



Town of Seymour
Department of Land Use & Code Compliance
Wetlands & Watercourses, Planning & Zoning,
Zoning Board of Appeals
20 Pine Street 2nd Floor
Seymour, CT 06483
(Subject to Revision)

COPY RECEIVED
DATE: 7/15/26
TIME: 3:44pm
TOWN CLERK'S OFFICE

**Planning & Zoning
Public Hearing Minutes - July 9, 2026**

Seymour Community Center, 20 Pine Street, Seymour, CT 06483

Attendees

Members Present: B. Sirowich; R.E. Peck; J. Niezelski; K. Stanis; M. Malberti; J. Lombardo

Others Present: M. Marganski, CZEO; J. Baldwin, Director of Building and Code Compliance; Attorney J. Marini, Town Land Use Counsel; B. Nesteriak Town Engineer; Seymour First Selectwoman Annmarie Drugonis, ± 15 members of the public

Minutes

1. Call to Order

Chairman B. Sirowich opened the public hearing 6:00pm and led assembled in pledge.

2. Roll Call (seat alternate as necessary)

Full board present no alternate sat.

3. Pledge of allegiance

4. Re: Application No: PZC-26-7 Text Amendment Section 3.0 Definitions; Section 8.0 Table of Permitted Uses; Creation New Text Language Farming & Agritourism

M. Marganski, CZEO, read legal notice into the record and introduced the text amendment to the commission. Staff received back a Referral Report with recommendation from Naugatuck Valley of Council Governments (NVCOG). CZEO provided a copy of the proposed regulation and conceptual plan to the commission for discussion and turned the floor over to Vice Chair R.E. Peck.

Vice Chair R.E. Peck chaired subcommittee, thanked the public for coming and gave brief history of the subcommittee, they sought expertise from individuals outside of the commission as well as the public, to include this public hearing to gain perspective on all farms not one individual one farm.

Chairman Sirowich gave brief outline of the public hearing, opened public comment tot 3 minutes each. Stated that this was the beginning of the process and they will not be closing the



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meeting tonight, the board intends to keep the public hearing open and get feedback from the public.

5. Public Comment

Chairman B. Sirowich opened the floor to public comment and reminded those present that this was the beginning of the process and the Commission intended to keep the public hearing open to receive additional public input.

Attorney John Sponheimer, representing **Kim Warner, owner of Red Clover Farm**, thanked the Commission for its work and expressed support for developing agritourism regulations. He raised questions regarding implementation of the proposed regulations, including application requirements, whether activities permitted as a matter of right would require separate approvals, event sizes, owner presence requirements, overnight activities, definitions of outdoor performances, police involvement, lighting standards, and operational flexibility for working farms. He stated that the proposal was a strong starting point and looked forward to continuing discussions with the Commission.

Vice Chairman **R.E. Peck** responded that the Commission intentionally drafted broader language to allow flexibility for future agricultural activities while avoiding overly restrictive regulations that could unintentionally prohibit legitimate farm operations.

Attorney Steven Bellis, representing **Al and Kristen Bruno**, expressed support for balancing the interests of farmers and neighboring property owners. He submitted written proposed revisions to the draft regulations, including recommendations regarding special permit procedures, minimum lot size, requiring a majority of farm income to come from agricultural production, setbacks, event limitations, outdoor amplified music, health and safety standards, and requiring non-agricultural accessory uses to obtain special permits. His written comments were entered into the record.

Kim Warner, owner of **Red Clover Farm 174 S Benham Rd**, thanked the Commission for its efforts and discussed concerns regarding the practicality of requiring individual special permits for recurring farm activities. She suggested aligning Seymour's agritourism definition with the State definition, incorporating language regarding value-added agricultural products, avoiding unnecessary limitations on seasonal promotional events, and recognizing Connecticut Department of Agriculture provisions concerning Connecticut-grown and locally sourced products.

Chris Carson, 49 North Mead Farm Rd, Seymour, read a prepared statement into the record expressing concerns regarding the reduction in minimum farm acreage, ambiguity in several



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definitions, activities permitted by right, lack of event limitations, parking, lighting, frequency of events, and the need for additional safeguards to protect neighboring residential properties. His written statement was entered into the record.

Vera Roy, 57 Maple St. Seymour, spoke in support of reducing the minimum farm acreage to two acres, noting that neighboring municipalities have successfully implemented similar standards and that smaller farms should have opportunities to participate in agritourism.

Joseph Patrick, Shelton, expressed support for preserving agriculture while encouraging additional safeguards addressing public safety, emergency access, food service, event size, parking, traffic, setbacks, and operational standards. He recommended retaining a five-acre minimum lot size and requiring larger events to undergo additional review.

Bob Pagliero, 86 Tomlinson Rd. Seymour expressed concerns regarding reducing the minimum farm size from five acres to two acres and stated that the proposed regulations should proceed cautiously to ensure neighboring property owners are adequately protected while supporting agriculture.

Robert Rich, 119 North Benham Rd, Seymour, read a prepared statement into the record opposing portions of the proposed amendment. He expressed concerns regarding commercial activities occurring by right, lack of objective standards, event size, frequency, traffic, parking, noise, lighting, enforcement, and preserving agriculture without allowing unrestricted commercial development. He recommended requiring special permits for larger commercial-type agritourism activities. His written statement was entered into the record. (email attached at the end of minutes)

Josh Loprey, 29 Maple St. Seymour, encouraged the Commission to utilize Connecticut Department of Agriculture and Farm Bureau model regulations and guidance documents during its continued review of the proposed amendment, noting those resources address many of the concerns discussed during the hearing.

CZEO **M. Marganski** informed the Commission that additional materials had been received and would be included in the Commission packets, including the **Naugatuck Valley Council of Governments Referral Report**, Attorney Bellis' written comments, Robert Rich's written statement, correspondence from Beth Carson, and correspondence from Joshua Warner. (attached at the end of minutes)

Debbie Alterio, 37 Cold Springs Rd. Oxford, spoke in support of reducing the minimum acreage requirement and recognizing smaller farms and micro-farming operations while allowing long-established farms to continue operating under reasonable agritourism standards.



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6. Disposition of Public Hearing

Motion to continue the public hearing on Thursday August 13, 2026 at 6:00pm, location to be determined.

Made by Peck, seconded by Stanis

Vote: Aye: B. Sirowich, R.E. Peck, Niezelski, Stanis, Malberti

Nay-None

Abstain- None

All in favor public hearing closed at 7:12pm

Respectfully Submitted,

L. Rajvong

Recording Secretary, Planning & Zoning



NAUGATUCK VALLEY COUNCIL of GOVERNMENTS

49 Leavenworth Street, 3rd Floor, Waterbury, CT 06702 • 203-757-0535 • 203-735-8688 • nvcoct.gov

**PZC
EXHIBIT**

STAFF REFERRAL REPORT

TO: Seymour Planning & Zoning Commission, First Selectwoman of Seymour, Land Use Administrator, and Zoning Enforcement Officer of Seymour

FROM: Tucker Beckett, Senior Community Planner, NVCOG, 49 Leavenworth Street, Suite 303, Waterbury (203-757-0535)

DATE: July 09, 2025

NVCOG FILE NO.: SEYM-69-06172026-Z

MUNICIPALITY: Town of Seymour

DATE RECEIVED: June 16, 2026

TYPE OF REFERRAL: Zone Amendment

DATE OF PUBLIC HEARING: July 9, 2026

APPLICANT: Seymour Planning and Zoning Commission Subcommittee



DESCRIPTION OF PROPOSAL:

A subcommittee of The Town of Seymour Planning and Zoning Commission has submitted a set of proposed text amendments relating to agriculture and related uses. These amendments include the following:

Sec. 3 - Definitions

- Added definitions for:
 - Agriculture
 - Agritourism
 - As-of-Right Farm Accessory Use
 - CT "Right-to-Farm" statutes
 - Farm Market
 - Farm Stand
 - Farm Animal Rescue (to be considered)
- Modified definitions for:
 - Greenhouse (3 or more acres -> 2 or more)
 - Farming (at least 5 acres -> 2 acres)

Sec. 8 - Permitted uses

- Changes to categories in Table of Permitted Uses:
 - New category:
 - A - Allowed as of right under CT Right to Farm Act
 - Changes to YS:
 - Added text from Y category to description for clarification
- Added note to Table of Permitted Uses:
 - ZEO may consult PZC on intensification of multiple agritourism uses prior to issuing permit
- Mobile food trucks authorized for use on farms
- Various farm uses moved from Resource Production/Extraction category to new Farming and Agritourism categories.
 - Permission codes updated

Sec. 22 - Farm uses

- Changes to purpose statement
- 200ft setback on event/activity spaces on 5+ acre farms, normal district setbacks apply for farms under 5 acres
- At least 2 acres required for agritourism activities

STAFF RECOMMENDATION:

NVCOG Staff have reviewed the proposed amendments and provide the following comments:

- The proposed amendments include several necessary updates to language regarding agriculture and associated uses. Reduction of minimum scale and allowances for limited on-site events allow agricultural producers greater flexibility to adapt to changing social and economic conditions.
- As greater resilience in local food systems benefits the region as a whole, regional staff recommend that the Commission continue to consider how these regulations may be further amended to balance the needs of current agricultural producers with accessibility for new farmers and the need to limit off-site impacts.
- Staff identifies no negative intermunicipal impacts of the proposed amendments.

