

Planning for Agriculture

A GUIDE FOR CONNECTICUT MUNICIPALITIES

Emerging Agricultural Trends

2020 EDITION



A PUBLICATION OF **AMERICAN FARMLAND TRUST**
AND **CONNECTICUT DEPARTMENT OF AGRICULTURE**

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Acknowledgements

This guide was originally produced by American Farmland Trust and the Connecticut Conference of Municipalities in 2008 with the collaborative input of a diverse advisory committee that reflected the many interests that have a stake in the future of local agriculture. We are grateful to the original advisory committee members for their contributions:

American Farmland Trust	Farm Services Agency
Capitol Regional Council of Governments	Nonprofit Education of Municipal Officials
CME Associates	Town of Lebanon
Connecticut Chapter of American Planning Association	Town of Somers
Connecticut Farm Bureau Association	University of Connecticut
Connecticut Farmland Trust	USDA Natural Resources Conservation Services

We are grateful to the **Hartford Foundation for Public Giving** and the **Connecticut Department of Agriculture** for funding the original publication; to the **Connecticut Office of the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS)** and the **Connecticut Department of Agriculture** for funding for the guide's revision in 2012 and to the NRCS and Farm Credit Northeast AgEnhancement grant program for the guide's revision in 2016. This 2020 revision was funded by matching funds from the **Connecticut Department of Agriculture** through the Community Investment Act, 05228. The materials presented in this iteration of the guide were supported by the Natural Resources Conservation Service, U.S. Department of Agriculture under number 68-1106-15-20 and by the Connecticut Department of Agriculture and is based upon work supported by the Natural Resources Conservation Service, U.S. Department of Agriculture under number 68-1106-15-20.



The *2020 Planning for Agriculture* guide revisions were written by John Guskowski, Kip Kolesinskas, and Latha Swamy. American Farmland Trust's Working Lands Alliance director Chelsea Gazillo was the project lead.

We would like to thank the following CT Department of Agriculture staff for contributing to this guide: Commissioner Bryan Hurlburt, Jaime Smith, Cam Weimar, Erin Windham, Lindsay Raymond, and Amanda King.

We would like to thank the following American Farmland Trust staff for contributing to this guide: Laura Barley, Cris Coffin, Emily Cole, Kayla Donovan, Kirsten Ferguson, Brennan Hafner, and Nathan L'Etoile. Special thanks to former Working Lands Alliance director and University of Connecticut Extension educator, Jiff Martin who provided insight and exemplary guidance on this project. We would also like to thank the wonderful Sally Murray James from Cutting Edge Design for her tremendous design work. And Rachel Sayet from the Mohegan Tribe for her thoughtful contributions.

We would like to thank the following that contributed time and expertise to the revisions of the guide:

American Farmland Trust	Keney Park Sustainability Project
Bridgeport Food Policy Council	KNOX Hartford
Connecticut Department of Agriculture	New Britain ROOTS
Connecticut Farm Bureau Association	Town of Lebanon
Connecticut Farmland Trust	The Modern Milkman
Connecticut Forest and Park Association	New Haven Ecology Project/Common Ground High School
Connecticut Resource Conservation and Development	Planning Interface Consulting
City of Bridgeport	University of Connecticut College of Agriculture, Health, and Natural Resources
City of New Haven Food System Policy Division	University of Connecticut Cooperative Extension
CitySeed	United States Department of Agriculture Natural Resources Conservation Service
Farm Credit East	United States Department of Agriculture Farm Service Agency
Gather New Haven	
Green Village Initiative	
Gifts of Love	
Hartford Food System	

Suggested Citation:

Gazillo, C., Guskowski, J., Kolesinskas, K., Swamy, L., 2020. *Planning for Agriculture: A guide for Connecticut Municipalities*. Wethersfield, CT: American Farmland Trust. workinglandsalliance.org/resources

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2020 EDITION



American Farmland Trust
SAVING THE LAND THAT SUSTAINS US

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Contents

4 Foreword

- 4 Agriculture Plays an Important Role in Our Local Communities and Local Economy
- 4 Why Plan for Agriculture?
- 4 Why Emerging Agricultural Trends?
- 5 Pulling It All Together

6 Section 1: The Importance of Agriculture

- 6 The Impact of Agriculture
- 6 What Is Agriculture?
- 7 Economic Benefits: Farms Provide Jobs and Support the Local Economy
- 9 Fiscal Benefits: Farm and Forest Land Help Maintain Lower Property Taxes
- 10 Environmental Benefits: Well-managed Farm and Forest Lands Provide Critical Functions and Values
- 11 Colonial Legacies of Land Dispossession
- 12 Building a resilient food system during the COVID-19 pandemic
- 14 Scenic and Recreational Benefits: Working Farms Provide Rural Character and Attract Tourists
- 14 Well-Managed Forest Lands Are a Part of Connecticut's Agricultural Heritage
- 18 Agriculture in Connecticut Today
- 18 The Effects of Climate Change on Connecticut Agriculture
- 19 The State of Farmland in Connecticut
- 20 Growing Interest in Agriculture
- 20 "Gems" of Connecticut Agriculture
- 21 Spotlight: Common Ground High School Urban Farm
- 21 Spotlight: Killingly High School Agriculture Education Program

22 Section 2: Is Your Town Planning a Future for Agriculture?

- 23 Case Study: Town of Lebanon Taking a Proactive Approach to Promote, Preserve, and Grow Agriculture

30 Section 3: Getting Started

- 30 Growing Agriculture Through Grants from the Connecticut Department of Agriculture
- 32 Town Agricultural Commissions and Food Policy Councils
- 32 Public Act 11-188
- 34 Case Study: New Haven Food Policy Council
- 35 Identifying Resources and Needs
- 36 Supporting Agriculture in Connecticut's Northwest Corner
- 37 Converting Information to Action Steps
- 37 Case Study: Eastern Connecticut's AGvocate Program
- 38 Case Study: RiverCOG Regional Agriculture Commission

39 Section 4: Tools to Support Farming and Protect Farmland

- 39 Plan of Conservation and Development (POCD)
- 39 Case Study: Bridgeport Urban Agriculture Master Plan
- 40 Zoning Regulations
- 41 What is Farming?
- 43 Upzoning: Does it Help or Hurt?

- 44 Case Study: Encouraging Micro-food Businesses and Urban-Rural Linkages
- 45 Subdivision Regulations
- 45 Right-to-Farm Ordinances
- 46 Local Tax Reduction Programs
- 47 Public Act 490: Connecticut’s Landmark Land Use Value Assessment Statute
- 48 Farmland Protection
- 48 Assessing Greenhouse Structures
- 50 Spotlight: Stearns Farm, Mansfield, CT
- 51 Farmland Preservation Programs in Connecticut
- 54 Recent Examples of Local Farmland Protection Efforts
- 57 The Trust for Public Land Helps the Brown Family Protect the Farm and their Legacy
- 58 Community Farms Preservation Program
- 58 Family Works Together to Preserve Bristol’s Farm

59 Section 5: Addressing Common Issues

- 59 Include All Farms When Defining Agriculture
- 59 Help Farm Stands Be Successful
- 60 Allow Adequate and Effective Signage
- 60 Accommodate Farm Structures
- 61 Minimize Farmer-Non Farmer Conflicts
- 61 Support Compatible Commercial Enterprises on Farms
- 62 Assist Farms with Laws and Regulations Regarding the Sale of Food Products
- 63 Ease the Permitting Process for Farms
- 63 Address Livestock Concerns
- 65 Agriculture and Solar Arrays
- 65 Conservation Plans and Comprehensive Nutrient Management Plans
- 66 Recognize the Benefits of Local Agriculture
- 66 Encourage Agricultural Use of Town-Owned Farmland
- 67 Keep Agricultural Land Productive for the Future
- 67 Reasonably Regulate Wetland Compliance

68 Promoting Local Farm Viability

- 68 Be a Farm-Friendly Town Government
- 70 Case Study: Connecticut’s First Municipal Food Policy Director
- 71 Community Farms
- 74 Celebrate Agriculture
- 74 Case Study: Put Local on Your Tray
- 75 Case Study: Taste of Mansfield

77 Resources

81 Appendix A: Selected Connecticut General Statutes

90 Appendix B: Selected Court Cases Affecting Connecticut Agriculture

Foreword

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

Connecticut may be small in size, but our agriculture industry is vast—so influential, in fact, that it contributes an impressive \$4 billion to Connecticut’s economy each year. With 5,500 farms and approximately 380,000 acres of farmland, our agricultural businesses are entrepreneurial, innovative, and diverse.

While Connecticut has been a pioneer in farmland preservation for more than 40 years, we recognize the development pressures faced on a regular basis. From solar arrays to housing, our farmland is at risk. We remain committed to collaborating with partners on programs and resources, such as this guide, to mitigate those challenges. We encourage you to continue engaging in the difficult conversations and educating others on the importance of a local food supply, the land necessary to cultivate it, and how we can work together to ensure that Connecticut’s agriculture industry continues to grow.

— **Commissioner Bryan Hurlburt**,
Connecticut Department of Agriculture

Why Plan for Agriculture?

Any successful endeavor, anything meant to endure and thrive, needs to start with planning. It is a core responsibility of towns and cities to thoughtfully plan for their future success. Planning for agriculture, particularly as part of a sustainable, resilient food system, is as important as planning for housing and development, transportation, and the environment. Ensuring widespread access to locally grown food and agricultural products promotes public health, environmental quality and resilience, and community sustainability. Local agri-businesses contribute to Connecticut’s economy through jobs and sales in production, processing, and distribution, as well as by creating demand for support services and businesses. Beyond traditional rural landscapes, urban agriculture is also a critical element of creating “great communities for all,” which is the professional mission of the American Planning Association.

While the state of Connecticut may have systems and programs in place to promote farming, planners recognize that Connecticut is a “home rule” state, where local regulators play a pivotal role in improving the viability of agriculture in our state. This *Guidebook* provides municipal planners and officials with insights into the challenges Connecticut farms face, and ideas for communities to consider in welcoming, promoting, and supporting agribusinesses. On behalf of the Connecticut

Chapter of the American Planning Association (CCAPA) and planner/advocates, we hope that all communities will use this *Guidebook* as they plan and set policy because the economic, social, and environmental benefits of viable agri-business are integral to the success of our communities and our residents’ quality of life.

— **John P. Guskowski, AICP, LEED-AP, ENV-SP**
Project Manager, Planning & Landscape Architecture Group, CHA, member of American Institute of Certified Planners (AICP) and the Connecticut Chapter of the American Planning Association (CCAPA)

A successful and sustainable agriculture is critical to human survival on the planet. Connecticut, also known as the “Provision State” for its agricultural productivity, has been successfully feeding communities since Indigenous people first began farming and managing the landscapes. We should also recognize this legacy is built on the knowledge and land taken from the Indigenous nations of Connecticut. Today, the COVID-19 pandemic, climate change, and the need for a healthier and more just food system make it clear that ensuring local agricultural capacity is critical for a positive future.

Our geographic location between New York and Boston is unique; it puts farm businesses in the heart of the marketplace, but also in the path of development. The reliance on auto based transit and poor land use practices have resulted in sprawl development patterns, with substantial losses of CT farmland and farm businesses. The 2019 American Farmland Trust study “Farms Under Threat” showed that from 2001-2016 Connecticut developed or compromised 23,000 acres of farmland, one of the highest percentages in the U.S. This is a shortsighted waste of finite prime farmland soils, shared knowledge, and economic and social diversity that *should not be repeated*.

The updated Guide showcases many of the excellent programs, tools, and concepts that can help farms succeed and grow in all 169 communities. It should also serve as our “Call to Action” to address the threats to farms and farmland by making better informed land use and consumer decisions as individuals, policy makers, and communities.

— **Kip Kolesinskas**
*Co-Chair, Working Lands Alliance,
American Farmland Trust*

Why Emerging Agricultural Trends?

In Connecticut, urban agriculture is emerging as an important contender in the state’s agricultural landscape. Urban farms and gardens in Bridgeport, Hartford, New

Britain, and New Haven—to name a few—continue to nurture a grassroots movement of urban growers of all ages across their cities, and more notably, as a network across the state. Since many of the zoning ordinances and land-use policies that impact urban agriculture are enacted at the municipal level, there are a myriad of contexts that prompt interest in urban agriculture and the legal implementation of supportive policies. As urban farming becomes more visible in Connecticut, it is imperative that we recognize its contribution to agriculture.

Farmers must also contend with the challenges of climate change. Cities are looking at ways to source locally grown produce to cut down on transportation-related greenhouse gas emissions. Food service companies and restaurants are responding to requests from consumers to buy and to serve food that is less carbon-intensive, supports the local economy, and upholds workers’ rights. For farmers, it means rethinking their business by embracing practices and technologies that adapt to and mitigate the effects of climate change.

And most importantly, agriculture, like everything in this country, is deeply intertwined with our nation’s entrenched history of slavery and structural racism. The inequities that persist in our food system today are the direct result of generations of injustice and exploitation of Black people, Indigenous people, and People of Color. The right to healthy food connects all people and we must therefore continue to work to dismantle these racist and exploitative systems.

The Planning for Agriculture Guide for Connecticut Municipalities provides a roadmap and set of foundational tools for state and local government officials, policymakers, farmers, planners, and communities on how best to support a thriving, just, and inclusive agricultural sector.

— **Latha Swamy, MSc, MEM**
Food Policy & Planetary Health Consultant

Pulling It All Together

The CT Planning for Agriculture guide highlights how local and state officials can plan and support a prosperous agricultural sector for all of Connecticut’s residents. As Connecticut looks towards the future and properly prepares for external threats such as climate change, our agricultural and open space lands are a key natural resource that can be a pivotal part of every municipality’s efforts to become resilient.

The tools and provisions that are outlined in this guide may not work for every municipality, farmer, or state entity. We hope this guide provides a framework that will inspire innovative ways municipalities and our urban centers can promote agriculture and food systems work in their communities. The future of Connecticut’s agricultural sector is bright and the new and emerging trends we have outlined within the new iteration of Planning for Agriculture will create additional and innovative

land opportunities for beginning farmers, urban farmers, farmers looking to transfer their land, established farmers, women farmers, and Black, Indigenous, and farmers of color as well as ways communities can protect and continue to have access to local agricultural products. Our communities across the state have the power to use the resources in this guide to plant diversified crops that will nourish our soils, create climate change resiliency, promote land and resource opportunities for Black, Indigenous, and People of Color, and allow for future generations to benefit from our state’s agricultural lands.

— **Chelsea Gazillo, Director, Working Lands Alliance,**
American Farmland Trust

ACRONYMS

ACEP	Agricultural Conservation Easement Program
ALE	Agricultural Land Easements
ASTEP	Agricultural Science and Technology Education Programs
BIPOC	Black, Indigenous, and People of Color
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
CTECO	Connecticut Environmental 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
FSA	Farm Service Agency
GIS	Geographical Information System
HFRP	Healthy Forests Reserve Program
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	Connecticut Resource Conservation and Development
TDR	Transfer of Development Rights
USDA	United States Department of Agriculture
WRE	Wetland Reserve Easement

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, pastures, stone walls, and weathered barns shaped by generations of hard-working farm families and farmworkers. A new generation of farmers, including recent immigrants and beginning farmers, has introduced innovative methods, diverse representation, and new thinking to agriculture in Connecticut and elsewhere. Increased organic production, direct marketing to consumers, community farms that feed neighborhoods, and high-tech greenhouses are examples of their contributions to the renaissance of agriculture in the state. However, this cherished landscape and its related farm businesses are often taken for granted. Some of the benefits are easily tangible—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 apparent but equally important—the local revenue and jobs, the recreational and tourism opportunities, and the wildlife habitats and other environmental benefits. Some benefits are quantifiable; many are not. For example, homeowners who live near farms see their property values increase, benefitting from the beauty and open space that farms provide.

The Impact of Agriculture

- **Economic Impact.** The agricultural industry in Connecticut has a \$5.2 billion economic impact on the state's economy and supports 29,163 jobs in the state.¹
 - **Environmental Benefits.** Connecticut's 381,539 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 5,521 farms help to stabilize municipal budgets, requiring on average 31 cents in municipal services for each dollar of property tax paid.
 - **Food Security and Equity.** 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. Farms in our cities increase access to healthy foods.
- **Tourism.** Visitors and residents alike enjoy an exciting calendar of agricultural events throughout the year, including farmers' markets, wineries, 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 \$8 to 9 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 Agricultural Conservation Easement Program, Farm Loan programs, Energy Conservation Grants, Marketing Grants, and research funds.
 - **Climate Change.** Connecticut's farms play a significant role in mitigation, adaptation, and building resiliency to the impacts of climate change. Well-managed farms and forests store carbon from the atmosphere in soils and plants, capture and store water from extreme precipitation events, cool cities, create and use renewable energy, and support pathways for species to migrate to new habitats.

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)*).

¹ Farm Credit East, *Northeast Economic Engine: Agriculture, Forest Products and Commercial Fishing*, 2020.

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, 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” (see Appendix A, CGS § 1-1(q)). Like other types of businesses, agriculture continues to evolve and innovate to meet changing consumer demand, environmental conditions such as new pests and diseases, impacts of climate change, and economics. 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. Removing our personal preferences and antiquated concepts of agriculture that are often found in municipal regulations are critical to its success. For this reason

it is recommended that the Municipalities use the State’s definition of agriculture/farms and do not create their own.

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 2017, farm businesses in Connecticut generated \$580 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 \$586 million in 2017, much of which was spent locally.³ According to USDA, more than 23,500 people are employed or self-employed on Connecticut farms. By comparison, in July 2020, employment in the state’s construction sector was 57,400.⁴

FARM PRODUCTION EXPENSES FOR 2017 AND 2012



PHOTO: AMANDA FREUND

COUNTY	2017	2012
Fairfield	\$46,696,000	\$40,128,000
Hartford	\$86,761,000	\$108,495,000
Litchfield	\$53,187,000	\$63,405,000
Middlesex	\$63,501,000	\$60,783,000
New Haven	\$99,463,000	\$84,459,000
New London	\$116,774,000	\$126,213,000
Tolland	\$52,137,000	\$59,436,000
Windham	\$42,455,000	\$43,547,000
Connecticut Total	\$560,973,000	\$586,466,000

² Income is measured in terms of cash receipts. U.S. Department of Agriculture National Agricultural Statistics Service (USDA NASS), “New England Cash Receipts,” 2017.

³ USDA NASS, *2017 Census of Agriculture*, 2019.

⁴ Connecticut Department of Labor, 2020.



Aquaculture

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

- Connecticut is a major producer of farm-raised shellfish with 51 companies raising oysters and hard clams.
- 627,608 bags of the two mollusks were harvested in 2018 at a value of more than \$30 million.
- More than 70,000 acres of shellfish farms are under cultivation in Connecticut's coastal waters accounting for \$30 million in farm-gate sales annually.⁵



Dairy

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

- The state's 90 licensed dairy farms produced 428 million pounds of fluid milk in 2019, enough to satisfy about 86% of the milk consumed by Connecticut residents.
- 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 63,609 acres, which represents 15% of Connecticut's land in farms and 42% of total cropland.
- Connecticut has at least 13 producers that offer raw milk.⁶

In 2019, Oakridge Dairy, Connecticut's largest dairy farm, partnered with fifteen other CT farms and vendors to create an online store called The Modern Milkman where people can order weekly deliveries of milk, artisan cheeses, eggs, butter, yogurt, cottage cheese, dips, various meats, and homemade cookies and breads among many others. The store also has its own smartphone app.



Equine

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

- There are over 15,000 operations with 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% of land used for equine operations is leased.⁷

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

Connecticut's equine industry faces unique challenges including access to affordable farmland, access to open space and trails, burdensome municipal livestock regulations, and taxing that don't correspond to the science and economics of the industry.



Farmers' Markets

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

- In 2019, there were 98 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.
- Close to 90,000 low-income residents in Connecticut have the potential to shop at authorized locations including farmers' markets, farm stands, and mobile markets using benefits they receive through the WIC Farmers' Market Nutrition Program and Seniors Farmers' Market Nutrition Program (FMNP) each year. More than 315 farmers and 112 authorized locations participate in the Farmers' Market Nutrition Program.
- In 2019, five farmers' markets operated by CitySeed in New Haven had total sales of more than \$1.1 million. Of that, at least \$60,000 was spent in federal, state, and local food assistance benefits such as SNAP/Food Stamps and WIC.

⁵ Connecticut Department of Agriculture, 2019.

⁶ USDA NASS, 2019 Agriculture Survey Data: Connecticut; Ct Department of Agriculture, 2020.

⁷ USDA NASS, Table 71: Summary by North American Industry Classification System, 2019; University of Connecticut, *Connecticut Horsepower*, 2007. More on Best Practices for Horse Keeping see *Good Horsekeeping: Best Practices Manual for Protecting the Environment*, 2011.

