

EAST LYME ZONING COMMISSION

Regular Meeting, April 21, 2022. 7:30 PM

East Lyme Town Hall, main room

Members Present: Chairman Terence Donovan, Norm Peck, Bill Dwyer, Anne Thurlow, Debbie Jett-Harris, Terry Granatek, Jay Ginsberg, Alt., Dave Schmitt, Alt., Denise Markovitz, Alt.,

Members Absent:

Also Present: Bill Mulholland, Zoning Official,

Call to Order: Chairman Donovan called the meeting to order at 7:30 and the Pledge of Allegiance was recited

FILED

April 26, 2022 AT 8:19 (AM) PM

Brenda Steiner ATC
EAST LYME TOWN CLERK

I. PUBLIC DELEGATION: none

II. PUBLIC HEARINGS:

1. Application of Wayne Fraser, for Niantic Bay Nutrition, for a Special Permit to operate a juice bar, take out only, no food, at 81 Pennsylvania Ave., Niantic CT 06357.

The public hearing was started at 7:31.

B. Mulholland confirmed the legal notice was placed in the paper. A. Thurlow read the memo from B. Mulholland dated April 21, 2022, re. Special Permit Application-Niantic Bay Nutrition 81 Pennsylvania Ave.

W. Fraser informed the Commission that the establishment would be take out only and occupy the front of the store. He has received Ledge Lighthouse Health District approval. There are no outstanding issues to be resolved. The juice bar will be open all year and operate seven days a week from approximately 6:00 AM to 3:00 PM. The hours may be adjusted according to business traffic. They will be using a nationally known brand, Herbalife, for their product.

MOTION: (Dwyer/Jett-Harris) to close the public hearing. (7:38). Vote: APPROVED unanimously.

2. Application of Fresh Lyme Partners LLC, for a special Permit for a cannabis establishment pursuant to Section 11.2.13 of the East Lyme Zoning Regulations at property located at 15 Colton Road, East Lyme Assessor's Map 09.0 lot 14.

The public hearing was started at 7:38. N. Peck was recused and D. Markovitz was seated.

B. Mulholland confirmed the legal notice was placed in the paper. A. Thurlow read the memo from B. Mulholland dated April 21, 2022, re. Special Permit Application Cannabis Establishment-15 Colton Rd.

Attorney Ted Harris submitted 3 new items for the record: a picture of the public hearing sign, floor plan and the wetlands permit.

He informed the Commission that the applicant, Laurie Zrenda has experience in medical cannabis and therefore is familiar with the regulatory process involving cannabis. The site is an existing building in the LI zone and the interior will be renovated and landscaping and lighting will be done. T. Harris said there are already 9-10 more parking spaces available than the zoning regulations require. According to state statute a town of under 25, 000 is allowed one retail license for recreational cannabis sale. All the location restrictions have been met.

The Commission understood the state statute to allow one retail establishment and one micro grower in a town with a population under 25, 000.

Laurie Zrenda, 40 Mostowy Rd. stated that she is proposing a hybrid establishment with retail and medicinal cannabis. She is planning to apply for a license using the “social equity” application. She stated there is a lottery for the hybrid application but that she does not plan to go into the lottery but to get approval for the hybrid establishment. L. Zrenda explained she can get approval by partnering with an existing medical marijuana license holder and a person who qualifies as a social equity applicant. The social equity applicant is someone in her family and the existing medical marijuana license is an establishment in New Haven, Affinity Health and Wellness which together will form Fresh Lyme Partners LLC. L. Zrenda will be the dispensary manager and mentor the social equity applicant. She stated she does not want to be a cultivator.

T. Harris stated that there could not be another establishment in town due to restrictions in the LI zone.

B. Mulholland confirmed that this is the only place in town that could have a cannabis establishment.

L. Zrenda asked for the hours of operation to be cut back from what the regulation states.

She went into the security plans for the site and the process of tracking all the product.

