

# **Regulating the Farm: Improving Agriculture's Viability in the Capitol Region**



*Fisher Farms, Town of Farmington*

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Agriculture Viability Grant Program**

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Capitol Region Council of Governments

Town of Avon

Town of Bloomfield

Town of East Granby

Town of East Windsor

Town of Ellington

Town of Enfield

Town of Farmington

Town of Granby

Town of Somers

Town of Tolland

Town of Wethersfield

## Introduction

While many state and local agricultural policy efforts focus on the permanent preservation of working lands, *farming operations* and *farmers* need more than protected land to operate in a sustainable manner in the Capitol Region. Farms are businesses that contribute significantly to local, regional and state economic development and security, job creation, tax bases, natural resource protection and quality of life. However, farms are also businesses that face challenges that are unique in the regional economy.

The Capitol Region is comprised of 29 communities in the fertile upper Connecticut River Valley, including parts of both Hartford and Tolland Counties. Many rural and suburban municipalities in the Region contain some of the State's most important agricultural soils. According to the 2002 Census of Agriculture, there were 1,122 farms in Hartford and Tolland Counties with a combined market value production of \$154,943,000.<sup>1</sup> The economic impact of these farms extends well beyond the value of their market production. Farmers provide jobs directly and indirectly through their consumption of fuel, equipment, insurance, and other items and services. Furthermore, the 15 farmers' markets and 34 farm stands in the Capitol Region also contribute to the regional economy both directly and indirectly.<sup>2</sup> In a 2000 survey, 76% of Connecticut respondents indicated that they had visited a pick-your-own farm, farm stand or other on-farm event. In addition, regional farms can attract more than just local residents; agri-tourism has recently increased in other New England states and can be expected to do the same in Connecticut.<sup>3</sup> Finally, working lands are fundamental to the character of the State and the Region, lending greater vitality to the larger tourism sector.

Recognizing the significance of agriculture to the local and regional economy, character and quality of life, eleven Capitol Region municipalities participated in this cooperative effort to help ensure that the local regulatory climate is conducive to the continued, profitable operation of farms within their boundaries.<sup>4</sup> These eleven towns contain more than 25,000 acres of active farmland and some 200 individual farming businesses that range from large corporate nurseries to small vegetable or haying operations.

Agricultural businesses have very different needs from other businesses, especially with respect to land use. Farms frequently have multiple land uses on single parcels, and can be hindered by regulations that may limit a farm's flexibility to produce, add value to, store, and/or market products on the same site on which a farmer might also live. Traditional zoning regulations tend to separate such varying uses. But given the changing nature of agricultural markets, as well as the recent rise of agri-tourism, traditional zoning can actually prohibit farmers from reaching their full potential. Also, many Connecticut

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<sup>1</sup> USDA, New England Agricultural Statistical Service, *2002 Census of Agriculture County Profiles: Hartford and Tolland, Connecticut*, <[www.nass.usda.gov/census/census02/profiles/ct/index.htm](http://www.nass.usda.gov/census/census02/profiles/ct/index.htm)>.

<sup>2</sup> Connecticut Department of Agriculture, *2005 Farmers' Markets* and *2005 Farm Map*.

<sup>3</sup> Working Lands Alliance, *A Call to Farms! A Mid-Decade Look at Connecticut's Agricultural Lands 2005*.

<sup>4</sup> The eleven participating municipalities are: Avon, Bloomfield, East Granby, East Windsor, Ellington, Enfield, Farmington, Granby, Somers, Tolland, and Wethersfield.

farmers work on land in multiple municipalities. Regulations, policies and attitudes about farming can vary between towns, further complicating business operations for farmers.

This project has worked with farm business owners and municipal officials to identify opportunities to improve agricultural regulations and offer recommendations for achieving greater regulatory consistency across municipalities.

## Methods

CRCOG and American Farmland Trust staff interviewed planners and zoning enforcement officials in individual participating municipalities to gauge their concerns on agricultural land uses and understand their current regulations. In addition, CRCOG organized three listening sessions involving different types of agricultural producers, from wholesalers to retailers and agri-tourism business operators. Those attending these sessions voiced concerns about municipal regulations and policies and offered suggestions for improvements. CRCOG staff followed up on these ideas and researched best practices and alternatives from around the U.S. for regulating agricultural businesses. The outreach and research undertaken in this project culminated in the recommendations contained in this report. The project benefited throughout from the review and insights of individuals and organizations involved in agriculture, including the Connecticut Farm Bureau, the American Farmland Trust, and UCONN Extension staff.

