East Haddam Planning & Zoning Regulations DRAFT 2023

Discussion about Farm Stores, Wineries, & Breweries

TOWN OF EAST HADDAM Updated 7/19/23

ITEMS TO CONSIDER WHEN PERMITTING FARM STANDS AND FARM STORES

Intent: To develop a set of regulations that are clear and concise that allows farms to be on a level playing field. This will require time and patience to develop a set of regulations that work. The intent is not to eliminate farm stands but to provide guidance to better market the products grown and raised on the farms. Farm stands were never intended to become convenience stores selling products unrelated to a farm operation.

Step #1 Regulation development will require an understanding of what is allowable from the following entities before regulations are drafted.

Ct Department of Agriculture – research exemptions and how they apply.

Ct Department of Consumer Protection / Cottage Food Operation

Guidelines – Cottage Food Operations require the following; a. an application with the CT Dept of Consumer Protect, b. Private water supply test, c. Qualified Food Operator / Food Safety Course, d. Types of food limited & labeling required, e. Zoning approval as a Home Occupation.

Chatham Health District / Ct Public Health Code

Step #2 Once the rules to play by are better understood, draft regulations can be developed with the input from the following.

Planning and Zoning Commission

Agriculture Commission

Economic Development Commission

RiverCOG Regional Agriculture Council

Area Farmers

Review of other agricultural communities zoning regulations

THINGS TO CONSIDER - PLEASE REVIEW THE OTHER COMMUNITIES' REGULATIONS. IT SHOULD BE NOTED MOST ADDRESS FARM STANDS BUT VERY FEW SPEAK TO FARM STORES

1. **Our Farm Stand regulation section 9.2.10 is very similar to other communities. It allows property owners <u>to sell products grown and raised on the property only</u> and limited to a 200 square foot building. Even allows the building to be closer to the property line than a normal building.**
2. **Farm Stores – Different and potentially larger than a Farm Stand. This is a category that does not exist in the present regulations, but should it be? That doesn't mean that the end regulation will be permitting bakeries, convenience stores, and general store markets.**
    a. **Should there be a minimum acreage of the farm? 5 acres, 10 acres, 20 acres??**
    b. **Should there be a maximum size to the Farm Store? 500 sq ft, 750 sq ft, 100 sq ft. This doesn't include production barns and greenhouses.**
    c. **Should there be a minimum percentage of the product grown or raised on the property? Some communities say between 50% to 100%. Some say within a 25-mile radius of the property. By volume or value?**
    d. **Should all of the items sold have Agriculture or Crafts and Products of East Haddam background. Should a very small percentage allow merchandise such as hats and t-shirts of the farm? Hand made craft and Holiday specialty items?**
    e. **Should any other products be at least Connecticut Grown Farm Products?**
    f. **Should it be on a State Highway or major road?**
    g. **Hours of Operation?**
    h. **Other factors – Parking, sightlines, setbacks, signage, exterior lighting**
    i. **Do we create a separate category for Farm Brewery / Farm Distillery / Farm Winery?**

Items that are not permitted in other communities due to the public health code or uses not permitted in a residential zone.

1. **Prepared foods by the farm beyond what is permitted in the Cottage Food Requirements.**
2. **Hardware - Tools, planting soil & fertilizer purchased commercially.**
3. **Soda, chips, and other purchased food items that are found in a grocery store.**

OTHER REGULATIONS AND STATUTES ARE AT THE END OF THE DOCUMENT.

East Haddam Zoning Regulations (Proposed new in *italics)*
Uses Permitted in Residential Districts R ½, R 1, R 2, R 4

9.2.9 – Agriculture and farming provided it meets the requirements of Section 30 – Agriculture and Agricultural Uses. See Section 30 for specific details for agricultural uses.
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9.2.10 – Farm and garden produce: The display and sale of farm and garden produce raised on a residential property. For such purposes one stand not over two-hundred (200) square feet in area and not more than two signs aggregating not more than twelve (12) square feet in area advertising such produce may be erected. Such stand or signs shall be on the premises and not less than ten (10) feet from any street line.

Uses Permitted in Residential / Resort District - R

9.3.11 – Agriculture and farming provided it meets the requirements of Section 30 – Agriculture and Agricultural Uses. See Section 30 for specific details for agricultural uses.

9.3.12 – Farm and garden produce: The display and sale of farm and garden produce raised on a residential property. For such purposes one stand not over two-hundred (200) square feet in area and not more than two signs aggregating not more than twelve (12) square feet in area advertising such produce may be erected. Such stand or signs shall be on the premises and not less than ten (10) feet from any street line.

Uses Permitted in Residential Lake Districts - L

9.4.9 – Agriculture and farming provided it meets the requirements of Section 30 – Agriculture and Agricultural Uses. See Section 30 for specific details for agricultural uses.

Amendment 9.4.10 – Farm and garden product: The display and sale of farm and garden produce raised on a residential property. For such purposes one stand not over two-hundred (200) square feet in area and not more than two signs aggregating not more than twelve (12) square feet in area advertising such produce may be erected. Such stand or signs shall be on the premises and not less than ten (10) feet from any street line.

IG 2 - Farm (Permitted use), Greenhouse, Nursery, Wholesale Associated with a Farm, Farm Stand

IG 3 – Accessory to Residential Uses See Section 30 for specific details for agricultural uses.

C-3 – Accessory to Residential Uses See Section 30 for specific details for agricultural uses.

C/B/IG – Accessory to Residential Uses See Section 30 for specific details for agricultural uses.

SECTION 30 - AGRICULTURE AND AGRICULTURAL USES

30.1 Purpose - It is the purpose of these Regulations to permit and support agricultural activities within the Town of East Haddam in a way that is compatible with the overall character of existing residential and commercial areas, not to degrade the natural environment, or negatively impact the public health, safety, and property values. These regulations also set minimum standards for keeping of animals that are consistent with best management practices.

30.2 Definitions

Agriculture: Means "agriculture" as defined in Section 1-1(q) of the Connecticut General Statutes as amended: Except as otherwise specifically defined, the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement, or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or clearing land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operation, or the harvesting of mushrooms, the hatching of poultry, or the construction, operation, or maintenance of ditches, canals, reservoirs, or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses, and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term "aquaculture" means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels, and other molluscan shellfish, on leased, franchised, and public underwater farmlands. Nothing herein shall restrict the power of a local zoning authority under chapter 124 of the Connecticut General Statutes.

Commercial Slaughtering Facility: The slaughtering of animals for other than home use by the owner. The slaughtering of livestock and poultry, as an accessory use to a Farm, is permitted, provided that all stock slaughtered are raised on the Farm. The facility is also subject to review and approval of the United States Department of Agriculture (USDA), Connecticut Department of Agriculture, and the Connecticut Department of Health. The facility used to slaughter animals shall be 100 feet from any property line.

The slaughtering of livestock and poultry, as an accessory use to a Farm, is permitted, provided that all stock slaughtered are raised on the Farm. The facility used to slaughter animals shall be 100 feet from any property line.

"Connecticut-Grown" means produce and other farm products that have a traceable point of origin within Connecticut. (b) Only farm products grown or produced in Connecticut shall be advertised or sold in Connecticut as "Connecticut-Grown".

Farm: see Agriculture

Farm Stand: see Accessory Uses to Agriculture

Farm Store: A structure located on a farm and used for year-round sale of agricultural products, the majority of which are produced on the farm.

Feed and Grain: - Food for livestock, mixtures prepared for livestock.

Hobby Farm: – A parcel of property that does not contain enough property to set buildings that house agricultural animals one hundred (100) feet from the front property line and seventy-five (75) feet from the side or rear property line. A Hobby Farm is permitted to raise only two large-bodied livestock; four small-bodied livestock; poultry; and rabbits as a hobby and not for commercial purposes. See Section 30.3.A

Intensive Commercial Farm Operation: includes raising at one time for commercial purposes on the property of more than two hundred (200) poultry, or twenty (20) large-bodied livestock, thirty (30) adult small bodied livestock, one hundred adult rabbits, ten or more adult swine, any Fur-Bearing Animal Farms such as mink and fox, or the requirement to construct a building exceeding a 5,000 square foot footprint.

Large-Bodied Livestock*:* Includes, but is not limited to, bovine animals, horses, reindeer, mules, and other larger hoofed animals**.**

Nursery: Land or greenhouses used to raise flowers, shrubs, and plants for sale. See Greenhouse.

Pigs, Swine, Pigsty*:* Per Connecticut Health Code 19-13-B23(a) "No pigsty shall be built or maintained on marshy ground or land subject to overflow, nor within three hundred feet of any inhabited house or public meeting house upon the property other that of the proprietor of the pigsty." Properties with ten or more adult swine shall be subject to the Agricultural Buffers required for Intensive Commercial Farming operations.

Poultry: Includes but is not limited to domestic fowl such as chickens, turkeys, guinea fowl, pheasant or game birds, ducks, and geese, raised for flesh, eggs, or show.

