

**COVENTRY PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MONDAY, SEPTEMBER 12, 2022**

CALL TO ORDER

By: Pattee

Time: 7:01 p.m.

Place: Annex and Zoom

ROLL CALL:

		PRESENT	ABSENT
REGULAR MEMBERS:	Steven Hall, Secretary	X	
	Bill Jobbagy, Chairperson		X
	Ed Marek - remote	X	
	Christine Pattee, Vice Chairperson	X	
	Darby Pollansky	X	
ALTERNATE MEMBERS:	Bob Burrington - remote	X	
	Carol Polsky - remote	X	
	Brian Murray	X	
STAFF:	Eric Trott, Town Planner	X	
	Heidi Leech, Permit Technician/Substitute Recording Clerk	X	

Burrington was seated for Jobbagy.

AUDIENCE OF CITIZENS: No one was present to speak on non-agenda items

PUBLIC HEARINGS:

- #22-08 – Subdivision Application of Pete Maynard, Andrew Bushnell - Agent, for a 2-lot Subdivision at 612 Broad Way, (Assessor’s Account No. R02632), GR80 Zone.**

Andrew Bushnell, PE, Bushnell Associates, Professional Engineer and Land Surveyor was present for owner June Maynard and Applicant Pete Maynard. He stated they were at the previous meeting to present the application and are back this month to deal with a couple issues including splitting the open space between the two lots and keeping the

ownership of the open space with each lot rather than deeding it to the Town. An updated plan was provided detailing these changes. The Conservation Commission was supportive of this decision because there is no opportunity for recreational use of this property due to the terrain and wetlands. Speaking of the terrain this brings up another issue which is the delineation of the property with the thick vegetation through the wetlands. Short of really clearing out the vegetation it will be hard to clearly mark out the Conservation Easement. Eric Trott had a discussion with the Town Attorney which he relayed to Bushnell. The Town Attorney's advice is to do the work during the winter and mark it as best as we can. Bushnell said that Trott's other comments were addressed and added to the updated site plan under the Construction Notes and Open Space Subdivision was added to the Title Block. The Public Hearing Sign Affidavit will be submitted after the close of the Public Hearing. Bushnell noted that they are providing well over the required 40% open space required of an Open Space Subdivision at 61.6%. Pattee asked if any PZC members or members of the public had any questions.

Trott noted that the E&S controls on the westerly side of Lot 2 need to be delineated on the final site plan.

Pattee closed the Public Hearing.

MOTION: The Coventry Planning and Zoning Commission approves subdivision application #22-08 of Pete Maynard, Andrew Bushnell, Agent, for a 2-lot Subdivision at 612 Broad Way, (Assessor's Account No. R02632), GR80 Zone.

With the following conditions:

1. The clearing limits for Lot 2 shall be noted on the Final Site Plan

Reason for the decision:

The application complies with the applicable criteria.

Motion by: Pollansky

Seconded: Hall

Voting:

For: Pattee, Hall, Marek, Pollansky, Burrington,

Against: None

Abstain: None

Motion unanimously approved.

2. #22-09 – Application of Karoli Stachowiak to Rescind Scenic Road Designation of North School Road – GR-80 Zone.

Eric Trott noted that a meeting/site visit occurred in late August with the UCONN Transportation Institute and Town Staff. Staff has inquired with the Director of Public Works about the expected release date of their report. Staff was told the report is expected to be received in time for the next meeting. This hearing is continued to the next meeting.

3. #22-105 – Special Permit Modification Application of Carol and Bob Chipkin, Attorney Dory Famiglietti – Agent, for Social Gatherings Accessory to a Winery at Cassidy Hill Winery, 454 Cassidy Hill Road (Assessor’s Account No. R02167), GR80 Zone

Brian Murray recused himself from the table.

Eric Trott took a moment to provide the audience with the expectations for the Public Comment section of the meeting. He reminded commenters to speak their name and address each time they speak so it can be accurately recorded by the Recording Secretary to reflect in the minutes. He also asked that the audience limit or refrain from clapping, cheering or jeering in response to comments to help keep the flow of the meeting and to keep the negative and non-constructive comments to a minimum. He asked that everyone be courteous to one another whether you agree with the speaker or not – everyone will get their opportunity to speak. Your cooperation is appreciated.

Attorney Dory Famiglietti was present representing owners Carol and Bob Chipkin who were also present in the audience. Galen Semprebon, Professional Engineer was also present.

Semprebon handed out the Traffic Operations Plan to members of the PZC and made copies available to the audience. Staff noted this was also provided electronically earlier in the day to the PZC and uploaded to the Meeting Materials on the Town Website. Trott also said that Todd Penney, Town Engineer has already reviewed this and made comments. The Plan, with his comments, has also been uploaded to the Town Website and provided to PZC members for review.

Famiglietti said that the Public Hearing was continued from the previous meeting on August 8th primarily so the Commission could digest all of the information received at the lengthy hearing and also to receive their response, in writing to a memo from the Town Engineer. They had responded verbally that night, but it was requested that they follow-up in writing primarily so they could get the Town Engineer’s confirmation that he was satisfied they had addressed his comments. Based on a memo and email from the Town Engineer dated September 7th, Famiglietti believes they have addressed his comments. There were two somewhat outstanding issues in question – 1 – Confirmation from the Commission that they have addressed the flow of excess traffic at the Baxter Street intersection to their satisfaction. This would be any cars needing to be turned away in the case of large events in excess of the 195 vehicle parking capacity.