Fiscal Benefits: Farm and Forest Land 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.⁸ 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 35 cents is required in municipal services. Bolton and Pomfret’s cost for Working Lands appear higher because the towns were paying for open space bonds at the time the studies were conducted. Most recently, an updated COCS study was conducted in 2019-20 for the town of Lebanon, CT, that corroborated findings from previous studies in the state, as shown below. Typically cost of services studies do not adequately capture the long-term costs of maintaining infrastructure needed for commercial industrial, or the impacts of the loss of environmental services from conversion to residential or commercial industrial.



PHOTO: MARY HULL

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
Colchester (2013)	\$0.18	\$0.18	\$1.14
Ellington (2018)	\$0.27	\$0.27	\$1.13
Farmington (2007)	\$0.32	\$0.31	\$1.33
Hebron (1995)	\$0.47	\$0.43	\$1.06
Lebanon (2019/20)	\$0.17	\$0.20	\$1.15
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	\$0.25	\$0.30	\$1.12
U.S. Median (2016)	\$0.30	\$0.37	\$1.16

8 American Farmland Trust Farmland Information Center, *Fact Sheet: Cost of Community Services*, 2016, available online at farmlandinfo.org.

Environmental Benefits: Well-managed Farm and Forest Lands Provide Critical Functions and Values

As a natural resource-based business, farms and working forests depend on adequate land, healthy soils, favorable climate conditions, and clean water. In turn, farmers and the land they steward provide a variety of environmental benefits. These functions continue to be more important as the impacts of climate change are felt. These include:

- Maintaining or increasing biodiversity.
- Providing fish and wildlife habitat.
- Creating corridors for species to migrate due to climate change.
- Maintaining strong genetic diversity for species populations.
- Improving surface and groundwater quality by filtering water.
- Regulating surface and groundwater by storing and slowing runoff and providing recharge areas.
- Protecting downstream communities and ecosystems by storing floodwaters and flood sediments on floodplains.
- 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 and recycling food and yard waste.
- Retaining soil for plant growth.
- Absorbing and sequestering carbon.
- Reducing the temperature in our cities and suburbs.



PHOTO: AMANDA FREUND

COLONIAL LEGACIES OF LAND DISPOSSESSION

The Indigenous peoples who continue to occupy this land are the first agricultural producers and stewards of the land that is Connecticut. Many publications that discuss and analyze the history of land use begin with European settlement and provide limited analysis of the ramifications of colonization on Indigenous communities. The region that is called New England today has been inhabited by Indigenous communities for at least 12,000 years.⁹ Prior to European colonization the land that is now the State of Connecticut was occupied by Quinnipiac, Tunxis, Wappinger, Wangunks, Paugussett, Pequonook, Mohegan, Mashantucket Pequot, Eastern Pequot, Massacoos, Schaticoke, Podunks, and Nipmuc peoples.¹⁰ Many descendants of these Native Nations and Native Tribes that are both state (this includes the Schaticoke, Eastern Pequot, and Paugussett) and federally (Mohegan and Mashantucket Pequot) recognized are still thriving in Connecticut today.¹¹

The arrival of European settlers resulted in broken treaties, displacement, and land dispossession. European colonizers violently stole and systematically dispossessed land from Native people.

Between 1497 and 1795, European settlers committed genocide against the Native Americans and stripped them of land ownership.¹² A continuation of land dispossession happened between 1776 and 1887 when 1.5 billion acres of land was stolen from Indigenous Nations by the U.S. federal government.¹³

The process of withholding land from Native Americans continued between 1823 and 1932, with two major federal policies— the ‘Discovery Doctrine’ and the ‘Dawes Act.’

In 1823, the United States Supreme Court ruled that Indigenous People can live within the United States but could not hold property titles because European settlers’ “right to discovery” trumped Indigenous Peoples’ “right of occupancy.”¹⁴ This was also known as the Discovery Doctrine.

As colonizers expanded westward, one of the most devastating policies to Indigenous land ownership was the General Allotment Act of 1887, often referred to as The Dawes Act. The Act was named after a Yale alumnus and major proponent of the legislation, Senator Henry Laurens Dawes, and resulted in the loss of ownership of over 90 million acres of Native landholdings to colonial settlers. As part of The Dawes Act, the federal government designed the policy to partition communal Indigenous lands into individual parcels of 40, 80, or 160 acres. The most productive lands from reservations were identified as “surplus to Indian needs” and sold to colonizers to exploit for natural resources. Under the allotment policies, colonial settlers could purchase and own land outright but Native people were deemed “incompetent” by the federal government and had to wait 25 years to gain the legal title and rights to sell the land. In addition to the land grab, the act aimed to “civilize” and assimilate Indigenous people in order to dissolve their connections to their traditional land, culture, and identity.

These are just two of the many federal public policies that prohibited land sovereignty for Native peoples in the present-day United States. Today, Indigenous peoples continue to address the fractionated ownership and management of land from the original allottees.

9 Pottern J. Barley L. 2020. *Farms Under Threat: A New England Perspective*. Washington, DC: American Farmland Trust

10 Native Land Website, 2020, native-land.ca.

11 Sayet, Rachel, Personal Communication, October 20, 2020

12 Brilvitch, C. (2007). *The History of Connecticut's Golden Hill Paugussett Tribe*. The History Press

13 Northeast Farmers of Color Land Trust, 2020

14 Giancattarino, Anthony and Noor, Simran. (2014). *Building for the case of racial equity within the food system*. New York, New York: Center for Social Inclusion.



PHOTO: AMANDA FREUND

BUILDING A RESILIENT FOOD SYSTEM DURING THE COVID-19 PANDEMIC

Starting in March 2020, the COVID-19 pandemic drastically changed the day-to-day lives for people across the state of Connecticut, the nation, and the globe. Farm businesses acted quickly to remain viable while responding to an increasing demand for locally grown products through safe food shopping options. Dairy farms started delivering milk directly to consumers, farmers' markets reconfigured shopping protocols to ensure social distancing, many farm businesses started offering pick up and online purchasing options for consumers, and urban farmers continued preparing for the growing season with plans to increase the amount of food they planned to grow. Connecticut's farming community demonstrated tremendous innovation and responsiveness that helped ensure residents could access fresh, locally grown food options.

As a result of the pandemic, agricultural supply chains across the country struggled to stay open and pivot how they were producing food to meet the demands of consumers. Leaders across the state commented on the need to support local farmers and configure new ways to strengthen the local food economy to meet the need of the moment. CT Department of Agriculture Commissioner Hurlburt said, "Maintaining operations of food and agriculture are essential to keeping our residents fed and healthy during this time, we recognize that it is an unprecedented time and appreciate the efforts of small businesses and their employees.

As a result of the COVID-19 pandemic, many nonprofit organizations and state agencies assembled resource lists for farmers and consumers who wanted to support the local producers. These resource lists can be found at:

- CT Department of Agriculture—
COVID-19 Resource List for Farmers.
- University of Connecticut-Extension—
COVID-19 Resources.
- Land for Good—COVID-19 Resource Page
- National Young Farmers Coalition—
COVID-19 Resource Page.



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 2017.
- There are 78,000 taps for maple syrup in Connecticut that gross \$935 million total for the state.¹⁵

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



PHOTO: JAMES PINTAR/STOCKPHOTO



Nursery and Greenhouse

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

- Connecticut's nursery and greenhouse sector is the state's largest production sector, accounting for 52% of all farm sales.
- The state's nursery and greenhouse businesses contribute \$529.90 million in economic impact and support 6,366 jobs.¹⁷



PHOTO: AMANDA FREUND



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 6,093 sheep and 4,393 goats.¹⁶

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



PHOTO: NORMAN EGGERT/ALAMY

¹⁵ USDA NASS, *2017 Census of Agriculture: State-Level Data*. Table 40: Woodland Crops Sales, 2019. *Northeast Maple Syrup Production, 2017*; Connecticut Department of Agriculture.

¹⁶ USDA NASS, *2017 Census of Agriculture: State-Level Data*. Table 28: Goats, Kids, and Mohair—Inventory, Mohair Production, and Sales, 2019.

¹⁷ Lopez, R.A., Jelliffe, J. and Laughton, C., "The Northeast Economic Engine: Agriculture, Forest Products and Commercial Fishing," Farm Credit East, Fall 2020.

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 its 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. In 2017, 233 farms reported agritourism activities that grossed nearly \$17 million in revenue, compared to just \$9.5 million in 2012.¹⁸

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 2015 report by North East State Foresters Association, Connecticut's forest products industry contributes at least \$2.1 billion to the state's economy, while forest-based recreation generates approximately \$1.2 billion annually.¹⁹ Forest-based employment accounts for 8,200 jobs; 428 professional loggers and foresters are certified by CT DEEP through a rigorous testing program; and 13.7 million cubic feet of timber is harvested annually. 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. Forests, forest management, and forest products can play a significant role in climate change mitigation, adaptation, and resiliency. Forests and forest soils sequester and store carbon, help intense rainfall events seep into the ground to recharge ground and surface waters, and shade coldwater streams. Construction in densely developed neighborhoods with locally- or regionally-grown, long lived wood products that are substituted for more carbon-dense materials (e.g., steel, aluminum, or concrete) can also have carbon offset and other environmental benefits. Properly scaled and managed clean burning and highly efficient wood burning boilers that provide heat power can supply a non-fossil fuel energy alternative. Perhaps more importantly it provides a critical service for waste wood management (insect and disease riddled trees, and out of place trees along power lines and roads), and provides incentive products to help forest landowners retain and manage their land as forests.

In 2015, the Yale School of the Environment (formerly the School of Forestry & Environmental Studies), in collaboration with the Connecticut Department of Energy and Environmental Protection, published "Understanding Connecticut Woodland Owners: A Report on the Attitudes, Values, and Challenges of Connecticut's Family Woodland Owners." The report found that more than half of Connecticut's 1.8 million acres of woodlands are owned by individual families, many of which demonstrated a strong conservation ethic. However, they also expressed concern about keeping their forest intact as they grew older and the land management challenges they faced. These insights will help conservation and forestry professionals more strategically communicate with this important group of landowners about their conservation and management options.

18 USDA NASS, *2017 Census of Agriculture: State-Level Data*. Table 7: Income from Farm-Related Sources, 2019.

19 North East State Foresters Association, *The Economic Importance of CT's Forest Based Economy 2015*.



On-Farm Sales

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

- The 2017 National Agricultural Statistic Services lists 1,288 direct-to-consumer sale operations in Connecticut. This includes orchards, nurseries, farm stands, and markets that sell directly to consumers.
- In 2016, the state had over 97 pick-your-own orchards and farms for apples, berries, pumpkins, and more.²⁰ In 2020, there were 60 cut-your-own Christmas tree farms.²¹
- Community Supported Agriculture (CSA) shares are available from 85 farms in the state.²²
- Adding to Connecticut’s already diverse agriculture, niche markets also include camelids (e.g., alpacas and llamas), broilers, buffalo, turkeys, and farm-produced pheasants.²³

Heart CT Grown has the most expansive list and database of where you can find local products in Connecticut. Visit heartctgrown.extension.uconn.edu.



Terry Jones (above) has been the principal grower of Jones Family Farms pick-your-own strawberry operation continuously for over 60 years.



Organic

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

- There are 108 organic farms and producers in Connecticut, of which 23 are federally certified.
- The state has over 200 organic lawn and garden service providers.²⁴

The Northeast Farming Association of Connecticut publishes an annual ‘Farm and Food Guide’ that lists over 200 farms, restaurants, garden centers, and grocery stores that feature organic products.



Poultry

Includes: turkeys, broilers, and eggs.

- In 2017, 1265 farms had egg-laying chickens.
- In 2017, there were 159 farms that raised meat chickens in Connecticut, and 110 farms that raised turkeys.²⁵



PHOTO: AMANDA FREUND

²⁰ Connecticut Department of Agriculture, Pick-Your-Own-Farms, 2015.

²¹ Connecticut Christmas Tree Growers Association, 2020.

²² Connecticut Department of Agriculture, 2020.

²³ USDA NASS, 2017 Census of Agriculture: State-Level Data. Table 2: Market Value of Agricultural Products Sold, 2019.

²⁴ Connecticut Northeast Organic Farming Association, Farm and Food Guide Map 2020; CT NOFA, organiclandcare.net; USDA NASS, 2017 Census of Agriculture: State-Level Data. Table 51: Organic Agriculture, 2019.

²⁵ USDA NASS, 2017 Census of Agriculture: State-Level Data. Table 30: Poultry—Inventory and Number Sold, 2019.



Tobacco

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

- In 2017, Connecticut farms produced more than 3.8 million pounds of broadleaf and shade tobacco.
- The 2,204 acres of tobacco harvested in the state produced 84% of the broadleaf and shade tobacco grown in New England in 2017.
- In 2017, tobacco was among the state's top five agricultural exports, valued at over \$26,817,00.00. Tobacco sales accounted for 4.6% of agricultural product sold in Connecticut in 2017²⁶

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.

- There are 147 wholesale fruit and vegetable producers in Connecticut, generating \$8 million in sales in 2017.²⁷
- The state has at least 17 orchards that sell through wholesale markets.²⁸

In 2017 Connecticut harvested 3,769 acres of sweet corn valued at more than \$10 million.

The CT Grown program that is run by the CT Department of Agriculture was created in 1986 and is now a familiar green and blue logo that was created to identify agricultural products grown in the state.

“Locally grown agricultural products continue to offer economic opportunities for Connecticut farmers, when agriculture is more successful, communities are more successful.”

— Bonnie Burr, University of Connecticut Extension



Wineries and Vineyards

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

- In 2020, there were 47 licensed wineries in Connecticut.
- There are 40 farm wineries that are a part of the Passport to CT Farm wineries. Additionally, there is a private association called CT Wine Trail that has over 20 members.²⁹

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.

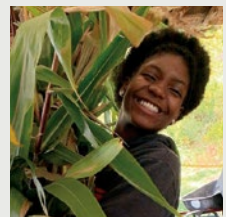


PHOTO: CHELSEA GAZILLO, WORKING LANDS ALLIANCE



Producer Demographics

- 31% of producers in the state are 65 or older.
- Over 40% of producers in the state are women, while it is only 36% nationally.
- Less than 3% of CT's producers are Black, Indigenous, or People of Color (BIPOC), while the state's overall population is 20% BIPOC.³⁰



DISHA PATEL, COMMON GROUND HIGH SCHOOL, NEW HAVEN, CT

²⁶ Connecticut Valley Tobacco Historical Society, 2007; USDA NASS, 2017.

²⁷ USDA NASS, 2017 *Census of Agriculture: State-Level Data*. Table 75: Summary by North American Industry Classification System, 2019.

²⁸ Connecticut Department of Agriculture, *Grow Connecticut Farms: Governor's Council for Agricultural Development December 2014 Update and Recommendations*; for more information go to: ct.gov/doag/cwp/view.asp?a=3260&q=399110.

²⁹ Connecticut Department of Consumer Protection, 2020; Connecticut Wine Trail, 2020; CT Department of Agriculture, 2020.

³⁰ USDA NASS, 2017 *Census of Agriculture: State-Level Data*. Table 52: Selected Producer Characteristics, 2019. U.S. Census Bureau, 2010. Quickfacts Connecticut. Retrieved from census.gov/quickfacts/CT.



Farmland Access

- 72% of the state’s farmland is owned and operated, while over 100,000 acres are leased from others.
- 6.5% of farms and 10% of farmland is operated by tenant farmers, who own none of their land.
- In 2019, the average real estate value of an acre of farmland in Connecticut was \$12,200, the third highest in the country.³¹

*In 2020, the CT Department of Agriculture and American Farmland Trust co-wrote **Farmland Needed: How Connecticut Can Help Farmers Access the Land They Need to Succeed**, a report that provides goals for both the state and service providers that will increase farmland access opportunities across the state.*

CTFarmLink.org is a match service to connect farmland owners with farmland seekers in the state. As of September 2020, there are 96 farm profiles and 491 farmland seekers on the site. CTFarmLink is paid for through the Community Investment Act and is managed by CT Farmland Trust.



PHOTO: AMANDA FREUND



Climate Change and Agriculture

- In Connecticut, cropland accounts for 148,609 acres and pastureland comprises 31,923 acres. There were approximately 7,208 acres of irrigated cropland and 141,401 acres of non-irrigated cropland in 2017.³³
- The benefits from integrating cover crops can include, but are not limited to, reduction of runoff and soil erosion, improved nutrient retention, reduced weed pressure, and increased soil organic matter content (Hartwig and Ammon, 2002).³⁴
- If 100% of Connecticut farms incorporated better management practices that had the potential to remove carbon from the atmosphere including non-till, legume cover cropping, and spreading more compost, it would remove 94,902 (MTCO_{2e}) from the atmosphere or be the equivalent of taking 20,500 cars off the road annually.³⁵



Hemp

- In 2019, the Connecticut General Assembly passed legislation that established a statewide hemp program.
- In 2019, 109 Hemp Grower Licenses and 10 Hemp Processor Licenses were granted by the Commissioner of Agriculture.³²

³¹ USDA NASS, *2017 Census of Agriculture: State-Level Data*. Table 76: Summary by Tenure of Farm Operations, 2019; USDA NASS, *Land Values and Cash Rents*, 2019.

³² Connecticut Department of Agriculture, 2020.

³³ American Farmland Trust, 2020.

³⁴ Hartwig, N., and H.U. Ammon. 2002. Cover Crops and Living Mulches. *Weed Science* 50(6):688–600.

³⁵ American Farmland Trust, 2020.

Agriculture in Connecticut Today

Connecticut's agricultural sector is diverse not only in product variety, but also in size. A majority of Connecticut farms (over 69%) are fewer than 50 acres. At the same time, there are a number of farms with annual gross revenues in excess of \$5 million.³⁶ Like elsewhere in the United States, farmers in Connecticut are aging; the average age of a farm operator is 58.³⁷ However, there is a growing number of new rural and urban 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 New England.³⁸ Other examples of this trend are the number of farmers' markets and Community Supported Agriculture (CSA) farms in the state.
- Agricultural tourism is an important part of the overall Connecticut tourism industry. From 2012 to 2017 the sector grew by more than 75%.¹³
- 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.
- 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: nativeenergy.com/laurelbrook-farm-compost-project.html.
- Urban agriculture is a growing sector in cities across Connecticut. In New Haven alone, there are over 50 community gardens that produce an estimated 15,000+ pounds of fresh fruits and vegetables each year. In addition, there are seven urban farm sites that together total 65,340 square feet of land and produce roughly 16,500 pounds of organically grown vegetables each year. New Haven, like many other Connecticut cities, is also home to several mobile markets, farm stands, and farmers' markets.

THE EFFECTS OF CLIMATE CHANGE ON CONNECTICUT AGRICULTURE

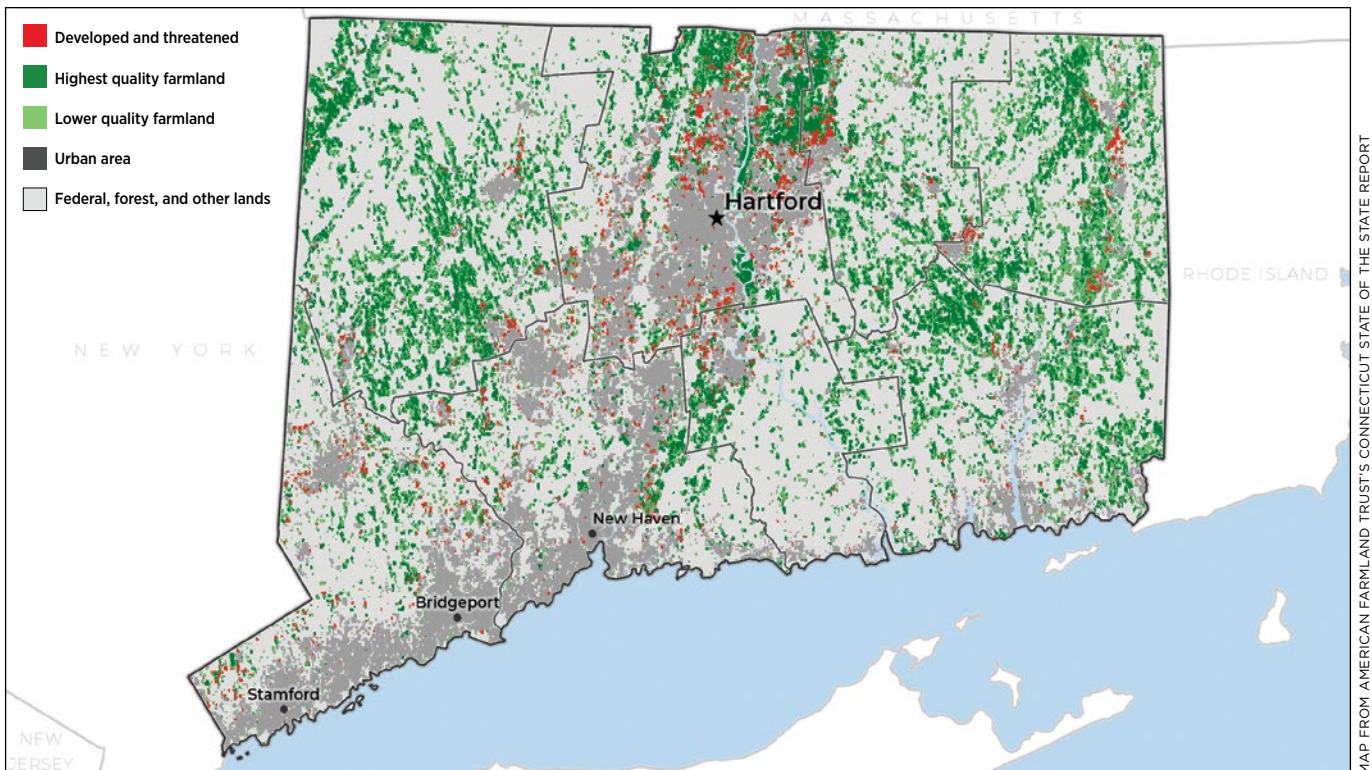
The impacts of climate change are creating both challenges and opportunities for CT agriculture and consumers. The variabilities in rainfall, frost-free periods, temperature, snowfall, and severe weather events are major challenges. The state will have a longer, warmer growing season that will favor increased production, especially of specialty crops such as fruits and vegetables. An overall wetter climate, with short term droughts, will make water management a priority. Longer, warmer growing seasons and globalization will bring new pests and diseases that will require careful management, increased research, and support from the University

of Connecticut and the Connecticut Agricultural Experiment Station. Connecticut, and the Northeast, will be one of the few parts of the U.S. with a climate suitable for both people and agriculture. It will require farmers to continue to innovate in their production methods, infrastructure, marketing, and processing. Consumers will need greater awareness of these challenges, and to appreciate the contributions to local food security and economic diversity that farms bring to the state. This also requires our municipalities to allow the flexibility and resources needed to support them.

