

R.M.I. Compassion Center, Inc. v. City of Woonsocket, et al., C.A. No. PC-2022-02360 (March 30, 2023)

Holding:

Rhode Island Superior Court reversed the decision of the City of Woonsocket Zoning Board to deny a special use permit for a medical marijuana compassion center and remanded the case back to the Zoning Board to grant the requested special use permit.

Link to Decision: <https://www.courts.ri.gov/Courts/SuperiorCourt/SuperiorDecisions/22-02360.pdf>

Key Takeaways:

1. The Court determined the Zoning Board’s Decision was arbitrary and capricious because “*it had no rational connection to the evidence presented*” and because the application met every requirement of the Woonsocket Zoning Ordinance.
2. The Zoning Board’s decision denying a special use permit for the proposed marijuana compassion center cited language in the Woonsocket Zoning Ordinance that does not exist.

Facts:

Appellant was awarded a conditional license to operate a medical marijuana compassion center through the Department of Business Regulation’s Rhode Island Compassion Center Lottery in 2021.

Appellant seeks to lease 1500 Diamond Hill Road in Woonsocket, RI for the operation of a compassion center, which is located in a Major Commercial District C-2 Zone. This property was approved to be a compassion center location by the Woonsocket City Council in 2021.

Per the Woonsocket Zoning Ordinance § 15.8-2, a special use permit is required to open and operate a compassion center. Appellant applied for a special use permit to open and operate their compassion center from the Woonsocket Zoning Board on March 14, 2022, which voted 1-4 and denied the application, finding the Application did not meet the requirements of a special use permit.

On April 27, 2022, Appellant requested Superior Court annul the Decision of the Zoning Board, arguing the Zoning Board’s Decision was based on error of law and that it was arbitrary and capricious.

Analysis:

1. Error of Law

Appellants argued the Zoning Board’s Decision was based on error of law because the Zoning Board incorrectly cited and relied upon sections of the Woonsocket Zoning Ordinance that do not exist.

The Zoning Board’s decision quoted the following statement as a requirement of the Zoning Ordinance that was not met by the Application: “*that the requested use at the proposed location will not adversely affect the use of any property used for school, public or private, park, playground, play field, youth center, licensed daycare center, or other location where groups of minors regularly congregate.*” This sentence does not exist in the Woonsocket Zoning Ordinance.

As a result, the Court found the “*Zoning Board’s Decision was affected by an error of law when it relied upon a nonexistent provision of the WZO to deny the Application.*”

2. Substantial Evidence on the Record



Appellants argued the Zoning Board’s Decision to deny the Application was arbitrary and capricious because the Application met every requirement of the Woonsocket Zoning Ordinance. The Zoning Board argued the Appellant offered no expert testimony to support the Application met all of the Zoning Ordinance requirements to obtain a special use permit.

The Court found the record reflected that the Application met all 14 requirements of § 15.8-2 of the Woonsocket Zoning Ordinance. The Court’s decision listed each requirement, and found the record showed the Application met all state and local regulations and was consistent with the City’s Comprehensive Plan.

Because there was no substantial evidence in the record to support the Zoning Board’s Decision to deny the special use permit, the Court reversed the Decision to deny the Application, and remanded the application back to the Zoning Board to grant the requested special use permit.

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