



**CITY OF ESSEX JUNCTION
LOCAL CANNABIS CONTROL COMMISSION
MEETING AGENDA**

Online & 2 Lincoln St.
Essex Junction, VT 05452
Wednesday, November 9, 2022
6:35 PM

E-mail: admin@essexjunction.org

www.essexjunction.org

Phone: (802) 878-6944

This meeting will be in-person at 2 Lincoln Street and available remotely. Options to watch or join the meeting remotely:

- **WATCH:** the meeting will be live streamed on [Town Meeting TV](#)
- **JOIN ONLINE:** [Join Zoom Meeting](#)
- **JOIN CALLING:** (toll free audio only): (888) 788-0099 | Meeting ID: 944 6429 7825; Passcode: 635787

1. **CALL TO ORDER** [6:35 PM]
2. **AGENDA ADDITIONS/CHANGES**
3. **APPROVE AGENDA**
4. **BUSINESS ITEMS**
 - a. Discussion and consideration of Tier 1 Indoor Cultivation, VT L#S-000001517, for Passion Fruit Farms, LLC
5. **ADJOURN**

Members of the public are encouraged to speak during the Public to Be Heard agenda item, during a Public Hearing, or, when recognized by the President, during consideration of a specific agenda item. The public will not be permitted to participate when a motion is being discussed except when specifically requested by the President. This agenda is available in alternative formats upon request. Meetings of the City Council, like all programs and activities of the City of Essex Junction, are accessible to people with disabilities. For information on accessibility or this agenda, call the City Manager's office at 802-878-6944 TTY: 7-1-1 or (800) 253-0191.

Memorandum

To: Local Cannabis Control Commission

From: Regina Mahony, City Manager

Re: Tier 1 Indoor Cultivator Cannabis license application

Date: November 9, 2022

Issue

The issue is whether the City Council, acting as the Local Cannabis Control Commission, will approve the Tier 1 Indoor Cultivation, VT L#S-000001517, for Passion Fruit Farms, LLC.

Discussion

Adrian Lanza, Passion Fruit Farms, LLC, has applied for a Tier 1 Indoor Cultivation license. The application was submitted to the State on September 12, 2022. The applicant has received the state license (VT L#S-000001517) but is subject to local review as the zoning regulations were warned for public hearing at that time. The City received notification from the state on this application on October 7, 2022, with the following: "In order to issue this license, the CCB requires the approval of Essex Junction's Local Control Commission.... Please note that, pursuant Rule 2.14(d), decisions must be communicated to the Board within 60 days of receipt of request for approval. If the decision is outstanding for over 60 days, the Board will consider it a presumptive approval to grant and will move forward with the applicant as appropriate."

The applicant has also applied for a home occupation permit. As Acting Zoning Administrator, I denied the Home Occupation permit because, in accordance with the Land Development Code regulations adopted by the City Council on September 14, 2022 and effective October 5, 2022, cannabis cultivation is only allowed in the Planned Agriculture zoning district. It is not allowed in the Residential 1 zoning district, which is the zoning district your property at 5 Shawns Way is located in.

Recommendation

Staff recommends that the Essex Junction Local Cannabis Control Commission deny this license application because the use is not permitted by the Land Development Code.

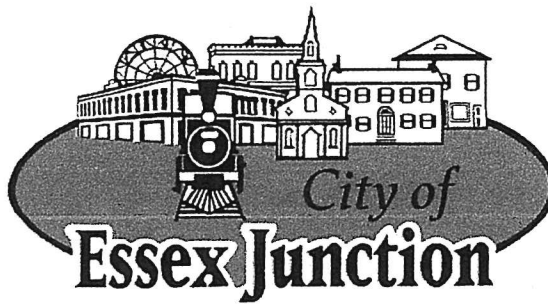
Recommended Motion

Should the Essex Junction Local Cannabis Control Commission decide to move forward with the recommendation, here is a recommended motion.

"I move that the Essex Junction Local Cannabis Control Commission deny the Tier 1 Indoor Cultivation license for Adrian Lanza, Passion Fruit Farms, LLC."

Attachments

Application and background materials



**Application for Local Cannabis License
City of Essex Junction**

*****Return complete applications to the City for processing*****

On July 14, 2022, the Essex Junction City Council adopted a resolution establishing a local Cannabis Control Commission (CCC) to provide local licenses for cannabis operations. The City Council will act as the CCC and provide licenses, including any necessary conditions for parties interested in operating in the City of Essex Junction. The following application information is required for review and approval by the CCC prior to commencing operation. Failure to receive approval and licensing from the CCC may result in a notice of violation, including applicable fines.

