

To the Cornwall Planning & Zoning Commission:

We are encouraged that the Ridgways are proposing to relocate the site of the Farm Store / Tasting Room to a location on their property that is further from the surrounding residential properties. This is a meaningful and welcome alteration to the proposal that helps to mitigate one of our key concerns i.e., the physical proximity of an alcohol-serving establishment to ours, and other nearby homes.

EVEN WITH THE PROPOSED CHANGES, WE BELIEVE THE RIDGWAY CIDERY PROJECT IS IN CONFLICT WITH CORNWALL'S ZONING CODE AND FAR OUTSIDE THE MAINSTREAM OF WIDELY ACCEPTED ZONING / LAND USE PRACTICES

We fundamentally believe that establishing an alcohol-serving business in the heart of a residential neighborhood will have a negative and adverse impact on our quality of life, and as such, is in conflict with Cornwall's zoning regulations. We specifically reference: 8.4.f, 8.10.c and 8.10.d – which generally govern compatible and harmonious land uses, the potential for adverse impact on neighboring properties, including the diminishment of value, and more generally health, safety, and welfare for the Town of Cornwall.

Fortunately, we don't have to rely on speculation – because there are many cideries located in small rural towns in New England, where hundreds, maybe even thousands of stakeholders just like here in Cornwall – business proprietors, zoning commissions, abutting neighbors, concerned citizens - have grappled with this very decision.

As such, there is ample body of precedent that we can consult to guide our decisions. We can summarize what we have learned surveying more than two dozen New England cideries:

- 1) The majority, if not the substantial majority, of New England cideries are located in what we would consider commercial or business districts, even in small towns.
- 2) There are quite a few rural / farm based cideries – almost every one of these, perhaps with one exception, are far removed from residences. The two closest – cideries in Millerton, NY and in Hillsdale, NY -- are thousands of feet from the nearest residence.
- 3) Almost every town that has a cidery – whether it is in a business district or in a rural area, also has a local police dept. That's important because the Police Dept is the main governmental body responsible for ensuring that alcohol serving establishments comply with the law.

What is being proposed here – an alcohol serving business, in a rural area, without a local police dept, that is proximate to other residences – is not just far outside the mainstream of land use and zoning standards, it would be virtually unprecedented in New England.

*** We note that even under the revised project siting, it is still closer to nearby residences than almost any other cidery we have surveyed. ***

Why does no other town support this type of land use? For one, because their zoning rules, like Cornwall's, discourage it. Why? Because it is understood that placing an alcohol-beverage serving business in a residential area creates adverse impacts on neighboring properties.

We have read many of these towns' zoning regulations. Almost all contain the same foundational principles as Cornwall's zoning code – often word for word – about what are and are not acceptable land uses – 8.4.f, 8.10.c and 8.10.d.

To put it plainly, supporting this proposal, as is, would set up Cornwall as an extreme outlier to widely accepted zoning norms.

CORNWALL'S ZONING RULES PROVIDE SOME GUIDANCE ON HOW TO RESOLVE CONFLICTS

Cornwall's zoning regulations recognize that a given project can be technically permissible under the zoning code AND be at odds with other provisions or standards set out in the zoning code. Cornwall's zoning regulations provide guidance on how to navigate and resolve these types of issues. This is set out in section 5.7.

Wherever the requirements of these regulations are in conflict with the requirements of any other lawfully adopted rules, regulations, ordinance, deed, restrictions or covenants, the most restrictive shall apply.

The *most* restrictive interpretation of Cornwall's zoning rules would be to prohibit the establishment of the proposed project. Indeed, not permitting an alcohol serving establishment in this residential area of Cornwall would not be restrictive at all, it would put Cornwall squarely in the mainstream of zoning policy and decision making.

That said, we are not unequivocally opposed to the Ridgway project. We have set out in this letter, and in other submissions to the PZ Commission our many concerns with the nature of the project. We believe there are additional strategies (ie, in addition to re-siting of the project) to mitigate its adverse impacts, and in doing so, would bring it more in line with common zoning practice.

To guide our recommendations we reference the principle underlying Section 5.7 of Cornwall's Zoning Rules - simply, that the more restrictive rules should apply.

INTEGRATING CORNWALL'S ZONING GUIDANCE INTO THE OPERATING RULES & REGULATIONS OF THE PROPOSED CIDERY

Unfortunately, the project narrative is largely silent or non committal on most of the major operating policies for the Farm Store and the Tasting Room. This makes it difficult for affected neighbors / citizens - and presumably for the Town as well - to thoughtfully engage with and respond to the proposal. Before decisions are made we request that the Town require the Ridgways to specifically detail their operating plans and procedures.

In conjunction with a more detailed presentation of the business's operating plans we believe it is incumbent on the Town of Cornwall to put forth its own plans on how it intends to monitor and enforce these rules once they have been put in place.

In our view, there are a handful of major operating rules and decisions that have the greatest potential to adversely impact Cornwall under Zoning regulations 8.4.f, 8.10.c and 8.10.d

1. Hours of Farm Store. According to the August Project Narrative, *In the initial stage, the farm store could be open three days a week from noon to 5 p.m. from May until November.* In the revised proposal, *The farm store could be open three to five days a week from noon to 7 p.m. from May until November.* This change could be the difference between 15 and 35 hours a week. This is material.

Our recommendation: The more restrictive version would be the original proposal (seasonally up to 15 hours a week). Those hours would be set for a certain number of years, to be determined by the PZ Commission, after which modifications can be proposed and approved subject to a public hearing process.

2. Hours of Tasting Room. It is not clear to us if the Farm Store and Tasting Room operate on the same hours. This needs to be clarified.

