



TOWN OF OLD SAYBROOK
Zoning Commission

Robert C. Friedmann, Chairman
Mark R. Caldarella, Vice Chairman
Geraldine M. Lewis, Secretary
Ann Marie Thorsen
Marc W. Delmonico

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Alternate Members
Justin Terribile
John Henry

REGULAR MEETING MINUTES
HYBRID MEETING

Monday, October 4, 2021 – 7:00 P.M.
Town Hall, 1st Floor Conference Room
302 Main Street, Old Saybrook

I. CALL TO ORDER

Chairman R. Friedmann called the meeting to order at 7:00 p.m.

II. ROLL CALL

Attendant Members (in person)

Robert Friedmann
Mark Caldarella
Geraldine Lewis
A. M. Thorsen
Marc Delmonico
Justin Terribile
John Henry

Attendant Staff

Chris Costa, Zoning Enforcement Officer/Town Planner
Joanne Galli, Recording Clerk

Three members of the public were in attendance, with ten more attending via Zoom.

III. REGULAR BUSINESS

A. MINUTES

MOTION to approve the minutes of September 20, 2021 as presented **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, A. M. Thorsen, M. Delmonico **OPPOSED:** None **ABSTAINING:** None
APPROVED: 5-0-0.

B. CORRESPONDENCE

Correspondence received was related to Agenda items.

IV. OLD BUSINESS

A. “Iron House Fitness” Application for Site Plan Review

7,786 s.f. building (6,802 s.f. physical fitness facility/984 s.f. office space)
138 & 144 Mill Rock Road East, Assessor’s Map 41, Lots 4, 5 & 3,
Industrial I District
Applicant: Mill Rock Road East, LLC Agent: Joe Wren

Joe Wren presented. The applicant has merged three parcels of land to construct a 7,786 s.f. 2-story mixed-use building with a 6,802 s.f. gym known as “Iron House Fitness” and a 984 s.f. leasable area for office use. CRAHD has reviewed and approved the plans but final approval of the septic system will require a confirmatory soil test in the area of the proposed septic system. Minor adjustments have addressed Mr. Jacobsen’s concerns including the light poles being no higher than 14 feet from existing grade. The Commission was assured that sign lighting would shut off one hour after closing. The Fire Chief has reviewed the plans and finds them acceptable. Due to a discrepancy, Commission Chairman R. Friedmann asked that the gross floor area and parking spaces be confirmed.

MOTION to approve “Iron House Fitness” Application for Site Review for a 7,786 s.f. building (6,802 s.f. physical Fitness facility/984 s.f. office space) with the following condition: Applicant must address the two Conditions of Approval stated in the NLJA letter dated October 4, 2021 **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, A. M. Thorsen, M. Delmonico **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

V. NEW BUSINESS

A. “Sherwood Apartments” Application for Modification to Approved Site Plan for Affordable Housing (CGS 8-30g)

Request to modify approval to incorporate a parking easement to 247 Main Street for 4 parking spaces at 45 Sherwood Terrace. 45 Sherwood Terrace, Assessor’s Map 30, Lot 49, Business B-1 District & Sherwood Terrace, Assessor’s Map 30, Lot 41
Owner: Bedcon Holdings, LLC Agent: Attorney Edward Cassella

The Commission discussed both “Sherwood Apartments” and “Restaurant at 247 Main” as one because the two applications are inter-related. See Public Hearings, A.

VI. PUBLIC HEARINGS

A. “Restaurant at 247 Main” Application for Special Exception

Convert 1500 s.f. retail bakery to 42 seat indoor restaurant with 20 outdoor seats
247 Main Street, Map 30/Lot 55, Business B-1 District, Pedestrian Node
Owner/Agent: Joe Wren, P.E. Indigo Properties, LLC

Attorney Ed Cassella presented along with Joe Wren and Colt Taylor. Colt Taylor is proposing an upscale and intimate fine dining restaurant with 42 indoor and up to 20 outdoor seats. The restaurant will have 10 bar seats and an open kitchen concept. The restaurant plans to open for dinner only at 5 P.M. As per Zoning Regulations, the restaurant needs four more parking spaces. BedCon Holdings has agreed to allow four spaces from 38 Sherwood Terrace to be used for restaurant parking after 4 P.M.

Regulations allow shared parking with abutting properties, but because of this unusual circumstance due to a previous agreement approving these four parking spaces from 38 Sherwood Terrace to be used for 45 Sherwood Terrace, this shared parking can cross over a street to a non-abutting property. Commission Chairman R. Friedmann has requested an updated Statement of Use reflecting that the restaurant would have four employees required to park at 38 Sherwood Terrace. The path between the back of the restaurant and the parking spots, which is 332 feet, will be well lit. Due to pedestrians, bike rack and other street parking, the Commission, by consensus, has come to a finding that the six additional outdoor seats beyond 14 permitted would be okay. The Public Hearing was opened with no comments. Two letters were received in support of the restaurant.

