



TOWN OF KILLINGLY

PLANNING & DEVELOPMENT OFFICE

172 Main Street, Killingly, CT 06239
Tel: 860 779-5311 Fax: 860 779-5381

MEMORANDUM

TO: Elizabeth Wilson, Killingly Town Clerk
FROM: Ann-Marie Aubrey, Director of Planning and Development
DATE: June 12, 2019
SUBJECT: Killingly Planning & Zoning Commission initiated Zone (Text) Change Application #19-1212; under Article IX, Section 900 Amendment, Borough of Danielson Zoning Regulations; Section 580, et sec.; Agriculture; amend the definitions, permitted uses, special permitted uses, and agricultural use table; and any minor changes deemed necessary.

(Handwritten signature/initials)

*Elizabeth M. Wilson
2019 JUN 12 10:12
TOWN OF KILLINGLY CT*

In accordance with Connecticut General Statutes Section 8-3(a) the Killingly Planning and Zoning Commission notifies you that the Commission initiated a Zone (Text) Change Application #19-1212; under Article IX, Section 900 Amendment, Borough of Danielson Zoning Regulations; Section 580, et sec.; Agriculture; amend the definitions, permitted uses, special permitted uses, and agricultural use table; and any minor changes deemed necessary.

A copy of the proposed Zoning (Text) Change is attached for your use.

A public hearing has been scheduled for: **MONDAY, JULY 15, 2019 @ 7:00 PM**
Town Meeting Room
Second Floor, Killingly Town Hall
172 Main Street, Killingly, CT 06239

All interested parties are urged to attend and be heard. Written testimony will also be accepted up through the close of the public hearing. The application file is available for review at the Planning and Development offices at the above address during our regular business hours; Monday, Wednesday, Thursday 8:00 am to 5:00 pm; Tuesday 8:00 am to 6:00 pm and Friday 8:00 am to 12:00 pm (noontime).

Please note that word and/or editing changes, if any, to the proposed text may be suggested for and made to the text up to the close of the hearing, and there will be no further advertisement of those word and/or editing changes until the decision of the Planning Zoning Commission is published.

Please post this notice for public notification a minimum of 10 days before the scheduled public hearing, excluding the day of posting and the day of the hearing. Please do not remove this posting until after the public hearing on MONDAY, JULY 15, 2019. Thank you.

Any inquiries or questions can be directed to the Planning and Development Office at 860-779-5311; voicemail is available after our normal business hours.

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SECTION 580.1 INTENT

- a) The purpose of these regulations is to preserve existing agriculture uses, encourage new agriculture uses, and to maintain and promote a healthy and sustainable environment for people, livestock, plants and wildlife in the Town of Killingly through the use of appropriate standards and permit procedures. Agriculture in Killingly has its roots in the tradition of colonial New England subsistence farming. It continued to survive and evolve even as Killingly's water resources were harnessed to power mills at the start of the Industrial Revolution. Small dairies, orchards and poultry houses were present in the early twentieth century, with beef cattle, sheep, goats, produce, orchards, equine and horticultural activities existing today. These diverse farms and farming enterprises contribute to Killingly's economy and sense of place by providing a scenic, rural atmosphere, a local source of ornamental plants and fresh foods and recreation.
- b) These regulations are intended to treat Agriculture and Farming enterprises under the Zoning Regulations equally, fairly and with the same consideration as all other permitted land uses in the Borough of Danielson.
- c) Nothing contained herein shall restrict the power of the local zoning authority under Chapter 124 of the Connecticut General Statutes. Zoning controls are needed to regulate scale, intensity, and impacts.

SECTION 580.2 DEFINITIONS (NOTE: These must be added to Section 300-Definitions as well.)

- 1) Agriculture and Farming – Except as otherwise specifically defined, the words “agriculture” and “farming” shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and

equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations; or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations; or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The Term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. Nothing herein shall restrict the power of a local zoning authority under chapter 124; in accordance with CT General Statutes Sec. 1-1(q), and as may be amended from time to time.

