



## 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 livestock 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 livestock 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](http://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](http://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.



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 to increase local appreciation of farms. With such proactive steps, farms will likely continue to constitute a vital part of this community into the future.



*Holcomb Farm C.S.A.*