

**COVENTRY PLANNING AND ZONING COMMISSION
MINUTES
MONDAY, APRIL 25, 2022**

CALL TO ORDER

By: Jobbagy

Time: 7:02 p.m.

Place: Hybrid

ROLL CALL:

		PRESENT	ABSENT
REGULAR MEMBERS:	Steven Hall, Secretary	X	
	Bill Jobbagy, Chairperson	X	
	Ed Marek		X
	Christine Pattee, Vice Chairperson - remote	X	
	Darby Pollansky	X	
ALTERNATE MEMBERS:	Bob Burrington - remote	X	
	Carol Polsky - remote	X	
	Open		
STAFF:	Eric Trott, Town Planner	X	

Polsky was seated for Marek.

Zoom attendee: Kelley Barber is listening in tonight.

AUDIENCE OF CITIZENS:

No one was present to speak on a non-agenda item.

PUBLIC HEARINGS:

- #22-3 – Subdivision application of Bushnell Associates for owner, Zachary N. Studenroth for a 2-lot subdivision at 445 Goose Lane (Assessor’s Account No. R06044) – GR-40 Zone.**

Staff: The site work for the archeological dig has been done. The comments from the State Archeologist have not yet been received. The comments from the Town Engineer will be met. It is expected these matters will be able to be closed at the May 9, 2022, PZC meeting.

Audience of Citizens:

No one was present to speak.

The hearing is continued.

2. #22-4 - Subdivision application of Bushnell Associates for owners, Robert and Mary Kortmann for a 2-lot Family Resubdivision at 430 Talcott Hill Road (Assessor's Account No. R02961) – GR-40 Zone.

Staff: The archeological report has been received from the consultant. The comments from the State Archeologist have not yet been received. The comments from the Town Engineer will be met. It is expected these matters will be able to be closed at the May 9, 2022, PZC meeting.

Audience of Citizens:

No one wished to comment.

The hearing is continued.

OLD BUSINESS:

None

NEW BUSINESS:

1. CRCOG – Regional Planning Commission Coventry Representative

Staff: Marek has been our representative for some years now. He has enjoyed the meetings and being involved with CRCOG. Let's hold off until Marek is present to see if he is willing to continue in this role.

DECISIONS:

None

ADOPTION OF MINUTES:

1. April 11, 2022

Motion: The Coventry Planning and Zoning Commission approves the minutes of the April 11, 2022, meeting.

By: Pollansky

Seconded: Hall

Voting:

For: Pattee, Pollansky, Jobbagy, Polsky

Against: None

Abstain: Hall

COMMUNICATIONS:

None

STAFF REPORTS:

1. Cannabis Establishment regulations – status

Staff: An outline from the cannabis subcommittee was emailed to Members. This is the base foundation for the regulations. The Town Attorney will look at this. This is a useful outline or structure on how the regulations will be formulated, the items we want to touch on, and how we administer them.

Pattee: This is very good, clear, and simple. It is important Staff and the PZC is supportive of such a regulation. She feels the commercial and rural development zones are sensible and non-controversial. Regarding the mention of illegal actions on the premises – most of those would be robberies because this is a cash business. We will have to put that on our radar.

Jobbagy: The subcommittee looked at some regulations from Massachusetts where they have had these businesses operating for a while. We've benefitted from their experience. This gives the PZC a good idea of the items that we have to address. We are only allowed one retail establishment and one for the manufacturing of the product. We are going to take our time and do this right.

2. Accessory Dwelling Units regulations – draft revision preparation

Staff: Has not had time to work on this.

3. Housing Affordability Plan – update

Staff: Things are going rapidly and well with the consultant. We will talk about the community value statement at an upcoming meeting. SLR will give action items and strategies. He expects to bring the plan to the PZC for the May 9, 2022, meeting. It is best

if this item go through the public hearing process. That is anticipated to be at the second PZC meeting in June.

Pattee: Feels the idea of a public hearing is an excellent one.

ENFORCEMENT:

1. Cassidy Hill Winery – questions from citizen

Staff: Questions from a citizen and answers from Staff were distributed to the Members (these are attached to this document). Some of the questions are under the jurisdiction of the PZC. Staff's answers were reviewed by the Town Attorney.

