

# Wallingford Planning and Zoning Commission Meeting – 4/11/16

Chairman Seichter: Good Evening, I'd like to call this meeting of the Planning and Zoning Commission to order if you would all please rise for the Pledge of Allegiance.

En Mass: I pledge allegiance to the flag of the United States of America and to the republic for which it stands one nation under God indivisible with liberty and justice for all.

Chairman Seichter: And now I'd like to introduce the members of the Commission :(1) Jeff Kohan, a Commission member (2) Larry Zabrowski, an alternate on the Commission (3) Rocco Matarazzo, an alternate (4) Mr. Venoit-vice chairperson to the Commission. At the staff, Ms. Cynthia Kleist, recording secretary (5) Ms. Costello, Town Planner. Mr. Fitzsimmons and Mr. Menard, Commission members (not in attendance tonight).

From minute 27 and 29 seconds:

Chairman Seichter: Okay, now we'll go back to our... the top of our agenda and the first two items are a public hearing it's a zoning text amendment for Paradise Hills Vineyard Farm Wineries. One is application number 502-16. The other is 507-15. If the applicant would please come forward and begin preparing for his presentation and again if you would note all correspondence for the record on this application Mr. Matarazzo.(long pause) Yeah, if you would read the legal notices first.

Mr. Matarazzo: Mr. Chairman we have:

- A legal notice application 502-16, a zoning text amendment for Paradise Hills and Winery LLC to amend sections 2.2 definitions – specific terms 4.2.E.3 rural districts – site plan approval farm wineries to modify the definition of farm winery and modify the regulations regarding farm wineries including but not limited to adding permitted activities, events, music and entertainment limited retail sales and limited food service and allowing previous cover materials.

For the record application, we have:

- an application 507-15 received December 17, 2015,(who's that) signed by Mike (who's the applicant)

Ms. Costello: Gudelski...

Chairman Seichter: Ms. Costello, on some of these if you could ask the various departments while they may also sign it if they just indicate ... who they are.

Mr. Matarazzo: (away from mic) Who's that?

Ms. Costello: Mike Gudelski, the Fire Marshal.

Mr. Matarazzo: Oh, I'm sorry. The Fire Marshal.

- Interoffice Memorandum to Ms. Costello from Eric Krueger, senior engineer dated December 23, 2015 (other voice: water and sewer) Water and Sewer.
- A letter dated December 31, 2015 to Mr. Robert V. (discussion of last name)

Ms. Costello: Baltramaitis

Mr. Matarazzo: Baltramaitis (chuckling) sorry.

- Received December 1, 2015
- A letter dated January 4, 2016 referencing application 507-15, received January 11, 2016
- A letter dated January 6, 2016 to Daniel N. Mara Esq.
- A handwritten letter to the Wallingford Planning and Zoning dated January 6, 2016 (voice: who's this from?) from Karen Maretta
- A letter from Sandler ... Sandler and Mara, PC to Ms. Costello received January 11, 2016
- A copy of the fax from Sandler and Mara, PC to Ms. Costello received January 11, 2016
- A handwritten letter to the Town of Wallingford Planning and Zoning. I believe this looks like it's from ... from Eric C Rea?? No date.

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- A letter to the Wallingford Planning and Zoning Commission dated January 5, 2016 from a Mike Miller. This would be...

Time Check 33:48

- A letter dated January 11, 2016. I believe it's from the Quinnipiac Chamber of Commerce ... uhhhh ... received on January 11, 2016
- A letter to Ms. Costello dated January 7, 2016 received and January 11, 2016 from Barbara
- Ms. Costello: Malburg

Mr. Matarazzo: Malburg, Director of Marketing form Visit New Haven

- Some correspondence from the Department of Public Health, No Date
- A ... let's see... letter to the Planning and Zoning Commission ... this is ... verbatim minutes. I believe it's from Robert (inaudible) ... oh, I'm sorry, just verbatim minutes dated January 11, 2016
- A letter dated January 19, 2016 from Ms. Costello referencing the Town of Wallingford Planning and Zoning regulation amendments pertaining to farm winery received January 22, 2016. I believe, let's see...
- A letter dated January 19, 2016 to Ms. Costello, received January 20, 2016 from James ...

(Voice) McManus

Mr. Matarazzo: Who was it?

Ms. Costello: Gilletti

Mr. Matarazzo: Gilletti, Vice Chairman, Regional Planning Commission

- A letter dated January 28, 2016 to Daniel N. Mara, Esq.
- A letter from Vincent McManus, Jr. dated February 1, 2016 received February 3, 2016
- A letter dated February 2, 2016 from Daniel N. Mara, Esq. ... don't see ...

Ms. Costello: That one's to Attorney Mara from me.

Mr. Matarazzo: is that to? Reverse that:

- A letter to Attorney Mara from Ms. Costello, Town Planner
- A fax received February 3, 2016 to Ms. Costello from Daniel N. Mara
- A letter to Ms. Costello, Town Planner dated February 2, 2016 from again Mara. PC

(sneeze) Mr. Matarazzo: Bless you! ... copy the same ... sorry, bunch of pages ...

- Interoffice memorandum dated February 8<sup>th</sup>, I'm sorry, received February 8, 2016 to Ms. Costello, Town Planner from Eric Krueger, Senior Engineer
- A letter from Vincent McManus Jr. received ... dated February 5, 2016 received February 9, 2016 (Indistinguishable whispering)
- A letter dated February 8, 2016 from Wallingford Planning and Zoning Commission, I'm sorry, to Wallingford Planning and Zoning Commission received February 9, 2016 and that was from Michael Glidden CFM, CZEO (indistinguishable conversation)
- A letter dated March 3, 2016 to Paradise Hills Vineyard Winery care of Daniel Mara from Ms. Costello, Town Planner

Ms. Costello: The next coup...couple are e-mails that were sent to me regarding this

Mr. Matarazzo: Okay, these are all e-mails...

Ms. Costello: But, you might want to just state the date and who they're from...

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Mr. Matarazzo: (voice off mic) which one? Ok... (chuckles) Sorry, bear with us...we got a few of pages here...e-mails, looks like e-mail copies...this one is from

- Vivian Jones to Ms. Costello the date is 4/17/2016. There are a couple pages to that one.
- Another e-mail from Ms. Costello to Vivian Jones dated March 21, ... 21, 2016
- An e-mail from Vivian Jones to Ms. Costello dated March 21, 2016 (indistinguishable) ... that...
- Another e-mail from Vivian Jones to Ms. Costello dated March 26, 2016
- Another e-mail from ... Sorry, an e-mail from Dan Mara to Ms. Costello dated April 6, 2016
- A letter from Mara PC to Ms. Costello, Town Planner is dated April 6, 2016 received April 6, 2016 ... is that a letter or fax?
- A letter from Mara PC to Ms. Costello, Town Planner. I'm sorry, I think actually those last two were fax. Apologize...
- Fax from Mara PC to Ms. Costello, dated April 6, 2016. ... says page 2 ... second page ... fax cover ...
- Fax to Ms. Costello, dated 4/6/16 from Daniel Mara ... pages ... 6 pages ... these are all ... (indistinguishable conversation away from mic) ... comparison ...
- We've got several pages of winery comparisons in the area. (indistinguishable) ... do you have... oh, for this, I'm sorry.
- Site plan dated October 31, 2008
- This looks like a fax Department of Agriculture dated ... uh ... dated 7/2/2015 ... yeah .. referencing more comparisons of vineyards in the area
- A letter from the Planning and Zoning Commission Town of Wallingford dated November 10, 2008 (indistinguishable) ... I'm sorry ... minutes ... yeah ... I'm sorry, these were
- Copies of our minutes from November 10, 2008 Planning and Zoning
- Interoffice memorandum to Linda Bush Town Planner from Vincent Mascia, Senior engineer received June 26, 2006. This looks like
- A copy of zoning regulations ... zoning regulations? (indistinguishable)...

(voice) these are our regulations ...

Mr. Matarazzo: Yeah

- Copy of zoning regulations. ... date... multiple dates here ... looks like it was received January 11, 2016.

Ms. Costello: That attachment 1MM, you can just read the heading on it because that entire package of papers which is this is all information submitted simultaneously by Vivian Jones at the 1/11/16 meeting.

Mr. Matarazzo: So, just go by this

Ms. Costello: So, attachment 1MM is all of those things.

Mr. Matarazzo: All of it? Ok. So, we don't have to read through each one of these?

Ms. Costello: No

(Indistinguishable cross talk)

(voice): to Planning and Zoning...

Mr. Matarazzo: ... yep ... ok ... OK ...

(Voice) e-mail

Mr. Matarazzo: e-mail? Ok.

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- An e-mail to Planning and Zoning from David Jones received 4/11/16. (indistinguishable) (chuckles) We've got a
- Fax transmittal to Ms. Costello, Town Planner ... 's that from? South Central...

(Voice) yeah, South Central

- ... from South Central Regional Council of Governments and that's dated 4/7/16 ... and ... another fax or is that just a memo?

(Voice) this is... a memo

- Memo ... memo dated April 7, 2016 to Wallingford Planning and Zoning Commission Board Members received April 7, 2016 from Rachel ...

Ms. Costello: Czernewski

Mr. Matarazzo: Czer ... what she said. Czernewski ... is that how you say it? Ok Czernewski? Czer ... Czernewski ... sure Czernewski. Sorry, I ... I apologize ... (indistinguishable) ... I think that's it.

Ms. Costello: There are three more attachments you received tonight. 1NN, 1OO, and 1PP

Mr. Matarazzo: One (indistinguishable) Well, I've got the 1N ... (Cross talk)

Mr. Matarazzo: No

(Voice) No

Chairman Seichter: No, no, they should just ... just note the three, please.

- Letter dated April 11, 2016 referencing application 502-16 to Wallingford Planning and Zoning attention Ms. Costello from Michael Glidden ... is this part of this?

(indistinguishable cross talk - Voice) it's all part of it...

Mr. Matarazzo: it's all part of that...

- Letter dated March 14, 2016 to Ms. Costello, Town Planner from again Michael Glidden ... two pages ... 's a ... an e-mail ...

(Voice) yeah

Mr. Matarazzo: ok

- E-mail from Ms. Costello to Commission Members dated April 11, 2016 ...

(Voice) ... that's it.

Mr. Matarazzo: I think that's it.

Chairman Seichter: Thank you Mr. Matarazzo. For a minute, I thought would have to go to bullpen.

(Voices) Woo!!

Chairman Seichter: (chuckles) Alright, if the applicant would please introduce himself.

Atty. Mara: Yes, my name is Daniel Mara from the firm of Sandler and Mara in Bloomfield, Connecticut and I'm here to represent ...

Chairman Seichter: If you'd please pull that just a little closer to you so that gets picked up?

Atty. Mara: Yes, is this better?

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Chairman Seichter: I think so.

Atty. Mara: My name is Daniel Mara from Sandler and Mara in Bloomfield Connecticut and I am here to represent Paradise Hills Vineyard and Winery.

Chairman Seichter: Ok. I think ... Ms. Costello, correct me if I'm wrong, probably a little housecleaning that we need to take care of as far as with the first application that we received which is 507-15. That was the original application and then it was a ... uh ... I guess an issue with respect to the posting of the notice and because there was an error with the notice that resulted in the application 502-16 being filed which is what we read all the correspondence for and Ms. Costello, correct me if I'm wrong, the ... on that particular, when I say that particular one, "the 507-15". On that one, we should either take action on that or if the (indistinguishable voice – why's this?) ... cause we'd be running out of time that certainly could be continued or you can simply withdraw that ... that application (indistinguishable voice) and then we'll take up your ... the new application. So, out of the ... the choice is yours.

Atty. Mara: The 507-15 application that had the supposed "technical problems", all of the testimony and record from that application has been imported into the new application?

Chairman Seichter: That's correct. Ms. Costello everything that we've ... that we've noted, we've noted all the correspondence. We've also noted all of the minutes as Mr. Matarazzo indicated, minutes from my meeting, any comments that we had from our Town Planner as well, as well as from members of the public. So, those are all in our public record.

Atty. Mara: Then, that prior application can be withdrawn.

Chairman Seichter: Ok. So, with that ... that's what simply all we need. Is that correct Ms. Costello?

Ms. Costello: Yep. So, application ... what was the number on that one? 502 ...

Chairman Seichter:

Ms. Costello: 507-15 is withdrawn and you're moving forward with application 502-16.

Chairman Seichter: So, with that again, Atty. Mara, please begin your presentation.

Atty. Mara: Certainly! We've certainly given you plenty to read, plenty to think about. We've been at this for a long time. We appreciate the time that you've given us. We've listened to the feedback we've gotten from our previous hearings. Under my letter dated April 6, we forwarded a somewhat revised and reduced proposal hoping to meet the current or some of the objections that were made and to bring in line with at least our impression of what we are hearing from some of the comments from the public, from my Ms. Costello's office, and some of these ... the Commissions comments. Picking up where we left off under the old application, what I would like to do is walk you through the revised proposal that's currently before you. We are looking for ... we're looking to add definition to what is already on the books for a Wallingford winery. A Wallingford winery in short-terms is defined as a farm with certain specifications on which wine is made and sold. And, that's all really is ... the regulations had to say. What we're trying to do is give some definition to what it means to make and sell wine and to flesh that out and to provide for express authority to do what wineries do in the state of Connecticut. That being said, we want to make it clear that we do not want to be a banquet facility. We do not want to be a bar. We do not want to be a factory. We do not want to be an entertainment venue. We don't want to be a concert venue. We're a farm. We're a winery. And, we have a tasting room. We're trying to engender direct contact with public with the farm winery. Farm wineries, if I can step back a bit, are little different animal than other wine ... than other farms. They have essentially one output for sale of their product and that is in their own tasting room. It is virtually impossible at present for a Connecticut wine to find its way into any sort of robust distribution for package stores in the state of Connecticut. It just really hasn't happened. You'll be able to find a Connecticut wine on occasion in a package store. But, you're not gonna find a lot of Connecticut wines across the state of Connecticut. Sales are made at the winery. So, in furtherance of that, we are looking

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for express permission from this Commission to allow the winery to do what the Connecticut statutes allow wineries to do. That is in the definition section of our new or our reduced proposal this is essentially unchanged from what was in front of you in January. We really haven't made much by way of changes. We're looking to be able to produce wine, wine products, Eau de Vie, brandies, fruit brandies, apple wines and hard cider as permitted and pursuant to permits given by the state of Connecticut. Production cannot be done without proper licensing by the state. We are looking to have at least 5 acres under cultivation for the production of wine and based on our response to comments that we've ... we've heard about a substantial farming presence we have proposed that the winery by the eighth year of its existence as a farm winery has to produce on-site at least 25% of the grapes used in the production of wines. 25% in the eighth year, parrot the Connecticut statutes. I'm not exactly sure,

55:28 or track 1

if it is ... if the state has set the floor or the ceiling. That, I think there is legal argument to be made that the state statutes set the ceiling on the production of ... of grapes on-site. The statutes say that a Connecticut winery has to use 25% of its grapes on any land in the state of Connecticut owned by or under control of the winery or its backer. That's not a direct quote, but that's the effect of the statutes. We're proposing that that 25% be grown on-site. So, we're making it a little stricter than the statutes. Other than that the section is essentially the same as it was when it was before you in January. We're looking for retail sales at the winery by bottle or by glass between 11 AM and 9 PM or fewer hours if the state changes the ... the hours that wineries can serve, whichever is more restrictive. Bulk sales, which means we can put our wine in larger containers and hopefully one day ship them to distributors, as permitted by the statutes. Tasting room: An express allowance for a tasting room and winery tours; incidental sales of non-alcoholic beverages and cold prepackaged food.

(Voice) (Indistinguishable)

Atty. Mara: We want to be able sell water or soda in addition to the wine so that not everybody who comes to the winery has to drink wine. We're also looking for the right to sell cold prepackaged food because we think it's important to be able to pair food with wine. In fact, as I said to you before, a farm winery permit is the only liquor permit in the State of Connecticut that does not require the pairing of alcohol and food. We want to do that and we think it's appropriate we sell cold prepackaged food. We don't want to be a restaurant. We don't want to even heat food. But, we want to be able to have some food available for our customers. Incidental sales of souvenirs and winery related products: hats, T-shirts, and a small footprint as outlined in the ... the proposed regulation. And an express reCOGNition that people can bring in food. This practice of people bringing their own food buying wine, we're fine with that practice. We want it to be expressly approved in the zoning regulations. Again, to move on, we're looking at and I ... the next item has been a little more contentious in front of the Commission and that is music. What we're looking for by way of music. We've heard comments and we have rocked back our proposal. We are looking for commercially available license background music, Muzak, Pandora ... the radio, something like that inside the tasting room and on any adjacent covered porch. We've removed any reference to a patio over concerns that the music might be too loud or carry too far. We're no longer looking for that. We want to be able to play ambience music in the ... in the winery. We also want to have live music, twice a week between Noon and 9 p.m. If it is performed inside the tasting room, we're looking for it to be ... allowed to be amplified. If it is performed outside, we're saying it will not be amplified, except for the four promotional events which I'll go through in a minute; there will be no outside amplified music.

Mr. Kohan (Commissioner): Um... excuse me. I... I... I just want a clarification of that. It says, in the tasting room which is inside and any other adjacent ... adjacent covered porch, but I mean, would the covered porch be outside? And, there'd be no exterior walls?

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Atty. Mara: The exterior ... the porch in question at our premises is open to the outside. It has some exterior walls. It has partitions. It has porticos. So, it is ... it's got a roof. It's permanent. It is not entirely closed in, if that describes...

Mr. Kohan: So, it is open to the outside?

Atty. Mara: It is open to the outside.

Mr. Kohan: Thank y...

Chairman Seichter: I guess, at this point, I just ask Commission members, let the gentleman finish his presentation first before we start asking questions. So, if you'd please continue.

