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Robert C. Friedmann, Chair
Old Saybrook Zoning Commission
Old Saybrook Town Hall
302 Main Street
Old Saybrook, CT 06475

Re: Application for Text Amendment to Allow Cannabis Micro-Cultivation in the B-4 Zone

Dear Chairman Friedmann and Zoning Commission Members,

This office represents 5 Custom, LLC in connection with the above-referenced application for amendment to the text of the Old Saybrook Zoning Regulations (the “**Zoning Regulations**”). The proposed amendment would permit, by special exception, cannabis micro-cultivation in the B-4 zoning district. 5 Custom, LLC owns property in the B-4 zone.

The Old Saybrook Zoning Commission (the “**Commission**”) has previously enacted regulations governing cannabis production, cultivation, and sale within Old Saybrook. The current Zoning Regulations prohibit the sale, production, processing, and dispensing of all cannabis and cannabis products within the town of Old Saybrook with the exception of any Cannabis Dispensary that obtained approval of an application for Certificate of Zoning Compliance (“**CZC**”) prior to January 1, 2022. Two such applications for CZC, both of which related to property located in the B-4 zone, were previously approved.

The applicant for the proposed text amendment, 5 Custom, LLC, is requesting that the Commission consider the B-4 zone for micro-cultivation use. The applicant submits that the B-4 zone is an ideal zone for micro-cultivation given its current permitted uses. The “manufacture, processing or assembling of goods” is allowed by special exception in the B-4 zone, and many manufacturing and processing facilities are located in that zone. A micro-cultivation use would be similar to and compatible with those existing uses, and with the B-4 zone.

Section 34.0 of the Zoning Regulations defines the purpose of the Gateway Business B-4 District as a focus towards allowing for development of regional businesses that require easy access to major highways. The micro-cultivation use is in accord with this purpose. Easy highway access is required by micro-cultivation uses, as with other manufacturing and processing uses, as it enables efficient transportation of products from the micro-cultivation facility. Locating micro-cultivation near highway access will minimize potential traffic impacts on local roads.

Micro-cultivation is, at its core, a smaller-scale business. This is consistent with the B-4 zone purpose of facilitating the development of regional businesses. Given the statutory limitation as to size and growth¹ the state micro-cultivation license category is designed to encourage smaller-scale local development.

¹ Section 49 of the Act permits a cannabis micro-cultivation establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the commissioner, and further limits expansion such that such a facility cannot exceed twenty-five thousand square feet of grow space.

By requiring a special exception for a cannabis micro-cultivation use, the proposed text amendment would allow the Commission to conduct a rigorous review of any proposed location for such use in the B-4 zone, with consideration of potential impacts of the use on and compatibility with adjacent area. As part of the special exception process, a public hearing would be held and the public would have an opportunity to participate.

As an additional means of avoiding potential impacts, the proposed text amendment includes a substantial buffer of 1,000 feet from municipal buildings, public parks, public recreation or open space areas, licensed adult or child day care centers, schools (private or public) and places of worship. In addition, a buffer of 500 feet from residentially zoned properties is included.

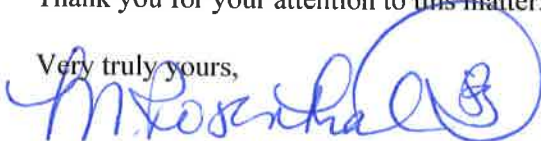
The two locations which received approval of a CZC for cannabis retail use are both located in the B-4 zone. Allowing micro-cultivation in the B-4 zone would be compatible with the location of these other cannabis uses.

Operation of a cannabis micro-cultivation facility within the B-4 zone would also further the economic goals of the Old Saybrook Plan of Conservation and Development. Goals in the economic component of the plan include building a strong business sector that ensures that Old Saybrook remains a regional commercial hub providing jobs and goods. Cannabis micro-cultivation is a new industry within the state with a great deal of economic and employment growth potential. Adding to the diversification of the local business sector will help to ensure that Old Saybrook's economy remains strong into the future. Additionally, the proposed use would further the Plan's goal of empowered employment. The plan's strategy for building empowered employment includes the following language, "*as well as the attraction of new businesses in emerging industries so they may continue to provide employment opportunities for community members.*" The cannabis micro-cultivation is the epitome of an emerging industry, and as an emerging industry there is a very high focus on workforce development and training.

