

**Eric Trott**

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**To:** Kelley Barber  
**Subject:** RE: [EXTERNAL] Cassidy Hill Winery Permit: Local Town Similar Regulations

Good Morning – Thank you for your input. Please see my responses to your comments/questions below:

What is the benefit for reviewing neighboring regulations and updating Coventry regulations? **It can provide some context and a sampling of ideas when the Staff/Commission are revising or creating Zoning Regulations. Ultimately, each town crafts its regulations in a manner that is consistent with their own Plan of Conservation and Development and approach agreed upon by the Commission.**

- Coventry has no winery regulations. This leaves the door wide open for other people in a residential zone on small pieces of property, close to neighbors, wanting to do the same thing and you'll have to say it's ok so as not to show prejudice and expose the Town to risk of being sued **The use is allowed only in the GR 40/80 zone by the issuance of a Special Permit. The Special Permit/Site Plan evaluative criteria (Sections 7.02.07, 7.03.06) are what will guide the Commission in making a decision on such a use. The Commission has discretion on how to evaluate each proposal. Instead of creating static regulations that may or may not fit a particular proposal, the Commission allows for the merit of each proposal to be considered with respect to the appropriateness of the use at a particular location.**
- Updating regulations to include State Liquor Control regulations would bring visibility into what's required **Our Town Attorney typically advises that it is duplicative to do that in many cases and since their Statutory requirements change over time, it can be challenging for the Staff/Commission to be aware of all of these changes to make the Regulations up to date.**
- Managing to regulations will make it easier to enforce vs managing to individual permits **I am unclear as to what is suggested with this comment.**
- Detailed regulations would reduce the number of complaints and unqualified permit requests because it will be easier to see what's required/allowed **Complaints can be generated whether there are elaborately detailed regulations or not. Complaints are based upon compliance with a particular regulation or permit that has been issued. The permit approval criteria or conditions, as well as a relative site plan, provide the details on what is allowed. Up to this point, the Commission has not discussed the need to create new winery regulations in light of the situation with the Chipkins.**

Thank you,

*Eric M. Trott*

Coventry Director of Planning and Development  
(860) 742-4062

**From:** Kelley Barber <barber\_kelley@yahoo.com>  
**Sent:** Sunday, August 7, 2022 2:49 PM  
**To:** Eric Trott <etrott@coventryct.org>  
**Subject:** [EXTERNAL] Cassidy Hill Winery Permit: Local Town Similar Regulations

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Eric

Attached are winery regulations from our neighboring towns. I reviewed them so that I could have a fair and comprehensive look at what is reasonable based on the experience of our surrounding towns. Please share this with the P&Z as I think this might help guide them in their decision on the Cassidy Hill Winery special permit application.

What is the benefit for reviewing neighboring regulations and updating Coventry regulations?

- Coventry has no winery regulations. This leaves the door wide open for other people in a residential zone on small pieces of property, close to neighbors, wanting to do the same thing and you'll have to say it's ok so as not to show prejudice and expose the Town to risk of being sued
- Updating regulations to include State Liquor Control regulations would bring visibility into what's required
- Managing to regulations will make it easier to enforce vs managing to individual permits
- Detailed regulations would reduce the number of complaints and unqualified permit requests because it will be easier to see what's required/allowed

Thank you,  
Kelley Barber  
29 Cassidy Hill Road

## Eric Trott

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**To:** Kelley Barber  
**Subject:** RE: [EXTERNAL] Cassidy Hill Winery Permit Request: Feedback

Thank you for your comments - I will share them with the Planning and Zoning Commission as they consider the Chipkin's permit request.

*Eric M. Trott*

Coventry Director of Planning and Development  
(860) 742-4062

**From:** Kelley Barber <barber\_kelley@yahoo.com>  
**Sent:** Sunday, August 7, 2022 9:24 PM  
**To:** Eric Trott <etrott@coventryct.org>  
**Subject:** [EXTERNAL] Cassidy Hill Winery Permit Request: Feedback

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The Cassidy Hill Winery in its current capacity does not impact the neighborhood. I do not approve giving a business that was not in compliance with State of Connecticut Liquor control since 2007 and did not immediately address Oct 2021 EHHD violations permission to do more events and have more customers.