Retail of crafts and products associated with East Haddam's traditional agricultural heritage: A Principle use ***in the IG District***, or an Accessory Use to ***a*** Farm ***in the residential districts***, for the retail sale of hand-made products at least twenty-five (25%) of which shall be produced on the premises from raw material locally grown or produced, or comparable to raw materials available in East Haddam, such as wood, plants, plant products, minerals, clay, wool, natural dyes, or animal products. Such crafts and products may include, by way of illustration, ornamental planters, ornamental iron work, sign carving, and woodworking.

Presently only allowed in the IG District (Town Street 4-Corners Area). Should it be added to the Farm Store. Need to think about increasing the 25%.

Small-bodied livestock: Sheep, goats, alpacas, llamas, miniature horses and other similar small hoofed animals along with poultry and rabbits.

Signage Non-Residential Uses: On lots containing a farm, church, place of worship, parish hall, cemetery, museum, school, college, university, membership club, philanthropic institution, hospital, recreation facility, nature preserve, wildlife sanctuary, convalescent home, sanitarium, public utility facility, or building, use or facility of the Town of East Haddam, or other non-residential use permitted in residential zones by these Regulations, one (1) sign not exceeding twenty (20) square feet

Tack Store: A Tack Store is an equestrian supply store. These stores are accessory use to the equestrian operation that are directly complimentary to the primary agricultural use and meet the requirements under the standards.

Wholesale Associated with a Farm: An Accessory Use on a Farm for the wholesaling of agricultural products produced on a Farm, including, but not limited to, dairy products, vegetables, fiber, poultry, beef, and other customary agricultural products; but excluding the sale of agricultural equipment, rendering of fat or lard, or other industrial processing of agricultural products not customarily carried on a Farm.

30.3 Permitted Uses

A. Hobby Farms – A parcel of property that does not contain enough property to set buildings that house agricultural animals one hundred (100) feet from the front property line and seventy-five (75) feet from the side or rear property line. Small-bodied livestock, poultry, rabbits - permitted in all Zones and Districts - Structures that house said animals are to be seventy-five (75) feet from the street line and forty (40) feet from the side and rear property line. Hobby farms are permitted to have up to four (4) small-bodied livestock and no more than a total of twenty-five poultry and / or rabbits in aggregate. Hobby farms may have up to two large-bodied farm animals if the structure houses them is seventy-five (75) feet from the street line, forty (40) feet from the side and rear property line, and at least one hundred (100) feet from any existing neighboring residence.

B. Farms with large-bodied animals that don't exceed nineteen (19) adult animals – permitted in all Zones and Districts except the East Haddam Village District and the C-3 District. Structures that house said animals shall be built not less than one-hundred (100) feet from the street line and seventy-five (75) feet from the side and rear property line.

C. Intensive Commercial Farm Operations – permitted in all Zones and Districts by Special Exception Review (See Section 14a and 14b) except in the East Haddam Village District, the C-3 District, and the C/B/IG District.

Agricultural Buffer for Proposed Intensive Commercial Farming Operation For Proposed Intensive Commercial Farm Operations no building or any animal waste storage or treatment area shall be located closer than 225 feet from the street line or 300 feet from any other property line, except that the distance may be reduced to 100 feet when the adjoining property is deeded open space or land physically unsuitable for building purposes, as determined by the Commission. The Commission may also require a 100 foot buffer planted with trees and shrubs from any property line.

D. 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. **Residential property farm stands** are not to be more than two-hundred (200) square feet in area and not have more than two signs aggregating not more than twelve (12) square feet in area advertising the farm products raise on site. Such stands or signs shall be on the premises and not less than ten (10) feet from any street line.

Need to discuss – in conflict with a Farm Stand – 200 sq ft. 75 square feet per acre? 1500 Sq feet for 20 acres, 3000 sq ft for 40 acres and so on.

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.

In a Special Exception Review the Commission will be reviewing the proposed frequency of events, ***hours of operation,*** 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.

1. Farm and Tack Stores

a. 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 agricultural activities. This use is permitted as accessory use to an agricultural operation and should remain subordinate and incidental to the primary agricultural use. This regulation is not intended to limit the growing, producing, or distributing of agricultural products allowed under Connecticut General Statutes Sec. 1-1(q).

b. Farm stores are permitted as an accessory use to an agricultural operation provided at least 50%?, 60%?, 70% of the items offered for sale are products grown or produced on the premises.

Products may be supplemented with products that are grown or produced elsewhere but must be "Connecticut Grown" products.

Any other sales that are directly complimentary to the primary agricultural use are permitted but are not to exceed 5%?, 10%?, 15% of the products and merchandise offered.

This could include the Retail of crafts and products associated with East Haddam's traditional agricultural heritage. Textiles, cloth, fabric, pottery, jewelry, art

c. Tack stores are permitted as an accessory use to an equestrian agricultural operation that are directly complimentary to the primary equestrian agricultural use and meet the requirements under standards.

d. A Special Exception? Site Plan Review? will be required for all applications for a farm or tack store.

e. Dimensional Requirements

1. ***Minimum lot size shall be 5? 10?, 15? acres of owned or leased property.***

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 depending on the site conditions.***

3. ***Farm Store size may not exceed 500 sq ft? (20 ft x 25ft), 1000 sq ft? (25ft x 40 ft), 1,500 sq. ft? (30 ft x 50 ft). The Commission may limit the size and scope of a farm/tack store in relation to the size of the farm based on acreage and production.*** CS 480 BF 280

4. ***The farm store must be located on the property that is actively under agricultural use and a tack store must be located on the property that is actively under an equestrian operation.***

f. Standards

Applicant shall propose hours of operation for the farm or tack store. Maximum hours of operation shall be no more than 8 am to 6 pm? – Sunday thru Saturday.

1. ***Additional screening may be required in order to reduce disturbances to adjacent residential uses.***

2. ***One sign, complying with the requirements found in Section 12.5A.3 shall be permitted. (Not to exceed 20 sq ft)***

3. ***Parking shall be 5 spaces for every 1000 sq ft of retail space per Section 11 – Parking Regulations. No off-site parking is allowed.***

4. ***Applicant shall be in compliance with the Chatham Health District guidelines.***

5. Food trucks and events are prohibited unless otherwise approved by the Planning and Zoning Commission under the Agricultural Events Regulation in Section D as a Special Exception Application and Approval.

5. ***An agricultural or farming principal use will be determined by the Commission. Supporting documentation, to be provided by the applicant, may include:***

a. The location of existing or proposed agricultural use on the site plan.
b. The Tax Assessor's designation of the parcel as PA 490 (Farmland, Open Space, Forest Land).
c. Aerial photography or satellite mapping of the property.
d. A business plan (with financial data redacted) for new agricultural business.
e. Proof of an existing agricultural business.

7. ***Adequate lighting shall be provided in all parking and pedestrian areas. No light shall shed beyond the boundaries of the subject property. See Section 26 – Lighting Regulations***

8. ***In the event the principal agricultural or equestrian use is abandoned and/or discontinued (growing of the crops or raising of livestock required for the store) the accessory uses approved under this section approval shall immediately cease, subject to enforcement action.***

2. Farm Winery, Brewery, Farm Manufacturing of wine, cider, beer, mead, and spirits.

A. Purpose.

To allow for diversity and sustainability of agricultural uses and to preserve farm activity in East Haddam, this section is intended to allow for the use of farmland as a normal part of a farm winery and vineyard use along with producers of cider, beer, mead, and spirits, therefore, allowed by Special Exception Review. Such farm wineries and producers of other beverages and spirits are permitted to have certain complimentary uses that will help create a viable agricultural endeavor. All activities associated with the manufacture, storage, bottling, production, distribution or sale of wine, beer, cider, mead, and spirits shall be in accordance with all Zoning Regulations, Health District Regulations, State and Federal laws or regulations governing such activities. See Connecticut Liquor Control Commission and CGS Section 30-16 as amended.

B. Minimum Land Requirements. A farm winery and beverage manufacturers of farm products shall be located on a lot or lots having a minimum aggregate area of ten (10) acres under single ownership and management. The lot(s) must maintain a minimum of five acres of planted

area of grapes, hops, or other fruit and vegetable products used for the manufacturing of wine, cider, beer, mead, and spirits.

