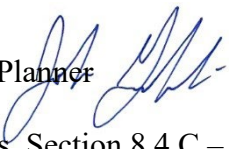




MEMORANDUM

TO: East Hampton Planning & Zoning Commission

FROM: John Guskowski, AICP, CZEO – Interim Town Planner 

RE: Proposed Text Amendment to Zoning Regulations, Section 8.4.C – Accessory Uses to Agriculture (PZC #23-015)

DATE: November 15, 2023

I have reviewed the proposed text amendment referenced above, seeking to add to the definition and parameters of the Town’s current Zoning Regulations concerning “Agriculture and Livestock” in Section 8.4.C in a way that would permit a broader range of Accessory Uses to agricultural operations in the broad category of agri-tourism. The current definitions of agriculture in the Zoning Regulation are limited to:

"The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, animal and poultry husbandry, etc., when such use is the principle use of the land"

This does not currently anticipate a wider variety of uses such as corn mazes, horse or livestock shows, on-farm wineries or breweries, hosting of special events, or even pick-your-own operations. While by its very nature, agriculture is a commercial enterprise, in its purest form it does not involve a great deal of direct interaction with the public or encourage traffic and visits to the farm other than by farm labor or vehicles involved with delivery and pickup of products. These accessory uses would encourage significantly more direct interaction with residents and visitors in a sphere closer to hospitality businesses.

The primary consideration the Planning & Zoning Commission must make when reviewing potential text amendments – aside from basic concerns of public health, safety, and welfare – is the goals of the Plan of Conservation & Development (PoCD). In this case, the 2016 PoCD, entitled “A Vision for East Hampton” is very clear about its approach to agricultural promotion. Page 48 of the PoCD – a section entitled “Preserve Agricultural Heritage” makes a strong case for the Town being much more active in promotion of its farms and farm businesses. Specifically, the first Agricultural Preservation Strategy states that the Town should: “Encourage the sale and purchase of products grown locally and regionally. Support farm markets and farm stands and Agrotourism.” The Town’s Vision clearly includes promotion of agritourism.

The challenge, therefore, is that the current Zoning Regulations do not anticipate, define, or regulate agritourism as a use category. The current text amendment application attempts to begin

that process. To that extent, this is an important and valuable application. The applicant makes a strong case that in order to survive economically, the Town's farm operations must diversify and be flexible about their income streams, including broadening interface with the public.

Having said that, the current application has numerous structural problems that would make it challenging to adopt in its current approach. The purpose statement blends philosophical explanation with regulation approaches in a way that is not consistent with the way the current Regulations are written. Without belaboring the specifics, it does not make organizational sense to embed a relatively complex set of potential uses and regulatory considerations into a single sub-section of a portion of the Regulations primarily concerned with livestock density and housing. It is far more analogous to creating a separate section similar to "Commercial Stables" in Section 8.4.D or "Commercial Recreation" in Section 8.4.F. Establishing "Agritourism" or "On-Farm Events" as a separate use category would allow the Commission to add some thoughtful nuance to its approach. That would also allow the Commission to add this use category to the allowable uses in the R-4 Rural Residential Zone of Section 4.4 – either as a Site Plan Review use (Sec. 4.4.C) or as a Special Permit use (Sec. 4.4.D).

The reason to separate this as a distinct use category is that not all "agritourism" is created equally. A small roadside farmstand is dramatically different from an on-farm winery with a large barn capable of hosting 250 people for a wedding. A seasonal corn-maze is different from an on-farm ice cream stand open year-round. The differences in these uses go directly to the Planning & Zoning Commission's purview- elements of traffic, noise, parking, stormwater management, wastewater management, and neighborhood impacts. Certainly, on-farm activity should be a worthwhile goal, but the Commission must be careful about managing the extent of its impact.

Nearby communities, including Marlborough, Durham, Lebanon, and Colchester provide a more nuanced approach to these agritourism or on-farm activity regulations, creating different categories of permitting and review based upon the likely community impacts. Certain activities, such as a roadside farmstand, could be as-of-right in conjunction with a bona-fide farm, and others such as a wedding venue, could require Special Permit approval. The American Farmland Trust commissioned an update to a very helpful guidance document entitled "Planning for Agriculture: A Guide for Connecticut Municipalities" in 2022 that provides useful guidance, case studies, and regulatory examples for this sort of activity. A copy can be found here: https://farmlandinfo.org/wp-content/uploads/sites/2/2020/11/AFT_CT-PlanAg2020Final.pdf

For that reason, I would encourage the Commission to consider either denying the current application without prejudice or requesting that the applicant withdraw the proposal, while simultaneously offering to work with the applicant (perhaps through staff) on a more nuanced and better-structured approach that would both encourage a wider variety of farming-related

activities and providing the Commission with an appropriate level of oversight at different levels of potential community impact.

I look forward to discussing this matter with you at the December PZC meeting.

pbz-counter

From: Nicole Palazzo <indulgebypalazzo@gmail.com>
Sent: Wednesday, November 29, 2023 1:49 PM
To: pbz-counter
Subject: Re: PZC Text Amendment

CAUTION:

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Remember to hover over any links and if you suspect the email is not legitimate or a phishing email, please contact Tom McMahon at x3363.

Hi Cheryl,

Here is my letter to the commission:

After reviewing the Town Planners memo concerning the proposed text amendment I wish to prepare an updated version for your review. I would like to request the authorization from the commission for the Town Planner to work with me to update the proposal and to formally request that the Planning and Zoning Commission continue the public hearing until the January meeting.

Thank you for your consideration and time.

-Nicole Palazzo
365 Moodus Road
East Hampton CT
Sent from my iPhone



TOWN OF EAST HAMPTON
Planning and Zoning Commission
1-860-267-7450
www.easthamptonct.gov

RECEIVED
OCT 10 2023
TIME mail

PZC -23-015
Date 10/10/2023

Fee Paid \$360 CK# 1089
Check # 1089
Rec'd. By S

LOCATION East Hampton Zoning Regulation

MAP 08 BLK 25 LOT 11

PROJECT NAME Text Amendment to Section 8.4.C

ZONE _____

APPLICANT Nicole Palazzo
ADDRESS 365 Moodus Rd

PHONE 860 819 1657
EMAIL indulgebyPalazzo@gmail.com

CONTACT PERSON Nicole Palazzo

PHONE _____
EMAIL _____

OWNER Helen & John Palazzo
ADDRESS 10 Lavender Lane Rocky Hill

PHONE 860 573 5012
EMAIL Hpalazzo22@gmail.com

SURVEYOR/ENGINEER _____
ADDRESS _____

PHONE _____
EMAIL _____

ATTORNEY _____
ADDRESS _____

PHONE _____
EMAIL _____

APPLICATION TYPE (application must be completed in FULL in order to be accepted)

- 1. SUBDIVISION /RESUBDIVISION /CONSERVATION SUBDIVISION NO. OF LOTS _____
- 3. SITE PLAN _____ MODIFICATION _____ Residential _____ Commercial _____
- 4. SPECIAL PERMIT--SECTION _____ OF THE ZONING REGS. FOR _____
- 5. ZONE CHANGE--FROM _____ TO _____
- 6. AMENDMENT TO ZONING REGULATIONS 8.4.C
- 7. LAKE POCOTOPAUG PROTECTION AREA _____
- 8. ACTIVE ADULT NO OF UNITS _____
- 7. OTHER (DESCRIBE) _____

APPLICATION REQUIREMENTS: This application and 10 sets of plans shall be submitted to the Land Use Office and shall be received by the Commission at the next regularly scheduled meeting. (see meeting schedule for deadline dates)

A complete application shall consist of an application, fees, maps /plans (A-2 survey), engineers report including drainage calculations and watershed calculations (pre and post), bond estimates, hydrology report, environmental studies, waiver requests and traffic study where applicable

Preliminary discussions are highly recommended for subdivisions 5 lots & over and for larger Special Permit Applications
Abutters notice receipts (green cards) must be handed in to the Planning Office prior to the meeting

APPLICANTS SIGNATURE [Signature] DATE 10/4/23

OWNER'S SIGNATURE Helen Palazzo DATE 10/4/2023

The owner and applicant hereby grant the East Hampton Planning and Zoning Commission and/or it's agents permission to enter upon the property to which the application is requested for the purpose of inspection and enforcement of the Zoning Regulations and Subdivision Regulations of the Town of East Hampton.