36 USDA NASS, *2017 Census of Agriculture: State-Level Data*. Table 2: Market Value of Agricultural Products Sold, 2019.

37 USDA NASS, *2017 Census of Agriculture: State-Level Data*. Table 52: Select Producer Characteristics, 2019.

38 USDA NASS, *2017 Census of Agriculture — State-Level Data*. Table 2: Market Value of Agricultural Products Sold, 2019.



MAP FROM AMERICAN FARMLAND TRUST'S CONNECTICUT STATE OF THE STATE REPORT

The State of Farmland in Connecticut

According to American Farmland Trust’s 2020 *“Farms Under Threat: The State of the States”* report, 22,994 acres of farmland were converted to urban or low density residential development between 2001 and 2016 in Connecticut. In this period, over 6% of the state’s farmland was converted, placing the state in the top three nationally in percent of farmland lost to development. For more information about farmland loss, tools for prioritizing protection, and policies that combat that loss, see: farmland.org/project/farms-under-threat.³⁹

Low-density residential development was responsible for much of the conversion in this period, which impacts farming by restricting the amount of contiguous farmland available, thereby reducing farms’ ability to scale up and remain viable. Trends show that Connecticut farmland under low-density residential development in 2001 was 4.5 times more likely to be completely urbanized by 2016. Swaths of high-quality farmland still remain in Connecticut. Roughly half of all farmland is considered nationally significant, in the tier of highest-quality farmland across the country, concentrated in the Connecticut River Valley and pockets of Litchfield, New London, and Windham counties.

FARMLAND PROTECTION

- As of October 2020, the state of Connecticut’s Farmland Preservation Program has permanently protected 383 farms on 45,996 acres from development.⁴⁰
- The program has spent \$125 million to date to protect farmland, leveraging federal, municipal, and private contributions.



HASTINGS FARM, PHOTO: TOWN OF SUFFIELD

39 Freedgood, J., M. Hunter, J. Dempsey, A. Sorensen. 2020. *Farms Under Threat: The State of the States*. Washington, DC: American Farmland Trust.

40 Connecticut Department of Agriculture, September 2020.

GROWING INTEREST IN AGRICULTURE

- Membership in Connecticut FFA—the local chapter of a student-oriented association focused on premier leadership, personal growth, and career success through agricultural education—continues to increase.
- Enrollment in the Agricultural Science and Technology Education Programs (ASTEP) has risen 29% over the last fifteen years, growing from 2,656 in 2000–2001 to 3,423 in 2014–2015. ASTEP graduates achieved, on average, a 5.25% higher employment rate than other Connecticut 20–24 year olds.⁴¹
- Enrollment at the University of Connecticut’s Ratcliffe Hicks School of Agriculture has steadily risen since 1995.
- The New CT Farmer Alliance—a Chapter of National Young Farmers Coalition—is a network of young and beginning farmers who aspire to be successful farmers in Connecticut.
- The University of Connecticut Extension’s Solid Ground Training Program offers in-person training opportunities as well as e-learning tools for new and beginning farmers through the Solid Ground Program. As of 2020, some 1,644 beginning farmers participated in the programs.
- There are over 1,822 beginning farmers in Connecticut. Of these, 48% have been farming less than 5 years. There was approximately \$1.3 million value to the crops sold by beginning farmers in 2017.



PHOTO: DISHA PATEL, COMMON GROUND HIGH SCHOOL, NEW HAVEN, CT

“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 United States 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.⁴²
- Established in 1948, the Regional Market in Hartford serves as a central location for farmers and wholesalers to sell agricultural products. The facility is the largest perishable food distribution facility between Boston and New York.



PHOTO: AMANDA FREUND

⁴¹ Connecticut State Department of Education, 2016.

⁴² Connecticut Agricultural Experiment Station; Connecticut Department of Agriculture, 2016; Natural Resources Conservation Service; *The Hartford Courant*, “Staying in Shade Tobacco,” 10/25/2006.

SPOTLIGHT: COMMON GROUND HIGH SCHOOL URBAN FARM

Common Ground is a center for environmental learning and leadership located in New Haven and serves its educational mission: building community and contributing to a just and sustainable world, by working through three interwoven entities; a High School, Urban Farm, and an Environmental Education Center. The Farm is a small-scale diversified farm utilizing ecological practices that produces over 10,000 lbs. of food a year, providing healthy food for the school cafeteria, farm shares for students' families, a mobile farmers' market that visits senior housing, and produce for the general public. The Farm features production and educational gardens, a variety of animals, and an Aerated Static Pile compost system. They work with the High School, 225 students, Green Job Corps and Summer Intern Program, an with The Environmental Education Center, serving 20,000 families and children, to support farm and food justice based activities year round.



PHOTO: DISHA PATEL, COMMON GROUND HIGH SCHOOL

SPOTLIGHT: KILLINGLY HIGH SCHOOL AGRICULTURE EDUCATION PROGRAM

The Killingly Agricultural Education Program is based on a national model, consisting of three different areas; Classroom/Laboratory Instruction, Supervised Agricultural Experience Project (SAEP), and Future Farmers of America (FFA). The program is designed for students interested in a career in agriculture or an agriculture-related field; including mechanics, engineering, aquaculture, animal sciences, companion animal care, horticulture, floral design, environmental sciences, forestry, biotechnology, and others. Killingly's curriculum emphasizes real-world application of science, mathematics, technology, and life skills such as public speaking, group problem solving, and record keeping. Their new facilities include an aquaculture lab, biotechnology lab, greenhouses, wood shop, mechanics shop, indoor/small animal

lab, and an outdoor/large animal lab area. They also have a 20-acre farm on Route 101 (in front of Killingly Intermediate School), where they grow hay, corn, and vegetables for the local food pantry.

Most of their students pursue a college prep curriculum—Agricultural Education courses are college prep weighted electives, with several classes being taught in conjunction with the University of Connecticut Early College Experience Program, earning students up to 15 college credits. Their program serves the following towns: Killingly, Brooklyn, Putnam, Plainfield, Sterling, Canterbury, Voluntown, Eastford, Pomfret, Griswold, Thompson, and Woodstock. Tuition and transportation costs to attend the Agricultural Education program are paid by the sending town.

SECTION 2

Is Your Town Planning a Future for Agriculture?

Agriculture takes many different forms across our state, reflecting not only the diversity of farming practice, but the wide variety of municipal land-use conditions, soils, market conditions, and economic circumstances in different parts of Connecticut. From traditional hay and cornfields that support Connecticut's dairy farms in the rural parts of Eastern Connecticut to the CSAs and active hobby farms in our suburbs to the urban greenhouses and community gardens in our cities to aquaculture in Long Island Sound, agriculture in Connecticut is certainly not a "one size fits all" endeavor. Accordingly, municipal

treatment of agriculture as a land use practice and as a business should not be monolithic either.

Municipal rules, actions, and decisions can have a significant impact on the viability and future of local farms and the land they work. Below are a few checklists to gauge how supportive of agriculture the local policies are in your municipality. These lists can help identify areas where additional attention could benefit your community. Consider taking this list to the various boards or councils in your town or city that can play an important role in supporting agriculture and protecting farmland.



WORKING LANDS ALLIANCE

CASE STUDY: TOWN OF LEBANON

Taking a Proactive Approach to Promote, Preserve, and Grow Agriculture

For over 300 years agriculture has been Lebanon’s predominant land use! The town’s 140 farms today continue to provide food and fiber necessary to support the masses—just as it did at the time of our nation’s founding. Lebanon farms represent a variety of large-and small-scale agriculture including poultry/eggs (2 million chickens), dairy (several thousand cows), nursery stock (largest wholesaler in New England), beef cattle, vegetable, llamas, sheep, goats, equine, maple syrup, honey, wine, CSAs, and other agrarian endeavors.

Lebanon is one of the largest farming communities in Connecticut and has the greatest amount of preserved farmland in New England with approximately 6,000 acres, or 12% of all preserved farmland in Connecticut. These prime and important farmland soils are preserved for agriculture forever!

Yet town officials are aware that without ongoing planning and public support, agriculture in Lebanon could become a thing of the past. Consequently, the town’s government has implemented an aggressive approach to support farming locally that includes funding, outreach, and continuing education for residents. These efforts were recognized in 2015 when the town received the “Community of the Year” award from the CT Chapter of the American Planning Association for its “on-going efforts to preserve its agricultural-based economy and town character.”

Lebanon posts signs at town entrances displaying its support for agriculture; runs a weekly summer and monthly winter farmers’ market at no cost to vendors; mails an annual town-wide newsletter to residents describing the benefits to farmland; created a photo display of preserved farms at Town Hall; and sets aside funding to secure and match farmland preservation dollars from federal, state and nonprofit sources. The town’s right-to-farm ordinance and zoning regulations on agriculture are emulated across the state. The town identifies “the promotion and protection of agricultural uses and prime and important farmland soils” as its number one Purpose in Zoning; defines “open space” synonymously with “farmland preservation;” mandates cluster or conservation subdivision development to help protect farmland; requires agricultural buffers for new lots that abut farms as part of its open space requirement; and chooses not to regulate the number of animals per lot, but the setbacks of farm buildings from property lines.

As part of preparing Lebanon’s *2020 Plan of Conservation and Development*, every 10 years the



PHOTO: PHIL CHESTER, TOWN OF LEBANON

town conducts a cost-of-community service study and resident survey. The 2019 cost-of-community service study compared the cost of town services to residential, commercial/industrial, and farmland/open space land uses, and determined that agriculture and open space pay a disproportionate share in taxes compared to residential development. The 2019 resident survey gauged resident attitudes toward farming and farmland preservation. Survey results found that four out of five residents believe having working farms and open space to be very important and that the town should continue to fund farmland and open space preservation projects. The survey also found that most residents believe farmland and open space preservation should be the main focus of town planning efforts over the next decade—just as it did when the previous survey was conducted over 10 years ago.

Lebanon is working with the Connecticut Resource Conservation and Development Area, Inc. on a new small-farmer initiative to create a cooperative farm support center with affordable farmland and housing. The town believes that these and other measures will help to ensure that Lebanon’s agricultural community has local support as the town works to preserve and celebrate its long-held agricultural heritage.

UNDERSTANDING AGRICULTURE IN YOUR TOWN

ISSUE TO ADDRESS	WHY	TAKE ACTION
<p>Baseline Inventory Do you know how many farms and how much farmland there is in your town?</p>	<p>People often underestimate the amount of real farming activity that takes place, frequently suggesting that “there’s no farms left in this town.” It is very important to understand how agriculture has evolved and recognize the various forms it continues to take. In this way, you can address the unique business and land use needs of local farmers.</p>	<p>Conduct 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.</p>
<p>Agriculture Commission Does your town have an agricultural advisory board, a committee, or a commission—either free-standing or as part of another town entity?</p>	<p>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.</p>	<p>Consider establishing a town agricultural commission, advisory board, or food policy council. If your town has only a few farms, consider joining other towns and creating a regional agricultural commission (see page 32). Be sure to include active members of the farming community on the commission roster.</p>
<p>Membership on Local Boards Are there farmers serving on local planning and zoning, inland wetlands, and/ or economic development commissions?</p>	<p>All of these boards are involved in decisions that could affect the business and land use needs of farmers. Regulations and policy can often miss the nuances of local farming practices, and it’s important to have this perspective represented.</p>	<p>Encourage farmers to serve on town committees or task forces; and encourage local political committees to engage farmers in their recruitment for positions. This is one of the most effective ways for towns to incorporate agricultural concerns into local regulations and plans.</p>
<p>Regulatory Definitions The State of Connecticut defines agriculture in a broad and inclusive manner (CGS § 1-1(q)). Does your town apply this definition?</p>	<p>Where it’s possible, consistency with the State definition is helpful because it fosters a common understanding—particularly for farmers who work the land or conduct business in multiple towns. Additionally, various agricultural businesses have very different needs that can test the balance of rules and exceptions.</p>	<p>Where appropriate, reference the State’s definition of agriculture in regulations. 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.”</p>
<p>Plan of Conservation and Development (PoCD) Does your municipal PoCD have a detailed section on agriculture?</p>	<p>The PoCD is the big picture view for the future of the town, and establishes 10-year goals for growth of the community and protection of its resources. Many PoCDs refer to “maintaining rural character” but do not necessarily address agriculture as a primary component or provide specific implementation actions to deliver on this goal.</p>	<p>Including agriculture up front can be very helpful to the PoCD update process. Consider having a town-appointed committee profile local farms and document the economic, cultural and environmental benefits of agriculture in your town. Update your PoCD to express the value agriculture contributes to your town’s economy and quality of life (see page 39).</p>
<p>Assistance Does your town publicize where to get advice and assistance on farm questions, whether from existing or prospective farmers, or just members of the public?</p>	<p>Towns can facilitate the connection to local, state and federal agricultural and conservation organizations that can serve as resources to local farmers or those interested in starting a farm operation. In addition, they can help eliminate confusion. This effort works best when this task is clearly part of someone’s job and not split among numerous entities who each only have partial answers.</p>	<p>Identify and designate a key municipal official or agricultural commission member to help with such questions. Work with government and nonprofit partners to have a list of resources available. (see page 32).</p>
<p>Underserved Populations Has your town done an assessment of how agricultural policies relate to local or regional populations of Black, Indigenous, and People of Color?</p>	<p>Owing to centuries of explicitly and implicitly racist policies, many population groups have been excluded from access to and ownership of farmland, economic support for farming operations, and access to culturally-preferred farm products—both within a community and in the region served by local agriculture.</p>	<p>Work with planning and community development professionals in town to develop an understanding of the local and regional demographics, particularly among BIPOC communities. Work with representatives of these groups to document needs for access to and ownership of farmland, farm capital, and farm products (see page 68).</p>

CREATING A SUPPORTIVE BUSINESS ENVIRONMENT FOR FARMING

ISSUE TO ADDRESS	WHY	TAKE ACTION
<p>Economic Development Is agriculture part of the local economic development strategy?</p>	<p>Farming is too often considered a lifestyle or a pastime rather than a business and employment sector. Agricultural businesses are frequently undervalued in terms of their effect on the local economy, and opportunities for agricultural economic development are often overlooked.</p>	<p>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 35).</p>
<p>On-Farm Retail Does your town allow roadside stands or pick-your-own operations by right?</p>	<p>Flexibility in zoning ordinances or regulations helps to promote profitable farm retail opportunities, particularly when these operations are not major traffic generators.</p>	<p>Review your current town's zoning regulations and consider amendments so that certain agricultural operations don't need a special exception or variance (see page 39).</p>
<p>Signs Are off-site signs that attract and direct farm stand customers allowed, as-of-right, in town?</p>	<p>Farm stands are often seasonal businesses that need to capture potential sales at harvest time.</p>	<p>In coordination with local Public Works and State DOT, allow signs that give directions to the farm stand and let customers know what items are available. Make off-site directional and informational signage permitted as-of-right (see page 60).</p>
<p>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.</p>	<p>Because of seasonality and product limitations, many farm stands and on-farm stores try to provide a wider variety of products for consumers who wish to use the farm as a primary shopping destination.</p>	<p>Relax regulations to 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 59).</p>
<p>On-Farm Processing Does your town allow on-farm processing facilities?</p>	<p>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. Recent statutory changes allow for cottage industries and limited value-added processing of salsas, jams, pies, etc.</p>	<p>Review regulations concerning definitions of agriculture and allowable uses accessory to farm use. Consult statutory provisions concerning value-added and cottage industries. Allow on-site processing facilities that enable farms to diversify and increase their viability (see page 42).</p>
<p>Compatible Businesses Are businesses that are compatible with agriculture allowed in your town?</p>	<p>The farm economy extends well beyond the barn and fields. Farm-based compatible businesses, such as machinery repair shops, sawmills, bed and breakfasts, and other businesses, can help farm families improve profitability.</p>	<p>Consult with farmers about the types of supportive businesses that provide essential goods and services to agricultural operations. Allow such infrastructure and businesses that are necessary for thriving farm businesses (see page 42).</p>
<p>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?</p>	<p>When residents learn about the variety and opportunities provided by local agriculture, they will better understand the benefits of having farms in town</p>	<p>In partnership with local agricultural commissions, chambers of commerce, or agricultural advocates, sponsor or hold such events. Pick a "signature" seasonal or annual event. Incorporate agriculture education in school activities and curriculum (see page 74).</p>
<p>Buy Local Does your town support the purchase of local foods?</p>	<p>Farmers' markets, farm-to-school programs and farm-to-institution sales can support family farmers by increasing local demand for their products, and assist in the long-term planning and stability for farm operations.</p>	<p>Work with local school districts to put in place policies that attempt to purchase food from local farmers and encourage institutions to do the same (see page 74).</p>

Continued on the following page

CREATING A SUPPORTIVE BUSINESS ENVIRONMENT FOR FARMING, *continued*

ISSUE TO ADDRESS	WHY	TAKE ACTION
<p>Urban Agriculture Does your town consider agriculture as a building or land reuse option?</p>	<p>Fallow buildings (particularly larger industrial facilities) or under-used urban lots can be positively and productively employed for agricultural production.</p>	<p>Ensure that local regulations allow agriculture on former industrial or under-used property. Work with property owners and farmers to encourage entrepreneurship.</p>
<p>Beginning Farmers Are resources in place to encourage and foster the next generation of farmers?</p>	<p>New and beginning farmers often need additional assistance to access land, capital, and markets.</p>	<p>Designate a municipal point person and connect with start-up and business-support resources.</p>
<p>Community Gardens Does your town make underused properties available for small-scale growing?</p>	<p>Relatively small plots of town-owned land and vacant lots/demolished building sites can be easily reclaimed for community garden use.</p>	<p>Inventory town lands and vacant properties for opportunities, including existence of water. Seek or set aside funds to establish gardens.</p>
<p>On-Farm Housing Does your town allow on-farm housing for workers or have provisions for lower-income housing in farming areas?</p>	<p>Seasonal laborers and on-farm workers tend to be lower-income and may lack reliable transportation from areas of affordable housing to less dense agricultural areas.</p>	<p>Consider revisions to zoning regulations to allow for on-farm multifamily housing and incorporate agricultural labor into Affordable Housing Plan analysis per Connecticut General Statutes, Section 8-30j</p>



PHOTO: CT DEPARTMENT OF AGRICULTURE

SUPPORTING TAX POLICIES FOR FARMLAND, BUILDINGS, AND EQUIPMENT

ISSUE TO ADDRESS	WHY	TAKE ACTION
<p>Use Assessment Does your town publicize and apply Public Act 490 assessment of farm and forest land by use?</p>	<p>Reductions in property tax burden help ensure farms remain economically viable. 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).</p>	<p>Tax land based upon its use; work with your local assessor to ensure Public Act 490 is administered within the intent of the legislation.</p>
<p>Tax Exemptions Does your town publicize and apply state tax exemptions for farm tools, products and seasonal greenhouse structures?</p>	<p>Farmers are eligible for a number of property tax exemptions, including:</p> <ul style="list-style-type: none"> • 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 hoophouses, for seasonal production of plants (CGS §12-81 (73)) 	<p>Encourage the use of these tax exemptions to help keep farms viable in your town and encourage agricultural property owners to take advantage of the exemptions (<i>see full statute Appendix A</i>).</p>
<p>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?</p>	<p>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).</p>	<p>Consider allowing these abatements in your town to recognize the many values that local farms provide (<i>see full statute in Appendix A</i>).</p>
<p>Additional and Enabling Tax Exemptions: Does your town make use of enabling legislation that allows exemptions for farm machinery and farm buildings?</p>	<p>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).</p>	<p>Action: Enact this legislation in your town to help keep local farms viable (<i>see full statute in Appendix A</i>).</p>

