

ZONING BOARD OF REVIEW
Minutes
February 4, 2015
Coventry Town Hall
1670 Flat River Road
Work Session & Regular Meeting
7:00 p.m.

Members in Attendance: Robert Crowe, Denise DeGraide, Jeanne Kostyla, John D’Onofrio and John Studley

Mr. Crowe: If everyone has had a chance to look at the Minutes from the last meeting I would like to have an approval.

Mr. Lacaillade: So moved.

Mr. D’Onofrio: Second.

Mr. Crowe: Before we get started I want to let you know where the fire exits are. They are to your rear. The two doors to my rear take you further into the building.

Mr. Crowe: Last month we had Barry Blair. I would like Denise to read the Findings of Fact that we had on January 7.

Ms. DeGraide: I would like to read the Decisions into the record.

Applicant:	Barry J. Blair
Owner:	Same
Location of Property:	AP 38 Lot 1.1 & 1.2; 548 Tiogue Ave
Zone:	GB
Existing Use:	Apartment & Office
Proposed Use:	Same with Medical Marijuana Horticultural Facility

Applicant is seeking a Special Use Permit to grow medical marijuana and a Variance to keep shipping containers on the property.

Coventry Zoning Board of Review
DIMENSIONAL VARIANCE DECISION

IN RE APPLICATION OF:	BARRY BLAIR.
OWNER:	BARRY BLAIR.
LOCATION OF PROPERTY:	548 TIOGUE AVENUE Coventry RI 02816 AP 38 Lot 1.1 & 1.2
Hearing Date:	November 5 & December 3, 2014
Decision Date:	January 7, 2015
Zoning District:	GB

Existing Use:

Waterfront Property

Dimensional Variance:

Applicant is seeking a Dimensional Variance to use shipping containers on the subject property.

At a meeting of the Town of Coventry Zoning Board of Review (the "Board") held on Wednesday, November 5, 2014 and Wednesday, December 3, 2014 the public hearing was held. On January 7, 2015, the Board reached the following decision:

I. The Application for Request for Relief – Dimensional Variance

WHEREAS, (the "Applicant") filed an application (the "Application") in respect to the property designated and laid out as Assessor's Plat 38, Lot 1.1 & 1.2 (known as 548 Tiogue Avenue, Coventry, RI) (hereinafter referred to as the "Site").

WHEREAS, the Applicant filed a petition seeking a dimensional variance in order to utilize shipping containers on the subject property.

WHEREAS, The Site is located in an GB zone; and

WHEREAS, on Wednesday November 5th and December 3rd, 2015 a public hearing was held in respect to the Applicant's petition for a Dimensional Variance by the Zoning Board after public notice was duly given and complied with as provided for by the Zoning Ordinance and Rhode Island General Laws.

II. Findings of Fact

After hearing thereon, the Coventry Zoning Board of Review makes the following Findings of Fact:

1. There are no unique characteristics to justify a deviation from the regulations;
2. That the hardship is not a result of any prior action of the applicant and but may be a result primarily of the desire of the applicant to realize a greater financial gain;
3. That the granting of the proposed project will alter the general character of the surrounding area and does not comply with Article 530 of the Coventry Zoning Ordinance - SPD-Special Planning Overlay District/Special Management District for Route 3 and Sandy Bottom Road
4. That the relief being granted is not the least relief necessary;
5. That if this application is rejected it will result in more than a mere inconvenience.

III. Conclusions of Law

After careful consideration of all the evidence in the record, the Coventry Zoning Board of Review finds that the applicant **did NOT** meet the criteria for a Dimensional Variance as set forth in the Coventry Zoning Ordinance.

The Zoning Board of Review hereby **Rejects** the Applicant's request for a Dimensional Variance.

