

PLANNING FOR AGRICULTURE

A GUIDE FOR CONNECTICUT MUNICIPALITIES

2012 EDITION

A PUBLICATION OF
AMERICAN FARMLAND TRUST
AND
CONNECTICUT CONFERENCE
OF MUNICIPALITIES



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FOREWORD

Agriculture Plays an Important Role in Our Local Communities and Local Economy

Farms do much more than supply local farmers' markets and attract tourists to Connecticut towns — the \$3.5 billion agricultural industry supports the continued existence of many types of businesses, such as food manufacturers and processors, garden centers, veterinarians, farm equipment wholesalers and repair shops. Farms also have numerous production expenses that flow through the local economy, including employment expenses.

The Connecticut Conference of Municipalities is pleased, once again, to have partnered with American Farmland Trust to update this important guide, which has provided guidance and inspiration for cities and towns across the state to support and continue to grow a thriving agricultural sector.

As we all understand better today, farms are a vital component of any community. They are thriving and growing across the state in new and exciting ways. Residents and consumers are seeking locally grown products, healthier lifestyles and more direct access to their food sources. Farmers have been responsive to these demands in their forward planning, and municipalities, recognizing these trends and seeing the importance of agriculture to municipal economic growth, are doing more to protect and promote these important assets.

This updated guide will continue to help local leaders in their pursuit to preserve and protect local agriculture and all of the benefits it provides to municipalities and our state.

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

Why Plan for Agriculture?

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

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

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

— *Mark Pelligrini, Connecticut Chapter of the American Planning Association*

Pulling it All Together

This guide outlines a broad range of tools available to help local governments plan for the future of agriculture in Connecticut. Not all of these tools will work in every community, and some may spark communities to develop their own new and innovative approaches. We hope local officials will find ideas throughout the guide, make use of the various resources provided and then work with their town's farmers and its residents as a whole to create a supportive community atmosphere for agriculture.

Connecticut's agricultural future depends upon creative partnerships, innovative approaches and an understanding and appreciation of the challenges inherent in the business of farming today. By working together to support and sustain local farms, our communities can sow the seeds for a bountiful harvest for future generations.

— *Cris Coffin, New England Director, American Farmland Trust*

Acronyms

ASTEP	Agricultural Science and Technology Education Programs
CFPP	Community Farms Preservation Program
CGS	Connecticut General Statutes
CLEAR	Center for Land Use Education and Research
CNMP	Comprehensive Nutrient Management Plan
COCS	Cost of Community Services
CRCOG	Capitol Region Council of Governments
CSA	Community Supported Agriculture
CT DoAg	Connecticut Department of Agriculture
CTECOS	Connecticut Ecological Conditions Online
CTSG	Connecticut Sea Grant
DEEP	Department of Energy and Environmental Protection
EAP	Environmental Assistance Program
FLRP	Farmland Restoration Program
FPP	Farmland Preservation Program
FRPP	Farm and Ranch Lands Protection Program
GIS	Geographical Information System
NEMO	Nonpoint Education for Municipal Officials
NHFPC	New Haven Food Policy Council
NRCS	Natural Resources Conservation Service
PA 490	Public Act 490
PACE	Purchase of Agricultural Conservation Easements
PDR	Purchase of Development Rights
POCD	Plan of Conservation and Development
RC & D	Eastern Connecticut Resource Conservation and Development
TDR	Transfer of Development Rights
USDA	United States Department of Agriculture



Section 1 THE IMPORTANCE OF AGRICULTURE

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

The Impact of Agriculture

- **Economic Impact:** The agricultural industry in Connecticut has a \$3.5 billion economic impact on the state’s economy and generates an estimated 20,000 jobs.¹
- **Environmental Benefits:** Connecticut’s 321,000 acres of cropland, pasture, and farm woodlands provide food and cover for wildlife, help control flooding, protect wetlands and watersheds, and maintain air quality.
- **Fiscal Impact:** Our 4,916 farms help to stabilize municipal budgets, requiring on average 31 cents in municipal services for each dollar of property tax paid.
- **Food Security:** Our state’s rich farmland soils, moderate climate and adequate rainfall ensure the long-term availability of fresh, locally grown food, fiber and agricultural products.
- **Tourism:** Visitors and residents alike enjoy an exciting calendar of agricultural events throughout the year. From farmers’ markets and wineries to pick-your own farms, harvest festivals and agricultural fairs, farms are valued for their seasonal events, outdoor activities, as well as their natural beauty and scenic vistas.
- **Leveraging Federal Investments:** Over \$20 million in federal funds has been leveraged annually via USDA programs that support agriculture and land stewardship. Many of these USDA programs require state programs to administer them and matching state funds for eligibility, including the Farm and Ranch Lands Protection Program, Farm Loan programs, Energy Conservation Grants, Marketing Grants and research funds.

What is Agriculture?

State law provides a broad definition of agriculture. Connecticut General Statutes Section 1-1(q) defines “agriculture” as the cultivation of the soil, dairying, forestry, and the raising or harvesting of any agricultural or horticultural commodity, including the care and management of livestock such as horses, bees, poultry, fur-bearing animals and wildlife. Agriculture also includes the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the production or harvesting of maple syrup or maple sugar; the hatching of poultry; and the harvesting of mushrooms. The term also includes the handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits and vegetables for market or for direct sale (*see Appendix A, CGS § 1-1(q)*).

Furthermore, as part of Connecticut General Statutes 1-1 (q), the term “aquaculture” refers to “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.”

The term “farm” is also defined broadly. A farm includes nurseries, orchards, farm and accessory buildings, greenhouses, hoopouses and other “temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities” (*see Appendix A, CGS § 1-1(q)*). Like other types of businesses, agriculture continues to evolve to meet changing consumer demand. The above definitions recognize that agriculture and farming are dynamic and offer farmers broad flexibility to adjust their farm operations to meet new market challenges and opportunities.

Economic Benefits: Farms Provide Jobs and Support the Local Economy

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

The United States Department of Agriculture (USDA) estimates that in 2010, farm businesses in Connecticut generated \$500 million in cash receipts — the third highest in New England — with greenhouse, nursery and dairy contributing the highest percentage of receipts.² Connecticut farms reported production expenses of more than \$469 million in 2007, much of which was spent locally.³ According to USDA, more than 20,000 people are employed or self-employed on Connecticut farms. By comparison, in 2011 employment in the state's construction sector was 50,700.⁴



Farm Production Expenses for 2002 and 2007

County	County Production Expenses (\$) 2002	County Production Expenses (\$) 2007
Fairfield	\$22,249,000	\$24,854,000
Hartford	\$93,023,000	\$100,574,000
Litchfield	\$27,818,000	\$48,320,000
Middlesex	\$37,834,000	\$59,834,000
New Haven	\$48,908,000	\$75,005,000
New London	\$109,681,000	\$90,348,000
Tolland	\$29,126,000	\$32,466,000
Windham	\$29,048,000	\$37,918,000
Connecticut Total	\$397,687,000	\$469,319,000

Aquaculture

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

- Connecticut is a major producer of farm-raised shellfish with 45 companies raising oysters and hard clams.
- 707,769 bags of the two mollusks were harvested in 2008 at a value of more than \$30 million—that's about 16 million oysters and 100 million to 200 million clams.
- More than 70,000 acres of shell fish farms were under cultivation in Connecticut's coastal waters accounting for \$27 million in farm-gate sales annually.

See Reference 5

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

— John Turenne, Sustainable Food Systems


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Dairy

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

- The state's 210 dairy farms produced 361 million pounds of fluid milk in 2011, enough to satisfy about 60 percent of the demand for milk consumed in Connecticut.
- Farms are increasingly diversified and now market a number of products such as cheese, ice cream, butter and yogurt directly to consumers..
- Dairy farmers operate on 72,000 acres, which represents 20 percent of Connecticut's land in farms and 42 percent of total cropland.
- Connecticut has at least 9 producers that offer raw milk.

See Reference 6

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

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Equine

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

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

See Reference 7

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

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Farmers' Markets

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

- There are 125 farmers' markets operating statewide. In comparison, there were just 22 markets in 1986 and 82 markets in 2006. The explosion of farmers' markets indicate not just a healthy appetite for local food, but also the desire to have local food in cities and in food-insecure locations.
- More than 90,000 low-income residents in Connecticut shop at farmers' markets using benefits they receive through the WIC Farmers' Market Nutrition Program and Seniors Farmers' Market Nutrition Program (FMNP) each year. More than 312 farmers and 110 farmers' markets participate in the Farmers' Market Nutrition Program.
- In 2011, five farmers' markets operated by CitySeed in New Haven had total sales of more than \$1 million. Of that, at least \$80,000 was in benefits like FMNP as well as SNAP/Food Stamp benefits.

See Reference 8

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

Cost of Community Services (COCS) studies use municipal data to determine the fiscal contribution of various local land uses. These case studies compare the cost of municipal services needed for farm and forest land, residential, and commercial and industrial property to the revenues generated from these lands. More than 20 years of COCS studies around the country have shown that farmland and other open space generate more public revenue than they require in municipal services. Even when farmland is assessed at its current agricultural use value under Public Act 490, farmland generates a surplus to help offset the shortfall created by residential demand for public services.⁹ A review of COCS studies done in Connecticut towns shows that for each dollar of property tax revenue generated by working lands, on average only 31 cents is required in municipal services.

Cost of Community Services per Dollar of Revenue Raised

Connecticut Town (Year of Study)	Commercial & Industrial	Working & Open Land	Residential
Bolton (1998)	\$0.23	\$0.50	\$1.05
Brooklyn (2002)	\$0.17	\$0.30	\$1.09
Durham (1995)	\$0.27	\$0.23	\$1.07
Farmington (2007)	\$0.32	\$0.31	\$1.33
Hebron (1995)	\$0.47	\$0.43	\$1.06
Lebanon (2007)	\$0.16	\$0.17	\$1.12
Litchfield (1995)	\$0.34	\$0.34	\$1.11
Pomfret (1995)	\$0.27	\$0.86	\$1.06
Windham (2002)	\$0.24	\$0.19	\$1.15
Median cost — per dollar of revenue raised — to provide public services to different land uses	\$0.27	\$0.31	\$1.09
U.S. Median (2010)	\$0.29	\$0.35	\$1.16

Environmental Benefits: Farmland Filters Air and Water and Provides Habitat

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

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



Maple Syrup and Honey

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

- Connecticut farmers produced 17,000 gallons of maple syrup in 2011.
- There are 71,000 taps for maple syrup in the state.
- Connecticut has approximately 143 farms that sell 143,000 pounds of honey each year.

See Reference 10

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

Meat

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

- There are 89 meat producers in Connecticut.
- Many other farms raise sheep and goats for milk and fiber; the state is home to more than 5,500 sheep and 4,500 goats.

See Reference 11

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

Nursery and Greenhouse

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

- Connecticut's nursery and greenhouse sector is comprised of 3,350 businesses, including those in plant production, retail and landscape services.
- Together these businesses gross \$1.02 billion annually and pay \$490 million in annual wages to their 48,000 employees.

See Reference 12

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

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

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

In addition to making Connecticut an attractive place to live, farms help make the state a desirable place for people to visit. Wineries, pick-your-own farms, corn mazes and other agritourism businesses are direct draws for tourists. Working farms also help define the scenery that people enjoy on country drives and visits to communities around the state. Between 2002 and 2007 the number of farms that reported agritourism activities increased by 237 percent to 101 farms.¹³

Well Managed Forest Lands Are a Part of Connecticut's Agricultural Heritage

The practice of forestry is defined as agriculture under Connecticut law Section 1-1(q). Forest products that result from well-managed forests are an integral part of Connecticut's agricultural heritage. Increasing the level of economic activity in and around the forests and improving the economic viability of the local forest products industry help sustain local jobs and the state's overall economy. The increased economic value of products from local forests helps provide private landowners and communities' additional incentives for not converting the land to other uses. Connecticut's forest products play a key role in the state's economic viability. According to a report by the Department of Agricultural and Resources Economics at the University of Connecticut, in 2007 Connecticut's forest products industry contributed at least \$250 million to the state's economy. Forest-based employment accounts for just over 10,000 jobs. More than 540 professional loggers and foresters are certified by CT DEEP through a rigorous testing program. Average annual timber production is 40 million board feet, enough forest products to build and furnish more than 4,000 homes. The rate of growth of merchantable saw timber continues to exceed the rate of removal by a ratio of 2.2:1. Connecticut sawmills produce hardwood and softwood lumber that is sold both domestically and internationally. Furthermore, Connecticut logging and trucking companies play a vital role in moving forest products out of the woods to production facilities and markets. The practice of harvesting timber is often conducted in support of improving wildlife habitat, creating or improving recreational opportunities, creating income, enhancing biodiversity, correcting forest health issues and promoting regeneration.

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

Connecticut's 357,154 acres of farmland and woodland provide an estimated \$442.7 million annually in non-market environmental services — such as maintaining habitat, filtering water, reducing flooding and sequestering carbon.¹⁴

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




On-Farm Sales

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

- The Connecticut Farm Map lists 204 farms, orchards, nurseries, farm stands, and markets that sell directly to consumers.
- The state has over 70 pick-your-own orchards and farms for apples, berries, pumpkins, and more. The Farm Map also lists 50 cut-your-own Christmas tree farms.
- Community Supported Agriculture (CSA) shares are available from 80 farms in the state.
- Adding to Connecticut's already diverse agriculture, niche markets also include camelids (e.g., alpacas and llamas), broilers, buffalo, turkeys and farm-produced pheasants.

See Reference 15

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Of the 52 Great Getaways listed by the Connecticut Commission on Culture and Tourism, 13 include visits to farms. Find 58 different featured farm and garden destinations across the state on the ctvisit.com website.

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Organic

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

- There are 167 organic farms and producers in Connecticut, of which 26 are federally certified.
- The state has 56 accredited land care businesses that provide exclusively organic services.