Famiglietti said that Semprebon spoke about this at the meeting on August 8th and addressed it in response to the Town Engineer's comments, but if the Commission has any questions, they are happy to discuss it further. - 2 – The other item was suggested by the Town Engineer and also by Eric Trott in his recent memo, was that it would be good to have a stand-alone Traffic Operations Plan. This was discussed at the last meeting – how to maintain contiguous flow, make sure there are no circulation issues, no safety problems. Famiglietti stressed that the information contained in the Traffic Operations Plan is not new information, they are not bombarding the Commission with new information. All of the information was taken from their Traffic Report and then at the very end there is a section about Public Outreach that were comments raised at the last meeting on how they can let the public know that they are in a residential neighborhood and they have limited parking capacity, beware of their speed, the consequences of drinking to excess, etc. There are some recommendations in there too. Again, not new information, all information that was discussed or presented to the Commission. Famiglietti noted this was also provided earlier in the day to Eric Trott and Todd Penney, Town Engineer. Eric Trott noted that Penney had already reviewed and made comments and Trott had an additional comment.

Pattee asked Trott if he could give them a substantive comment on the plan. Trott said he'd rather leave that to Famiglietti. Famiglietti said that during the last meeting it was stressed that the Commission would like to focus on new material and while this isn't really new material it is compiled and presented in a new, focused way so she would like Galen Semprebon their Traffic Engineer to walk the Commission through the plan. A map showing the road network was put up in the meeting room.

Galen Semprebon from East-West Engineering walked through the Traffic Operations Plan. He explained that the plan's basic intent is to guide visitors during the large, special events which will have a parking capacity of 195 vehicles max. The Chipkins have a history of being able to park a large number of vehicles on the property. This plan is based on their experience in the past with some improvements. Visitors will arrive down Cassidy Hill Road and enter the Vineyard through a single driveway entrance as they have in the past. At that driveway now, Vineyard Staff will have a counter to count the vehicles as they enter the parking lot. A number of staff flaggers will be there on-property to guide the vehicles into designated spaces and be sure they are parked adequately. When the number of cars gets close to the 195 maximum, a Certified Flagger posted at the intersection of Cassidy Hill and Baxter Street will block the entering side of Cassidy Hill Road off with cones and a sign noting that parking is full, and divert any additional cars up Baxter Street. The Certified Flagger would be in contact with parking staff by walkie-talkie. Semprebon said that historically it's only been during prime weather evenings that they have had more than 195 vehicles. This on-street flagger will be an employee of Cassidy Hill Vineyard who is a Certified Flagger, as required. They will remain in place for a period of time after the start of the event. Traffic Summary Reports will be completed after each event and turned into Town Staff within four days to help collect information/data on historical context as to what's going on with each event. Regarding on-street parking, it is strongly discouraged and the posting of No Parking Signs on Cassidy Hill Road, which is solely under the jurisdiction of the Local Traffic Authority, they fully support. For Public Outreach, the Vineyard will

utilize signs and verbal outreach as well as postings on their website, of their parking limits and policy. They agree with Todd Penney's comments and have no problem with his recommendations.

Pattee suggested that the Vineyard use print and the web to provide a map/diagram of their parking and traffic plan. Trott said that there should be at least two Certified Flaggers on staff with a caveat that a backup plan be in place to hire outside Certified Flaggers in the event of Staff shortage due to illness or vacation. Famiglietti said the plan was to have at least two certified staff at all times and perhaps also Mr. Chipkin as a backup. Trott also asked that Semprebon replace the word "Flagman" with "Flagger" throughout the Traffic Operation Plan.

Famiglietti said that they are happy to develop the template for the final Traffic Summary Report which Penny asked them to do which she anticipates will include – What is the Event, When is the Event, How Did it Go, Were there Issues, etc. Not only will it show you that they're complying but this will prove to be a good tool for tracking/fine-tuning how they can do it better. They might find that they're in compliance but maybe they could do it better. She hopes that you'll find her clients have been cooperative and willing to work with Town Staff as issues have arisen. She fully expects that will continue to happen. These reports will be a great tool to ensure future compliance and cooperation and to head off any future issues at the pass.

Famiglietti said the only other new information tonight which she would like to get on the record is an email from the Director of Public Works, William Watkins regarding the status of Cassidy Hill Road. In his email he says that "The potential of additional traffic will not have a negative impact on the condition of the road in the near future." Famiglietti said that is something that was raised in public comment during the last meeting. Pattee said she thinks Coventry is pretty good about the upkeep of its roads and this will keep Cassidy Hill at the attention of the people who do the upkeep. Trott said that Cassidy Hill Road is already on the radar and is on the list of roads for maintenance in the foreseeable future. It will continue to be on the radar. There are plans to address the cracking issue.

Pattee asked if anyone on the Commission had any questions or concerns. She said the hope is to address all of the concerns of the Commission, the Public and the Applicant before closing the Public Hearing because once the Public Hearing is closed, they cannot get any additional input.

