

Good evening commissioners. We have once again updated some of the features of our proposal. The following are changes and clarifications that we have made:

- The farm store/tasting room revised hours open to the public have been changed to a maximum of 18 hours a week, 3 six hour days. Only one day will be open until 7 pm and no days will be open later than 7 pm. We envision these hours as one weekday 1 pm to 7 pm and weekends noon to 6 pm; most likely Friday 1-7, Saturday 12-6 and Sunday 12-6.
- The lighting for the cider barn will only be as required by the building code. No large flood lighting is necessary.
- All outdoor music will be acoustic only and all amplified music will be inside.
- No food trucks

I also want to clarify the current production on our farm. Section 10.f.2 of the Cornwall P&Z regulations state "Food-based farm products and fiber processing facilities with or without room for product display, sale and tasting where there is a minimum of five (5) acres of agricultural produce planted on site. This includes, but is not limited to, a farm winery or brewery." Our farm on 142 Town st currently has: 3.2 acres of apples, peaches, raspberries, vegetable gardens, and greenhouses. This includes over 40 apple trees, 15 apple pippins and 90 grafted apple trees in our nursery. These fields have been in production for over 40 years, and some of the apple trees are older than me. 350 apple trees will be planted this spring, covering over 2 acres, prior to the opening of the barn. A planting of similar size will also happen in the spring of 2025. There are also two hay fields over 12 acres and 15 acres of maple sugar bush. Additionally, we rent or have access to over 18 acres of apple, vegetable, hay, and maple production around Cornwall. This totals over 36 acres of production on 142 Town Street as well as 18 acres of production off site.

We continue to feel that this proposal fits entirely into the 2020 Cornwall Plan of Conservation and Development, as specifically illustrated in our previous presentations. Additionally, on page 7, the following goal is written: "Promote our natural resources to attract visitors and create new business opportunities." An action laid out to achieve this goal is: "Support businesses that provide gathering places for residents (i.e. Food, beverage, dancing, music, etc.)" On page 8 is the goal: "Support agriculture and farm businesses", with the action of "Ensure Cornwall's zoning remains responsive to changes in agriculture and the needs of farm businesses." These sections of the POCD further highlight some of the many ways in which this proposal aligns with the town plan, as we have continued to exemplify throughout the entirety of this process.

In closing, I believe that we have presented an application that fits into the Cornwall Planning and Zoning regulations and is encouraged in both the Cornwall Plan of Conservation and Development. Current Connecticut agricultural regulations allow this type of farm wineries, cideries and farm stores, which are increasing throughout the state. We will comply with all relevant local, state and federal laws and regulations. Thank you.

*read into
recon*

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December 12, 2023

Ms. Anna Timell, Chairman
Planning & Zoning Commission
Town of Cornwall
26 Pine St.
PO Box 97
Cornwall, CT 06753

Re: Special Permit #257, Jayne & Gordon Ridgway, owners / Ian Ridgway and Jayne Ridgway, applicants, farm cidery and farm store and detached accessory apartment, 142 Town Street

Dear Chairman Timell and Commission:

I have reviewed the application, plans, written statements, and reports submitted by Ridgway's. I have made two site visits to the property, attended the opening public hearing, September 12, 2023, continued public hearing, September 26, 2023, and viewed the continued public hearing, November 24, 2023, on YouTube. I have reviewed the Cornwall Zoning Regulations and Plan of Conservation & Development 2020. I have the following comments:

1. Ian Ridgway's written statements submitted regarding the proposed farm cidery and farm store demonstrate compliance with Article 10 Section 10.5.f, Agricultural & Accessory uses. Section 10.5.f specifically mentions food-based farm products sales and tastings for farm wineries and farm breweries where there is a minimum of 5 acres of agricultural produce planted on site. The Ridgway farm currently exceeds 5 acres of agricultural produce and with the Commission's approval of the Farm Cidery will implement his plan for 5 acres of apples for the cidery.
2. The Site Development prepared by William Colby, P.E., demonstrates compliance with the Site Plan requirements listed in Article 8 Section 8.2.c the Zoning Regulations.
3. The proposed detached accessory apartment meets the specific requirements of Section 10.1, Accessory Apartments and Apartment Uses.