DEVELOPING STRATEGIES TO PROTECT YOUR TOWN'S BEST FARMLAND

ISSUE TO ADDRESS	WHY	TAKE ACTION
<p>Prioritized Farmland Are areas identified where your town wants to support agriculture over the long term?</p>	<p>Knowing where the best farmland soils are, and knowing whether the farmers in your town are interested in protecting their land or are looking to sell off property are important for long-term planning.</p>	<p>Have conversations with your farmers. 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.</p>
<p>Farmland Preservation Program Does your town encourage the use of conservation easements or purchase of development rights on farmland?</p>	<p>Conservation easements can protect farmland in perpetuity while keeping farms in private ownership.</p>	<p>Review Conservation Options for Connecticut Farmland to learn about other organizations and/or programs for Connecticut farmers seeking to preserve land. Hold a public information session to educate landowners about farmland protection options.</p>
<p>Does your town meet the qualifications to participate in Connecticut's Farmland Preservation Program or in the Community Farms Preservation Program?</p>	<p>The state prioritizes applications and projects that have high levels of participation and support from local governments and the community.</p>	<p>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.</p>
<p>Has your town applied for locally important farmland soils distinction?</p>	<p>Designation of locally important soils is a prerequisite for participation in the Community Farms Preservation Program and expands the land base eligibility for conservation programs.</p>	<p>Work with USDA-NRCS to identify and adopt locally important soils.</p>
<p>Buy-Protect-Sell Does your town have funds available for opportunistic purchases of priority lands?</p>	<p>Sometimes, properties are threatened by development and the owner must act more quickly than the traditional Farmland Protection procedures. This program can allow a town or land trust to make a fee-simple purchase and then place an easement on the property.</p>	<p>Work with local land trusts and ensure that local farmland preservation funds can be used for fee-simple acquisitions. Coordinate with the State of Connecticut and NRCS on rules and procedures for buy-protect-sell programs.</p>
<p>Lease Land Does your town lease town-owned land to farmers?</p>	<p>Leasing fallow or under-used lands can make land productive for the farmer and earn revenue for the town. A municipality may also purchase farmland outright and lease the land to local farmers. Lease terms should be long enough to justify a farmer's long-term improvements on a property.</p>	<p>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 66).</p>
<p>Infrastructure Limits Does your town limit the expansion of infrastructure into areas where the town wants to support agriculture over the long term?</p>	<p>Avoiding the extension of water and sewer lines through or near farmland can be a great deterrent to development pressures.</p>	<p>Focus public water, sewer, and other services in already developed areas to limit the development of your town's best farmland, and to proactively promote redevelopment and increased density in areas of existing infrastructure. These policies should be strongly stated in the PoCD and reflected in zoning regulations (see page 39).</p>

LIMITING THE IMPACTS OF NEW DEVELOPMENT ON AGRICULTURE

ISSUE TO ADDRESS	WHY	TAKE ACTION
<p>Neighbors: Does your town have policies to mitigate conflicts between farmers and non-farm neighbors?</p>	<p>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. Helping residents to recognize that agriculture is usually a business, not just a lifestyle, can ease potential tensions.</p>	<p>Adopt a local right-to-farm law to express support for agriculture and reinforce protections provided by state law (see <i>examples on page 45</i>). Send “welcome” letters to new residents that describe the town’s commitment to being a “farm friendly” community.</p>
<p>Buffers: Does your town require buffer zones between farmland and residential use?</p>	<p>Non Farmers 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.</p>	<p>Require new residential development in proximity to established farm operations to provide for its own buffer zone and/or landscape plantings for screening when necessary (see <i>page 45</i>).</p>
<p>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?</p>	<p>Creative site planning can accommodate new development while maintaining the agricultural base. While increasing minimum lot sizes may seem helpful to reducing density, it actually reduces landowner equity and can increase land fragmentation.</p>	<p>Consider conservation subdivisions and cluster housing, which can minimize the loss of productive agricultural land while preserving the overall “lot yield” for a developer. 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 <i>pages 43 and 44</i>).</p>



CATO CORNER FARM, COLCHESTER, CT. PHOTO BY PATRICK LEE/ORBIS PHOTOGRAPHY

SECTION 3

Getting Started

Each Connecticut municipality 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. At the same time, 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 interviewed town farmers. Others have established local 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 are funding resources 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 (the "Community Investment Act"), has already helped many municipalities around the state plan proactively for agriculture.

Growing Agriculture Through Grants from the Connecticut Department of Agriculture

2017-2019

Municipalities and nonprofit organizations 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 typically held annually; entities are eligible for matching grants of up to \$49,999. Grants can also be used to invest in small capital projects but not to acquire land (*see Section 7: Resources*).

TOWN OF LEBANON • 2018/19 • \$35,120

The town continued efforts to invest in its agricultural businesses and community. The Viability Grant contained a number of elements that addressed local issues. It included:

- Developed and delivered a newsletter to educate the public about agriculture and solicit farmer interest in



PHOTO: WORKING LANDS ALLIANCE

farmland preservation and in participating in the local farmers market.

- Conducted a resident survey to determine attitudes towards farms and farmland preservation. Used as a tool in the preparation of the 2020 Plan of Conservation and Development; the results showed that residents strongly favor working farms, and that planning efforts should focus on their support and protection.
- Conducted appraisals in support of farmland preservation projects in town.
- Provided support for the Lebanon Farmers Market. Funding paid for print, radio, and Facebook ads. This resulted in increased traffic and sales at the market.

MASSARO COMMUNITY FARM, WOODBIDGE • 2017 • \$9,850

Massaro Community Farm is a nonprofit, certified organic vegetable farm that operates on town of Woodbridge owned land. In addition to a CSA, they attend three farmers' markets, provide produce to New Haven area restaurants, and donate 10+% of their annual harvest. The grant allowed them to make critical investments to support increased production, address quality and food safety improvements, and meet climate change challenges. It included:

- Installed new frost-free hydrants to bring irrigation water to six high tunnels. This allows for year-round



PHOTO: PHIL CHESTER, TOWN OF LEBANON

growing, and increased production through the use of a space-saving hanging irrigation system.

- Expanded and improved produce storage capacity by constructing a new cooler and purchasing superior storage containers. This extends the storage life and quality of produce as well as addressing the food safety regulations from the Food Safety Modernization Act (FSMA).

**BRIDGEWATER LAND TRUST,
BRIDGEWATER • 2017 • \$24,000**

The Bridgewater Land Trust leases a number of their protected farmland properties to local farmers. This helps maintain the parcels' conservation values, reduces stewardship costs, and contributes to the local economy. For the past 30 years they have rented several barns to Stuart Family Farm, one of the largest grass-fed beef producers in the state. The town line preserve barns were badly in need of new roofs. Solid, dry barns are critical to the farmer's success. The grant:

- Stripped and resingled the big red barn, and reroofed the metal hay barn with new metal panels.

GIFTS OF LOVE, AVON • 2017 • \$9,277

Gifts of Love, a nonprofit, was organized in 1989 to help local families who are experiencing financial difficulties. It accomplishes this by providing a wide range of basic needs to 30 communities in the greater Hartford area. A major component of its core mission is to operate the Gifts of Love Farm in Simsbury (formerly known as the Community Farm of Simsbury) in an effort to keep it viable, self-sustaining, and fully operational to grow and distribute organic, locally grown produce. The



PHOTO: BRIDGEWATER LAND TRUST



PHOTO: GIFTS OF LOVE

Viability Grant contained elements to help them increase production. It included:

- Purchased equipment to further mechanize production and harvest. This included a seeder, weed tiller, greens harvester, crop storage equipment, and other supplies. This allowed an increase in the acres farmed by 35% and the crops harvested by 61%. In 2018 42.3% of the harvest was donated to its food bank system.
- Created a marketing/sales strategy for its CSA and to establish restaurant sales. This included new promotional materials, signage, brochures, and Facebook ads. As a result, CSA membership increased by 16%, and initiated a contract with one restaurant group.

Town Agricultural Commissions and Food Policy Councils

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. Their farms provide environmental benefits, employment, revenue, intangible “character,” and activity at many levels. Because their interests span the work of many town boards and commissions, and because of the extended hours of farming operations, it is often difficult for farmers to be substantively engaged on all the issues that potentially affect them.

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 viable in the community. 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 be regularly updated on the work of the commission, in order to make an effective link to local government. Where possible, it is more effective to have a designated staff member (often the Town Planner) assigned to coordinate with the agriculture commission.

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

PUBLIC ACT 11-188

AN ACT AUTHORIZING LOCAL AND REGIONAL AGRICULTURAL COUNCILS AND CONCERNING CONSIDERATION OF AGRICULTURE IN LOCAL PLANS OF CONSERVATION AND DEVELOPMENT AND ZONING REGULATIONS.

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:

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 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.

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. The communities of the Lower Connecticut River Valley Council of Governments (RiverCOG) has been cooperating on a regional agricultural council for several years, and have undertaken several multi-town marketing initiatives. The communities around New Haven in the South Central Region Council of Governments are exploring a similar arrangement.

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.

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, the creation of a commission is a more formal designation and generally grants this body more weight and 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 high-priority 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.

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.
- help new residents understand the importance of agriculture in their community.

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.

While most communities have found that the formal establishment of a commission, committee, or working group is the best way to engage in a public dialogue with the farming community, there are other opportunities and approaches. Communities with dedicated planning, community development, or economic development staff could task that staff with being the “point person” on agricultural issues. This staff could interview or survey agricultural producers about their concerns and outlook on how their operation could be better supported by the municipality. In addition, numerous communities are undertaking the Sustainable

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There are approximately 20 agricultural commissions in the state, but only one regional council. In 2013, the Lower Connecticut River Valley Council of Governments (RiverCOG) voted to create the state’s first Regional Agriculture Council to support farmers and farming in 17 municipalities. The Council focuses on promoting farm-friendly town ordinances and land use policies, agricultural products, and farmland preservation at a town and regional scale. More information can be found at rivercog.org/commissions-and-committees/regional-agriculture-council/.

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CT project, which commits towns and cities to take on a variety of tasks to promote their overall sustainability. Sustainability includes elements of environmental protection, social equity, and economic growth. The Sustainable CT task “Dynamic and Resilient Planning” includes a key sub-task of “Develop Agriculture-Friendly Practices.” This sub-task includes specific actions:

- 4.3.1: Adopt land use policies and regulations that allow and support active agricultural uses.
- 4.3.2: Allow active agricultural use of municipal land or provide outreach on CT Farmlink (linking available municipal or private land to farmers looking for land to farm)
- 4.3.3: Develop a Transfer or Purchase of Development Rights program.

- 4.3.4: Hold a farmer forum to identify critical needs or issues for agriculture in the municipality.

These actions can be undertaken by the Sustainable CT committee formed in that community, or assigned to an extant commission or staff member.

Because much of agriculture in Connecticut is food production, farming should also be seen as an essential component in the state’s food system, and communities that are working on holistic efforts to understand and strengthen their local or regional food system should engage producers in this effort. Numerous municipalities, including but not limited to Hartford, New Haven, Bridgeport, and New London have dedicated food system or food policy councils, and the state of Connecticut convenes an inter-departmental Food Policy Council. A case study of the function and role of these entities can be found below.

CASE STUDY: NEW HAVEN FOOD POLICY COUNCIL

Resident interest in locally grown food, coupled with an awareness of the positive environmental, social, and economic impacts of agricultural uses on urban areas, has inspired many city residents to pursue small-scale agricultural activities on both private and public lands. As the community gardening and urban agriculture movements gain popularity and the benefits become more apparent, several food policy councils have formed throughout Connecticut.

Founded in 2007, the New Haven Food Policy Council is a volunteer advisory board for the city of New Haven. Eleven New Haven residents serve as Council members, appointed by the Mayor and the Board of Aldermen. The Council members and other interested residents collaboratively work to address local and regional food issues and the impacts on individuals, communities, businesses, the environment, and local government.

Over the past 13 years the NHFPC has come to play an important role as a gathering space for local food

system advocates and a forum for communication and collaboration across communities, departments, and organizations. Early accomplishments include zoning changes to permit backyard chickens; developing the first New Haven Food Action Plan; and advocating for and establishing the City of New Haven Food System Policy Director position. As of 2020, this is CT’s only municipal official focused solely on the intersection of agriculture, food system, and economic policy.

The goals and strategies listed in this Food Action Plan are ambitious yet practical steps that, when realized, will have a positive impact on the city and accelerate the process of bringing about real change in the food system, including the role of urban agriculture. The plan recognizes that expanding urban agriculture is a growing trend in small business development and provides the opportunity to simultaneously address economic and community development, environmental issues, public health, and emergency preparedness. This includes supporting community gardens and CSAs, calling for zoning regulation amendments to allow on-site sale of produce by community farms, facilitating large-scale composting efforts, encouraging farm-to-institution procurement, supporting and encouraging local food businesses, reinvigorating warehouses for food processing purposes, and expanding free or low cost cooking education.

Partnerships with the City of New Haven Food System Policy Division, Love Fed New Haven, Common Ground Urban Farm, Gather New Haven (formerly New Haven Farms and New Haven Land Trust), CitySeed, Witnesses to Hunger, Cornell Scott Hill Health Center, United Way, various other neighborhood groups, local farms, and youth members have been pivotal to the development of the work of the NHFPC.



PHOTO: NEW HAVEN FOOD POLICY COUNCIL

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 a solid 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 also affecting local farms and to consider working across municipal boundaries to jointly support agriculture.

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 USDA–Natural Resources Conservation Services.

In Connecticut’s cities and higher density suburban communities there may not be digital soils information available, or it is mapped at a very general level. This is due to the high level of soil disturbance and high percentage of impervious surfaces that make it difficult to map and display the soils. An on-site investigation by a trained soil scientist can assess the suitability of the site and soils for agricultural production, as well as suggest further testing needs to assess if any soil contamination might be present or if restoration is needed. It is not unusual that there are also areas of excellent natural soils in parks, schools, and pre World War 2 development areas where there was less soil disturbance that are well suited to agriculture.

Based on NRCS criteria, “prime” farmland is land with soils that have 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 previously-developed or urban built-up land, or water. A municipality can also choose to identify “locally important” farmland soils by requesting this 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 Agricultural Conservation Easement Program, as well as eligibility for the state’s Community Farms Protection Program. Contacting your community’s NRCS District Conservationist is a good first step in this process. 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 with other important natural resources. For example, farmland may also be in a public water supply watershed, provide critical wildlife habitat or wildlife corridors, or contain a 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.uconn.edu) or Connecticut Ecological Conditions Online (cteco.uconn.edu) program can help identify these other resources.

UConn’s 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 clear.uconn.edu.

In July 2020, CLEAR released “30 years of Land Cover Change in Connecticut, USA: A Case Study of Long-Term Research, Dissemination of Results, and Their Land Use Planning and Natural Resource Conservation.” The report does an in-depth analysis outlining the changes in land use during a 30-year period from 1985 to 2015. It further highlights that 4.7% of land in the state was developed resulting in the loss of both forest and agricultural lands.

Regional Planning Organizations or Councils of Government 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 fundamental component of planning for agriculture is understanding the needs and concerns of local farmers. While a town agricultural commission or committee can provide valuable input, effort should be made to gain the input of all local residents who farm on a full- or part-time basis. This can be done through a survey (mailed out or online) 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



PHOTO: JON TYSON/UNSPLASH

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? Are property costs—for purchase or

rent—affordable? How stable and reliable is their labor force? 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

SUPPORTING AGRICULTURE IN CONNECTICUT'S NORTHWEST CORNER

It takes just a small group of volunteers to positively impact agriculture in Connecticut. Take The Farmer's Table as an example, a program of the Litchfield-based nonprofit Partners for Sustainable and Healthy Communities. Since 2011, this all-volunteer group has raised awareness about the importance of agriculture in Litchfield County through an annual farm-to-table dinner, and in 2015 began raising funds to support the growth of agriculture in the county.

The Farmer's Table volunteers then sat down with area farmers to ask what they would like to see accomplished with the revenue raised. The farmers' suggestions included expansion of marketing channels and opportunities to improve business skills. Based on that feedback, The Farmer's Table purchased shares from area CSAs to provide fresh, locally grown ingredients for meals at the Northwest CT

Elderly Nutrition Program and The Susan B. Anthony project, which supports victims of domestic abuse in northwest Connecticut.

The Committee also uses the revenue to support biannual Litchfield Hills Farmers Forums. The free daylong workshops have attracted and educated 100's of farmers and farming advocates. It features agricultural innovators and farming resource experts from across New York and New England. Topics included farming liability issues, writing successful grant applications, low-cost strategies for effective marketing, and using smartphone technology to manage farm sales information, among many other topics. The group has also invested in the local Food Hub, Farm to School programs, and internships and scholarships to local students interested in careers in agriculture.

the best time to engage farmers; planting and harvest seasons (spring and fall), the worst. For dairy farmers, specific times of day are devoted to milking and are simply unavailable for meetings.

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. Surveys conducted in Northeast Connecticut demonstrated strong support for farmland and open space protection, even if it meant a noticeable tax increase. The key component was understanding that the increased tax would be a dedicated fund. The Town of Pomfret used the results of this survey to successfully pass a multi-million dollar bond referendum to fund farmland and open space acquisition. 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. The communities who have participated in the AGvocate Program can be used as examples and templates for many of these areas of analysis. For specific policy suggestions and town regulations to be reviewed, see Sections 4 and 5.

Converting Information to Action Steps

Identifying problems and opportunities should help lead communities toward the implementation of plans. 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 resource-provider organizations (*see*

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 municipal officials and residents were asked if their town is farm friendly, they would say yes. Indeed, 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. With funding from Connecticut's Department of Agriculture Farm Viability grant, the AGvocate program was created to encourage farmers to become involved in decision-making at the local level and help guide municipalities toward farm-friendly land use and economic policies.

HOW THE PROGRAM WORKS

The AGvocate Program promotes farm-friendly community policies and regulations in Connecticut and is the liaison between agricultural producers and



local communities. Connecticut Resource Conservation and Development Area, Inc. (RC&D) manages the program in cooperation with a steering committee. The steering committee is comprised of members from The Last Green Valley (TLGV), participating communities, agricultural businesses, and many federal, state, and nonprofit agencies and organizations.

Originally, the program provided technical assistance to northeast Connecticut towns to help them become farm friendly. On a town-by-town basis, the program assisted in establishing agriculture commissions, advised ways to reduce taxes on farm operations, educated landowners and officials on farmland preservation, offered ideas on how to include agriculture in plans of conservation and development, and helped to pass right to farm ordinances. With reductions in available project funding, CT RC&D transitioned the program to become a networking hub and resource that assisted the communities that had established agricultural commissions stay connected and supported, while providing information on “best practices” and success stories with communities looking to get started. These resources can be found on the program's website, agvocatect.org.

CASE STUDY: RiverCOG REGIONAL AGRICULTURE COMMISSION

In March 2013, a group of four agricultural commissions located in the lower Connecticut Valley came together as one unified voice and formed a Regional Agriculture Council. The council is currently housed within the Lower CT River Valley Council of Governments (RiverCOG) and is the first regional agriculture commission to form in Connecticut. The mission of the regional agriculture commission is designed to follow Public Act 11-188: advocate for local agriculture; be a conduit to towns, nonprofits, civic organizations, and local farmers; educate and be a resource for agriculture related issues and; identify and support a climate that supports the economic viability of farming. After the commission formed they also started branding themselves with various outreach materials that included developing a website, signs, an agriculture brochure, and a promotional postcard. In addition, the commission sent an agriculture survey to gather data and learn more about farmers' priorities and needs in the region.

The commission holds monthly meetings that involve all sorts of lively discussions including chemical fertilizers vs. worm castings; algae and/or oyster beds; and value-added products. More typical

meeting topics include discussions concerning land use and agriculture suggestions for municipalities' plans of Conservation and Development that must be updated every 10 years. Occasionally, the commission invites partners to present on a variety of topics including bees, social media and your farm, equipment sharing, and a regional agriculture hub. The commission has also hosted two CT Department of Agriculture Commissioners to discuss the priorities of the Department and to support the commission in their work.

Through the CT Department of Agriculture—Ag. Viability Grant program the commission has conducted a variety of workshops that have focused on the following topics: Public Act 490; maple syrup production; water security; and hop growing, among many others. There is a growing interest in eating local, healthy foods and supporting local growers of flowers, hops, mushrooms, and Christmas trees. It's all happening in the RiverCOG region. The Regional Agriculture Council supports creative farmers and wants to keep them there. To learn more about the Regional Agriculture Commission visit knowyourfarmers.org.

Section 7). While the local agricultural commission (if one has been established) could take a strong leadership position in implementation actions, 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.

