

TOWN OF WOODSTOCK
LAND USE OFFICE

Town Hall, 415 Route 169, Woodstock, CT 06281 860.928.0208

Meaghan Miles c/o Carmody Law
195 Church Street
New Haven, CT 06905

April 11, 2023

RE: Tree House Farm & Fermentory
54 Joy Road, Woodstock, CT
Fermentation of Beer

Via email, with attachments

Dear Attorney Miles,

Tree House's current operations in Woodstock fall within State and Local statutory definitions of "Agriculture" and are therefore permitted by right under the Town of Woodstock Zoning Regulations.

Upon a 2/23/23 inspection, I observed approximately 18 acres in use as a working farm. The remaining acreage was observed in a natural state, or containing ancillary farm structures, including a farmhouse, barns, greenhouses, and fermentation room, approved in a Development Rights Agreement (PDR #138) with the State of Connecticut. The property's function and appearance clearly demonstrate a farm operation, with over a thousand trees, berry bushes, and vines grown, harvested, and fermented on-site.

Their proposal to incorporate fermentation of beer into its current operations follow similar definitions, per the State Department of Agriculture, which confirms that beer and cider making are agricultural uses and allowed under the provisions of the PDR in their 3/3/23 letter to Tree House Brewing. (SCHEDULE A)

"We find that processing beer on your PDR farmland using agricultural products is in accordance with the recorded development rights deed and is within the statutory definition of agriculture."

Based upon their specific representations to the Department of Agriculture described in Schedule A, the proposed beer making would likewise be defined as agriculture in the Town Zoning Regulations. The State Department of Consumer Protection (DCP) permitting process and application form for Beer Brewing is the same for Cider. The Town ZEO at the time of Woodstock Tree House's inception, Mike D'Amato, endorsed the state form on 8/27/19 based upon these facts, which verify that there are no local zoning ordinance or bylaws which prohibit the sale of alcoholic beverages. (SCHEDULE B)

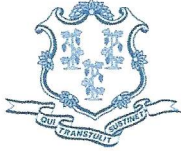
No new structures, signs, driveways/upgrades are proposed. No events or food are offered or proposed. No increase in customer capacity is proposed and the same level of activity is anticipated. The proposed new use will occur within existing interior space. Tree House presently offers and proposes continuing limited sales and tastings, as a **direct sale**, permissible in the Town Zoning Regulations. (SCHEDULE C)

Tree House is confined by the PDR to use the property for agricultural purposes. Expanded uses such as, but not limited to, food trucks, concerts, and increased customer capacity may exceed the scope of the State and Local definitions and requirements of Agriculture and may require additional permitting. Please copy the Town in communications with state agencies about proposed changes or new uses.

Sincerely

Dan Malo
Zoning Enforcement Officer

CC: Allison Masley, Tree House Brewing
Jeff Gordon, Planning & Zoning Commission Chairman, Town of Woodstock
Delia Fey, Senior Regional Planner



CONNECTICUT DEPARTMENT OF AGRICULTURE

450 Columbus Blvd, Suite 701 | Hartford, Connecticut 06103 | 860.713.2500

Office of the Commissioner

Affirmative Action/Equal Employment Opportunity Employer



Via email only
March 3, 2023

Pride and Purpose LLC
Tree House Farm & Fermentory
129 Sturbridge Road
Charlton, MA 01507

and c/o
Attorney Meaghan Miles
Carmody Torrance Sandak & Hennessey LLP
195 Church Street
New Haven, CT 06509-1950
MMiles@carmodylaw.com

Re: PROCESSING BEER ON PDR RESTRICTED FARMLAND – REVISED
Treehouse Farm (f/k/a. Trowbridge), 54 Joy Road, Woodstock, CT (PDR #138)

Dear Mr. Goudreau and Mr. Lanier:

Thank you for your inquiry, provided on your behalf by Attorney Meaghan Miles of Carmody Torrance Sandak & Hennessey LLP, dated May 20, 2022, and supplemented on August 16, 2022 November 9, 2022, and December 15, 2022 (copies attached), for consideration of processing beer on your PDR restricted farmland located at 54 Joy Road in Woodstock. Meaghan and Tree House Farm and Fermentory (“Tree House”). Your staff met with our agency staff in April and in June to show the existing farming and fermentation operations. Tree House has subsequently acquired a Farm Cidery designation from our agency.