- 2) Ancillary – Something that is subordinate to, auxiliary to, supplementary to the primary activities or operation of an organization or farm.
- 3) Aquaculture – means the farming of the waters of the state and tidal wetlands and manmade tanks both above and in-ground and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands; and as may be further defined and described in CT General Statutes Sec. 1-1(q) as may be amended from time to time.
- 4) Buffer Zone/ Buffer Strip – Vegetative screening consisting of, but not limited to, plantings, shrubs, bushes, evergreens, berms, and/or, which may also include or require, fencing. The purpose of such buffers is to isolate, both visually and acoustically adjacent property areas (or zones) and to help maintain the quiet enjoyment of residential areas. Maintenance of required buffers shall be responsibility of the owner and/or occupant of the property. (See also Planted Screenings, Section 310)
- 5) Connecticut Grown – Produce and other farm products that have a traceable point of origin within the State of Connecticut; in accordance with CT General Statutes CGS §22-38(a) and as may be amended from time to time.

- 6) Farm – Includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structure, or other structure used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities; and as may be further defined and described in CT General Statutes Sec. 1-1(q), and as may be amended from time to time.
- 7) Farm Products – Any fresh fruits, vegetables, mushrooms, nuts, shell eggs, honey or other bee products, maple syrup or maple sugar, flowers, nursery stock other horticultural commodities, livestock food products, including meat, milk, cheese, and other dairy products, food products of aquaculture, 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 definition, as described in CT General Statutes Sec. 22-6g, and as may be amended from time to time, including, but not limited to, baked goods, wool products, soap products made with farm products; and leather as long as it does not violate Section 510 – Prohibited Uses of these zoning regulations.
- 8) Farm Store / Retail Farm Store – Used by a farm business for the year round sale of raw and/or processed agricultural and horticultural products, services, and activities.
- 9) Fresh Produce – Fruits and vegetables that have not been processed in any manner.
- 10) Processing – Processing on farms is not considered manufacturing if the raw materials are grown on the farm and processed in compliance with all necessary CT Department of Health and Consumer Protection Licenses
- 11) Season – A clearly delineated period of time during a given year that has a beginning date and ending date, which correlates with a major portion of the harvest period for Connecticut Grown fresh produce.
- 12) 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.

SECTION 580.3 RIGHT TO FARM LAW

The Commission recognizes supports and abides by the CT Right to Farm Law as contained in Connecticut General Statutes Section 19a-341 and the “Killingly Agriculture Commission and Right to

Farm Ordinance" adopted October 9, 2012. In accordance with Killingly Code of Ordinances; Article VII.1 "Killingly Agriculture Commission and right to Farm Ordinance"; Sections 2-131 through and including 2-134; with Sections 2-135 to 2-140 Reserved; and as may be amended from time to time.

SECTION 585.4 GENERALLY ACCEPTED AGRICULTURAL PRACTICES; BEST MANAGEMENT PRACTICES; RIGHT TO FARM PER CONNECTICUT GENERAL STATUTES and TOWN OF KILLINGLY ORDINANCES

- a) All agricultural practitioners should utilize generally accepted agricultural practices recommended by the USDA National Resources Conservation Service, the USDA National Organic Program Standards, the State Department of Agriculture, the University of Connecticut Cooperative Extension Service, the University of Connecticut Animal Science and Plant Science Departments, the Connecticut Agricultural Experiment Station and/or the Connecticut Department of Energy and Environmental Protection as appropriate to their operation(s).
- b) All agriculture practitioners should utilize the CT Department of Environmental Protection, Natural Resources Conservation Service's best management practices for agriculture, and as such policies may be amended from time to time, as a guide line for protecting Connecticut's water resources.
- c) Notwithstanding any general statute or municipal ordinance or regulations 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, provided that; such activity meets the definitions and standards of the following:
1. CT Right to Farm Law as contained in CT General Statutes Section 19a-341; and / or
 2. Killingly Code of Ordinances; Article VII. 1. "Killingly Agriculture Commission and Right to Farm Ordinance", Sections 2-131 through and including 2-134; and / or
 3. The generally accepted agricultural practices as set out by the CT Department of Agriculture.