SECTION 4

Tools to Support Farming and Protect Farmland

Municipalities have several tools available to them to support local farms and protect farmland. They range from zoning regulations to tax incentives to right-to-farm ordinances, and even to town-sponsored celebrations or promotional events. As farming differs by community, so too will the types of policies and initiatives a municipality uses to foster local farms and farmland retention. Uncovering the best suite of tools 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 (or combined planning and zoning) commission is required to update this document at least once every 10 years (*see Appendix A, CGS § 8-23*). From a land use perspective, the POCD is very much the community’s Master Plan for the next decade, and it should reflect the philosophy, priorities, and policies needed to get from present conditions to the future.

While many POCDs refer to agriculture—often citing the contributions of local farms to rural character, scenery, and historical significance—not all plans capture the full range of benefits that farms, as businesses and stewards of a large land base, bring to a community.

CASE STUDY: BRIDGEPORT URBAN AGRICULTURE MASTER PLAN

Bridgeport is emerging as a hub of urban agriculture through urban farms, community gardens, educational school gardens, aquaculture, and indoor hydroponic operations. Further developing these initiatives can expand employment opportunities, entrepreneurial activities, and fresh food access. Bridgeport is home to Green Village Initiative, a local nonprofit dedicated to food justice, urban farming, community gardens, school gardens, and leadership development; the Bridgeport Regional Aquaculture Science and Technology Education Center, a high school; a for-profit, high-density indoor farm business operated by Metro Crops; over 15 community garden lots for gardeners to grow food for their families; over 25 school gardens that provide educational opportunities; and oyster farming operations. Urban agriculture has many potential benefits for post-industrial cities, including increasing access to healthy food, improving social capital, opportunities for job creation, building community resilience to climate change, technical skill-building, and youth development.

Currently, urban agriculture activities in Bridgeport are limited in scope and long-term sustainability. A clearly stated long-term plan adopted by the city was developed to provide clarity and direction for the community and encourage investment of time and resources toward long-term upkeep of community garden and urban agricultural sites. An urban agriculture initiative created stronger partnerships

between the city of Bridgeport, the gardening community, and the organizations working with growers, and developed clearer processes for resource procurement. Given this, Green Village Initiative, in partnership with the city of Bridgeport Office of Planning and Economic Development and the Bridgeport Food Policy Council, hired Planning Interface and AI Manna consultants to create an urban agriculture master plan for the city of Bridgeport.

The Bridgeport Urban Agriculture Master Plan is a shared, community-driven vision and set of actionable policy recommendations for urban agriculture in Bridgeport. The plan analyzes current urban agricultural efforts along with the opportunities and challenges in creating a sustainable food system in the city. The plan’s recommendations delineate responsibilities between different organizations and call for concrete actions to strengthen the viability of urban agriculture undertakings and lowering barriers for residents to become involved for both recreation and entrepreneurship.

The Urban Agriculture Master Plan was voted on and adopted by the Bridgeport Food Policy Council on June 19, 2019.



GREEN VILLAGE INITIATIVE

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, or task an existing agricultural commission 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 vision, and its goals and recommendations.

Zoning Regulations

Land use regulations—zoning, subdivision, and inland wetlands (as well as design review, public improvement standards, and other associated policies)—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, or by preferencing some compatible uses over others. 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. While the language of the regulations is critically important, so too is the understanding of staff and commissioners who will interpret and apply these regulations. Ongoing engagement and education of local officials is needed to ensure that the intent and spirit of the local policies are well understood. Additionally, it is important that this information is then communicated in an easy-to-understand and transparent way to those accessing the resources or services.

Purpose or Intent Statement. To illustrate that regulations are intended to encourage agriculture, a purpose

or intent statement within a town’s zoning regulations can be useful. Such a statement provides the commission, applicants, town staff, 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 and appropriate farming practices.

Livestock and Associated Practices. One of the most significant impacts of farming operations is the presence and effect of livestock on the surrounding neighborhood and environment. Noises, odors, structures, and byproducts of livestock operations can easily be the cause of the most frequent and contentious complaints from neighbors. While nuisance complaints against ordinary farming operations are dismissed by state-level “Right to Farm” policy, local regulations and policy should be developed to minimize these conflicts while still being supportive of agriculture. If it is properly managed, agricultural operations with livestock and small animals can peacefully coexist in a wide variety of residential neighborhoods. The Connecticut RC&D Council recently updated its “Zoning Regulations for Livestock: Best Practices—A Guide for Connecticut Municipalities,” which contains discussion and example regulations dealing with everything from horses and cows to chickens, bunnies, and bees. Establishing minimum setbacks for barns and structures where livestock is housed and implementing manure-management practices are good first steps. With interest in food security and local food systems on the rise, more and more communities are amending their animal control and zoning codes to allow the keeping of chickens, bees, miniature goats, and other nontraditional animals in urban residential districts. The benefits of urban livestock include the production of fresh, local food products such as eggs, honey, and milk; the important pollination roles played by bees; and the companionship and educational aspects of keeping such animals as pets. However, even more so, appropriate regulations are important to protect urban communities from nuisance or public health complaints.

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.

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, hoop houses, and other structures used primarily for the raising and, as incidental to ordinary farm operations, the sale of agricultural or horticultural



PHOTOS: CITY SEED, NEW HAVEN

commodities. The definition does not establish a size threshold for farms or an income level for agriculture operations. Successful farms can include a residential $\frac{1}{4}$ lot raising and selling microgreens in a basement or garage, specialty peppers grown in a city community garden plot, to a dairy farm with hundreds of acres in multiple towns.

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.

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 tend not to be located in dedicated 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. Municipal wayfinding programs can also help promote farms in busier parts of town and direct visitors to agricultural resources. 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. Providing some latitude to agricultural operations to sell related or value-added farm products from area vendors, such as wood crafts, textiles, and handmade goods can enhance the retail operation and support the farm.

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. More recently, on-farm breweries, cideries, and distilleries have been authorized to join the momentum developed by the on-farm wineries in Connecticut. These are becoming popular destinations and can create increased interaction between farms and the public in a way that becomes more reminiscent of commercial, retail, or restaurant uses.

Events of limited duration, such as weddings, athletic races, 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, wedding or special event hosting, 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.

Regulating and managing on-farm uses can be a challenge. An unstaffed roadside vegetable stand is a very different use than a winery and wedding venue. A seasonal corn-maze or cut-your-own Christmas Tree operation has different traffic demands than a CSA with narrow and specified pick-up time slots. Municipalities struggling with categorizing the wide variety of farm-related enterprises and non-agricultural uses would be well-served to return to basic principles. The purpose of land-use regulation (zoning, in particular) is to guide the orderly development of a community and to ensure the public health and safety of its residents and visitors.

Accordingly, when defining, categorizing, and regulating on-farm uses (whether core or peripheral to the agricultural function), a municipality should consider the potential *impact* of the use on the neighborhood. Specifically, what is the public interface? What are the hours of operation? What is the likely traffic and parking demand? Will there be noise, lighting, odor, or other neighbor impacts? Are new structures required? If the proposed use is very low impact—e.g., a small roadside stand for fruits and vegetables—an extremely quick and simple permitting system should apply. If the proposal is complex and higher-impact—e.g., an on-farm brewery

with a tasting room, the submission of a full-site plan and impact analysis might be appropriate. The Rhode Island Department of Environmental Management published a document for “Community Guidance to Maintain Working Farms and Forests” that contains useful approaches to identifying and properly calibrating regulations for these different use categories.

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. The challenges of climate change adaptation and the changing marketplace often require new and modified structures.

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 or city 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 more intensive residential and commercial development. TDR programs work best in places where there is an opportunity to add additional density to residential or commercial districts, and the infrastructure to support it. The concept is relatively simple, where landowners in the sending areas sell their development “credits” to owners or developers in receiving areas, who are then able to build at a higher density than they would be allowed to under normal circumstances (without these credits).

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.⁴³

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. One scenario that holds potential would be public supply watershed areas, where it is in the interest of the public water supply community to protect the watershed lands while encouraging development in the public utility area itself.

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. A strong understanding of the community’s key resources—including resource-overlay mapping—makes this technique more effective. Where used, natural resource protection zoning becomes the zoning for the district; no vestige of the underlying zoning or conventional subdivision methodology remains.⁴⁴

Zoning for Agricultural and Food System Uses. Beyond permitting (and regulating) strictly farm-based activities, a municipality should consider the broader universe of land uses and activities that can contribute to a healthy and connected food system. Food processing and distribution facilities, including commercial kitchens, food hubs, value-added processing operations, slaughterhouses and meat processing plants, farm equipment dealers and

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 two 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 lands.

43 American Farmland Trust, Farmland Information Center, Fact Sheet: Transfer of Development Rights, 2008, available online at farmlandinfo.org.

44 Jeffrey Lacy, Robert Ritchie and Joel Russell, *Natural Resource Protection Zoning, the Green Side of Smart Growth*, December 2010, mass.gov/envir/smart-growth_toolkit/bylaws/green_side_smart_growth_nprz.pdf; Information provided by Jeff Lacy and Shutesbury, Massachusetts, planning board.

CASE STUDY: ENCOURAGING MICRO-FOOD BUSINESSES AND URBAN-RURAL LINKAGES



In April 2019, the New Haven Board of Alders approved a new ordinance, drafted by the city of New Haven Food System Policy Division (FSPD), to establish a micro-food business/shared kitchen user license. The ordinance supports small food business entrepreneurs by reducing the economic and regulatory barriers to accessing commercial kitchen space in New Haven. Since the approval of the ordinance, the FSPD has assisted numerous food entrepreneurs through the licensing process and connected them to city and community resources necessary to establish and grow their businesses in New Haven. Most of these small business owners use locally-grown produce or locally-made products. Investments in shared kitchens offer inclusive economic opportunities. A 2016 survey of kitchen incubators by American Communities Trust found that 53% of kitchen renters were women and 28% were People of Color. The shared commercial kitchen has become an important tool for overcoming obstacles entrepreneurs with limited resources face when entering the food industry, especially people from historically marginalized communities and neighborhoods, and of a lower socioeconomic status.

To the best of our knowledge, New Haven is the only city in the U.S. who has specifically defined a

micro-food business as a business grossing less than 250K USD/yr and who has passed local legislation using this term. Namely, the city of New Haven is aiming to utilize the many shared commercial kitchen spaces in New Haven to create non-farm, low-barrier urban employment opportunities while creating unique value-added products that form connections with local urban farms and surrounding rural working lands. By creating this enabling environment for food businesses—both large and small—to thrive, the city of New Haven is unlocking the possibility for more job and venture creation, and the opportunity for more food and farm entrepreneurs to relocate to and stay in New Haven.

Currently, the FSPD is in the process of developing primers summarizing the micro-food business ordinance and the cottage food law (a state law that allows for non-hazardous food to be produced at home). These resources will summarize complex legal language into easy-to-access and -understand knowledge products for New Haven residents. The FSPD is further committed to the continuous review and revision of food and farm business-related ordinances. The FSPD is also working with the Health Department to streamline the food licensing process under these schemes.

repairers, sawmills, and even waste-to-energy facilities like anaerobic digesters that harvest natural gas from farm and food waste, are all key elements of a strong local food system. While not all of these would be equally welcome or appropriate in a dense residential neighborhood, a thoughtful plan and zoning scheme will find a way to identify locations for each of these components to encourage and support a local network and minimize disruptions to the community’s residential quality of life. Ignoring the need for these elements or hoping that they will be located in some other community is not an appropriate response.

Subdivision Regulations

Subdivision regulations can also help stabilize the farmland base by managing and minimizing the effects of development on local farms. Generally, while subdivision regulations are supposed to be more administrative in nature (if an application meets the regulations, it must be approved), they can also be a bit more flexible in terms of identifying priority resources on a property or in a neighborhood so that the design of the final property layout can safeguard against negative effects and protect these resources.

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 vegetated “no-build” buffers (meaning it wouldn’t allow pools, tennis courts, other conflicting use structures) along property lines to reduce the smells and dust from farms. Towns should consider agricultural buffers as part of their “open space” requirements. These vegetated buffers can also serve as wildlife corridors, pollinator habitat, windbreaks, storm-water catchment, and provide other ecosystem services.

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 48*). The parcel is allowed the same number of lots as a traditional subdivision, but the lots are smaller. This allows the property owner to preserve the economic “yield” of the land in question while the municipality is able to preserve more of the critical resources. 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. In rural areas without public sewer, this can present a paradox for developers, as the most



PHOTO: COLCHESTER LAND TRUST

In 2008, the town of Colchester adopted a “right to farm” ordinance in response to an influx of new residents, significant loss of farmland to development, and a town wide Agricultural Viability survey that highlighted a sense of frustration by the farming community. Colchester resident Leslie Curtis worked tirelessly to put up “right to farm” signs throughout the Colchester community. In 2019, she won a Working Lands Alliance pathfinder award for her efforts.

productive agricultural soils are often the well-drained, high-quality soils that also are ideal for septic systems.

In the section of the Subdivision Regulations that discusses open space or conservation land priorities, the Commission should include specific language about the hierarchy of resources that it has identified as most important for preservation. These should include productive soils, contiguous forest blocks, critical habitat and wildlife corridors, and culturally important areas.

It is also important to consider the long-term agricultural viability of the conservation component of the subdivision. The subdivision plan 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 leased 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.


Right-to-Farm Ordinances

Local right-to-farm ordinances help maintain a supportive environment for farmers by limiting farmer/non-farmer 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 disrupt 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 § 11–11((qq); see Appendix B for recent court cases concerning right-to-farm issues). Over 30 Connecticut municipalities have adopted “Right to Farm” ordinances to date.

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In 2013 the town of Durham used a right-to-farm ordinance that was proposed by the Durham Agriculture Commission. The ordinance declares that “It is the purpose and intent of this ordinance to promote and advance the Town’s policy and reduce the loss of local agricultural resources by limiting circumstances under which any such operation may be considered a nuisance.”

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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 \$29.5 million annually in property taxes, with 38% paying more than \$5,000 each year and 12% paying more than \$10,000 annually.⁴⁵

Property tax burdens 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.⁴⁶ 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. (See *Cost of Community Services Per Dollar of Revenue Raised on page 9.*)

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.



ROSEDALE FARM, SIMSBURY, CT.
PHOTO BY CHELSEA GAZILLO, WORKING LANDS ALLIANCE

45 SDA NASS, 2012 Census of Agriculture, 2014.

46 American Farmland Trust, Farmland Information Center, *Fact Sheet: Cost of Community Services Studies*, 2010, available online at farmlandinfo.org.

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 9). 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*).

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*)

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.

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% 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.



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

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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).



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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).

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).

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

ASSESSING GREENHOUSE STRUCTURES

Greenhouses and hoophouses are included in the state’s definition of “farm” (see Appendix A, CGS § 1-7(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 greenhouse, which includes estimated construction costs (see Section 7: Resources for Contact Information).



PHOTO: AMANDA FREUND

barrier to young and beginning farmers. Permanent protection of farmlands, through fee-simple purchases or acquisition of development rights or other restrictive easements can help reduce the purchase price of farmland and provide assurances that the land is available to be farmed in perpetuity.

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, farm infrastructure, view of land from town roads, proximity to other farmland (protected and not protected), and proximity and relationship 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, role in addressing climate change resiliency, and local food system infrastructure.

It is also important to reach out to local farm owners and farmers. This can be done by town staff, 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. Having a designated point person in a municipality that can periodically “check in” with owners of key properties can help keep land preservation efforts on track over the long term. Conversations with farmers will provide information on parcels they lease, and may provide insight into farmland owners’ long-term objectives. Almost 50% of CT’s farmers rely on rented land as all or part of the land base needed to support their business, so protecting these parcels are critical to agriculture’s success.



PHOTO: CUSHMAN FARMS IN LEBANON, CT



To protect its farmland, the Town of Suffield has repeatedly leveraged its limited town funds with grants and funding from the CT Department of Agriculture, USDA-NRCS, and the Department of Energy and Environmental Protection.

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 July 2019, 92 towns had worked with NRCS to identify additional soils of local importance, with additional towns pending official designation.

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.

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.

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:
 - ◆ Agricultural Conservation Easement Program (ACEP).

SPOTLIGHT: STEARNS FARM, MANSFIELD, CT

In 2018, the town of Mansfield partnered with the Department of Agriculture and the USDA Natural Resources Conservation Service to protect 740 acres of the Stearns Farm in Mansfield. Beginning in 2015, the farm was protected in phases. The result was five conservation easements that will permanently protect more than 1,000 acres of the Stearns Farm which sells its products under the Mountain Dairy brand. Mountain Dairy is the oldest farm in town, Mansfield's largest agricultural business, and a key part of the town's identity. The Town continues to work with Mountain Dairy to help their business thrive.

Connecticut Farmland Trust is the only statewide land trust dedicated to preserving Connecticut's working family farms. It has recently partnered with the state Department of Agriculture to purchase development rights to farmland in the towns of Canton and New Hartford, and has assisted towns with acquisition of conservation easements in Lebanon, Vernon, and Morris.

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 Community Farms Preservation Program (CFPP) requires the farm to be in food or fiber production, and contribute to the local economy. As of October 2020, the Community Farms Preservation Program and the Farmland Preservation Program has permanently protected 383 farms on 45,996 acres from development.

CFPP began in December 2011 on a pilot basis, (and now a fully funded and supported program), to encourage locally supported farmland preservation on 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 chart on page 51 and Case Study: Community Farms Preservation Program on page 58.)

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. A number of Land Trusts in the state have successfully protected working farms with easements. 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 2020, American Farmland Trust released "Farms Under Threat: State of the State" that showed between 2001–2016 23,000 acres of agricultural land was developed or compromised in Connecticut.

FARMLAND PRESERVATION PROGRAMS IN CONNECTICUT

	Connecticut Farmland Preservation Program	Community Farms Preservation Program	Open Space & Watershed Land Acquisition Grant Program	Agricultural Lands Easement Program
	Connecticut Department of Agriculture	Connecticut Department of Agriculture	Connecticut Department of Energy and Environmental Protection	USDA/Natural Resources Conservation Service
Who May Apply?	Landowners and municipalities	Municipalities, landowners, and nonprofit conservation organizations with an agricultural mission	Municipalities, water companies, nonprofit conservation organizations	Municipalities, states, nonprofit conservation organizations, and Indian tribes and tribal governments
Eligibility Requirements	<p>Property must:</p> <ul style="list-style-type: none"> • Be an active farm operation • 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 ACEP requirements if federal funding will be used as part of sale. 	<p>Property must:</p> <ul style="list-style-type: none"> • Be an active farm that does not meet the requirements of the Farmland Preservation Program for reasons of size, soil quality, or location, but that may contribute to local economic activity through agricultural production • Meet ACEP requirements if federal funding will be used as part of sale. 	<p>Program can be used to purchase conservation easements on farmland or farmland in fee. No minimum acreage or prime agricultural soils required.</p>	<p>Property must:</p> <ul style="list-style-type: none"> • Be part of 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), unless under a Buy-Protect-Sell agreement • Have pending written offer with landowner.
Selection Criteria	<p>Priority given to:</p> <ul style="list-style-type: none"> • Land with high % of prime and important agricultural soils and cropland • Land in proximity to other active farmland, protected lands, and farm services. 	<p>Priority given to:</p> <ul style="list-style-type: none"> • Farms that produce food or fiber • Projects with a demonstrated level of community support • Land with high % of prime and important agricultural soils and cropland 	<p>Priority given to:</p> <ul style="list-style-type: none"> • Land vulnerable to development • Projects that comply with local and/or regional open space plans or plans of conservation and development • Land with diverse categories of natural resources • Projects with pending written offer with landowners. 	<p>Priority given to:</p> <ul style="list-style-type: none"> • Land vulnerable to development; land with high % of prime and important agricultural soils • Projects with high % of non-federal matching funds • Projects must have non-federal matching funds in hand.
Cost-share Requirements	State may accept a gift or pay up to 100% of value of development rights.	State may accept a gift or pay up to 100% of value of development rights.	State pays up to 65% (up to 75% for projects in “distressed municipalities or targeted investment communities”) of either fair market value of development rights or purchase price, whichever is less.	ACEP pays up to 50% of the appraised fair market value of easement. Entity must contribute an amount at least equal to NRCS share in value. Entity contribution may include charitable donation or qualified conservation contribution from private landowner.
Easement Requirements	Only agricultural and compatible uses permitted. Property may never be subdivided or converted to non-agricultural use. No public access required. State easement language required. Subject to federal requirements if ACEP funding is used.	Only agricultural and compatible uses permitted. Property may never be subdivided or converted to non-agricultural uses. State easement language required. Subject to federal requirements if ACEP funding is used.	Public access required. Limited agriculture-related structures permitted on protected land. State easement language required.	A conservation plan is required to address highly erodible cropland. This plan is developed by NRCS in consultation with the landowner and entity. USDA easement language required. No public access required.
Application Period	Applications accepted continuously. Acquisitions must be approved by State Properties Review Board. If the application is approved, landowners should anticipate a period of 18 months or longer to complete negotiations, survey and title work before the final closing.	Applications accepted continuously. If the application is approved, landowners should anticipate a period of 18 months or longer to complete negotiations, survey, and title work before the final closing.	Applications accepted and evaluated during designated grant rounds; typically, the Connecticut Department of Energy and Environmental Protection holds one grant round per year.	Applications accepted during an annual sign up period. Entities submit landowner parcels for program funding and contracts are developed for each parcel under a Programmatic Agreement with the entity.

