street.

Mr. Robinson inquires if the traffic study notes how many school buses do drop offs and pick-ups during the hours of operation at the site.

Mr. Petrola answers that he is not sure about the bus drop offs and pick-up, busy time for the facility will be around 4pm, after school buses drop off children.

Mr. Robinson notes to pages 10-11 in **Mr. Petrola's** report, that the busy period for the facility will be 3pm.

Mr. Petrola explains that they believe that 60% of sales will take place between 3pm-8pm.

Mr. Robinson notes that school buses can go from 3pm-5pm due to after school programs, sports, etc.

Mr. Robinson believes that the report seems incomplete since **Mr. Petrola's** results are verbally different than what's in the report and didn't take the school children into consideration.

Mr. Petrola explains he doesn't see how buses would impact traffic, they only stop for a short period of time.

Chairman Saveory inquires if they took into consideration the empty facilities nearby as far as potential tenants going into those facilities. Those facilities were built prior to zoning and prior to the housing.

Mr. Perolta explains that they did contact the Planning Department to see if any development is going on at those facilities, the only project going on is the apartments adjacent from the project site.

Attorney Johnson inquires to **Mr. Perolta** if he believes that 43 parking spaces is sufficient.

Mr. Perolta answers yes, there will be a quick turn over for space and personally witnessed customers go into the other 3 compassion centers and leaving those facilities without using the marijuana in the parking lot.

Mr. Perolta adds that he never saw any loitering.

Mr. Robinson notes that **Mr. Perolta** just mentioned he never saw anyone use marijuana in the parking lot at the other 3 compassion centers, **Mr. Robinson** inquires if **Mr. Perolta** is a drug expert.

Mr. Perolta answers no, he just sat outside of these facilities and watched.

Mr. Braga inquires how long **Mr. Perolta** spent observing at each facility.

Mr. Perolta answers he spent 3 hours at the Warwick location, 3 hours at the Portsmouth location and a colleague spent 3 hours at the Providence location. All observations took place during the afternoon peak period and monitored transaction times.

Mr. Croke inquires what **Mr. Perolta** observed.

Mr. Perolta explains that it was during Covid-19 and one of the facilities had a drive-thru option.

Mr. Croke inquires what makes **Mr. Perolta** think that the excess people won't come to East Providence.

Mr. Perolta explains that there will be 6 new compassion centers, so people will be spread out throughout 9 different centers.

Mr. Croke notes in his packet that there was a notice saying that their permit was denied.

Attorney Johnson explains that Circle Holdings, the owners of the building, were late in applying for their certificate of good standing and to renew their registration with the Secretary of State. They have since renewed the certificate and **Attorney Johnson** has a stamped copy with today's date that can be presented to the board. **Attorney Johnson** notes that he is not sure when exactly it was revoked and renewed but when revoked it is not lawful in that state of Rhode Island but since they have reinstated, the reinstatement is retroactive.

Assistant Solicitor Conley explains that this is a common issue.

Motion by Vice Chairman Beauparlant to accept the certificate of good standing with today's date as Exhibit B, the motion is Seconded by Mr. Robinson.

Roll Call Vote **The motion to accept the certificate passes 5-0.**

Mr. Robinson – Aye

Mr. Croke – Aye

Mr. Braga – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

Attorney Johnson notes that he has his land expert with him, **Mr. Douglas McLean.**

Mr. McLean is properly sworn in.

Mr. McLean explains to the board that he has been a professional planning in Rhode Island for the last 14 years, he has received his master's in planning and has been an expert witness for other zoning boards and has been twice herein East Providence.

Vice Chairman Beauparlant inquires if **Mr. McLean** has working for any municipalities.

Mr. McLean answers yes, he is currently a planner in the city of Cranston.

Motion by Vice Chairman Beauparlant to accept Mr. McLean as an expert witness in appraising, the motion is Seconded by Mr. Robinson.

