

**COVENTRY PLANNING AND ZONING COMMISSION
MEETING MINUTES
REGULAR MEETING OF MONDAY, SEPTEMBER 13, 2021**

CALL TO ORDER:

By: Jobbagy

Time: 7:08 p.m.

Place: via Zoom and at Town Hall Annex

ROLL CALL:

		PRESENT	ABSENT
REGULAR MEMBERS:	Steven Hall, Secretary	X	
	Bill Jobbagy, Chairperson	X	
	Ed Marek	X	
	Christine Pattee, Vice Chairperson (7:10)	X	
	Darby Pollansky	X	
ALTERNATE MEMBERS:	Bob Burrington	X	
	Carol Polsky	X	
	Arianna Mouradjian	X	
STAFF:	Eric Trott, Town Planner	X	
	Heidi Leech, Permit Technician/Substitute Recording Clerk	X	

AUDIENCE OF CITIZENS:

No guests were present to speak on non-agenda items.

Eric Trott, suggested moving New Business Items 1 and 2 to the top of the agenda because Todd Penney, Town Engineer was present to discuss these two items.

NEW BUSINESS:

1: PZC Resolution regarding the construction of a new softball field and related improvements along Plains Rd. Todd Penney, Town Engineer/Wetlands Agent present.

Penney introduced himself and explained that he was there to discuss the Softball Field project and seeking the Commission's approval through an 8-24 Referral. He explained that there are two options for the softball field and expanded parking at the current Miller Richardson Park.

Penney explained that these proposed concepts were developed by Barton & Loguidice, formerly Anchor Engineering. There has been a long process for trying to site a new softball field or softball fields in Coventry. It was ultimately decided that Miller Richardson Park would be the best location for construction of the new fields.

Option 1 and Option 2 both include a new field and accessory parking areas. Option 1, which is going out to Referendum, is being sited in the area of the current transfer station. The Town is looking to move the Transfer Station from its current location up to the Public Works garage. This is in the preliminary planning stages and involves moving the Transfer Station to some adjoining property recently acquired from the Stewarts. The Transfer Station would move and the softball field constructed in its place with some accessory parking. The master plan is to build a second softball field in the area where DPW has a historic gravel pit/laydown yard/debris transfer area. We are proposing to put the second field and parking in this area in such a way that a portion of the laydown yard can remain. This would include the installation of tabletops for pedestrian crossing and turning Plains Rd back into a two-way street and adding a roundabout. Pollansky asked for clarification about the options – is it Option 1 or 2, or 1 then 2? Penney said he believes the Town Council has projected Option 1 as the preferred option – relocating the Transfer Station and then constructing the field in its place, then construction of the second field in the future.

Trott reminded the PZC that earlier this year they reviewed and approved the Capital Improvement Plan (CIP) Budget. This was one of the projects included in that review and recommendation to the Council under 8-24. This is an update to that asking the PZC to approve a resolution which is required to be in place prior to the referendum.

Polsky asked how this would impact the people who live on Plains Rd. Penney said Option 1 is as far away from Plains Rd as possible. There is one house at the corner of Plains Rd and South St Ext but there isn't a lot of residential property near there. If there is a greater volume of games there will be greater volume of traffic. Most people would exit north on Main since that heads towards the largest part of town. Polsky said she knew of someone who lives at the end of Plains Rd who has a septic problem or something like that and she wouldn't want this to negatively impact their property.

Penney said there is an issue with a contaminated well at that property and the Town is currently working with CT DEEP to remediate the well. He doesn't believe anything with the building of the recreational softball field would exacerbate the issue with the well any more than it is currently impacted. Polsky said it's good to hear that the Town is working on the problem. Penney said that he is not directly involved but that the Public Works Director and the Town Manager are directly involved with the process.

2: Update on the Booth & Dimock Memorial Library expansion project and parking improvements. Todd Penney, Town Engineer/Wetlands Agent present.

The Town of Coventry is proposing an expansion of the library that is going to require expansion of the existing parking lot. Penney was asked by the Town Manager to develop a plan that would maximize the number of parking spaces. Penney shared a plan showing the existing and proposed conditions. The proposed library expansion plan requires 8-10 additional parking spaces. This concept proposes 8 in the back and 1 additional space added to either parking aisle. There is an existing retaining wall along the northerly side of the property so doesn't allow a lot of room for expansion. There is significant topography to the west so doesn't allow for expansion in that area. A survey and wetland delineation were done to the Ledoyt property and the parcel that the Ledoyts will be donating to the Town for the Library expansion. With the wetland delineated, most of the parking expansion falls into the 75-foot Upland Review Area. The Inland Wetlands Agency looked at stormwater quality and volume and came up with an approach to mitigate impact and still add 9 new parking spaces. 6 of the new spaces will be made of permeable asphalt to allow rainwater absorption. The retaining wall on the northerly side previously failed in places and was graded out to make safer conditions. This caused areas where the parking lot was getting close to the wall and steep grade so they had to make some changes to the original proposal. The new concept adds 1 space on the westerly parking bay, 2 spaces on the easterly parking bay and 6 spaces to the rear. To keep stormwater quantity and quality intact, they needed to come up with a drainage plan since there are currently no drainage structures in the parking lot. To keep costs down the 3 spaces being added will use regular, bituminous asphalt. The remaining 6 new spaces will be made from pervious asphalt pavement which allows absorption of stormwater. The Town of Coventry currently does not own any permeable asphalt but there are properties in the lake area that have been using it. Using permeable asphalt will completely mitigate the new parking spaces. We will be putting up a delineator along the functioning permeable pavement area to handle stormwater. There will be a 54-linear foot guardrail and signage to identify this stormwater feature. This is the plan that was approved by the IWA. Penney asked the PZC if they had any questions. There were none. Trott thanked Penney and the IWA for finding such a creative solution.

