

ZONING BOARD OF REVIEW
Minutes
November 5, 2014
Coventry Town Hall
1670 Flat River Road
Work Session & Regular Meeting
7:00 p.m.

Members in Attendance: Virginia Soucy, Denise DeGraide, Jeanne Kostyla, John D'Onofrio, Russell Lacaillade and John Studley

Ms. DeGraide: Our first order of business is to discuss the applications from last month and then we will move to the public meeting and vote on last month's application and then begin hearing this month's applications. If anyone has any questions, you can ask them during the public hearing. The fire exits are to your rear, the exits to my rear take you into the building.

OLD BUSINESS

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|------------------------------|---|
| Applicant: | Gary W. Smith |
| Owner: | Gary W. Smith |
| Location of Property: | AP 71 Lot 20; 14 Pond View Drive |
| Zone: | R-20 |
| Existing Use: | Single Family Residence |
| Proposed Use: | Same |

Applicant is seeking a Dimensional Variance to construct an accessory structure 5' from the rear and side property lines where 10' is required.

Mr. Peabody: One clarification, 5 feet from the side property 2 feet from the rear.

Mr. D'Onofrio: I looked at the property; I am still not clear why it can't be moved forward a little, it's very close to the property line. If you have to do any type of maintenance on that building you can't do it without going on the neighbor's property. I would like to see it modified, two feet forward. I took a ride by there, what is the difficulty moving it two feet forward?

Mr. Smith: If we moved it forward I wouldn't be able to get any equipment in if I had to service the septic.

Mr. D'Onofrio: You have 16.5 between the corners of two property lines. How wide is the equipment?

Mr. Smith: If I had to get a backhoe or something, I would need 10-12 feet. If I pull it forward I would really be squeezing it and running the risk of damaging the house.

Mr. D'Onofrio: That's really the only concern I have.

Ms. Soucy: Me too.

Mr. Smith: The rear of the shed is reachable from the ground so if you had to paint it you could reach it from the ground.

Mr. D'Onofrio: Do you need a front porch on this? It's putting us in a tough situation by adding a front porch. Can you modify it?

Mr. Smith: I would like one. I don't know how I would be able to dig the holes for the footings, they're already in.

Mr. D'Onofrio: The property behind you...

Mr. Smith: Is Club Jocques, it's a wooded area.

Ms. Soucy: Jake, were the footings checked?

Mr. Peabody: They have not yet, they will have to dig out the sides of them to prove they meet the standards.

Mr. Smith: They are all full size footings.

Ms. Soucy: Can we have them checked before we vote?

Mr. Peabody: Right now he is on a stop work order...

Mr. Lacaillade: Can we stipulate to it?

Mr. Peabody: It will be done, we told him to hold off.

Ms. Assalone: It can be put in the stipulation.

Mr. D'Onofrio: Right now there is no neighbor there; are those lots behind him buildable?

Mr. Peabody: Yeah, in the future if they wanted to do a subdivision, they can.

Ms. Kostyla: It's tough being only two feet away. It should have been checked first before he did anything.

Mr. Lacaillade: I don't really have anything to add. It's a concern that it's really close to the property line but there isn't much more he could do based on what's already there.

Mr. D'Onofrio: It's a corner, not a whole building. I would be more concerned if there was a neighbor there but there isn't.

Mr. Studley: If he can't move it a foot forward because of tough digging, there is no neighbor behind him....

Ms. DeGraide: Two feet is close but he doesn't have anybody behind him and I would rather he have room to bring in equipment should something happen. He is close to the pond so he needs to be concerned about keeping his septic maintained.

If there was somebody back there then I would think it was a major problem. It's a nice building.

Mr. D'Onofrio: If approved this would be without plumbing and just electricity only.

Ms. Assalone: Just for a point of clarification, is it indoor plumbing or exterior/interior plumbing.

Ms. DeGraide: No plumbing at all and the stipulation of footings to be checked before he goes any further, pending inspection.

Ms. DeGraide: I would like to open the public hearing.

Mr. D'Onofrio: I make a motion that we approve the minutes from last month.

Mr. Lacaillade: Second.