PLANNING AND ZONING FEE SCHEDULE

Note: Each application requires an additional \$60 fee to be submitted to the State (effective 10/09)

\$ 60.00

SUBDIVISION APPLICATION & CONSERVATION SUBDIVISION

No. of lots _____

A fee of \$500 plus the sum of _____

\$ 150/lot

1-5 lots _____

\$ 150/lot

Plus a developer's fee of 3% of the bond filed for subdivisions requiring public improvements to be paid at the time bonds are filed with the Town and prior to any construction

SITE PLAN REVIEW

Residential/Commercial _____

\$ 150

Commercial, Industrial, Designed Development: Calculated by total sq ft of impervious surface

New Construction

Square Feet _____

Less than 3000 Sq Ft _____

\$ 150

3001 to 5,000 Sq Ft _____

\$ 250

5001 to 10,000 Sq ft _____

\$ 600

10,001 to 15,000 Sq ft _____

\$ 1100

For every additional 5000 Sq Ft _____

\$ 500

SPECIAL PERMIT

Special Permit _____

\$ 150

Commercial, Industrial, Designed Development: Calculated by total sq ft of impervious surface

New Construction

Square Feet _____

Less than 3000 Sq Ft _____

\$ 150

Less than 5000Sq Ft _____

\$ 300

5001 to 10,000 Sq Ft _____

\$ 600

10,001 to 15,000Sq Ft _____

\$ 1100

For every additional 5000 Sq FT _____

\$ 500

For Special Permits involving Commercial Properties fees increase by \$50

SITE PLAN MODIFICATION

Minor Amendment _____

\$ 50

Major Amendment _____

\$ 100

ZONING OR SUBDIVISION REGULATION TEXT CHANGE _____

\$ 300

300

CHANGE IN ZONING MAP _____

\$ 500

LAKE POCOTOPAUG PROTECTION AREA _____

\$ 75

APPLICATION FOR MULTI-FAMILY, ACTIVE ADULT AND HOD _____

\$ 1000

Number of unit's _____

Plus the sum of _____

\$100/unit

Total

360

Nicole Palazzo

Draft: 9/29/2023

Proposed Changes to Section 8.4.C

The following is proposed to be added to Section 8.4.C:

10. Accessory Uses to Agriculture – It is recognized that agricultural activities are challenged by the modern economy and development pressures. Supplementary income can be crucial for the viability of these uses to remain viable and the Commission recognizes the importance of local agricultural and its contribution to land preservation. The purpose of this section is to allow for accessory uses that may have greater public participation and generate income in order for the agricultural operation to remain on the land. Such accessory uses may include, but are not limited to corn mazes, horse shows, seminars/meetings, on site tours for the public to see the operation or production of farm products, “pick your own” events, trainings or lessons, and, public events (such as rentals for weddings, showers, etc). Any use proposed is subject to a Special Permit and Site Plan review by the Commission. It is noted that each type of use shall require a separate Special Permit; but individual events would not need additional reviews. Once a Special Permit is issued, Individual events may require administrative approvals as required under the appropriate laws and regulations. All applications shall include the following:

- a. Proof that the property is registered as a farm with the East Hampton Assessor’s Office.
- b. Description of the type of events being proposed, including estimated yearly frequency and maximum number of attendees at each. (The Commission reserves the right to set the maximum number of events and attendees based on site conditions.)
- c. Site Plan showing the location of events, any temporary facilities, parking, sanitary facilities, and any other pertinent details which would be helpful for the Commission in making its decision.
- d. Detailed parking plan accommodating enough off-street parking for all vehicles. Section 7.1 should be used to guide the number of spaces based on the type of event; however, the Commission has discretion over the actual number of spaces required based on site conditions.
- e. Mitigation measures for noise and lighting in order to minimize disruptions to the neighborhood.
- f. Sanitation plan.
- g. Approval or consent from Chatham Health District (as required).
- h. Consent from the East Hampton Fire Marshal (as required).
- i. Approval or consent of the East Hampton Police Department.

To: East Hampton Planning and Zoning Commission
From: Nicole Palazzo
Re: Proposed Text Amendment
Date: November 1, 2023

Chairman Kuhr and Members of the Planning and Zoning Commission,

I present to you the proposed amendments to Section 8.4.C in an attempt to allow for accessory agricultural uses within the Town of East Hampton as a way for farms to remain viable. It is widely known that agricultural uses have become more and more challenging to sustain financially as the years go on. Development pressure, increasing property taxes, market pressures, low yield on return, and the constant uncertainties of weather events which could result in crop loss are just a few of the things that farmers face every day. It has become crucial to any farming operation that special events be held in order to supplement the income of the farm, and to showcase the offerings of the farm.

Several area towns, including Marlborough and East Haddam, are now offering the ability for farms to hold events and use the properties in new and different ways in order to supplement the farm income in an effort to help the farming operation viable keeping the land in agricultural use. I present this proposed regulation to you for the purpose of doing the same.

The proposed regulation is written with your discretion in mind. The concept is that the Commission would have full discretion over the number of events, number of attendees, frequency, etc. I am sensitive to the needs of neighbors and recognize that no special event should negatively impact any neighboring properties. In proposing this text as a Special Permit Use, I recognize the need for the Commission to tailor each proposal to the site as needed, and I believe you'll agree that the proposed text allows you to do just that.

I thank you for your time and consideration of this request.

Sincerely,
Nicole Palazzo
365 Moodus Rd.
East Hampton CT

FOR DISCUSSION PURPOSES ONLY

From: [Nicole Palazzo](#)
To: [DeCarli, Jeremy](#)
Subject: East Haddam Regulations
Date: Sunday, July 30, 2023 4:04:33 PM

CAUTION:

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Remember to hover over any links and if you suspect the email is not legitimate or a phishing email, please contact Tom McMahon at x3363.

Hey Jeremy!

I believe this is the zoning requirements for East Haddam in regards to a wedding venue being an accessory to a farm. We do grow hay on our farm for a local farmer. We can discuss further tomorrow but wanted to send this over prior.

Thanks!
Nicole

This electronic message is a public record as defined by the Connecticut Freedom of Information Act Section 1-200(5). A copy of this message and any reply will be retained by the Town of East Hampton and will be accessible to the public unless exempted by law.

SECTION 7 GENERAL REQUIREMENTS

7.1. Accessory Buildings or Structures: Accessory buildings or structures shall be subject to the height and yard requirements for the zone in which such building or structure is located. Accessory buildings may be used for dwelling purposes provided that the total number of family units is not greater than permitted by these Regulations for the subject zone, and provided also that the living space, floor area, and lot area per family unit shall not be less than permitted by these Regulations for the subject zone. In addition, occupancy of an accessory building which is accessory to a commercially-operated farming enterprise and which is used by one or more full-time hired hands for sleeping only shall be allowed, as per Section 10.1.4.9 of these Regulations.

Accessory Uses to Agriculture: The following activities are recognized as a normal part of agriculture uses and are therefore allowed as a Permitted Use: 1) retail sale of agricultural products produced on a Farm, including dairy products, vegetable, fiber, poultry, beef, and other customary, agricultural products. No less than twenty-five (25) percent of the products (both by volume and by product type) shall be raised or produced on the Farm. The maximum square footage of a Farm Stand, including both enclosed and outdoor display areas, shall be seventy-five (75) square feet for each acre of land on the same lot with the Farm which is under cultivation.

Other activities that may have greater public participation such as corn mazes, horse shows, seminars/meetings, a tasting or sampling room, on site tours for the public to see the operation or production of the product, training and lessons for individuals, public events (such as rentals for weddings, showers, etc.), and artist exhibitions shall require a Special Exception Review and approval as an accessory use by the Planning and Zoning Commission. Such activities are to be complementary and subordinate to the principal agricultural use. The Commission will be reviewing the proposed frequency of events, event traffic, parking, lighting, noise levels, and the sanitation facilities needed. The accessory activities may be permitted as a Special Exception provided the activity is in harmony with the surrounding properties with respect to scale and density of development, shall not depreciate surrounding property values, and shall blend with the historical character of surrounding buildings and landscape.

