

3/1/2021

To: Mr. Ronald M. Wolanski  
Town Planner  
Middletown Town Hall  
350 East Main Road  
Middletown, RI 02842

From: Steven C. Aten  
33 Namquid Drive  
Middletown, RI 02842

RE: Middletown Planning Board Public Workshop 2/24/2021  
Regarding marijuana related uses

RE: "Letter to the Editor" printed 2/24/2021 in Newport Daily News; author Carol Formica  
Regarding "per the 2/21/2012 draft ordinance (pg 2, {8}) of the Middletown Code of Ordinances, chapter 152, Zoning Code: .....ect. Enclosed copy of letter

Dear: Mr. Wolanski:

I am writing to express my disappointment, dissatisfaction and disagreement with this code as written as the code is reprinted and appears in that letter to the editor. As written it implies discrimination against any marijuana related business that it is immediately inherently criminal even when legally allowed and protected under Rhode Island law without any evidence of criminal activity. This code expresses the opinion, a preference of thought, an over reaching, an unproven conclusion that even medical compassion marijuana centers are engaged in criminal activity and pose a threat to public health and safety. It is blatantly discriminatory.

It is a code based on opinion, assumptions, manipulated statistics and personal beliefs & bias.

It disregards the facts that numerous states have legalized recreational and medical marijuana programs and legally safely operate indoor & outdoor cultivation facilities, testing & packaging facilities, compassion centers and retail medical & recreational stores:

Reducing crime, reducing sales of illegal marijuana reducing drug cartel profit;

Reducing arrests & criminal records for general populations especially communities of color'

Increasing employment and business opportunities; increased sale tax & license revenues

Without adverse impacts on neighborhoods, people and communities.

Zoning codes and ordinance should be enacted with equality and fairness according to the same regulations each business must comply.

An indoor marijuana cultivation facility has the same adverse affect as custom coffee roasters facility. The main adverse impact would be the offensive odor and traffic.

Example Ocean Coffee Roaster that was granted a business license for operation near Bank America on East Main RD at the intersection of Aquidneck Ave. This business never fit or succeeded there. It was a bad fit. The constant complaints resulted in the business relocating.

Example Custom House Coffee @ 796 Aquidneck Ave is a small coffee roaster business. At this location there is plenty adequate space between the business and the closest neighborhood and there is no adverse odor complaints

Because the business was properly zoned and operated and the owner complies with regulations concerning ventilation

An indoor marijuana cultivation center would not be a good fit here because the building is too small and not enough parking even if the air space in this business park is adequate

A Retail marijuana store would not work because lack of parking & poor access.

I was surprised to find a cigar store which allows indoor smoking and serves alcohol cocktails operating at this address with special Exemption from the zoning board.

Just smoking & drinking.

I would suggest that a retail marijuana store would be responsible to meet the same regulations And restrictions that a retail liquor store must operate under in Middletown.

Equal protection and opportunity under the law without discrimination.

I would suggest that the only Middletown business area that would meet required zoning regulations where indoor marijuana cultivation could operate would be Aquidneck Island Business Park on Valley Road. However I doubt if such a business would locate there because there are far more profitable locations off island.

It is the purpose of Zoning Regulations & Ordinances to protect communities from adverse effects: ie Middletown zoning prevents the construction of gas stations in the clean water protection zone to protect our drinking water which is a concern along West Main Road.

I suggest Middletown zone and regulate marijuana business professionally with equal protection under civil, business, criminal law in reality of the fact medical & recreational marijuana will be legal. This is the will of the majority of the electorate and the people

I was wondering if the same type of statements are attached to zoning codes concerning tobacco or smoke shops and to liquor stores and to vineyards.

I believe this code as written should be deleted.

Respectfully:

Steven C. Aten

A handwritten signature in black ink, appearing to read "Steven C. Aten". The signature is fluid and cursive, with a long horizontal stroke at the end.

# Newport *this week*

## Middletown Cigar Bar Receives Zoning Nod

*By ohtadmin on August 27, 2020*

By Christopher Allen

The Middletown Zoning Board of Review unanimously approved an application for a special use permit by Breakwaters Cigar and Whiskey Lounge and property owner, Creative Properties, Inc., to serve alcohol at a planned cigar and cocktail lounge in the commercial plaza at 796 Aquidneck Ave. The 1,500-square-foot unit adjacent to Custom House Coffee formerly housed an indoor golf business.

The discussion mostly centered around whether introducing alcohol service into the plaza would create a nuisance in the neighborhood.

“This is something new for us,” said board member Eric Kirton. “But I don’t think it’s new for similar neighborhoods.”

While a cigar vendor is allowed by right in the district per state law and Middletown code, a permit was needed to sell alcohol.

Breakwaters will be managed by Bryan Lebeau, who also manages Churchill’s Smoke Shop and Lounge in East Providence.

“You’re going to get a cigar accompanied by a drink,” he said. “There is going to be no entertainment or loud music.”

The state banned indoor smoking in 2005. However, it left room for a smoking lounge that requires oversight from the Department of Business Regulation.

Breakwater principal Ronald Reed told the board that his vision is for a 40-seat lounge with a bar and “executive-style” leather seating that will cater to a leisurely business crowd. There are options for membership, but it will be open to all. He plans to install a 140-square-foot cedar-lined humidor.

"People can come in and purchase a cigar and a cocktail, relax and network with friends or work acquaintances," said Reed.

The owners said the plan is to attract a customer base keen on enjoying a quiet cigar and a high-end libation. To buoy their case, attorney Eric Brainsky reminded the board that they had previously approved the serving of liquor at Custom House Coffee. He also cited the operation in East Providence, saying the business has never received complaints from abutting neighbors.

"This is going to be an upscale lounge that is geared toward cigar aficionados and those that enjoy premium whiskey and premium cigars," he said. "This is really a specialty boutique type of business."

Per state Division of Taxation rules, Breakwaters must receive a majority of its revenue from the sale of tobacco products.

During the public hearing, abutter Angelo Botelho spoke against the plan, citing the operating hours and the proximity to schools and bus routes. The requested hours of operation are 8 a.m. to 10 p.m., Sunday to Wednesday, and 8 a.m. to midnight, Thursday through Saturday. The hours and liquor license still need approval from the Town Council. The board added a recommendation that no outdoor seating be allowed.

"We've had quite a few accidents on this road from people just driving to work," Botelho said. "We are not from Providence. We are not from Cranston. We are not from Warwick. We don't care about those places. We're from here."

Brainsky said his clients would be good neighbors and the business would be a welcome addition to the town's commercial activity.

"This is a one-of-a-kind establishment that's going to be based in Middletown. It will be the only one on [Aquidneck] Island," he said. "It's going to be geared toward a professional and sophisticated community."

DESPITE OBJECTIONS OF ABUTTER

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REGULATE ALL BUSINESS  
ALCOHOL, MARIJUANA, TOBACCO  
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ZONING REGULATIONS & ORDINANCES  
SMOKING & DRINKING  
APPROVED  
RIDEP, BUSINESS REGULATIONS  
MIDDLETOWN ZONE BOARD  
MIDDLETOWN PLAN BOARD  
MIDDLETOWN TOWN COUNCIL