- d) All State and Federal requirements, regarding generally accepted agricultural practices, including but not limited to, manure management, pest control and provisions for the storage and use of fertilizers, pesticides, fungicides and other chemicals, shall be met, or exceeded.
- f) The requirements of the CT Public Health Code for the proposed use shall be met.
- g) Drainage shall be designed and constructed to avoid the creation of standing water, the pollution of surface or subsurface water supplies, and shall comply with the CT Department of Energy and Environmental Protection's Water Quality Standard.
- h) All livestock operations shall follow generally accepted agricultural practices as determined by the CT Department of Agriculture; and the best management practices regarding water resources as provided by the CT Department of Energy and Environmental Protection as well as any other applicable state or federal laws. For livestock operations, animal keeping areas shall be sited to protect clean water and avoid storm water drainage flow patterns. The Planning and Zoning Commission and/or its designee reserves the right to revoke any permits issued in the event that it is determined by any competent agency, or its representative, that the generally accepted agricultural practices or best management practices are not being followed.

SECTION 580.5 "AGRICULTURAL USE TABLE"

Referral is made to the "Agricultural Use Table" for a summary of the agricultural uses allowed in the various zoning districts. Agricultural uses are also listed in individual zoning districts as appropriate.

SECTION 580.6 AGRICULTURAL PERMITTED USES

The following uses of buildings are permitted by right in the Borough Districts only as listed herein, on the "Agricultural Use Table", and in the individual zoning district sections, requiring, AS NEEDED, the securing of a zoning permit as specified in Article VI of these regulations. However, any building, structure, on-site sewage disposal system, grading, excavation, or dumping of fill or materials on slopes of or greater than fifteen percent (15%) shall be subject to a site plan review. In addition, the applicant may, at the discretion of the Planning and Zoning Commission or its agent(s)/designees be required to

file an erosion and sediment control plan if it is determined that special site conditions or constraints (i.e. excessive steep slopes, unstable soils) warrant such a plan.

a) Growing, selling and processing of field and orchard crops;

1) **Permitted in all zones; provided all zoning set back requirements of the underlying zone are met.**

2) Examples of processing include but are not limited to: Cheese making, soap production, baked goods and other food product preparation such as jams and jellies, condiments, vinegars, meat products, dehydrated fruits and vegetables, sauces, and dips, pickling and cider.

3) **All applicable State Regulations from the Department of Health, the Department of Agriculture, and the Office of Consumer Protection, and any other governing state agency must be complied with.**

4) **"Pick-Your-Own" operations, with adequate off-street parking as determined by the Zoning Enforcement Officer, are permitted.**

b) Greenhouses and/or nurseries, with or without retail sales;

1) Permitted in the Residential Medium Density District only as in accordance with Boro Section 410.1C.

2) Permitted in the Residential High Density District only as in accordance with Boro Section 420.1D.

3) A zoning permit will be required, if applicable.

c) Seasonal Farm Stands (non-permanent structure);

1) Permitted in the Residential Medium Density District.

2) The stand is not a permanent structure (i.e. must be movable), is located on the same site as the agricultural or horticultural use it supports, or is on other land owned, leased or used by the same owner of the stand.

3) Maximum size of the stand is 200 square feet.

4) Required setbacks are a minimum of 20 feet from any street right of way, 50 feet from any road intersection and 15 feet away from any side lot line.

5) Only agricultural or horticultural products may be sold and a minimum of 51% of gross sales shall be for products, raised, grown and harvested on site or are related agricultural products made from the raw agricultural or horticultural products grown and harvested on site or on other land owned, leased or used by the same owner of the stand.

6) Examples of acceptable related agricultural products include, but are not limited to, wreaths, jams, jellies, baked goods, herb vinegars, cider and maple syrup.