See Reference 16

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The 2010 Farm and Food Guide published by the Connecticut Northeast Organic Farming Association lists over 100 farms and 25 restaurants, caterers and food coops that feature organic products.

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Poultry

Includes: turkeys, broilers and eggs.

- There were 2.6 million egg-laying chickens in the state in 2009.
- Currently, there are 96 farms that raise meat chickens in Connecticut, and 114 farms that raise turkeys. For more information go to: http://agcensus.usda.gov/Publications/Ag_Statistics/2010/index.asp

See Reference 17

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Annual egg production in Connecticut was estimated at nearly 1 billion eggs in 2011.

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Agriculture in Connecticut Today

Connecticut's agricultural sector is diverse not only in product variety, but also in size. A majority of Connecticut farms (64 percent) are fewer than 50 acres. At the same time, there are a number of farms with annual gross revenues in excess of \$10 million.¹⁸ Like elsewhere in the United States, farmers in Connecticut are aging; the average age of a farm operator is 58.¹⁹ However, there is a growing number of new farmers in the state, many of whom are seeking to respond to the demand for locally grown products.

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

- Located along the New York-to-Boston corridor with over 30 million consumers nearby, Connecticut farms are able to respond to the increasing demand for locally grown agricultural products. In fact, Connecticut has the third highest average of per farm direct-to-consumer sales in the United States.²⁰ Other examples of this trend are the number of farmers' markets and Community Supported Agriculture (CSA) farms in the state.
- Agricultural tourism is one of the fastest growing segments of the Connecticut tourism industry, growing about 33 percent annually.²¹
- Growing interest in the renewable energy industry has led to proposals that look at the feasibility of wood and other biomass as renewable alternative energy sources.
- Research programs are currently underway at the Connecticut Agricultural Experiment Station growing soybean and rapeseed (canola) to determine yield and use for biodiesel production. These crops are of interest because they can also be used for feedstock, cover crops, fertilizer or to control plant parasitic nematodes.²²
- Farms are taking advantage of home gardening and landscaping needs by marketing composted soil amendments. By using municipal wastes such as leaves for their composting operations, farmers are reducing the volume of local waste and waste management costs. Dairy farms are joining together to create regional facilities to compost manure. The first such facility was constructed in 2010 on Laurel Brook Farm in East Canaan, Connecticut. Learn more about the compost facility at: www.nativeenergy.com/laurelbrook-farm-compost-project.html.

Archeological Significance of Farmland

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

Many areas of the earliest European settlements in the 17th century were on sites where Native Americans previously had settled. With their cleared fields for maize production, Indian villages served as a "stepping stone" to European settlement.

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

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

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



Tobacco

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

- In 2010, Connecticut farms produced more than 4.3 million pounds of broadleaf and shade tobacco.
- The 2,600 acres of tobacco harvested in the state in 2010 produced 69 percent of the broadleaf and 87 percent of the shade tobacco grown in New England.
- In 2010, tobacco was the state's number one agricultural export, valued at more than \$93 million.

See Reference 23

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

Wholesale Produce

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

- The Regional Market in Hartford, the largest farm wholesale market in the state, generates \$165 million in gross sales annually.
- There are 41 wholesale fruit and vegetable producers in Connecticut.
- The state has at least 39 orchards that sell through wholesale markets.

See Reference 24

In 2011 Connecticut harvested 3,100 acres of sweet corn valued at more than \$6.6 million.

Wineries and Vineyards

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

- There are at least 59 vineyards in Connecticut.
- The Connecticut Wine Trail is a group of 24 wineries with tasting rooms and wines for sale.

See Reference 25

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

In 2011 Connecticut wineries were permitted to sell at Farmers' Markets.

Growing Student Interest in Agriculture

- Membership in Connecticut FFA — the local chapter of a student-oriented association focused on leadership, personal growth and career success through agricultural education — continues to increase.
- Enrollment in the Agricultural Science and Technology Education Programs (ASTEP) has risen 22 percent over the last decade growing from 2,656 in 2000-2001 to 3,245 in 2011-2012. ASTEP graduates achieved, on average, a 5.25 percent higher employment rate than other Connecticut 20-24 year olds.²⁶
- Enrollment at the University of Connecticut's Ratcliffe Hicks School of Agriculture has steadily risen since 1995.



"Gems" of Connecticut Agriculture

- In 1876, Connecticut became home to the first agricultural experiment station in the United States. Since that time, agricultural experiment stations in Connecticut have:
 - Discovered Vitamin A in milk.
 - Developed hybrid corn.
 - Isolated the West Nile virus from mosquitoes in North America in 1999 (during outbreaks in horses).
- In 1899, the U.S. Department of Agriculture chose the Connecticut River Valley as one of only four areas in the country to conduct soil surveys. Designed to promote agricultural development, the surveys found that certain imported varieties of tobacco could be grown. Today the shade tobacco grown in the region still produces a cigar wrapper used by high-end cigar makers and is said to be one of the best wrappers in the world.
- Established in 1948, the Regional Market in Hartford serves as a central location for farmers and wholesalers to sell agricultural products. As the largest perishable food distribution facility between Boston and New York, the market realizes \$165 million in annual sales.

See Reference 27

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1. University of Connecticut, *Economic Impacts of Connecticut's Agricultural Industry*, 2010.
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Section 2 IS YOUR TOWN PLANNING A FUTURE FOR AGRICULTURE?

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

Understanding Agriculture in Your Town

Inventory: Do you know how many farms and how much farmland there is in town? People are often under the misconception that “there’s no agriculture in our town” or “there’s no future in farming.”

It is important to understand what agriculture there is in town in order to appreciate and address the evolving business and land use needs of local farmers.

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

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

Action: Consider establishing a town agricultural commission or advisory board. If your town has only a few farms, consider joining other towns and creating a regional agricultural commission (*see page 18*).

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

Action: Encourage farmers to serve on town committees. This is one of the most effective ways for towns to incorporate agricultural concerns into local regulations and plans.

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

Action: Write flexibility into ordinances and regulations by using a broad definition of agriculture and thereby prevent many denials of the sort where “the rules don’t fit.”

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

Action: Consider having a town appointed committee profile local farms and demonstrate the economic, cultural and environmental benefits of agriculture in your town. Including agriculture up-front can be very helpful. Update your POCD to express the value agriculture contributes to your town’s quality of life (*see page 23*).

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

Action: Identify and designate a key municipal official or agricultural commission member to help with such questions (*see page 18*).



Creating a Supportive Business Environment for Farming

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

Action: Convene local farmers and producer groups to identify business needs and opportunities — such as potential processing and distribution facilities and transportation needs — and work with town and state officials, farm organizations and neighboring towns to address those needs (*see page 20*).

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

Action: Consider amending your town's zoning regulations so that certain agricultural operations don't need a special exception or variance (*see page 23*).

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

Action: Allow signs that give directions to the farm stand and let customers know what items are available (*see page 39*).

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

Action: Allow an expanded product line that includes items not grown on the farm. This can carry farm stands through bad seasons and offers local consumers added choices (*see page 38*).

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

Action: Allow on-site processing facilities that enable farms to diversify and increase their viability (*see page 24*).

Compatible Businesses: Are businesses that are compatible with agriculture allowed in your town? Farm-based compatible businesses, such as machinery repair shops, sawmills, bed and breakfasts, and other businesses, can help farm families improve profitability.

Action: Allow such infrastructure and businesses that are necessary for thriving farm businesses (*see page 24*).

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

Action: Sponsor or hold such events. Incorporate agriculture education in school activities and curriculum. When students and residents learn about agriculture, they will better understand the benefits of having farms in town (*see page 50*).

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

Action: Consider purchasing food from local farmers and encouraging institutions to do the same (*see page 49*).



Supporting Appropriate Tax Policies for Farmland and Buildings

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

Action: Tax land based upon its use; work with assessors to ensure Public Act 490 is administered within the intent of the legislation.

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

- farming tools (CGS §12-81 (38))
- farm products, including produce and animals (CGS §12-81 (39))
- sheep, goats and swine (CGS §12-81 (40))
- dairy and beef cattle, oxen, asses and mules (CGS §12-81 (41))
- poultry (CGS §12-81 (42))
- nursery products (CGS §12-81 (44))
- temporary structures, such as hoopouses, for seasonal production of plants (CGS §12-81 (73))

Action: Encourage the use of these tax exemptions to help keep farms viable in your town (*see full statute Appendix A*).

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

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

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

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

Developing Strategies to Protect Your Town's Best Farmland

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

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



Developing Strategies to Protect Your Town's Best Farmland...continued

Farmland Preservation Program: Does your town encourage the use of conservation easements or purchase of development rights on farmland? Conservation easements can protect farmland in perpetuity while keeping farms in private ownership. Does your town support applications to the state or federal farmland protection programs, which provide funding for permanent conservation easements? Does your town meet the qualifications to participate in Connecticut's Joint State–Town Farmland Preservation Program or in the Community Farms Preservation Program? Does your town have an established fund for farmland preservation? Has your town applied for locally important farmland soils distinction?

Action: Consider holding a public forum to educate landowners about farmland protection options. Establish a fund to support local applications and take steps to meet the criteria for joint PDR programs through the Department of Agriculture or land trust.

Action: Review *Conservation Options for Connecticut Farmland* to learn about other organizations and/or programs for Connecticut farmers seeking to preserve land.

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

Action: Conduct an inventory of town-owned land and ensure that land suitable for agriculture is available to local farmers. Support farmers leasing town land by helping to meet infrastructure needs. Encourage a CSA or community garden on smaller parcels. Talk to local land trusts regarding potential farm lease opportunities. (see page 45).

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

Action: Focus public water, sewer and other services in already developed areas to limit the development of your town's best farmland. Consider incorporating these policies into town documents such as the POCD and zoning regulations (see page 24).

Limiting the Impacts of New Development on Agriculture

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

Action: Helping residents to recognize that agriculture is usually a business, not just a lifestyle, can ease potential tensions. Adopt a local right-to-farm law to express support for agriculture and reinforce protections provided by state law (see examples on page 26).

Buffers: Does your town require buffer zones between farmland and residential use? Nonfarmers who live next to active agricultural businesses may soon realize they do not enjoy all aspects of the neighboring farm. Buffers can reduce potential “nuisances” and prevent neighbor frustrations.

Action: Require new residential development to provide for its own buffer zone and/or landscape plantings for screening when necessary (see page 26).

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

Action: Consider conservation subdivisions and cluster housing, which can minimize the loss of productive agricultural land. In some communities, transfer of development rights regulations can help protect farmland in a “sending area” while directing development to a designated “receiving area” (see pages 25 and 26).

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

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

Case Study: Town of Lebanon — Taking a Pro-Active Approach

Lebanon is one of the largest farming communities in Connecticut. The town has the greatest amount of active farmland (approximately 10,000 acres) and the only actively farmed town green in the state. In addition, the town boasts the largest agricultural zoning designation in the state (comprising some 5,000 acres); is home to the headquarters of The Farmer's Cow, 1.6 million chickens, and the state's largest goat dairy; and contains 10 percent of all farmland preserved in the state by the Department of Agriculture.

Yet town officials are aware that without additional planning and public support, agriculture in Lebanon could become a thing of the past. Consequently, Lebanon has developed an aggressive and systematic approach to farmland preservation and supporting farming locally. This approach has been spearheaded by a first selectman, a town planner devoted to farmland preservation, and the town's conservation commission and agriculture commission.

In addition to running a successful regional farmers' market, Lebanon is focusing on the economic viability of local farmers. Using grants awarded through the Department of Agriculture's Agricultural Viability Program and other sources, the town quantified the value of its local farms by conducting a Cost of Community Services (COCS) study. The study showed that residential development is unlikely to lower taxes, as residential properties require \$1.12 in community services for every dollar paid in local taxes, while farmland and other open space require only \$0.17 per dollar of taxes paid.

Lebanon posts signs at town entrances showing support for agriculture and has added information about local farms to the town's website. A town-wide mailer is provided annually to residents explaining fiscal and other benefits of farmland and open space. The town amended its zoning regulations to identify the "promotion and protection of agricultural uses and prime and important farmland soils" as the number one purpose of zoning. In addition, Lebanon now mandates cluster subdivision development and agricultural buffers for all new lots that abut farmland and has greatly reduced the potential for new flag lot development in an attempt to decrease further land fragmentation.

The town's focus on planning for agriculture is evident in its 2010 Plan of Conservation and Development, which calls for preserving an additional 2,000 acres in the next 10 years while maintaining a land preservation fund working balance of \$500,000, leasing town-owned land for farming, continuing outreach efforts to farmers and agricultural businesses, educating the public to the benefits of agriculture, and providing agricultural education curricula at all public school grade levels. These along with other measures will help ensure that Lebanon's agricultural community has local support and the town preserves and celebrates its agricultural heritage.



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

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

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

Municipal Grants from the Connecticut Department of Agriculture 2011

Municipalities may apply to the Agriculture Viability Grants Program for funding to plan and implement local farmland preservation strategies, to institute agriculture-friendly land use regulations or to develop marketing initiatives to support local farm businesses. Grant rounds are held annually, with proposals due in November and grants awarded in January; towns are eligible for matching grants of up to \$50,000. Grants can also be used to invest in small capital projects but not to acquire land (*see Section 7: Resources*).