Trott said that since a large number of people were present to discuss New Business Item 3 - Cassidy Hill Winery that we should go ahead and discuss that next.

3: Discussion regarding Cassidy Hill Winery special permit # 11-12SP – compliance with special permit conditions and statement of use.

Trott provided some background information. On April 10, 2006 PZC approved a special permit for a winery use at 454 Cassidy Hill Rd which includes some accessory, subordinate uses. For a winery, which is the original approval, in his experience there are some typical subordinate uses such as events, weddings, rental, music, food trucks and things of that nature that are considered customary to have them occur at wineries.

In early 2010 the Chipkins inquired about getting permits to host such events – weddings, parties, rentals, outdoor events. Upon reflection of the Zoning Regulations it was decided that it would be best to incorporate new regulations that would allow for approval of these sorts of events by special permit. That zoning amendment was created on June 1, 2011 which allows for assembly uses accessory to a winery. On July 11, 2011, a special permit was granted to Robert Chipkin, owner of Cassidy Hill Winery, LLC, for social gatherings accessory to a winery.

There were two separate, distinct approvals by special permit – one for the winery and one for the outdoor uses.

On August 1, 2021 Land Use received the first of several formal, written complaints expressing concern that Cassidy Hill Winery is not operating in compliance with several approval conditions and their statement of use.

Complaints received surrounding the following associated with Friday night music events: traffic volume and speed on Cassidy Hill Rd, events not being weddings or not occurring in specified areas that don't involve tents, more than 15 events per year, more than 150 guests attending events, food service with food trucks, no port-o-lets on site, lines to the bathrooms, inadequate parking, use of neighboring lots for parking, inadequate lighting, inadequate handicap parking, no lane for emergency vehicles to access the site, no wheel-stops installed, no gravel driveway from Cassidy Hill Rd to parking to the south of the winery, and potentially inebriated guests driving from the winery in or accessing the parking from the winery. These are the things that are suggested to occur in the letters submitted to our office by various folks.

Land Use Staff met with the Chipkins in the office and conducted a site inspection over the past couple weeks and found the following: There are 2 separate approvals which have distinctive accessory components to them – one for winery indoor events, and one for outdoor events, indoor events are not limited by the permit and are considered accessory and contained in the building, outdoor events are subject to approval conditions and this may be causing some confusion on the number and nature of events occurring per year and the letters received. No weddings are occurring on site, at least not on a regular basis, no tent related events are occurring on a regular basis, Friday night outdoor music events are from 6-8 PM approximately from May 1 – September 1

averaging 17-18 per year. The permit allows up to 15 events from April 1 – September 3 to not later than 10 PM. Those were gauged mainly as wedding-type events but the language on the approval letter said outdoor social gatherings accessory. The permit limits events to 150 people. Based on the numbers given by the Chipkins, 250-500 guests may attend, less on rainy days. Food trucks are employed on-site to serve food which allowed the winery to continue during COVID. A law was put in place during the pandemic which required establishments to serve food in order to serve alcohol. They are licensed, approved food trucks. Port-o-lets were used in the beginning but customers didn't use them. None are being provided at this time. There has been no issue with electricity that Trott is aware of. 56 gravel parking spaces to the rear and 10 paved parking spaces were approved with the site plan. It's been stated that approximately 150 cars can use this space from experience. A gravel drive was to be installed to the parking area but no gravel drive was constructed. Additional parking areas are used on either side of the barn providing up to 75 additional spaces, including the driveway to the residence and to the south of the winery 100 spaces. Parking areas are used depending on conditions of the grass which are impacted by rainy weather. These new areas were not approved and may not comply with the parking requirements. The only parking lot lighting are the lights on the barn and winery. Adequacy was not able to be determined at the time of inspection as it was daylight. No mobile lighting is being used at this time as subject to conditions of approval. Offsite parking has occurred at some events on neighboring properties - the Johnson property and the Brodersen property for about 40 additional spaces. Neither space was considered in the original permit, they do not provide adequate lighting and cause guests to walk on Cassidy Hill Rd. Parking staff is employed by the winery to guide guests and provide lighting via golf carts in an attempt to provide orderly parking. Adequate handicap parking is only provided in the paved area near the winery building. Other spaces noted as handicap are not code compliant. Numerous complaints are often made to the police department regarding vehicle speed and cars parked in the road on Cassidy Hill Rd. Trott had been hoping to employ a radar speed monitor there before the end of the music season, but was not able to do so.

The commission has been provided with copies of all correspondence received up until the evening of the meeting relative to the complaints of concern, as well as correspondence that was received in support of the winery. They have also been provided with the approval letter, statement of use, police department incident reports and a response from the Chipkins to the initial complaint and some concerns. All information received by Trott has been provided to the Commission.

Trott said before moving on to possible solutions he thought the Commission should discuss the weightier concerns and answer any questions.

Pollansky asked where we go now. Trott said typically when a permit is out of compliance we work with the applicant/agent/owner to bring the property into compliance. He said he thinks this is the best first step - we need to acknowledge the

things that have occurred, verify things that are out of compliance, the things that are in compliance. Trott said speaking to the Chipkins they have tried to do things in the spirit of trying to address concerns. Having parking staff on site to try to guide vehicles in and around is helpful but having parking offsite was not compliant. There were definitely attempts in the spirit of trying to address concerns which Trott acknowledges. Trott said reading the landscape, starting off small and having some people come for a Friday night event in an attempt to bolster the winery and make it a destination again is customary. It is typical for wineries to have events and music, food trucks and partner events. How it relates to the permit conditions and approvals is where the rubber hits the road for us. There was a very precise statement of use and conditions of approval and that very clearly has been expanded upon. The music event season has ended for the year. If this is something that the Chipkins hope to continue there is time to work on it before the season begins next year.

