

Amy E. Souchuns asouchuns@hssklaw.com



LAW OFFICES 135 Broad Street Milford, CT 06460 T: 203.877.8000 F: 203.878.9800 hssklaw.com

May 2, 2024

Christina M. Costa
Zoning Enforcement Officer/Town Planner
Town of Old Saybrook
Land Use Department
302 Main Street
Old Saybrook, CT 06475

Re: FFDN EJV, LLC (Applicant/Operator) & 233 Boston Post Rd LLC (Applicant/Owner)

233 Boston Post Road

Dear Ms. Costa:

Enclosed please find Special Exception application materials on behalf of applicants FFDN EJV LLC and 233 Boston Post Rd LLC in connection with the existing Fine Fettle Dispensary ("Fine Fettle") located at 233 Boston Post Road. The purpose of the application is to delete and/or modify Condition 2 of the Commission's February 2023 special exception approval to eliminate the presale and hourly transaction limits in that condition.

Application materials (9 copies of each) include the following:

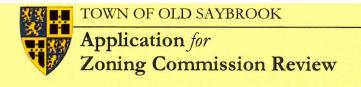
- Zoning Commission Review Application
- Approved Special Exception Certificate
- Statement of Use dated May 1, 2024
- Application fee of \$300

The letters in support referenced in the Statement of Use will be submitted under separate cover. If you need anything further, please do not hesitate to contact me. We look forward to presenting the application.

Very truly yours,

Amy E. Souchuns

Enc.



Date Received:

Application No.:

Application Fees:

+ State of CT Fee: +\$60 Total Fees: \$

APPLICANT INFORMATION

Property Owner:		Applica	ant/Agent N	ame: Amy E. Souchuns, Esq. (agent)
233 Boston Post Rd LLC		FFDN	EJV, LLC & 23	3 Boston Post Rd LLC (applicants)
Property Owner Phone/	E-mail:			none/E-mail:
				nuns@hssklaw.com
Applicant/Agent's Mailir	ng Address:			
c/o Hurwitz Sagarin Slos	_	47 N. Broad St. Milford	CT 06460	
Property Owner's Mailin	g Address:			
233 Boston Post Rd.				
	I I	PROPERTY LOCATIO	N	
Property Address:				
233 Boston Post Rd.				
Assessor's Map # 44	4 Lot # 11	Zoning District: E	3-4	
If Applicant is not the proper	rty owner, indicate Ap	plicant's interest in the pr	roperty.	
owner & operat	- 11		1 3	
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SPECIAL EXCEPTION				
Reason for SPEX Required		annabis		
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(CT General Statutes § 8-30			ch dwel	ling units are affordable
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• Arcl	hitectural Plans, Date	ed6/_1/_	2022 (Rev. 11-2	1-22)
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Owner or Agent/Applica		AVUNCIYY	Dat	e: 5-2-24
O : : /D 1			IIS LINE.	
Commission/Board	Date of Receipt	Hearing Dates	Decision	Stipulations
Zoning Board of Appeals IWWC				
Planning Commission				
Zoning Commission				
This form MUST be printe	ed on YELLOW PAPE	CR. Failure to do so will re	sult in the appli	cation being deemed incomplete.

TOWN OF OLD SAYBROOK



Zoning Commission

302 Main Street • Old Saybrook, Connecticut 06475-1741 Telephone (860) 395-3131 • FAX (860) 395-1216

TO: TOWN CLERK
TOWN OF OLD SAYBROOK
302 MAIN STREET
OLD SAYBROOK, CT 06475

SPECIAL EXCEPTION PERMIT

Notice is hereby given that the Zoning Commission of the Town of Old Saybrook has granted a SPECIAL EXCEPTION PERMIT following a Public Hearing completed on February 6, 2023 to:

Applicant: FFDN EJV, LLC/Bantry Bay Ventures LLC

Agent: Attorney Amy Souchuns

Said SPECIAL EXCEPTION PERMIT applies to:

"Fine Fettle Cannabis" Application for Special Exception Use 2,600 s.f. retail recreational marijuana dispensary, 1,400 s.f. vacant space & 1,000 s.f. storage above. 233 Boston Post Road, Assessor's Map 44, Lot 11, Business B-4 District.

Applicant: Fine Fettle Cannabis

Agent: Attorney Amy Souchuns

This SPECIAL EXCEPTION is required under Section 52 of the Old Saybrook Zoning Regulations and contains the following conditions:

- 1. Hours of operation will be Sunday through Saturday 9:00 AM 8:00 PM.
- 2. All sales will be presales with pick up by appointment only. There will be no more than five (5) appointments per ten (10) minute period. The Applicant will make transactional data by hour & day of the week available to zoning staff upon request to confirm compliance with this condition.
- 3. The Applicant will prepare a parking management plan to ensure the orderly flow of parking on-site and entering/exiting the facility. This plan may include options such as use of a parking attendant, involvement of a third-party parking operator such as LAZ Parking. The plan will be submitted to the Land Use Department at least sixty-five (65) days prior to the scheduled opening date of the business for review by Zoning Commission 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 will remain vacant. No expansion of the dispensary use nor any

other change of use or tenant occupancy will be allowed without prior approval by this Commission.

