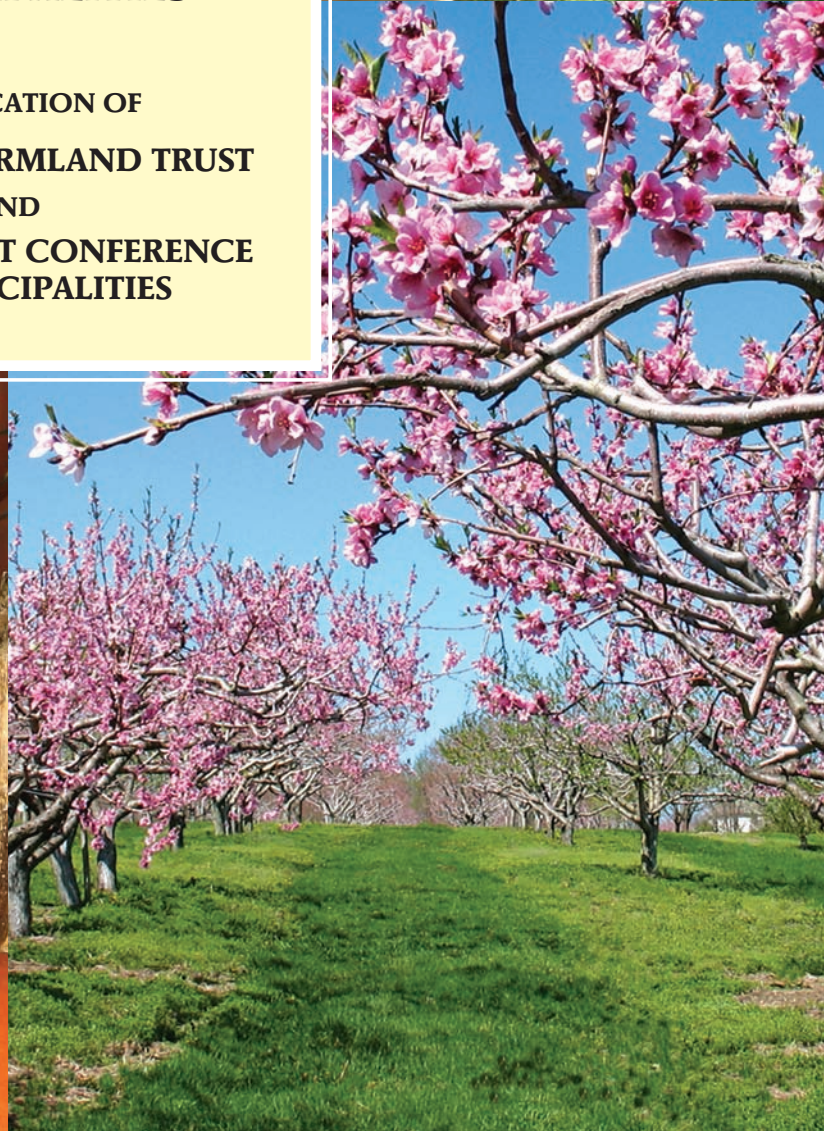
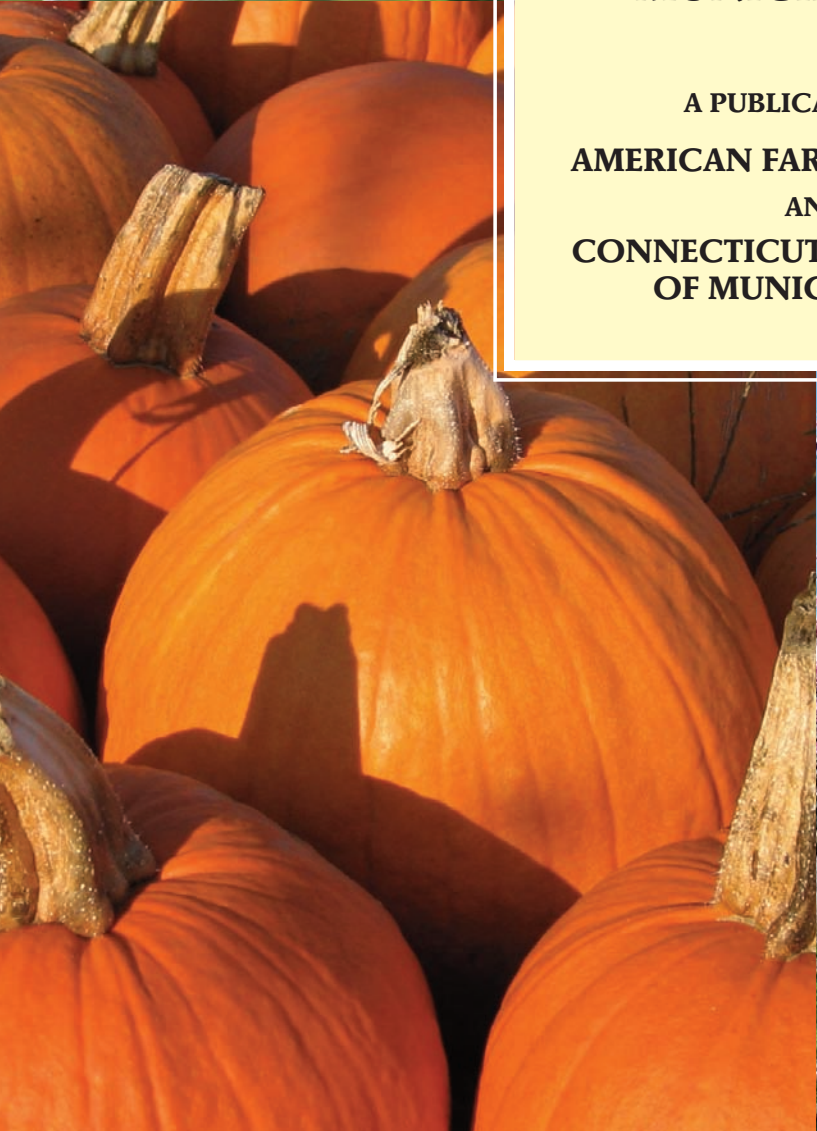


PLANNING FOR AGRICULTURE:

A GUIDE FOR CONNECTICUT MUNICIPALITIES

**A PUBLICATION OF
AMERICAN FARMLAND TRUST
AND
CONNECTICUT CONFERENCE
OF MUNICIPALITIES**



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FOREWORD

From CCM: Why Agriculture in Connecticut Towns?

Farms are thriving and growing across the state in new and exciting ways. Many farmers have capitalized on changing consumer trends and offer a bounty of healthy, fresh food to local consumers. Farms are an integral part of many communities, and residents are increasingly interested in learning about the source of their food and now visit neighboring farms regularly.

Municipalities, recognizing these trends, and seeing the importance of agriculture to municipal economic growth, are doing more to protect and promote these important assets.

Farms do much more than supply local farmers' markets and attract tourists to Connecticut towns — this industry supports the continued existence of many types of businesses, such as food manufacturers and processors, garden centers, veterinarians, farm equipment wholesalers and repair shops. Farms also have numerous production expenses that flow through the local economy, including employment expenses.

The Connecticut Conference of Municipalities is pleased to have partnered with American Farmland Trust to create this important guide, which will further help cities and towns across the state to support and continue to grow a thriving agricultural sector. Farms are a vital component of any community. This guide will help local leaders in their pursuit to preserve and protect local agriculture and all of the benefits it provides to municipalities and our state.

— Kachina Walsh-Weaver, Senior Legislative Associate, Connecticut Conference of Municipalities

From CCAPA: Why Plan for Agriculture?

Agriculture as an enterprise and a land use may be taken for granted by planners, local governments and residents. Since most land was historically agricultural, it forms the “base” land use from which all other land uses, such as housing, industry, business, recreation and transportation arise. However, the continuing loss of agricultural land, the increasing consumer demand for healthy food and organic produce, and concerns about obesity and health are contributing to a growing interest in preserving agriculture.

Planning for Agriculture: A Guide for Connecticut Municipalities provides an important and easily accessible primer and introductory tool kit for planners and municipal officials. The guide's focus is not on the nostalgic or sentimental aspects of agriculture in Connecticut but instead on the current challenges facing agriculture as a viable economic sector whose long-term success affects the health and welfare of the state's residents. The guide points out specific ways the practice of agriculture, from planting and cultivating to processing and marketing, is affected and sometimes hindered by our current rules and regulations. These rules, though well intended, threaten the viability of our agricultural sector by failing to appreciate what farmers need to be successful.

The Connecticut Chapter of the American Planning Association was pleased to participate in the development of the guide. We encourage all communities to use it to begin a conversation on how to preserve and protect agricultural businesses — and not just agricultural land — for the long-term benefit of Connecticut's residents and their quality of life.

— Mark Pelligrini, Connecticut Chapter of the American Planning Association

From AFT: Pulling it all together

This guide outlines a broad range of tools available to help local governments plan for the future of agriculture in Connecticut. None of these tools will work in every community, and some may spark communities to develop their own new and innovative approaches.

We hope local officials will find ideas throughout the guide, make use of the various resources provided and then work with their town's farmers and its residents as a whole to create a supportive community atmosphere for agriculture. Connecticut's agricultural future depends upon creative partnerships; leveraging of local, state and federal resources; and ongoing commitment. By working together, citizens of today can sow the seeds for a bountiful harvest for future generations.

— Cris Coffin, New England Director, American Farmland Trust

Acronyms

CGS	Connecticut General Statutes
CLEAR	Center for Land Use Education and Research
CNMP	Comprehensive Nutrient Management Plan
COCS	Cost of Community Services
CRCOG	Capitol Region Council of Governments
CSA	Community Supported Agriculture
DEP	Department of Environmental Protection
EAP	Environmental Assistance Program
FPP	Farmland Protection Program
GIS	Geographical Information System
NEMO	Nonpoint Education for Municipal Officials
NRCS	Natural Resources Conservation Services
PA 490	Public Act 490
PACE	Purchase of Agricultural Conservation Easements
PDR	Purchase of Development Rights
POCD	Plan of Conservation and Development
TDR	Transfer of Development Rights
USDA	United States Department of Agriculture

Photos provided by: American Farmland Trust, Buy CT Grown, Capitol Region Council of Governments, city of Shelton, CitySeed, Connecticut Farmland Trust, Connecticut Greenhouse Growers Association, Timothy Forrest, Gottier family, Holcomb Farm C.S.A., Leslie Sweetnam, North Central Conservation District, Natural Resources Conservation District and town of Lebanon.





SECTION 1 IMPORTANCE OF AGRICULTURE

Farms and farmland remain cornerstones of many Connecticut communities, linking the past to the future through a landscape of fields and pastures, stone walls and weathered barns shaped by generations of hard-working farm families. This landscape, cherished by so many, is often taken for granted. Some of its benefits are obvious—the bounty of fresh fruits and vegetables in the spring and summer months; pumpkins, chrysanthemums and Christmas trees in the fall and winter; and milk and dairy products year-round. Other benefits are less obvious—the local revenue and jobs farms provide, the recreational and tourism opportunities they create, the wildlife habitat and other environmental benefits they offer. Some benefits are easily quantified; many are not. The benefit that may be most valued by Connecticut residents — the ephemeral “quality of life” that farms help provide — unfortunately sometimes is only recognized after it’s too late and the last farm in town has disappeared.

What is Agriculture?

State law provides a broad definition of agriculture. *Connecticut General Statutes Section 1-1(q)* defines “agriculture” as the cultivation of the soil, dairying, forestry, and the raising or harvesting of any agricultural or horticultural commodity, including the care and management of livestock such as horses, bees, poultry, fur-bearing animals and wildlife. Agriculture also includes the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the production or harvesting of maple syrup or maple sugar; the hatching of poultry; and the harvesting of mushrooms. The term also includes the

handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market 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 and vegetables for market or for direct sale (see Appendix A, CGS § 1-1(q)).

The term “farm” is also defined broadly. A farm includes nurseries, orchards, farm and accessory buildings, greenhouses, hoophouses and other “temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of

■ Aquaculture

Includes: eastern oysters, northern quahogs (hard clams), trout, and striped bass.

- Connecticut is a major producer of farm-raised shellfish with 50 companies raising oysters and hard clams.
- In 2006, over 475 million pounds of the two mollusks were harvested at a value of over \$20 million.
- The state is ranked second in the U.S. and first in the Northeast in the number of saltwater acres in aquaculture with more than 70,000 acres in the Long Island Sound.

“Local chefs are just beginning to realize the potential of the fresh oysters and clams grown in their backyards.”

— John Turenne, Sustainable Food Systems

Connecticut Department of Agriculture, 2007; Connecticut Sea Grant Program, 2005; University of Connecticut, 2007.

■ Dairy

Includes: production of milk, butter, cheese, cream, yogurt, replacement cows, and breeding.

- The state’s 152 dairy farms produce 45.5 million gallons of fluid milk each year, enough to satisfy 65 percent of the demand for milk consumed in Connecticut.
- Farms are increasingly diversified and now market a number of products such as cheese, ice cream, butter and yogurt directly to consumers.
- Dairy farmers own or rent between 90,000 and 120,000 acres, of cropland, hayland and pasture. This represents 50 to 70 percent of Connecticut’s farmland.

Six dairy farm families teamed up in 2005 to produce and retail their own local milk under The Farmer’s Cow label, now available in most grocery stores across the state.

Connecticut Milk Regulation Board, 2006; Connecticut Department of Agriculture, 2007.

agricultural or horticultural commodities” (see Appendix A, CGS § 1-1(q)).

Like other types of businesses, agriculture continues to evolve to meet changing consumer demand. The above definitions recognize that agriculture and farming are dynamic and offer farmers broad flexibility to adjust their farm operations to meet new market challenges and opportunities.

Economic Benefits: Farms Provide Jobs and Support the Local Economy


Connecticut’s agricultural industry represents a vital primary tier business sector that supports the existence of food manufacturers and processors, garden centers, veterinarians, farm equipment wholesalers, farm supply stores, machinery repair shops and wholesale fuel suppliers.

The United States Department of Agriculture (USDA) estimates indicate that in 2006, farm businesses in Connecticut generated \$523 million in cash receipts — second highest in New England — with greenhouse, nursery and dairy contributing the highest percentage of receipts.¹ Connecticut farms reported production expenses of over \$397 million in 2002, much of which was spent locally.²


According to the USDA, there are over 19,200 workers employed on farms in the state.³ By comparison, employment in the state’s building and construction industry is 19,020.⁴

Farm Production Expenses 2002⁵

County	Production Expenses
Fairfield	\$ 22,249,000
Hartford	\$ 93,023,000
Litchfield	\$ 27,818,000
Middlesex	\$ 37,834,000
New Haven	\$ 48,908,000
New London	\$ 109,681,000
Tolland	\$ 29,126,000
Windham	\$ 29,048,000
Connecticut Total	\$ 397,687,000

..........

A town of Woodstock special town meeting in 2000 reported that dairy farmers in the town generated annual gross revenues of approximately \$6 million. Agriculture was estimated to provide at least 103 full-time jobs and 80 to 90 part-time jobs.

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■ Equine

Includes: recreational, competitive, therapeutic, training, boarding and breeding.

- There are 40,000 horses in Connecticut.
- The state’s 550 horse-related businesses offer services such as boarding, riding lessons and stud services, and generate an annual income of \$39 million.
- Horse owners spend over \$20,000 per year on their horses.
- Almost \$3,000 of this annual per-horse total is spent on feed and bedding, much of which is purchased from local farmers.
- 46 percent of the equine land needs in Connecticut are met by leasing land.

Connecticut has nine horses per square mile, the highest density in New England.

University of Connecticut: Connecticut Horsepower, 2007.

■ Farmers’ Markets

Includes: market sales of fruits, vegetables, dairy products, flowers, breads, and other farm-related products.

- Since 1986, the number of farmers’ markets in the state has increased almost threefold to the current total of 114.
- Approximately 52,000 low-income residents in Connecticut receive coupons through the Farmers’ Market Nutrition Program and Seniors Farmers’ Market Nutrition Program each year to spend at local farmers’ markets. More than 200 farmers and 73 markets participate in the Farmers’ Market Nutrition Program.

In 2006, four farmers’ markets in New Haven had total sales of more than \$500,000.

Connecticut Department of Agriculture, 2007; CitySeed, 2006.

Fiscal Benefits: Farm and Forest Lands Help Maintain Lower Property Taxes

Cost of Community Services (COCS) studies use municipal data to determine the fiscal contribution of various local land uses. These case studies compare the cost of municipal services needed for farm and forest land, residential, and commercial and industrial property to the revenues generated from these lands. Over 20 years of COCS studies around the country have shown that farmland and other open space generate more public revenue than they require in municipal services. Even when farmland is assessed at its current agricultural use value under *Public Act 490*, farmland generates a surplus to help offset the shortfall created by residential demand for public services.⁶ A review of COCS research in eight Connecticut towns shows that for each dollar of property tax revenue generated by working lands, on average only 31 cents is required in municipal services.

In 2007, the town of Lebanon undertook a build-out analysis to understand the impacts of development based on current land use regulations, including the fiscal impact of this development. The study determined that in 10 years, with a 10 percent growth rate, the town would need to increase taxes to cover an additional \$2.2 million in community services required by the new growth.

Cost to Provide Community Services per Dollar of Revenue Raised⁷

Town (year of study)	Residential	Commercial and Industrial	Working and Open Land
Bolton (1998)	1.05	0.23	0.50
Brooklyn (2002)	1.09	0.17	0.30
Durham (1995)	1.07	0.27	0.23
Farmington (1995)	1.33	0.32	0.31
Lebanon (2007)	1.12	0.16	0.17
Litchfield (1995)	1.11	0.34	0.34
Pomfret (1995)	1.06	0.27	0.86
Windham (2002)	1.15	0.24	0.19
Median	1.11	0.26	0.31
U.S. Median	1.19	0.29	0.37

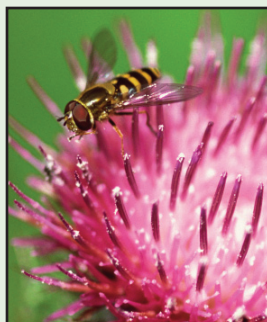
■ Maple Syrup and Honey

Includes: raw honey, comb honey, beeswax candles, maple syrup, candy and sugar.

- Connecticut farmers produce approximately 11,000 gallons of maple syrup each year.
- There are 62,000 taps for maple syrup in the state.
- Connecticut has approximately 125 farms that sell 132,000 pounds of honey each year.

As many as 40 gallons of sap are needed to make 1 gallon of maple syrup.

Connecticut Department of Agriculture, 2007; NASS New England, 2005.



■ Meat

Includes: lamb, beef, pork, goat and veal.

- There are 67 meat producers in Connecticut.
- Many other farms raise sheep and goats for milk and fiber; the state is home to more than 5,000 sheep and 2,500 goats.

Locally raised meat is available at farmers' markets, farm stands and farm stores throughout the year.

Connecticut Department of Agriculture, 2007.

Environmental Benefits: Farms Protect Water Quality and Natural Resources

As a natural resource-based business, farms depend on adequate land, good soils, favorable climate conditions and clean water. In turn, farmers and the land they steward provide a variety of environmental benefits. These include:

- Maintaining or increasing biodiversity;
- Providing fish and wildlife habitat;
- Improving surface and groundwater quality by filtering water;
- Reducing flooding by slowing runoff and providing recharge areas;
- Improving air quality by filtering air and producing oxygen;
- Reducing carbon emissions by reducing reliance on foods, feeds and horticulture products that need to be shipped from long distances;
- Retaining soil for plant growth; and
- Absorbing and sequestering carbon.

Connecticut's 357,154 acres of farmland and woodland provide an estimated \$442.7 million annually in non-market environmental services — such as maintaining habitat, filtering water, reducing flooding, and sequestering carbon.⁸

The Governor's Steering Committee on climate change awarded the town of Suffield a Connecticut Climate Change Leadership Award in 2006 for its commitment to preserve forest and agricultural lands. The town is dedicated to preserving 150-200 acres of land annually to help retain the carbon-absorption capacity of forest and agricultural land.

Scenic and Recreational Benefits: Working Farms Provide Rural Character and Attract Tourists

Working farms help define the Connecticut landscape and attract tourists to the state. A town's natural features—its cropland, pastures and woodlands—and their barns and stone walls, provide community identity, rural character and an important link to the state's history and culture.

The open space provided by farms offers valuable opportunities for recreation. While not all farms provide public access, many farmers allow their land to be used for walking, hunting, fishing, snowmobiling or horseback riding. Rural roads near farms offer scenic views for biking, running, walking and even driving.

In addition to making Connecticut an attractive place to live, farms help make the state a desirable place for people to visit. Wineries, pick-your-own farms, corn mazes and other agritourism businesses are direct draws

■ Nursery and Greenhouse

Includes: flowers, plants, turf, trees, herbs and lettuce greens.

- Connecticut's nursery and greenhouse sector is comprised of 3,020 businesses, including those in plant production, retail and landscape services.
- Together these businesses gross \$1.1 billion annually and pay \$632 million in annual wages to their 48,000 employees.

Between 1998 and 2002 nursery and greenhouse businesses in the state increased farm income by an average of 29 percent.

New England Nursery Association, 2006.



■ On-Farm Sales

Includes: farm stands and pick-your-own operations retailing peaches, strawberries, apples, pumpkins, vegetables, Christmas trees and other farm-related products.

- The Connecticut Farm Map lists 222 farms where visitors are welcome.
- The state has at least 49 pick-your-own apple orchards, 25 pick-your-own pumpkin farms, and 96 cut-your-own Christmas tree farms.
- More than 24 farms in the state offer CSA (Community Supported Agriculture) shares.


Connecticut has at least 106 farms where customers can pick their own fruits and vegetables.

Connecticut Department of Agriculture, 2007.

for tourists. Working farms also help define the scenery that people enjoy on country drives and visits to communities around the state.

..........
Of the 52 Great Getaways listed by the Connecticut Commission on Culture and Tourism, 13 include visits to farms.
.....

A recent survey of town of Sherman residents found that more than 75 percent identify scenic beauty as an extremely important measure of quality of life.
.....

A 2007 University of Connecticut survey of residents in four towns — Woodstock, Pomfret, Thompson and Brooklyn — found a high willingness to pay for the preservation of farmland and open space. For example, residents of Brooklyn would collectively be willing to pay more than \$10,000 per acre to purchase an easement on dairy farmland that was at “high risk” for development.
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Agriculture in Connecticut Today

Connecticut is a state of small farms. With an average farm size of 85 acres, the state has the third smallest average in the U.S. More than half of the 4,000 farms in the state are fewer than 50 acres.⁹ The loss of farmland has led to increased farm fragmentation, requiring farmers

to farm smaller parcels in multiple communities. As a result, Connecticut farmers typically face varying local regulations that impact their farming activities.

Like elsewhere in the U.S., farmers in Connecticut are aging; the average age of a farm operator is 55.¹⁰ However, there is increasing interest among new and young farmers, particularly those seeking to take advantage of the growing demand for locally grown products (see box on page 7).

To meet consumer demand, farmers are changing the products they raise and increasing direct-to-consumer retail sales. Connecticut farms today produce and sell a diverse range of items, including: goat cheese, black currant juice, wine, eastern oysters, manure flower pots, ice cream, fruit brandy, potted flowers, wool, green beans and grass-fed beef.

“The Connecticut Valley is one of the most productive and valuable areas in the Northeast because of the long growing season and the proximity to cities and towns.”¹¹

— U.S. Department of Agriculture

Connecticut farms are repositioning to take advantage of several new consumer trends.

■ Located along the New York-to-Boston corridor with over 30 million consumers nearby, Connecticut farms are able to respond to the increasing demand for locally grown agriculture products. In fact, Connecticut has the third highest average of per farm direct-to-consumer sales in the U.S.¹² Other examples of this trend are the number of farmers’ markets and Community Supported Agriculture (CSA) farms in the state.

■ Organic

Includes: vegetables, fruit, herbs, flowers, meat, poultry, eggs and land care.

- There are at least 81 organic farms and producers in Connecticut, of which 28 are federally certified.
- Connecticut has at least 11 producers that offer raw milk.
- The state has 120 accredited organic land care businesses.

The 2007 Farm and Food Guide published by the Connecticut Northeast Organic Farming Association lists 105 restaurants, caterers and food coops that feature organic products.

Local Harvest, 2007; Connecticut NOFA, 2007; Connecticut Department of Agriculture, 2007.

■ Poultry

Includes: turkeys, broilers and eggs.

- There are over three million egg-laying chickens in the state.
- There are 240 farms that raise chickens in Connecticut, and at least 13 farms that raise turkeys.

Connecticut farms annually produce 883 million eggs valued at more than \$40 million.



Connecticut Department of Agriculture, 2007; Connecticut Poultry Association, Inc., 2007.

Archeological Significance of Farmland

Protecting Connecticut's farmland protects our cultural heritage, as many important archeological sites — some dating back as much as 11,000 years — are located on agricultural land. Areas near rivers, marshes and other wetlands yield a diverse species of plants and animals that Native Americans relied upon in seasonal hunting and gathering rounds. When maize, beans and squash cultivation techniques diffused into Native American society around 1,000 years ago, these farmlands enhanced production of aboriginal crops.

