

DOCKET NO. MMX-CV23-6036591-S      SUPERIOR COURT  
JACK ZAMARY, ET AL      J.D. OF MIDDLETOWN  
VS.      AT MIDDLETOWN  
BUDR HOLDING 3, LLC, ET AL      February 29, 2024

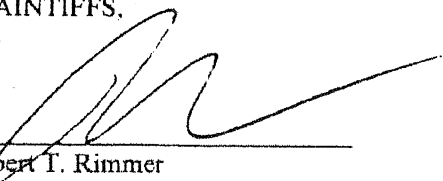
**JOINT MOTION TO APPROVE SETTLEMENT AGREEMENT**

This is a zoning appeal filed by the Plaintiffs, Jack Zamar, David Russell, Jay Mulligan, Donna Mulligan, Vincent Catelotti, Lynne Catelotti and Peter Jaquay ("Plaintiffs"), pursuant to C.G.S. §8-8(b). Plaintiffs, the Defendant, Town of Westbrook Zoning Commission ("Commission") and applicants, BUDR Holding 3, LLC and BUDR Holding 3, LLC c/o Derrick Gibbs ("Applicants") and 755 Boston Post Road, LLC ("Owner") have reached a settlement of this appeal. Plaintiffs in this case appealed the Commission's approval of the Applicants' special permit application for a cannabis retail establishment ("Application"). At its February 26, 2024, meeting, the Commission, pursuant to Section 14-7B(j) of the Connecticut Rules of Court, voted unanimously to approve the settlement and to rescind its approval of the Application. The proposed settlement was identified on the agenda and is attached hereto. The Settlement Agreement is also attached hereto.

Pursuant to C.G.S. §8-8(n), Plaintiffs, Commission and the Applicants hereby move for approval of the Settlement Agreement following a hearing before the Court. Upon the Court's approval of the agreement, the Plaintiffs will withdraw their appeals in accordance with the agreement.

Respectfully submitted,

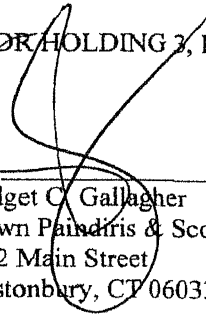
PLAINTIFFS,

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TOWN OF WESTBROOK ZONING COMMISSION

By:   
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BUDR HOLDING 3, LLC

By:   
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755 BOSTON POST ROAD, LLC

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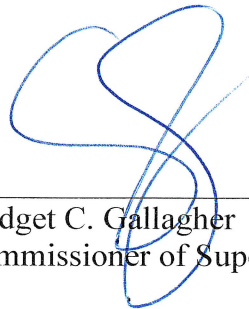
### CERTIFICATION

This to certify that a copy of the foregoing was sent to the following by first-class mail, postage prepaid, on the 29th day of February, 2024, or by electronic mail to those counsel who have consented to electronic delivery:

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Bridget C. Gallagher  
Commissioner of Superior Court

### SETTLEMENT AGREEMENT

WHEREAS, the Plaintiffs have filed an appeal ("Appeal") of a Decision of the Defendant, Town of Westbrook Zoning Commission ("Commission") approving Application for a special permit for a cannabis retail establishment under the Westbrook Zoning Regulations Section 6.S(3) and 9.E ("Application") in favor of the Defendants, BUDR Holding 3, LLC ("Applicant") on property known as 755 Boston Post Road (Route 1) and shown as Map 184 Block 052 on assessor card (the "Property"), which Property is owned by 755 Boston Post Road, LLC; and

WHEREAS, Plaintiffs agree to withdraw the Appeal upon satisfaction of the following terms and conditions:

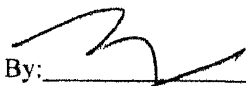
1. The Applicant agrees to notify the Commission that it relinquishes any and all rights it has to the approval of the application.
2. The Applicant agrees to request that the Commission terminate and void the approval of the Application.
3. The Commission votes to approve this Settlement Agreement and to terminate and void the approval of the Application in compliance with the procedural requirements of Section 14-7B(j) of the Connecticut Rules of Court.
4. The parties obtain court approval of the withdrawal of the Appeal pursuant to this agreement in accordance with C.G.S. §8-8(n).

SIGNATURES ON FOLLOWING PAGE

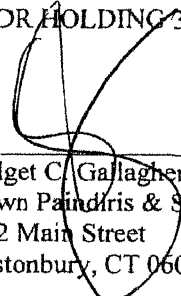
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