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 in partnership with Connecticut Farmland Trust. 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. This may include implementing better soil health practices that will increase crop yields while protecting the soil resources from erosion and nutrient loss. 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 workinglandalliance.org/resources. Additional resources for both municipalities, land trusts, other landowners and farmers can be found in publications produced by Land for Good, and available at landforgood.org.

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.



In 2010 the Town of Sherman purchased Happy Acres Farm, a legacy dairy and beef cattle farm.

In 2014, the town issued an RFP to lease the land which is now used by multiple farmers for a vegetable CSA, a winter beef CSA, and an apiary. The farm stand on site sells the various products.

Buy-Protect-Sell or Buy-Protect-Farm. Sometimes the needs of the farmer or landowner to sell outpace the ability of the local, state, or federal programs to act quickly. If the land is not protected from development in a narrow window of opportunity, the land may be sold for development and the resources lost forever. In these circumstances, it may be possible to work with a land trust, the CT Department of Agriculture, or USDA-NRCS on a “Buy-Protect-Sell” approach. Land trusts and municipalities

can work with the CT Department of Agriculture, who may buy the farmland at its fee simple (“highest and best”) value, and sell it to a land trust or municipality while protecting it with a permanent agricultural conservation easement. The land trust or municipality can then subsequently lease or sell the farmland to a farmer at the more affordable agricultural value.

Additionally, recent changes to the 2018 Federal Farm Bill authorize buy-protect-sell transactions within the federal Agricultural Conservation Easement Program-Agricultural Land Easements (ACEP-ALE). A land trust may apply to the ACEP-ALE program to protect eligible land that they either own or intend to purchase. The land trust may then either sell an agricultural conservation easement through a local or state program such as the CT Farmland Preservation Program and simultaneously sell the protected farmland to a farmer, or sell an easement through a state or local program and take up to three years to sell the protected land to a farmer. The protected farmland must be sold to a farmer at no more than its agricultural value. The Federal program will contribute up to 50% of the cost of the easement. With a Buy-Protect-Sell project, a land trust can move quickly to acquire farmland, provided it can identify the resources to purchase and temporarily own the farmland. For this reason, municipalities may want to collaborate with local or regional land trusts to identify financial resources that could be used for this purpose. Several communities, including Lebanon and Pomfret, have land acquisition funds available and the staff or public officials needed to move more quickly than traditional acquisition or easement processes in such circumstances.

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 meetings to vote for a 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).

Data on town level referenda show that resident's value the protection of land and are willing to pay for the preservation of this resource. From 1998 to 2015, 88 % of referenda for land protection in Connecticut were approved by voters, 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.



PHOTO: ELM FARM LLC—FARM TO TABLE STORE—MATT AND CHRIS PECKHAM, WOODSTOCK, CT

A 2007 survey found that 80% of Ellington residents would be willing to pay \$100 more per year in taxes to acquire or preserve farmland. Following this survey, Ellington voters approved a \$2 million bond referendum for conservation easements on farmland. In 2018, the town concluded a Cost of Community Services Study demonstrating preservation of farmland is a tax positive for the community and for every \$1.00 paid in taxes cost of services is only \$0.27 for open space/farm/vacant land but is \$1.13 for residential. The Study was funded through a Department of Agriculture Farm Viability Grant. The town passed a “Right to Farm” ordinance the following year and most recently approved to protect 165 acres of farmland that is owned by Oakridge Dairy. This will be in addition to the 165 acres of farmland that was put into agricultural conservation easement in 2015.

47 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 available ateasternred-ct.org/pdf/RobertJohnston_Presentation.pdf.

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

ICONIC VERNON FARM PROTECTED

After five years of work involving Connecticut Farmland Trust, farmland preservation activists and many others, the 51-acre Strong Family Farm was permanently protected as farmland.



PHOTO: RON SPERRY

In a unique, three-part real estate deal, seven passionate people who took a combined \$1 million from savings to buy the land from the Strong family in 2015, sold it to the Connecticut Farmland Trust (CFT) in September 2019.

CFT transferred ownership of the land less than one month later to the nonprofit organization that manages the farm and operates an educational center, Strong Family Farm, Inc. The Strong Family Farm, Inc., a nonprofit organization independent of the Strong family, will continue running educational programs on the land and in the barns.

CFT purchased the farm with funds from the state Department of Energy and Environmental Protection (DEEP) Open Space and Watershed Land Acquisition grant, U.S. Department of Agriculture’s Natural Resources Conservation Service (NRCS) Agricultural Lands Easement Program (ALE), the Bafflin Foundation, Northern Connecticut Land Trust, CFT and funds from the Town of Vernon’s open space fund, and donations from the more than 450 individuals who gave \$49,721.

The land will continue to be used as a farm, with two local farmers leasing the land—one to grow corn to feed their cows and another as a grazing pasture for beef cattle. (Modified from a Connecticut Farmland Trust article)

FARNHAM FARM—CHELSEA GAZILLO, WORKING LANDS ALLIANCE



FARNHAM FARM OF MORRIS PROTECTED FOREVER

In partnership with the Morris Land Trust, and USDA Natural Resources Conservation Service’s ALE Program, Connecticut Farmland Trust jointly preserved the 138 acre pre-Revolutionary era Farnham Farm in 2017. Located in a quilt-work of agricultural fields, woods and rural residential development, the farm is intersected by the well-known Mattatuck Trail. One hundred and thirty-eight acres of hay fields and pasture contain 43% prime or important farmland soils.

The Farnham Farm has been passed down to a single-family member for eight generations since 1735, when John Farnham bought it from Hezekiah Culver, an original Litchfield proprietor. A direct descendant of the Farnham family ran the operation until the mid-1800s. More recently, the property was held in trust until the current owner, Anne Fellows, was chosen to inherit the property.

Anne, who is not a farmer, was “very excited about the future of the farm” and negotiated with Ethan Coutu, a beginning farmer, to begin dairy farming and living on the property, back in 2017. Now Ethan, a young Morris native and graduate of the SUNY Morrisville, leases the farm and is investing his skills and hard work in the property. Under Ethan’s management, the land is now known as Maple Croft Farm. “I milk my own twenty cows and work full time at Arethusa,” says Ethan, referring to Arethusa Dairy in Litchfield. At Arethusa Farm, Ethan oversees the heifer barn and the dry cows. He takes care of cows between the ages of five months and five years, ensuring that they are fed, cleaned, and living their best lives—just like the cows he manages at home on Maple Croft Farm.

“There have been great improvements that Ethan has made to the land since his arrival,” says landowner Anne Fellows. “We are so pleased with what he has done to bring the farm back to life!” (Modified from a Connecticut Farmland Trust article)

VEGETABLE FARM IN LYME PRESERVED FOR BEGINNING FARMER

At the cusp of the 2017 New Year, Connecticut Farmland Trust protected New Mercies Farm in Lyme, Connecticut. The development rights were donated to Connecticut Farmland Trust by a couple as part of their master plan for the farm and the community around them: to preserve the land for agricultural use, provide wholesome food for the community, and create an opportunity for young farmers to pursue their chosen profession. New Mercies Farm is a small farm at 4.6 acres, but the compact size does not stop the farm managers from sustaining a one hundred-member CSA. The farm contains 100% important farmland soils. In 2012, Deborah and Rod Hornbake purchased the property that was then slated to be developed. They bought the land to conserve it and created a farm where none was before, New Mercies Farm, named after a hymn. After the Hornbakes purchased the property they found a couple of beginner farmers to enter into a lease-to-buy arrangement: Baylee Drown and Ryan Quinn who already own Upper Pond Farm one town over. The Hornbakes approached Connecticut Farmland Trust (CFT) in early 2017 to protect New Mercies Farm. Although the farm is located in a suburban region ripe for housing developments, the family chose to donate the development rights to CFT. Debby Hornbake is clear, “By accepting our gift of the development rights, the Connecticut Farmland Trust makes the farm affordable to the farmers.”

After closing, Deborah and Rod Hornbake sold the protected farm at a reduced price to the young farm couple, Baylee Drown and Ryan Quinn, who were already managing the land. Drown says, “We are excited to continue the farming tradition in our community. We hope to work within our community to increase the quality and healthfulness of food on people’s plates in their home. (Modified from a Connecticut Farmland Trust article)



LONG TABLE FARM, LYME, CT, PHOTO: WINTER CAPLANSON

THIRD PARCEL OF 450-ACRE KUSS FARM PERMANENTLY PROTECTED

In June 2020 a 61-acre piece of the Kuss Farm became the most recent parcel of the 450-acre farm to be protected in a joint effort by partners Connecticut Department of Agriculture, USDA-Natural Resources Conservation Services (USDA-NRCS), and Connecticut Farmland Trust (CFT).

Dick and Peggy Ann Kuss began purchasing farmland decades ago to fulfill Dick's lifelong dream of becoming a farmer. Kuss Farm is the third-largest hay business in Connecticut. They sell and distribute hay to horse farms across Connecticut and New York. The farm also grows vegetables for its roadside stand on Route 132 in Woodbury.

The Kuss family had already preserved two parcels of their 450-acre farm through the CT Department of Agriculture's Farmland Preservation Program; this 61-acre piece is the third. When the Kuss family applied to the State to preserve this parcel, the State reached out to CFT to be a preservation partner. CFT and the State jointly secured matching funds from the USDA-NRCS ALE Program to purchase an easement on the 61 acres. When asked about what is next for the farm, Dick said, "There are a lot of young people with an interest in farming, but they can't farm because there is no land available for them. Maybe young people can use this farm in the future." The Kuss family will continue to raise high-quality hay for the foreseeable future. (Modified from a CT Dept of Agriculture article)

BELOVED WATERTOWN FARM IS PROTECTED FOREVER

The Connecticut Department of Agriculture (CT DoAg) in coordination with Connecticut Farmland Trust (CFT) announced the preservation of Gustafson Farm in Watertown in June 2020. The farm has been a popular destination for area families since 1907. The preservation of Gustafson Farm was a complex feat of partnership and teamwork involving USDA Natural Resources Conservation Service, the Housatonic Valley Association, CT DoAg and CFT, in the farm's preservation.

For many families, the idea of conserving their land is like a seed — it takes many years to mature. For the Gustafson family, the seed was planted over a decade ago by the past generation of Gustafsons, who knew their 301-acre orchard and beef farm was something special that they wanted to preserve. That seed has finally come to fruition with the work of their descendants: cousins Katie Barnosky, Frank Gustafson, III, and Kristie Weidemier.

The farm is well known to locals for its iconic rolling hills and its popular farm store. The land boasts not only

an orchard but well-maintained hayfields and pasture. The Gustafson family hopes to restore the orchard and produce fruits and vegetables to feed the Watertown community well into the future.

Katie's father, Alan Gustafson, started meeting with the Housatonic Valley Association (HVA) to discuss conservation options in the early 2000s. After he passed away in 2008, there was a long pause as the family decided what they wanted to do. With HVA's guidance, the cousins eventually applied to the Connecticut Department of Agriculture's Farmland Preservation Program. CFT and the State jointly applied for funding from USDA Natural Resources Conservation Service's ALE Program in 2017. After three years of active work by CFT to purchase the development rights on the entire property, the land will now remain a farm — forever.

The farm, which at 301 acres is large for a farm in suburban Connecticut, was preserved in three pieces to provide the family with more flexibility when it eventually becomes time to transfer or sell the property to the next generation of farmers. (Modified from a CT Dept of Agriculture article)

PRESERVATION OF COMANCHE HILL FARM

On October 4, 2018 the Connecticut Department of Agriculture (DoAg) joined the Weantinoge Heritage Land Trust (Currently renamed the Northwest CT Land Conservancy) and the Bridgewater Land Trust to celebrate the permanent protection of Comanche Hill Farm in Bridgewater by Bud Wright in honor of his late wife, Maureen A. Wright. Preservation was made possible through CT Department of Agriculture's Farmland Preservation Program. Comanche Hill Farm is almost entirely covered, more than 90 %, with prime farmland soils. It currently produces hay for nearby livestock operations and pasture for beef cattle. Bud Wright is an arborist and is a Bridgewater Land Trust board member. He impressively restored his 34-acre farm with assistance from the CT Department of Agriculture's Farmland Restoration Program. Bud is dedicated the agricultural easement to the memory of his wife Maureen Wright, who passed away just before the farm was preserved. Bud and Maureen's longstanding commitment to conservation in Bridgewater has helped to safeguard the town's working farmland and natural beauty for future generations. Through its partnership with DoAg, the Weantinoge Heritage Land Trust has accelerated farmland protection in Litchfield County by encouraging eight farmers, including Bud, to apply for DoAg's Farmland Preservation Program over the past two years. (Modified from a CT Dept of Agriculture article)

THE TRUST FOR PUBLIC LAND HELPS THE BROWN FAMILY PROTECT THE FARM AND THEIR LEGACY

In April 2019 the Trust for Public Land announced the permanent protection of Brown’s Harvest, a local family farm in Windsor. The farm, during the growing season, is open to the public and provides a place for local families to pick strawberries, blueberries, asparagus, and pumpkins while also enjoying the rural landscape. Once a shade tobacco farm, the land is representative of Connecticut’s deep-rooted agricultural identity and has been a staple of the community for over 150 years. Today, sisters Kathi and Susan run the business, having recently taken over for their late father.

The Trust for Public Land spent a year working with the family to find a way to protect the farm through the sale of a conservation easement. The easement ensures that the family can continue to nourish the community with fresh and healthy food while also conserving sensitive riparian habitat that supports a variety of wildlife species and migratory birds along the federally designated “wild and scenic” river. On April 29, 2019 the family sold the development rights on 61 acres to the state of Connecticut’s Farmland Preservation Program. The Trust for Public Land managed and negotiated the land deal, securing public funding from federal, state, and municipal sources, as well as private donations.

“For generations, families have come out to the farm to pick pumpkins in the fall, asparagus and strawberries in the spring.” said Kathi Brown-Martin. “We want families to continue to enjoy the farm for years to come. People tell us that they grew up coming to the farm with their parents—so our farm has really become a part of the family tradition for so many in this area. We’re proud to be a part of that tradition.”

Funding for the conservation project came from the USDA Natural Resources Conservation Service, the state of Connecticut Department of Agriculture, the Town of Windsor, a private grant from the 1772 Foundation, and numerous other foundations, individuals, and corporations.

“Windsor has a long agricultural history and the Brown family has been a large contributor to this rich history,” said Peter Souza, Town Manager for Windsor, “We thank the family and The Trust for Public Land for working with other key stakeholders to preserve this iconic piece of farmland in perpetuity.”

Brown’s Harvest opens for the season in early May with fresh hand-picked asparagus, and continues well into the fall with pumpkins and more fall favorites. (Modified from a Trust for Public Land article)



PHOTO ELISA HALSTED

Community Farms Preservation Program

Recognizing the need to protect farms that are economically important to Connecticut communities, but do not meet the criteria of the Farmland Preservation Program, the State created the Community Farms Preservation Program (CFPP). The program was designed to increase local capacity of towns to plan for, and participate in, farmland preservation efforts. The program also encourages participation of not only traditional rural towns, but also urban and suburban communities.

In 2011 the Connecticut Department of Agriculture designated \$2 million of Community Investment Act funds for the CFPP Pilot Program. The Department received an outstanding response to that initial pilot program from municipalities, with 21 towns in seven counties successfully completing the pre-qualification requirements for the pilot.

In 2014, CFPP became a permanent program of the Department of Agriculture, and complements the longstanding Farmland Preservation Program. The CFPP gives preference to farms that produce food or fiber, and farms are evaluated based on the suitability of the land for agriculture, the quality of the soils, and the demonstrated level of community support for the preservation of the parcel. As of 2020 ten farms have been protected through the program.

Municipalities may work with willing local farmers to submit one or more applications to the CFPP. Participation in the program is voluntary and applications are accepted from eligible entities on a rolling basis. Interested farmers and towns are encouraged to discuss CFPP eligibility with the CT Department of Agriculture staff by email at DoAg.farmland@ct.gov.

FAMILY WORKS TOGETHER TO PRESERVE BRISTOL'S FARM

Bristol's Farm in Canton is an excellent example of the partnership efforts that are the heart of the Community Farms Preservation Program (CFPP). In 2019, Connecticut Farmland Trust (CFT) announced the protection of Bristol's Farm in Canton. It took 16 family members 20 years to preserve 27 acres of Bristol's Farm and 2019 is the year it all came together.

Dan Bristol, a fourth-generation owner of the 112-acre property, said the family started to pursue protecting the farm in 1999, but not all of the family-owners were on board. "We started the process again in 2015, and it's taken from then to now to work things through to sell the development rights on the property," he said. "The biggest thing is the family is all on board this time."

The property has been farmed by the Bristol family since 1888. Dan's son, Josh Bristol, is the family's fifth-generation farmer and runs the operation, which grows fruit, vegetables, and flowers. The farm stand is well stocked with locally grown vegetables and fruit and is very popular with Canton residents.



PHOTO: CONNECTICUT FARMLAND TRUST

The farm focuses on sustainable agriculture practices, using natural and organic pest control methods and no herbicides or GMO crops. To protect the farm's 27 acres of tillable land, the Bristol family applied for the Community Farms Preservation Program through the CT Department of Agriculture, which partnered with CFT on the project. The Town of Canton and the Canton

Land Conservation Trust agreed to supply local match funding for the project.

CFT, the State, the Town of Canton and Canton Land Conservation Trust then agreed to co-hold an easement interest. "The 27 acres farm was the perfect candidate for the Community Farms Preservation Program because it's designed to protect farms that do not qualify for the traditional farmland preservation program and are food-producing farms," said Kathleen Doherty, Conservation Manager for CFT. Located along Albany Turnpike, the farm's fields and farm stand are highly visible, drawing customers that keep the operation's CSA and farm stand viable.

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. While learning from different communities and approaches can help a municipality decide how to proceed, it is important to underscore that agriculture is a widely diverse industry and communities should seek to avoid “one size fits all” 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 and city regulations (see *“What is Farming?”* on page 41).

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%—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 40). 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. Allowing products from other CT farms also increases the viability of all CT farms.

In addition, consider zoning regulations that:

- Allow farm stands by right on farms, including those selling milk, ice cream, or other products year-round (with appropriate building and health permits for refrigeration, etc.).
- 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% 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%. 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 atrcog.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 free-standing 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 to new crops, added value products, and other market needs. In addition, the climate change adaptation and mitigation strategies for farms include new structures such as greenhouses, high tunnels, composting facilities, and cold storage. Energy infrastructure may include solar arrays, biofuel energy plants, and anaerobic digesters.

Possible Solutions: It is important to facilitate good communication between farmers, public health officials, and building officials to limit misunderstandings,



DISHA PATEL, COMMON GROUND HIGH SCHOOL, NEW HAVEN, CT

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 32 and 42*).

- 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.
- High tunnels are considered conservation practices and should not be considered structures. Requesting a farmer to modify the design may conflict with the manufacturer's recommendations or USDA NRCS practice standards.
- When addressing farm structures, agricultural buildings, and setbacks, it is important to provide flexibility that balances best practices and addresses market needs for a farm.
- Allow the installation of roof-mounted and free-standing solar panels as-of-right, but free-standing panels should be prioritized on non-prime agricultural soils.

Minimize Farmer-Non Farmer Conflicts

Issue: Farming can be noisy, smelly, and unsightly. Farm machinery can cause traffic delays and back-ups. Non-farmers 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 69 and 74*).
- 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, including as part of any "welcome wagon"

mailings that go out to new residents, to illustrate the town's support for agriculture (see *Right-to-Farm on page 45*).

- 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, Northeast Organic Farming Association of Connecticut, 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 45*).
- 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 42 and 45*).

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 42).

- Develop a regulatory approach for on-farm activities and events that considers the traffic, neighborhood, and public safety impacts. For simple, low-impact activity, minimize application requirements.
- 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.”
- **COTTAGE FOOD LAW:** As of 2018, a new set of regulations in Connecticut allow certain foods produced in a home kitchen to be sold to the public. The types of foods allowed under this law are considered lower risk, such as certain baked goods, jams, jellies, and other acidified foods less likely to spoil. The law requires that the home kitchen be inspected, and that a basic food safety course be completed by the owner. Additional requirements include water testing (if a private well), and verification of wastewater treatment if not on a public sewer. The annual sales are limited to \$25,000 per year, and products must be sold direct to consumer, such as by internet, local delivery, or at a farmers’



HUNGRY REAPER FARM, PHOTO: JILL VERZINO

market, fair, or bake sale. In addition, if a product is sold pre-packaged, certain labeling requirements must be followed.

- **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) issues licenses for commercial finfish 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 some of 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 or special exceptions, which often include public hearings, can be costly and time-consuming for any small business. In many towns, farmers 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:

- Reduce the need for special exception/special permit processes (by providing for staff-level review permits) or provide a simplified extension process for 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: seagrants.uconn.edu/publications/aquaculture/index.php.

