



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

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

Alternate Members

Justin Terribile
John Henry
Sandra Dizenzo

REGULAR MEETING MINUTES
HYBRID MEETING

Wednesday, February 22, 2023 – 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

Absent members: J. Henry, J. Terribile, S. Dizenzo

Attendant Staff: C. Costa, ZEO/Town Planner; J. Galli, Recording Clerk

Eight members of the public attended with eight more via Zoom.

III. REGULAR BUSINESS

A. MINUTES

MOTION to approve the meeting minutes of February 6, 2023 as presented **MADE:** R. Friedmann **SECONDED:** M. Caldarella **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. DISCUSSION

Request to remove parking spaces to facilitate truck loading.
139 Mill Rock Road East (aka 137, 141 & 143), Assessor's Map 29, Lot 16,
Industrial I District
Kevin Geenty, Mill Rock Leasing, LLC.

C. Costa received complaints from Ironhouse Fitness patrons that trucks were pulling in and blocking the entrance to Ironhouse. K. Geenty, landlord, presented at the meeting. To remedy the situation, he is planning to relocate the main entrance of Ironhouse Fitness to

the west side of the building and remove a number of parking spaces to facilitate truck loading to the portion of the building currently occupied by Land 'N' Sea. Chairman Friedmann stated that in order to change the parking spaces there needs to be a modification to the Special Exception permit. An A-2 survey is needed to conclude whether it is a major or minor modification. The path forward for Geenty is to locate a previous survey or generate a new one.

V. CONTINUED PUBLIC HEARINGS

- A. **“SPR Oasis, LLC” Application for Special Exception Use** to construct a 20,487 s.f retail grocery store and two indoor fast-food Restaurants with drive through windows. (2,200 s.f. & 2,200 s.f.)
52 Spencer Plain Road (Map 25/Lot 27), Gateway Business B-4 District
Applicant: SPR Oasis, LLC Owner: Ortho Saybrook LLC Agent: Attorney Edward Cassella

J. Wren requested that SPR Oasis be heard after **VI. Public Hearings A. Petition to Amend the Old Saybrook Zoning Regulations** to permit Cannabis Micro-cultivation facilities.

<p>MOTION to Amend Agenda so that V. SPR Oasis Application for Special Exception will be heard after VI. Petition to Amend the Old Saybrook Zoning Regulations to permit Cannabis Micro-cultivation facilities 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.</p>

VI. PUBLIC HEARINGS

- A. **Petition to Amend the Old Saybrook Zoning Regulations** to permit Cannabis Micro-cultivation facilities. Amend Section 9 definition of cannabis micro-cultivation facility, amend 11.4 Prohibitions, New Section 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

M. Rosenthal and J. Hammer, attorneys for 5 Custom, LLC presented. The proposed amendment would permit, by Special Exception, cannabis micro-cultivation in the B-4 District. The current Zoning Regulations prohibit micro-cultivation. 5 Custom, LLC, who owns property in the B-4 District, is requesting that the Commission reconsider the B-4 District for micro-cultivation use. They stated that many other manufacturing and processing facilities that are currently located in that zone are similar and compatible with this use.

To avoid potential impacts, the proposed text amendment includes a buffer of 1,000 feet from municipal buildings, public parks, public recreation or open space areas, licensed adult or child day care centers, schools and places of worship. They also included a 500 feet buffer from residentially-zoned properties. This will be a fully enclosed indoor operation that includes grow space (growing, cultivation and propagation of plant) and space to manufacture/process into other products that contain cannabis. No product will be sold retail at this facility.

The Commission discussed referrals that were sent out December 20, 2022 and an opposition letter received from resident L. Barlow who was worried about potential water pollution. Vice Chairman M. Caldarella was concerned with expanding potential that would be more than originally intended in B-4 zone. Chairman Friedmann agreed that any undefined future expansion approved by the State would be taking control away from O.S., therefore the wording of the text amendment including the Public Act was not in the best interest of Old Saybrook. The Commission made amendments to ensure that if the State changes the law, the regulation adopted by the town wouldn't change with the law, including a grow space cap of 25,000 s.f. Upon opening the hearing to the public, resident E. Armstrong was in favor of the application, stating that it is the right location for this kind of business. Without further input, Chairman Friedmann closed the Public Hearing.