Many areas of the earliest European settlements in the 17th century were on sites where Native Americans previously had settled. Indian villages with their cleared fields for maize production (hoe technology) served as a “stepping stone” to European settlement.

The plowing activities of more recent farmers brought below-ground artifacts to the surface, allowing archaeologists to walk the fields and determine patterns of site distributions. In fact, the majority of Native American archaeological sites in Connecticut were discovered during surface collection of freshly plowed fields.

Farms in the state today still contain these important layers of human and cultural history. Preservation of this farmland, therefore, also protects the state's cultural heritage.

— **Nicholas F. Bellantoni, Connecticut State Archaeologist, Connecticut State Museum of Natural History and Archaeology Center, University of Connecticut**

■ Agriculture tourism is one of the fastest growing segments of the Connecticut tourism industry, growing about 33 percent annually.¹³

■ Growing interest in the renewable energy industry has led to proposals for three new power plants in Connecticut that would run on branches, stumps and other biomass.¹⁴

■ Research programs are currently underway at the Connecticut Agricultural Experiment Station growing

soybean and rapeseed (canola) to determine yield and use for biodiesel production. These crops are of interest because they can also be used for feedstock, cover crops, fertilizer or to control plant parasitic nematodes.¹⁵

■ Farms are taking advantage of home gardening and landscaping needs by marketing composted soil amendments. This trend has an added benefit: in using municipal wastes such as leaves, farmers are reducing the volume of local waste and waste management costs.

■ Tobacco

Includes: broad leaf for cigar binders and shade-grown for cigar wrappers.

- In 2006, approximately 70 farms in Connecticut produced over 4 million pounds of broad and shade tobacco.
- The 2,430 acres devoted to tobacco farming in the state produces 62 percent of the broadleaf and 76 percent of the shade tobacco grown in New England.
- Tobacco is the state's number one agricultural export, valued at more than \$30 million a year.

Thousands of area residents ages 14 and older worked in tobacco fields through the 1950s, but more labor was needed: adults from Jamaica and Puerto Rico arrived in the Valley to work.

Connecticut Valley Tobacco Historical Society, 2007; NASS: New England, 2006.

■ Wholesale Produce

Includes: sweet corn, apples, asparagus, green beans, tomatoes, roses, squash and more.

- The Regional Market in Hartford, the largest farm wholesale market in the state, generates \$165 million in gross sales annually.
- There are 27 wholesale fruit and vegetable producers in Connecticut.
- The state has at least 39 orchards that sell through wholesale markets.

Over 4,000 acres of sweet corn are planted each year with a total value of over \$8 million.

Connecticut Department of Agriculture, 2007; NASS New England, 2005.

■ Dairy farms are joining together to create regional facilities to compost manure. Regional nutrient management systems are best suited in areas with clusters of dairy farms such as the Canaan Valley where the first facility is scheduled to be constructed. In addition to addressing waste management, farmers plan to market the compost.

Growing Student Interest in Agriculture

■ Membership in Connecticut FFA — the local chapter of a student-oriented association focused on leadership, personal growth and career success through agricultural education — has increased by 12 percent in the last three years to a total of 2,613 in 2006–2007.

■ Enrollment in the 19 vocational agriculture centers in Connecticut's high schools has risen 15 percent from the 2000–2001 school year — a total of 2,964 in 2005–2006.

■ Enrollment at the University of Connecticut's Ratcliffe Hicks School of Agriculture has steadily risen since 1995 with an overall increase of 16 percent between 2001 and 2006; a total of 1,138 in 2006.

— Connecticut FFA Association; Connecticut Department of Education; University of Connecticut.

"Gems" of Connecticut Agriculture

■ In 1876, Connecticut became home to the first agricultural experiment station in the U.S. Since that time, agricultural experiment stations in Connecticut have:

- Discovered Vitamin A in milk.
- Developed hybrid corn.
- Isolated the West Nile virus from mosquitoes in North America in 1999 (during outbreaks in horses).

■ In 1899, the U.S. Department of Agriculture chose the Connecticut River Valley as one of only four areas to conduct the first soil surveys. Designed to promote agricultural development, the survey found that certain imported varieties of tobacco could be grown. Today the shade tobacco grown in the region still produces a cigar wrapper used by high-end cigar makers and is said to be one of the best wrappers in the world.

■ Established in 1952, the Regional Market in Hartford serves as a central location for farmers and wholesalers to sell agricultural products. As the largest perishable food distribution facility between Boston and New York, the market realizes \$165 million in annual sales.

— Connecticut Agricultural Experiment Station; Connecticut Department of Agriculture, 2007; Natural Resources Conservation Service; The Hartford Courant: "Staying in Shade Tobacco" 10/25/2006.

■ Wineries and Vineyards

Includes: Chardonnay, Cabernet Sauvignon, Pinot Noir and specialty fruit wines.

- There are at least 23 vineyards in Connecticut.
- The Connecticut Wine Trail is a group of 16 wineries with tasting rooms and wines for sale.

In 1978 Connecticut passed the Farm Winery Act, which allowed farms in the state to produce wine.

Connecticut Department of Agriculture, 2007; Connecticut Wine Trail, 2007.



- ¹ Income is measured in terms of cash receipts. U.S. Department of Agriculture — National Agricultural Statistics Service (NASS): New England Cash Receipts, 2006.
- ² NASS, Census of Agriculture, 2002.
- ³ Includes farm operators and workers. NASS, Census of Agriculture, 2002.
- ⁴ Includes residential and industrial construction labor estimates. U.S. Census Bureau, Economic Census, 2002.
- ⁵ NASS, Census of Agriculture, 2002.
- ⁶ American Farmland Trust-Farmland Information Center, Fact Sheet: Cost of Community Services, 2007, available online at http://www.farmlandinfo.org/documents/27757/COCS_09-2007.pdf.
- ⁷ Ibid.
- ⁸ Research by the Massachusetts Audubon Society suggests that cropland and pastureland in Massachusetts provide non-market environmental services valued at \$1,381/acre. Likewise, forestland services are valued at \$984/acre per year. MassAudubon, Losing Ground: At What Cost, 2003. MassAudubon used 42 studies to create a conservative estimate of the non-market economic value of different land uses.
- ⁹ NASS, Census of Agriculture, 2002.
- ¹⁰ Ibid.
- ¹¹ U.S. Department of Agriculture: "Land Resource Regions and Major Land Resource Areas of the United States, the Caribbean, and the Pacific Basin." USDA Handbook 296, 2006.
- ¹² NASS, Census of Agriculture, 2002.
- ¹³ The Boston Globe, "State Linking Agriculture, Tourism Efforts," 4/2006.
- ¹⁴ The Hartford Courant, "Pulling Power from Wood," 3/25/2007.
- ¹⁵ In spite of national interest in corn ethanol production, it is not particularly relevant in Connecticut since estimates show that if all current corn production in Connecticut were used for ethanol production (28,000 acres), it would satisfy the total motor gasoline needs of the state for approximately two days only.



SECTION 2

IS YOUR TOWN PLANNING A FUTURE FOR AGRICULTURE?

Municipal actions and decisions can have a significant impact on the viability and future of local farms and the land they work. Below is a checklist to gauge how supportive of agriculture your town is. This list can help identify areas where additional attention could benefit your community. Consider taking this list to the various boards in town that could have a role to play in supporting agriculture and protecting farmland.

Understanding Agriculture in Your Town

Inventory: Do you know how much agriculture there is in town? People are often under the misconception that “there’s no agriculture in our town” or “there’s no future in farming.” It is important to understand the changing face of agriculture in order to appreciate and address the evolving business and land use needs of local farmers.

➤ **Action:** Consider conducting a town agricultural inventory to identify the number and types of farms in town, the acres farmed, the number of people employed by farm businesses, the property taxes paid and any other information that will help town officials understand the economic value of agriculture in your town as well as the business and land use needs of local farms (see examples on page 14).

Agricultural Commission: Does your town have a local agricultural advisory board? A town agricultural commission or advisory board can act as an advocate for agriculture. It can raise the profile of agriculture in a town, help other town boards understand the economic and land use issues that farmers face, work to preserve farmland and act as mediator and advocate on farm-related issues.

➤ **Action:** Consider establishing a town agricultural commission or advisory board. If your town has only a few farms, consider joining other towns and creating a regional agricultural commission (see examples on page 13).

Local Boards: Are there farmers serving on local planning and zoning, inland wetlands, and/or economic development commissions? All of these boards are involved in decisions that could affect the business and land use needs of farmers.

➤ **Action:** Encourage farmers to serve on town committees. This is one of the most effective ways for towns to incorporate agricultural concerns into local regulations and plans (see examples on page 42).

Definitions: The state of Connecticut defines agriculture in a broad and inclusive manner (*CGS § 1-1(q)*). Does your town apply this definition? Additionally, various agricultural businesses have very different needs that can test the balance of rules and exceptions.

➤ **Action:** Write flexibility into ordinances and regulations by using a broad definition of agriculture and thereby prevent many denials of the sort where “the rules don’t fit” (see examples on page 33).

Plan of Conservation and Development:

Does your POCD have a detailed section on agriculture? The POCD is the big picture view for the future of the town. Does your POCD refer to “maintaining rural character” but not necessarily address agriculture as a primary component?

➤ **Action:** Consider having a town appointed committee profile local farms and demonstrate the economic, cultural and environmental benefits of agriculture in your town. Including agriculture up-front can be very helpful. Update your POCD to express the value agriculture contributes to your town’s quality of life (see examples on page 17).

Assistance: Does your town publicize where to get advice and assistance on farm questions? Towns can facilitate the connection to local, state and federal agricultural and conservation organizations that can serve as resources to local farmers.

➤ **Action:** Identify and designate a key municipal official or agricultural commission member to help with such questions (see examples on page 13).



Creating a Supportive Business Environment for Farming

Economic Development: Is agriculture part of the local economic development strategy? Agricultural businesses are frequently undervalued in terms of their effect on the local economy, and opportunities for agricultural economic development are often overlooked.

- **Action:** Convene local farmers and producer groups to identify business needs and opportunities — such as potential processing and distribution facilities and transportation needs — and work with town and state officials, farm organizations and neighboring towns to address those needs (see examples on page 14).

On-Farm Retail: Does your town allow roadside stands or pick-your-own operations by right? Flexibility in zoning ordinances or regulations helps to promote profitable farm retail opportunities.

- **Action:** Consider amending your town's zoning regulations so that certain agricultural operations don't need a special exception or variance (see examples on page 18).

Signs: Are off-site signs that attract and direct farm stand customers allowed in town? Farm stands are often seasonal businesses that need to capture potential sales at harvest time.

- **Action:** Allow signs that give directions to the farm stand and let customers know what items are available (see examples on page 34).

Off-Farm Sales: Can farm stands sell produce purchased elsewhere? Many towns have rules that a certain percentage of farm stand produce be grown on the farm.

- **Action:** Allow an expanded product line that includes items not grown on the farm. This can carry farm stands through bad seasons and offers local consumers added choices (see examples on page 33).



On-Farm Processing: Does your town allow on-farm processing facilities? Farm businesses with expanded product lines and a focus on direct marketing are increasingly relying on on-farm processing facilities such as bakeries, kitchens and wineries.

- **Action:** Allow on-site processing facilities that enable farms to diversify and increase their viability (see examples on page 19).

Compatible Businesses: Are businesses that are compatible with agriculture allowed in your town?

Farm-based compatible businesses, such as machinery repair shops, sawmills, bed and breakfasts, and other businesses, can help farm families improve profitability.

- **Action:** Allow such infrastructure and businesses that are necessary for thriving farm businesses (see examples on page 19).

Celebrate Agriculture: Does your town have an agricultural fair or apple festival, sponsor a farm tour, or have any other events to demonstrate the value of local farms?

- **Action:** Sponsor or hold such events. Incorporate agriculture education in school activities and curriculum. When students and residents learn about agriculture, they will better understand the benefits of having farms in town (see examples on page 44).

Buy Local: Does your town support the purchase of local foods? Farmers' markets, farm-to-school programs and farm-to-institution sales can support family farmers by increasing local demand for their products.

- **Action:** Consider purchasing food from local farmers and encouraging institutions to do the same (see examples on page 43).

Supporting Appropriate Tax Policies for Farmland and Buildings

Use Assessment: Does your town publicize and apply Public Act 490, assessment of farm and forest land by use? Connecticut General Statutes provide for owners of eligible farm or forest land to apply for classification of their land as farm or forest land and thus pay taxes based on this use value (CGS §12-107).

- **Action:** Tax land based upon its use; work with assessors to establish reasonable acreage thresholds (see discussion on page 24 and full statute in Appendix A).

Tax Exemptions: Does your town publicize and apply state tax exemptions for farm tools, products and seasonal greenhouse structures? Farmers are eligible for a number of property tax exemptions, including:

- farming tools (CGS §12-81 (38))
- farm products, including produce and animals (CGS §12-81 (39))
- sheep, goats, and swine (CGS §12-81 (40))
- dairy and beef cattle, oxen, asses and mules (CGS §12-81 (41))
- poultry (CGS §12-81 (42))
- nursery products (CGS §12-81 (44))
- temporary structures, such as hoopouses, for seasonal production of plants (CGS §12-81 (73))
- **Action:** Encourage the use of these tax exemptions to help keep farms viable in your town (see full statute in Appendix A).

Property Tax Abatement: Does your town make use of enabling legislation that allows an abatement of up to 50 percent of property taxes for most farms? A municipality may vote to abate up to 50 percent of the property taxes of a dairy farm, fruit orchard, vineyard, vegetable farm, nursery or tobacco farm, as well as any farm that employs nontraditional cultivation methods (CGS § 12-81m).

- **Action:** Consider allowing these abatements in your town to recognize the many values that local farms provide (see full statute in Appendix A).

Additional and Enabling Tax Exemptions:

Does your town make use of enabling legislation that allows exemptions for farm machinery and farm buildings? Farm machinery (except motor vehicles) up to \$100,000 in value is automatically exempt from local property taxes. A municipality may vote to provide an additional \$100,000 exemption from property taxes for machinery. A town may also vote to provide an exemption from property tax for any farm building, including those used as housing for seasonal employees, up to \$100,000 per building (CGS § 12-91).

- **Action:** Enact this legislation in your town to help keep local farms viable (see full statute in Appendix A).

Developing Strategies to Protect Your Town's Best Farmland

Prioritized Farmland: Are areas identified where your town wants to support agriculture over the long term? Does your town know where its best farmland soils are located? Do you know which farmers in your town might be interested in protecting their farmland or are planning to sell in the near future?

- **Action:** Collaborate with the USDA Natural Resources Conservation Service (NRCS), University of Connecticut Center for Land Use Education and Research (CLEAR), local land trusts and other organizations to identify important farmland as well as areas threatened by development (see examples on page 14).

Farmland Protection Program: Does your town encourage the use of conservation easements on farmland? Conservation easements can protect farmland in perpetuity while keeping farms in private ownership. Does your town support applications to the state or federal farmland protection programs, which provide funding for permanent conservation easements? Does your town meet the qualifications to participate in Connecticut's Joint State-Town Farmland Preservation Program? Does your town have an established fund for farmland preservation?

- **Action:** Consider holding a public forum to educate landowners about farmland protection options.

Establish a fund to support local applications and take steps to meet the criteria for the Joint State-Town Farmland Preservation Program (see examples on page 25).

Lease Land: Does your town lease town-owned land to farmers? A municipality may also purchase farmland outright and lease the land to local farmers.

- **Action:** Conduct an inventory of town-owned land and ensure that land suitable for agriculture is available to local farmers. Support farmers leasing town land by helping to meet infrastructure needs. Encourage a CSA or community garden on smaller parcels (see examples on page 39).

Infrastructure Limits: Does your town limit the expansion of infrastructure into areas where the town wants to support agriculture over the long term? Avoiding the extension of water and sewer lines through or near farmland can be a great deterrent.

- **Action:** Focus water, sewer and other services in already developed areas to limit the development of your town's best farmland. Consider incorporating these policies into town documents such as the POCD and zoning regulations (see examples on page 20).



Limiting the Impacts of New Development on Agriculture

Neighbors: Does your town have policies to mitigate conflicts between farmers and non-farm neighbors? Right-to-farm ordinances can ensure that new residents are made aware that they are moving into an area where farming occurs. These ordinances can also prevent unnecessary lawsuits between farmers and non-farm neighbors by establishing a process to resolve conflicts before the courts are involved.

- **Action:** Helping residents to recognize that agriculture is usually a business, not just a lifestyle, can ease potential tensions. Adopt a local right-to-farm law to express support for agriculture and reinforce protections provided by state law (see examples on page 23).

Buffers: Does your town require buffer zones between farmland and residential use? Non-farmers who live next to active agricultural businesses may soon realize they do not enjoy all aspects of the neighboring farm.

Buffers can reduce potential “nuisances” and prevent neighbor frustrations.

- **Action:** Require new residential development to provide for its own buffer zone and/or landscape plantings for screening when necessary (see examples on page 22).

Conserve Farmland: Does your town have policies aimed at limiting the impact of non-agricultural development on productive farmland? Does your town have strategies for limiting the footprint of new development? Creative site planning can accommodate new development while maintaining the agricultural base. While increasing minimum lot sizes may seem helpful, it reduces landowner equity and can increase land fragmentation.

- **Action:** Consider conservation subdivisions and cluster housing, which can minimize the loss of productive agricultural land. In some communities,

transfer of development rights regulations can help protect farmland in a “sending area” while directing development to a designated “receiving area” (see examples on pages 20-22).



This questionnaire was developed based upon a section of *Preserving Rural Character through Agriculture*, written by Gary Matteson for the New Hampshire Coalition for Sustaining Agriculture.

How did your town do? Consider the action steps below each question that received a “no.” Share the checklist with others in your town, especially other municipal officials. They may be better able to answer some questions and will benefit from thinking about the options that exist for your town.

CASE STUDY: TOWN OF TOLLAND — INVOLVING FARMERS IN PLANNING

In preparation for a 2007 update of its Open Space and Conservation Plan, local officials in Tolland invited farmers to discuss steps the town could take to support their businesses. This listening session, held in conjunction with the town’s involvement in the Capitol Region Council of Government’s (CRCOG) development of model regulations governing agriculture, marked the beginning of a more supportive environment for farms in Tolland.

One issue raised at the listening session was signage. Farmers voiced concern that, under local zoning regulations, they were not allowed to use seasonal signs by right. After reviewing the CRCOG-recommended language for signage, town officials changed the zoning regulations, effective November of 2007, to allow signs that advertise the seasonal availability of farm products.

Another issue discussed was land preservation. Although Tolland had been actively acquiring open space — passing two bond referendums of \$2 million each for an Open Space Fund — these funds had been used to acquire land in fee, not the purchase of conservation easements. Working with the USDA Natural Resources Conservation Service, the town planner helped persuade town officials to partner with the federal Farmland Protection Program to permanently protect a 155-acre farm



(the town expenditure was \$365,000). The town’s third bond referendum of \$2 million for land protection, passed in 2006, includes language allowing expenditures for conservation easements on farmland.

Taxes were a third topic of discussion. Farmers encouraged the town to make use of a property tax reduction that allows municipalities to provide an exemption from property tax for any farm building, up to \$100,000 (see Appendix A, CGS § 12-91). The Town Council is currently considering enacting this tax program.

Lastly, the listening session helped make town officials aware that local farmers are increasingly using value-added processing and agritourism to support their farm businesses. As a result, the town revised its regulations governing commercial facilities and on-farm events. Farmers may now apply for a special permit for structures used for the retail sale, “storage, packing, processing and bottling of Connecticut grown farm products, provided a portion of the product is produced on land owned or leased by the proprietor.” These regulations also cover roadside stands, accessory food service, as well as animal petting zoos and carriage, wagon and sleigh rides.

Tolland’s initial gesture of inviting farmers to a listening session proved to be an important catalyst for municipal actions that will help preserve the viability of local farms and the community’s rural character.



SECTION 3 GETTING STARTED

Each Connecticut town is unique, with its own economic, geographic, cultural and even agricultural identity. As a result, an initiative or policy that works in one community may not work in another. Yet, in developing a plan or initiatives to support local farms and protect farmland, all communities should begin with two basic steps: communicating with local farmers and identifying the community's agricultural resources.

To improve their understanding of local agriculture, some towns have mapped their agricultural resources and surveyed town farmers. Others have established town agricultural commissions to provide formal input from the agricultural community or tasked an existing town board or commission to help town officials plan for agriculture. Fortunately, there is funding available from the state to assist towns in taking these two important steps and in developing subsequent farm and farmland-related initiatives. This state program, the Agriculture Viability Grants Program, administered by the Connecticut Department of Agriculture and established in 2005 through *Public Act 228*, has already helped a number of municipalities around the state plan proactively for agriculture.

Municipal Grants from the Connecticut Department of Agriculture

Municipalities may apply to the Agriculture Viability Grants Program for funding to plan and implement local farmland preservation strategies, institute agriculture-friendly land use regulations or develop marketing initiatives to support local farm businesses. Grant rounds are held annually, with proposals due in November and grants awarded in January; towns are eligible for matching grants of up to \$50,000. Grants can also be used to invest in small capital projects but not to acquire land. (see Appendix D: Resources).

Agriculture Viability Grants awarded to municipalities in January 2008:

- Ashford – \$20,000, GIS mapping of farmland and open space
- Branford Shellfish Commission – \$26,239, Enhancement of recreational shellfishing and commercial harvesting communications
- Coventry – \$5,509, Farmers' market promotions
- Guilford – \$10,000, Identification and prioritizing of key farms and farmland and recommendations to agriculture committee
- Hamden – \$17,310, Farmers' market improvements
- Lebanon – \$38,100, Land Use Leadership Alliance meetings
- Lebanon – \$25,000, Farmland preservation resident attitude survey, an appraisal of farm preservation property, expansion of farmers' market
- Litchfield – \$21,360, Educational methods by Litchfield Hills School System of nutrition, locally grown foods
- New Milford – \$29,475, Promotion and education on benefits of eating locally grown foods to children, youth and their families
- New Haven – \$7,907, Farmers' market promotions
- Somers – \$24,100, Planning for Agriculture in Connecticut Outreach Program



- Stonington – \$16,160, GIS training for aquaculture
- Stratford – \$12,500, Feasibility study for commercial docks for shellfish and commercial fishing
- Suffield – \$18,750, Help the Farms Initiative, promote farmers' market, GIS layers in town and farmland preservation
- Thompson – \$9,500, Digitizing GIS layers, open space analysis and agricultural brochure
- Thompson – \$38,100, Land Use Leadership Alliance, promotion of innovative land use strategies
- Thompson – \$50,000, Loss of Farmland Fiscal Impact Study and Willingness to Pay Survey
- Waterbury – \$42,961, Farmers' Market on the Green promotions and enhancements.

For a full listing of grant recipients since 2006, go to: www.ctplanningforagriculture.com.

Town Agricultural Commissions

Farmers have multiple interests in a community; they are simultaneously businesses, taxpayers, landowners and residents concerned about the economic, environmental and fiscal well-being of their community. Because their interests span the work of many town boards and commissions, it is often difficult for farmers to be substantively engaged on all the issues that potentially affect them taken up by local town officials.

As a result, several Connecticut municipalities have created a formal town commission or committee to both provide farmer input into town policies that impact local agriculture and to help develop initiatives that will keep farming in the community viable. “Agricultural commissions” are typically advisory commissions created by ordinance, with no regulatory or enforcement authority. The size and make-up of agricultural commissions have varied by town, but most have five to seven members who are farmers or are involved in a farm-related business. A commission may also include a designated slot or slots for members of other town boards with related interests, such as the planning and zoning commission, open space committee, inland wetlands commission or economic development commission. It is important that key municipal officials — a town planner, administrator, selectman or mayor, for instance — be involved in or regularly updated on the work of the commission, in order to make an effective link between an advisory body and local government.

As an alternative to a formal agricultural commission, a municipality may consider appointing an informal advisory board or group of representatives to serve as the voice of agriculture in municipal affairs. Towns with few farms or insufficient farmer interest in a formal commission may wish to consider forming a region-wide agricultural commission that could serve multiple municipalities.

Agricultural commissions can provide a valuable voice for agriculture in town affairs. While their functions may vary by town, most agricultural commissions are established to help identify issues of concern to farmers, to raise public awareness of the benefits of local farms and working lands, and to identify ways in which towns can support the business and land use needs of local farms. An agricultural commission can help to see that the needs of agriculture are considered and integrated into town policies and regulations. For example, an agricultural commission can provide input on a POCD or on zoning regulations, or identify farmland that the town may wish to help protect. A commission can facilitate the resolution of farmer-neighbor conflicts, sponsor farmers’ markets or town celebrations of agriculture, and serve as a clearinghouse for information on state and federal agricultural programs.

Agricultural commissions can also collaborate with other town boards. Good communication ensures that

The town of North Branford established an agricultural commission in May 2007.

The commission provides information to various town boards and commissions, resolves conflicts between farmers and neighbors, and serves as the general voice of agriculture in town.