C. Minimum Crop Requirements in making of beverages. The farm winery and beverage manufacturers shall grow on the premises of the farm winery and beverage manufacturer an average crop of grapes, hops, fruit, or vegetable products equal to not less than twenty-five per cent of the grapes, hops, fruit, and vegetable products used in the manufacture of the farm beverage.
(Note – Follows CGS*)*

D. Permitted Uses – Special Exception Review Required

1. ***Retail Sale of Wine and Farm Manufactured Beverages and Tasting Room: A building or a portion of a building located on the farm may be established for the sale of wine, winery by-products, and manufactured beverages from the farm by the glass, bottle or barrel and related distilled products, provided that the percentage of the products produced on the premises and the percentage of wine, cider, beer, mead, and distilled spirits by-products made from grapes, hops, other fruit, or vegetables grown on the premises shall be in accordance with the laws of the State of Connecticut and the regulations for a farm liquor permit for the Connecticut Liquor Control Commission. Said area may include the retail sale of wine and spirits featured as products produced at the farm and the tasting of products produced on the premises.***

2. ***Farm Beverage Retail Store: The farm beverage producer may include the accessory sale of beverage related goods to the general public including beverage related food products, locally produced products, dry goods, decorations, household goods, clothing, art, wine barrels, and furnishings. The area of retail sales must be located within or contiguous to the wine tasting area. See Section 30.D.1 - Farm Stores for specific standards.***

3. ***Public Events, Accessory Food Service, and Craft Café' Licenses all require a Special Exception Review by the Commission. See Section 30.3.D and Section 14B of the East Haddam Zoning Regulations.***

3. **Best Management Practices**: All farms shall utilize Best Management Practices (BMPs) as recommended by the University of Connecticut Extension Service, the Natural Resources Conservation Service (NRCS), the United States Department of Agriculture (USDA), or other agencies associated with proper agricultural practices. Best Management Practices are needed for animal welfare, animal density, manure management, stormwater management, pasture rotation, soil erosion and nutrient runoff. Several publication in Best Management Practices are available through the agencies listed above. Farms that do not follow best management practices can be hazardous to the welfare of the animals, can degrade the natural environment, and negatively

impact the public health and property values. Such properties can be reported to the Connecticut Department of Agriculture, the local health district, the local wetlands agent for remediation, and the Zoning Enforcement Officer**.**

4. Deed restrictions, restrictive covenants, and association by-laws. When it comes to livestock, East Haddam Zoning regulations does not supersede or override deed restrictions, restrictive covenants, and association by-laws.

EAST HADDAM SUBDIVISION REGULATION

Existing - 4.18.03 - Agriculture Buffer Areas

Buffers adjacent to actively farmed land shall be established around residential subdivisions. Said buffer areas shall be one hundred feet (100) in width but may be reduced to no less than fifty (50) feet in width as directed by the Commission, depending on the type of agricultural or farm use, the topography, existing vegetation and the proposed design and plantings of such areas. It shall be the responsibility of the developer, subject to approval by the Commission, to provide an effective barrier that will reasonably protect adjacent farming area. It shall be the responsibility of the individual lot owners where such buffers are established on their lots, to maintain the buffer in accordance with the designed intent, such responsibility to be implemented and enforced by a declaration of covenants and restrictions in a form to be approved by the Commission and approved in a final version by its legal counsel. In addition, the following statement shall be noted on the subdivision plan: "This property abuts or is in proximity to an active agricultural or farming operation which is a permitted zoning use. The policy of the Town is to encourage agricultural uses which are an integral component of the existing community character. Agricultural operations sometimes emit such things as noise, odor, or dust which are unavoidable byproducts of such operations." If the abutting actively farmed land changes use to residential, commercial, or industrial development, then these requirements shall be voided, and the implementing declaration and covenant shall so provide.

FARM WINERY AND VINEYARD **East Granby** **DO WE CONSIDER ADDING CIDER MILLS & ORCHARDS ALSO?**

1. Purpose. To allow for diversity and sustainability of agricultural uses and to preserve farm activity in East Granby, this section is intended to allow for the use of farmland as a normal part of a farm winery and vineyard use and, therefore, allowed by Special Permit. Such farm wineries are permitted to have certain complimentary uses that will help create a viable agricultural endeavor. All winery activities associated with the manufacture, storage, bottling, production, distribution or sale of wine and spirits shall be in accordance with all State and Federal laws or regulations governing such activities.

E. Minimum Bulk Requirements. A farm winery and vineyard shall be located on a lot or lots having a minimum aggregate area of ten (10) acres under single ownership and management. Such lot or lots shall have a minimum road frontage of 150 feet on a state roadway. The lot must maintain a minimum of 60,000 square feet of planted vineyard area prior to the issuance of a Certificate of Occupancy for the Farm Winery.

F. Permitted Uses. The following uses are permitted as accessory to a farm winery and vineyard, if authorized by Special Permit:

a. Farm Winery: This use includes the commercial making of wine and winery by-products in a designated farm winery and vineyard premises.

b. Retail Sale of Wine and Tasting Room: A building or a portion of a building located on the farm vineyard may be established for the sale of wine and winery by-products by the glass, bottle or barrel and related winery distilled products, provided that the percentage of the products produced on the premises and the percentage of wine and winery by-products made from grapes or other fruit grown on the premises shall be in accordance with the laws of the State of Connecticut and the regulations for a farm winery liquor permit for the Connecticut Liquor Control Commission. Said area may include the retail sale of wine and spirits featured as products produced at the farm winery and the tasting of wine products produced on the premises. The retail sale of craft beer for on-site consumption shall be permitted under a Craft Cafe' License as described below. Activities allowed in a wine retail and tasting room would include receptions and exhibitions, celebrations, entertainment, wine related seminars, wine related meetings and wine tastings held within the tasting room, provided that all such activities shall be located within the tasting room building. There shall be no more people allowed in the Retail Sale of Wine and Tasting Room, including outdoor patio or porch area appurtenant to that room than allowed per the Fire Marshall.

c. Winery Retail Store: The farm winery and vineyard may include the accessory sale of vineyard and wine related goods to the general public including wine related food products, locally produced products, dry goods, decorations, household goods, clothing, art, wine barrels, and furnishings. The area of retail sales must be located within or contiguous to the wine tasting area. The normal hours of a winery retail store and tasting room shall be Monday-Thursday 1pm-7pm, Friday and Saturday 12pm-8pm, and Sunday 12pm-6pm.

d. Accessory Food Service: Serving of hor d'oeuvres, pastries, limited on-site prepared food, food truck, catered services, and pop-up kitchen are allowed as approved by planning and zoning commission.

e. Public Events: There may be no more than 4 Public Events per year for the promotion of the winery and its products. Public Events are events that are held outside the winery and outdoor patio areas. Of the 4 Public Events allowed 2 are allowed to be multi-day events no longer than 2 days in length. The winery/vineyard operator shall submit written notification and layout plan of Public Event to Zoning Enforcement Officer and Fire Marshall; such notification shall be made at least seven (7) days prior to such a public event. No such public event shall begin earlier than 11am nor end later than dusk

f. Any farm winery having a special permit issued by the Commission under this section and holding a Farm Winery Liquor Permit issued by the State of Connecticut, shall be permitted

to obtain a Craft Café' License as provided in the Connecticut General Statues. The Craft Café' License holder shall comply with all application rules and regulations of the State of Connecticut. Any Farm Winery that obtains a Craft Café' Liquor Permit shall be permitted to sell, for on-site consumption, craft beer, craft hard cider, and craft seltzers as permitted by law. No holder of a Craft Café' Permit shall be permitted to sell any spirits or alcoholic liquor. Any Farm Vineyard requesting Craft Café' permit under this subsection shall not be required to amend its existing special permit in order to obtain the Craft Café' Permit. Nothing herein shall prohibit a proposed Farm Winery from seeking both the Farm Winery Liquor Permit and the Craft Café' Permit simultaneously.

K. BREWERY **Doesn't mention the need to grow your own hops, nor certain districts allowed. Not even on a state highway.**

1. Purpose To allow for manufacturing, bottling, distribution, and sale of beer in the Commerce Park (A) zone by Special Exception. Approval is granted by the commission only when and if the commission determines the use of the proposed location not to have a negative impact on the surrounding area. All brewery activities associated with the manufacture, storage, bottling, production, distribution or sale of beer shall be in accordance with all State and Federal laws or regulations governing such activities.

2. Permitted Uses The following uses are permitted to a brewery, if authorized by Special Permit:

a. Brewery: This use includes the commercial making of beer and beer by-products in a designated brewery and tap room.

b. Brewery: A building or a portion of a building may be established for the production and the sale of beer provided that it be in accordance with the laws of the State of Connecticut and the regulations for a brewery liquor permit for the Connecticut Liquor Control Commission. Said area may include the retail sale of beer and featured as products produced at the brewery and the tasting of beer produced on the premises. Activities allowed in a brewery would include receptions and exhibitions,

celebrations, entertainment, beer related seminars, beer related meetings and beer tastings, provided that all such activities shall be located within the brewery building.

c. Manufacturing Hours: Manufacturing of beer is allowed 24 hours a day.

d. Beer Retail Store: The brewery may include the accessory sale of beer and beer related goods to the general public including beer related food products, locally produced products, dry goods, decorations, household goods and furnishings. The area of retail sales must be located within or contiguous to the beer tasting area. The normal hours of a beer retail store and tap room shall be Monday – Thursday 4pm-9pm, Friday 3pm-10pm, Saturday 12pm-10pm, and Sunday 12pm-8pm, unless otherwise prohibited by the State Liquor Commission.

f. Any brewery having a special permit issued by the Commission under this section and holding a brewery liquor permit issued by the State of Connecticut, shall be permitted to obtain a Craft Café License as provided in the Connecticut General Statutes. The Craft Café License holder shall comply with all application rules and regulations of the State of Connecticut. Any brewery that obtains a Craft Café Liquor Permit shall be permitted to sell, for on-site consumption, craft wine, craft hard cider, craft hard seltzers, and hard pre-canned mixed drinks as permitted by law. No holder of a Craft Café Permit shall be permitted to sell any spirits or alcoholic liquor from bottles of spirits requiring a drink to be mixed on site. The applicant is required to provide to Town Staff a list of the hard pre-canned mixed drinks for review as part of the approval process. Any brewery requesting a Craft Café permit under this subsection shall not be required to amend its existing special permit in order to obtain the Craft Café Permit. Nothing herein shall prohibit a proposed brewery from seeking both the brewery liquor permit and the Craft Café Permit simultaneously.