* * * * *

This staff recommendation is transmitted as written above unless we receive comments or objections within five days of the time you receive this proposal. If objections cannot be resolved within the scope of the original recommendations, you may submit a reconsideration request to the Regional Planning Commission for further discussion of the findings.



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7/19/26

Spanheimer

1. Remove the owner must be present. What if the owner gets sick? Then the event must be canceled?
2. Remove the ban on overnight- what if farms wanted boy scouts to camp? Or a small group of people to camp and do star watching?
3. 200ft setback is too much from the road.
4. Accessory is not clearly defined. Can it just be "reasonably related to agriculture"
5. "The ZEO may consult with the Planning and Zoning Commission regarding intensification of multiple agritourism accessory uses." This could be used arbitrarily to stop events without any objectivity. This should be removed- it's not necessary.
6. Shouldn't need police approval. What does that have to do with zoning? Police can provide guidance to the zoning board where required on special permit but having approval creates a whole other body that needs to be involved.
7. Same with Fire Marshall.
8. Same with Building Inspector
9. Public health approval only when related to food, water, sanitation (e.g. food trucks)
10. Event sizes need to be defined by vehicles or number of people to remove ambiguity.
11. What are temporary structures. Be specific.
12. Farm store should include more than just produce. Text- "value added product" should be added.
13. This process needs to be easy to do or it isn't supportive of agriculture

...is it one time approval or do each birthday party, workshop, etc need approval for every activity?

Some Additional thoughts / questions

The proposed regulation is much more protective of agricultural businesses than existing zoning because it formally recognizes agritourism. However, there are several provisions that are either vague, overly restrictive, or leave substantial discretion to future zoning officials. Those are the areas that deserve clarification before adoption.

1. "Incidental and Accessory" is Undefined

The proposal repeatedly states that agritourism events must remain:
"subordinate and accessory to a principal Farm operation."

The regulation never explains:

What percentage of revenue must come from farming?

How much of the property can be devoted to events?

How many events are too many?

What happens if agritourism becomes the primary source of income?

Without objective standards, future zoning officials could decide almost anything.

Suggested clarification

Define objective criteria such as:

Farm production remains an active use.

Agricultural use occupies the majority of the property.

Agritourism supports—not replaces—the agricultural operation.

2. "Farm Events" is Never Defined

The regulation repeatedly references:

farm events

agritourism events

accessory events

But never defines what qualifies.

Examples that should probably be expressly addressed include:

educational workshops

ign classes
dinner
weddings
concerts
artisan markets
photography sessions
farm camps
school tours
wellness retreats
harvest festivals

Without a definition, someone could argue that only pumpkin festivals qualify.

3. Event Frequency

The regulation says:

Farm events shall be permitted provided they remain incidental...
Then lists parking, emergency access, etc.

It never says:

unlimited
monthly
weekly
seasonal

That creates uncertainty.

Future enforcement could argue:

"You've had too many."
There is no standard.

4. Residency Requirement

Current language:

Property owner shall maintain permanent ownership...
and
shall be physically present on-site for the duration of any Agritourism activity.

This creates problems.

Questions include:

Can trained employees operate events?
What if the owner is briefly absent?
What if there are multiple owners?

What if the owner becomes ill?
This could unintentionally prohibit normal farm operations.

A better standard would require:

responsible management on site.

5. Outdoor Performances

The proposal specifically mentions:

outdoor performances
requiring screening.

But it never defines:

performance
live music
amplified music
acoustic music
storytelling
educational demonstrations

Someone could argue a violin player is a prohibited "performance."

Definitions would help.

6. Hours

Current hours:
Sunday–Thursday 10 AM–10 PM
Friday–Saturday 10 AM–11 PM

Questions include:

Does this mean:
Guests must leave by 10?
Music stops at 10?
Cleanup stops?
Employees leave?
Parking lot closes?

Without clarification, enforcement becomes subjective.

7. Site Plan Requirement

The proposal states:

Activities must stay within approved areas.

Can new flower fields be added?
Temporary tents?
Seasonal vendor areas?
Hayrides?
Bonfire areas?
Christmas displays?

A procedure for administrative amendments might avoid repeated Planning & Zoning hearings.

8. Utility Infrastructure Statement

Applicants must prove:
adequate utilities
or
adequate well and septic for peak event capacity.

Questions:

Who determines "adequate"?

Licensed engineer?
Health Department?
Building Official?
Fire Marshal?
Planning Commission?

Those responsibilities should be identified.

9. Operational Metrics

Applicants must estimate:

maximum patrons
vendors
traffic

What happens if:

Attendance exceeds projections?
Weather changes attendance?
A special guest appears?

No enforcement mechanism is described.

10. Police Approval

The proposal requires:
Approval from the Chief of Police.

Questions:

Can approval be denied?
Under what standards?
Is denial appealable?
Is it discretionary?

Objective criteria would prevent inconsistent decisions.

11. Fire Marshal Approval

Same issue. Approval is required.

No standards are listed.
No appeal process.

12. Building Official Approval

Again, Approval required.

No criteria.
No appeal.

13. Public Health Approval

Same concern.

The regulation should specify:

approval based solely on applicable health regulations.

14. Visual Screening

Current language:
Complete visual screening for outdoor performances.

Questions:

Complete?
From where?
Neighboring homes?
Road?
Entire property?
Winter?
Summer?

Evergreens?
Fencing?

This could become difficult to satisfy because "complete" is subjective.

15. Lighting Standards

The regulation says:
Prevent glare beyond the property.

Virtually every outdoor light extends beyond property lines to some degree.

A measurable standard (foot-candles at the property line) would be easier to enforce consistently.

16. Noise

The proposal simply references the Seymour Noise Ordinance.
That is generally appropriate.

However, if the Noise Ordinance changes in the future, agritourism automatically changes too.

Some municipalities instead reference the ordinance "as amended" or establish separate agricultural standards.

17. "Connecticut Grown"

The proposal references Cottage Food items.

If retail sales are intended beyond Cottage Foods (flowers, maple syrup, honey, eggs, plants, soaps, crafts, value-added farm products), that should be clearly stated elsewhere to avoid future disputes. Also native and locally grown should be added due to CTs short growing season or if weather condition yields small crop.

18. Future Agricultural Innovation

Agriculture evolves quickly.

The regulation currently doesn't address newer activities such as:

farm-to-table dinners
flower subscriptions
agritourism memberships
educational livestreams
agricultural makers markets
Artisan vendor markets
CSA pickup events
seasonal photography rentals

Language allowing "similar agricultural educational or recreational activities" would reduce the need for future amendments.

19. Definitions

Several important terms should probably be added to Section 3 because they are used throughout Section 22 but are not defined:

Agritourism

Agritourism Event

Farm Event

Educational Event

Agricultural Experience

Farm Product

Farm-Based Retail

Seasonal Event

Temporary Structures associated with Agritourism

20. Appeals

Several approvals require sign-off by different officials.

The proposal never states:

What happens if someone says no?

Can the applicant appeal?

To whom?

Within what time?

That omission could create uncertainty.

The draft is a strong foundation and clearly intends to support agritourism while addressing neighborhood concerns. Most of the potential issues are areas where undefined terms or broad discretion could lead to inconsistent interpretation or future disputes.

The most significant areas to clarify are:

Define what qualifies as agritourism and a farm event.

Clarify what "incidental and accessory" means with objective standards.

Remove or soften the requirement that the property owner must be physically present for every event.

Establish objective standards for approvals by the Police Chief, Fire Marshal, Building Official, and Health Department, including an appeal process.

Clarify operational details such as event frequency, hours, temporary improvements, and site plan modifications.

Add definitions for key terms used throughout the regulation to reduce ambiguity.

These refinements would make the ordinance more predictable for farmers while also providing clearer expectations for neighboring property owners and zoning officials.

Planning & Zoning Comments on the Proposed Agritourism Regulations

First, I would like to thank the Planning & Zoning Commission and the Agritourism Subcommittee for the time and effort that has gone into preparing these proposed regulations.

Agriculture is an important part of Seymour's history, and creating regulations that support working farms while respecting neighboring properties is an important goal.

After reviewing the draft regulations, I believe they provide a solid foundation for agritourism. I respectfully offer the following suggestions to help clarify the ordinance, reduce future disputes, and provide certainty for both farmers and the Town.

1. Clearly define what constitutes an Agritourism Event.

The ordinance references agritourism events and farm events but does not define them.

It would be helpful to clarify that agritourism may include activities such as:

- educational workshops
- school field trips
- farm tours
- seasonal festivals
- artisan markets
- wellness programming
- agricultural demonstrations
- live acoustic music
- farm-to-table dinners
- weddings and private events
- photography sessions
- children's educational programs

The ordinance should also state that this list is illustrative rather than exhaustive so that new agricultural activities are not unintentionally prohibited.

