



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**

Monday, February 7, 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
A.M. Thorsen
M. Delmonico (via Zoom)
J. Henry
S. Dizenzo (sitting in for G. Lewis)

Absent Members

G. Lewis
J. Terribile

Attendant Staff

C. Costa, Zoning Enforcement Officer/Town Planner
J. Galli, Recording Clerk (via Zoom)

Four members of the public were in attendance with ten more via Zoom.

III. REGULAR BUSINESS

A. MINUTES

MOTION to approve the meeting minutes of January 19, 2022 as presented **MADE:** R. Friedmann **SECONDED:** M. Delmonico **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, A.M. Thorsen, M. Delmonico, S. Dizenzo **OPPOSED:** None **ABSTAINING:** None
APPROVED: 5-0-0.

B. CORRESPONDENCE

Correspondence received was related to Agenda items.

IV. OLD BUSINESS

- A. **“Camp Bow Wow” Preliminary Discussion** (part 2) Proposed text amendment for animal care facility.
355 Middlesex Turnpike, Assessor’s Map 52, Lot 66, Gateway Business, B-4 District
Applicants: Janet & Michael Stoner *Agent: Attorney Terry Lomme*

Camp Bow Wow was heard after the Public Hearing of **Max's Place & Big Y Petition to Amend the Old Saybrook Zoning Regulations.**

Attorney T. Lomme presented. He described their animal care services, which includes grooming and training. There was a discussion about the term "kennel," but M. Lomme stated that doesn't describe what Camp Bow Wow is. Chairman Friedmann said that due to the health and safety of the animals they need to know the max number of animals on site at any time. He advised that they look at traffic needs and what similar businesses are in the area. He reminded them that they have to be aware of front and perimeter buffer area landscape regulations.

V. PUBLIC HEARINGS

- A. **"Max's Place & Big Y Foods" Petition to Amend the Old Saybrook Zoning Regulations** to amend Sections 34.2.1 and 53.1 Special Standards to permit retail gasoline and other motor vehicle fuel sales and battery charging stations as a principal use by Special Exception in the Gateway Business B-4 Zoning District
Applicants: Big Y Foods, Inc. & Max's Place, LLC. Agent: Atty. David M. Royston

Attorney D. Royston presented. The purpose of the regulation change is to allow gasoline and other fuel dispensing facilities to be permitted by Special Exception in the Shopping Center B-4 District. At the January 3, 2022 Zoning Commission meeting, the applicant's petition to amend the Regulations to make gasoline sales an "accessory use to a retail use" was denied. They have revised their petition and eliminated the reference to "accessory use" making it a "principal use." M. D'Amour of Big Y stated that fuel is part of their loyalty program and gasoline sales "go to viability of the existing business model." This text amendment will effect all of the B-4 District. If it passes, Big Y can apply because they have property in this district. T. Levy sent in a letter opposed to this amendment. He said it would have a negative impact; it would ruin the streetscape that was created when Big Y was approved, onsite traffic would add to the congestion and safety of a busy intersection, gas stations do not improve neighborhoods thus making it detrimental to appearance of the community and property values, and since there is an existing station less than 1000 feet away this property doesn't fulfill any unmet consumer needs. Four favorable referrals were received.

Chairman Friedmann asked for changes to the wording of the amendment in 53.1 Standards to read: B. The vehicle spaces immediately adjacent to the fuel dispensing stations and any vehicle battery charging station space will not be counted to meet any minimum parking space requirements for the site. C. The Applicant will demonstrate to the satisfaction of the Commission that provision has been made for the safe access and egress of vehicles from the fuel dispensing stations and any battery charging station to the street as well as the rest of the site. D. The Applicant will demonstrate to the satisfaction of the Commission, that adequate provision has been made for pedestrians to safely enter/exit the fuel dispensing station or battery charging stations proposed under this Section. Chairman Friedmann opened up the hearing with no public comment.

MOTION to close the Public Hearing of **"Max's Place & Big Y Foods" Petition to Amend the Old Saybrook Zoning Regulations** to amend Sections 34.2.1 and 53.1 Special Standards to permit retail gasoline and other motor vehicle fuel sales and battery charging stations as a principal use by Special Exception in the Gateway Business B-4 Zoning District as presented **MADE:** R. Friedmann **SECONDED:** M. Caldarella **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, A.M. Thorsen, M. Delmonico, S. Dizenzo **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

MOTION to approve **“Max’s Place & Big Y Foods” Petition to Amend the Old Saybrook Zoning Regulations** to amend Sections 34.2.1 and 53.1 Special Standards to permit retail gasoline and other motor vehicle fuel sales and battery charging stations as a principal use by Special Exception in the Gateway Business B-4 Zoning District as amended this evening with the effective date of March 1, 2022 **MADE:** R. Friedmann **SECONDED:** M. Delmonico **VOTING IN FAVOR:** A.M. Thorsen, M. Delmonico, S. Dizenzo **OPPOSED:** R. Friedmann, M. Caldarella **ABSTAINING:** None **APPROVED:** 3-2-0.

B. Petition to Amend the Zoning Regulations to modify Section 12 to add provisions to opt out of the provisions of Section 6 subsections (a) through (d), inclusive, of Public Act 21-29, and (2) section 8-2(d)(9) of the General Statutes, as amended by Public Act 21- 29 relating to accessory dwelling units (apartments).
Petitioner: Old Saybrook Zoning Commission

Chairman Friedmann presented. Accessory dwelling units (ADU) are a part of Old Saybrook’s Zoning Regulations customized to suit the town’s needs. He said that ADUs would be accommodated in places that are practical and by a property-by-property basis. He discussed how we’re increasing housing diversity and the different types of ADUs currently in town. He added that the regulations we adopted achieve our goals. If the statutes change in the future, we’ll respond to those changes. C. Costa said the town did its due diligence by advertising the hearing, posting the agenda and sending out referrals. She felt the Commission could resolve this matter during the meeting. With no public comment, the hearing was closed.

