

SECTION 585. AGRICULTURE

Section 585.1 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 traditions 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, 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 Town of Killingly.
- 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 585.2 Definitions

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; and in accordance with CT General Statutes Sec. 1-1(q), and as may be amended from time to time.

Ancillary – Something that is subordinate to, auxiliary to, supplementary to the primary activities or operation of an organization or farm.

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.

Buffer Zone/ Buffer Strip – Vegetative screening consisting of, but not limited to, plantings, shrubs, bushes, evergreens, berms, and, 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 the responsibility of the owner and/or occupant of the property. (See also “Planted Screenings” Section 310 Definitions)

Commercial Forest Practices – Any forest practice performed by a person other than the owner of the subject forest land for remuneration which, when performed, yields commercial forest products; and in accordance with CT General Statutes Sec. 25-65f (1); and as may be amended from time to time.

Commercial Forest Products – Wood products harvested from a tract of forest land in excess of fifty cords or one hundred fifty tons or twenty-five thousand board feet, whichever measure is appropriate, in any twelve month period; and in accordance with CT General Statutes 23-65f (2), and as may be amended from time to time.

Commercial Forest Practitioner – Is anyone who advertises, solicits, contracts or engages in a commercial forest practice at any time. Three levels of certification exist: Forester, Supervising Forest Products Harvester, and Forest Products Harvester; and in accordance with CT General Statutes Chapter 451a Forest Practices, and as may be amended from time to time.

Connecticut Grown – Produce and other farm products that have a traceable point of origin within the State of Connecticut; and in accordance with CT General Statutes CGS §22-38(a) as may be amended from time to time.

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.

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; and in accordance with 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.

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. (See also, Section 585.6[d] of these regulations.)

Farm Winery – A wine making establishment, incident to the farm at which it is located; and in accordance to CGS §30-16(e) –Farm Winery means any place or premises that is located on a farm in the state in which wine is manufactured and sold.

Forest – Areas or stands of trees covering an area greater than one-quarter acre; or groves of mature trees without regard to minimum area consisting of substantial numbers of individual specimens.

Forestry – Is the science, art and practice developing, managing, cultivating and harvesting a stand of tree. (Reference is hereby made to CT DEEP publication *“Agriculture, Forestry & Connecticut’s Inland Wetlands and Watercourses Act”* ; Section *“How are Agriculture and Forestry Defined”*; page 2; printed 11/2014, reprinted 10/2016.)

Forest Products – Any product derived from a farm for direct consumption, or use, such as lumber, mulch, firewood, or other related products.

Fresh Produce – Fruits and vegetables that have not been processed in any manner.

Incidental – Subordinate or minor in significance and bearing a reasonable relationship to the primary use.

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.

Portable Sawmills – A mill, or a machine, primarily engaged in sawing rough lumber and timber from logs and bolts. The operation of the portable sawmill may include, but is not limited to, lumber, cordwood, firewood, and woodchips.

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.

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. (See also, Section 585.6[c] of these regulations).

Silviculture – Is the art and science of growing and tending forests for the production of wood and other benefits. Silviculture encompasses a wide range of practices intended to reproduce forest stands or to increase the growth rate, vigor and value of trees. (Reference is hereby made to CT DEEP publication *“Agriculture, Forestry & Connecticut’s Inland Wetlands and Watercourses Act”* ; Section *“How are Agriculture and Forestry Defined”*; page 2; printed 11/2014, reprinted 10/2016.)

Section 585.3 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

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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 agricultural 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", Section s 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.
- e. The requirements of the Connecticut Public Health Code for the proposed use shall be met.
- f. 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.
- g. All livestock operations shall follow generally accepted agricultural practices as determined by the Connecticut Department of Agriculture; and the best management practices as provided by the Connecticut Department of Energy and Environmental Protection, regarding water resources, 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 reserve the right to revoke any permits issued in the event that it is determined by any competent agency, or its representative, that generally accepted agricultural practices or best management practices are not being followed.