Ms. DeGraide: All those in favor?

Board: Aye.

Ms. DeGraide: Ayes have it.

| | |
|------------------------------|---|
| Applicant: | Gary W. Smith |
| Owner: | Gary W. Smith |
| Location of Property: | AP 71 Lot 20; 14 Pond View Drive |
| Zone: | R-20 |
| Existing Use: | Single Family Residence |
| Proposed Use: | Same |

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|------------------------|-----------------|
| Mr. D'Onofrio: | Approve* |
| Ms. Soucy: | Approve* |
| Ms. Kostyla: | Approve* |
| Mr. Lacaillade: | Approve* |
| Mr. Studley: | Approve* |

**Stipulations-The shed shall have no plumbing whatsoever and the variance shall be conditioned on the shed's footing being first inspected by the Town's Building Inspector.*

NEW BUSINESS

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|------------------------------|---|
| Applicant: | Manuel Linhares, Jr. |
| Owner: | Same |
| Location of Property: | AP 57 Lot 4; 24 Raymond's Point Road |
| Zone: | RR-2 |
| Existing Use: | Single Family Home |
| Proposed Use: | Same |

Applicant is seeking a Special Use Permit for expansion of non-conforming structure.

Mr. Linhares: These plans were professionally done and the Committee has requested several revisions.

Mr. Kenyon: Did you have to put in some architectural features in order to enhance the look of it and incorporate it with other houses in the area?

Mr. Linhares: Yes, mostly for artistic features to be added.

Mr. Kenyon: Has your designer of the house designed other houses in the area?

Mr. Linhares: Several.

Mr. Kenyon: Is that why you used him?

Mr. Linhares: Yes.

Mr. D'Onofrio: Square footage of new house?

Mr. Kenyon: The existing house has a foot print of 24x28 with an attached porch; the new house is 24x52 which includes the garage and master bedroom.

Mr. D'Onofrio: The room above the garage, that's not going to be used as an in-law?

Mr. Linhares: No, it will be two bedrooms.

Mr. D'Onofrio: So the present house is 3 feet off the unit line already?

Mr. Linhares: Yes.

Mr. Kenyon: The new home will now be lined up to the line.

Mr. Lacaillade: I would like to have it staked out so we could look at it. In regards to elevation from the driveway, do you have to go down to your house or pretty much level?

Mr. Linhares: There is actually a grade line so the front section today is 24 inches off grade and it puts me about 3 inches above the rear grade.

Mr. Lacaillade: My concern would be runoff running directly to your house.

Mr. Linhares: We maintain the roads ourselves and any water runoffs into an open area.

Mr. Kenyon: Regarding the runoff, the septic system did you recently tie in to the community septic system.

Mr. Linhares: Correct.

Mr. D'Onofrio: I would like to go through the requirements for Special Use. Ingress/Egress-Any changes to any current ingress/egress?

Mr. Linhares: None.

Mr. D'Onofrio: Off-street parking, are you going to lose any spaces?

Mr. Linhares: Adding by adding the garage and we also have substantial parking overall on the property.

Mr. D'Onofrio: No issues with trash storage?

Mr. Linhares: No.

Mr. D'Onofrio: Buffering-is there any buffer between your unit and your neighbor's unit?

Mr. Linhares: Just trees

Mr. Kenyon: One of the concerns with the buffer, normally they are a good idea but in this case the neighbors are more concerned about views.

Mr. Linhares: We have very strict guidelines with regard to buffers on the property, they are essentially not allowed because of obstruction.

Ms. DeGraide: We are going to take public comment. Is there anybody here who would like to speak in favor of this application? Is there anybody that would like to speak in opposition? Any questions? Could you stake out the property for us?

Mr. D'Onofrio: I make a motion we take this matter under advisement and render a decision within a reasonable amount of time.

Ms. Soucy: Second.

Ms. DeGraide: All those in favor?

Board: Aye.

Ms. DeGraide: Ayes have it.