Total Grants: \$92,455

Bethany - \$950 for farmers' market promotion
Bozrah - \$2,205 for farmers' market promotion
Cheshire - \$40,000 for the Cheshire Land Trust to replace the main barn and improve the packing, shipping and storage system
Colchester - \$17,300 to develop a community services cost report and agricultural awareness project
Haddam - \$4,500 for the promotion of farmers' markets in the Higganum Village
Southbury - \$2,500 for farmers' market promotion
Sprague - \$25,000 to support farmland and open space preservation

Farm Viability Grants Awarded to Connecticut Non-Profits // Total Grants: \$338,035

(Coventry) Coventry Regional Farmers' Market - \$49,999 to develop a new site
(Hartford) Connecticut Farmland Trust - \$25,000 for accelerating agricultural conservation action
(Hartford) Hartford Food System - \$14,615 for the construction of a greenhouse to support CSA
(Hartford) Knox Park Foundation - \$29,757 for establishing a new community garden

(Glastonbury) Wind Hill Community Farm and Learning Center - \$27,300 for the expansion of CSA and educational programming
(New Haven) City Seed - \$7,100 to unify the marketing strategy of farmers' markets
(New Haven) Common Ground - \$49,070 for the FoodCorps project focusing on five municipalities to improve school food environments
(Vernon) Eastern CT Resource Conservation & Development Area - \$37,500 for a pilot study of a value chain partnership for local meat in Connecticut
(Vernon) North Central Conservation District - \$49,999 to administer an agricultural restoration grant program for farmers
(West Granby) Holcomb Farm - \$29,805 to build new irrigation system for vegetable fields
(Westport) Harbor Watch - \$38,000 to track and identify storm drain contamination of shellfish waters
(Wilton) Friends of Ambler Farm - \$2,890 for the purchase of reverse osmosis machine to increase maple syrup production
(Windsor) Connecticut Agricultural Education Foundation - \$15,000 for the emergency preparedness planning for agricultural producers

Town Agricultural Commissions

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

As a result, several Connecticut municipalities have created a formal town commission or committee to both provide farmer input into town policies that impact local agriculture and to help develop initiatives that will keep farming in the community viable. “Agricultural commissions” are advisory commissions created by ordinance, with no regulatory or enforcement authority. The size and make-up of agricultural commissions have varied by town, but most have five to seven members who are farmers or are involved in a farm-related business.

A commission may also include a designated slot or slots for members of other town boards with related interests, such as the planning and zoning commission, open space committee, inland wetlands commission or economic development commission. It is important that key municipal officials — a town planner, administrator, selectman or mayor, for instance — be involved in or regularly updated on the work of the commission, in order to make an effective link between an advisory body and local government.

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

Agricultural commissions can provide a valuable voice for agriculture in town affairs. While their functions may vary by town, most agricultural commissions are established to help identify issues of concern to farmers, to raise public awareness of the benefits of local farms and working lands, and to identify ways in which towns can support the business and land use needs of local farms. Because agricultural commissions are advisory, their most important role is to educate, raise awareness and create a culture of agriculture within a community.

Public Act 11-188

(a) Any 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, establish a local agricultural council to: (1) Provide information to local farmers and to municipal boards and commissions about the benefits of a balance between agriculture and other land uses; (2) educate municipal officials about agricultural laws and safety issues; (3) identify grant sources for farmers and municipalities; (4) enable a common understanding of agriculture among all municipal departments; (5) provide information and guidance about zoning issues relating to agriculture; (6) support local, regional and state vocational agricultural programs concerning agricultural matters; (7) provide conflict resolution and advisory services; (8) identify innovative opportunities for agriculture; and (9) create a climate that supports the economic viability of agriculture in the municipality. (b) Any two or more municipalities may form a regional agricultural council for the purposes set forth in subsection (a) of this section by vote of the legislative body or, in a municipality where the legislative body is a town meeting, by vote of the board of selectmen, of each municipality.

The Difference Between a Committee and a Commission

A commission is established when a town’s legislative body passes an ordinance and can only be disbanded if the ordinance is revoked. A committee is generally more temporary. Therefore, a commission generally has more longevity within a community.

An agricultural commission can help to see that the needs of agriculture are considered and integrated into town policies and regulations. For example, an agricultural commission can provide input on a POCD or on zoning regulations, or identify farmland that the town may wish to help protect. A commission can facilitate the resolution of farmer-neighbor conflicts, sponsor farmers’ markets or town celebrations of agriculture and serve as a clearinghouse for information on state and federal agricultural programs. Agricultural commissions can also collaborate with other town boards. Good communication ensures that boards and commissions inform one another about their current activities. Cross-table dialogue offers the opportunity for agricultural commissions to address potential issues proactively — before problems arise.



In 2003 the Quinebaug-Shetucket Heritage Corridor commissioned the University of Connecticut to conduct a survey of the region's residents to measure their opinions of locally grown food. Connecticut residents (78 percent) responded that knowing fresh fruits or vegetables were grown locally would make them more likely to purchase the produce. On average, residents consider locally grown food to be not only healthy (76 percent), but also fresher (88 percent) than non-locally grown or produced foods.¹

Agricultural commissions can:

- help town assessors understand appropriate Public Act 490 procedures;
- provide input to planning and zoning commissions on zoning regulations and individual projects;
- collaborate with finance committees and boards of selectmen to establish town farmland protection funds;
- work with open space committees to incorporate farmland into town open space plans;
- work with boards of selectmen or city councils to collaborate with neighboring towns on regional agricultural projects and to engage state legislators on legislation of interest or concern to town farmers;
- work with zoning enforcement officers, boards of selectmen or boards of health to help mediate neighbor complaints;
- make recommendations or prioritize farms to be preserved;
- guide municipalities in applying for appropriate grants to assist planning for agriculture in their communities.

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

Identifying Resources and Needs

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

Mapping Agricultural Resources

A valuable first step for a community is an inventory of local farms and farmland parcels to identify the quantity and quality of farmland that exists locally and how it is being used. A mix of tools, such as Geographical Information System (GIS) data, aerial photography and local tax maps and data can be used for this task. One critical data layer for this effort is agricultural soils. The soil resources of Connecticut have been mapped statewide by NRCS and are available in digital form.

Based on NRCS criteria, “prime” farmland is land that has the best combination of physical and chemical characteristics for producing crops. Farmland soils of “statewide importance” include those soils that nearly meet prime soil characteristics and can produce high yields of crops with a higher level of management. Prime and statewide important farmland may be in cropland, pasture, hay, forest or other land but not urban built-up land or water. A town can also choose to identify “locally important” farmland soils by requesting designation by NRCS. In general, “locally important soils” have slightly more limitations for agriculture, such as surface stones, but may nonetheless be vital to farm operations. Recognizing the value of local soil resources can help communities plan for the needs of agriculture and may identify land containing these soils as eligible for the federal Farm and Ranch Lands Protection Program (*see Case Study: Town of Lebanon, page 16*). A statewide map displaying concentrations of prime and statewide important farmland soils is shown in the back of this guide.

Another important data layer to include is the co-occurrence of agricultural soils and other important natural resources. For example, farmland may also be in a public water supply watershed, provide critical wildlife habitat or wildlife corridor, or contain flood plain that helps reduce flooding elsewhere in town. Planning for the protection of multiple resources and understanding their interconnectedness can help engage additional stakeholders and provide sources of funding and support for agricultural planning that meets multiple community objectives. The online Community Resource Inventory provided by the University of Connecticut’s Nonpoint Education for Municipal Officials (NEMO) or Connecticut Ecological Conditions Online (CTECOS) program can help identify these other resources.

The Center for Land Use Education and Research (CLEAR) provides information, education and assistance to land use decision-makers in support of balancing growth and natural resource protection. To achieve this goal, CLEAR conducts remote sensing research, develops landscape analysis tools and training, and conducts outreach education programs. Useful information on town agricultural resources can be found at: <http://tinyurl.com/centerforlanduse>.

Regional Planning Organizations are another excellent resource to assist towns in mapping their agricultural resources. Many of these organizations have extensive GIS resources available to towns.

Identifying Issues and Concerns

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

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


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

Review of Current Policies and Regulations


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

Converting Information to Action Steps

Converting the information gathered from the above steps into recommendations and actions is a logical task for a town agricultural commission or, for those towns with no agricultural commission, for a subgroup of an existing board or a specially designated advisory group. In developing next steps, town officials can look to a number of resources for additional help and expertise. These include the University of Connecticut Cooperative Extension, NRCS, Grange and Farm Bureau boards, land trusts and other organizations (see Section 7). It is important to include other local stakeholders in this process as well. Town staff and members of local boards that have jurisdiction over issues that affect farming and farmland — such as the planning department, zoning and wetlands enforcement, inland wetlands commission, conservation commission, planning and zoning commission, town assessors, the economic development commission and others — should be consulted and involved. Ensuring a transparent process and access to information to the entire community fosters buy-in from residents, farmers, local officials and other stakeholders.

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In 2006 the agricultural commission in Carver, Massachusetts, hired First Pioneer Farm Credit to assess the economic importance of agriculture to the town. First Pioneer mailed a survey to town farmers and farmland owners. Questions covered land protection status, age of the farm owner or operator, future business plans and concerns that could impact long-term viability. The survey found that 50 percent of local farmers do not have a farm successor and do not expect to remain in business for more than 20 years. Forty-nine percent of respondents plan to expand or diversify their farm operation. These results have informed the work of the agricultural commission, which now includes farm succession training and promotion of value added and retail opportunities.²

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In July 2006, the city of Middletown was awarded an Agriculture Viability Grant to “develop a plan for farmland and open space preservation.” To focus town resources and facilitate applications to state and federal farmland protection programs, the town hired a consultant to develop an inventory of farmland and help establish priorities for farmland and open space protection. Town officials have hosted workshops to discuss the inventory process and proposed prioritization with local farmers. A report based upon the inventory and feedback from farmers will focus on best methods to preserve farming and farmland.

Case Study: Eastern Connecticut's AGvocate Program

The AGvocate Program was conceived in early 2008 by a steering committee composed of many individuals who have been working for years to promote local agriculture. They saw a disconnect within towns. If you asked municipal officials and residents if their town is farm friendly, they would say yes. And, survey after survey showed that residents valued Connecticut's rural character even more than other town aspects considered in the polls. Yet, the steering committee saw that some local regulations actually hampered farm activity and thus farm viability. Due to increasingly urban and suburban lifestyles, fewer people — and fewer people serving in municipal government — are involved with the business of farming. Initiated through a Department of Agriculture Farm Viability grant, the AGvocate Program was created to bridge this gap, to encourage farmers to get involved with the decision-making process in their towns and to show municipal leaders what tools are out there to really make a town “farm-friendly.”

How the Program Works

In order to help municipalities become more “farm friendly,” the AGvocate Program provides a year of technical assistance to share and implement these tools. To take part in the program, towns must identify key players who agree to commit their time for the duration of the program. Over the course of the year, the AGvocate Program Director works with town officials, farmers and interested citizens to identify and implement goals to become more farm-friendly. Full commitment from the town's officials and citizens is one aspect of what makes the AGvocate Program so successful.

Since 2009, 14 towns have participated in the AGvocate Program: Ashford, Bozrah, Brooklyn, Canterbury, Eastford, Franklin, Hampton, Killingly, Pomfret, Scotland, Sterling, Thompson, Windham and Woodstock.

As of June of 2012

- Ashford, Bozrah, Brooklyn, Canterbury, Eastford, Franklin, Hampton, Killingly, Pomfret, Sterling, Thompson, Windham, and Woodstock established an agriculture commission, committee or combined agriculture with their conservation commission.
- Brooklyn, Bozrah, Canterbury, Eastford, Franklin, Hampton, Killingly, Pomfret, Thompson and Woodstock passed local Right-to-Farm Ordinances.
- All 14 towns held at least one farmer input session to listen to concerns of the farmers.
- Each town developed “town grown” brochures with links to town websites to inform residents of the farms and farm products in the town and to help farmers promote their agricultural products.
- Ashford, Bozrah, Brooklyn, Canterbury, Franklin, Pomfret, Scotland, Sterling, Thompson and Woodstock solicited direct input from farmers to establish agricultural goals for their Plan of Conservation and Development.
- Ashford, Canterbury and Killingly began revising their zoning regulations to remove barriers to farming.
- Thompson passed two farm tax incentives.
- Several towns held agricultural fairs, had an agricultural component to their 4th of July parades, held farm tours and walks, worked with schools to include more agriculture education in the classrooms, planted school gardens, hosted “meet your farmer” nights, co-sponsored agricultural films or attended educational workshops.
- In March 2012, the AGvocate Program hosted the first Connecticut Agricultural Conference: Growing Farms in Your Community to promote regional collaboration and energize towns to continue to revive the culture of agriculture in their communities.

Through initiatives like the AGvocate Program, Eastern Connecticut is re-establishing a strong agricultural identity where municipal decision-makers and residents not only value the rural character and scenic resources of agriculture but also recognize that farming is essential to their town's environment, food security, health and economy.

The success of the AGvocate Program demonstrates that a significant number of municipal decision-makers have begun to understand that in order to preserve farmland they must preserve and promote farming. There is still immense opportunity to provide a voice for and raise awareness of agriculture throughout Eastern Connecticut and to use the lessons learned throughout the state.



The Connecticut AGvocate Program developed a Farms in our Community brochure to demonstrate the value and benefits of agriculture and a Living Next to a Farm brochure, based on outreach materials used in Westport, Massachusetts. This brochure highlights how residents can support farmers in their community. These brochures are available for download at aginfolg.org.

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Tools that towns can use to support local farms and protect farmland range from zoning regulations to tax incentives to right-to-farm ordinances. As farming differs by community, so too will the types of policies and initiatives a town uses to foster local farms and farmland retention; discovering the best course of action for a particular community will take time and examination of local priorities.

Plan of Conservation and Development (POCD)

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

While many POCDs refer to agriculture — often citing the contributions of local farms to rural character, scenery and historical significance — not all town plans capture the full range of benefits that farms, as businesses and stewards of a large land base, bring to a community. Additionally, POCDs do not always identify specific steps to address the needs of local farms and farmers. Local POCDs represent an important opportunity to promote local agriculture.

Updating a POCD offers municipalities a chance to engage farmers and landowners to ensure that it addresses their interests and concerns. Specifically, state law provides that, in preparing an update, a planning and zoning commission “may appoint one or more special committees to develop and make recommendations for the plan” (*see Appendix A, CGS § 8-23*). Thus, a town could create an agricultural advisory committee to help develop recommendations relating to farming or farm and forest land protection (*see Town Agricultural Commissions on page 18*). A town could also use the POCD update as an opportunity to survey residents about their attitudes concerning local farms and farmland loss. Such a survey may reveal a willingness on the part of town residents to pay for farmland protection or an interest in purchasing more food and farm products locally. If so, these attitudes could be reflected in the POCD’s goals and recommendations.

