

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Brignole Vineyards
Timothy Brignole, Permittee
Brignole Vineyards LLC, Backer
Liquor Permit No. LFW91

Case No. 2016-117
January 3, 2017

MEMORANDUM OF DECISION

This matter involves a new application for a farm winery liquor permit for Brignole Vineyards, 103 Hartford Avenue, East Granby, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on November 3, 2016, at which time Timothy Brignole, permittee, 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 location. Remonstrants appeared to oppose the granting of this permit. This location is currently operating under the auspices of a provisional liquor permit.

Based upon the evidence adduced at the hearing, we find the following facts: Liquor Control Agent Richards reviewed the pending application and found it to be in order. Agent Richards conducted an on-site investigation. The proposed premise consists of approximately 15 acres of land, of which a sizeable portion is currently planted with grapes. A newly constructed three-story free-standing building is located near a parking lot and the main road. The building features a tasting room, a large banquet room and open-air porches. A fence

surrounds the boundary on the left side of the premise, a pond is to the north, and a tree line is to the right side.

The entrance to the parking lot for the proposed premises is on Hartford Avenue, which is a main thoroughfare. The entrance is approximately .1 mile from a bike trail crossing intersection.

Per the Department's protocol for conducting remonstrance investigations, Agent Richards conducted a thorough investigation in connection with the remonstrance. Agent Richards contacted local police regarding traffic accidents and complaints around the premise. She was advised that there were no results responsive to her request. She also reached out to Mr. Gary M. Haynes, the local zoning authority. Mr. Haynes had signed the liquor permit application, and his signature has not been rescinded. Mr. Haynes advised that additional requirements had been placed on the premise in order to alleviate light and sound concerns, and all requests had been completed.

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

The Remonstrants expressed three primary concerns regarding Brignole Winery: 1., the lack of clarity about the farm winery business operations in terms of both the indoor and outdoor space and what type of events may occur on the property, possibly creating nuisance levels of noise, traffic and alcohol-related problems; 2., lack of clarity about where people can wander while consuming alcohol; and 3., traffic concerns with the Farmington Valley bike path and Seymour School in the area.

At the hearing, Remonstrants expressed their concern that the scope and scale of the facility was not a suitable business to operate in a neighborhood environment. They expressed concern about potential noise, traffic, alcohol intoxication, light pollution and general nuisance concerns emanating from the vineyard.

Mr. Brignole stated light pollution was no longer an issue now that construction of the building was completed. He stated he was in compliance with all town zoning requirements and was confident his business was a positive addition to the neighborhood.

Based upon the substantial evidence 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. 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. Brown v. Liquor Control Commission, 176 Conn. 428, 407 A.2d 1020 (1973). Accordingly, we hereby deny the remonstrance and grant the final of the liquor permit application of Timothy Brignole and Brignole Vineyards.

**DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION**

BY:



Anne K. Stiber, Esq., Designated Presiding Officer



Angelo J. Faenza, Commissioner



David A. Scribner, Commissioner

Parties:

DAVID TOBIN, AGENT FOR REMONSTRANTS

119 Hartford Avenue

East Granby, CT 06026

(Via US Mail and Certified Mail # -----)

TIMOTHY BRIGNOLE

103 Hartford Avenue

East Granby, CT 06026

Nonparties:

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal, 2508 Whitney Ave., P.O. Box 185159, Hamden,
CT 06518

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