T. Harris stated that they are consistent with the state statute and no cannabis will be consumed on site and the operation conforms to the other requirements of the state statute. He stated that 3% of the gross sales will go to the town which has been estimated between \$700,000 and \$1,200,000.

L. Zrenda stated that there is no access to the dispensary unless a person is let in, and an ID shown. She went over the floor plan and how the traffic would flow in the building. She stated that all the product is in a vault, and none will be displayed per state statute.

T. Harris said that even if recreational marijuana is not allowed to be sold in the town it does not prevent someone from buying it in another town and using it public spaces in town, excluding some places called out in the statute.

The applicant was reminded that sidewalks are required in that area and should be on the site plan, the applicant agreed to the site plan revision.

PUBLIC COMMENT:

Maryanne Miller, 1 Applewood Commons, stated she is opposed to the application because she is concerned about the addiction problems in the community.

MOTION: (Thurlow/Jett-Harris) to close the public hearing. Vote: APPROVED unanimously. (8:28) N. Peck returns to be seated

III. REGULAR MEETING

1. **Application of Wayne Fraser, for Niantic Bay Nutrition, for a Special Permit to operate a juice bar, take out only, no food, at 81 Pennsylvania Ave., Niantic CT 06357**

MOTION: (Peck/Thurlow) to approve application for a Special Permit to operate a juice bar, take out only, no food, at 81 Pennsylvania Ave., Niantic CT 06420. Vote: APPROVED unanimously.

2. **Application of Fresh Lyme Partners LLC, for a special Permit for a cannabis establishment pursuant to Section 11.2.13 of the East Lyme Zoning Regulations at property located at 15 Colton Road, East Lyme Assessor’s Map 09.0 lot 14.**

Peck recuses and D. Markovitz is seated.

Some members expressed concern about the establishment being so close to a neighborhood and the increased traffic it would bring to the area. Other members thought the increased funds coming into the town would be a benefit and that having an establishment in the town does not

prevent people from using the product.

MOTION: (Markovitz/Dwyer) to approve the request of Fresh Lyme Partners LLC, for a special Permit for a cannabis establishment pursuant to Section 11.2.13 of the East Lyme Zoning Regulations at property located at 15 Colton Road, East Lyme Assessor's Map 09.0 lot 14.

Vote: APPROVED. In favor-Donovan, Dwyer, Markovitz, Granatek. Opposed-Jett-Harris, Thurlow. Abstaining-none.

Both approvals will be published on April 28, 2022 and will be effective on April 29, 2022.

3. Approval of Minutes of April 7, 2022.

MOTION: (Dwyer/ Thurlow) to approve the April 7, 2022, Regular Meeting minutes as presented. Vote: APPROVED unanimously.

IV. OLD BUSINESS-none

V. NEW BUSINESS

- 1. Application of Martin Zavala, Zavala Mexican Bistro, for a Special Permit for Outdoor Dining at 135 Boston Post Rd.
B. Mulholland will schedule a public hearing.**
- 2. Any Business on the floor, if any by the majority vote of the Commission- None**
- 3. Zoning Official- B. Mulholland informed the Commission that the town is close to hiring a permanent Building Inspector and the exit 75 project is underway.**
- 4. Comments from Ex-Officio:
Selectman Dan Cunningham said the FEMA ordinance will be going to public hearing.**
- 5. Comments from Zoning Board liaison to the Planning Commission-no report/no meeting**
- 6. Comments from Chairman-no report**

VII. ADJOURNMENT

MOTION: (Dwyer/Jett-Harris) to adjourn at 8:52. Vote: APPROVED unanimously

Respectfully Submitted
Sue Spang,
Recording Secretary

2022 Liaison Schedule:

5/10/2022-Harris, 6/14/2022-Markovitz, 7/12/2022-Peck, 8/9/2022-Schmitt, 9/13/2022-Thurlow,
10/11/2022-Donovan, 11/15/2022-Dwyer, 12/13/2022-Ginsberg