## Municipal Concerns

Following is a summary of agricultural business-related issues and concerns raised by planners and zoning enforcement officials in the participating municipalities during interviews with CRCOG staff:

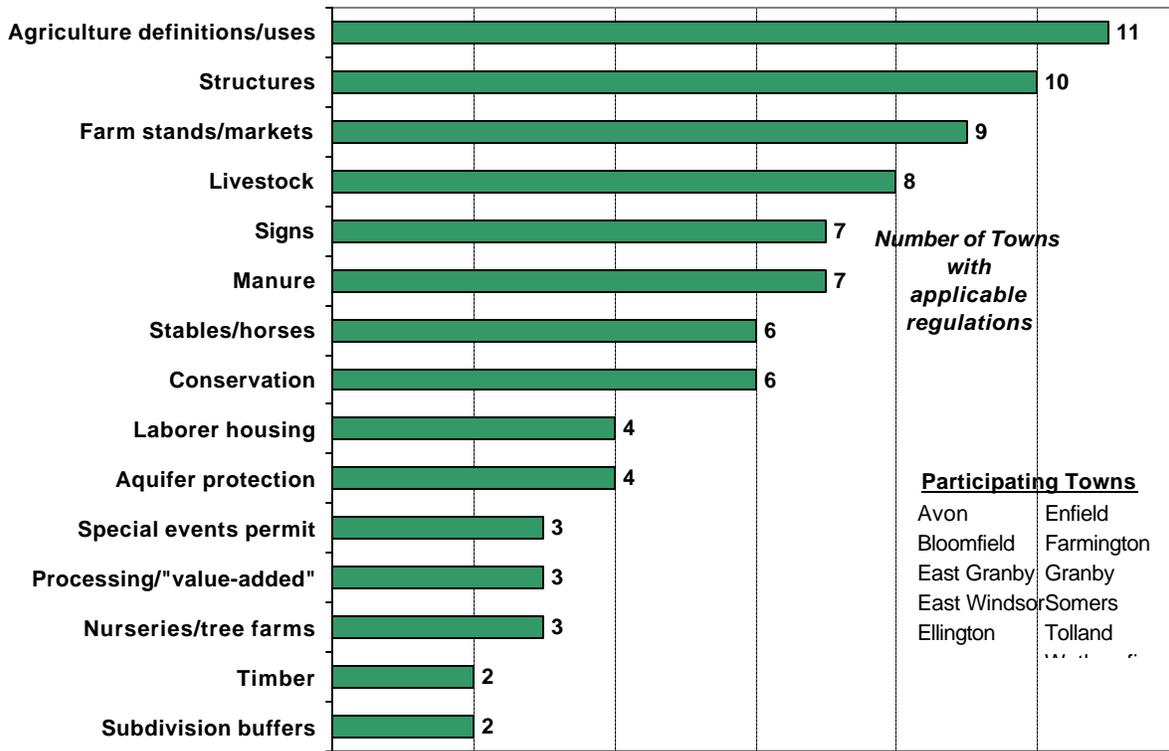
- Towns want to support agricultural businesses by allowing and encouraging creative, entrepreneurial uses.
- Concern about when agricultural uses become more commercial or retail than “agricultural.”
- Wide variation among towns in basic regulations, such as the definition of “farm.”
- Town staff generally support putting notes on land records or deeds in new subdivisions that abut farm uses to minimize complaints about agricultural uses (however, not all towns require this).
- Farm stands and markets are desired, but applicable regulations vary from town to town.
- Some regulations require a percentage of on-site production of farm stand/market goods to insure the agricultural nature of the business (as opposed to a predominantly retail use); however, municipal staff not always capable of enforcing such provisions.

- Towns want to encourage “value-added” facilities for production, but regulations vary, ranging from requiring additional home-business permits to allowing such uses as-of-right.
- Towns are increasingly adopting regulations on horse stables and riding arenas, as these uses expand, but regulations vary.
- Greenhouses and nurseries raise concerns about fertilizers, pesticides and soil loss.
- Most towns informally exempt seasonal farm signs from regulation, leaving farmers vulnerable to complaints.
- Some towns require special events permits for seasonal farm events.
- Non-agricultural uses on farms (i.e., leasing barns for storage) are not a major concern.
- Enforcement tends to be prompted by complaints; most towns try to educate both the party making the complaint and the farm owner to resolve issues.

CRCOG staff also reviewed the zoning regulations of the 11 participating communities. The table below summarizes the number of towns with existing regulations that address agricultural uses.

**Existing Farm-related Bylaws in the 11 Participating Towns**

*Bylaws that apply to...*



## Farm Business Concerns

In December 2006, CRCOG facilitated three Listening Sessions at the Connecticut Farm Bureau Association office. A total of 43 attendees representing farm businesses and organizations shared their concerns about the effects of existing municipal bylaws on agricultural businesses.



Following are summaries of these listening sessions.

### Session 1:

### Wholesalers (December 5, 2006)

Attendees:

17

Agricultural Business Owners:

15 representing 12 farm businesses including dairy, flowers, beef/other livestock, nurseries/greenhouses, orchard, timber, tobacco, vineyard, horse, hay, bee-keeping, poultry, farm stand, and vegetables. Businesses located in East Granby, East Windsor, Ellington, Enfield, Granby, Hartland, Simsbury, Somers, Stafford, Suffield, and Windsor.

