

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

In the Matter of
Stafford Spirits
Nicholas P. Hine, Applicant
Kathleen A. Hine and Nicholas P. Hine, Backer
Liquor Permit No. LIP.14246
Docket No. 07-1500

November 8, 2007

MEMORANDUM OF DECISION

This matter involves an application for a package store liquor permit for Stafford Spirits, 36 West Stafford Road, Stafford Springs, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on September 27, 2007. Nicholas P. Hine, applicant, appeared. The hearing was held in accordance with Section 30-39(c), Connecticut General Statutes, as a result of a legally sufficient remonstrance questioning the suitability of the proposed place of business. A remonstrant appeared with counsel to oppose the granting of this permit. At the conclusion of the hearing, the record was left open for the submission of additional documents.

The following facts are found based upon evidence adduced at the hearing. Liquor Control Agent Richards reviewed the pending application and found it to be in order. She visited the site on two occasions and spoke with the remonstrant. The proposed location is in a small strip-type building. A package store is a permitted use at this location, and the zoning enforcement officer has signed off on this application. However, the applicant must be granted a special use permit to engage in the operation of a package store

business. There are final requirements which must be fulfilled prior to the issuance of this permit, and one of the final requirements is approval from the town for the applicant to engage in the sale of alcohol from the proposed premises.

As part of Agent Richards' field investigation, she determined distance to schools, churches and other liquor outlets. She investigated the remonstrants' specific concerns. The required sign 4' x 6' sign was posted and the publication notice was returned to the department. There are two stores holding grocery beer liquor permits and two stores holding package store permits in the area; one of the package stores is located approximately 4/10 mile from the proposed location and is owned by the remonstrant. Connecticut State Police Troop C attributes no major accidents or crime to locations with liquor permits. The application itself is complete. There is a nearby cemetery and nearby train tracks.

The applicant is a member of the Stafford Planning and Zoning Commission. We find that he has taken appropriate steps to distance himself from any action taken by that board concerning his pending liquor application.

The remonstrant expressed concerns that increased competition would have a negative impact on his sales and that the isolated location would cause a problem with minors and problem drinkers as well as raise security issues such as possible break-ins.

It is well settled that the determination of whether a proposed location is suitable for a liquor permit rests with the Liquor Control

Commission. Williams v. Liquor Control Commission, 175 Conn. 409, 399 A.2d 834 (1978).

Accordingly, we hereby deny the remonstrance and grant the final package store liquor permit to Nicholas P. Hine and Stafford Spirits, subject to the agent's final requirements.

**DEPARTMENT OF CONSUMER PROTECTION
BY**

Angelo J. Faenza, Commissioner

Gary Berner, Commissioner

Parties:

Girolamo Randazzo, Agent for Remonstrants, Randazzo's Package Store, 71 West Stafford Road, Stafford Springs, CT 06076

(Via US Mail and Certified Mail # 7007 1490 0000 0381 6774)

Girolamo Randazzo c/o Brian S. Newman, Esq., 91 West Stafford Road, Suite C, Stafford Springs, CT 06076

Nonparties:

John Suchy, Director, Liquor Control Division

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