

**ZONING BOARD OF REVIEW**  
**Minutes**  
**December 3, 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: Before we get started I want to let you know where the fire exits are. They are to your rear. These exits here take you further into the building. Our practice is to open a workshop, discuss the applications from last month, then open the public hearing for new business and we will hear the new applications for this month.

Mr. D'Onofrio: I would like to make a motion that we approve the minutes from last month's meeting.

Mr. Lacaillade: Second.

Ms. DeGraide: All those in favor?

Board: Aye.

Ms. DeGraide: Ayes have it.

**OLD BUSINESS**

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

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

Mr. D'Onofrio: I don't have a problem with this one. The application does meet all the requirements for Section 430 for Special Use Permits.

Mr. Studley: I don't have an issue. I think it will be a good thing.

Ms. Soucy: I don't have any trouble with it.

Ms. Kostyla: Same here.

Mr. Lacaillade: I agree with everything my colleagues have said. It's certainly an improvement.

Ms. DeGraide: I agree, those houses are being improved. I don't have any issues.

**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.

Ms. DeGraide: Donna Dorsey has requested a continuance until next month which we will allow.

### **NEW BUSINESS**

**Applicant:** BNR, Inc.  
**Owner:** Same  
**Location of Property:** AP 34 Lot 17.001; 4A Veronica Court  
**Zone:** R-20  
**Existing Use:** Vacant Lot  
**Proposed Use:** Single Family Home

Applicant is seeking a Dimensional Variance to construct a house 45 feet tall where 35 feet is allowed

Ms. Assalone: Members of the Board, please let the record reflect that I am recusing myself from the proceedings because of potential conflict of interest. Diane Izzo will take my place.

Mr. Brunero: My name is John Brunero, Jr.; I am an attorney with law offices at 1070 Main Street, Coventry. I am here this evening with the principal of BNR, John Assalone. John is the actual owner of BNR. The parcel that we have resides off Veronica Court, next to Johnsons Pond. This is a lot of record, legal non-conforming lot of record. We meet all the side lines, setbacks according to your Zoning Ordinance to construct a single family home. That single home will be serviced by public water, Kent County Water and will also be serviced an OSWT. The structure is 10 feet higher than what your ordinance allows. We are going from 35 feet up to 45 feet. The reason for the Dimensional Variance, in height only is due to the unique shape of the lot. It's a triangular piece of property, it does have the 20,000. If we put a two story, put a garage the septic system would be god awful in terms of location. The structure itself is a structure similar to what you would see near the beach. The garages are located on the first floor. If you go down to Narragansett by the beach, this is all you see. The first floor would be your living; the second will be bedroom area. What we are looking for is a Viti Variance. Viti vs. Providence. It has a simple standard and that standard is numerated and set forth in your Ordinance in the granting of a variance Section 4.8.

*...that the hardship from which the applicant seeks relief is due to the unique characteristic of the subject land.*

That's what we have here. We don't have a perfect rectangular square lot we would normally see today. The second one is the hardship and variance is not as a result of any prior action of the applicant. This was a lot when zoning was enacted 1981. The granting of the requested variance will not alter the general characteristic of the surrounding area. That being said, I think the plan speaks for itself and all standards have been met. Your duty is to look at this and in granting a Dimensional Variance, determine that the hardship will be suffered by the owner of the subject property if the Dimensional Variance is not granted shall amount to more than a mere inconvenience. The burden that we have to prove is minimal. The easiest one I can look through even taking the ISDS out of the equation is where do we park the vehicles in the garage on this lot with the septic system. We have septic setbacks that we have by state law 10 feet from the property line. DEM requirements around the pond are probably going to be a sand filter or Elgin system. The water table is not that deep. The room is not there. That is what I submit in terms of mere inconvenience. The home is probably in the 450-500 thousand dollar range. I have Mr. Assalone here to answer any questions. I submit that the 10 feet we are requesting for relief is the minimal mere inconvenience.

Ms. DeGraide: Was there any consideration of not putting garages on it, park in the driveway like a lot of people do.

Mr. Brunero: Some of the cars that he has is the price of a house and I know he wants to keep that under a garage for that reason. Very few homes constructed today are without a garage. It's not a luxury but pretty much a necessity.

Ms. DeGraide: Mr. Assalone is going to live in this house?

Mr. Brunero: Yes.

Ms. Soucy: What did you say about the water?

Mr. Brunero: You don't have a water table that goes down 15-20 feet. The septic systems today have to be designed and the leach field has to be spread out on a larger area which you cannot park a car on.