Roll Call Vote **The motion to accept Mr. McLean as an expert witness passes 4-1.**

Mr. Robinson – Aye

Mr. Croke – Nay

Mr. Braga – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

Mr. McLean explains that there were 3 main findings, 1. The proposed compassion center is compatible with the surrounding area. 2. The proposed compassion center is consistent with the East Providence zoning ordinance. 3. The proposed compassion center is in conformance with the comprehensive plan. All back up information was previously provided. To begin, it is his finding that the proposed facility is aligned to be allowed in this particular zone since it allows the sale of drugs, with drugs not being specified. There is licensing for the site and the people going into the site must be licensed to purchase marijuana. There will be numerous security protocols to protect the site. Additionally, there will be no odors from the site since there will be no re-packaging or manufacturing of marijuana. **Mr. McLean** explains that he focused his findings on the traffic impact, there will be 45-50 trips during peak hour and 100 trips in total, and this is lower than many fast food restaurants at peak hour. **Mr. McLean** believes that this is compatible with the existing conditions of the area. There are a number of businesses in the area, a mix of retail, industrial and commercial establishes a baseline of existing traffic conditions. On page 5 of **Mr. McLean's** report is a map of the area, he believes the number of parking spaces should be efficient and is above the amount required. The applicant is proposing a neighborhood friendly approach and willing to go above and beyond but understands that this is a new use and there are concerns. **Mr. McLean** believes that this use is consistent with the zoning ordinance under 19.2 in the purpose section in the provisions. The 1st provision is that the purpose of zoning is to protect public health, safety, the general welfare of the residents. **Mr. McLean** feels that this is in line since this will be medical treatment to

improve health and the treatment to licensed patients, and how the applicant is giving attention to traffic safety. The purpose statement is well in line finding that the proposed compassion center is in conformance with the comprehensive plan. This will be retail and strictly retail use, and will bring in local job opportunities, increase tax revenue, and revitalize an old building.

Attorney Johnson inquires to **Mr. McLean** if in his expert opinion, is this proposal consistent with the comprehensive plan and compatible with the surrounding area.

Mr. McLean answers yes to both questions.

Attorney Johnson inquires to **Mr. McLean** if he believes that this use should be allowed by right.

Mr. McLean answers yes, it fits in since it will be the retail sale of drugs, which is allowed by right in this zone.

Vice Chairman Beauparlant notes that although this property is in a C2 zone, there is an R4 zone right across the street. In Cranston, there is an ordinance that these centers need to be at minimum 400ft. from residential areas. However, in **Mr. McLean's** expert opinion this center being so close is good for East Providence. Currently, the zoning ordinance is being revised and looking into having these types of centers allowed in industrial zones.

Mr. McLean doesn't know what East Providence is revising in their ordinance and is going based off their current code.

Mr. Croke inquires if you would like having this facility so close to his home.

Mr. McLean responds that he wouldn't have any issue living across the street from this type of facility, he would understand that if living near a commercial property that it can change.

Mr. Croke inquires if **Mr. McLean** is being paid for his testimony.

Mr. McLean answers yes.

Mr. Robinson inquires where **Mr. McLean** obtain the traffic information.

Mr. McLean explains he got the information from the traffic study that was completed.

Attorney Johnson adds for the board to consider the application, it is just for the retail sale of pre-packaged medical marijuana. This zone allows retail sale of drug by right, there is no indication that marijuana should be treated differently, a drug is a drug. **Attorney Johnson** explains that his client is willing to accept all reasonable stipulations and will have to come back before the board to get permission to sell marijuana for recreational use.

Chairman Saveory calls for a recess and the board reconvenes at 7:46pm

Chief William Nebus of the East Providence Police Department, explains that he is here tonight to answer any questions the community or board may have. After hearing earlier comments notes that this is close to the residential homes. **Chief Nebus** also comments from experience he has seen customers from liquor stores after their purchase go into their car and start drinking.

Chairman Saveory adds that the area is already busy and will get busier with the development of the Butler property.

Chief Nebus agrees that Newport Avenue is especially a busy area, traffic cameras will be enforced so speeding is already an issue. **Chief Nebus** believes that if it was a healthy food store going in place instead of a compassion center there would still be some reason for concern. Notes that the board brought up good questions regarding school children, buses, etc.

Mr. Robinson explains that the applicant anticipates a great volume of patrons for a grand opening period and plans on employing police details, is it a guarantee that the police department will take the detail.