Per your proposal and correspondence with our agency staff:

- No new construction and no new equipment is necessary since the beer brewing process is the same as for hard cider processing.
- Hard cider production is an established form of processing an agricultural commodity incidental to farming operations. Apple juice is transported to the farm’s fermentation area, where the sugar from apples is fermented into hard cider, then aged on top of fruits, herbs and other products harvested from the farm. The fermentation process to create beer is similar. Wort, another form of sugar water (like apple juice) is transported by Tree House to the farm. The wort then ferments on-site and ages with fruits, herbs and other products harvested from the farm. By partnering with other Connecticut farms, Treehouse meets the statutory standard for certification as a “Farm Brewery”, once the liquor permit is issued.
- All beer produced on the PDR farmland will be small-batch and limited productions, with flavors and amounts dictated by what is seasonally grown on the farm. The farm products dictate the beer that is created. Tree House has expanded fruit production including the

planting of over 1,200 new trees and other small fruit crops such as grapes, blueberries, gooseberries, currants, raspberries, and elderberries to be used as flavorings in the beer and for cider. Production of the beer will use CT Grown ingredients, including malt supplied from Thrall Family Farm in Enfield, CT. You have agreed to obtain a Farm Brewery or CT Grown Farm Brewery designation from our agency as soon as the brewery receives its liquor license from DCP, and maintain this credential so long as the brewery is operating.

- The extension of Tree House's existing ancillary fermentation operations to include beer is comparable to the production of hard cider, a specific form of processing agricultural commodities that is incident to the ordinary farming operations. Processing beer conforms to the PDR deed terms to "... maintain, operate or continue the Premises as agricultural land, including but not limited to... such other improvements, activities and uses thereon as may be directly or incidentally related to the operation of the agricultural enterprise, as long as the acreage and productivity of the arable land for crops is not materially decreased...."
- Tree House Farm's existing conditions, including the comparable cider-fermentation process, indicate that brewing beer will be incidentally related to the operation of the farm as an agricultural enterprise. Moreover, the brewing of beer on the farm will have no impact or material decrease on the productivity of the farmland's arable land.

Consequently, based on your representations and commitments above, we find that processing beer on your PDR farmland using agricultural products is in accordance with the recorded development rights deed, and is within the statutory definition of agriculture, C.G.S. Section 1-1q, which includes the "*processing of any agricultural or horticultural commodity as an incident to ordinary farming operations*". This finding is specifically conditioned upon your implementation and continued compliance with the statements in the attached correspondence and this letter. If you are unable to meet these requirements at any time, you agree to contact our agency to determine if these findings remain in effect or have become void.

Please be aware that you are responsible for all other state, local and/or federal permits and approvals that may be required. Should you have any questions or comments, please contact Cam Weimar of the Farmland Preservation Program, at (860) 888-0130.

Sincerely,

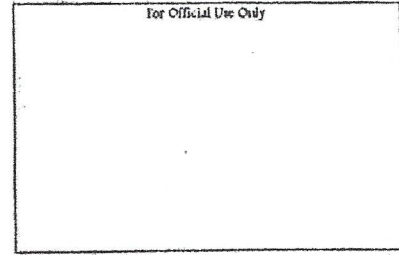


Bryan P. Hurlburt
Commissioner of Agriculture

cc: Jaime Smith, Bureau Director
Carole Briggs, Staff Attorney
Cam Weimar, Farmland Preservation