Trott said the weightiest issues to look at are:

- Number of guests – 150 – 500 people is a big increase
- Traffic - the number of guests increases the number of vehicles on a narrow, dead-end country road and creates various considerations to bear in mind
- Total number of events – increased number of events but span of time/hours reduced
- Number of parking spaces
- Lighting adequacy
- Nature of indoor and outdoor accessory uses – how that relates to the two approvals, evidence of smaller indoor events and larger outdoor events. The commission will need to make a distinction about how each ties into events.

Hall asked about the bathroom facilities – indoor vs. port-o-lets – Trott is told people prefer to use the indoor facilities, perceived bathroom lines could actually be for wine sales and given social distancing it might seem longer, facilities are being provided but could be taxing on the septic system – this will need to be considered but is easily addressed by providing port-o-lets so Trott feels is less weighty than the previously mentioned issues.

Trott said that there are options on how to proceed. In the spirit of trying to gain compliance and move towards a solution, when a special permit has been issued and an applicant has gone out of compliance, a special permit amendment to modify the conditions or aspects of the permit may be entertained by the PZC.

In this situation some ideas that might help bring the vineyard into compliance are:

- Using a reservation/ticketing service such as EventBrite. You have a certain number of reservations available and you know when you've hit your limit by

ticket sales and maintain compliance. That number will help you know what to expect for vehicle parking/traffic.

- We recognize that there is more parking onsite than it seems the site can handle. We need to look at the practicality of the parking plan. It is possible that there is a way to work with the property for some flexibility for parking options.
- Lighting can be evaluated and modified as needed.

The question is, would all of these changes required to bring the special permit into compliance, would this require a new special permit or could the existing special permit be amended to address these issues. Trott feels there is likely room for amendment within the existing special permits, but he will get a legal opinion from the Town Attorney.

These are some options that might help move the winery into compliance and address the major concerns that are under the jurisdiction of the Commission.

Speeding vehicles on the road is an issue. Trott said he tried to get a radar device installed before the end of the music season but it wasn't possible. We have one set of traffic data but it is from the far end of Cassidy Hill Rd, past the intersection with Baxter in Tolland so it's unclear how applicable this is to the area of the winery. We will use that as a starting point to look at traffic concerns.

Pollansky said we have done similar modifications in other cases like this. Working with the Chipkins to come up with solutions is the best way to go.

Trott said revoking permits is not something the PZC generally does. We prefer to work with permittees to bring the permit into compliance. It doesn't make sense from a legal perspective or business perspective. In an effort to be fair and address the concerns of the neighbors, and the due process of the Chipkins and the neighbors, and the Commission, to create a process where we can find balance and address things.

Trott asked if PZC members had any comments or questions.

Pattee said she likes Trott's approach. She read all of the materials provided to the commission and was struck by a couple of things – she was persuaded by the number of neighbors speaking out in support of the business and she was taken aback by cones and signs being placed in the road. You can't do that on public roads. She is appreciative of Trott's way of approaching this situation in a positive way, talk about correcting what needs correcting and also be supportive of a business that is doing things for the Town and is supported by most of their neighbors.

Hall said that this seems to be new this year. Were there complaints before this year? Trott said no, not to Land Use's attention before early August of this year. Trott said, as you can see in the police logs, there has been some history of speeding and some things

that the PD was contacted about but there has been nothing brought to the Land Use Office. Hall asked if there was any indication of why this suddenly came up after years without complaints. Trott said he can't speak for the neighbors. He speculated that maybe after a year in isolation due to COVID, people are getting out and about it greater numbers this summer. It could be that attendance/issues have increased more and more over the years and finally reached a point where people felt the need to speak up. It's possible that it's a combination of both.

Polsky asked if there was a firm number that was approved with the special permit. Trott said that the special permit was envisioned a little differently, not an outdoor music event, but does specify outdoor social gatherings with a limit of 150 people. Polsky asked if neighbors' complaints indicate that there is more than that. Trott said yes, there is photo evidence and personal testimony indicating gatherings are far larger than 150 people. Polsky asked how we deal with that. Trott said, as previously mentioned, using a ticketing system would be one idea to manage attendance. Trott said first you need to determine what is the magic number and if you're using a reservation system you know how many to expect and you cap it at the limit. Trott said it won't eliminate speeding, but with help from the PD, use of radar and maybe some promotion from the winery asking people to drive carefully, might make a difference. Polsky asked if the Chipkins are aware of the limitations. Trott said that the first step is to talk as a Commission then the Chipkins will be invited to the table to discuss and answer any questions.

Marek said from the letters and pictures it seems that the lighting is very insufficient. What can we do about having them put in additional lighting since it was a requirement to begin with? Trott said the use of lighting from golf carts was an attempt to provide lighting to get people safely back and forth. From a compliance stand point, mobile lights were to be required. That is an option. Additional lighting could be put on the buildings or permanent lighting can be required or the mobile lights. We can also require the events to end before dark as the season gets later. Conditions of compliance need to be adhered to. The lighting and port-o-lets are addressable under the PZC's baseline of public health/safety/welfare. The offsite parking is another issue because those properties were never reviewed and likely don't have lighting. Trott gave kudos to those neighbors for being good neighbors and helping out but strictly speaking there is no approval for this parking.

With no more questions from the Commission, the Chipkins were invited to the table at 8:08. Robert and Carol Chipkin, owners of Cassidy Hill Vineyard, were present to discuss.