Ms. DeGraide: Is there a right of way onto the other property?

Mr. Brunero: There is a deeded right of way that goes back prior to 1981, it's established and it's a lot of record.

**SWORN IN                      JEAN DURAND**  
**1 ISLAND DRIVE**

Ms. Durand: I am just wondering if the 45 feet being up with the other houses in the area will that block views for other people.

Mr. Brunero: At this particular time I haven't seen the lot. John, will you come up.



**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.

Ms. DeGraide: Is Mr. Blair still under oath?

Ms. Assalone: He is and he is now represented by an attorney.

Mr. DiMaio: Paul J. DiMaio, 215 Broadway, Providence. My partner is Jonathan Stanza, same office.

Mr. DiMaio: I wasn't here last time. I think there was a question he was supposed to be presenting something.

Ms. Assalone: There was a meeting last time and instead of the meeting closing the Board chose to table it for the applicant to present any other additional information he had with regard to environmental issues.

Mr. DiMaio: There was a question about the use itself and you had a moratorium pass but it was an exception to that moratorium to applications that were filed beforehand.

Ms. Assalone: We recognize that he is not subject to the moratorium.

Mr. DiMaio: I notice that the agenda notice said request for permission to store two storage containers. As you know what he is proposing is to build a building and use them as building blocks. He is not requesting to having storage containers on the property as such. He has met all of the DEM approvals; the Board should have materials about water.

Mr. Blair: I have approvals from DEM and a copy was emailed to you.

Mr. DiMaio: They have approved his plan. What other approvals were they looking for when I wasn't here?

Mr. Blair: A Special Use permit for something not specifically listed on the ordinance.

Mr. DiMaio: We are taking the position that the prior Ordinance covers his use in that marijuana is under horticulture and covered under agriculture. He is growing plants basically. Horticulture is growing plants basically, the problem here is the kind of plant it is but the ordinance doesn't say what kind of plants are under the ordinance of horticulture it just says horticulture. I also noticed that your council recognizes that because they proposed an ordinance appears to ban any use and they oppose to amend the definition under agriculture and eliminate b2 for having specific use of marijuana cooperative. By running a cooperative he is not running a

business, he doesn't sell marijuana. There is some concern in your moratorium about state and local laws. The State of Rhode Island has addressed that and in the Legislature intent clearly said that we know some conflict with federal and state law. We are saying we have a right to allow this to happen in our state and we are saying that it can happen in our state. There isn't any concern about that. Again that's our position. It's not a use that's not listed. What else did they request?

Mr. Blair: Recently I was asked to get approval to show how the waste water would be discharged which I gave to Jacob and also there was some concerns about which was addressed by DEM and basically they came back with approval that I could use the 30 gallons of waste water that was being used per week to water the grass and or water plants that I may or may not put in the facility itself. The type of fertilizer we are using is all organic and natural it's harmless to the environment.

Ms. DeGraide: When you say water the grass do you mean the lawn?

Mr. Blair: Yes.

Mr. DiMaio: 21-28.6-14 is the act that began all these compassion centers and medical marijuana cards. I do a lot of criminal law and I have become familiar with these particular projects when they are wrongfully charged. The statute clearly says it takes a couple of registered qualified patients to support this. The amount of marijuana is limited to an amount of the premises but our law says a registered qualified patient who has in their possession any kind of marijuana that is in the scope of this statute shall not be subject to any civil or criminal *(inaudible)* no professionally licensed board or bureau can reap any criminal sanctions or stop them by the use of that bureau. I am not saying you are doing that but there is a strong statement in our general law that you can't prejudice marijuana holders. If you do it's a violation of civil law and is actionable. I am not saying you are going to do this but you are concerned about the use of itself. It's well regulated it's not a store. He pays \$7,000 a year in taxes on a piece of property that is running way behind in any use whatsoever. He is going to get rent from this, that's it. The only place the stuff can go to is the compassion center; the law allows them to be reimbursed the costs of doing these things. You won't have marijuana traffic with people coming in and out; you can't sell from these locations. The amount of marijuana is limited. As the enabling act originally says, our State recognizes the necessity of the modern research discovering the beneficial use of marijuana. It's important in our state that people who need it get it. We want to help the sick people. There are members who are here from the State organization that supports this. You can have residential uses for commercial. Non-residential use you can't have more than 10 ounces of usable marijuana, 48 mature plants or 24 seedlings. That's it. There won't be bushes. We are asking you to approve his request with any restrictions you wish. There is no parking going on. I don't know if your new ordinance is going to be held up as constitutional, I think you will end up in a lot of serious litigation over that. My associate, John Stanza is an expert in that area of prohibitions and you just can't prohibit use carte blanche that the state says is legal. The moratorium that passed talks about the Town trying to decide whether or not they are going to decide what the conduct we're talking about follows federal law because the State statute says you can't do that. We are not subject to that prohibition. Any questions?