2. Clarify what "accessory and subordinate" means.

The draft states that agritourism must remain accessory to the farm but does not establish objective standards.

Providing measurable criteria would create consistency for future applicants and future Planning & Zoning Commissions and reduce subjective interpretations.

3. Clarify event frequency.

The ordinance does not specify whether farms may hold events weekly, seasonally, or throughout the year.

Providing guidance on how event frequency will be evaluated would benefit both applicants and neighboring property owners.

4. Allow a designated farm manager to oversee events.

The current requirement that the property owner remain physically present throughout every agritourism activity may create unnecessary operational challenges.

A designated responsible farm manager should be permitted to oversee events when appropriate.

5. Establish objective approval standards.

Several provisions require approval from:

Police Department

Fire Marshal

Building Official

Health Department

The ordinance should identify the standards these departments will use and explain the process if an approval is denied or conditioned.

Clear criteria promote fairness and consistency.

6. Clarify site plan modifications.

Agritourism operations naturally evolve with the seasons.

The ordinance should explain when administrative approval is sufficient for minor changes, such as:

temporary tents

vendor locations

seasonal displays

flower fields

hayrides

educational areas

This would avoid requiring repeated hearings for routine operational adjustments.

7. Clarify operational hours.

The ordinance establishes event hours but does not explain whether they apply to:

public attendance

music

vendor setup

cleanup

employees

Clarifying this language will help prevent misunderstandings.

8. Replace subjective standards with measurable standards.

Requirements such as:

complete visual screening
preventing glare
could be clarified with objective performance standards.

Objective standards are easier for applicants to understand and easier for staff to enforce consistently.

9. Encourage flexibility for future agricultural innovation.

Agriculture continues to evolve.

The ordinance should recognize that future agritourism activities may develop over time and should allow similar agricultural, educational, cultural, or recreational activities that support the farm without requiring repeated amendments to the zoning regulations.

10. Include an appeal process.

The ordinance should explain how applicants may appeal decisions or conditions imposed during the approval process.

Providing a clear process benefits applicants, staff, and the Commission.

EXTERNAL New Farm Regulation

From Stephen Bellis <SRB@pellegrinolawfirm.com>
Date Thu 7/9/2026 12:45 PM
To Michael Marganski <mmarganski@seymourct.org>
Cc John P. Marini <jpmarini@ryandelucalaw.com>

 1 attachment (26 KB)
Changes to Sections re Farms.docx;



Mike, I am proposing that certain changes be made to the proposed regulation. I have attached the sections that should be changed.

Stephen R. Bellis
Attorney
THE PELLEGRINO LAW FIRM
A PROFESSIONAL CORPORATION



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Atty Belis

**PZC
EXHIBIT**



Section 22.2 – Revision

Commercial Accessory Uses not customarily associated with farming may be authorized only upon the application of a special permit pursuant to Section 11 and approval under Section 11 and subject to the following standards:

A. Minimum Lot Area:

Change from 2 acres to 5 acres. Minimum 51% of sales must be from primary farming operations such as selling crops, livestock or dairy. Annual sales to be provided to Zoning Enforcement Officer before issuing a zoning special permit.

C. Change setback 500 feet from all property owners.

G. No more than ten events per year for non-agricultural accessory uses.

K. No Amplified Music outside.

O. The proposed use shall not adversely affect the health and safety of neighbors or the enjoyment, usefulness and value of the premises in the general neighborhood. The P&Z shall take into consideration the current use and zone of surrounding properties before granting a special permit. The uses or events must comply with applicable State of Connecticut Statutes and regulations as well as Town ordinances.

Section 8.2

Permitted Uses:

All agritourism activities shall require a special permit under Section 11 of these regulations.

Seymour P&Z Hearing
July 9, 2026
Re: Proposed zoning amendments



We respectfully submit this letter in opposition to the proposed zoning amendments that would permit expanded non-agricultural activities on farms in Seymour.

While agriculture remains an important part of Seymour's heritage and economy, the proposed regulations as currently drafted fail to establish clearly defined approval standards, safeguards, and enforcement mechanisms to protect neighboring property owners, preserve the integrity of residential zones, and ensure clear and consistent land-use decision-making by the P&Z Commission (the "Commission") and Zoning Enforcement Office personnel.

A. Clear and Objective Approval Standards

A primary concern with the regulations is that they allow for a broad range of non-agricultural uses without clearly defining the factors which such uses may be denied, modified, conditioned, or approved.

Without objective standards, the Commission will be placed in a position of making subjective, inconsistent decisions that will be difficult to defend and unclear to residents. Applicants, the Commission, and neighbors will not have clear expectations regarding compliance absent such criteria. Regulations should clearly establish the following (not an exhaustive list):

- The types of permitted non-agricultural uses, if any;
- Maximum event size and attendance;
- Frequency and duration of activities;
- Hours of operation;
- Parking requirements;
- Traffic management requirements;
- Noise limitations;
- Lighting standards;
- Sanitation and restroom requirements;
- Emergency access requirements; and
- Buffering and screening standards for abutting landowners.

B. Special Permit Review

Non-agricultural activities that do not have a clear nexus to farming should not be allowed as-of-right. All non-agricultural uses shall obtain a special permit as set out in Section 11 and proposed section 22 as modified in Seymour's regulations. The following is a list of non-agricultural activities that will negatively impact surrounding neighborhoods (not an exhaustive list):

- Weddings;
- Live outdoor amplified music events;
- Concerts;
- Festivals;
- Artisan fairs;
- Food trucks;
- Entertainment venue(s);
- Corporate retreats; and
- Large gatherings.

C. Protection of Neighboring Properties

Many Seymour farms are located in residential zones and/or adjacent to residential neighborhoods. Regulations must provide measurable standards to mitigate negative impacts and protect the rights of neighboring property owners. Non-agricultural events will create significant impacts on such areas, up to and including (not an exhaustive list):

- Increased traffic;
- Parking overflow/issues;
- Noise;
- Outdoor amplified music;
- Dust;
- Lighting;
- Trespassing; and
- Public safety concerns.

D. Enforcement

As the Commission is aware, regulations must be enforceable. Enforcement becomes challenging and difficult for zoning officials without clearly defined operational standards. A lack of standards also creates uncertainty for both residents and farm owners.

The Commission must ensure that any regulations include:

- Authority to revoke permits for repeated violations.
- Compliance monitoring provisions.
- Record-keeping requirements.
- Clear definitions of violations.

E. Agricultural v. Non-Agricultural Activities

The purpose of agricultural zoning should be to support farming activities – not to allow unrestricted non-agricultural uses under the façade of agriculture.

We respectfully request that the Commission consider the differences between agricultural activities with a direct nexus to farming compared to non-agricultural activities that are not inherently agricultural in nature. Failure to consider these differences risks transforming Seymour's agricultural properties into non-agricultural venues with impacts well beyond events traditionally associated with farming operations. All non-agricultural uses shall obtain a special permit as set out in Section 11 and proposed section 22 as modified in Seymour's regulations.

F. Conclusion

We ask the Commission to not adopt the proposed regulations as drafted which broadly allow non-agricultural activities on farms without clear, objective, and well-drafted approval standards, mandatory special permit review, protection of adjoining and neighboring properties, and effective enforcement mechanisms. Non-agricultural uses must not adversely affect the enjoyment, usefulness, and value of adjoining land and premises in the general neighborhood.

To this end, we ask that:

- The minimum lot area remain 5 acres;
- The setback be 500 feet from all adjoining property lines;
- Events comply with current noise ordinance hours and not be extended beyond same;
- A minimum 51% of sales must be from primary farming operations such as selling crops, livestock, or dairy;
- That annual sales be provided to the zoning enforcement officer upon the submission of an application for a special permit; and
- No more than ten (10) events be allowed annually per farm for non-agricultural accessory uses.

We urge the Commission to slow this process down in the best interest of all residents. This will ensure that the Commission enacts regulations that account for the current use and zone of surrounding properties, and objectively and logically evaluate each application on its merits before zoning enforcement officials grant any special permit application. Non-agricultural uses or events must comply with applicable Connecticut statutes and regulations and town ordinances. Seymour's zoning enforcement officials must be allowed to do their jobs with confidence to support farms, protect the public safety and welfare, and safeguard each resident's right to peaceful enjoyment of their property.

Thank you for your consideration.

Respectfully Submitted,
Al and Kristen Bruno
10 MacConnie Court, Seymour



Good evening. My name is Chris Carson and I reside at 49 N Mead Farm Rd.

I grew up, went to college, and worked in cities dozens of miles away from any farms. Since moving to Connecticut 19 years ago, I've come to appreciate them. We've supported the Jones', Rich's, Laurel Glen, Bomba's, and Belinsky farms as well as others across the state. My wife particularly loves the ones on the Wine Trail. I certainly understand the need to help our farms remain viable. Agritourism is a great way for farms to supplement their income in a challenging economic environment. However, there have been published abuses of agritourism efforts as a means to circumvent commercial zoning requirements that we should protect against. I don't think we want properties to become commercial enterprises with a garden in the background.

