

STATEMENT OF USE

**FFDN EJV, LLC & Bantry Bay Ventures LLC
233 Boston Post Road**

December 13, 2022

In accordance with § 34.2.16 and § 53.1 of the Zoning Regulations, Fine Fettle seeks special exception approval in connection with a proposed “Cannabis Dispensary Facility (adult-use)” on property commonly known as 233 Boston Post Road (“Property”). The property, located in the Gateway Business B-4 Zone, is currently improved with an existing building comprised of office and residential uses, along with associated parking, a portion of which is located in the front setback.

Building & Site Layout:

In 2018, an earlier application allowed use of a portion of the building as a medical dispensary (now defined as “Cannabis Dispensary Facility (medical)” in § 9.1) (“2018 Approval”), thus satisfying the pre-requisite of prior site approval as set forth in Zoning Regulations § 34.2.16 & 53.1. As the Commission is aware, Fine Fettle’s earlier plan to occupy the entirety of the building on the Property was denied based upon the increased size of the dispensary and expected employee count. The current plan aligns with the 2018 Approval with respect to space utilized by the cannabis use.

As depicted on Fine Fettle’s floor plans, the adult use dispensary will comprise the same square footage as the previously approved medical dispensary. All remaining space in the building will be designated as storage, thereby eliminating the non-conforming residential use on the Property. Fine Fettle will not actually utilize that space for any inventory or product connected to the dispensary use and also agrees not to lease any area depicted as storage space for any other use without further approval from the Commission.

The facility features a separate entrance and exit, a customer check-in area, and a sales area. Delivery/receiving rooms, vault, and employee areas are located in the rear of the premises for most direct and safest receiving of inventory. A copy of Fine Fettle’s Theft and Diversion Prevention Program for its dispensary locations is attached. These plans have been approved by the Department of Consumer Protection, the licensing and regulatory body for Connecticut’s marijuana program. A virtually identical plan would be implemented with modifications to account for the lack of medical sales at this location. Final floor plans and local approvals are subject to any additional requirements imposed as part of the state licensing process, which Fine Fettle has already been awarded through its equity joint venture entity.

The Applicant does not propose any new external building or site modifications other than those outlined in the 2018 Approval. That approval authorized modifications to the building to install ADA compliant access for disabled patrons. Similarly, the 2018 Approval

also granted site changes to facilitate ADA parking spaces, updates to the parking lot configuration to align with the current Zoning Regulations, and designation of a loading area. Eight (8) employee parking spaces are depicted on the site plan.

Although a loading area is depicted, deliveries are made in smaller vehicles (the largest of which is a sprinter type van) at pre-scheduled times; no tractor trailer size vehicles are anticipated. Deliveries (approximately 8-10 weekly) occur at random times throughout the week and are made into the secured vault area with one driver in the van at all times.

Operations:

Operationally, the Applicant anticipates approximately 8 employees will be on site during the hours of operation (Sunday through Saturday 9:00 AM – 8:00 PM). These numbers have been lowered from a previous application due to limiting the number of registers on site, creating less parking demand. All orders will be made by presale, with customers selecting a designated time slot for order pickup at the time the order is placed. Based upon the Applicant’s experience, customer visits generally last 5-10 minutes, which will lead to reasonable turnover in the parking spaces while avoiding traffic backups associated with longer stays. Fine Fettle has the ability to reduce the number of available pick-up times in the event traffic or parking becomes problematic during the dispensary’s opening months. An operations narrative is attached as Exhibit A.

The establishment will be operated in accordance with state regulations, which include strict licensing and operational requirements. The Applicant will implement various measures including internal and external security cameras, motion detectors, and internal secured storage of all products sold at the facility. The facility will have 360-degree security camera coverage, with 60-90 days of backup (well beyond the 30-day requirement imposed by state regulation). Additionally, the entire facility is limited access, with customers and employees only given access to those areas of the establishment required for their respective need.

Parking and Traffic Considerations:

With respect to traffic generation, the surrounding road network is capable of supporting the anticipated trips generated by this use. SLR Consulting has documented the appropriateness of the roadways and available parking. The Applicant anticipates the facility’s peak operations to be Fridays and Saturdays. As shown in the accompanying traffic analysis, with the reduced size of the dispensary, expected peak hour trips are only 60% of the peak hour trips estimated in the prior 4,000 SF proposal. Thus, from an operational standpoint, there are no substantial impacts to existing levels of service which remain at the same level as current conditions (including adjustments for background growth) and the proposed trips are a minute percentage of the overall traffic on Boston Post Road in this area.

The 2018 Approval depicts 27 parking spaces on the improved site. The proposed operations are consistent with the Zoning Regulations and available parking. As a retail use, the dispensary floor area of 2,600SF would require 15 parking spaces pursuant to § 62.4.5.D of the Zoning Regulations. Even if the entire building (4,471 SF) was dedicated to retail use, the resulting requirement would be 26 spaces.

To ensure available parking for both employees and customers and address the Commission's earlier concern about internal site circulation, Fine Fettle has agreed to limit the maximum number of pick-up slots to 30 per hour, with no more than 5 pickup slots for each 10 minute window. Fine Fettle expects that this would be a weekend peak hour capacity, with weekday pickups rarely reaching peak hour capacity. This condition also ensures that with 8 employees on-site, 3 "sets" of customers – one entering, one in the building, and one exiting – could all be accommodated simultaneously on the Property, even if customers arrive early or depart slowly from their designated time slot. Moreover, with adult use recreational sales scheduled to begin in early January 2023, customers in the area will be able to patronize other licensed facilities in Branford and Montville, thereby easing the public's and the Commission's earlier concerns about grand opening volumes.

