

RECEIVED

By Darlene Brady at 11:27 am, Jun 12, 2023



Kent Conservation Commission
Wednesday, June 14, 2023 @7:00pm
Agenda

Join Zoom Meeting:

<https://us02web.zoom.us/j/81057863056?pwd=LzU1ZUozeUp5RndvK1gyOEtXZy9tUT09>

Meeting ID: 810 5786 3056 Passcode: 008415

1. Call to order
2. Accept/Amend Agenda
3. Accept/Amend Minutes Special Mtg. May 17, 2023
4. Accept/Amend Minutes Special Mtg. May 31, 2023
5. Treasurer's Report
6. Public comment
7. Old Business:

Discussion items

- A. Protection of Farms and Farmers from Nuisance Claims
- B. Materials Management in Kent – PAYT / organics recycling

Updates (as needed):

- C. POCD - Planning & Zoning Regulations Updates; Chapter reviews
- D. Kent Municipal Open Space Acquisition
- E. Green Energy Task Force
- F. Housatonic Herbicide Working Group HHWG - Letter to BOS & press release
- G Sustainable CT

H. Legislative Watch list:

Summary article [What passed CT's legislature this session? Here are the bills to know \(ctinsider.com\)](https://www.ctinsider.com)

SB 73 Requiring Local Representation on Siting Council **PASSED**

SB 896 DEEP and Tree Removal in State Parks **PASSED**

SB 962 The Use of Certain Rodenticides **Died in Senat PASSED**

SB 963 Neonicotinoids for Non-Agricultural Use **Died in Senate**

SB 1147 An Act Concerning The Environmental Justice Program Of The Department Of Energy And Environmental Protection. **PASSED**

HB 5278 - Increasing List of Invasive Plants Prohibited from Sale in CT **Died in EnviComm**

HB 5400 The Preservation of Stone Walls in the State **Died in Senate**

HB 5608 Photovoltaic Facilities on Prime Farmland, Farmland of State-wide Importance or Core Forests **PASSED**

HB 6397 Zero Carbon Emissions **Died in Senate**

HB 6481 Prohibiting Release of Certain Balloons **Died in Senate**

HB 6482 Raising the Bonding Limit to 25K for Greenways Bikeways/Rec Trails **Died in Committee (wrapped in elsewhere?)**

HB 6483 Enabling Bonding for State Open Space (OSWA) - 10M **Died in Committee**

HB 6484 An Act Concerning Certain Harvesting of Horseshoe Crabs **PASSED**

HB 6485 Authorizing Green Burial Companies to Receive Open Space Funds **Died in House**

HB 6486 EPR for Tires **PASSED**

HB 6606 The Use of Certain Products Made From Polystyrene **Died in Committee**

HB 6607 Nighttime Lighting of State-Owned Buildings at Certain Times for the Protection of Birds **PASSED**

HB 6608 The Distribution of Single Use Plastic Straws by Certain Restaurants **Died in House**

HB 6610 "No Net Loss" of State Forest Lands **(never moved)**

HB 6942 Bonding Measure **PASSED \$3M for Rec & Natural Heritage program**

\$500M from CT Green Bank authorized for waste disposal facility construction

8. New Business:
9. Correspondence
10. Adjourn



TOWN OF KENT
Conservation Commission
Special Meeting Minutes
Wednesday, May 31, 2023 @ 4:00pm

In attendance:
Liddy Baker
Melissa Cherniske
Carol Franken
Connie Manes
Wendy Murphy

Members of the Public Attending:
Lynn Worthington
Lynn Harrington

Call to order

1. A quorum being present, Commission Chair Connie Manes called the meeting to order at 4:06 pm.
2. Accept Agenda. *Upon a motion by Carol Franken seconded by Liddy Baker, the Commissioners voted unanimously to accept the agenda.*
3. Public Comment. No comments.
4. Old Business.
Discussion items
 - A. Right to Farm Ordinance Revision.
The Commissioners discussed suggested revisions to the Right To Farm Ordinance distributed prior to the meeting. Prior to the meeting Jos Spelbos emailed all commissioners expressing his support for the revisions and suggesting non-material changes to correct typographical errors. Connie Manes made those changes and distributed a new draft dated 5.29.23. The draft dated 5.29.23 was used for discussion at the meeting.