7.2. Auto Courts: No auto court shall be constructed or set up unless prior approval is received from the Commission as a Special Exception.

7.3. Buildable Area: For the purpose of determining minimum lot area or parcel size, maximum lot coverage, and maximum building coverage in all zones and districts, including floating zones, the following shall be excluded: the high water level of areas covered by water (such as lakes, rivers, streams, ponds and swamps), as opposed to areas designated as inland wetlands by the East Haddam Inland Wetlands and Watercourses Regulations, but not covered by water.

7.4. Building Coverage: No building or buildings shall occupy in the aggregate a greater percentage of lot area than indicated under the heading "Building Coverage" in the tables applicable to the district or zone in which such building is located.

7.5. Camper Coaches or Travel Trailer: No camper or travel trailer shall be used as a permanent or seasonal dwelling unit.

7.6. Child Day Care Center - Subject to the approval of the Planning and Zoning Commission as a Special Exception following Site Plan Review and meeting the following criteria: (1) A minimum of one space for every three children shall be provided with a minimum of ten spaces provided for any site. (2) Site requirements should show access road and adequate loading and turn around area in the parking area. (3) If any nourishment is going to be provided it should be stated on the site plan. (4) Play area and accessory uses shall be located to the rear of the

Dwelling Unit, Single Family- A detached building or apartment designed for and occupied exclusively as a home or residence for one family. (Note: The Zoning Commission may, upon application, sanction separate light housekeeping facilities for dependent relatives of the owner.)

Dwellings for Elderly and/or Physically Handicapped Persons- Shall mean development of dwelling units: 1) designed exclusively to be occupied by and to meet specific requirements and designed standards suitable for occupancy for one or more elderly persons at least one of whom is at least 55 years of age or over and/or is physically handicapped; and, 2) which shall conform to the requirements of State and/or federal programs providing for housing for the elderly and shall include a signed and sealed certified statement from the owner, his architect and engineers that such housing conforms to the State and/or federal agencies' program requirements for elderly housing whether or not such housing is constructed under such program. Dwellings for elderly and/or physically handicapped persons may include accessory community rooms and facilities for the use of the occupants as well as other essential service facilities, such as laundry rooms.

Erosion- The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Equestrian Operation: A commercial agricultural facility created and maintained for the purpose of accommodating, training, or competing equids; especially horses. Based on their use, they may also be known as a stable, boarding stable, livery yard, livery stable, or riding hall.

Event: A gathering of persons that are Renters of the short-term rental and others that are not renters. Such gatherings may include, but are not limited to weddings, graduations, parties, banquets, fundraisers, functions sponsored by agencies, businesses or non-profit organizations, concerts, or other gatherings of people. For purposes of this regulation, events may be held either indoors or outdoors.

Family- A family is any number of individuals regularly living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding house, or hotel, or rooming house.

Farm- An area of three (3) or more contiguous acres (including wood lots) that are under common ownership and being used for any of the purposes listed in Connecticut General Statute Sec. 1-1(q). This definition includes barns and/ or other agriculturally-related structures and/ or equipment located on the premises that are utilized in the agricultural operation. This definition excludes commercial dog kennels.

Farm Brewery- a production facility for the processing, production and packaging of beer, ale, porter, stout and similar malt-based or grain based beverages, provided that is it located on a parcel of land that is part of a working farm of a minimum size of 5 acres, and where 25% of the hops, cereal grains or other ingredients are grown on site or in conjunction with a farm property located within the Town of Durham.

Farm Cafe- a small scale restaurant, subordinate to the agricultural operation and tasting rooms, where simple meals or snacks are sold. A farm café is not to be construed as a full-service sit-down restaurant.

7.9 AGRICULTURAL EVENTS

7.9.1 Purpose

The preservation of Durham's farmland, farms, and agricultural activities and the desire to attract new agricultural investment is a matter of sound public policy and furthers the objectives of the Plan of Conservation & Development.

In furtherance of these goals, the Durham Planning and Zoning Commission has adopted the following regulations to facilitate agricultural events with certain conditions.

7.9.2 Definitions

Agricultural Event: An accessory use on a parcel having a principal agricultural or farming use as defined in Connecticut General Statutes Sec. 1-1(q); Agricultural Events may include agriculturally related educational activities, the sampling of agricultural products, or the serving of beverages or meals that promote products grown in Connecticut; and may include recreational or social activities for the guests.

Principal Use: The primary purpose or function for which a premise is used, designed, or intended to be used.

7.9.3 Standards

In all zones, owners of a contiguous parcel of five (5) acres or more having an agricultural or farming principal use shall be permitted to make application to the Commission for a Special Exception under Section 16 of these regulations to conduct Agricultural Events as an accessory use on said parcel in accordance with the following:

- a) The application to the Commission shall include:
 - i. The location of the parcel(s) to be used for the event(s); by Street Address or Assessor's Parcel Number
 - ii. Documentation of an agricultural or farming principal use
 - iii. The specific types of event(s) to be conducted
 - iv. The expected frequency of such event(s)
 - v. The maximum number of attendees for any single event
 - vi. Site Plan prepared in accordance with the requirements of Section 15 of these regulations

- b) An agricultural or farming principal use will be determined by the Commission. Supporting documentation, to be provided by the applicant, may include:
 - i. The location of existing or proposed agricultural use on the site plan
 - ii. The Tax Assessor's designation of the parcel as PA 490 (Farmland, Open Space, Forest Land)
 - iii. Aerial photography or satellite mapping of the property
 - iv. A business plan (with financial data redacted) for new agricultural business
 - v. Proof of an existing agricultural business

- vi. Farmers' Tax Exemption Certificate (issued by the Department of Revenue Services, State of Connecticut)
 - vii. A site walk by the Planning and Zoning Commission or staff
 - viii. Any additional information that supports agriculture as the principal use of the property
- c) The Site Plan shall include the information shown in Section 1(a) through 1(e) above and shall identify the following:
- i. All indoor and outdoor areas to be used for the event(s)
 - ii. Location and duration of tents and portable restrooms
 - iii. Exterior lighting; unless shown on a separate Lighting Plan
 - iv. Designated areas for off-street parking, based on Section 1(e) above, assuming two-hundred fifty (250) square feet per vehicle and a vehicular occupancy of two (2) persons per vehicle. For example: $((100 \text{ persons} \times 250)/2) = 12,500 \text{ square feet} = 0.29 \text{ acres}$
- d) Buildings and impervious areas will not cover more than 12% of the parcel or five (5) acres, whichever is less.
- e) On-street parking shall not be permitted.
- f) The Commission may require additional setbacks and buffering.
- g) Events shall begin not earlier than 7:00 AM and shall cease by not later than 11:00 PM. Town Ordinances for noise control shall not be exceeded.
- h) The applicant is required to send a copy of the application being filed with the Planning and Zoning Commission to the owners of all properties abutting the parcels(s) to be used for the requested event(s) via U.S. mail. For noticing purposes, the owner shall be determined by the Assessor's current record. The applicant shall provide the Commission with proof-of-notice in the form of Certificate of Mailing receipts.
- i) Adequate lighting shall be provided in parking and pedestrian areas for events that will be held after dusk. Outdoor lighting shall not shed light beyond the boundaries of the subject property. Any permanent lighting shall comply with Section 15.2.9 of the regulations.
- j) In addition to the Application and Site Plan, the applicant shall be responsible for submitting all required documentation to the following agencies for their review, inspection, and report back to the Commission:
- i. Health Department Typically reviews water, septic, food preparation, and sanitary facilities, etc.

- ii. Resident State Trooper Typically reviews traffic control plans, security, etc.
- iii. Fire Chief Typically reviews access and water availability for fire suppression, etc.
- iv. Fire Marshall Typically reviews occupancy, fire suppression, etc.
- v. Building Official Typically reviews structures, use classification handicap accessibility, etc.

The applicant shall be responsible for providing the Commission with the reports from each of the aforementioned agencies. In considering the application, the Commission may consider the information in each report.