4. The Ridgway's have received preliminary approvals from the Fire Marshal, Building Official and the Torrington Area Health District for the farm cidery and farm store and detached accessory apartment.
5. The Farm Cidery will require a manufacturing permit from the CT Department of Consumer Protection for the manufacture of cider per CGS 30-16 (d). This Permit will allow the offering and tasting of free samples of cider as well as the sale at retail from the premises of cider by the glass and bottle to visitors on the premises for consumption on the premises.
6. In my opinion the proposed uses and plans are consistent with the Plan of Conservation & Development 2020. The Ridgway's applications are consistent with Sections on Economic Development, Housing, Natural Resources and Protecting Community Culture & Youth Resources.
7. Concerns were raised about property values that may be affected by the Commission granting this special permit proposed farm cidery and farm store use. There should be no affect what-so-ever on neighboring property values. No expert testimony to the contrary has been submitted.
8. I believe that the proposed use will be in harmony with the character of the neighborhood. The property will continue to be a farm and will generate very little traffic. The minimal hours of operation 3 days per week will not be detrimental in any way to the neighborhood or adjacent properties.

In summary, it is my professional opinion that the Planning & Zoning Commission can make a finding, based on the application, plans and documents submitted, that the Ridgway's application for a farm cidery and farm store and detached accessory apartment use at 142 Town Street, meets the specific requirements of Article 10 Sections 10.1 and 10.5.f and the general requirements of Article 8 of the Regulations. The application proposals can be found consistent with the Plan of Conservation & Development 2020.

Sincerely yours,

Martin J. Connor

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CURRICULUM VITAE: Land Use Planning Consultant

QUALIFICATIONS

Over 35 years of experience in the field of land use, involving land use planning, zoning, inland wetlands, floodplain management, building, contracting and private development work.

EDUCATION

- 1970-1975 B.S. Degree, Business Management, Wayne State University
- 1994 University of Connecticut, Zoning Enforcement Officer Certification Program (CAZEO)
- 1999 Certified as Member, American Institute of Certified Planners (AICP)
- 1999 National Emergency Training Center, Emergency Management Institute, Managing Floodplain Development through the NFIP
- 1997& 2000 State of Connecticut, DEP, Wetlands Management Section, Municipal Inland Wetlands Training Program.

EXPERIENCE

1990 to date Principal, Martin J. Connor, AICP, Planning Consultant
Providing land use planning, zoning, inland wetlands & floodplain management consulting services for Towns in the Northwest corner of Connecticut, private clients and developers. Planning, zoning & inland wetlands consultant for the Town of Warren, 1990-1999, Town of Goshen 1994 to present. Presently consulting as needed for Towns of New Hartford and Barkhamsted. Serving as Land Use Consultant for the Lake Waramaug Association.

1999 to 2022 City Planner, City of Torrington
Retired January 2022. Served 22 years as Land Use Department Head reporting to Planning and Zoning Commission and Mayor. Directed, administered and coordinated all planning, zoning, inland wetlands, floodplain activities for the City of Torrington. Was responsible for continuing development and refinement of municipal plans and programs, conducting studies and preparing

12/12/2023

recommendations in the areas of zoning, transportation, economic development and housing.

- 1994-1999** Land Use Administrator, Town of Litchfield
Administered and coordinated all planning, zoning, inland wetlands, floodplain and Zoning Board of Appeals activities within the Town of Litchfield. Zoning and Wetlands Enforcement Official for Town.
- 1989-1994** Zoning and Wetlands Enforcement Official, Town of Kent
Administered and coordinated all planning, zoning, inland wetlands and Zoning Board of Appeals activities.
- 1992-1994** Zoning and Wetlands Enforcement Official, Town of Washington
Administered and coordinated all planning, zoning, inland wetlands and Zoning Board of Appeals activities for the Town of Washington.
- 1992-1994** Zoning and Administrator, Town of New Hartford
Administered and coordinated all planning, zoning, and Zoning Board of Appeals activities for the Town of New Hartford.
- 1987-1992** General Partner/Manager, CBS Development/Beecher Construction. General Partner of land Development Corporation and manager for custom home, commercial building and home renovation business.