Organizations/Agencies:

Connecticut Farm Bureau Association, American Farmland Trust

### Concerns

- Municipal officials need to be better educated about agriculture and/or make better use of resources like Connecticut Dept. of Agriculture, agricultural organizations, UConn Extension, and others.
- Officials, boards and commissions need to demonstrate commitment to preserving working farms, not just protecting open space from development.
- Need more consistency in regulations and enforcement among towns.
- Need more consistency among town departments, staff and commissions for regulation and enforcement.
- Need better definitions of agriculture.
- Strong and clear policies for preservation, economic development, and promotion of working farms should be written into local Plans of Conservation and Development. Goals could be stated in terms of number of agricultural businesses, economic impact, rather than just a percentage of farmland to be protected.
- Agri-business zoning districts should be explored.

- Agricultural commissions, either local or regional, should be explored to: 1) provide advice to towns, 2) advocate for farmers, and 3) serve as liaison. A regional commission may make more sense.
- The costs and time required for permitting and application processing is burdensome to farm businesses and does not account for seasonal agricultural interests or demands.

**Session 2: Retailers (December 11, 2006)**

Attendees: 16

Agricultural Business Owners: 14 producers representing 11 farm businesses including beef/other livestock, tobacco, flowers, farm stands, orchards, vegetables, berries, pick-your-own, CSA, bee-keeping, maple sugarhouse, hay, and Christmas trees. Businesses located in Avon, East Windsor, Ellington, Enfield, Granby, Litchfield, Somers, Suffield, and Wethersfield.

Organizations/Agencies: Connecticut Farm Bureau Association, American Farmland Trust

**Concerns:**

- Signs – Inconsistent enforcement of regulations within towns, classification of farm signs (commercial vs. political), length of display time allowed (annual permits), placement restrictions, limitations on additional words/signs as crops come in season, and others. Farms need to advertise to survive.
- Inconsistent implementation and enforcement of building, health and fire codes between towns can lead to costly delays, requirements, permitting, and other problems.
- There is a preference for operating “under the radar” of local governments because of a perception that with attention comes more regulation and enforcement.
- Farm business owners understand the desire to prevent stands from being 100% retail; however, some regulations require unrealistically high percentages of on-site production that are not sensitive to crop losses, cooperative farming ventures and other realities (see New Haven Farmers Market for successful example).



- Municipal, state and federal officials need to be better educated about agriculture. Town zoning enforcement officials need to have more personal interactions with farming community, especially when dealing with ag/residential complaints or conflicts.
- Open Space – Stronger regulations specific to farmland could help reduce development of prime open space parcels.
- Wetlands – Cost of permits for stream draws and/or work in wetlands a concern.
- Livestock – Enforcement is inconsistent.
- Structures – Cost of meeting access requirements (i.e. bathrooms) is prohibitive.
- Health code-related – Seasonal and/or temporary cooking facilities require more sensitivity to waster water requirements; not the same as full commercial operations.
- Definitions – Simple, universal definitions of “agriculture,” “farmers market” and other key terms would be a big help.
- Mixed reaction to the idea of a regional agricultural commission; role and functions need to be clarified.

**Session 3: Agri-Tourism Business Operators (December 13, 2006)**

Attendees: 10

Agricultural Business Owners: 7 producers representing 6 farm businesses including farm stands, greenhouses, tobacco, vegetables, flowers, timber, orchard, berries, pick-your-own, livestock (for petting). Businesses located in East Windsor, Enfield, and Somers.

Organizations/Agencies: Connecticut Department of Agriculture, Connecticut Farm Bureau Association, American Farmland Trust

**Concerns:**

- Signs – Lack of consistent guidance and enforcement among and within towns; mobile signs (i.e., trucks) are a principal reason for frustration; requirements for drawings, visual impacts are excessive, especially for temporary signs.
- Greenhouses – Regulations are inconsistent for hoop houses, accessory structures.



- On-premises product requirements of 80% or greater are unrealistic, especially if weather-related losses are suffered; a commitment to a percentage of “Connecticut-grown” or “New England-grown” products should be required and/or rewarded; labeling for local and/or on-site produced is important to distinguish “legitimate” farms.
- Pick-Your-Own – Permit requirements (i.e., \$150 per weekend) are cost prohibitive and discourage businesses.
- Farm Stands – Should be allowed by right for operating farms and allowed only by special permit for retail operations without active farming; the “Right to Farm” statute should protect limited retail sales for legitimate farm businesses.
- Parking – No problems reported.
- Retail – Greater flexibility in allowing “added value” retail options is essential if small Connecticut farms are to survive; enhanced marketing and education campaigns like the “Local Hero” program in Western Massachusetts may be successful in Connecticut.
- Regional Agricultural Commission – Could be effective, especially if it functions as an impartial, unbiased educator/arbitrator for municipal regulatory permitting and disputes; UConn has fulfilled this role to some degree already; the Connecticut Environmental Review team offers a possible model.
- The availability of a property tax exemption on farm structures up to \$100,000 allowed by CT Public Act 03-234 should be more widely promoted.