- k) Should the Commission approve the application and accompanying Site Plan, only events of the type approved by the Commission shall be permitted and these shall only be permitted to take place in areas identified on the approved Site Plan.
- l) Should the principal agricultural or farming use be abandoned and/or discontinued, the use(s) approved as part of the Special Exception shall immediately cease, subject to enforcement action as necessary.

7.10 Farm and Tack Stores

7.10.1 Description and Purpose

The intent of this regulation is to allow for economic diversity and sustainability of agricultural uses, to preserve agricultural activities, and to protect neighboring property owners from disruptions caused by these accessory uses. This use is permitted as an accessory use to a primary farming or equestrian operation, and shall remain subordinate and incidental to the primary farming or equestrian operation. This regulation is not intended to limit the growing, producing or distributing of agricultural products allowed under Connecticut General Statutes Sec. 1-1(q) or 14.6.2 Permitted Accessory Uses.

Farm stores shall be permitted as an accessory use to a farming operation, provided that a majority of the items offered for sale are products grown or manufactured by the farming operation. All other items offered for sale at the farm store must be directly complimentary to the farming operation.

Tack stores shall be permitted as an accessory use to an equestrian operation, provided that all products sold are directly complimentary to the primary equestrian operation.

7.10.2 Standards

A Special Exception will be required for all applications for a farm or tack store.

Dimensional Requirements

1. Minimum lot size for farm or tack stores shall be 5 acres.
2. All minimum standards and setbacks of the underlying zone shall be met. Setbacks shall be applicable to all buildings, patios, parking areas and driveways. Increased setbacks may be required dependent on site conditions.
3. Store size may not exceed 1,500 sq. ft. The Commission may limit the size and scope of a farm/tack store in relation to the size of the farm or equestrian operation; based on acreage or production.

parking is provided for guests/customers. Parking does not have to be paved or improved, just accessible to and useable in all weather conditions for visiting vehicles (a section of a field works, provided it is passable).

- C. Permanent agricultural-related uses include events on a farm, which are accessory to agricultural uses and which occur regularly:
 - 1. These include uses such as horseback riding and/or lessons for pay, processing of farm products, farm Restaurants serving products produced on the farm or similar activities.
 - 2. Permanent agricultural-related uses are permitted on farms provided a Zoning Permit is issued by the Zoning Enforcement Officer and adequate off-street parking is provided for the anticipated number of guests/customers. Limits on the use may be established by the Zoning Enforcement Officer, depending on the available parking.
 - 3. Off-street parking shall be improved, using a gravel or other stable base or pavement, and have safe access, including sight lines, as specified in the Public Improvement Specifications of the Town of Colchester and determined by the Zoning Enforcement Officer
- D. Non-agricultural related uses on agricultural land: Fee-based activities that are part of a farm operation's total offerings, but are not accessory to agricultural, or tied to agricultural Buildings, structures, equipment and fields, are permitted subject to the following requirements:
 - 1. Such uses include, but are not limited to, fee-based outdoor recreation, such as cross country skiing and mountain biking and event hosting, such as banquets, weddings, horse shows, etc.
 - 2. Non-agricultural related uses are allowed on farms only by Special Permit and shall meet Special Permit requirements for special events as identified below:
- E. Special event standards for agricultural-related and non-agricultural related events conducted on agricultural land:
 - 1. **Outdoor Events:** Outdoor events and activities shall be a minimum of two hundred (200) feet from any residence and one hundred (100) feet from any property boundary. There shall be an appropriate Buffer Area that screens any such activity from the adjacent property(ies)
 - 2. **Attendees:** The Commission may specify a maximum number of attendees permitted for any event, based upon site conditions, parking availability impacts on Town infrastructure and neighboring properties, and public health and safety considerations.
 - 3. **Sound:** Sound systems used at outdoor or indoor events shall comply with the State of Connecticut DEEP noise standards with regard to maximum decibel output (55 db daytime/45db night time at least one (1) foot beyond the property line of the property on which the emitter is located). No outdoor music shall be played before 10:00 A.M. or after 10 P.M. Monday

through Saturday or before 11:00 A.M. and after 9:30 P.M. on Sunday.

- F. Open Public Events: These are events open to the general public and subject to the following provisions:
 - 1. Six (6) such events are permitted throughout the calendar year.
 - 2. At least two (2) weeks prior to any such event, a Zoning Permit application shall be submitted to the Zoning Enforcement Officer. The applicant shall provide the date of the event(s) and the number of estimated guests. A Zoning Permit shall ordinarily be issued unless the application is not timely filed or lacks sufficient information.
- G. Private Events: These are events not open to the general public. These include weddings, private parties, charitable and similar events. The following requirements apply:
 - 1. Full meals and/or serving hors d'oeuvres and/or pastries are permitted for these events; however, only those alcoholic beverages produced on Premises shall be served, unless the event is catered and the caterer has a valid liquor license in accordance with the Connecticut General Statutes.
 - 2. Music/entertainment is permitted per State sound regulations.
 - 3. There shall be no more than three (3) such events per week. The Commission may reduce the number of events to address potential impacts on the neighborhood.

8.9.A LARGE-SCALE INDOOR AGRICULTURAL AND TECHNOLOGY (OVERLAY ZONE)

- 1. **General.** The Planning and Zoning Commission recognizes (i) the agricultural heritage of the Town of Colchester as enunciated in Section 8.9.1 of these Regulations as well as in Chapter 55 of the Colchester Ordinances adopted by the Town Meeting of the Town of Colchester on October 15, 2009 and (ii) the need for and opportunity to develop large scale data processing and data storage facilities to satisfy the demands of a rapidly expanding electronic data environment. The Planning and Zoning Commission further recognizes that both (i) agricultural methodologies and techniques are evolving with the science of horticulture and that the provision of sustainable agriculture can best be accommodated by adopting regulations which allow agricultural venturers to utilize state of the art technology in fostering horticultural development and (ii) that the methodologies being developed for the communication and storage of electronic data require large scale data processing and data storage facilities. The Planning and Zoning Commission desires to create a legislative framework which will allow large scale agricultural development in a controlled environment located entirely within buildings designed to utilize best available technology and methodologies for crop growth and processing and which will accommodate large scale data processing and data storage facilities, each in an attempt to (a) support the economic development of the Town of Colchester and (b) provide needed agricultural and technological facilities to meet the demand of an evolving economy. This Section 8.9.A of the Town of Colchester Zoning Regulations is

6.23 Farm Tourism Uses /E_CODE 340-6.3 X

6.23.1 Purpose: These Regulations are intended to ensure that farm tourism and the expansion of existing farm tourism uses are compatible with the permitted uses in the surrounding area and contribute to the unique community character and economic viability. These Regulations permit farm tourism as compatible accessory uses. It is recognized that the magnitude of these accessory uses are often greater than the uses that surround farms. The use or the accumulation of farm tourism uses should be incidental and subordinate to the use of the property for farming, they require the greater level of regulatory scrutiny that is afforded under the Special Permit. The purpose of Farm Tourism is to attract people to farms, promote the sale of agricultural products using agriculture related tours, events and activities, as well as non-agricultural related activities. These tours, events, and other activities are to supplement farm income. Activities include, but are not limited to petting farms, farm animal attraction, school tours, outdoor trails, crop mazes, hayrides, pony rides, livestock and or equine events, group picnics, on-and- off site food catering services, craft shows, outdoor recreation, and educational activities. If a fee is charged, in order to be a permitted use, the farm must be actively producing agricultural products for sale. Farms where the seller is not actively producing agricultural products for sale will require a Special Permit.

6.23.2 Qualifications: A Special Permit for a farm tourism use may be granted provided that:

- (a) The minimum lot area for farm tourism use shall not be less than ten (10) acres in a single parcel or combination of abutting parcels under single ownership
- (b) As of the date of application for a Special Permit, no zoning violation shall exist on the property. The applicant shall submit a current Certificate of Zoning Compliance.
- (c) Regulation of farm stands and commercial greenhouses is distinct from farm tourism and are permitted under the separate permits in accordance with Article 6.