Based upon anecdotal statements about the Springbrook Road and Boston Post Road intersection, SLR reviewed that intersection. While SLR found no evidence of crashes or problematic conditions, the public perception is that the area is as a challenging intersection. Although the traffic generated by the proposed dispensary does not necessitate intersection improvements, SLR prepared a conceptual drawing of a modification to that intersection that would create a "T" intersection rather than the current "Y" layout that the Town of Old Saybrook could use in a discussion with the Connecticut Department of Transportation ("DOT"). Because that intersection lies within DOT's exclusive control, final decision-making with respect to modifications rests with it. In the event DOT agrees to such modifications, Fine Fettle would contribute up to \$50,000 for the cost of those improvements.

Conclusion:

In sum, the proposed adult use facility is consistent with the Zoning Regulations and the special exception criteria set forth in § 52.6. As reflected by the 2018 Approval, the Property is appropriately sized and situated for this use, with convenient access along a main road. The use does not create any adverse impacts to the surrounding neighborhood and adaptively reuses an existing structure and previously-developed site in a manner consistent with good planning principles.

A list of the conditions Fine Fettle has outlined in this Statement of Use is attached as Exhibit B.

Exhibit A Operations Narrative

- Customer parks
- Customer waits in line (if there is one) outside store or approaches the outdoor greeter
- At the front of the line, customer encounters outdoor greeter
- Outdoor greeter checks customer's ID and verifies that customer has pre-ordered using a tablet device to check Point of Sale (POS)
 - If customer has pre-ordered, customer is let into the dispensary
 - If customer has not pre-ordered, multiple options:
 - Outdoor greeter refers customer to QR codes (menu cards with the QR code may also be available)
 - Customer places online order on their phone, choosing next available pickup time for their order
 - Customer comes back to store during the selected pickup time
 - In certain circumstances, outdoor greeter (with pre-established authorization from GM or AGM) can allow "expedites", which is a customer placing an order for the next available time slot, but the order prep team would "expedite" that order in back of house to come out prior to the pickup time. Customer cannot wait in parking for next available purchase window, but must exit and return at allotted time
- Customer enters the building
- Upon entry, customer is buzzed into the sales floor by the Front Desk team, and upon entering the sales floor is met by Floor Greeter, who directs customer directly to the line on the sales floor
- Customer waits until he/she is called to designated register
- When customer reaches the front of the line, customer is directed to the next available register (similar to grocery store check-out person signaling that they can approach)
- POS employee (budtender/tech/floor lead) does the following:
 - Check customer ID, identifying customer's name
 - Types the last name into POS, pulling up the virtual cart
 - Pull customer's pre-packaged order from shelf behind the register (orders organized alphabetically), reads slip to customer, and asks customer if the order is accurate
 - Upon customer verbally stating they are all set and the order is accurate, POS employee does double check of the order slip and what is scanned into the cart to ensure accuracy, collects payment, pushes sale through in system, attaches receipt to the bag, and hand the bag to the customer
- Customer exits facility and leaves parking lot

Exhibit B
Conditions of Approval

1. Hours of operation shall be Sunday through Saturday 9:00 AM – 8:00 PM.
2. All sales shall be presales with pick up by appointment only. There shall be no more than five (5) appointments per ten (10) minute period. The Applicant shall make transactional data by hour & day of the week available to zoning staff upon request to confirm compliance with this condition.
3. The Applicant shall prepare a parking management plan to ensure the orderly flow of parking on-site and entering/exiting the facility. This plan may, but is not required to, include options such as use of a parking attendant, involvement of a third-party parking operator such as LAZ Parking, and off-site employee parking. The plan shall be reviewed by Zoning Commission staff for a determination of consistency with the terms of this approval.
4. All interior space identified as “storage” on the Floor Plans prepared by L’Arc Architects dated November 21, 2022 shall remain vacant. No expansion of the dispensary use nor any other change of use or tenant occupancy shall be allowed without prior approval by this Commission.
5. The Applicant shall install sidewalks along the frontage of the property on both Boston Post Road and Springbrook Road. If installation of sidewalks is not permitted by the Connecticut Department of Transportation, this condition shall be deemed void.
6. The Applicant has depicted modifications to the intersection of Springbrook Road and Boston Post Road on a drawing entitled “Conceptual Intersection Improvement Plan,” prepared by SLR Consulting, dated August 22, 2022. In the event the Town of Old Saybrook pursues approval of this modification with the State of Connecticut Department of Transportation, the Applicant agrees to support the Town’s proposal and will contribute up to \$50,000 toward the cost of that improvement. Payment shall be made within thirty (30) days from notification by the Town to the Applicant that the DOT has approved the modification.
7. The Applicant shall operate the facility in accordance with the terms of these conditions. Any application to modify the terms of this approval shall include information regarding parking operations and transactional data related to the requested modification.
8. The Applicant may apply to modify any operational condition, including hours of operation and limitations regarding the method of sales and/or the maximum number of appointments. Any such application shall include information regarding parking operations and transactional data to support such modification.