

## **Section 585 Agriculture (Town)**

### **585.1 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.

### **585.2 Definition**

See Section 310 - Definitions.

### **585.3 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 9<sup>th</sup>, 2012.

### **585.4 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.

### **585.5 "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.

### 585.6 Agriculture Permitted Uses

The following uses of buildings and land are permitted by right in the Rural Development District, and in other 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 Rural Development, Low Density and Medium Density 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
  - "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
  - Permitted in the Rural Development, Low Density and Medium Density districts
- c. Seasonal Farm Stands, provided
  - Permitted in the Rural Development, Low Density and Medium Density districts using the setbacks below in all districts
  - 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 15 feet from any side lot line.
  - Only agricultural or horticultural products may be sold and a minimum of 51% of gross sales 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. Supplemental agricultural or horticultural product as needed to maintain supply inventory shall be grown by other farmers in CT or within a 50 mile radius of Killingly.
  - A minimum of 2 off-street parking spaces are provided
- d. Seasonal or Year-round Retail Farm Stores, provided
  - Permitted only in the Rural Development and Low Density Districts; located only on the same site as the agricultural or horticultural use or is on other land owned, leased or used by the farmer, lot size is a minimum of 3 acres, and a local source of fresh foods, ornamental plants, or other agricultural products is offered.
  - Maximum size for a store structure, or the maximum space devoted to retail farm store use in a larger, existing structure, is 1000 square feet.
  - Required minimum setbacks for retail farm stores in both the Rural Development and Low Density Districts are the minimum Rural Development District requirements and 50 feet from any road intersection.

- A minimum of 51% of gross sales, for at least three of the immediately preceding five years, shall be of agricultural and horticultural products 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. Supplemental agricultural or horticultural product as needed to maintain supply inventory shall be grown by other farmers in CT or within a 50 mile radius of Killingly.
- Accessory products associated with the agricultural or horticultural products sold on the subject site may be sold. 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.
- It is recognized that for certain periods each year, due to seasonal or weather related issues or cooperative arrangements between agricultural property owners, that the display and sale of products grown on land not owned, leased or used by the subject property owner/farmer may occur to ensure a steady supply of the primary farm products to customers. The Planning and Zoning Commission, or its designee shall resolve any concerns or complaints regarding whether the display and sale of agricultural and accessory products are in compliance with the intent of these regulations.
- Adequate off-street parking shall be provided at the rate of one parking space for every 200 sf of store area.

e. Farm Wineries, provided

- Permitted only in the Rural Development and Low Density Districts
- The lot size is a minimum of 5 acres
- All requirements of the applicable Connecticut General Statutes and state regulations are met.

f. Portable sawmills, provided

- They are located on conforming Rural Development lots, or in the Low Density Zone on lots that are a minimum of ten acres in size, and operated by a farmer on land he owns or farms

g. Raising, processing and sale of livestock and livestock products, 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 Rural Development lot of 80,000 sf (1.84 acres) or more. This section shall also apply to the Low Density and Medium Density districts provided minimum lot size is the Rural Development's 80,000 sf (1.84 acres) or more and Rural Development minimum setbacks are met.
- For each additional 20,000 sf of lot area in the Rural Development, Low Density and Medium Density districts beyond the minimum 80,000 square foot lot size, one additional large livestock, five additional medium livestock or 50 additional small livestock may be kept.
- For lots equal to or greater than five acres in size in the Rural Development, Low Density and Medium Density districts, with the exception of livestock uses which require a special permit, there is no limitation on the number of livestock that can be kept, provided Section 585.4 (Best Management Practices) is met.