6.23.3 Standards: To the extent that the Commission finds that each standard does apply, a Special Permit for the farm tourism shall not be granted unless the Commission also finds that the following applicable standards have been met:

- (a) Farm tourism use(s) shall have a direct supportive relationship to the farming taking place on the farm; as a minimum, the farm tourism use must provide an opportunity for sales of produce from the on-site farming.
- (b) The farm tourism use must utilize at least one (1) produce item produced on, or process from the product produced on the farm.
- (c) Food preparation for events shall be limited to that which is essential to the event (such as: pumpkin pie with a pumpkin festival, vendor food with a fair) for which the application is being made
- (d) Parking in accordance with Article Ten of these Regulations.
- (e) On the farm parcel(s), a vegetative buffer shall separate farm tourism uses (e.g. pick your-own fields, hiking trails and hay wagon ride routes) from abutting non-farming uses. A minimum width of fifteen feet (15') on and/or off the farm property shall be required. Where the buffer is to be off the farm property a permanent open space

easements/dedications on or obtained from abutting properties may be substituted for the on-site buffer. The documentation for which shall be subject to approval by the Commission.

(f) On the farm parcel(s), a vegetative and/or structural sound buffer (e.g. sound deadening barriers or buildings) shall be capable of eliminating noise outside farm tourism uses create in any direction from any abutting property boundary. The Commission may accept in lieu of a vegetative and/or structural sound buffer, a report from a qualified Sound Engineer certifying that the activity(s) being applied for are able to be conducted in such a manner that the activity(s) shall comply with the State of Connecticut DEEP noise standards with regard to maximum decibel output (55 db daytime/45db night time at least one (1) foot beyond the property line of the property on which the emitter is located). The report shall describe the requirements necessary for conducting the activity in order for conducting the activity in order for it to comply.

(g) The minimum distance of any uses that generate smoke, heat or ash shall be seventy-five (75) feet from any property line;

(h) The hours of operation shall not be extended before 7:30 a.m. and after 8:00 p.m. Sunday through Thursday and before 7:30 a.m. and after 9:00 p.m. Friday and Saturday 11:00 p.m., except for specific events as allowed in Section 6.23.4.

(i) The number of events which require permitting under Section 6.23.4(b), Category B, within a given calendar year shall be limited to ten (10) promotional events.

(j) Public health requirements for potable water and waste disposal shall be met with permanent facilities and/or temporary facilities.

(1) If not regulated by the Public Health Code, temporary sanitary facilities, such as chemical toilets, shall be required for any event or use where patrons will be on site on average or more than two (2) hours, and where there are no facilities available to the public within five hundred feet (500').

(2) If the use is temporary, the facilities shall only be required on site for the periods in which the use is taking place.

(3) The Public Health Code shall prevail in cases where such facilities are regulated under the Code.

(k) Proposed structures shall reflect or accent existing farm structures with historical and/or architectural character which the Commission determines should be maintained.

6.23.4 Use Requirements: The following uses shall be considered accessory to the existing farming uses as long as they take place as required below:

(a) Category A: Continuous Activity – Requires Special Permit approval prior to the commencement of activities:

(1) **Retail and wholesale of agricultural products:** New or temporary structure(s), or the floor area within an existing or temporary structure, housing this use shall not exceed one thousand five hundred square feet (1,500 sq. ft.) of area. Greenhouse used to sell nursery stock or bedding plants are not counted in this maximum regulation;

(2) **Retail of handcrafts and artisan items:** New or temporary structure(s) or the area within an existing or temporary structure or outside area, housing this use shall not exceed two thousand five hundred square feet (2,500 sq. ft.) of area;

(3) Agricultural education instruction: New or temporary structure(s) or the floor area within an existing or temporary structure or outside areas, housing this use shall not exceed one thousand eight hundred square feet (1,800 sq. ft.) of area.

(4) Demonstration of production of furniture, black smith items, quilts, fabrics or similar products made utilizing traditional processes: New or temporary structure(s) or the area within an existing or temporary structure, housing this use shall not exceed two thousand five hundred square feet (2,500 sq. ft.) of area.

(5) Restaurant (Level 1): New or temporary structure(s) or the floor area within an existing or temporary structure, housing this use shall not exceed one thousand eight hundred square feet (1,800 sq. ft.) of floor area where customers are served at counters with no more than a total of thirty-five (35) seats (whether indoor or outdoor). Under no circumstances shall the hours be extended earlier than 7:30 a.m. or later than 9:00 p.m. Sunday through Thursday, and 7:30 a.m., and 11:00 p.m. on Friday & Saturday.

(6) Farm Stores: One (1) farm store per active farming Parcel may be permitted by Special Permit provided the farm store meets all standards of this Section and has access from an Arterial or Collector Road and is sited more than fifty (50) feet from any property boundary. A pre-existing non-conforming structure may be converted to farm store use, with the Commission's approval, provided all public parking for the existing or proposed farm stores is located to the side or rear of the Building.

(a) Every application that includes a farm store use shall include a Statement of Use in accordance with Section 6.23.6(d) below.

(b). At least fifty percent (50%) of gross sales of the farm store shall be from agricultural goods produced on the owner's farm or processed products made from raw materials that were produced on the owner's farm.

(c). To ensure public safety, farm stores are required to have off-street parking in accordance with Article Ten (10) of these Regulations.

(b) Category B: Events - Require a separate Special Permit for each event. Only one Category B Event may take place at any given time.

(1) Agricultural fairs, festivals, markets, carnivals and similar functions there shall not be more than ten (10) events a year:

(2) Outdoor and indoor musical concerts, plays, operas and other performance arts events, art exhibits and shows there shall not be more than ten (10) events a year:

(3) Private Gathering events such as parties, receptions, weddings, reunions and services, whether catered or not require yearly Special Permit approval:

(i) New or temporary structure(s) or the floor area within an existing or temporary structure, housing this use shall not exceed one thousand eight hundred square feet (1,800 sq. ft.). When used in this category, tents (otherwise a temporary structure) may exceed the area limitations, above.

(II) Temporary structures and tents can be put up no more than two (2) days in advance of the event and removed from the property, unless it is to be stored in a permanent structure located on the site, no more than two (2) days after the event for which they are first set up.

(ii) Areas outdoors for this use shall not exceed twenty thousand (20,000) square feet of the minimum lot size for the zone in which it is located and be located entirely within the area depicted on the approved site development plan. The Commission may require fencing or other methods to contain outdoor activities to the designated areas.

(iii) The hours of operation may be extended based on the nature and timing of each event if the applicant can demonstrate using the same steps in Section 6.23.3 above, that there will be no adverse impact on the neighborhood. Under no circumstance shall the hours be extended earlier than 7:30 a.m. or later than 11:00 p.m.

(iv) The maximum attendees at a private events limited to two hundred (200) attendees.

(4) Open Public Promotional Events: These are events open to the general public and subject to the following provisions:

(i) There shall be no private events held on the same day as promotional events.

(ii) A promotional event shall not exceed three (3) days in duration.

(iii) May require the use professional traffic control.

(iv) There shall not be more than ten (10) events a year

6.23.5 Regulation of Use:

(1) As part of an approval for a farm tourism site plan, the Commission shall approve the location on the property that will be devoted to farm tourism as depicted on the approved site development plan;

(i) The location and size shall be dependent upon the potential impact to the surrounding land uses and public infrastructure. The standards set forth in Section 6.23.3 above, shall be the criteria by which potential impacts shall be determined acceptable or unacceptable, in addition to/in lieu of the standards of Section 5.A.7 of these Regulations.

(2) The distance of farm tourism uses that contain or have site lighting in accordance with Article 3.16 of these Regulations

(3) For site where there will be less than ten thousand square feet (10,000 sq. ft.) of disturbance that would not have to provide a soil and erosion control plan in accordance with Section 30, the utilization of appropriate mitigation methods as outlined in the "2004 Connecticut Guidelines for Soil Erosion and Sediment Control," as the same may be amended from time to time, shall be employed to reduce potential impacts of soil erosion and sediment.

(4) The utilization of appropriate mitigation methods as outlined in the "2004 Connecticut Stormwater Quality Manual", as the same may be amended from time to time shall be employed to reduce potential impacts of stormwater.