Chief Nebus answers no, currently there are many details that go unfilled. **Chief Nebus** notes that there may be people walking to this facility that don't have a vehicle, but adds that the police department will work in conjunction with whoever occupies the building.

Fire Marshall Poland of the East Providence Fire Department, explains that he is here tonight to provide information. Whenever an applicant come before the board the fire department receives a copy of their packet for review. During the review process for this petition he noticed there was an inconsistency on the 2nd page. The layout listed is not the existing layout, he knows this since some work was done that the fire department had to inspect. One of the stairwells to the 2nd floor is not enclosed with a door when the other one is.

City Council President Britto explains that he is here tonight as a councilman and also a resident of Rumford.

Council President Britto clarifies that he is against this compassion center and has been since the beginning.

Council President Britto adds that there are revisions being done to the zoning ordinances and there are a number of restrictions if we are to have a compassion center here in East Providence. The center would have to be in an industrial area, the center will not be near any residential homes, daycare/childcare centers, schools, parks, etc. These types of center need to be buffered so not to effect the area. He spoke with Attorney Johnson regarding traffic concerns and overall the residents just don't want this in their neighborhood. **Council President Britto** ends with stating he wouldn't want this near his home and wants the board to consider denying this petition.

Vice Chairman Beauparlant explains to **Attorney Johnson** that for a use variance the applicant must prove that the property has lack of beneficial use, he inquires if there is no beneficial use at this time.

Attorney Johnson responds that they are requesting a variance for a prohibited use but the plain language of the ordinance makes them believe that they can have this use by right.

Vice Chairman Beauparlant warns that the board votes on beneficial use, hardship, etc.

Mr. Robinson has no questions at this time.

Mr. Braga inquires to **Zoning Officer Pimentel** when was the present ordinance written.

Zoning Officer Pimentel answers that specific land use has been there a long time since it has been that way when he started at the city 21 years ago.

Mr. Croke has no questions at this time.

Chairman Saveory inquires to **Attorney Johnson** that he keeps referring to the ordinance and that his client has the right to operate this facility, so why are they here tonight.

Attorney Johnson responds that they are here for due to prohibited use, he repeats that the his clients are happy to condition to stipulations and wanting to come before the board to make it clear what his clients are looking to do.

Attorney Johnson adds that recreational marijuana is a different use and suggests certain conditions to approval such as medical use only.

Chairman Saveory notes that he went by the Providence facility about 2 times at around 8:30am-9am and saw so many people and so much traffic that it was horrendous. The 3rd time he stopped by it was about 4:30pm and there were customers parking everywhere. That facility is at a large industrial park and found this to be a bit overwhelming.

Chairman Saveory expresses concerns since when the credit union was built residents were upset and now possibly bringing in another business with more intensity and has additional concerns regarding the traffic. The development going on nearby is astronomical and not to mention if either of those industrial buildings get occupied. **Chairman Saveory** believes that this would be more fruitful to be somewhere else with ample parking and storage especially since the marijuana market is booming and the state of Rhode Island is considering allowing marijuana to be legal for recreational use. **Chairman Saveory** is curious if **Attorney Johnson** talked with his client about later on down the road.

Attorney Johnson responds that they are at the mercy of the Rhode Island general legislature, it may change so you can't look 5-6 years down the road because it could be different. There is a market for medical marijuana that would have a loyal customer base, it is his opinion that Rhode Island lost market share regarding recreational marijuana since Massachusetts has more competition and it's cheaper. **Attorney Johnson** notes that these are people aren't just getting high, these are people fighting Parkinson's disease and other illnesses. **Attorney Johnson** understands a lot of the concerns previously mentioned, the applicant is willing to have exterior and interior security personnel, cameras, etc. employees will be monitoring if customers are smoking on site and they will not come back, the applicants are taking this seriously. The Providence compassion center it is located in the highest populated area, they are the closest one around besides Warwick. Their use is a much different use than what we will have here, the Portsmouth facility looks much more like what you'll be seeing here. If someone was petitioning for a Wendy's or Dunkin' that would be okay but is more intrusive, especially with odors.

Chairman Saveory inquires if there is construction going on at the site for this use.

Attorney Johnson explains that what the Fire Marshall was talking about is at the top of the staircase there was no door which was never put in.