Address Livestock Concerns

Issue: Steady 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 in a way that hampers the viability of smaller farming operations.

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. There is also 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:

- Consult the 2019 edition of "Zoning Regulations for Livestock: Best Practices," which is a document written specifically for Connecticut municipalities by a panel of legal, land use, and agricultural experts and published by the Connecticut Resource Conservation & Development Area, Inc.
- 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*).
- In urban areas, adopt a comprehensive set of regulations addressing all types of farm animals. While this can sometimes only focus on one type of animal—for example, backyard chickens or bees, it is important to also consider the keeping of larger farm animals such as horses and cattle on larger lots with adequate room for the stables and pastures needed to house these animals and mitigate their impacts. Typical ordinance provisions include limits on the number of animals per lot, minimum lot sizes, prohibitions on keeping roosters or slaughtering on-site, setbacks from property lines and neighboring structures, coop or enclosure design and construction standards, and manure management and feed storage requirements. Some ordinances address on-site sales of eggs, honey, or milk. In some communities, an annual license or permit is required for keeping urban livestock.
- Encourage livestock owners to have a conservation plan to limit the impact of livestock on wetlands and



PHOTO: JACK MCCONNELL

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, as well as assistance in developing conservation plans.

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% of the cost of structures, and up to 100% of certain management practices. For information on the EQIP and other NRCS programs, visit www.ct.nrcs.usda.gov

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's Bureau of Regulation and Inspection, (860) 713-2504.
- Department of Energy and Environmental Protection's Materials Management and Compliance Assurance, Water Permitting and Enforcement Division, (860) 424-3018.
- Connecticut Farm Bureau Association, (860) 768-1100.
- Department of Public Health's Water Source Protection and Planning (in public water supply watersheds), (860) 509-8000.

Agriculture and Solar Arrays

Renewable energy generation is an important component of climate change mitigation and moving away from a fossil fuel based energy system. The installation of solar panels on farm and forest land has the potential to impact farms, communities, and natural resources in many ways. Systems that are designed to meet the current and future needs of the farm business and minimize the impact on prime farmland can increase the farm’s viability by reducing costs and providing a more diverse income stream. In some cases, systems can be designed for co-use of agriculture within the array, such as grazing paddock, although it limits the flexibility of the farmland in the future.

Large-scale arrays that are being developed for commercial energy production can exclude critical farmland from the agricultural community, which increases the competition for land, increases rental rates that impact profitability, and can cause more intense use of marginal lands with more environmental risk. Large-scale arrays can also fragment farms and habitat, increase runoff, and cause erosion and sedimentation during installation. Priority areas for installation should include rooftops, landfills, brownfields, parking lots, gravel pits, and other disturbed areas. In 2018 the CT Legislature passed Public Act # 17-218 to give greater authority to the

Commissioners of Energy and Environmental Protection and Agriculture to review the impacts on Core Forests and Prime Farmland soils for projects over 2 MW in size. Smaller projects can still have significant impacts and should be reviewed by the community.

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.



PHOTO: AMANDA FARGO-JOHNSON FROM CT RESOURCE CONSERVATION AND DEVELOPMENT

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 47*).
- 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 47*).
- 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 47*).
- Consider exempting up to 50% of the property taxes for certain types of local farms (see *Appendix A, CGS § 12-81m and Optional Property Tax Abatement on page 47*).
- 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 47*).
- 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 48*).

Encourage Agricultural Use of Town-Owned Farmland

Issue: Many towns and cities own currently fallow land that has been and could be used for agriculture. Farmers are often seeking additional, affordable 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 ventures.

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 32, 33, and 48*). 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.



In 2020, the city of New Haven Food System Policy Division developed the city’s first Vacant Lot Toolkit. This toolkit will aid residents in identifying suitable parcels of land in the municipality and to navigate the numerous regulatory and permitting processes needed to acquire the land for agricultural purposes. The toolkit can be accessed at foopdpolicy.newhavenct.gov.

- 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. Explore grant opportunities such as Farmland Restoration Grants or Farm Viability Grants to leverage and augment local funds.



For more information on leasing town-owned land, please see *Leasing Land to Farmers: A Handbook for New England Land Trusts, Municipalities and Institutions* produced by Land for Good at landforgood.org.

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 and farmers about state and federal conservation programs (see *Be a Farm-Friendly Town Government* on page 68).
- Encourage training in land stewardship practices for municipal employees or commission members responsible for town-owned farmland.
- Encourage local farmers to engage in succession planning and make resources available through local attorneys and financial planners who can provide counseling and training.
- Remove information barriers by creating transparent processes and clear, step-by-step informational guides relevant to each municipality’s regulations and how they fit in with state and federal conservation programs.

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 2015 DEEP regulation advisory. 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, conservect.org.
 - ◆ Connecticut Department of Energy and Environmental Protection Public Utility Regulatory Authority: (860) 827-1553.
 - ◆ USDA NRCS Connecticut State Office: (860) 871-4011.
 - ◆ U.S. Army Corps of Engineers: (978) 318-8111.

PHOTO: FOUR GENERATIONS OF FARMERS AT JONES FAMILY FARM, SHELTON, CT



SECTION 6

Promoting Local Farm Viability

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. Others have established strong programs for tax abatement and formal business-expansion support. 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.

DESIGNATE A LOCAL OFFICIAL AS THE POINT-PERSON

Because farming and agriculture-related issues can cut across many sectors of a community, there is often no single person within a Town Hall that a farmer would know to call with a question. In many cases, a zoning officer, health official, assessor, tax collector, and building official might all have to be involved in responding to a question or concern. While no one individual public official would have all of the answers to all questions, a municipality should designate a single point of contact to be the "point person" on agricultural issues. A farmer or resident could direct their questions to this one person—perhaps a planner or economic development staffer—and that person would be responsible for assembling a total response from the relevant departments. This approach allows the

farmers and the public to be confident that agriculture is "someone's job" at Town Hall. Additionally, roles such as Food Policy Directors and Urban Agriculture Directors are cropping up in local governments around the country, and right here in CT (see FSPD Case Study). Internal and external advocacy for a full-time, dedicated role in local government is another option.

INCLUDE FARMERS IN DECISION-MAKING

Involving farmers in local decision-making helps ensure their varied interests are understood, as are the effects of current policies on agricultural viability. Consider forming an agricultural commission or advisory board to serve as the local voice of agriculture, and appoint multiple agricultural producers to serve (*see page 18*). Recruit farmers for other local boards and commissions, including the economic development commission and planning and zoning. If an agricultural commission or advisory board exists, encourage that board to work closely with other town boards to develop common goals and shared strategies. When the town is updating their Plan of Conservation and Development, and if it is going to develop a food action plan or a food security or sustainability plan, farmers should be engaged in the process from the beginning.

CREATING FARMING OPPORTUNITIES FOR BLACK PEOPLE, INDIGENOUS PEOPLE, AND OTHER PEOPLE OF COLOR (BIPOC)

The socioeconomic status of communities of Black people, Indigenous people, and other People of Color (BIPOC) reflects a long history of theft and loss of land and capital, perpetuated by racist practices and government policies. Even though BIPOC represent nearly one-quarter of the U.S. population, they operate less than 5% of farms, and cultivate less than 1% of farmland. In contrast, a majority of the estimated 2.4 million farmworkers in the United States are People of Color who do not own or operate farms of their own (Census Bureau 2019; USDA 2019). Farmer and farmworker populations across the nation are diverse and also include immigrants, migrants, and refugees and their descendants from all over the world, and often from agricultural backgrounds that embody distinct skills, knowledge, histories, and lived experiences.

The power and responsibility lies with many to rectify the harm committed by historical and continued systemic oppression, especially with predominantly White institutions that have benefited from appropriated wealth. The

following are strategies to start on this path to overcome these injustices:

- Prioritize trainings and educational opportunities for staff members and organizational partners that delve into the aspects of how we all uphold and perpetuate systemic racism—both historically and today. Attending anti-racism and Diversity, Equity, and Inclusion (DEI) trainings is only the first step on this path, and can provide the necessary foundation for continued anti-racism work.
- Make it easier for BIPOC to rent, finance, and own land by creating grants, subsidies, and other incentives, including mechanisms of land ownership transitions and land reparations to return stolen land.
- Support alternative land rental and ownership options such as ground leases, lease-to-buy options, cooperatives, agricultural conservation easements, cultural respect easements, and cultural use agreements.
- Expand financial support for BIPOC via grant programs and identify barriers to participation for existing grant programs.
- Support BIPOC participation in fair, sustainable markets via direct marketing, farm-to-institution procurement arrangements, food hubs, and market diversification.
- Provide targeted infrastructure investments for BIPOC-led farm and community improvements, such as packing, storage, processing, kitchen improvements, internet access, and affordable housing for farmworkers.
- Include BIPOC in decision-making, such as grant panels, advisory boards, and committees. They should also be fairly compensated for their time and contributions.

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. Rely on “Cottage Food” laws and work with local health officials to establish clear, easy-to-follow, staff-level permitting processes. Work with farms that may be interested in starting on-farm breweries or distilleries in conjunction with zoning commissions and local health departments.

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—in person, by phone, mail, or internet surveys—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 technical experts and 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, Connecticut Agricultural Experiment Station, American Farmland Trust, Connecticut Farmland Trust, 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 (both printed and available as PDFs on the town website) 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 smaller issues like the need to exercise patience when farmers take their tractors onto roads. A town website can also 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 non-farmers in the community. Special events like annual celebrations can also shine a particular spotlight on agriculture in a way that involves the whole community. Hebron’s Maple Fest, Killingly’s Great Tomato Festival, Bethlehem’s Garlic Fest, and Woodstock’s Celebrating Agriculture Day are all examples of such an event.



The Bridgeport Farmers’ Market Collaborative was established in 2014 and consists of eight independently-operated markets in Bridgeport, CT. Each market shares a common mission to increase access to healthy, local fruits and vegetables for all, regardless of income. BFMC meets on a monthly basis to undertake joint programming, fundraising, and marketing in support of member markets.

CASE STUDY: CONNECTICUT'S FIRST MUNICIPAL FOOD POLICY DIRECTOR

Prompted by strong advocacy from the New Haven Food Policy Council (NHFPC) and other community food system advocates, the city of New Haven's Food System Policy Division (FSPD), led by the Director of Food System Policy, was established in 2016. As of 2020, there are approximately only 25 other Food Policy Directors housed in municipal government throughout the United States. Therefore, New Haven has a unique opportunity to establish itself as a regional, national, and world leader in urban food policy, as it has already begun to do so. Historically, much of the food systems work in New Haven has focused on downstream solutions—such as issues around food access and the emergency food system. These programs function through a community service/charity model. However, with the establishment of the FSPD and a formal, cohesive municipal role for food system, agricultural, and economic policy, much of its work follows a both/and approach. In addition to supporting programs that provide critical social safety nets, the FSPD also strongly focuses on addressing root causes and striving for systemic change (e.g. upstream solutions such as economic security and secure land access).

The FSPD's mission is to support and help manifest community-led efforts that envision and create an environmentally sustainable and socially just food system. The FSPD operates through a food justice framework and across three thematic priorities - health equity, socio-economic justice, and environmental justice. The ideal project or policy would fall at the intersection of these priorities, as many of the FSPD's current projects do. To enact change, the FSPD works on food policy at all levels that impact New Haven residents: from changing practices within organizations and institutions, to modifying regulations at a city level, to advocating on legislation at a state and federal level, to shaping international agendas. The FSPD accomplishes this work through a coalition-based approach involving: interdepartmental partnerships, institutional partnerships, and tight connections to local, regional, national, and international knowledge-sharing and action networks.

Recognizing the connections between the environment and the community's economic and physical health, several municipal departments in New Haven (namely, City Plan, Food System Policy Division, and Engineering) have partnered to launch the Green Ordinances Working Group to guide a concerted

effort to systematically and methodically update and overhaul the New Haven Code of Ordinances. The goal is to provide an effective, responsive, fair, efficient, user-friendly, and predictable but flexible system to regulate development across the city's neighborhoods. The FSPD is particularly interested in zoning related to food and farming - to support the production and sale of locally grown foods, build community, improve public health and well-being, and provide economic opportunity, particularly in areas that have vacant or underutilized land.

Among other goals, FSPD is looking to shape the way urban agriculture happens in the city through planning. FSPD would like to better use zoning to support local food systems in each neighborhood. Land use policies can assist in securing access to and ensuring the preservation of land for agricultural uses. Zoning regulations can ensure that agriculture occurs in suitable locations and under the proper conditions. But there is no one-size-fits-all urban agricultural land use policy. Urban areas vary in availability of land for agriculture, population density, soil suitability, and resident interest.

While the urban ag community in New Haven is vibrant, the uses, zoning requirements, and regulations are essentially nonexistent. Across the country, a commonly cited barrier to urban ag has been its absence from local zoning codes. In response, a growing number of municipalities are revising zoning standards to formally acknowledge community gardens and urban ag uses as permitted uses in existing zoning districts. In addition to ordinance provisions that acknowledge different intensities of urban ag activities, the FSPD is also researching other local policies besides zoning that could be used to sanction/encourage specific activities related to urban ag. This includes land-use policies that permit public land to be used for gardens or farms, land disposition policies that permit surplus municipal properties to be acquired for urban ag, and policies and regulations that strengthen the infrastructure for widespread urban ag. The FSPD's ultimate goal with this project is to create/formalize an enabling environment for such uses to occur, and to ensure an easy-to-understand, transparent process in how to engage in these activities in New Haven. This approach is an attempt to be forward-thinking rather than reactionary (e.g. with one-off zoning amendments/special permits).

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 Woodbridge a property that was originally deeded to the town in 2007 by the Massaro family was a year later leased at low cost to a nonprofit board that initiated the development of the Massaro Community Farm. The nonprofit board spent an initial two years raising funds and applying for grants in order to refurbish the 100-acre property and install the necessary infrastructure and invest in equipment. The community farm now cultivates 10 acres of vegetables, with six high tunnels and a greenhouse, all grown in accordance with organic standards. The vegetables are sold through a CSA, and at least 10% of the harvest is donated to local hunger relief organizations. Recipients include Woodbridge Senior Services, the Ansonia Salvation Army, and the CT Food Bank. Since 2010, Massaro Community Farm has averaged a donation of 6,200 pounds of fresh produce per year.



For more information on leasing town-owned land, please see [Leasing Land to Farmers: A Handbook for New England Land Trusts, Municipalities and Institutions produced by Land for Good at landforgood.org](#). If you are a landowner or farmer looking for land, please visit [ctfarmlink.org](#).

COMMUNITY GARDENS

A community garden can be an excellent way to reuse or activate a piece of excess land in a neighborhood, or to transform a whole community. Gardens can be established virtually anywhere that has access to water. Where soils are poor or have other environmental concerns, raised planting beds can be used. The key to a successful community garden is to have a single point of contact who is responsible for their organization and management of its use.

New Britain ROOTS uses community gardens as one tool to achieve their mission of cultivating community connections and equitable access to quality food. ROOTS leases a half acre of property from the city of New Britain for their community garden that is home to 50 raised beds that are rented out to residents each year. The nonprofit



SLADE MIDDLE SCHOOL, NEW BRITAIN ROOTS PHOTO: LISA NICHOLS PHOTO

also has a partnership with the school district to build, maintain, and use schoolyard space for gardening and educational activities. To date, ROOTS has built 13 of these school gardens including three greenhouses, which equals about one acre of growing space across the city. The gardens generate over 2,000 pounds of produce that help feed the local emergency food system in New Britain each year. They also support the learning of 1,500 K–12 students in outdoor education experiences facilitated by ROOTS’ education team. City Growers, ROOTS’ youth employment program, ensures that all the gardens are cared for by trained youth over the summer. Youth assist by harvesting and selling produce from the gardens and local growers through the Mobile Farmers Market—ROOTS’ farm stand on wheels.

In Hartford, CT, there are a variety of different organizations that run the city’s community gardens and urban farms including Hartford Food System, KNOX, and Keney Park Sustainability Project. For more than a decade, Hartford Food System managed The Grow Hartford Urban Farm on almost three acres of land in several city neighborhoods. Almost every year during that time, Grow Hartford harvested approximately 20,000 pounds of produce from urban farm sites with food being distributed through farmers’ markets, the Hartford Mobile Market, and to various service organizations across the city. Hartford Food System was also a key driver of the work to create favorable municipal zoning regulations for urban farming and community gardens. More recently, Hartford Food System has reduced its own farming activities, while increasing support for the growth of gardens (including school gardens), farms, and farmers that work throughout the city. This includes strong and consistent support from the city’s Advisory Commission on Food Policy, which is chaired by Hartford Food System. Keney Park

Sustainability Project also manages an urban agriculture education site on one acre of land, one community garden, and six school gardens in Hartford. Through their agriculture education site, community gardens, and school gardens, the organization aims to educate families about the impacts of environment on mental, physical, and spiritual health by practicing sustainable techniques that promote healthy symbiotic relationship between community and the environment. Additionally, the organization manages a 693-acre protected urban forest named Keney Park that provides individuals employable landscaping and forest management skills. Finally, KNOX currently oversees 20 community gardens that serve over 300 local families with many of the community gardeners reflecting the cultural diversity within the city including Somali, West Indian, Puerto Rican, African American, and Vietnamese. KNOX also manages four gardens at Hartford Schools as part of an environmental education program. The mission of KNOX is to use horticulture as a catalyst for community engagement by forging partnerships between residents, businesses, and government. They also manage the Frog Hollow Farmers Market.

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. Municipalities are uniquely positioned to lease land to farmers, especially new and beginning farmers who may struggle to find other secure land tenure and long-term lease agreements. 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. It is important to make the leasing of municipal lands a fair and transparent process open to all, qualified farmers. Towns and municipalities should be transparent about farmland that is currently under lease as well as parcels currently or soon-to-be available for lease; this information should be easily accessed by any farmland seeker on the town's website. They should also make the application process for farmers simple and easy to navigate. Consider posting a Request for Proposals (RFP) on the town website when land becomes available. Towns, Land Trusts, and private owners are encouraged to post their available farmland for lease or sale on the CT Department of Agriculture's CT Farmlink; a posting service to match farm owners and seekers, at: ctfarmlink.org.

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. While it may feel like a blow to civic pride to think about foregoing a local market in each town, the reality of the situation is that there are so many towns in Connecticut and a relatively limited amount of producers that would be able to participate in more than one or two markets per week. Communities are close enough that regional markets covering a few towns have a much better chance of being successful, vibrant places. Towns looking to support and grow their local farmers' market, looking for farmers to table, or looking for aligned organizations that support and advocate for Connecticut farms and agriculture can consult a number of online resources including:

- CT Department of Agriculture's Connecticut Grown Information for Consumers page: portal.ct.gov/DOAG/Marketing/Marketing/Find-a-Farmer.
- Heart CT Grown: heartctgrown.extension.uconn.edu.
- CT NOFA's Local Farm and Food Guide: guide.ctnofa.org.

How a town can help grow a farmers' market:

- Facilitate a conversation with interested community members and farmers to gauge the scale of potential participation and determine whether a local market would be viable or if support of a regional market is more appropriate.
- 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.
- Assess and discuss the potential impact of a new or expanded farmers' market on existing farm businesses and established farm stands in the community. The increased competition may end up making them less viable.



The Lower Connecticut River Valley Council of Governments (RiverCOG) Regional Agriculture Council recently launched a website, ctrivervalleyfarmers.org, called, "Know Your Farmers." It showcases farms, farmers' markets, products, and unique area businesses that partner with farmers. Over 50 farms are listed on the website with more on the way.



The New Milford Farmland and Forest Preservation Committee developed a website, newmilfordfarmlandpres.org, with useful resources for farmers, including grant opportunities, upcoming workshops, equipment dealerships, the town's right to farm ordinance, and commercial kitchens for rental. The website's "Where to Buy Local" link contains a list of nearly 190 Litchfield County farms searchable by "Town" or by "Product."

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

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.



COLD SPRING FARM, COLCHESTER, CT. PHOTO: WINTER CAPLANSON



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.

Since 2013, the town of Killingly’s Agriculture Commission has hosted its annual Great Killingly Tomato Festival—a day-long celebration that highlights local agriculture and provides agricultural educational opportunities. The event, championed by the late Town Planner Linda Walden, includes a parade, food, a farmers’ market, and a variety of contests and activities that promote agriculture.

Farm Dinners are a unique seasonal local food dining experience that began taking place at farms around the state in the summer of 2007. Each evening offers special dinners featuring local farm products and shared right on the farm. Many individual farms are partnering with local restaurants to offer these wonderful experiences that showcase the bounty of our farms and quality of our restaurants and chefs. Some proceeds of these dinners may benefit local organizations committed to agriculture, farmland protection, and local food initiatives.

The Connecticut Wine Trail offers a unique collection of over 20 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.

Stone Row in Willimantic works to include locally-sourced ingredients in the restaurant’s dishes and doubling down on commitments to community wellbeing, livable wages, and sourcing from regional producers. Visit stonerowkb.com to learn more.