Mr. D'Onofrio:	Reject
Mr. Studley:	Reject
Ms. Soucy:	Reject
Mr. Kostyla:	Reject
Ms. DeGraide:	Reject

Coventry Zoning Board of Review **SPECIAL USE PERMIT**

IN RE APPLICATION OF:	Barry Blair
LOCATION OF PROPERTY:	548 Tiogue Avenue Coventry RI 02816 AP 38 Lot 1.1 & 1.2
Hearing Date:	November 5, 2014 & December 3, 2014
Decision Date:	January 7, 2015
Zoning District:	GB
Existing Use:	Building & Lot
Proposed Use:	Marijuana Cooperative Cultivation Facility

At a meeting of the Town of Coventry Zoning Board of Review (the "Board"), on Wednesday, November 5, 2014 and December 3, 2014 the public hearing was held. On January 7, 2015, the Board reached the following decision:

II. The Application for Request for Relief – Special Use Permit

WHEREAS, Barry Blair (the "Applicant") filed an application (the "Application") in respect to the property designated and laid out as AP 38 Lot 1.1 & 1.2; (known as 548 Tiogue Avenue) (hereinafter referred to as the "Site"). The Site is located in an GB Zoning District; and,

WHEREAS, pursuant to Section 430 of the Town of Coventry Zoning Ordinance, the Applicant filed a petition seeking a Special Use Permit for a Marijuana Cooperative Cultivation Facility.

WHEREAS, on Wednesday, November 5th and December 3rd 2014, a public hearing was held regarding Applicant's petition for a Special Use Permit by the Zoning Board, after public notice was duly given and complied with as provided for by the Zoning Ordinance and Rhode Island General Laws.

II. The Hearing on Applicant's Petition for Special Use Permit – November 5th and December 3rd 2014

WHEREAS, on November 5 and December 3, 2014, at public hearing, the Applicant presented his request to the Board along with supporting evidence and testimony and the assistance of counsel.

III. Findings of Fact

After hearing thereon, the Coventry Zoning Board of Review makes the following Findings of Fact:

6. This matter was heard by the Coventry Zoning Board of Review upon the petition of the Applicant requesting a Special Use Permit pursuant to Section 430 of the Zoning Ordinance;

7. The Application was duly published and noticed pursuant to the Zoning Ordinances and Rhode Island General Laws;

8. That the existing use of the properties are a building and lot. The proposed use of the property is the same with container/sheds utilized for a Marihuana Cooperative Cultivation Facility;

9. The ingress and egress to this lot was not sufficiently presented, there were no detailed plans to allow for the evaluation of ingress and egress from the site;

10. The property has nonspecific parking. The applicant's plans state that there will be parking for 30 cars but does not depict the parking space for drive isles. The plans as presented are not detailed enough to evaluate the parking facilities for this project;

11. The applicant has not fully addressed how the waste from this business, particularly waste water, will be disposed of;

12. The proposal does not have enough screening or buffering to protect the neighbors from the adverse visual nuisance of this proposal;

13. With regard to utilities, the applicant has stated that they will utilize Kent County Water Authority water but has not submitted the approval to do so;

14. That this proposal did not address the yard and other open space;

15. That due to the elicited nature of this proposal it is not compatible with the surrounding area. There is a Daycare within 1,000 feet and an elementary school approximately one ½ mile from the property;

16. That the project may exceed Industrial Performance Standards;

17. That the proposed plan is not compatible with the Comprehensive Plan;

18. The granting of this proposal will result in conditions inimical to public health, safety, morals and welfare as the cultivation of marijuana remains illegal under the federal law and the project is one that may attract criminal activity to the

area (in close proximity to schools). Furthermore, the project does not comport to the aesthetic objectives for this area of the town specifically the Special Planning Overlay District/Special Management District for Route 3 and Sandy Bottom Road.

IV. Conclusions of Law

After careful consideration of all the evidence in the record, the Coventry Zoning Board of Review finds that the Applicant **did not** meet the criteria for a Special Use Permit as set forth in Article 4 Section 430 of the Coventry Zoning Ordinance.

The Zoning Board of Review hereby **denies** the Applicant's request for a Special Use Permit for a Marijuana Cooperative Cultivation Facility.

John Studley:	Deny
Virginia Soucy:	Deny
Jeanne Kostyla:	Deny
John D'Onofrio:	Deny
Denise DeGraide	Deny

Applicant:	Kim, Jae K.
Owner:	Samuel Shapiro
Location of Property:	AP 2 Lot 2; 2504 Nooseneck Hill Road
Zone:	GB-1
Existing Use:	Commercial Building
Proposed Use:	Same

Applicant is seeking a Special Use Permit to operate a spa that will conduct hot stone therapy, Reflexology, body scrubs and body wraps.

Mr. Crowe: We have a request from the applicant's attorney to continue this until next month. I would like the Board to vote on this.