Commissioners expressed support for the revisions. Several additional revisions were suggested. Line numbers were added to the draft to help clarify the proposed revisions. The draft with line numbers, a new draft with markup showing the revisions, and a clean copy are attached and incorporated in these minutes. Connie made the following motion:

To send the draft dated 5.29.23 on to the Town Attorney, subject to the following revisions:

1. On line 8 beginning with the word “further”, delete the words “may be caused”.
2. On line 18 beginning with the word “ordinance”, delete the words “to be”.
3. On line 18 beginning with the word “ordinance”, substitute the word “which” with “that”.
4. On line 25 beginning with the word “safety”, add a comma in between the words “life safety” and “or building codes”.
5. On line 27 beginning with the number “2.”, begin deleting with the words “in a manner”, carry over deleting on line 28 through the words “agricultural industry” and the comma thereafter.

These are draft minutes. Corrections may be made by the Committee at a subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

6. On line 31 beginning with the word “Operations”, substitute a period for the comma after the word “day”. Begin deleting with the words “provided such activities...”, carry over deleting the entirety of line 32 (through the end of the sentence).
7. On line 33 beginning with the word “In”, remove the words “is submitted” and insert them on line 34 after the first word on that line “ordinance” and remove the comma thereafter.
8. On line 35 beginning with the word “activities”, capitalize the words “agricultural operations”.
9. On line 36 beginning with the word “determined”, begin deleting with the words “These provisions shall...”, carry over deleting the entirety of line 37, and carry over deleting the entirety of line 38 (through the end of the sentence).

Wendy Murphy seconded the motion and it passed unanimously.

Connie advised that she would send the lined draft, the revisions made in the instant meeting, and a clean copy to Commissioners and to First Selectman Jean Speck. Connie will work with Jean to send the draft on to the Town Attorney for review.

Lynn Worthington asked for clarification that the proposed revisions delegate to the Conservation Commission the responsibility of determining whether activities that may be claimed to be a nuisance are Agricultural Operations. The answer is yes. Lynn further asked if the Conservation Commission intended to propose a nuisance ordinance. The answer is no.

5. Adjourn. There being no further business before the Commission and upon the motion of Wendy seconded by Melissa the meeting adjourned at 4:57 pm.

NEXT REGULAR MEETING: Wednesday June 14th @ 7:00pm

Respectfully submitted by: Connie Manes, Chair

These are draft minutes. Corrections may be made by the Committee at a subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

41 Kent Green Boulevard, P.O. Box 678 Kent, CT 06757-0678

Phone: (860) 927-4627 ☐ Fax: (860) 927-1313 www.townofkentct.org

Chapter 6: Conservation Commission

Section 5.2: ~~Right To Farm~~Protection of Farms and Farmers from Nuisance Claims

1 **1. Purpose and Intent.** Agriculture is a significant part of the Town of Kent’s heritage, its rural
2 character, and may constitute a vital part of the Town’s future. It is therefore the declared policy of the Town of
3 Kent and legislative determination of the Kent Board of Selectmen to conserve and protect agricultural land
4 and to
5 encourage agricultural operations and the sale of local farm products within the Town. It is the purpose and
6 intent of this ordinance to promote and advance the Town’s policy and reduce the loss of local agricultural
7 resources by limiting circumstances under which any such operation may be considered a nuisance. It is hereby
8 further legislatively determined that whatever impact may be caused to others through normal agricultural
9 practices, such impact is offset and ameliorated by the benefits of farming to the neighborhood, community, and
10 society in general. Methods of farming that comport with generally accepted farming practices are also deemed
11 to comport with community standards at large. ~~This ordinance is not to be construed as modifying or abridging
12 state law relative to the abatement of nuisances, but is to be used in the interpretation and characterization of
13 activities and in considering and implementing enforcement of the provisions of the Ordinances of the Town of
14 Kent and other applicable Town regulations, consistent with the provisions of Connecticut General Statutes §
15 19a-341. Additionally, the terms of this ordinance may be used in determining whether the methods and
16 practices that may come under review conform to community standards.~~

17 This ordinance is enacted for the protection of farms and farmers. It is not the purpose of this
18 ordinance to create an avenue for complaints to be made against farmers which could not be made
19 against non-farmers. It is protective, not punitive, in its application. It does not provide a process for
20 and may not be used as an affirmative right to bring nuisance claims or grievances including but not
21 limited to those related to noise, odors, dust or fumes, the storage or use of buildings and equipment.