Our recommendation: Assuming that in fact the Farm Store / Tasting Room do in fact operate on the same hours, we would again, reference the more restrictive original proposal (seasonally up to 15 hours a week). Those hours would be set for a certain number of years, to be determined by the PZ Commission, after which modifications can be proposed and approved subject to a public hearing process.

3. On Site Alcohol Consumption. The cidery is a destination for a singular purpose: alcohol consumption. We see no limitations in the project narrative on the amount of alcohol that can be served / consumed on site. We note that an adult could get drunk drinking hard cider, even in limited quantities. Those adults will almost certainly be driving to their next destination. Their route will take them past the heavily trafficked Ridgway farmstand, and on streets that are in the heart of a residential area where people commonly walk, walk their dogs, ride their bikes, etc. This raises serious public safety issues.

To the greatest extent possible we want to limit (if not entirely prevent) inebriated drivers flowing from the Ridgway property onto Cornwall's streets.

How specifically does the business owner and the Town of Cornwall plan to ensure the public's safety?

A restrictive approach here would be to put strict limitations on:

- how much alcohol can be consumed on site
- how much can be purchased
- hope much (if any) can be purchased and consumed on site (indoors or outdoors)

- where alcohol can be served on the premises (e.g. can it be served outside?)

Recommendation: Decisions around onsite alcohol consumption should not be arbitrary. This should be research and fact-based. Independent of the business owner, the Town should undertake an in depth study to understand what the rules / regulations are for onsite consumption at cideries / breweries / tasting rooms across New England. We should understand how much cider a typical adult can drink before getting legally intoxicated. The Town should gather this information, present it to the public and use it to inform decision making. Given the location of this establishment in a residential area, the public safety issues at play and the absence of a local police department, we would advocate for stringent limitations on how much alcohol can be consumed and/or purchased on site.

Concurrent with the due diligence around the parameters for on site alcohol consumption and sale, the PZ Commission ought to provide a specific and transparent plan for how rules related to alcohol consumption will be monitored / enforced. In other towns with cideries, this work is done largely in collaboration with local law enforcement. What mechanisms will be put in place in Cornwall? Who will be accountable for enforcement? If there is no existing body or authority to ensure compliance, what extra measures will be taken until an appropriate authority can be put in place?

4. Noise. Cornwall's Plan of Conservation and Development notes that "*noise...pollution can cause a significant disturbance to neighbors and to Cornwall's rural character.*" The project narrative does not specifically address noise creation and sound mitigation. Will the tasting room, porch and other outdoor areas have amplified music? If so, how will appropriate noise levels be set and monitored to ensure they are not disruptive to the quality of life of neighbors?

Most towns in CT, NY, MA that have a cidery / tasting room also have: (1) a noise ordinance and (2) local law enforcement. And, in most cases, these cideries are much further from nearby residences than the proposed (and modified) Ridgway project. That Cornwall does not have a noise ordinance is anomalous in the state of Connecticut. Towns typically have noise standards that limit noise to certain levels during the day, and other levels at night. Enforcement responsibility typically lies with local law enforcement.

Our recommendation: Our view is that the lack of noise ordinance is a moot issue. The nature of this business – one in which excessive noise is likely to be produced – and its location in a residential area warrants specific noise related rules. The restrictive and common sense approach (as evidenced by what most other towns do) would be to put in place noise regulations for the Farm Store and Tasting Room that are consistent with those found throughout CT and other New England towns.

Concurrently, we would request that the Town of Cornwall propose a plan for how noise pollution will be monitored and enforced.

5. Special Events. The project narrative references up to four annual harvest type festivals / public events with food trucks and live music.

Festival Recommendation: The most restrictive approach would be to not permit these large festival type gatherings. We believe four is excessive given the limited time frame in which they are likely to occur (presumably summer / fall). We would advocate for fewer than four.

We are particularly concerned about the Cidery being used as a party / special event venue. These types of events (e.g. weddings, private parties, etc) attract large crowds, lots of drinking, lots of cars and typically create a lot of noise. We see rules that limit the number of people that are permitted inside the Tasting Room. Are there any rules that govern the number of guests that will be permitted outside? Can a licensed caterer be brought in to serve (non Ridgway) alcohol at the site?

The Ridgways had previously indicated to us that this is not meant to be a private event venue. We would like this clearly reflected in the operating rules. We request that the Ridgways specifically address their intentions with respect to the use of this space as a private event venue, and the rules that plan to abide by.

Special Events Recommendation: To the extent the owner wishes to host additional special events (eg. weddings, private parties, etc) all of those events should comply, without exception, to the agreed upon standard operating hours, rules and other regulations for the Farm Store / Tasting Room.

We would request that the Town of Cornwall put in place a plan to verify / ensure that only licensed and properly permitted vendors are allowed on site. For large scale festival type events of the kind that are being proposed, the Town should stipulate coordination with, and presence of law enforcement. We further request that the Town establish a transparent process for authorizing non-compliant events (i.e. requesting special permits, notification of neighbors, law enforcement presence, etc).

The Town of Cornwall's Responsibility For Monitoring & Enforcement

If the Town of Cornwall approves the introduction of an alcohol-serving business in a residential area, we believe that it needs to acknowledge the risks and be accountable for the decision. We reiterate here what we have cited throughout this letter - that the Town carries the responsibility for putting in place and properly resourcing independent monitoring and enforcement personnel, governmental bodies and/or other mechanisms that fully address the many issues related to quality of life, public health, safety and welfare. Until the Town of Cornwall has put in place monitoring and enforcement plans and infrastructure that is specific, properly resourced and transparently communicated to the public, we believe the proposed business should not be permitted to operate.

Thank you for your consideration.

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