

RE: Ridgway application

Williams, Joseph <JWilliams@goodwin.com>

Mon 12/11/2023 11:24 AM

To: Land use <landuse@cornwallct.gov>

2 attachments (519 KB)

2023-12-07 Hartford Courant Article - Disagreement spawns lawsuits that could shut down winery.pdf; 2023-12-07 Hartford Courant Article - Disagreement spawns lawsuits that could shut down winery.pdf;

Karen,

Please enter the attached article into the record for this application and distribute it to the P&Z Commissioners. The article shows the problems that have developed in a similar situation involving a "farm winery" and an "outdoor recreation area" close to rural residences. We will bring printed copies to the hearing.

Thanks,
Joe



<p>Joseph P. Williams Shipman & Goodwin LLP Partner JWilliams@goodwin.com {www.shipmangoodwin.com}www.shipmangoodwin.com</p>	<table border="0"> <tr> <td>New Haven Office</td> <td>Hartford Office</td> </tr> <tr> <td>265 Church Street - Suite 1207</td> <td>265 Church Street - One Constitution Plaza</td> </tr> <tr> <td>New Haven, CT 06510-7013</td> <td>Hartford, CT 06103-1919</td> </tr> <tr> <td>Tel: (203) 836-2804</td> <td>Tel: (860) 251-5127</td> </tr> <tr> <td>Cell: (860) 306-0429</td> <td>Cell: (860) 306-0429</td> </tr> </table>	New Haven Office	Hartford Office	265 Church Street - Suite 1207	265 Church Street - One Constitution Plaza	New Haven, CT 06510-7013	Hartford, CT 06103-1919	Tel: (203) 836-2804	Tel: (860) 251-5127	Cell: (860) 306-0429	Cell: (860) 306-0429
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From: Land use <landuse@cornwallct.gov>
Sent: Tuesday, November 28, 2023 6:34 PM
To: Williams, Joseph <JWilliams@goodwin.com>
Subject: Re: Ridgway application

EXTERNAL EMAIL

Attorney Williams. As you can see from my email, my office hours are only until noon and I stayed late to get ready for the meeting before heading home to New Hartford for dinner (and walk the dog) hence the late clarification. The Commission intends to take testimony tonight and your information is being made of the record.

Karen Nelson,

Land Use Office, P&Z, ZBA, IWWA, Tele 672-4957 fax 672-4069

Tuesday and Thursday 9AM to noon

P.O. Box 97, Cornwall, CT 06753

From: Williams, Joseph <JWilliams@goodwin.com>
Sent: Tuesday, November 28, 2023 2:27 PM
To: Land use <landuse@cornwallct.gov>
Cc: ianingersoll@gmail.com <ianingersoll@gmail.com>
Subject: RE: Ridgway application

Understood, thank you Karen. I appreciate your forwarding my email and attachments to the Commission. Please let me know if you would like me to assist with making copies for the commissioners, which I would be glad to do.

For my clarification, when you say it is expected that the hearing will be continued to the December regular meeting, do you believe that the Commission intends to take no testimony tonight and simply continue the hearing?



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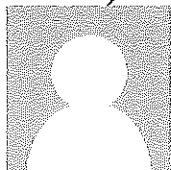
From: Land use <landuse@cornwallct.gov>
Sent: Tuesday, November 28, 2023 2:07 PM
To: Williams, Joseph <JWilliams@goodwin.com>
Subject: Re: Ridgway application

EXTERNAL EMAIL

Disagreement spawns lawsuits that could shut down CT winery



Worthington Vineyards & Winery in Somers on Tuesday, Dec 5, 2023. (Aaron Flaum/ Hartford Courant)



By [Don Stacom](mailto:dstacom@courant.com) | dstacom@courant.com | Hartford Courant

PUBLISHED: December 6, 2023 at 6:00 a.m. | UPDATED: December 6, 2023 at 4:15 p.m.

