



Town of Middletown Planning Department

350 East Main Rd., Middletown RI 02842 (401) 849-4027

PLANNING BOARD MINUTES February 24, 2021

In accordance with Executive Order 20-46, issued by Governor Raimondo, this meeting was conducted as a web and telephone conference.

Board members present:

Paul Croce, Chair

Michael Fenton, Secretary

Bill Nash, Vice Chair

Art Weber

B.J. Owen

John Ciummo

Joe Pierik

Ron Wolanski, Town Planner

Peter Regan, Town Solicitor

Rita Lavoie, Principal Planner

Dwight Meriam, Consulting Attorney

Mr. Croce called the meeting to order at 6:00pm and called roll

1. Correspondence from Carol Formica dated February 21, 2021 RE: Middletown Code of Ordinances, Chapter 152, Zoning Code, Article 7
 - a. **Motion** to receive by Mr. Nash, seconded by Mr. Weber
 - b. **Vote:** 7-0-0
2. Present and accept public comment, and provide recommendation to the Town Council on potential amendments to the Middletown Code of Ordinances, Chapter 152, Zoning Code, regarding marijuana related uses.
 - a. Mr. Wolanski gave a PowerPoint presentation describing the proposed changes for marijuana sales in Rhode Island. Application of these changes to Middletown provides no suitable location for a compassion center or retail stores. However, cultivation facilities and testing sites may be permitted subject to regulations. According to the proposed zoning ordinance, cultivation is allowed in Light Industrial districts by special use permit, testing facilities in Office Park district by special use permit, additional setbacks from sensitive uses, lighting, security, odor control measures, and parking regulations. Patient cultivation permitted by right in all residential districts at cardholder's primary residence, caregiver cultivation permitted by right in single family dwellings. Residential cooperative cultivation permitted in all districts with special use permit and setback restrictions. Nonresidential cooperative cultivation in Light Industrial with 500ft buffer. He showed a zoning use table.
 - b. Mr. Ciummo, marijuana zoning subcommittee chair, thanked the members of the subcommittee and staff for their work.
 - c. Mr. Regan explained the state regulations for various aspects of the draft, and the required findings of the board. He noted that the state has not approved the legalization of marijuana but having this ordinance in place will prepare the Town for the possibility.

- d. Mr. Weber asked about the specifics of a testing facility. There was discussion on what occurs at a testing facility.
- e. Mr. Weber asked about taxing structure of marijuana sales, which is yet to be determined because marijuana is not legal in the state.
- f. Ms. Owen asked about insurance requirements for growing marijuana. Mr. Regan and Mr. Merriam clarified that any regulations would be addressed at the state level, not by local zoning.
- g. Mr. Fenton asked about storing of marijuana and signage for testing facilities. It was clarified that the testing facilities are laboratories, Marijuana products would be provided in small quantities for testing and no cultivation would occur on site and that signage would be limited.
- h. Mr. Nash thanked those involved.
- i. Mr. Pierik spoke of tenant leases already in effect prohibiting the location of marijuana related facilities in some commercial areas by the property owners.
- j. Mr. Croce asked about processing and packaging. Mr. Merriam explained the cultivators are processing, packaging and selling directly to the retail outlets.

Members of the public were invited to speak

- k. Ms. Carol Formica raised concerns about the definitions in the draft allowing recreational use; setback distances not enough
- l. Mr. Regan explained the state definitions; setbacks were chosen to provide buffer zones but not a de-facto prohibition. Mr. Wolanski noted that after speaking with other communities that there was no issue with odor emanating from the facilities. Mr. Merriam described no secondary impacts from testing or cultivation centers since there is no retail use there is no possibility of illegal purchase or traffic congestion.
- m. Ms. Formica asked about group cooperatives in residential areas. She was concerned that the distances were reduced from 1,000/1,500 feet to 100/500 feet. Mr. Regan said the distances selected were “de Facto” prohibitions of retail stores and compassion centers.
- n. Mr. Regan explained the state’s department of business regulations allows personal and small group cultivation, preempting the town’s ability to regulate that use. However, the quantities are limited to small amounts.
- o. Ms. Formica asked about the community right to know act
- p. There was discussion about the location of cultivation remaining private but can be disclosed for law enforcement purposes. The right to know act applies to hazardous and toxic chemicals but not to marijuana.
- q. Ms. Lori Verderosa of 426 Third Beach Road spoke as Middletown Prevention Coordinator and member of the public about secondary impacts of facilities, asked for a greater buffer from sensitive uses.
- r. Mr. Merriam explained 1000ft separation requirements are seen elsewhere for uses that have secondary impacts such as retail operations. Mr. Regan concurred that the DBR requirement for 1000ft separation is for compassion centers only
- s. Ms. Verderosa asked about exhaust direction, crime at cultivators
- t. Mr. Merriam shared his research on crime occurrence- exceptionally low, but draft regulations do have requirements for security.
- u. **Motion** to recommend the proposed amendments to the Town Council by Mr. Weber, seconded by Ms. Owen
- v. **Vote:** 7-0-0

Motion to adjourn by Ms. Owen, seconded by Mr. Nash

Vote: 7-0-0

Meeting adjourned at approximately 7:15pm

Respectfully submitted:

Mike Fenton, Secretary

DRAFT