Atty. Mara: The live music would be ... start sometime after Noon and would end at 9 o'clock, not amplified outside, maybe amplified inside, and subject to the Wallingford noise ordinance for all purposes. We no longer look for ... we ... in our original proposal we included the word entertainment. That's out. We're really restricting it, just to musical performances. There'll be no charge for a musical performance. It will not be a profit center. There won't be tickets sold. There'll be no question but that will not be a concert venue. We're looking for the kind of thing with maybe a piano, a guy with a guitar, a couple of people singing; that kind of music. Again, music that's appropriate for a winery is our vision of what we are ... we're looking for. We are looking for a slightly larger allowance of music in event ... in connection with events. We're looking for four special unreserved promotional events. We've described them to this Commission in the past as Mother's Day, Anniversary of the Winery, harvest, things like that where we can say to people, "come to our winery" and it'll be something different than normal ... normal activities. We're looking to have a band outside. We had talked about being able to serve food at those events. We no longer want to do that. But, these are four events to celebrate the winery, basically, as opposed to the once-a-month events that we are also proposing for smaller more private events. Those events are reserved.[They] will happen with a capacity of not ... not greater than ... than the interior seating capacity of the tasting room. In some of our discussions previous, we had some comments about "what's the difference between the promotional events and the once-a-month events?" We toyed with and we present to the Commission a proposal. It said, "hosted by the winery" and "hosted by others" in order to put more distance between a winery and a banquet facility, which we are hearing is a possibility. We want to get rid of the "hosted by others". These would all be hosted by the winery. And, we're looking really to have the once-a-month events ...our concept is ... pursuant to a wine club or other sort of customer appreciation type event. But, they would be reserved. They would not be open to the public. And, they could have no more people attend than the interior seating of the ... of the tasting room. That gives a measurable capacity to the smaller events. Those events may have music. They may not, but again, inside music maybe amplified, outside shall not be amplified. On the four larger events we are looking to have amplified outside music. That music would end at 9 PM and would be subject at all times to the Wallingford noise ordinance. So, we're looking at four times a year when we may have amplified outside music. The rest, any outside music will not be amplified. We are looking to be able to serve catered food at the smaller events, the reserved events. We were looking to be able to serve food at the larger events. We are no longer looking to do so. We had also talked about fundraising events .We heard this Commission's concern about the open-ended nature of that request. We are no longer looking for any special designation for fundraising. If there's any fundraising, it will be done, I suppose, in connection with one of the once-a-month events, or not at all. But, we are not looking for any special class now for fundraising events. The last part ... as you may tell, I'm going through my letter to you, was the substantial farming requirement, I think we've already covered that. So, that's the ... the nuts and bolts of our present proposal. We think it is a balanced proposal. It is much different than what we first talked about to the Commission when we started the workshops a year ago. It is in line with, at least, our perception of what other wineries in the state are allowed to do. We gave you a comparison spreadsheet of what other wineries do, based on our investigation either by direct conversation with wineries or our perusal of their websites. We're well within that ... with what other wineries do in the State of Connecticut. We're also in our ... our estimation compliant with the Wallingford Plan of Conservation and

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Development. This is a manner to augment farming, agricultural uses, and the ... open ...and preservation of open space. Wineries are a great way to preserve open space. They're fairly low intensity farming. They allow people to come out and interact with open space, as opposed to a dairy farm or some other farm where you ... the best you could do is drive by. We have people wanted do yogurt, I mean ... yogurt!? ... YOGA in the vines. We have families that want to come. It is a ... a very good way to use ... to allow open space to be used for a productive commercial purpose, and open to the public. I can't think of a better way to comply with the Plan of Conservation and Development than to allow those uses to sustain and flourish in the town and to allow people to continue to come and have direct interaction with the open space, as opposed to just having it be something they can look at out the car window as they drive-by. That is our proposal. You have reams of paper and documents to ... to read. I'll answer any questions you have. (chuckles)

Chairman Seichter: Commission members with questions / comments for the applicant.

Mr. Kohan: I have one on the food. You say, there's no food for the large events but at the small event you want to have food?

Atty. Mara: We want to be able to offer ... or to allow catered food.

Mr. Kohan: How do...

Atty. Mara: Not food that we that we preserve ... that we ... we prepare but to allow a caterer to come in and service those events.

Mr. Kohan: And just ... large to me and large to you may be different than small to me small to you. So, I mean, how's that defined?

Atty. Mara: I... I suppose I'm a being inartful by saying "large" and "small". I think that was a way we were thinking of it previously. Really, what should be is reserved and unreserved. Reserved events have a capacity equal to or less than the seating capacity of the tasting room. The unreserved events are outside open to the public and would be done in the normal course of business for whoever may show up. And, we have ... we have caps on... on... the attraction of that by way of ... something I forgot to mention, the hundred vehicle trips per hour. That is the upper cap on ... on traffic. But, that's the ... that's the difference between large and small, reserved and unreserved. I suppose I should probably have used reserved events which are equal to or less than the seating capacity of the tasting room and unreserved events which may be more subject to the ... the traffic caps.

Mr. Kohan: Thank you.

Chairman Seichter: Other Commission members. Mr. Matarazzo

Mr. Matarazzo: Couple questions. Knowing your fax dated April 6, 2016 to Ms. Costello Costello in the ... one of the paragraphs there's "we do not want to become a banquet facility and we are not and do not want to be a bar, restaurant or café..." (Indistinguishable) no... "we have no aspirations of becoming a concert venue." I don't know the exact definition of a concert venue but it sounds like that's what you're looking to do four times a year with amplified live music. (pause) ... uh...I don't know...

Atty. Mara: I can explain my language. That was in response ... the use of the term concert venue, banquet hall, wedding facility, all that was in response to many of the letters that ... that you read into the record...

Mr. Matarazzo: um huh

Atty. Mara: ...tonight. It's an explanation of what we do not want to do. We do not want to be a concert facility. We don't want to host big acts and sell tickets and be ... have that become a ... any sort of activity. We want to be able to have a couple of people playing instruments outside during these events. I

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would not call that a concert. I suppose we could, you know, go back and forth about that. But, I'd like to focus on what the activity is as opposed to whether we're a "concert facility" because we're not charging tickets. We're not booking acts. We want to be able to have live music and maybe amplified outside four times a year during these specified events.

Mr. Matarazzo: I would just see as ... the four venues with amplified music outside really has the same effect as a concert venue would. That's ... I just see that being a little contradictory to what you're saying you don't want to be and what you're asking to do, at least four times a year. Also, with the possibility of amplified music playing on the ... the covered porch

Atty. Mara: The music ... the only music were looking at for the covered porch is to be able to have ambience music, the Muzak, the Pandora radio - licensed streaming services. That's ... that's all we're  
Mr. Matarazzo: It says, "once-a-month, private reserved customer appreciation events with attendance limited to the seating capacity of this tasting room, catered food and live music that maybe amplified when played inside and shall not be amplified if played outside." I don't know how if you're playing it outside ,,are you going to have control measures put in place to ... so it doesn't get amplified outside or ... versus the inside?

Atty. Mara: The band is inside.

Mr. Matarazzo: Yeah...

Atty. Mara: If the performer or if anybody who's got an instrument that may be plugged into a speaker of any nature that will not perform ... be performed outside except for those four events.

Mr. Matarazzo: Ok.

Atty. Mara: So, that ... that's the demarcation. If a ... if a ... musician shows up ...

Mr. Matarazzo: um huh?

Atty. Mara: ... and is plugged into anything ...

Mr. Matarazzo: um huh?

Atty. Mara: ...that increases its sound its inside. If they show up and they're not plugged in to anything, if we get a ... a person to play a guitar, that's just the guitar...

Mr. Matarazzo: um huh?

Atty. Mara: ... we want to be able to do that outside.

Mr. Matarazzo: (Cross talk) Acoustical...

Atty. Mara: If the person... if that same musician ...

Mr. Matarazzo: um huh

Atty. Mara: ...is plugged into a speaker so you hear the acoustic guitar better than its inside.

Mr. Matarazzo: ok. Um ... one more question. Um...referring to: "no event can generate more than 100 peak hours vehicle trips without a special permit." Um... has there been any kind of traffic study done? What are you basing that off? How do you know that you'll...

Atty. Mara: The 100 peak vehicle trips were uh put in as a discussion between myself and Ms. Costello. We had a traffic study that has been submitted to the town, uh, it was a traffic study from Columbus Day weekend, two years ago where at the peak hour, that's one of the peak weekends of the year when the leaves are changing and everybody wants to be out, uh, we did not get to a hundred vehicle trips an hour at its most busy but a hundred vehicle trips per hour is a designation that comes out of our zoning

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regulations as far as traffic generators and the requirements for traffic generators. That's where that number came from.

Chairman Seichter: Do you think that's going to be an accurate number with this application change?

Atty. Mara: We're saying that we want that number to be our cap. If we go over that we violated, um, so that's the number we're proposing to live with.

Unknown: I don't have anything to say.

Atty. Mara: barring a special permit. I hope that explains what our concept

Chairman Seichter: No, thank you. Thank you Mr. Matarazzo 1:12.40

Chairman Seichter: Mr. Venoit

Mr. Venoit: Just a few. Ms. Costello, you were gonna say something about this, alright. Um, a few questions. You said it was, a study came back that it was under a hundred already yet we're hearing complaints from the neighbors parking, what I'm hearing, out off of the property. Is there enough parking for all these cars?

Atty. Mara: I think you're mixing apples and oranges, if I may. First of all, there's no parking off the property. There's never been any parking on the street or anywhere other than on the property. Vehicle trips per hour are coming and going. It is not necessarily a hundred people in and a hundred people out. It's one hundred vehicle trips coming and going per hour. Um, and then there's the parking issue, it's a site plan issue. If we get through this and if we get a result that merits going forward as a winery in seeking a site plan change we will be filing a site plan. We will be updating our site plan to comply with the town. We have not done so pending this regulation change. So the parking issue is phase two. I don't know if that answers your question

Mr. Venoit: Not necessarily, but uh, I'll go onto some other ones. Um, with the seating capacity for the tasting room how many is that based on the Fire Marshal's calculation?

Atty. Mara: I think it's 80. I have it in my notes somewhere it's either 80 or 85

Ms. Costello: According to the Health Department, I believe it's 83

Mr. Venoit: 83, ok

Atty. Mara: between 80 and 85

Mr. Venoit: Now, the drawings or I should say pictures that we've seen have tents on the property, um, so would those tents be used really for just for those four events every year along with that monthly reserve or used all the time?

Atty. Mara: The tents are another site plan issue there is no tent there now. There was not a tent there last summer. Uh, we may be, probably will be proposing a tent for use during the summer season that would be used for more than just this, the special events.

Mr. Venoit: How many people would fit underneath the tent along with the tasting room?

Mr. Matarazzo: Well, the tent would have to be a separate service area permitted and licensed by the state. The tent would be variable in size. Last time the tent was up I think it was a 15 x 30' tent. I'm not exactly sure how many people the fire marshal would say fits under a 15 x 30' tent.

Mr. Venoit: Yea

Mr. Matarazzo: But that again would be a site plan issue.

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Mr. Venoit: Ok.....that's it for now

Chairman Seichter: Thank you Mr. Venoit:. Mr. Kohan, any uh questions for the applicant

Mr. Kohan: Yes, (clears throat) um, I actually have quite a few questions. So, um, looking at your revised regulations (inaudible) that you are proposing, um, you are proposing shall not be on lots less than 10 acres for a farm / winery, what's the state requirement?

Atty. Mara: I believe the state requirement is 10 acres. I'm sorry; I believe the state requirement is 10 acres.

Mr. Kohan: So why would you want to have that in our regulations?

Atty. Mara: It's in your regulations now.

Mr. Kohan: But, right, you're proposing it really again.

Ms. Costello: Can I speak to that? I think the reason that it was put in there in the beginning was because the state could choose to modify their requirement so they could choose to say, ok, we're moving it down to five now, but maybe as the town we would still want to keep it at 10. So it's redundant, but that's why.

Atty. Mara: and we have no objection to it

Mr. Kohan: How, um, how many acres are there currently under cultivation at Paradise Hills?

Atty. Mara: Right now there are seven

Mr. Kohan: And know with the 10, ok, I won't pursue that. um.....How do you differ from a bar?

Atty. Mara: we're not licensed as a bar. We can't sell anything other than wine that's either made on our premises or made in Connecticut. We have a different permit from the state. We are not allowed to do many things that a bar is allowed to do as our liquor permit. We are a tasting room. We are a winery that is uniquely permitted by the state and we're looking to have limited amenities for a winery, for a tasting room. We are not a bar.

Mr. Kohan: So what kind of state control/state enforcement is there with the winery?

Atty. Mara: The same sort of enforcement that liquor control has for all of its regulations in the state. Liquor control has a robust enforcement arm. They spend a lot of their time looking for underage drinking. They spend a lot of their time looking at permit compliance questions and they are active in furthering and regulating farm wineries.

Mr. Kohan: How often do they come out and visit wineries?

Atty. Mara: I can't tell you because you don't often know that they're there. They will come through and I'll do their reviews and then if they're doing enforcement activities unless you're in trouble, you don't know they are there.

Mr. Kohan: So, you know, basically my question relates to a, you know, some of the alcohol you are selling and technically although grappa and this is brought up by young lady at a meeting a couple meetings ago. Alcohol content in that is quite high and technically it does come from grapes but also technically it's a brandy, it's not a wine and you know, this is kind of my line of questioning with the bar. I understand you're gonna produce wine which has 12 to 14% alcohol. Grappa is 30 to 60 % and quite honestly I don't know what the um, requirement is. I know what it is for a bar as far as checking the condition of you know, people at your establishment. You know a bar can be held responsible if somebody goes out, is intoxicated, you serve them, and they happen to you know, run into somebody. You know, I do have that concern. I don't know if you know what Paradise Hills does in that regard. There was a recent accident. I don't know if there was, you know, a history of any other accidents but it is a

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concern. I am opposed to having grappa as something that you know should be served. I'm okay with the wine of course but I think the grappa you get into some problems.

Atty. Mara: If I may respond?

Chairman Seichter: Sure

Atty. Mara: The enforcement, the serving people who are under the influence for wineries is the same as any other place where alcohol is served, there's no special classification for that. There is no history of accidents five years of operation one DWI. Um, that is a pretty good record, I believe. Grappa is expressly authorized under the state statutes. All we really did was pick up the states statute and put it into this regulation. It is a wine product. It is made under a different process but it is a wine product. I think I understand your concern but I think the history of operation of this winery and his tasting room should give you some assurance of the way that it's run. And that the production of grappa is another method of producing wine and wine products.

Mr. Kohan: Quite honestly I have a few other concerns with alcohol and some of the events that have been held at the winery and I will get to them eventually. Well, might as well get into the events right now, um

Ms. Costello: Excuse me, can we just pause the public hearing until the fifth voting member returns?

Chairman Seichter: Oh, I didn't realize someone had left.

(Pause - soft indistinct chatter)

Chairman Seichter: And if you gentleman can continue, I guess, Jeff, you were in the process of asking some questions, if you would continue please Jeff

Mr. Kohan: Um,

Atty. Mara: If I may, so we don't lose this, so I don't have to go back and interrupt you, other than, I just did. Mr. Ruggiero uh, just mentioned to me that he would be willing to amend our proposal to provide that any grappa or brandy that would be made would not be sold for consumption on the premises and we'd have to work on language to do this. We'd have to have tastings so you'd know what you're buying but it would not be sold for consumption in the tasting room.

Mr. Kohan: Ok, so events, um, and still there's a lot of discussion on events, um, you know you recently had an Easter egg hunt which I consider an event and looking through the documentation I also noticed that you had some type of car event, now this goes back several years ago and it's in the documentation

Mr. Ruggiero (Winery Owner): No, it never happened.

Mr. Kohan: Well, you know, basically you had a bunch of MG's which, I love MG's, but you had the MG club come and look at the cars, um, you know, I really have an issue with alcohol and you know, events that really don't go together, you know, cars and alcohol. You know, an Easter egg hunt is a children's event that you know, alcohol is a part of that and I know, you know, people drink at home but I really think that sets a negative impact on you know, the serving of alcohol. And I was really upset that the Easter egg hunt was allowed to continue and I saw the explanation from the Zoning Enforcement Officer which I do not agree with. You know, it's not an ancillary function of the winery and you know, to me, the issue of events really needs to be spelled out. I'm okay with events as long as they're related to anniversary crushing of the grapes, you know, specific events related to the operation of the winery. Anything else I think is inappropriate, again especially something that puts kids and alcohol together like that Easter egg hunt. I found that totally inappropriate for you know, in an establishment serving alcohol I think my fellow Commissioners still have some issues on now the number and types of events and I still think we need to work out that language um, moving a little farther along in the area of events, you know I still have some

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questions on what you want to serve, now you mention cold pre-packaged food, you know, specifically what do you want to serve? I can understand cheese. What else do you want to serve?

Mr. Ruggiero: It would be a cured meat, cured meat platter, you know, pepperoni, salami, all pre-packaged cheese. I mean, um, quite frankly, we may not even do it. It just seems to be to the point where, in my opinion, what we would be, we'd probably be destroying more than actually is sold

Mr. Kohan: Yea, great, yea, that was the answer I was hoping for. Basically I was looking for, you're not going to sell sandwiches

Mr. Ruggiero: I have no intention to do that

Mr. Kohan: Now and again I know with the events that I still have some trouble with the wording of catered food, you know, basically what I heard was how the larger versus smaller events you know would have some type of catered food and again I think you get into some type of banquet facility. You know I'm fine with you know, folks bringing their own food. You know, if you know the folks themselves bring in food, I'm fine but if it's something supplied by the winery I think then you get into the you know catering business, the banquet type facility.

Mr. Ruggiero: Were talking very limited once-a-month through either wine club members or special customers to be able to provide them with some kind of appreciation of their support at the winery. We're talking food pairings, cheese pairings with wine, where you bring in an expert chef or something (inaudible) farm-to-table type events. We're not talking about banquets every month. We're talking about (inaudible) you know, once-a-month putting on something for better, more important clients.

Mr. Kohan: Ok, alright few other comments I have, um, you know, we mention tents and you know, the hundred car per hour limit, um, you know, I think one of the things I think we need to um add into the regulations (it's 3D) provide a plan acceptable to the Water and Sewer Division. As we mention there's a limit of eighty three I guess for sanitation and you know if you're having tents and you know, you're gonna have to bring in extra sanitation facilities. And basically one of my questions to uh Ms. Costello uh, is, you know, you guys are fairly popular, which is good. Um, when you do exceed that 83 limit, you know today or this coming weekend, you know, how you handle sanitary those sanitary requirements. I mean once you go over 83 you're out of compliance.

Ms. Costello: Want me to speak to that a little bit? At least, from, there's a memo you have from the Health Department, um, just uh, the requirement for bathrooms that they have right is now based on the seating capacity as you indicated in the existing building. And if um, if they were to sort of enhance their activities when they come in for a new site plan approval, it's my understanding from the Health Department that they would re-evaluate what their sanitation requirements are. I don't know what they do right now. Or, I don't want to speak to it.