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| Applicant: | Donna Dorsey |
| Owner: | Same |
| Location of Property: | AP 310 Lot 120; 304 Richardson Road |
| Zone: | RR-5 |
| Existing Use: | Single Family Residence |
| Proposed Use: | Same |

Applicant is seeking a Dimensional Variance to construct a two car garage in the front yard.

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| SWORN IN | DONNA DORSEY |
| | 304 RICHARDSON ROAD |
| | COVENTRY, RI |

Ms. Dorsey: We would like to add a two car garage and because there is ledge in the middle we have to do it to the left. (*applicant refers to photos to show what she wants the garage to look like*) We have tried to remove the ledge and we cannot do that. We wanted parking off the street and wanted to put the garage near the property line because its wetlands and unbuildable. I am asking to go close to that because it's wooded.

Ms. DeGraide: The proposed garage is how far from the property line?

Ms. Dorsey: 24-30 inches. I have owned this property 26 years.

Ms. Soucy: Jake, if she bought it and joined them together...

Mr. Peabody: Surprisingly, the variance that she is here for is for having the garage in the front yard. There is a setback requirement for garages on the side of the house or in back of the house. There is no setback requirement for garages in the front of the house because they are not allowed.

Ms. Dorsey: Because the garage is to the left the house will look nice coming down the road and also the well is to the right.

Mr. D'Onofrio: Do you have a picture to show what it will look like?

(Ms. Dorsey presents a picture on her phone to the Board)

Ms. Soucy: Which side is the front?

Mr. Peabody: By our regulations the road is the front yard.

Mr. D'Onofrio: It's tough because right now we only have pictures not plans. It's hard to approve something you don't know what you are approving.

Ms. Dorsey: It's a 24x24.

Mr. Lacaillade: There is no possibility of moving this over a couple of feet to the right so there would be a little more room to the left?

Ms. DeGraide: From what she just described with the picture she had that there would be more parking to the right and there is also a proposed well in there.

Mr. D'Onofrio: And also blocking the house more.

Mr. Lacaillade: Could you stake it out for us?

Ms. DeGraide: Mrs. Dorsey, can you stake it out so we can see where the garage will go?

Ms. Dorsey: Of course.

Mr. Peabody: Do you want to see the siding she has proposed?

Ms. DeGraide: Yes.

Mr. D'Onofrio: Will it match the existing house?

Ms. Dorsey: Yes.

Mr. Peabody: Just a couple of questions, this will be single floor?

Ms. Dorsey: Yes one floor.

Ms. DeGraide: Ms. Dorsey, please have a seat I am going to see if anyone wants to speak on this application.

SWORN IN

**WILLIAM FINNEGAN
29 SUGAR MAPLE DRIVE
COVENTRY, RI**

Mr. Finnegan: I own property at 270 & 281 Richardson Road and I own the property described as wetlands which I didn't realize. I wasn't told that when I bought it. I am not being taxed that way. That lot to the left of Donna's property is the lot I own. To the left of my property is a public right of way. I don't have an issue with what they want to do but my issue is the previous house that was there I believe the new foundation has been moved over and there is some confusion as to where the property line is. It could be on my part, I don't think so, when I bought that lot it was staked out for me and where the new foundation is which per Jacob you believe its 10 feet from the property line.

Mr. Peabody: 10 feet which is shown on the permit.

Mr. D'Onofrio: Which foundation?

Mr. Finnegan: The new house foundation. My concern is the new house foundation is right on the property line and the proposed garage is 8 feet to the left of that foundation which is 2 feet on my property, correct Jacob?

Mr. Peabody: Correct.

Mr. D'Onofrio: There is a possibility this garage is on your property?

Mr. Finnegan: I think there is a possibility the house is on my property line. I guess there was no requirement for a survey to be done and if the house stayed in the original footprint I wouldn't have thought anything of it. When I went and saw the foundation to me it's on the property line. I probably wouldn't have an issue but then you're going to go 6 feet further for the garage...

Mr. D'Onofrio: So we shouldn't make any decision until we have clarification on the property line.

Ms. Soucy: Do you have any registered bounds?

Mr. Finnegan: Not that I know of.

Ms. DeGraide: Do you have a survey of your property?

Ms. Dorsey: No.