I do support Eric Trott's recommendation to consider Section 4.06.07 (Musical Entertainment) and Section 7.03.06 (Standards for Special Permits) regulations.

- Section 4.06.07 Music Entertainment:
  - Music permits have expiration dates which will allow the town to evaluate compliance. Cassidy Hill Winery permits should have an expiration.
  - *"Music entertainment should not be unreasonably loud at the property line."* Cassidy Hill Winery music stage is at the road and can be heard by neighbors on Cassidy Hill and Baxter. The music location needs to change.
- Section 7.03.06 Standards for Special Permits: *"Proposed uses should not unreasonably adversely affect the enjoyment, usefulness and value of properties in general vicinity or cause undue concentration"*.
  - It's unreasonable to block a road to manage traffic.
  - Turning away traffic does not help reduce unnecessary traffic. This change will actually increase people's speed to arrive to ensure they can get in and there will be more people driving upset because they couldn't get in.
  - Music is not contained to property. Neighbors on Cassidy Hill and Baxter can hear music.

The Winery paid for traffic study that didn't analyze Cassidy Hill Road infrastructure:

- Cassidy Hill Road is posted as a designated bike route-Laidlaw Family Ride Trail
  - Bike traffic was not evaluated. How does the additional traffic with alcoholic drivers increase the risk to bikers?
  - CT state regulations require 3 ft of separation when passing cyclists. There are specific sections of Cassidy Hill that are narrow and there's also a blind corner. Is it safe for both?
- Cassidy Hill Road has a Pavement Condition Index of 43.4.
  - Cassidy Hill Road was identified as needing Structural Improvement and is considered in poor condition.
  - No funding was allocated to fix. As of January, Coventry has a backlog of pavement repair work of > \$8M.
  - How does the additional volume impact the road structure? Who will pay for the additional work needed?

Thank you,

Kelley Barber  
29 Cassidy Hill Road





6. Signage Prohibited – All signs, other than the manufacturer’s or installer’s identification, appropriate warning signs, or owner identification, on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road, shall be prohibited.
7. Lighting – No illumination of the turbine or tower is allowed unless required by the FAA.
8. Access – To prevent unauthorized climbing, no foot pegs or rungs shall be located on the bottom 12 feet of a freestanding tower. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed.
9. Requirement for Engineered Drawings – Applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer.
10. Utility Notification – No small wind energy system shall be installed until evidence has been submitted to the Town that the relevant electric utility company has been informed of the customer’s intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
11. Abandonment – If a wind turbine is inoperable for six (6) consecutive months, the owner shall be notified that they must, within six months of receiving the notice, restore the system to operating condition. If the owner fails to restore the system to operating condition within the time frame, then the owner shall be required, at his or her expense, to remove the wind turbine from the tower for safety reasons. If the owner fails to remove the wind turbine from the tower, the Town may pursue legal action to have the wind generator removed at the owner’s expense.
12. Special Permit – In granting a Special Permit for a wind system, the Commission shall have the power to impose such additional standards and requirements as it deems necessary to carry out the purpose of these regulations.

### **Section 16-13. Farm Brewery, Farm Cidery, Farm Distillery and Farm Winery**

#### **A. Intent**

The intent of these regulations is to support agriculture in Tolland by allowing expanded economic enterprises on farms while ensuring that activities are compatible with residential zones and minimizing potential impacts to nearby residences. The activities and uses permitted in this Section are intended to be accessory to a farm operation.

**B. General Regulations for all Farm Breweries, Cideries, Distilleries, and Wineries**

1. Minimum lot size: 15 acres
2. All refuse areas shall be located a minimum of 100 feet from all property lines.
3. The following requirements for local ingredients shall be met:
  - a. For a farm brewery, a minimum of 20% of ingredients, excluding water, shall either be grown on the site or grown within 60 miles of the premises.
  - b. For a farm winery or farm cidery, the amount of the fruit grown on site shall meet that required by state statutes except that only fruit grown on the premises or on a farm elsewhere in Tolland shall count toward the minimum amount required.
  - c. The Commission shall determine which of the above requirement shall be met for a distillery based upon the type of ingredients distilled.
4. The establishment shall not sell, serve, or offer tastings of alcoholic beverages that were not manufactured on the premises.
5. To the extent practicable, truck deliveries and pick-ups between 10 p.m. and 6 a.m. should be avoided.
6. There shall be no amplified music or amplified sound.