I have reviewed the Agritourism proposal and edits to the town's Zoning Ordinance and want to raise the following concerns:

In Section 3, the definition of Farming has been changed to reduce the required acreage from 5 acres to 2. This greatly increases the number of eligible properties in town. Neighbors that moved next to those properties did not anticipate that they would soon live by a farm with all of the activities and the environment that comes with it.

The definitions of Farm Market and Farm Stand use ambiguous language regarding "local" and "primarily." These words have different meaning to various people. It's especially concerning in a definition section. The courts have consistently ruled in favor of the land owner over ambiguous language stripping the P&Z from their preferred interpretation. Ambiguity in zoning ordinances can lead to financial and legal risks, delayed projects, and can expose the town to claims of arbitrary enforcement.

In Section 8, Permitted Uses, codes A, Y, and YS indicate that those uses are approved administratively as those activities are a right of use under a Zoning Permit. Code P uses require a Special Permit, but none of the permitted uses require a Special Permit except Renewable Energy Farming. By the way, code YS has a sentence fragment in the middle, but it appears that a building, any building, smaller than 2000 square feet can be built without any P&Z approval. That's larger than some homes.

In the Farming table, I was shocked to see that Livestock and Dairy Operations are allowed in all zones as long as they meet the acreage requirement, and I don't know why a Connecticut Certified Forester is required for Animal Husbandry activities.

In the Agritourism table, all activities are allowed in all zones provided they meet the acreage requirement in Section 22, barely over 4 acres total, which I can't imagine was the Committee's intent. Many of these activities are not associated with traditional farming and almost all of the activities would be allowed with just a Zoning Compliance Permit without

any limitation on activity scope nor size. Artisan Fairs, Birthday Parties, Corporate Retreats, Indoor and Outdoor Performances, Weddings, Receptions, Wellness Events all have the potential to have extremely large attendances that would not require any accommodations for the residential neighborhoods.

In the new Section 22, it's stated that Agritourism shall remain subordinate to a principal farming operation. One way to ensure **that** is to apply an income requirement to the farming activities relative to the Agritourism activities, such as 75% of all farm income shall come from farming operations.

The next sentence says that Commercial accessory uses, a phrase that should probably be changed to Agritourism uses, require a Special Permit which is not consistent with the coding in Section 8.

There does not seem to be any event frequency limitations other than the ambiguously described "incidental" term. Adequate parking is also not defined. Necessary restroom facilities should be addressed as well as lighting since these activities can take place as late as 11p.m.

Under Residency Requirement, it states that the property owner must be present. This does not address properties held in a trust. Should the trustee be present in these cases?

I've found several inconsistencies in the proposed language and critical issues that have not been addressed. It appears to be a rushed effort that risks a disastrous change if not taken with sufficient care and consideration. If you haven't already, I suggest that the P&Z explore Agritourism zoning language used by other towns to help broaden the committee's perspective and to learn from those towns' leaders about their experiences.

I also kindly request that proposed language being considered by the Committee be placed on the department's website.

To: Seymour Planning and Zoning Commission

From: Robert Rich, 9 North Benham Road, Seymour, CT 06483

Date: July 9, 2026

PZC
EXHIBIT



Re: *Opposition to Proposed Amendments Allowing Commercial Uses on Farms Without Clear Standards and Effective Regulatory Oversight*

Dear Chairperson and Members of the Planning and Zoning Commission:

I respectfully submit this letter in opposition to the proposed zoning amendments that would permit expanded commercial activities on farms within the Town of Seymour.

While agriculture remains an important part of Seymour's heritage and economy, the proposed regulations, as currently drafted, fail to establish sufficient standards, safeguards, and enforcement mechanisms necessary to protect neighboring property owners, preserve residential character, and ensure consistent land-use decision-making.

Lack of Clear Approval Standards

One of the primary concerns is that the proposed regulations appear to allow a broad range of commercial activities without clearly defining the circumstances under which such uses may be approved, denied, modified, or conditioned.

Without objective standards, the Commission may be placed in a position where decisions become subjective, difficult to defend, and potentially inconsistent from one application to another. Regulations should clearly establish:

- Types of commercial activities permitted.
- Maximum event sizes and attendance.
- Frequency and duration of activities.
- Hours of operation.
- Parking requirements.
- Traffic management requirements.
- Noise limitations.
- Lighting standards.
- Sanitation and restroom requirements.
- Emergency access requirements.
- Buffering and screening standards.

Absent such criteria, neither applicants, neighbors, nor the Commission will have clear expectations regarding compliance.

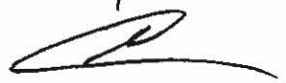
Need for Special Permit Review

Commercial activities that are not traditionally incidental to farming should not be allowed as-of-right.

Activities such as:

- Weddings
- Concerts
- Festivals
- Artisan fairs
- Food truck events
- Entertainment venues
- Corporate retreats
- Large gatherings

2 of 3



are commercial enterprises that may significantly impact surrounding neighborhoods.

Such uses should require a Special Permit subject to public hearing and Commission approval so that site-specific impacts can be evaluated and conditions imposed where appropriate.

Protection of Neighboring Properties

Many farms are located adjacent to established residential neighborhoods. Commercial events can create significant impacts, including:

- Increased traffic.
- Parking overflow.
- Noise.
- Outdoor amplified music.
- Dust.
- Lighting.
- Trespassing.
- Public safety concerns.

The regulations should provide measurable standards designed to mitigate these impacts and protect the rights of neighboring property owners.

Enforcement Concerns

The proposed regulations must be enforceable.

Without clearly defined operational standards, enforcement becomes extremely difficult for zoning officials and creates uncertainty for residents and business owners alike.

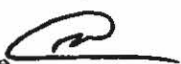
The Commission should ensure that regulations include:

- **Revocation authority for repeated violations.**
- Compliance monitoring provisions.
- Record-keeping requirements.
- Clear definitions of violations.
- Ability to impose conditions tailored to individual sites.

Preservation of Agriculture Versus Commercial Development

The purpose of agricultural zoning should be to support farming, not create a pathway for unrestricted commercial development under the guise of agriculture.

The Commission should carefully distinguish between:

3 of 3


- Agricultural activities directly related to farming; and
- Commercial entertainment and event activities that are not inherently agricultural in nature.

Failure to make this distinction risks transforming agricultural properties into event venues with impacts far beyond those traditionally associated with farming operations.

Conclusion

I urge the Commission to refrain from adopting regulations that broadly authorize commercial activities on farms without comprehensive standards, meaningful review procedures, and effective enforcement mechanisms.

If the Commission determines that certain agritourism activities should be permitted, those activities should be subject to Special Permit review with clearly defined performance standards that allow the Commission to evaluate each proposal on its merits and impose conditions necessary to protect public health, safety, welfare, and neighboring properties.

Thank you for your consideration of these comments.

Respectfully submitted,



EXTERNAL July 9 P&Z meeting

From beth carson <bvlvscc@yahoo.com>

Date Thu 7/9/2026 2:16 PM

To Michael Marganski <mmarganski@seymourct.org>



Hi,

I am out of town and am unable to attend tonight's meeting so I wanted to email my comments.

1) as a property owner pays a lot of tax \$\$- I am disgusted with the new Agritourism bill. I am not opposed to allowing farms the opportunity to Supplement their revenue with an occasional commercial endeavor, it as written, this bill will allow a farm to continue to pay a reduced tax burdened while solely performing only commercial activities. Not only does this reduce the tax revenue for Seymour, but it is a slap in the face to all of our commercial businesses. They would love the tax break as well.

2). There is no mention of farm revenue. A farm should have 75% of its revenue from what are considered farm activities. The farm should provide proof of this when applying for an agritourism exemption.

3). There needs to be a limit on the # of agritourism activities allowed per month - as it is a farm and not a commercial property and likewise pays farm taxes.

4). All current zoning ordinances should be in effect - noise, lighting, public health & safety regardless. Of activity.

5). If this passes as written, the fact that anyone with 2 acres can now have agritourism, very irresponsible and short-sighted. There are many residential properties in Seymour that meet this definition and would create a havoc on their neighborhoods if allows. There needs to be at least 5 acres.

6). There should be a limit of 500 feet to abutt against another property and not 200 feet. Again- refer to #5- this means all the residential properties and farms will encroach on their neighbors in an undesirable fashion. If a "farm" or agratourism event cannot happen if the 500 feet away from neighboring property then the event is too big for the plot of land.

7). There should never be an exemption to the noise restriction ordinances , especially if the event is going to allowed within 200 feet of another property. A noise ordinance variation should only be allowed if the event is within 1000 feet of another property.

8). No more than 1 agritourism event per month. That way it is an exception and not a commercial business operating as a farm or residential property.

10). This modification will decrease taxable revenue and not generate it. This is unacceptable. I am sick and tired of paying increase property taxes and allowing farms and residential areas to operate commercial activities while being taxed at lower taxes rates is a slap in the face to all of us paying property taxes.

Kind Regards,

Beth Carson

EXTERNAL Regarding: PUBLIC COMMENT FOR JULY 9, 2026 PZC MEETING – Striking Opposition to Application PZC-26-7 sections need refining (Section 3 Definitions, Section 8 Permitted Uses, and Section 22 Agritourism Text Amendments) and Enforcement Actions A...