In 2006, the town of Guilford created Connecticut’s first agricultural commission, charged with supporting agriculture in Guilford through “education, communication, conflict resolution, regulatory guidance, and promoting the economic viability of farming.”

In August 2007, the commission began a review of the impact of town ordinances and regulations on local farms.

Based upon this review, commission members will recommend changes to those ordinances and regulations to the board of selectmen and other town boards and commissions. These recommendations will be made available to other towns.

The Granby Agriculture Commission, which held its first meeting in the summer of 2007, has focused efforts on the creation of a farm map to help customers locate local farms.

The commission is comprised of seven members who are appointed by the board of selectmen.

Among other roles, the commission is charged with searching out and supporting opportunities for young and new farmers.

In Massachusetts, there are over 100 local agricultural commissions.

A state “AgCom” Web site (www.massagcom.org) features an excellent description of agricultural commissions, their role, steps for getting started and useful links to related resources.

The Massachusetts Department of Agricultural Resources also provides information for AgComs (<http://www.mass.gov/agr/agcom>).

boards and commissions inform one another about their current activities. Cross-table dialogue offers the opportunity for agricultural commissions to address potential issues proactively — before problems arise. For example, agricultural commissions can:

- help town assessors understand appropriate *Public Act 490* procedures;
- provide input to planning and zoning commissions on zoning regulations and individual projects;
- collaborate with finance committees and boards of selectmen to establish town farmland protection funds;
- work with open space committees to incorporate farmland into town open space plans;
- encourage boards of selectmen or city councils to work with neighboring towns on regional agricultural projects and to engage state legislators on legislation of interest or concern to town farmers; and

- work with zoning enforcement officers, boards of selectmen or boards of health to help mediate neighbor complaints.

As agricultural commissions become more established, their members will undoubtedly find additional opportunities to work with other town boards and committees. For a new commission, making sure that town boards are aware of the commission is an important first step and suggesting joint meetings with them to discuss items of mutual concern and possibilities for working together can help pave the way for productive relationships.



Understanding Agriculture in Your Town: Identifying Resources and Needs

Understanding local agriculture is at the core of developing effective town policies that can sustain and support farming in the community. Farms in Connecticut are diverse, and each has different business and land use needs. Communities that have an understanding of their agricultural sector are better equipped to make decisions that will support local farmers, farm businesses and farmland preservation. As many farmers manage land in multiple towns, it is also important to understand the extent to which the policies of neighboring communities are affecting local farms.

Mapping Agricultural Resources

A valuable first step for a community is an inventory of local farms and farmland parcels to identify the quantity and quality of farmland that exists locally and how it is being used. A mix of tools, such as Geographical Information System (GIS) data, aerial photography and local tax maps and data can be used for this task.

One critical data layer for this effort is agricultural soils. The soil resources of Connecticut have been mapped statewide by USDA's NRCS and are available in digital form. Based on NRCS criteria, "prime" farmland is land that has the best combination of physical and chemical characteristics for producing crops. Farmland soils of "statewide importance" include those soils that nearly meet prime soil characteristics and can produce high yields of crops with a higher level of management. Prime and statewide important farmland may be in cropland, pasture, hay, forest or other land but not urban built-up land or water. A statewide map displaying concentrations of prime and statewide important farmland soils is shown on the back cover of this guide.

A town can also choose to identify "locally important" farmland soils. This can be done in consultation with

the NRCS. In general, "locally important soils" have slightly more limitations for agriculture, such as surface stones, but may nonetheless be vital to farm operations. Recognizing the value of local soil resources can help communities plan for the needs of agriculture and may identify land containing these soils as eligible for the federal Farmland Protection Program (see Case Study: Town of Lebanon, page 16).

Another important data layer to include is the occurrence of agricultural soils and other important natural resources. For example, farmland may also be in a public water supply watershed, provide critical wildlife habitat or wildlife corridor, or contain flood plain that helps reduce flooding elsewhere in town. Planning for the protection of multiple resources and understanding their interconnectedness can help engage additional stakeholders and provide sources of funding and support for agricultural planning that meets multiple community objectives. The online Community Resource Inventory provided by the University of Connecticut's Nonpoint Education for Municipal Officials (NEMO) program can help identify these other resources. The Web site (available at: <http://nemo.uconn.edu/tools/cri>) allows local officials to develop an inventory of the natural and cultural resources in their community and includes a map of prime and statewide important farmland soils.

In July 2006, the city of Middletown was awarded an Agriculture Viability Grant to "develop a plan for farmland and open space preservation."

To focus town resources and facilitate applications to state and federal farmland protection programs, the town hired a consultant to develop an inventory of farmland and help establish priorities for farmland and open space protection.

Town officials have hosted workshops to discuss the inventory process and proposed prioritization with local farmers.

A report based upon the inventory and feedback from farmers will focus on best methods to preserve farming and farmland.

As part of the town of Woodstock's 2002 Plan of Conservation and Development Update, the conservation commission mapped the town's critical cultural, natural and agricultural resources. Several maps depicted the importance of agriculture to the community, including: land in agricultural use, land use, land cover, productive forest soils, important agricultural lands, important farm soils and major viewsheds.

Identifying Issues and Concerns

Another basic step in planning for agriculture is to understand the needs and concerns of local farmers. While a town agricultural commission can provide valuable input, effort should be made to gain the input of all residents who farm on a full- or part-time basis. This can be done through a town survey or through forums or listening sessions with local farmers. It is very helpful for town officials to understand what farmers see as the challenges, needs and opportunities they face in both the short and long run. Do they or another member of their family plan to be farming in 10 years? Are they considering expanding or changing their farm business? How many different parcels of land do they farm? How far do they have to travel to these parcels? Are they looking for additional land to own or rent? What are the biggest challenges they face, and how can the town help address them?

In developing a survey or setting up a listening session, remember that getting farmer involvement can be challenging during certain times of year. Winter is often the best time to engage farmers; planting and harvest seasons (spring and fall) the worst. Advance feedback from one or two key farm leaders on meeting logistics and agendas can help ensure that events are well attended and most effective.

In 2006 the agricultural commission in Carver, Massachusetts, hired First Pioneer Farm Credit to assess the economic importance of agriculture to the town. First Pioneer mailed a survey to town farmers and farmland owners. Questions covered land protection status, age of the farm owner or operator, future business plans and concerns that could impact long-term viability. The survey found that 50 percent of local farmers do not have a farm successor and do not expect to remain in business for more than 20 years. Forty-nine percent of respondents plan to expand or diversify their farm operation. These results have informed the work of the agricultural commission, which now includes farm succession training and promotion of value added and retail opportunities.¹⁶

In identifying local issues and concerns, it is important to identify the priorities of non-farm residents. A survey may be a useful tool for this task as well. Residents might be asked to rate how much they value farms, to indicate what they believe farms contribute to the character of their community and how much they might be willing to pay to protect and support local farms. A survey may also be used to gauge potential interest in a farmers' market and/or other opportunities to connect consumers with local producers.

Surveys conducted by the University of Connecticut demonstrate a strong willingness to pay for farmland protection in local communities. For example, the community of Woodstock would be willing to pay over \$9,000 per acre to purchase an easement on dairy farmland that was at "high risk" for development.¹⁷

In 2003 the Quinebaug-Shetucket Heritage Corridor commissioned the University of Connecticut to conduct a survey of the region's residents to measure their opinions of locally grown food. Connecticut residents (78 percent) responded that knowing fresh fruits or vegetables were grown locally would make them more likely to purchase the produce. On average, residents consider locally grown food to be not only healthy (76 percent), but also fresher (88 percent) than non-locally grown or produced foods.¹⁸

Review of Current Policies and Regulations

The local regulatory environment can influence a variety of aspects of agricultural operations, including land use practices, farm retail and marketing options, and property tax burdens. A town agricultural commission or advisory group can work with other relevant town committees to review and recommend changes and updates to a town's POCD, planning and zoning regulations, subdivision regulations, tax reduction programs and other policies that impact agriculture. For specific policy suggestions and town regulations to be reviewed, see Sections 4 and 5.



Rebecca Augur of CRCOG

Converting Information to Action Steps

Converting the information gathered from the above steps into recommendations and actions is a logical task for a town agricultural commission or, for those towns with no agricultural commission, for a subgroup of an existing board or a specially designated advisory group. In developing next steps, town officials can look to a number of resources for additional help and expertise. These include the University of Connecticut Cooperative Extension, NRCS, Grange and Farm Bureau boards, land trusts and other organizations (see Appendix D: Resources).

It is important to include other local stakeholders in this process as well. Town staff and members of local

boards that have jurisdiction over issues that affect farming and farmland — such as the planning department, zoning and wetlands enforcement, inland wetlands commission, conservation commission, planning and zoning commission, town assessors, the economic development commission and others — should be consulted and involved. Ensuring a transparent process and access to information to the entire community fosters buy-in from residents, farmers, local officials and other stakeholders.

¹⁶ Rick Hermonot and Jon Jaffe, *First Pioneer Farm Credit, ACA, Report on the Economic Impact of Agriculture on the Town of Carver, Massachusetts, March 2006.*

¹⁷ Robert Johnston, *University of Connecticut*, and Joshua Duke, *University of Delaware*, *The Value of Farm and Forest Preservation in Connecticut, 2007 and What is Our Willingness to Pay for Open Space Protection? Results and Implications from a Study of Four Connecticut Communities, 2007*, available online at: http://easternrca-ct.org/pdf/RobertJohnston_Presentation.pdf.

¹⁸ *Center for Survey Research & Analysis*, *Locally Grown: An Agricultural Survey of Connecticut and Massachusetts Residents, 2003*, available online at: http://www.workinglandalliance.org/OtherDocs/Q_Slocallygrown.pdf.

CASE STUDY: TOWN OF LEBANON — TAKING A PRO-ACTIVE APPROACH

Lebanon is one of the largest farming communities in the Connecticut. The town has the greatest amount of active farmland — approximately 10,000 acres — and the only actively farmed town green in the state. Yet town officials are increasingly aware that without additional planning and public support, agriculture in Lebanon may become a thing of the past.

In the past two years, Lebanon has developed an aggressive and systematic approach to farmland preservation and supporting farming locally. This approach has been spearheaded by a first selectman, a town planner devoted to farmland preservation, and the town's conservation commission, which functions as the town's agricultural commission.

In 2006, Lebanon created a system to evaluate and prioritize potential farmland preservation projects. Parcel size, percentage of prime soils, development pressures and view from town roads are some of the variables considered in the rating system that will guide the expenditures of local farmland protection funds. In 2007, the town became the first in Connecticut to officially recognize and designate locally important soils, which has increased the number of acres eligible in Lebanon for the federal Farmland Protection Program.

In January 2007, the town held a "Land Preservation Options Conference" with more than 100 landowners, conservation groups and public officials in atten-

dance. In addition, a follow-up session was held with property owners to discuss conservation tax benefits. The town planner's office has also mailed information to landowners about conservation tax benefits and other farmland preservation information. Through these efforts, several property owners have chosen to place conservation easements on their land and hundreds of additional acres are being preserved.

Lebanon is also focusing on the economic viability of local farmers. In 2006, using a \$50,000 grant awarded through the Department of Agriculture's Agricultural Viability Program, the town started a farmers' market, posted signs at the entrance to town that show support for farms and added information about local farms to the town Web site. The town also mailed brochures to town residents explaining the fiscal benefits of farmland and other open space.

To quantify the value of its local farms, Lebanon worked with the Green Valley Institute to conduct a COCS study based on its 2007 budget. The study showed that residential development is not likely to lower taxes, as residential properties require \$1.12 in community services for every dollar paid in local taxes, while farmland and other open space require only \$0.17 per dollar of taxes paid.

The most recent actions taken by the town in support of agriculture include enactment of a sub-

division moratorium and an annual appropriation for farmland preservation. Beginning in 2007, Lebanon set aside \$100,000 annually in its town budget for farmland preservation activities. The moratorium will allow the planning and zoning commission time to revise zoning and subdivision regulations to preserve Lebanon's agricultural heritage.



Lebanon First Selectman Joyce Okonuk





SECTION 4

TOOLS TO SUPPORT FARMING AND PROTECT FARMLAND

Tools that towns can use to support local farms and protect farmland range from zoning regulations to tax incentives to right-to-farm ordinances. As farming differs by community, so too will the types of policies and initiatives a town uses to foster local farms and farmland retention; discovering the best course of action for a particular community will take time and examination of local priorities. Included in this section are information about relevant state statutes and references to model municipal regulations relating to agriculture created by the Capitol Region Council of Governments (CRCOG).

Plan of Conservation and Development (POCD)

The POCD is the primary plan through which communities express the type of future they would like to see for their town. According to state law, a POCD is “a statement of policies, goals and standards for the physical and economic development of the municipality.” A municipality’s planning and zoning commission is required to update this document at least once every 10 years (see Appendix A, CGS § 8-23).

While many POCDs refer to agriculture — often citing the contributions of local farms to rural character, scenery and historical significance — not all town plans capture the full range of benefits that farms, as businesses and

stewards of a large land base, bring to a community. Additionally, POCDs do not always identify specific steps to address the needs of local farms and farmers. Local POCDs represent an important opportunity to promote local agriculture.

Updating a POCD offers municipalities a chance to engage farmers and landowners to ensure that it addresses their interests and concerns. Specifically, state law provides that, in preparing an update, a planning and zoning commission “may appoint one or more special committees to develop and make recommendations for the plan” (see Appendix A, CGS § 8-23). Thus, a town could create an agricultural advisory committee to help develop recommendations relating to farming or farm and forest land protection (see Town Agricultural Commissions on page 13). A town could also use the POCD update as an opportunity to survey residents about their attitudes concerning local farms and farmland loss. Such a survey may reveal a willingness on the part of town residents to pay for farmland protection or an interest in purchasing more food and farm products locally. If so, these attitudes could be reflected in the POCD’s goals and recommendations.

The town of Granby’s POCD includes a statement of fundamental values concerning agriculture. In part, the POCD states: “Viewing the livestock, smelling manure, experiencing the changing scenery of the fields from the first seedling 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.”

Instructions are given in the town of East Windsor’s POCD to modify regulations to “make clear that promotion of farming, including farm stands, farming related events and activities, and signage, are permitted.”

The town of Lebanon’s POCD includes a section on agricultural land use, recognizing the multiple benefits of agriculture and establishing a goal to “encourage the continued dominance of agricultural uses as the primary land use of the Town.”

Zoning Regulations

Land use regulations — zoning, subdivision and inland wetlands—are the primary way that towns implement their POCDs. These regulations can impact agriculture in a variety of contexts. Zoning regulations that limit the development density permitted on a property can have a negative impact on property values, an issue of special concern to farmers who are often “land rich and cash poor.” Regulations can help reduce potential conflicts between farms and non-farming neighbors by creating buffers between the two. And what regulations permit in terms of structures, signage and retail sales can affect a farm family’s ability to grow or diversify its business

What is Farming?

One important step in planning for agriculture is to clearly define what is agriculture and what constitutes a farm. Some municipalities have specified what may be considered a farm through use of acreage minimums, production value thresholds or have a prohibition on specific agricultural activities. Narrow municipal definitions of farm, farming and agriculture, however, could adversely affect the viability and sustainability of farms in the community.

State law (CGS § 1-1(q), see Appendix A) provides an inclusive definition of farm, farming and agriculture that can be adopted or referenced by a municipality. It defines agriculture broadly, including dairying, forestry, the raising or harvesting of any agricultural or horticultural commodity, aquaculture and the training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife. Additionally, farming includes the maintenance and improvement of a farm and its buildings and the handling, packing, processing, storing or direct sale of any agricultural or horticultural commodity as an incident to ordinary farming operations. A “farm” includes farm and accessory buildings, nurseries, orchards, greenhouses, hoopouses and other structures used primarily for the raising and, as an incident to ordinary farm operations, the sale of agricultural or horticultural commodities. The definition does not establish a size threshold for farms or an income level for agriculture operations.

As the CRCOG model regulations suggest, towns seeking to foster local agriculture should consider an “all-encompassing definition of agriculture” that clearly incorporates retail and value-added processing and helps provide flexibility for farm businesses to adapt to future markets and trends. Referencing CGS Sec 1-1(q) in the municipal definition provides some specificity and promotes regional consistency among towns, which can be important to producers farming in more than one town.

When defining agriculture in zoning regulations, towns may consider the CRCOG model regulations which distinguish between “farms” and “limited farms” (smaller in acreage) (see Appendix B).


through direct marketing, value-added processing or agritourism opportunities.


As with businesses generally, a supportive municipal environment is important to the success of local farms. Regulations that address issues specific to agriculture and provide the flexibility needed to accommodate growth and change in farm businesses can help encourage new generations of farmers.

Purpose or Intent Statement — To illustrate that regulations are intended to encourage agriculture, a purpose or intent statement within a town’s zoning regulations may be appropriate. Such a statement provides the planning commission and others who interpret zoning regulations with the policy guidance needed for making decisions. A purpose statement could simply say that the town is committed to supporting agriculture over the long term and zoning regulations are intended to protect farms.

Retail Farm Businesses — Direct marketing is a growing trend in agriculture, providing improved profit margins for farms that connect directly with consumers. Farm stands, pick-your-own operations and other farm retail facilities are similar in some respects to many retail establishments but differ in important ways. Direct farm retail is often seasonal and limited in scale, but some operations may generate significant customer volume for short periods of time. Other operations may offer a wider breadth of products, over a longer season. Some farms are also incorporating agritourism ventures on their farms, including tours and rides, restaurants and catering, and special events.

This diversity in farm operations creates a challenge for towns attempting to regulate them. Rather than treat all operations alike, towns may want to consider the size, nature, seasonality and impact of farm businesses when establishing farm-related zoning regulations. Because farms are not usually in commercial districts, signage is critical for farm stands and markets that sell directly to consumers. By demonstrating flexibility in sign regulations, a town can help farmers reach new customers. Farm stands also require some measure of flexibility. In bad crop years, farmers often need to supplement their own products with those from other farms. Even in good years, offering a variety of farm products, some of which may come from other farmers in the area, can attract and retain customers looking for a range of product choices. However, some farms are prohibited from doing so by local regulations that require the sale of a certain percentage of on-farm products.

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Under the agricultural section of the town of Granby’s zoning regulations, temporary roadside farm stands and a sign advertising the sale of locally grown products are allowed by right and are granted certain exemptions.
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The town of Cheshire’s zoning regulations allow farm stands to sell related products provided they are secondary to the farm operation — further definition of these terms is not provided. These regulations also allow for off-site directional signs, seasonal signs and permanent on-farm signs.
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The CRCOG has developed model regulations address some of these farm retail issues.

One recommends distinguishing between farm “stores” and seasonal farm “stands.” The CRCOG suggests that a farm “store” — one which has year-round sales — be allowed on a farm by special permit. The regulations would require that at least 50 percent of the store’s gross sales (in three out of five years) be from agricultural goods produced on the farm or from processed products made from raw materials produced on the farm. Alternatively, a “seasonal farm stand” would be allowed on a farm by right, provided that the farm stand is closed at least six weeks out of the year and that at least 70 percent of its gross sales are from agricultural goods produced on the farm or from processed products made from raw materials that were produced on the farm. With respect to signage, the CRCOG recommends that all farms be allowed one permanent two-sided, sixteen-square-foot sign and at least one seasonal two-sided, thirty-two-square-foot sign, with additional seasonal signs allowed based on a farm’s frontage (see Appendix B).

CRCOG Model Regulations

In 2007, the CRCOG developed model regulations in consultation with 11 towns in its upper Connecticut River Valley region. The model regulations include: definitions of agriculture, agricultural buildings and structures, farms and limited farms; waivers of certain requirements of special permit applications that are for agricultural uses; regulations relating to farm stores, seasonal farm stands, agricultural structures, and additional uses of farms and limited farms; and signage. The process of developing these model regulations in collaboration with municipal officials in the region will hopefully result in the adoption of a set of uniform regulations relating to agriculture among participating communities. This will be valuable to the region’s farmers, who now face different regulations and requirements in every town in which they farm (see Appendix B).

Agriculturally Related Uses — Adding value to crops or goods produced on a farm is another important way for Connecticut farmers to improve farm profitability. Farmers are looking to add processing facilities to their farm enterprises — such as wineries, bakeries and kitchens for canning or making food products — to capitalize on local food trends and agritourism.

State law includes the processing, packaging and storing of farm products incident to ordinary farming operations within the state definition of agriculture (see Appendix A, CGS § 1-1(q)). Towns can facilitate the development of value-added products by allowing processing facilities by right on farms or by minimizing the information required for special permit applications. Towns can also develop separate guidelines for farm-based kitchens that are providing limited and seasonal menu items, distinguishing them from large commercial restaurant kitchens.

Events of limited duration, such as hayrides, corn mazes and harvest festivals, are also an important marketing strategy that farmers use to increase revenues. Towns can encourage this type of profitable agricultural enterprise by limiting permits and fees required to hold such farm-related events. The CRCOG model regulations encourage towns to allow agriculturally related uses by right (see Appendix B).

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

Agricultural Structures — Flexibility in regulations governing agricultural structures is another area where towns can be supportive of agriculture. Structures needed for farming operations present challenges to traditional regulations as they are often unlike other commercial buildings.

The CRCOG model regulations include detailed recommendations on farm structures.

Included in these recommendations: allowing by right agricultural buildings and structures on farm parcels of at least 3 acres, subject to any applicable building and health codes; requiring that all agricultural buildings and structures other than farm stores and farm stands be located at least 100 feet from any street line and 50 feet from any lot line (100 feet if the structure houses livestock and/or animal waste or refuse); exempting buildings and structures from height limits; and requiring a special permit for agricultural buildings and structures greater than 1,000 square feet on farm parcels under 3 acres (see Appendix B).

*The towns of Guilford, Bloomfield and Farmington
exempt barns and other farm structures from
height restrictions under their zoning ordinances.*

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

Upzoning: Does It Help or Hurt?

Upzoning is a change in the zoning for a particular area that results in lower residential densities. For example, a change from a zoning ordinance that requires 2 acres per dwelling to an ordinance that requires 10 acres per dwelling is upzoning. Also known as large-lot zoning, this is a tool some towns have considered to protect farmland and other open space. However, upzoning, if not done carefully, can accelerate land consumption and farmland fragmentation, and hurt efforts to provide affordable housing. Depending on the scale of change to the lot sizes, upzoning can also mean a significant loss of equity for some landowners, making it controversial and politically unattractive. Towns considering upzoning for the purpose of agricultural land retention may wish to consider “fixed-area ratio” or “density averaging” zoning (see page 21), and/or combine upzoning with other tools such as a Transfer of Development Rights or Purchase of Development Rights program, which can offer affected landowners a way to retain the equity in their land.

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

According to zoning regulations, the intent of the town of Windsor’s agricultural zone is to “provide for the retention of suitable areas for agricultural uses.”

The zone limits the size of subdivisions and allows permanent farm stands and the sale of nursery products.

The town of Newtown has created a conservation and agriculture zone, which, in part, is focused on the retention of agriculture as a beneficial industry within the town.

No land or structure within the zone may be altered except for the purposes of natural resource conservation or farming.

The towns of Colchester, Greenwich and Stonington have developed overlay zones to protect historical buildings and structures.

Transfer of Development Rights (TDR) — A TDR program is another planning tool that can be used to protect farmland. TDR establishes parameters under which the private sector pays for land conservation. TDR programs typically require the designation of “sending” and “receiving” areas in order to transfer development from one part of a community or region to another. Sending areas are the focus of land conservation while receiving areas concentrate development. TDR programs work best in places where there is an opportunity to add additional density to residential or commercial districts.

The most effective TDR programs help facilitate transactions between private landowners and developers. A few programs allow developers to make payments in lieu of actual transfers. The locality then buys conservation easements on land in the sending area, sometimes in partnership with established Purchase of Development Rights (PDR) programs and/or local land trusts. Other programs maintain public lists of TDR sellers and buyers. Some buy and retire rights to stimulate the market and/or reduce overall building potential. Lastly, at least a dozen communities around the country have established TDR

In April and June 2007, the town of Avon approved local TDR regulations. The town has identified 32 parcels of farmland that can serve as sending areas and a village center to serve as a receiving area where the zoning density may be increased. No project has yet been approved under the new regulations.

Hadley, Massachusetts, has a Farmland Preservation Bylaw that created a farmland preservation district as a sending zone under the TDR program. The bylaw allows increased density of commercial or industrial development when land in the sending zone is permanently protected.

Hatfield, Massachusetts, has a TDR program where all agricultural, outlying residential or rural residential zoning districts are eligible sending areas. Developers pay to permanently protect land in those zones in exchange for increased building density.

banks that buy development rights with public funds and sell the rights to developers. Some banks finance loans using the rights as collateral.¹⁹

State law specifically allows the use of TDR by municipalities (see Appendix A, CGS § 8-2(a)); a few towns, including Avon and Windsor, have created a program under this authority. State law also permits two or more municipalities to collaborate on a regional TDR program. While none currently exists, many experts believe a regional TDR program in Connecticut would offer some towns an opportunity to work together to achieve common smart growth objectives.