22 This ordinance aligns with statewide policy codified in Connecticut General Statutes Section 19a-341,
23 as may be from time to time amended. This ordinance is not to be construed as modifying or
24 abridging state law relative to the abatement of nuisances, nor shall it supersede applicable health,
25 safety, fire, life safety or building codes and regulations operable statewide or within the municipality
26 of Kent.

27 **2. Declaration.** No present or future ~~a~~Agricultural ~~e~~Operations conducted or maintained in a manner
28 consistent with accepted customs and standards of the agricultural industry, on a recognized farm which is
29 engaged in the act of farming as defined in this ordinance, shall become or be considered a nuisance solely
30 because such activity resulted or results in any changed condition of the use of adjacent land. Agricultural
31 ~~e~~Operations may occur on holidays, weekends and weekdays by night or day, provided such activities do not
32 violate applicable health, safety, fire, life safety or building codes and regulations.

33 In the event a properly-raised nuisance complaint is submitted pursuant to a valid and adopted Kent
34 ordinance, by a resident of the Town of Kent, the Conservation Commission shall determine whether the
35 activities claimed to be a nuisance are agricultural operations as defined below. Should the activities be
36 determined to be agricultural activities, the nuisance claim shall be dismissed. These provisions shall not
37 apply whenever a nuisance complaint results from the negligent operation of any such agricultural
38 operation.

39 It is herein understood that such ~~such~~ Agricultural Operations~~practices~~ may result in, for example but
40 include without limitation:

- 1 a) The incidental noise from livestock or farm equipment;
- 2 b) Odors from livestock, manure, fertilizer, compost, agricultural end-products, or feed;
- 3 c) Dust and fumes created during plowing or cultivation operations
- 4 d) The use of agricultural chemicals, pesticides and fertilizers including manure, provided such chemicals and
- 5 the method of their application conform to practices approved by the Commissioner of the Department of
- 6 Energy and Environmental Protection, or, where applicable, Commissioner of Health Services; and
- 7 e) Irrigation and water management associated with normally accepted farming practices.
- 8

9 ~~These provisions shall not apply whenever a nuisance results from the negligent or improper operation of~~
10 ~~any such agricultural operation.~~

11

12 3. **Definitions.** “Agriculture” means cultivation of the soil, dairying, forestry, raising or harvesting any agricultural
13 or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of
14 livestock, including horses, bees, poultry, fur bearing animals and wildlife, and the raising or
15 harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation,
16 improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared
17 land of brush or other debris left by a storm, as an incident to such farming operations; the production or
18 harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to
19 ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction,
20 operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes;
21 handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or
22 to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural
23 commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident
24 to the preparation of such fruits or vegetables for market or for direct sale.

25

26 “Agricultural Operations” means activities relating to agricultural use including, but not limited to, the
27 cultivation and tillage of soil, the burning, processing, or composting of agricultural waste products or other
28 agricultural burning, processing or composting, provided that such composting activity shall not be the sole or
29 primary agricultural operation, protection of crops and livestock from insects, diseases, birds, predators or other
30 pests from damaging or potentially damaging crops, the proper and lawful use of agricultural chemicals
31 including but not limited to the application of pesticides and fertilizers, or the raising, production, irrigation,
32 pruning, harvesting, or processing of an agricultural commodity, including any type of crop or livestock, and any
33 forestry improvements and timber harvesting and processing. Such operations also include the operation and
34 transportation of farm equipment over roads within the Town and conducting agriculture-related educational
35 and farm-based recreational activities, including agri-tourism, provided the activities are related to marketing
36 the agricultural output or services of the farm and local produce and livestock products and provided same do
37 not conflict with any provisions of the zoning regulations. For purposes of this ordinance, such operations do not
38 include the slaughtering of animals not raised on the premises where they are to be slaughtered.

39

40 “Farm” means land used primarily for agricultural activities including: agriculture, nurseries, orchards,
41 ranges, forestry, nursery or truck gardening, or for raising or keeping of livestock and fowl but excluding the
42 raising of animals for laboratory use or for their fur, farm buildings and accessory buildings thereto including
43 barns, silos, greenhouses, hoop houses and other temporary structures or other structures, and as an incident to
44 ordinary farming operations, the sale of agricultural or horticultural commodities.