MOTION to close the Public Hearing for **“Sherwood Apartments” Application for Modification to Approved Site Plan for Affordable Housing (CGS 8-30g)** and **“Restaurant at 247 Main” Application for Special Exception** as presented **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, A. M. Thorsen, M. Delmonico **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

MOTION to approve **“Sherwood Apartments” Application for Modification to Approved Site Plan for Affordable Housing (CGS 8-30g)** and **“Restaurant at 247 Main” Application for Special Exception** for a 42-seat restaurant with up to 20 outdoor seats invoking after 4 P.M. required parking for 4 employees at 38 Sherwood Terrace **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, A. M. Thorsen, M. Delmonico **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

- B. “Cannabis Moratorium” Petition to Amend the Old Saybrook Zoning Regulations** to add new Section 12 Moratoriums and Section 12.1 to provide time to consider adoption of regulations relating to Senate Bill No. 1201, June Special Session, Public Act No. 21-1 (the “Act”) contains provisions allowing municipalities to prohibit or place reasonable restrictions on Cannabis Establishments. Temporary Moratorium sought on Cannabis Establishments through May 31, 2022.
Petitioner: Old Saybrook Zoning Commission

The Old Saybrook Zoning Commission would like to amend the regulations to allow a Moratorium on Cannabis establishments through May 31, 2022 to allow time to review the new state law legalizing cannabis retail sales and growing. The EDC recommends adoption of the Moratorium to conduct due diligence until the Department of Consumer Protection settles all questions. If requested, the EDC will research the economic impact has had in all allowable Cannabis licenses in other towns. If the moratorium is approved, any applications that come in will be denied. The earliest date for the adoption of the moratorium will be October 20, 2021.

Resident L. Barlow believes there is no positive benefit to allow recreational marijuana sales in town and supports the Moratorium. Barlow feels that an approval would lead to increased exposure to drugs for our youth, potential increase in crime and public safety, especially with impaired drivers, and the increase in demands on

our public services such as police and EMTs. As to the comparison to alcohol, Barlow stated that, “I have heard of people say that the effects of smoking marijuana are not dramatically different than consuming alcohol...I do know that one can drink alcohol in moderate amounts, but I never heard of anyone getting half stoned!”

Resident S. Watson agrees with Barlow. She stated that adolescents are six times more likely to drop out of school and have a drop in IQ. Marijuana stays in the body 2 days to 3 months and with added use builds up. She fears use will alter judgment that can lead to an increase in driving accidents, crimes of convenience and security issues for our town. She shared that in Washington State driving accidents have doubled since marijuana legalization.

Resident M. Hand is not opposed to the Moratorium but he feels that there is a prejudice in our society, “Marijuana is not evil. I’ve seen death and destruction involving alcohol. Since marijuana is legal in Connecticut people shouldn’t be denied their right to purchase here in Old Saybrook.” He also believes that illegal drug use is what may lead to harder drug use.

MOTION to close Public Hearing and approve “**Cannabis Moratorium**” **Petition to Amend the Old Saybrook Zoning Regulations** with an effective date of October 20, 2021 as presented **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, A. M. Thorsen, M. Delmonico **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

VII. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

- **5 Custom Drive** – The ZC approved a site plan review in on May 2018 to Pauleeok, LLC. for a medical marijuana dispensary and the application for Certificate of Zoning Compliance was approved on 5/23/18. Costa reported that she received an application for Certificate of Zoning Compliance on 8/27/2021 for administrative approval to allow for the retail medical marijuana dispensary to convert to retail marijuana sales for adult use. Costa reviewed the regulations, State Statute, requested additional information from the applicant and sought advice of legal counsel. After careful consideration, she came to the determination that the Commission approved a site plan for the sale of retail marijuana in the B-4 District, the Commission adopted no changes to the regulations and that customarily when a property goes from one retail use to another retail use that an application for Certificate of Zoning Compliance has been the method of permitting unless the retail use is listed as a Special Exception Use which this application is not. The ZEO approved the application on 10/4/21. The ZC discussed the matter at length. The 2018 vote was for approval of a retail medical marijuana dispensary. At the time of the approval, the State did not allow for recreational licenses.

Commission Secretary G. Lewis noted that in 2018 the Commission’s intention was for a medical marijuana facility. The application in question is asking for a change to a recreational marijuana facility from a medical facility, which Lewis disagrees with approving. She felt we should get another legal opinion or oppose the application. M. Delmonico and J. Henry agreed with G. Lewis. ZEO Costa discussed the

administrative approval of the application, the current regulations in place and the appeal process.

- There will be a Public Hearing in November 2021 to discuss regulation fixes.
- Working on the Residential Development Section of the PoCD.
- C. Costa has accepted a request from the FEMA Floodplain Management Division and Training & Education Committee for her to assist in the update to FEMA Publication 480, a primary reference document that State and local governments use across the nation for guidance on the National Flood Insurance Program. The document was last updated in 2005.
- Commission applications expected to remain steady through the end of the year. As of October 1st, administrative zoning permits in 2021 have exceeded the total number in 2020 by 28 applications.

VIII. ADJOURNMENT

MOTION to adjourn the meeting of October 4, 2021 at 9:24 p.m. to the next regularly scheduled Zoning Commission meeting on Monday, October 18, 2021 at 7:00 p.m. **MADE:** G. Lewis **SECONDED:** R. Friedmann **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, A. M. Thorsen, M. Delmonico **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

Respectfully submitted,

Joanne Galli
Recording Clerk

NEXT REGULARLY SCHEDULED HYBRID MEETING

Monday, October 18, 2021 at 7:00 P.M.

Town Hall, 1st Floor Conference Room
302 Main Street, Old Saybrook

Check our website for dial in information and additional meeting documents.

[Zoning Commission web page](#)

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