Ms. Kostyla: Reading last month's minutes and you testified that this is Phase 1; hopefully in the future you would have others in either Coventry or South County. Will they be this type or dispensing, it said dispensary.

Mr. Blair: The word was misinterpreted. My only intention is for this facility in Coventry. I am trying to establish a facility that is a higher standard. What I was hoping to have is the last couple of months they have had on CNN, there was a documentary led by Dr. Sanjay Gupta who is a renowned neurosurgeon and he traveled the country for a year getting pros and cons from families that had children that were ill and cultivation facilities in Colorado and he went to Israel where the hospitals are using marijuana to treat patients and also their experimenting on different strains. The story through this one documentary that grabbed my heart was about a family, the husband was Special Forces and his wife were absolutely against marijuana however they had a three year old daughter who had Dravet Syndrome, which is the worst type of epileptic seizure you can have. She was having three hundred attacks a week. Put yourselves in their shoes and think if your child had that problem and all of a sudden you do research and you find out there is an extract from marijuana and found that low THC and high CBD helps epileptic attacks. They broke their vow of never touching marijuana and gave it to their 4 year old child and that child went from 300 attacks a week to one time every 7 days. ***Mr. Blair approaches and hands out a document regarding the documentary.*** This documentary will give you a general idea on what the plant is about and how it ended up being illegal to current day. As far as your concern about opening another facility, I contacted all the compassion centers and I gave them the scenario of if I had a son or daughter that had epilepsy, do you have the type of oil extract that I need which is low in THC and high CBD and they said no, not really. The reason they don't is because most of the patients need a certain level of THC for their particular problems and they wouldn't sell any of it because it wouldn't get the stimulus they need. One of our groups focus will be to concentrate on a strain and there is only one cultivation center in California that is breeding plants that do 1% THC and 17-21 CBD which is the cure for this particular disease. We want to be able to supply to the patients at a lesser costs.

Mr. DiMaio: Any other questions?

Ms. Kostyla: You talked about the compassion centers, the one that just opened in Summit, I read an article and in that article they mentioned they hoped before long marijuana itself will be legal in RI because it will lower the costs for their patients. Does that work into your perception what is needed? Would that change your plans?

Mr. Blair: To answer you I have to get back to you on that. A lot of my research is done with people that I talked to in Colorado where it is legal. I don't have an answer to that question.

Mr. DiMaio: I haven't done the research that he has done but it seems that whether marijuana is legal or not, growing is product control. The cooperatives like this will certainly exist, it may cost less than compassion centers, with the big overhead they have passes it onto the people who need it. A small operation like this will not. The lower the cost the happier he is, it's more about getting it out to people that need it. He's going to basically get his rent and pay the taxes right?

Mr. Blair: Yes.

Mr. D'Onofrio: To get some clarification, your legal counsel mentioned that it's to be sold to caregivers?

Mr. Blair: This particular facility is going to be a non-residential co-op. There will be two caregivers, one is myself, the other is my wife and we are allowed 10 patients total which allows us 48 plants or 10 ounces of dry cannabis. However, Veronica brought up at the last meeting "she said well that's an awful lot of marijuana" however, what we do is if there is excess we convert it into the oils like I was talking about for the documentary that I want you to watch Charlotte...

Mr. D'Onofrio: Where do you do the conversion on it, the same facility...?

Mr. Blair: Yes, same facility.

Mr. D'Onofrio: How is it converted?

Mr. Blair: That is done with my horticulturalists and it's a process that he is very familiar with.

Ms. DeGraide: Mr. Emmons?

Mr. Blair: Yes. Some patients can't afford the medicine. We gift it to them. The other excess is sold to the compassion centers. The compassion centers can't keep up with the demand.

Ms. DeGraide: You're a caregiver and your wife is a caregiver.

Mr. Blair: Yes, we have been approved we are just waiting for our cards.

Ms. DeGraide: Are there going to be any other caregivers that will utilize this building for their patients?

Mr. Blair: No, that's not legal.

Mr. DiMaio: If he doesn't keep within that law its criminal.

Ms. DeGraide: I understand. The minutes from last month it talks about our group and so I wondered how many people were in this group and if each one of those people are caregivers and if they will have plants.