Unidentified Male: There were survey tags on the property at one time.

Ms. Kostyla: It might be advisable for you to have it surveyed so we know what we are dealing with and it would be to your advantage too.

Mr. D'Onofrio: Here is the situation, if you didn't have a good neighbor and you built the garage, they could have a survey done and if the garage was on their property they could make you tear it down. This doesn't seem to be the situation as you have a good neighbor but it's a possibility.

Ms. Dorsey: I thought having this information from the previous owners that this was accurate.

Ms. DeGraide: There has to be something in the deed.

Mr. Peabody: There may be something in the deed but if you don't know where the markers are....

Ms. Assalone: They both need a survey.

Mr. Finnegan: When I put a garage I had to have a survey to make sure it was on my property.

Mr. D'Onofrio: Veronica, can you explain why they both need a survey?

Ms. Assalone: Because you are not doing anything other than to suggest her house is on your land. One thing to do would be to split the cost because you are certainly not obligated or required to but it would behoove both of you because you are going to have bring suit if they build that house and garage on your land and it will behoove her because she will have to tear it down. It's consistent with the plot map but basically you are disputing the Town map which you have the right to do.

Mr. Finnegan: I am not disputing that...

Ms. Assalone: You are saying her house is consistent with the map that is not on your land...

Mr. Finnegan: I am not saying that...

Ms. Assalone: No, the map is saying it's on her own land but you're suggesting it's on your land right?

Mr. Finnegan: Mmmhmm. But how is that my responsibility...

Mr. D'Onofrio: You are not obligated to a survey, however if you wanted to bring suit later on you will need to have a survey.

Mr. Finnegan: Like you said, I don't want to bring suit...

Ms. Kostyla: Veronica, I need an opinion on this. As a Board can we make a decision? without having the actual lines to know where they are? I would not be comfortable making a decision if I didn't know where the lines were.

Ms. Assalone: No, you need more information and that you are not able to make a decision until somebody gets a survey. Giving what your neighbor is saying you would be remiss in not investing in a survey. He is saying your house is on his land.

Mr. Finnegan: What I am saying is I think the house is very close or right on the line and then the garage would be 6 feet over.

Mr. Lacaillade: I have a question for the applicant, is your house built or just a foundation?

Ms. Dorsey: It's being framed.

Mr. Lacaillade: So if it's close to the property line...

Ms. Dorsey: I think its 5 or 6 feet from it.

Ms. DeGraide: Didn't there have to be setbacks?

Mr. Peabody: Yes, 10 feet from the property line. In this Town we don't require surveys.

Ms. DeGraide: What are the setbacks out there?

Mr. Peabody: 10 feet because of how wide the lot is it's non-conforming.

Ms. DeGraide: We should table this until something happens.

Ms. Dorsey: Do I contact Jacob...

Mr. Peabody: Keep me posted as to what is going on. If you get a survey done, submit the survey to us.

Ms. Dorsey: If I purchased this property, could I build on the garage on that?

Ms. DeGraide: Not if its wetlands.

Mr. Peabody: It may not be wetlands, we don't know. A lot of surveyors are wetlands biologists and can flag wetlands for you.

Ms. Dorsey: So the first 50 feet may not be buildable but the back may be?

Mr. Peabody: Correct.

Mr. Lacaillade: Madam Chairman, I make a motion we table this until we get further input from the applicant.

Mr. D'Onofrio: Second.

Ms. DeGraide: All those in favor?

Board: Aye.

Ms. DeGraide: Ayes have it.

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|------------------------------|---|
| 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.

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|-----------------|---------------------------|
| SWORN IN | BARRY BLAIR |
| | 548 TIOGUE AVENUE |
| | COVENTRY, RI 02816 |

Mr. Blair: I am here this evening to ask for approval for a Special Use Permit not specifically listed in the existing Ordinance and also for a Variance to convert two free standing steel containers currently located on my property that are structurally engineered in an aesthetically conforming building. The Special Use for this facility is for the purpose of cultivating medicinal marijuana and will be operating as a non-residential co-op which will be registered with the State of Rhode Island and Rhode Island State Police. Regarding our security surveillance system we have spared no expense. Our first priority is the safety of our community and safety of the police. The most effective deterrent to break-ins a noticeably built in security system which is tied directly to the Coventry Police and we have also incorporated a smoke alarm system that will tie into the Central Fire Department. Incidentally I met with Chief Volpe and his staff to introduce ourselves and submit a copy of the security system to him. We also discussed with working with his department to assist and further educate his officers as to what a legal grow looks like. Our Company's name is Botanical Health 4:20 and was formed by a group of like-minded businessmen and professionals whose main goal is to help people with chronic illnesses.