Pattee: Too much Staff time is being spend on this that could be better spent on items like ADUs. Is there any way to put a reasonable limit on repetitious questions? Some are blatantly intended to gum up the works. When do you think this will be over? Staff: The process has to unfold. The winery has to come forward to modify the application. He has been in communication with their land use attorney. He expects a preliminary discussion or the application for the May 9, 2022, meeting. The process will unfold with the applicant and the plan that they have. Jobbagy: We will not take any more questions on this matter. Hall: Confirmed with Staff that the applicant is expected to be at the May 9, 2022, meeting.

ACKNOWLEDGEMENTS:

1. #22-05 – Meadowbrook Plaza, 1671 Boston Turnpike.

Staff: Interior floor space change is proposed for Meadowbrook Spirits. Integrated Rehab is taking some of liquor store space to remain in the plaza and the liquor store will expand into the H&R Block space. This work will be done this summer.

ADJOURNMENT:

Jobbagy adjourned the meeting at 7:26 p.m.

Respectfully Submitted,

Yvonne B. Filip

Yvonne B. Filip, PZC Recording Secretary

PLEASE NOTE: These minutes 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 minutes.

Eric Trott

From: Howard Haberern <hhhman99@hotmail.com>
Sent: Monday, April 18, 2022 6:24 AM
To: Eric Trott
Cc: Howard Haberern
Subject: [EXTERNAL] Questions regarding Cassidy Hill Winery
Attachments: Question for Eric Trott April 17, 2022 final.docx

CAUTION: This email originated from outside of the Town of Coventry email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Trott,

I hope that you had an enjoyable Easter. Being a novice as to how the permitting process actually works I am requesting that you give me replies to all of the questions that I presently have regarding Cassidy Hill Winery. The final decisions, as to how the winery is allowed to operate, directly affects us since we are residents on Cassidy Hill. if possible can you add the question number to each of your replies?

Thanks in advance to your assistance,

Howard Haberern
80 Cassidy Hill rd.
Coventry, Ct.

1. What is the present status of the winery? Please explain and any regulations -permits that have been approved to date.
2. Is there a special permit drafted? If so, what does it state?
3. What is the date the winery was given permission to allow alcohol to be consumed on the outside premises?
4. When was the State of Ct. notified?
5. How is the town going to monitor or control the attendance numbers?
6. How is the town planning on handling the Coventry regulations that do not allow Class 2 liquor in a residential zone?
7. Why wasn't it mentioned at the April 11th P&Z meeting that permission was already given to the Chipkins for the outside consumption of alcohol at the winery?
8. Has the town decided how many patrons will be allowed?
9. Has the town looked at the condition of Cassidy Hill Road? It is narrow, has no lighting, no real line of site, is in poor condition, etc.?
10. Will the town require any controls on how many people can attend? (Prior ticketing, manual head counting, etc.)
11. Are our local police going to be directing traffic?
12. Will there be any type of public hearing before the special permit is granted? If so, what type of notification and when in the process? If not, wasn't it promised by you to happen?
13. Has the town considered any type of regulation and or controls on how much alcohol is consumed by an individual?
14. Will there be any type of checks that the person buying and or consuming alcohol is of legal age?
15. Speeding is and has been an ongoing issue during previous events at the winery. How will the town handle this?
16. Is the town putting itself at risk for a lawsuit if an impaired driver caused an accident or harm to others?
17. Will a turnaround be installed at the end of Cassidy Hill so that non-patrons don't have to enter the winery's property when driving to the end of the road?
18. Has the traffic study and town engineer taken into consideration that Cassidy Hill Rd. is a cycling road? The Coventry web site includes Cassidy Hill Rd. in the Laidlaw Family Ride Trail bike. [Bike-Trails-ALL \(coventryct.org\)](http://Bike-Trails-ALL.coventryct.org)

19. Will the new permit for the winery have an expiration or renewal date?
Columbia, a neighboring town, has a 2-year limit which will help ensure compliance and address any neighborhood and business changes.
20. Has the town verified that the winery complies with all ADA requirements?
21. Has the Police dept. signed off on the winery? Please give me the status of their input and present standing.
22. Has the Fire dept. signed off on the winery. Please give me the status of their input and present standing.
23. Will there be an outside consultant conducting a peer review of traffic operations plan?
24. Will Planning and Zoning use winery regulations from neighboring towns to help craft the amendments to the special permit?
25. To comply with FOI shouldn't the meetings with the Chipkins be part of the Planning and Zoning public meetings?