Mr. Chipkin started off giving some background. He said they have been doing music for 13 years. He said there have obviously been more than 150 guests most nights. How did they get here? In 2010 they went to an industry meeting where wineries from Long Island said they were making major money doing tent weddings. They said your license

probably says to manufacture and sell wine, but no rentals. They were encouraged to go to the Town to apply for permitting to do tent events but were told that they would make money through rentals but plan on not selling their wine because weddings come with caterers who provide their own bartender/alcohol. Mr. Chipkin said they had lots of meetings with the Town and eventually a permit was issued and a statement of use. Mrs. Chipkin said that in their minds when they put down 125 (150) people that was the size of weddings. She said they didn't need any experience to decide that they weren't going to do weddings. Mr. Chipkin said that they were running music back in 2011 and there were more than 150 guests, no questions about it. Mr. Chipkin said he wrote the statement of use and it was his understanding that that applied to Rental Events like weddings, not events that they initiated. Mr. Chipkin said that they have run music for 10 years now without complaint and while he doesn't feel attendance has significantly increased, it has grown some. They have not had a tent event in 10 years and don't rent the outside space because it is opposed to what else they do, selling wine. It was a misinterpretation on his part, he can see that. They didn't willfully ignore the permit. This is the reason that we've got where we are today. Mrs. Chipkin said in regard to the lighting – their music events end by 8:00 to keep with the sunlight. They know they need to end at Labor Day. A couple years they have ended their music events before Labor Day because the cloudy nights get dark earlier towards the end of August.

Pollansky said now that we have the background, she is not in favor of limiting anything that limits their business but is looking for solutions to solve the concerns and fix issues. She doesn't feel that the bathroom situation is a public health concern. If necessary port-o-lets can be provided. The bigger issues such as parking, lighting and number of people can be addressed. She supports modifying the existing permit and doing their best to come up with solutions. Trott said, if you agreed with the previous list the issues are, number of guests, number of events, speed and volume of traffic, parking space adequacy, parking area, lighting, and nature of the indoor/outdoor accessory events – examining what attaches to what. Bear in mind that they were approved from April through September until 10:00 at night, but they contained that to a different timeframe and a lesser number of hours. It seems a rational thing to make a distinction looking at the nature of the special permits and the indoor/outdoor events and what their individual impacts are to find a solution. The goal is to try to bring things back to center, back to compliance in some way shape or form. Or if they are modified, to have an open transparent process with the applicant and open dialogue.

Pollansky asked if Trott has had that dialogue with the Chipkins about the process. Trott said no, he didn't want to be presumptive and start making suggestions without talking to the Commission. Pollansky said that should be one of the main things to do. Trott said yes, the next step is to bring it to the Commission to have the conversation. Is there any guidance from the Commission that we can work into a process? Trott said this will not just fall under his jurisdiction but likely the Police Department and Town Engineer for traffic issues, and the Sanitarian for sanitation concerns.

Hall asked if there was something that specified they have to put in a gravel driveway. Trott said it was required on the site plan. Hall asked if this would be a condition of continued approval. Trott said yes, there would be requirements of the site plan approval, conditions of approval and statement of use. Trott said the special permit is subject to these approvals. Trott said for example, the area to the right of the barn was approved for parking for 56 cars but if you look at it practically it can fit more than 56 cars. The area to the rear of that gets sloshy so his understanding is they are parking where the gravel road was supposed to be to the south which can accommodate 80+ cars if they are parked in an orderly fashion. The Chipkins and their parking staff have tried to maximize the use of space in a rational fashion that accommodates guests, keeps people in check and allows for easy access. Trott said he doesn't believe any of the complaints said that the parking has created a hazardous environment that impedes movement of vehicles and people walking. The question is, from a public health, safety and welfare perspective, can you get an ambulance or emergency vehicle up there when it's needed. Looking at configurations onsite makes sense that could provide less use of offsite amenities. Or if offsite amenities are going to be used, finding ways to facilitate that.

Pattee thinks she heard Trott talk about a traffic counter and thinks that's the best way to count the cars. She thinks a reservation/ticket system is a great idea with the note that in her experience, nearly 50% of people who register for events don't show up. Trott said he's also seen times where the opposite is true and twice as many people show up as have reservations. Pattee said there's also the issue of a driver registering but bringing additional people in the car. Jobbagy said you need to address the issue of number of cars vs number of people.

Marek said with large crowds the sanitation becomes a problem. Without port-o-lets people are using the bathroom in the winery. He thinks the winery septic system was likely not designed for hundreds of people. Trott said the septic system likely handles their productions as well. Mrs. Chipkin said their production does not involve water and they have tanks in the basement. Trott said septic capacity is something that the Sanitarian will have to look at. Polsky said someone typed in the Zoom comments that the septic system is designed for 116 people for occasional use. Trott said the 116 is likely room capacity but that again, this is something the Sanitarian will have to be consulted about.

Brian Murray from 29 Cassidy Hill Rd said on Zoom that he went to the land records and got that number, 116 people for occasional use is what the septic is approved for.

Trott said we will get to public comments in a few minutes if the Commission chooses to go that route but thanks Murray for his comment.

Pollansky said she thinks they are all pretty clear and where they would like to go. This will obviously be continuing.

Mr. Chipkin said this is something they are going to have to work through. Trott asked if they were willing to work through the process. Mr. Chipkin said he's willing to start and see where they end up. They recognize that these Friday nights are a big part of their business. Jobbagy said we're not here to change their business model. Trott said the Commission's philosophy is to be as supportive as possible to allow business to maintain operation/to allow them to grow but there are some checkpoints along the way to mitigate concerns and create a balance. Trott said he will do his best with the Commission and Staff to facilitate that.