Natural Resource Protection Zoning — Similar to conservation subdivisions or cluster zoning and a technique known as fixed-area ratio zoning, natural resource protection zoning seeks to concentrate new residential development in limited areas to preserve the majority of the contiguous parcel of open space. However, unlike cluster zoning that derives the number of dwelling units possible from a conventional subdivision plan that adheres to the underlying zoning for the district, natural resource protection zoning derives the number of allowable dwelling units by way of an area-based calculation for the total parcel; no conventional subdivision plan is drawn. Known limits are set on how much of any

parcel may then be developed, with the remainder preserved for agriculture, forestry recreation or other natural resource protection purposes. But, unlike fixed-area ratio zoning, the open space must be permanently preserved by an enforceable conservation restriction. Ownership of preserved open space land is based upon the preferred natural resource use, so that preference is typically given to farmers for agricultural land and individual owners or forest companies for forestland. Guidelines and a review process help distinguish between areas suitable for development and those best preserved. Where used, natural resource protection zoning becomes the zoning for the district; no vestige of the underlying zoning or conventional subdivision methodology remains.²⁰

Among several significant changes recently adopted by Shutesbury, Massachusetts, to its zoning bylaws was the creation of a forest conservation district, using the concept of natural resource protection zoning.

The base density — or density factor — in the district is 5 or more acres per dwelling unit. If a residential subdivision is proposed, the by-right development option is an open space design (OSD).

In an OSD, developed areas are carefully selected through a conservation analysis and concentrated on the parcel; up to 20 percent of the parcel may be developed and 80 percent preserved as open space.

Considerable design flexibility is offered in the developable areas. Earned density bonuses and/or transferable development rights are available to increase the number of allowable dwelling units. A special permit is required for development designs that differ from the OSD; however, the proposal must meet the goals of the zoning district at least as well as an OSD plan.²¹



Subdivision Regulations

Subdivision regulations can also help stabilize the farmland base by managing and minimizing the effects of development on local farms.

Buffer — A buffer is a physical separation between land uses that can help prevent land use conflicts and potential nuisance lawsuits. To minimize conflicts between existing farms and new development, towns can require that new building lots abutting farmland have landscaped buffers along property lines to reduce the smells and dust from farms.

The town of Hebron's subdivision regulations mandate 50- to 100- foot wide buffers, depending on agricultural use, adjacent to actively farmed land.

Buffers must be provided by the developer, maintained by lot owners and noted in the deeds of affected lots.

Under the town of Suffield's subdivision regulations, required buffers must be established by developers and maintained by lot owners; additionally a statement that informs new residents about common agricultural practices must be placed on the subdivision.

Conservation Subdivision — Conservation subdivisions — also known as cluster development or open space development — are a commonly used mechanism to reduce the footprint of new residential development (see Appendix A, CGS § 8-18). Housing is concentrated on one part of a site while the remainder of the parcel is protected, typically permanently, as farmland or open space (see Farmland Protection section on page 25). The parcel is allowed the same number of lots as a traditional subdivision, but the lots are smaller (see diagram below). If the intent of a conservation subdivision regulation is to protect farmland, then it is important that the regulations include consideration of soil quality. Development should be steered to the parcel's least productive soils, with the prime and important farmland soils conserved. It is also important to consider the long-term agricultural viability of the protected parcel. The subdivision should include adequate buffers between new housing and the protected farmland to minimize neighbor conflicts. Ownership of the parcel is also a factor. A protected parcel intended for agricultural use should ideally be owned by the person or entity that is farming it. If owned instead by the municipality, land trust or homeowners' association and rented to a farmer, the lease term should be for as long as possible, recognizing that farming entails multi-year crop rotations, management practices and investments. If the protected parcel is not of a sufficient size for a viable stand-alone farm operation or as a support parcel to an existing farm, it may offer a good opportunity for a community garden.

Traditional Subdivision



Conservation Subdivision



Source: Green Valley Institute, www.greenvalleyinstitute.org

The town of Bolton's open space conservation development regulations call for the location of any development to occur on the least fertile agricultural soils.

The land preservation requirement of the town of Newtown's open space conservation subdivision regulations includes agricultural lands that may continue to be actively farmed.

The town of Woodstock's subdivision regulations require that a minimum of 50 percent of the gross area available for development be permanently protected as conservation land. Agricultural land and prime agricultural soils are the highest priority for land conservation. Land of an equal size on a separate site may be protected to meet the 50 percent requirement.

Right-to-Farm Ordinances

Local right-to-farm ordinances help maintain a supportive environment for farmers by limiting farmer/non-farmer neighbor conflicts. They are particularly useful where new residential and commercial development occurs adjacent to active farms. While new residents may be drawn by the charm of the rural landscape, they soon realize that farm operations create dust, odors and noise. In reaction to these perceived nuisances, non-farm neighbors may lodge complaints with the town or file lawsuits that can cripple or shut down farm operations. A local right-to-farm ordinance may help new residents prepare for living in a farming community.

The State of Connecticut has declared that “no agricultural or farming operation, place, establishment or facility, or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance” provided the operation is following generally accepted agricultural practices (see Appendix A, CGS § 19a-341). Generally accepted agricultural practices are determined by the Commissioner of Agriculture. Towns could consider enacting local “right-to-farm” ordinances to emphasize their support for local farms and farm businesses. In conjunction with an examination and subsequent update of local regulations that may hamper farm businesses, a local right-to-farm ordinance reaffirms a town’s commitment to agriculture and identifies farming as an accepted and valued activity.

A right-to-farm ordinance may help protect farming operations by discouraging nuisance lawsuits or other actions. Typically such ordinances document the importance of farming locally — such as revenue and job creation, relation to community character, or environmental benefits — and may require that a landowner selling

property adjacent to an active farm provide the buyer with a notice disclosing the town’s support for agriculture and the types of impacts that may be associated with agricultural activities. Modeled after the state right-to-farm law, local ordinances should recognize and ideally cite the expansive state definition of agriculture (see Appendix A, CGS § 1-1(q); see Appendix C for recent court cases concerning right-to-farm issues).



Stone Wall Dairy Farm

Public Act 490: Connecticut’s Landmark Use Value Legislation

In the late 1950s and early 1960s many towns in Connecticut saw significant new development and, with that development, higher assessments and property taxes. In turn, those higher assessments and property taxes led to additional pressure on landowners to sell farm and forest land for other uses.

As a consequence, in 1963, the General Assembly passed *Public Act 490*, one of the first programs of its kind in the country. Stating that “it [is] in the public interest to encourage the preservation of farm, forest, and open space land,” *Public Act 490* provides for the assessment of farm, forest and open space land on the basis of its current use rather than its market value.

Is *Public Act 490* an unfair tax break for farmers? Hardly. Farm and forest land require few services from local government. In fact, even when taxed at its current use value, farmland typically generates a fiscal surplus that can be used to offset the costs of providing services to residential development (see discussion of Cost of Community Services, page 3). Additionally, *Public Act 490* reflects the reality that market value taxation would likely result in the development of farmland, leading to municipal costs far greater than the related gain in tax revenues (see Appendix A, CGS § 12-107).

In 2000, the town of Woodstock adopted a local right-to-farm ordinance that declared the town’s support for farmers and described common, acceptable farming practices.

In December 2007, the town of North Stonington held a special town meeting where a right-to-farm ordinance was adopted. The ordinance is designed to “foster farming as a way of life by declaring this municipality’s support of the farmer’s right to farm.”

In July of 2008, residents of the town of New Milford passed a right-to-farm ordinance that was proposed by the town’s farmland preservation committee. The ordinance declares that “no present or future agricultural operations... shall become or be considered a nuisance.”

Local Tax Reduction Programs

In Connecticut, where municipal budgets rely heavily on local property taxes, farmers can face considerable tax bills due to their dependence on large amounts of land, buildings and equipment. In fact, farmers in the state pay an estimated \$17 million annually in property taxes, with 70 percent paying more than \$5,000 each year and 37 percent pay more than \$10,000 annually.²²

Property taxes typically rise when rural land gives way to residential development, since new housing generally requires more in municipal services than it generates in property tax revenues.²³ Local governments looking to retain farms and farmland can make good use of tax tools to create a supportive business environment for local farms in recognition of the many public benefits that agriculture provides.



Use Value — *Public Act (PA) 490* is Connecticut's differential tax assessment program, allowing farmland, forestland and other open space to be assessed at its use value, rather than its market value. Landowners may apply for use value assessment for their farmland; if it qualifies, the land is classified as farmland on the municipal grand list and taxed accordingly. Once land is classified, it remains in the program until either use of the land changes or land ownership changes. If land is taken out of *PA 490* classification, the landowner may be subject to a conveyance tax penalty.

Local tax assessors play a critical role in interpreting and applying *PA 490*. According to state law, the assessor shall determine whether land is farmland based on, among other things, “the acreage of such land, the portion thereof in actual use for farming or agricultural operations, the productivity of such land, the gross income derived therefrom, the nature and value of the equipment used in connection therewith, and the extent to which the tracts comprising such land are contiguous.”

Given this vague interpretation for local tax assessors, it is important that town officials, farmers and agricultural advocates work with assessors to review the acreage thresholds and other criteria that establish eligibility for differential assessment. For example, high acreage requirements will automatically exclude smaller farming businesses that are increasingly prevalent in Connecticut's agricultural sector.

Every five years, the state Office of Policy and Management, in cooperation with the Department of Agriculture, develops a recommended schedule of use values for *PA 490* land. These recommendations are divided by land classification—tillable A, tillable B, etc.—and location. While not binding on communities, towns that use values other than those recommended must justify their use. *CGS § 12-63* provides further guidance in this regard, stating that “[the] present true and actual value of land classified as farm land pursuant to section 12-107c... shall be based upon its current use without regard to neighborhood land use of a more intensive nature...” (see Appendix A).

Optional Property Tax Abatement — In addition to *PA 490*, a municipality may further reduce property taxes on farm businesses pursuant to *CGS § 12-81m*. This provision allows towns to abate up to 50 percent of the property taxes for a number of types of farm businesses, including dairy farms, fruit orchards, vineyards, vegetable farms, nurseries, any farm that employs nontraditional farming methods, such as hydroponic farming, tobacco farms or commercial lobstering businesses operated on maritime heritage land (see Appendix A, *CGS § 12-81m*). This abatement does not apply to farm residences, except seasonal farm worker housing for orchards.

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Since 1996, the town of Ashford has offered property tax abatements for dairy farms; in 2005 the abatement was expanded to orchards and vineyards.
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The town of Coventry has offered tax abatements for dairy farms since 1991.
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The town of Union approved an ordinance in 2008 to abate the property taxes of dairy farms.
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Farm Equipment, Animals and Other Property — Farm tools, machinery of an assessed value of up to \$100,000 and farm products including produce, nursery products and animals are exempt from property taxes under Connecticut state law (see Appendix A, *CGS § 12-81* and *CGS § 12-91*). Municipalities may vote to provide a further exemption for farm machinery, up to an additional \$100,000 in assessed value (*CGS § 12-91b*).

.....
The town of Woodstock has provided a second property tax exemption of up to an additional \$100,000 for farm machinery since 2002.
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Farm Buildings and Structures — “Temporary devices or structures used in the seasonal production, storage or protection of plants or plant material, including, but not limited to hoop houses, poly houses, high tunnels, overwintering structures and shade houses” are exempt from property taxes (see Appendix A, CGS §12-81 (73)). In addition, municipalities have the option to provide an exemption from property tax for any building used exclusively in farming or that provides housing for seasonal employees, up to a value of \$100,000 per building (see Appendix A, CGS § 12-91).

The town of East Hartford has adopted a property tax exemption for any building used exclusively in farming to the extent of an assessed value of \$100,000.

Assessing Greenhouse Structures

Greenhouses and hoophouses are included in the state’s definition of “farm” (see Appendix A, CGS § 1-1(q)) and should be treated as other farm buildings and structures. Greenhouses are critical to many types of agriculture operations. Not only do they ensure an early start to the growing season, greenhouses help extend the season into Connecticut’s winter and can ensure the viability of specialty nursery products (such as roses or orchids) in even the coldest months of the year.

Under CGS § 12-81 (see Appendix A), temporary structures used in the seasonal production, storage or protection of plants or plant material, including, but not limited to, hoophouses, poly houses, high tunnels, overwintering structures and shade houses are exempt from property taxes. Under CGS § 12-91, a municipality may vote to provide a property tax exemption for farm buildings, including non-temporary greenhouses, of up to \$100,000.

There are a number of issues to consider when determining how to assess greenhouses, including their seasonality, intensity of use, construction and size. The Connecticut Greenhouse Growers Association provides a guide to assist in the assessment of greenhouses, which includes estimated construction costs (see Appendix D: Resources for contact information).

Farmland Protection

The continued loss of farmland to development and suburban sprawl is creating a logistical and economic challenge for farmers. Often farmers must piece together fragmented parcels to meet their land needs. Yet even these fragmented farm fields are disappearing, and those that remain are increasingly expensive to buy. The escalating loss of farmland is threatening not just the viability of an industry but also the state’s rural legacy and landscape.

An important step in retaining local farmland is to determine what lands are important to a town — not just to its farmers but to all its residents. This prioritization process should involve all stakeholders, including farmland owners, municipal officials, members of land use commissions and land trusts, and non-farm residents. Ranking criteria to consider include soils, current land use, threat of development, view of land from town roads, proximity to other farmland (protected and not protected), and proximity to other features such as natural resources (e.g., rivers) and growth areas (e.g., sewer lines and housing).

It is also important to reach out to local landowners. This can be done by members of a town agricultural commission, a board of selectmen or a planning commission, or in conjunction with a local land trust. The designated board or commission develops a strategy for communicating to local landowners the town’s desire to protect farmland and open space. In smaller or more rural communities, board members may decide to directly contact landowners they think may be interested in selling their land. It is important that the town clearly communicate that it is simply exploring land protection strategies so that landowners do not feel pressured.

The town of East Windsor received an Agriculture Viability Grant in 2007 to use aerial photos, among other methods, to inventory farmland.

In 2006, the town of Lebanon created ranking criteria for prioritizing farmland to protect and has worked with the NRCS to create a list of soils of local importance.





Purchase of Development Rights (PDR) — PDR, also referred to as the purchase of an agricultural conservation easement (PACE), is the process by which an entity, usually a town or state government, purchases a deed restriction from a willing landowner. Typically, the easement restricts residential and non-farm commercial development of the property in perpetuity, while allowing continued use of the land for farming. The landowner retains ownership of the land and may sell it or pass the land on to heirs. All future owners must abide by the terms of the easement. Easements are held by a state, local government or a nonprofit conservation organization, and the entity that holds the easement is responsible for ensuring that the terms of the easement are upheld. Land under an agricultural conservation easement is permanently assessed at its use value.²⁴

Funding sources for PDR on farmland include the Connecticut Farmland Preservation Program, the Connecticut Open Space and Watershed Land Acquisition Grants Program, and the USDA Farmland Protection Program. Effective July of 2007, the Connecticut Department of Agriculture was given the power to create an interest-free loan program for municipal use in protecting farmland, although this program has not yet been implemented (see Appendix A, *PA 07-131*; Farmland Protection Programs in Connecticut on page 27 and Appendix D: Resources).

Eligibility requirements vary by program. For example, participation in the Connecticut State Farmland Preservation Program requires a minimum of 30 acres of cropland.²⁵ The Joint State-Town Farmland Preservation Program requires that municipalities have a fund dedicated to farmland preservation and a policy in support of farmland preservation, e.g., stated in the Plan of Conservation and Development (see chart on page 27 for more criteria information).

Although PDR projects are often complex, time-consuming and expensive, they offer important advantages, including protecting farmland in perpetuity and providing landowners a means to finance retirement, farm business expansion or other family needs without selling land for development. Landowners often take years to consider their options, thus early outreach and planning are necessary. PDR projects require expertise in real estate transactions and an understanding of how to craft conservation easements that provide farmers with the flexibility needed to adjust to meet future circumstances. The Connecticut Farmland Trust is a statewide land trust focused specifically on farmland protection that can help farmers, municipalities and local land trusts draft agricultural conservation easements. Stewardship is also an important but often overlooked issue; towns that embark on PDR projects must address who will hold the easement and undertake monitoring and enforcement responsibilities.

In 2007, the town of Ashford successfully purchased the development rights of a farm using town funds, for the first time, to leverage additional funds from a local land trust and the Connecticut Department of Agriculture.

The town of Lebanon has the greatest amount of permanently protected farmland in the state — approximately 3,000 acres.



The town of Woodstock has protected approximately 1,110 acres through its partnership with the Connecticut Farmland Preservation Program and the USDA Farmland Protection Program.


Farmland Protection Programs in Connecticut

	Farmland Preservation Program	Joint State–Town Farmland Preservation Program	Open Space and Watershed Land Acquisition Grant Program	Farmland Protection Program
	<i>CT Department of Agriculture</i>	<i>CT Department of Agriculture</i>	<i>CT Department of Environmental Protection</i>	<i>USDA/NRCS</i>
Who may apply?	Landowners	Municipalities, landowners	Municipalities, water companies, nonprofit conservation organizations	Municipalities, states, nonprofit conservation organizations
Eligibility requirements	<p>Property must:</p> <ul style="list-style-type: none"> • Be an active farm operation • Include a minimum of 30 acres of cropland or be adjacent to a larger parcel • Meet minimum program criteria that include: amount of prime and important soils, amount of cropland, proximity to other active farms, viability of agriculture business, proximity to agricultural support services, and surrounding land use • Meet requirements of FPP if federal funding will be used as part of sale 	<p>Municipality must:</p> <ul style="list-style-type: none"> • Have a policy in support of farmland preservation • Have a farmland preservation plan developed and approved by local policymakers • Have a fund established for the purpose of purchasing development rights • Have a willing applicant who has voluntarily offered to sell development rights • Meet requirements for FPP if federal funding will be used as part of sale <p>Property must:</p> <ul style="list-style-type: none"> • Be an active farm with 30 acres of prime or important farmland soils • Have a minimum gross annual agricultural production of \$10,000 	<p>Program can be used to purchase development rights on farmland or farmland in fee. No minimum acreage or prime agricultural soils required.</p> <p>State will pay up to 50% of either fair market value of development rights or purchase price, whichever is less.</p>	<p>Property must:</p> <ul style="list-style-type: none"> • Be part of an active farm operation • Have prime or important agricultural soils or have historic or archeological resources • Meet minimum program criteria for amounts (or percentages) of prime and important farmland soils and agricultural land use • Be privately owned (non-governmental) • Have pending written offer with landowner
Cost-share requirements	State may pay up to 100% of value of development rights	State may pay 10-75% of value of development rights depending on quantity of active agricultural land within 3-mile radius of the subject farm.		The FPP will pay up to 50% of fair market value of development rights. Applicant must provide cash match of either 25% of development rights value or 50% of purchase price. Landowner donations of up to 25% of development rights value may be considered part of applicant's match.

Fee Simple Purchase — While some towns have protected farmland by purchasing it outright, a purchase of land in fee simple costs more than the purchase of development rights and obligates a town to manage and steward the parcel in the future. Fee simple purchases of farmland work best in time-sensitive situations or where the town has a vision for community use of the land. In instances where a landowner needs to sell immediately, a town may consider purchasing the farmland outright, followed by a sale of the development rights through a state or federal program and the sale of the protected land to a farmer. These types of purchases can often be facilitated by a land trust. Towns that are seeking farmers to rent town-owned land may wish to list their land with the Connecticut FarmLink program operated by the Department of Agriculture. When renting land, towns should consider making the lease term as long as possible, allowing farmers the opportunity for long-term management and investments that can maximize farm profitability.

Towns can use funds from the Connecticut Open Space and Watershed Land Acquisition Grants Program as well as dedicated funds and bonding to purchase farmland in fee simple.

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Along with a local land trust, the town of Granby has purchased in fee simple approximately 800 acres of farmland that the town leases to dairy farmers for silage and hay production.
.....

In 2000, the town of Farmington purchased a dairy farm in fee simple to protect it from development; the town currently rents out the farm to an active dairy. Farmington recently received two Agriculture Viability Grants – a total of \$75,000 – to improve structures on the property.
.....

Comparison: Town Fee-Simple Purchase and Purchase of Development Rights

Category	Fee-Simple Purchase	Purchase of Development Rights
Property Rights	Purchases all rights to property	Purchases development rights only, remainder of rights stay with landowner
Uses	Use could change according to future needs	Future uses limited by terms of a conservation easement
Initial Cost	Higher initial cost	Lower initial cost
Time	When funds are available, the process can be relatively fast	Often takes a relatively long time to complete, particularly when leveraging state or federal matching funds
Stewardship and Monitoring	Town/entity takes on stewardship and monitoring	Stewardship done by landowner, easement holder does monitoring
Liability	Town/entity takes on liability; issues may arise on land where public access is granted	Liability resides with landowner (certain instances where free public access is included in the easement may alter liability)
Local Revenue	No longer generates revenue	Continues to generate revenue
Public Access	Terms defined by town	Terms of public access defined by landowner and easement language
Control	Perceived control over future use	Property may change hands; easement dictates the only restrictions
Infrastructure	Town responsible for infrastructure; lessee has low incentive to invest in infrastructure	Likely to invest in maintaining infrastructure

Limited Development — In certain situations, towns may consider limited development projects as a farmland protection tool. If funds are not otherwise available to finance purchase of the development rights or outright protection of the land through a purchase in fee simple, a town might consider purchasing farmland in fee simple and carving out a small number of lots on the less valuable agricultural land. The lots can then be sold for development and a conservation easement placed on the remaining land to preserve it for agricultural uses. The protected farmland can then be sold or retained by the town and rented to local farmers. In many cases limited development projects can allow towns to recover some or all of the initial costs of the land purchase.

In 2001, the town of Suffield purchased a 125-acre farm in fee simple with a combination of town funds and an Open Space Grant from the Connecticut Department of Environmental Protection; the town sold two house lots with farm buildings to recover the land costs and now leases the land to a farmer.

Funding Farmland Protection — An ability to leverage federal, state and private farmland protection funds is key to successfully protecting farmland at the municipal level. Towns that have a local source of funding for farmland protection to match state and/or federal funding often have a greater competitive advantage. Some towns have established dedicated funds for land protection, while others have raised money on a case-by-case basis. Strategically, towns should consider the use of many sources for a successful farmland preservation program—combining municipal funds, state and/or federal program funds, as well as funds raised by land trusts or local campaigns.

■ **Town Farmland Preservation Fund:** Through town meeting vote, towns can dedicate funds toward farmland



protection in general. The fund can be supported through general appropriations, bond funds, fee-in-lieu payments, surplus funds or any other revenue sources. Even at nominal levels, this sort of dedicated fund can help pay the incidental costs of farmland preservation, such as appraisal costs, while signaling to local farmers a commitment to agriculture in the community. Towns with dedicated funds are also in a stronger position to leverage private and public money.

■ **Bonding:** Through town meeting vote or referendum, towns can borrow funds for farmland preservation. This approach can be used for a designated project or to create a reserve of funds dedicated to land protection.

■ **Discretionary Funds:** A budget surplus, fee-in-lieu payments or other undesignated funds may also be used to fund local farmland protection efforts. Such funds may be used to finance a specific project or towns may consider a policy that designates them to a Town Farmland Preservation Fund (see above).

Data on town level referenda show that residents value the protection of land and are willing to pay for the preservation of this resource. From 1998 to 2007, 89 percent of referenda for land protection in Connecticut were approved at town meetings according to The Trust for Public Land.²⁶ Surveys conducted by the University of Connecticut also demonstrate a strong willingness to pay for farmland protection. The University's survey of Woodstock residents showed that the community would be willing to pay over \$9,000 per acre to purchase an easement on dairy farmland that was at "high risk" for development.²⁷

A 2007 survey found that 80 percent of Ellington residents would be willing to pay \$100 more per year in taxes to acquire or preserve farmland. Following this survey, a \$2 million bond referendum for conservation easements on farmland was passed in the town.

In 2007, the development rights of the 26-acre Tryon farm in the town of South Glastonbury were purchased. A citizens' group — the Friends of Nayaug — raised \$200,000 to add to the town's contribution. Local fundraising included grants from private foundations and land trusts.

The town of Woodstock worked collaboratively with several entities to protect the 89-acre Valley Farm in 2006. The Trust for Public Land and residents raised funds to purchase the land outright. The development rights to the farm have since been sold using a combination of federal, state and town funds, and the land itself has been sold to a new farmer.