From Joshua Warren <joshuawarren16@gmail.com>

Date Thu 7/9/2026 7:51 AM

To Michael Marganski <mmarganski@seymourct.org>; Annmarie Drugonis <adrugonis@seymourct.org>;
jpmarini@ryandelucalaw.com <jpmarini@ryandelucalaw.com>

Cc Info@redcloverfarms.org <Info@redcloverfarms.org>



1 attachment (1 MB)

Red Clover Farms updated 6-29 Memorandum law.pdf;

1 of 10

Dear Mr. Marganski, Members of the Commission, and Attorney Marini,

My name is Joshua Warren. I am writing to submit formal written testimony regarding the proposed text amendments under Application PZC-26-7, specifically including the June 10, 2026 subcommittee draft of Section 22 (Agritourism), the restrictive administrative/engineering review provisions under Section 8, and the updated definitions under Section 3. Please ensure this letter is distributed to all Commission members and entered into the official public record ahead of the 12:00 PM deadline for tonight's 7:00 PM meeting.

As an initial and critical matter of administrative procedure, I must note for the record that Town Attorney John Marini has failed to respond to my inquiries or return correspondence over a 25-day period. This complete lack of communication from town counsel has effectively deprived me of due process and severely obstructed my right to prepare an equal, timely, and applicable defense to the sweeping modifications defined in Sections 3, 8, and 22 of the proposed amendment. Moving forward with a vote tonight under these conditions constitutes an administrative rush that undermines fundamental procedural fairness.

Furthermore, let me be entirely clear to avoid any administrative misunderstanding: I am appearing before this body strictly as an authorized neighbor, regional landowner, and citizen advocate on behalf of Red Clover Farms. I am not an attorney, I am not admitted to the Connecticut bar, and I am not providing formal legal representation or legal counsel in a judicial capacity. I am exercising my constitutional right as a citizen to comment on public policy and protect our region's historic agricultural operations from extrajudicial municipal overreach.

Vested Grandfathered Rights and the Legal Standard of Non-Abandonment

Red Clover Farms has operated continuously on its parcel since 1915—forty-two years before the Town of Seymour officially adopted zoning regulations in 1957. Under Connecticut common law, the farm holds a constitutionally protected, vested non-conforming right to operate, evolve, and diversify.

Any assertion by the zoning department that changes in specific agricultural activities over the decades (such as transitioning from dairy to active haying, or integrating animal rescue operations) constitutes a gap or abandonment of grandfathered rights is entirely invalid. CGS Section 8-2 explicitly states that municipal regulations "shall not provide for the termination of any nonconforming use solely as a result of nonuse for a specified period of time without regard to the intent of the property owner to maintain that use." As established by the Connecticut Supreme Court (*Magnano v. Zoning Board of Appeals*), legal abandonment requires a proven, overt intent to permanently cease all agricultural activity. Shifting agricultural focus to meet changing economic realities is a legally protected right.

The Tax Assessment Double Standard (Municipal Estoppel)

The town's current enforcement actions rely on a flagrant bad-faith contradiction. The town's official GIS data and field cards explicitly designate this farm's structures as commercial and retail for property tax assessment purposes under PA 490. The town cannot legally enjoy the financial benefits of taxing an operation based on commercial and retail metrics to extract maximum revenue, while simultaneously attempting to strip the property of its retail, accessory, and public agritourism rights by treating it as a standard residential R40 plot. Under the principles of municipal equitable estoppel, the town cannot tax a farm like a commercial business while regulating it like a quiet backyard.

The Town's Internal Contradiction with CGS Section 1-1(q) and Judicial Precedent

The town's own zoning regulations adopt the statutory language of Connecticut General Statutes Section 1-1(q), recognizing that agriculture and farming include nurseries, orchards, greenhouses, and the direct sales of agricultural or horticultural commodities as incident to ordinary farming operations. Under the established "nexus test" of CGS Section 1-1(q), any practices performed by a farmer or on a farm as an incident to or in conjunction with farming operations are explicitly insulated from local overreach.

Connecticut jurisprudence directly reinforces this right to operational diversification:

Borrelli v. Zoning Board of Appeals of the City of Middletown, 106 Conn. App. 266 (2008): The Appellate Court affirmed that accessory activities supporting the ongoing financial health of a farm—such as processing and direct retail sales—possess a rational, legally protected nexus to the primary agricultural classification of the property.

Heublein, Inc. v. Department of Consumer Protection, 213 Conn. 184 (1989): Reaffirms that statutory definitions governing industry classifications must be interpreted reasonably to encompass modern operational standards, rather than strictly to restrict commercial evolution.

Despite this explicit framework, the proposed Agritourism text amendment under Application PZC-26-7 attempts to narrow agritourism exclusively to "Bona fide farm livestock operations or ranches, or in a working forest." This is a direct, illegal contradiction. Under the town's own code, a farm includes orchards, nurseries, and crop fields. The town cannot use a restrictive local Agritourism definition to strip crop-based farms or agricultural animal rescues of their statutory right to engage in direct sales and public interaction. I have it highly appreciated if that clear and critical language is added without any editing. To the new town documents without further delay, unfair and or unnecessary barriers.

Furthermore, the town's inclusion of a profitability clause—stating that agricultural land use requires the "employment of land primarily [for] the purpose of obtaining profit by money"—is a clear violation of state law. CGS Section 1-1(a) sets a binding, universal legal definition across Connecticut based

purely on the physical activities occurring on the land (cultivation, livestock care, harvesting). It contains no profitability requirement. Introducing a financial profit metric gives the town an illegal mechanism to strip a property of its agricultural status during poor market years or crop failures, directly undermining state farm preservation laws.

Overreaching Subversion of As of Right Farm Infrastructure and Lot Coverage

The town's proposed regulations define an as of right farm accessory use to include machinery sheds, barns, livestock housing, and farm stands, declaring them customarily incidental and subordinate to a working farm. However, the town then attempts an illegal catch-22 by limiting these essential agricultural structures through punitive residential total combined accessory building lot coverage restrictions, administrative zoning hurdles, and mandatory town engineering reviews.

This completely violates CGS Section 1-1(q), PA 25-152, and the Home Rule authority granted under CGS Section 7-148. Under the established boundaries of Section 7-148, local regulatory and enforcement actions form a strict statutory ceiling; a municipality has zero inherent sovereignty and no authority to pass local text that subverts, narrows, or hollows out overriding state mandates.

By wrapping core agricultural assets in excessive municipal permitting, residential lot-coverage equations, and commercial real estate engineering requirements, the town is attempting to local-zoning-out statutory agricultural guarantees. Furthermore, attempting to force farm-integrated Accessory Dwelling Units (ADUs)—which are critical for housing essential on-site farm laborers, rescue caretakers, and apprentices—through restrictive residential codes directly violates the economic viability protected under CGS Section 19a-341 (The Right to Farm Act).

The Exclusionary Trap of Section 8-1 (B and C) Regarding Unlisted Uses

Section 8-1 (B and C) dictates that any use not explicitly listed in the town's permitted use table is expressly prohibited unless it is reviewed by the Planning and Zoning Commission under a strict four-factor test focusing on traffic, volume, and commercial compatibility when it's overbearing and unnecessary for an already established farm based property.

Applying this rigid, exclusionary framework to working agricultural land represents a severe overreach that violates CGS Section 19a-341 (The Right to Farm Act). Agriculture is a dynamic, evolving industry. A farm cannot be forced into a defensive posture where every minor modern adaptation, educational gathering, animal rescue initiative, or wellness event is automatically treated as an unpermitted commercial nuisance simply because it isn't explicitly itemized in a 1957 town table. The Right to Farm Act prevents municipalities from using general unlisted use prohibitions to choke a farm's right to execute standard, state-protected agricultural and agritourism expansions.

The Section 8 Administrative Approval Trap and Explicit State Permitting Exemptions

Under Section 8 Permitted Uses, the town attempts to mandate that any farm activity or accessory development requires formal administrative approval and a zoning permit application signed off by the Zoning Enforcement Officer, Town Planner, and Town Engineer to find compliance with these regulations. It further seeks to mandate Planning and Zoning Commission review and high-cost A2 surveys for structures exceeding 2,000 square feet.

This application process directly violates the statutory protections and explicit carve-outs of PA 25-152 and CGS Section 19a-341. Connecticut Public Act No. 25-152 explicitly exempts agricultural hoop houses and high tunnels from municipal building permitting or construction standards. By creating a

local text blanket-mandating town engineering and administrative zoning approvals for temporary farm structures, the town is directly defying a binding state statutory exemption enacted to support agricultural infrastructure. Under the preemption doctrine, local zoning authorities cannot wrap state-protected agricultural rights in expensive municipal red tape to stifle an operation's economic survival.