## Recommendations

Based on the concerns expressed by municipal officials and farm business owners, CRCOG identified priority regulatory concerns, including definitions of agriculture, structures, farm stands, signage, and alternative uses. (Several other policy issues also clearly warranted mention, but could not be fully addressed within the scope of this project.)

CRCOG staff researched agricultural business regulations in other states and municipalities around the U.S. to develop draft recommendations. Comments on these draft recommendations were requested from agricultural organizations, including American Farmland Trust, Connecticut Farm Bureau and the Cooperative Extension Program at the University of Connecticut, as well as the project's participating municipalities and listening session participants. This feedback was incorporated in the following final recommendations.

### RECOMMENDATION 1

#### Address policy issues.

**Include a clear focus on agriculture in municipal Plans of Conservation and Development.** Inventory agricultural lands and businesses, and account for the economic contributions of the agricultural sector, as well as its contributions to community character. Include language about protecting working farms and farm businesses, not just land, as plans provide the basis for regulations and interpretation of regulations. (See attached examples.)

**Reduce nuisance complaints from residents located adjacent to agricultural uses.** Reference state "Right to Farm" law, *Connecticut General Statutes* § 19a-341, on subdivision plans or deeds. Seek to provide agricultural buffers on new subdivisions.

**Educate town staff and land use officials about agricultural uses.** Take advantage of assistance offered by the Connecticut Department of Agriculture, the U.S. Department of Agriculture's Natural Resources Conservation Service, UCONN Extension System, the Connecticut Farm Bureau, and other agricultural organizations. Use references materials such as the forthcoming American Farmland Trust /CT Conference of Municipalities Guide to Planning for Agriculture.

**Adopt consistent messages and approaches to regulating and working with agricultural businesses across municipal departments.** From building officials to zoning enforcement officers, town staff needs to find ways to promote agriculture viability along with public health, safety and welfare.

**Explore the concept of regional agricultural commissions.** Such bodies could serve as liaisons between, and educators of, farmers and regulators. Though it may not be feasible for every town to establish its own agricultural commission, regional commissions may be effective.

**RECOMMENDATION 2**

**Create an “Agriculture” or “Agricultural Uses” section in zoning regulations (if one does not already exist).**

*Rationale*

- Consolidates regulations regarding agriculture, and makes it easier to incorporate future agricultural regulations.
- Promotes regional consistency in regulations.
- Reduces uncertainty in zoning processes for farm business owners/operators.

**RECOMMENDATION 3**

**Include a purpose statement in the “Agriculture” section.**

The purpose statement should include language similar to: “The purpose of these regulations is to promote the economic and operational viability of agricultural businesses.”

Further language addressing specific community goals, perhaps taken from Plans of Conservation and Development, would also be appropriate to include in the purpose statement. This could include farmland protection, food security, maintaining community character, and other community-specific goals.

*Rationale*

- Makes explicit the intent to preserve farming, and not just farmland.
- Provide a basis for permitting and enforcement actions.
- Establishes agriculture as a contributor to overall planning goals and objectives.

**RECOMMENDATION 4**

**Include or update definitions for the following terms with language similar to that below.**

**Agriculture:** The growing of crops; raising of livestock; and, the storing, processing and sale of agricultural and horticultural products and commodities, including those defined in *Connecticut General Statutes* § 1-1q, as incidental to agricultural operations.\*

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\* (q) Except as otherwise specifically defined, the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or 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 or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto,

**Agricultural Buildings and Structures:** Buildings or structures used in connection with agriculture, including shelter for livestock and storage for farm machinery, equipment and supplies.

**Farm:** A parcel, or parcels, of land of 3 or more acres under single ownership and/or leasehold and used for agriculture.

**Limited Farm:** A parcel of land of less than 3 acres under single ownership or leasehold and used for agriculture.

*Rationale*

- An all-encompassing definition of agriculture helps provide flexibility for farm businesses to adapt to future markets and trends.
- Ties back to the state statute to provide some specificity and a common source to promote regional consistency.
- Clearly incorporates retail and value-added processing as part of agriculture.
- Definitions of farm recognize that farmers frequently work multiple non-contiguous properties, and may facilitate advantageous uses, such as signs or farm stands at appropriate locations.
- Differentiates between larger, more intensive agricultural operations that may or may not have residential uses on the property, and smaller home-based operations to target other regulations, such as exemptions for structures or permitted associated activities, to help support farm businesses with more economic impact.
- Offers future flexibility in farm property use, which is essential to business viability as agricultural markets evolve.
- Helps provide appropriate regulation for larger farms that wish to do more alternative and commercial activities without having to establish new zoning districts, versus small farms, where such uses are less intense and/or appropriate.

## **RECOMMENDATION 5**

### **Allow the Commission to waive certain requirements for special permit applications that are for agricultural uses.**

Commissions should use their discretion as to how much information they need to make an informed decision on a special permit application for an agricultural use. Consider the size, scope, seasonality and overall impact of the proposed agricultural use relative to the expense of A-2 surveys, the necessity for site plan amendments or other requirements sometimes included in special permit application regulations.

