

**COVENTRY PLANNING AND ZONING COMMISSION  
MINUTES  
MONDAY, AUGUST 8, 2022  
VIA ZOOM INTERNET CONFERENCING  
AND TOWN HALL ANNEX**

**CALL TO ORDER**

By: Pattee

Time: 7:01 p.m.

Place: Hybrid

**ROLL CALL:**

		<b>PRESENT</b>	<b>ABSENT</b>
<b>REGULAR MEMBERS:</b>	Steven Hall, Secretary		X
	Bill Jobbagy, Chairperson		X
	Ed Marek - remote	X	
	Christine Pattee, Vice Chairperson	X	
	Darby Pollansky	X arrived 7:03 p.m.	
<b>ALTERNATE MEMBERS:</b>	Bob Burrington - remote	X	
	Brian Murray	X	
	Carol Polsky - remote	X	
<b>STAFF:</b>	Eric Trott, Town Planner	X	

Pattee seated: Burrington for Jobbagy; Polsky for Hall.

**AUDIENCE OF CITIZENS:**

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

**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, Bushnell Associates, was present to represent Pete & June Maynard.

Bushnell: This is a 6.14 parcel on the north side of the road. It is surrounded by residential properties. There is a 3-bedroom house on the property which is being rehabbed. There are wetlands on the property that were delineated by Rick Zulick. All of the proposed work is outside of the regulated area; we received a non-jurisdictional ruling from the IWA in June. The proposal is for the existing house to have 1.18 acres and 1.28 acres for new lot 2; this will be an open space subdivision. The requested waivers were approved by the PZC at the preliminary discussion. How to dedicate the open space is for discussion this evening. We propose the lots own the open space. There is open space to the east from the Liberty Croft subdivision.

Staff: Why are you proposing the open space be with the lots? When discussed previously it was in reference as open space to the town. Bushnell: It makes the lots bigger and the open space is not usable land. Pattee: Is this the property that was mentioned as being so overgrown at the preliminary discussion? Bushnell: It is very overgrown and has many invasives. It would be difficult to identify and mark the boundary lines. If the open space stays with the lots it will take care of the boundary issue. The Town would not be able to determine the back boundary very well. Staff: The Conservation Commission saw the application under the open space proposal. It is generally taken from the opinion of how the Conservation Commission would like to see the open space. Staff asks that the Conservation Commission see this proposal and perhaps for the town to get a legal opinion on this.

Bushnell: The health district has approved the plan. Being near the Skungamaug River a local archaeologist dug some test pits and submitted the report to the State Archaeologist's office. The state office signed off that there is no impact in the areas of disturbance.

Staff: Went through his memo that included comments. The Conservation Commission meets on the first Wednesday of the month. He suggested Bushnell draft a letter to them about the pluses and minuses of both open space options.

The hearing is continued until September 12, 2022.

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

Staff: Noted that the town is connecting with the Transportation Institute at UConn to have third-party eyes look at this. This should be back at one of the meetings in September once their opinion is submitted.

The hearing is continued.

**3. #22-105 – Special Permit Modification Application of Carol and Bob Chipkin, Attorney Dori 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.

Dori Famiglietti was present, agent for the owners.

Famiglietti: The owners are requesting a modification of the 2011 special permit that allowed social gatherings accessory to a winery. The permit authorized certain outdoor gatherings. The statement of use suggested - such as weddings subject to conditions. This property has 10 acres in grapes. Over the past ten years the scope of the gatherings has evolved which appears to exceed some of the conditions of the permit. The non-compliance was brought to the Town's attention in the fall. The owners hired an engineer to update and modify the plans. The modifications include the associated parking and other improvements. The applicants have the right to come before the PZC for modifications. It is hoped the plans will satisfy all of the conditions. The musical events that are widely known of and widely publicized have outgrown the conditions at the winery. During this time the owners did not go back to look at the specific conditions of the permit. There is no rationale for this inadvertent non-compliance nor is there a legal basis. The Chipkins will continue with the musical events pending approval of the modifications. The neighbors have said they cannot be trusted to operate as permitted.