AWARDS/SERVICE

CT Federation of Planning & Zoning Agencies Lifetime Achievement Award
Named 1997 Connecticut Statewide Inland Wetlands Agent of the Year by
CT Association of Conservation and Inland Wetlands Commissions, Inc
Past President Connecticut Association of Zoning Enforcement Officers
Charter Member of Connecticut Association of Wetlands Scientists
Member CT Chapter of the American Planning Association, Currently serving
on their Awards & Legislative Committees
Past President & now serving on Board of Directors, Northwest CT YMCA
DEMHS Long Term Recovery Coordinator for Region 5

Planning for Agriculture

A GUIDE FOR CONNECTICUT MUNICIPALITIES

Emerging Agricultural Trends

2020 EDITION



A PUBLICATION OF **AMERICAN FARMLAND TRUST**
AND **CONNECTICUT DEPARTMENT OF AGRICULTURE**

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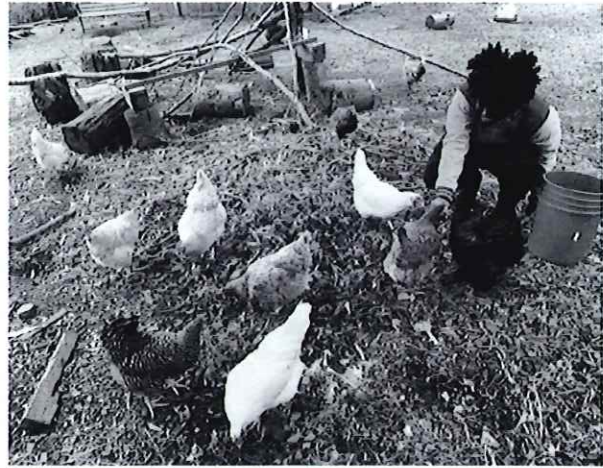
WHAT IS FARMING?

One important step in planning for agriculture is to clearly define what is agriculture and what constitutes a farm. Some municipalities have specified what may be considered a farm through use of acreage minimums or production value thresholds; some communities have a prohibition on specific agricultural activities. Narrow municipal definitions of farm, farming, and agriculture can



adversely affect the viability and sustainability of farms in the community. State law (*see Appendix A, CGS § 1-1(q)*) provides an inclusive definition of farm, farming, and agriculture that can be adopted or referenced by a municipality. It defines agriculture broadly, including dairying, forestry, the raising or harvesting of any agricultural or horticultural commodity, aquaculture, and the training and management of livestock, including horses, bees, poultry, fur-bearing animals, and wildlife. Additionally, farming includes the maintenance and improvement of a farm and its buildings and the handling, packing, processing, storing, or direct sale of any agricultural or horticultural commodity as an incident to ordinary farming operations. A “farm” includes farm and accessory buildings, nurseries, orchards, greenhouses, hoop houses, and other structures used primarily for the raising and, as incidental to ordinary farm operations, the sale of agricultural or horticultural

This diversity in farm operations creates a challenge for towns attempting to regulate them. Rather than treat all operations alike, towns may want to consider the size, nature, seasonality, and impact of farm businesses when establishing farm-related zoning regulations. Because farms tend not to be located in dedicated commercial districts, signage is critical for farm stands and markets that sell directly to consumers. By demonstrating flexibility in sign regulations, a town can help farmers reach new customers. Municipal wayfinding programs can also help promote farms in busier parts of town and direct visitors to agricultural resources. Farm stands also require some measure of flexibility. In bad crop years, farmers often need to supplement their own products with those from other farms. Even in good years, offering a variety of farm products, some of which may come from other farmers in the area, can attract and retain customers looking for



PHOTOS: CITY SEED, NEW HAVEN

commodities. The definition does not establish a size threshold for farms or an income level for agriculture operations. Successful farms can include a residential ¼ lot raising and selling microgreens in a basement or garage, specialty peppers grown in a city community garden plot, to a dairy farm with hundreds of acres in multiple towns.

Towns seeking to foster local agriculture should consider an all-encompassing definition of agriculture that clearly incorporates retail and value-added processing and helps provide flexibility for farm businesses to adapt to future markets and trends. Referencing CGS Sec 1-1(q) in the municipal definition provides some specificity and promotes regional consistency among towns, which can be important to producers farming in more than one town. Towns should seek to limit the distinction between small, limited, or large farms.

a range of product choices. However, some farms are prohibited from doing so by local regulations that require the sale of a certain percentage of on-farm products. Providing some latitude to agricultural operations to sell related or value-added farm products from area vendors, such as wood crafts, textiles, and handmade goods can enhance the retail operation and support the farm.