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nurseries, orchards, ranges, greenhouses, hoopouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term "aquaculture" means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.

*Rationale*

- Commissions do not need the same level of detailed information for some of the agricultural uses that require special permit approval outlined below, as for some other special permit applications.
- The costs associated with special permit processes, relative to the income generated by some agricultural uses, could hamper the economic viability of farm businesses.

**RECOMMENDATION 6****Include regulations on farm structures similar to the following:**

Agricultural buildings and structures on farm parcels of at least 3 acres are allowed by right, subject to all applicable building codes and standards. All agricultural buildings and structures, except farm stores and seasonal farm stands, shall be located at least 100 feet from any street line and 50 feet from any lot line. The commission may waive these setback requirements when the subject parcel abuts a permanently protected parcel of open space or other agricultural use. Agricultural buildings and structures greater than 1,000 square feet on a farm parcel of less than 3 acres and any limited farm parcel require special permit approval. Buildings housing livestock and/or animal waste and refuse on any parcel shall be located at least 100 feet from any lot line. Agricultural buildings and structures are exempt from height limits. Any food service facilities shall comply with state and municipal health codes.

*Rationale*

- Helps reduce nuisance issues and enforcement complaints.
- Provides flexibility for market adaptation.

**RECOMMENDATION 7****Include regulations similar to the following for Farm Stores and Seasonal Farm Stands:**

**Farm Store:** A permanent structure used by a farm business for the year-round sale of raw and/or processed agricultural and horticultural products, services and activities. Farm Stores are allowed by special permit only on farms, provided:

- The footprint of the farm store and all retail areas is compatible in size and scale with neighboring uses.
- At least 50% of gross sales shall be from agricultural goods produced on the owner's farm, or processed products made from raw materials that were produced on the owner's farm, for at least three of the immediately preceding five years.
- To ensure public safety, farm stores are required to have off-street parking with adequate ingress and egress. A reasonable parking area, not to exceed three square feet for every one square foot of building footprint, shall be provided. Permeable parking surfaces are encouraged.

**Seasonal Farm Stand:** A structure used by a farm business for the temporary, seasonal sale of raw and/or processed agricultural and horticultural products, services and activities. Seasonal Farm Stands are allowed on farms and limited farms, provided:

- The temporary structures and sales area are compatible in size and scale with neighboring uses.
- At least 70% of gross sales shall be from agricultural goods produced on the owner's farm, or processed products made from raw materials that were produced on the owner's farm, for at least three of the immediately preceding five years.
- The seasonal farm stand must cease operations for at least six weeks in one year.
- To ensure public safety, seasonal farm stands are required to provide parking with adequate ingress and egress not in a public right-of-way.

Rationale

- Ensures that farm stands are promoting and supporting true local agriculture through consistent and workable gross sales requirements.
- Provides "safety valve" provisions to release farm stand operators from the on-site product sales percentage requirements in the event of losses from weather or other uncontrollable circumstances.
- Differentiates between permanent stores and seasonal roadside stands to allow for more flexibility in seasonal stands, and more intensive retail use on farms.

**RECOMMENDATION 8**

**Include regulations, such as the following, on additional uses of farms and limited farms:**

**Agriculturally Related Uses**

Events of limited duration on a farm or limited farm, that are incidental to agricultural uses, including events such as corn mazes, pick-your-own, harvest festivals, educational demonstrations, hay rides, petting zoos, or other uses.

Agriculturally related uses are allowed on farms and limited farms.

**Non-Agriculturally Related Uses**

Activities that are part of a farm operation's total offerings, but are not incidental to agriculture, or tied to agricultural buildings, structures, equipment and fields.

Such uses include, but are not limited to, fee-based outdoor recreation, such as bird-watching, snow-shoeing, and others; event hosting, such as banquets, weddings, etc. Non-agriculturally related uses are allowed on farms only by special permit.

Rationale

- Allows flexible uses to supplement farm income and accommodate agricultural trends.

- Ensures uses are compatible with the intent to promote the economic viability of genuine farms.
- Improves consistency in permitting processes within towns and across towns.

## **RECOMMENDATION 9**

**Include definitions and regulations specific to agricultural sign regulations similar to the following:**

**Agricultural Sign:** A permanent free-standing or attached sign on a farm, limited farm, or farm stand with an area no larger than 16 sq ft per side, limited to 2 sides. One agricultural sign per farm, limited farm, and farm stand are allowed. Agricultural signs shall meet all other applicable performance standards, including setbacks, illumination standards and others.

**Seasonal Agricultural Sign:** A temporary free-standing or attached sign on a farm or limited farm, associated with a farm stand, seasonal farm stand, or agriculturally related use, whose content may change per available goods, services or activities. Such signs shall not have an area larger than 32 square feet per side, with a maximum of two sides. One seasonal agricultural sign per farm, limited farm, farm store, seasonal farm stand and agriculturally related use is allowed. One additional seasonal agricultural sign per every 300 feet of frontage on a public right-of-way on a farm or limited farm parcel is also allowed. At no time, however, shall any farm or limited farm have more than 6 seasonal agricultural signs. Seasonal agricultural signs shall meet all other applicable performance standards, including setbacks, illumination standards and others.