MOTION to close the Public Hearing of **VI. Petition to Amend the Old Saybrook Zoning Regulations to permit Cannabis Micro-cultivation facilities** 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 **VI. Petition to Amend the Old Saybrook Zoning Regulations to permit Cannabis Micro-cultivation facilities** Amend Section 9 definition of cannabis micro-cultivation facility, amend 11.4 Prohibitions, New Section 53 and 34.2.17 to allow cannabis micro-cultivation facility in the B-4 District and establish standards as amended this evening with an effective date of March 6, 2023 **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** M. Caldarella, G. Lewis, A.M. Thorsen, M. Delmonico **OPPOSED:** R. Friedmann **ABSTAINING:** None **APPROVED:** 4-1-0.

AGENDA ITEM V. CONTINUED PUBLIC HEARINGS

- A. “SPR Oasis, LLC” Application for Special Exception Use** to construct a 20,487 s.f retail grocery store and two indoor fast-food Restaurants with drive through windows. (2,200 s.f. & 2,200 s.f.)
52 Spencer Plain Road (Map 25/Lot 27), Gateway Business B-4 District
Applicant: SPR Oasis, LLC Owner: Ortho Saybrook LLC Agent: Attorney Edward Cassella

Attorney E. Cassella attempted to present with the intent that SPR Oasis would continue to another meeting to have time to get approvals needed. The application was submitted in November before the moratorium of drive-throughs went into effect. A public hearing was scheduled for ARB in February that was continued due to needing more information. Chairman Friedmann stated that the application was incomplete and different than was originally submitted. The Commission, he continued, did not wish to discuss an incomplete application. He stated that so far, the Commission (who is made up of unpaid volunteers) has spent many hours reviewing numerous renditions of plans that were missing information. Chairman Friedmann indicated that the applicant should've obtained Wetlands approval prior to the application being brought to the Zoning Commission. He discussed with the

Commission whether to deny the application as presented. The Commission agreed to accept a letter received from Attorney Cassella consenting to extend the time to close the Public Hearing until the Commission's April 3, 2023 meeting.

MOTION to continue the Public Hearing of **SPR Oasis Application for Special Exception** to construct a 20,487 s.f retail grocery store and two indoor fast-food Restaurants with drive through windows. (2,200 s.f. & 2,200 s.f.) 52 Spencer Plain Road (Map 25/Lot 27), Gateway Business B-4 District to the Zoning Commission meeting of April 3, 2023 at 7 P.M. Town Hall 1st Floor Conference Room 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. WORKSHOP - Discuss drive-through windows as an accessory use for financial institutions, pharmacies, indoor restaurants or other food and beverage establishments (Section 53).

Moratorium ends: April 28, 2023

The Commission briefly discussed drive-throughs as they pertain to pharmacies and financial institutions. Due to the late hour they decided to continue discussions at another meeting to be determined.

V. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

- **923 Boston Post Rd – Smithland Pet and Garden Center** – Smithland requested a one-time permit for a seasonal outdoor display area annually. The Commission agreed to it providing they stay in the designated parking area and the display doesn't encroach on landscaping or sidewalk areas.

VI. ADJOURNMENT

MOTION to adjourn the meeting of February 22, 2023 at 9:50 P.M. to the regularly scheduled meeting of Monday, March 6, 2023 at 7 p.m. in the 1st Floor Conference Room as presented **MADE:** M. Caldarella **SECONDED:** M. Delmonico **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
ZC Recording Clerk

NEXT REGULARLY SCHEDULED
HYBRID MEETING

Monday, March 6, 2023 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](#)

Subscribe to www.oldsaybrookct.org for electronic delivery of land use agendas.