**C. Permit Requirements:**

1. Minor Farm Breweries, Cideries, Distilleries, and Wineries – Zoning Permit
2. Major Farm Breweries, Cideries, Distilleries, and Wineries – Special Permit

**D. Permitted Uses and Regulations for Minor Farm Breweries, Cideries, Distilleries, and Wineries**

In addition to the farming operation and other uses customary and incidental to a farm, retail and wholesale sales of the products grown and manufactured on property owned or leased by the permittee in Tolland as part of a Roadside Stand shall be permitted with a Zoning Permit. Retail sales of beer-, cider-, wine- and alcohol- related merchandise, such as glasses, mugs, and items that promote the product or are directly related to the use of the product are allowed.

**E. Permitted Uses and Regulations for Major Farm Breweries, Cideries, Distilleries, and Wineries**

1. In addition to the farming operation, the following uses are permitted on the premises of any major farm brewery, cidery, distillery or winery:
  - a. Tastings, for free or for a fee.
  - b. Tours.



- c. Retail and wholesale sales of the products grown or manufactured on the premises.
  - d. Retail sales of beer-, cider-, wine- and alcohol- related merchandise, such as glasses, mugs, and items that promote the product or are directly related to the use of the product. Merchandise unrelated to the products produced on site may be offered for sale provided that the amount offered is clearly subordinate to related merchandise. In general, no more than 25% of merchandise displayed for sale shall be unrelated merchandise.
  - e. Other uses customary and incidental to a farm.
2. All buildings, structures and parking related to the brewery, cidery, distillery, or winery operation shall be located a minimum of 100 feet from all property lines. If the front property line is located on a state route, the Commission may reduce the front yard setback to 50 feet provided it determines such a reduced setback does not impact adjacent residential uses.
3. Unless otherwise restricted by state law, hours open to the public are limited to:
- a. Sunday, noon to 6 p.m.
  - b. Monday through Wednesday, noon to 8 p.m.
  - c. Thursday through Saturday, noon to 9 p.m.
4. Additional screening may be required for areas used for outdoor tastings or seating in order to reduce disturbances to adjacent residential uses.
5. Areas used for outdoor seating and outdoor tastings shall be located at least 200 feet from all property lines.
6. No more than three (3) food trucks are permitted. On parcels at least two (2) times the minimum lot size, the Commission may allow additional food trucks as part of the Special Permit Process. Establishments may permit visitors to bring food or may serve snacks. The preparation and serving of meals is prohibited, other than by food trucks.

## **Section 16-14. Licensed Retail Cannabis and Medical Marijuana Dispensaries or Production Facilities**

### **A. Intent**

The purpose of this section is to regulate the location and operation of recreational cannabis retailers, hybrid retailers, cultivators, micro-cultivators, and medical marijuana dispensaries and production facilities. The intent is to minimize any adverse impacts of such facilities and to protect and preserve Tolland's neighborhoods, commercial districts, property values and quality of life.



- 3) Farm Retail Store. (revised effective 5/17/21) As an agricultural accessory use on a parcel that is not less than seven and one-half acres (7.5) acres, with a minimum of 500 feet frontage on a State road with public access that meets Columbia's driveway sight line regulations, a farm retail store may be permitted with the following requirements:
- a. The following items may be offered for sale:
    - At least 70% of the sales area shall be for products from the farm store owner's farm and other regional farms, and may include produce, flowers, honey, herbs, nuts, jams, baked goods, dairy and poultry products, meats, Christmas trees and wreaths, locally produced arts and craft items and clothing bearing the logo of the farm.
    - No more than 30% of the sales area may be for agriculture-related items including livestock feed and grain, tools and goods used for farming.