Seeing no further questions or comments at the Commission level, Jobbagy asked if any member of the public had any new information that hasn't already been submitted in the numerous formal statements already received.

Frank Infante, 767 Merrow Rd – He said he has been to many events at the winery. He said staff guides cars and keeps traffic moving smoothly. They have been there for a lot of years with no complaints and suddenly this year there are complaints. As far as lighting, most events end when it is still light. When it's a little dark and a little cloudy the carts provide sufficient lighting. As far as tickets, what if people want to just go in and buy wine, not attend the event? He doesn't want to restrict their business. They have a great business model. Every time he has been there it has been handled professionally. He never saw long lines for the bathroom. The line is to buy wine. He's never seen more than 3 people in the line for the bathroom. He asked if there is a way to have a precedent to not drag them into meetings every six months to a year. He asked, if someone complains about the lighting and they address the lighting, will they then need to meet again if someone else complains again or can there be a precedence saying the lighting in the parking lot is fine. Trott said that is generally what we try to do – have criteria that is enforceable and clear. The problem is here we have criteria that is clear, but it just hasn't been complied with. Trott said the goal is to try to provide for movement towards options that would provide clarity and certainty and people would know if it's been met with or not. Mr. Infante asked that if there is a particular item that is not in compliance, will the Town work with the Chipkins to bring them into compliance rather than put them out of business. Jobbagy and Trott both said that is the plan and that is why we're here.

Dibbon Joy, 561 Goose Ln – She said she didn't think she was going to add much. She said looking at the painting on the wall of Capriland's that they moved to Coventry in 1977 from Vermont. She didn't want to move to Connecticut because she loved Vermont but a friend told her that she was moving to an amazing place that had Capriland's Herb Farm. She loved and missed Capriland's but when Cassidy Hill Winery opened up it became one of her new favorite places, something else to be proud of in the Town of Coventry. They have built a beautiful business in a beautiful landscape. People who are bothered by the traffic on a Friday night should stop to think what might have happened if a builder had put in a housing development or condo complex instead. The landscape has remained pristine and the view is spectacular. It is one night

a week from May until early September. The amount of traffic on Cassidy Hill is probably significant but people can't speed – there would be accidents upon accidents if people were speeding. She said speeding happens on Goose Ln on every day of the week, every hour of the day. The Town should be proud of Cassidy Hill Vineyard. It brings value to Coventry and to nearby Tolland. She doesn't think the Chipkins meant to overstep what they had. She said on Friday nights a ticketing system would be difficult to use and we are going to end up with a lot of disappointed people, disappointed not just in Cassidy Hill but in the community and Town of Coventry. She thanks the Commission for being supportive and responsive.

Timothy Owens, 38 Stage Rd – He said he has worked at Cassidy Hill Vineyard for 5-6 years and he's involved with the parking. He said some people speed but there is another issue with parking cones being put in the street impeding traffic potentially causing harm. The neighbors who put out cones came into the vineyard and told people that the speed limit is 15 mph. They were yelling it in a room full of people. Over the years emergency vehicles have had to come there for medical emergencies and there has never been a problem with getting emergency access. Just recently there was a medical emergency and they were able to get in and out efficiently to take care of the patient.

Scott Frances, 180 Cassidy Hill Rd – He thanked the Commission for hearing this and being willing to work with the permitting and everything. As someone who lives on the street he's seen a lot of things. Speeding on Friday night is really not an issue. If anything it's when people tend to go the slowest because many cars are leaving the same place at the same time. He said if people are going fast it's usually delivery people or the postal service. He goes for walks on the street often and has never had an issue with traffic from the winery. To address Mr. Hall's earlier question as to where the complaints came out of, they seemingly came out of nowhere. He was out of state for school for 4 years but is a former employee and grew up on the street. During a recently private event one particular neighbor was stopping people on the street telling them the speed limit was 15 when it's clearly marked 25. They even followed customers to the winery yelling at them in the parking lot. There have been several situations that are borderline harassment and they have not complained or pushed back. They've seen the street vandalized and even when the ambulance was there recently, there were cones in the middle of the street that night. The events at the winery are not drunken parties, it's a very family-friendly atmosphere. He appreciates the Commission taking time to listen. There are a lot of things that have been brought up and he thinks that with seeking more clarity we can all come to an idea of where this all came from. He appreciates the Commission's cooperation.

Julia Frances, 180 Cassidy Hill Rd – She grew up on the street. Not only have cones been put in the road but a metal pole was stuck in one of the cones with a sign saying SLOW DOWN. She said if a car collided with the metal pole and was damaged it would have been bad for the person who put it there because you are not supposed to put stuff in

the Town road. She has worked at Cassidy Hill Vineyard for 5 years. They previously had port-o-lets and they were the cleanest ones you'll ever because no one ever used them. People would rather wait for the bathroom than use a port-o-potty. She asked if it was worth having them if no one ever used them. She appreciates the Commission's cooperation.

Faye Sleeman, 199 Cassidy Hill Rd – She said she lives across the street from the vineyard. She sees all the traffic. It doesn't bother them. It is always safe with the attendants there to monitor the traffic making it safe to walk and drive there. She said anyone who has been to Cassidy Hill knows the property is huge, people spread out especially with social distancing. It always looks healthy busy but never overly packed. She feels that 150 people is way too little for outdoor events on such a large property. She understands about the parking but to limit it to 150 people, she asks that we increase that number. She thanks the Commission for considering it.

Trott said there were some comments in the ZOOM chat that he wanted to read into the record.

Message from:

Jacqui Fettig, 107 Cassidy Hill Rd, Tolland – There has always been this issue. Last year was much less traffic due to COVID. The speeding and parking issues began with the Friday night music series. Complaints were made to the Coventry Police Department in 2016 and 2017. You can read the records in the meeting materials.