- 5. The Applicant will install sidewalks along the frontage of the property on both Boston Post Road and Springbrook Road and will comply with all front landscaping requirements. Any gravel areas or dirt areas within the twenty-five (25) foot front landscaped area will be replaced with landscaping. If any of the four (4) established street trees need to be removed for the construction of sidewalks, the street trees will be replaced in accordance with the standards of Section 68 of the Old Saybrook Zoning Regulations.
- 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 contribute up to \$50,000 toward the cost of that improvement. Payment will be made within thirty (30) days from notification by the Town to the Applicant that the DOT has approved the modification.
- 7. The Applicant will operate the facility in accordance with the terms of these conditions. 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, or the floor area condition set forth in Condition 4. Any such application will include information regarding parking operations and transactional data to support such modification.
- 8. The Applicant will replace all accessibility signs on the property to ADA compliant signage.
- 9. The Applicant will provide a plan and specification for interior parking lot lighting as required by Section 62.4.2B of the Zoning Regulations. Lighting fixtures will be full cut off and placed on a timer to shut off no later than one (1) hour after the close of business.

Pursuant to Chapter 124, Section 8-3d, Statutes Governing Municipal Planning and Zoning, revised to January 1, 1995, this SPECIAL EXCEPTION shall be recorded in the Office of the Town Clerk.

Certified: Christina Costa, CZEO Zoning Enforcement Officer

Dated: February 8, 2023

RESOLUTION TO APPROVE

"Fine Fettle Cannabis" Application for Special Exception Use

2,600 s.f. retail recreational marijuana dispensary, 1,400 s.f. vacant space & 1,000 s.f. storage above.

233 Boston Post Road, Assessor's Map 44, Lot 11, Business B-4 District.

Applicant: Fine Fettle Cannabis Agent: Attorney Amy Souchuns

RESOLUTION APPROVED AT THE FEBRUARY 6, 2023

Regularly Scheduled meeting of the Old Saybrook Zoning Commission.

Findings:

The Commission finds that the proposal satisfies the Special Exception standards in § 52.6, as well as the definition of "Cannabis Dispensary (previously approved)" established by § 53.1 and the requirements of § 34.2.16 because site plan approval was issued on August 6, 2018 for a medical cannabis dispensary facility, the lot size is unchanged from that application, and the use proposed is adult use retail sales.

In connection with the initial application for the facility, the Commission requested a peer review of the applicant's traffic analysis to confirm there would be no adverse impacts to the surrounding intersections and street network. The Commission's peer reviewer Hardesty & Hanover confirmed the traffic analysis was conducted in accordance with industry standards, relied upon the Institute of Traffic Engineers manual for cannabis facilities, and accounted for site-specific conditions such as sight lines and roadway speeds.

The Commission's initial denial was based upon parking capacity and circulation concerns about the flow of vehicles within the site itself. The floor area proposed for dispensary use is 35% less than the earlier layout and the number of employees necessary to run the business is approximately half the number reflected in the prior application (8 employees in the current application vs. 15-23 employees in the prior application).

With the reduction in the size of the facility and the inability to utilize the remaining space in the building without further Commission approval, the Commission finds that the proposal is consistent with the medical dispensary use and the site can now support the number of vehicles that need to circulate and park on the site at any given time.

Therefore, the Commission finds that the proposed cannabis dispensary facility (adult use) is a retail use and on-site parking complies with § 62.4.6.D. of the Zoning Regulations for retail uses, including designation of employee parking. Hardesty & Hanover's review of the applicant's revised parking analysis supports this finding.

Because this is a new use, the Commission wants to ensure there is no impact to nearby properties during the grand opening period and deems a parking management plan to be an effective tool to manage peak demand, particularly now that retail sales have begun throughout the state. The Commission therefore finds that with the parking management proposed by the applicant, peak demand parking and the movement of vehicles can also be handled on the site without adverse impacts to the surrounding roads or properties.

Additionally, the traffic review noted that the proposed development would not generate the need for any road or intersection improvements. However, the Applicant will fund intersection improvements at Springbrook Road and Boston Post Road if required by the Town and permitted by the State of Connecticut Department of Transportation.

The security measures proposed by the applicant, including secured doors and numerous security cameras on the interior and exterior of the building, as well as prohibitions on loitering, on-site consumption, and underage access, are sufficient to address any concerns about public safety and public health.