Mr. Blair: No, there is five people in our group, only two are caregivers. Even if all five were caregivers, they would have to conduct their patients business elsewhere and have their plants elsewhere. They are all very sectored.

Ms. DeGraide: What role do the five people play? I know you and your wife are caregivers and Mr. Emmons is your horticulturists what do the other two people do?

Mr. Blair: One is a harvester or trimmer, the other is a harvester and trimmer.

Ms. DeGraide: I thought Mr. Emmons was going to do that?

Mr. Blair: He will be doing that and supervising as well. At harvest it takes 4 people, depending on how you grow your yield. Some do it once a month; others stagger it and have it every two weeks.

Mr. D'Onofrio: Last month we talked about phase 1 and phase 2 and you said your ultimate goal was to lobby for a dispensary in Coventry or South County.

Mr. Blair: I did say that. That was probably a comment that I meant at some point down the road after further discussion with many people. Three dispensaries in Rhode Island seem to be sufficient. One in Coventry is not a reality. We have decided to not pursue that avenue. If you have any concerns, I will state it for the record; you will never see me coming here for asking or requesting a license for a compassion center.

Ms. DeGraide: Any other questions?

Mr. D'Onofrio: I went out to the site, in one of the box cars there is a pipe coming out of the side, what is that for?

Mr. Blair: That is strictly a drain. We have high water and the water was coming to the surface but we had a heavy rain so I dug a French drain to the front of the parking lot and its buried 4 feet and I loaded it with crushed stone and that seems to be helping dry out the property in the back.

Mr. D'Onofrio: What's inside those trailers now?

Mr. Blair: My tools and some wood.

Ms. DeGraide: Since the public hearing is still open I am going to ask anybody from the audience if they have any questions or comments.

**SWORN IN**

**JOANNE LEPPENAN  
EXECUTIVE DIRECTOR  
RHODE ISLAND PATIENT ADVOCATY  
COALITION**

Ms. Leppenan: We are the medial marijuana advocates for the state as Barry said the people in this program are suffering. They suffer from severe debilitating medical conditions. The problem that we have had since the beginning of this program is access to good quality medicine. We are fortunate to have compassion centers but the reality is that they are inaccessible for so many patients. More than half the patients we see are on SSI, live on disability, many live on less than \$1000.00 a month and they cannot afford those prices. What Barry is proposing would cost much less to grow and it will make medicine far more accessible to those 10 patients. Every day I see patients who wouldn't even be alive if not for this medicine. I ask you to take that into consideration. We have a lot of patients that live in Coventry and who are struggling to get that access to the medicine. It helps them with their cancer treatments, appetites and a better quality of life.

**SWORN IN**

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

Ms. O'Gorman: First question is does Barry J. Blair live at the address he is going to be growing the marijuana and does the wife live their too. They were talking about new construction and I would like to know if a DEM permit has been pulled.

Ms. DeGraide: There appears to be a DEM approval for the operation.

Mr. Peabody: That's for wastewater.

Ms. O'Gorman: When you go by there is no DEM permit. So no permit has been pulled at this time I would like to clarify that.

Ms. DeGraide: Do you live at this location?

Mr. Blair: Currently I do not. My tenants are moving out soon and I will be moving in.

Ms. DeGraide: Is Mrs. Blair going to live there also?

Mr. Blair: Yes.

Ms. DeGraide: Do you have DEM approvals to build this or have you pulled any DEM permits yet?

Mr. Blair: I was told that I am 55 feet away from the water and that DEM permit is not required.

Mr. Peabody: If he is 55 feet he will not need a permit.

Ms. O'Gorman: How many feet exactly is the construction from the water.

Ms. DeGraide: 55 feet.

Ms. O'Gorman: What is the actual footage he is away?

Mr. Peabody: 55 feet.

**SWORN IN**

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

Mr. Shibley: I have spoken my opposition to this change of zoning for a special use for the location last meeting. I stand by my opposition to this proposal to change the zoning at this location again. Nothing in the new changes of the state law 2014 says that Towns have to change zoning to accommodate...

Ms. DeGraide: Mr. Shibley, let me clarify something. We don't change zoning; it's a Special Use Permit. The only people that can change zoning is the Town Council.