Message from:

Brian Murray, 29 Cassidy Hill Rd – The septic system is only designed for 116 people for occasional use.

Message from:

Jacqui Fettig, 107 Cassidy Hill Rd, Tolland – She said she has personally waited in the long lines for the bathroom. She would have gladly used a port-o-let.

Message from:

Pattee said it isn't clear who is putting the cones in the road, is it the vineyard or a resident. Trott said he believes it is a resident. The Chipkins confirmed that it isn't them.

Message from:

Jacqui Fettig, 107 Cassidy Hill Rd, Tolland – She said it is not correct. (That the issues/complaints are new this year) In June of 2016 a person from the winery failed to negotiate a curve and slammed into the property marker at Mr. Olm's house. Trott said that this may be one of the incidents in the incident reports.

Since the Commission has those reports they can get an idea of what has been filed with the Police Department about traffic and safety issues

Scott Sleeman, 195 Cassidy Hill Rd – He has lived there for 20 years. His home property and the additional property he owns at 205 Cassidy Hill Rd are both across the street from the winery. He has no problem with the winery. Every year they have reinvested money to make the property better, nicer and safer which can't be said for a lot of businesses. They put their heart and soul into it. What hasn't been said tonight and he will say it is that there are new people on the street and in his opinion, they don't like the winery for whatever reason. They (the new people) are breaking the law on a regular basis. He says this because he was a police officer for 23 years. 10 years of that he spent notifying people their loved ones weren't coming home. He took his job very seriously and doesn't want to live on a street with a lot of dangerous activity. There is not a lot of dangerous activity. Any time there are cars there will be speeding. The speed limit is 25 not the vandalism that took place in front of the Mantliks' house when somebody spray-painted the speed limit sign to say 15 mph. It is not the Mantliks' responsibility to put up signs or put cones in the road. They are making it hazardous for everyone. Just like it's a hazard when their cow gets loose and goes in the road on a regular basis. He knows the damage a car vs cow can do. He's had to pull the body from the car. There were a lot of issues on the street that the previous neighbors got resolved. People worked together in a great community. He said if you are going to make a complaint you have to have credibility. Just because you make a complaint doesn't make you righteous. He says if you are putting cones in the road you are putting him at risk. He said he appreciates the approach the Commission is taking. He thinks it's reasonable. He doesn't want to take up too much time. He asks the Commission to look at the credibility of those making complaints. He says he believes the Chipkins are willing to make improvements to make it safer if that is what is needed. He says you asked what has changed, it's that the new people on the street are upset and don't like the Chipkins. That's something that hasn't been brought up so he's bringing it up.

Nancy Mantlik – She says he is totally out of line and she feels personally attacked. That what Mr. Sleeman said is defamation of character. He doesn't know her personally.

Trott warned to keep the comments to Planning and Zoning matters and avoid personal comments. He asked that the focus be on providing information to the Commission that can be used to bring this matter back into compliance. Trott said he appreciates people coming in and giving their thoughts but some comments go off the scope of Planning and Zoning related issues. When we receive a complaint we investigate it and determine its validity then take appropriate action. That is our general standard. We ask that people try to maintain their comments to the integrity of the matter and avoid personal comments. Trott says we are trying to focus on ways we can help to address the issues with the Chipkins and bring things into compliance.

Trott asked if everyone who was in the building had the chance to speak and asked anyone who had already spoke to go outside to allow new people to come in to make their comments.

Pam Infante, 767 Merrow Rd – She said there's no reason to reiterate anything other people have said. She just thinks it's really sad that after being in business for so long, because one person suddenly complains now the Chipkins' business is going to be hurt, they are going to be forced to have expenses. She said it's really sad because nothing has been wrong with the septic. She said it is really upsetting that it's even being considered to make them do anything that will cost them money or business. She hopes the Commission will consider that it has been 13 years with absolutely no issues. She said it's not broken, why make them fix it. She said she went to the Coventry Farmers' Market on Sunday, another great place in town. It brings people together every week, just like Bob and Carol Chipkin. The Chipkins are a great family. Everyone who works there is like family to them. Everyone who goes there goes there because it's a great family event that brings people together. She said let's not destroy it. She asked how much land is at the Farmers' Market and how many people go there on Sunday.

Jobbagy said they understand and again, the Commission is not there to change the Chipkins' business model, they are there to protect the public. If there are true issues they will investigate them. If there are not, we will see how it goes.

Dibbon Joy, 561 Goose Ln – She said she has a question about parking. She asked what is wrong with the south grass parking field. Why does it have to become gravel? So many places have nothing but field parking including the Farmers' Market. Why does this one have to be gravel? Trott said it is for stability of the nature of the surface to support the use long-term throughout the season. Trott said this is again about looking at the balance. The gravel provides a more adequate long term surface to avoid erosion and rutting over time.

Since everyone on-site who wanted to speak was done, Trott asked if there was anyone else on ZOOM who wanted to speak on the matter.

Brian Murray, 29 Cassidy Hill Rd – He asked if Tolland has a stake in this because the road is in both Coventry and Tolland. He also asked if the State Police incident records have been pulled because if anyone from Tolland called, the call would go to Troop C. Trott said yes, he believes calls from Tolland would go directly to Troop C, but whether there is communication between the State Police and Coventry Police, is a good question. Trott said he will check with Chief Palmer. Murray asked if there would be any liability if the neighbors allow parking for the vineyard on their residential property. He would think the residents wouldn't have coverage if something were to happen on their residential property. Trott said he believes that yes, there would be some risk. Murray also asked if there were any planned improvements to Cassidy Hill Rd which is just a 17-foot wide old carriage road such as lighting or widening. Trott said there may

be drainage improvements planned but he doesn't think it is a target area for major improvements under the Capital Improvement Plan. Murray said that if they are not going to provide port-o-lets so everyone is using the indoor restrooms which, based on the approved septic plan for the winery was designed for 116 people's occasional use, if the Commission increases the number of people allowed, will the Town require the septic system to be upgraded? Trott said the Sanitarian from Eastern Highlands Health District would have jurisdiction over the septic under the Public Health Code and would be consulted.