Hall said that he has comments but he isn't sure when to have the discussion. Pattee said it can be before or after the public comments.

Hall said that he is concerned about the history of this complaint and how it came to us. A citizen went to the Town Council and then members from the Town Council came to him asking what PZC was doing for enforcement against the applicants for not abiding by the terms of their Special Permit. He thinks it's important to look at the credibility of the Commission and the applicant. The Applicant did not comply with the terms of the Special Permit. He knows we only have one Zoning Enforcement Officer. He's happy to

hear there will be a form after each event to monitor compliance because that was going to be one of his big questions, if we weren't able to monitor and enforce the old permit, how are we supposed to monitor and enforce a new, expanded permit? He's glad there will be a form but he's still not sure. Hall asked if there had ever been a similar situation before where a permit has been issued and someone has operated for a number of years out of compliance.

Trott said this is a somewhat unique situation. He said that these events take place on Friday nights outside of work hours for our Zoning Enforcement Staff. Over a number of years the amount of events and the number of people built. He thinks that the Chipkins were somewhat a victim of their own success. They've gone beyond where they should be. We're aware and we fully recognize that. The fact that the Town of Coventry is a complaint-based enforcement model. The community sets what is a priority for us, to avoid the situation of selective enforcement which can come up. We're not canvassing and picking and choosing what to enforce and ending up in court. We're doing it in an equitable and fair fashion. We were not out on Friday nights. We got a complaint about a year ago. We moved to investigate it first before issuing any orders. We met with the Chipkins. We had an internal meeting in the office. We did a site visit. We gathered the information on the things that we found. We brought this to the PZC, and said this is a Commission issue to be transparent and let you know how we were dealing with this. This was a unique situation based upon the nature of the use, the location of the use. It wasn't like something you construct and it's done, it's on-going. The closest relatable permit would be Lakeview Restaurant with its live entertainment. That's multiple days per week but we would get complaint calls on a regular basis about it. We communicate with the owners and we ask them what they are going to do about it to resolve the situation.

Hall just thinks it's important to restate that the Commission and the Land Use Office are being diligent and that the public knows we're trying to correct the situation. Trott wants people to understand two things, one, that there is due process – people are concerned that things aren't happening fast enough but we need to be vigilant, we need to get the facts and be knowledgeable in how to proceed before we start issuing orders or notices of violation. We took some time, a few weeks to gain all the facts and deal with it. There was also an approach that we took in our office based on this Commission's guidance, which was to strive toward solution-building with any business as opposed to punitive action. Trott says when he met with the Commission, this is the approach that they were looking to take, to solve this by working with the business/citizen/community. We do this with all of our enforcement cases. We don't just jump to a Cease and Comply order, only in very extreme situations. Working it out so we can get voluntary compliance so we don't have to issue an order is always the preference. So that was another piece.

Hall said he's in favor of approving them and allowing them to fix things and going back to the way things were but he's conflicted with allowing them to jump into expansion and allowing them to have other types of events on Saturdays and Sundays. He's going to listen to the public and what everyone has to say but he has concerns.

Trott said regardless of what's decided about the modification, if you deny this application, their 2011 Special Permit will stay in place. He said what will need to be determined through discussion is if there is a magic number of expansion that you are comfortable with. Is it what's suggested by the applicant? Is it none? Is it somewhere in-between? What are the tools that can make it comfortable – Traffic Management Plan, Weekly Traffic Reports, Public Outreach, Real-time Evidence of Compliance. Another piece to look at, if a permit is approved for expansion, this give the opportunity to look at what are the realities of expansion. What is the reality of the traffic? How many vehicles a day are turned away? Are people speeding? Trott understands Hall's concerns and need for assurance and to ruminate over this. There are a number of tools in the toolbox this time that were not previously there to assure compliance. Pattee said she's glad Hall brought this up now. She feels the permit was originally intended for weddings and these things changed over time. One neighbor brought this to our attention. She was struck by how many nearby residents spoke to support the Vineyard. The key piece to her is the number of nearby neighbors who support these events. Usually it's "not in my neighborhood." Hall said that the Friday night events seem to have not had problems, but looking at the whole thing as a neighbor who might now have their whole weekend disturbed with car shows, food truck fests, Friday night, and Saturday and Sunday afternoon events - that's something to think about. He's comfortable with the Friday night events but reluctant to jump to expansion.

Famiglietti said that she wanted to remind the Commission that when the 2011 Special Event Permit was approved, the events were actually approved for Friday, Saturday and Sunday for a maximum of 15, not just Friday nights. They expected to do more weddings and private events but it morphed into the Friday night music events. If you think about a wedding, it's music and a meal. The Friday music events are music and a food truck. She doesn't feel you're giving them free reign. It's similar. She realizes it's a big jump in number, but the events are similar and they will be closely monitored.

Pattee said that the fact that they will report to Town Staff after each event gives her great comfort. Hall acknowledged that. Pattee said she's a data person. The only way to know if there is an issue with having these events, is to have these events and collect the data. Look at the data, look at any issues and go from there. Hall said that with Lakeview, since they are approved under the Outdoor Entertainment Regulations, they are approved for 3 years at a time. Trott said yes, that's correct but that it is a different section of the regulations. Cassidy Hill is looking for modification of their current approval under Social Gatherings Accessory to a Winery. Hall doesn't like that these are applied for and approved under different sections. Trott said that's why it needs to be looked at for balance and comfort level. The total number of events needs to be something the Commission is comfortable with.