Mr. Kohan: Yea, it's something we need to work on I think. Um, and then my last comment. I want to make sure I have all my comments. I guess is really the big one if these haven't been big ones already. Now you live, you exist in a residential area, your neighbors are 20 feet away and you know, I think there really needs to be a trade-off between you know your business and the neighbors. The neighbors in my opinion have made tremendous trade-offs to allow your business. Um, I'm not in favor of any outside music. You know, whatever you want to do inside you know, is fine with me. You want amplified music now that's fine but when you go outside you know even if it's un-amplified you know somebody can hear it based on the wind blowing, somebody may not like the guitarist you brought in and I think it does disrupt the residential neighborhood and absolutely no amplified outside music. I know again I think there needs to be some give-and-take on this issue because I think the neighbors have put up with a lot and I think this is one small condition you should be able to live with.

Chairman Seichter: Thank you Mr. Kohan

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Atty. Mara: Mr. Chair, do we get to respond. I don't know if those were questions or comments

Chairman Seichter: Oh sure if you'd like to respond, I have some questions for you so let's kind of stay in line here, so please, you can certainly respond.

Atty. Mara: The uh Easter egg hunt was not a wine event, that was a children's event.

Mr. Kohan: Was the winery open, were you selling

Atty. Mara: It was done in the morning before business hours at the winery. So it was, at least my understanding, was done then, so it was. We consulted with the town we consulted whether or not it would be allowed under the regulation and it was for children to look for Easter eggs within the area of the vines. I mean, so if you're looking for events that pair alcohol and children, I don't think that was one of them and I don't think there are any. The events that you raised before for cars and some of the other events you alluded to, the car event never happened further, it was supposed to be a display of antique cars as a fundraiser. It never occurred and furthermore, that was before we were served with a Cease and Desist and nothing like that has happened since, that's why we're here. Now the events that we're proposing now are, I hope, substantially different than the events you were recalling and reacting to. We're looking for the 12, once-a-month reserve events from wine club special customers. We're looking for four times a year to have an open event that's un-reserved. We put caps and regulations on all of that. We are looking to have outside music four times a year. That's amplified. I agree with some of your concerns about tradeoffs with the neighbors. I understand that. We have reduced our request tremendously because of that because of those tradeoffs but our neighbors have the ability to have outside sound and they do have outside sound. We're looking to have that same sort of outside sound four times a year to be stopped at 9 o'clock pm. That, in my estimation, for what that's worth, is a trade-off and is not too much of an imposition on neighbors. Is the plan acceptable to Health and Sewer? Absolutely, we agree to that we are subject to that. The sewage issues and the similar are site plan issues that are going to have to satisfy the whole wrath of regulations from the town, we are aware that we live in a residential area. We are aware that we have certain neighbors that are not all that happy with the existence of the winery in a residential area and we're trying to present, and I hope we have presented, a fair and balanced proposal to effectuate the kind of trade-off that you're concerned about. I don't know if I hit all of your comments or questions.

Mr. Kohan: So, yea I think so, but I'm gonna respond back if I may Mr. Chairman. So, the Easter egg hunt, I'm not sure what the hours were. That may have been before the opening of the winery. What was the difference in the end of the Easter egg hunt and the opening of the winery? Because basically I'm willing to bet a lot of folks stuck around to have a glass of wine and I think quite frankly that that was the intent of the Easter egg hunt. Was to get people there, have a glass of wine after the Easter egg hunt was over, so, even though, you know, it may not have coincided with the winery being opened, you know, the letter of the law, I think, you know, is still winning to alcohol and kids. Um, and I don't know if you went through and event received all the materials from residents and again, I don't want to mince semantics with events but I can look through this and there's a photograph of the MG event there. Now there may have been club members that happened to come um at the same time and there's nothing anybody could do to prevent that from happening

Mr. Ruggiero: Yea, that's exactly what happened. A club will come

Mr. Kohan: Sure

Mr. Ruggiero: And you know, we happened to have an MG on the site and we park our MG next to the others.

Mr. Kohan: Right

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Mr. Ruggiero: We keep it in the garage, we could do that too. So as far as the Easter egg hunt, if you want us to cancel the Easter egg hunt from now on, we could do that. It's not a big deal here and um, I think if you ever talked to anyone who attended, I think they would certainly give you a much different impression of what you're saying happened, but you know, you want us not to do Easter egg hunt any more

Mr. Kohan: Maybe

Ruggiero: That's fine, cause the cost of

Mr. Kohan: Just one person saying I, you know again, I didn't think it was an event that, you know, should have been allowed in the first place, you know with the regulations, but um, you know, basically my point with the events is, like I said, I'm ok with the events, I just want them to be related to your winery and you know, again, a car show has nothing to do with you know, um, producing wine. And basically there is another event in there, cigar thing where cigars and wine go together I thought about that for a long time and I'd probably be okay with it; you know a cigar and wine type event. So really, that was the point of my statement. If I might Mr. Chairman, I did miss one thing I wanted to talk about and that's the unloading of the bus, (that's 3F) no parking or loading area shall be within 100 feet of a property boundary. You know, how are you gonna ensure that? Are you gonna, you know, if a bus comes in, are you gonna make sure ahead of time they come out to your property and they don't offload in a cul-de-sac? How are you gonna enforce that?

Mr. Ruggiero: None of our parking facilities are anywhere near the cul-de-sac, the street, they are well into the property. If we do provide a revised plan parking will be one of the issues and will have separate areas worked out for buses certainly nowhere near property lines.

Mr. Kohan: So, you've never had a bus unload in the street?

Mr. Ruggiero: Not that I'm aware of. They have one hell of a hike if they do.

(laughter from audience)

Mr. Kohan: Thank you.

Chairman Seichter: Thank you Mr. Kohan. I just have a few questions. I think most of the Commission members kinda touched on things that I have, but the first thing that I'd like to say is certainly, where we were probably a year ago and what was being proposed to us a year ago and what you're proposing now is significantly different. And uh, from my perspective I appreciate that. I think that you've certainly listened to comments that were made by the Commission, by the public and I'm not saying I agree with everything that's in here but clearly where we were a year ago versus what you are proposing today is a notable change and I just wanted to recognize that. Some of the issues, I guess I'll go back to Mr. Venoit: asked about a tent and you said "well that was just an additional service area". Explain service area if you would please.

Atty. Mara: I was trying to make the point that it was not an additional permitted service area. It's a liquor control concept. Liquor control will license the areas where we can actually serve alcohol. The tasting room is a licensed service area. If we want to have another licensed service area, we have to not only file the site plan here; we have to get approval from liquor control. Let's say I want to put a service table so people don't have to go into the tasting room. I'll put it out on the lawn. I can't do that without liquor control permit and without site plan approval from this Commission.

Chairman Seichter: That's again, I just want to be clear, cause I thought that's what you meant with the service area as far as that's where you would be able to serve the alcohol, not where people would just be able to consume it but in fact were you would be serving the alcohol from, much like you would serve in the tasting room, correct?

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Atty. Mara: Correct

Chairman Seichter: In as far as the reserved events, the one a month, the once-a-month reserve events again that food that you're proposing would be catered food that is simply going to be served inside so all of any food that is catered is provided to you, all of that food would be prepared, it would be served inside may be prepared I guess it could be prepared off site and brought in and then served, but that would be only served inside. There wouldn't be any going outside or anything like that, it simply the event is held inside and is being served inside

Atty. Mara: Correct

Chairman Seichter: Correct. I know there's been other Commission members that have talked about the music and amplified music, it is my position the music really has not changed from earlier times, early meetings that we've had. Your amplified music inside, I don't have an issue with that. It's the outside music outside amplified music whether it be for your four go forward with four events you're a, unreserved events to be any music outside would be un-amplified music. That would simply be my position on that. I know we talked about issues with buses and parking on buses and Mr. Kohan question was what about the buses and parking and drop off. (inaudible) From my standpoint I'm not interested or I would not be in favor of having buses. I know you like to have tours coming to various wine tours that's fine, but having buses come in there, or to come out to any of the other wineries that we may have in town, that's something that I would, I would have a, would have an issue with. And again Mr. Kohan had mentioned that, you know, we are, it is a residential neighborhood and some of our other wineries are in residential neighborhoods and probably any future ones would be. In this particular case were looking to expand some of the uses that would be allowed is what you're looking for and again when it comes to some trade off and I'm looking at the hours of operation. You're looking at 11 you know 7 days a week, you know, 11 to 11 to 9 o'clock. In my mind I think it's more appropriate on Sunday the operations are 11 to 6 and on the other six days a week work from 11 to 8 o'clock so it gives some a little respite to the you know to the to the neighbors that are there.

Mr. Ruggiero: Can I just say something?

Chairman Seichter: Absolutely

Mr. Ruggiero: About the buses, you know, there's buses and buses. A lot of other groups like companies will come with a smaller; I'd say 25 to 30 passenger bus. Probably every two weeks a group called Connecticut Vines to Wine comes with a small 30 passenger bus and just uh bring customers in. That's a lot different than a 60 passenger coach. Can I say 60 passenger coaches don't come, I can't say that, but I will tell you that's not on a regular basis. Those large buses and often they're showing up without even us knowing and so a bus pulls in, what am I gonna do, turn around and ask them to leave? I mean, we could do that, but um it certainly wouldn't be giving a very hospitable attitude toward, and trust me if I have to do that, I will, but I'll be saying it's from the Town of Wallingford's direction.

Chairman Seichter: I appreciate that, but I guess one of the things that you could put up on your website is just as far as announcing as far as buses and not you're not encouraging your buses or large buses are not allowed. I think that is one way to approach that if that something the commission would decide is appropriate. I would think that would be one way to address it.

(pause)

Chairman Seichter: Ms. Costello

Chairman Seichter: And Ms. Costello there was one item in the regulation it dealt with the just with the parking and I know there was, not the parking but the paving and there were some comments from the Water and Sewer Department. Would you please just comment on that please?

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Ms. Costello: Yes um, it's proposed item 4.2 E 3 B Shall provide parking as Section 6.11. The proposed additional language is, "The Commission may provide for the use of pervious cover materials in connection with any parking plan" and then it goes on in the existing reg about landscaping. The Water and Sewer Divisions; both of the existing wineries are in our Water Shed and they are not supportive of allowing any pervious cover material at all when on a winery that's located within the Water Shed.

Chairman Seichter: So based on the, at least the recommendation from the Water and Sewer Division, this, what's being proposed would not be consistent with that. Is that fair to say?

Ms. Costello: Right, they would propose, essentially the opposite of that.

Chairman Seichter: Ok

Atty. Mara: If I may

Chairman Seichter: Absolutely

Atty. Mara: In our proposal we provided this Commission may require the use of pervious materials. We did not, it was my thought. I did not want to impose or restrict this Commission's response to a request for pervious vs. impervious materials. We'd have to comply with Water and Sewer but I would and I imagine that this Commission would want the, may allow the Commission to do what it wanted to do as opposed to the shell. That was the thought process behind May use pervious materials as opposed to Shell. It was really just to allow the Commission more freedom to approve a site plan or not approve the site plan or condition a site plan.

Chairman Seichter: I appreciate that, but again it seems to be inconsistent with, at least with what our Water and Sewer Department has indicated.

Atty. Mara: That certainly isn't a deal breaker for us.

Chairman Seichter: I would suspect it would not be. Um, Ms. Costello, any comments on the application before we go out to the public?

Ms. Costello: Um, just a couple. I've been sort of taking notes as we go along also and so some of the things have been addressed. Um, sort of an administrative issue. The traffic study that was um submitted to the town, do you recall when that was submitted to the town, was that during the workshops?

Atty. Mara: Uh, it would have been during a meeting that you and I had

Ms. Costello: Cause I don't recall having a copy of that.

Atty. Mara: I would have to go back and look. I remember discussing it with you and discussing the table of trips coming and going.

Ms. Costello: So if I could just have a copy.

Atty. Mara: I'll submit a copy

Ms. Costello: Ok, thank you. Um, and then, the other couple of things I wanted to talk about uh, just with the Commission in general in terms of vehicle trips, the vehicle trip conversation. Because I do think that there is some tie in between what the proposed language and traffic generation and parking, even though there's separate issues to be addressed to some degree, I think there's from your standpoint they do kind of tie in together because presumably when you allow more marketing events or things of that nature it's designed to encourage attendance and it's potentially going to generate more traffic. So that would impact the uh, so I think that the language does impact both the, potentially impact both the traffic and the parking. I think they certainly have plenty of room on their property to address the parking requirements, but I do think that's kind of how that all ties in together. And, a hundred vehicle trips, that's per hour, so

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that would be fifty cars in and fifty cars out per hour or some kind of combination that adds up to a hundred as you know, so that could be well over say the 83 people that are allowed you know to fit the seating capacity. Presumably, some people are riding together; some people are staying more than an hour, but one thing, one option that would be available to you is that we could look at asking for additional traffic counts, you know, over the course of the approval. The other thing which is a technical issue, you have a letter dated today from a Mike Glidden regarding a um potential second technical issue and I just it was with the COG notification and I just want it stated on the record that we did notify COG and you have a response for this one from COG in your attachment so that should not be an issue. Um, and I guess the last thing, oh, a couple other things, um. To one of the Commissioners comments, the outdoor porch area, there is one part in the language that refers to the music that would be live music; the commercially licensed background music in the tasting room and in any adjacent covered porch and next, language talks about outside vs. inside. We are not counting the porch as outside. Are we counting the porch as outside? Is that your proposal or not? I'll tell you, I believe that it's outside. And if you don't have walls you're not inside. But I don't want this to become an issue later.

Atty. Mara: Um, we would like to be able to play the background music on the porch

Ms. Costello: Yea, no, I understand that.

Atty. Mara: Nothing else, so when (inaudible)

Ms. Costello: Ok, so when it says live music, we're looking at point two, it's letter k from the music section, um, Number 2, the roman numeral two. Live music may be amplified or unamplified when inside and the acceptance provided above shall not be amplified when performed outside. So, you are proposing, so live music would not be on the porch?

Atty. Mara: Correct.

Ms. Costello: Ok. Just wanting to clarify that. One suggested addition is in the events and promotions section where uh, no, I'm sorry, in the beginning section where you talk about the sale of souvenirs, oh, it's letter l, um, souvenirs and winery related items. Such sales shall not exceed lesser than lesser of 10% of the gross (inaudible) so you do have the lesser in there, ok, that's fine. Ok, and then in general, um, just a couple things, as the Commission is aware, you know, we've been talking about this for quite a while and um I do think that this experience shows that it would behoove us to have some clarity in the regulations; whether you agree with the specifics of the applicants proposal or not. You know, just the difference about the Easter egg hunt. I mean, that's why we need clear language in here so that everybody is on the same page and I do appreciate, you know, the applicant's efforts toward that end. So, I think whether the Commission is inclined to approve this language, and I know there are people that certainly don't agree with it, I think the concept of, I do think the regulations should be modified and I do think there are things in here that are being proposed that should have been in the regulation the first time around, but we just didn't anticipate what it would look like so they serve as a benefit to the town. So I don't think we should just throw, I don't think it necessarily has to be an all or nothing, that you should necessarily throw out the whole regulation and do nothing, um but obviously you may not want to do everything that's proposed. And the last thing that I would mention is um, the options, sort of in front of you. There is also the option and I think this is not the direction everyone's chosen to go in but of um providing some of these things that special permit uses which would make them site specific. That's all I have.

Chairman Seichter: That's it?

Ms. Costello: Yup

Chairman Seichter: Ok, before I go out to the public, any last comments from commission members? Yes. Mr. Zabrowski.

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Mr. Zabrowski: How many acres did you say you had, seven?

Atty. Mara: Under cultivation, seven. Seven acres of grapes being grown right now.

Mr. Zabrowski: And Ms. Costello, what was the minimum, ten, by the statute?

Ms. Costello: The minimum that. The local regulation has a minimum total land requirement of ten acres. Then there's a separate requirement for the amount of grapes that are under cultivation

Atty. Mara: We're proposing five and that comes from the State Winery Association. The state statutes do not have a minimum of acres under cultivation they have a minimum of the 25% grown either on-site or elsewhere in the state of Connecticut. So, we're proposing in order to qualify as a winery, you have to own at least 10 acres of land and you have to have at least 5 acres under cultivation.

Mr. Zabrowski: Do you have ten acres?

Atty. Mara: Yes, much more than ten acres.

Mr. Zabrowski: But I mean there's residents on that ten acres, a couple houses, those are a couple acres. How much land do you have there?

Mr. Ruggiero: The farm is 65 acres

Atty. Mara: And 7 acres of that is currently being cultivated as grapes.

Mr. Ruggiero: We've been planting every year and rather intensely these past two years and I can, I could say that we will continue planting in the future. It'll be a little bit slower since will start going into wooded areas.

Mr. Zabrowski: Thank you.

Chairman Seichter: Any other Commission members? Alright, this is a public hearing. Certainly any member of the public is welcome to speak. I just will say one thing judging from the past meetings we've had on this application certainly some of the discussion has been rather spirited. I would just ask everybody to respect one another's opinion. When a speaker gets done I don't anticipate any clapping, cheering, hissing or booing and when people are speaking again be a, I think very respectful to them. If people feel they can't do this I suggest this isn't the place for them so with that I'll entertain our first speaker name and address and your comments please.