7) The owner of the stand shall be allowed to re-stock with acceptable related agricultural products grown by other CT based farmers, or non-CT based farmers located within a 50 mile radius of Killingly, to meet the demands of consumers.

8) A minimum of two (2) off-street parking spaces must be provided for each stand.

9) A Zoning permit shall be required for the stand.

10) For the Residential High Density District, only portable display stands or tables may be used and must be removed nightly.

d) Retail Farm Stores;

1) Allowed in the Residential Medium Density District as in Boro Section 410.1C only.

2) Allowed in the Residential High Density District as in Boro Section 420.1D only.

3) Must be located on the same site as the agricultural or horticultural use, or is on other land owned, leased or used by the owner of the retail farm store.

4) Agricultural or horticultural products sold must meet a minimum of 51% of gross sales shall be for products, raised, grown and harvested on site or are related agricultural products made from the raw agricultural or horticultural products grown and harvested on site or on other land owned, leased or used by the same owner of the farm store.

5) Examples of acceptable related agricultural products include, but are not limited to, wreaths, jams, jellies, baked goods, herb vinegars, cider and maple syrup.

6) The owner of the store shall be allowed to re-stock with acceptable related agricultural products grown by other CT based farmers, or non-CT based farmers located within a 50 mile radius of Killingly, to meet the demands of consumers.

7) Accessory products associated with the agricultural or horticultural products sold on the subject site may be also offered for sale. Examples of accessory products include, but are not limited to: Tree stands and tree trimmings associated with a Christmas Tree Farm, seeds, pots, planters, garden decorations, fertilizers, peat moss, and other soil amendments and seasonings, barbeque sauce and grilling accessories for meat products.

8) Adequate off-street parking shall be provided at the rate of one parking space for every 200 sf of store area, with a minimum of two (2) parking spaces for a 200 sf store.

9) A Zoning Permit will be required.

e) Raising processing and sale of livestock and livestock products;

1) The maintenance and keeping of livestock in any residential zoning district shall be factored by the size of livestock being kept and the ability to keep that livestock in accordance to the generally accepted agricultural practices and the capacity of the land to accommodate said livestock.

2) This section shall apply provided that the lot size (area / acreage) meets or exceeds 80,000 square feet (1.84 acres) and that the setbacks are met: Lot Frontage, 250'; Setback from Street Line 75'; Setback from Side Line 25'; Setback from Rear Line 30'; Maximum Height of Structure 35'; Maximum Lot Coverage 25%

3) Any structure or building which houses any livestock shall be located at least 100 feet from the boundary line of any adjacent property owner. However when the livestock is pigs, the CT Public Health Code Section 19-13-B23(a), which lists the requirements for the setback distances for pigs, provided it remains greater than 100 feet, shall apply.

4) Storage of manure/waste shall be located no less than 150 feet from boundary lines.

5) Housing of livestock and enclosures for manure storage may only be located in rear yards.

6) Horse slaughterhouses are specifically prohibited in the Town of Killingly

7) Nothing in these regulations is intended to allow any uses related to the keeping of livestock that is prohibited by any private deed restrictions.

f) Aquaculture;

1) Permitted in the Residential Medium Density and Residential High Density districts.

2) All requirements of the CT General Statutes and all other state and federal regulations shall be met.

g) Keeping of backyard chickens;

1) Permitted in Residential Medium Density and Residential High Density districts.

2) The number of chickens being kept at any one time shall not exceed 6 on any lot or parcel that is less than one-quarter acre (<1/4 acre).

3) All chickens must be confined to the owner's rear yards; and generally accepted agricultural practices must be followed.

4) Roosters are prohibited on lots of less than 80,000 square feet.

5) Housing, enclosures and manure storage are only located rear yards and must be located a minimum of 20' from side and rear boundary lines.

6) Nothing in these regulations is intended to allow any uses related to the keeping of backyard chickens that is prohibited by any private deed restrictions.

h) 4H (4H Clubs) or FFA (National FFA Organization) Student Projects;

1) Allowed in Residential Medium Density and Residential High Density districts.