Famiglietti said they are requesting 23 Friday night Music Events and 10 Other Events on Saturday or Sunday. Some of those 10 events could be in lieu of a Friday Night Music Event. She said the Music Events are voluntarily only from 6-8 PM even though they were originally approved until 10 PM. This is in recognition of the neighborhood. Outdoor entertainment regulations actually allow music until 1:00 AM. Pattee recalls that Lakeview was capped at 10 PM given the concerns of neighbors and the location.

Trott said that voices of people out on the patio are even a problem given the way the Lakeview is situated in the cove on the lake.

Hall said that he just wants consistency. Trott said that it's all about balance. There is a certain amount of context that applies to a particular application. There is scaling back for the timeframe that's happening from the original timeframe, not going to the max. The Commission needs to do a side by side comparison and then they can begin to quantify and qualify the application's core issues – Lighting, Sanitary Services, Vehicles, Patrons, and Compliance Checks. Trott said if the Commission decides that they are looking at a one to two year permit, they can look at a certain number of events and phase into an increased number of events if that makes them more comfortable. You can work your way into it. You need to discuss it amongst yourselves and keep in mind the tools you have to monitor, manage and mitigate.

Polsky asked as a follow up to the traffic study - What's going to happen with the traffic study? Trott said, hypothetically speaking, if the Commission approved the application they could approve it with a condition that, within one year a licensed Traffic Engineer will need to perform a Traffic Study using the data collected during the first season of events. That would give us a reality check of the traffic, the speed, everything with the relevance of when the use is actually occurring. Polsky said she understands that but what if it shows that negative things are occurring. Trott said he doesn't want to get too far ahead without having an approval, but if anything there will be more clarity. Pattee said it will be on the Commission to take it seriously and figure out how to address it.

Famiglietti said these reports are also important for the applicant/owners as well to note, since any issues are going to be bad for business and for the continuation of the events or even create some liability for them. These reports will also spark a dialogue for her clients and the Town. This will not fall off the radar screen again. It did after the 2011 permit. For the most part the events after the 2011 approval went well. There are a couple of neighbors who think otherwise but for the most part there were no complaints. Famiglietti said they would prefer to have no reduced time limit on their approval. In addition to questioning the legality of limiting the 19 year standard special permit approval, they are putting in a significant investment and if their approval might be good for only one year and they might come back in a year and lose it, they don't want to risk that. The legality aside, the reason for putting a time limit on a permit is to confirm compliance and she feels the controls will be in place with the incorporation of the reporting so that won't be necessary.

Pattee asked Staff his opinion of the legality question of limiting approval timeframes. Trott said that the CT General Statutes allows 19 year approvals for Special Permits. There is case law to suggest that Commissions cannot reduce it below that 19 years but the Statutes themselves, there is grey area. Trott spoke to the Town Attorney whose opinion is that for this permit, the essence of the Special Permit is the Use which can be limited. The only construction is the driveway approval would be a 19 year approval. The Use or Essence of the Special Permit would be allowed to be approved for a lesser period. Only the actual Construction needs to be 19 years.

Trott mentioned Matt's Outback Paintball which was a similar situation. It came in as a complaint. This was a Commercial Recreation Business in a remote, residential, dead-end area. They were initially given two 1-year Special Permit approvals. They self-managed and after that were granted their full permit. Trott agrees that in the case of Cassidy Hill Vineyard that we will have tools to monitor compliance through reports but given the history which needs to be considered, and we're not looking over our shoulders, we're looking forward, there is an opportunity to test drive and demonstrate the ability to succeed.

Pollansky said that she appreciates the parallel to a point but Matt's Paintball didn't have to submit a report after every event. You're going to get a temperature check after every event so you're going to see that result before the one year mark so she's not sure it needs to be checked at the year. Pattee said having the Chipkins come back every 3 years would use up an awful lot of Staff and Commission time if it's not necessary. Trott said that 3-year requirement would only be if it was under Outdoor Entertainment which they're using as guidance, but they are not under those Regulations. Pattee said if they are collecting Event Reports after every single event for a year she would not support having the Chipkins come back after a year if they are collecting these reports. Trott said they are submitting these reports for the life of the Special Permit not just for a year. Trott said these reports are going to collect traffic information but could collection additional information on any incidents and issues similar to construction reports. Trott said these reports will be shared with the Town Engineer and Police or other Staff as necessary. This is another place where the Commission needs to find its balance.

Pattee asked if any other Commission members had questions or comments. Burrington is happy with what he's heard so far and has no comments at this time. Marek has no comments. He can see both sides. He's ready to hear from the public. Famiglietti said she'd like to reserve the right to respond to comments.