**Agriculture Directional Sign:** A permanent directional sign approved by the State Department of Agriculture. Farms and limited farms are encouraged to provide agriculture directional signs in addition to agricultural and seasonal agricultural signs.

### Rationale

- Acknowledges that signs are one of the most important marketing tools for agricultural businesses.
- Addresses the seasonal nature of agricultural business and makes agricultural signs different from other business signs.
- Moves toward legalizing current practices, as opposed to informal lack of enforcement, to help farm businesses achieve better visibility.
- Allows for both permanent advertising and changeable seasonal advertising.

## Implementation

To facilitate implementation of the recommendations contained within this report, CRCOG has posted them on its website ([www.crcog.org](http://www.crcog.org)), and will notify all Capitol Region communities of their availability. Notice was sent to planning staff and commissioners from participating municipalities as drafts and final versions were made available. CRCOG will also notify participating agricultural organizations, media serving the region, and municipal newsletter editors of the recommendations. Finally, CRCOG staff will offer to make summary presentations to commissions at regularly scheduled meetings upon request.

## References

In addition to current zoning regulations of the eleven participating municipalities, the following references were helpful in drafting the recommendations contained in this report:

Brennan, Robert Andrew. *Zoning Limitation and Opportunities for farm Enterprise Diversification: Searching for New Meaning in Old Definitions*. National Agricultural Law Center. May 2004.

Gibbons, Jim. *Farm Stands: Zoning and Building Code Considerations*. UCONN Cooperative Extension. 1993.

Michigan Agricultural Tourism Advisory Commission. *Agricultural Tourism Local Zoning Guidebook and Model Zoning Ordinance Provisions*. 2007.

New York Direct Marketing Association. *Model Zoning for Roadside Stands and Farm Markets*. 2005.

USDA. *NRCS Information Sheet: Alternative Enterprises – for Higher Profits, Healthier Land*. June 2000.

## Attachments

The following pages offer some examples of agricultural planning and regulatory considerations in the Plans of Conservation and Development of several Connecticut municipalities.

*Strategy:*

## **Preserve Community Assets**

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### **Overview**

In addition to the multiple benefits of open space preservation, towns can help to preserve other assets that contribute to community character and quality of life. For East Windsor, these assets include farming activities, historic and cultural assets, and scenic roads.

Support for farming activity is particularly important. As previously noted, much of the land at risk for development in the future is currently in agricultural use. Supporting and sustaining farm use not only retains the valued openness of the land, but provides time for the development and implementation of permanent protection actions.

Historic and cultural assets are largely located in the village areas, and strategies in Chapter 3 of this plan for defining village development include reference to historic structures. In addition, East Windsor recognizes the importance of the Trolley Museum as a regional attraction and the local importance of the East Windsor Academy building, the Broad Brook Opera House, and other cultural assets.

### **Action: Continue 490 Tax Abatement for Farmland and Forestland**

PA 490 (CGS Section 12-107) allows a community to assess farmland and forestland at lower value when it is actively farmed or managed for forestry. In addition to the open space benefits of this program, active farms benefit from a lower tax assessment which helps maintain the farm in difficult economic conditions. East Windsor should continue to offer this program in order to help farmers continue agricultural uses.

### **Action: Ensure Supportive Standards for Farming Activities**

East Windsor's Zoning Regulations permit farming activities, including structures for sale of farm products, in all residential districts. However, the regulations should make clear that promotion of farming, including farm stands, farming related events and activities, and signage, are permitted.

The Town may also benefit by the adoption of a "right to farm policy" that supports agricultural activities. Connecticut General Statutes Section 19a-341 provides State policy regarding the right to farm and the Town's endorsement of such a policy may help prevent future land use restrictions on farming uses that are currently permitted of right in East Windsor.

The Planning and Zoning Commission will review its regulations to identify and correct any inappropriate restrictions. A municipal "right to farm" ordinance would need to be proposed by the Board of Selectmen for adoption at Town Meeting.

**Action: Provide Marketing Support for Local Farms**

The Town may be able to make Town-owned sites available for temporary and permanent signage and for farm markets or special farming events. Town organization of or cooperation with local fairs and events could also contribute to sustaining farming viability in East Windsor.

Implementation of this action may be most effectively assigned to the Economic Development Commission. Parks and Recreation, Public Works, and the First Selectman’s Office would be able to cooperate on use of Town land and facilities for farm events.



**Action: Adopt Policy for Agricultural Use of Municipal Land**

As the Town’s Open Space Program succeeds, multiple interests will seek to use or limit the use of municipal properties. The Town could avoid future problems and concerns by identifying municipal properties suitable for use by lease to farmers. Additionally, criteria for allowing such use on future properties should be established, as suggested in the following table.