19. Will the new permit for the winery have an expiration or renewal date?
Columbia, a neighboring town, has a 2-year limit which will help ensure compliance and address any neighborhood and business changes.
20. Has the town verified that the winery complies with all ADA requirements?
21. Has the Police dept. signed off on the winery? Please give me the status of their input and present standing.
22. Has the Fire dept. signed off on the winery. Please give me the status of their input and present standing.
23. Will there be an outside consultant conducting a peer review of traffic operations plan?
24. Will Planning and Zoning use winery regulations from neighboring towns to help craft the amendments to the special permit?
25. To comply with FOI shouldn't the meetings with the Chipkins be part of the Planning and Zoning public meetings?

April 25, 2022

Howard – Below are my responses to your questions that you emailed to me on April 18. Please bear in mind that some of these responses are to be considered preliminary in nature due to the fact that a formal special permit modification application has yet to be submitted by the applicant. The answers may be modified depending upon the facts that are considered during the public hearing process with the special permit modification application.

1. The Winery received a special permit approval from the PZC in 2010. An administrative flaw in the perfection of the special permit approval was detected in 2021. The situation is recognized by the PZC and it is allowing the Winery to correct that issue so that the existing special permit remains effective pending any subsequent modifications. The existing Special Permit was issued pursuant to Sections 6.03.02.o and 7.03 of the Zoning Regulations.
2. If you are referring to a new or amended Special Permit application, then no, not that the Town Staff is aware of.
3. The State Liquor Control application was approved by the Zoning Agent with conditions on March 9, 2022. After conferring with the Town Attorney, it was determined that the Town was not in a position to refuse signing it, despite the status of the Special Permit.
4. Which branch of the State, notified of what, and by whom?
5. This is at the discretion of the PZC and is to be considered with a Special Permit modification.
6. Class 2 liquor licenses are no longer issued by the State Liquor Control Commission. The Town was not aware of this change. The Zoning Regulations pertaining to this license will be revised accordingly. The Winery received an approval to conduct an 'accessory assembly use', not a particular class of liquor license.
7. Town Staff determined that it was not necessary to report this since it did not change the situation with the Special Permit and the approach that the Commission has elected to take with the Winery to bring them into compliance or administer a Special Permit modification.
8. Same as #5.
9. Yes, the Town Engineer is aware of the condition of Cassidy Hill Road as it relates to this matter.
10. Same as #5, #8.
11. If the Police was to be involved in traffic management, they would need to be hired. Staff is not aware of the Winery pursuing this option.
12. A public hearing is required for a Special Permit modification application such as the one being contemplated by the Winery. Standard legal notices to The Chronicle, signs posted on the property, postings of agendas on the Town website and Town Clerk's office are standard.

13. That is not the jurisdiction of the PZC.
14. That is not the jurisdiction of the PZC, but the responsibility of the Winery.
15. Same as #5, #8, #10. Also, this is the jurisdiction of the Police Department.
16. Unknown – I am not the appropriate person to answer a question on legal liability involving accidents caused by impaired drivers.
17. This has not been discussed as an option up to this point.
18. That is a question that Winery's engineer will need to answer. I don't recall it being specifically mentioned in the initial analysis.
19. Same as #5, #8, #10, #15.
20. At the time of the Certificate of Use and Occupancy for the Winery building, the handicap improvements were deemed to be compliant. This issue may resurface with the Special Permit modification.
21. The Police Department is not required to sign off. The PD will be consulted and asked if they wish to comment on the proposal. They were involved in the solution building session with other Town Staff that was held in September 2021. They spoke to the Winery's engineer when he was preparing a traffic analysis.
22. The Fire Department is not required to sign off. The Fire Marshal will be consulted and asked if he wishes to comment on the proposal. He was invited to attend the solution building session with other Town Staff that was held in September 2021, but was not able to attend.
23. This has not been determined at this time. The PZC may request this to occur.
24. No, the PZC is legally bound to the Zoning Regulations adopted for Coventry when administering an application.
25. The meetings between Town Staff and the Chipkins are not subject to the FOI regulations pertaining to public notice of meetings. Certain copies of file materials relative to those meetings are subject to FOI, with respect to copies being provided when requested by the public.