Mr. D'Onofrio: Are you a corporation?

Mr. Blair: We are not incorporated as of yet.

Mr. D'Onofrio: Because they are not a corporation yet, once they occupy the building they will be....

Mr. Peabody: Once they are incorporated they will need a lawyer. Right now they are coming as privately owned and he is the applicant.

Ms. DeGraide: When you say non-residential, that means nobody is going to live at the site?

Mr. Blair: The facility will not be for public entrance or use, it's strictly for the cultivator who will be there approximately 3-4 hours a day.

Ms. DeGraide: Once you grow, who do you sell it to?

Mr. Blair: I am in the process, our group are all caregivers and it's sold to the registered patients exclusively.

Ms. DeGraide: Would they come to your facility for purchase?

Mr. Blair: No.

Ms. DeGraide: How do they get it?

Mr. Blair: Either meet them or we deliver to their home or predetermined destination.

Ms. DeGraide: Why do you need thirty parking spaces?

Mr. Blair: It's just on there; it has no consequence or need to be there.

Mr. D'Onofrio: Is this the only facility you plan to build in Rhode Island?

Mr. Blair: This is phase 1 of our group's endeavor. Our ultimate goal is to lobby for a dispensary in either Coventry or South County.

Mr. D'Onofrio: Is this similar to the operation in Providence?

Mr. Blair: This is strictly a non-residential cultivation facility that many people have in their homes. Our goal is to set a standard which all others should follow. Our facility has a 200 AMP service that was put in recently and we met with the Fire Marshall, Police Chief, Zoning and Building and we are following their criteria to the letter.

Mr. D'Onofrio: Are you allowed by law to advertise?

Mr. Blair: I am not sure.

Mr. D'Onofrio: I believe you are not and my question is leading to are you planning on having any signage?

Mr. Blair: No. The less people that know the better. We will have a security fence going around the perimeter of the building. Our security will be smart phone applicable and our group will be notified, if there isn't a response it goes to the police.

Mr. D'Onofrio: Will there be any testing or burning of the product on the property?

Mr. Blair: No.

Mr. D'Onofrio: As far as processing, what will that involve?

Mr. Blair: I would like my cultivator to answer those questions, he is more knowledgeable.

SWORN IN

**JOHN EMMONS
6 BLUE RIBBON ROAD
RICHMOND, RI**

Mr. Emmons: Now when anyone wants to grow medical marijuana it has to be inspected by the Fire Officials, Building Department and Electrical officials etc. The reason for that is because people mis-wiring and the potential of fires. We are going to grow high-grade quality medical marijuana, organically; I have a lot of experience. I have worked at a compassion center in Portsmouth, I also designed a dispensary for Massachusetts and I design grow facilities for private individuals. It will be dispersed to legal licensed medical marijuana card holders in Rhode Island approved by the Department of Health. We don't want anybody to know that we are growing there; we don't want the possibility of break-ins. We will grow and harvest it in the middle section. We will have a prep room that I will cut and dry the plants; also cure the plants which is a process of a slow drying and ensuring the humidity content of the medicine.

Mr. D'Onofrio: Will there be any odor leaving the building?

Mr. Emmons: No, I will be using carbon filters, air scrubbers.

Ms. DeGraide: You ran these plans by the fire marshal?

Mr. Emmons: Yes, we talked to the Chief yesterday.

Mr. Blair: David Goden.

Mr. Emmons: He was okay with everything, he will approve everything. We will give tours to other fire departments and towns so that they know what they are looking at.

Mr. D'Onofrio: Is this the first one in Rhode Island?

