

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

In the Matter of

Spring Hill Vineyard
Stephanie Ingrassia, Permittee
Spring Hill Farms LLC, Backer
Liquor Permit No. LFW.78

Case No. 2012-1331
Docket No. 13-19
January 24, 2013

MEMORANDUM OF DECISION

This matter involves a new application for a farm winery liquor permit for Spring Hill Vineyard, 69 Whittlesey Road, New Preston, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on January 17, 2013. Stephanie Ingrassia, applicant and sole member and co-manager of the backer limited liability company, and Timothy Ingrassia, co-manager, 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.

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. The proposed location is a small building situated on approximately eight acres of land owned by the backer and planted with grapes. In accordance with a state agricultural easement, the property cannot be subdivided and must operate as a farm. The property has been a working

farm for decades and the grapes grown are sold to other local wineries to use in their production.

As part of her investigation, Agent Richards visited the site on two occasions. The entrance to the proposed premises is on Whittlesey Road, a winding country road. There are a few homes on Whittlesey Road and a private school, Rumsey Hall, is located approximately 1.7 miles from the premises as measured by Agent Richards' car odometer. The proposed premises complies with all applicable zoning requirements and there are no other like permits in the neighborhood. Agent Richards 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 Whittlesey Road, which is used by students from Rumsey Hall to access the sports fields. Remonstrants also speculated about the possibility of intoxicated patrons leaving the farm winery and driving on Whittlesey Road. The remonstrance petition also raised an objection based upon drive-up sales of alcoholic liquor; however, this is not an issue, as retail sales on the premises of a farm winery are allowed by statute.

Mr. Ingrassia has no current plans to operate a tasting room which is open to the public. Rather, it is their intention to use the tasting room to present their wines to restaurateurs so that they may purchase the wines and offer them at their restaurants.

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 Stephanie Ingrassia and Spring Hill Vineyard, subject to the agent's final requirements.

**DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION**

Elisa A. Nahas, Esq.
Designated Hearing Officer

Angelo J. Faenza, Commissioner

Stephen R. Somma, Commissioner

Parties:

Stephanie Ingrassia, Applicant, 140 Columbia Heights, Brooklyn, NY 11201-1531
(Via US Mail and Certified Mail # 7011 2000 0001 0653 1803)

Stephanie Ingrassia, c/o Marcum LLP, Attention: Rosanne Migliorino, 705 3rd
Avenue, 11th Floor, New York, NY 10017

Rory McAdam, Agent for Remonstrants, 231 Romford Road, Washington Depot,
CT 06794 (Via US Mail and Certified Mail # 7011 2000 0001 0652 1797)

Nonparties:

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal

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