Famiglietti: The original 2006 farm winery permit is not being changed or modified. The modifications are limited to the 2011 permit for the outside events; weddings, reunions, and other outdoor events. We are trying to get further defined on the type of events beyond what were defined with the 2011 permit. First, these are Friday night music events with a live band on the porch and lawn seating. The maximum number would be 23 events that would span between April and September. These are weather dependent. The music would be limited to 6 p.m. – 8 p.m. as it has been. Second, non-music events are proposed – public or private sponsored events that do not feature music, such as antique car shows, farmers' market, etc. or a private rental for a wedding, reunion, or other private event. There could be some music to these but that would not be the primary focal event. The applicant proposes having a maximum 10 such events per year, primarily on Saturdays or Sundays between 11 a.m. – 1 p.m. These would not be on a Friday unless it was in lieu of a music event. There would be no outdoor gatherings Monday through Thursday.

Galen Semprebon, Sr. Project Manager with EastWest Engineering, prepared the site plan and presented: For the 2011 permit a gravel parking area was installed and vehicles have been parking on the grass. It was thought there was space for 332 vehicles but some were found to be in wetlands or undesirable areas. The current plan is for 195 parking spaces on the gravel, some grassed field, and some lawn areas. No improvement is needed on the lawns as these are good, dry areas. There is a proposed infiltration basin at the end of the parking field for water quality and controlling the run off from the parking areas. The handicapped parking is proposed to be along the front on the paved area. There will be a 12' wide driveway on the western side of the vineyard building for exiting. There is proposed lighting along the sides of both buildings.

Semprebon: From a traffic control point of view a full traffic report was filed. There will be three driveways along Cassidy Hill Road having one entrance point and two exit points. The one entry point will be used to count how many vehicles are entering the property. Intersections are where traffic interactions arise. The closest one is at Cassidy Hill and Baxter roads. This is a very, very quiet intersection. For the Friday

night music event it was assumed up to 195 vehicles would be arriving in one peak hour. The traffic distribution was split 50/50 coming along the two roads because Coventry and Tolland are similar in size. With those numbers the intersection retains a service level of A. This traffic is not degrading the level of service at the intersection. There have been comments received about on-street parking. The vineyard has not encouraged and has discouraged people from parking on the street. In talking with the police, it was learned that private citizens cannot post signs on rights-of-way. The winery is fine with seeing No Parking signs on the street. Speeding has been another reported issue. Police posted new 25 MPH signs on the road and the speed reader. Basically, that showed an inordinate level of compliance with an 86% level of compliance at or below the speed limit. An older clientele is the type going to these events. According to the police only two accidents have been reported on Cassidy Hill Road in ten years that occurred in overnight hours so those would be hard to contribute to the winery. There will be a winery staff certified traffic flagger at the intersection for these events. Once the parking is at maximum capacity traffic will be turned away at the intersection. A trained certified flagger or a police officer is needed to direct traffic on a public road. Todd Penney, Town Engineer, provided many comments about the traffic report. He goes above and beyond with his reviews. One comment was that the local traffic authority can put up No Parking signs prior to the Friday events. Staff: Or the traffic authority can authorize where on the street Cassidy Hill Vineyard can put No Parking signs. This is a solution that does not involve the police or public works during the summer months. Staff asked Semprebton to respond in writing to Penney.

Famiglietti: In regards to the health districts comments – there is a narrative about the sanitary services. In the owner's experience it was noted that the restrooms in the winery building have been adequate to service the patrons. No port-a-potties have been brought in. The septic system has functioned adequately. A memo, dated July 26, 2022, from the Fire Marshal indicates he is comfortable with the explanation of parking. A report was also received from Tolland.

Polsky: For clarification can Staff explain about the concerns with liquor commission and what Cassidy Hill was cited for. Where are we with that matter? Staff: He spoke to the Liquor Control Commission this morning. There are three state violations against the winery. This process is unfolding as town approval has to occur first. Then it can be brought before the Liquor Control Commission.