Recent Examples of Municipal Farmland Protection Efforts

Town (year)	Mechanism	Purpose*	Fund/Site Specific	Town Expenditure**
Ashford (2007)	Open Space Fund (fee-in-lieu)	Conservation easement on 141 acres (partners with CT Dept of Ag, land trust and USDA - FPP)	Specific Project	\$120,607
Ellington (2007)	Bond Referendum	Conservation easements for farmland	Dedicated Fund	\$2 million
Glastonbury (2007)	Bond Referendum	Conservation easements and land acquisition	Dedicated Fund	\$4 million
Lebanon (2007)	Open Space Fund	Open space and farmland protection	Dedicated Fund	\$100,000 annually from budget
Pomfret (2007)	Open Space Fund	Conservation easement on 100 acres (partners with CT Dept of Ag and USDA - FPP)	Specific Project	\$125,000
Southbury (2007)	Budget Allocation	Conservation easement on 43 acres (partners with land trust and USDA - FPP)	Specific Project	\$240,000
Southbury (2007)	Budget Allocation	Conservation easement on 46 acres (partners with land trust and USDA - FPP)	Specific Project	\$205,000
Suffield (2007)	Open Space Fund (fee-in-lieu and annual budget funding)	Conservation easement on 91 acres (partners with CT Dept of Ag and USDA - FPP)	Specific Project	\$240,000
Suffield (2007)	Open Space Fund (fee-in-lieu and annual budget funding)	Conservation easement on 88 acres (partners with CT Dept of Ag and USDA - FPP)	Specific Project	\$173,451
Glastonbury (2006)	Budget Allocation	Conservation easement on 26 acres (partners with land trust)	Specific Project	\$675,000
Mansfield (2006)	Bond Referendum	Purchase or conservation of open space, farmland, and recreational lands	Dedicated Fund	\$1 million
Shelton (2006)	Open Space Trust Account	Protect open space and farmland	Dedicated Fund	\$250,000 annually from budget
Shelton (2006)	Bond Referendum	Conservation easement on 140 acres (partners with USDA - FPP)	Specific Project	\$4.3 million (\$900,000 reimbursement from FPP)
Suffield (2006)	Open Space Fund (fee-in-lieu and annual budget funding)	Conservation easement on 88 acres (partners with CT Dept of Ag and USDA - FPP)	Specific Project	\$171,250
Tolland (2006)	Bond Referendum	Purchase or conservation of open space, farmland and recreational lands	Dedicated Fund	\$2 million
Wethersfield (2006)	Bond Referendum	Bond referendum for open space, recreational land and farmland protection	Dedicated Fund	\$4 million
Woodstock (2006)	Open Space Fund (annual budget funding)	Conservation easement on 109 acres (partners with CT Dept of Ag and USDA - FPP)	Specific Project	\$163,500
Newington (2005)	Budget allocation (over three years)	Conservation easement on 61 acres (partners with CT Dept of Ag and land trust)	Specific Project	\$2.7 million (up to \$1 million to be reimbursed by FPP)
Simsbury (2005)	Open Space Fund	Conservation easement on 164 acres (partners with land trust and USDA - FPP)	Specific Project	\$100,000
Southbury (2005)	Budget Allocation	Conservation easement on 36 acres (partners with land trust and USDA - FPP)	Specific Project	\$250,000

Recent Examples of Municipal Farmland Protection Efforts

Town (year)	Mechanism	Purpose*	Fund/Site Specific	Town Expenditure**
Suffield (2005)	Open Space Fund (fee-in-lieu and annual budget funding)	Conservation easement on 109 acres (partners with CT Dept of Ag and USDA - FPP)	Specific Project	\$207,500
Suffield (2005)	Open Space Fund (fee-in-lieu and annual budget funding)	Conservation easement on 43 acres (partners with USDA - FPP)	Specific Project	\$215,730
Tolland (2005)	Open Space Fund (bond referendum)	Conservation easement on 155 acres (partners with USDA - FPP)	Specific Project	\$365,000
Woodstock (2005)	Open Space Fund (annual budget funding)	Conservation easement on 90 acres (partners with CT Dept of Ag, land trust and USDA - FPP)	Specific Project	\$164,000
Glastonbury (2004)	Bond Referendum	Conservation easements and land acquisition	Dedicated Fund	\$4 million
Southbury (2004)	Budget Allocation	Conservation easement on 96 acres (partners with two land trusts and USDA - FPP)	Specific Project	\$250,000
Suffield (2004)	Open Space Fund (fee-in-lieu and annual budget funding)	Conservation easement on 67 acres (partners with CT Dept of Ag and USDA - FPP)	Specific Project	\$148,500

* In many cases landowners may have donated a portion of the easement value; this important donation is not included with other partners. Land trusts may have raised money locally for projects; these essential contributions are also not captured here.

** "Town Expenditure" may not include all associated costs with land acquisition or conservation easements such as appraisals, surveys, title searches, professional and attorney fees, and staff costs.



¹⁹ American Farmland Trust-Farmland Information Center, Fact Sheet: Transfer of Development Rights, 2008, available online at: http://www.farmlandinfo.org/documents/37001/TDR_04-2008.pdf

²⁰ Information provided by Jeff Lacy and Shutesbury, Massachusetts planning board.

²¹ Jeff Lacy. Understanding Open Space Design, available online at: http://www.shutesbury.org/planning_board/

²² NASS, Census of Agriculture, 2002.

²³ American Farmland Trust-Farmland Information Center, Fact Sheet: Cost of Community Services Studies, 2007, available online at: http://www.farmlandinfo.org/documents/27757/COCS_09-2007.pdf

²⁴ For more information see American Farmland Trust, Conservation Options for Connecticut Farmland: A Guide for Landowners, Land Trusts & Municipalities, 2006, available online at: http://www.workinglandsalliance.org/OtherDocs/AFT_ConservationOptionsforConnecticutFarmland06.pdf

²⁵ Effective July 2008, the Connecticut Department of Agriculture is charged with developing new regulations for farms that do not meet the criteria of the existing Farmland Preservation Program. The new Community Farms Program would, if funded, protect smaller farm parcels in the future.

²⁶ The Trust for Public Land, LandVote, available online at: http://www.tpl.org/tier2_kad.cfm?folder_id=2386

²⁷ Johnston and Duke.

CASE STUDY: CITY OF SHELTON — THE IMPORTANCE OF A CATALYST

In the early 1990s, Shelton was experiencing one of the fastest growth rates in the state and facing rising taxes spurred by residential development. To counter this growth, the conservation commission, the board of aldermen, mayor and residents came together to begin an aggressive campaign to acquire open space.

In 1992, the mayor and members of the conservation commission, which included farmers, served as catalysts in the successful passage of an open space ordinance that called for the preservation of 10 percent of the city's total land — a goal established in its Open Space Plan. This ordinance has since been revised to increase the goal of publicly owned open space to 15 percent. At the same time, Shelton voters approved the creation of an open space trust account into which .75 percent of the annual growth of the Taxable Grand List is appropriated each year (currently \$250,000 per year). This money continues to help fund the purchases of land and easements in the city.

In 1993, Shelton adopted one of the first municipal Open Space Plans in Connecticut. This plan continues to guide land-use decisions, identify conservation areas and set priorities; the plan is being updated in conjunction with the city's update of its Plan of Conservation and Development.

Due to the energetic efforts of key officials and board members, Shelton now owns more than 135 properties totaling more than 1,600 acres. This figure includes land set aside as protected open space through

conservation subdivisions. Four of the 135 properties are leased to farmers.

In addition to outright purchase of land, the city also purchases agricultural conservation easements. Shelton encourages farm and forest landowners to file an application with the conservation commission to have their land protected. In 1996 the city established an Agricultural Land Preservation Fund to help make local landowners' applications for the state Farmland Preservation Program more competitive. In 2007 the city, with help from the federal Farmland Protection Program, purchased the development rights on a 140-acre farm. The purchase was made possible through a \$4.3 million town bond referendum matched with \$900,000 in federal funding and a "bargain sale," or donation of a significant portion of the easement's value, by the landowner.

The city recognizes that more than land conservation is needed to keep farms viable. Working with the Shelton Economic Development Corporation, the conservation commission played a key role in creating a farmers' market as part of the city's downtown revitalization. The commission contributed funds to design and improve a neglected area of the city that now hosts the market and helped support grant application efforts. Shelton's conservation commission demonstrates how a formal body, even one not solely dedicated to agriculture, can support local farms.



Jones Family Farm, Shelton



SECTION 5

ADDRESSING COMMON ISSUES

This section describes some common issues that arise in Connecticut towns where planning for agriculture can positively support and improve the environment for local farmers. A description of each issue is followed by a discussion of approaches that may be used to help keep farms and farming viable in communities throughout the state.

This section is not intended to be comprehensive as to issues or solutions. Every community and farming operation is unique and will present different opportunities for municipalities to create a supportive atmosphere for farming.

Include All Farms When Defining Agriculture

Issue: A common issue in municipal regulations is the lack of definitions for certain agriculture-related terms. Failure to interpret these terms consistently can lead to misunderstandings and uneven regulatory circumstances for farm businesses. Some Connecticut communities have created regulations that apply to narrow subsets of agriculture, such as aquaculture or greenhouses. The risk of establishing regulations that do not apply to all types of agriculture as defined by CGS §1-1(q) is the increased potential for disparities in the enforcement/interpretation of regulations.

Possible Solutions:

■ Clearly define terms including “agriculture,” “farm,” “farm stand” and “agricultural structure” in zoning regulations to avoid ambiguity and confusion. The state of Connecticut already defines agriculture, farm and aquaculture under CGS § 1-1(q) (see Appendix A). These definitions were intended to assist in providing statewide consistency, as agriculture often crosses municipal lines. Consider adopting these same definitions locally or referencing the state definitions in town regulations (see “What is Farming?” on page 18).

■ **Consult the CRCOG’s model regulations**, which include the state definition and define the following terms (see Appendix B).

Agriculture: The growing of crops, raising of live-stock and the storing, processing and sale of agricultural and horticultural products and commodities, including those defined in CGS § 1-1q, as incidental to agricultural operations.

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



Help Farm Stands be Successful

Issue: In some Connecticut communities, farmers do not have the option to sell directly to consumers through a farm stand. This limitation can hinder farm profitability as a growing number of farms rely on direct sales to remain competitive. Other communities require that a high percentage — in some cases 100 percent — of products sold through a farm stand be raised or processed on-farm. This limitation is problematic for farmers seeking to meet consumer demand for product diversity and convenience; it can be devastating in years when poor local growing conditions limit farm product availability.

Possible Solutions:

■ To help support local farm businesses, allow farm stands by right on farms in local zoning regulations, including those that sell milk, ice cream or other products year-round. Allow the sale of a certain percentage of products from other Connecticut farms to support neighboring agricultural businesses. Ensure that farmers with acreage in other towns can still sell these products at their farm stand (see “Retail Farm Businesses” on page 18).

■ Consider a “safety net” provision to release farm stand operators from the portion of the on-site product sales percentage requirements. This could provide the flexibility needed for operations to remain viable during times of crop failures. When allowed to sell off-site products, farm stands can support other local producers as well.

■ **Consult the CRCOG’s model regulations**, which provide the following definitions and regulations for “seasonal farm stands” and “farm stores” (see Appendix B).

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. Allowed by right, provided:

- The temporary structures and sales area are compatible in size and scale with neighboring uses.
- At least 70 percent 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.

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 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 percent 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. 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.

Allow Adequate and Effective Signage

Issue: Stringent restrictions that limit or prohibit the use of permanent, seasonal and directional farm signs can hinder farm businesses. Signs, especially directional ones, are one of the most important marketing tools for farms engaged in direct sales, since farms are often on less traveled roads and may be difficult to find. Agriculture is also a seasonal business with advertising needs that vary as different crops become available.

Possible Solutions:

■ If applicable, formalize current practices that allow agricultural signs, replacing the informal lack of enforcement of general sign rules.

■ Consider both permanent and seasonal signage designations in zoning regulations. Allow a certain number or size of permanent signs by right on farms to advertise the farm business and additional seasonal signage to advertise certain products that are available at limited times (see "Retail Farm Businesses" on page 18).

■ Help farmers connect with the Agricultural Directional Signage program — administered jointly by the Department of Agriculture and Department of Transportation — which allows for the placement of directional signs along state roads for farms located off these roadways.

■ **Consult the CRCOG's model regulations** that use the following definitions and regulations for agricultural signs (see Appendix B).

Agricultural Sign: A permanent free-standing or attached sign with an area no larger than 16 square feet per side, limited to two 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 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 six 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 (Connecticut Grown 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.



Accommodate Farm Structures

Issue: Limitations placed on the height or size of farm structures, access requirements and other restrictions on farm buildings can affect the viability of agricultural operations. Many of these requirements, such as large septic systems, foundation, siting, grading and restroom accessibility, may create unexpected financial burdens as farms transition their operations.

Possible Solutions:

■ Although much of this lies outside of a municipality's control, it is important to facilitate good communication between farmers and public health and building officials to limit misunderstandings, miscommunication and unnecessary expenses. Work with farmers and the town agricultural commission or advisory board to educate officials about agriculture operations (see "Town Agricultural Commissions" and "Agricultural Structures" on pages 13 and 19).

■ **Consult the CRCOG's model regulations** that recommend the following for farm structures and buildings (see Appendix B):

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.

■ Regulate greenhouses based on their necessity to a farm operation, but maintain consideration of agricultural soils, particularly those that are classified as prime by the NRCS.

■ Work with local farmers and the town agricultural commission or advisory board to craft regulations that will not hinder farm operations. Allow agricultural structures by right in zoning regulations and recognize the flexibility these buildings require on issues such as size, height and access requirements (see "Town Agricultural Commissions" on page 13).



Minimize Farmer-Nonfarmer Conflicts

Issue: Farming can be noisy, smelly and unsightly. Farm machinery can cause traffic delays and back-ups. Non-farmers do not always appreciate these consequences of local agriculture, and complaints to town officials about farm odor and farm practices are unfortunately all too common. In turn, town officials often feel the need to address specific issues through regulations, which can create an inhospitable environment for local farms.

Possible Solutions:

■ Educate town residents about farming and farms. Consider organizing farm tours to help neighbors understand more about specific farming practices, or a farm festival at which farmers can showcase and talk to town residents about their farm products, machinery or animals (see "Help Residents Understand Agriculture" and "Celebrate Agriculture" on pages 42 and 44).

■ Enact a local right-to-farm ordinance that documents the importance of farming locally and reiterates right-to-farm protections. The ordinance could require that a landowner selling property adjacent to an active farm provide the buyer with notice of the town's support for agriculture and the types of impacts that may be associated with farming activities. Additionally, the ordinance could require that a copy of the ordinance be placed in public areas and/or mailed to residents periodically to illustrate the town's support for agriculture (see "Right-to-Farm" on page 23).

■ Encourage farmers to employ best management practices. Consider working with the University of Connecticut Cooperative Extension, NRCS, state Department of Agriculture, Connecticut Farm Bureau Association and Connecticut Conservation Districts to provide information to local farmers on those practices and on federal and state conservation programs that can provide cost-share assistance to implement them.

■ Require buffers on any new development that abuts agricultural land. Vegetative buffers of an appropriate width, such as 50 to 100 feet based on the type of farming activity, should be provided by the developer, maintained by lot owners and noted in the deeds of affected lots (see "Buffer" on page 22).

■ Create an agricultural zone in which farming is the preferred use and additional restrictions on development may apply. When forming these zones, consider including tools that limit the footprint of any new development, such as conservation subdivisions or TDR, as well as siting requirements for new non-farm construction (see "Overlay Zones and Agricultural Zones," "Conservation Subdivision" and "Transfer of Development Rights" on pages 20 and 22).

Support Compatible Commercial Enterprises on Farms

Issue: Zoning regulations often restrict the ability of farms to expand or develop new commercial enterprises. To remain profitable, many farms are capitalizing on public interest in local farms and seasonal outdoor activities by holding pumpkin, apple or strawberry festivals, creating corn mazes and petting zoos, or catering on-farm banquets and weddings. Other farms supplement their income by expanding into non-farm commercial enterprises, such as bed and breakfasts, bakeries, farm equipment repair and commercial composting. These commercial enterprises often provide farm families with the means to support multiple generations as well as needed income in the off season, yet many towns restrict these types of enterprises.

Possible Solutions:

■ Formulate a list of allowed events and commercial enterprises with local farmers and an agricultural commission or advisory board. These events and commercial enterprises can be clearly defined in zoning regulations as permitted uses on farms or in agricultural zones (see “Agriculturally Related Uses,” “Non-Agricultural Uses,” and “Overlay Zones and Agricultural Zones” on pages 19 and 20).

■ If a special permit is required, create a streamlined process that limits the time and paperwork required to obtain approval for on-farm events.

■ **Consult the CRCOG’s model regulations**, which differentiate between “agriculturally related” and “non-agriculturally related” events and uses (see Appendix B).

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 by right 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, snowshoeing, and others; event hosting, such as banquets, weddings, etc. Non-agriculturally related uses are allowed on farms only by special permit.



Assist Farms with Laws and Regulations Regarding the Sale of Food Products

Issue: The regulatory environment pertaining to health codes and agriculture is challenging. Several state and local authorities may exercise jurisdiction over a farm business and farmers’ markets. Farmers might lack information on when and how to obtain necessary inspections and licenses for the sale of various food products either to the public or food service establishments.

Possible Solutions:

■ Although much of this lies outside a municipality’s control, it is helpful to facilitate good communication between farmers and officials to limit misunderstandings (see “Town Agricultural Commissions” and “Retail Farm Businesses” on pages 13 and 18).

■ Call state agencies directly with questions or visit state agency Web sites:

- Department of Agriculture — Farmers’ Markets and Farm Stands, (860) 713-2503
- Department of Agriculture — Regulation and Inspection, (860) 713-2504
- Department of Agriculture — Aquaculture, (203) 874-2855
- Department of Consumer Protection — Food Division, (860) 713-6160
- Department of Environmental Protection — Waste Management, (860) 424-3803
- Department of Public Health — (860) 509-7297.

■ Become familiar with state statutes and/or regulations as they relate to sanitary standards for food establishments. The Department of Consumer Protection — Food Division is the agency that inspects facilities that manufacture processed foods for sale. The local health director or other authorities may have additional specific requirements. A farmer that sells a value-added product must prepare these value-added items in a licensed commercial kitchen.

■ Become familiar with state required product licenses as they relate to agriculture products. Farmers have sole responsibility to obtain and maintain any licenses to sell any such products. Farmers may also have to comply with regulations and/or other local authorities (e.g., health, fire and zoning). The Department of Agriculture issues licenses for production and sale of shellfish, milk, cheese and yogurt. The Department of Consumer Protection issues licenses for products and sale of cider, juice, water or non-alcohol beverages, bakery and frozen desserts. The Department of Environmental Protection (DEP) issue licenses for commercial fin fish and lobster pot operations. The DEP is also responsible for approving waste management on farms, including the need for septic systems when the farm is processing value-added products. The local health district is also responsible for inspecting wells and septic systems.



■ Become familiar with agriculture product exemptions. The preparation and sale of jams, jellies or preserves on a residential farm shall be allowed in a room used as living quarters and exempt from inspection by any state or local agency, provided such jams, jellies or preserves are prepared with fruit grown on such farm. Each container of jam, jelly or preserves offered for sale on such farm shall have on its label, in 10-point type: “Not prepared in a government inspected kitchen.” The preparation and sale of maple syrup on a residential farm shall be allowed in a room used as living quarters and exempt from inspection by any state or local agency. Each container offered for sale on such farm shall have on its label, in 10-point type: “Not prepared in a government inspected kitchen.”

■ Become familiar with state laws pertaining to farmers’ markets. The state’s Public Health Code, as interpreted by the Local Health District, applies in farmers’ markets whenever items may be sampled or cooking demonstrations are taking place. At times, the departments of Consumer Protection and of Public Health may exercise jurisdiction in a farmers’ market. For purposes of state law, a farmer’s kiosk at a certified farmers’ market shall be considered an extension of the farmer’s business, and regulations of Connecticut state agencies relating to the sale of farm products on a farm shall govern the sale of farm products at a farmer’s kiosk.

Ease the Permitting Process for Farms

Issue: The cost and time required to apply for special permits can be time-consuming for any small business, and farmers often need special permits for seasonal farm events and on-farm value-added facilities. For shellfish growers, licensing programs for shellfish culture in town waters vary from town to town and inconsistencies can create confusion. Creating greater flexibility in the permitting process can alleviate many problems for farm businesses.

Possible Solutions:

■ **Consult the CRCOG’s model regulations**, which recommend allowing relevant commissions to waive certain requirements for special permit applications that are for agricultural uses (see Appendix B).

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.

■ Provide a simplified extension process for special permits to limit paperwork requirements or delays during peak season.

■ The Connecticut Department of Agriculture’s Aquaculture Bureau and Connecticut Sea Grant have developed a guide to the new permitting process for marine aquaculture in Connecticut. The online guide can assist in easing the local permitting process for aquaculture farmers. It is available at: <http://www.seagrants.uconn.edu/aquaguide/>.

Address Livestock Concerns

Issue: Rapid population growth and increased residential density have led many towns to institute restrictions on livestock ownership. Some have adopted local regulations that limit the number of animals per acre, establish buffer requirements, or prohibit certain classes of livestock. Such standards may be helpful in reducing neighbor complaints and the environmental risk associated with livestock but can also be overly restrictive.

The Connecticut Statutes define agriculture in part as the raising of livestock, including horses, bees, poultry, fur-bearing animals and wildlife (CGS § 1-1(q)). The state right-to-farm statute (CGS § 19a-341) declares that noise and odor from a farm operation’s livestock and manure may not be deemed a nuisance provided the farm operation has been in existence for a year and follows generally accepted agricultural practices.

State case law provides minimal guidance on the limits of permissible municipal regulation of livestock (see Appendix C for recent court cases concerning right-to-farm

and livestock). This issue is complicated and often contentious. Municipalities addressing livestock concerns may wish to seek additional guidance on this issue from any of the following entities:

- Connecticut Department of Agriculture
- Connecticut DEP
- University of Connecticut Cooperative Extension System
- NRCS
- Connecticut Farm Bureau Association
- Conservation Districts

Possible Solutions:

■ Enact a local right-to-farm ordinance that documents the importance of farming locally and reiterates right-to-farm protections. The ordinance could require notification be posted in deeds and subdivision maps when residential development is approved abutting an existing farm. The notice alerts potential buyers that they are purchasing property abutting a working farm and, as such, may be subject to noise, odor, dust or use of chemicals as permitted under the right-to-farm statute (CGS § 19a-341). Additionally, the ordinance could require that a copy of the ordinance be placed in public areas and/or mailed to residents periodically to illustrate the town's support for agriculture (see "Right-to-Farm" on page 23).

■ Encourage livestock owners to have a conservation plan to limit the impact of livestock on wetlands and watercourses. The implementation of a conservation plan may require changes in management and the sequential installation of designed and constructed conservation practices. There are a number of state and federal grants and cost-share programs available to farmers, land trusts and municipalities that partner with farmers to address livestock agriculture environmental management. These include:

- The USDA-NRCS Environmental Quality Incentives Program (EQIP) — This program provides eligible producers with technical and financial cost-share assistance for implementing conservation practices that improve water quality or meet other environmental objectives. Based on state priorities, the EQIP offers multi-year contracts that provide incentive payments and cost sharing for recommended conservation practices. The program provides a conservation plan and Comprehensive Nutrient Management Plan (CNMP) and may pay from 50-90 percent of the cost of structures, and up to 100 percent of certain management practices. For information on the EQIP and other NRCS programs, visit www.ct.nrcs.usda.gov.

- Connecticut Department of Agriculture's Environmental Assistance Program (EAP) — This program reimburses farmers for part of the costs of implementing a CNMP. Grants under this program must be used for capital improvements and may be used in combination with the EQIP (see above). The EAP and EQIP together can

provide no more than 90 percent of the project cost. For information on the EAP, visit www.ct.gov/doag.

■ Should a municipality feel it necessary to adopt livestock guidelines, consider regulations that:

- Permit farms that qualify for a municipality's PA 490 farmland classification to own livestock by right.
- Apply consistently to all types of livestock operations.
- Provide criteria for conditions of livestock ownership, including waste management — encourage use of Best Management Practices in the location of pasture and feeding areas to protect natural resources.
- Recognize that each farm or situation is unique and should be evaluated and planned for on a case-by-case basis.

■ When issues or uncertainties arise over compliance with state regulations, contact the appropriate organization:

- Department of Agriculture Bureau of Regulation and Inspection — (860) 713-2504
- Department of Environmental Protection Materials Management and Compliance Assurance, Water Permitting and Enforcement Division — (860) 424-3803
- Connecticut Farm Bureau Association Government Relations Specialist — (860) 768-1100
- Department of Public Health Water Source Protection and Planning (in public water supply watersheds) — (860) 509-8000

Conservation Plans and Comprehensive Nutrient Management Plans

A Conservation Plan is a document that describes what the farmer has agreed to do at the time the plan is developed. The process includes a farm resource inventory and assessment that identify issues and opportunities associated with soil, water, air, plant and animal resources. This process helps ensure the farmer's needs and those of the farm's natural resources are met and that federal, state and local requirements can be achieved.

A Comprehensive Nutrient Management Plan is an assessment and planning process for livestock operations. It includes a farm inventory of soils, infrastructure, numbers of animals, level of management and natural resource setting. The resulting plan identifies solutions to any environmental risks. It typically addresses manure and wastewater collection, handling, storage, treatment and transfer.



Recognize the Benefits of Local Agriculture

Issue: Farmers often face large property tax bills given the land and number of farm buildings they own. Tax exemptions and reductions allowed under Connecticut General Statutes are not fully utilized in many towns, yet can be effective mechanisms to recognize the fiscal, environmental and quality-of-life benefits that local farms provide.