Zoning Regulations

Land use regulations — zoning, subdivision and inland wetlands—are the primary way that towns implement their POCDs. These regulations can impact agriculture in a variety of contexts. Regulations can help reduce potential conflicts between farms and non-farming neighbors by creating buffers between the two. And what regulations permit in terms of structures, signage and retail sales can affect a farm family’s ability to grow or diversify its business through direct marketing, value-added processing or

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

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

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

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

What is Farming?

One important step in planning for agriculture is to clearly define what is agriculture and what constitutes a farm. Some municipalities have specified what may be considered a farm through use of acreage minimums or production value thresholds; some communities have a prohibition on specific agricultural activities. Narrow municipal definitions of farm, farming and agriculture can adversely affect the viability and sustainability of farms in the community. State law (*see Appendix A, CGS § 1-1(q)*) provides an inclusive definition of farm, farming and agriculture that can be adopted or referenced by a municipality. It defines agriculture broadly, including dairying, forestry, the raising or harvesting of any agricultural or horticultural commodity, aquaculture and the training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife. Additionally, farming includes the maintenance and improvement of a farm and its buildings and the handling, packing, processing, storing or direct sale of any agricultural or horticultural commodity as an incident to ordinary farming operations. A “farm” includes farm and accessory buildings, nurseries, orchards, greenhouses, hoopouses and other structures used primarily for the raising and, as incidental to ordinary farm operations, the sale of agricultural or horticultural commodities. The definition does not establish a size threshold for farms or an income level for agriculture operations.

Towns seeking to foster local agriculture should consider an all-encompassing definition of agriculture that clearly incorporates retail and value-added processing and helps provide flexibility for farm businesses to adapt to future markets and trends. Referencing CGS Sec 1-1(q) in the municipal definition provides some specificity and promotes regional consistency among towns, which can be important to producers farming in more than one town. Towns should seek to limit the distinction between small, limited or large farms.

Agriculturally Related Uses — Adding value to crops or goods produced on a farm is another important way for Connecticut farmers to improve farm profitability. Farmers are looking to add processing facilities to their farm enterprises — such as wineries, bakeries and kitchens for canning or making food products — to capitalize on local food trends and agritourism. State law includes the processing, packaging and storing of farm products incident to ordinary farming operations within the state definition of agriculture (*see Appendix A, CGS § 1-1(q)*). Towns can facilitate the development of value-added products by allowing processing facilities by right on farms or by minimizing the information required for special permit applications. Towns can also develop separate guidelines for farm-based kitchens that are providing limited and seasonal menu items, distinguishing them from large commercial restaurant kitchens.

Events of limited duration, such as hayrides, corn mazes and harvest festivals, can add revenue, draw customers and open new markets. Towns can encourage this type of profitable agricultural enterprise by limiting permits and fees required to hold such farm related events.

Non-Agricultural Uses — Similar to holding on-farm events, given the seasonal nature of agriculture, farm families often look to supplement farm income with non-farm business opportunities, such as bed-and-breakfasts, antique or gift shops, or farm and garden equipment repair shops. Consequently, towns seeking to retain local farms could try

to accommodate non-agricultural businesses where and when compatible with agriculture. Planning and zoning commissions can waive certain requirements for special permit applications or even allow compatible businesses by right.

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

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

zoning districts. Typically, overlay zones are identified and delineated on the basis of productive agricultural soils and contiguous areas of active farms.

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

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

The most effective TDR programs help facilitate transactions between private landowners and developers. A few programs allow developers to make payments in lieu of actual transfers. The locality then buys conservation easements on land in the sending area, sometimes in partnership with established purchase of development rights (PDR) programs and/or local land trusts. Other programs maintain public lists of TDR sellers and buyers. Some buy and retire rights to stimulate the market and/or reduce overall building potential. Lastly, at least a dozen communities around the country have established TDR banks that buy development rights with public funds and sell the rights to developers. Some banks finance loans using the rights as collateral.¹

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

Natural Resource Protection Zoning — Similar to conservation subdivisions or cluster zoning and a technique known as fixed-area ratio zoning, natural resource protection zoning seeks to concentrate new residential development in limited areas to preserve the majority of the contiguous parcel of open space. However, unlike cluster zoning that derives the number of dwelling units possible from a conventional subdivision plan that adheres to the underlying zoning for the district, natural resource protection zoning derives the number of allowable dwelling units by way of an area-based calculation for the total parcel; no conventional subdivision plan is drawn. Known limits are set on how much of any parcel may then be developed, with the remainder preserved for agriculture, forestry recreation or other natural resource protection purposes. But, unlike fixed-area ratio zoning, the open space must be permanently preserved by an enforceable conservation restriction. Ownership of preserved open space land is based upon the preferred natural resource use, so that preference is typically given to farmers for agricultural land and individual owners or forest companies for forestland. Guidelines and a review process help distinguish between areas suitable for development and those best preserved. Where used, natural resource protection zoning becomes the zoning for the district; no vestige of the underlying zoning or conventional subdivision methodology remains.²

Upzoning: Does It Help or Hurt?

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

Subdivision Regulations

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

Buffer — A buffer is a physical separation between land uses that can help prevent land use conflicts and potential nuisance lawsuits. To minimize conflicts between existing farms and new development, towns can require that new building lots abutting farmland have landscaped buffers along property lines to reduce the smells and dust from farms. Towns should consider agricultural buffers as part of their “open space” requirements.

Conservation Subdivision — Conservation subdivisions — also known as cluster development or open space development — are a commonly used mechanism to reduce the footprint of new residential development (*see Appendix A, CGS § 8-18*). Housing is concentrated on one part of a site while the remainder of the parcel is protected as farmland or open space (*see Farmland Protection section on page 29*). The parcel is allowed the same number of lots as a traditional subdivision, but the lots are smaller (*see diagram on page 29*). If the intent of a conservation subdivision regulation is to protect farmland, then it is important that the regulations include consideration of soil quality. Development should be steered to the parcel’s least productive soils, with the prime and important farmland soils conserved.

It is also important to consider the long-term agricultural viability of the protected parcel. The subdivision should include adequate buffers between new housing and the protected farmland to minimize neighbor conflicts. Ownership of the parcel is also a factor. A protected parcel intended for agricultural use should ideally be owned by the person or entity that is farming it. If owned instead by the municipality, land trust or homeowners’ association and rented to a farmer, the lease term should be for as long as possible, recognizing that farming entails multi-year crop rotations, management practices and investments. If the protected parcel is not of a sufficient size for a viable stand-alone farm operation or as a support parcel to an existing farm, it may offer a good opportunity for a community garden.



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

Right-to-Farm Ordinances

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

The State of Connecticut has declared that “no agricultural or farming operation, place, establishment or facility, or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance” provided the operation is following generally accepted agricultural practices (*see Appendix A, CGS § 19a-341*). “Generally accepted agricultural practices” are determined by the Connecticut Commissioner of Agriculture.

While a local right-to-farm ordinance does not confer any additional protections on local farms beyond what is already provided through the state’s right-to-farm statute, such an ordinance reaffirms a town’s commitment to agriculture and identifies farming as an accepted and valued activity. It may also help discourage nuisance lawsuits or other actions. Typically such ordinances document the importance of farming locally — such as revenue and job creation, relation to community character, or environmental benefits — and may require that a landowner selling property adjacent to an active farm provide the buyer with a notice disclosing the town’s support for agriculture and the types of impacts that may be associated with agricultural activities. Modeled after the state right-to-farm law, local ordinances should recognize and ideally cite the expansive state definition of agriculture (*see Appendix A, CGS § 1-1(q)*; *see Appendix B for recent court cases concerning right-to-farm issues*).



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

Local Tax Reduction Programs

In Connecticut, where municipal budgets rely heavily on local property taxes, farmers can face considerable tax bills due to their dependence on large amounts of land, buildings and equipment. In fact, farmers in the state pay an estimated \$23 million annually in property taxes, with 70 percent paying more than \$5,000 each year and 37 percent paying more than \$10,000 annually.³

Property taxes typically rise when rural land gives way to residential development, since new housing generally requires more in municipal services than it generates in property tax revenues.⁴ Local governments looking to retain farms and farmland can make good use of tax tools to create a supportive business environment for local farms in recognition of the many public benefits that agriculture provides.

There are a number of tax reduction programs for farms that are mandated statewide, such as PA 490, provided the farming operation meets certain criteria specified by state statute. There are municipal optional programs such as the tax exemption on farm buildings that are adopted through local ordinance upon approval of the municipal legislative body as required by state statute.

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

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

Given the role that local assessors play in implementing PA 490, it is important that town officials, farmers and agricultural advocates work with municipal planners and zoning officials to review the acreage thresholds and other criteria that establish eligibility. For example, high acreage requirements may exclude smaller farming businesses that are increasingly prevalent in Connecticut's agricultural sector.

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



Public Act 490: Connecticut's Landmark Land Use Value Assessment Statute

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

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

Is PA 490 an unfair tax break for farmers? Hardly. Farm and forest land require few services from local government. In fact, even when taxed at its current use value, farmland typically generates a fiscal surplus that can be used to offset the costs of providing services to residential development (*see Cost of Community Services, page 4*). Additionally, PA 490 reflects the reality that market value taxation would likely result in the development of farmland, leading to municipal costs far greater than the related gain in tax revenues (*see Appendix A, CGS § 12-107*).

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



Since 1996, the town of Ashford has offered property tax abatements for dairy farms; in 2005 the abatement was expanded to orchards and vineyards.

The town of Coventry has offered tax abatements for dairy farms since 1991.

The town of Union approved an ordinance in 2008 to abate the property taxes of dairy farms.

Farm Equipment, Animals and Other Property — Farm tools, machinery of an assessed value of up to \$100,000 and farm products including produce, nursery products and animals are exempt from property taxes under Connecticut state law provided the farmer meets the statutory thresholds for income and expenditures. (*see Appendix A, CGS §12-81 and CGS § 12-91*). Municipalities may vote to provide a further exemption for farm machinery, up to an additional \$100,000 in assessed value (CGS § 12-91b).



The town of Woodstock has provided a second property tax exemption of up to an additional \$100,000 for farm machinery since 2002.

Farm Buildings — Any municipality may provide an exemption from property tax for any farm building used exclusively for farming as defined by CGS §1-1q. The municipality may establish the amount of the exemption up to \$100,000 of assessed value. (CGS §12-91c).

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

Assessing Greenhouse Structures

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

Under CGS § 12-81 (*see Appendix A*), hoop houses and other temporary structures are exempt from property taxes. Under CGS § 12-91, a municipality may vote to provide a property tax exemption for farm buildings, including non-temporary greenhouses, of up to \$100,000.

There are a number of issues to consider when determining how to assess greenhouses, including their seasonality, intensity of use, construction and size. The Connecticut Greenhouse Growers Association provides a guide to assist in the assessment of greenhouses, which includes estimated construction costs (*see Section 7: Resources for contact information*).

Farmland Protection

The continued loss and fragmentation of farmland to development not only threatens the viability of Connecticut's farming sector, but the state's rural legacy and landscape. For established farms, land loss limits the potential for business expansion and creates significant logistical and economic challenges, as farmers work more and smaller farm parcels farther from the home farm. High farm real estate values are also a very significant barrier to young and beginning farmers.

An important step in retaining local farmland is to determine what lands are important to a town — not just to its farmers but to all its residents. This prioritization process should involve all stakeholders, including farmland owners, municipal officials, members of land use commissions and land trusts, and non-farm residents, and may involve input from regional planning organizations, state and/or federal agencies. Some ranking criteria to consider include prime, statewide and locally important farmland soils, current land use, cropland acreage, threat of development, view of land from town roads, proximity to other farmland (protected and not protected), and proximity to other features such as natural resources (e.g., rivers, wetlands, woodland, wildlife habitat), historical or cultural resources (e.g., blue-blaze hiking trail system), growth areas (e.g., sewer lines and housing), proximity to customer base, marketing of farm products, and local food system infrastructure.

It is also important to reach out to local farm owners. This can be done by members of a town agricultural commission, a board of selectmen or a planning commission, or in conjunction with a local land trust. The designated board or commission develops a strategy for communicating the town's desire to protect farmland and open space to local landowners. In smaller or more rural communities, board members may decide to directly contact landowners they think may be interested in selling their farm or the development right on the land. It is important that the town clearly communicates that it is simply exploring land protection strategies so that landowners do not feel pressured. Landowners often take years to consider their options, thus early outreach and planning are necessary.



In 2010 the town of Suffield received Agriculture Viability Grant funding for farmland preservation project appraisals and surveys, geographic information system mapping, and for farmers' market promotions in town.



In 2006, the town of Lebanon created ranking criteria for prioritizing farmland to protect and has worked with the NRCS to create a list of soils of local importance. As of 2012, 34 towns had worked with NRCS to identify additional soils of local importance.