Mr. Shibley: Nothing says you have to grant special use changes. What is wrong is the location. As I think we have spoken, its right there high visibility, I do believe, some information I have gotten from the State Senate said this cannot be in public view, that would certainly be in public view. It's near a daycare center, Tiogue Elementary School, highly traveled as far as the public goes. I disagree with the medical marijuana. What's not good is putting this facility on Tiogue Avenue at this location. If it's really good it could be put in another location. My complaint besides being my Town Council district, nothing to do with being Town Council president, does not belong at this location. I ask you not to grant a special use exception to this location. I think we have three compassion centers, State locked it in, I don't know about the cost of what it is to buy an ounce, I know having five people to trim 24+2 48 plants. I can't believe what I have heard tonight. It's beyond belief as far as I am personally concerned to have all these people trimming shrubs for two caregivers for ten total patients at that location on Lake Tiogue, really? Who is kidding who? I ask the Zoning Board to not grant the special use exception for this facility. It doesn't belong there. I have had people lost to cancer, I understand pain, I understand this does not belong on Lake Tiogue at that location, District 4 on Route 3 in Coventry. Maybe somewhere else where people can't see it and everybody can come or at least 10 people can come for two caregivers and they can disperse it for less than the compassion centers that are regulated by the State. The State does not say you have to give a special use exception. Please consider this and my request. I thank you for your time.

Mr. DiMaio: Can we address two of those matters?

Ms. DeGraide: Yes.

Mr. DiMaio: My client would like to address a few of those issues but I as a lawyer would like to address something I just heard. I just heard that he is president of Town Council.

Ms. DeGraide: Yes.

Mr. DiMaio: I think there is an ethical violation, testifying in front of you. I think he should examine that; you need to think about whether you can take his testimony before this Board.

Mr. D'Onofrio: We will refer to our solicitor for that. Is there an ethical violation with Mr. Shibley testifying before the Board?

Ms. Assalone: It is not advisable. I could take it under advisement and issue you some law on the matter. I spoke to Mr. Gorham earlier and he advised against it. But I can't say whether or not it is an ethical violation, I would have to do some research.

Mr. DiMaio: We are not making a complaint, but I think you need to consider that, and take that into respect with his testimony.

Mr. Blair: If I may I would like to address a couple of Mr. Shibley's comments. Mr. Shibley mentioned that he thought that property should have a better use. I

couldn't think of a better use. If I may, Mr. Shibley, I would encourage you to watch that one hour documentary. Another concern Mr. Shibley had was he said it's exposed, visible. I totally disagree, this facility as you can see, is totally concealed, what you might want to imagine is going on in there is one thing, seeing anything that is going on in that building is a totally different story. We designed this facility with the safety of the community in mind, as I said, I met with the Police Chief and I told him we were going to put a state of the art security system and a security fence but if you didn't know that there was medicinal marijuana being cultivated in there you would look at that building and think it was another building. I certainly can appreciate moral conservative use. I think they have a place in society however, I think the good that is going to come out of this endeavor far outweighs the vast minority that is here tonight speaking.

Ms. O'Gorman: I would like to go back to the DEM permit. He is saying he is 55 feet off of Lake Tiogue, who measured that?

Ms. DeGraide: Did the Town take measurements as to how far the facility is to the lake?

Mr. Peabody: No, that was directed on their plan, they told us where it was. We GIS'ed where the boxes from the lake. The dam itself is 40 feet wide and then another 15 feet to there.

Ms. O'Gorman: Someone from the Town went out and measured it?

Mr. Peabody: We measured it using GIS.

Ms. O'Gorman: What is that?

Mr. Peabody: Geographical Informational Systems.

Ms. O'Gorman: So nobody from the Town actually physically went and measured it?

Mr. Peabody: With a tape measure? No.

Ms. O'Gorman: How many feet is he from the Pawtuxet River? The spillway comes across there?

Ms. DeGraide: We will have to ask Mr. Blair.

Ms. O'Gorman: So nobody from the Town has gone to check the DEM requirements as far as the permit?

Mr. D'Onofrio: We are not qualified to do that.

Ms. O'Gorman: So when he starts the construction and there is supposed to be a permit and it's not pulled then I guess DEM will come out to check correct?

Mr. D'Onofrio: Correct.

**SWORN IN**

**IRENE DREW  
23 CATALPA WAY**

Ms. Drew: I have been to this meeting as well as the Town Council meeting where a lot of people were brought in to speak about medical marijuana, the benefits. I don't think this should become a discussion about the benefits of medical marijuana. You are going to get people that say its greats, people that say it's not great. Some people benefit from it. My concern is that there is a history in Town where the cart goes before the horse. I don't believe there is actual zoning in place because of the newness of medical marijuana facilities. My concern as a taxpayer is that there is nothing in the Town to regulate it. In the past we have had problems regulating businesses that come in and I understand he wouldn't be subject to the moratorium but there is a reason the moratorium is asked for. From a public safety standpoint, we don't know what's going to happen with this. The state could make it legal and there will more and more people applying for permits. I don't think that we are being pro-active. My other concern is 30 parking spaces. He and his wife are caregivers for 10 people why are there 30 parking spaces?