Section 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.

Section 585.6 Agricultural Permitted Uses

The following uses of buildings are permitted by right in the Rural Development Zoning District, and in all other zoning districts only as listed herein; on the "Agricultural Use Table" and in the individual zoning districts, requiring only, AS NEEDED, the securing of a zoning permit as specified in Article VI.

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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), 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 are met.
2. Examples of processing include, but are not limited to: Cheese making, soap productions, 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, 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 all zones; provided all zoning set back requirements are met.
2. Zoning Permit will be required, where applicable.

c. Seasonal Farm stands (non-permanent structures);

1. Permitted in all zones; and all zoning set back requirements of the underlying zone must be met.
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 stand be required.

d. Retail Farm Stores;

1. Permitted only in the Rural Development, Low Density, Medium Density and Village Commercial Zones;
2. 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,
3. 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 farm store.
4. Examples of acceptable related agricultural products include, but are not limited to, wreaths, jams, jellies, baked goods, herb vinegars, cider and maple syrup.
5. 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.
6. Required minimum setbacks for retail farm stores in both the Rural Development and Low Density Zones are the minimum Rural Development Zone requirements and 50 feet from any road intersection. All other zoning districts must follow their own setback requirements.
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.
9. A Zoning Permit is required.

e. Farm Wineries;

1. Permitted only in the Rural Development and Low Density Zoning Districts.
2. The lot size is a minimum of 5 acres.
3. All requirements of the applicable CT General Statutes and State Regulations must be met.
4. The Farm Winery must be meet all required local, state and federal licensing, and operating requirements.

f. Portable Sawmills;

1. Processing of forest products are allowed in Rural Development Zone, provided the parcel meets or exceeds the current dimensional requirements of that zone; or Low Density Zoned lots that are a minimum of five (5) acres in size, and operated by a farmer

on land he owns or leases, providing such use is ancillary to the farming operation or is for the maintenance of the farm or expansion of crop land.

2. All lots with a portable sawmill must have a buffer zone/ buffer strip to maintain residential character and maintain the peaceful and quiet enjoyment of neighboring properties.
3. The use of sawmills will require a vegetative buffer zone of seventy-five (75') feet from abutting residential zones and uses.
4. Any sale of forest products shall be governed by Section 585.6d of these regulations.

g. Raising Processing and sale of livestock and livestock products;

1. This section permits the use in all Rural Development, Low Density, Medium Density and Village Commercial districts provided that the lot size (area / acreage) meets or exceeds 80,000 square feet (1.84 acres) and all Rural Development minimum setbacks are met.
2. For lots less than five (5) acres in size in the Rural Development, Low Density, Medium Density Zoning Districts, and Village Commercial Districts, with the exception of livestock/farm building uses which require a special permit, the number of livestock shall be limited based upon the conditions of Section 585.4 of these regulations.
3. For lots equal to or greater than five (5) acres in size in the Rural Development, Low Density and Medium Density Zoning Districts, with the exception of livestock/farm building uses which require a special permit, there is no limitation on the number of livestock that can be kept, provided Section 585.4 (Generally Accepted Agricultural Practices and Best Management Practices) conditions are met.
4. 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 Connecticut Public Health Code Section 19-13-B23 (a), which lists the requirements for the setback distances for pigs, *shall apply* provided it remains greater than 100 feet, shall apply.
5. Storage of manure/waste shall be located no less than 150 feet from boundary lines.
6. Housing of livestock and enclosures for manure storage may only be located in side or rear yards.
7. Horse slaughter houses are specifically prohibited in the Town of Killingly.
8. Nothing in these regulations is intended to allow any uses related to the keeping of livestock that is prohibited by any private deed restrictions.

h. Aquaculture;

1. Permitted in the Rural Development, Low Density, ~~and~~ Medium Density, and Village Commercial Zoning Districts.
2. All requirements of the Connecticut General statutes and state and federal regulations shall be met.