Jim Sarles – 1658 North River Rd: He is a 20 year resident of Coventry and loves the Town. He says you'd never get a fire truck or ambulance up Cassidy Hill Road and it's a big concern for Chief Meyers. **Eric Trott commented that Fire Chief/Fire Marshal Bud Meyers approved the proposed Special Permit application including the traffic flow, parking and Site Plan modifications on July 11, 2022 **. Sarles says he's all for the approval but it needs to be safe. Sarles says there needs to be No Parking on Cassidy Hill Road but in his experience with the Farmers Market, people will park there anyway. You can't count on people to be nice and do the right thing. There need to be No Parking Signs. He says the Chipkins need to be made to do what they need to do, all the site improvements. He said their business grew bigger than they knew what to do. He also says parking is not a business for high school kids. They will never fit 195 cars in there. There's not proper turnarounds. He thinks they are rushing to get there. He asks the Commission to go easy, only give them an approval for a year, and make them do what they were required to do when they were approved before but didn't do. He doesn't want the quiet corner turned into the unsafe corner.

Howard Haberern – 80 Cassidy Hill Rd: He heard a lot tonight about business and about how everything is going to be under control but past trust and behavior should also be taken into consideration also that this business sells alcohol. With increased number of events there's increased risk of problems. Just because he does the speaking at meetings on behalf of himself and his neighbors doesn't mean there are only a few neighbors. The number of events and type of events, the definition of events hasn't even been clearly defined, now he's hearing the approval could be for 19 years. Since the last meeting the State of Connecticut has fined the Winery \$3000 and they will be closed down for one day for violating State Liquor laws. He says he's not attacking the Winery but he has no confidence. He says as Eric Trott knows, he had a similar situation before moving to Cassidy Hill Road. He used to live next door to an illegal construction company and had to spend \$125,000 additional to move into a safe neighborhood. Now it's happening again. He says to date he feels like he's been left in the dark and not had his questions answered. Trott asked him if he'd like his questions answered right now. Trott says that he went back through his emails with Haberern's comments this afternoon and found 6 questions that he can answer. #13 – Regarding required lighting fixtures under the original permit, where were they? – They were on the building but were not installed. There is a new lighting scheme being proposed by the applicant that will give better illumination of the parking area. #24 – Rewarding the Chipkins for not following the rules for 10 years – what does that say to other businesses? – It's hard to say what other people think or say so he'd rather not speak on that. #25 – A peer review of the traffic study should be required. The index makes the road almost impassable. – Email comment was received from the DPW Director who spoke on the index of the road, improvements on the road and comments about the traffic impact. #26 – The Chipkins and their Lawyer need to give a clear definition of Events – In the context of this application an event is defined as "A Social Gathering Accessory to a Winery" which is taken directly from the Zoning regulations. Haberern said that certain events such as a car show where people come and go at different times, the traffic will be very different than for a concert where someone comes at the beginning and stays until the end. Trott replied that the definition being considered is per the Zoning Regulations at this time. Haberern feels there is still a likelihood of an increase of traffic of up to three times or more based on this type of event like a car show. He then said he didn't want to speculate how much the increase would be, but certainly there would be an increase. Trott says a traffic analysis completed during a time when events are happening would be a helpful tool in determining these numbers. #32 – Is Coventry and Tolland going to paint bike lanes or install signs to protect cyclists? – Based on input from Public Works and the width of the road, not that he is aware of. #39 – Is there any additional liability to Town by having an increased number of alcohol events? – Risk Management is not something in Trott's wheelhouse. He would leave that to CIRMA. Haberern thanked Trott for taking the time to answer these questions.

Haberern feels that the Chipkins' lawyer monopolizes the hearing time going on so long so that the Commission is too tired to hear the public. He says that Ms. Pattee thanked him for his questions at the last meeting but then he was disappointed because she did bother to respond to his questions and she and another member said they were ready to vote before they had their answers showing a preconceived notion on how you were going to vote. The Chipkins went on Facebook to pack the meeting with supporters and

that doesn't make it legal just because it's popular. What really matters is what's legal, not how many friends you have. He continues that the Chipkins liquor permit specifically states no outdoor entertainment and they are making slushies with water from an unapproved water source.

Pattee corrected Haberern to say that they use bottled water purchased from Village Springs to make their slushies. Trott said the Winery is no longer out of compliance with the Public Health Code so it is not an issue for the Commission. Pattee asked Trott to clarify the relationship between the compliance with Liquor Commission and the PZC. Trott said the CT Liquor Commission is totally separate other than the one connection that, if there is a favorable approval by the Commission, the Chipkins can take that decision and go to the State to get their outdoor music license. Trott noted that if there are ten or more signatures on a petition, Liquor Control will hold a Public Hearing at the State Level on the Liquor Permit. The fine that was levied and the license suspension is completely separate from any approvals or decisions by our Commission.

Haberern continues that the Winery doesn't really bring in much money into Town because they hire High School kids instead of licensed flaggers and use volunteers to pick their grapes who they pay by giving a free lunch. He says the Chipkins lack moral character. He says they didn't get special events permits multiple times. Trott says they weren't required to due to the Winery's Special Permit. Haberern says they don't card properly for the sale of alcohol. Trott says carding for alcohol sales is a Liquor Control matter not PZC. Haberern feels that the Chipkins took advantage of the Town and State regulations – it didn't morph at all. He feels they can't be trusted and they just wanted to make as much money as possible. He feels it will set a precedent for other businesses if this gets approved. He says anyone can hire a lawyer and fight it. Pattee says he has articulated his feelings and opinions very clearly. Haberern says he will conclude now to give others the chance to speak but he feels this is the second time he will become the victim.