1. Applicant Information

Name: Adrian Lanza
Doing Business
As: Passion Fruit farms, LLC
Mailing Address: 5 Shawn's Way, Essex Jct, VT 05452
Telephone
Number: 802.318.2759

2. Owner/Agent Contact Information

Name: Elise Martin
Mailing Address: c/o 5 Shawn's Way, Essex Jct, VT
Telephone
Number: 802.355.4369
Email: adrian@passion-fruit-farms.com

3. Address where use will occur in the City

5 Shawn's Way, Essex Jct, VT

4. Licensing Information

Type of License Requested (check all that apply)

License Type	Tier (if applicable)	Date Applied for State Permit	State Permit Number (if Issued)
<input type="checkbox"/> Outdoor Cultivation*			
<input checked="" type="checkbox"/> Indoor Cultivation*	1	9/12	VT L# 3-000001517
<input type="checkbox"/> Mixed Cultivation*			
<input type="checkbox"/> Retail			
<input type="checkbox"/> Manufacturing*			
<input type="checkbox"/> Testing			
<input type="checkbox"/> Wholesale			

Note: * Requires indication of tier. For more information on tiers, visit www.ccb.vermont.gov

5. Local Compliance Information

Compliance Questions	Answer
Land Use	
Has the Zoning Administrator been contacted regarding your proposed use?	yes
Is the use permitted by local zoning bylaws in the location you have identified?	Per State Statute - yes
If yes, is a zoning permit required?	Yes - for home occupancy
If a zoning permit is required, what is the date the complete application was submitted for review?	Once we were advised, Nov. 3,
Has the zoning permit been issued? If yes, please attach to application.	Denied b/c Cannabis related. ☹️
Utility	
Is an allocation for water being requested?	NO
If yes, how many gallons per day have been requested?	—

Has an allocation for water been granted?	N / A
Is an allocation for wastewater being requested?	↓
If yes, how many gallons per day have been requested?	
Has an allocation for wastewater been granted?	
Has a biological oxygen demand test been conducted on the wastewater?	
What is the Biological Oxygen Demand of the wastewater?	
Have fees for allocations been paid or is a payment plan in place with the City?	

6. Acknowledgement & Signature

I acknowledge and understand that this application for a local cannabis license (or licenses) is independent of any approvals issued by the State of Vermont's Cannabis Control Board. I further acknowledge that any license(s), if granted, will expire one year from the date it is issued and that a new application will be required for renewal. I agree to comply with any conditions included with approval of a cannabis license issued by the City of Essex Junction and understand that failure to comply with any identified conditions may result in revocation of this license, including any applicable penalties or fines associated with the violation of conditions.

Signature Adrian Lanza Date 11-7-2022

Printed Name Adrian Lanza

Please return the application to City of Essex Junction - 2 Lincoln St, Essex Junction VT 05452.

Official Use Only - Do Not Write Below This Line

Parcel Code: _____

RECEIVED

NOV 07 2022

Received By: PLM

Village of Essex Junction

Department Sign Offs

Fire: _____

Police: _____

Planning & Zoning: _____

Wastewater: _____

Recommended

Action: _____

Cannabis Control Commission Review

License/Application

n #: _____

Date of CCC

Meeting: _____

Action by CCC: _____

Date Follow-up

sent: _____

Appeal Application

Property description (address) for application 5 Shawn's Way, Essex Jct.
 General Information d/b/a Passion

Applicant Adrian Lanza Fruit Farms, LLC Day Phone# 802-318-2759
 Address _____

Owner of Record (attach affidavit if not applicant)

Name _____ Day Phone# _____
 Address _____

Applicant's agents

Name Elise Martin Day Phone# 802-355-4369
 Address _____

Property information

Zoning District R Current Use _____ Tax Map# _____ Lot# _____ Lot size sf _____

Lot coverage (include all structures and impervious surface)

Existing (sq. ft.) 1.3A plus proposed (sq. ft.) N/A equals _____ total sq. ft. divided by _____ lot s.f.
 equals _____ percent lot coverage

