

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

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/>