

**SUFFIELD ZONING BOARD OF APPEALS COMMISSION  
MINUTES OF REGULAR MEETING  
Tuesday, January 31, 2023, 7pm**

**Present:** Mark Blackaby, Chairman  
Susan Hastings  
John Schwemmer  
Despina Tartsinis  
Renee Pacewicz  
Gerard Chase, Alternate  
Victor Roy, Alternate

**Absent:** Brian Michaud, Alternate

**Also Present:** Jim Taylor, Zoning Enforcement Officer  
Ellie Binns, Recording Secretary  
Derek Donnelly, Town Attorney  
Carl Landolina, Planning and Zoning Attorney

*The proceedings of this meeting were recorded and made available on the Town website, along with all of the application materials.*

Chairman Blackaby called the meeting to order at 7:00 pm and asked Attorney Donnelly to address the Board and review the regulations for ruling on an appeal of a zoning enforcement ruling. He noted that the board has 35 days to close the hearing and once the hearing is closed they have 65 days to make a decision. He further explained that there would need to be 4 affirmative votes to overrule the Zoning Enforcement Officer's (ZEO) ruling and that each member would have to state how they are voting and why.

Ms. Binns read the legal notice as published in the Hartford Courant on January 20<sup>th</sup> and 27<sup>th</sup> and on the town website.

Public Hearing: 2022-ZBA4 Lasa Extract, LLC, 426 South Grand Street, Suffield, to appeal the Zoning Enforcement Officer's decision in a letter dated November 14, 2022, that a cannabis micro-cultivator is not a valid legally nonconforming use. Sections XI.C (315-99) and XIII.B.1. apply.

Ms. Tartsinis made a motion to open the public hearing. The motion was seconded by Mr. Schwemmer and approved unanimously. Mr. Blackaby appointed as voting members, himself, Ms. Hastings, Ms. Tartsinis, Mr. Schwemmer and Ms. Pacewicz. He noted that the letters that had been sent to the Board members prior to the meeting were to be exhibits for the file. Attorney Brian Smith's letter of 10/12/23 was entered as Exhibit 1, ZEO Jim Taylor's letter dated 11/14/23 was entered as Exhibit 2 and Attorney Brian Smith's letter of 11/29/23 was entered as Exhibit 3.

Attorney Brian R. Smith of Robinson & Cole presented the appeal to the Commission on behalf of Riccardo Sotil of Lasa Extract, LLC., who was also present, He explained the reasons that the

Zoning Board of Appeals (ZBA) should overturn the ruling of the ZEO, noting that the ruling of the Zoning Department to allow the manufacturing of hemp products in this location as a continuation of a non-conforming use was allowed in 2017 when hemp became legal in the state of Connecticut. This ruling was based on the original use at the building of processing tobacco. Mr. Blackaby asked if there was a difference in the chemicals used and Attorney Smith and Mr. Sotil emphasized that this will not be a retail operation and there will be no change to the product used to manufacture, the machinery used to process or the outside of the building. Attorney Smith distributed Exhibit 4, which was a description of hallucinogenic substances in response to one of the points listed in Mr. Taylor's letter of November 14<sup>th</sup>. Mr. Sotil gave details on the hemp production operation and submitted pictures of the interior and exterior of the building as Exhibits 5 & 6. Mr. Blackaby asked if Mr. Sotil had the State license for Cannabis and he explained that before he could apply for a license he needed the Town's approval for the location. Mr. Sotil also stated that he felt that this facility would be a good tie in to work with the Agriscience Center students and provide future jobs. When questioned about the security for the building he explained that he has numerous security cameras and a security guard at the property after hours. There was discussion about the licensing process for hemp and cannabis and Attorney Donnelley will get information to the Board about the licensing.

Attorney Landolina representing ZEO Jim Taylor had questions for Mr. Sotil about the setup of the building and equipment and the amount of product that is produced and what is grown at the site. Attorney Landolina presented Exhibit 7, a 50 page packet containing the letters and information pertaining to the history of the property, the regulation that was enacted by the Planning and Zoning Commission for cannabis and their reason for limiting it to the Industrial and Planned Industrial Park Zones. He also discussed hemp versus marijuana and licensing. Attorney Landolina referenced three cases, which he included in the packet and questioned the standing of Lasa Extract to make an application which Attorney Smith then addressed, noting that Mr. Sotil is a managing member in both entities. He also noted that the non-conforming use stays with the property and can be transferred with the ownership. Attorney Smith noted that the building has been industrial since it was built. He then distributed Exhibit 8, entitled "Let's Compare Brewing Beer vs. Distilling Spirits" in answer to the ZEO's letter comparing this to the *Salerni v. Scheuy* decision. Attorney Smith stressed the unique situation of this building and that the change from hemp to marijuana was less of a change than the change from tobacco to hemp. Mr. Sotil noted that this will bring revenue to the town and there has been no opposition from the neighbors. Attorney Landolina noted that the applicant's investment in the property should not be part of the deliberations.

Commissioners Blackaby and Hastings raised questions about the hemp licensing asking for further details.

Attorney Donnelly will supply information on the State Statute pertaining to hemp and the applicable zoning regulations to the members for the next meeting.

Chairman Blackaby then opened the hearing to the public.

Edwin Vargas former State Representative from Hartford spoke in support of the applicant, noting that it was an opportunity to continue the agricultural character of the town.

Michael Lefebvre who owns property on South Grand Street, spoke in support stating that there was no opposition at the Planning and Zoning Hearing and this would be a natural progression of products.

Neil Hornish of 864 Thrall Avenue, spoke in support noting that the Board of Selectman had supported having cannabis regulations put in place by Planning and Zoning.

Annie Hornish of 864 Thrall Avenue, noted that they had a license to grow hemp on their farm and explained the advantages of the cultivation versus that of tobacco.

Bob Straino of 871 Thrall Avenue spoke of Mr. Sotil's good character.

Dr. Cassandre Victor Vega of 2 Melrose Lane, spoke of the benefits to Town and her positive experience with the medicinal use of the product.

Jason Kellogg of 938 East Street South noted that the difference in processing between CBD and marijuana is there is less coconut oil in the marijuana.

ZEO Jim Taylor stated that they had approved the manufacturing of hemp because it was determined to be a conforming use at that property.

With no further requests from others to speak, Chairman Blackaby asked for a motion to continue the public hearing to the next regularly scheduled meeting of the ZBA to allow for more information to be brought to the ZBA. The motion to continue the hearing to February 28<sup>th</sup> was made by Ms. Pacewicz and seconded by Ms. Tartsinis with all voting in favor 5-0-0.

Chairman Blackaby reminded the Commission members that all deliberations must be at a public hearing so that there should not be discussion or emails between members.

Ms. Hastings moved approval of the November 29, 2022 meeting. The motion was seconded by Ms. Pacewicz with all voting in favor 5-0-0.

With nothing further to come before the Commission Ms. Pacewicz moved to adjourn the meeting. The motion was seconded by Mr. Pacewicz, and with a unanimous vote the ZBA meeting was adjourned at 9:10 p.m.

Respectfully submitted, Susan Hastings, Secretary  
Recording Secretary, Ellie Binns

These minutes are a draft subject to approval at the next ZBA meeting.