Steven Mantlik – 135 Cassidy Hill Road/294 Baxter Street in Tolland: Lives at the intersection of Cassidy Hill Road and Baxter Street. He's had a farm there since 2001. He wants to know, what about the people who want to go to his farm stand or want hay if they block the road off with cones. That traffic study doesn't tell you anything because it was done in February when the winery was closed. Someone hit the sign the cops put up to check speed. You need to put one in the other direction. Their excuse was they didn't have a pole to put it on. Trott says they recognize the background traffic study was not optimal and that it needs to be done during a time when events are happening. This has been established by the recommendations of the Town Engineer and the Traffic Operations Plan. Mantlik says he is constantly back and forth between his two properties. The road shouldn't be closed just for the Winery. It's a public road. Semprebon responded and said that the road will not be closed. There will be cones across one side of the road but one side will be passable. There will be a Licensed Flagger to allow local traffic to pass and that this won't be every week, only when the parking maxes out. He said as far as the traffic study, the traffic could be up to 15% higher, but that wouldn't make a capacity level impact. It's still level A. Mantlik wants to know what they're going to do about speeding. He thinks they need signs with

flashing lights. Semprebon said they can't control the speeding. All they can do is educate their own people and their patrons. Generally the fastest thing in residential neighborhoods is a UPS/FedEx truck. He says he has spoken to the Coventry Police multiple times regarding Cassidy Hill Road. He was told that someone ran over the speed device and the Acting Chief thought it might have been intentional. Semprebon said his impression from the Police was that speeding is not a big issue. Mantlik says that the speeding issue has nothing to do with the Chipkins specifically, it's more of a Coventry problem, but can you do anything about it?

Pattee says the Commission hears him and sympathizes a lot but a lot of this is not in the PZC's jurisdiction. He asked, can a solar flashing sign be put up that just says SLOW DOWN or something?

Pam Infante – 767 Merrow Road: She is so angry right now. **Trott advised that comments/questions must be directed to the Commission/Applicant or Staff** She knows first-hand that an ambulance can get through. She had a cardiac issue on a Friday night and two ambulances got through. She knows that the Vineyard does not serve their tap water. They will sell you a bottle of water but they will not serve you a glass of water. The slushies are made with bottled water. As far as using volunteers to pick the grapes, that is so common in the industry and it's fun and so therapeutic. It's a wonderful experience. She's finding it very hard to accept what the Chipkins have been put through for the last year. It is breaking her heart.

Timothy Owens – 38 Stage Road: To address the parking situation. They do employ a lot of parking employees and many of them are high school age. He started there when he was in high school and never did he feel like he was ill-equipped. People were always cooperative when he had to make people move. He never had issues. He is a Certified Flagger. He's had national training and certification so he's trained in promoting the flow of traffic. He's been there for years and they've never had an issue with emergency vehicles coming down the road. The only concern/issue that has potentially impacted traffic was cones with signs placed by a resident in the past.

Pollansky clarified for the record that the cones that Owens was talking about were not put in the road by the Vineyard. They were put in the road by a resident of Cassidy Hill Road.

Loray Courchaine – 12 Sugar Bush Lane, Tolland: Has worked for the Chipkins for 14 years, she's actually the one who started the music program, booked the music program and advertised the music program. She's known the Chipkins since the last century. She prepared a written statement that reads: I am a 14 year employee of CHV. I have known the Chipkins since 2003 when they began planting grapes and working towards opening the winery. It took 8 years of hard work on the land and buildings – and even harder work of figuring out the not so business friendly rules and regulations of the State of CT and Town of Coventry, dotting their I's and crossing their T's with all the officials and the winery opened in the fall of 2008. Being at the end of a dead-end street didn't help us get business so we looked to how other wineries in rural areas did it. Thus was born the music program. State mandates during Covid had us begin getting

another draw – food trucks. I have always known the Chipkins to be law abiding citizens and it saddens me that this “squad of malcontents” views them as law breakers that need to be punished for nefarious deeds. It is just not accurate.

After our Friday night music nights became popular we would often urge in our emails and postings to our customers about the events to use a designated driver, car pool when they could, and remember the winery is in a residential area so they should obey the speed limits and look out for pedestrians. I was at almost every concert – we had very little problems – the police can attest to this. Our customers are great people. Some even come on bicycles – proving wineries and bicycles can coexist.

I am asking the board for a favorable decision regarding the music program, food trucks and other events. One that does not over burden the Chipkins with unnecessary rules, and burdensome costs for the mostly frivolous concerns they have been trying to remedy for the past 18 months. It should not have taken this long. There is a value to the Town of Coventry in having a first class winery in their town – can they keep it? I hope so. – Loray Courchaine Tolland, CT

Lincoln LeFebvre - 280 Boston Tpk: He is a property owner and a longtime resident, currently not in town but moving back soon. He appreciates all points of view. He wants to point out that Coventry literally annually parades fire trucks including a hook and ladder truck down Cassidy Hill Road including into the Winery so he knows that the trucks fit. He also wants to agree with Loray that the customers and employees of the Winery are respectful of the neighborhood and again, there is no threat of not being able to get emergency vehicles down Cassidy Hill Road.

