

Section 580 Agriculture (Borough)

580.1 Intent

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.

580.2 Definition

See Section 310 - Definitions.

580.3 Right to Farm Law

The Commission recognizes and supports 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 9th, 2012.

580.4 Best Management Practices

All agricultural practitioners should utilize best management 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. Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commissioner of Agriculture or his/her designee shall be prima facie evidence that such operation follows generally accepted agricultural practices. The CT Department of Agriculture website can be accessed at <http://www.ct.gov/doag> and consulted for best management and agricultural practices' information. All State and Federal requirements, 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. The Connecticut Public Health Code shall be met. 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 Connecticut Department of Energy and Environmental Protection's Water Quality Standards. All livestock operations shall follow generally accepted agricultural practices and best management practices as determined by the CT Department of Agriculture. For livestock operations, animal keeping areas shall be sited to protect clean water and avoid stormwater drainage flow patterns.

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.

580.6 Agriculture Permitted Uses

The following uses of buildings and land are permitted by right in the Borough districts only as listed herein, on the "Agricultural Use Table" and in the individual zoning district, requiring only the securing of a zoning permit as specified in Article VI. However, any building, structure, on-site sewage disposal system, grading, excavation, or dumping of fill or materials on slopes of or greater than fifteen (15) per cent shall be subject to a site plan review. In addition, the applicant may, at the discretion of the Commission or its agent(s) 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
 - Permitted in the Residential Medium and Residential High districts
 - 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.
- b. Greenhouses and/or nurseries, with or without retail sales
 - Permitted in the Residential Medium district
 - Permitted in the Residential High district only as in accordance with Boro Section 420.1D.
- c. Seasonal Farm Stands, provided,
For the Residential Medium district:
 - It is located on the same site as the agricultural or horticultural use or is on other land owned, leased or used by the farmer, and is not a permanent structure
 - Maximum size is 200 square feet
 - Required setbacks are a minimum of 20 feet from any street right of way, 50 feet from any road intersection and 20 feet from any side lot line. Only agricultural or horticultural products may be sold and shall be raised, grown and harvested onsite or on other land owned, leased or used by the farmer, or are related products made from raw agricultural or horticultural products grown and harvested onsite or on other land owned, leased or used by the farmer. Examples of acceptable related products include but are not limited to: wreaths, jams, jellies, baked goods, herb vinegars, cider and maple syrup.
 - A minimum of 2 off-street parking spaces are provided.

For the Residential High district, only portable display stands or tables may be used and must be removed nightly.
- d. Seasonal or Year-round Retail Farm Stores
 - Allowed in the Residential High District as in Boro Section 420.1D only.
- e. Raising, processing and sale of livestock and livestock products in the Residential Medium district, provided:

Five or fewer cows, horses, llamas or other large livestock or twenty-five or fewer sheep, goats, alpacas, pigs or other similar medium livestock or 100 or fewer poultry, fowl, rabbits or similar small livestock may be kept on any minimum-sized lot of 80,000 sf (1.84 acres) or more provided the Town's Rural Development minimum setbacks are met (75' front setback, 25' side setback and 30' rear setback), except that Connecticut

Public Health Code Section 19-13-B23(a), whichever is more restrictive, shall apply for pigs. Miniature breeds of large animals such as miniature horses and miniature donkeys shall be considered medium livestock. Juvenile and young animals are not included in the livestock counts.

- Horse slaughterhouses are specifically prohibited in the Town of Killingly.
- Property owners should check for any private deed restrictions which prohibit or limit the keeping of livestock on their lot.

- f. Aquaculture in the Residential Medium and Residential High districts, provided all requirements of the Connecticut General Statutes and state and federal regulations are met.
- g. Keeping of backyard chickens in the Residential Medium and Residential High districts, provided:
- No more than 6 hens are kept at any one time and must be confined to the owner's side or rear yards
 - Roosters are prohibited
 - Housing, enclosures and manure storage are only located in side or rear yards and must be located a minimum of 20' from side and rear property lines
 - Property owners should check for any private deed restrictions which prohibit or limit the keeping of livestock on their lot.
- h. 4H or FFA Student Projects in the Residential Medium and Residential High districts, provided
- 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.
 - Property owners should check for any private deed restrictions which prohibit or limit the keeping of livestock on their lot.
- i. Keeping of Bees in the Residential Medium and Residential High districts, provided
- All requirements of the applicable Connecticut General Statutes and state regulations are met.
 - An adequate on-site source of water for the bees shall be provided
 - Colonies shall be set back a minimum of 20 feet off any property line.
 - Hive openings shall be oriented away from traffic and property lines
 - 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 property 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 property lines in the vicinity of the colony.
 - Minimize swarming and re-queen hives if necessary to maintain gentleness.
 - 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
- Examples include events such as corn mazes, harvest festivals, educational demonstrations, hay rides, or other similar accessory agricultural uses. The Commission or its designee(s) shall determine whether any proposed use or event is in compliance with the intent of these regulations. Referral may be made to the Agriculture Committee for advisory opinions.
- k. Signage, in addition to that allowed in Sections 540.1.1 and 540.2.1, consisting of one (1) open flag (3'x5'), one (1) seasonal or custom design business flags (3'x5') and one (1) A-frame (9 SF).

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