Mr. Emmons: The first legal one under the new laws, yes. It isn't a dispensary; it's all done privately and discreetly. We specifically help patients with cancer.

Mr. D'Onofrio: Will compassion centers be your customers?

Mr. Emmons: I wouldn't want to sell to them because they double the price. We want to provide affordable medicine to people who really need it. I have patients with epilepsy that I make a very specific oil to help them with. I make a salve for skin cancer.

Mr. D'Onofrio: What is your background?

Mr. Emmons: It is construction, that's why I know how to build these. I worked for a school for 20 years. We maintained an 85 acre property, I was very involved in the grounds, my hobby is growing, I grow bonsai trees.

Mr. D'Onofrio: How did you learn to grow medical marijuana?

Mr. Emmons: Chinese herbal background. 5000 years ago marijuana was discovered to be a healing herb.

Mr. Lacaillade: How big is the building going to be?

Mr. Emmons: 28x20.

Mr. Blair: It will be adjacent to the existing apartment office building. Those are two steel shipping containers. I hired a structural engineer for the weight load and wind factor.

Mr. Lacaillade: Two on the bottom, a hip roof and a room in the middle? A steel building?

Mr. Blair: Yes, with wood in the middle. The outside of the building will be studded, insulated and Texture 111. You won't even see the existing container.

Mr. Lacaillade: The Marshall is not requiring a suppression system?

Mr. Blair: No but he did recommend smoke alarms and I have incorporated that into the system.

Mr. Emmons: The steel containers are a great idea in case someone does decide to break in.

Mr. D'Onofrio: You will be watering; will there be any runoff from that water?

Mr. Emmons: No. I have some handouts of the fertilizer we will be using.
(Applicant submits brochure "Power Feeding" to the Board)

Ms. DeGraide: Are you using city water?

Mr. Emmons: Yes. This fertilizer line is something new from Holland. This particular product is safer than Miracle Grow. I am very concerned about what my patients ingest. If I'm giving them something that has cancer causing agents in it; it goes against my grain. I am an organic grower so I decided to use this. It's a powder form so there is no chance of leakage or spillage when stored. It's very clean.

Ms. DeGraide: If you got approval from this Board what's the next step?

Mr. Peabody: Getting the building permit and for the actual use of it; it would be State.

Ms. DeGraide: Does the Town Council have to do any licensing?

Mr. Peabody: There is no license currently in place for this use in the Town.

Mr. Emmons: The licenses are provided by the Health Department as well as the Caregiver Card. We have to go through a Federal Background check and we receive the card from the Health Department that we are a caregiver and legally allowed to grow wherever we want to according to their regulations.

Ms. DeGraide: That can supersede our own Ordinances and Regulations?

Mr. Emmons: I am not sure.

Mr. Peabody: They are going through us; this is the approval from the Town.

Ms. DeGraide: This doesn't have to go before the Council for a retail license?

Ms. Assalone: The Council has not contemplated this yet so they're ahead of their time in terms of any kind of regulations. I have people in my practice who come and meet with me all the time to determine whether they can do it and my answer is still no, they can't because I don't think that the law allows for you to pool your licenses yet, that's my legal opinion. But that's not our job to police them on that. The feds certainly don't allow it. The feds don't consider it legal.

Mr. Emmons: The recent law that was passed actually limited it to two caregivers and this is what this model is based on.

Ms. DeGraide: You and somebody else?

Mr. Emmons: Barry and another partner and I am just the cultivator. I am allowed to grow but I won't have patients to sell too.

Mr. Peabody: How many patients can a caregiver have?

Mr. Blair: Five each.

Ms. DeGraide: So two caregivers, ten patients?

Mr. Emmons: Correct.

Ms. Assalone: However, that will produce a lot more than they need and then there are some provisions about how they can sell the excess which is really where the profit is.

Mr. Emmons: The excess you can sell to the compassion center, they reject it because they have to pay more. They like to grow their own and make more profit. Unfortunately the compassion center is profit driven. The excess we can also gift to individual patients that aren't within our network. We can give it to them which is something we are going to do.