3. General Requirements

a. Outdoor lighting of the brewery and outdoor patio area must be full cut-off fixtures, positioned horizontally and light must not project off site. Flood lights are prohibited.

b. On site food service is allowed by food trucks as approved via site plan approval by the Planning and Zoning Commission.

c. Outdoor seating and patio area are allowed as approved via site plan approval by the Planning and Zoning Commission.

d. Parking Requirement: A minimum of 50 permanent parking spaces are required for a Brewery. Applicant shall provide additional parking spaces at a rate of one space for every 1.75 occupants as determined by the occupant load of the approved private function area per Fire Marshall. The commission may accept shared parking spaces if it finds that generally the hours of operation of the neighboring tenants is not in conflict with the hours of operation of the Brewery.

e. All entertainment and audio amplification shall occur within the brewery building

Farm winery and vineyard. **Marlborough CT**
[Added 3-3-2016]

(1) Purpose. In order to allow for diversity and sustainability of agricultural uses and to preserve farm activity in Marlborough, this subsection is intended to allow for the use of farm land as a normal part of a farm winery and vineyard use and, therefore, allowed by special permit. Such farm wineries are permitted to have certain complementary uses that will help create a viable agricultural endeavor. All winery activities associated with the manufacture, storage, bottling, production, distribution or sale of wine and spirits shall be in accordance with all state and federal laws or regulations governing such activities.

(2) Minimum bulk requirements. A farm winery and vineyard shall be located on a lot or lots having a minimum aggregate area of 10 acres under single ownership and management. The primary lot must maintain a minimum of five acres of planted vineyard area prior to the issuance of a certificate of occupancy for the farm winery in accordance with Article 12 of these regulations.

(3) Operations standards.

(a) The farm winery permittee shall comply with the percentage of the products produced on the premises, and the percentage of wine and winery by-products made from grapes or other fruit grown on and off the premises shall be in accordance with the laws of the State of Connecticut and the regulations for a farm winery liquor permit from the Connecticut Liquor Control Commission. Additionally, at least 25% of the fruit used in the manufacturing of the farm winery permittee's wine or brandy shall be grown in the State of Connecticut.

(b) An average crop shall be defined each year as the average yield of the farm winery permittee's two largest annual crops out of the preceding five years, except that during the first seven years from the date of issuance of a farm winery permit hereunder, an average crop shall be defined as three tons of grapes for each acre of vineyard farmed by the farm winery permittee.

(c) The owner of the farm winery shall keep records detailing the amount of fruit grown on the premises and the amount of fruit and/or juice imported from off premises to determine compliance.

(4) Permitted uses. The following uses are permitted as accessory to a farm winery and vineyard, if authorized by special permit:

(a) Farm winery. This use includes the commercial making of wine and winery by-products in a designated farm winery and vineyard premises.
Retail sale of wine and tasting room; public events.

[1] A building or a portion of a building located on the farm vineyard may be established for the sale of wine and winery by-products by the glass, bottle or barrel and related winery distilled products, and offering of samples of such wine or brandy to visitors and prospective retail customers of such wine and brandy for consumption on the premises of the farm winery permittee. The percentage of the products produced on the premises and the percentage of wine and winery by-products made from grapes or other fruit grown on the premises shall be in accordance with the laws of the State of Connecticut and the regulations for a farm winery liquor permit from the Connecticut Liquor Control Commission and the Department of Consumer Protection. Said area may include the retail sale of wine and spirits featured as products produced at the farm winery and the tasting of wine products produced on the premises.

[2] Activities allowed in a wine retail and tasting room include artist receptions and artist exhibitions, music entertainment, wine-related seminars, wine-related meetings and wine tastings held within the tasting room, provided that all such activities shall be located within the tasting room building. In addition, the winery operator may have no more than 10 public events per year for the promotion of the winery and its products. The winery/vineyard operator shall submit written notification of a public event to the Zoning Enforcement Officer; such notification shall be made at least 14 days prior to such a public event. No such public event shall begin earlier than 10:00 a.m. nor end later than the hours specified below in Subsection **V(4)(e)**.

[3] Indoor retail sales and food service areas shall occupy no more than 25% of the floor area devoted to wine, mead or cider processing and storage, or no more than 4,000 square feet, whichever is less/more.

[4] The sales volume of wine or brandy not manufactured in such winery shall not exceed 25% of sales of other winery establishments' alcoholic products.

(c) Winery retail store. The farm winery and vineyard may include the accessory sale of vineyard and wine-related goods to the general public, including wine-related food products, locally produced products, dry goods, decorations, household goods and furnishings. The area of retail sales must be located within or contiguous to the wine tasting area, and shall be no greater than the total floor area dedicated to the wine retail and tasting room described in the preceding subsection. The normal hours of a winery retail store and tasting room shall be Monday through Thursday, 10:00 a.m. to 8:00 p.m., Friday and Saturday 10:00 a.m. to 10:00 p.m., and Sunday 11:00 a.m. to 8:00 p.m. (except for the extended hours for aforementioned public events).
Outdoor patio or porch areas.

[1] Appurtenant to retail sale of wine and tasting room. Outdoor patios or porches may be allowed as an appurtenance to the retail sale of wine and tasting room but shall not exceed 50% of the floor area of the wine retail and tasting rooms. Any such patio or porch area shall be part of, and attached to, said wine retail and tasting room and must be enclosed by a gate, fence or structure, so as to maintain their separation. There shall be no amplified music or other amplification of sound on the patio or porch. The hours of the patio or porch shall be no greater than the hours of the retail sale of wine and tasting room as set forth in Subsection **V(4)(c)** above.

[2] Appurtenant to indoor private function room. Outdoor patios or porches may be allowed as appurtenant to the indoor private function room described in Subsection **V(4)(e)** below but shall not exceed 50% of the floor area of such indoor private function room. Any such patio or porch area shall be part of, and attached to, said indoor private function room and must be enclosed by a gate, fence or structure, so as to maintain their separation. There shall be no amplified music or other amplification of sound on the patio or porch. The hours of the patio or porch shall be no greater than the hours of the indoor private function room as set forth in Subsection **V(4)(e)** below.

(e) Indoor or outdoor private functions. A designated indoor or outdoor private function room or area may be approved, provided that:

[1] Such functions shall not be open to the public, but shall be invitation only events, such as weddings, corporate functions, bar/bat mitzvahs, and similar celebrations. No more than two such events shall be held per week and a maximum of 52 private functions can be held per calendar year. The Commission can lower the maximum private functions allowed per year during the special exception application if the Commission determines such private functions are likely to have potential impact on adjacent residential areas. The winery/vineyard operator shall submit written notification of the private function to the Zoning Enforcement Officer at least 14 days prior to such a private function.

[2] Shall not occupy more than 5,000 square feet of gross floor area, including tents or other temporary shelters.

[3] The Commission may approve a maximum occupancy of up to 200 persons at both the indoor and outdoor event areas. This number shall be in addition to the maximum occupancy of the retail sale of wine and tasting room of 75 persons, as set forth above.

[4] The outdoor function area shall be readily accessible from the principal farm winery and vineyard building, and outside tables must be located in such a manner as to maintain access to the building for emergency purposes. Areas in which required parking is required by the

approved special permit cannot be used for outdoor function activities. The designated indoor and outdoor function areas must be clearly identified on any application plans.

[5] Any outdoor event shall take place no closer than 300 feet from any abutting residential dwelling on another parcel and 100 feet from the property lines.

[6] Hours of operation for private functions shall be Sunday through Thursday 10:00 a.m. to 9:00 p.m., Friday through Saturday 10:00 a.m. to 10:00 p.m., and Sunday 11:00 a.m. to 8:00 p.m.

[7] The outdoor function area shall be largely open to the elements, however may be enclosed with a seasonal canopy or tent that is temporary in nature and is to be taken down after the season for outdoor functions has ended. The season for the seasonal canopy or tent shall be April 1 to December 1 of each calendar year.

[8] The operator is responsible for cleanup of all trash generated from the outdoor dining area.

[9] All entertainment and audio amplification shall occur within the principal farm winery and vineyard building, or in a seasonal canopy or tent area as approved by the Commission. Outdoor entertainment and audio amplification shall not last longer than four total hours in a given day. Such events may include music, live or otherwise, including a DJ. All music must adhere to the following hours: Sunday through Thursday, no earlier than 10:00 a.m. until no later than 7:00 p.m., Friday and Saturday, no earlier than 10:00 a.m. until no later than 9:00 p.m., Sunday no earlier than 11:00 a.m. and no later than 5:00 p.m.