Eric Herbst: My name is Eric Herbst I live in 910 E. Broadway in Milford Connecticut, but I'm a property owner here in town. I'd like to say a few things. First thing I like to say is I'm a musician as a lot of you know and I can't do my job without amplified music. I would like to suggest that you try one night holding this meeting without having microphones to speak into because it's not a matter of being loud, it's a matter of letting the sound get to a person's ear so they can hear you without it having to be loud. It's a convenience that you rely on in every single meeting. When somebody speaks back from the microphone (voice trails off, with audio becoming faint as the speaker stepped away from the microphone) you ask them "will you please step up to the microphone so we can hear you" ok. It doesn't mean that the neighbors down the street are gonna complain because I'm speaking at this volume. Ok. So I'd like to point out that if I play a song on this right now, that's amplified music. Right, so the term amplified music I've heard several different people try to qualify certain issues like how many cars, how much food, what type of thing is gonna be that we're gonna serve but you're not qualifying amplified music. The law already does and says that decibel levels at the property line have to be a certain volume and if there above that volume there in violation of the law, okay so the fact that my phone is amplified, it rings that is and if I get this song that plays my phone rings technically they will be in violation of having amplified music played outside of their facility. Ok, so then I would like to point out to the gentleman you work on the Planning and Zoning Commission they own 65 acres and you said and no one questioned you I can't

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believe that wasn't questioned, the neighbors are 20 feet from where they want to have music. It's absolutely untrue. I don't know if you've been to the facility but it's well within 1500 to 1,000 feet to the nearest home. The second home is probably 2500 feet. I'm sure someone here could actually qualify the distance but 20 feet was an absolute misrepresentation. I'm also personally offended by the implication that they somehow were having everybody get liquored up and having kids do an Easter egg hunt when clearly it was before hours. Maybe that's some violation of the zoning committee to have an Easter egg hunt on your own property but the implication that they were drinking and whooping it up or that they had a glass of wine afterwards before they left. I can go to any restaurant in this town right now with my kids, sit down, buy them a soda and I can have a beer so for somebody to have a glass of wine after a family event like an Easter egg hunt is not a crime. Furthermore, okay, tents in the summer time are for shade and rain; shade and rain. When I take my 85-year-old mother to the winery she cannot sit in the direct sun. She welcomed the fact they had a tent. I've been there when the passing shower went by. It's nice to not have your party and your food and your wine get wet because there's a tent. The legal issue of that aside, tents, there is no problem with tents. Tents don't disturb the neighbors as far as I can tell. Alright, if someone doesn't like music cause I heard the comment that the music might offend someone.

Gentlemen this is the United States of America and we have the right to free speech and music is speech. If money in political elections is speech God dammit music is speech. All right. We have the right to free speech. These people have the right have music on their property as long as it's not violating the law which is what the decibel level is at the property line. That is the law. You are, as far as I know this body cannot write new law, I could be wrong. Ok, (sighs) as far as it being a concert venue, we had the discussion the last time I was here. Paradise Hills is not the Oakdale. The Oakdale is a concert venue that sells tickets every performance they have. They don't sell they don't give away free concerts to sell wine four times a year. They hold concerts as many nights a year as they can, selling the tickets and then selling beer and wine and the noise outside of the Oakdale I love the Oakdale I played at the Oakdale it's nothing like it is on Paradise Hills. Again, if I play my acoustic guitar and the neighbors can hear it at a decibel level 20 feet from the property line, whatever the law is, that's the law. The issue with buses as far as I can tell. A 60 foot bus is a problem ok, or a 60 person bus is the problem, the capacity of the room is 83 so 60 people come in, and nobody else comes in, what's wrong with a bus, I don't understand that. I've been there when I've seen small buses come in and about 10 people walk off of them. They're not planned (inaudible). I've been there many times. It's a surprise to see them come in. They have the right under the U.S. Constitution to gather. The people were having, who decide to show up with similar cars because that's what they like to go for a motorcycle ride or a bike ride or whatever they want to do, they have the right to gather. Your gonna ask a business owner to say "I'm sorry sir, but here in the town of Wallingford Connecticut you're not allowed to come to our property with more than three cars that look the same because it might be a car show." (sighs) I am very upset about this one thing I apologize, that's showing, I'm sure is. Alright, and I have maybe only one more thing to say, I just have to find it. Okay the other thing about the buses is, it was absurd to assume that the bus would drop off in the circle. It's a 1500 to 2000 foot march. Again we should have that documented, you should put that down as to what these distances are because there's no one who's gonna say I'm a bus operator I have 30, I have 20 passengers, hey guys will you walk 2000 feet because I don't want to pull in on the gravel driveway that I'm allowed to pull in on. And once again, you have had neighbors, I heard them myself the last time I was here say that there have been cars parked on the street. Again the facility has a two thousand foot 1500 foot driveway. I've never seen in the hundreds of times I've been there, ever seen a single car parked anywhere but on their property. Usually it's up close to the facility again because people are lazy and they want the convenience of getting out of their car and walking to the event. Now the last issue with buses was you say DUI is an issue. Buses are an excellent solution to that issue. You say traffic is an issue. Buses reduce traffic. So you've got some issues that you need to resolve but one thing you should do is you should allow this good American family to operate the business like every other business in the state operates and be reasonable about it. I want to commend you gentlemen. I'm picking on you a little bit. I commend you on the first few people that came in here, you gave them, I don't remember the legal term but you said basically you did want to make them have a site survey. You didn't want to put undue burden on them. Alright. Ronald Reagan said the government is the problem not business is the problem, and I

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think that you guys are overreaching and you're being too difficult on a good solid community-based business that wants to have an Easter egg hunt once in a while. Thank you.

Chairman Seichter: Thank you sir. Other members from the public. I'll go with this a individual right here and then you'll be next sir.

Dave Feda: Uhh, Hi, Ok, Dave Feda, 1308 Scard Road. Good evening gentleman, you've certainly shown a lot of concern for the rights of a few of the property owners who have complained about the activities of Paradise Hill. Your duty is to weigh both sides of any argument as well as look at the future and how the decisions made here tonight will impact the town of Wallingford in perpetuity. Our system of government does not disparage the rights of its citizens but sometimes they converse sometimes there's a conflict. And when that is the case the rights of the many have outweighed the rights of the few. That's the legal precedent. It's time to finally make a decision or hopefully we'll get there about the future and you're faced with a few dissenters who have given statements to the effect of increased traffic, excessive noise, declining property values. There is a lot of disingenuous disinformation that's being put forth in this hall. And you sir, I feel sorry for you. You should have seen bright red when you're, well never mind, I won't even get there.

(inaudible crosstalk)

Dave Feda: I know, I know, I'm sorry. All I want to say is for instance, and I'm not and I don't mean to call anyone out here specifically but there were there was a gentleman who showed pictures at (inaudible) of hundreds of cars at the last meeting. What he failed to disclose was, those pictures were taken on the two busiest days of the year. There's also claims of lawless activity that have been made yet there have been no police reports, there have been, and matter of fact, what you do have is actually more testimony from neighbors and as a matter fact, the state police which contradict all of this negative testimony that you've heard. And I cite Special Agent Vaughn's report. Special Agent Vaughn, for those of you who might not know did an undercover, one-year long investigation of Paradise. The Police Department furnished special agent, this is right from her report. The Police Department furnished Special Agent Vaughn with five police report calls for service at the winery, however, none of the reports related to the conduct of the winery itself. There is no disciplinary history with the department for permits, for the premises and Special Agent Vaughn found nothing questionable about the renewal of the permit. Remonstrance expressed concerns about noise emanating from the premises. Safety and traffic on the residential street during her time of surveillance music was being played however Special Agent Vaughn did not hear it from her vantage point at the entrance of the winery's driveway near the remonstrance residence. The respondents had a sound level conducted by a Dr. of audiology on September 9, 2013. The consultant's findings were that the readings obtained were in compliance with Wallingford's noise ordinance. Remonstrance were specifically concerned with the offering of music and other forms of entertainment and food that would draw larger crowds to the winery which was a result of which would result in increased traffic on the Residential Street. Special Agent Vaughn did not note any excessive traffic during her visits. Substantial evidence was not presented which would deny them to not renew the application for the winery. The point being, we have a lot of opinions. We have a lot of people who were very upset about this. Good people who live in the area and they see it their way, however the actual truth in the evidence in the documentation does not speak to that. Alright, I won't get into that. Let's talk about property values. Cause I have more on Special Agent Vaughn too. Concerns over property values. Let's just jump right to this. That property values would decrease, however a very easy check of property values on Zillow shows an increase in property value since the winery began operations in May of 2011. For example, my house on Scard Road has gone up 1%. The Makepeace property on Washington Trail has gone up 5% and the value the Jones' house located at eight Windswept Hill has increased 8 percent while, all this while property values in the town of Wallingford as a whole dropped 1% during that same timeframe. As a matter of fact, one person who's at the center and would like to see the winery activities curtailed actually is using the fact that they are next to the winery in their advertisement on Zillow. Nine Windswept Hill real estate advertisement, quote "Be the neighbor to Paradise Vineyard. Beautiful

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location." That's right on the Internet. Using that person's own testimony. Now listen, very, very briefly because it's been a long night. I want to talk just a second about the ninth Amendment of the Constitution. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people. Basically what this says is that the government cannot tell people what they can do. The government can only tell people what they can't do. So if according to the ninth amendment, it doesn't say that they can't have a catered event then they can have a catered event. That's what our country is built upon. So traffic, back and I'm just gonna sum it up cause I'll get out of here. I know you guys had a long night so have we all. Traffic there's been a lot of complaints about excessive traffic but there's no documentation to show any of it. Noise, amplified music, sometimes it's fingernails on a blackboard to me as an electronics instructor and also a musical person to hear the misconceptions about amplified music. I think the musician who just spoke kinda says it all. Please, if your gonna make decisions about amplified music, consult someone who knows what they are talking about. Declining property values, all bogus, all bogus right off the Internet. And the only last thing that I will say in conclusion as this is the street, Washington Trail, where George Washington in 1775 went after we got our butts handed to us at Bunker Hill and what he had to do and fight for and what we're doing here today, fighting for the right for a for a vineyard to be able have a catered event is heartbreaking as an American. Gentlemen thank you for your attention to this matter and God bless.

Chairman Seichter: Thank you, appreciate it. Gentleman over here. Name and address please

Mike Luzzi: My name is Mike Luzzi, and fortunately I live in Hamden so whether you want to listen to me or not, um.. I just want to point out that one of the Commissioners mentioned about car shows and the Easter egg hunt, how inappropriate it was. Last year, I don't know if a lot of you probably got touched with the family member having cancer and they have benefits. While I'm a pretty active in car shows and we decided to have a car show and we wanted to use Paradise Hills and a Cease and Desist was put on it. It was to raise money for Smilow Cancer Center. Come on guy's, in the town. I know there are other venues in the town; another winery has a lot of benefits, with no problem, but to cancel something like this. Again, I hope cancer never touches your family because you'll know what it's all about. Thank you.

Chairman Seichter: Sir, I'm very well aware of cancer.

Mr. Kohan: And I am as well.

Chairman Seichter: Any other members of the public who would like to speak on the application? Yes.

(inaudible)

Gina Morgenstein: Gina Morgenstein, South Main Street.

Chairman Seichter: Would you please just pull it just a little bit closer to you if you would please.

Gina Morgenstein: Ok, there. Gina Morgenstein, South Main Street. Things got a little too personal there. I got, I have some idea as you're talking about bus and there may well be regs already on the books for certain streets. It seems to me, as the other gentleman said that coming as a group, going in a party bus when you're going somewhere that you intend to drink, I mean if you're in California people do go in a little party bus but it's a small one. And I don't know whether you have the power per se to regulate what size of vehicle arrives there but I think the attorney and you have been very professional and appropriate with each other and were slowly whittling things down to try to meet both the public and the business owner and a small party bus. There must be different dimensions of them and I would think that a rural street, a dead end street in Wallingford may actually or could have regulations such as another dead-end rural street in Wallingford could have a regulation that a full size bus that has 65 people on it would not be appropriate on that street. And that if a bus driver were given a job to drive to that street in Wallingford he would arrive at some place before that small street knowing he can't go there. So the onus is not per se on the owner although the website could say we love to keep you safe, and we love to see you arrive in groups. You're both ecological and safe in your enjoyment of our product and you're

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welcome at X whether it's a vehicle weight or a party size. And yes, there may well be someone that turns up that isn't exactly within that, just as there may be a day where the vehicle number isn't perfect. This is a workshop to try to get general regulations and good thoughts together and again Wallingford is not the enemy here nor is music the enemy but people had problems with this and let's not forget there's a second vineyard that has been impacted by this. The second vineyard wants to do their business as well and has had to put things on hold. So the sooner we wrap this up the better it is for everybody but you guys obviously have a whole lot of things to go through. And being fair on both sides is well known for what you guys do. Thank you.

Chairman Seichter: Other members of the public. There's this gentleman here and then you'll be next.

Vin Capasso: My name is Vin Capasso. I live at 28 Cooke Road. I think the town went through this exercise already. I think they did a well job in the first round around time around. Living in this part of Wallingford is basically, we're on the edge. Meaning that if we don't honor the original plan that was set for the winery, it would impact, forego to other wineries, follow the footsteps of this preliminary hearing. So with that said is that, if we don't follow the rules as they are in place, it would triple effect and put us in the reverse effect as our property value would drastically drop. Unlike that gentleman stated, I disagree with that. My opinion is that once you start this process where you extend the winery to foods and other activity it's not a winery any longer and it will affect our area drastically. Right now our value is very high, where we live because of the wineries to. I will not say it will a directly effect which is good. But with that said, any further ado would reverse our property value and have detrimental effect to our area. So I want the Planning and Zoning to really consider the effect it would have on not just the neighbors, the entire area. So thank you for your time.

Chairman Seichter: Thank You. We'll have this lady and then I believe there's another woman over here that would like to speak so you'll be our next speaker and this lady to my right will be our next speaker after you.

Christine Hackett: My name is Ms. Christine Hackett. I live on 3 Windswept Hill Road. I am the closest neighbor, as I have said at prior meetings, to Paradise Hills. And as I've heard people talking, new things have come up in my head that I want to talk about but I will be very brief tonight. I am not concerned with my property value because I live close to this wonderful vineyard. As a matter of fact, I am, I think my value of the house is gonna go up. I'm not worried, because they might have an event that they will bring in a gourmet chef that will then cook a meal with appropriate wine to go with it and that's not going to affect, that's not going to affect my property value the way that I'm not going to sell my house. It's the opposite. That's very exquisite, to be next to a place like that. Anyway, first the music, that's what really, really bothers me. I can't believe that there are people and in the committee that would be opposed to four events a year with so called amplified music. We never, and I'm not saying that just to be on their side, this is the truth, we never have a problem we never had when they did have amplified music out in the back yard. We barely heard it. If anyone would have heard the music, it's us. Our house is right behind their own home. We are not 20 feet from this venue, we are many, many more feet and when the leaves are down, we can see it. Not when the leaves and everything are up, we are far away. So number one, I really, from the bottom of my heart I hope that you consider these four events, number one and that you let them have the amplified music. They're not gonna have rap or heavy metal. They'll have sophisticated musicians. I hope you come to the event and enjoy it because I'm sure you will like it. And I hope to live here for a long time and when the day comes for me to sell the house; I will do exactly the same thing as I think it was number nine Windswept Hill Road. When my flyer on the website I will also say what a wonderful peaceful neighborhood right next to a winery that you can sit and enjoy. I was glad to see that they put that on the website. Thank you so much.

Chairman Seichter: Thank you. Yes, this lady over here to my right.

Vivian Jones: Vivian Jones, 8 Windswept Hill

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Chairman Seichter: Mrs. Jones, again, the microphone. Please pull it closer to yourself if you would please

Vivian Jones: Vivian Jones, 8 Windswept Hill Road. I can address some of the questions that came up before if you'd like. One thing I wanted to be clear on is from 2013 there are continuous comments by Mr. Ruggiero that they try to be sensitive to the neighbors, but I would also like to point out that Paradise Hills was here first. Windswept Hill Road is a newer development. These individuals purchased their properties fully aware of the existence of a vineyard and winery which is not true. We didn't even know that property was for sale when we purchased our property. It didn't turn into a winery until quite some time, over a decade later. I just wanted to get that out. Extension of use came up. You were questioning about the porch and where the wine would be served. And I got that from the state, um, the Liquor Commissioner and they said the extension of use permit would allow Paradise Hill patrons to consume wine of course inside and outside on the winery under the covered porch. An adjacent patio deck, which original plan had a patio in the back which never got built so now we're just beyond that porch. They are allowed to picnic in the yard but there wasn't supposed to be liquor at the time in the side yard grass way where all the tables are. They did get a additional consumer bar permit and that consumer bar is on the porch, (inaudible) the attached porch and that is supposed to be brought inside when not in use but can be used as an additional tasting area on the porch. And I have pictures of the porch if any of you were wondering what it looked like. If you would care for that. Mike, I have a question for you that maybe you can help me with. John, Mr. Soucie was on vacation so I didn't get to ask him this (inaudible) um, on all the paperwork for the winery it clearly says if the access to the extension is through a bar room. So you have the winery proper inside, and then the porch. There's a door inside the winery. If there's a door connecting that porch to the winery proper that makes that porch now a bar and then when they use the consumer bar and they pull it out into the yard that then makes the yard a bar which means if alcoholic beverages are to be made from additional consumer bar located in extension area, areas considered a bar room, no minors allowed. So there's no minors allowed inside, no minors on the porch and no minors in the yard. No deviations from the plan show on this form are allowed without written approval from this department. And as far as I know this is a current ruling. I also had a question of when we're talking about the noise or whatever, if it's traffic, voices, even unamplified voices, unamplified drums, saxes, anything I mean they all can be noise. Are we talking the boundary at Windswept Hill Road of 12 and 15 at the road or are we talking of the winery boundary near properties for the winery? Cause it's in the middle of that property. It's much further in, so are we gauging by sound or noise that comes off like where my property abuts there's, our trees are together? Are we doing that boundary, or are we doing the boundary that's further in on the extension of use boundary for the winery. You see that used to be, it used to be just in here where the winery proper is and it went across. Now they got this whole (inaudible) so I'm curious

Chairman Seichter: Sure, Ms. Costello it's the property line, is that correct? It's the property line.

Vivian Jones: Ok, because they have three different um, definitions for me.

Chairman Seichter: But there's only one property line though.

Vivian Jones: Ok, because they tell me there's two separate, there's a twelve, there's a fifteen and then, the fifteen, that's the winery is it's own little

Chairman Seichter: No, I understand but it's the property

(indistinct crosstalk)

Chairman Seichter: It's the property line for the property we're talking about

Ms. Costello: If you're the impacted property, then it's from your property line. It's from anywhere on their boundary basically.