Mr. Blair: A lot of patients can't afford it.

Mr. D'Onofrio: So technically you can have more than five patients as a caregiver because you are gifting it to them.

Mr. Emmons: The excess also is where we make concentrates and the salves and epilepsy oils.

Mr. D'Onofrio: Does that fall under the umbrella of five patients?

Mr. Emmons: Yes.

Ms. DeGraide: Does it fall under pharmaceutical laws?

Mr. Emmons: No.

Mr. D'Onofrio: So to clarify, it would be under the guidelines of state law not federal law?

Mr. Emmons: Federal law says if you grow anything over 99 plants then they get involved. If your plant count is 99 and under they don't get involved.

Ms. Assalone: What statute are you citing? It's against the law federally but there is an agreement that they aren't really enforcing. It's an unregulated area right now. It's up and coming. It's up to you to determine whether or not Coventry will say no or not. It's definitely revenue for Coventry.

Mr. Emmons: There are dozens of smaller operations already in Coventry. They are legal. We have decided to come to the light and make sure everything is legal according to the laws.

Mr. Peabody: You understand that coming before us it's not for a dispensary?

Mr. Emmons: In order to become a dispensary we would have to go through a whole other process. That's a whole different level.

Ms. Assalone: We had questions whether or not ultimately your Solicitor, Mr. Gorham made a decision that he had to come before you, because we had some questions about whether or not they would even have to apply for this license. It's just like a greenhouse. He is growing a product; he is not distributing it there.

Ms. DeGraide: Growing tulips isn't against federal law.

Ms. Assalone: Good point however if you think about it from a zoning perspective he is growing stuff, they're going to do it on a commercial level and they came right before Jake and asked. My initial reaction was this was just like a greenhouse and didn't need to apply but to their credit they came to Jake and Mr. Gorham felt this was something the Town should know about and should apply for a Special Use permit.

Mr. Blair: It was very important that we be as candid to this community with this type of new vocation. There are so many of these things done under the radar and

it's an opportunity for Coventry to set the standard above how it should be done. There are a lot of good things. In Colorado last year 64 million in taxes was raised because it was being legal. Doctors are prescribing medicinal marijuana.

Ms. DeGraide: Are your ten patients local?

Mr. Emmons: Yes, Rhode Islanders only, we can't cross borders.

Ms. DeGraide: Are they from Coventry?

Mr. Emmons: A couple, yes.

Mr. D'Onofrio: And that could change.

Mr. Emmons: Yes.

Ms. Assalone: There is a profound amount of excess.

Ms. DeGraide: How does this get taxed?

Mr. Blair: We file paperwork for the amount of sales and the amount we gifted and again it's a QuickBooks, laid out properly and like any other business you claim your taxes, claim your income and file taxes.

Mr. Emmons: If we were a compassion center there is a special tax, slightly excessive. We are non-commercial. We are a private group helping private individuals with serious health conditions.

Ms. DeGraide: What does an ounce of medical marijuana cost?

Mr. Emmons: At the dispensary it cost \$300.00-400.00. I sell mine for \$175-200.00 based on what they can afford and a lot I give away. If someone can't come up with the money I am not going to stop them having a better quality of life.

Ms. DeGraide: Is there a tax benefit to that?

Mr. Emmons: No, the law made that that way. They don't give us any tax breaks at all.

SWORN IN

**GLENFORD SHIBLEY
31 WESLYEAN AVENUE
COVENTRY, RI 02816**

Mr. Shibley: My comments are I got notified tonight that this was being heard tonight. I couldn't believe it; at first I thought it was a joke. Councilman elect, I have lived in Oak Haven for 35 years. Lake Tiogue area is mine. I am all for bringing in business to Coventry to offset the tax burden on individuals. Coventry can do better than bringing in a business of this type. I know there are three permitted compassion centers in the State of Rhode Island. I understand there is a new one starting now on Jefferson Boulevard, the Summit. It's a money maker for sure. Once they are up and running they will do deliveries also. I guess this is different