A local couple's opposition to allowing large weddings and receptions at a popular "farm winery" in Somers has spawned a series of lawsuits, zoning complaints and angry accusations.

Kenneth and Michele Prior's dispute with Worthington Winery has roots going back nearly two decades, and appears headed for a court decision that would either keep the business running or potentially shut it down, at least temporarily.

In the past year, the split has widened to the point that the Priors are accusing the winery owner of defaming them in social media posts, even as some winery defenders post snarky criticisms about Kenneth Prior on Facebook.

In court filings, the Priors portray themselves as homeowner simply trying to enjoy the solitude of their home on Mountain Road, a relatively undeveloped street in a rural section of Somers.

They complain that in very recent years, the sprawling 100-acre farmland across the street has become a full-scale event center generating noise and traffic

Mark and Karen Murdoch, owners of the wine tasting room just off Mountain Road, contend that they're merely trying to run a business that benefits their community.

The Priors' home is almost directly across the street from the winery, which is part of a nearly 100-acre farmland parcel. More than 20 years ago, town officials granted a permit to the previous owner of the property to run it as "an outdoor recreation area" with private parties, corporate events and wedding receptions but only a secondary use to outdoor recreation.

After Worthington bought the land a few years ago, the town issued another permit in 2022, this time for a farm winery. It's allowed to sell its wines and host a wine tasting room in part of a farm building, with parking for the operation capped at 30.

In one of their lawsuits, the Priors contend that Worthington also rapidly expanded its lineup of large-scale events like receptions. The couple argues that the first permit, from 2000, should never have been issued and is illegal, and they contend that the newer 2022 permit didn't allow that such a use.

In a zoning hearing this summer, Worthington's attorney, Dorian Famiglietti of Kahan Kerensky Capossela, acknowledged that the winery proved more successful than her clients expected.

"It's become a very popular destination. With the initial success of the winery, one of the most pressing needs is to increase the allowable parking," she told the zoning commission. "Thirty is not enough for tasting. It really doesn't account for the people who come to the winery and stay and linger and enjoy the grounds."

Earlier this year the winery was hit with a cease and desist order because substantially more than 30 cars were parked there at one time. Famiglietti acknowledged the operation wasn't expecting that much interest, and now wants commissioners to allow more parking.

"We acknowledge there was a violation of that (zoning permit) condition. We were stuck between a rock and hard place," she said, adding that 30 isn't even close to sufficient.

Worthington sought a change to the permit to allow more cars, and Famiglietti stressed that the hearing was to focus on the 2022 permit for a farm winery, not the 2000 permit for outdoor recreation.

"So any testimony having to do with the history of the events held pursuant to the 2000 permit or any tents of sale or service of food or alcohol, those all have have nothing to do with what's before you tonight," she said at the hearing.

Mark Murdoch said the farm winery deserves a permit for more than 125 cars. He also wants food trucks to be allowed at the property, along with temporary tents put up by visitors.

“We’re a family business. We think we’ve done a lot of good for the town. We employ 12 residents of Somers, we’ve donated to several charities, were trying to do a lot for the community. On top of that, we’re increasing the tax base,” he said.

“I’m not sure what else we can do to support the town,” he concluded, drawing loud applause.

Attorney George Shober, representing the Priors, said that doesn’t tell the whole story. He said the Murdochs have been hit with complaints before over noise and amplified music, but don’t take measures to curb it. Shober said that despite numerous complaints to the zoning authorities, the company keeps violating the limits of its previous permits.

“Unfortunately they do whatever they want,” he said.

One lawsuit complains that Worthington has “destroyed” the Priors’ ability to enjoy their home in peace.

Shober also contends that the Murdochs have harmed his clients’ good names by complaining to police that the Priors had gone through the company’s trash to get proprietary financial information. The Priors deny that claim entirely, and claim it harmed them.

The zoning board of appeals is scheduled to hear a complaint in the dispute next week, and the court system is looking to resume progress on the civil lawsuits early next year.