

Appeal Application

Property description (address) for application 5 Shawn's Way, Essex Jct.

General Information
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.) 1,300 plus proposed (sq ft.) N/A equals _____ total sq ft. divided by _____ lot s.f.
equals _____ percent lot coverage 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
Specify decision which you are appealing: Businesses

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

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

RECEIVED
NOV 07 2022

Date received Village of Essex Junction

Meeting date: 12/15/22

Commission /Board Action Approved _____ Denied _____ Date: _____

Other approvals /conditions _____

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

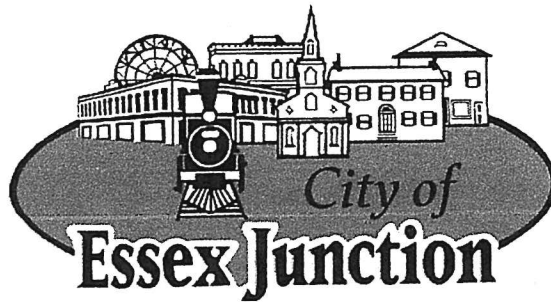
Staff Signature

Date

| |
|------------------|
| Fee Amount _____ |
| ** |
| 115.00 |

| |
|--------------------|
| Fee Verified _____ |
| PAID |
| NOV 07 2022 |

Village of Essex Junction



0000000000

**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 | VTL# S-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? Is 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

RECEIVED

NOV 07 2022

Village of Essex Junction

Parcel Code: _____

Received By: RLM _____

Department Sign Offs

Fire: _____

Police: _____

Planning & Zoning: _____

Wastewater: _____

Recommended

Action: _____

Cannabis Control Commission Review

License/Application #: _____

Date of CCC

Meeting: _____

Action by CCC: _____

Date Follow-up

sent: _____

HOME OCCUPATION APPLICATION

PERMIT #

Applicant Adnan Lanza, Passion Fruit Farms, LLC
Address of home occupation 5 Shawn's Way, Essex Jct., VT 05452
Mailing Address if different than above _____
Day Phone Number 802-318-2759
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 VT

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 Maloney
Staff Signature

11/4/2022
Date

Village of Essex Junction
NOV 03 2022
RECEIVED

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

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:

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

**SECTION 620
USE TABLE**

| DISTRICT/ USE | R1 | R2 | MF1 | MF2 | MF3 | MCU | L1 | 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*

City of Essex Junction Land Development Code

October 5, 2022

| DISTRICT/ USE | R1 | R2 | MF-1 | MF-2 | MF-3 | 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 FREIGHT RAIL DISTRIBUTION CENTER | | | | | | X | X | | | X | | | | | X | | |

yes please!

| DISTRICT/ USE | R1 | R2 | MF-1 | MF2 | MF3 | MCU | LI | MF- MU1 | MF- MU2 | NL-SO | TOD | HA | RO | VC | PE | PA | OS |
|--------------------------------------|---------------|----|------|-----|-----|-----|----|------------|------------|-------|-----|----|----|----|----|----|----|
| DISTRICT/ USE | R1 | R2 | MF-1 | MF2 | MF3 | MCU | LI | MF- MU1 | MF- MU2 | NL-SO | 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 | <u>C</u> 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 | | | |
| MIN-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 | |

| DISTRICT/ USE | R1 | R2 | MF1 | MF2 | MF3 | MCU | LI | MF- MU1 | MF- MU2 | NLSO | 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 | NLSO | 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 | | |