Ms. DeGraide: He explained in the minutes last month that he puts parking spaces in a lot of things he builds. There will be no customer traffic at the facility.

Ms. Drew: As a curiosity, is this a for profit business because if it's a for profit business I would have to assume that it would be a business that wants to be grown. The point of going into business is to expand. If a business is going to expand without the proper zoning in place how will that be regulated.

Ms. DeGraide: It's my understanding that it can't expand because each caregiver can only grow for 5 patients. At this facility you are looking at 10 patients, you are not looking at more than that. Mr. Blair may be able to add to that but right now what I understand from the testimony he and his wife will only be growing for 10 patients.

Ms. Drew: And the regulation for this business falls under the Department of Health, Police Department, Town of Coventry or the Town of Coventry in general will be regulating it, will there be general inspections, how will it be monitored.

Mr. Peabody: Under the co-op state law we do have the authority to go in there and inspect whenever we want.

Mr. D'Onofrio: Who is going to do it?

Ms. DeGraide: Who is we, law enforcement or is it?

Ms. Assalone: Zoning official, fire, building and electric.

Mr. Peabody: We can go in anytime.

Mr. DiMaio: By law it's non-profit, by the statute.

Mr. D'Onofrio: Can you explain the statute? You will file for a non-profit status?

Mr. DiMaio: Yes. Second, he has to register with the State Police, keep them informed, they inspect it so if he steps out of line, it's a crime.

Mr. D'Onofrio: So they inspect if their called?

Mr. DiMaio: No, it's unscheduled. He has to keep it open to any city or state official.

Mr. Blair: When I met with Chief Volpe I had offered to work with the Town, work with the police department and I encouraged him to send his men and women on the force to stop in any time so they feel comfortable knowing we are running a clean operation and to help further educate them on what a legal small 10 patient grow looks like. Right now even the fire department they really don't have a good idea. As far as the young lady's concern for expansion, it is absolutely against the law and it's not happening. I will go to jail. It is strictly for 10 patients; it's basically the size of a two car garage and will remain that size.

Mr. D'Onofrio: If the State law changes and allows you to expand, will you expand on this site?

Mr. Blair: Only with your approval.

Mr. DiMaio: I don't think you can get a bigger building on that site.

Mr. D'Onofrio: You could put a second building.

Mr. Blair: I don't think there is room for it. I want to work with the Town not against them. To answer the question about the parking spots, that is just something I do but patients are not allowed on the property where the medicine is being cultivated to exchange from the caregiver to the patient, it's not allowed.

Mr. D'Onofrio: Can we talk about buffering? The building proposed is a pretty clean looking building, and someone driving by wouldn't know what is in there unless they knew what was in there. What can you offer in terms of buffering, you have barbed wire?

Mr. Blair: So the barbed wire isn't visible?

Mr. D'Onofrio: Yes.

Mr. Blair: Whatever you want. That is just standard security fencing.

Mr. D'Onofrio: I see the need for the barbed wire; it just looks like a prison facility.

Mr. Blair: I agree, I don't like it myself. I could cosmetically submit a drawing of something; I would talk to my alarm company and a designer and come up with something that is more aesthetically pleasing. Our intent was to deter any criminal activity and that certainly does it. What the drawing doesn't show is surveillance cameras on all 4 corner posts of the fence as well as on the building and there are signs posted that this facility is alarmed and surveyed but I am open to suggestions. Whatever you want I will do.

Ms. Soucy: How high is the fence?

Mr. Blair: 7 feet and the barbed wire is another foot. One other point that Mr. Shibley made a comment on. The concern about the proximity to the schools, the Tiogue School is probably about a mile away.

Mr. Peabody: As the crow flies it's a little over 3000 feet.

Mr. Blair: The child care center, one thing that is rather ironic is that it abuts a lounge that serves alcohol and across the street, I know they just bought the place, at the time it was another sports bar where consumption of alcohol was going on day and night. If it was my child, it would be a concern. Yet we are talking about a facility, there is no consumption going on. It's just growing medicine that's helping people and children.

Ms. DeGraide: Ten patients, non-profit, why do you do it?