Severe Statutory Violations in Proposed Section 22 General Provisions

A review of the proposed general standards under Section 22 reveals further explicit conflicts with state agricultural protections:

Section 22.2.E (The Multi-Permit Farm Stand Trap): This section dictates that the farm owner "shall obtain a cottage food license and zoning permit" for farm stand retail items. This is a flagrant violation of state law. Under CGS Section 1-1(q), the "direct sales of agricultural or horticultural commodities as incident to ordinary farming operations" is protected by right. The town has no legal authority to mandate a local zoning permit for an inherent right, nor can it misapply state Cottage Food license mandates to restrict or micro-manage the sale of raw agricultural commodities.

Section 22.2.C (Severe 200-Foot Setback Chokeholds): Mandating a 200-foot setback all property lines for parking, activity zones, and event spaces on farms over 5 acres is an arbitrary, punitive restriction. This massive buffer zone effectively sterilizes the usable acreage of long-standing farms, preventing them from hosting the public and completely defeating the intent of Public Act No. 25-152, which was enacted by the General Assembly to expand farm viability. While Chapter 124 grants local authorities standard zoning powers, Connecticut courts have consistently ruled that towns cannot utilize location and setback boundaries as a bad-faith tool to render a state-protected use mathematically or physically impossible to execute.

Section 22.2.H (Arbitrary On-Site Residency Mandates): Forcing the property owner of record to be "physically present on-site for the duration of any Agritourism activity" is an unprecedented, illegal overreach into private business operations. It strips a farm owner of the right to utilize authorized managers, employees, or family members to run daily operations.

Section 22.2.L (Overnight Lodging Prohibition): This section dictates that overnight accommodations or lodging for guests, patrons, or event participants is strictly prohibited. This blanket ban directly conflicts with the expansion of agritourism protected under PA 25-152, which shields immersive, multi-day educational, cultural, and recreational farm events. Restricting a farm from hosting overnight educational retreats or farm-stays completely subverts the economic sustainability protected under CGS Section 19a-341 by micro-managing the duration of a citizen's educational stay on a working farm.

Section 22.3 (The Multi-Agency Special Permit Bureaucracy): This section strips away any concept of "As of Right" use by requiring a Special Permit backed by separate written sign-offs from the Chief of Police, local health district, Fire Marshal, and Building Official. PA 25-152 contains absolutely no framework authorizing municipalities to erect multi-agency barriers to block agritourism.

Furthermore, PA 25-152 explicitly dictates that a farm unit is composed holistically of connected tracts, lots, or parcels devoted to agriculture; meaning the town cannot fragment parcels to trigger compounding accessory reviews.

Equal Protection Violations

The town's enforcement stance creates a severe equal protection violation. Seymour's R40 residential zone explicitly permits high-traffic, public-facing commercial operations—including child daycares, adult daycares, places of worship, and cemeteries. Singling out a 111-year-old historic farm by forcing it to obtain specialized administrative permits, town engineer approvals, and high-cost A2 surveys for mobile food vendors or temporary facilities—while allowing standard R40 residential homeowners to host food trucks or guests without administrative barriers—is arbitrary, capricious, and discriminatory.

Conclusion and Demand for Action

Because Application PZC-26-7 explicitly conflicts with PA 25-152, CGS Section 1-1(q), CGS Section 19a-341 (The Right to Farm Act), CGS Section 8-2, and the Home Rule boundaries of CGS Section 7-148, the Planning and Zoning Commission must reject this text amendment. We demand that the town harmonize its local ordinances with uniform state definitions, remove unconstitutional engineering, exclusionary land-use traps, lot-coverage caps, and profitability mandates, drop the illegal 200-foot setbacks and lodging bans, and respect the vested, grandfathered rights of Red Clover Farms.

Failing to do so exposes the Town of Seymour to immediate statutory preemption litigation and civil rights claims. If any relevant content is missing from this letter, I will address it in tonight's meeting under the public comment section.

Respectfully submitted,

Joshua Warren

Authorized Neighbor, Landowner, and Pro Bono Citizen Advocate for Red Clover Farms

Resident of the Sandy Hook / Monroe Area, CT

----- Forwarded message -----

From: **Joshua Warren** <joshuawarren16@gmail.com>

Date: Tue, Jun 30, 2026 at 7:30 AM

Subject: UPDATED MEMORANDUM OF LAW Regarding current connecticut zoning laws that apply to Red Clover Farms

To: <adrujonis@seymourct.org>, <jmarini@seymourct.org>, <Info@redcloverfarms.org>

CC: <mmarganski@seymourct.org>, <pwillhelmy@seymourct.org>, <bsirowich@seymourct.org>, <jfalbo@valleyindependent.org>, <keith.bishop@bishopsorchards.com>

Dear First Selectwoman Drugonis, Attorney Marini, all related Independent Supporting Parties, Boards, and all Responsible Parties in the Town of Seymour that are not listed,

Please find enclosed with this transmission the formal Memorandum of Law and evidentiary package originally presented on June 12th following the public proceedings regarding Red Clover Farms. To ensure absolute clarity and a complete administrative file for all decision-makers, I respectfully request that this document be officially submitted into the record and shared with the members of the Town Council and our respective land-use boards.

In the spirit of the collaborative leadership that defines our region, Honorable First Selectwoman Drugonis, I want to personally harken back to our initial contact on May 7th, after my first testimony,

2026 Public Hearing Minutes 6/7/2026
Agritourism Text Amendment

5/10

when I asked you your opinion on the evidence I didn't cite in my first speech; and our meeting on May 14th where I had the privilege of listening to your excellent and articulate remarks before the board, where you spoke on the need for the Zoning Board to adopt and draft agritourism protections. As well, finally, my last subsequent testimony on June 11th where I spoke directly with the town council on why I believed it was in the town's best interest to immediately protect the town from any further civil liabilities by formally withdrawing the cease and desist because it violated the farm's rights, and the codified state laws from the general assembly. I believe if the town is able to move swiftly, and condemn and withdraw this ultra vires decision, it ends the town's liabilities and draws a clear path for an equal, and fair resolution of an immediate dismissal and the town's adoption of the already standing definitive Connecticut General Statutes, enacted by our State of Connecticut General Assembly.

First Selectwoman Drugonis, I also want to explicitly state how thoroughly I appreciated your defense of agritourism during that May 14th assembly; not only was it a brave departure from what was being suggested by the ZBA, ZEO, and the Zoning Board, your forward-looking representation and clear suggestion that the town zoning regulations proactively adopt the agritourism angle demonstrated true executive insight and intuition.

With this positive working collaborative relationship, it is my sincere hope that this forward-thinking vision will guide the town of Seymour toward an immediate and positive resolution, culminating in the lifting of the current cease-and-desist order to secure the operational stability of Red Clover Farms, and a healthy protected future for local farms, and the community that has historical connections to farming itself.

True public service relies on precise synchronization, open feedback loops, and a shared, predictable rhythm. We have always deeply appreciated and respected the distinct care, diligence, and public communication that you, First Selectwoman, bring to our community. True leadership acts as a bridge-builder, ensuring that all local voices work in total harmony with the baseline legal frameworks of our state.

As detailed in the attached memorandum, preserving our community's historic agricultural heritage is an objective we all share. Ensuring local enforcement aligns seamlessly with the explicit frameworks of Connecticut General Statutes—including municipal authority baselines under C.G.S. § 8-1 and C.G.S. § 7-148, alongside the newly protective provisions of Connecticut Public Act No. 25-152—is the most effective way to protect our town, ensure stability, and look after our historic roots.

By concurrently carbon-copying veteran reporter Jean Falbo-Sosnovich, my goal is simply to maintain a transparent, clear, and visible public record that celebrates the integrity of our local processes. A farming operation thrives inherently on the laws of nature—functioning through growth, mutual respect, and systemic harmony. I am completely confident that under your guidance, we can ensure the town's administrative gears mesh smoothly and constructively for everyone involved.

We would be incredibly grateful for the opportunity to connect briefly with your offices alongside Kimberly Warner to review these legal anchors together and establish a positive, collaborative, and legally harmonious path forward.

Thank you for holding a fair, intelligent discussion and for your diligence in immediately acknowledging, and placing these citations into the public record, thereby ensuring Seymour is

seamlessly aligned with the current statutes of the Connecticut General Assembly, and honors our State legacy as the Constitution State.

It has truly been an honor to have this opportunity to advocate for impartial civic justice.

Again, thank you so much for your time, your dedication, and your continued leadership.

With the highest respect and warmest regards,

Joshua A. Warren

Independent Pro Bono Advocate

Enclosure: Formal Memorandum of Law (Originally Filed June 12th, Updated Version 2, June 29th)

MEMORANDUM OF LAW

TO: Seymour, CT Town Counsel

FROM: Joshua A. Warren, CT Resident, Landowner, and Agriculture Advocate

DATE: June 12, 2026 (Amended June 29, 2026)

RE: Statutory Framework, Municipal Limits, and Alignment of On-Farm Agritourism and Accessory Uses Under Connecticut General Statutes §§ 1-1(q), 7-148, 8-2, 19a-341, and Public Act No. 25-152

I. OBJECTIVE & STATUTORY ANALYSIS

The purpose of this memorandum is to clarify the definitive state-level framework established by the Connecticut General Assembly regarding the integration of agritourism within standard agricultural land use.