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

Traditional Subdivision Conservation Subdivision



Source: Green Valley Institute, www.greenvalleyinstitute.org



Purchase of Development Rights (PDR) — Also referred to in other states as the purchase of an agricultural conservation easement (PACE), PDR is the process by which an entity, usually a town or state government, purchases the development rights from a willing landowner, restricting future use of the land. Typically, a conservation easement restricts residential and non-farm commercial development of the property in perpetuity, while allowing continued use of the land for farming. The landowner retains ownership of the land and may sell it or pass the land on to heirs. The current, and all future owners, must abide by the terms of the easement. Easements are held by a state, local government and/or a nonprofit conservation organization, and the entity that holds the easement is responsible for ensuring that the terms of the easement are upheld. Land under an agricultural conservation easement may be permanently assessed at its use value.⁵

State or federal funding sources for the purchase of development rights on farmland include:

State of Connecticut:

- Department of Agriculture's Farmland Preservation Program or Community Farms Preservation Program
- Department of Energy and Environmental Protection's Open Space and Watershed Land Acquisition Grant Program

U.S. Department of Agriculture:

- Farm and Ranch Lands Protection Program⁶

Eligibility requirements vary by program, but all require willing landowners. For example, participation in the Connecticut Farmland Preservation Program (FPP) generally requires a minimum of 30 acres of cropland. The Joint State-Town Farmland Preservation Program, in which the costs of a farmland protection project are shared between the state and a town, requires that municipalities have a fund dedicated to farmland preservation and a policy in support of farmland preservation (*see chart on page 31 for more criteria information*). The Connecticut Community Farms Preservation Program (CFPP) is also a cost share program for the joint purchase of development rights. CFPP began in December 2011 on a pilot basis to encourage locally supported farmland preservation on smaller farms that have excellent agricultural soils and contribute to local economic activity but that may not be eligible for the FPP. The state will cost-share with communities on farmland protection projects. Interested municipalities must enter into cooperative agreements with the Department of Agriculture to "prequalify" for cost-sharing. (*See Case Study: Community Farms Preservation Program on page 37*).

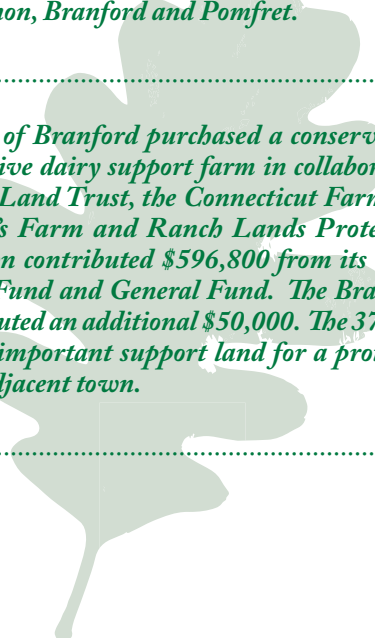
Although farmland protection projects are often complex, time-consuming and expensive, they offer important advantages, including protecting farmland in perpetuity and providing landowners a means to finance retirement, farm business expansion or other family needs without selling land for development.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



In 2007 and again in 2011, the town of Ashford, in joint projects with the Connecticut Department of Agriculture, successfully purchased the development rights to a Crooke orchard and Knowlton farm, a historic dairy farm using town funds while leveraging additional funds from Joshua's Tract Conservation and Historic Trust, a multi-town local land trust, and USDA.

Connecticut Farmland Trust, a statewide conservation organization, has partnered with the state Department of Agriculture and USDA to purchase development rights to farmland in the towns of Sharon, Norwich and Franklin, and has assisted towns with acquisition of conservation easements in Lebanon, Branford and Pomfret.

In 2011, the town of Branford purchased a conservation easement on an active dairy support farm in collaboration with the Branford Land Trust, the Connecticut Farmland Trust and USDA's Farm and Ranch Lands Protection Program. The town contributed \$596,800 from its Open Space Acquisition Fund and General Fund. The Branford Land Trust contributed an additional \$50,000. The 37-acre property provides important support land for a protected dairy farm in an adjacent town.




Farmland Protection Programs in Connecticut

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

Fee Simple Purchase — While some towns or land trusts have protected farmland by purchasing it outright, a purchase of land in fee simple costs more than the purchase of development rights and obligates the owner, the town or land trust, to manage and steward the parcel in the future. Fee simple purchases of farmland work best in time-sensitive situations or where the town has a vision for community use of the land. In instances where a landowner needs to sell immediately, a town may consider purchasing the farmland outright, restricting the land through a conservation easement, and then selling the protected land to a farmer. These types of purchases can often be facilitated by a land trust. Towns that are seeking farmers to rent town-owned land may wish to list their land with the Connecticut FarmLink program operated by the Connecticut Department of Agriculture. When renting land, towns should consider making the lease term as long as possible, allowing farmers the opportunity for long-term management and investments that can maximize farm profitability. For more information on agriculturally friendly leases, please see *Farmland ConneCTions: A Guide for Connecticut Towns, Institutions, and Land Trusts Using or Leasing Farmland*, produced by American Farmland Trust and available at www.farmland.org/connecticut.

Towns may consider applying for funds from the Connecticut Open Space and Watershed Land Acquisition Grant Program, creating a dedicated fund, and bonding to purchase farmland in fee simple.

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


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Limited Development — In certain situations, towns may consider limited development projects as a farmland protection tool. If funds are not otherwise available to finance purchase of the development rights or outright protection of the land through a purchase in fee simple, a town might consider purchasing farmland in fee simple and carving out one or more lots on the less valuable agricultural land, preferably along road frontage so as not to adversely impact the utility and management of cropland units. The lot(s) can then be sold for development and a conservation easement placed on the remaining land to preserve it for agricultural uses. The protected farmland can then be sold or retained by the town and rented to local farmers. In many cases limited development projects can allow towns to recover some or all of the initial costs of the land purchase. Land trusts may also use this tool to conserve farmland, in some circumstances. Legal and tax advice

should be obtained to determine if such scenarios are warranted and allowed. Towns should be wary of incompatible adjacent land use and have farm friendly ordinances.

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


- **Town Farmland Preservation Fund:** Through a town meeting vote, towns can dedicate funds toward farmland protection in general. The fund can be supported through general appropriations, bond funds, fee-in-lieu payments, surplus funds or other revenue sources. Even at nominal levels, this sort of dedicated fund can help pay the incidental expenses of farmland preservation, such as appraisal or survey costs, while signaling to local farmers a commitment to agriculture in the community. Towns with dedicated funds are also in a stronger position to leverage private and public money.
- **Bonding:** Through town meeting vote or referendum, towns can borrow funds for farmland preservation. This approach can be used for a designated project or to create a reserve of funds dedicated to land protection.
- **Discretionary Funds:** A budget surplus, fee-in-lieu payments or other undesignated funds may also be used to fund local farmland protection efforts. Such funds may be used to finance a specific project or towns may consider a policy that designates them to a Town Farmland Preservation Fund (*see above*).

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A 2007 survey found that 80 percent of Ellington residents would be willing to pay \$100 more per year in taxes to acquire or preserve farmland. Following this survey, a \$2 million bond referendum for conservation easements on farmland was passed in the town. The Town of Pomfret passed a \$4 million bond referendum for farmland preservation in town.

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Data on town level referenda show that residents value the protection of land and are willing to pay for the preservation of this resource. From 1998 to 2007, 89 percent of referenda for land protection in Connecticut were approved at town meetings, according to The Trust for Public Land.⁷ Surveys conducted by the University of Connecticut also demonstrate a strong willingness to pay for farmland protection. The University's survey of Woodstock residents showed that the community would be willing to pay over \$9,000 per acre to purchase an easement on dairy farmland that was at "high risk" for development.⁸



*The Last Green Valley (TLGV) spent two years researching and writing **Green & Growing – A Call to Action**, a comprehensive regional plan to sustain and expand food, fiber and forest production and related agricultural economies in the region. The extensive consideration of all the elements that affect the success of agriculture included geography, demographics, land and water resources, health, education, economic development, agritourism, business profitability, best management practices, energy, infrastructure, succession planning, government, climate change, food safety and security. The plan recommends certain joint efforts needed to achieve the visions of the plan. To learn more about the TLGV plan visit the website www.AgInfoTLGV.org. Copies of the plan are also available on the website. For **Green & Growing: A Call to Action** visit: www.tlgv.org.*



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

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

Recent Examples of Local Farmland Protection Efforts

Town	Year	Mechanism	Purpose*	Fund/Site Specific	Town Expenditure**
Suffield	2011	Open Space Fund (fee in lieu and annual budget allocation)	Conservation easement on 165 acres (joint Town-DoAg project)	Specific Project	\$600K
Pomfret	2011	Open Space Fund (bond referendum)	Conservation easement on 98 acres (joint Town-DoAg-USDA project)	Specific Project	\$121,978
New Milford	2011	Waste Management Settlement Fund	Conservation easement on 92 acres (joint Town-DoAg-USDA project)	Specific Project	\$300,023
Suffield	2011	Open Space Fund (fee in lieu and annual budget allocation)	Conservation easement on 79 acres (joint Town-DoAg-USDA project)	Specific Project	\$274,659
Ashford	2011	Open Space Fund (fee in lieu) and land trust	Conservation easement on 402 acres (joint Town-DoAg-USDA project)	Specific Project	\$331,542
Woodstock	2011	Open Space Fund (fee in lieu and annual budget funding)	Conservation easement on 40 acres (joint Town-DoAg-USDA project)	Specific Project	\$48,444
Sharon	2010	Private fundraising via Sharon Land Trust and CFT in amount of \$604k	Conservation easement on 144 acres (joint DoAg-CFT-USDA project)	Specific Project	\$0
Ellington	2010	Bond referendum	Conservation easement on 118 acres (joint Town-DoAg-USDA project)	Specific Project	\$490,000
Granby	2010	Open Space Fund (annual budget funding) and land trust	Conservation easement on 70 acres (joint Town-DoAg-USDA project)	Specific Project	\$158,528
Granby	2009	Open Space Fund (annual budget funding) and land trust	Conservation easement on 66 acres (joint Town-DoAg-USDA project)	Specific Project	\$119,581

Recent Examples of Local Farmland Protection Efforts

Town	Year	Mechanism	Purpose*	Fund/Site Specific	Town Expenditure**
Norwich and Franklin	2009	Private fundraising via CFT in amount of \$50K	Conservation easement on 181 acres (joint DoAg-USDA project)	Specific Project	\$0
Pomfret	2009	Open Space Fund (bond referendum)	Conservation easement on 93 acres (joint Town-DoAg-USDA project)	Specific Project	\$100K
Suffield	2008	Open Space Fund (fee in lieu and annual budget allocation)	Conservation easement on 36 acres (joint Town-DoAg-USDA project)	Specific Project	\$144,419
Suffield	2008	Open Space Fund (fee in lieu and annual budget allocation)	Conservation easement on 92 acres (joint Town-DoAg-USDA project)	Specific Project	\$245,806
Woodstock	2007	Open Space Fund (fee in lieu and annual budget funding)	Conservation easement on 110 acres (joint Town-DoAg-USDA project)	Specific Project	\$165K
Suffield	2007	Open Space Fund (fee in lieu and annual budget allocation)	Conservation easement on 111 acres (joint Town-DoAg-USDA project)	Specific Project	\$210,064

* In many cases landowners may have donated a portion of the easement value; this important donation is not included with other partners. Land trusts may have raised money locally for projects; these essential contributions are also not captured here. ** "Town Expenditure" may not include all associated costs with land acquisition or conservation easements such as appraisals, surveys, title searches, professional and attorney fees, and staff costs.



Case Study: Community Farms Preservation Program

In December 2011, Connecticut Agriculture Commissioner Steven K. Reviczky announced designation of \$2 million of Community Investment Act funds for a pilot of the Community Farms Preservation Program (CFPP). Established per Sec. 22-26nn of the Connecticut General Statutes, the CFPP is for farms that do not meet the criteria of the long-standing Farmland Preservation Program for reasons of size, soil quality, or location, but may contribute to local economic activity through agricultural production. Such farms typically have fewer than 30 acres of crop land, are active farms in food or fiber production, contain prime farmland soils and/or additional farmland of state-wide importance, and have a demonstrated level of community support.

The Connecticut Department of Agriculture received tremendous response from towns throughout Connecticut seeking to become pre-qualified for the pilot by the initial deadline on May 31, 2012. In fact, 21 towns in seven counties successfully completed the pre-qualification requirements, culminating in a cooperative agreement with the Department to jointly purchase development rights (PDR) on qualified farms.

As of that date, another 13 towns requested identification of additional farmland of local importance from the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS). Thus, 20 percent of the towns in Connecticut are prepared, or are in the process of preparing, for the ability to leverage state and/or federal funding for the preservation of important farmland soils on qualified working farms.

Of the towns qualified to participate in the pilot of CFPP, 10 farm applications in six counties statewide were submitted by the July 31, 2012, deadline and as of October 2012 were being considered for funding. Nearly 700 acres were included in the initial pool of applications, which include a variety of active farm types such as dairy support crops, pasture for beef cattle and sheep, goat cheese making facilities, organic vegetables with a community supported agriculture (CSA) component, maple syrup, and Christmas trees.

As the funding request for the 10 farms exceeded the \$2 million designated for the pilot, the Department sought assistance from the NRCS to access federal funding through the Farm and Ranch Lands Protection Program (FRPP). A great effort was made by both the Department and NRCS to enter a cooperative agreement for FRPP 2012 funding that would help enable protection of as many qualified farms as funding will allow.

Participation in the program is voluntary. Interested farmers and towns are encouraged to discuss CFPP eligibility with a Program Director or Property Agent by phone at (860) 713-2589 or in writing to the Connecticut Department of Agriculture, Farmland Preservation Program, 165 Capitol Avenue, G8A, Hartford, CT 06106.

References

1. American Farmland Trust, Farmland Information Center, *Fact Sheet: Transfer of Development Rights*, 2008, available online at www.farmlandinfo.org.
2. Jeffrey Lacy, Robert Ritchie and Joel Russell, *Natural Resource Protection Zoning, the Green Side of Smart Growth*, December 2010, www.mass.gov/envir/smart_growth_toolkit/bylaws/green_side_smart_growth_nprz.pdf; Information provided by Jeff Lacy and Shutesbury, Massachusetts, planning board.
3. USDA NASS, *2002 Census of Agriculture*, 2004.
4. American Farmland Trust, Farmland Information Center, *Fact Sheet: Cost of Community Services Studies*, 2010, available online at www.farmlandinfo.org.
5. Connecticut Farm Bureau, *Connecticut's Land Use Value Assessment Law Public Act 490 A Practical Guide and Overview for Landowners, Assessors and Government Officials*, 2010.
6. A reauthorization of the federal Farm Bill, expected in late 2012 or 2013, is likely to impose changes to the federal Farm and Ranch Lands Protection Program, including consolidation with another program to create a combined Agricultural Lands Easement program. For more information about the program and its status, visit the CT Natural Resources Conservation Service website or contact one of the USDA-NRCS service centers around the state.
7. Robert Johnston, University of Connecticut, and Joshua Duke, University of Delaware, *The Value of Farm and Forest Preservation in Connecticut*, 2007 and *What is Our Willingness to Pay for Open Space Protection? Results and Implications from a Study of Four Connecticut Communities*, 2007 available at www.easternrcd-ct.org/pdf/RobertJohnston_Presentation.pdf.
8. The Trust for Public Land, LandVote, available online at www.tpl.org/tier2_kad.cfm?folder_id=2386.