[10] All exterior lighting shall comply with Article Three A. 16 of these regulations, including full cut-off fixtures, positioned horizontally, and light must not project off site. Floodlights are prohibited.

The indoor or outdoor private function room or area may include a food service and service bar operating under a caterer's liquor permit and health district approval, which food service and service bar shall only be open when private functions are occurring on the premises. This food service and service bar must be entirely separate from the tasting room and is only available to people invited to the private function.

[12] Special events which are served on the premises not exceeding two days may be approved by the Zoning Officer with 14 days' notice to the Zoning Officer. Any event over two days must be approved by the Planning Commission as a special event.

[13] Temporary tents may be erected for a maximum of three days for any such event.

(f) Farm winery cafes.

[1] The parcel must be:

[a] A minimum of 15 acres.

[b] Located on the same parcel that the farm winery is located and within the same structure as the wine tasting facility, or the winery facility where no tasting is proposed.

[2] The maximum hours of operation open to the public are Monday through Thursday 10:00 a.m. to 8:00 p.m., Friday and Saturday 10:00 a.m. to 10:00 p.m., and Sundays 11:00 a.m. to 8:00 p.m.

[3] During any special event the farm winery cafe shall be closed to the general public.

[4] No other alcoholic beverage may be served or consumed on the permit premises other than a cafe license liquor permit issued by the State of Connecticut Liquor Control Commission in connection with the farm winery use permits. Events referred to as BYOB are strictly prohibited.

[5] The site shall contain no more than 2,000 square feet of kitchen and dining area, excluding any outdoor dining area.

[6] A farm winery cafe shall accommodate a maximum of 75 persons seated or standing indoors and up to an additional 50 persons seated or standing outdoors on a patio area at any one time (for a total of 125 persons seated or standing), with the exception of staff.

(g) Residential unit. One unit may be allowed with each winery by special permit.

(h) Outdoor storage. Outdoor storage of any kind, except wine storage, is prohibited unless such storage is completely screened from public view by an opaque screening device. Screening visible from public rights-of-way and less intense zoning districts shall be constructed of brick, decorative concrete, natural stone, decorative masonry or cedar fencing material. Screening shall be constructed and maintained at a sufficient height to visually screen all stored materials

(5) Farm vineyard and winery parking.

(a) The site development plan shall depict a minimum of 30 permanent parking spaces are required for a winery/vineyard. If granted a special permit by the Commission, the accessory use in Subsection **V(4)(e)** to hold indoor or outdoor private functions, the site development plan shall depict additional temporary parking spaces at a rate of one space for every 1.75

occupants for indoor and outdoor events. In keeping with the agricultural purpose and to help maintain the aesthetic nature, the Commission may allow portions of the temporary parking spaces to be maintained as lawn parking. The Commission may require reinforced pavers in grass areas for portions of the proposed temporary parking. Permanent parking spaces shall be paved or approved gravel parking. All handicap parking regulations shall be complied with.

(b) Parking for special events, group events, or winemaker dinners may be provided in open field areas with a slope of 8% or less, free of combustible materials. Each parking space shall require 400 square feet of area that includes parking space and traffic aisles.

(c) Parking regulations. The number of required off-street parking spaces shall be determined by a development plan prepared for all uses associated with the winery. At a minimum the plan shall include the following:

[1] Employee parking: one space for each employee.

[2] Tourist parking: calculated at 2.5 persons per vehicle with enough parking to meet the maximum capacity.

(6) Farm winery and vineyard signage: shall be the same permitted in § **340-13.1**, Signs, for commercial property.

(7) Landscape buffering. The Commission may require additional landscaping and screening as part of special permit approval to minimize impact on adjacent property owners.

(8) Application information. All the requirements of §§ **340-5.1** and **340-5.2** shall be submitted with an application as well as the following:

(a) Production/storage limits. The application for a use approval shall include an estimate of the winery production and storage capacity, given in terms of number of gallons produced or made annually.

(b) Tasting and on-site sales. The application for a use approval shall include information describing on-site sales and/or tasting being proposed. Sale of wine shall be limited to wine made and bottled on the premises.

(c) Liquid waste disposal. All requirements of the Health Department shall be met.

(d) Outdoor operations. The application for a use approval shall include information to describe the nature of outdoor operations. All outdoor operations shall be screened from view of adjacent residences and roads to the satisfaction of the Commission.

(e) Operating hours. The application for a use approval shall include information regarding the proposed operating hours of the winery. The operating hours of the winery shall be established and approved as a condition of the use approval, recognizing the unique requirements of winery operations during harvest season.

(f) The range of activities occurring on site directly related to wine production (e.g., crushing, fermentation, barrel aging, bottling, bottle storage) accompanied by a site plan that provides a description of where the different winery processes will occur on the site.

(g) Information regarding proposed public tours and wine tasting, retail wine sales, other retail sales, including food service, and picnic areas available to the public.

(h) Production capacity: existing and proposed.

(i) The type of cooperage used in fermentation.

(j) Production origins: origin of grapes used in the wine production (e.g., percent of grapes produced on-site, percent of grapes imported from off site).

(k) Site development plan: the area (existing and proposed) of patios, structures, parking, roads, and driveways, temporary event areas, uncovered processing areas, vineyard, and other planted areas, etc.

(l) Nuisance control: a description of measures proposed to minimize the off-site effects of dust, odor, or noise generated by the proposed winery operation.

Farm tourism uses.
[Added 3-2-2017; amended 5-2-2019]

(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 accumulations 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 other activities to supplement farm income. Activities include, but are not limited to, petting farms, farm animal attractions, 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, indoor and outdoor events, 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.

(2) Qualifications. A special permit for a farm tourism use may be granted, provided that:

(a) The minimum lot area for a farm tourism use shall not be less than 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 **VI**.

(3) Standards. To the extent that the Commission finds that each standard does apply, a special permit for 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 be complementary to and not detract from the principal farming use.

(b) 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.

(c) Parking in accordance with Article **XIII** of these regulations.

(d) On the farm parcels(s), a vegetative buffer shall separate farm tourism uses (e.g., pick your-own field, hiking trails and hay wagon ride routes) from abutting nonfarming uses. A minimum width of 15 feet on and/or off the farm property shall be required. Where the buffer is to be off the farm property, a permanent open space easement/dedication 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.

(e) 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(ies) being applied for are able to be conducted in such a manner that the

activity(ies) shall comply with the State of Connecticut DEEP noise standards with regard to maximum decibel output (55 dB daytime/45 dB nighttime at least one foot beyond the property line of the property on which the emitter is located). The report shall describe the requirements necessary for conducting on the activity in order for conducting the activity to comply.

(f) The minimum distance of any uses that generate smoke, heat or ash shall be 75 feet from a property line.

(g) The hours of operation shall not be 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. on Friday, and Saturday, 11:00 p.m., except for specific events as allowed in Subsection **X(4)(c)**.

(h) The number of events which require permitting under Subsection **X(4)(b)**, Category B, within a given calendar year shall be limited to 10 promotional events.

(i) 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 for more than two hours, and where there are no facilities available to the public within 500 feet.

[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.

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

(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 1,500 square feet 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 2,500 square feet 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 1,800 square feet of area.

[4] Demonstration of production of furniture, blacksmith items, quilts, fabrics or similar products made utilizing traditional processes. New or temporary structure(s), or the area within an existing or temporary structure or outside area, housing this use shall not exceed 2,500 square feet 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 1,800 square feet or floor area where customers are served at counters with no more than a total of 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 and Saturday.

[6] Farm stores. One farm store per active farming parcel may be permitted by the special permit, provided that the farm store meets all the standards of this section and has access from an arterial or collector road and is sited more than 50 feet from any property boundary. A preexisting nonconforming structure may be converted to farm store use, with the Commission's approval, provided that 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 Subsection **X(6)(c)[1]** below.

[b] At least 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.
To ensure public safety, farm stores are required to have off-street parking in accordance with Article **XIII** 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 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 10 events a year.

[3] Open public promotional events. These are events open to the general public and subject to the following provisions:

[a] There shall be no private events held on the same day as promotional events.

[b] A promotional event shall not exceed three days in duration.

[c] May require the use of professional traffic control.

[d] There shall not be more than 10 events a year.

(c) Category C: special events. These events are not open to the general public and include; private gathering events, such as parties, weddings, reunions, fundraisers, meetings and services, whether catered or not. The applicant shall submit an operation plan, which demonstrates compliance with the following criteria:

[1] No more than two such events shall be held within the same day.

[2] Temporary structures and tents may be put up no more than two days in advance of the event and must be removed from the property, unless it is to be stored in a permanent structure located on the site, no more than two days after the event for which they are first set up. All temporary structures shall be installed to the satisfaction of the Fire Marshal.

