



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
Sandra Dizenzo

REGULAR MEETING MINUTES
HYBRID MEETING

Monday, May 2, 2022 – 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: R. Friedmann, M. Caldarella, G. Lewis, A. M. Thorsen, M. Delmonico,
J. Henry, S. Dizenzo

Absent Members: J. Terribile

Attendant Staff

C. Costa, Zoning Enforcement Officer/Town Planner
J. Galli, Recording Clerk

Two members of the public were in attendance with nine more via Zoom.

III. REGULAR BUSINESS

A. MINUTES

Minutes amended to correct the spelling of Chairman Friedmann's name in Public Hearings B.

MOTION to approve the meeting minutes of April 4, 2022 as amended **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. PRELIMINARY DISCUSSION

A. “Blue Sky” Preliminary Discussion for Carbon Technology Manufacturing & Research Facility
65 Research Pkwy, Map 39, Lot 6, Industrial I District
Owner: 16 Elm Street, LLC Applicant: Will Hessert

W. Hessert presented. They have leased a unit at 65 Research Parkway where they will take wood and brush chips from local transfer stations and heat it to high temperatures in sealed tanks. This converts the waste to “biochar” which can be sold for other applications as well as a soil additive. The carbon dioxide coming off of the combustion will be utilized as well. The Commission questioned Hessert about the process as to smoke, odor and carbon dust. They were also concerned about truck traffic, which will be five loads a day at max capacity.

V. PUBLIC HEARINGS

- A. “Himilaya Café” Application for Modification to Special Exception** to allow 32 outdoor dining seats.
1456 Boston Post Road, Map 26/Lot 17, Gateway Business B-4 District, Pedestrian Node, Coastal Area Management Zone
Applicant/Owner: Malimaa Krupa Associates Agent: R. Doane, P.E.

R. Doane, P.E. presented for the applicant. They would like to increase their outdoor seating by 32. They have increased the parking to support the expansion and have room for more spaces as needed. The hearing was opened to the public with no comment.

MOTION to close the Public Hearing of **“Himilaya Café” Application for Modification to Special Exception** to allow 32 outdoor dining seats. 1456 Boston Post Rd, Map 26/Lot 17, Gateway Business B-4 District, Pedestrian Node, Coastal Area Management Zone 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 **“Himilaya Cafe” Application for Modification to Special Exception** to allow 32 outdoor dining seats. 1456 Boston Post Rd, Map 26/Lot 17, Gateway Business B-4 District, Pedestrian Node, Coastal Area Management Zone with the condition that seven parking spaces will be allocated in reserve. **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. Petition to Amend the Old Saybrook Zoning Regulations to prohibit cannabis** as defined in Sect, 21a-240 of the CT General Statues with the exception of any existing, or proposed adult use and/or medical *cannabis dispensary facility that* obtained an approved Certificate of Zoning Compliance (CZC) prior to 1/1/2022. Sect. 9 Definitions: Cannabis, cannabis cultivator, cannabis dispensary facility (adult-use and medical use), cannabis establishment, cannabis manufacturing (indoor), cannabis micro-cultivation, cannabis product and pharmacy. Sect. 11 Prohibition of cannabis gifting and cannabis smoking lounges/parties. Sect. 53 Special standards for expansion of cannabis dispensary approved by CZC prior to 1/1/2022 by Special Permit.
Petitioner: Old Saybrook Zoning Commission

The Commission reviewed its workshops and the input it received from outside sources in previous meetings that contributed to the currently proposed text change application. ZEO Costa summarized referral responses and included recommendations in detail. After consideration of recommendations from the Planning Commission and correspondence received, edits for clarification were made and prohibitions for Section 11 were modified. Input from others in favor of additional *Cannabis* uses was noted. Chairman Friedmann addressed a letter received from resident L. Barlow and explained that her concerns were out of the jurisdiction of the Zoning Commission. Resident M. Hand spoke in opposition of the prohibitions.

MOTION to close the Public Hearing of the **Petition to Amend the Old Saybrook Zoning Regulations to prohibit cannabis** as defined in Sect. 21a-240 of the CT General Statutes with the exception of any existing, or proposed adult use and/or medical cannabis dispensary facility that obtained an approved Certificate of Zoning Compliance (CAC) prior to 1/1/2022. Sect. 9 Definitions: Cannabis, cannabis cultivator, cannabis dispensary facility (adult-use and medical use), cannabis establishment, cannabis manufacturing (indoor), cannabis micro-cultivation, cannabis product and pharmacy. Sect. 11 Prohibition of cannabis gifting and cannabis smoking lounges/parties. Sect. 53 Special standards for expansion of cannabis dispensary approved by CZC prior to 1/1/2022 by Special Permit **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 the **Petition to Amend the Old Saybrook Zoning Regulations to prohibit cannabis** as discussed and modified this evening with the effective date of May 23, 2022. **MADE:** R. Friedmann **SECONDED:** M. Delmonico **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, M. Delmonico **OPPOSED:** A. M. Thorsen **ABSTAINING:** None **APPROVED:** 4-1-0.