- Greater numbers of animals than as allowed above for the keeping of livestock on lots smaller than 5 acres in size may be permitted in the Rural Development and Low Density districts, provided that a written livestock management plan, approved by the CT Department of Agriculture, is submitted with the zoning permit application.
  - 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.
  - No building in which more than five cows, horses, or other large livestock, more than twenty five sheep, goats, pigs or other medium livestock, or more than 250 fowl or rabbits or other small livestock are housed shall be located less than 100 feet from the boundary line of any adjacent property owner, except that Connecticut Public Health Code Section 19-13-B23(a), whichever is more restrictive, shall apply for pigs. Storage of manure/waste shall be located no less than 150' from boundary lines. Housing, enclosures and manure storage may only be located in side or rear yards.
  - 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.
- h. Aquaculture, provided all requirements of the Connecticut General Statutes and state and federal regulations are met.
- Permitted in the Rural Development, Low Density and Medium Density districts
- i. Keeping of backyard chickens, provided
- Permitted on any lot in the Rural Development, Low Density and Medium Density districts
  - 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.
- j. 4H or FFA Student Projects, provided
- Permitted on any lot in the Rural Development, Low Density and Medium Density districts
  - 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.
- k. Keeping of Bees, provided
- Permitted on any lot in the Rural Development, Low Density and Medium Density districts

- 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.
- In the Medium Density district, a maximum of 12 hives and 6 nucleus colonies may be kept on any lot in accordance with the above criteria.

- l. Periodic (limited duration) or seasonal agricultural related uses
- Permitted in the Rural Development, Low Density and Medium Density districts
  - 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.
- m. 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)
- Permitted in the Rural Development, Low Density and Medium Density districts

Section 585.7 **Special Permitted Uses.** The following uses of buildings and land require the securing of a Special Permit as specified in Article VII. The Planning and Zoning Commission shall refer Special Permit applications pursuant to this section to the Killingly Agriculture Commission for their advice and comment.

- a. Large-scale poultry/fowl farms, provided
- Permitted in the Rural Development district only
  - Lots shall contain at least 10 acres.
  - No building or structure in which poultry and/or fowl are housed and no manure pit or storage area shall be located less than 200 feet from any property line. Housing, enclosures and manure storage may only be located in side or rear yards and poultry/fowl and their wastes shall be located to avoid the creation of any public nuisance due to noise, odor, or other objectionable effect.
  - Animals shall be kept in a location that complies with the Connecticut Public Health Code and which does not negatively impact on-site sewage disposal system(s) or surface water.
  - 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.

- b. Riding stables or academies, or boarding stables for five or more equines provided:
- Permitted in the Rural Development and Low Density districts
  - any such facility shall be located on a lot at least 10 acres in area.
  - all buildings and structures, including riding rings, shall be located at least 100 feet from any street or property line. Manure pits or storage areas must be at least 150 feet from property lines.
  - 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.
  - the use of temporary buildings or trailers for the stabling of horses in excess of 15 days is prohibited
  - the storage of supplies outside of permanent buildings is subject to Commission review
  - all regulations on the stabling of horses made by state or local health authorities shall be complied with.
  - where the holding of frequent shows or competitions is intended, off street parking shall be provided at a rate of one for every five spectators. Such parking need not be paved, but shall be graveled or treated to reduce dust.
- c. Related Uses: Fee-based activities that are part of a farm operation's total offerings, but are not included in Section 585.6l above, provided
- Permitted in the Rural Development district only
  - Such uses include but are not limited to fee-based non-motorized outdoor recreation, such as cross country skiing, snow shoeing, fishing, canoeing and kayaking and periodic event hosting such as weddings, Bar BQs, etc.
  - Minimum lot size shall be 5 acres
  - Any uses where neighbors would be disturbed by noise or fumes are not allowed under this section.
  - Compliance with the Council Ordinance Regulating Outdoor Events, Town of Killingly, and zoning regulations governing Outdoor Events, as appropriate, must be demonstrated and met.
- d. Farm Labor Living Quarters, provided
- Permitted in the Rural Development and Low Density districts
  - Connecticut Public Health Code requirements are met
  - Temporary, portable structures ("granny flats", portable cabins, etc.) which can easily be removed from the site upon cessation of the need or use shall be used.