[3] Outdoor event space(s) for this use shall be located entirely within the area depicted on the approved site development plan. The Commission may require fencing or other methods to confine outdoor activities to the designated areas and/or screen them from public rights-of-way.

[4] The proximity of any outdoor area(s) and existing building(s) to the nearest property line and/or residential dwelling is demonstrated on the site plan.

[5] Indoor event space shall not occupy more than 15,000 square feet of gross floor area and shall be limited to buildings existing on the effective date of this regulation.

[6] All required parking shall be provided on site. On-street parking is prohibited. The Commission may allow for 50% of the required parking to be lawn parking. Spaces shall be provided at a rate as follows:

[a] Twelve spaces per 1,000 square feet of facility open to the public.

[b] One space per employee/vendor of such facility.

[7] Waste collection shall be designated on the site plan. Any dumpster or roll-off container shall be screened from view. Containers shall have sufficient capacity to be fully closed at all times. Waste pickup shall be frequent enough to prevent unsanitary conditions.

[8] Outdoor entertainment shall not last longer than four hours on any given day. Such entertainment may include acoustic or amplified music. Any outdoor entertainment shall not be permitted after 10:00 p.m. on Sunday through Wednesday and 11:00 p.m. on Thursday through Saturday.

[9] Hours of operation as outlined in Subsection **X(3)(g)** may be extended by the Commission. However, under no circumstance shall operating hours be extended later than 11:00 p.m.

[10] The permittee may host a maximum of two events concurrently, provided that the Commission finds that adequate site conditions exist to accommodate multiple events.
[11] Food service may only be offered in conjunction with a scheduled private event occurring on the premises. The maximum number of attendees may be limited by the Commission subject to review by the Fire Marshal.

[12] All exterior lighting shall include full cut-off fixtures. Lighting must not project off site. Flood lights are prohibited.

[13] Any event that is planned to occur over more than one day shall be subject to separate approval.

[14] If staff finds there have been substantial changes to the operation plan affecting health, safety or welfare at the facility they may recommend to the Commission that a new public hearing be held.

[15] Uses including but not limited to concerts and/or independent musical events shall be prohibited.

[16] The maximum number of attendees for any one event shall not exceed 250.
The applicant shall provide a narrative of all traffic control and site security measures planned for the general operation of events, which may be subject to review by the Town's Director of Public Safety.

(5) Regulation of use.

(a) 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. The location and size shall be dependent upon the potential impact to the surrounding land uses and public infrastructure. The standards set forth in Subsection **X(3)** above, shall be the criteria by which impacts shall be determined acceptable or unacceptable, in addition to/in lieu of the standards of § **340-5.1G** of these regulations.

(b) The distance of farm tourism uses that contain or have site lighting in accordance with § **340-3.16** of these regulations.

(c) For a site where there will be less than 10,000 square feet of disturbance that would not have to provide a soil and erosion control plan in accordance with § **340-3.21**, 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.

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

(e) 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/45 db nighttime at least one 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 and Saturday.

(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 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 Subsection **X(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:

[a] The proposed uses for the property;

[b] The proposed hours of operation, and days of the week for each use proposed;

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

[d] The statement of use shall become part of any special permit approval for 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 § **340-5.3** of these regulations:

[a] The areas devoted to farming versus farm tourism shall be depicted;

[b] The areas to be used for specific farm tourism uses within the farm tourism area shall be noted;

[c] Uses that are periodic or seasonal should be noted so that the Commission can determine if areas are capable of having multiple uses throughout the year;

[d] Lighting meeting the requirements of § **340-3.16** if 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.

[a] 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.

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

Residential Farm served as a primary residence for the owner of such property.

Typical items in a Farm Stand – Fresh vegetables, fruits, berries, flowers, plants, shrubs, & trees, permitted dairy, beef, poultry, and other customary agricultural products.

Key notes – CGS Sec. 21a-24a -Only Jams, Jellies & Preserves, CGS Sec. 21a-24b – Maple Syrup. Does not included baked goods, popcorn, nuts, and other items permitted in the Cottage Food Operations

To sell Jams, Jellies, & Preserves you still need the following;

A water test on the private well.

A pH test on the products sold.

A Qualified Food Operators Certificate / Food Safety Course.

All documents to be available for local health department or Department of Consumer Protection.

Sec. 21a-24a. Sale of acidified food products, jams, jellies and preserves. (a) As used in this section:

(1) "Acidified food product" means a food item, with a pH value of 4.6 or less upon completion of the recipe for such product, **including, but not limited to, pickles, salsa and hot sauce, produced on the premises of a residential farm. "Acidified food product" does not include food consisting in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacean ingredients or other ingredients,** including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

(2) "Jam" means a food, with a pH value of 4.6 or less, made by cooking fruit or vegetables with sugar to a thick mixture.

(3) "Jelly" means a food, with a pH value of 4.6 or less, made by cooking fruit or vegetable juice that has been boiled with sugar.

(4) "Preserves" means a food, with a pH value of 4.6 or less, consisting of fruit or vegetables preserved whole by cooking with sugar.

(5) "Residential farm" means property (A) being utilized as a farm, as defined in subsection (q) of section 1-1, and (B) serving as the primary residence of the owner of such property.

(b) Notwithstanding the provisions of sections 21a-91 to 21a-120, inclusive, and section 19-13-B40 of the regulations of Connecticut state agencies, the preparation and sale of acidified food products, jams, jellies or preserves on a residential farm shall be allowed in a room used as living quarters and exempt from inspection by any state or local agency, provided such acidified food products, jams, jellies or preserves are prepared with fruit or vegetables grown on such farm and in the case of acidified food products, provided **(1) the water supply** of such residential farm comes from a public water supply system or, **if from a private well, is tested and tests negative for coliform bacteria, (2) a pH test of such acidified food products is performed by a laboratory after completion of the recipe for such acidified**

food products, (3) use of the kitchen where such acidified food products are prepared is restricted from nonprocessing individuals, pets, children or any other potential contaminants during such preparation, and (4) the preparer of such acidified food products **(A) possesses documentation of such preparer's successful completion of an examination concerning safe food handling techniques administered by an organization approved by the Department of Public Health for qualified food operators**, or possesses documentation indicating successful completion of an approved course concerning safe food processing techniques administered by an organization approved by the Department of Consumer Protection, and (B) **such documentation is made available to the local health department or the Department of Consumer Protection upon request.** If the local health department or the Department of Public Health has reason to believe that a private well used pursuant to subdivision (1) of this subsection may be contaminated with coliform bacteria, such department may require such private well to be retested for the presence of coliform bacteria. Each container of acidified food products, jam, jelly or preserves offered for sale on such farm shall have on its label, in ten-point type: "Not prepared in a government inspected kitchen".

(P.A. 94-23; P.A. 10-103, S. 3; P.A. 11-59, S. 4.)

History: P.A. 10-103 amended Subsec. (a) by adding new Subdiv. (1) defining "acidified food product", redesignating existing Subdivs. (1) to (4) as Subdivs. (2) to (5) and adding reference to vegetables in redesignated Subdivs. (2) to (4), and amended Subsec. (b) by adding provisions re sale of acidified food products, effective January 1, 2011; P.A. 11-59 made technical changes, effective July 1, 2011.

Sec. 21a-24b. Sale of maple syrup. (a) As used in this section, "residential farm" means property (1) being utilized as a farm, as defined in subsection (q) of section 1-1, and (2) serving as the primary residence of the owner of such property.

(b) Notwithstanding the provisions of sections 21a-91 to 21a-120, inclusive, and any regulations adopted thereunder, the preparation and sale of maple syrup on a residential farm shall be allowed in a room used as living quarters and shall be exempt from inspection by any state or local agency. Each container of maple syrup offered for sale on such farm shall have on its label, in ten-point type: "Not prepared in a government-inspected kitchen." (P.A. 95-319.)

Meat Requirements

Except for special exempt cases, all meat and processed poultry sold in Connecticut must be USDA inspected. This requirement extends to the slaughter, processing and packaging stages. Any meat that is slaughtered, processed or packaged outside of USDA inspection is not legal for sale in Connecticut Slaughtering and processing

All meat and poultry products sold in the state of Connecticut must be slaughtered and processed under USDA inspection. Please be aware that just because an animal has been slaughtered in a USDA inspected facility does not mean that the carcass can be taken to another facility to be cut and packaged unless that facility is also under USDAFSIS inspection and the processing takes place under USDA inspection.

Packaging and labeling requirements apply. CGS Sec. 21a-100

Dairy and Frozen Desserts Requirements – Department of Consumer Protection

Dairy products are one of the most regulated foods and must be handled properly at all stages of production, distribution and use in order to be safe for human consumption.

The following recommendations are critical in maintaining safe, quality product.

Milk Refrigeration is the single most important factor in maintaining the quality of milk. By law, Grade A milk must be maintained at a temperature below 40F. to prevent the growth of spoilage bacteria. It is critical that these temperatures be maintained through warehousing, distribution, delivery, handling and storage. It is wise to refrigerate milk promptly after purchase and each use. Properly refrigerated, milk should last 3-5 days beyond the sell date. The colder milk is kept the longer it lasts.