Chairman Saveory mentions that he ran into the building inspector and was informed that considerable action is going on in that building. Permits were not pulled, inspections were not made, there are already issues going on in that building with building inspector's office and the fire department. **Chairman Saveory** inquires how can he sit here and have confidence that I need when I hear these infractions already. **Chairman Saveory** wants to be enlightened that these infractions will be corrected and assume these were from a previous tenant.

Attorney Johnson explains that he is representing the potential tenant, not the owner and this is the first of hearing of this. He will be happy to address these issues and isn't sure what is or is not outstanding at the facility, the floor plans presented were not construction drawings. **Attorney Johnson** admits that he was unprepared regarding building and construction.

Chairman Saveory inquires if there is anyone present who would like to speak in favor of the subject petition.

Sean Cook of 6 Ridgewood Dr Rumford, RI is properly sworn in.

Mr. Cook explains to the board that he has lived in East Providence all his life but recently purchased this home in September. **Mr. Cook** believes that there won't be any traffic issues and knows he is outnumbered in this room. **Mr. Cook** inquires how it could be a question if they don't need a zoning variance with current zoning ordinances.

Zoning Officer Pimentel explains that every municipality has the right to regulate cannabis, the East Providence zoning ordinance doesn't have regulations regarding marijuana. Since it is not mentioned in the ordinance it is automatically deemed prohibited.

Assistant Solicitor Conley adds that if there is no use stated in the code then it is considered to be prohibited. Cannabis is also a specific form for sale, due to the manner of how it is regulated, federal regulations, banking on site and other complications.

Zoning Officer Pimentel notes that the applicant could have filed an appeal but chose to file for a use variance, confirming that it is a prohibited use.

Mr. Cook explains that he has seen a lot of lawsuits over the years in East Providence and doesn't want this to go down that route. However, it sounds like a decision has already been made.

Chairman Saveory inquires if there is anyone present who would like to speak against the subject petition.

Timothy Patnaude of 65 Martha Rd Rumford, RI is properly sworn in.

Mr. Patnaude explains that the neighbors are against this, Martha Road is a narrow road and is concerned that rescue personnel won't be able to fit with parking on the street. **Mr. Patnaude** expresses concerns for the elderly that walk the neighborhood and school children since bus drop offs can go til 6pm at night. **Mr. Patnaude** explains to the board that he sat and watched the traffic from 9am-5pm on a Wednesday during the summer. There was about 12 cars an hour but didn't include and trucks and school buses were not around.

Mark Pacheco of 35 Bellevue Blvd Rumford, RI is properly sworn in.

Mr. Pacheco believes that the traffic study that was heard tonight is comparing apples to oranges. Those other 3 compassion centers are on main roads while Circle Street is a cross street between 2 main roads that have a lot of traffic. **Mr. Pacheco** is concerned for fellow neighbors, especially elderly and children walking, riding bikes, etc. not to mention school buses. **Mr. Pacheco** believes that Circle Street is not made to have that much traffic and currently can't get through due to construction traffic. To have the police department come is a red flag, there isn't enough parking, and there are better options out there in the city and most compassion centers are in a more commercial area.

Pamela Byrd of 14 Nimitz Rd Rumford, RI is properly sworn in.

Ms. Byrd expresses her concerns with safety for the children and they currently have a safe neighborhood and want to keep it that way. The other compassion centers have congregating on the property, which isn't safe especially for the elderly neighbors and children walking around.

Heather Desmarais of 2 Martha Rd Rumford, RI is properly sworn in.

Ms. Desmarais explains that she is directly across the street from the site, so much so she was told they like to watch her dog play. **Ms. Desmarais** understands that if it became legal that the facility would be looking to sell recreational marijuana and doesn't want this in her neighborhood. **Ms. Desmarais** claims when there was a community meeting the petitioners had said there was 50 parking spots now today it's 43 spots, how many of these spots are for the employees? Do the offices upstairs need parking? She was told that the overflow goes to Walgreen however, how long will Walgreens tolerate it? **Ms. Desmarais** doesn't believe that the number of trips is accurate but even if it is it is still too much. Her appraisal may not go down but no one will buy her home if this passes, she wanted to move in a few years.

Susan Chase of 44 Martha Rd Rumford, RI is properly sworn in.