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Vivian Jones: Ok. And I just wanted to go on. Some of these comments on February second, 2016 to Ms. Costello from Mr. Mara. He's stating in here that farm wineries can only sell their wine at the winery. That isn't true, there's trade shows, there's farm markets, there's fairs. They've been at the Durham Fair; they've been to all the different fairs. They go to trade shows all over the country, probably out of the country too. So that's not actually true. Every winery in the state of CT except for Wallingford is allowed to play some music in one form or another. And the overwhelming majority of the state wineries regularly provide amplified music. He also says every winery in the state except for Wallingford is allowed to provide food of some sort. Also, every winery in the state of Connecticut except for Wallingford is allowed to host some sort of events or activities. That's not true. None of that is true. I've been in direct communication with just about every winery in Connecticut, I mean I just have my brief list here, but I have a whole packet if you are interested. I didn't bring it because I didn't know if it mattered. I've spoken with each winery owner or operator. I've spoken with the Town Planner or Zoning Enforcement Officer, whichever they happen to have. Some of the towns have a selectman and he does everything. So I've talked to all of them, back and forth. We've had plenty of communication and they've also forwarded all their winery applications, um regulations to me. There have also been some towns that I have contacted by mistake and they said, they asked if they could call me back, pick my brain, because it was becoming an issue with their town with some people that were asking and they wanted to know how it was going and I said we might want to hold off on that. But there also are at least two others that I know of as of about a month ago. I haven't been able to look any further lately that are pretty much in the same position we're in right now where um a winery, the people own plenty of property and they opened a winery and there were residential houses all around them and across the street

Chairman Seichter: Mrs. Jones, I don't mean to interrupt you, but if you could speak more toward your specific concerns with the, you know, with the regulations and what your concerns are with that, I would appreciate that

Vivian Jones: I was sharing that

Chairman Seichter: Yes, I appreciate that

Vivian Jones: We're not the only ones

Chairman Seichter: I'm sure we're not.

Vivian Jones: On this proposal that I didn't get much of a chance to go through. I got it all Friday. There was a continue beacon member of the neighborhood. Accessory activities, retail sales. They know the state is expanding this. It says by glass or bottle between 11 and 9 and I'm sure they already know the state is expanding these hours so that's not really a helpful thing for us. Bulk sales allowed as defined by state statutes. I read one of Ms. Costello's notes and it said that that wouldn't really impact anyone but it would impact us. It means more delivery of ingredients and product going in and containers and all of that being brought in so they can manufacture enough to be selling in bulk. So that becomes a manufacturing plant not really a farm. As far as the tasting room with winery tours, I'm not a fan of the tours. Incidental non-alcoholic beverages and prepackaged cold foods. Non-alcoholic beverages, absolutely, not a problem. It's encouraged. Cold prepackaged foods, I'm still not sure what that means because it started out as cold prepackaged food and then it went to a cold cut tray and that's completely different. At the Health Department, they told me that if they were to get any kind of food service there, they mentioned food trucks in some of the other proposals. I don't know if that's still on the table because there are no regulations for food trucks. They can go anywhere and, well you know that. But he said that if they did get any kind of food in the regulation they would be held to a commercial restaurant requirement, which it would be a big impact on us. They would have to have all of the requirements of a full on restaurant and that's not really conducive in a rural residential watershed property. As far as incidental sales and souvenirs, that's a small area, that's fine, but deduct that space from the occupancy and you also need, I was told by the Fire Marshal that the winery is actually broken into three areas; the downstairs; the back of the winery ; and the winery and you have to discount workers, family and they have to take into

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account that there's at least anywhere from one to three people in those other two areas, whether or not they're even is. And then after that, then the retail space gets deducted and you figure out how many people would equal that retail space. So that all has to be figured out so you can get a good idea of the occupancies so that when they do have, if they do have these indoor events. Now that also, I'm wondering how that's gonna work when as far as I know I thought 20 parking spots was what was approved originally. They don't have a new site plan so I don't know if that is something that is going to change. No change has been made in the site plan and the problem with the driveway has actually been, since its inception, the Health Department, and Inlands / Wetlands, everybody has had a problem with that and actually it's been repaved so I don't know how (inaudible) that's gonna be taken and Mr. Mara last time had suggested, well maybe we'll only pave the parts that go to the residents but that's the entire driveway. As you know it goes from the street all the way up to the house at 15 so that wouldn't really do much for the watershed. The express recognition that person or persons can bring food in for consumption, people already know that and you can put it on the website, but most people already know, I'm not going to the winery but I always have stuff in my car, you know, they know. You shouldn't have to tell an adult that they need to

Chairman Seichter: I, I didn't, it, it's

Vivian Jones: Right, um, we're looking to be allowed commercially licensed background music. Indoors only is fine with me. Live music no, more than twice a week, inside, I don't care what they do inside. I don't want loud speakers, I don't want microphones for corporate events or whatever they're gonna have and you always have somebody talking. No outside amplified music at all. Indoors, it's not for me to say, that's their business. There will be no admission charge for any music event and all performances shall comply with the Wallingford noise ordinance. Stop right there. Permitted, um farm activity, winery activities are exempt from the town noise ordinance that I spoke with the Chief the other day. In passing I asked him about that cause we were talking about, that they can enforce regulations but he says we're only stuck with the ordinances which you know, (inaudible) your (inaudible), so we copied off the noise ordinance and it sounds great. Day time is seven till eight, so even if they had an outdoor event till nine, you could only you know, have your, if they had music it is only till eight and um of course the decibel levels change. No impulse noises and you get all through that and then you come to the end and it says exceptions, farming equipment and farming activities. So if these activities get written as part of the farm regulation they will be considered a legal farm activity and they would not be subject to the noise ordinance. They would not be able to impose any, any power or authority over anything that happened over there so that's basically falling back on state statute, which I see a lot of that is falling back on state statute and taking the authority out of your hands. I think that's something that you need to address and not leave it up to um... we know the state doesn't enforce it and the winery would be exempt so I think that's something that needs to be considered in the regulation as well..... On the amplified sound of the human voice. We already heard a display of that.

Chairman Seichter: Again, I think we've, I think I know where you're going

Vivian Jones: Ok

Chairman Seichter: I think we are all well aware of what you're talking about as far as the noise

Vivian Jones: So you know all the activities would be exempt, so we don't have to do that

Chairman Seichter: I guess at this point

(inaudible crosstalk)

Vivian Jones: I'm at the end of his proposal, Mr. Mara's proposal

Chairman Seichter: Ok

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Vivian Jones: They're no longer referring to entertainment and I thought that last time they had omitted music altogether but he's, Mr. Chairman, would Ms. Costello know, do they have a current permit for that side porch, because as far as the investigator that came a few years ago that porch wasn't even designed originally...I think they were gonna go for approval... they were in violation with the state, they were in violation with Wallingford. She's begged them for the information. I don't know if they ever actually (inaudible)

Chairman Seichter: What I would like to do though is stay more on the regulation that we're looking at right now.

Vivian Jones: Well, that would be the things on the porch. Um, ok. The events, I don't agree with the outdoor events or any of that

Chairman Seichter: Again, if I could just ask you to, I don't mean to rush you, but if you could start just kind of ramping up your comments if you would please

Vivian Jones: Ok. Definition of farm winery should remain as is. At first it was 25 acres that they were asking for, now it's down to 10. I think that's still kind of high because in Wallingford you're really cutting out giving anyone else a chance to have a farm or a farm winery. I would even be open to five. I mean, how often do you hear of more than five acres being for sale in Wallingford these days? But I think it should remain as is. As far as farm winery, that should also remain with as small change that you should produce what you sell. Farm stands are held to stricter standards than the farm winery. They have to produce and grow everything that they sell and I think that would be speaking more to being a farm than being a manufacturing plant because pretty much everything in here is pointing to commercial uses and not really talking much about farm when they've said the word farm in the definition. Was there a change in use for a bar, to be called a bar?

Chairman Seichter: I'm not sure what you're asking about.

Public - Vivian Jones: On the website the heading has been changed to now instead of Paradise Hills Farm Winery

Chairman Seichter: Now, again, we're not talking about; what we're talking about is the regulation that's before us. It's not how Paradise Hills at this point is marketing itself or not marketing itself. That's not what we're looking at right now.

Vivian Jones: What I was speaking to is the

Chairman Seichter: What we're looking at right now is the regulation. I would ask you because I think I've allowed you to speak for probably about ten almost fifteen minutes so if you could please start to wrap up cause we... I don't mean to rush you, but if you'd like to make some final comments

Vivian Jones: I just had something at the end. The buses were mentioned before. We never said anybody parked for the winery in the cul-de-sac; people were coming out of the winery and parking and continuing to party. That was what we had said. That got misconstrued. The buses, the Fire Marshal, the Deputy Fire Marshal brought that to my attention was that the parking lot is not, I don't think

Chairman Seichter: I guess my question is, are you in favor of buses, or not in favor of buses

Vivian Jones: I don't want buses and there is no parking for a bus and he can't get his emergency vehicles through there because the design is not correct. And then you'd also have to deduct for the coolers, for the beverages and if you had any food. How does this work with the 20 spaces and you're gonna have an event inside that whole (inaudible)

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Chairman Seichter: That's something, they would have to provide us if this regulation were approved they would need to provide then a new site plan for their activity as well as any other winery would have to do that. So if you do have some final comments, if you could please just make them

Vivian Jones: So this would affect everybody that wanted to have a winery in the future?

Chairman Seichter: Absolutely

Vivian Jones: Um I would just say that I'm asking you to deny the proposal as is or with a few exceptions that I had mentioned. Otherwise it is specifically speaking to a commercial entity

Chairman Seichter: Good enough

Vivian Jones: And thank you for your indulgence.

Chairman Seichter: Thank You. Other members of the public that would like to speak? If everybody would raise their hand that would still like to speak. I would like to get a general idea of how many people would still like to speak on the application. Alright, let's start with the gentleman in the middle and then we'll go to the to the right side, then we'll come back here to the left side.

Dean Hall: Good evening, my name is Dean Hall, I'm from 1260 Rolling Hill Road. I really don't think this is a constitutional issue at this point. Um, otherwise you guys would be judges instead of the board members of the planning and zoning. I think it's a big zoning issue right now and how we're discussing the matter of area 120 residential zoning with (inaudible) use. Now that was mentioned early on by the applicant that wineries were a fine use of open space and rural areas in Wallingford and I like wineries as they stand today. I frequent them. I enjoy watching sunsets and getting out in the afternoon. But I do take exception that comparing to dairy farms, I prefer dairy farms. With dairy farms you don't have to contend with 100 wine drinking cows coming down the street every hour. I mean, that's a lot of traffic. And I appreciate that. And I haven't complained about increased traffic. I think people have a right to start a business and I do believe, to a large extent, of wine winemaking as an agrarian business. But if you begin to stretch the meaning of an agrarian business the point where you get to into other venues and extend retail sales I wonder, I wonder how that affects me. I have, I have a farm which is within 2000 feet of Paradise Hills. Now if I decide I want to start boarding a hundred horses tomorrow and I think well the horses really need exercise so I'll put a race track in... will make it really interesting... will have to have a restaurant for the owners to come and watch their horses race and then maybe we can go OTB betting, I mean, where does it stop? I mean are we rezoning? I don't think that's what the applicants are here for tonight. It, it just seems that if we're talking about rezoning let's talk about rezoning. If we're talking about making our way around existing zoning laws as they stand in area 120 maybe this meeting shouldn't be even occurring this evening. It should already be at the Zoning Board of Appeals. Because to me personally that's what the essence of this meeting seems like, an appeal meeting to the Zoning Board of Appeals not to the Zoning Board which is sitting in front of us. But that's my opinion and I thank you very much.

Chairman Seichter: Thank you. We'll go to the lady on the right, or going this way then moving back to my left

Holly Makepeace: Holly Makepeace, 50 George Washington Trail and I also own a farm at 148 George Washington Trail and a residence at 150. I'm against the selling of brandy, grappa, and the other hard liquors. I don't think they are appropriate. Like you had mentioned, the alcohol by volume of wine is 9 to 12 percent but for brandy and grappa and the other things, it's 35 to 60 percent. It's a totally different liquor. And even if it's not consumed there, I don't know how you can regulate that it's not going to be consumed on the street if they're selling it. I don't think it should be sold in a residential area. The four promotional special events per year, I think is far too many. I hear the music in the paths loud and clear at my property at 150 and a couple of hours I can tolerate but they're asking for ten hours a day. I think that's way too much. The once-a-month events with catered food and live amplified music I believe is also

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inappropriate. I don't see the value in a farm / agricultural area having amplified music, although it stated that no amplified music would be outside. If the doors are opened and the amplifiers are near the door, sound is not gonna be contained in the building, it's going to travel. And again, requesting live amplified music twice a week for up to 10 hours a day in the building or possibly outside on the porch, again, the music is not going to be contained inside the building. If the doors are opened, the windows are opened, and they have loud amplifiers, we're going to hear it. Amplified music is inappropriate in a residential area. I've heard it loud and clear at our property and it's very annoying and disturbing to the peace. I've had the property since 1950 and it's been a very peaceful area other than when I start hearing the amplified music in the paths. The regulations they are changing will do nothing to encourage agricultural use as was the original intent of the regulations. All the changes including both sales providing hard liquors, catered food, live amplified music, are not appropriate in a rural residential area and I hope that you'll deny it in its entirety thank you.

Chairman Seichter: Thank you. Gentlemen, just before this gentleman speaks, anyone on the right that would like to speak, raise your hand. Ok, one, two, then we'll go to this side. Yes please, name and address.

Ed Makepeace: Um yea, I'm Ed Makepeace, of 50 George Washington Trail, and I don't mean to state the obvious. You guys are all very familiar with the regulations but I was glancing through them today and I was looking at the purpose of the RU zone and as you know it's really to encourage low-density residential development and recognize the continuation of agriculture and I'd have to ask you a rhetorical question. What does any of this have to do with agriculture? I don't see where it has anything to do with it and with zoning being as binary as it is, it would seem to make sense to me that things that are appropriate are already allowed as permitted uses and commercial uses are inappropriate in a RU zone and are therefore not permitted and I don't know how many of you really want to be in the position of measuring degrees to which a particular use conforms or does not conform such as, food. What's a little bit of food? Where do we draw the line? The events, 16 events, that's a lot and four of them certainly over the course of the summer when we are outside, you know, as my wife said, our property is directly uphill from the vineyard and we absolutely heard it...regardless of what Ruggiero has said that we can't hear it, we can hear it when it's amplified, fortunately they've been quiet for the last couple years because they are trying to appeal to you people. But 16 events is clearly a commercial use in a residential zone and I just don't know how we're even at the point of reconsidering this. Amplified music now although there was or comments about were not trying to be an Oakdale, while it goes back to my question about, do you people want to be in the position of measuring the degree to which they are an Oakdale. If we can hear it and it's being promoted for commercial purposes, it should be in town and in the center of town where restaurants are allowed where music venues are allowed and food. Again you know you're, you're, you're being asked to judge the degree to which food, which food services are certainly not permitted in RU zone, yet you're being asked to allow a little bit of it. To me it makes no sense at all to be considering all of these additional uses as a farm use. You know, in the farm regulations what's cited, sawmills the vegetable stand that Billy Beaumont has, there's no comparison. This is clearly more commercial. I look at the plan of development and I noticed that the goal is to produce and sell primarily goods that are grown on site and the need to be a good neighbor. I'm not sure how we achieve these goals. You know, working towards 25% of the product being grown on site while asking for the ability to sell in bulk. Kinda conflicting. And bulk sales, to me that's just says manufacturing. Again in a rural residential zone and certainly manufacturing is not a permitted use there. 16 music events and we talked about that. 100 peak hour trips while being a good neighbor... and I went on the on Google Earth today and I looked up Windswept Hill Road. There's seven houses on there and then there is one vacant lot down in the beginning... so why should a small cul-de-sac with seven houses be asked to absorb 100 trips in and out for commercial purposes? I think it's ludicrous. And again, who's gonna monitor this? Do you people want to be called on a Saturday if we counted, the 101st car going in? Ms. Costello, I know you don't want to be a, you can't be expected to go out there on a Saturday or Sunday and look into this. The music is far too frequent and even though, basically they want to be able to have amplified, what does amplified mean? They want to be able to have music be heard, played from a recording, all the time they are

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opened. I don't want to hear that. I don't care how quiet they say it is when I'm directly uphill from them I'm going to hear it and it's offensive. Last time there was talk about the Rod and Gun Club. Let's keep in mind that that predated zoning. This operation is expanding while existing regulations are enforced. I agree that the town should refinance regulations but they should be done by the town they shouldn't be done by a Bloomfield attorney who walks away and never has to deal with it again. So um, I'm basically 100% opposed to the approval of several commercial uses that we're being asked to allow a little bit of each one of them in a residential district and I hope that after several hearings, that you finally make a motion and deny this outright and I thank you.

Chairman Seichter: Thank you and the back of the room. If you'd please just state your name when you get to the microphone

Karen Marrotta: 184 Williams Road, Karen Marrotta. I also get very emotional. All I want to say is as a neighbor who borders the property I remain opposed to any amplified music. And I would like it all to remain a farm winery and have it all be settled. Thank you.

Chairman Seichter: Thank you, and then this lady here.

Mary Bush: Hi, sorry, I just got here, so I've missed everything, but Mary Bush, 1308 Scard Road. I've heard the neighbors saying they want to keep the area rural. Rural is defined as a characteristic of or in relation to living in the countryside or relating to agriculture. I feel so very fortunate to live where I do. It is by far one of the prettiest areas of town but it's a total shame that the people are having such a hard time being neighborly. I love it here but nothing is perfect. I look for the best. It's been mentioned that a charter bus once hovered on the side of the road for long periods of time. Well so have landscaping trucks that both of my immediate neighbors higher weekly all summer long while they are doing their job. Would I rather not have them parked across from my house. It's not my business, it's not my property, nor shall I complain to the town about it. How many times have I been stuck behind a tractor at 10 miles an hour when I really need to be somewhere. As you know it's well below the speed limit so I have every right to go a little faster. We have a tractor. We don't ride it up the road but we don't complain when you do. You have every right to do so and I hope you appreciate that right. As for traffic, I have helped people who are lost looking for the holiday home tour houses as an event sponsored by our Chamber of Commerce. I have helped people with directions to the Blue Trail Range. I have even assisted people who were looking for Choate Rosemary Hall who were way off track. So if somebody is looking for the winery, I have no problem. I have picked up trash that was left behind by many people who fish at the reservoir. Do I mind the number of people who show up and is anyone counting that traffic. It's part of living here. The town allows fishing, so let them fish, just please use trash cans. We have picked up trash along the road long before Paradise ever opened their doors. There was a brief pattern of someone dumping their Dunkin' Donuts bag on our front lawn. Is it Dunk-N-Donuts fault, I think not. As for sound levels, I hear more gun shots from Blue Trail Range than I do noise from Paradise. One afternoon this past summer I went and sat in the cul-de-sac during the (mixed up words) neighbor and when someone had said was prime family time on this weekend Saturday afternoon. I didn't hear a single sound coming from the winery. I didn't see one neighbor outside. I did hear one very loud long constant buzzing of locusts. That is all. I have some brief video on my phone to prove it. Farming is a business. I love going to Beaumont's to get my flowers, my vegetable plants and fresh corn. We've got other farms in the area that do the same. We love going to Paradise and I totally agree in letting them enjoy the fruits of their labor. Let's get together and be neighborly. Thank you.