Possible Solutions:

- Consider adopting a right-to-farm ordinance in furtherance of the goals of CGS § 19a-341 by declaring the municipality's support of the farmer's right to farm (see "Right-to-Farm" on page 23).

- Be proactive by informing landowners and farmers about differential use assessment, provided through PA 490, available to qualifying farmland (see "Use Value" on page 24).

- Use recommended PA 490 rates for farm and forest land taxation. The Connecticut Office of Policy and Management, in conjunction with the Department of Agriculture, develops and recommends rates every five years. Although these rates are not binding, values outside of the range must be justified (see Appendix A, CGS § 12-107 and "Use Value" on page 24).

- Work with assessors to develop eligibility criteria for the PA 490 program. In determining eligibility, town assessors can consider acreage, productivity of the land, gross income, equipment used and whether the land is contiguous to other farmland (see "Use Value" on page 24).

- Consider exempting up to 50 percent of the property taxes for certain types of local farms (see Appendix A, CGS § 12-81m and "Optional Property Tax Abatement" on page 24).

- Consider exempting farming tools, machinery (value of up to \$100,000), certain greenhouses and farm products from property taxes (see Appendix A, CGS § 12-81 and CGS § 12-91). Towns may also allow an additional exemption from property tax for farm machinery (additional value of up to \$100,000) (see Appendix A, CGS § 12-91 and "Farm Equipment, Animals and Other Property" on page 24).

- Consider exempting property taxes for buildings that are used exclusively in farming or to provide housing for seasonal employees (value of up to \$100,000) (see Appendix A, CGS § 12-91 and "Farm Buildings and Structures" on page 25).

Encourage Agricultural Use of Town-Owned Farmland

Issue: Many towns own land that could be used for agriculture but is now idle. Yet farmers are often seeking additional land to expand their operations or replace rented land that has been sold for development. While some towns support local agriculture by leasing town-owned land to farmers, they also limit agricultural practices such as pesticide and fertilizer use in the lease agreement or restrict harvest time on parcels. Although such controls on harvest time may protect the habitats for certain species, these limitations may result in poor quality hay or other crops.

Possible Solutions:

- Inventory town-owned land. Consider working with a group of local farmers, University of Connecticut Cooperative Extension System, the NRCS or a local agricultural commission to see if any idle land can be used for agricultural purposes. If land can be used for farming, towns can advertise its availability and recruit local farmers who have land needs (see "Town Agricultural Commissions," "Mapping Agricultural Resources" and "Farmland Protection" on pages 13, 14 and 25).

- Post information about available farmland on the Connecticut Department of Agriculture's Connecticut FarmLink Web site to find farmers seeking land.

- When drafting a rental or lease agreement encourage active agricultural use by minimizing restrictions on agricultural practices. Use long-term leases to encourage farmer investment in the property. Certain land uses — such as orchards or vineyards — require much longer leases (e.g., 25 years). Long-term leases could require a conservation plan to promote such stewardship.

- Explore opportunities to host a community garden or CSA on town-owned land. The CSA or garden could be run by the town, a nonprofit organization or a farmer.

- Budget for certain expenses to foster the agricultural use of town land. Use town funds to update structures and facilities on the property as well as help farmers offset the costs associated with stewardship of the land.



Keep Agricultural Land Productive for the Future

Issue: Farmland is a valuable, non-renewable natural resource. Town officials often miss the opportunity to work with and support farmers who are responsible for the sustainable use of this resource.

Possible Solutions:

- Consider holding a town forum for landowners about state and federal conservation programs (see “Be a Farm-Friendly Town Government” on page 42).

- Encourage training in land stewardship practices for municipal employees or commission members responsible for town-owned farmland.

Reasonably Regulate Wetland Compliance

Issue: Some local officials are unaware that some agricultural and forestry activities are exempt from wetland and watercourse regulation (see Appendix A, CGS § 22a-40(a)(1)). High requirements for farmers to illustrate that their activities are exempt can adversely impact legitimate farm and forest management.

Possible Solutions:

- Review town wetland and watercourse regulations to ensure they follow the 2006 DEP regulations regarding exemptions. Inland wetlands and watercourse commissions determine whether farming and forestry activities fall within the language of one of the exemptions.

- Inland wetlands and watercourse commissions are legally entitled to review any activity that may affect a wetland or watercourse but are not legally entitled to require the review of ongoing, “as of right” farming operations such as the tilling of soil and planting or harvesting on croplands within wetlands or an established buffer zone. Commission members should be provided a list of activities that are exempt and not exempt for reference. If the proposed activities fall within an exemption, conditions may not be attached and a permit is not needed.

- Inland wetlands and watercourse commissions should work with farmers and forest managers to establish an efficient and economical process for determining if certain activities that are not clearly permitted by right are exempt.

- Recruit and encourage farmers to serve on the inland wetlands and watercourse commissions to facilitate communication and understanding of their issues.

- If additional guidance is needed concerning agricultural exemptions, contact the following entities:

- Connecticut Association of Conservation and Inland Wetlands Commissions (860) 399-4731
- Connecticut Conservation Districts — <http://www.conservect.org/>
- Connecticut DEP (860) 424-3000
- NRCS (860) 871-4011
- U.S. Army Corps of Engineers (978) 318-8111

CASE STUDY: TOWN OF GRANBY — TAKING A COMPREHENSIVE APPROACH

Less than 15 miles from Hartford and close to major interstates and an international airport, Granby has worked hard to support its farms, a vital component of the town's rural character. Orchards, dairy farms, beef producers, vegetable and horse farms continue to thrive in Granby due, in part, to the value placed on them by town government.

During the last two updates of the town's POCD (1993 and 2005), community members were anxious to document the local importance of agriculture and to encourage and retain this valuable resource. As a result, the POCD states that "agricultural lands are as important as the residential and business areas" and must be preserved as the town continues to develop.

Granby has translated its commitment to agriculture articulated in the POCD into supportive regulations. In 1990 Granby formed a subcommittee on agriculture to look at how town regulations were affecting agriculture. As a result, town regulations now support and recognize the importance of local farms.



Holcomb Farm C.S.A.



Granby zoning regulations include:

- clear definitions of "agriculture," "agricultural operation," "barn," "farm," "greenhouse" and "nursery"
- a statement of fundamental agricultural values
- a separate section in zoning regulations that consolidates those regulations regarding agriculture and provides greater certainty in the zoning process for farm business owners
- an exemption for farms from animal unit per acre limits
- clear regulations for farm stores concerning items that may be sold and where they may be produced; aside from dairy products, a special permit is needed to sell products not raised or produced in Granby
- exemptions from sign regulations for advertising seasonal products

A recent development in Granby's efforts to support local farms has been the formulation of an agricultural advisory board in 2007. The group has begun looking for opportunities to convert town-owned open space into active agricultural land. It will also mediate farmer-neighbor conflicts.

One unique project currently underway and initiated by the town's planner involves photographing various stages of agricultural production through the year on farms in the community. Plans are underway to display these photos to residents in an attempt increase local appreciation of farms. With such proactive steps, farms will likely continue to constitute a vital part of this community into the future.



SECTION 6 PROMOTING LOCAL FARM VIABILITY

Towns can play an important role in increasing the visibility and improving the viability of local farms. Towns are establishing festivals to showcase local farm products, providing space for farmers' markets, working with schools to bring local foods into their cafeterias and developing local farm product guides. Such steps illustrate support for local farms, educate community members and support the economic viability of farms.

Municipalities can also do more through agricultural economic development. Although towns may appreciate the economic activity of local agriculture, farmers generally have been on their own to seek state or federal assistance for diversification, marketing, business planning and infrastructure needs. Yet, like other small businesses, farm businesses need local officials to understand their business needs, to help seek opportunities for product and market development, and to be advocates on their behalf with state and federal officials.

Be a Farm-Friendly Town Government

Towns can incorporate agriculture into their town identity in a number of ways. Below are several suggestions, any of which may help a municipality attract new farmers and retain their current farm businesses and the land they steward.

Include Farmers in Decision-Making

Involving farmers in local decision-making helps ensure their varied interests are understood. Consider forming an agricultural commission or advisory board to serve as the local voice of agriculture (see page 13). Recruit farmers for other local boards and commissions, including the economic development commission. If an agricultural commission or advisory board exists, encourage that board to work closely with other town boards to develop common goals.


Conduct Outreach to Farmers about Tax Exemptions, Conservation Options and Regulations

Towns can reach out to farmers in a number of ways. Consider conducting a survey of local farms to better understand their business and land use needs and


concerns. Provide farmers information about local tax exemptions or land conservation opportunities. Seek input from the agriculture community about proposed changes in zoning regulations or new ordinances that might impact their farm operations. Collaborate with state agencies such as the Connecticut Department of Agriculture or nonprofit organizations such as the Connecticut Farm Bureau Association to hold workshops on topics important to local farms.

Help Residents Understand Agriculture

Towns can make use of a number of different communication media to help educate residents about local farms. Brochures can inform residents about a local right-to-farm ordinance, what they can expect from living close to farms, about the value of buying local products from local farms, and the need to exercise patience when farmers take their tractors onto roads. A town Web site

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The town of Lebanon held a Land Preservation Options Conference in January 2007 as part of its effort to work with landowners to preserve farmland. Representatives from several organizations such as Connecticut Farmland Trust, the Connecticut Farmland Preservation Program and the NRCS attended the conference. Town officials continued their outreach by mailing letters to explain tax incentives associated with farmland preservation and agricultural businesses.

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can include links to local farm businesses or information about farming activities. A local historical society or school project could develop a program about a town's agricultural history to air on a local cable channel.

In 2007, the town of New Milford created a brochure that describes the community's agricultural heritage, the importance of farmland, strategies to protect agricultural land, steps that residents can take to support farms and a proposed Farmland Preservation Fund.

The town of Lebanon has created a "Featured Farm" section on its town Web site to highlight agriculture in the community.

Lease Town-Owned Farmland to Farmers

For towns that own farmland, consider the long-term lease of that land to a farmer. Access to land is particularly important for beginning farmers who are crucial to the continuance of a local agricultural identity. Towns might also consider providing creative incentives and assistance in locating grant and loan opportunities for emerging farm enterprises on town-owned land (see "Encourage Agricultural Use of Town-Owned Farmland" on page 39).

The town of Granby has owned Holcomb Farm — a CSA, Nature Center and Arts Center — since 1990. A nonprofit organization was created to run the farm, including the CSA that grows produce on 27 acres for members who pick-up the fresh food each week during the growing season.

Encourage 'Buy Local' Opportunities

Farmers' Markets

Farmers' markets provide a place for farmers and other members of the community to connect and remind residents that great food and agricultural products are grown in their town. Farmers' markets are a valuable outlet for farm products since direct retail offers higher returns than wholesale marketing. Towns can play an instrumental role in the success of a local farmers' market. Although not every town can or should hold a farmers' market, those communities with the appropriate setting, such as a town green, along with willing farmers and a strong customer base can be a recipe for a successful farmers' market.



Jennifer McTiernan of CitySeed with Chef Jacques Pépin.

How a town can help grow a farmers' market:

- Offer a free, centrally located space to host the market.
- Facilitate connections between markets, local businesses and development groups
- Collaborate with or use town resources to hire market managers to create a long-term vision for the market
- Avoid moving the market over temporary concerns
- Coordinate decision-making regarding the market between town boards and commissions in order to avoid conflicting instructions to the market
- Invest in marketing and signage to advertise the market during the season
- Work with the local board of health to adopt reasonable standards on the sale of value-added farm products
- Facilitate a relationship between the market and local police
- Ensure that nearby street lights work so the market is well-lit later in the season
- Require reasonable insurance policies
- Invest in farmers' market facilities or provide space for a farmers' market in a location where other businesses also can benefit.

The town of Coventry has played an important role in supporting the Coventry Regional Market, which holds various events to celebrate agriculture each week such as a "Garlic and Herb Festival" and "Old Fashioned Corn Roast & Contra Dance." Initially the town helped secure a location and provided seed money, and the town continues to cover the market's insurance and offer other support. With more than 4,000 patrons each week, the market has outgrown its location and is now held at the Hale Homestead in Coventry.

The town of Hamden received an Agriculture Viability grant from the Connecticut Department of Agriculture to start a new farmers' market in the summer of 2007; grant funds were used for infrastructure improvements — paving and landscaping — as well as marketing.

The market operates on Friday afternoons in conjunction with the town's Summer Concert Series.

Farm-to-Institution

Schools, hospitals, nursing homes and other institutions are major food buyers. Encouraging them to increase their purchases of locally grown food products can help support the health of residents and the local agricultural economy. Although school and hospital administrators face a variety of regulatory hurdles in order to switch to local farms for products, town officials can facilitate discussions and encourage stakeholders to work toward these goals. Town officials can also publicly recognize and applaud institutional administrators that are successful in this endeavor. Towns can encourage ‘buy local’ principles as they set their own bidding and purchasing procedures for food service programs under their administration.

Currently more than 65 school districts regularly purchase produce from local farms for use in school lunches. Towns that want to start a Farm-to-School program in their school district can get assistance from the Connecticut Department of Agriculture, which can help link school systems with local farmers and has promotional materials for farm to school programs (see Appendix D: Resources).

Bloomfield public school district purchases apples, squash, corn, potatoes and broccoli as well as other fruits and vegetables from four local farms.

Public schools in South Windsor purchase produce including strawberries, green beans and asparagus from six different Connecticut farms.

Glastonbury public schools purchase apples, plums, pears and peaches from a local orchard in addition to assorted vegetables from a local farm.

The Connecticut Department of Agriculture’s Farm-to-Chef Program assists restaurants and institutions — such as hospitals, corporate dining facilities, colleges and universities — in finding sources of Connecticut grown products. The program also provides educational workshops, newsletters and networking opportunities.

Over 235 culinary professionals and 95 producers and providers in Connecticut currently receive information and assistance through the Farm-to-Chef Program.

New Milford Hospital and Lawrence & Memorial Hospital, both part of the Farm-to-Chef Program, have made a commitment to serving local and sustainable food by signing Healthcare Without Harm’s Healthy Food Pledge.

Firebox Restaurant in Hartford worked with the Farm-to-Chef Program to help line up sources of local product prior to its opening in 2007. The restaurant remains an active member of the program and prominently features supplying farms on its menu.

Highlight Local Farm Products and Destinations

Local product guides are an increasingly popular way to highlight local farms and food products. Brochures often include maps identifying farm stands, pick-your-own farms, farmers’ markets and other retail opportunities, along with their hours of operation and available products. The same type of information can also be placed on a town Web site to reach an additional audience. Developing a local product guide may be a good project for a town agricultural commission or advisory board. This same information could be broadcast on local TV to reach additional audiences and promote farms.

The town of Woodstock’s Web page has a “Woodstock Grown” section that lists farms in town, the products they sell and their contact information.

“A Guide Map to Agriculture in the Last Green Valley” displays farms, farm museums, farmers’ markets and other agricultural destinations in the 26 Connecticut towns that comprise this region.

Celebrate Agriculture

Festivals and Fairs

Festivals and fairs are a great way for communities to celebrate local agriculture. Some fairs may feature agricultural exhibits, displays, demonstrations, and parades. Other festivals may highlight one local product, such as a strawberry festival in June or a cider festival in the fall. Towns can host fairs and festivals or provide financial or logistical support to nonprofit organizations that do so. In addition, several annual agricultural events are held in

Several towns and venues host one-day open-air market events that feature local farm products alongside local artisans. These include the Wadsworth Mansion in Middletown and the Florence Griswold Museum in Old Lyme.

venues around the state, including the *Connecticut Tour des Farms* (organized by Eastern Connecticut and King's Mark Resource Conservation and Development Councils), *Dinners at the Farm* (organized by River Tavern and Feast Market) and the *Celebration of Connecticut Farms* (organized by Connecticut Farmland Trust). Community officials may wish to work with event sponsors to bring these events to their town.

Celebrating Agriculture is an annual event held in Woodstock that was developed to promote community education and participation in agriculture, as well as the sale of local farm products in the Quinebaug Shetucket Heritage Corridor. The event features agricultural displays, food and entertainment.

The town of Suffield incorporated agriculture into its annual "Suffield on the Green" celebration by adding a farmers' market to the other town groups already represented, including the police and fire departments, local schools and boy scouts.

The 2007, Celebration of Connecticut Farms was held at Belltown Hill Orchards in South Glastonbury and featured local food, wine, celebrity chefs and more. Visit www.ctfarmland.org for more information.

In 2007, the 5th annual Connecticut Tour des Farms hosted two rides: one through the orchards of South Glastonbury and one through the diverse farms of Guilford. Go to www.tourdesfarms.org for more information.

Ten Dinners at the Farm took place around the state in the summer of 2007 – unique dinners featuring local farm products. Go to www.dinnersatthefarm.com for more information.

Recognition Awards

Local officials can offer recognition awards to farmers or to community members who actively support local agriculture. Consider awarding a "Farmer of the Year" or "Farmer Appreciation Awards" at events to highlight agriculture.

Agriculture and the Classroom

The connection between farms and schools can go beyond the farm-to-school lunch program. Agricultural commissions can reach out to younger residents of town by organizing school field trips to local farms. Teachers can work with local farmers or the agricultural commission to develop projects around a school garden, locally grown farm

The Bloomfield Schools Farm-to-School Program is a unique collaboration between three departments of the public school system. Agriscience students start vegetable seedlings in their on-site greenhouse and eventually move the plants outside into their 20 raised beds. Chefs from the Food Services Department harvest the vegetables for use in school lunches. Culinary Arts Students also harvest the vegetables to use in their classes.

products or a town's agricultural heritage. Local officials seeking more information should contact Connecticut Agriculture in the Classroom (see Appendix D: Resources).

CASE STUDY: TOWN OF MADISON — PARTNER TO FARMERS

In addition to monitoring and regulating the town's aquaculture farmers, Madison's shellfish commission has gone beyond this role to partner with local farmers. The town leases the rights to fish certain town waters and is working to expand shellfish areas and restore old beds by reseedling. Recently 20,000 clam seedlings were placed in a protected growing area in coastal waters; these will likely be released into the wild in the fall of 2008.

In 2006, the commission was awarded a \$22,300 Agriculture Viability Grant from the Connecticut Department of Agriculture to re-establish the town's oyster beds described above. Funds are being used to develop a shellfish grow-out facility at the town dock to raise clams and oysters. Commercial fisherman and aquaculturalists have contributed a portion of the towns' match for the grant by putting a bulkhead at the dock to protect the new facility. Oyster seed, a hand-held GPS system, and salinity and water temperature testers will also be purchased with the grant to ensure the shellfish are raised in an appropriate environment.

After 10 years, hard shell clams (quahogs) are only 80 percent grown and can live for 50 years. Therefore the steps taken today by the shellfish commission are helping to ensure that local aquaculturalists will continue to have a viable industry for years to come.





APPENDIX A: SELECTED CONNECTICUT GENERAL STATUTES

Definition of Agriculture: CGS § 1-1(q)

§ 1-1. Words and phrases. (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, nurseries, orchards, ranges, greenhouses, hoop-houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term “aquaculture” means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.

Zoning Regulations: CGS § 8-2(a)

§ 8-2. Regulations. (a) The zoning commission of each city, town or borough is authorized to regulate, within the limits of such municipality, the height, number of stories and size of buildings and other structures; the percentage of the area of the lot that may be occupied; the size of yards, courts and other open spaces; the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes, including water-dependent uses as defined in section 22a-93, and the height, size and location of advertising signs and billboards. Such bulk regulations may allow for cluster development as defined in section 8-18. Such zoning commission may divide the municipality into districts of such number, shape and area as may be best suited to carry out the purposes of this chapter; and, within such districts, it may regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land. All such regulations shall be uniform for each class or kind of buildings, structures or use of land throughout each district, but the regulations in one district may differ from those in another district, and may provide that certain classes or kinds of buildings, structures or uses of land are permitted only after obtaining a special permit or special exception from a zoning commission, planning commission, combined planning and zoning commission or zoning board of appeals, whichever commission or board the regulations may, notwithstanding any special act to the contrary, designate, subject to

standards set forth in the regulations and to conditions necessary to protect the public health, safety, convenience and property values. Such regulations shall be made in accordance with a comprehensive plan and in adopting such regulations the commission shall consider the plan of conservation and development prepared under section 8-23. Such regulations shall be designed to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality. Such regulations may, to the extent consistent with soil types, terrain, infrastructure capacity and the plan of conservation and development for the community, provide for cluster development, as defined in section 8-18, in residential zones. Such regulations shall also encourage the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain and infrastructure capacity, for all residents of the municipality and the planning region in which the municipality is located, as designated by the Secretary of the Office of Policy and Management under section 16a-4a. Such regulations shall also promote housing choice and economic diversity in housing, including housing for both low and moderate income households, and shall encourage the development of housing which will meet the housing needs identified in the housing plan prepared pursuant to section 8-37t and in the housing component and the other components of the state plan of conservation and development prepared pursuant to section 16a-26. Zoning regulations shall be made with reasonable consideration for their impact on agriculture. Zoning regulations may be made with reasonable consideration for the protection of historic factors and shall be made with reasonable consideration for the protection of existing and potential public surface and ground drinking water supplies. On and after July 1, 1985, the regulations shall provide that proper provision be made for soil erosion and sediment control pursuant to section 22a-329. Such regulations may also encourage energy-efficient patterns of development, the use of solar and other renewable forms of energy, and energy conservation. The regulations may also provide for incentives for developers who use passive solar energy techniques, as defined in subsection (b) of section 8-25, in planning a residential subdivision development. The incentives may include, but not be limited to, cluster development, higher density development and performance standards for roads, sidewalks and underground facilities in the subdivision. Such regulations may provide for a municipal system for the creation of development rights and the permanent transfer of such development rights, which may include a system for the variance of density limits in connection with any such transfer. Such regulations may also provide for notice requirements in addition to those required by this chapter. Such regulations may provide for conditions on operations to collect spring water or well water, as defined in section 21a-150, including the time, place and manner of such operations. No such regulations shall prohibit the operation of any family day care home or group day care home in a residential zone. Such regulations shall not impose conditions and requirements on manufactured homes having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards or on lots containing such manufactured homes which are substantially different

from conditions and requirements imposed on single-family dwellings and lots containing single-family dwellings. Such regulations shall not impose conditions and requirements on developments to be occupied by manufactured homes having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards which are substantially different from conditions and requirements imposed on multifamily dwellings, lots containing multifamily dwellings, cluster developments or planned unit developments. Such regulations shall not prohibit the continuance of any nonconforming use, building or structure existing at the time of the adoption of such regulations. Such 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. Any city, town or borough which adopts the provisions of this chapter may, by vote of its legislative body, exempt municipal property from the regulations prescribed by the zoning commission of such city, town or borough; but unless it is so voted municipal property shall be subject to such regulations.

Planning Definitions (Cluster Development): CGS § 8-18

§ 8-18. Definitions. As used in this chapter: “Commission” means a planning commission; “municipality” includes a city, town or borough or a district establishing a planning commission under section 7-326; “subdivision” means the division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of subdivision regulations by the commission, for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes, and includes resubdivision; “resubdivision” means a change in a map of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such map, (b) affects any area reserved thereon for public use or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map; “cluster development” means a building pattern concentrating units on a particular portion of a parcel so that at least one-third of the parcel remains as open space to be used exclusively for recreational, conservation and agricultural purposes except that nothing herein shall prevent any municipality from requiring more than one-third open space in any particular cluster development; “town” and “selectmen” include district and officers of such district, respectively.

Plan of Conservation and Development: CGS § 8-23

§ 8-23. Preparation, amendment or adoption of plan of conservation and development. (a)(1) At least once every ten years, the commission shall prepare or amend and shall adopt a plan of conservation and development for the municipality. Following adoption, the commission shall regularly review and maintain such plan. The commission may adopt such geographical, functional or other amendments to the plan or parts of the plan, in accordance with the provisions of this section, as it deems necessary. The commission may, at any time, prepare, amend and adopt plans for the redevelopment and improvement of districts or neighborhoods which, in its judgment, contain special problems or opportunities or show a trend toward lower land values.

(2) If a plan is not amended decennially, the chief elected official of the municipality shall submit a letter to the Secretary of the Office of Policy and Management and the Commissioners of Transportation, Environmental Protection and Economic and Community Development that explains why such plan was not amended. Until the plan is amended in accordance with this subsection, a copy of such letter shall

be included in each application by the municipality for funding for the conservation or development of real property submitted to said secretary or commissioners.

(b) In the preparation of such plan, the commission may appoint one or more special committees to develop and make recommendations for the plan. The membership of any special committee may include: Residents of the municipality and representatives of local boards dealing with zoning, inland wetlands, conservation, recreation, education, public works, finance, redevelopment, general government and other municipal functions. In performing its duties under this section, the commission or any special committee may accept information from any source or solicit input from any organization or individual. The commission or any special committee may hold public informational meetings or organize other activities to inform residents about the process of preparing the plan.