While municipal interpretations occasionally view agritourism as an independent commercial enterprise distinct from traditional farming, Connecticut statutory construction and recent legislative enactments provide a unified, structured connection. Under CGS § 1-1(q), CGS § 8-2, and Public Act 25-152, any educational, entertainment, or retail activity that is subordinate and incident to an active farming operation is legally recognized as a core component of the farm itself.

Furthermore, this framework must be interpreted in strict alignment with C.G.S. § 7-148 (The Home Rule Act). In the State of Connecticut, municipalities possess zero inherent sovereignty; they are creatures of statute that derive their powers exclusively from the express delegation of the General Assembly. Under the established boundaries of § 7-148, local regulatory and enforcement actions form a strict statutory ceiling. A municipality has no legal authority to enact local ordinances or enforce administrative orders that contradict, exceed, or hollow out overriding state laws. Any local enforcement action that attempts to restrict agricultural activities protected by state statute operates outside the scope of § 7-148 and constitutes an ultra vires act, rendering it legally invalid.

II. THE PRINCIPLE OF STATUTORY INTERDEPENDENCE & MUNICIPAL LIMITS

Connecticut land-use law operates on a structured "nexus test" established directly within the text of CGS § 1-1(q). This statutory architecture stands as a vital defense of bona fide agricultural operations against ultra vires, extra-judicial local overreach executed under color of law. Rather than requiring every modern agricultural variation to be explicitly named in the text, the statute establishes a broad

"...any practices... performed by a farmer or on a farm as an 'incident' to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market."

Operational Integration:

Agritourism—ranging from educational farm tours and direct farm markets to pick-your-own events—serves as the primary direct-to-consumer mechanism for a farm's "delivery to market." Because these activities are designed to market and sell the primary commodities produced on the land, they maintain a direct structural nexus to the primary agricultural use under § 1-1(q).

When local zoning authorities attempt to decouple these public-facing activities from the farm unit, they directly violate the restrictive framework of C.G.S. § 7-148. Because § 7-148 limits municipal ordinance-making and enforcement powers to those expressly granted by the state, a town cannot utilize its local regulatory apparatus to criminalize or halt marketing practices that the state has explicitly protected under § 1-1(q) as inherent to agriculture.

III. CONNECTICUT JURISPRUDENCE & CASE LAW ON AGRICULTURAL DIVERSIFICATION

Connecticut courts have consistently recognized that long-term agricultural viability requires flexible, on-farm commercial and retail operations:

- *Borrelli v. Zoning Board of Appeals of the City of Middletown*, 106 Conn. App. 266 (2008): The Appellate Court affirmed that accessory activities supporting the ongoing financial health of a farm—such as processing and direct retail sales—possess a rational, legally protected nexus to the primary agricultural classification of the property.
- *Heublein, Inc. v. Department of Consumer Protection*, 213 Conn. 184 (1989): Reaffirms that statutory definitions governing industry classifications must be interpreted reasonably to encompass modern operational standards, rather than strictly to restrict commercial evolution.

The Accessory Use Doctrine:

Under established state land-use common law, an accessory use is protected if it is subordinate, customary, and clearly connected to the primary use. Inviting the public onto farm parcels for educational or commercial purposes is a historically customary method of agricultural marketing.

IV. THE MANDATE OF CGS § 8-2 (ZONING ENABLING ACT)

Local planning and zoning commissions derive their regulatory power entirely from the state via CGS § 8-2. This statutory delegation includes a mandatory directive ensuring local rules align with state agricultural definitions:

"Such regulations shall be made with reasonable consideration for their impact on agriculture, as defined in subsection (q) of section 1-1."

Since modern agricultural survival relies heavily on diversified revenue streams, local regulations must be interpreted or written to reasonably accommodate ancillary activities that sustain the underlying farm infrastructure defined in CGS § 1-1(q).

V. DEFINITIVE STATE CODIFICATION OF AGRITOURISM (PUBLIC ACT No. 25-152)

Any perceived structural ambiguity regarding how agritourism integrates with state law has been conclusively resolved by the passage of Public Act No. 25-152 (originally introduced via Senate Bill 37).

1497 / H.B. 6241). This legislation explicitly bridges the operational definitions of farming and public-facing activities using the following statutory text:

1. Integration with Existing Core Statutes. The Act directly anchors agritourism to the foundational definitions of the state:

"For purposes of this section: (1) 'Agriculture' has the same meaning as provided in section 1-1 of the general statutes and section 19a-341..."

2. Comprehensive Definition of Agritourism Activities (or Agrotourism).

The legislature formally outlined the structural scope of protected public-facing operations:

"(2) 'Agritourism' means any agriculture-related education, entertainment, historical, cultural or recreational activity, including, but not limited to, you-pick operations, corn mazes, hayrides, or farm markets that are conducted on a farm which allows or invites members of the general public to observe, or participate in such activity;"

3. Protection of Providers and Personnel

The framework applies universally to those managing or supporting the agricultural space:

"(3) 'Agritourism provider' means any person who owns, operates, provides or sponsors an agritourism activity, or an employee of such a person, who engages in, or provides agritourism activities, whether, or not, for a fee;"

4. Clear Definition of the Farm Unit

The state recognizes that a farm operates as a holistic system across connected land parcels:

"(4) 'Farm' means land that is composed of tracts, lots, or parcels that are devoted to agriculture."

VI. THE PARAGRAPH MATRIX OF STATUTORY ALIGNMENT

Under the unified landscape of Connecticut land-use law, specific farm activities preserve their protected legal status through sequential tiers of statutory authority. For Educational Programs, Gatherings, and Heritage Tours, the baseline foundation is anchored in CGS § 1-1(q) as an ordinary practice performed "in conjunction with farming operations," which is now formally codified and expanded under Public Act No. 25-152 as a protected agriculture-related educational, cultural, or historical activity complete with explicit civil liability shields.

Similarly, Farm Markets and Direct Sales find their structural baseline protected under CGS § 1-1(q) as necessary "preparation for market, delivery to storage or to market." This commercial avenue is explicitly listed as an inherent agritourism operation under Public Act No. 25-152, meaning municipal land-use regulations must reasonably accommodate these direct-to-consumer practices under CGS § 8-2.

Furthermore, public-facing paths such as Pick-Your-Own Operations and Agritourism Paths are protected at the state baseline under CGS § 1-1(q) as part of the direct "production or harvesting of any agricultural commodity." Public Act No. 25-152 explicitly solidifies this classification, distinguishing them as core agritourism activities that carry clear statutory protections regarding natural land terrain.

Finally, agricultural infrastructure—specifically Greenhouses, Season-Extending Domes, and High Tunnels—is explicitly defined and insulated as protected "farm buildings" and accessory structures under CGS § 1-1(q). Public Act No. 25-152 extends these protections even further, explicitly preventing local building permit delays on agricultural growth structures to actively promote extended-season cultivation and regional food system sustainability.

VII. CONCLUSION & STATUTORY MANDATE

The state of Connecticut provides a clear, cohesive statutory ladder for modern agriculture. CGS § 1-1(q) establishes the baseline framework, CGS § 8-2 requires local zoning to consider its impacts, and CGS § 7-148 prevents local boards from expanding their regulatory reach to nullify these provisions. This entire statutory architecture is explicitly reinforced by Public Act No. 25-152, which solidifies agritourism as a recognized, legally insulated extension of farming operations.

We look forward to working cooperatively with the town to ensure local land-use protocols mirror these clear state standards, fostering a sustainable, collaborative environment for our local agricultural community.

In doing so, Seymour can serve as a leading example for Connecticut—a state that proudly bears the slogan “The Constitution State” due to our early adoption of the Fundamental Orders of 1638/1639. As one of the very first governing documents in human history to establish a representative government based on the consent of the governed, this foundational heritage occupies a noteworthy, honorable place in our federal history.

With the highest and most honorable regards,

Joshua A. Warren
Independent Pro Bono Advocate

MEMORANDUM OF LAW

PZC
EXHIBIT

TO: Seymour, CT Town Counsel
FROM: Joshua A. Warren, CT Resident,
Landowner, and Agriculture Advocate



DATE: June 12, 2026 (Amended June 29, 2026)
RE: Statutory Framework, Municipal Limits, and
Alignment of On-Farm Agritourism and
Accessory Uses Under Connecticut General
Statutes §§ 1-1(q), 7-148, 8-2, 19a-341, and
Public Act No. 25-152

I. OBJECTIVE & STATUTORY ANALYSIS

The purpose of this memorandum is to clarify the definitive state-level framework established by the Connecticut General Assembly regarding the integration of agritourism within standard agricultural land use.

While municipal interpretations occasionally

view agritourism as an independent commercial enterprise distinct from traditional farming, Connecticut statutory construction and recent legislative enactments provide a unified, structured connection. Under CGS § 1-1(q), CGS § 8-2, and Public Act 25-152, any educational, entertainment, or retail activity that is subordinate and incident to an active farming operation is legally recognized as a core component of the farm itself.