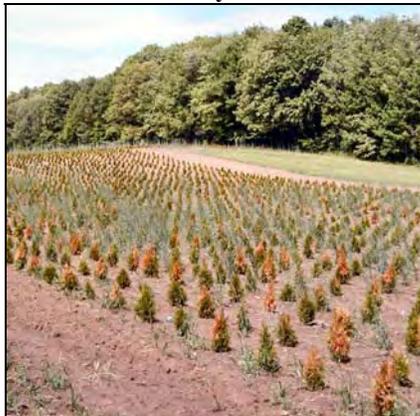
**Criteria for Evaluating Agricultural Leases on Town Land**

- Land is currently or historically used for farming
- Land is not identified as needed for other high priority municipal uses
- Land is not identified as valuable habitat by the Open Space Program or other qualified conservation organization or the State DEP.
- Land exceeds 10 acres
- Land is not part of a subdivision open space set-aside
- Land is not identified as part of a recreational hiking corridor

**Farm Field**



**Nursery Stock**



## **FUNDAMENTAL VALUES: INTRODUCTION OF GRANBY'S FUNDAMENTAL VALUES**

This Plan of Conservation and Development is rooted in Granby's Fundamental Values, those aspects of the Town that are treasured by the community. It is the overall objective of this Plan to protect and build upon these values.

The Town's recognition that change and growth are inevitable and even necessary, together with concern for how this will impact the existing quality of Granby, are the basis for this Plan. Recognizing that growth and change can be either positive or negative, it is imperative that the town residents and governmental officials plan and promote the positive changes. Granby faces the challenge of maintaining its rural character, charm, tradition, and values, while providing cultural, recreational, housing, educational, commercial and employment opportunities.

Planning can encourage the preservation of open space and farmland, foster the restoration and the preservation of historic sites and structures, preserve our scenic views, support the construction of a variety of housing types and commercial services that benefit the community, anticipate and prepare for growth and technological advances, foster the economic, social and racial diversity of the community, and preserve Granby's Fundamental Values.

### **Statement of Granby's Fundamental Values**

**Agricultural:** Our Town's rural character has its roots in the tradition of New England agriculture; the small farm, the fruit orchard and the dairy. While the land areas dedicated to agriculture remain relatively abundant overall, agricultural activity has changed over time. Commercial farms that provide the primary livelihood of a farm family are now few in number. However, through inclusive zoning and supportive government, a great number of our local homeowners keep livestock, own substantial acreage and maintain large fields and vegetable plots. Together these commercial and family farmlands carry on the Town's agrarian tradition. The visibility of these areas reminds us of our roots and distinguishes our Town from the encroaching suburbia of nearby municipalities. The Town's farmlands and open spaces offer an inviting atmosphere and a local source of fruits and vegetables. Viewing the livestock, smelling manure, experiencing the changing scenery of the fields from the first seeding to the maturation of the crops and the harvesting and the re-growth of winter rye is a treasure that will be missed if it is allowed to disappear.

**Residents:** The residents of Granby apply a broad definition to the term "neighbor". They show concern and offer help to one another during times of sickness, grief, unemployment or other difficulty. Granby is a community of people who can be defined in part by the overwhelming response the Social Services office receives during the holiday season and throughout the year. Based on the comments most often expressed at public hearings, Granby residents cherish the natural environment and are willing to work for its preservation.

**Volunteers.** To a great extent Granby is a community that is run by citizen volunteers. They offer incalculable hours of work on government boards, in recreational programs, in non-profit organizations and in special interest groups and clubs throughout Town. The fund raising and construction of the Town's new Science Center and Playscape are examples of their tireless efforts and generosity. It is the volunteers of Granby donating a part of their lives to enriching the Town that makes Granby an especially welcoming community.

## Preserve Agricultural Resources

Agriculture has played an important role in the settlement and history of Shelton. Today it continues to enhance the quality-of-life for residents and remains a strong element of Shelton's diverse community character by:

- preserving Shelton's agricultural heritage,
- providing local produce and other agricultural products,
- providing local employment and diversifying the economy,
- providing educational / tourist experiences, and
- providing perceived open space and contributing to scenic character.

Out of a workshop, focusing on conservation issues came the following action theme.

**Preserve agricultural resources to maintain a diverse and balanced community, and protect community character.**

### Preserve Existing Farmland

According to the most recent land use inventory, Shelton contains slightly less than 1,500 acres of active agricultural land, which accounts for six percent (6%) of the total area of the City. Out of this total acreage, only 138 acres, or less than one percent (1%), has been protected through the purchase of development rights or other means. The remaining 1,325 acres are only protected by the desire of the current owners to farm or otherwise keep them free of development. If developed, these unprotected acres could result in 670 or more dwelling units, based on their current residential zoning and would represent a significant loss to the diverse character of the community.