- C. **Petition to Amend the Old Saybrook Zoning Regulations** to amend remove and replace Sect. 53 Special Standards to consolidate text for drive-through windows for restaurants, pharmacies and financial institutions into one special standard. 2,000 s.f. building minimum removed, lot size minimum of 80,000 added for pharmacies and 350' of frontage on Rt. 1 required for restaurants with drive-through. Section 32.2.4 drive-through restaurant B-2, remove references to other sections and change text for consistency. Section 33 B-3 remove drive-through restaurants as Special Exception Uses. Sect. 62.4.6c 1. Financial institution parking-remove additional space requirement based on teller windows and ATMs. 62.4.6f 2 add or drive-through to clarify that take-out window and drive-through window are same parking calculation. Sect. 62.4.6f 3 remove 1 sp. per 50 s.f. parking requirement for night club, add dance club and amend to 1 space for every 4 occupants per the CT Fire Safety Code. Sect.9 Structure – add street line setback for sheds not considered structures. Sect.31.2.3 Mixed Use Apartments list as Special Exception Use in B-1. Sect.9 Definition & 53 Standard for Kennel- amend to exclude retail animal services in business districts and eliminate requirement for new Special Exception every 5 years. New section 64.5.6c to allow municipal electronic message signs in the B-3 when not visible from street/other properties. Section 9-define Motor Vehicle Fueling Station as the retail sale of gas/alternative fuels. Section 53, 34.2.1,33.1, 32.2.2, 33.3.1 and 34.2.1 amend language to remove

service stations and replace sale of gas/alternative fuel with motor vehicle fueling stations. Sect.4.1.3 remove reference to Sect. 53. Section 53, 62.4.6e 1-4 to change automotive uses to motor vehicle uses, gas to fueling and remove service stations and references to other sections of the zoning regulations. Section 53 Motor Vehicle Fueling Station amend to create exclusions for hybrid and EV chargers as accessory uses to residential and commercial development under specific circumstances and prohibit televisions, speakers and electronic signs at charging stations. Sect.11.7 New and 53 Accessory Apartment (AP) add new text prohibiting detached units on lots of less than 12,500 s.f. or splitting lots with apartments on lots of 12,500 s.f. Add standards requiring AP to maintain accessory appearance and prohibit multiple driveways.

Petitioner: Old Saybrook Zoning Commission

ZEO Costa reviewed referrals. After discussion, the Commission accepted and incorporated recommendations from the Planning Commission. For clarification, Chairman Friedmann stated that Accessory Apartments could be attached or detached but that only one option would be allowed per property. The hearing was open to the public with no comment.

MOTION to close the Public Hearing of **Petition to Amend the Old Saybrook Zoning Regulations** to amend remove and replace Sect. 53 Special Standards to consolidate text for drive-through windows for restaurants, pharmacies and financial institutions into one special standard. 2,000 s.f. building minimum removed, lot size minimum of 80,000 added for pharmacies and 350' of frontage on Rt. 1 required for restaurants with drive-throughs. Section 32.2.4 drive-through restaurant B-2, remove references to other sections and change text for consistency. Section 33 B-3 remove drive-through restaurants as Special Exception Uses. Sect. 62.4.6c 1. Financial institution parking- remove additional space requirement based on teller windows and ATMs. 62.4.6f 2 add or drive-through to clarify that take-out widow and drive-through window are same parking calculation. Sect. 62.4.6f 3 remove 1 sp. per 50 s.f. parking requirement for night club, add dance club and amend to 1 space for every 4 occupants per the CT Fire Safety Code. Sect.9 Structure – add street line setback for sheds not considered structures. Sect.31.2.3 Mixed Use Apartments list as Special Exception Use in B-1. Sect. 9 Definition & 53 Standard for Kennel- amend to exclude retail animal services in business districts and eliminate requirement for new Special Exception every 5 years. New section 64.5.6c to allow municipal electronic message signs in the B-3 when not visible from street/other properties. Section 9 define Motor Vehicle Fueling Station as the retail sale of gas/alternative fuels. Section 53, 34.2.1,33.1, 32.2.2, 33.3.1 and 34.2.1 amend language to remove service stations and replace sale of gas/alternative fuel with motor vehicle fueling stations. Sect.4.1.3 remove reference to Sect. 53. Section 53, 62.4.6e 1-4 to change automotive uses to motor vehicle uses, gas to fueling and remove service stations and references to other sections of the zoning regulations. Section 53 Motor Vehicle Fueling Station amend to create exclusions for hybrid and EV chargers as accessory uses to residential and commercial development under specific circumstances and prohibit televisions, speakers and electronic signs at charging stations. Sect.11.7 New and 53 Accessory Apartment (AP) add new text prohibiting detached units on lots of less than 12,500 s.f. or splitting lots with apartments on lots of 12,500 s.f. Add standards requiring AP to maintain accessory appearance and prohibit multiple driveways. **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 **Petition to Amend the Old Saybrook Zoning Regulations** as discussed and amended this evening with the effective date of May 23, 2022. **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.

VI. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

- Long Island Sound Futures Fund 2022 – Sustainable and Resilient Communities – Coastal Resiliency Plan For the Towns of Westbrook, Clinton and Old Saybrook (Fenwick) –The ZEO is working with neighboring Towns to apply for a multi-jurisdictional coastal resiliency plan grant to identify and develop a consensus on projects that will help mitigate these risks. Zoning Commission agreed to write a letter in support of the project.
- 2 Bridge Street – ZEO reported on request received mid afternoon to discuss a modification to the Special Exception Permit. Commission determined it is a minor modification and can be handled administratively.
- 2 Cove Landing - OSZC v. Kuljis – Judge ruled in favor of the ZC on this enforcement matter.
- ARB is currently reviewing “sign” text in the Regulations.
- 460 Boston Post Rd - Mad Coffee Roasters has received their certificate of zoning compliance and approval from ARB.
- The Zoning Commission agreed to review text in regard to “drive-through” in a future workshop.

VII. ADJOURNMENT

MOTION to adjourn the meeting of May 2, 2022 at 8:45 p.m. to the next regularly scheduled Zoning Commission meeting on May 16, 2022 **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, May 16, 2022 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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