The extent and type of any products to be sold, any activities to be conducted, and any classes to be offered on the premises shall be clearly stated in the application or shall be considered to be prohibited.
  - b. The maximum square footage of the farm retail store building is 7,500.
  - c. The Farm Retail Store shall meet applicable setback for a building located in that district.
  - d. Outside displays and sales shall be limited to agricultural goods and products, seasonal agricultural products such as flowers, Christmas trees and wreaths; window sales of ice cream and baked goods with related outdoor tables and seating. The outside display, sales and seating area is limited to 30% of the square footage of the farm retail store building.
  - e. Classes in agriculture and related subjects may be permitted.
  - f. All outdoor lighting shall comply with Section 65.6 Lighting Standards.
  - g. The design, architecture and aesthetics of any proposed farm store structure shall reflect and be compatible with rural farm structures in Columbia and the surrounding area; the special permit application shall include architecture floor plans and elevation plans.
  - h. Parking is provided per Section 30: Parking and Loading for a retail use.
  - i. Signage permitted per Section 62: Signs.
  - j. The hours of operations shall not to exceed 7:00am to 6:00pm; the Commission may further limit the hours of operation.

**21.5.4 The following Farm Winery uses are permitted in the RA zone with a Special Permit per Section 52.**

- 1) Farm Winery. This accessory agricultural use includes the commercial making and selling of wine and winery by-products produced by a State of Connecticut Designated Connecticut Grown Farm Winery, on a farm parcel consisting of at least 10 acres, with 2 acres of vineyards.
- 2) Farm Winery Public Tasting Area may be permitted if such use is approved by the appropriate State of Connecticut agencies, subject to the following:
  - a. The public access to the property is from a State road or town through-road with at least a pavement width of 18 feet; public access shall meet Columbia's driveway sight line regulations.

- b. Outdoor patio or porch area may be designated as part of the tasting area, not to exceed the floor area of the indoor tasting room, if such use is approved by the appropriate State agencies.
  - c. Total seating is limited to 20.
  - d. On-site permanent surface parking provided for a minimum of one space per two seats plus staff parking, (permeable parking surface is preferred); parking is not permitted in the public right-of-way of the road.
  - e. Setbacks for tasting room, patio, porch and parking shall be 150 feet from offsite residential dwellings.
  - f. All outdoor lighting shall comply with Section 65.6 Lighting Standards.
  - g. Amplified sound is not permitted.
  - h. The serving of food is limited to pre-packaged finger food.
  - i. The tasting hours are limited to noon to 9:00pm, the Commission may further limit the hours of operation.
  - j. In addition to the sale of wine and winery by-products, the sale of clothing bearing the logo of the farm, wine related products such as coasters, wine bottle openers, and wine glasses may be sold.
- 3) Farm Winery Private Events may be permitted up to six (6) times in a calendar year subject to the following:
- a. Public access is from a State road, or a town through road with a least a 22 feet pavement width, access shall meet Columbia's driveway sight line regulations.
  - b. Such events shall not occupy more than 1,000 sq. ft. of gross floor area, including tents or other temporary shelters, with a maximum attendance of 50.
  - c. No temporary structures, tents, parking or other facilities necessary to conduct the event shall be located within 200 feet of any offsite residential dwellings.
  - d. On-site parking area is provided for a minimum of one space per two attendees plus staff parking, permanent surface not required; parking is not permitted in the public right-of-way of the road.
  - e. All temporary outdoor lighting necessary to conduct the event shall comply with Section 65.6 Lighting Standards.
  - f. Event hours are limited to between 9:00am to 10:00pm on Thursday, Friday and Saturday, and between 9:00am to 9:00pm on other days, the Commission may further limit the hours of operation.
  - g. All events shall comply with the State of Connecticut DEEP noise standards. The Planning and Zoning Commission, as part of the application, or the ZEO, at any time, may require the installation of a noise monitoring system that shuts down or attenuates the amplified sound when decibel levels exceed State standards. The Commission may require noise monitoring of any event.
  - h. Amplified sound more than once in any calendar year is prohibited unless it can be reasonably demonstrated to the ZEO that the use of such system will not create a nuisance to abutting properties, or residence letters of consent from abutting lot owners are submitted to the ZEO.
  - i. One month in advance of an event, the ZEO shall receive written notification providing the date, hours, number of attendees, parking that will be provided, if any amplified

sound will be used, and if food or entertainment will be included; any food service for the event must be approved by the Health Department prior to the event.