Given all of the above, the applicant submits that the proposed text amendment permitting cannabis micro-cultivation by special exception in the B-4 zone will be beneficial to the Town, is in keeping with the purposes of the B-4 zone and will further the Towns Plan of Conservation and Development. Further, the requirement of a special exception will enable the Commission to determine the appropriateness of a particular site within the B-4 zone, and the proposed separation distances from certain uses will further serve to minimize potential impacts.

Thank you for your attention to this matter.

Very truly yours,



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Petition to Amend the Old Saybrook Zoning Regulations to permit Cannabis Micro-cultivation facilities. Amend Sect. 9 definition of cannabis micro-cultivation facility, amend 11.4 Prohibitions, New Sect. 53 and 34.2.17 to allow cannabis micro-cultivation facility in the B-4 District and establish standards.

Applicant: 5 Custom, LLC Agent: Attorney Matthew Rosenthal

Planning Commission: February 1st

Zoning Commission: February 6th

New text is underlined

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Notes in Segoe Print

Section 9 Definitions – New

Cannabis Micro-cultivation Facility. *A cannabis establishment operated by a person (as defined in Public Act No. 21-1) licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand square feet (2,000 s.f.) and not more than ten thousand square feet (10,000 s.f.) of grow space (as defined in Public Act No. 21-1), prior to any expansion that is authorized by the commissioner of CT Department of Consumer Protection, (as provided in Public Act No. 21-1), and approved by the Zoning Commission.*

Section 11.4 – Prohibitions – New

Section 11.4 Cannabis

The sale, production, processing, dispensing of all *cannabis* and *cannabis products* for which the CT Department of Consumer Protection issues licenses under C.G.S. Sections 21a-408 through 21a-408q, except as allowed under Section 34 and 53 of these *Zoning Regulations*.

Section 34 – Gateway Business B-4, Special Exception Uses – New

34.2.17 *Cannabis Micro-cultivation facility*

Section 53 – Special Standards – New text to allow for operation of Cannabis Micro-cultivation facilities by Special Exception Permit.

Cannabis Micro-Cultivator Facility An indoor facility where the cultivation, manufacturing and packaging of cannabis and cannabis products may be permitted, expanded, enlarged, or changed by special exception permit subject to the following standards.

- A. All activities will take place inside an enclosed *building with walls*.

- B. A Cannabis Micro-Cultivation Facility will not exceed ten thousand (10,000 s.f.) of *gross space* (as defined in Public Act No. 21-1) for the manufacturing, cultivation, growing propagation and packaging of cannabis and cannabis products at the time the initial *Special Exception Permit* is issued. Any future expansion will require authorization by the commissioner of CT Department of Consumer Protection (as provided in Public Act No. 21-1), and a *Special Exception Permit*.

- C. The total maximum *gross floor area* of a Cannabis Micro-Cultivation Facility will not exceed twenty-five thousand square feet (25,000 s.f.). The twenty-five thousand (25,000 s.f.) maximum does not include space used to cure, process or store harvested cannabis, manufacture cannabis once the cannabis has been harvested, employee break areas or office spaces when the offices are accessory to the cannabis growing.

- D. No Cannabis Micro-Cultivation Facility *will* be located within one-thousand feet (1000') of a municipal building, public park, public recreation or open space area, licensed adult or child day care center, school (private or public) or place of worship located within the town of Old Saybrook, or within five-hundred feet (500') of a *residential zoned property* located within the town of Old Saybrook (each a "Protected Use") that are in existence at the date of application. Distances measured under this subsection are measured from property line to property line. A Cannabis Micro-Cultivation Facility *will* not become a non-conforming use by the later establishment of any of the uses listed above and can be enlarged, renovated, and reconstructed by Special Exception Permit.