(5) Sound systems used at outdoor or indoor events shall comply with the State of Connecticut DEEP noise standards with regard to maximum decibel output (55 db daytime/45db night time at least one (1) foot beyond the property line of the property on which the emitter is located). No outdoor music shall be played before 10:00 A.M. or after 9:00 P.M. Sunday through Thursday, or before 11:00 A.M. and after 11:00 P.M. on Friday & Saturday.

6.23.6 Procedure:

(a) In granting a Special Permit for farm tourism, the Commission shall specify the type of accessory uses and the conditions upon them that will be allowed within the farm tourism area which they have approved on the site plan.

(b) If a violation of the Special Permit is found, a warning shall be issued. Two (2) violations within a year shall be grounds for review by the Commission of the Special Permit for farm tourism. If the Commission finds the violations create an impact that relate to the criteria in Section 6.23.3 that did not exist at the time of approval, then it may initiate legal procedures to revoke the Special Permit approval.

(c) Application Requirements:

(1) The required Statement of Use shall include the following information:

(i) The proposed uses for the property;

(ii) The proposed hours of operation, and days of the week for each use proposed;

(iii) The anticipated periods or seasons (approximate dates) the uses will occur for each proposed use; and

(iv) The Statement of Use shall become a part of any Special Permit approval for a Farm Accessory use, and any permitted uses shall be operated in accordance with the provisions of the Statement of Use as approved by the Commission.

(2) The required site plan shall show the following information in addition to that required by Article 5.C of these Regulations:

(i) The areas devoted to farming versus farm tourism shall be depicted;

(ii) The areas to be used for specific farm tourism uses within the farm tourism area shall be noted;

(iii) Uses that are periodic or seasonal should be noted so that the Commission can determine if areas are capable of having multiples uses throughout the year;

(iv) Lighting meeting the requirements in Section 3.16 of these Regulations.

(3) When new buildings and/or structures are to be constructed or modification to the exterior of any existing building or structure, architect prepared floor plans and building elevations shall be required.

(i) The application shall include drawings which will demonstrate that the proposed design will have desirable and compatible characteristics of the development existing in the surrounding area of such building/structure.

(ii) Such similar and compatible characteristics shall include, but not be limited to, consideration of building bulk size, architectural features including windows/doors and façade lengths and heights as well as building finishes, lighting fixtures design and signage; and overall site design including landscaping.

FOR DISCUSSION PURPOSES ONLY

From: [Nicole Palazzo](#)
To: [DeCarli, Jeremy](#)
Subject: East Haddam Regulations
Date: Sunday, July 30, 2023 4:04:33 PM

CAUTION:

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Remember to hover over any links and if you suspect the email is not legitimate or a phishing email, please contact Tom McMahon at x3363.

Hey Jeremy!

I believe this is the zoning requirements for East Haddam in regards to a wedding venue being an accessory to a farm. We do grow hay on our farm for a local farmer. We can discuss further tomorrow but wanted to send this over prior.

Thanks!
Nicole

This electronic message is a public record as defined by the Connecticut Freedom of Information Act Section 1-200(5). A copy of this message and any reply will be retained by the Town of East Hampton and will be accessible to the public unless exempted by law.

SECTION 7 GENERAL REQUIREMENTS

7.1. Accessory Buildings or Structures: Accessory buildings or structures shall be subject to the height and yard requirements for the zone in which such building or structure is located. Accessory buildings may be used for dwelling purposes provided that the total number of family units is not greater than permitted by these Regulations for the subject zone, and provided also that the living space, floor area, and lot area per family unit shall not be less than permitted by these Regulations for the subject zone. In addition, occupancy of an accessory building which is accessory to a commercially-operated farming enterprise and which is used by one or more full-time hired hands for sleeping only shall be allowed, as per Section 10.1.4.9 of these Regulations.

Accessory Uses to Agriculture: The following activities are recognized as a normal part of agriculture uses and are therefore allowed as a Permitted Use: 1) retail sale of agricultural products produced on a Farm, including dairy products, vegetable, fiber, poultry, beef, and other customary, agricultural products. No less than twenty-five (25) percent of the products (both by volume and by product type) shall be raised or produced on the Farm. The maximum square footage of a Farm Stand, including both enclosed and outdoor display areas, shall be seventy-five (75) square feet for each acre of land on the same lot with the Farm which is under cultivation.

Other activities that may have greater public participation such as corn mazes, horse shows, seminars/meetings, a tasting or sampling room, on site tours for the public to see the operation or production of the product, training and lessons for individuals, public events (such as rentals for weddings, showers, etc.), and artist exhibitions shall require a Special Exception Review and approval as an accessory use by the Planning and Zoning Commission. Such activities are to be complementary and subordinate to the principal agricultural use. The Commission will be reviewing the proposed frequency of events, event traffic, parking, lighting, noise levels, and the sanitation facilities needed. The accessory activities may be permitted as a Special Exception provided the activity is in harmony with the surrounding properties with respect to scale and density of development, shall not depreciate surrounding property values, and shall blend with the historical character of surrounding buildings and landscape.

7.2. Auto Courts: No auto court shall be constructed or set up unless prior approval is received from the Commission as a Special Exception.

7.3. Buildable Area: For the purpose of determining minimum lot area or parcel size, maximum lot coverage, and maximum building coverage in all zones and districts, including floating zones, the following shall be excluded: the high water level of areas covered by water (such as lakes, rivers, streams, ponds and swamps), as opposed to areas designated as inland wetlands by the East Haddam Inland Wetlands and Watercourses Regulations, but not covered by water.

7.4. Building Coverage: No building or buildings shall occupy in the aggregate a greater percentage of lot area than indicated under the heading "Building Coverage" in the tables applicable to the district or zone in which such building is located.

7.5. Camper Coaches or Travel Trailer: No camper or travel trailer shall be used as a permanent or seasonal dwelling unit.

7.6. Child Day Care Center - Subject to the approval of the Planning and Zoning Commission as a Special Exception following Site Plan Review and meeting the following criteria: (1) A minimum of one space for every three children shall be provided with a minimum of ten spaces provided for any site. (2) Site requirements should show access road and adequate loading and turn around area in the parking area. (3) If any nourishment is going to be provided it should be stated on the site plan. (4) Play area and accessory uses shall be located to the rear of the

From: [Woessner, Dennis](#)
To: [pbz-counter](#)
Subject: RE: PZC Text Amendment 12.6.2023
Date: Wednesday, November 8, 2023 12:24:39 PM

I have reviewed the proposed amendments to Section 8.8.C and I have the following concerns:

1. I believe the ordinance should specify the farm needs to be a certain size to get an approval. You could have a farm classification on a smaller lot, which could create parking and noise issues if an event such as a wedding is held vs a farm that has 10 acres.
2. There is no mention how they would mitigate the noise, amplified vs non-amplified.
3. What are the acceptable decibel levels of the noise
4. We don't have a decibel level meter to monitor this
5. Would there be limited hours for this approval. Such as the wedding could not go past a certain time

Best regards,

From: pbz-counter <pbz-counter@easthamptonct.gov>
Sent: Wednesday, November 8, 2023 9:44 AM
To: Walsh, Matthew <mwalsh@easthamptonct.gov>; Woessner, Dennis <dwoessner@easthamptonct.gov>; Liz Davidson <liz.davidson@chathamhealth.org>; Fire Marshal <firemarshal@easthamptonct.gov>
Cc: Town Planner <planner@easthamptonct.gov>
Subject: PZC Text Amendment 12.6.2023

Good Morning,

Our department has received an application for proposed zoning regulation amendments to Section 8.4.C of the East Hampton Zoning Regulations. These changes are proposed in order to allow Accessory Uses to Agriculture.

Planning & Zoning Commission scheduled a public hearing on December 6, 2023 for the application.

Attached, please see proposed text amendment.

Please forward any comments you have for the Commission. If you have any questions, please feel free to reach out.

Thank you and have a great day.

Cheryl Guiliano
Office Technician/Building & Land Use

1 Community Drive
East Hampton, CT 06424
Tel: 860-267-9601

Hours: Mon, Wed, Thurs 8:00 am – 4:00 pm
Tues 8:00 am -6:30 pm
Friday 8:00 am – 12:30 pm

This electronic message is a public record as defined by the Connecticut Freedom of Information Act Section 1-200(5). A copy of this message and any reply will be retained by the Town of East Hampton and will be accessible to the public unless exempted by law.