The Commission also acknowledges numerous public comments about recreational cannabis in Old Saybrook. While a moratorium was in place, the Commission spent nearly a year evaluating which cannabis uses should be allowed and conducted a formal public hearing, during which very limited comment was received. The Commission made the determination that retail recreational dispensaries should be permitted in two specific locations based upon the use being allowed by Connecticut law and previously issued approvals, one of which was for this property.

The Commission further acknowledges that the proposal received positive referrals from the Planning Commission.

CONDITIONS:

- 1. Hours of operation will be Sunday through Saturday 9:00 AM 8:00 PM.
- 2. All sales will be presales with pick up by appointment only. There will be no more than five (5) appointments per ten (10) minute period. The Applicant will make transactional data by hour & day of the week available to zoning staff upon request to confirm compliance with this condition.
- 3. The Applicant will prepare a parking management plan to ensure the orderly flow of parking on-site and entering/exiting the facility. This plan may include options such as use of a parking attendant, involvement of a third-party parking operator such as LAZ Parking. The plan will be submitted to the Land Use Department at least sixty-five (65) days prior to the scheduled opening date of the business for review by Zoning Commission 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 will remain vacant. No expansion of the dispensary use nor any other change of use or tenant occupancy will be allowed without prior approval by this Commission.
- 5. The Applicant will install sidewalks along the frontage of the property on both Boston Post Road and Springbrook Road and will comply with all front landscaping requirements. Any gravel areas or dirt areas within the twenty-five (25) foot front landscaped area will be replaced with landscaping. If any of the four (4) established street trees need to be removed for the construction of sidewalks, the street trees will be replaced in accordance with the standards of Section 68 of the Old Saybrook Zoning Regulations.

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FFDN EJV, LLC & 233 BOSTON POST RD LLC 233 Boston Post Road

Statement of Use May 1, 2024

Fine Fettle Dispensary ("Fine Fettle") seeks to amend this Commission's February 2023 special exception approval ("Approval") for Fine Fettle's adult use cannabis facility located at 233 Boston Post Road to delete Condition 2. On-site experience and the adult use market demonstrate that Fine Fettle can operate successfully without the sales limitations contained in that condition.

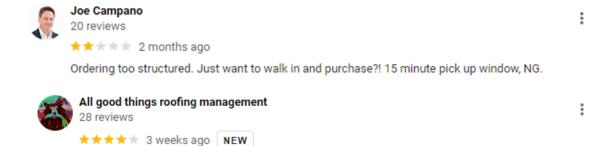
At the time of the Approval, the Commission expressed concern about the potential traffic issues in the vicinity of the store as well as the adequacy of the existing parking lot. To address those concerns, Fine Fettle offered to limit sales at the property to presales only, with a maximum hourly transaction limit. Prior to the store's opening, in July 2023, the Commission approved Fine Fettle's parking management plan as required by Condition 3 of the Approval. As approved, that plan required LAZ Parking to manage the parking lot during the initial operation period and Fine Fettle to provide traffic and parking reports for the first several weeks of operations. Fine Fettle complied with this condition via a written report (attached) and various discussions with Zoning Commission staff.

Condition 7 of the Approval authorizes modifications of the Approval conditions, with the provision of data relevant to the requested modification, such as parking and transactions. As the Commission will recall, Condition 2 of the Approval reads, in relevant part, as follows:

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.

Since opening in January 2024, Fine Fettle has not experienced any issues with parking nor have any traffic issues arisen with the store's operation. The facility's operations have not resulted in the need for any police presence to manage flows of traffic along Boston Post Road. As noted in the parking management reports, there were no issues with traffic flows or parking shortfalls during the initial opening period. Store management has continued to monitor parking lot usage, with a typical off-peak parking occupancy of 5-8 cars at any given time (including employees), with peak hours ranging from 10 to 13 cars at any given time during. Similarly, Fine Fettle has managed its transactions closely and routinely reaches full capacity at peak hours, but with an average transaction time of only three (3) minutes.

This combination demonstrates there is not only demand in the market, but also that Fine Fettle can accommodate that demand without an adverse impact on traffic and parking. There have been no traffic incidents, let alone accidents, and no complaints from neighbors, law enforcement, zoning, or town officials since opening. In fact, the only complaints Fine Fettle has received to date have been from unhappy customers turned away or struggling to make orders online, resulting in poor customer experiences:



Only been to about 32 dispensaries in five states and I've never been told. Hey, we're full. Please come back in an hour what a great business model.

Customers themselves also seek to have the appointment condition lifted, with nearly 1,500 patrons (of which more than 300 are Old Saybrook residents) signing letters of support for this request, copies of which are included in the application materials.