- j. The special permit approval is for a maximum of two years. The applicant shall submit a request for extension renewal of the permit from the Commission every two (2) years to insure compliance with the conditions of the original special permit and the Zoning Regulations. If there are unresolved zoning violations, the Commission shall require the applicant submit a new Special Permit application. If the Commission determines the permit to be in violation of the previous conditions of approval, such permit shall be revoked.
- 4) Large Acreage Farm Winery. A farm winery on a farm parcel in excess of 20 acres, with a minimum of three acres of vineyards and public access from a State road, or a town through-road with at least a 22 foot pavement width, with public access that meets Columbia's driveway sight line regulations, may be permitted to have the following uses:
  - 5) Large Acreage Farm Winery Public Tasting Area may be permitted if such use is approved by the appropriate State of Connecticut agencies, subject to the following:
    - a. Outdoor areas may be allowed as part of the tasting area, if such use is approved by the appropriate State agencies.
    - b. Total seating is limited to 100.
    - c. On-site permanent surface parking provided for one space per two seats plus staff parking (permeable parking surface is preferred); parking is not permitted in the public right-of-way of the road.
    - d. Setbacks for indoor tasting area and parking shall be 150 feet from offsite residential dwellings; setback for outdoor tasting area shall be 300 feet from offsite residential dwellings.
    - e. All outdoor lighting shall comply with Section 65.6 Lighting Standards.
    - f. Amplified sound is prohibited unless it can be reasonably demonstrated to the ZEO that the use of such system will not create a nuisance to abutting properties, or residence letters of consent from abutting lot owners are submitted to the ZEO.
    - g. The serving of food is limited to prepared finger food with Health Department approval.
    - h. The tasting hours are limited to noon to 9:00pm, the Commission may further limit the hours of operation.
    - i. In addition to the sale of wine and winery by-products, the sale of clothing bearing the logo of the farm, wine related products such as coasters, wine bottle openers, and wine glasses may be sold.
  - 6) Large Acreage Farm Winery Private Events be permitted up to twenty (20) times in a calendar year subject to the following:
    - a. Such events shall not occupy more than 4,000 sq. ft. of gross floor area, including tents or other temporary shelters, with a maximum attendance of 150.
    - b. Temporary structures, tents, or other facilities necessary to conduct the event shall be located a minimum of 300 feet from any offsite residential dwellings.
    - c. On-site parking area is provided for one space per 2 attendees plus staff parking, permanent parking surface not required; parking area shall be located a minimum of 175 feet from any offsite residential dwellings; parking is not permitted in the public right-of-way of the road; the Commission may require parking attendants.

- d. All outdoor lighting shall comply with Section 65.6 Lighting Standards.
  - e. Event hours are limited to between 9:00am to 10:00pm on Thursday, Friday and Saturday, and 9:00am to 9:00pm on other days, the Commission may further limit the hours of operation.
  - f. All events shall comply with the State of Connecticut DEEP noise standards. The Planning and Zoning Commission, as part of the application, or the ZEO, at any time, may require the installation of a noise monitoring system that shuts down or attenuates the amplified sound when decibel levels exceed State standards. The Commission may require noise monitoring of any event.
  - g. Amplified sound more than once in any calendar year is prohibited unless it can be reasonably demonstrated to the ZEO that the use of such system will not create a nuisance to abutting properties, or residence letters of consent from abutting lot owners are submitted to the ZEO.
  - h. One month in advance of an event, the ZEO shall receive written notification providing the date, hours, number of attendees, parking that will be provided, if any amplified sound will be used, and if food or entertainment will be included; any food service for the event must be approved by the Health Department prior to the event.
  - i. The special permit approval is for a maximum of two years. The applicant shall submit a request for extension of the permit from the Commission every two (2) years to insure compliance with the conditions of the original special permit and the Zoning Regulations; if the renewal is approved, the Commission would authorize the ZEO to issue a zoning permit. If there are unresolved zoning violations, the Commission shall require the applicant submit a new Special Permit application. If the Commissions determines the permit to be in violation of the previous conditions of approval, such permit shall be revoked.
- 7) Standards for all wineries. The Commission may limit the maximum seating or attendance, and may require increased setbacks, additional landscaping, buffering and screening as part of the Special Permit approval to minimize impact on adjacent property owners.