Pattee: It was helpful that Howard Haberern summarized the comments received from the neighbors.

#### Audience of Citizens:

Howard Haberern, 80 Cassidy Hill Road – The final decision by the PZC on this matter will impact people who live in this residential neighborhood and a precedent will be set. What has transpired here is that the owners never completed or complied with the 2011 permit. For over ten years they have illegally operated in this manner until they were caught. The permit said no live entertainment. There are three violations from the Liquor Control Commission. There are no lighting fixtures. Local kids have been used as traffic flaggers. The Chipkins should have to prove to Coventry, on a regular basis, that they are in compliance as permitted; that they operate as originally permitted and within the limits. A peer review of the traffic study should be required. The traffic study was done at the wrong time of the year. The Chipkins are trying to change a

winery into a full-scale business. Cassidy Hill Road is known as a cyclists' road; that was not included in the traffic study. Events at the winery invites the potential of driving while impaired. Is there any liability to the town for allowing more alcoholic events? We are not trying to shut the winery down but we have no confidence that the PZC should allow them more events.

Scott Francis, 180 Cassidy Hill Road – He grew up on the road and worked at the winery. It has been a privilege to have the winery nearby and should be to the broader community of Coventry. This is one of the attractions in town. This is a peaceful place to go on a Friday night. The Chipkins have been fair and generous and bent over backwards to come into compliance. This is a retirement business for the Chipkins. This has thrived for ten plus years. They have been employers. There are benefits to having the winery and it is an asset to the community. They have taken a hit this year with the loss of these events.

Unintelligible name, 102 Wetherall Street , Manchester – Has been attending the Friday night events for about ten years. This is a great event for the community because of the lack of Friday night events. She thanked the Chipkins for hosting the events.

Ms. Joy, 561 Goose Lane –We moved here in 1977 from Vermont. Goose Lane was a quiet road. About a mile away people came and bought this property. Rumor had it it was up for a major subdivision but then the winery came in. We frequented the business; this was a place for people to relax and listen to music. It is the only place to sit and see the whole sky. They are open one day per week. If this is a development how many cars are going to be coming and going? Friends and family visiting have been disappointed when told the Friday evening music events are not currently being held at the winery. The Chipkins are doing what they can humanly do to bring this attraction back to town. This was a draw to bring people to town. She wants to see them continue and thrive. They have adapted.

Sharon Powers, 96 Avery Shores – She has attended the winery many times since they have opened. She truly misses the Friday night events. She supports them and thanked them for everything.

Ms. Howard, 93 Cassidy Hill Road – Came to get more information. She has no problem with the winery but it is also a residential area. She is trying to understand the differences in the numbers from the 2011 permit and now. How many cars and people? And people are fixated on Friday night. They are also asking to be allowed to have Saturday & Sunday events. Staff: Originally there were to be 15 events per year on weekends between April and September. No more than one per weekend. The original concept was for weddings. Parking for 56 cars. Back in August 2021 the Town started getting complaints that they are not complying. The PZC and the Town have been working with the Chipkins to find ways to address the situation and examine the concerns of the neighbors. Howard: They are in an established residential area. They should have been responsive to neighbors' concerns. They have not been in compliance. If you have to go through all this you must know what you have to do. She does not want to lose the character of the road.

Faye Sleeman, 199 Cassidy Hill Road, Tolland – Scott Sleeman will speak. He owns two properties directly across from the winery. They were there prior to the winery

when it was a commercial farm. They were happy when it was continued as an agriculture venture. They knew that could have changed. The Chipkins did meet with the Sleeman's before they purchased the property. In the 20 years since the Chipkins have been there they have lived up to what they said. We are certainly impacted by any events but there have been no problems. They are sad that the music events have not been happening. He does not know what the neighbors' issues are who have moved here since the winery opened. The Sleeman's are very happy it was not a bunch of houses. Businesses in town have been impacted without having the music events. They show overwhelming support of the winery as the people being closest to the property.