Fine Fettle has a vested interest in ensuring that its store runs smoothly and has adequate parking capacity, lest the customer experience – a key consideration for its operations – be further impacted. It respectfully requests the deletion of Condition 2 of the Approval.

Amy Souchuns

From: Benjamin Zachs

bzachs@finefettle.com> Sent: Friday, January 26, 2024 11:39 AM To: Chris Costa Cc: **Amy Souchuns Subject:** Fine Fettle - Week 1 Traffic and Parking Update **Attachments:** OS Walk in vs PreOrder (1).xlsx; Old Saybrook Daily Transaction Tracker.pdf Chris, Per our approved Parking Management Plan, I am emailing an update from our first week of operations. I am very happy to report of a successful opening of FFDN EJV, LLC dba Fine Fettle - Old Saybrook at 233 Boston Post Road, Old Saybrook on January 19, 2023. Per our zoning condition, we opened with an appointment only system, capping transactions at 5 per every ten minutes, totaling 30 transactions per hour. We opened our online menu and ordering a week prior to opening to understand the demand. Additionally, we have had a parking associate from LAZ Parking on site daily from open until close to address any potential traffic issues. On our first three days of operations, we completed 93% of available transaction slots. No cars backed up into the street. Even though we overstaffed slightly the first few days for training purposes, the lot had at least five open parking slots at any time. On average, 8-11 parking spots were open at a time. Through the five days, in addition to the transactions completed, we did turn away 206 potential customers in the first four days due to the attempted patron's lack of an appointment. Each of these customers drove into the lot and then were asked to turn around to ensure compliance with the permit condition. From a tax perspective, we believe this resulted in \$628 in lost tax revenue for Old Saybrook. Attached, I have laid out a spreadsheet of all transactions in each hour of each day since we have been open. Additionally, we have listed how many people drove into our lot and turned away and how we handled. Thanks for your support and we're happy and excited to be able to send an email with this positive report. Please share this with Chairman Caldarella and the Zoning Commission members and confirm receipt of our email. Thanks, Ben **Benjamin Zachs** Fine Fettle

E

(860) 490-0359

bzachs@finefettle.com

Time	Customer Name	Walk in?	Appointment?	Pre Order?	Aware appt needed prior to arriv	Walkin made on site appointmer	Walkin left w/o appointme	NOTES- customer reaction, resolution, etc
	10:15 Nancy Young	yes	no	no	yes	yes	no	
	10:37 Kelly Becker	yes	no	no	no	yes	no	
	11:43 Lady Stika	yes	no	no	no	yes	no	
	11:46 M Martin	yes	no	no	no	yes	no	
	12:33 John Cannarella	yes	no	no	no	yes	no	
	12:34 Arthur Smith	yes	no	no	no	yes	no	
	1 Meghan Doyle	yes	no	no	no	yes	no	
	1:08 Christopher Curran	yes	no	no	no	yes	no	
	1:34 Dave Johnston	yes	no	no	no	yes	no	
	1:34 Lisa McNellis	yes	no	no	no	yes	no	
	1:39 Unknown	yes	no	no	no	no	yes	said he will return tomorrow
	2:41 Amber Faddis	yes	no	no	yes	yes	no	
	3:01 Jenna Avery	yes	no	no	yes	yes	no	Had thought she had had a preorder/ appt. None found in system
	3:33 Brittany Friel & Husband	yes	no	no	no	no	yes	
	4:37 Thomas Parker	yes	no	no	no	yes	no	
	5:04 Tanya Raisz	yes	no	no	no	yes	no	
	7:14 Hugh Durham	yes	no	no	no	yes	no	
	7:14 Michael Ryan	yes	no	no	no	yes	no	
	7:43 Ovidio Raffone	yes	no	no	no	yes	no	

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HURWITZ SAGARIN SLOSSBERG & KNUFF, LLC MILFORD, CT 06460

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CHECK

DATE DESCRIPTION INVOICE # AMOUNT DEDUCTION NET AMOUNT 2487.00 Town of Old Saybrook 05/02/2024 Bantry Bay #9180.004 application fee 300.00 300.00

0.5 M 202 d CONTROL 2098 d TOTALS ► Gross: 300.00 Ded: 0.00 Net: 300.00

THE MILFORD BANK MILFORD, CONNECTICUT

51-7021/2111

HURWITZ SAGARIN SLOSSBERG & KNUFF, LLC ATTORNEYS AT LAW

135 BROAD STREET MILFORD, CT 06460

/021/2111

05/02/2024

29843

****\$300.00

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*** THREE HUNDRED & 00/100 DOLLARS

PAY

TO THE ORDER Town of Old Saybrook

OF 302 Main Street
Old Saybrook CT 06475

SECURED BY EZSHIELD