Nancy Mantlik, 135 Cassidy Hill Rd – She says that yes, she put the cones in the road because they frequently go in and out of their agricultural property with hay wagons, tractors, kids and animals. She said that when people have been drinking and driving, and speeding down the road, she thought the cones would help slow things down a little bit. As soon as they were informed that it was against the law, she stopped doing it. She says they didn't vandalize the sign and write 15 mph on there. She said there are places in town by the school that are 15 mph so back in the day there was one that said that. She said she doesn't appreciate being verbally attacked in this meeting and if someone has a problem with her, please be an adult and let's talk about it. These complaints started coming in about speeding in 2016. She said that Mr. Chipkin said the cones would impede emergency vehicles but cones can be run over, cars can't. The road is 16-17 feet wide, she did measure it. It is a narrow road. She was physically attacked by someone who came from Cassidy Hill Vineyard who had been drinking and driving and attacked her knocking her hat off her head and pushing her to the ground. She said the man who verbally attacked her lives at the end of the road so he doesn't deal with the traffic. She has no problem with the vineyard. She thinks it's beautiful. She's been there before. Yes, bathroom lines go out the door. Ladies resort to using the men's room rather than wait for the ladies room. She said everybody has got their own view of this but people who don't live on the road can't speak to this because they don't know the traffic and the speeding. It's a pedestrian friendly road. Lots of people walk on it and people almost get hit. Her grandson was almost hit last year. Yes, she is concerned about the amount of traffic, the speeding, the drinking and driving. Slow down, it's an agricultural road.

Kelley Barber, 29 Cassidy Hill Rd – She says the volume has increased and it's changed the neighborhood with more people they don't know coming into their neighborhood. The peak traffic is before the music events and after the music ends. She would like that added to the list of items that need to be reviewed and addressed. She said tonight the Commission heard a lot of additional feedback and she asks that they go back and review the formal feedback submitted before the meeting, the pictures and the evidence to help validate where you can with data. She asks that the Commission rely on engineers and experts to evaluate and provide feedback on what needs to be done. She said she had one specific question – who has the experience and responsibility to help evaluate the road and what it can support, and what maintenance is required going forward. Trott said the Department of Public Works, the Town Engineer, the Traffic

Authority which consists of the Town Manager, Chief of Police and Director of Public Works. She said it sounds like that is already in the plan. Trott said these are the people we would contact for matters regarding road capacity, road safety, traffic movement, and circulation. The Fire Administrator or Fire Marshal might get involved to determine Emergency Vehicle access.

Howard Haberern, 80 Cassidy Hill Rd – He heard the comments tonight and thinks we're losing focus. He said this is not a popularity contest. He's not against the winery. What he is for is Mr. Chipkin doing what he agreed to do and complying with the regulations. He said for example, he sent in evidence, pictures – Mr. Chipkin is allowed 150 people but the pictures clearly show crowds with no social distancing of 400-500 people. Parking – there are at least 200 cars. People have tried to talk to Mr. Chipkin about this but he just walks away, says he doesn't care. Haberern said, what is the vineyard – it's alcoholic beverages people are consuming. It's nothing illegal but it has the ingredients for causing an accident if it's not controlled. He said we need to be especially paying attention to that. He said we need our police there regulating it, not 3 little kids standing in the middle of the road. He also feels that Mr. Chipkin has stacked the deck tonight and he hopes that doesn't influence. He just wants the Town to do their job and to go by the regulations. He says you have to be kidding him to say there's no speeding. He's had to wait several minutes to pull out of his driveway while cars whiz by the driveway. He says how long you're a resident on Cassidy Hill Rd makes no difference. He said put the police down there and see if there's speeding. Go by the facts. Get the proper authorities to monitor traffic, road conditions and sanitation and all the rules. He said neighbors don't need to be arguing. They should all get along and follow the rules. It's simple. It's not stacking the deck or who's more popular.

Jacqui Fettig, 107 Cassidy Hill Rd, Tolland – She said she knows that she doesn't live in Coventry but she does live on the street. She was married at Cassidy Hill Vineyard. She doesn't have an issue with the vineyard. She said she goes there frequently with friends. She has them park in her driveway and they walk there or take one car. She only walks there in the daylight because at night coming home it's just not safe with no streetlights. She thinks it's great that there is a business on her street that is so successful. She literally has cases of wine in her basement. Between 4:30 and 6:00 the traffic is heavy. She said people are excited to go to the winery and are driving fast until they come around the corner and see her house and realize they are in a residential neighborhood or they slow down because of the traffic from the winery. She said luckily her kids stay in the yard but if a ball goes in the street they can't see vehicles around the corner. That's her biggest concern – with the number of the people at the winery, is the sanitation sufficient, is the lighting sufficient and as she said in her formal complaint, with the wine being sold, how are they monitoring the alcohol consumption. It's not like going up to a bartender who can monitor each drink and cut you off. She said the people are buying bottles of wine at a time and then leaving the bar area. She wants to know how they are monitoring the consumption of alcohol on their property by 500 people and insuring that they are driving safely. She said once they get past Baxter St

they are not driving slowly. She has video if the Commission wants to see it. Her biggest concern is whether or not the road can handle this level of traffic and even if it's only one night per week, can adjustments be made with signs or speed bumps or something that might improve the situation.