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 24*).

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. Some 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: As a general rule in allowing direct sales from farms in order to help ensure seasonal viability for farmers, the greater the flexibility the better (*see “Retail Farm Businesses” on page 23*). Remember that farmers often have acreage in multiple towns, so be sure that farmers can sell products they grow in other towns at their farm stand.

In addition, consider zoning regulations that:

- Allow farm stands by right on farms, including those selling milk, ice cream or other products year-round.
- Allow farm stands to sell products from other Connecticut farms. This allows farms to ensure availability as well as diversity of product for customers, while enhancing market opportunities for other local farms. Include 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. Distinguish between a seasonal “farm stand” and a permanent “farm store.” The Capitol Region Council of Governments (CRCOG) developed model regulations that suggest distinguishing between the two based in part on use. A seasonal farm stand, used by a farm business for the temporary, seasonal sale of raw and/or processed agricultural and horticultural products, services and activities, might be allowed by right, provided the structure and sales area are compatible in size and scale with neighboring uses, and the farm stand ceases operations for at least six weeks in one year. A farm store, used by a farm business for the year-round sale of raw and/or processed agricultural and horticultural products, services, and activities might be allowed by special permit, provided the footprint of the store and all retail areas are compatible in size and scale with neighboring uses and the store has off-street parking. The CRCOG regulations suggest a parking area that does not exceed three square feet for every one square foot of building footprint, and permeable parking surfaces. CRCOG regulations envision that a seasonal farm stand would require a minimum of 70 percent of gross sales be from 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 regulations envision a farm stand meet a smaller threshold of 50 percent. These thresholds are just suggestions; as mentioned earlier, the greater the flexibility afforded a farm business in what it can sell, the more opportunity that farm has to generate customers and sales.

Allow Adequate and Effective Signage

Issue: 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. Stringent restrictions that limit or prohibit the use of permanent, seasonal and directional farm signs can hinder farm businesses and informal or inconsistent sign rules can lead to confusion, lack of uniformity in enforcement, and conflicts between farmers, neighbors and the town.

Possible Solutions:

- 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.
- 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.
- The Capitol Region Council of Governments has provided some suggested models of regulations that can be found on its website at www.crcog.org:

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 freestanding 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 (CT 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: It is important to facilitate good communication between farmers, public health officials, 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 and to craft regulations that will not hinder farm operations (*see Town Agricultural Commissions on page and Agricultural Structures on pages 18 and 24*).

- 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.
- When addressing farm structures, agricultural buildings and set backs, it is important to provide flexibility that balances best practices and addresses market needs for a farm.

Minimize Farmer-Nonfarmer Conflicts

Issue: Farming can be noisy, smelly and unsightly. Farm machinery can cause traffic delays and back-ups. Nonfarmers 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 47 and 50*).
- 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 26*).
- Encourage farmers to employ generally accepted agricultural practices. Work with the University of Connecticut Cooperative Extension System, Connecticut Agricultural Experiment Station, USDA NRCS, Connecticut 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 26*).
- 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, as well as siting requirements for new non-farm construction (*see Overlay Zones and Agricultural Zones and Conservation Subdivision on pages 24 and 26*).

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 page 24*).
- If a special permit is required, create a streamlined process that limits the time and paperwork required to obtain approval for on-farm events.



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

Issue: Farmers face a challenging regulatory environment around the retail sale of food and food products. Several state and local authorities may have jurisdiction over aspects of on- and off-farm sales, and navigating the necessary inspections and licenses can be a costly, frustrating and time-consuming process for farmers.

Possible Solutions:

- While much of the regulation in this area is done by state agencies, town boards — especially local health departments or districts — play a role in regulating retail food sales. It is important that officials serving on local boards understand what products are exempt from local regulation and the scope of their regulatory authority.
- **Agricultural Product Exemptions:** No state or local inspection is required for the preparation and sale of jams, jellies or preserves on a residential farm if the jams, jellies or preserves are prepared with fruit grown on the farm. Each container of jam, jelly or preserves offered for sale on the farm must have on its label, in 10-point type: “Not prepared in a government inspected kitchen.” Similarly, no inspection is required for on-farm processing and sale of maple syrup, provided that each container offered for sale on such farm shall have on its label, in 10-point type: “Not prepared in a government inspected kitchen.”
- **Farmers’ Markets:** Local health departments and districts are responsible for interpreting and enforcing the state Public Health Code and have jurisdiction at farmers’ markets whenever items may be sampled or cooking demonstrations are taking place. While the Connecticut departments of Consumer Protection and of Public Health may exercise jurisdiction in a farmers’ market, a farmer’s kiosk at a certified farmers’ market is considered an extension of the farmer’s business, and state regulations relating to the sale of farm products on a farm govern the sale of farm products at a farmer’s kiosk as well.
- **Food Product and Processing Licensing and Inspection:** 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 Energy and Environmental Protection (DEEP) issue licenses for commercial fin

fish and lobster pot operations. The DEEP is also responsible for approving waste management on farms, including septic systems when the farm is processing value-added products. A farmer that sells a value-added product must prepare these value-added items in a licensed commercial kitchen. Local health departments or districts are responsible for inspecting wells and septic systems.

Local health departments or districts may wish to call state agencies directly with questions or visit state agency websites:

- 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 Energy and Environmental Protection — Waste Management, (860) 424-3803
- Department of Public Health — (860) 509-7297.

Ease the Permitting Process for Farms

Issue: Applying for special permits can be costly and 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:

- 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 (CTSG) have developed a guide to the 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: www.seagrant.uconn.edu/aquaguide/.

Address Livestock Concerns

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


Addressing livestock concerns at the municipal level is complicated and often contentious. Connecticut state law defines 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. And there is some guidance on the limits of permissible municipal regulation of livestock in state case law (*see Appendix B for recent court cases concerning right-to-farm and livestock*).

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 26*).
- 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 multiyear contracts that provide incentive payments and cost sharing for recommended conservation practices. The program provides a conservation plan and Comprehensive Nutrient Management Plan (CNMP) and may pay from 50-90 percent of the cost of structures, and up to 100 percent of certain management practices. For information on the EQIP and other NRCS programs, visit www.ct.nrcs.usda.gov.
- Connecticut Department of Agriculture's Environmental Assistance Program (EAP) — This program reimburses farmers for part of the costs of implementing a CNMP. Grants under this program must be used for capital improvements and may be used in combination with the EQIP (see above). The EAP and EQIP together can provide no more than 90 percent of the project cost. For information on the EAP, visit www.ct.gov/doag.

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To help municipalities navigate through this issue, Eastern Connecticut Resource Conservation and Development Area Inc. and American Farmland Trust recently published a livestock regulations guide for local officials. Guidance and Recommendations for Municipal Livestock Zoning Regulations can be downloaded at www.farmland.org.

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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.
- 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.

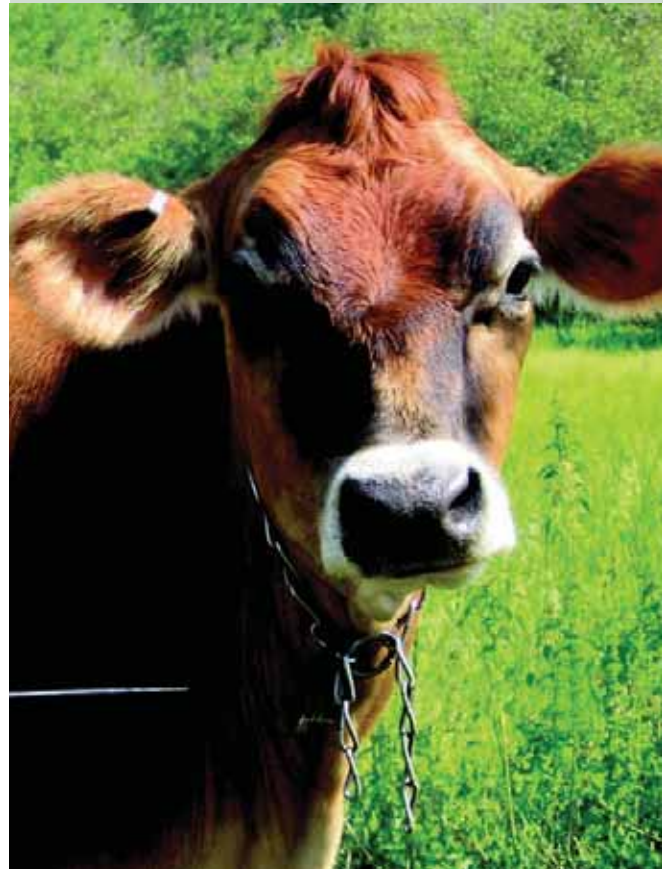
When issues or uncertainties arise over compliance with state regulations, contact the appropriate organization:

- Department of Agriculture Bureau of Regulation and Inspection — (860) 713-2504
- Department of Energy and Environmental Protection Materials Management and Compliance Assurance, Water Permitting and Enforcement Division — (860) 424-3018
- 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
- Materials Management and Compliance Assurance, Water Permitting and Enforcement Division — (860) 424-3018
- 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 state law 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:

- Be sure landowners and farmers are aware of differential use assessment available to qualifying farmland through PA 490 (*see Use Value on page 27*).
- 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 27*).
- Work with assessors to implement PA490 within the intent of the legislation. 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 27*).
- 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 28*).
- 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 28*).
- 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 28*).



Encourage Agricultural Use of Town-Owned Farmland

Issue: Many towns own land that has been and could be used for agriculture but is now idle. Farmers are often seeking additional land to expand their operations or replace rented land that has been sold for development. Among towns that do lease town owned land to farmers, some limit agricultural practices such as pesticide and fertilizer use or restrict harvest time on parcels; others may agree to only a short-term (one or two year) lease agreement. While these practice or time limitations may be warranted in certain conditions, they are also likely to impact the parcel's suitability and viability for certain farming venture-quality-of-life benefits that local farms provide.

Possible Solutions:

- Inventory town-owned land. Consider working with your town's agricultural commission, a group of local farmers, the University of Connecticut Cooperative Extension System, or the NRCS to analyze the suitability of town-owned land for agricultural purposes. Consider what type of farming venture would be suitable on the parcel, given its location, topography, soils, infrastructure, water availability, and other natural resources present. (see *Town Agricultural Commissions, Mapping Agricultural Resources and Farmland Protection* on pages 18, 19 and 29). If land can be used for farming, develop a Request for Proposals or other means of soliciting farmer interest in the parcel. Post information about available farmland on the Connecticut Department of Agriculture's Connecticut FarmLink website 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 Community Supported Agriculture (CSA) farm 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.



For more information on leasing town-owned land, please see **Farmland ConneCTions: A Guide for Connecticut Towns, Institutions, and Land Trusts Using or Leasing Farmland** produced by American Farmland Trust and available at www.farmland.org/connecticut.



Keep Agricultural Land Productive for the Future

Issue: Farmland is a valuable, non-renewable natural resource. Town officials can play a role in working with and supporting 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 47).
- Encourage training in land stewardship practices for municipal employees or commission members responsible for town-owned farmland.

Reasonably Regulate Wetland Compliance

Issue: Local officials may not always be aware that some agricultural and forestry activities are exempt from wetland and watercourse regulation (*see Appendix A, CGS § 22a-40(a)(1)*).

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. Provide commission members with 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. Consider convening your town agricultural commission or a group of local farmers and forest managers to work with the town. Encourage the inland wetlands and watercourse commission to establish a process for determining when/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 — www.conservect.org
 - Connecticut DEEP (860) 424-3019
 - NRCS (860) 871-4011
 - U.S. Army Corps of Engineers (978) 318-8111



Towns can play an important role in increasing the visibility and improving the viability of local farms. Towns are establishing festivals to showcase local farm products, providing space for farmers' markets, working with schools to bring local foods into their cafeterias and developing local farm product guides. Such steps illustrate support for local farms, educate community members and support the economic viability of farms. Municipalities can also do more through agricultural economic development. Although towns may appreciate the economic activity of local agriculture, farmers generally have been on their own to seek state or federal assistance for diversification, marketing, business planning and infrastructure needs. Yet, like other small businesses, farm businesses need local officials to understand their business needs, to help seek opportunities for product and market development, and to be advocates on their behalf with state and federal officials.

Be a Farm-Friendly Town Government

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

Include Farmers in Decision-Making

Involving farmers in local decision-making helps ensure their varied interests are understood. Consider forming an agricultural commission or advisory board to serve as the local voice of agriculture (*see page 18*). Recruit farmers for other local boards and commissions, including the economic development commission. If an agricultural commission or advisory board exists, encourage that board to work closely with other town boards to develop common goals. If the town is looking at developing a food action plan or a food security or sustainability plan, be sure to include farmers from the beginning.

Support Farm and Food Production

Enthusiasm for local food and agriculture has spurred new interest in food entrepreneurship as well as backyard farming. Towns should be flexible with regulatory barriers that hamper food entrepreneurs seeking commercial kitchens to create value-added farm products.