Furthermore, this framework must be interpreted in strict alignment with C.G.S. § 7-148 (The Home Rule Act). In the State of Connecticut, municipalities possess zero inherent sovereignty; they are creatures of statute that derive their powers exclusively from the express delegation of the General Assembly. Under the established boundaries of § 7-148, local regulatory and enforcement actions form a strict

statutory ceiling. A municipality has no legal authority to enact local ordinances or enforce administrative orders that contradict, exceed, or hollow out overriding state laws. Any local enforcement action that attempts to restrict agricultural activities protected by state statute operates outside the scope of § 7-148 and constitutes an ultra vires act, rendering it legally invalid.

II. THE PRINCIPLE OF STATUTORY INTERDEPENDENCE & MUNICIPAL LIMITS

Connecticut land-use law operates on a structured "nexus test" established directly within the text of CGS § 1-1(q). This statutory architecture stands as a vital defense of bona fide agricultural operations against ultra vires, extra-judicial local overreach executed under color of law. Rather than requiring every modern agricultural variation to be explicitly named in

the text, the statute establishes a broad protection for:

"...any practices... performed by a farmer or on a farm as an 'incident' to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market."

Operational Integration:

Agritourism—ranging from educational farm tours and direct farm markets to pick-your-own events—serves as the primary direct-to-consumer mechanism for a farm's "delivery to market." Because these activities are designed to market and sell the primary commodities produced on the land, they maintain a direct structural nexus to the primary agricultural use under § 1-1(q).

When local zoning authorities attempt to decouple these public-facing activities from the farm unit, they directly violate the restrictive framework of C.G.S. § 7-148. Because § 7-148 limits municipal ordinance-making and enforcement powers to those expressly granted by the state, a town cannot utilize its local regulatory apparatus to criminalize or halt marketing practices that the state has explicitly protected under § 1-1(q) as inherent to agriculture.

III. CONNECTICUT JURISPRUDENCE & CASE LAW ON AGRICULTURAL DIVERSIFICATION

Connecticut courts have consistently recognized that long-term agricultural viability requires flexible, on-farm commercial and retail operations:

- *Borrelli v. Zoning Board of Appeals of the City*

of Middletown, 106 Conn. App. 266 (2008): The Appellate Court affirmed that accessory activities supporting the ongoing financial health of a farm—such as processing and direct retail sales—possess a rational, legally protected nexus to the primary agricultural classification of the property.

- Heublein, Inc. v. Department of Consumer Protection, 213 Conn. 184 (1989): Reaffirms that statutory definitions governing industry classifications must be interpreted reasonably to encompass modern operational standards, rather than strictly to restrict commercial evolution.

The Accessory Use Doctrine:

Under established state land-use common law, an accessory use is protected if it is subordinate, customary, and clearly connected to the primary use. Inviting the public onto farm

parcels for educational or commercial purposes is a historically customary method of agricultural marketing.

IV. THE MANDATE OF CGS §8-2 (ZONING ENABLING ACT)

Local planning and zoning commissions derive their regulatory power entirely from the state via CGS § 8-2. This statutory delegation includes a mandatory directive ensuring local rules align with state agricultural definitions:

"Such regulations shall be made with reasonable consideration for their impact on agriculture, as defined in subsection (q) of section 1-1."

Since modern agricultural survival relies heavily on diversified revenue streams, local regulations must be interpreted or written to reasonably accommodate ancillary activities that sustain

the underlying farm infrastructure defined in CGS § 1-1(q).

V. DEFINITIVE STATE CODIFICATION OF AGRITOURISM (PUBLIC ACT No. 25-152)

Any perceived structural ambiguity regarding how agritourism integrates with state law has been conclusively resolved by the passage of Public Act No. 25-152 (originally introduced via Senate Bill 1497 / H.B. 6241). This legislation explicitly bridges the operational definitions of farming and public-facing activities using the following statutory text:

1. Integration with Existing Core Statutes. The Act directly anchors agritourism to the foundational definitions of the state:

"For purposes of this section: (1) 'Agriculture' has the same meaning as provided in section 1-1 of the general statutes and section

19a-341..."

2. Comprehensive Definition of Agritourism Activities (or Agrotourism).

The legislature formally outlined the structural scope of protected public-facing operations:

"(2) 'Agritourism' means any agriculture-related education, entertainment, historical, cultural or recreational activity, including, but not limited to, you-pick operations, corn mazes, hayrides, or farm markets that are conducted on a farm which allows or invites members of the general public to observe, or participate in such activity;"

3. Protection of Providers and Personnel

The framework applies universally to those managing or supporting the agricultural space:

"(3) 'Agritourism provider' means any person who owns, operates, provides or sponsors an agritourism activity, or an employee of such a

person, who engages in, or provides agritourism activities, whether, or not, for a fee;"

4. Clear Definition of the Farm Unit

The state recognizes that a farm operates as a holistic system across connected land parcels:

"(4) 'Farm' means land that is composed of tracts, lots, or parcels that are devoted to agriculture."

VI. THE PARAGRAPH MATRIX OF STATUTORY ALIGNMENT

Under the unified landscape of Connecticut land-use law, specific farm activities preserve their protected legal status through sequential tiers of statutory authority. For Educational Programs, Gatherings, and Heritage Tours, the baseline foundation is anchored in CGS § 1-1(q) as an ordinary practice performed "in conjunction with farming operations," which is now formally

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harvesting of any agricultural commodity." Public Act No. 25-152 explicitly solidifies this classification, distinguishing them as core agritourism activities that carry clear statutory protections regarding natural land terrain.

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agriculture. CGS § 1-1(q) establishes the baseline framework, CGS § 8-2 requires local zoning to consider its impacts, and CGS § 7-148 prevents local boards from expanding their regulatory reach to nullify these provisions. This entire statutory architecture is explicitly reinforced by Public Act No. 25-152, which solidifies agritourism as a recognized, legally insulated extension of farming operations.

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With the highest and most honorable regards,

Joshua A. Warren

Independent Pro Bono Advocate

Good evening, Mr. Chairman, members of the Commission, and Attorney Marini.

My name is Joshua Warren, and I am appearing tonight as a pro-bono citizen advocate, neighbor, and regional landowner on behalf of Red Clover Farms—a historic agricultural asset that has operated continuously in our community since 1915, forty-two years before this town even adopted zoning.

Before I address the text amendments, I must state clearly for the permanent record that our ability to prepare a proper administrative defense to the sweeping modifications defined in Sections 3, 8, and 22 has been severely obstructed.

Town Attorney John Marini has failed to return our correspondence or address explicit state preemption conflicts over a 25-day period. Forcing a vote tonight under a total blackout of communication from town counsel constitutes an administrative rush and a clear deprivation of procedural due process.

I am submitting my formal letter and Memorandum of Law into the permanent record, and I demand on-the-record answers to the following four critical conflicts between your proposed text and the laws of the State of Connecticut:

First, to the Zoning Officer and the Commission:

Under Public Act No. 25-152, the Connecticut General Assembly explicitly exempted agricultural hoop houses and high tunnels from municipal building permitting or construction standards. Given that state law serves as a strict regulatory ceiling under the Home Rule Act, by what explicit statutory authority is this Commission proposing a text amendment under Section 8 that subjects temporary, season-extending farm structures to mandatory town planner, zoning officer, and town engineering permits?

Second, to the Zoning Officer and Town Counsel:

The town's official GIS data and property tax field cards explicitly classify Red Clover Farms' structures as commercial and retail under PA 490 to extract maximum property tax revenue for Seymour. How can the town legally claim these structures are commercial for tax assessment, but simultaneously enforce residential R40 restrictions to declare those exact same retail and agritourism

uses a code violation? If the land use is illegal under zoning, why is the town continuing to cash checks based on commercial retail assessments?

Third, to Town Attorney John Marini:

Connecticut General Statutes Section 1-1(q) establishes a binding, universal definition of a farm based entirely on the physical activities occurring on the land—cultivation, harvesting, and livestock care. It contains no financial metric. By adding a clause to Section 3 requiring a farm to prove it operates primarily for the purpose of obtaining profit by money, you are creating an extrajudicial financial mandate absent from state law.

Attorney Marini, does a municipality have the authority to strip a multi-generation historic property of its agricultural status during a poor crop year or market failure simply because it fails a local financial metric?

Fourth, to the Commission: Seymour's R40 residential zone explicitly permits high-traffic, public-facing operations—including child daycares, adult daycares, places of worship, and cemeteries—without forcing them through compounding administrative permits or high-cost A2 engineering surveys.

Why is a 111-year-old historic farm being uniquely singled out and subjected to a multi-agency special permit bureaucracy under Section 22 just to host standard, state-protected agritourism activities?

In conclusion, because Application PZC-26-7 explicitly conflicts with Public Act No. 25-152, CGS Section 1-1(q), the Right to Farm Act under Section 19a-341, and the Home Rule boundaries of Section 7-148, this Commission must reject these text amendments. We demand that the town harmonize its local ordinances with uniform state definitions, remove these unconstitutional engineering traps, lot-coverage caps, and profitability mandates, and respect the vested, grandfathered rights of Red Clover Farms. Failing to do so exposes the Town of Seymour to immediate statutory preemption litigation and civil rights claims.

Thank you.