Paula & Jack Robinson, 102 Baxter Street, Tolland – We get to see the traffic and there is no real difference between regular traffic and event traffic. There are no speeding cars, no rowdy drivers. There is way more local traffic constantly as compared to the event traffic. She has heard speeders but those were overnight. We support their effort and are glad they are there.

Kelly Barber, 29 Cassidy Hill Road – Speaking for Cassidy Hill neighbors...we feel the town should investigate and leverage the best practices used in other towns for winery events. The pavement condition of the road was rated as 43.4 which is considered to be in poor condition. The town must decide what needs to be done for the maintenance of the road. Some of the emails sent to the town about this matter have not been posted. Staff: All except one comment was posted. The other one was received after 4:00 p.m. today.

Pattee: Indicated she had viewed all the comments that were posted on the website.

Ron Sloan, 676 Merrow Road – He has lived in town for 36 years and has been a fixture at the winery. In his judgement the winery is one of the best things to happen in this town. The Chipkins supports the arts. Sloan has performed at the winery a number of times. It is a classy establishment.

Dawn Jacobs, 185 Cassidy Hill Road – The concerns have to do with the zoning regulations. This should not be viewed as punitive. They are our neighbors. They are working with us. We have all benefitted. She appreciates this time to allow them to know our expectations. She works from home and has seen the FedEx guys go faster than anyone else. Still there is more traffic than what we generally see on a Friday night. She appreciates what the owners are doing.

Timothy Owens, 38 Stage Road – Has been an employee at the winery for six plus years. It is an honor to work for them. He has done the parker job and there have been no issues. There have been some adjustments. People have been asking when the music is coming back. That is impactful to people and the community.

Julia Francis, 180 Cassidy Hill Road – She grew up on the road and worked at the winery. It seems to her what the owners are now asking for will reduce the number of cars than in the past. The capacities will be mentioned on their social media. The speeding is done by those that live in the area. People coming into the area are not familiar with the road so drive slower. The slushies are not made with tap water. We buy gallon jugs from Village Springs water company. The winery has the proper

permitting through the EHHD. Pattee: How is the potential for underage people buying wine dealt with? Francis: The rule of thumb is anyone who looks to be under the age of 27 is carded.

Sharon, South Street – These events are a wonderful night to go out and laugh with friends and family. The people there are out to have a good time. Bob & Carol are the most decent people in town. They are just trying to run a business. This is a beautiful night that she looks forward to. Friends and I talk about visiting Cassidy Hill for the music. I think people need to get out and laugh more. She loves the sunsets there.

Gayle Broderson, 340 Cassidy Hill – She has been there for 45 years. It was a relief that the winery opened; there could be 200 houses there instead. They want to do one night a week and maybe two more. The Chipkins are trying to work things out. We do not see speeding cars going by the house. She is in support.

Musa Jatkowski, 65 Woodland Road – She lives in a residential area near a business. That business is able to have entertainment from 6:00 p.m. – 9:00 p.m. Wednesday through Sunday. We put up with that because that is the business. The traffic going into Lakeview when there are weddings creates a lot of traffic. She does not understand that one business can do something and another cannot.

Pollansky: We have advertisements for our own events. We go above and beyond. We set regulations about what people have to do to advertise their events/public hearings. We do not get turn outs for our own events. The first people that complain are those when a change impacts them. It is very frustrating. We can only address it on a case-by-case basis.

Howard Haberern, 80 Cassidy Hill Road – It was never said that we should close this winery. His point is from other people, too. The numbers got out of control. They have to adhere to town regulations and the Liquor Control Commission. The winery is a great asset. In the future we do not know what could be on that property. The Chipkins are the same age as he is. There is no guarantee it would continue like this as it is not zoned as agricultural. It could continue as a winery or be bought by a developer. We are looking at the whole composition. The owners have the advantage of using their website to advertise. There are a lot of people saying that they have to comply with the law. We lost confidence with them. We are not trying to shut them down. We want them to comply.