Shelton should continue to support programs that preserve farmland. The Connecticut Department of Agriculture's Farmland Preservation Program purchases the development rights of farms, with a goal of preserving 130,000 acres of farmland statewide. By selling their development rights under this program, farmers receive an infusion of cash to support continued farming and in return, surrender

*At a workshop focusing on conservation issues, residents ranked protecting agricultural resources as the second most important conservation issue.*

**Pick-Your-Own Fruits and Vegetable**



**Farmer's Market**



**For More Information**

See Page 3-27 for more information on Public Act 490 tax programs.

their ability to develop the property in the future. This program has been used successfully in Shelton, with the proceeds used to purchase additional farmland, keeping it free from development as well for the time being.

In addition to purchasing development rights, Shelton can protect threatened farmland and ensure its continued agricultural use through the following means:

- purchase outright and lease farmland back to the owner or a tenant,
- purchase outright and sell the development rights under the Farmland Preservation Program;
- resell the land to another farmer without development rights,
- explore alternative farming organizations such as food cooperatives or community gardens, and/or
- purchase at a bargain sale price in return for federal tax deductions and/or continued lifetime use of the property for farming.

In the three-acre R-1A District, it is also feasible to set aside significant open space as farmland or pasture through Conservation Residential Developments (CRD) as exemplified by the Orchard Park subdivision. By allowing a portion of a farm to be developed for housing with reduced lot sizes, the open space can be leased back to the farmer for continued farming or preserved as common pasture and marketed towards homeowners who also own horses; a model that has been applied in several Connecticut communities. Similar to the off-site open space strategy mentioned earlier, a marginal parcel of farmland could be developed in its entirety as a CRD and prime agricultural land could be preserved in another location to balance out the overall density of one dwelling unit per three acres.

**Continue to Offer Local Tax Incentives for Preserving Farmland**

Section 12-107 of the Connecticut General Statutes, often referred to as Public Act (P.A.) 490, authorizes communities to assess farmland at a lower value when it is actively farmed. While not a true preservation program, P.A. 490 does help farmers by lowering their tax assessment, which helps maintain the viability of farms under what can be difficult economic conditions. Shelton should continue to offer this program to assist farmers with maintenance of agricultural uses.

**Encourage and Support Current Farming Activity**

There are many programs and policies that can be used to assist farmers as they continue farming in the face of increasing taxes, costs, and competition. Shelton is a farm-friendly community and encourages farming through several programs.

Public Act 490 (PA 490) is a Connecticut law passed many decades ago that enables eligible farmland to be assessed based on its agricultural use and not the fair-market value for its potential “highest and best use,” which is considerably higher for residential or commercial development. Farmland in Shelton is currently enrolled in this program. PA 490 should not be confused with a preservation program, since there is no prohibition against developing farmland enrolled in the program other than a nominal penalty for withdrawal of land from the program during the first ten years. What PA 490 does accomplish is it makes farming more economically viable so that there is less pressure to sell it for develop-

**For More Information**

See Page 4-24 for more information on supporting farming activity.

-ment. Even with reduced assessments, farmland can be more fiscally sound than most residential development, due to its low demand for community services.

Shelton’s Zoning Regulations are also relatively farm-friendly, allowing farming activity in most zoning districts, farm stands for the sale of produce grown on the premises, and large 16 square foot signs on the premises.

Because farms and farm stands are located in rural areas away from commercial activity, they can be difficult for patrons to find. The PZC should consider allowing a limited number of small, remote directional signs, with the permission of property owners, to direct patrons to farms. Alternatively, farmers can be directed to the Connecticut Department of Agriculture (ConnDOAG) and their Connecticut Grown Program that offers Connecticut Department of Transportation (ConnDOT) approved directional signs that lead patrons from busy State highways onto local roads where farms are located. These signs are also installed at the farmer’s expense.

In addition to allowing farm stands, the City operates a farmer’s market on Canal Street in Downtown Shelton that offers an alternative outlet for farmers to sell their produce.

The PZC should consider adding more flexibility for farm related uses. Wineries where patrons can taste and purchase wines, bakeries selling baked goods made with farm produce, restaurants featuring farm produce or wines, and other forms of ecotourism can all add to the continued viability of agricultural uses and attract visitors to Shelton who may patronize other businesses during their visit.

As residential development continues to encroach on farming activity, complaints regarding manure odor, pesticide application, escaped livestock, noise, dust and other nuisances are bound to increase. Shelton can adopt a “Right to Farm” policy that:

- recognizes the importance of agriculture to the community,
- recognizes that the farms existed before the residential development, and
- protects farmers from nuisance claims arising out of the normal (reasonable) operation of their farms.

<p><b>Agricultural Preservation Strategies</b></p> <ol style="list-style-type: none"><li>1. Continue to support programs that preserve farmland.</li><li>2. Consider using alternatives to purchase of development rights for threatened farmland such as purchase and leaseback.</li><li>3. Allow agricultural use of preserved open space resulting from CRD in the R-1A District.</li><li>4. Continue to provide tax incentives for farming.</li><li>5. Allow more flexible farm signs or encourage State approved signs.</li><li>6. Allow more flexible farm use regulations to encourage ecotourism.</li><li>7. Adopt a “right to farm” policy to protect agricultural activity from nuisance complaints.</li></ol>
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