According to Section 22-133-132 of the Regulations of the State of Connecticut, each raw milk container that is not pasteurized and is offered for retail sale must bear a label that conspicuously and legibly bears the exact language below in letters no less than 1/8 inch in height and be of a color that contrasts with the rest of the label:

Licenses The following licenses are required in the State of Connecticut Department of Consumer Protection:

Retail Raw Milk, Raw Milk Cheese Mfg If you produce, retail raw milk and/or manufacture raw milk cheese.

Milk Dealer License If you want to process or distribute milk, yogurt, egg nog, cheese, and dry milk.

Cheese Manufacturer If you pasteurize milk and manufacture cheese.

Milk, Distributor If you want to distribute (only) fluid milk and/or yogurt.

Retail Dairy Store License If you sell fluid milk and milk products at retail.

CGS 22-127 through 22 – 203z – Ct Department of Agriculture

CGS 21a – through 21a – 58 – CT Department of Consumer Protection

Raw Milk

Sec. 22-173a. Registration of retail raw milk producers and retail raw milk cheese manufacturers. Denial, suspension and revocation of permits. Cheese manufacturing. Regulations. (a) No person, firm or corporation shall engage in the production of retail raw milk or the manufacture of retail raw milk cheese, which milk or retail raw milk cheese or the products thereof are to be used or disposed of elsewhere than on the premises where such milk or retail raw milk cheese is produced, without first registering with the Commissioner of Agriculture in a manner prescribed and on forms furnished by the commissioner for such registration. Such registration may be renewed annually not later than the thirtieth day of June. The commissioner shall establish fees for such registration pursuant to section 22-128a.

(b) Registrations required pursuant to subsection (a) of this section shall be designated “Retail Raw Milk Producer Permit” or “Raw Milk Cheese Manufacturer Permit” and may be denied, suspended or revoked by the commissioner for cause.

(c) Retail raw milk shall only be offered for sale in its unprocessed state, with no ingredients added or removed.

(d) The manufacturing of cheese from unpasteurized milk shall be conducted only on premises and by firms or individuals authorized by the commissioner to produce retail raw milk.

(e) The Milk Regulation Board shall adopt regulations, in accordance with the provisions of chapter 54, establishing standards for sanitation, production, sale, labeling, handling and storage of retail raw milk and the manufacture of raw milk cheeses.

Cider and Juices (Unpasteurized) Requirements

Packaged or bottled raw (unpasteurized) cider and juices of all types may only be sold at retail in accordance with state and federal laws and must bear the federal warning label. The statement must appear on the label prominently, conspicuously and must appear in a minimum type size of one-sixteenth inch. The statement must appear in a box set off by hairlines. The word "warning" must appear in bold capital letters.

Unpasteurized cider and juices may not be sold to other retail or to food service establishments.

Bottled non-acid juices such as but not limited to carrot or kale may not be sold unless they are kept and labeled prominently that they require refrigeration. Such products may be for immediate consumption as provided for by the local health department.

Please be advised that if you plan to allow the public to sample unpasteurized cider or unpasteurized juices that have not yet been bottled and have been prepared for immediate consumption, you are subject to the provisions of the of the Connecticut Public Health Code, Section 19-13-B42.
If a vendor chooses to sample these items, they are strongly encouraged to include a notice to the public warning them that the product is unpasteurized and may potentially contain harmful bacteria that could cause serious illness in children, the elderly and persons with weakened immune systems.

Producers of cider must annually register with the Department of Consumer Protection, as inspection of the production area is required in order to obtain a license to sell cider.
Inspection and Regulations Concerning Apple Juice and Cider License Issuing Agency:
Department of Consumer Protection Division of Food and Standards
The State of Connecticut Departments of Public Health, Consumer Protection and Agriculture strongly advise against the service/sampling of unpasteurized cider.
WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that may cause serious illness in children, the elderly, and persons with weakened immune systems.

EGGS - Eggs sold directly to consumers in Connecticut must be in cartons that are labeled with the farm name and address, and the safe handling statement: SAFE HANDLING INSTRUCTIONS: To prevent illness from bacteria: keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly.

Eggs must also be refrigerated at 45 degrees or less.

SHELLFISH - Approved shellfish sources

All shellfish must be from an approved source. An approved source is defined as a shellfish harvester or dealer licensed by the state control authority and is listed in the US Food & Drug Administration (USFDA) interstate Certified Shellfish Shipper List (ICSSL) which is accessible online: http://www.fda/Food /GuidanceRegulation/FederalStateFoodPrograms/ucm2006753.htm

Finfish, lobsters, sea scallops, or squid Anyone wishing to sell finfish, lobsters, sea scallops or squid landed in Connecticut at a Connecticut farmers' market must have the appropriate commercial fishing license from the Connecticut Department of Environmental Protection (CT DEEP) and/or Federal permits issued by the National Marine Fisheries Service.
The following is a list of the specific licenses issued by the CT DEEP that may be required depending upon the operation:
• Commercial Blue Crab Fishing License, • Commercial Shad Fishing License
• Commercial Landing Vessel Operator's License, • Restricted Commercial Fishing License
• Restricted Commercial Lobster Pot Fishing License
• Whelk Fishing License, • Principal Commercial Fishing License
• Commercial Lobster Pot Fishing License, • General Commercial Fishing License
• Seafood Dealer's License

Additionally, fishermen who wish to land and sell summer flounder, scup and black sea bass must qualify for and be in possession of the corresponding quota managed species license endorsement.

Seafood is considered "Farm Products" as defined by state statute. The CT Seafood Council and the DEEP have an understanding that CT seafood being caught/harvested by fisherman in boats that are landed in Connecticut is to be considered Connecticut Caught.

Connecticut Cottage Food Requirements to prepare food in one's house.

a. an application with the CT Dept of Consumer Protection,

b. Private water supply tested,

c. Qualified Food Operator / Food Safety Course (renewed every 5 yrs)

d. Zoning approval as a Home Occupation.

e. Types of food limited & labeling requirement,

Foods include the following (list is not inclusive)

Loaf breads, rolls and biscuits,

Non-potentially hazardous cakes including celebration cakes (e.g. birthday cake, but not cheese cake), Non-potentially hazardous pastries and cookies,

Fruit pies (not pumpkin)

Jams, jellies and preserves (must meet the Standards of Identity in 21CFR150),

Dried fruits, Coated or uncoated nuts, Dry herbs, seasoning, and mixtures,

Non-potentially hazardous cereals, trail mixes and granola,

Vinegar and flavored vinegars,

Popcorn and popcorn balls, Cotton candy,

Roasted Coffee Beans

Sec. 21a-62b. Definitions. For the purposes of this section and sections 21a-62c to 21a-62h, inclusive:

(1) "Commissioner" means the Commissioner of Consumer Protection or an authorized agent of the commissioner;

(2) "Cottage food operation" means any person who produces cottage food products only in the home kitchen of such person's private residential dwelling and only for sale directly to the consumer and who does not operate as a food service establishment pursuant to section 19a-36 or regulations adopted pursuant to section 21a-101, or a food retailer, distributor or manufacturer as defined in subsection (b) of section 21a-92 and section 21a-151;

(3) "Cottage food products" means nonpotentially hazardous baked goods, jams, jellies and other nonpotentially hazardous foods produced by a cottage food operation. "Cottage food products" does not include maple syrup or honey;

(4) "Food service establishment" means any establishment in which food is stored, offered for sale, processed or prepared, and includes the transportation of any food;

(5) “Private residential dwelling” means an owner or resident occupied dwelling. “Private residential dwelling” does not include any group or communal residential setting within any type of structure or outbuilding, shed, barn or other similar structure;

(6) “Home kitchen” means a kitchen designed and intended for use by the residents of a home but that is also used by a resident for the production of cottage food products and that may contain one or more stoves or ovens, which may be a double oven, designed for residential use. “Home kitchen” does not include commercial equipment typically used for large wholesale manufacturing;

(7) “Permitted area” means the portion of a private residential dwelling that contains a home kitchen where the preparation, packaging, storage or handling of cottage food products occurs; and

(8) “Potentially hazardous food” means a food that requires time and temperature control for safety to limit pathogenic microorganism growth or toxin formation, which controls shall be consistent with the United States Food and Drug Administration's Food Code definition for time and temperature control for safety food, as amended from time to time, and adopted by reference by the commissioner pursuant to section 19a-36h.

(P.A. 18-141, S. 13; P.A. 19-18, S. 1; 19-177, S. 38.)

Sec. 21a-62c. Cottage food operations. Examination of premises. Licensure requirements. (a) All cottage food operations shall be licensed annually by the Commissioner of Consumer Protection. The license application form shall be developed by the commissioner. The license shall specify the food products allowed to be produced by the cottage food operation. The annual license fee for cottage food operations shall be set by the Commissioner of Consumer Protection, provided such fee shall not exceed one hundred dollars.