Ms. Chase explains that her main concern was that there was already once a burglary/murder on their road once and the trauma it caused was horrendous. The neighbors are afraid and nervous, so much so one has already put their home up for sale. Almost anyone can get a medical marijuana card including sex offenders, she doesn't want random strangers around. **Ms. Chase** adds that she owns a business in the city and tried to obtain a police detail but they were too short staffed.

Russell Allen of 6 Martha Rd Rumford, RI is properly sworn in.

Mr. Allen explains that he can see the building from his front doors and it probably only about 150ft. from the building. **Mr. Allen** doesn't believe that parking lot can hold 40 spaces and doesn't want people parking in front of his home. **Mr. Allen** notes that there are playgrounds and a ball field nearby, which is named after the victim of the murder previously mentioned. It would be easy for people to congregate in those areas and believes this would be more suited in another area for example Narragansett Parkway. **Mr. Allen** has no issues with compassion centers but does not want it in a residential area. **Mr. Allen** believes that the petitioners are using Walgreens as an excuse, but no one will be able to sell their homes and believes that they don't deserve to have this here. **Mr. Allen** comes back before the board to mention that an anonymous citizen mailed out pamphlets and photos of the Providence location stating that there were about 1000 cars there at one point.

Assistant Solicitor Conley warns that this cannot be spoken about this since that person isn't present this evening. **Chairman Saveory** adds that this person is nowhere to confirm or deny the allegations.

Kevin Wright of 41 Nimitz Rd Rumford, RI is properly sworn in.

Mr. Wright thanks the board for postponing the meeting to tonight. **Mr. Wright** explains that he works at a hospital and understands the compassion use but not in a residential area. **Mr. Wright** believes that the expert's findings are biased but willing to agree regarding property values but with the traffic would conflict with school children, buses and so forth. **Mr. Wright** brought with him a study from the department of Health and Human Services, although not local to the area, it mentions that the impact of compassion centers can cause addiction/drug abuse. It is interesting to see the traffic at the liquor store across from Walgreens and notes things will already be getting busier with the apartments coming in. Compassion centers are needed, but in certain areas, this can attract undesirables. **Mr. Wright** believes that this is unfair to compare East Providence to Portsmouth since they are different. In addition, other municipalities have required to have distance between compassion centers and residential areas. **Mr. Wright's** last comment is if this facility will be so safe, why will there be so much security.

Tanya Srabian for 36 Martha Rd Rumford, RI is properly sworn in.

Ms. Srabian explains that she is here on behalf of her family at 36 Martha Rd and lived there for many years. Traffic was crazy back then when she was in school and almost got hit by vehicles. Believes that the same thing will end up happening and this isn't the place for a compassion center. Drivers don't pay attention and the last time that building had customers when the bank was there. **Ms. Srabian** explains that the neighborhood doesn't want to be afraid and that Martha Road is finally healing.

Scott Partridge of 2 Nimitz Rd Rumford, RI is properly sworn in.

Mr. Partridge notes that he has not heard the lack of sidewalks mentioned on Circle Street. There is only one sidewalk for this building but that's the only one, and isn't sure if the apartment building will make a sidewalk. The neighborhood could use sidewalks since drivers don't pay attention and when the bank was there, customers were parking on his lawn and it could happen again. **Mr. Partridge** adds that there isn't enough room when vehicles park on the street and one of the construction trucks knock over a sign, it took 3 weeks for the city to replace it. **Mr. Partridge** understands that things change but doesn't think a compassion center belongs in this neighborhood. **Mr. Partridge** ends with his belief that traffic will be an issue for the families with young children. **Mr. Partridge** speaks again for a 2nd time, mentioning that he used to work in one of those empty industrial buildings and they worked 3 shifts with about 400 employees. During his shift there would be 120-130 people leaving around 3pm and traffic was so heavy. If one or both buildings were occupied that would make a larger difference with traffic as well.

Aaron Erzinger of 22 Bellevue Blvd Rumford, RI is properly sworn in.

Mr. Erzinger explains that he works for the national park service, bought his home last year, and is originally from Wisconsin. **Mr. Erzinger** notes that the zoning ordinance obviously hasn't been changed in a while for a reason and is against this petition.