Kelley Barber – 29 Cassidy Hill Road: She says she supports the existing permit and the recommendation to start collecting data. She thinks it’s a great opportunity to see what’s really happening. She knows that no one wants to get overwhelmed by data and she’d like to volunteer her time to help analyze the data. She’d create a dashboard to create better visibility if that’s helpful. What she asks is that it be clear what the process would be if the data comes in and it doesn’t look like what the Commission had hoped. Do they come to the Commission and have a conversation? She would also like that data to be made available to the public. She would also like Event defined more clearly and she’d like to know where in the Vineyard these events will be taking place. Also will these events have music or not.

There were no other members of the public looking to comment.

Dory Famiglietti responded to comments. She heard a comment by Mr. Haberern that she feels is very relevant and very important. He said, “What matters is what’s legal.” She says he’s absolutely right. What matters is what’s legal in the context of this board and jurisdiction - an application to modify an existing Special Permit. The applicant has every right to apply for a modification to their permit whether they were in compliance with the permit or not and while opinions may differ and that’s fine, she feels it was inadvertent non-compliance that occurred over the years. The cooperation she’s seen from her client bolsters that. The PZC has the obligation to review it for compliance

with the Zoning Regulations, not for compliance with the Public Health Code, not the State Liquor Laws. What's in your regulations and what are we asking for?

Famiglietti says the things that are the same as the existing 2011 Special Permit are – They are still only requesting events on Friday, Saturday and Sunday. They are still only requesting events from April through September. They are actually improving the end time over the 2011 permit from 10 PM in 2011 to 8 PM for Music Events and 9 PM for Non-Music Events.

The use of Social Gatherings Accessory to a Winery is legally permitted as a Specially Permitted Use in the Zone. All of the events as defined in their narrative are allowed as Social Gatherings Accessory to a Winery. Their specific events may morph and change over time but they tried their best to give you an idea of what they have in mind at this time. They are broken down as Music and Non-Music Events. What is legally required? All Site Improvements will be completed as required according to the regulations. They have comments from the Fire Marshal saying he has no safety concerns. They have comments from the Director of Public Works saying no adverse impact to the road conditions by the additional traffic. They have comments from the Town Engineer that he's satisfied with their traffic analysis. They have expert Traffic Engineer testimony that the road is capable of handling the traffic circulation.

Famiglietti stated the standards for legal approval. She said there must be Compatibility with the Neighborhood but that doesn't mean that it needs to make everyone happy. She said they believe that when conducted as proposed, this will not have an unreasonable impact on the surrounding neighborhood. It will not create a nuisance. They can accommodate the increase in parking and traffic circulation. They are open to a condition that all site improvements be made before April 2023 when their season would open including lights and site work.

She continued that they have talked a lot about compliance. She feels one of the best ways to ensure compliance is going to be through Conditions of Approval. Their Licensed Traffic Engineer and the Town Engineer concur, Traffic reports will be submitted after each event for compliance. It will say what type of event, how many cars attended, was speeding an issue, were there any incidents? It's that kind of information that will assure it gets to the appropriate Town Staff. Hall asked about the reports – he said they are self-policing, we're trusting what they're reporting. She said yes and they are not the first applicants to be given this option, the paint ball permit was mentioned earlier. She said if there are incidents requiring Fire or Police there will also be official reports. Pollansky mentions that she imagines there will also be calls from the neighborhood if there are issues.

Famiglietti says there are also tools for enforcement if necessary, such as cease and desist and request for voluntary compliance. There was never a need for a cease and desist. They have voluntarily stopped events and worked to get into compliance. This should give you an indication of their willingness to work with the Town. She says that the technical design and the more subjective criteria have been met without unreasonable impact to the neighborhood. If one to two neighbors are unhappy due to

what's happened in the past, that doesn't necessarily meet an unreasonable impact. Just keep that in mind.

Pattee polled members to see if they were ready to discuss, close the hearing and vote. Trott said they should keep the hearing open until they are ready to vote because if any questions come up they won't be able to speak to the applicant.

Hall thinks that the applicant should not be allowed to expand but should come back in a year's time if they want to get approval to expand. Burrington would be agreeable to that. Pattee said she would like to give them 10 additional events because we won't know what it's like for them to have these events if they don't have them. Marek says personally 15 additional would be alright with him to give them a chance to see what they can do for maybe a year.

Pollansky says she has a couple of points and a question for Trott. No parking signs, those are under the jurisdiction of the local parking authority, were part of the traffic study. The Local Parking Authority is the Town Manager, Director of Public Works and Police Chief. If there were no parking signs it would give ticketing authority. Speeding will be addressed during events by flaggers if noted. Everyday speeding is outside of our jurisdiction. She thinks Mr. Mantlik doesn't understand that the whole road won't be blocked by the cones. Precedent, she thinks that if anything we've over handled this application. This will be a deterrent for anyone to do anything wrong or to come in and want to do things. She says we did it with Lakeview, we did it with Outback. If anything this won't make people feel they can get away with things. They will feel they can't get away with anything. Her question was on the weekly event reports – who will review them? Trott said they will get submitted to him and he will review them and share them with the Town Engineer, Chief of Police, look for trends, issues of speed, cars turned away, conformity with conditions of approval, etc.