This electronic message is a public record as defined by the Connecticut Freedom of Information Act Section 1-200(5). A copy of this message and any reply will be retained by the Town of East Hampton and will be accessible to the public unless exempted by law.



Lower Connecticut River Valley Council of Governments

145 Dennison Road Essex, CT 06426 | +1 860 581 8554 | www.rivercog.org
Regional Planning Committee

November 14, 2023

Mr. Ray Zatorski, Chairman
East Hampton Planning & Zoning Commission
1 Community Drive
East Hampton CT 06424

SUBJECT: Proposed Regulations regarding Agricultural Accessory Uses
Petitioner: Nicole Palazzo

Dear Mr. Zatorski:

Pursuant to Section 8-3b of the Connecticut General Statutes, the East Hampton Planning & Zoning Commission has referred the referenced petition to the RiverCOG Regional Planning Committee for review for intermunicipal impacts. The language recognizes a common theme, the need to allow agricultural operations to seek other forms of income in order to remain financially viable. This proposal provides regulations that will allow events to be brought to farms that will be impacted by this new language. The petitioner reports that standards have been designed to allow ultimate control by the Planning & Zoning Commission to react to applications on a case-by-case basis. These comments are provided for the consideration of the East Hampton Planning & Zoning Commission at its public hearing which is scheduled to commence on Wednesday, December 6, 2023.

Intermunicipal Impacts

After review of the proposed regulation change, planning staff of the RiverCOG Regional Planning Committee has found that there will likely be no significant intermunicipal impacts if the regulations were to be adopted as proposed. That said, whenever the Commission is presented with an application to allow events at a farm that is close proximity to properties in neighboring towns, members should keep an extra level of protection in mind as the details of the application are considered. Typical adverse impacts could include, but are not limited to, noise from musical events, both in volume and duration, and congestive traffic on smaller rural roads.

Thank you for the opportunity to provide this report for intermunicipal impacts. If there are any questions, please don't hesitate to contact us at (860) 581-8554.

For the Committee,

J. H. Torrance Downes
Deputy Director, LCRVCOG

Copy to:

Janice Ehle-Meyer, Staff, RiverCOG Regional Agriculture Counsel

RiverCOG

From: [Janice Ehlemeyer](#)
To: [pbz-counter](#)
Subject: RE: Text Amendment
Date: Tuesday, November 21, 2023 3:16:18 PM

CAUTION:

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Remember to hover over any links and if you suspect the email is not legitimate or a phishing email, please contact Tom McMahon at x3363.

Cheryl,

Thanks much. The Regional Agriculture Council will agree that denying or requesting that the application be withdrawn would be a chance to rework this application and come to a more complete application.

Thank you,
Janice

Janice Ehle/Meyer

RiverCOG
145 Old Dennison Road, Essex, CT 06426
(860) 581-8554
jehlemeyer@rivercog.org

From: pbz-counter <pbz-counter@easthamptonct.gov>
Sent: Tuesday, November 21, 2023 2:46 PM
To: Janice Ehlemeyer <JEhlemeyer@rivercog.org>
Subject: Text Amendment

Good Afternoon,

See attached memo we discussed.

Thank you,

Cheryl

This electronic message is a public record as defined by the Connecticut Freedom of Information Act Section 1-200(5). A copy of this message and any reply will be retained by the Town of East Hampton and will be accessible to the public unless exempted by law.

This electronic message is a public record as defined by the Connecticut Freedom of Information Act Section 1-200(5). A copy of this message and any reply will be retained by the Town of East Hampton and will be accessible to the public unless exempted by law.

From: [Michael Kowalczyk](#)
To: [Michael Kowalczyk](#); [Janice Ehlemeyer](#)
Cc: [pbz-counter](#)
Subject: Re: East Hampton Accessory Uses for Agriculture
Date: Thursday, November 16, 2023 10:24:09 AM

CAUTION:

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Remember to hover over any links and if you suspect the email is not legitimate or a phishing email, please contact Tom McMahon at x3363.

Hi Janice,

It's a pretty straight forward application. A resident would like to host gatherings at her farm, and is proposing a new zoning category to allow this. The text amendment would allow a farm owner to apply for a special permit.

The text amendment, if adopted, would allow the P&Z commission to issue the farm owner a special permit to allow such events, reviewing issues such as sanitation/porta-potty placement, parking, and noise, and set conditions such as hours of operation, number of gatherings, allowing/prohibiting amplified music, etc, based on that particular site's conditions.

The resident initiated the application for the text amendment and provided a draft text. A public hearing was set at our November meeting to consider the application next at our December meeting, I believe.

The full application is here, under 6A. [11.1.2023 PZC Regular Meeting | easthamptonct](#)

-- Mike Kowalczyk

On Monday, November 13, 2023 at 11:30:29 AM EST, Janice Ehlemeyer <jehlemeyer@rivercog.org> wrote:

Mike –

I see that East Hampton has an application to add “Accessory Uses to Agriculture” in Section 8.4.C:10

Can you tell me a little bit about that? We are having a Regional Agriculture Meeting on Thursday, Nov 16th and would like to add this to our agenda.

Give me a call if you get a chance or email please.

Thanks,

Janice

Janice Ehle/Meyer

RiverCOG

145 Old Dennison Road, Essex, CT 06426

(860) 581-8554

jehlemeyer@rivercog.org

This electronic message is a public record as defined by the Connecticut Freedom of Information Act Section 1-200(5). A copy of this message and any reply will be retained by the Town of East Hampton and will be accessible to the public unless exempted by law.

SOUTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS
5 Connecticut Avenue, Norwich, Connecticut 06360
(860) 889-2324/Fax: (860) 889-1222/Email: office@seccog.org

(Via electronic mail)

December 1, 2023

Cheryl Guiliano
Office Technician/Building & Land Use
1 Community Drive
East Hampton, CT 06424

Dear Ms. Guiliano,

I am writing in response to an application for regulation amendments for the Town of East Hampton. The application was received on 11/2/2023. The application was referred to this agency pursuant to Section 8-3 of the Connecticut General Statutes.

The proposed amendments include changes to Section 8.4.C of the East Hampton Zoning Regulations to allow accessory uses to agriculture by special permit and site plan review.

Based a review of the material provided, I have determined that the proposed amendments are not likely to have a negative inter-municipal impact.

If you have any questions, please contact me at 860-889-2324.

Sincerely,



Nicole Haggerty
Planner II
nhaggerty@seccog.org

Member Municipalities:

Bozrah * Colchester * East Lyme * Franklin * Griswold * Borough of Jewett City * City of Groton * Town of Groton * Lebanon * Ledyard * Lisbon * Montville * New London * North Stonington * Norwich * Preston * Salem * Sprague * Stonington * Stonington Borough * Waterford * Windham

*If language assistance is needed, please contact SCCOG at 860-889-2324, office@seccog.org.
Si necesita asistencia lingüística, por favor comuníquese a 860-889-2324, office@seccog.org.
如果您需要语言帮助, 请致电860-889-2324或发送电子邮件至 office@seccog.org.*

Proposed Addition to Section 8.4

The following is proposed to be added to Section 8.4:

8.4.O. Agritourism

1. Purpose: The purpose of this section is to encourage the preservation of agricultural land in the town of East Hampton through the use of agritourism. Agritourism is a way to decrease the financial hardships small farms experience while increasing the ability to have a positive impact on the town surrounding them.

A. Agricultural Accessory Uses: Agricultural-related accessory use can be events that are accessory to and have a logical nexus with the existing agricultural operation. These events can include, but are not limited to horse shows, seminars/meetings, on-site tours for the public to see the operation or production of farm products, pick your own events, trainings/lessons or other accessory agricultural uses. A zoning permit is required for agricultural accessory uses.

B. Non-Agricultural Accessory Uses: Non-agricultural accessory uses may include public or private events and activities that use the property but are not directly accessory to agriculture. This event may include, but are not limited to outdoor recreation events, weddings, private parties, banquets etc. A special permit is required for non-agricultural accessory uses.