Enc. Correspondence dated May 20, 2022, August 16, 2022, November 9, 2022, December 15, 2022

cider



STATE OF CONNECTICUT
 DEPARTMENT OF CONSUMER PROTECTION
 Liquor Control Division
 Telephone: (860) 713-6210
 Email: dcp.liquorcontrol@ct.gov
 Web Site: www.ct.gov/dcp/liquorcontrol

APPLICATION FOR MANUFACTURER LIQUOR, MANUFACTURER BEER, CIDER, OR APPLE BRANDY PERMITS

Please print clearly or type the information entered on this application. **An application and permit fee is required. Please submit the required fee of \$1,950.00 for Manufacturer Liquor, \$1,100.00 for Manufacturer Beer, \$300.00 for Manufacturer Cider, or \$600.00 for Manufacturer Apple Brandy.** Checks and/or money orders should be made to "Treasurer, State of Connecticut" and must accompany this application. The application fee is non-refundable. Return your completed application, documentation and appropriate fee to:

Department of Consumer Protection, 450 Columbus Blvd., Suite 801, Hartford, CT 06103

Section A: BUSINESS INFORMATION

1. Trade Name (DBA Name) <u>Tree House Brewing Company Inc.</u>			
2. Business Address <u>54 Jay Rd</u>	City <u>Woodstock</u>	State <u>CT</u>	Zip Code <u>06078</u>
3. Is there currently a liquor permit at the proposed premises? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	If yes, current permit number	4. Are you requesting a Provisional Permit? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
5. Business Telephone Number <u>413-523-2367</u>	6. Business Fax Number <u>—</u>	7. Business Email Address <u>kimberly@treehousebrew.com</u>	

Section B: APPROVAL/CERTIFICATION OF LOCAL OFFICIALS

8. **Zoning Authority Approval:** I certify that I am familiar with the zoning ordinances and bylaws of the city/town identified in item #2 of this application and they do not prohibit the sale of alcoholic beverages under the type of liquor permit/establishment identified in this application and/or entertainment listed in #10.

Signature of Zoning Official X Michael D'Amico Print Name Michael D'Amico
 Title of Official ZEO Date 08/27/19

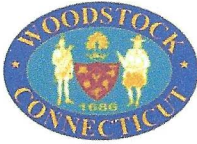
9. **Certification of Town Clerk:** The town in which the business identified in item # 4 of this application is to be operated, has no ordinance restricting the hours of sale of alcoholic liquors beyond those set forth in State law except as indicated in the box below. (If none, please enter "NONE")

Additional Restrictions:

Signature of Town Clerk X Christine A. French, Asst. Date 8/26/19

Section C: PERMITTEE APPLICANT INFORMATION

10. Permittee Name (First, Middle, Last) <u>Damien Goudreau</u>			
11. Permittee Residence Street Address <u>44-10 Crawford Dr.</u>	City <u>Union</u>	State <u>CT</u>	Zip Code <u>06076</u>
12. Permittee Telephone Number <u>413-335-5285</u>	13. Permittee Fax Number <u>—</u>	14. Permittee Email Address <u>Damien@treehousebrew.com</u>	



TOWN OF WOODSTOCK
LAND USE OFFICE

Town Hall, 415 Route 169, Woodstock, CT 06281 860.928.0208

SCHEDULE C

EXCERPT:

The terms "agriculture" and "agricultural uses" shall have all those meanings set forth in Section 1-1(q) of the Connecticut General Statutes, as amended.

Per the Town of Woodstock's Zoning Regulations (applicability and pertinence in bold font),

Agricultural Uses: The terms "agriculture" and "agricultural uses" shall have all those meanings set forth in Section 1-1(q) of the Connecticut General Statutes, as amended, which, as of the date of enactment of these Regulations, included cultivation of the soil, dairying, forestry, **raising or harvesting of 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 aquaculture, as defined below; **the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared 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 operations; the harvesting of mushrooms, the hatching of poultry, 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.**

CC: Allison Masley, Tree House Brewing
Jeff Gordon, Planning & Zoning Commission Chairman, Town of Woodstock
Delia Fey, Senior Regional Planner

Via email, with attachments