Mr. Blair: Because, I have been very fortunate in my life, we work very hard but it paid off. I was brought up to help people; we have been serving people our whole life. Food, rides home. It's very gratifying to see someone heal. If you watch that one hour documentary you will cry with joy when you see the end.

Ms. DeGraide: Mr. Emmons mentioned extracts and making other products with some of the oils you get from your plants, suppositories and so on. Can that be considered practicing pharmacy without a license?

Mr. DiMaio: Good question, if it's illegal he won't do it.

Mr. Blair: I know a lot of the edibles, there are older people that don't want to be seen smoking, so they do edibles and it works. There are some people that have arthritis that use a salve or oil as opposed to smoking. To answer your question, I don't really know.

Mr. DiMaio: It would seem to me if they allowed you to grow medical marijuana it's the medicine you are allowed to produce, whether that's pharmacy or not I don't know.

Mr. Blair: In regard to the question of measurement, I would encourage Jacob to meet me there to take the measurement.

Mr. Peabody: We just have to figure out on how to do it up and over the dam.

Mr. Blair: I figured it out. Its 54.5 feet.

Ms. O'Gorman: My question is I would like to know if there is going to be any smell coming from this facility when it's cultivated. Are we going to be inhaling anything in our cars as we drive by?

Mr. D'Onofrio: That was addressed last month. There will be a filtering system.

Mr. Blair: This is a professionally designed facility and the units are sealed. It's a pharmaceutical grade product we are making and in order to do that the facility has to be completely sealed and the air is recirculated in the building. There is no exhaust going outside whatsoever. There are also air scrubbers that filter the air inside the facility. There is no leakage. To get into the facility there are three doors you have to go through before you get to the area where the actual plants are grown for that purpose and sanitation.

Ms. DeGraide: Is there anybody else?

Ms. Drew: I understand its not a dispensary but Mr. Blair and his wife both are caregivers, will there be consumption of the product, it's also going to be their personal home, will there be consumption on the property? There can be 10 people there and I am wondering if there will...

Ms. DeGraide: There won't be. Patients won't be coming. Product will be brought to the patient.

Ms. Assalone: I have answers with respect to the question regarding Councilman Shibley. Although I did have the conversation Solicitor Gorham this afternoon, it appears that the Commission on Ethics with respect to Regulation 7003 and 7008 the Public Forum Exception allows a public official to publicly express his own viewpoints in a public forum on any matter of general public interest or in any matter which directly affects said individual. I will advise the Board they can accept his opinion.

Mr. Shibley: That's good because I was going to refute the objection by Mr. DiMaio.

Mr. DiMaio: I didn't object.

Mr. Shibley: Personal opinion, resident 35 years in Oak Haven, I go by this location 10 times a day, somebody can follow me if they want. Basically it's the same argument, nothing has changed. It's a lot of work for two caregivers, 10 patients, what I didn't say, that location can be used for a better thing. Coventry can do better with businesses coming in to Coventry. Basically that's what I stand by. Coventry needs good businesses and I am all for bringing in good businesses within the respective zoning which we're battling constantly. Within the zoning limits and not coming up with special use because it's requested. There has to be some rhyme and reason and I am here as a citizen and glad to hear that legal opinion. I was going to call Mr. Gorham because then I couldn't testify before the Planning Commission, School Board and I couldn't testify at all. I would have to do a ringy dingy to each individual in the back and I would rather be in front of the public.

**SWORN IN**

**TAMMY DUXBURY  
2 ORCHID TRAIL**

Ms. Duxbury: The first question is do buses have stops along that route for high school and middle school students; I would like to clarify that.

Mr. D'Onofrio: What is your concern with that?

Ms. Duxbury: Students walking by the facility. The second question, the comment was made any excess would be used as oils and dispensed and sold so my question is doesn't that classify as being a for profit entity even though by definition in the law, it's non-profit?

Ms. DeGraide: I am having a hard time getting wrapped around the non-profit part of this whole thing. You are going to grow for your patients, they are allowed to have so much for use, then the excess you can sell to compassion centers, how do you make this a non-profit? If you sell the excess that you don't need to grow for a patient and then you sell it to the compassion center for a higher price than you actually charge a sick person, there has to be profit somewhere.

Mr. Blair: I haven't seen it. It's not there, there is a high expense. For example, the reason the compassion centers charge the amount they do is because they have to. The reason being for example, the overhead, the electricity alone is used in a compassion center to grow the 100 plants they have is probably \$50,000 a month. That's a lot of money. A facility like mine, its \$300 a bulb, 48 bulbs, 5x2 is \$10,000 a month.