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

Towns can reach out to farmers in a number of ways. Consider conducting a survey of local farms to better understand their business and land use needs and concerns. Provide farmers information about local tax exemptions or land conservation opportunities. Seek input from the agriculture community about proposed changes in zoning regulations or new ordinances that might impact their farm operations. Collaborate with service providers to hold workshops for local farm businesses and residents on topics related to supporting local agriculture, including USDA Natural Resources Conservation Service, Connecticut Department of Agriculture, University of Connecticut Cooperative Extension, Connecticut Farm Bureau Association, and Connecticut Northeast Organic Farming Association.

Help Residents Understand Agriculture

Towns can make use of a number of different communication media to help educate residents about local farms. Brochures can inform residents about a local right-to-farm ordinance, what they can expect from living close to farms, about the value of buying local products from local farms, and the need to exercise patience when farmers take their tractors onto roads. A town website can include links to local farm businesses or information about farming activities. A local historical society or school project could develop a program about a town's agricultural history to air on a local cable channel. Meetings that include town officials on a regular basis, such as a Conservation Commission or a Farmers' Market Coordination Meeting can routinely invite one farmer or agriculture service provider to help build understanding between farmers and nonfarmers in the community.

Community Farms

A number of Connecticut communities have developed "community farms." These farms have typically grown out of efforts to protect a local farm or farm parcel from development and are sometimes owned and managed by a land trust or, more commonly, owned by a municipality and managed by a nonprofit organization created expressly for this purpose. A community farm typically provides educational programming for adults and/or students, creates job opportunities and/or service learning options and produces food. Through creative programming and management, community farms can serve a mix of community members through a variety of activities. For example, in the town of Simsbury, a property that was originally donated in 1883 "to be used for the occupation and maintenance of the town poor," is leased to Community Farm of Simsbury (CFS). The 77 acres plus barn and farmhouse are used to host a summer camp Montessori program, a demonstration garden for vegetables that are given to local food pantries, and an incubator farmer program. The Town of Simsbury takes responsibility for routine maintenance of buildings. CFS, in return, is obligated to maintain USDA organic certification, pay utilities and maintain non-structural portions of the buildings.



For more information about community farms and about leasing farmland to farmers, see *Farmland ConneCTions: A Guide for Connecticut Towns, Institutions and Land Trusts Using or Leasing Farmland*, a joint publication of University of Connecticut Cooperative Extension System and American Farmland Trust. The guide is available at www.farmland.org/connecticut.

Community Gardens

In 2008, the Town of Enfield received a grant from the CT DEEP to install a very popular Community Garden in the Thompsonville section of town. Fifty-four raised beds were installed on a vacant parcel of property in order to give the local residents, who are primarily renters, the opportunity to grow organic vegetables. The grant funded the purchase of the beds, soil, tools and a shed to store them in as well as a supply of starter plants and soil amendments for the first year. Currently, some 35 families cultivate the beds with help from volunteer University of Connecticut Extension Master Gardeners. They hold classes once per week in season and help periodically with the planting, weeding and harvesting. As a group, they also maintain a few beds for the Loaves and Fishes food pantry so its users can also enjoy fresh produce in season. Several community gardens exist in Connecticut and offer many individuals the opportunity to eat truly fresh, wholesome produce, raise awareness of our food chain, and provide a way to strengthen local communities through civic involvement.

Lease Town-Owned Farmland to Farmers

Leased land has grown in importance to new and current farmers alike in Connecticut, although good lease agreements that support agricultural production are often hard to find. For towns that own farmland, consider the long-term lease of that land to a farmer. It is important for a municipality

to have a policy that guides decisions about the appropriateness of leasing for agricultural use. The Plan of Conservation and Development (POCD) is a good place to demonstrate a commitment to agriculture that can be used to directly or indirectly justify leasing of town-owned parcels.

Support Farmers' Markets

Farmers' markets provide a place for farmers and other members of the community to connect and remind residents that great food and agricultural products are grown in their town. Farmers' markets are a valuable outlet for farm products since direct retail offers higher returns than wholesale marketing. Towns can play an instrumental role in the success of a local farmers' market. Although not every town can or should hold a farmers' market, those communities with the appropriate setting, such as a town green, along with willing farmers and a strong customer base can be a recipe for a successful farmers' market. Towns looking to support and grow their local farmers' market or looking for aligned organizations that support and advocate for Connecticut farms and agriculture can consult the online Farmers' Market Resource Center hosted by CitySeed and BuyCTGrown.com.

How a town can help grow a farmers' market:

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



The town of Coventry has played an important role in supporting the Coventry Regional Farmers' Market, which holds various events to celebrate agriculture each week such as a "Garlic and Herb Festival" and "Old Fashioned Corn Roast & Contra Dance." Initially the town helped secure a location and provided seed money, and the town continues to cover the market's insurance and offer other support. With more than 4,000 patrons each week, the market has outgrown its original location and is now held at the Hale Homestead in Coventry. In June of 2012 a new barn was erected on the site to develop and grow site infrastructure.

The town of Hamden received an Agriculture Viability grant from the Connecticut Department of Agriculture to start a new farmers' market in the summer of 2007; grant funds were used for infrastructure improvements — paving and landscaping — as well as marketing. The market operates on Friday afternoons in conjunction with the town's Summer Concert Series.

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

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

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

Highlight Local Farm Products and Destinations

Local product guides are an increasingly popular way to highlight local farms and food products. Brochures often include maps identifying farm stands, pick-your-own farms, farmers' markets and other retail opportunities, along with their hours of operation and available products. The same type of information can also be placed on a town website to reach an additional audience. Developing a local product guide may be a good project for a town agricultural commission or advisory board. This same information could be broadcast on local TV to reach additional audiences and promote farms. Local product guides can be displayed in Town Hall, at local community centers, schools, daycare, senior centers, as well as at town fairs and festivals. Town agriculture commissions can work with local growers to ensure their farm businesses are also included in public listings, including maps and brochures of the Connecticut Department of Agriculture, and on the BuyCTgrown.com website.

Farm-to-Institution

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

The Connecticut Farm to School program, coordinated by the Connecticut Department of Agriculture, connects schools (K-12) and local farms with the objectives of serving healthy meals, improving student nutrition and supporting local and regional farmers. Many school districts actively participate in the 'CT Grown for CT Kids' week in the fall. Towns that want to start a Farm-to-School program in their school district can find a variety of publications and resources from the National Farm-to-School Network (www.farmtoschool.org).



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

Celebrate Agriculture

Festivals and Fairs

Festivals and fairs are a great way for communities to celebrate local agriculture. Some fairs may feature agricultural exhibits, displays, demonstrations and parades. Other festivals may highlight one local product, such as a strawberry festival in June or a cider festival in the fall. Towns can host fairs and festivals or provide financial or logistical support to nonprofit organizations that do so. Agriculture commissions can host gatherings or farm tours to celebrate local farms when their products are in peak season.



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

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

The 2012 Celebration of Connecticut Farms was held at Ashlaw Farm in Lyme and featured local food, wine, celebrity chefs and more. Visit www.ctfarmland.org for more information.

Dinners at the Farm is a unique local food dining experience that began taking place at farms around the state in the summer of 2007. Each evening offers unique dinners featuring local farm products and shared right on the farm. Proceeds of these dinners benefit local organizations committed to local food initiatives. Go to www.dinnersthefarm.com for more information.

The Connecticut Wine Trail offers a unique collection of 24 vineyards statewide, all having tasting rooms where visitors can sample Connecticut produced wines.



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

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

Recognition Awards

Local officials can offer recognition awards to farmers or to community members who actively support local agriculture. Consider awarding a “Farmer of the Year” or “Farmer Appreciation Awards” at events to highlight agriculture. Invite members of a local agriculture commission to help identify recognition opportunities. If a major farmland preservation project is completed, be sure to recognize community members and farm families that made the project a success.

Agriculture and the Classroom

The connection between farms and schools can go beyond the farm-to-school lunch program. Agricultural commissions can reach out to younger residents of town by organizing school field trips to local farms. Teachers can work with local farmers or the agricultural commission to develop projects around a school garden, locally grown farm products or a town’s agricultural heritage. Local officials seeking more information should contact Connecticut Agriculture in the Classroom (see Section 7, Resources).



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

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

Case Study: New Haven Food Policy Council

In a city where job creation, closing the achievement gap and reducing crime are of primary concern, making the case for the importance of agriculture to city dwellers can seem somewhat insignificant. But when you talk to community members about the positive impact of a community garden on neighborhood safety, hear students wax poetic about eating from the school garden or the joy of selling their produce at a farmers' market, or work with food service directors trying to expand farm to institution purchasing only to be stymied by lack of crop quantities or processing facilities, it doesn't take long to understand the importance of rural and urban farms to our city.

Strengthening the connections between farms and the urban community is a key component of the work of the New Haven Food Policy Council (NHFPC). Established through the efforts of the not for profit CitySeed and through official city ordinance, the council began meeting in 2007. Eleven appointed community members representing a range of food sectors set to work on how to make improvements to the city's food system. In its first years the NHFPC supported zoning changes to permit backyard chickens and partnered with parents, students and food service workers to develop the current self-operated school food program, where healthier food and locally grown produce are a priority.

Over the past six years the NHFPC has come to play an important role as a local hub for the food movement and a forum for communication and collaboration across communities, departments and organizations. It sees the opportunity to leverage Community Development Block Grants, Risk Management Agency, Community Foundation funding and many private foundation dollars to not only cultivate the desire for locally grown food but the ability to empower residents and government to sustain it. The enthusiasm for locally grown food has manifested into seven farmers' markets, 50 community gardens, eight school gardens, one CSA farm launched in July 2012 and countless organizations and individuals dedicating time and effort to improving the local food system for everyone.

The coalition developing through the NHFPC is working on a wide range of projects and issues, and contributing knowledge to the creation of the first Food Action Plan for New Haven released in the autumn of 2012. The Food Action Plan makes recommendations that affect agriculture in a variety of ways:

- Building partnerships to support the 50 existing community gardens, school gardens and the emerging New Haven Farms CSAs to get more people growing more food
- Changing zoning regulations to permit on-site sales of produce at community farms and gardens, as well as sale of food from community gardens at farmers' markets
- Clearing obstacles to large scale composting efforts
- Encouraging farm-to-institution procurement
- Creating a food business resource center and food business incubator to support start-up businesses and expansion efforts
- Building on the recommendations of economic development groups to reinvigorate warehouse areas for food processing, aggregation and greenhouse based food production
- Expanding free or low-cost cooking education to create the desire and skills to choose and cook fresh food

The partnerships of organizations such as Common Ground, CitySeed (the council administrator), New Haven Land Trust, Economic Development Corporation, New Haven Health Department, Connecticut Food Bank, neighborhood groups, local farms and youth members have been pivotal to the development of the work of the NHFPC.



In October 2012, the New Haven Food Policy Council hosted a New Haven Food Summit bringing Will Allen as a guest speaker to help kick off their Food Action Plan and strategies to promote healthy foods in the city of New Haven.

Section 7 RESOURCES

For more information for farm businesses please see: www.canr.uconn.edu/ces/frm

American Farmland Trust — www.farmland.org/connecticut

Farmland Information Center (partnership between the Natural Resources Conservation Service and American Farmland Trust) is a clearinghouse for information about farmland protection and stewardship. www.farmlandinfo.org

Conservation Options for Connecticut Farmland — www.farmland.org/connecticut
(American Farmland Trust and Connecticut Farmland Conference of Municipalities)
describes farmland protection options and programs available in Connecticut

Planning for Agriculture: A Guide for Connecticut Municipalities — www.ctplanningforagriculture.com
(American Farmland Trust and Connecticut Farmland Trust) describes the broad range of tools available to help local governments plan for the future of agriculture in Connecticut

Farmland ConneCTions — www.farmland.org/connecticut
(American Farmland Trust and University of Connecticut)
A guide for Connecticut Towns, Institutions and Land Trusts Using or Leasing Farmland

Capitol Region Council of Governments (CRCOG) — www.crcog.org

The Capitol Region Council of Governments (CRCOG) is guided by the chief elected officials of 30 Metro Hartford municipalities.

Connecticut Agricultural Business Management Guide — www.canr.uconn.edu/ces/frm

University of Connecticut Cooperative Extension Farm Risk Management and Crop Insurance Program offers guides and resources to provide farmers and agribusinesses with information to improve farm financial management and reduce risk.

Connecticut Agricultural Experiment Station (CAES) — www.caes.state.ct.us

CAES offers free soil testing. (Note: More extensive lead testing in soils can be performed by private environmental testing laboratories. A list can be found at the Connecticut Department of Public Health's website: www.dph.state.ct.us)

Connecticut Ag in the Classroom — www.ctacf.org

Agriculture education

Connecticut Association of Conservation — www.caciwc.org

Municipal Conservation and Inland Wetlands Commissions

Connecticut Chapter American Planning Association (CCAPA) — www.ccapa.org

Land use planning and professional organization

Connecticut Conference of Municipalities (CCM) — www.ccm-ct.org

Statewide association of towns and cities and the voice of local government

Connecticut Conservation Districts — www.conservect.org

Connecticut's five conservation districts provide technical services and education about resource conservation to municipalities and citizens.

Connecticut Department of Agriculture — www.ctgrown.gov

Farmland preservation, right-to-farm, grants and other resources

Connecticut Department of Energy and Environmental Protection — www.ct.gov/deep

Energy and environmental protection and land conservation

Connecticut Ecological Conditions Online — www.cteco.uconn.edu/

Maps and geospatial data for planning, management, education, and research

Connecticut Environmental Review Team (ERT) — www.ctert.org

Assist municipalities with review of sites proposed for development or preservation



Connecticut Farm Bureau — www.cfba.org

PA490: A Practical Guide and Overview for Landowners Assessors and Government Officials provides information about Connecticut's farmland tax assessment program. www.cfba.org/pa490guide.htm

Connecticut Farm Link — www.farmlink.uconn.edu

CT FarmLink is a free website listing for registered farm owners and registered farm seekers.