i. Keeping of backyard chickens;

1. Is permitted as by right on any lot in the Rural Development, Low Density, Medium Density and Village Commercial zoning districts, including those that are less than 80,000 square feet in area;
2. Generally accepted agricultural practices must be followed.
3. All chickens (hens) must be confined to the owner's side or rear yards.
4. Roosters are prohibited on lots of less than 80,000 square feet.
5. 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 boundary lines.
6. Nothing in these regulations is intended to allow any uses related to the keeping of chickens that is prohibited by any private deed restriction.
7. For additional chickens / hens see Section 585.7 Agriculture/Farming Special Permitted Uses of these regulations.

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

1. Permitted on any lot in the Rural Development, Low Density, Medium Density, and Village Commercial Districts.
2. Student projects involving the temporary keeping of farm animals are authorized provided a State of use and an 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 and/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 a 4H Club or FFA Student Projects that prohibited by any private deed restriction.

k. Keeping of Bees;

1. Permitted on any lot in the Rural Development, Low Density, Medium Density, and Village Commercial zoning 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.
4. Colonies shall be set back a minimum of 20 feet off any boundary line.
5. Hive openings shall be oriented away from traffic and boundary lines.
6. 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

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and extends ten (10) feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the boundary lines in the vicinity of the colony.

7. Minimize swarming and re-queen hives if necessary to maintain gentleness.
8. In the Medium Density, and Village Commercial zoning districts, 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;

1. Permitted in the Rural Development, Low Density, Medium Density and Village Commercial zoning districts.
2. Examples of such period or seasonal agriculture uses, but are not limited to, corn mazes, harvest festivals, educational demonstrations, hay rides, or other similar accessory agricultural uses.
3. The Planning & Zoning 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 Commission for advisory opinions.

m. Signage;

1. For signage refer to Section 540 Signs; Sections 540.1.1 Identification of Premises; and Section 540.2.1 Identification of Farms;

Section 585.7 Agriculture/Farming Special Permitted Uses.

The following uses of buildings and land require the securing of a Special Permit as specified in Article VII. The Planning & 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 (>1000 poultry);

1. Permitted in the Rural Development zoning district only.
2. Lots shall contain at least ten (10) acres.
3. 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 boundary line.
4. 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.
5. 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.
6. 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;

1. Permitted in the Rural Development and Low Density zoning districts.
2. Any such facility shall be located on a lot at least ten (10) acres in area.

3. All buildings and structures, including riding rings, shall be located at least one hundred (100) feet from any street or boundary line.
 4. Manure pits or storage areas must be at least one hundred fifty (150) feet from any street or boundary line.
 5. 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.
 6. The use of temporary buildings or trailers for the stabling of horses in excess of fifteen (15) days is prohibited.
 7. The storage of supplies outside of permanent buildings is subject to Planning & Zoning Commission review.
 8. All regulations on the stabling of horses made by state or local health authorities shall be complied with.
 9. Where the holding of frequent shows or competitions is intended, off street parking shall be provided at a rate of one for every five (5) spectators. Such parking need not be paved, but shall be graveled or treated to reduce dust.
- c. Additional income producing, non-motorized, outdoor activities not included in Section 585.6I listed above;**
1. Permitted in the Rural Development zoning district only.
 2. Such uses include, but are not limited to, cross country skiing, snow shoeing, fishing, canoeing, kayaking and periodic events, such as weddings, Bar-B-Ques, etc.
 3. Minimum lot size shall be five (5) acres.
 4. Any use which violates Town of Killingly Ordinances Chapter 12.5, Article VI (Noise Ordinance); or Chapter 11, Article II (Outdoor Events) shall not be allowed under this section.
- d. Farm Labor Living Quarters;**
1. Permitted in the Rural Development and Low Density zoning districts.
 2. Connecticut Public Health Code requirements are met.
 3. 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.