LOT = 1.3A
HOME = 2100 sq ft (400/2100 = 19%)
 Nothing being added to or changed on property.
 Briefly describe your purpose of Appeal (attach statement which describes how your appeal conforms to provisions of the Code): We meet all the requirements/criteria for a home occupation. Per State Statute, Essex may not discriminate against Cannabis related businesses
 Specify decision which you are appealing: _____

"Cannibus Cultivation only allowed in AP area" - but again, we fit criteria for a home occupation & should be approved per that fac

Attach nine copies of your proposal, supportive documentation required by the Code and the appropriate completed checklist thirty (30) days prior to a scheduled meeting. Applications that are not complete cannot be accepted for review. I certify that the information on this application is true and correct. I agree to abide by all the rules and regulations as specified in the Land Development Code and any conditions placed upon approval of this application

Please see attached VIOLATIONS on V.S.A 7-24
BY VILLAGE

Adrian Lanza
 Applicant

11-7-2022
 Date

Land Owner (if different)

Date

Staff Action

Date received _____

Meeting date: _____

Commission /Board Action Approved _____ Denied _____ Date: _____

Other approvals /conditions _____

**** Fee based on s.f. of improved area per current Fee Schedule**

Staff Signature

Date

Fee Amount _____
**

Fee Verified _____

HOME OCCUPATION APPLICATION

PERMIT #

Applicant Adnan Lanza, Passionfruit Farms, LLC
Address of home occupation 5 Shawn's Way, Essex Jct., VT 05452
Mailing Address if different than above _____
Day Phone Number 802-318-2959
Description of home occupation (attach plan or supplemental) Tier 1 Cultivation

Trade Name (if any): _____
Describe Proposed Activity: Cultivation of Cannabis as licensed w/ state of

Home occupation 400 sq ft. divided by 2600 total s.f. dwelling space = 15.3 %
(including garage)

The Land/Development Code requires that all home occupations meet the following specific standards:

- ✓*1. The use shall be conducted entirely within the dwelling by residents of the dwelling and no outside employees may be hired.
- ✓*2. No more than 20% of the total area of the dwelling, including areas used for storage or equipment may be used by the home occupation.
- ✓3. Merchandise offered for sale shall be samples only. Orders may be taken for delivery off the premises.
- ✓4. Delivery of any product to the home for business purposes shall not occur more frequently than once a day by trucks or vehicles ordinarily utilized for residential deliveries.
- ✓5. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted material shall be stored on site.
- ✓6. No mechanical equipment other than the normally utilized within a dwelling for household or hobby purposes shall be allowed.
- ✓7. No activity shall be conducted which would interfere with radio or television reception, nor shall there be any offensive noise, smoke, dust, or heat noticeable at the property line.
- ✓8. No home occupation shall require external alteration of the residence or show other evidence of the conduct of such home occupation.
- ✓9. The home occupation shall not cause or encourage vehicular traffic not ordinarily associated with the residential area in which the home occupation is conducted except as specified below:
 - a). Public access to the home occupation shall be by invitation. No more than one vehicle not owned by the occupants shall be located on or adjacent to the premises at any time, provided, however, that appointments may overlap for a time period not exceeding (30) minutes.
 - b). Occasional parties, meetings or classes associated with the home occupations are permitted no more than four (4) times monthly. Vehicles shall not impede the safety and flow of traffic within the neighborhood. If possible, arrangements shall be made to provide parking within designated residential parking areas or in permitted locations off-site.
- ✓10. Advertising for a home occupation shall be by telephone number and name only. On-premise advertising is restricted to one non-illuminated sign, neutral in color, not to exceed one square foot, which shows only the name of the occupant and occupation.

- ✓ 11. If the home occupation includes classes or instructions, there shall be no more than four (4) students on the premises at any one time. Parking restrictions as indicated in (9) above shall apply
- ✓ *12. Home occupations shall be open only between 8 a.m. and 9 p.m.
- ✓ 13. The parking or storage of commercial vehicles shall not exceed one commercial automobile, pick-up or van.
- ✓ 14. State of Vermont permits shall be obtained prior to operation of the Home Occupation, if applicable.

I hereby make application for a home occupation as described herein. I understand the rules and standards, which must be met for a home occupation. I certify that I have read and agree to all the conditions described herein and further certify that I will conform to these conditions if my application is approved. I understand that violation of these rules or standards is a violation of the Land Development Code and will void any permit

Adrian Lanza
Applicant

11/3/2022
Date

Land Owner (if different)

Date

Staff Action

Date Received 11/3/2022 approved _____ denied ✓

Reason: Cultivation is only allowed in the RA zoning district
Conditions, if any not in the R1 district where this property is located

*Home Occupations for child care shall be exempt from provisions 1, 2 and 12 listed above.