Chairman Seichter: Thank you, anyone else from this side of the room?

H.R. Angelico: Hi, H.R. Angelico, Church Street, Wallingford. Easter egg hunts, Um, listening to some of the obvious questions that I've heard the counsel asks this evening, it seems obvious that some of you have, seems already sort of made up your mind and it also seems that based on some of those questions some of you or none of you, I don't know, haven't been to the winery before, which is a shame because you would probably really enjoy yourself. But more so than that you'll be able to get a sense of

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some of the questions that were asked and how silly they really are when it comes to the noise complaints in the parking. They've got to be about a quarter to half a mile away from the nearest person. I can't imagine being a customer sitting down somewhere trying to enjoy a glass of wine and having someone play music so loud next to me that I could hear it that far away. I don't think any customer that they have would want to hear that and they wouldn't play it that loud because, frankly, it would just be bad for business. I think that there would probably be a sensible way to address that problem whether it's by limits, whether it's by things have already been discussed. I understand that council's showing consideration for the neighbors, but at some point it's a little silly. Let's be reasonable. I wasn't planning on speaking. What made me speak is the condemnation of the Easter Egg Hunt. That's a moral issue and it's a nice event, but I don't think that, as the gentleman that brought it up said he didn't like the idea. I don't think that this is the responsible venue for your moral platform or, I don't mean your moral platform, I mean any moral platform. I don't think that's what the council is here for; dictating morals. As far as the Easter Egg Hunt though, it does also seem that adults are more irresponsible around Pez than they are around wine. So, my thoughts.

Chairman Seichter: Thank you and I think we've taking care of everybody on the right side. Now I'm going. This gentleman over here will be the last speaker on the right side and then I'm going to move over to the left side.

David Jones: David Jones, 8 Windswept Hill Road. I'll make this real quick. I just wish that this Zoning Board would deny this appeal for the new zoning for tonight and I hope we can be done with it. Thank you.

Chairman Seichter: Thank you. And moving over to the left side, people who like to speak please raise your hand. And we'll take this gentleman first up front.

Tom Shelfo: I'm Tom Shelfo, 81 Vern Cliff Drive in Northford. Although I'm not technically in Wallingford, my property lines the Wallingford Town, so I'm mighty close.

Chairman Seichter: Do you pay taxes here?

Tom Shelfo: Pardon me? (laughter) Not quite, almost. And I've been to Paradise Hills I'm sure 200 times with my wife in the last five years, so I'm very familiar with the operation and I'd just want to reinforce what I think. . . I've heard a lot of comments tonight. I want to reinforce what I think was the wisest comment that was made all night, and that was made by Ms. Costello, who said the regulations clearly need to be changed. I mean, the specificity in the regulation is causing all kinds of problems. You have to make some sort of a change. That was a wise statement you made and however you make a change, it really should be done. One of the big concerns seems to be noise, I mean, not seemed to be, it is noise, and I did look at the regulation. I looked at your Chapter 144, that's your noise regulation that's enforced by the police, and it says in residential areas you have a limit of 55 decibels, which is an extremely low number. And I was an environment consultant for four decades, I dealt with lawyers all the time, I dealt with regulators all the time, I dealt with regulations all the time, and what they would always tell me is that whenever I was looking for something that was different, it was problematic. You can't like . . . If the rule is written, it's written for everyone, everyone should comply with it. So, for the 55 decibels in a residential area, that should apply to Paradise Hills. It should apply to anybody that's playing a radio on their deck, it should apply everyone. That's the way the rule is written. So, whether or not you can physically hear somebody is not what the rule says. The rule says 55 decibels, which is a very low number. It's like a whisper and that's what should apply. I know you're really trying to get around it by limiting the number of events that could possibly exceed 55 decibels, but the rule is 55. It should apply to everybody. It does apply to everybody. You have it in your regulations already. So, that should be, in my view, sufficient because you already have a regulation. If you don't think that's sufficient, if you think the rule should be "You can't be heard" then you should change the rule for everybody. It shouldn't be just a Paradise Hills rule. It should be applicable to anyone in a residential area in the entire town. So,

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that's my whole comment, but I encourage you to follow Tracy's, uh Ms. Costello's wisdom and make a change to make it more specific on what is allowed by a farm or winery.

Chairman Seichter: Ok, thank you, sir. And are there other people who would like to speak? Ah, the gentleman back.

Joe Gouveia: Joe Gouveia of a 1339 Whirlwind Hill Road and I'm also the owner of Gouveia Vineyards. And all I'm here to ask you is, please, we've been going on with this for two years, for over two years. You have to make a decision. Please, make it tonight because all you've been able to do is pit neighbors against neighbors and business against business and this is not good for us, for you people or for Wallingford. And I'd like to bring up a couple items that were discussed. Buses, I personally hate buses. We tell people no buses and if you do come in, please come in before 2 o'clock. How am I going to stop a bus from coming in? We already have security people to check to make sure nobody brings out the liquor and we try. We try to be a good neighbor. I used to be open to 8 o'clock and Sundays I dropped it down to 6. I used to be open up until 9 o'clock Saturday. I dropped it down to 8. I was open up Fridays til 9. I drop it down to 7. I am a neighbor, so every time there is an issue going on, I too am affected with the same problems. The tours: Basically, what we do with the tours we do it Fridays; I'm sorry, Saturdays and Sundays at 2 and at 4 o'clock. Basically, a tour is we show them the vineyard, we show them what kind of vines that we have, and how we prune it. People have many, many questions and then we go into basement and we show them what kinds of wines we make, what we make and basically that's just the way for us to show the customer that has a question and answer more if they have any. They are welcomed to come down. Sometimes they do, sometimes they don't, but we do have the tours twice a month. The tent: All we do our special tent for is usually from July until the end of October. We're not doing it to bring in any more people. All basically we're doing is for our wine tasting, so we put a couple tables outside and we do the wine tasting. So, people, instead of going inside, they can do it outside. That's all. We're not bringing in any more people. As far as bathrooms and other stuff; I do bring in a couple of extra bathrooms, but for the last five years I'm trying to bring in, put in a bigger septic tank. For 12 years I had a 1200 gallon tank and it served the purpose because after, um, Mother's Day last year was my busiest day, as you remember, there was 640 cars? Mrs. Hazelwood came in the following day to check it. She didn't find no issues with my septic tank. So, I offered to do instead put an extra, if a 1200 gallon tank serve me the purpose for 12 years, I offered to put in a double tank. Now I'm going to 2400. Yeah, it's not easy. Now I have to get a meter; a meter that's going to tell me how many gallons of water we use. So I did it for 3 months, but that's not good enough. Now I have to bring in a special meter that will tell me the peak and all the stuff. Guess what? All the plumbers I called for, all the places I could afford, nobody has these specific meters. So I had to go out and buy a meter which cost me another 5, 6, 7000. So, you always keep delaying, delaying, delaying. This is about my sixth year. All I want to do is put a little deck so I could, so I could grow and produce my grapes that I have now. Right now we have a shortage on space and I need more basement. I could be here asking for another addition to the building. I'm not. All I'm asking you for is another, a little bit of a deck so I could put stuff. First I was told that I had to have a bigger septic tank, which I tried to do that. Then I was told that I had to put in sprinkler systems. Sprinkler system because I'm putting in a deck? Come on, let's have a little common sense here. Alright? Um, the music. During my harvest, we do have dancers. They come from, sometimes they come from New Jersey, sometimes come from Hartford. Last year I had them from Hartford and Danbury. These people dance outside so people can see. So you're telling me you're not allowing me to have music at my harvest, which I think that's kind of crazy because that's a tradition that we've been doing for years. Back home, years ago when I was a young kid, people didn't have money. So how do you harvest your crops? How you harvest your potatoes, your corn or whatever, was by bringing in families helping families. People come to help us and we would help them. In the end we have a nice meal. Now you're also telling me I cannot have a meal. So when I got people coming in from out of town, as we did last year from Chicago, from Florida, from New Jersey, from Boston and all over, now I have go to McDonald's? Now, if someone goes to your house, would you want to send them to McDonald's? I don't think that's right. So I don't see why I cannot serve some kind of food. Now, you wonder about cold food, not cold food. It's kind of a gray area. Simple, give us the option. They want cold food? Fine. Me,

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personally, I think we should go by a Class 1, which is allowed by the Town. This way, the Town would inspect us and they are doing a good job on top of this, so when they come down they are welcome to come down anytime. About property value: I know of at least 4 houses off Cooke Road and the other, street up there, most people who bought up there, some of them are my neighbors, I mean my customers, who came from out of town and bought up there. I personally had somebody approach me several times, as a matter of fact 4 times, about buying my property. Originally they were all scientists from Bristol-Myers. One guy lives in India, one guy lives in Wallingford and one guy lives in Madison and two guys live in New Jersey. You think these people are going to worry about what kind of spray? You would think they would worry about whether the law allows you to stay open until 9 and closed at eight. No, they're going to take everything possible. I don't because I have a granddaughter and I make sure the spray I spray to keep deer out is as safe as safe as can be. So I am willing to pay more a little bit more money for it. And about car accidents, DUI and all the stuff. Let's not assume that every time there's an accident or a DUI it comes from the vineyards. Back in 1959 I believe, I cannot prove this but I was told, back then there was an accident on the High Hill Road. It got fears back, if you remember, where somebody was an accident where a couple of young guys got killed, alright? If you read the paper last night, because I checked every day make sure nothing's happened towards our area, there was a car that flipped I believe on the other side of town. Let's not assume that they came from the vineyards because that's not right. You know what I mean and I think the police were there. The presence of the police is much more now than ever and that's fine. Now, the other section about farming: I agree with Mr. McPiesen and a few other people. I wish it was the way it was a years ago, but unfortunately it's no longer the way it was years ago. Wallingford leases land for roughly 30 acres at \$30 an acre a year. Can you imagine me leasing for \$30? As a matter of fact, I give all my hay away and they still don't want it. The big farms around, they're all gone. Christoforo was the last guy that was doing farming. He went under a couple of years ago. The only guy that's doing right now is Ciccarelli's out of Northford, but he has so much land he doesn't want to live for free. So please, remember we are the neighbors and we want to best for everybody. I think if everybody gave a little bit on both sides, but I think the decision needs to be made. And this thing about noise? Come on, you know. You allow 4000 people at the powder puff football games every Friday night during the season. It's doesn't matter if it's Sheehan or it's Lyman Hall. There's always football games. Not only is there a football game, but 100s of spectators cheering. There's also a band playing and cheerleaders. Come on. There's got to be a point that something has to give. Wallingford's getting to have a very bad name out there. We're coming to the point, now if you remember recently you have Oakdale then it went to Thursdays. Now last week, uh a couple of weeks ago, was why we would like to be around for a hundred years. It's going to the point that one of these days we're not even going to be able to go into our own bathrooms and flush the toilet because we're to going to worry about customers. Please, vote this and get it over with. Thank you.

Chairman Seichter: Thank you sir. Anyone else who would like to speak? Yes? For this gentleman over here, and before this gentleman, anyone else? Seeing none, he will be our last speaker from the public.

Richard Ruggiero: Richard Ruggiero, 15 Windswept Hill Road, founder of Paradise Hills. Okay, I got a few things here from your POCD, the Planning of Conservation and Development, and some of the things that (buzzing noise)

Chairman Seichter: Would everybody please turn the cell phones off or if you need to use your cell phone, just excuse yourself in the corridor please. Thank you.

Richard Ruggiero: Now, after checking out the Plan of Conservation and Development I found some interesting facts. The Steering Committee says agritainment is important for keeping agriculture valuable. It is said they're interested in the ability for vineyards to host events but currently not permitted by zoning. Now you, the Commission here, has as a chance to actually do what your POCD is recommending. Also it says one objective is to protect farmland and a means to protect the best farmland, now I guess that includes Paradise Hills because we are one of the 7 farms listed and actually has a picture of her wine

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bottle on your Plan of Conservation and Development. It also says special consideration will be given to current agricultural lands and will also be assisted from an economical development perspective. Now, we already know that economical development committee has voted unanimously to support our change of regulations. They certainly understand the importance the wineries have to economical development. Ok, now there has been quite a bit to talk, although we may as well get this straight about who was here first and there's actually nine homes on Windswept Hill Road, okay. The only person, and I checked the land records, the only person that purchased land on Windswept Hill Road before Paradise was Richard Hyland and he has spoken on many occasions in support of this regulation change. So, where they come up with that they were there first? Now, they knew that we had the vineyard there and that we were to become a Connecticut state winery. Now, that we opened up, you know, they built their house, bought their land, built their house, and now after the fact they're coming to you and complaining. Now, as far as where do people drink at Paradise Hills? All of the area where they sit and drink has all been licensed by the State of Connecticut. Other than what is been stated, our driveway has not been paved and none of the other farm stands in town even grow anything. I don't see any Christmas trees being grown at Beaumont's Farm. Uh, what's his name? Joe the Farmer. Is that it? Oh, Farmer Joe. I don't see any vegetables being grown there, but yet he's selling them. A lot of issues and gross exaggerations by all these neighbors. As far as the horse track. That sounds fairly interesting. I would certainly like to see that happen and as far as some of the other farms, I don't see much going on at Cooper's Farm. So maybe he should step up his agricultural production, too. I wasn't even going to talk tonight, but I just want to say that the gross exaggerations by these neighbors is just incredible and I would like this Commission to approve this regulation change. Thank you.

Chairman Seichter: Thank you. Alright, at this point in time we're going to close out the public comment and I'll bring it back to the applicant if you'd like to address any of the comments that were made by the public. I would also just like to point out the hour also.

Atty. Mara: I won't address every comment. I think some of the comments and some of the concepts are getting mixed up here. There's comments about liquor control issues, what's permitted, what's not, what's licensed, what's not. There are comments that pertain to site plan issues and we're not at site plan yet. Really, we're focusing on what are the permitted uses. There's comments about us being a factory. There's comments about us being a bar. None of that pertains. There is a tendency to blow up both interpretation of the regulations and our stated intent. What I'd like to do is focus back again really on what we intend. We intend to be able to comply with the Connecticut Statutes as regarding production with Grappa, eau de vie, wine, hard cider, brandies. We are, tonight we're saying that we are very willing to limit the Grappa, the brandies, not for consumption on the premises. If people consume them off the premises and if they're parked in the cul-de-sac to consume them, call the police. That's not a legal activity, but it's not an activity we can regulate. We are looking to be able to sell in bulk. All that means is put it in bigger containers than a wine bottle. That's really all it means, but it's separately stated in the statute. We want it parroted in the local regulation. We've gone through the homegrown requirement, the 25% grapes, and the reason why there's an 8-year lead in. All that is just parroting the Connecticut Statutes and we want that reflected in the local regulations. Getting beyond that, music. Outside music is unamplified. If there was a person in this room playing the guitar in that corner, you'd be hard-pressed to hear them other than knowing that there's a guy over there playing guitar. That's what we're talking about for outside music. The people that spoke are right. The nearest houses are hundreds, if not a 1000 feet away. Any amplified music, in fact, any musical performance at all, we are making explicitly subject to the zoning ordinance. Whether you call that a farming activity or not, we are invoking the limits of the noise ordinance in connection with any performance of music, amplified or unamplified, and the speakers who said that the 55 decibels is a whisper are very correct. If you go over there to Paradise Hills now and take a sound meter and you listen to the sound coming off the highway, it is greater than 55 decibels. That's the level of sound that we're talking about as our maximum and you are correct, it would be at the property line of the impacted property. There are activities that are occurring throughout this area already, and continue to occur, that discomfort people in the area as far as noise goes. We're looking for 4 special events at which we will have outside amplified music subject to the whisper noise ordinance.

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The rifle ranges have nighttime activities that are advertised every Friday night for the summer, a midnight league where they start at 6 and go through 9 or later. The last event starts at 9 every Friday night. We have no problem with that. When you're in a neighborhood area and people live together, some people from time to time are discomforted. The issue is really a trade-off and what we've tried to do is trade off as we gotten a clear statement from this Commission. We're not asking for the world. We're asking for 4 times a year we can make a little bit more noise. We're not asking to be able to fire guns into the middle of the night every Friday night. We're not asking to have football games with cheering. We're not asking to do any of that. Four times a year. It's allowed throughout town and I think it should be allowed here. The events that we're talking about can be spelled out. I don't think it would be appropriate to be spelled out in a regulation that would pent all wineries. I would say that might be a site plan issue, if at all, but the issues that we're talking about are Mother's Day, Anniversary of the Winery Day, Harvest and an event that they had in the past called Italian Night. That's what we're talking about. They brought in a Sinatra band to play at one time. That's the kind of music were talking about. We're not talking about big music. You know, it's hard to cite a draft regulation that would hit and satisfy every single question, every single "what if" and every single parameter. We've listened intently and intensely to what this Commission has said and we're trying to meet the Commission's concerns. This is a commercial activity. This is a commercial activity in a residential zone. It is a farming activity. Farming activities are allowed and in fact encouraged in this zone. What we're asking to do is to be able to augment the farming activity to allow it to sustain itself and to give certainty on how it can sustain itself and what it can and cannot do. That's all we're looking for and I think we have put forth a reasonable and balanced trade-off as far as the regulation goes and I think that the entirety of it should be approved. The one thing I would ask of this Commission is to take it sequentially as opposed to a vote up or down on the whole matter should there be any differences of opinion. I think it could be carried by a vote up and down on the whole matter, but as Ms. Costello said, these regulations do need to be changed. There does need to be some specification. We've had two years of argument over this and it should come to an end, but to leave it at the end saying we're going back to the way it is, we're going to stay with it the way it is with no definition just invites this to happen again either by some other winery or some other farm. I think that this should be brought to an end and I think everything we have proposed is reasonable for the winery and reasonable for the neighbors. Lastly, I would like to thank you for the extraordinary amount of time that you as a Commission have spent on this. You have gotten a pile of papers from me, you have listened to me more than most judges listen to me and I thank you for that. I think it's now time to take a vote and I strongly request that this be granted in its entirety. Thank you.