Connecticut Farm Service Agency (U.S. Department of Agriculture) — www.fsa.usda.gov/ct/ct.htm

Credit, loan, disaster, and a variety of farm commodity programs

Connecticut Farmland Trust — www.CTFarmland.org/

Private statewide land trust dedicated to protecting Connecticut's working farmland

Connecticut Greenhouse Growers Association — www.growersplantsinct.com/cgga/cggaindex.htm

Greenhouse grower trade association

Connecticut Northeast Organic Farming Association (NOFA) — www.ctnofa.org

Online resource provides information about community farms in Connecticut and annual conference on the topic.
www.ctnofa.org/CommunityFarms.html

Connecticut Nursery and Landscape Association — www.growersplantsinct.com

Connecticut's greenhouses, garden centers, nurseries, and landscapers trade association

Connecticut Office of Policy and Management — www.ct.gov/opm

Statewide planning and intergovernmental coordination

Connecticut Sea Grant — www.seagrant.uconn.edu

University of Connecticut and National Oceanic and Atmospheric Administration (NOAA). Aquaculture, estuary protection

Conservation Districts of Connecticut — www.conservect.org

Natural resource conservation and education

Equity Trust — www.equitytrust.org

Equity Trust offers innovative land tenure models.

***Good Horse Keeping: Best Practices Manual for Protecting the Environment (2011)* — <http://tinyurl.com/b76evn7>**

A reference focused on horses but offers some valuable guidance for all livestock.

Land for Good — www.landforgood.org

Land for Good provides expertise and resources in farmland access, farm transfer planning and farm use agreements.

New England Small Farm Institute — www.smallfarm.org

New England Land Link helps farmers & landholders locate and transfer farms in New England.
www.smallfarm.org/main/for_new_farmers/new_england_landlink

Holding Ground: A Guide to Northeast Farmland Tenure and Stewardship (New England Small Farm Institute) addresses farmland access, transfer, affordability and stewardship. www.smallfarm.org/main/bookstore/publications

Northeast Sustainable Agriculture Research and Education (SARE) — www.uvm.edu/~nesare

Community grants and farmer resource

Resource Conservation and Development Council (RC&D) — www.ct.nrcs.usda.gov/Programs/rc&d_in_connecticut.html

Connecticut's two RC&D councils help communities protect their natural resources in a way that improves the local economy, environment and living standards.

Eastern Connecticut RC&D — www.easternrcd-ct.org | Kingsmark RC&D — www.ccrpa.org/km/Default.htm

Rural Development — www.rurdev.usda.gov/ma/

Rural housing, community economic development, and infrastructure

The Trust for Public Land — www.tpl.org/

Land preservation

University of Connecticut — www.uconn.edu

Center for Land Use Education and Research: Research on Connecticut's landscape and changes to it.
www.clear.uconn.edu

Connecticut Agricultural Business Management Guide (Connecticut Farm Risk Management and Crop Insurance Program) is a tool for farm businesses that covers setting up and conducting a business and a primer on various rules and regulations in Connecticut.
www.canr.uconn.edu/ces/frm

Cooperative Extension System offers a variety of programs and services in plant and animal agriculture.
www.extension.uconn.edu

Environmental Conditions Online (CT ECO) is a GIS resource with convenient access to the most up-to-date and complete natural resource information available statewide — www.cteco.uconn.edu

Nonpoint Education for Municipal Officials (NEMO) Education for municipal officials on land use and natural resource protection.
www.nemo.uconn.edu

Soil Nutrient Analysis includes lead screening — www.soiltest.uconn.edu

U.S. Department of Agriculture (USDA) — www.usda.gov
Federal agency on agriculture, food and rural development conservation.

USDA Natural Resources Conservation Service (NRCS) — www.ct.nrcs.usda.gov

NRCS offers a variety of cost share assistance programs for conservation practices and technical assistance for planning, designing and installing practices.

NRCS Web Soil Survey provides online information about soils — www.websoilsurvey.nrcs.usda.gov

U.S. Environmental Protection Agency (EPA) — www.epa.gov

Federal agency on environmental protection

Working Lands Alliance — www.workinglandsalliance.org/

Working Lands Alliance, a project of American Farmland Trust, is a coalition of individuals, businesses, and organizations whose policy, education, and advocacy work has led to the protection of thousands of acres of productive Connecticut farmland.

Additional training and educational resources are often available from the following industry associations:

Connecticut Agricultural Business Cluster — www.ctagcluster.com/
Connecticut Apple Marketing Board — www.ctapples.com/
Connecticut Beekeepers Association — www.ctbees.com/
Connecticut Christmas Tree Growers Association — www.ctchristmastree.org/
Connecticut Farm Fresh — www.ctfarmfresh.org/
Connecticut Farm Wine Development Council: [Website not available]
Connecticut Horse Council — www.cthorsecouncil.org/
Connecticut Poultry Association — www.web.uconn.edu/poultry/CPA/
Connecticut Sheep Breeders Association, Inc. — www.ctsheep.org/
Maple Syrup Producers Association of Connecticut — www.ctmaple.org/
Nutmeg Rabbit Breeders' Association — www.nutmegrabbitbreedersassociation.org/



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, hoophouses 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. No such regulations shall prohibit the use

of receptacles for the storage of items designated for recycling in accordance with section 22a-241b or require that such receptacles comply with provisions for bulk or lot area, or similar provisions, except provisions for side yards, rear yards and front yards. No such regulations shall unreasonably restrict access to or the size of such receptacles for businesses, given the nature of the business and the volume of items designated for recycling in accordance with section 22a-241b, that such business produces in its normal course of business, provided nothing in this section shall be construed to prohibit such regulations from requiring the screening or buffering of such receptacles for aesthetic reasons. 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. A copy of such letter shall be included in each application by the municipality for discretionary state funding submitted to any state agency. (3) Notwithstanding any provision of subdivisions (1) and (2) of this subsection, no commission shall be obligated to prepare or amend a plan of conservation and development for such municipality from July 1, 2010, to June 30, 2013, inclusive. (b) On and after the first day of July following the adoption of the state Conservation and Development Policies Plan 2013-2018, in accordance with section 16a-30, a municipality that fails to comply with the requirements of subdivisions (1) and (2) of subsection (a) of this section shall be ineligible for discretionary state funding unless such prohibition is expressly waived by the secretary, except that any municipality that does not prepare or amend a plan of conservation and development pursuant to subdivision (3) of subsection (a) of this section shall continue to be eligible for discretionary state funding unless such municipality fails to comply with the requirements of said subdivisions (1) and (2) on or after July 1, 2014. (c) 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. (d) 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 conservation and 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. (e) (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, multipurpose 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. (f) 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. (g) (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 conservation and 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. (h) (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. (i) 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 (g) 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)§ 12-107 a. 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 or that occupies a given site for any given day or event and that 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 in conformance with the applicable 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) A farmer offering farm products for sale at a certified farmers' market shall obtain and maintain any license required to sell such products. (d) A food service establishment, as defined in section 19-13-B42 of the regulations of Connecticut state agencies, may purchase farm products that have been produced and are sold in conformance with the applicable regulations of Connecticut state agencies at a farmers' market, provided such establishment requests and obtains an invoice from the farmer or person selling farm products. The farmer or person selling farm products shall provide to the food service establishment an invoice that indicates the source and date of purchase of the farm products at the time of the sale. (e) Section 22-6g or this section shall not supersede the provisions of any state or local health and safety laws, regulations or ordinances.

Farmers' Market/Women, Infants and Children Program: CGS § 22-6g

§ 22-6g. Connecticut Farmers' Market/Women, Infants and Children Program: Definitions. 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; (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 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; (13) "Fresh produce" means fruits and vegetables that have not been processed in any manner; (14) "CFM/WIC" means the Connecticut farmers' market supplemental food program for women, infants and children as administered by the department; (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; (16) "Connecticut-grown" means produce and other farm products that have a traceable point of origin within Connecticut; (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; (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; (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; (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; (21) "USDA-FNS" means the United States Department of Agriculture-Food and Nutrition Service; (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; (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; (24) "WIC" means the special supplemental food program for women, infants and children, as administered by the Department of Public Health.

Loan Program for Purchasing Farmland: CGS § 22-26mm

§ 22-26mm. Municipal loan program. Account. Regulations. (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, setting forth the criteria for loans granted under this section, and the terms governing such loans.

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.

- **Canterbury v. Deojay** (CT Appellate Court, 2009) - inland wetlands commission determines whether an activity constitutes “farming” and, therefore, is exempt from regulation
- **Taylor v. Fairfield Conservation Commission** (CT Supreme Court, 2011) - filling of wetlands to construct farm roads is not exempt from wetlands regulation

Selected Decisions Concerning Municipal Regulations and Statutes

Definition of Agriculture

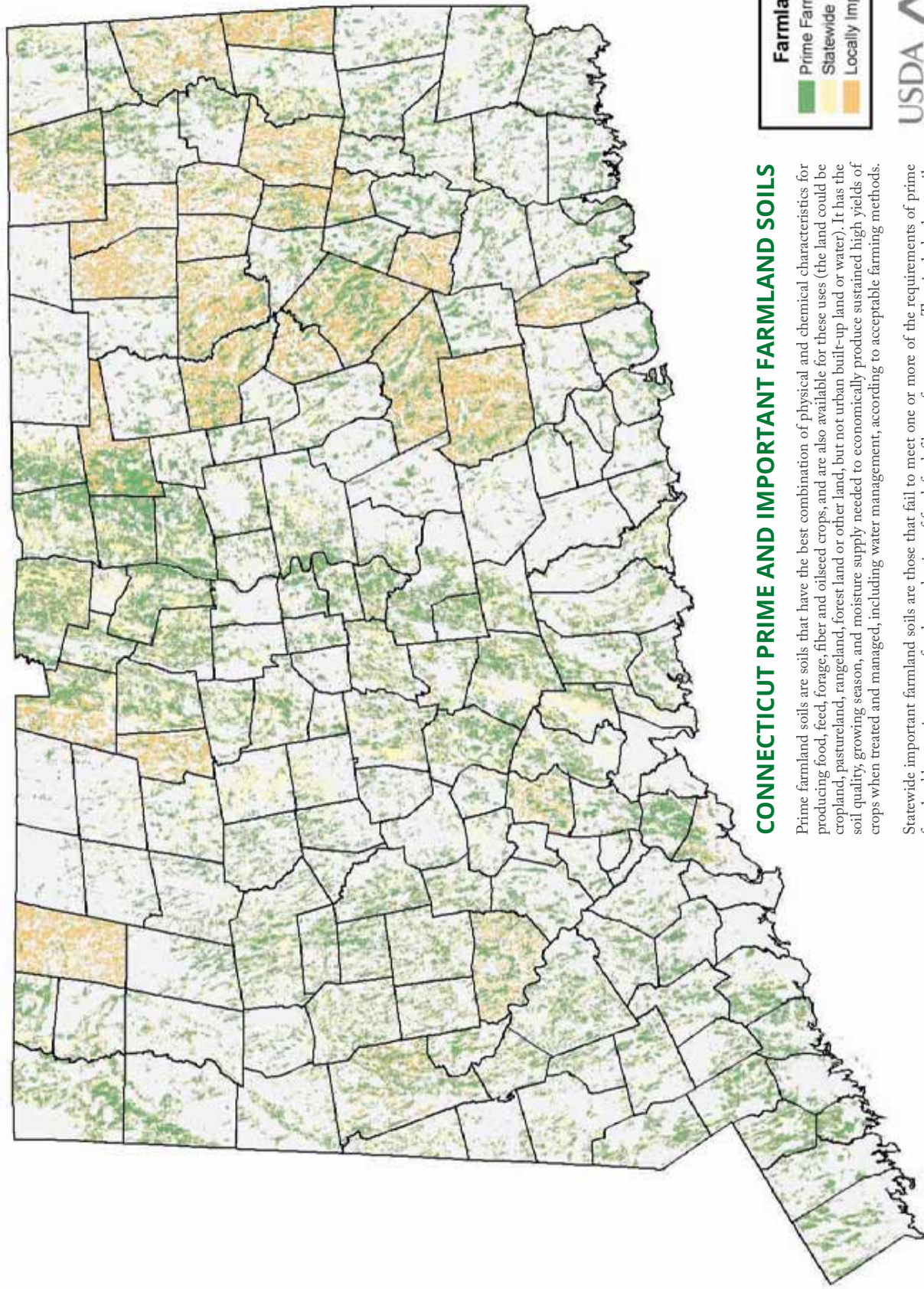
- **Wood v. Somers Zoning Board of Appeals** (CT Supreme Court, 2001) — The collection, storage and sale of spring water is not an agricultural use and not within the definition of agriculture and farming under local zoning regulations.
- **Richardson v. Redding Zoning Commission** (CT Appellate Court,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

- **Hills v. Middletown Zoning Board of Appeals** (CT Superior Court, 2010) - Although horse roping, rodeo, team penning and barrel racing have a “training” component to them, they did not constitute an agricultural use, rather were recreational.
- **Connecticut Appellate Court (2008)** appealed and subsequently upheld *Borrelli v. Middletown Zoning Board of Appeals* (CT Superior Court, 2005) — The boarding of horses is permitted as “animal husbandry,” an allowed agricultural use in a residential zone under town zoning regulations.
- **Cooper v. Suffield Zoning Board of Appeals** (CT Superior Court, 2000) — Raising of pheasants for sale is an allowed “farm use” under local zoning regulations.
- **Kaesser 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.



CONNECTICUT PRIME AND IMPORTANT FARMLAND SOILS

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

Statewide important farmland soils are those that fail to meet one or more of the requirements of prime farmland but are important for the production of food, feed, fiber or forage crops. They include those soils that are nearly prime farmland and that economically produce high yields of crops when treated or managed according to acceptable farming methods.

Locally important farmland soils are soils that are not of prime or statewide importance but are used for the production of high value food, fiber or horticultural crops. These lands have been identified and approved by the local municipality and NRCS as important to the local economy due to their productivity or value.

Some soils displayed as "prime and important farmland soils" are within low density residential areas.

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PLANNING FOR AGRICULTURE A GUIDE FOR CONNECTICUT MUNICIPALITIES

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