Jobbagy asked if there was anyone else wanting to speak and no one else chose to speak.

Trott said obviously in a matter of 2 weeks we won't have all the answers to all the questions, but he will give an update on the process at the next PZC meeting. Trott thanked the audience for their patience and working with the Commission to have an orderly meeting.

All of the audience members left the meeting at 9:20 PM.

PUBLIC HEARINGS:

1. **#21-08**—Zoning Regulation Amendment of the Coventry Planning and Zoning Commission to create Section 6.01.h for a temporary and limited moratorium on cannabis establishments

Jobbagy opened the Public Hearing at 9:20.

Trott said that the legalization of cannabis sales by the State of Connecticut presents a unique situation that requires new regulations. The moratorium will allow PZC and Staff the time required to create the new regulations for cannabis establishments. Trott said this is not about saying yes or no to allowing cannabis establishments, it's just a temporary hold to allow us to take the time to create the regulations. The moratorium would be from September 13, 2021 through June 13, 2022.

Polsky said she remembered the proposed moratorium being mentioned as 6 months not 9 months.

Trott said he always intended it to be 9 months so if he previously said 6 months, he misspoke.

Polsky asked what happens during that time.

Trott said given all the other matters going on currently, he hasn't yet had the time to figure out what exactly will occur. He plans to talk to the Town Attorney and consult the CT APA. He has received literature to review but doesn't have a road map of the process yet.

Pollansky said she was with the PZC when they did a moratorium on subdivisions. It allowed them time for new regulations and amendments of the regulations that were well thought-out.

Polsky asked what the process will be during the 9 months.

Trott again said he doesn't know yet. There is lots of homework to be done. There is no past precedent for this in Connecticut. Coventry will likely only be allowed one cannabis establishment based on population.

Pattee said she's a Doctor of Public Health and she is not opposed to the moratorium but wants to say two things. 1 – She disagrees with Chief Palmer's conservatism and disagrees with not allowing cannabis in town. She feels we will be better off to educate than ban. 2- One week from tonight the Town Council is holding a public hearing about banning smoking (all smoking) on public property. As a Doctor of Public Health she doesn't want to see any smoking on public property.

Polsky said Willimantic just voted to allow cannabis establishments. Pollansky said what we will get from having a moratorium is sample regulations from other town like Willimantic which will be helpful to not reinvent the wheel. Trott said other towns including Tolland and Mansfield have both approved moratoriums.

Hall said he believes retail cannabis sales was delayed until May 2022. If that's the case why can't we use that time to get the regulations together? Trott said 6 months is not going to be adequate to get the regulations done given all we're doing. He said 9 months is a more reasonable timeframe but we may find a year is needed to get through the volume of guidance from a number of sources and craft the new regulations. The 9 month moratorium is at the recommendation of the Town Attorney.

Hall asked if the Department of Consumer Protection is the one issuing the permits. If that's the case aren't they giving Towns guidance on this? Trott said there is a large volume of guidance from a number of sources.

Hall said he will be voting against the moratorium because he think it's unnecessary. He thinks that the State passed this legislation to approve this business and he we shouldn't discriminate against it.

Trott said, for the record, we did all of the required referrals to abutting towns and CRCOG. No comments or concerns were received from abutting towns and CRCOG found no conflicts with regional plans. We also filed it with the Town Clerk's office and published legal notices as required. It is in compliance with the Town's Plan of Conservation and Development.

OLD BUSINESS: NONE

DECISIONS:

Motion: Be it resolved that the Planning and Zoning Commission of the Town of Coventry, exercising the authority of the Planning Commission pursuant to Section 8-24 of the General Statutes, having reviewed the proposal for the planning, design, and construction of a new softball field and related improvements along Plains Road, hereby approves the said proposal.

By: Pollansky

Seconded: Hall

Motion carried with the following vote:

For: Pattee, Marek, Jobbagy, Pollansky, Hall

Against: None

Abstain: None

Motion: The Coventry Planning and Zoning Commission approves Zoning Regulation Amendment #21-08 of the Coventry Planning and Zoning Commission to create Section 6.01 for a temporary and limited moratorium on cannabis establishments.

Consistency with the Plan of Conservation and Development:

Section 1.E – (Page 9) - Recommendation – ‘Incorporate into municipal regulations and standards the best progressive means of protecting the physical, social, historic and aesthetic well-being of neighborhoods old and new.

Reason for Decision:

To provide adequate time for the Commission and Staff to create appropriate regulations and standards for cannabis establishments that protect the public health, safety and welfare of Coventry’s residents.

Effective Date:

The day after the 15 day appeal period expires, subsequent to the posting of the legal notice of decision and will expire June 13, 2022.

By: Pollansky

Seconded: Marek

Motion carried with the following vote:

For: Pattee, Marek, Jobbagy, Pollansky
Against: Hall
Abstain: None

ADOPTION OF MINUTES:

Motion: The Coventry Planning and Zoning Commission approves the minutes of the August 9, 2021 meeting.

By: Pollansky

Seconded: Hall

Motion carried with the following vote:

For: Pollansky, Pattee, Marek, Jobbagy
Against: None
Abstain: Hall

COMMUNICATIONS:

Zoning Referrals were received from the Town of Willington and Town of Tolland for zoning regulation amendments to their village zones. Trott said he had no comment.

STAFF REPORTS: None

ENFORCEMENT: None

ADJOURNMENT:

Jobbagy adjourned the meeting at 9:35 PM

Respectfully Submitted,

Heidi A. Leech
Heidi A. Leech
Substitute Recording Clerk