Chairman Seichter: Ms. Costello, any final comments that you would like to make?

Ms. Costello: Yeah. I just want to sort of reiterate that what we're really looking at tonight is the regulation change and looking at a balance for the impact and the rights and the protection of the neighborhood and the rights and support of agricultural and other type uses. I'm presuming you are inclined to act tonight?

Chairman Seichter: I am. I'm not sure about other commissioners.

Ms. Costello: I have a few, based on the conversations, proposed modifications based on what we've talked about so far tonight. So I want to go through those and kind of get a thumbs up or thumbs down from you before you vote. The first would be 4.2 E 3b, that was the pervious surface language and obviously I also want input from you. I'm proposing that you modify it to simply say that "the Commission shall not provide for the use of pervious cover materials in connection with any parking plan in property located within the watershed." That was the request of the Water and Sewer Division. I know that that's probably not where the applicant wants to go, but that was consistent with what the Water and Sewer Division recommended. I proposed under G based on the discussion, same section, to add "Grappa shall only be permitted to be sold for off-premise consumption." Is that consistent with what we've talked about? Do you want to modify that at all? No?

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Chairman Seichter: Well, I think that some discussions the Commission . . . I think that what you're making here are some recommendations and then we're going to head in and have a discussion amongst the Commission members as far as just where they may come out on what you're recommending as well as everything else that's here.

Ms. Costello: Okay, and then I was going to suggest what Mr. Gouveia mentioned which is that you can limit it to a Class 1 food service license. So under Section I V5 "Incidental Service and Sale of Other Prepackaged Non-Alcoholic Beverages and Cold Pre-packaged Food" I am proposing language that adds "limited to that permitted by a Class 1 food service license under the Health Code." That specifies what pre-packaged means and that you don't have to have, you can't, uh you don't have to have all of the kitchen facilities and any of that. It's just literally pre-packaged. You can't even warm something up in the microwave.

Chairman Seichter: Where is that?

Ms. Costello: I proposed to put it, uh, letter I under "The following accessory activities. V." It's like halfway down.

Ms. Costello: Ok. In J III, the second to the last sentence. "Catered food may be offered indoors at the reserved once-a-month events" and add a V there that says "the farm." In this I'm just mentioning now. I think it had been discussed previously, but I'm proposing language "the farm winery shall notify the Planning and Zoning Department of the date and nature of each of the four events at least 30 days prior to each event."

Chairman Seichter: Excuse me. Slow down on that a little bit. Please repeat that.

Ms. Costello: Sure. That the farm winery shall notify the Planning and Zoning Department of the date and nature of each of event. So that would be the four events, at least 30 days prior to the event. So that way we can kind of keep track and we also know if there's one coming up so if there are inquiries of phone calls or that type of thing. Obviously that's up to you. And then the last thing is regarding the noise ordinance, letter K IV. Just based on some of the conversations, I thought it might clarify a little to say "The winery shall at all times comply with the restrictions of the Wallingford Noise Ordinance for the zoning in which they are located. The above events, promotions and music shall not be considered exempt farm activities under the Noise Ordinance."

Chairman Seichter: I assume that once you're done you will provide the copy of what you have to Mr. Venoit:?

Ms. Costello: Yes. And that's it.

Chairman Seichter: Okay. Then I have a question or two for you. I'm not sure if other Commission members may also. You know, first of all, just to kind of clarify things. Some discussion as far as violating the 9th Amendment, you might want to explain as far as zoning is permissive, if it's, if it's allowed. If we say it's allowed, it's allowed. If it's not specifically indicated in zoning that it's allowed, then it's not allowed. So if you just please explain that so we make sure that no one thinks we're violating anybody's 9th Amendment Constitutional rights.

Ms. Costello: The Zoning Regulations are a legal document. They're enabled by state law. They've been upheld in many, many court cases and the intention of Zoning Regulations is to essentially protect public health safety and welfare. So your Zoning Regulations are a legal document as referenced based on your Plan of Conservation and Development and should be consistent with your Plan of Conservation and Development. And as you indicated, Wallingford's Zoning Regulations and most, if not all, zoning regulations in Connecticut at least are permissive rather than prohibitive. So, it's not a list of what you can't do, it's a list of what you can do. So, if it doesn't say you can, then you can't.

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Chairman Seichter: Okay, thank you. And the other thing if we can just get back to the four events that are being unrestricted events. Again, in the regulations being proposed, it's talking about any event above 100 peak hour traffic then it's a special permit. How do we go about regulating that? Again, you're looking, you just mentioned that you would want to have the applicant give advanced notice of 30 days of such an event. How then would one go about determining whether or not that may or may not be an event that's going to generate over 100 peak hour trips?

Ms. Costello: Well, you already have that regulation written into every zone in your Zoning Regulations, which is that "Any use that generates more than a 100 peak hour vehicle trips." If it's a permitted use, the 100 peak hour vehicle trips triggers a special permit. And when there is question about that, if I have a new, if there is a new use being proposed on a property, whether it's in a commercial zone or something sort of combined, if there's question about it, then I require the applicant to provide information about, to get traffic counts on their vehicle trips. Some businesses, you know, if they're a chain, they sort of have that information readily available. Otherwise they hire a traffic consultant to do some counts. Now, in this case they're already there. So, it would really come down to an enforcement matter, which would be that they're representing, as of right now, that they're not generating more than 100 peak hour vehicle trips. If it appeared that they were, then it would fall on me or on the Planning and Zoning Department in the Town to demonstrate that they're above the 100 peak hour vehicle trips. And that is why I mention the language before that you could require that, you know, upon request or on a yearly basis or something of that nature that we're provided with traffic counts.

Chairman Seichter: And that's something we could include in this, is that correct?

Ms. Costello: Yes.

Chairman Seichter: Okay. Anyone, any Commission members with the questions for our Town Planner?

Ms. Costello: I would think we would want to know whether the applicant is agreeable to that language and also whether or not you as the Commission want to go through and if there any modifications that you want to make.

Commission Member

Again, I think that's our next step, but just for the record, all of those proposed restrictions are subject to final language, but the intent of everything that Miss Costello proposed is acceptable and there's one that I forgot to tell you about if I can take here a moment at this point. You mentioned the closing down early on Sundays at 6. That is also acceptable to us and would be put in the new language of the regulation.

Applicant

And I assume the 8 o'clock would be acceptable also? It's usually a time when all activities stop and it takes some time to get people out. You can't just tell everybody to pick up and leave.

Commission Member

Oh no, I understand, but if you start flashing the lights and say it's time to leave, you stop serving.

Applicant

That's why we want to say close at 9. 'Cause you start doing that at 8 and people have just brought their food in, it takes a little while to get people out. That's the intent of the 9 o'clock.

Chairman Seichter: Oh, I understand, but I guess, it's just from my viewpoint, to me, you know, you're closing, we're closing at 8. "Okay everybody, it's time to close up and is ready to leave". You're no longer serving. It may take people a little longer to get, to vacate the property, but the fact is, from the operation of the winery, the business is the activity is closed and people are then needing to, needing to leave the property. That's what I'm looking at.

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Applicant

Maybe we're talking about the same thing, but what I would propose, as the regulations say, no winery, no wine shall be served after 8. But whether we actually close off the lights, you know, shut off the lights and lock the doors at 8, I think you'd probably want no wine served after 7 with 8 being that kind of buffer hour to get out. I'm looking for no wine at 8 and 9 being the buffer hour to get out.

Chairman Seichter: I think that's something that the Commission . . . Again, that's just simply my viewpoint. Other people may have another, another viewpoint on that. That pretty much raps it up for you because at this point in time, Ms. Costello, I could close the public hearing and then we could then have discussion amongst the Commission members. We could still take some input from you, is that correct?

Ms. Costello: Once you close the public hearing, I can only give you technical clarification information, but if you're ready for that, then yeah.

Chairman Seichter: Again, any. I think we're at the point now where I would entertain a . . . Mr. Venoit, you have a question?

Mr. Venoit: It's kind of, more of a technical question. Are we looking at going through the approval one at a time or as a whole?

Chairman Seichter: My, my approach would be as we have a regulation here. If we are looking to make any changes/modifications to this regulation, that we do it and specify what areas. Again, I'm looking at, if we're talking about amplified music, having it or not. If you want to make changes in that, we would include that in here. If we're to make adjustments. If we're talking about hours of operation, we would then make a change in the hour of operation so. Again, I'm not sure that answers your question or not.

Mr. Venoit: So, one at a time. Not as the whole thing.

Chairman Seichter: Again, I'm not quite sure when you say not as the whole thing. We're going to vote on this is as a regulation. We may in fact change certain items of the regulation.

Mr. Venoit: Right, right.

Chairman Seichter: But I'm not looking to having separate motions on every item.

Ms. Costello: I think what, at least Mr. Seichter is proposing, is that when someone makes a motion, you would make the motion subject to the following changes. And then, but in that case, if there's something that is a point of contention, it sort of gets incorporated into everything else. So it would be a yes or a no from everybody based on all of the proposed changes in the motion.

Chairman Seichter: Yes, that's how I would envision it just as everyone else would like to go down that road. That seems to be the case.

Mr. Venoit: Mr. Chairman, I do have something that, you know, I think that were looking at a regulation change herein and, you know, and getting the wording right on those regulations are pretty important. I know we're looking at amendments and drafts and we've got a lot of opinions on both sides, but the consolidation of all of these opinions into a regulation I think are something that, you know, should probably be done before we vote on a regulation. I may be wrong.

Chairman Seichter: I think that's our intention. I might be missing your point, but I think that's clearly our intention.

Ms. Costello: You have to decide on exactly what you're voting on. So you're voting on their most recently proposed regulations subject to whatever changes you talked about and are made part of the motion. So those could incorporate the conversation tonight.

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Chairman Seichter: Yep, exactly.

Ms. Costello: One more thing. Just to make sure that you have, that you include your reason on the record and the effective date which, if it's approved in some form, and the effective date I would recommend would be, at the earliest would be Monday, May 2nd because that allows for the appeal period to have expired.

Chairman Seichter: Alright. At this point I might entertain a motion to close our public hearing.

Mr. Venoit: I make a motion to close the public hearing for Application 502 – 16.

Chairman Seichter: Do we have second?

Mr. Kohan: Second

Chairman Seichter: All in favor (all members say "I"). Opposed? Abstentions? Alright gentlemen, let's have some discussion now on the regulation. And I guess what I would like to start off with first is looking at, when we're looking at definitions, and we've had a lot of discussion on definition. I would entertain any commissioner's comments on the definition. If what they see here is something that's acceptable to them,, totally unacceptable, or if there's something that should be changed or omitted. So I'd entertain any comments. Anyone with comments?

Mr. Venoit: We talked about eliminating the Grappa and the brandies. That was for, not for consumption on the premises. That's okay for the definition now.

Chairman Seichter: Well, I believe what was proposed was as far as indicating that the production of the of the grappa that could be produced only be for consumption shows, I'm sorry, would not be for consumption on the site and that would, and I believe that that would be appropriate to put that in the definition section if people are inclined.

Mr. Venoit: I think that we can put it, if everyone is so inclined, at 4.2.E3G is where we're going to put it.

Chairman Seichter: Alright. Let's just go back to the definition. Does anyone have any issues with the definition? No issues? Okay. Let's move on now down to the section 4.2.E where we talk about farm right wineries and what it's subject to. I guess I, maybe go these in sequence. "Letter A - not less than 10 acres." Or perhaps just ask people what issues they may or may not have with this section. I know it was recommended by our Town Planner on the pervious surface and I believe some language was provided to us on that and if we have some suggestions on that, if you would like to make some changes.

Mr. Venoit:, you have something?

Mr. Venoit: For 4.2.E.3b – Strike out "The Commission may provide for the use of pervious cover material in connection with any parking plan" and replace that with "For property if located within the watershed." Right?

Ms. Costello: The recommendation was that it be replaced with "The Commission shall not provide for the use of pervious cover materials in connection with any parking plan right on a property located within the watershed."

Mr. Venoit: Mr. Chairman, so does that mean that you can use non-pervious materials if it's not within the watershed?

Chairman Seichter: What? Excuse me?

Mr. Venoit: The clarification that we just received. Was that for, that the pervious materials will be used only in the watershed area?

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Chairman Seichter: It says “The Commission shall not provide for the use of pervious cover material in connection with any parking plan for property located within the watershed.”

Ms. Costello: No, yeah, it should be “shall not provide for the use of impervious.”

Mr. Venoit: Say that again.

Ms. Costello: Impervious. Which would mean that if it's not in the watershed you have the option either way.

Mr. Zabrowski: So, again, you would have the option to use non-pervious in areas that are not within watershed.

Chairman Seichter: Other issues from Commission members?

Mr. Venoit: Does anyone have any questions on C? No? I think we're all fine on that. Moving on. G - Hours of Operation.

Chairman Seichter: Let's discuss people's opinions on hours of operation.

Mr. Zabrowski: Did we jump over all the others?

Chairman Seichter: I asked if anyone had any comments. No one else had comments, so we are moving on. So we're at the hours of operation. I had suggested on Sundays that we, what the applicant's suggesting is 11 to 9 o'clock seven days a week. I made a suggestion on Sundays to 9 o'clock and other days to 8 o'clock. I don't know how the other Commission members feel about that or not. That's up to you, gentlemen.

Mr. Venoit: Okay, so it's 11 to 8.

Chairman Seichter: Again, there are other Commission members here. That's just my suggestion. What does everyone feel about hours of operation?

Mr. Matarazzo: I'm fine with that, with your suggestion, Mr. Chairman.

Mr. Venoit: Monday through Saturday 11 to 8 and Sunday 11 to 6?

Chairman Seichter: I believe that's the consensus.

Mr. Venoit: This is also where “Grappa shall only be permitted to be sold for off-premise consumption.” And brandy, right?

Chairman Seichter: Include that in that section?

Mr. Venoit: I'm including it in the section. It will be fun to read this (laughs).

Chairman Seichter: Okay then, moving on. I don't believe anyone has any concerns about signage. Now we're talking about accessory activities.

Atty. Mara: Mr. Chairman.

Chairman Seichter: We've closed our public hearing, so as far as taking any comments from the applicant, we're not in a position to do that. This is just discussion amongst for the Commission members.

Atty. Mara: Thank you.

Ms. Costello: For clarification, did you add or did you discuss the proposed language for letter G? Their proposed additional language with the grappa sales?

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Mr. Venoit: “Grappa and brandy shall only be permitted to be sold for off-premise consumption.”

Ms. Costello: And did you want to consider allowing tastings outside of the sales?

Chairman Seichter: Is that something the Commission members would like? Yes or no, boys? (all members vote yes).

Mr. Zabrowski: What is the intent here?

Chairman Seichter: Our intent is to go through these regulations and then look to make a motion on the regulations. If we're, we're going through the regulations right now to make any modifications or amendments to the regulations being proposed. Once we have that, then I'll entertain a motion, if we have support for these regulations based upon the changes the Commission has agreed to make. That's the intent and I believe, I hope, that is the intent of other Commission members and if I wanted to if I'm going in the wrong direction, please let me know.

Mr. Venoit: So tasting

Chairman Seichter: Again, it's not my intent to close this public hearing or rather to continue this to another night. I think we spent a good deal of time on this, this evening as well as in other meetings and hopefully Commission members have had the opportunity to look at these regulations and generate some thought as far as what they like or don't like on this.

Mr. Venoit: So, am I right in saying tastings are allowable on premises.

Chairman Seichter: Yes, I think that's . .

Mr. Venoit: So, we're good with that?

Chairman Seichter: Yep.

Mr. Venoit: So back to I and we were doing it after I at V, we're saying “limited to that permitted by a Class 1 food-service license under the Health Code.”

Chairman Seichter: That's correct. If everyone agrees to that, that's correct. And we also wanted to clarify that any sale of food or any food was going to be just inside.

Mr. Venoit: Catered. That's where we go to J.

Chairman Seichter: Okay

Mr. Venoit: It says “catered food may be offered indoors at the reserved once-a-month events.”

Chairman Seichter: Okay.

Mr. Venoit: Um... we have ... what's this? ...

Chairman Seichter: Uh, I think the next item is when we talk about events and promotions and what the applicant's looking for is four events, four promotional events per calendar year. As well as ... you know, one a month, these private reserve events where it would be held strictly in the tasting room and they would be able to bring in ... or have catered food. So, I think that's something that we need to discuss if that's something, the number of events the public events as well as the reserved events.

Mr. Venoit: This would be Roman numeral V under J “The farm winery shall notify the Planning and Zoning Department...”

Chairman Seichter: No, I think we're really up to here first. I think what we want to discuss again, amongst the Commission members, they're proposing four events that are the non-restricted events and then

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they're proposing one event per month which is a reserved event to be held only in the tasting room where they can provide ... you know, food.

Mr. Kohan: For the four special promotional events, what I would like to see is ... you know, just some wording saying, you know, winery-related events, winery-related promotional events. You know, the anniversary, crushing of the grapes, you know, something to that effect.

Chairman Seichter: Anyone else with comments on that?

Commission Members (off-mic) ... winery... yeah... everything it promotes

Mr. Venoit: Special winery...

Chairman Seichter: I think the wording would be "special winery promotional events."

Commission Members (off-mic) ... special winery... (Indistinguishable)... special winery...

Chairman Seichter:: ...once-a-month events.

Chairman Seichter: Again, comments from anyone as far as the ... uh, what their opinions may or may not be on the ... on the once-a-month reserved events. Are people in favor of that? Not in favor of it? Where it should be held / not held?

Mr. Kohan: So, the once-a-month private reserved events is that where we want to put something, you know, if they expect greater than, you know, the 83 a special permit is required? Or, will that come somewhere else?

CM: Well, I think that comes out under the hundred peak.

Chairman Seichter: Yeah, that would come down below that.

Mr. Kohan: Okay.

Chairman Seichter: So, are we all in agreement or not on this?

CM: (Single Voice) Yep.

Chairman Seichter: ...Ok ... moving on.

CM: It's Roman numeral IV would be created.

Chairman Seichter: ok

Mr. Kohan: Ah, we skipped over one. We skipped over three (III)

Mr. Matarazzo: Three (III) we put indoors. Offered indoors for the catered food.