Ms. DeGraide: I move that we continue this to the March 4 meeting.

Mr. D'Onofrio: We need assurances that this will not re-open. It has already re-opened once. The business itself after we told them not to, they didn't cooperate and opened again. We need assurances by the police or somebody that it will not open.

Mr. Peabody: I would love to give you assurances that he won't open but the reality of the situation is if he does we will shut him down again. That is all I can give you.

Ms. Assalone: You can trust that a violation has been filed against the landlord at this point.

Mr. Peabody: So if he continues he will be subject up to a \$500.00 a day fine for everyday that it continues.

Mr. D'Onofrio: Has the applicant indicated that he has more evidence to present than last month?

Ms. Assalone: At a meeting that was held he suggested that he was going to get something from the Department of Health that said that certain services didn't require a license. He failed to give us that. I don't know if he'll have something at the next meeting. We held the meeting open so that he could present more evidence and if any concerned town members could present more evidence.

Mr. D'Onofrio: The reason we held it over again to this month was because he didn't properly advertise so again the only one holding it over is the applicant. In the meantime he has demonstrated he is operating above and beyond the law.

Ms. Kostyla: Now this particular one says Reflexology but it doesn't say the massage is for certain rooms and the facility is already there. He is not abiding by the rule. Who says what he's going to use those rooms for.

Ms. Assalone: We invite you to take that into consideration when you render your decision.

Mr. Crowe: Does the Board wish to take a walk through?

Mr. Peabody: I spoke to their attorney and told him the Board may wish to do inspection of the facility. And he said it was fine.

Mr. Peabody: Do you want a specific date where you go as a group? I can set up a time and you can go. If there are more than 3-4 of you you have to advertise.

Mr. Crowe: I would like to see one or two members contact Jake and go.

Mr. Lacaillade: Let's set up a time.

Board talks amongst themselves and decides Saturday, February 14, 2015 at 10:00 a.m.

Mr. Crowe: This language barrier has created a lot of mis-concepts.

Ms. Assalone: That would be best posed to the attorney, so that he can respond to you adequately. Clearly the record indicates in front of you that they have suggested over and over again that there is a language barrier and that is why he is not following the rules or that's why he placed those promiscuous advertisements that was clearly soliciting prostitution, in the Back Pages. Those things have gone on record and you should take them into consideration.

Mr. D'Onofrio: I have a strong concern that he is going to say he doesn't understand....

Ms. Assalone: It is your job to weigh his credibility.

Mr. Crowe: If it happened again than it would be blatant.

Mr. Crowe: Any further discussion?

Ms. DeGraide: We are going to continuing this hearing to next month.

Mr. Crowe: Motion made, do I have a second?

Mr. Lacaillade: Second.

COVENTRY ZONING BOARD OF APPEALS

February 4, 2015

Town Council Chambers

1670 Flat River Road

Work Session & Regular Meeting

7:00 p.m.

Re: Appeal of Decision of Zoning Enforcement Official

Location of Property: AP 27 Lot 108; 21 Reservoir Road

Zone: I1

Appellant is appealing the Zoning Enforcement Officer's Notice of Violation dated November 24, 2014 regarding certain activity occurring on said premises.

Re: Appeal of Decision of Zoning Enforcement Official

Location of Property: AP 35 Lot 36; 31 Reservoir Road

Zone: I1

Appellant is appealing the Zoning Enforcement Officer's Notice of Violation dated November 24, 2014 regarding certain activity occurring on said premises.

Mr. Crowe: Both of these have been continued.

Mr. Peabody: The applicant failed to do proper notice in time so that the public hearing could not move forward so I ask that you continue it to the March 4, 2015 meeting.

Mr. Crowe: If anybody in the public had any concerns or questions on exactly what we are doing on these applications and also on the application and Zoning Board of Appeals? Hearing none.

Mr. Lacaillade: Mr. Chairman, I move that we continue this for one more month.

Ms. DeGraide: Second.

Mr. Crowe: Motion made and seconded all those in favor say aye?

Board: Aye.

Mr. Crowe: Nays? Ayes have it.

Ms. DeGraide: Motion to Adjourn.

Mr. D'Onofrio: Second.

Mr. Crowe: Motion made and seconded all those in favor say aye?

Board: Aye.

Mr. Crowe: Nays? Ayes have it.

Meeting adjourned at 7:30 p.m.