Assistant City Solicitor Conley notes that this ordinance was created in 1987 and the most recent amendments were in 2008 and 2016.

Maciel Silva of 1 Martha Rd Rumford, RI is properly sworn in.

Mr. Silva explains that he is only about 100ft. from the building and wanted it noted that not only did the petition have 107 signatures, those came from 107 homes with multiple people living in those homes.

Assistant City Solicitor Conley suggests that the board has a motion stating that the public hearing portion has been held.

Motion by Vice Chairman Beauparlant to announce that the public hearing portion of this meeting has been held, the motion is Seconded by Mr. Robinson.

Roll Call Vote

Mr. Robinson – Aye

Mr. Croke – Aye

Mr. Braga – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

Attorney Johnson thanks the board for the special meeting and believes that he and his client can mediate these concerns. **Attorney Johnson** hopes he can explain what could be here, and his clients want to be responsible business member for the community and didn't intend to bring up past traumas. Attorney Johnson adds she does have a survey that was previously submitted to the board.

Assistant City Solicitor Conley notes that the board doesn't need a motion for petition 1A since the survey has been completed.

Vice Chairman Beauparlant inquires if the petition with 107 signatures is already part of the record since it was in the board member's packets or does it need to be stated as an exhibit.

Assistant City Solicitor Conley responds that if it was in the packet it is already in the record but can be an exhibit.

Motion by Vice Chairman Beauparlant to accept the petition with 107 signatures as Opposition Exhibit A, the motion is Seconded by Mr. Robinson.

Roll Call Vote

Mr. Robinson – Aye

Mr. Croke – Aye

Mr. Braga – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

1B. Petition No. 6841 - CIRCLE HOLDINGS, LLC, requests a use variance to introduce a Medical Marijuana Compassion Center, otherwise defined as a prohibited land use, for property located at **15 CIRCLE STREET, being MAP 402, BLOCK 4, PARCEL 4, in a COMMERCIAL 2 DISTRICT.**

Chairman Saveory queries the Board for a motion.

Motion by Vice Chairman Beauparlant

Based on all evidence presented to the Zoning Board of Review and personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board of Review hereby finds pursuant to Section 19-45(a) of the City of East Providence Zoning Ordinance:

1. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area, and not due to a physical or economic disability of the applicant excepting those physical disabilities addressed in RIGL 45-24-30(16).
2. 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.
3. The granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the city's comprehensive plan upon which this chapter is based.
4. The relief to be granted is the least relief necessary.

Vice Chairman Beauparlant moves that the use variance be **Granted** subject to the petitioner fulfilling the following conditions:

1. In granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of this chapter. Nonconforming use of neighboring land or structures in the same district and permitted use of land or structures in an adjacent district shall not be considered in granting a use variance.

Chairman Saveory asks **Attorney Johnson** if he accepts the conditions of approval just stipulated, understanding that strict compliance means that any deviation will necessitate revisiting the Zoning Board of Review; said revisit may be requested by either the Zoning Officer or any member of the Zoning Board of Review. **Attorney Johnson** responds that he fully understands and accept the conditions just stipulated.

Motion is Seconded by Mr. Robinson

Roll Call Vote

Mr. Braga - Nay

Mr. Croke – Nay

Mr. Robinson – Nay

Vice Chairman Beauparlant - Nay

Chairman Saveory – Nay

The board believes that this proposal would be suited in an Industrial zone, this would be too close to the residential area and to schools and daycares. It is obvious this evening that this petition is against public interest and would negatively impact the surrounding area. The believes that the relief is not minimal and that hardship was not address and has not been met
Use variance is denied 5-0.

V. NEW BUSINESS

None

VI. ANNOUNCEMENTS

The next regular meeting of the Zoning Board of Review is scheduled for **Wednesday 1 September 2021, at 6:00 PM**, in the City of East Providence Council Chambers, City Hall, and East Providence, RI.

VII. ADJOURNMENT

Motiontoadjourn by **Mr. Braga**. The motion is **Seconded**by **Mr. Robinson** and **Unanimously** voted to adjourn.
Meeting is adjourned.

EdwardPimentel, AICP
Zoning Officer / Clerk

Secretary