Regina Mahony
Staff Signature

11/4/2022
Date

RECEIVED
NOV 03 2022
Village of Essex Junction

Fee Amount:	Fee Verified
\$65.00	PAID
	NOV 03 2022
	Village of Essex Junction

cannabis establishments is fairly limited.

General rule:

- Cannabis establishments are subject to the same zoning rules and municipal ordinances that apply to any business.
- * Beyond municipalities' general authority to create and enforce zoning rules or ordinances that apply to all businesses, they do not have the power to create special rules for cannabis establishments.

A municipality may:

- Regulate cannabis establishments to the same extent they may regulate any other business under their authority to create zoning bylaws in 24 V.S.A. § 4414 and their authority to regulate signs or public nuisances in 24 V.S.A. § 2291. Municipalities may regulate any

A municipality may not:

- * • Regulate cannabis establishments to any greater extent than they could any other business. 7 V.S.A. § 863(d).
- * • Place conditions on the operation of cannabis establishments, or create special rules for them, that is not within their zoning authority under 24 V.S.A. § 4414 or their authority to regulate signs or public nuisances under 24 V.S.A. § 2291. 7 V.S.A. § 863(d)(2).
- * • Use their zoning power under 24 V.S.A. § 4414 or their ordinance power under 24 V.S.A. § 2291 in a way that will have the effect of prohibiting the operation of cannabis establishments. 7 V.S.A. § 863(d)(1).

More information on municipal cannabis regulation may be found in the Municipal Guidance document on our guidance page:

SECTION 620
USE TABLE

DISTRICT/ USE	R1	R2	MF1	MF2	MF3	MCU	LI	MF- MU1	MF- MU2	NLSO	TOD	HA	RO	VC	PE	PA	OS
SINGLE FAMILY DWELLING	X	X	X	X	X	X		X	X				X	X		X	
TWO FAMILY DWELLING			X	X	X	X		X	X				X	X		X	
THREE FAMILY DWELLING			X	X	X	X		X	X		X		X	X		X	
FOUR FAMILY DWELLING			X	X	X	X		X	X		X		X	X		X	
MULTI-FAMILY DWELLING			X	X	X	X		X	X		X	X		X		X	
AGRICULTURE																X	
AGRICULTURE PRODUCTS SALES															S	X	
ANIMAL BOARDING FACILITY															C	X	
ANIMAL EXHIBITS															S	C	
ANIMAL SHELTER	X	X	X	X	X	X	X			X			X			X	
ANTENNA TOWER							X										
BANK						X		X	X		X	X		X			
BANK W/ DRIVE THROUGH						X		X	X		X	X		X			
BED AND BREAKFAST	X	X	X	X	X	X		X	X		X	X	X	X		X	
BOARDING HOUSE	C	C	C	C	C	X		C	C		X	C	C	X			
BUILDING MATERIALS ESTABLISHMENT						X	X			X		X					
BUSINESS SERVICE						X		X	X		X	X	C	X		X	

* Vulnerable
to litigation
Procedures

DISTRICT/ USE	R1	R2	MF1	MF2	MF3	MCU	LI	MF- MU1	MF- MU2	NLSO	TOD	HA	RO	VC	PE	PA	OS
CANNABIS RETAIL ESTABLISHMENT											X	X					
CANNABIS WHOLESALE ESTABLISHMENT											X	X					
CANNABIS MEDICAL DISPENSARY											X	X					
CANNABIS CULTIVATOR ESTABLISHMENT																X	
CANNABIS MANUFACTURING ESTABLISHMENT (TIER 1)	X	X	X	X	X	X		X	X		X	X	X	X			
CANNABIS MANUFACTURING ESTABLISHMENT (TIERS 2 & 3)							X										
CANNABIS TESTING LABORATORY ESTABLISHMENT							X										
CONSTRUCTION SERVICES ESTABLISHMENT						X	X				C						
CULTURAL FACILITY						X		X	X		X	X	S	X	S		
DAY CARE HOME	X	X	X	X	X	X		X	X		X	X	X	X			
DAY CARE FACILITY	C	C	C	C	C	X	C	X	X		X		C	C	C		
DORMITORY						X		X	X		S	X		C			
DRY CLEANER						X	X	X	X		X	X					
EATING ESTABLISHMENT DRIVE THROUGH											X	X					
EATING AND DRINKING ESTABLISHMENT						X	X	X	X		X	X		X	S		
FAMILY CARE HOME	X	X	X	X	X	X		X	X		X	X	X	X			
FAMILY CARE FACILITY	C	C	C	C	C	C	C	X	X		S	X	C	C	C		
FLEA MARKET						X				X					X		
FREIGHT RAIL DISTRIBUTION CENTER							X										

