

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

In the Matter of

Sunset Hill Vineyard
Salvatore A. Caruso, Permittee
Sunset Hill Vineyard LLC, Backer
Liquor Permit No. LFW.86P

Case No. 2015-1006
Docket No. a6-213
May 5, 2016

MEMORANDUM OF DECISION

This matter involves a new application for a farm winery liquor permit for Sunset Hill Vineyard, 5 Elys Ferry Road, Lyme, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on April 21, 2016. Matt Caruso, a member of the backer limited liability company, 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. Remonstrants appeared to oppose the granting of this permit. This location is currently operating under the auspices of a provisional liquor permit.

The following facts are found based upon evidence adduced at the hearing. Liquor Control Agent Wallett reviewed the pending application and found it to be in order. Agent Wallett visited the location. The proposed premises consists of 10 acres of land, of which approximately 2.3 acres are currently planted with grapes, located in Lyme, Connecticut. A small, barn-like structure with an attached patio is located on the land; the patio has two tables and seating for eight.

The entrance to the parking lot for the proposed premises is on Elys Ferry Road, which runs off Connecticut Route 156. The parking lot itself has parking for 12 cars.

Per the Department's protocol for conducting remonstrance investigations, Agent Wallett contacted the Connecticut State Police concerning accidents on Route 156 at Elys Ferry Road. He was advised that there were no results responsive to his request. He also reached out to Bernard Gigliotti, the Lyme Zoning Enforcement Officer. Mr. Gigliotti had signed the liquor permit application, and his signature has not been rescinded. Mr. Gigliotti advised that a change in the zoning regulations was required to allow wine tastings at the premises.

Agent Wallett found nothing questionable about the permit application, the applicant or the location.

Remonstrants testified in opposition to the granting of the liquor permit and expressed their concerns that the presence of a farm winery would increase traffic on Route 156 and on Elys Ferry Road. Remonstrants also speculated about the possibility of intoxicated patrons leaving the farm winery and driving on Route 156 and on Elys Ferry Road. The remonstrants were concerned that the presence of a farm winery in their rural, residential area would be a nuisance to the neighborhood and that it would set a dangerous precedent in Lyme, opening the floodgates to other vineyards and breweries thus changing the complexion of the town.

Sunset Hill is currently seeking approval from the Lyme zoning authority to offer tastings. If such approval is granted, Mr. Caruso intends to offer tastings, by invitation only, to very small groups of people.

Based upon the testimony and documents presented at the hearing, we do not find substantial evidence to deny this farm winery permit application and we find the location to be suitable. It is the role of the Liquor Control Commission to determine suitability for liquor permits. The determination of factual matters with regard to the suitability of the location of proposed liquor permit premises is vested with the Liquor Control Commission, which has broad discretion. Crescimanni v. Department of Liquor Control, 41 Conn. App. 83, 674 A.2d 851 (1996). The final farm winery permit application is granted to Salvatore A. Caruso and Sunset Hill Vineyard.

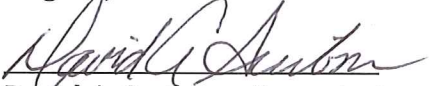
**DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION**



Anne K. Stiber, Esq.
Designated Hearing Officer



Angelo J. Faenza, Commissioner



David A. Scribner, Commissioner

Parties:

Janet Dee Spoltore, Ph.D., Agent for Remonstrants, 13 Parkside Drive, Lyme, CT 06371

(Via US Mail and Certified Mail #7012 2920 0000 4559 8879)

Salvatore A. Caruso, Permittee, Sunset Hill Vineyard, 5 Elys Ferry Road, Lyme, CT 06371-3406

(Via US mail and Certified Mail # 7012 2920 0000 4559 8886)

Nonparties:

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal

Connecticut State Library, 231 Capitol Avenue, Hartford, CT 06106