Unidentified speaker: There are different venues they have had on weekends, such as a 70th birthday party, showers, memorials, and fundraisers for the high school and the political parties. As for the winery being in a residential area go to wineries in Connecticut and they are located in residential areas.

Pattee: Has been on the PZC for sixteen 16 years. When Walgreens went in the entire audience was opposed with the exception of one person. That person was the owner of the white house; he was responsible for its upkeep. This is the fourth or fifth most attended public hearing for the PZC while she has been a member. This is one where the number in support is greater than the number opposed.

Famiglietti: She took notes from what has been said this evening. There are benefits to having the winery events. Some people in the neighborhood counterbalance the concerns of other neighbors in that they have not seen speeding or heard excessive noise. She feels her clients did not intend nor were being malicious when they did not go back to read the fine print of the 2011 permit. We are here now to correct it. They have been conducting these events for a number of years. Although there was a violation we learned some valuable information over the years. We wish to establish what the rules allow and comply with the regulations of the site plan review and special permit. We have a compliant applicant who is willing to work with PZC.

Pattee: She is willing to finish the hearing tonight. We have a sense of the matter now that we have heard from the public. Now the PZC will have their discussion. What is the feeling of the other members of the PZC? Staff: There has been 2 ½ hours of comment, input, and dialogue. That is a lot of information as it relates to the compliance. Does the PZC have a comfort zone? He would like to put together everything he heard this evening. And the applicant's agent is to respond to Todd Penney's comments and Penney will have the opportunity to re-reply. There are some things that are hanging out. The PZC is able to close the hearing this evening. Is it prepared to render a decision this evening? Are the conditions for allowing the permit or reasons for denial detailed? If the PZC has questions that need answers from the applicant it is best to keep the hearing open, otherwise it can no longer ask for clarification. Are you ready to close and are you ready to vote tonight on the basis of what has been heard tonight?

Pattee: She is ready to close the hearing and vote this evening. But it is important to have all Members answer those questions from Staff.

Marek: He would like to wait. There is a lot of information to think about. Can we close the hearing and make a decision at the next meeting? Staff: You do not need to close the hearing this evening based on statutory timeframes. If there are any lingering questions you cannot go back to the applicant for answer. There is a barrier to getting information if the hearing is closed.

Burrington: This is a lot to digest. He would like to keep the hearing open.

Polsky: She would like to see Todd Penney's response to get his okay with the answers received today. She wishes to leave the hearing open.

Pollansky: Because there are outstanding staff comments, leave the hearing open. Staff may have comments from all the notes tonight. What she does not want to happen at a future meeting is a rehash of personal opinions that we have heard since last fall. Limit public comment to a minute or less if there are new comments.

The hearing is continued.

Murray returned to the table.

## **OLD BUSINESS:**

None

**NEW BUSINESS:**

**1. Town of Tolland – Zoning Referral**

Staff: no additional comment.

**DECISIONS:**

None

**ADOPTION OF MINUTES:**

**1. July 25, 2022**

**Motion:** The Coventry Planning and Zoning Commission approves the minutes of the July 25, 2022, meeting.

By: Pollansky

Seconded: Polsky

- Page 5, item 3., Pollansky, first sentence – remove the first instance of “to be”.

Voting:

For: Pattee, Marek, Pollansky, Burrington, Polsky

Against: None

Abstain: None

**COMMUNICATIONS:**

None

**STAFF REPORTS:**

**1. Status of hiring of Planning Tech/Zoning Enforcement Officer**

Staff: This is still in process; he hopes to report about the person chosen at the next meeting.

**ENFORCEMENT:**

None

**ACKNOWLEDGEMENTS:**

**1. Application #22-11 for a subdivision on Flanders Road was received**

**ADJOURNMENT:**

Pattee adjourned the meeting at 10:21 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.