Agriculturally Related Uses. Adding value to crops or goods produced on a farm is another important way for Connecticut farmers to improve farm profitability. Farmers are looking to add processing facilities to their farm enterprises—such as wineries, bakeries, and kitchens for canning or making food products—to capitalize on local food trends and agritourism. State law includes the processing, packaging, and storing of farm products incident to ordinary farming operations within the state

definition of agriculture (*see Appendix A, CGS § 1-1(q)*). Towns can facilitate the development of value-added products by allowing processing facilities by right on farms or by minimizing the information required for special permit applications. Towns can also develop separate guidelines for farm-based kitchens that are providing limited and seasonal menu items, distinguishing them from large commercial restaurant kitchens. More recently, on-farm breweries, cideries, and distilleries have been authorized to join the momentum developed by the on-farm wineries in Connecticut. These are becoming popular destinations and can create increased interaction between farms and the public in a way that becomes more reminiscent of commercial, retail, or restaurant uses.

Events of limited duration, such as weddings, athletic races, hayrides, corn mazes, and harvest festivals, can add revenue, draw customers, and open new markets. Towns can encourage this type of profitable agricultural enterprise by limiting permits and fees required to hold such farm-related events.

Non-Agricultural Uses. Similar to holding on-farm events, given the seasonal nature of agriculture, farm families often look to supplement farm income with non-farm business opportunities, such as bed-and-breakfasts, antique or gift shops, wedding or special event hosting, or farm and garden equipment repair shops. Consequently, towns seeking to retain local farms could try to accommodate non-agricultural businesses where and when compatible with agriculture. Planning and zoning commissions can waive certain requirements for special permit applications or even allow compatible businesses by right.

Regulating and managing on-farm uses can be a challenge. An unstaffed roadside vegetable stand is a very different use than a winery and wedding venue. A seasonal corn-maze or cut-your-own Christmas Tree operation has different traffic demands than a CSA with narrow and specified pick-up time slots. Municipalities struggling with categorizing the wide variety of farm-related enterprises and non-agricultural uses would be well-served to return to basic principles. The purpose of land-use regulation (zoning, in particular) is to guide the orderly development of a community and to ensure the public health and safety of its residents and visitors.

Accordingly, when defining, categorizing, and regulating on-farm uses (whether core or peripheral to the agricultural function), a municipality should consider the potential *impact* of the use on the neighborhood. Specifically, what is the public interface? What are the hours of operation? What is the likely traffic and parking demand? Will there be noise, lighting, odor, or other neighbor impacts? Are new structures required? If the proposed use is very low impact—e.g., a small roadside stand for fruits and vegetables—an extremely quick and simple permitting system should apply. If the proposal is complex and higher-impact—e.g., an on-farm brewery

with a tasting room, the submission of a full-site plan and impact analysis might be appropriate. The Rhode Island Department of Environmental Management published a document for “Community Guidance to Maintain Working Farms and Forests” that contains useful approaches to identifying and properly calibrating regulations for these different use categories.

Agricultural Structures. Flexibility in regulations governing agricultural structures is another area where towns can be supportive of agriculture. Structures needed for farming operations present challenges to traditional regulations as they are often unlike other commercial buildings. The challenges of climate change adaptation and the changing marketplace often require new and modified structures.

Overlay Zones and Agricultural Zones. Agricultural zones, or agricultural overlay zones, are zoning tools that can help mitigate problems between farms and non-farming neighbors, reduce the footprint or impact of new development on farmland, and identify priority farming areas in which certain zoning provisions are waived or instituted. An agricultural zone, like other zoning designations, is a district identified on a town map within which certain uses are allowed or prohibited. Typically, an agricultural zone limits the type of nonagricultural development allowed. Exclusive agricultural zones are not often used because of their negative impact on land values. An agricultural overlay zone, on the other hand, augments existing zoning regulations. The underlying district requirements remain in effect except as specifically modified by the overlay zone. Overlays are not restricted by the borders of existing zoning districts and can be drawn to span multiple underlying zoning districts. Typically, overlay zones are identified and delineated on the basis of productive agricultural soils and contiguous areas of active farms.

Agriculture zones or overlay zones are one way in which a town or city can allow by right additional agriculture-related or compatible non-agricultural business uses. Towns may limit the expansion of infrastructure, such as roads and sewers, into the zone to reduce development. Zones can be used to institute additional development guidelines, such as buffers or site plan reviews, that can limit the impacts of new development on neighboring farms. Overlay zones have been used to require cluster development, special permits for subdivisions, or restrictions on what soils can be developed. An agricultural zone or overlay zone can also be the “sending zone” for a Transfer of Development Rights program (*see below*).

Transfer of Development Rights (TDR). A TDR program is another planning tool that can be used to protect farmland. TDR establishes parameters under which the private sector pays for land conservation. TDR programs