DISTRICT/ USE	R1	R2	MF1	MF2	MF3	MCU	LI	MF-MU1	MF-MU2	NLSO	TOD	HA	RO	VC	PE	PA	OS
FUNERAL HOME						X				X			C	X			
GAS PUMPS											C	C					
GROUP HOUSING	C	C	C	C	C	X				X				X			
HOME OCCUPATION	X	X	X	X	X	X		X	X		X	X	X	X			
HOTEL, MOTEL - EXTENDED STAY						X		X	X		X	X		X	C		
HOTEL, MOTEL						X		X	X		X	X		X	C		
JUNK YARD																	
LANDFILL COLLECTION SITE							C									C	
LANDSCAPE SERVICE						X	X			X						X	
MAIL SERVICES						X		X	X		X	X		X			
MANUFACTURING - LIGHT						C	X				X	X					
MANUFACTURING - HEAVY							C										
MASSAGE THERAPY	C	C	C	C	C	C		C	C		C	C	C	C		C	
MEDICAL AND DENTAL LAB						C	X	C	C		X	X	C	C			
MINI-WAREHOUSE						C	X			X							
MOTOR VEHICLE MAINTENANCE SERVICE							C			X		X					
MOTOR VEHICLE REPAIR SERVICES							C					X					
NURSING, REST, CONVALESCENT HOME	C	C	C	C	C			X	X		X					C	

yes please!

DISTRICT/ USE	R1	R2	MF1	MF2	MF3	MCU	LI	MF- MU1	MF- MU2	NI/ SO	TOD	HA	RO	VC	PE	PA	OS
OFFICE, HOME	X	X	X	X	X								X	X		X	
OFFICE, PROFESSIONAL						X	X	X	X		X	X	C	X	S		
PARKING, COMMERCIAL						X	X				X			X	S		
PERSONAL SERVICES ESTABLISHMENT						X		X	X		X	X	C	X			
PRIVATE COMMUNITY USE	C	C	C	C	C	X		X	X		X	X		X		X	
RECREATION USE, LOW INTENSITY	X	X	X	X	X	X	X	X	X		X	X	X	X	S	X	X
RECREATION USE, HIGH INTENSITY						X		X	X		X	X			S		
RECREATION USE MEDIUM INTENSITY						X		X	X		X	X		X	S		
RECREATIONAL VEHICLE SITE										X					S		
RECYCLING CENTER							C			X					C	C	
REPAIR SERVICES ESTABLISHMENT							X	X	X	X	X	X					
RETAIL, SALES W/ DRIVE-THROUGH						C	X	X	X		X	X			S		
RETAIL SALES						X	X	X	X		X	X		X	S		
ROADSIDE SALE OF AGRICULTURAL PRODUCTS																X	C
SALES, TEMPORARY						X		X	X		X	X		X	S		
SALES, OUTDOORS						X				X				X	S		

DISTRICT/ USE	R1	R2	MF1	MF2	MF3	MCU	LI	MF-MU1	MF-MU2	NL SO	TOD	HA	RO	VC	PE	PA	OS
SCHOOLS	X	X	X	X	X	X		X	X		X	X	X	X	X	X	X
SHOPPING CENTER						X					X			X			
SMALL SCALE WIRELESS FACILITY						X	X	X	X	X	X	X	X	X	X		
SOLID WASTE COLLECTION POINT							C								C	C	
STABLE, PUBLIC															S	X	
STORAGE, OUTDOOR							X			X					S		
TAXI-CAB LIMOUSINE SERVICE						C	C			X				C	S		
TRANSIT PARK AND RIDE											X				X		
VEHICLE SALES												C			S		
WAREHOUSE						C	X			X		C					
WIRELESS TELE-COMMUNICATIONS FACILITY						C	C	C	C		C	C			C		