Pollansky said as to whether they are rewarding the applicant by giving them what they're asking for, she doesn't think so. She thinks a great deal has been incurred with this application. She feels the request should be granted with the additional dates. There are really no other applications to compare this one to.

Pattee would like to see a total of 25 events, 15 Music Events and 10 Non-Music. She's very comfortable with how they've met the expectations. They have no way of knowing the impacts until the events happen.

Hall feels that any applicant that was required to build a driveway and all kinds of improvements and didn't, shouldn't be rewarded with an expanded permit.

Trott says that the Friday Night music events are held on the porch. He thinks that the location of the other events should be delineated on the final site plan, if approved.

The Commission and staff continued to discuss possible conditions of approval including revision of the Traffic Operating Plan per Town Engineers comments, Property Line Noise Management Guidelines, Inside/Outside Events, and Weekly Event Report

Specifics.

Trott took a poll of members to try to get a consensus for possible additional events. There was a range from only wanting to approve the original 15 events to the full 33 requested with some throwing out 6 additional to 18 additional.

Pollansky reminded the PZC that as a Commission, they do have a history of working with businesses even when they are out of compliance to bring them into compliance.

The Commission asked the applicant what they would prefer if given the choice with regard to Music/Non-Music Events. Mr. Chipkin said that the Friday Night Music Events are known to them. The Non-Music Events are less known. So if the Commission were to approve say 22 events, they would prefer to have 18 Music Events and 4 Non-Music Events.

Pattee says she would like to grant 19 Music Events and 4 Non-Music Events to give room to experiment. She would like Event Reports provided for each event including what type of event it is as a condition of approval.

Burrington says he would agree to that. Hall says the PZC has done a wonderful job coming to a consensus. The Commission discussed additional details for the Conditions of Approval.

Some members would like to consider giving a one year approval and then reevaluating after one year based on the reports and Traffic Study. Famiglietti asked if they would have to come back and fully reapply and have another public hearing after one year if they are only given a one year approval. Trott said there is no way without a Public Hearing. Famiglietti said it was still the same modification, right? Pollansky asked if there could be preliminary discussion.

Trott and Famiglietti discussed the legality of the Special Permitting Renewal vs. Modification of Conditions of Approval. Trott does not feel there is a legal way outside of a modification with a Public Hearing to make modifications to a Special Permit. Trott said a 3-year approval is consistent with other permits for outdoor entertainment so that might be a compromise option. The PZC could then go on to a 19 year approval in the future if they preferred.

Pattee closed the Public Hearing at 11:02 PM

MOTION: The Coventry Planning and Zoning Commission approves Special Permit modification application #22-10S of Carol and Bob Chipkin, Attorney Dori Famiglietti, Agent, for Social Gatherings Accessory to a Winery at Cassidy Hill Winery, 454 Cassidy Hill Rd, (Assessor's Account No. R02167), GR80 Zone.

With the following conditions:

1. Weekly Traffic Reports for each event shall be submitted on a form to be approved by the Town.
2. Revise the Traffic Operations Plan as per the Town Engineer and Town Planner's recommendations.
3. A Traffic Study is to be performed during the first season between April and September to evaluate the events held, which shall be submitted to the Town Staff after the first season.
4. Music shall not be unreasonably loud at the property line.
5. Event locations shall be delineated on the final Site Plan.
6. All improvements pursuant to the Site Plan shall be completed prior to the first event.
7. The Narrative of the Application is referenced as part of the Commission's decision.
8. The Special Permit allows up to nineteen (19) Friday Night Music Events and four (4) Non-Music Events either on Saturday or Sunday, or on Friday in-lieu of a Music Event.
9. The Special Permit is approved for a period of three (3) years with opportunity for renewal after three (3) years.

Reason for the decision:

The application complies with the applicable criteria.

Motion by: Pollansky

Seconded: Burrington

Voting:

For: Pattee, Marek, Pollansky, Burrington,

Against: Hall

Abstain: None

Motion approved with a vote of 4 to 1.

Pollansky left the meeting at 11:05 p.m.

ADOPTION OF MINUTES:

Motion: The Coventry Planning and Zoning Commission approves the minutes of the August 8, 2022, meeting.

Motion by: Pattee

Seconded: Marek

Voting:

For: Marek, Pattee, Burrington,

Against: None

Abstain: Hall

Motion unanimously approved.

COMMUNICATION: Town of Tolland Referral - No Comment

STAFF REPORT: Hiring on ZEO – Currently utilizing Contracted ZEO Services, Interim ZEO Robin Newton who has been very efficient and capable. We plan to rerun the ad in late September/early October.

ADJOURNMENT:

Pattee adjourned the meeting at 11:10 p.m.

Respectfully Submitted,

Heidi A. Leech

Heidi A. Leech, Substitute PZC Recording Secretary

PLEASE NOTE: These motions are not official until approved by the Planning and Zoning Commission at the next Commission meeting. Please see the next Commission meeting minutes for approval or changes to these motions.