(b) Prior to licensing, the commissioner shall, within existing resources, examine the premises of the cottage food operation to determine it to be in compliance with the provisions of this section and sections 21a-62b and 21a-62d to 21a-62h, inclusive.

(c) Any cottage food operation shall comply with all applicable municipal laws and zoning ordinances when conducting a business from a private residential dwelling. Upon request by the commissioner, the cottage food operation shall provide written verification, from a credible recognized source, as determined by the commissioner, of compliance with all local, state and federal laws regarding on-site wastewater systems.

(d) Any cottage food operation with a private water supply shall have the supply tested prior to receiving a license in order to demonstrate that the water supply is potable. Subsequent testing of such private water supplies shall be required at a frequency determined by the commissioner.

(e) Prior to receiving a license, each cottage food operation shall have attended and completed a food safety training program that includes training in food processing and packaging. A list of food safety training programs that are recognized by the commissioner shall be maintained on the Department of Consumer Protection's Internet web site. (P.A. 18-141, S. 14.)

Sec. 21a-62d. Limitation on total annual gross sales. Direct sale to consumer. Authorized food products. Display of license. (a) Total annual gross sales for a cottage food operation shall not exceed

fifty thousand dollars per calendar year. If annual gross sales exceed the maximum annual gross sales amount allowed, the cottage food operation shall either obtain a food manufacturing establishment license or cease operations. The commissioner may request documentation to verify the annual gross sales figure of any cottage food operation.

(b) Products produced by a cottage food operation shall be sold directly to the consumer. Direct sales at point of production, farmers markets, local fairs and festivals, and charitable organization functions are permitted. Advertising and sales by Internet, mail and phone are permissible, provided the cottage food operator or their designee shall deliver, in person, to the customer within the state. No such operation shall engage in consignment or wholesale sales. The following additional locational sales by any such cottage food operation shall be prohibited: (1) Grocery stores; (2) restaurants; (3) long-term care facilities; (4) group homes; (5) day care facilities; and (6) schools. A cottage food operation may not operate as a food service establishment, a retail establishment engaged in the sale of food, a food manufacturing establishment, as defined in section 21a-151, or a food warehouse, as defined in section 21a-151.

(c) A cottage food operation may only produce those specific food products listed on its license.

(d) Any such license shall be displayed at every location where the operation's cottage food products are sold.

(P.A. 18-141, S. 15; P.A. 22-8, S. 1.)

History: P.A. 22-8 amended Subsec. (a) by increasing cap on total annual gross sales for a cottage food operation from $25,000 to $50,000 per calendar year.

Sec. 21a-62e. Inspection of cottage food operation. (a) The commissioner may inspect a cottage food operation at any time to ensure compliance with the provisions of this section, sections 21a-62c, 21a-62d and sections 21a-62f to 21a-62h, inclusive.

(b) Nothing in this section, section 21a-62c or 21a-62d or sections 21a-62f to 21a-62h, inclusive, shall be construed to prohibit the local director of health or duly authorized agents of the director from investigating the permitted area of a cottage food operation in response to a foodborne illness outbreak, consumer complaint or other public health emergency. (P.A. 18-141, S. 16.)

Sec. 21a-62f. Authorized food items. Prohibited food items. (a) A cottage food operation may produce food items that are not potentially hazardous food.

(b) A cottage food operation shall not produce:

(1) Potentially hazardous food items; and

(2) Food items that present a food safety risk, such as acidified foods, low acid canned foods, garlic in oil, fresh fruit or vegetable juices and beverages. (P.A. 18-141, S. 17.)

Sec. 21a-62g. Prepackaged food products. Labels. If a cottage food operation sells cottage food products that are prepackaged, such packaging shall include an affixed label that contains the following information and that is printed in English:

(1) The name and address of the cottage food operation;

(2) The common or usual name of the cottage food product;

(3) The ingredients of the cottage food product, in descending order of predominance by weight or volume;

(4) Allergen information, as specified by federal labeling requirements, such as milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat and soybeans; and

(5) The following statement printed in at least ten-point type in a clear and conspicuous manner that provides contrast to the background label: "Made in a Cottage Food Operation that is not Subject to Routine Government Food Safety Inspection." (P.A. 18-141, S. 18.)

Sec. 21a-62h. Cottage food operation requirements. License suspension and revocation. Hearing. Cost of inspection. (a) Each cottage food operation shall comply with the following requirements and any failure to comply shall be deemed a violation of this section and sections 21a-62b to 21a-62g, inclusive:

(1) No person, other than the person licensed to produce cottage food products or a person under his or her direct supervision, may engage in the processing, preparing, packaging or handling of any cottage food products;

(2) No preparation, packaging or handling of cottage food products shall occur in the home kitchen concurrently with any other domestic activities such as family meal preparation, clothes washing or ironing, kitchen cleaning, or guest entertainment;

(3) No pets, infants or children under the age of twelve shall be in the home kitchen during the preparation, packaging or handling of any cottage food products;

(4) All food contact surfaces, equipment and utensils used for the preparation, packaging or handling of any cottage food products shall be washed, rinsed and sanitized before each use;

(5) All food preparation and food and equipment storage areas shall be maintained free of rodents and insects; and

(6) All persons involved in the preparation and packaging of cottage food products:

(A) Shall not be ill while working in the home kitchen;

(B) Shall wash their hands before any food preparation and food packaging activities; and

(C) Use single-service gloves, bakery papers, tongs or other utensils in order to not have bare hand contact with ready-to-eat foods.

(b) A cottage food operation license may be suspended or revoked by the commissioner for any violation of this section or sections 21a-62b to 21a-62g, inclusive, after a hearing conducted in accordance with chapter 54. A cottage food operation license may be summarily suspended pending such a hearing if

the commissioner has reason to believe that the public health, safety or welfare imperatively requires emergency action. Upon issuing a summary suspension, the commissioner shall schedule a hearing to determine whether to reinstate the license of the cottage food operation. Following said hearing, the commissioner shall either void such suspension or order revocation of the cottage food operation license. Any person or business entity whose license was revoked shall not be permitted to apply to the department for a new license for a period of one year from the date of decision of license revocation by the commissioner. The cost of any inspections necessary to determine whether or not an applicant whose license was revoked is entitled to have a new license granted shall be borne by the applicant at such rates as the commissioner may determine. The commissioner may refuse to grant any cottage food operation license if the commissioner finds that the applicant has evidenced a pattern of noncompliance with the provisions of this section or sections 21a-62b to 21a-62g, inclusive. Prima facie evidence of a pattern of noncompliance shall be established if the applicant has operated, controlled or managed two or more cottage food operations for which such a license has been revoked. (P.A. 18-141, S. 19.)

Honey & Maple Syrup - Regulated by Ct Department of Agriculture

Statement of Purpose Public Act 19-18 transferred the responsibility to regulate the production and sale of Honey and Maple Syrup from the Connecticut Department of Consumer Protection to the Connecticut Department of Agriculture. Honey and Maple Syrup are products covered by the federal Food, Drug and Cosmetic Act as amended by the Food, Safety Modernization Act (FSMA). and the Food and Drug Administration's (FDA) Current Good Manufacturing Practice, Risk Based Preventive Controls for Human Food rules. The FDA rules are published as Title 21, Part 117 of the Code of Federal Regulations. Note: FSMA has provisions built into the federal rule that provide for certain exemptions from the requirement to have a food safety plan.

The exemptions are based on the relative risk of the food being produced, and/or income from the sale of food. Because honey and maple syrup are considered low risk foods for microbial contamination and other hazards, producers of honey and maple syrup are exempted from certain requirements of Title 21, Part 117 of the Code of Federal Regulations, notably the requirement for a hazard analysis and written food safety plan.

Additionally, a vast majority of honey and maple syrup producers in this state either qualify as small businesses with sales of less than 1 million dollars in food or sales of less than 500,000 thousand dollars in food with > 50% of those sales being made to qualified end users, also exempting these producers from the requirement for a hazard analysis and written food safety plan.

Section 1 of the regulations defines additional terms used in these regulations.

Section 2 of these regulations contains the provisions for registration and requires a $50.00 annual registration fee for producers of honey and maple syrup with annual gross revenues over $25,000. Honey and maple syrup producers required to register have to comply with Current Good Manufacturing

Practices, including subpart B of Title 21, Part 117, incorporated into section 3(a) of the proposed regulations.

All producers of honey and maple syrup (as any food manufacturer) will be required to comply with the labeling requirements of Title 21, Part 101 of the Code of Federal Regulations, incorporated in section 3(c) of these proposed regulations.

Section 4 prohibits the sale of adulterated or misbranded product and authorizes the commissioner to investigate any such complaints.

Section 5 authorizes the commissioner to inspect any product and any building, lot, location, and equipment under a producer's control used to process, pack, or hold product, excluding private residences. Section 6 establishes enforcement by issuance of orders pursuant to the commissioner's powers in Connecticut General Statute section 22-4c and a hearing process for those aggrieved by an order and civil penalties for violations of these regulations, and sections 7-10 are reserved for future use.