(c) In preparing such plan, the commission or any special committee shall consider the following: (1) The community development action plan of the municipality, if any, (2) the need for affordable housing, (3) the need for protection of existing and potential public surface and ground drinking water supplies, (4) the use of cluster development and other development patterns to the extent consistent with soil types, terrain and infrastructure capacity within the municipality, (5) the state plan of conservation and development adopted pursuant to chapter 297, (6) the regional plan of development adopted pursuant to section 8-35a, (7) physical, social, economic and governmental conditions and trends, (8) the needs of the municipality including, but not limited to, human resources, education, health, housing, recreation, social services, public utilities, public protection, transportation and circulation and cultural and interpersonal communications, (9) the objectives of energy-efficient patterns of development, the use of solar and other renewable forms of energy and energy conservation, and (10) protection and preservation of agriculture.

(d) (1) Such plan of conservation and development shall (A) be a statement of policies, goals and standards for the physical and economic development of the municipality, (B) provide for a system of principal thoroughfares, parkways, bridges, streets, sidewalks, multi-purpose trails and other public ways as appropriate, (C) be designed to promote, with the greatest efficiency and economy, the coordinated development of the municipality and the general welfare and prosperity of its people and identify areas where it is feasible and prudent (i) to have compact, transit accessible, pedestrian-oriented mixed use development patterns and land reuse, and (ii) to promote such development patterns and land reuse, (D) recommend the most desirable use of land within the municipality for residential, recreational, commercial, industrial, conservation and other purposes and include a map showing such proposed land uses, (E) recommend the most desirable density of population in the several parts of the municipality, (F) note any inconsistencies with the following growth management principles: (i) Redevelopment and revitalization of commercial centers and areas of mixed land uses with existing or planned physical infrastructure; (ii) expansion of housing opportunities and design choices to accommodate a variety of household types and needs; (iii) concentration of development around transportation nodes and along major transportation corridors to support the viability of transportation options and land reuse; (iv) conservation and restoration of the natural environment, cultural and historical resources and existing farmlands; (v) protection of environmental assets critical to public health and safety; and (vi) integration of planning across all levels of government to address issues on a local, regional and state-wide basis, (G) make provision for the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain and infrastructure capacity, for all residents of the municipality and the planning region in which the municipality is located, as designated by the Secretary of the Office of Policy and Management under section 16a-4a, (H) promote housing choice and economic diversity in housing, including housing for both low and moderate income households,

and encourage the development of housing which will meet the housing needs identified in the housing plan prepared pursuant to section 8-37t and in the housing component and the other components of the state plan of conservation and development prepared pursuant to chapter 297. In preparing such plan the commission shall consider focusing development and revitalization in areas with existing or planned physical infrastructure.

(2) For any municipality that is contiguous to Long Island Sound, such plan shall be (A) consistent with the municipal coastal program requirements of sections 22a-101 to 22a-104, inclusive, (B) made with reasonable consideration for restoration and protection of the ecosystem and habitat of Long Island Sound, and (C) designed to reduce hypoxia, pathogens, toxic contaminants and floatable debris in Long Island Sound.

(e) Such plan may show the commission's and any special committee's recommendation for (1) conservation and preservation of traprock and other ridgelines, (2) airports, parks, playgrounds and other public grounds, (3) the general location, relocation and improvement of schools and other public buildings, (4) the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, sewerage, light, power, transit and other purposes, (5) the extent and location of public housing projects, (6) programs for the implementation of the plan, including (A) a schedule, (B) a budget for public capital projects, (C) a program for enactment and enforcement of zoning and subdivision controls, building and housing codes and safety regulations, (D) plans for implementation of affordable housing, (E) plans for open space acquisition and greenways protection and development, and (F) plans for corridor management areas along limited access highways or rail lines, designated under section 16a-27, (7) proposed priority funding areas, and (8) any other recommendations as will, in the commission's or any special committee's judgment, be beneficial to the municipality. The plan may include any necessary and related maps, explanatory material, photographs, charts or other pertinent data and information relative to the past, present and future trends of the municipality.

(f) (1) A plan of conservation and development or any part thereof or amendment thereto prepared by the commission or any special committee shall be reviewed, and may be amended, by the commission prior to scheduling at least one public hearing on adoption.

(2) At least sixty-five days prior to the public hearing on adoption, the commission shall submit a copy of such plan or part thereof or amendment thereto for review and comment to the legislative body or, in the case of a municipality for which the legislative body of the municipality is a town meeting or representative town meeting, to the board of selectmen. The legislative body or board of selectmen, as the case may be, may hold one or more public hearings on the plan and shall endorse or reject such entire plan or part thereof or amendment and may submit comments and recommended changes to the commission. The commission may render a decision on the plan without the report of such body or board.

(3) At least thirty-five days prior to the public hearing on adoption, the commission shall post the plan on the Internet web site of the municipality, if any.

(4) At least sixty-five days prior to the public hearing on adoption, the commission shall submit a copy of such plan or part thereof or amendment thereto to the regional planning agency for review and comment. The regional planning agency shall submit an advisory report along with its comments to the commission at or before the hearing. Such comments shall include a finding on the consistency of the plan with (A) the regional plan of development, adopted under section 8-35a, (B) the state plan of conservation and development, adopted pursuant to chapter 297, and (C) the plans of conservation and development of other municipalities in the area of operation of the regional planning agency. The commission may render a decision on the plan without the report of the regional planning agency.

(5) At least thirty-five days prior to the public hearing on adoption, the commission shall file in the office of the town clerk a copy of such plan or part thereof or amendment thereto but, in the case of a district commission, such commission shall file such information in the offices of both the district clerk and the town clerk.

(6) The commission shall cause to be published in a newspaper having a general circulation in the municipality, at least twice at intervals of not less than two days, the first not more than fifteen days, or less than ten days, and the last not less than two days prior to the date of each such hearing, notice of the time and place of any such public hearing. Such notice shall make reference to the filing of such draft plan in the office of the town clerk, or both the district clerk and the town clerk, as the case may be.

(g) (1) After completion of the public hearing, the commission may revise the plan and may adopt the plan or any part thereof or amendment thereto by a single resolution or may, by successive resolutions, adopt parts of the plan and amendments thereto.

(2) Any plan, section of a plan or recommendation in the plan that is not endorsed in the report of the legislative body or, in the case of a municipality for which the legislative body is a town meeting or representative town meeting, by the board of selectmen, of the municipality may only be adopted by the commission by a vote of not less than two-thirds of all the members of the commission.

(3) Upon adoption by the commission, any plan or part thereof or amendment thereto shall become effective at a time established by the commission, provided notice thereof shall be published in a newspaper having a general circulation in the municipality prior to such effective date.

(4) Not more than thirty days after adoption, any plan or part thereof or amendment thereto shall be posted on the Internet web site of the municipality, if any, and shall be filed in the office of the town clerk, except that, if it is a district plan or amendment, it shall be filed in the offices of both the district and town clerks.

(5) Not more than sixty days after adoption of the plan, the commission shall submit a copy of the plan to the Secretary of the Office of Policy and Management and shall include with such copy a description of any inconsistency between the plan adopted by the commission and the state plan of conservation and development and the reasons therefor.

(h) Any owner or tenant, or authorized agent of such owner or tenant, of real property or buildings thereon located in the municipality may submit a proposal to the commission requesting a change to the plan of conservation and development. Such proposal shall be submitted in writing and on a form prescribed by the commission. Notwithstanding the provisions of subsection (a) of section 8-7d, the commission shall review and may approve, modify and approve or reject the proposal in accordance with the provisions of subsection (f) of this section.

Property Tax Exemptions: CGS § 12-81

§ 12-81. Exemptions. The following-described property shall be exempt from taxation:

(38) Farming tools. Farming tools actually and exclusively used in the business of farming on any farm to the value of five hundred dollars;

(39) Farm produce. Produce of a farm, actually grown, growing or produced, including colts, calves and lambs, while owned and held by the producer or by a cooperative marketing corporation organized under the provisions of chapter 596, when delivered to it by such producer;

(40) Sheep, goats and swine. Sheep, goats and swine owned and kept in this state;

(41) Dairy and beef cattle, oxen, asses and mules. Dairy and beef cattle, oxen, asses and mules, owned and kept in this state;

(42) Poultry. Poultry owned and kept in this state;

(44) Nursery products. Produce or products growing in any nursery, and any shrub and any forest, ornamental or fruit trees while growing in a nursery;

(73) Temporary devices or structures for seasonal production, storage or protection of plants or plant material. Temporary devices or structures used in the seasonal production, storage or protection of plants or plant material, including, but not limited to, hoop houses, poly houses, high tunnels, overwintering structures and shade houses;

Abatement of Property Tax: CGS § 12-81m

§ 12-81m. Municipal option to abate up to fifty per cent of property taxes of dairy farm, fruit orchard, vegetable, nursery, nontraditional or tobacco farm or commercial lobstering business operated on maritime heritage land. A municipality may, by vote of its legislative body or, in a municipality where the legislative body is a town meeting, by vote of the board of selectmen, and by vote of its board of finance, abate up to fifty per cent of the property taxes of any of the following properties provided such property is maintained as a business: (1) Dairy farm, (2) fruit orchard, including a vineyard for the growing of grapes for wine, (3) vegetable farm, (4) nursery farm, (5) any farm which employs nontraditional farming methods, including, but not limited to, hydroponic farming, (6) tobacco farms, or (7) commercial lobstering businesses operated on maritime heritage land, as defined in section 12-107b. Such a municipality may also establish a recapture in the event of sale provided such recapture shall not exceed the original amount of taxes abated and may not go back further than ten years. For purposes of this section, the municipality may include in the abatement for such fruit orchard any building for seasonal residential use by workers in such orchard which is adjacent to the fruit orchard itself, but shall not include any residence of the person receiving such abatement.

Property Tax Exemptions: CGS § 12-91

§ 12-91. Exemption for farm machinery, horses or ponies. Additional optional exemption for farm buildings or buildings used for housing for seasonal employees. (a) All farm machinery, except motor vehicles, as defined in section 14-1, to the value of one hundred thousand dollars, any horse or pony which is actually and exclusively used in farming, as defined in section 1-1, when owned and kept in this state by, or when held in trust for, any farmer or group of farmers operating as a unit, a partnership or a corporation, a majority of the stock of which corporation is held by members of a family actively engaged in farm operations, shall be exempt from local property taxation; provided each such farmer, whether operating individually or as one of a group, partnership or corporation, shall qualify for such exemption in accordance with the standards set forth in subsection (d) of this section for the assessment year for which such exemption is sought. Only one such exemption shall be allowed to each such farmer, group of farmers, partnership or corporation. Subdivision (38) of section 12-81 shall not apply to any person, group, partnership or corporation receiving the exemption provided for in this subsection.

(b) Any municipality, upon approval by its legislative body, may provide an additional exemption from property tax for such machinery to the extent of an additional assessed value of one hundred thousand dollars. Any such exemption shall be subject to the same limitations as the exemption provided under subsection (a) of this section and the application and qualification process provided in subsection (d) of this section.

(c) Any municipality, upon approval by its legislative body, may provide an exemption from property tax for any building used actually and exclusively in farming, as defined in section 1-1, or for any building used to provide housing for seasonal employees of such farmer. The municipality shall establish the amount of such exemption from the assessed value, provided such amount may not exceed one hundred

thousand dollars with respect to each eligible building. Such exemption shall not apply to the residence of such farmer and shall be subject to the application and qualification process provided in subsection (d) of this section.

(d) Annually, within thirty days after the assessment date in each town, city or borough, each such individual farmer, group of farmers, partnership or corporation shall make written application for the exemption provided for in subsection (a) of this section to the assessor or board of assessors in the town in which such farm is located, including therewith a notarized affidavit certifying that such farmer, individually or as part of a group, partnership or corporation, derived at least fifteen thousand dollars in gross sales from such farming operation, or incurred at least fifteen thousand dollars in expenses related to such farming operation, with respect to the most recently completed taxable year of such farmer prior to the commencement of the assessment year for which such application is made, on forms to be prescribed by the Commissioner of Agriculture. Failure to file such application in said manner and form within the time limit prescribed shall be considered a waiver of the right to such exemption for the assessment year. Any person aggrieved by any action of the assessors shall have the same rights and remedies for appeal and relief as are provided in the general statutes for taxpayers claiming to be aggrieved by the doings of the assessors or board of assessment appeals.

Assessment of Farm and Forest Land: CGS § 12-107 (PA 490)

§ 12-107a. Declaration of policy. It is hereby declared (1) that it is in the public interest to encourage the preservation of farm land, forest land, open space land and maritime heritage land in order to maintain a readily available source of food and farm products close to the metropolitan areas of the state, to conserve the state's natural resources and to provide for the welfare and happiness of the inhabitants of the state, (2) that it is in the public interest to prevent the forced conversion of farm land, forest land, open space land and maritime heritage land to more intensive uses as the result of economic pressures caused by the assessment thereof for purposes of property taxation at values incompatible with their preservation as such farm land, forest land, open space land and maritime heritage land, and (3) that the necessity in the public interest of the enactment of the provisions of sections 12-107b to 12-107e, inclusive, 12-107g and 12-504f is a matter of legislative determination.

§ 12-107b. Definitions. When used in sections 12-107a to 12-107e, inclusive, and 12-107g:

(1) The term "farm land" means any tract or tracts of land, including woodland and wasteland, constituting a farm unit;

(2) The term "forest land" means any tract or tracts of land aggregating twenty-five acres or more in area bearing tree growth that conforms to the forest stocking, distribution and condition standards established by the State Forester pursuant to subsection (a) of section 12-107d, and consisting of (A) one tract of land of twenty-five or more contiguous acres, which acres may be in contiguous municipalities, (B) two or more tracts of land aggregating twenty-five acres or more in which no single component tract shall consist of less than ten acres, or (C) any tract of land which is contiguous to a tract owned by the same owner and has been classified as forest land pursuant to this section;

(3) The term "open space land" means any area of land, including forest land, land designated as wetland under section 22a-30 and not excluding farm land, the preservation or restriction of the use of which would (A) maintain and enhance the conservation of natural or scenic resources, (B) protect natural streams or water supply, (C) promote conservation of soils, wetlands, beaches or tidal marshes, (D) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces,

(E) enhance public recreation opportunities, (F) preserve historic sites, or (G) promote orderly urban or suburban development;

(4) The word "municipality" means any town, consolidated town and city, or consolidated town and borough;

(5) The term "planning commission" means a planning commission created pursuant to section 8-19;

(6) The term "plan of conservation and development" means a plan of development, including any amendment thereto, prepared or adopted pursuant to section 8-23;

(7) The term "certified forester" means a practitioner certified as a forester pursuant to section 23-65h; and

(8) The term "maritime heritage land" means that portion of waterfront real property owned by a commercial lobster fisherman licensed pursuant to title 26, when such portion of such property is used by such fisherman for commercial lobstering purposes, provided in the tax year of the owner ending immediately prior to any assessment date with respect to which application is submitted pursuant to section 12-107g, not less than fifty per cent of the adjusted gross income of such fisherman, as determined for purposes of the federal income tax, is derived from commercial lobster fishing, subject to proof satisfactory to the assessor in the town in which such application is submitted. "Maritime heritage land" does not include buildings not used exclusively by such fisherman for commercial lobstering purposes.

§ 12-107c. Classification of land as farm land. (a) An owner of land may apply for its classification as farm land on any grand list of a municipality by filing a written application for such classification with the assessor thereof not earlier than thirty days before or later than thirty days after the assessment date, provided in a year in which a revaluation of all real property in accordance with section 12-62 becomes effective such application may be filed not later than ninety days after such assessment date. The assessor shall determine whether such land is farm land and, if such assessor determines that it is farm land, he or she shall classify and include it as such on the grand list. In determining whether such land is farm land, such assessor shall take into account, among other things, the acreage of such land, the portion thereof in actual use for farming or agricultural operations, the productivity of such land, the gross income derived therefrom, the nature and value of the equipment used in connection therewith, and the extent to which the tracts comprising such land are contiguous.

(b) An application for classification of land as farm land shall be made upon a form prescribed by the Commissioner of Agriculture and shall set forth a description of the land, a general description of the use to which it is being put, a statement of the potential liability for tax under the provisions of sections 12-504a to 12-504f, inclusive, and such other information as the assessor may require to aid the assessor in determining whether such land qualifies for such classification.

(c) Failure to file an application for classification of land as farm land within the time limit prescribed in subsection (a) and in the manner and form prescribed in subsection (b) shall be considered a waiver of the right to such classification on such assessment list.

(d) Any person aggrieved by the denial of any application for the classification of land as farm land shall have the same rights and remedies for appeal and relief as are provided in the general statutes for taxpayers claiming to be aggrieved by the doings of assessors or boards of assessment appeals.

§ 12-107d. Regulations re evaluation of land as forest land. Implementation of standards and procedures. Certification requirements. Fees. Notice of termination of forest land classification. Application for classification as forest land. Appeal. Report to State Forester. (a) Not later than June 1, 2006, the Commissioner of Environmental Protection shall adopt regulations, in accordance with the provisions of chapter 54, regarding standards for forest stocking, distribution and conditions and procedures for evaluation by a certified forester of land proposed for classification as forest land. Standards and procedures regarding forest stocking, distribution and

conditions and procedures for evaluation by a certified forester of land proposed for classification as forest land shall be implemented by the State Forester while the commissioner is in the process of establishing such regulations, provided notice of intent to adopt the regulations is published not later than twenty days after the date of implementation. The standards and procedures implemented by the State Forester shall be valid until June 1, 2006, or until regulations are adopted, whichever date is earlier.

(b) A certified forester may evaluate land proposed for classification as forest land and attest to the qualifications of such land for classification as forest land, provided such certified forester has satisfactorily completed training by and obtained a certificate from the State Forester or his or her designee related to policies and standards for evaluating land proposed for classification as forest land and, in the opinion of the State Forester, the certified forester acts in conformance with such policies and standards.

(c) An owner of land seeking classification of such land as forest land shall employ a certified forester to examine the land to determine if it conforms to forest stocking, distribution and condition standards established by the State Forester pursuant to subsection (a) of this section. If the certified forester determines that such land conforms to such standards, such forester shall issue a report to the owner of the land pursuant to subsection (g) of this section and retain one copy of the report.

(d) Fees charged by a certified forester for services to examine land and determine if said land conforms to the standards of forest stocking, distribution and condition established by the State Forester shall not be contingent upon or otherwise influenced by the classification of the land as forest land or the failure of such land to qualify for said classification.

(e) Upon termination of classification as forest land, the assessor of the municipality in which the land is located shall issue a notice of cancellation and provide a copy of such notice to the owner of the land and to the office of the assessor of any other municipality in which the owner's land is classified as forest land.

(f) An owner of land may apply for its classification as forest land on any grand list of a municipality by filing a written application for such classification accompanied by a copy of the certified forester's report described in subsection (g) of this section with the assessor thereof not earlier than thirty days before or later than thirty days after the assessment date and, if the assessor determines that the use of such land as forest land has not changed as of a date at or prior to the assessment date such assessor shall classify such land as forest land and include it as such on the grand list, provided in a year in which a revaluation of all real property in accordance with section 12-62 becomes effective such application may be filed not later than ninety days after such assessment date in such year.

(g) A report issued by a certified forester pursuant to subsection (c) of this section shall be on a form prescribed by the State Forester and shall set forth a description of the land, a description of the forest growth upon the land, a description of forest management activities recommended to be undertaken to maintain the land in a state of proper forest condition and such other information as the State Forester may require as measures of forest stocking, distribution and condition and shall include the name, address and certificate number of the certified forester and a signed, sworn statement that the certified forester has determined that the land proposed for classification conforms to the standards of forest stocking, distribution and condition established by the State Forester. An application to an assessor for classification of land as forest land shall be made upon a form prescribed by such assessor and approved by the Commissioner of Environmental Protection and shall set forth a description of the land and the date of the issuance of the certified forester's report and a statement of the potential liability for tax under the provisions of sections 12-504a to 12-504e, inclusive. The certified forester's report shall be attached to and made a part of such application. No later than October first, such application shall be submitted to the assessor.

(h) Failure to file an application for classification of land as forest land within the time limit prescribed in subsection (f) of this section and in the manner and form prescribed in subsection (g) of this section shall be considered a waiver of the right to such classification on such assessment list.

(i) The municipality within which land proposed for classification as forest land is situated or the owner of such land may appeal to the State Forester for a review of the findings of the certified forester as issued in the certified forester's report. Such appeal shall be filed with the State Forester not later than thirty business days after the issuance of the report and shall be brought by petition in writing. The State Forester shall review the report of the certified forester and any information the certified forester relied upon in developing his or her findings and may gather additional information at his or her discretion. The State Forester shall render the results of his or her review of the certified forester's report not later than sixty calendar days after the appeal was filed.

(j) An owner of land aggrieved by the denial of any application to the assessor of a municipality for classification of land as forest land shall have the same rights and remedies for appeal and relief as are provided in the general statutes for taxpayers claiming to be aggrieved by the doings of assessors or boards of assessment appeals.

(k) During the month of June each year the assessor of a municipality within which land classified as forest land is situated shall report to the State Forester, in a format prescribed by the State Forester, the total number of owners of land classified as farm land, forest land or open space land as of the most recent grand list and a listing of the parcels of land so classified showing the acreage of each parcel, the total acreage of all such parcels, the number of acres of each parcel classified as farm land, forest land or open space land, and the total acreage for all such parcels.

Right-to-Farm: CGS § 19a-341

§ 19a-341. Agricultural or farming operation not deemed a nuisance; exceptions. Spring or well water collection operation not deemed a nuisance. (a) Notwithstanding any general statute or municipal ordinance or regulation pertaining to nuisances to the contrary, no agricultural or farming operation, place, establishment or facility, or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable (1) odor from livestock, manure, fertilizer or feed, (2) noise from livestock or farm equipment used in normal, generally acceptable farming procedures, (3) dust created during plowing or cultivation operations, (4) use of chemicals, provided such chemicals and the method of their application conform to practices approved by the Commissioner of Environmental Protection or, where applicable, the Commissioner of Public Health, or (5) water pollution from livestock or crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control approved by the Commissioner of Environmental Protection; provided such agricultural or farming operation, place, establishment or facility has been in operation for one year or more and has not been substantially changed, and such operation follows generally accepted agricultural practices. Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commissioner of Agriculture or his designee shall be prima facie evidence that such operation follows generally accepted agricultural practices.

(b) Notwithstanding any general statute or municipal ordinance or regulation pertaining to nuisances, no operation to collect spring water or well water, as defined in section 21a-150, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable noise from equipment used in such operation provided the operation (1) conforms to generally accepted practices for the collection of spring

water or well water, (2) has received all approvals or permits required by law, and (3) complies with the local zoning authority's time, place and manner restrictions on operations to collect spring water or well water.

(c) The provisions of this section shall not apply whenever a nuisance results from negligence or willful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility, or any of its appurtenances.

Permitted Uses in Wetlands: CGS § 22a-40(a)(1)

§ 22a-40. Permitted operations and uses. (a) The following operations and uses shall be permitted in wetlands and watercourses, as of right:

(1) Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this subdivision shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale.

Certified Farmers' Markets: CGS § 22-6r

§ 22-6r. Certified farmers' markets. Definitions. Sale of farm products at farmers' kiosks. Sale of fresh produce to food service establishments. (a) For purposes of this section:

(1) "Farmers' market" means a cooperative or nonprofit enterprise or association that consistently occupies a given site throughout the season, which operates principally as a common marketplace for a group of farmers, at least two of whom are selling Connecticut-grown fresh produce, to sell Connecticut-grown farm products directly to consumers and to sell fresh produce to food service establishments, as defined in section 19-13-B42 of the regulations of Connecticut state agencies, and where the farm products sold are produced by the participating farmers with the sole intent and purpose of generating a portion of household income;

(2) "Fresh produce" means fruits and vegetables that have not been processed in any manner;

(3) "Certified farmers' market" means a farmers' market that is authorized by the commissioner to operate;

(4) "Farmer's kiosk" means a structure or area located within a certified farmers' market used by a farm business to conduct sales of Connecticut-grown farm products;

(5) "Connecticut-grown" means produce and other farm products that have a traceable point of origin within Connecticut;

(6) "Farm" has the meaning ascribed to it in subsection (q) of section 1-1;

(7) "Farm products" means any fresh fruits, vegetables, mushrooms, nuts, shell eggs, honey or other bee products, maple syrup or maple sugar, flowers, nursery stock and other horticultural commodities, livestock food products, including meat, milk, cheese and other dairy products, food products of "aquaculture," as defined in subsection (q) of section 1-1, including fish, oysters, clams, mussels and other molluscan shellfish taken from the waters of the state or tidal wetlands, products from any tree, vine or plant and their flowers, or any of the products listed in this subdivision that have been processed by the participating farmer, including, but not limited to, baked goods made with farm products.

(b) A farmer's kiosk at a certified farmers' market shall be considered an extension of the farmer's business and regulations of Connecticut state agencies relating to the sale of farm products on a farm shall govern the sale of farm products at a farmer's kiosk.

(c) (1) A farmer offering farm products for sale at a certified farmers' market shall obtain and maintain any license required to sell such products.

(2) A food service establishment, as defined in section 19-13-B42 of the regulations of Connecticut state agencies, shall request and obtain an invoice from the farmer or person selling fresh produce. The farmer or person selling fresh produce shall provide to the food service establishment an invoice that indicates the source and date of purchase of the fresh produce at the time of the sale.