Chairman Seichter: Any other ... yeah... does anyone have any other comments on that?

Mr. Kohan: Well, this is... (chuckles) this is ... live music is permitted at such event may be amplified when performed indoors and shall not be amplified when performed outdoors. You know, are we sticking with that language?

Mr. Matarazzo: It's fine as long as it pertains to the once-a-month events, right?

Chairman Seichter: Yeah, let's talk about the ... this is getting painful isn't it? Live music is permitted at each event and may be amplified if it's ... So, if we're talking ...again, we're back to the ... we're back to the music amplified music indoors ... and no amplified music outdoors.

Mr. Kohan: And, we're going to have to change the ... uh ... 9 PM time there as well.

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Chairman Seichter: Yeah. ... If you change that, and that should be consistent with the six (VI) and the ... uh ... and the six (VI) and the eight (VIII).

Mr. Kohan: Right.

Mr. Zabrowski: Uh, Mr. Chairman is out of order. I mean the hour is 11:15 (p.m.). I think that ... uh ... just to get the wording right and to have it submitted and no... We have two members of the commission that aren't voting on this thing. You know, I think it ... could it be um ... you know, cleaned up and then get ready for our next meeting to ... to vote on it because, you know, I think at this particular hour, I think that we're just rushing to go through something that we ... that everybody here has put a lot of time in ... and effort into bringing up different points.

Chairman Seichter: Again, it's up to the Commission members we have ... as far as we have ... when you're saying we have two members of the Commission that are not voting ... we have five members on this Commission. They're voting on this, you know, this application this evening. If peo... I'll put it this way, if there's other Commission members that feel that we should put this ... continued this to our ... our next month's meeting, I'll certainly entertain that. If the majority of the Commission members feel that we should continue with this, I'm very happy and entertain that. So, I'll simply asked members of Commission ... what's their choice?

Mr. Kohan: Well, we only have a few more to go quite frankly.

Chairman Seichter: Anyone else? Speak up now.

Mr. Matarazzo: Um...I'm not opposed to either way. If we ...

Chairman Seichter: Well, you have to flip a coin.

Mr. Matarazzo: You know, I think it might be due diligent to have it all ... um ... the wording correct and printed out and for us to review it... before ... before voting on our next meeting. I just feel we're kinda ... going back and forth...

Chairman Seichter: Mr. Venoit it's up to you.

Mr. Venoit: Ah, Great! (laughter)

Chairman Seichter: Let's go. Come on. We... we... we've spent... we've spent quite a bit of time on this and I think we're getting to a point where obviously we need to make a decision on this. If people feel very uncomfortable ... that we don't have the proper wording and they'd like to see something then we can certainly continue this. My intent would be once we resolve on ... we uh ... what we're planning to do on this application to have then a reading of the revised amendment this evening. If people feel that they would like something printed. Uh, come our next meeting we can certainly do that.

Mr. Venoit: I guess I'm the coin flip on the whole thing. We only have all of ... one more section. So, unless you're uncomfortable with wording once we do it...

Mr. Zabrowski: I don't know what the wording is.

Mr. Venoit: Oh..

Chairman Seichter: Well, that's what we're...

Mr. Zabrowski: And, not only that but, I mean, you're just kind of like ... this is a ... this is a regulation so I think that ... I think we all feel a little more intent than ... than scribbling down on a piece of paper and saying that this is what, you know, I mean, the difference between may / shall / will ...

Chairman Seichter: Would you like to offer some comments here for us Town Planner?

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Ms. Costello: Sure, you've already closed the public hearing so you're rather limited in terms of what additional information ...

Chairman Seichter: Exactly, we can't take any information...

Ms. Costello: ...no additional information can be provided to you whether you do it tonight or next month.

Chairman Seichter: So, again...

Mr. Matarazzo: Well, we're close to being through it. Let's finish it.

Chairman Seichter: Alright, I think now we're looking at... we're coming back to our whole issue as far as music. I think that's were jumping down to. Is that correct Mr.

Mr. Venoit: Yeah.

Chairman Seichter: Venoit and as far as what were allowing or not allowing for music. What the applicant is proposing here is for events that are being they're ... restricted events they're asking for, you know, music to be inside whether it be ... recorded, live music, whatever... amplified music. Does anyone have an issue with that?

Single Voice: Nope.

Chairman Seichter: Hearing none. We are looking at when they're talking about their ... their special events. Again, what the applicant's looking for is to have the opportunity to have some amplified music outdoors.

Mr. Kohan: Well ... well, actually, the wording says, "shall NOT be amplified when performed outdoors." So. I'm good with that.

Chairman Seichter: What are you looking at though?

Mr. Kohan: Right here.

Chairman Seichter: What section?

Mr. Venoit: ...eh, go down though...

Chairman Seichter: That's the ke... those are...

Mr. Kohan: We're still on three (III) right?

Chairman Seichter: Well, we're talking ... e... e... you know, we're talking about ... in general here the ... were coming down to looking at the music amplified for the ... the four events. Do we want music? Do we want amplified? And, allowing amplified music that is indoors? Are we looking to allow that?

CM: (indistinguishable)

Chairman Seichter: And, I think that the answer is that ... correct me if I'm wrong... the answer is we're looking ... we would agree to that. The next item then really is ... what were looking at is on the other events.

Mr. Venoit: We just need ... there's ... V, Roman numeral V that we're putting in here that says...

Chairman Seichter: That's what you're planning to include. Is that correct?

Mr. Venoit: "The farm ... farm winery shall notify the planning and zoning department of the date and nature of the event at least 30 days prior to the event."

Chairman Seichter: Okay.

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Mr. Venoit: So, now were on K. Well that's ... that's what's gonna come up. So, I ... first one which is allowing background noise during all business hours up to 9 PM which we won't do. It would still be the Monday through Saturday at eight...

Chairman Seichter: So, you're looking at eight o'clock. And, it comes back to the commercially available licensed background music during business hours in the tasting room and in the adjacent covered porch... in any adjacent covered porch. Again, people have issues with that. For my opinion I think the ... I would ... I would recommend just taking out "the adjacent" covered porch. So, we simply have ... if we're having background music, any background music is indoors.

Mr. Venoit: In the tasting room.

Chairman Seichter: Yep.

Mr. Venoit: Period.

Chairman Seichter: Okay, moving on. Live amplified music does anyone have ... we again; we've talked about the amplified music.

Mr. Venoit: Your still doing the hours Monday through Saturday...

Chairman Seichter: Yeah.

Mr. Venoit: ...Sunday

Chairman Seichter: I think that is what everybody's agreeable to.

Mr. Venoit: Uh huh...

Mr. Venoit: We go to K Rom ... Roman numeral number four (IV) "the winery shall at all times comply with the restrictions of the Wallingford noise ordinance for the zone in the ... what's that say? Is that above? (Indistinguishable conversation – off mic)

Chairman Seichter: Ms. Costello, it would be appropriate ... you would provide us ...

Mr. Venoit: Yea

Chairman Seichter: ... some language for this and Mr. ... Mr. Venoit is having some difficulty ...

Mr. Venoit: yeah

Ms. Costello: I believe it is: "for the zone in which the property is located."

Mr. Venoit: ...zone in which the property... which they are located."Then, it says, the above events, promotions, and music shall not be considered exempt farm activity under the noise ordinance." Okay. So, I'll read that again. "The winery shall at all times comply with the restrictions of the Wallingford noise ordinance for the zone in which they are located. The above events, promotions, and music shall not be considered exempt farm activities under the noise ordinance."

(Off mic voice) Wallingford doesn't have a noise ordinance.

Chairman Seichter: Sure we do.

Ms. Costello: Can everybody make sure to talk into the mic?

Chairman Seichter: Yeah.

Public: (off mic) What is the noise ordinance? (on mic) What is Wallingford's noise ordinance? I thought it was all state.

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Chairman Seichter: Well, we've... Wallingford has a noise ordinance. I think there's probably an attorney out in the audience that would verify that. As well as, there's a ... as well as there's a state noise ordinance. I believe the Wallingford noise ordinance cannot be any more liberal than what the ... the state is. I'm not sure Ms. Costello if that's something you can verify as we've closed our public hearing but I believe that's ... that's ... that's the issue. So, we have an aud ... It's clear we have a noise ordinance.

Mr. Kohan: Yeah, absolute we have one.

(Voice) yeah

Mr. Kohan: 55 decibels

Chairman Seichter: Well, see the decibels ... it ... it ...

Voice: (indistinguishable)

Chairman Seichter: yeah, depending upon the ...depending upon the zone ... there's a certain decibel level and that decibel level changes at certain times. Alright, I think at this point in time, I think it's correct to say we have agreed on certain things so just so everyone is very clear I'd ask Mr. Venoit if ... I know this may be a little arduous but, if you would go through the regulation starting with the definition as far as what we ... what is being proposed. And, again if anyone has any uh ... any, any questions, and I ...

Mr. Venoit: The definition isn't changing as we have it all in front of us. No change to it.

Chairman Seichter: Yes, that's correct. I guess it's probably, at this point in time, Ms. Costello would be more proper to make uh...at least ask for a motion and then when Mr. Venoit goes through what is being proposed, then we could have further discussion on that motion if it needs clarification. Is that correct?

Ms. Costello: Yes, you would make a motion to either approve or deny. If the motion is to approve it would be subject to ... or it ... modified as follows.

Chairman Seichter: But, again, his motion ... if he going, again, make a motion he could start off... and just going with the change in the definition and then read the entire definition would be the proper way I believe. So, everyone is clear on what we're talking about.

Ms. Costello: Okay. Sure.

Chairman Seichter: Okay, so at this point in time, I would entertain a motion on the application.

Mr. Venoit: Mr. Chairman, I make a motion to approve Paradise Hills a zoning text amendment for Paradise Hills Vineyard and Winery LLC to amend section 2.2 definition specific terms 4.2.E.3 rural districts site plan approval farm wineries to modify the definition of farm winery and modify the regulations regarding farm wineries including but not limited to adding permitted activities, events, music and entertainment, limited retail sales, and limited food service and allow ... (off mic) I'm not going to do that one... as proposed in language submitted March 14, 2016 and updated to April 6, 2016 and hereby amend... oh, I'm sorry ... updated to April 6, 2016 and hereby amended and subject to the following changes: Section 4.2.E3B the commission shall not provide for the use of impervious cover materials in connection with any parking plan for property located within the watershed. No sale ...Section 4.2.E.3.G No sale of wine either by retail or by the glass may occur from Monday through Saturday 11 AM to 8 PM and Sunday 11 AM to 6 PM or in accordance with applicable State law ... applicable State and federal law whichever is more restrictive .Grappa and brandy shall only be permitted to be sold for off premise consumption. Tastings are not our ... I'm sorry, tastings are allowable on premises.

Chairman Seichter: Isn't that just correcting... is that 3E. It's not 3E.G it's just 3... 3G

Mr. Venoit: 3G?

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Chairman Seichter: Yeah, I think you want to correct that.

Mr. Venoit: Instead of saying 3.G it's 3G

Chairman Seichter: It would be 2.4 E.3G correct?

Mr. Venoit: 3G

Chairman Seichter: 3G

Mr. Venoit: Okay.

Chairman Seichter: Is what that ...

Mr. Venoit: Okay, under 4.2.E.3I Roman numeral IV should say, "Incidental service and sales of other pre-packaged non-alcoholic beverages and cold pre-packaged food for consumption on the premises limited to that permitted by a class one food service license under the health code. 4.2...

Ms. Costello: Just a point of clarification on the last one. Was it Roman numeral number five (V) or fo4ur (IV)?

Mr. Venoit: Roman num ... uh, Roman numeral number five (V). I said four (IV)? Alright, correction: five (V). Uh, where are we now? 4.2.E3J Roman numeral I. "Up to four public special winery promotional events during a calendar year." 4.2 E3 Roman numeral III. "All events allowed under subdivisions I and I ... one and two, shall end at or before 8 PM Monday through Saturday and 6 PM Sunday. Catered food may be offered indoors at the reserved once-a-month events." We have another 4.2.E.3 Roman numeral IV...

Chairman Seichter: Wasn't that 4.2.E

Mr. Venoit: What's that?

Chairman Seichter: You have 4.2... okay, go ahead.

Mr. Venoit: "The farm winery shall notify the planning and zoning department of the date and nature of the ... event at least 30 days prior to the event." We go to 4.2.E3K ...

CM: ... can we just go back?

Mr. Venoit: Sure.

CM: they just have to notify 'em. I'm gonna have a concert. That's it. So, they just notify us?

Ms. Costello: Can you say that into the microphone?

Mr. Venoit: Yes.

CM: Pardon?

Ms. Costello: Can you say that into the microphone? Just so we have...

CM: Uh, yes. I was just on notification... what... what ... they're gonna say, "Well, yeah, we're having a concert. And, we're gonna have one next week. And, we're gonna have one, you know, after that."

Chairman Seichter: They can have four events ... they can have four events in the ... under the ... under their special promotions. So, they can have four events. If ... I guess if they wanted to have four events in consecutive weeks that something that they I guess would do. I'm not so certain if that's something they would do.

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Mr. Venoit: This ... this is fallen under 4.2.E3J Roman numeral IV. So, it's underneath the events and promotions which is essentially the special events.

CM: Regardless of the event whether it is permitted here in the winery shall conduct no activity (gibberish) so forth and so on. But,

Voice: (Indistinguishable)

CM: okay, you think that that's ...

Chairman Seichter: Okay ... I'm gonna make a suggestion here and I certainly hate to do this because it ... as much as I would like this to be done ... this evening, I think that there's some commission members that feel somewhat uncomfortable on this. We have a draft here and I think some people would feel much more comfortable if they saw it in black and white with the wording and Ms. Costello I think you're going to offer some comments.

Ms. Costello: I don't think that I can do that because you've already closed the public hearing.

Chairman Seichter: That we can't?

Ms. Costello: I can't submit additional information.

Chairman Seichter: Oh, no ... no, I'm not saying ... no, but as far as us ... is far as the commission though putting together ... simply having what we've proposed here, putting this into a document, have it typed up, and then have it proposed for our next meeting to be voted on. So, were not looking for you to give us additional information were just looking ... were simply looking for this document ... what's being presented here to be put into a document form to be voted on and discussed ... a further discussion.

Ms. Costello: (exhale) If you complete the motion, we can put...

Chairman Seichter: (Unintelligible)

Ms. Costello: ...I can provide you with ...

Chairman Seichter: ... with exactly what the motion is.

Ms. Costello: ... a typed version of ...

Chairman Seichter: that's all I'm looking for is a typed version of the motion. So, that everyone is very clear what we're voting on cuz, it seems that ... there seems to be some confusion amongst, you know, some members here and I don't want that to occur. I want people to be very clear as far as what they are voting on. So, is that something, if we complete the motion...

Ms. Costello: And, then you'll have to vote to table the motion.

Chairman Seichter:...to table the motion. We vote to table the motion and then at our next meeting, what we are simply is ... doing is taking up this motion and either modifying it, whatever. So, everyone is very clear what we have.

Ms. Costello: Yes. And, just for clarification for members of the public, you won't be able to take, just like you can't take...

Chairman Seichter: Well there's no...yeah, we have closed the public hearing but I think it's very clear right now for what we're doing... and, I apologize to the public but there ... I think some people may feel somewhat uncomfortable with voting on this with having something in black and white in front of them and I don't want to put people in an uncomfortable position. So, Mr. Venoit if you would please continue with your... your motion

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Mr. Venoit: okay, um ... so we go to 4.2.E3K I, "commercially available licensed background music during all business hours up to 8 PM Monday through Saturday and 6 p.m. Sunday in the tasting room." We go to 4.2.E3K to Roman numeral II, "Live music no more than twice a week between noon and 8 PM, Monday through Saturday and 6 PM Sunday. 4.2.E3K Roman numeral (IV), "The winery shall at all times comply with the restrictions of the Wallingford noise ordinance for the zone in which they are located. The above events, promotions. and music shall not be considered exempt farm activities under the noise ordinance." Also, ... what else do I have? Ms. Costello, how about the letter ... the memo from the health department? Do I put that one in there? Dated April 8. The one we just ... [what did] I just do with it?

Ms. Costello: The ... at the condition of approval?

Mr. Venoit: Yes. This one. Or do I need to even do that?

Ms. Costello: You can do that.

Mr. Venoit: OK, as a condition of approval the Department of Health memo dated April 8, 2016 and this motion is made for reasons to clarify the zoning regulations for the definition of a farm winery and to section 4.2.E.3 of the Wallingford zoning regulations, effective May 2, 2016.

Chairman Seichter: Ok, so are you clear... I guess, Ms. Costello are you clear with all of the ...? Ok. So, our next step would be for asking for a second on the motion and then taking ... looking for a motion to table is that correct Ms. Costello?

Ms. Costello: Yes.

Chairman Seichter: Ok, at this point time I'd indicate a second on the motion.

Kohan: I'll second

Chairman Seichter: Second by Mr. Kohan. At this point and time I'd entertain a motion to table this ... table this motion until our ... our next meeting.

Mr. Venoit: Mr. Chairman, I make a motion that we table zoning text amendment section 4.2.E.3 Paradise Hills Vineyard farm winery application 502-16.

Chairman Seichter: Do we have a second?

Mr. Kohan: Second.

Chairman Seichter: Second by Mr. Kohan. All in favor.

En Mass: I, I, I...

Chairman Seichter: Excuse me, before we vote. Ms. Costello, you have a...

Ms. Costello: Point of clarification: the date we are ...

Chairman Seichter: ... would need to be changed.

Ms. Costello: ... that we are tabling it to would be your next meeting which is May,

Mr. Venoit: ... that would be...

Chairman Seichter: Yep.

Mr. Venoit: Ninth

Ms. Costello: May 9<sup>th</sup>

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Mr. Venoit: Table the Zoning Text Amendment section 4.2.E.3 Paradise Hills Vineyard farm winery's application 502-16 to May... what is it?

Chairman Seichter: Ninth

Mr. Venoit: Ninth

Ms. Costello: Ninth

Mr. Venoit: May 9, 2016.

Chairman Seichter: Okay, we had a second.

Kohan: Second

Chairman Seichter: Mr. Kohan. All in favor?

Unanimous Voice Vote: Aye

Chair, Opposed? Abstentions? Again, gentlemen. I apologize. And, will be seeing you next ... next month for a decision on the ... Alright... (Voices: Want this? They're gonna give us another draft. Yeah.)