2. Standards: All properties that participate in agritourism must follow the following standards below:

A. Property: The property must be classified as farmland land with the East Hampton Assessor's Office under PA 490 and contain a minimum of 10+ acres of land. A single property, or adjacent properties under common ownership totaling more than 10 acres may satisfy this requirement.

B. Occupancy: The commission may specify the maximum number of attendees permitted for any event category based on size of site, parking availability, type of event, impact on surrounding neighborhood, site conditions and public health/safety concerns.

C. Sound: Events may have outdoor amplified sound within State Statutory limits provided that such amplified sound terminates no later than 10 pm Monday-Saturday and 9:30pm on Sunday. The applicant shall include sound attenuation details as part of application submission.

D. Parking: Off-street parking shall be provided as required in the Zoning Regulations. No parking area shall be located less than one hundred (100') feet from a public highway, and where located less than one hundred (100') feet from any other property line shall be protected by a landscaped buffer strip not less than forty (40') feet wide.

G. Site Plan: A site plan must be submitted showing the location of events, any temporary facilities, parking, sanitary facilities, and any other pertinent details, along with a narrative description of proposed events, which would be helpful for the Commission in making its decision in allowing a special permit.

Nicole Palazzo
Draft: 1/1/24

Farm related definitions:

Accessory Farm Businesses (AFB): An accessory farm business, as identified in [Section 5.2.14](#), is a farm business located within the boundaries of a farm property that has a minimum of twenty-five (25) acres of which a minimum of five (5) acres shall be for the growing of produce or crops or pasture for farm animals. AFBs shall be operated as part of a farm based on the filing of an IRS Schedule F 1040 approved by the Assessor.

Farm. A farm shall equal at least five (5) contiguous acres of land or more under one (1) ownership under cultivation or used for livestock and poultry and may contain buildings which are mainly used for and incidental to farming, and may include a single-family home for the farm owner or farm caretaker and/or accessory apartments for farm workers within any accessory structure. The number of accessory apartments shall not exceed two (2) units in addition to the Single-family home. Each accessory apartment shall not exceed fifty (50) percent of the size of the accessory building in which it is located or a maximum of seven hundred fifty (750) square feet per unit. A Zoning Permit for any accessory apartment shall be submitted to the ZEO for approval. An IRS Schedule F 1040 form shall be filed annually and approved by the Assessor in order to be considered a farm.

Farm, Commercial Livestock. The keeping of livestock for breeding, boarding, and/or instruction for commercial purposes, and in accordance with [Section 5.1.4](#) of these Regulations.

Farm, Commercial Poultry. A farm for the keeping of poultry over two hundred fifty (250) birds in accordance with [Sections 5.2.13 and 18.21](#) of these Regulations.

Farm-to-table Cuisine. The serving of local food at restaurants and school cafeterias, preferably through direct acquisition from the producer which might be a winery, cider mill, brewery, fishery, or other type of food producer which is not strictly a "farm."

Farm Winery, Cider Mill and other similar farm fruit facility. Any place or premises, located on a farm with land area that equals five (5) acres or more provided a minimum of two (2) acres of the parcel shall be used for the growing of grapes, or other fruit, for which wine or other fruit drink is manufactured and sold in accordance with [Section 18.18](#) of these Regulations. Such wineries are permitted in R-120, R-80, R-60, R-40, C-1, PI, RC, TRD, the Preston City Village District, and Poquetanuck Village District.

Farm Vineyard, Winery, Cider Mill and other similar farm fruit facility - Large Acreage. Any place or premise located on a farm with land area that equals at least twenty-five (25) acres or more provided there is a minimum of five (5) acres of planted vineyard or orchard or more for which wine or other fruit drinks are manufactured and sold in accordance with [Section 18.19](#) of these Regulations. Such winery with vineyard and cider mills with orchards are permitted in R-120, R-80, R-60, R-S, R-40, C-1, PI, RC, TRD, the

Preston City Village District, and Poquetanuck Village District by special exception pursuant to [Section 18.19](#) of these Regulations.

Farming. The act of cultivation of land for the growing of vegetables, grains, grasses, trees, herbs, fruit, or other horticultural products; the raising of livestock, farm animals, poultry and birds, the producing of milk, and other similar pursuits except gardens, livestock or fowl grown mainly for home use and in accordance with [Section 5.1.5](#) and 5.1.6 of these Regulations shall not be classified as farming.

Excerpt regarding farm uses and farm businesses

Permitted use:

5.1.3 Farm including seasonal and other accessory farm businesses, such as, corn mazes, farm rides, and similar, not listed in [Section 5.2.14](#) of these Regulations.

Special Exception uses:

5.2.14 Accessory Farm Businesses (AFB) as noted here within, provided such farm property has a minimum of twenty-five (25) acres of which a minimum of five (5) acres shall be for the growing of produce or crops or pasture for farm animals. AFBs shall be operated as part of a farm based on the filing of an IRS Schedule F 1040 approved by the Assessor. All ASBs shall have adequate off-street parking designed with an acceptable pervious surface. AFBs shall have adequate screening to any adjacent residential property.

- a) **Farm Catering and Banquet Facility.** Farm-to-table cuisine made from local ingredients that may be served on or off site and include:
 1. **Closed Farm Banquet Events.** These events are not open to the general public, such as weddings, private parties, and similar provided:
 - i. Alcoholic beverages may be served provided a valid liquor license is obtained in accordance with the CGS.
 - ii. There shall be no more than three (3) such events per week. At the discretion of the Commission, the number of events may be reduced based on a determination of the facility's compatibility with the capacity of the road, density of the neighborhood and other quality of life concerns.
 2. **Special Public Farm Promotional Events.** These events are opened to the general public, as follows:
 - i. Six (6) events are permitted throughout a calendar year.
 - ii. Farm to table meals, finger foods and/or pastries may be served for such events. A farm to table meal is defined as a diversified selection of food of which some of the produce or meat must be grown or raised on the farm.
 3. **Event Permits.** At least fourteen days prior to such event, a Zoning Permit application shall be submitted to the Zoning Enforcement Officer, who shall

send copy to the First Selectman. The applicant shall provide the type of event(s), date and number of estimated guests. The Zoning Enforcement Officer may deny the request to conduct the event if the application is not filed timely or lacks the information required herein.

4. **Closed Farm Banquet Events and Special Public Farm Promotional Events.** Such events shall not occur on the same day.

- a) **Retail Farm Building for the sale of farm products and other accessory farm products** provided that fifty percent (50%) of the products are produced on the premises or are farm produce such as vegetables, fruit or dairy products. The building shall not exceed five thousand (5,000) square feet. The availability of food from outside vendors is permitted provided a vendor permit is obtained from the Zoning Enforcement Officer. There shall be no fee for such vendor permits.
- b) **Farm to Table Public Restaurants** may be permitted by the Commission provided:
 - i. There are no more than forty (40) seats.
 - ii. There shall be a farm connection by either providing some of the produce or meat grown or raised on the farm and provides the theme for the restaurant.
 - iii. Alcoholic beverages may be sold on the premises provided a valid liquor license is obtained in accordance with the CGS.
- c) **Sale or Repair of Farm Equipment** for commercial purposes provided the repair and/or retail area is located within a farm building and the retail area may not exceed five thousand (5,000) square feet.
- d) **Historic Country Inn**, as defined in Section 18.22, and provided the Inn involves the use of an historic structure (and any addition thereto) as identified in the Historic Inventory prepared by the Preston Historical Society.
- e) Tack Shop provided the building does not exceed 5,000 square feet.

5.2.14.1 **Accessory Farm Business Renewal Permit.** A renewal permit is to be submitted March 1st of each year and is obtained from the Zoning Enforcement Officer. Said renewal permit is comprised of three (3) components, as follows:

- a) Review for compliance with the original special exception issued by the Commission.
- b) Notification of IRS Schedule F 1040 approval by the Assessor.
- c) Verification that a minimum of five (5) acres are being used for the growing of produce, crops or pasture for and with farm animals and/or livestock.

If such renewal permit is not submitted or if the Zoning Enforcement Officer finds that the terms of the special exception are not being met and/or the property is not verified as a farm based on the IRS Schedule F 1040, the ZEO shall not renew the permit due to non-compliance