MOTION to close the Public Hearing of **Petition to Amend the Zoning Regulations** to modify Section 12 to add provisions to opt out of the provisions of Section 6 subsections (a) through (d), inclusive, of Public Act 21-29, and (2) section 8-2(d)(9) of the General Statutes, as amended by Public Act 21- 29 relating to accessory dwelling units (apartments) as presented **MADE:** R. Friedmann **SECONDED:** M. Caldarella **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, A.M. Thorsen, M. Delmonico, S. Dizenzo **OPPOSED:** None. **ABSTAINING:** None **APPROVED:** 5-0-0.

During deliberation Chairman Friedmann stated the reasons why Old Saybrook should Opt out:

- The Old Saybrook Zoning Commission has already adopted, and made effective, regulations allowing ADUs as-of-right on the same lot as single family homes in Residential Districts AAA, AA-1, AA-2, AA-3 and A.
- Increased housing opportunities as ADUs (attached and detached) in Old Saybrook would thus be allowed via a Certificate of Zoning Compliance without a public hearing, without a variance, special permit, or special exception or other discretionary zoning action, other than a determination that a site plan conforms with applicable zoning regulations.
- The Residential B district consists of seven lots that have 2-family homes and one was recently approved for an added *affordable* apartment.
- The current Old Saybrook zoning regulations also allow for apartments (mixed use) in other areas where commercial uses would be on the ground floor below. The B-1 District has had at least three approvals for apartments above retail recently.

- Old Saybrook has promoted denser forms of housing (beyond single-family) through the Incentive Housing Zone (186 units at Saybrook Station and 16 units at Ferry Crossing) and friendly 8-30g applications (Hanford Commons).
- Old Saybrook's regulations allow for larger accessory apartments than the statute maximum.
- Requiring Owner-occupancy of one dwelling unit (either the single-family home or the ADU) on a lot will decrease the likelihood of absentee landlords with vacation rentals in a tourist-driven economy such as Old Saybrook. [See Sedona, AZ, Boise ID, Portland, OR, for example of increased housing costs due to renting of ADUs.]
- Periodic renewals and short-term rental controls in the O.S. regulations respect the existing hospitality businesses such as hotels, motels and B&Bs.
- Old Saybrook's zoning application approvals for 10+ units have resulted in 20% affordable units out of 186, 100% affordable units out of 16 and 30% affordable units in all 8-30g developments. The Statute, at 10% minimum, would not provide progress toward the benchmark of 10% affordable units across town.
- Old Saybrook has about one third of its land impacted by wetlands and flood areas. Increased housing density in water sensitive areas must be customized, not automatic.

MOTION to approve **Petition to Amend the Zoning Regulations** to modify Section 12 to add provisions to opt out of the provisions of Section 6 subsections (a) through (d), inclusive, of Public Act 21-29, and (2) section 8-2(d)(9) of the General Statutes, as amended by Public Act 21- 29 relating to accessory dwelling units (apartments) as presented with an effective date of March 1, 2022 **MADE:** R. Friedmann **SECONDED:** M. Caldarella **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, A.M. Thorsen, M. Delmonico, S. Dizenzo **OPPOSED:** None. **ABSTAINING:** None **APPROVED:** 5-0-0.

VI. **WORKSHOP: Cannabis Regulations/Problematic Regulation Fixes (cont.)**

The Commission through a lengthy discussion narrowed down the potential options to be presented in a public hearing. Option A would be prohibition of anything new and permit existing cannabis retail dispensaries permitted prior to January 1, 2022 to expand as a Special Exception Use (not by variance). Option B would be Option A with the addition of permitting production, growing and other cannabis product manufacturing uses in the Industrial Zone. They discussed the difference of Micro-cultivator (minimum of 2,000 s.f. and maximum of 10,000 s.f.) and cultivator (minimum of 15,000 s.f.) and decided to limit to micro-cultivator only. In both options they would not allow gifting or smoking lounges.

Letter received from Attorney M. Rosenthal, representing Appleby Holdings LLC, would like the Commission to consider the B-4 District for micro-cultivation as the B-4 district already allows other manufacturing and processing facilities. Letter received from R. Hansen asking that the potential cap for applicants be changed from two to no cap. He also asked that the moratorium end earlier than originally proposed to allow applicants enough time to submit required documentation. M. Hunnewell and R. Hansen reiterated via zoom that they would like more applicants to be able to apply for the lottery and explained the new application process. M. Rosenthal reiterated via zoom that he would like micro-cultivation to be available in the B-4 District because this license is "limited and designed for small-scale entry-level cultivation only."

VII. **COMMITTEE, REPRESENTATIVE & STAFF REPORTS**

- Smoke on the Water is presenting a preliminary application to ARB.
- Building official and ZEO attended trial for 2 Cove Landing. Post-trial decision to come.
- Thank you to all members who attended the Land Use Education Series.

VI. ADJOURNMENT

MOTION to adjourn the meeting of February 7, 2022 at 9:30 p.m. to the next regularly scheduled Zoning Commission meeting on Wednesday, February 23, 2022 at 7:00 p.m.
MADE: M. Caldarella **SECONDED:** B. Friedmann **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, A.M. Thorsen, M. Delmonico, S. Dizen **OPPOSED:** None **ABSTAINING:** None
APPROVED: 5-0-0.

Respectfully submitted,

Joanne Galli

Recording Clerk

NEXT REGULARLY SCHEDULED
HYBRID MEETING
Wednesday, February 23, 2022 at 7:00 P.M.
Town Hall, 2nd 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.