Ms. DeGraide: Do you have to buy those bulbs every month?

Mr. Blair: No. It costs \$200.00 per month per bulb to operate. Everyone that works there has to get paid, product has to be bought, rent has to be paid, and when it's done not everyone can afford to buy it even at a reduced price so you give it away or sell it to the compassion center and they don't give you a lot of money for it. You pretty much break even. There are non-profits where the CEO is making 3 million a year however that's not the case. Everyone there is going to take a reasonable pay for their time and effort and the big expense is the electricity.

Mr. D'Onofrio: Regarding General Law 21-28-6.14 #3, the cooperative cultivation shall not be visible to the street or public areas. This is clearly visible from the street, how will you address that? This was handed to us by your lawyer.

Mr. Blair: What do you want me to do?

Mr. DiMaio: It's the cultivation that shall not be visible from the street.

Mr. D'Onofrio: It says cooperative cultivation shall not...

Mr. DiMaio: Not the building. There is no possibility having a building that is not visible from the road.

Mr. Blair: The Summit Compassion Center is very visible from the road. All three are.

Mr. D'Onofrio: I just want your opinion.

Ms. DeGraide: DO they grow at those centers?

Mr. Blair: Yes, at the centers. I believe they are allowed 100 plants.

Mr. DiMaio: My understanding is you can't see the growing aspects of it. We gave you the law because whatever the law is we will follow.

Ms. Duxbury: I am with you Madam Chair, I am having a difficult time getting my head around this whole thing, I am a CPA so I know numbers. My question is if Mr. Blair owns this property and he is going to physically live there I don't understand where the rent comes in. Who is he renting from?

Ms. DeGraide: That aspect of his comment might have just been in general, maybe other places need to rent their space and those expenses are factored into their profit/non-profit...we know Mr. Blair owns this property so I don't believe there will be rent involved in this. His corporation may be renting the property from him, is usually how it works.

Ms. Duxbury: It's changing money from one pocket to the next. I am having difficulty with that. I am a charitable person, I give money away a lot and I do it because it makes me feel good. This is a lot of money. There is a lot of inconsistencies that I am hearing. Things seem to be fluid in changing which concerns me. If that happens before the Special Use permit is issued what will happen after.

Ms. O'Gorman: Regarding the visibility from the road issue, you drive by there are containers, it's an eye sore, he said he will do something nice, I didn't know there was going to be a wire gate, and it will now be more of an eyesore than it already is. It's an issue for us on the upper side of the hill. The property does have issues. Secondly, his property has an issue with flooding, what I want to know is when you get a big rain storm and this property is flooded are they going to be dragging out the plants all over the place to save them.

Mr. D'Onofrio: I can't speak for them but I think that would kill the plants.

Ms. O'Gorman: Right now the containers are up on pallets to mitigate water but we have had some heavy rain, so what's happening then? His buildings will be flooding.

Mr. Blair: First of all I am hurt she thinks it's an eyesore. I work very hard to keep it as neat as I can especially with the limited funds that are coming. I am out there seven days a week. I think it looks neat myself.

Ms. DeGraide: It's a commercial property.

Mr. Blair: I would recommend to this lady to look a little further than the perimeters of my property. Unfortunately that whole area could use a face lift. As far as the draining, the only flood we ever had there was the same one everyone else had about 6 years ago. If I am in trouble so aren't thousands of other properties and families. As far as her concern, it seems to me it's getting a little out of hand worrying about the facility is up on log cabin foundations because the water level is high there and that's what was required by our engineer in order to do it properly. We have been proactive through this entire process. My brother in law suggested a nice white high fence and I agree. There has to be a point of reason and common sense and I think right now we are hearing less than that.

Ms. DeGraide: When you move into the apartment is this then going to be considered residential cultivation?

Mr. Blair: No.

Ms. DeGraide: What is a residential?

Mr. Blair: That allows one care giver to grow in their home 24 plants. A non-residential I don't believe you have to be living on the property.

Ms. DeGraide: Is there anyone else that has any questions?

Mr. D'Onofrio: Madam Chairman, I make a motion we take this matter under consideration and make a decision within a reasonable amount of time

Mr. Lacaillade: Second.

Ms. DeGraide: All those in favor?

Board: Aye.

Ms. DeGraide: Ayes have it.

Ms. Soucy: Motion to adjourn.

Mr. Lacaillade: Second.

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

Board: Aye.

Ms. DeGraide: Nays? Ayes have it.

Meeting adjourned at 8:45 p.m.