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 a town by organizing school field trips to local farms. Teachers can

**CASE STUDY:
TASTE OF MANSFIELD**

In 2017, realizing that several town committees and departments had an overlapping interest in promoting farm viability and procuring local food, a new initiative called Taste of Mansfield (tasteofmansfieldct.org) was launched to improve coordination and impact.



Taste of Mansfield’s partners include:

- Mansfield Agriculture Committee
- Mansfield Department of Human Services
- Mansfield Advocates for Children
- Mansfield Senior Center
- Mansfield Downtown Partnership
- Mansfield Economic Development Commission
- Mansfield Parks and Recreation
- Mansfield Public Library
- Mansfield Public Schools
- Storrs Farmers Market
- UConn Extension

From the beginning, the Taste of Mansfield initiative sought to strengthen outreach for several “eat and buy local events” occurring in town. Taste of Mansfield has promoted and co-hosted over 15 events including farm tours, free community meals, farmers’ market picnics, meet your farmer events, and more. All events promoted by Taste of Mansfield must 1) connect the community through local food 2) educate guests about where local food comes from through signage and/or by acknowledgement through an announcement and 3) be welcoming and inclusive. In support of this effort, Taste of Mansfield has built a foundation of communication tools (website, social media, photos, e-newsletter) to help residents find local food and learn about town-sponsored events that celebrate local food and farms.

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*).



PHOTO: CT RESOURCE CONSERVATION & DEVELOPMENT

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. Including farmers as more active participants in local or regional Chambers of Commerce also helps to boost their recognition as business people. 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. Agricultural organizations like

CT Resource Conservation & Development, Working Lands Alliance, CT Farm Bureau Association, and CT NOFA give away annual awards recognizing the great achievements of agricultural producers across the state. In 2019, CT RC&D recognized Valleyside Farm of Woodstock, CT with the annual Norma O’Leary Award for Excellence in Agriculture Innovation. Pictured above are Lucas and Angela Young and their son of Valleyside Farm; John Guskowski, CT RC&D President; Commissioner Bryan Hurlburt, CT Department of Agriculture; and Lily Orr, granddaughter of Norma O’Leary.

SECTION 7

Resources

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

For more beginning farmer resources please see:
ctfarmrisk.uconn.edu/index_208_3855411292.pdf

American Farmland Trust • www.farmland.org
A national organization whose mission is to save the land that sustains us by protecting farmland, promoting sound farming practices, and keeping farmers on the land.

- **Farmland Information Center**
(partnership between the Natural Resources Conservation Service and American Farmland Trust) is a clearinghouse for information about farmland protection and stewardship.
farmlandinfo.org
- *Conservation Options for Connecticut Farmland*
Publication of American Farmland Trust and Connecticut Farmland Trust that describes farmland protection options and programs available in Connecticut.
workinglandsalliance.org/resources
- *Planning for Agriculture: A Guide for Connecticut Municipalities*
Publication of American Farmland Trust and Connecticut Conference of Municipalities that describes the broad range of tools available to help local governments plan for the future of agriculture in Connecticut.
workinglandsalliance.org/resources
- *Farmland ConneCTions*
A guide produced by American Farmland Trust and University of Connecticut aimed at helping Connecticut towns, institutions, and land trusts interested in using or leasing farmland.
workinglandsalliance.org/resources
- *Farms Under Threat: The State of the States*
A report produced by American Farmland Trust that paints a striking picture of America's agricultural landscape—and the threats facing working farms and ranches in every state.
farmland.org/project/farms-under-threat

Capitol Region Council of Governments (CRCOG)
crocog.org

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

City of New Haven Food System Policy Division
foodpolicy.newhavenct.gov

Connecticut Agricultural Business Management Guide • 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) • ct.gov/caes

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: dph.state.ct.us)

Connecticut Ag in the Classroom • ctaef.org
Agriculture education

Connecticut Association of Conservation
caciwc.org

Municipal Conservation and Inland Wetlands Commissions.

Connecticut Chapter American Planning Association (CCAPA) • ct.planning.org

Land use planning and professional organization.

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

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

Connecticut Conservation Districts • conservect.org

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

Connecticut Department of Agriculture

ct.gov/DOAG

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

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

Energy and environmental protection and land conservation.

Connecticut Environmental Conditions Online • cteco.uconn.edu

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

Connecticut Environmental Review Team (ERT) • 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. cfba.org/pa490guide.htm
- *Advocating for Connecticut Agriculture in Local Communities* provides a toolkit to help farmers advocate for local agriculture through a series of user friendly fact sheets. cfba.org/ctfarmbureauadvocacytollkit.htm

Connecticut Farm Link • ctfarmlink.org

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

Connecticut Farm Service Agency (U.S. Department of Agriculture)

fsa.usda.gov/state-offices/Connecticut/index

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

Connecticut Farmland Trust • CTFarmland.org

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

Connecticut Forest and Park Association • ctwoodlands.org

A statewide organization that protects forests, parks, walking trails, and open spaces for the public good.

Connecticut Greenhouse Growers Association •

ctgreenhousegrowers.org

Greenhouse grower trade association.

Connecticut Land Conservation Council

ctconservation.org

Advocates for land conservation, stewardship, and funding, and works to ensure the long-term strength and viability of the land conservation community in Connecticut.

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

The online resource provides information about community farms, soil health, and climate change; the organization assists and trains organic producers and leads a nationally recognized Organic Land Care Training Program. In addition, they host an annual conference on the topic.

Connecticut Nursery and Landscape Association • cnla.biz

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

Connecticut Office of Policy and Management

ct.gov/opm

Statewide planning and intergovernmental coordination.

Connecticut Resource Conservation & Development Council • ctrcd.org

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

- *Zoning Regulations for Livestock Practices*
A report produced by CT RC&D. This guide is intended to help Connecticut municipalities on how to locally regulate and zone for livestock raised for either production agriculture or personal use. This updated publication is intended to provide guidance to municipalities drafting land-use regulations related to livestock. ctrcd.org/wp-content/uploads/2019/10/Livestock_Guidance_Book_WEB-FINAL.pdf

Connecticut Sea Grant • seagrants.uconn.edu

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

Conservation Districts of Connecticut • conservect.org

Natural resource conservation and education.

Equity Trust • equitytrust.org

Equity Trust offers innovative land tenure models.

Good Horse Keeping: Best Practices Manual for Protecting the Environment (2011)

conservect.org/southwest/wp-content/uploads/2018/01/GOODHORSEKEEPING2011.pdf

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

Land for Good • landforgood.org

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

New England Small Farm Institute • smallfarm.org

New England Land Link helps farmers and landholders locate and transfer farms in New England.

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. smallfarm.org/main/bookstore/publications

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

Community grants and farmer resource.

National Young Farmers Coalition

youngfarmers.org

A national grassroots network and nonprofit advocating for beginning farmers. Offers publications, workshops, and information on policy, land access, and other food and agriculture issues. CT Chapter is the New CT Farmers Alliance: newctfarmers.com

- Young Farmers Racial Equity Toolkit provides a starting point for individuals, nonprofit organizations, municipal officials, and government agency staff as a resource for people who are overwhelmed by the breadth and depth of the problem and need help with how to start dismantling racism in their communities: youngfarmers.org/resource/racialequitytoolkit

Northeast Farmers of Color Land Trust (NEFOC)
nefoclandtrust.org

A hybrid model land trust, bringing together a community land trust commons model for farmland preservation and a conservation land trust model to conserve and steward ecosystems with the goal of manifesting a community vision that uplifts regenerative global Indigenous, Black, and POC relationships with land, skills, and lifeways.

Rural Development • rd.usda.gov

Rural housing, community economic development, and infrastructure.

The Trust for Public Land • tpl.org

National land conservation organization with a commitment to protecting land for people to enjoy, including farms and forests that support land-based livelihoods.

Union of Concerned Scientists • ucsusa.org/food

U.S. agriculture presents many obstacles for Black people, Indigenous people, and other People of Color. They review opportunities to begin overcoming the history of racist policies and exclusion.

University of Connecticut • uconn.edu

- **Center for Land Use Education and Research**
Research on Connecticut's landscape and changes to it. 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 is a primer on various rules and regulations in Connecticut. canr.uconn.edu/ces/frm
- **Cooperative Extension System** offers a variety of programs and services in plant and animal agriculture. cahnr.uconn.edu/extension
- **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. cteco.uconn.edu
- **Nonpoint Education for Municipal Officials (NEMO)** Education for municipal officials on land use and natural resource protection. nemo.uconn.edu
- Soil Nutrient Analysis includes lead screening. soiltest.uconn.edu

U.S. Department of Agriculture (USDA) • [usda.gov](https://www.usda.gov)

Federal agency on agriculture, food, and rural development conservation.

USDA Natural Resources Conservation Service (NRCS) • [ct.nrcs.usda.gov](https://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 as well as funding for purchasing easements.

- **NRCS Web Soil Survey** provides online information about soils. websoilsurvey.nrcs.usda.gov
- **USDA Farm Service Agency (FSA)**
FSA offers a variety of programs for farms and farmers, including insurance, disaster assistance, loans, and conservation programs. fsa.usda.gov

USDA Rural Development (RD) • rd.nrcs.gov/ct

RD offers programs that assist individuals, businesses, and municipalities with housing, business, and municipal facility loans and grants. Programs on rural energy and renewable energy systems are also offered.

U.S. Environmental Protection Agency (EPA)

[epa.gov](https://www.epa.gov)

Federal agency on environmental protection

Working Lands Alliance • [workinglandsalliance.org](https://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 Apple Marketing Board

ctapples.com

Connecticut Beekeepers Association

ctbees.com

Connecticut Christmas Tree Growers Association

ctchristmastree.org

Connecticut Farm Wine Development Council

portal.ct.gov/DOAG/Boards/Boards/CT-Farm-Wine-Development-Council

Connecticut Horse Council

cthorsecouncil.org

Connecticut Poultry Association

ctpoultry.org

Connecticut Sheep Breeders Association, Inc.

ctsheep.org

Maple Syrup Producers Association of Connecticut

ctmaple.org

Nutmeg Rabbit Breeders' Association

nutmegrba.webs.com

APPENDIX A

Selected Connecticut General Statutes

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, 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. 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, location, brightness and illumination 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 state’s consolidated plan for housing and community development 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, as defined in subsection (q) of section 1-1. 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 child care home or group child 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 or require a special permit or special exception for any such continuance. 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. Such regulations shall not terminate or deem abandoned a nonconforming use, building or structure unless the property owner of such use, building or structure voluntarily discontinues such use, building or structure and such discontinuance is accompanied by an intent to not reestablish such use, building or structure. The demolition or deconstruction of a nonconforming use, building or structure shall not by itself be evidence of such property owner's intent to not reestablish such use, building or structure. Unless such town opts out, in accordance with the provisions of subsection (j) of section 8-1bb, such

regulations shall not prohibit the installation of temporary health care structures for use by mentally or physically impaired persons in accordance with the provisions of section 8-1bb if such structures comply with the provisions of said section. 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 re-subdivision 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, Energy and 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. (b) On and after July 1, 2016, 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. (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, (10) protection and preservation of agriculture, (11) the most recent sea level change scenario updated pursuant to subsection (b) of section 25-68o, and (12) the need for technology infrastructure in the municipality. (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, agricultural 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 state's consolidated plan for housing and community development 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, and (I) consider allowing older adults and persons with a disability the ability to live in their homes and communities whenever possible. Such plan may: (i) Permit home sharing in single-family zones between up to four adult persons of any age with a disability or who are sixty years of age or older, whether or not related, who receive supportive services in the home; (ii) allow accessory apartments for persons with a disability or persons sixty years of age or older, or their caregivers, in all residential zones, subject to municipal zoning regulations concerning design and long-term use of the principal property after it is no longer in use by such persons; and (iii) expand the definition of "family" in single-family zones to allow for accessory apartments for persons sixty years of age or older, persons with a disability or their caregivers. 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, 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) Any municipal plan of conservation and development scheduled for adoption on or after July 1, 2015, shall identify the general location and extent of any (1) areas served by existing sewerage systems, (2) areas where sewerage systems are planned, and (3) areas where sewers are to be avoided. In identifying such areas, the commission shall consider the provisions of this section and the priority funding area provisions of chapter 297a. (h) (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 council of governments for review and comment. The regional council of governments 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 council of governments. The commission may render a decision on the plan without the report of the regional council of governments.(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.(i) (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.(j) 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 (h) of this section.

PROPERTY TAX EXEMPTIONS: CGS § 12-81

§ 12-81. Exemptions. The following-described property shall be exempt from taxation:

Farming tools. Farming tools actually and exclusively used in the business of farming on any farm to the value of five hundred dollars;

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;

Sheep, goats and swine. Sheep, goats and swine owned and kept in this state;

Dairy and beef cattle, oxen, asses and mules. Dairy and beef cattle, oxen, asses and mules, owned and kept in this state;

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: The term "farm land" means any tract or tracts of land, including woodland and wasteland, constituting a farm unit; 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. The assessor shall not deny the application of an owner of land for classification of such land as farm land if such land meets the criteria for classification as farm land pursuant to this subsection. The assessor shall not deny the application for any portion of such land on account of any minimum acreage requirement for residential parcels or agricultural use established under municipal zoning regulations. (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 farmland 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.

NEW: In 2018 P.A. 18-176 amended Subsec. (a) by adding provision prohibiting assessor from denying application if land meets criteria for classification as farm land and adding provision prohibiting assessor from denying application for any portion of land on account of minimum acreage requirement for residential parcels or agricultural use, effective October 1, 2018, and applicable to assessment years commencing on or after October 1, 2018.

§ 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 topsoil, 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. (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 except that at such farmer's kiosk, no farmer shall falsely label any egg or offer for sale any egg that is adulterated, as defined in section 22-45. (c) Except as provided in section 22-6s, 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 establishment, as defined in section 19a-36g, 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 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. (f) The Commissioner of Agriculture shall, upon request by any farmers' market, include such farmers' market on any list of farmers' markets that appears on the Department of Agriculture's Internet web site and include such farmers' market in any promotional materials concerning farmers' markets that are published or distributed by the department.

NEW: P.A. 13-72 added Subsec. (f) re inclusion of farmers' market on Department of Agriculture's Internet web site and in promotional materials published or distributed by

department, effective June 5, 2013; P.A. 17-93 amended Subsec. (d) by replacing "food service establishment" with "food establishment" and replacing "19-13-B42 of the regulations of Connecticut state agencies" with "19a-36g"; P.A. 17-184 amended Subsec. (b) by adding provision re falsely labeled egg and adulterated egg, as defined in Sec. 22-45, effective July 10, 2017; P.A. 18-48 amended Subsec. (d) by replacing "food service establishment" with "food establishment", effective May 29, 2018; P.A. 18-168 made identical change as P.A. 18-48.

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.

APPENDIX B

Selected Court Cases Affecting Connecticut Agriculture

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.
- **R 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).
- **Pierczyk Straska Farm v. Town of Rocky Hill** (CT Superior Court, 2016). The Town of Rocky Hills blighted premises ordinance is not in conflict with or preempted by the Right to Farm statute because the ordinance is “aimed at preventing blighted premises and was enacted to promote the safety, health, and general welfare of the Town’s residents,” and the ordinance was not restricted to residential property.

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.

FOREST

- **Imperial Development, LLC v. Town of Coventry** (CT Superior Court 2016). The town of Coventry erred in removing forest land from the assessment classification as farmland. The court reasoned that if the tax classification changes at an early stage in development in anticipation of development prior to actual land use change, it only incentivizes quicker development to recoup costs which is adverse to the spirit of the state’s farmland preservation priorities.

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.
- **Kaeser 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.

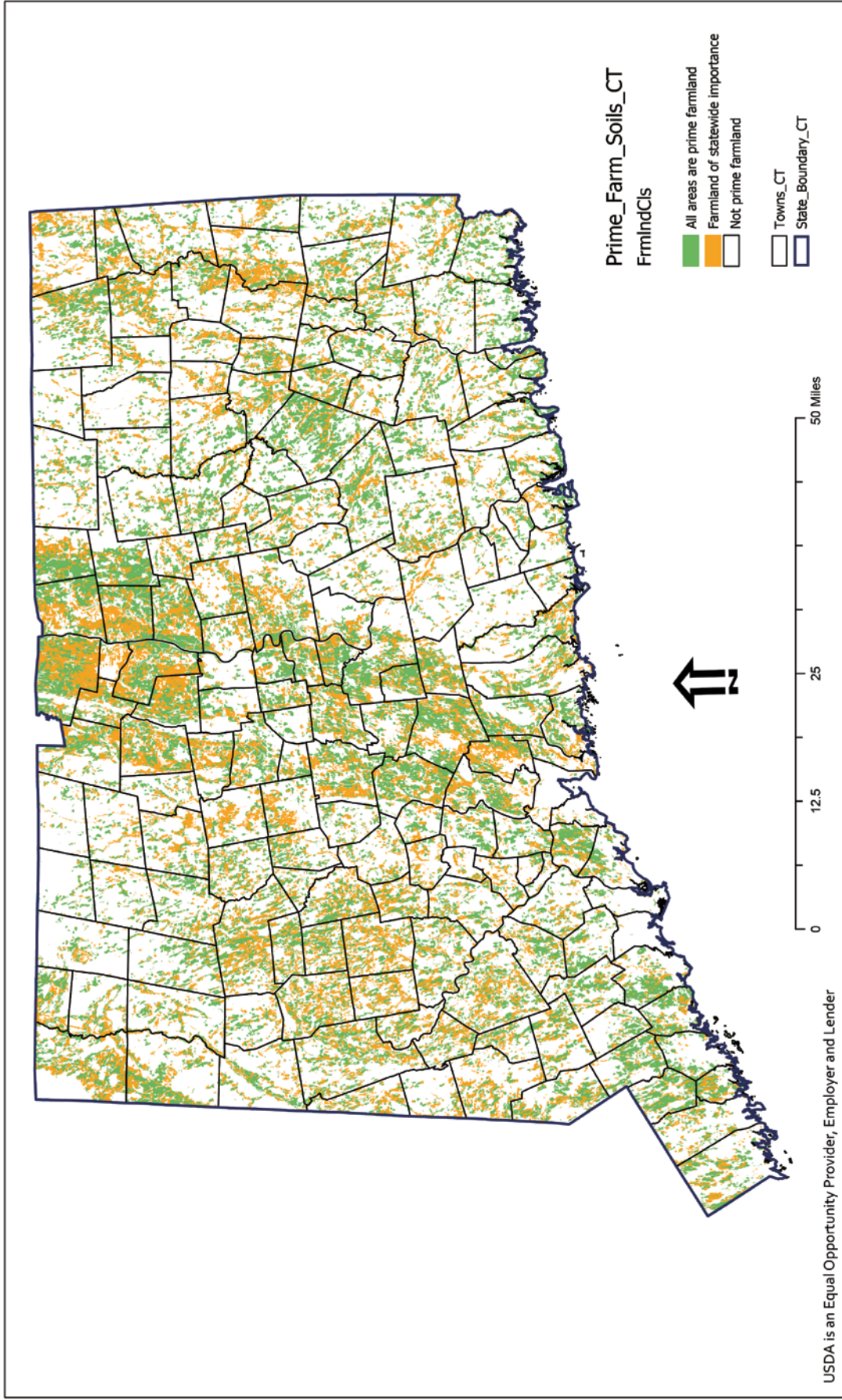
- **Zoning Commission of Town of Sherman v. Lescynski** (CT Supreme Court, 1982). A slaughterhouse is not a farming or accessory use in a farm-residence zone under local zoning regulations.
- **Shawn Michael Ward v. Town of North Stonington Zoning Board of Appeals** (CT Superior Court, 2016). The court ruled that landscaping services were accessory to the agricultural use of the tree farm which was permitted as of right as pre-existing, nonconforming use.

GENERAL

- **James F. Kruk, et al. v. Town of Windsor Planning and Zoning Commission, et al** (CT Superior Court, 2019). The town’s regulations authorizing horticultural nurseries in residential zones is “limited to agricultural activities and does not include the operation of a contractor yard.” The court overturned a special permit that allowed for a landscaping and snowplowing business to operate in a residential zone.
- **Andrea Eldridge v. Town of Stafford Planning and Zoning Commission** (CT Superior Court, 2018). A neighbor challenged the Stafford Planning and Zoning commission’s proceedings that led to the approval of a permit that allowed for sale of seasonal plants in a roadside market. One of the allegations was that the commission ignored the requirement in the definition of “roadside market” that at least 50% of agricultural products sold be raised on the subject property. However, the court decided that this requirement was “not an application issue but an enforcement issue”, and therefore compliance with the permit would have to be challenged once a violation was discovered, not when the permit was issued.
- **The Indian Spring Land Company v. Inland Wetlands and Watercourses Agency of the Town of Greenwich et al.** (CT Supreme Court, 2016). The construction of an access road is directly related to farming operations, and therefore due to an exception in the state roadways law, the local agency did not have jurisdiction to regulate the road constriction, and their special conditions to construction are not enforceable.

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