from a compassion center. I know individual care growers I think its 24 plants. I know the facility; we try to beautify Lake Tiogue. To think, if the Special Use permitted, which I strongly object to, vehemently object to this Special Use Permit. To think individuals would not know that marijuana is being cultivated in these buildings. People, if it was ever granted, I strongly ask you not to, would know. It's a small town, security, I don't care if it's Fort Knox, people could get into. Those caregivers, houses are being torched; heat lamps are going crazy, fires are occurring all over the state. We don't need this on Lake Tiogue, maybe in Richmond or somewhere out in the woods, if it's not federally against the law. I personally ask you not to grant this Special change in our Zoning law. This is how I feel and I ask the Honorably Zoning members to make the right decision whether you get legal advice on this or not.

Mr. D'Onofrio: I have one question for you. Across the street from where they want to be is a grow supply house in front of Benny's. They sell lights and fertilizers. Are you opposed to that as well?

Mr. Shibley: I am not familiar with that facility.

Mr. D'Onofrio: It's above the auto place.

Mr. Shibley: Right.

Mr. D'Onofrio: They don't sell marijuana but they do sell grow supplies and that is your district.

Mr. Shibley: Truthfully, that's news to me. Objection, I don't believe so.

Mr. D'Onofrio: What specifically....

Mr. Shibley: It's not on Lake Tiogue, that's a big point; 2. fertilizers are federally legal I believe and 3. It's not likely to get broken into, vandalized, etc.

Mr. D'Onofrio: I just wanted to know specifically what you were objecting to.

Mr. Shibley: Medical marijuana personally. We can do better on Lake Tiogue, District 4 bringing in businesses that will generate revenue. If people are doing it secretly, shame on them but to do it approved by the Town? I strongly ask you not to make this Special Permit Zoning change.

SWORN IN

**STACY O'GORHAM
31 ELTON STREET
COVENTRY, RI 02816**

Ms. O'Gorham: I live near Tiogue Lake, I strongly ask you not to changes the Ordinances for Zoning with this facility. I am not opposed to medical marijuana or opposed to helping patients I oppose to where this facility is going to be located. I am concerned with the school district; Tiogue Elementary is right around the corner from this. I am concerned with break-ins and the trouble that will be going on at this property. Is there people living there or not because it seems commercial but they're talking about apartments. I am confused.

Mr. Peabody: There are currently apartments at that facility.

Ms. O’Gorham: So you have residential people living there and now you are going to be bringing in buildings where you are growing this? This is a highly trafficked roadway and for them to say it won’t be recognized is absurd to me. I am urging you to bring this to the Town Council. It needs to be looked at through the Town Council.

Mr. D’Onofrio: If it wasn’t on Lake Tiogue would you be as assertive?

Ms. O’Gorham: If this was a greenhouse, in a field somewhere, no. This is on a main road right in the center of town.

Mr. D’Onofrio: Your main objection is the location?

Ms. O’Gorham: Yes.

Ms. Soucy: There is no way of no one knowing, it’s been advertised in the paper.

Ms. DeGraide: Its public record.

SWORN IN

**JAMES PEARSON
8 NICHOLE LANE
COVENTRY, RI 02816**

Mr. Pearson: It’s not just one school district, there are two. This is within one mile of two schools, potentially a third if plans move forward to re-open Oak Haven. It’s not a matter of if this is a legal business or not, it’s the location. I am aware of a home grower in Coventry and I can smell it a 100 feet from the building, and it’s a closed up building, they have ventilation and proper electric. There are environmental concerns here, safety concerns with the proximity to the school district. We had an issue on Rte. 116 with illegal activities that were going on and drug dealers coming up from New York City to purchase these materials for resale.

Mr. D’Onofrio: Madam Chairman, I make a motion we table this until we get further input from the applicant.

Mr. Lacaillade: Second.

Ms. DeGraide: All those in favor?

Board: Aye.

Ms. DeGraide: Ayes have it.

Ms. Soucy: Motion to adjourn.

Mr. D'Onofrio: Second.

Ms. DeGraide: Motion made and seconded all those in favor say aye?

Board: Aye.

Ms. DeGraide: Nays? Ayes have it.

Meeting adjourned at 9:00 p.m.