(d) Section 22-6g or this section shall not supersede the provisions of any state or local health and safety laws, regulations or ordinances.

An Act Concerning Farmers' Markets: PA 06-52

An act concerning farmer's markets

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (Effective from passage) (a) For purposes of this section:

(1) "Farmers' market" means a cooperative or nonprofit enterprise or association that consistently occupies a given site throughout the season, which operates principally as a common marketplace for a group of farmers, at least two of whom are selling Connecticut-grown fresh produce, to sell Connecticut-grown farm products directly to consumers, and where the farm products sold are produced by the participating farmers with the sole intent and purpose of generating a portion of household income;

(2) "Fresh produce" means fruits and vegetables that have not been processed in any manner;

(3) "Certified farmers' market" means a farmers' market that is authorized by the commissioner to operate;

(4) "Farmer's kiosk" means a structure or area located within a certified farmers' market used by a farm business to conduct sales of Connecticut-grown farm products;

(5) "Connecticut-grown" means produce and other farm products that have a traceable point of origin within Connecticut;

(6) "Farm" has the meaning ascribed to it in subsection (q) of section 1-1 of the general statutes;

(7) "Farm products" means any fresh fruits, vegetables, mushrooms, nuts, shell eggs, honey or other bee products, maple syrup or maple sugar, flowers, nursery stock and other horticultural commodities, livestock food products, including meat, milk, cheese and other dairy products, food products of "aquaculture," as defined in subsection (q) of section 1-1 of the general statutes, including fish, oysters, clams, mussels and other molluscan shellfish taken from the waters of the state or tidal wetlands, products from any tree, vine or plant and their flowers, or any of the products listed in this subdivision that have been processed by the participating farmer, including, but not limited to, baked goods made with farm products.

(b) A farmer's kiosk at a certified farmers' market shall be considered an extension of the farmer's business and regulations of Connecticut state agencies relating to the sale of farm products on a farm shall govern the sale of farm products at a farmer's kiosk.

(c) A farmer offering farm products for sale at a certified farmers' market shall obtain and maintain any license required to sell such products.

(d) Section 22-6g of the general statutes, as amended by this act, or this section shall not supersede the provisions of any state or local health and safety laws, regulations or ordinances.

§ 2. Section 22-6g of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

For the purposes of sections 22-6g to 22-6p, inclusive:

(1) "Application" means a request made by an individual to the department for vendor certification in CFM/WIC on a form provided by the department;

(2) "Authorized farmers' market" means a farmers' market that operates within the service area and is a site authorized by the department for the exchange of vouchers and Connecticut-grown fresh produce;

(3) "Certified vendor" means an individual who has met all CFM/WIC conditions as outlined by the department and who is guaranteed payment on all vouchers accepted, provided compliance is maintained by that individual regarding all CFM/WIC rules and procedures as outlined in the vendor certification handbook;

(4) "Certified vendor identification stamp" means a department-issued stamp that shall be utilized by the certified vendor during each occurrence of voucher deposit in the financial institution of certified vendor choice. This stamp shall remain the sole property of the department and shall be forfeited by the certified vendor to the department in the event of suspension;

(5) "Certified vendor identification sign" means a department-issued sign which shall be clearly displayed by the certified vendor at all times when accepting or intending to accept vouchers in an authorized farmers' market. Signs shall remain the sole property of the department and shall be forfeited by the certified vendor to the department in the event of suspension;

(6) "Certified vendor number" means a personal identification number issued by the department and assigned to an individual whom the department has identified as a certified vendor;

(7) "Commissioner" means the Commissioner of Agriculture;

(8) "Department" means the Department of Agriculture;

(9) "Designated distribution WIC clinic" means a site authorized by the department for dispersal of vouchers by the local WIC agency;

(10) "Distribution" means the process outlined by the department and the means by which local WIC agencies actually dispense vouchers to eligible participants;

(11) *"Farm products" means any fresh fruits, vegetables, mushrooms, nuts, shell eggs, honey or other bee products, maple syrup or maple sugar, flowers, nursery stock and other horticultural commodities, livestock food products, including meat, milk, cheese and other dairy products, food products of "aquaculture," as defined in subsection (q) of section 1-1, including fish, oysters, clams, mussels and other molluscan shellfish taken from the waters of the state or tidal wetlands, products from any tree, vine or plant and their flowers, or any of the products listed in this subdivision that have been processed by the participating farmer, including, but not limited to, baked goods made with farm products;*

[(11)] (12) "Farmers' market" means a cooperative or nonprofit enterprise or association that consistently occupies a given site throughout the season, which operates principally as a common marketplace for a group of farmers, *at least two of whom are selling Connecticut-grown fresh produce*, to sell Connecticut-grown [fresh produce] *farm products* directly to consumers, and where the products sold are produced by the participating farmers with the sole intent and purpose of generating a portion of household income;

[(12)] (13) "Fresh produce" means fruits and vegetables that have not been processed in any manner; [but does not mean nuts, popcorn, vegetable plants or seedlings, dried beans or peas, seed or grains, flowers, cider or eggs;]

[(13)] (14) "CFM/WIC" means the Connecticut farmers' market supplemental food program for women, infants and children as administered by the department;

[(14)] (15) "Local WIC agency" means an entity that administers local health programs and which has entered into contract for voucher distribution and related service with the department;

[(15)] (16) "Connecticut-grown" means produce *and other farm products* that [has] *have* a traceable point of origin within Connecticut;

[(16)] (17) "Posted hours and days" means the operational time frames stated in assurances submitted by a duly authorized representative of an authorized farmers' market which includes a beginning and an ending date for each year of operation;

[(17)] (18) "Participant" means a client of WIC who is at least one year of age, who possesses one of the WIC classification codes selected for inclusion by the Department of Public Health and who is an active participant in a designated distribution clinic;

[(18)] (19) "Season" means a clearly delineated period of time during a given year that has a beginning date and ending date, as specified by the department, which correlates with a major portion of the harvest period for Connecticut-grown fresh produce;

[(19)] (20) "Service area" means the geographic areas that encompass all of the designated distribution clinics and authorized farmers' markets within Connecticut for a given season;

[(20)] (21) "USDA-FNS" means the United States Department of Agriculture-Food and Nutrition Service;

[(21)] (22) "Vendor certification handbook" means a publication by the department that is based on USDA-FNS mandates and guidelines, addresses CFM/WIC rules and procedures applicable to a certified vendor, and provides the basis for vendor training. A copy of the publication shall be issued to each individual prior to application. New editions supersede all previous editions;

[(22)] (23) "Voucher" means a negotiable instrument issued by the department to participants that is redeemable only for Connecticut-grown fresh produce from certified vendors at authorized farmers' markets, with a limited negotiable period that directly correlates to the season designated by the department;

[(23)] (24) "WIC" means the special supplemental food program for women, infants and children, as administered by the Department of Public Health.

Approved May 8, 2006

Loan Program for Purchasing Farmland: PA 07-131

An act concerning the face of Connecticut

§ 3. (NEW) (Effective July 1, 2007) (a) The Commissioner of Agriculture shall administer a program providing eligible municipalities with a loan for the purchasing of agricultural lands. Such loan shall be for a period not to exceed five years and shall not be subject to interest. Municipalities shall be eligible for such loan if they provide not less than twenty per cent of the purchase price of such lands and may apply for such loan on a form prescribed by the Commissioner of Agriculture.

(b) There is established an account to be known as the "municipal purchasing of agricultural land account" which shall be a separate, nonlapsing account within the General Fund. The account may contain any moneys required by law to be deposited in the account. Moneys in the account shall be expended by the Commissioner of Agriculture for the purposes of providing municipalities with loans for the purchase of agricultural lands in accordance with subsection (a) of this section.

(c) The Commissioner of Agriculture may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, setting forth the criteria for loans granted under this section, and the terms governing such loans.

Approved June 25, 2007

APPENDIX B: CAPITOL REGION COUNCIL OF GOVERNMENTS (CRCOG)

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

The full report is available on CRCOG's Web site at www.crcog.org or by calling the Community Development Department at (860) 522-2217.

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.

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/Connecticut Conference of Municipalities *Planning for Agriculture: A Guide for Connecticut Municipalities*.

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.

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 noncontiguous 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.

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 square 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.

APPENDIX C: SELECTED RECENT COURT CASES AFFECTING CONNECTICUT AGRICULTURE

Court cases often interpret and clarify statutes, legal authority and prior cases, thereby setting a precedent and the basis for future decisions. Such case law can impact agriculture and town level planning in a number of ways, including the definition of key terms such as “agriculture,” the applicability of a right-to-farm ordinance, the determination of what constitutes normal agricultural practices and the use of differential tax assessment programs.

The summaries of court cases that follow are intended to depict some of the relevant and recent judicial interpretations of statutory and regulatory provisions. In no way is this to be considered legal advice. Cities and towns should consult their own attorneys before taking any specific actions.

Selected Decisions Concerning State Regulations and Statutes

Assessment of Farmland — PA 490

■ **Cecarelli v. Board of Adjustment Appeals of Town of North Branford** (CT Appellate Court, 2005) — An automatic minimum acreage approach to exclude non-farm residential land from a differential tax classification for farmland is not allowed (CGS § 12-107; commonly known as PA 490). Rather land should be assessed based upon its actual use.

■ **Maynard v. Town of Sterling** (CT Superior Court, 1994) — It is permissible for a town to consider revoking the farmland tax status of real estate that has been subdivided and is being actively marketed for sale as residential building lots.

Definition of Agriculture

■ **Reed v. Suffield Zoning Board of Appeals** (CT Superior Court, 1999) — The definition of agriculture under Connecticut General Statutes (CGS § 1-1(q)) includes the grinding of tree stumps, bark and wood chips and mixing them with top soil to create mulch, even if some of the materials are brought from off-site.

Right-to-Farm

■ **Farnsworth v. Zoning Board of Appeals of North Branford** (CT Superior Court, 1996) — Connecticut’s right-to-farm law (CGS § 19a-341) does not prevent a municipality from enforcing a zoning regulation that requires the filing of a land management plan for the keeping of horses in a residential zone.

■ **Pestey v. Cushman** (CT Supreme Court, 2002) — Neighbors prevailed in a claim of private nuisance based on odors from the manure storage facility on a dairy farm. The court did not address the relationship between negligence, private nuisance and Connecticut’s right-to-farm law (CGS § 19a-341).

■ **Town of Enfield v. Enfield Shade Tobacco, LLC** (CT Superior Court, 2002) — The use of a helicopter to spray crops is not permitted under the category of an agricultural use and is not protected under the Connecticut right-to-farm law, and the right-to-farm law does not preempt all municipal zoning regulations (CGS § 19a-341).

Wetlands

■ **Cannata v. Department of Environmental Protection** (CT Supreme Court, 1996) — Clear cutting of trees for the sole purpose of preparing land for farming is not exempt from wetland restrictions (CGS § 22a-40(a)(1)).

■ **Littaver v. The Inland Wetland Commission of Town of Barkhamsted** (CT Superior Court, 2002) — Constructing a road to a claimed farm pond is not an agricultural activity that meets the exemption for farm ponds under Connecticut General Statutes governing wetland protection (CGS § 22a-40(a)(1)).

■ **Sackler v. Woodbridge Inland Wetlands Agency** (CT Superior Court, 2006) — Clear-cutting requires the removal of all trees; and grazing of horses constitutes farming.

Selected Decisions Concerning Municipal Regulations and Statutes

Definition of Agriculture

■ **Wood v. Somers Zoning Board of Appeals** (CT Supreme Court, 2001) — The collection, storage and sale of spring water is not an agricultural use and not within the definition of agriculture and farming under local zoning regulations.

■ **Richardson v. Redding Zoning Commission** (CT Appellate Court, 2008) — The definition of “farming” used in the town’s Zoning Regulations prevailed over the statutory definition of “agriculture” in determining whether or not a particular use constituted “farming” under those regulations.

Livestock

■ **Borrelli v. Middletown Zoning Board of Appeals** (CT Superior Court, 2008) — The boarding of horses is permitted as “animal husbandry,” an allowed agricultural use in a residential zone under town zoning regulations.

■ **Coope v. Suffield Zoning Board of Appeals** (CT Superior Court, 2000) — Raising of pheasants for sale is an allowed “farm use” under local zoning regulations.

■ **Kaeser v. Zoning Board of Appeals of Stratford** (CT Supreme Court, 1991) — Town zoning regulations require a 3-acre lot for the keeping of “livestock,” a term interpreted to mean either a single animal or more than one. A horse is not considered a household pet and therefore not allowed on a 1 ½-acre plot in a residential zone as “livestock.”

Accessory Uses

■ **Papoosha v. Town of Killingworth Zoning Board of Appeals** (CT Superior Court, 2003) — The production and storage of topsoil for sale to the public is not a permitted accessory use to the operation of a retail garden center under local Zoning Ordinances. A special permit is required for the storage of earth products, even if they are not excavated or removed from the property.

■ **Zoning Commission of Town of Sherman v. Lescynski** (CT Supreme Court, 1982) — A slaughterhouse is not a farming or accessory use in a farm-residence zone under local zoning regulations.

APPENDIX D: RESOURCES

Resource	Focus	Training & Education	Technical Resources	Funding & Grants
American Farmland Trust http://www.farmland.org/ (860) 683-4230	Farmland preservation policy and education	X	X	
Center for Land Use Education and Research (CLEAR) University of Connecticut http://clear.uconn.edu (860) 345-4511	Research on Connecticut's landscape and changes to it	X	X	
Connecticut Ag in the Classroom http://www.ctaef.org	Agriculture education	X	X	
Connecticut Agricultural Experiment Station http://www.ct.gov/caes (877) 855-2237	Production agriculture research and education	X	X	
Connecticut Association of Assessing Officers (CAAO) http://www.caaao.com/	Assessing, professional organization	X	X	
Connecticut Association of Conservation and Inland Wetlands Commissions http://www.caciwc.org (860) 896-4731	Municipal Conservation and Inland Wetland Commissions	X	X	
Connecticut Chapter American Planning Association (CCAPA) http://ccapa.org	Land use planning, professional organization	X	X	
Connecticut Conference of Municipalities (CCM) http://www.ccm-ct.org (203) 498-3000	Statewide association of towns and cities and the voice of local government	X	X	
Connecticut Department of Agriculture http://www.ct.gov/doag/ (860) 713-2569	Farmland preservation, right-to-farm, grants and other resources	X	X	X
Connecticut Department of Environmental Protection http://www.ct.gov/dep (860) 424-3000	Environmental protection and land conservation	X	X	X
Connecticut Environmental Review Team (ERT) http://www.ctert.org/ (860) 345-3977	Assist municipalities with review of sites proposed for development or preservation	X	X	

Resource	Focus	Training & Education	Technical Resources	Funding & Grants
Connecticut Farm Bureau Association http://www.cfba.org/ (860) 298-4400	Member association	X	X	
Connecticut Farm Service Agency U.S. Department of Agriculture www.fsa.usda.gov/ct/ct.htm (860) 871-2944	Credit, loan, disaster, and a variety of farm commodity programs	X	X	X
Connecticut Farmland Trust http://www.ctfarmland.org/ (860) 247-0202	Farmland preservation	X	X	X
Connecticut Greenhouse Growers Association http://www.flowersplantsinct.com/cgga/cggaindex.htm (203) 261-9067	Greenhouse grower trade association	X	X	
Connecticut Resource Conservation and Development (RC&D) USDA/Nonprofit Partnership http://www.easternrcd-ct.org/ http://www.ct.nrcs.usda.gov/programs/rc&d/rc&d_in_connecticut.html (860) 774-0224 x4 or (203) 284-3663	Natural resource based land conservation, economic development, and community sustainability	X	X	
Connecticut Sea Grant University of Connecticut and National Oceanic and Atmospheric Administration (NOAA) http://www.seagrants.uconn.edu (860) 405-9128	Aquaculture, estuary protection and restoration	X	X	
Connecticut Office of Policy and Management http://www.ct.gov/opm (860) 418-6200	Statewide planning and intergovernmental coordination		X	X
Conservation Districts of Connecticut http://www.conservect.org	Natural resource conservation and education	X	X	
Farmland Information Center (FIC) American Farmland Trust and Natural Resources Conservation Service http://www.farmlandinfo.org/ (800) 370-4879	Clearinghouse for information about farmland protection and stewardship	X	X	
Green Valley Institute (GVI) University of Connecticut & Quinebaug-Shetucket Heritage Corridor http://www.greenvalleyinstitute.org (860) 486-1215	Education on natural resources and open space preservation, for towns within the Quinebaug-Shetucket corridor	X	X	
Land Use Leadership Alliance Training Program (LULA) http://www.landuseleaders.com (914) 422-4091	Land use training and resources	X		

Resource	Focus	Training & Education	Technical Resources	Funding & Grants
Natural Resources Conservation Service (NRCS) U.S. Department of Agriculture http://www.ct.nrcs.usda.gov (860) 871-4011	Farmland preservation, natural resources protection, enhancement and restoration	X	X	X
Nonpoint Education for Municipal Officials (NEMO) University of Connecticut http://nemo.uconn.edu (860) 345-5225	Education for municipal officials on land use and natural resource protection	X	X	
Northeast Organic Farming Association of Connecticut (CT NOFA) http://www.ctnofa.org/ (203) 888-5146	State chapter of organic farming organization	X	X	
Northeast Sustainable Agriculture Research and Education (SARE) U.S. Department of Agriculture http://www.uvm.edu/~nesare (802) 656-0471	Community grants and farmer resource			X
Regional Planning Agencies (RPA) and Regional Councils of Elected Officials http://www.opm.state.ct.us/igp/rpos/rpo.htm	Regional land use planning		X	
Rural Development U.S. Department of Agriculture http://www.rurdev.usda.gov/ma/ (413) 253-4300	Rural housing, community infrastructure and economic development	X	X	X
Quinebaug-Shetucket Heritage Corridor http://www.thelastgreenvalley.org/ (860) 963-7226	Region specific natural resource conservation		X	X
The Trust for Public Land http://www.tpl.org/ (203) 777-7367	Land preservation	X	X	X
U.S. Department of Agriculture (USDA) http://www.usda.gov	Federal agency on agriculture, conservation, food and rural development	X	X	X
U.S. Environmental Protection Agency (EPA) http://www.epa.gov (617) 918-1111	Federal agency on environmental protection	X	X	X
University of Connecticut Cooperative Extension System University of Connecticut and U.S. Department of Agriculture http://www.extension.uconn.edu/ (860) 486-9228	Outreach education on a wide range of topics, including agriculture and 4-H clubs	X	X	

Resource	Focus	Training & Education	Technical Resources	Funding & Grants
University of Connecticut's Geospatial Technology Program University of Connecticut http://clear.uconn.edu/geospatial (860) 345-5229	Training on GIS and GPS technologies	X		
Working Lands Alliance http://www.workinglandsalliance.org/ (860) 683-4230	Farmland preservation policy	X	X	

Additional training and educational resources are often available from the following industry associations. For additional information about these and additional groups or associations, contact the Connecticut Department of Agriculture.

Connecticut Agricultural Business Cluster: <http://www.ctagcluster.com/>

Connecticut Apple Marketing Board: <http://www.ctapples.com/>

Connecticut Beekeepers Association: <http://www.ctbees.com/>

Connecticut Christmas Tree Growers Association: <http://www.ctchristmastree.org/>

Connecticut Farm Fresh: <http://www.ctfarmfresh.org/>

Connecticut Farm Wine Development Council: [Web site not available]

Connecticut Greenhouse Growers Association: http://www.flowersplantsinct.com/cgga_index.htm

Connecticut Horse Council: <http://www.cthorsecouncil.org/>

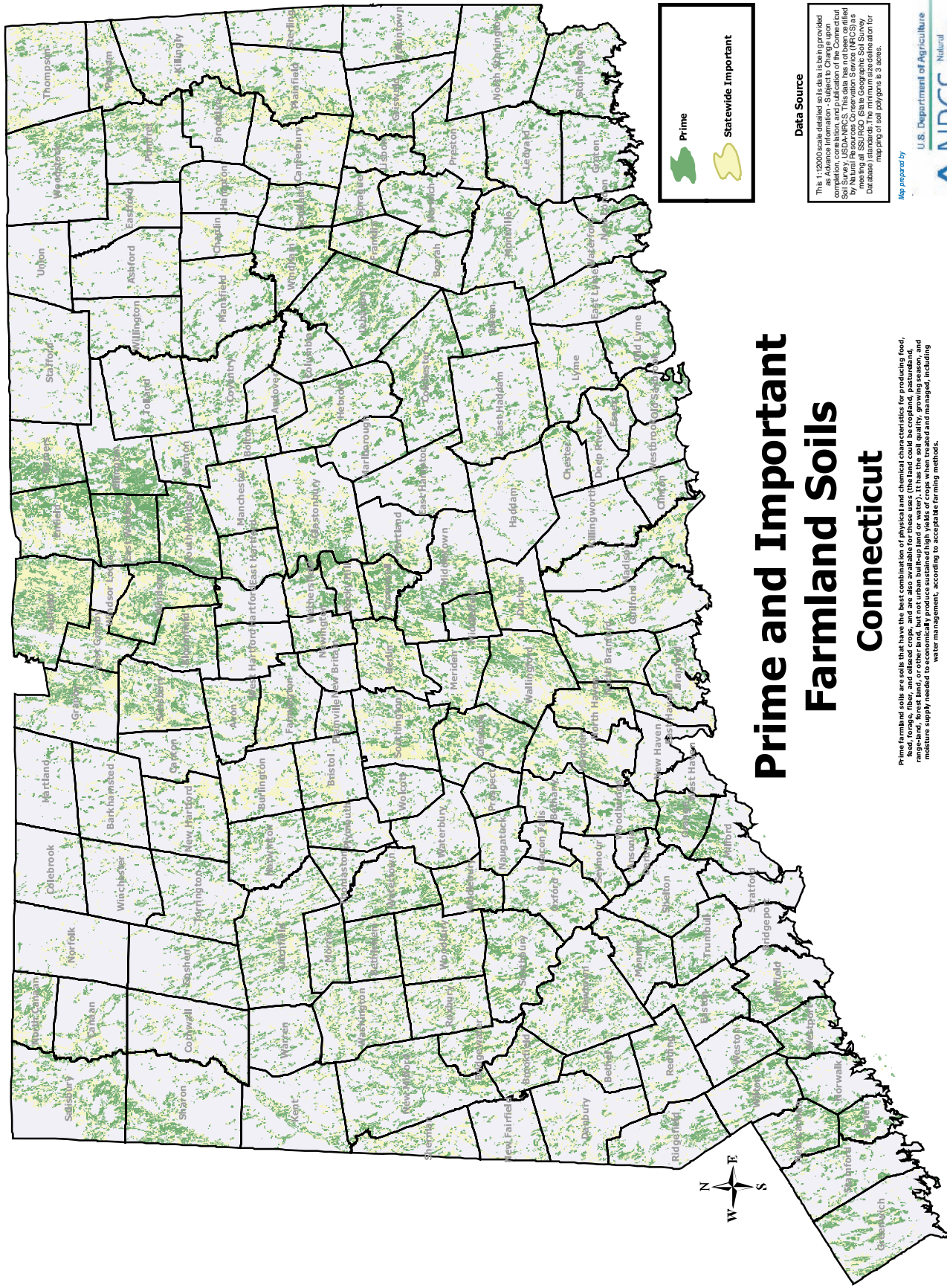
Connecticut Nursery & Landscape Association: <http://www.flowersplantsinct.com>

Connecticut Poultry Association: <http://web.uconn.edu/poultry/CPA/>

Connecticut Sheep Breeders Association, Inc.: <http://www.ctsheep.org/>

Nutmeg Rabbit Breeders' Association: <http://www.nutmegrabbitbreedersassociation.org/>

Maple Syrup Producers Association of Connecticut: <http://www.ctmaple.org/>



Prime and Important Farmland Soils Connecticut

Prime farmland soils are soils that have the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and related crops, and are also available for these uses (the land could be cropland, pastureland, range-land, forest land, or other land, but not urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to produce food, feed, forage, fiber, and related crops, and is managed and managed, including water management, according to acceptable farming methods.

Statewide important farmland soils are those that do not meet one or more of the requirements of prime farmland, but are important for the production of food, feed, fiber or forage crops. They include these soils that are nearly prime farmland and that economically produce high yields of crops when treated or managed according to acceptable farming methods.

Some soils displayed as "Prime and Important farmland soils" are within low density residential areas.

Data Source

This 1:250,000-scale detailed soils data is being provided as Advance Information - Subject to Change upon completion, correlation, and publication of the Connecticut Statewide Soil Survey. The data was developed by the National Resources Conservation Service (NRCS) in meeting all SSURGO (State Geographic Soil Survey) Database standards. The minimum delineation for mapping of soil polygons is 3 acres.

Map prepared by

U.S. Department of Agriculture



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PLANNING FOR AGRICULTURE: A GUIDE FOR CONNECTICUT MUNICIPALITIES

A PUBLICATION OF
AMERICAN FARMLAND TRUST AND CONNECTICUT CONFERENCE OF MUNICIPALITIES



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