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Complaints of Being "Consumed by Marijuana," Loud Music, Cause Senators to Change Position on Nelson's "Serenity's Nest" Rezoning

Lawmakers reconsider rezoning request for 'Cannabis Czar' Positive Nelson's property

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Positive Nelson's Serenity's Nest

Less than a week after expressing support for a [rezoning request](#) which would have allowed "Cannabis Czar" Positive Nelson to host outdoor concerts on his residentially-zoned Estate Morning Star property, several lawmakers have had a change of heart.

The initial rezoning application, made through Bill 35-0213, requested a change that would allow Mr. Nelson to establish social spaces, outdoor concerts, yoga, eco-lodging, and massages at “Serenity’s Nest”. The Department of Planning and Natural Resources had cited several complaints from one household, but Mr. Nelson assured lawmakers that “we have since discussed the matter much more in-depth, and she is no longer in opposition.”

However, information reaching several legislators suggests that this was not the case. Senator Alma Francis Heyliger revealed that she received email correspondence from the neighbor in question who confirmed that she was still opposed to the rezoning. “There are underaged grandchildren living in the home that can't sleep to go to school on Mondays,” said Ms. Francis Heyliger. She cautioned against doing a “disservice” to individuals who purchased residential property for the peace and quiet such zoned land affords. “It’s not fair if we do this,” she declared.

Senator Franklin Johnson, who says he knows the family in question personally, said, “I can't support this. I don't want someone to come into my backyard with a whole concert going on...as a matter of fact, when I hear noise in my neighborhood, I call the police fast.” Meanwhile, Senator Donna Frett-Gregory expressed that she was having “extreme difficulty” with the bill as presented. She suggested that they “dial back on the time that the amphitheater and the business is allowed to play music.”

At the initial hearing, DPNR listed a series of requirements including the stoppage of loud music by 2:00 a.m. Still, Senator Milton Potter – who admitted that he was initially “very enthusiastic” – expressed concerns over the neighbors' ability to have “quiet enjoyment of the property.” He urged the parties to come to a compromise. Senator Marise James raised a legal concern, fearing that going ahead with the rezoning would constitute a breach of the “covenant of quiet enjoyment that this neighborhood needs.” Nearby property owners, she said, have a right to “use [their] property without disturbance.”

According to Senator Carla Joseph, noise isn’t the only factor causing distress to nearby residents. Informing her colleagues that she too had spoken to the neighbor in question, she reported that “at times, she has to buy a whole bunch of candles, she has to buy air freshener because her whole area is consumed with marijuana smoke.”

“If the variance does pass today, I would really strongly urge the applicant to be cognizant of the noise levels at this site and limit loud music to weekends and earlier in the evenings,” suggested Senator Kenneth Gittens, before recommending that the bill be removed from the day’s agenda and reconsidered in the committee of jurisdiction to “make some adjustments before we move forward.”

Lawmakers would not get a chance to vote on the measure, as Senator Angel Bolques took his colleague's advice and moved that the bill indeed be returned to the committee of jurisdiction for further discussion. Senator Dwayne DeGraff voted “no” on that motion, but was overruled by the other legislators.

[All other rezonings](#) under consideration will now proceed to the governor's desk, having been approved with little opposition. Senator Marvin Blyden, who chairs the Committee on Housing, expressed reservations over Bill 35-0192, which seeks to convert an existing apartment building to an extension of the Fred Hotel. “We're in a crisis and I honestly cannot see myself, as a supporter of housing, converting any type of housing units to a hotel or any other type of development.” He urged his colleagues not to “set a precedent.”

However, Senate President Novelle Francis noted that there is currently “no occupancy” in the building, and St. Croix continues to “face challenges when it comes to hotel rooms.” He called the move “critical.”

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