2) Student projects involving the temporary keeping of farm animals are authorized provided a Statement of Use and Animal Management Plan that comprehensively describes the proposed project, including shelter provisions, outside keeping areas and manure management, is prepared and found acceptable with respect to animal welfare and potential environmental and neighborhood impacts by the 4H Club Agent of the Cooperative Extension Service or a qualified school instructor or project manager.

3) That at the end of the student project, all farm animals, shelters and pens that are not in conformance with the underlying zone shall be removed from the premises within 30 days. Failure to remove such farm animals, shelters and pens shall be a violation of these zoning regulations, and will result in a "Notice of Violation" being issued.

4) Nothing in these regulations is intended to allow any uses related to the 4H Club or FFA Student Project that are prohibited by any private deed restrictions.

i) Keeping of Bees;

1) Permitted in the Residential Medium Density and Residential High Density districts.

2) All requirements of the applicable Connecticut General Statutes and state regulations are met.

3) An adequate on-site source of water for the bees shall be provided.

3) Colonies shall be set back a minimum of 20 feet off any **boundary** line.

4) Hive openings shall be oriented away from traffic and **boundary** lines.

- 5) If hive orientation and setbacks cannot be met, then the beekeeper must establish and maintain a flyway barrier at least 6 feet in height consisting of a solid wall, solid fencing material, dense vegetation or combination thereof that is parallel to the **boundary** line and extends ten feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least 6 feet above ground level over the **boundary** lines in the vicinity of the colony.
- 6) Minimize swarming and re-queen hives if necessary to maintain gentleness.
- 7) A maximum of 12 hives and 6 nucleus colonies may be kept on any lot in accordance with the above criteria.

j) Periodic (limited duration) or seasonal agricultural related uses.

- 1) Permitted in Residential Medium Density and Residential High Density districts.
- 2) Examples include events such as corn mazes, harvest festivals, educational demonstrations, hay rides, or other similar accessory agricultural uses.
- 3) The Planning and Zoning Commission or its designees shall determine whether any proposed use or event is in compliance with the intent of these regulations. Referral may be made to the Agricultural Commission for advisory opinions.

k) Signage;

- 1) **For signage refer to Section 540 Signs; Section 540.1.1 Identification of Premises; and Section 540.2.1 Identification of Farms;**

BOROUGH OF DANIELSON ZONING REGULATION SECTION 580.5 AGRICULTURE USE TABLE

ACTIVITY	SECTION NUMBER	RESIDENTIAL MEDIUM DENSITY	RESIDENTIAL HIGH DENSITY	GENERAL COMMERCIAL	CBC COMMERCIAL	INDUSTRIAL	GENERAL COMMERCIAL
Allowed Activities							
a) Growing, selling and processing of field and orchard crops	580.6(a)	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed
b) Greenhouses and/or nurseries, with or without retail sales	580.6(b)	Allowed	Allowed	N/A	N/A	N/A	N/A
c) Seasonal Farm Stands (non-permanent structures)	580.6(c)	Allowed	Allowed	N/A	N/A	N/A	N/A
d) Retail Farm Stores	580.6(d)	Allowed	Allowed	N/A	N/A	N/A	N/A
e) Raising Processing and sale of livestock and livestock products	580.6(e)	Allowed	Allowed	N/A	N/A	N/A	N/A
f) Aquaculture	580.6(f)	Allowed	Allowed	N/A	N/A	N/A	N/A
g) Keeping of backyard chickens	580.6(g)	Allowed	Allowed	N/A	N/A	N/A	N/A
h) 4H or FFA Student Projects	580.6(h)	Allowed	Allowed	N/A	N/A	N/A	N/A
i) Keeping of Bees	580.6(i)	Allowed	Allowed	N/A	N/A	N/A	N/A
j) Periodic (limited duration) or seasonal agricultural related uses	580.6(j)	Allowed	Allowed	N/A	N/A	N/A	N/A
k) Signage	580.6(k)	Section #540	Section #540	Section #540	Section #540	Section #540	Section #540

• N/A = Not Allowed