45

46 “Locally” for the purposes of this ordinance shall mean all Connecticut counties as well as Dutchess,
47 Columbia and Putnam Counties in New York; and Berkshire County in Massachusetts.

48

49 ~~4. Dispute Resolution and Advisory Opinions. An interested person may submit a written request to the~~
50 ~~First Selectman’s office for an opinion as to whether a particular agricultural operation constitutes a nuisance or~~
51 ~~is an activity that is incidental to normal and customary farming activity and comports with community~~
52 ~~standards. In the event a dispute arises between an agricultural operator and a resident in the Town of Kent as~~
53 ~~to whether a particular agricultural operation constitutes a nuisance, either interested party may submit a~~

1 ~~written request to the Selectmen for an advisory opinion or to mediate the dispute. The Selectmen may~~
2 ~~promulgate such regulations and procedures as it deems necessary for the implementation of this section.~~
3 ~~Nothing herein shall preclude any party from either appealing said advisory determination to the Superior~~
4 ~~Court for the Judicial District of Litchfield and/or commencing a direct action in said court to abate the claimed~~
5 ~~nuisance.~~

6
7 ~~History: Adopted May 1, 2015, effective June 3, 2015. Adopted originally as Right to Farm Ordinance on May 1,~~
8 ~~2015, effective June 3, 2015. Revised [date].~~
9

Chapter 6: Conservation Commission

Section 5.2: ~~Right To Farm~~Protection of Farms and Farmers from Nuisance Claims

1. **Purpose and Intent.** Agriculture is a significant part of the Town of Kent's heritage, its rural character, and may constitute a vital part of the Town's future. It is therefore the declared policy of the Town of Kent and legislative determination of the Kent Board of Selectmen to conserve and protect agricultural land and to encourage agricultural operations and the sale of local farm products within the Town. 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. It is hereby further legislatively determined that whatever impact ~~may be caused~~ to others through normal agricultural practices, such impact is offset and ameliorated by the benefits of farming to the neighborhood, community, and society in general. Methods of farming that comport with generally accepted farming practices are also deemed to comport with community standards at large. ~~This ordinance is not to be construed as modifying or abridging state law relative to the abatement of nuisances, but is to be used in the interpretation and characterization of activities and in considering and implementing enforcement of the provisions of the Ordinances of the Town of Kent and other applicable Town regulations, consistent with the provisions of Connecticut General Statutes § 19a-341. Additionally, the terms of this ordinance may be used in determining whether the methods and practices that may come under review conform to community standards.~~

This ordinance is enacted for the protection of farms and farmers. It is not the purpose of this ordinance to create an avenue for complaints made against farmers that could not be made against non-farmers. It is protective, not punitive, in its application. It does not provide a process for and may not be used as an affirmative right to bring nuisance claims or grievances including but not limited to those related to noise, odors, dust or fumes, the storage or use of buildings and equipment.

This ordinance aligns with statewide policy codified in Connecticut General Statutes Section 19a-341, as may be from time to time amended. This ordinance is not to be construed as modifying or abridging state law relative to the abatement of nuisances, nor shall it supersede applicable health, safety, fire, life safety, or building codes and regulations operable statewide or within the municipality of Kent.

2. **Declaration.** No present or future ~~a~~Agricultural ~~o~~Operations conducted or maintained ~~in a manner consistent with accepted customs and standards of the agricultural industry,~~ on a recognized farm which is engaged in the act of farming as defined in this ordinance, shall become or be considered a nuisance solely because such activity resulted or results in any changed condition of the use of adjacent land. Agricultural ~~o~~Operations may occur on holidays, weekends and weekdays by night or day, ~~provided such activities do not violate applicable health, safety, fire, life safety or building codes and regulations.~~

In the event a properly-raised nuisance complaint pursuant to a valid and adopted Kent ordinance is submitted by a resident of the Town of Kent, the Conservation Commission shall determine whether the activities claimed to be a nuisance are Agricultural Operations as defined below. Should the activities be determined to be agricultural activities, the nuisance claim shall be dismissed.

It is herein understood that such Agricultural Operations~~practices~~ may result in, for example but include without limitation:

- a) The incidental noise from livestock or farm equipment;
- b) Odors from livestock, manure, fertilizer, compost, agricultural end-products, or feed;

- c) Dust and fumes created during plowing or cultivation operations
- d) The use of agricultural chemicals, pesticides and fertilizers including manure, provided such chemicals and the method of their application conform to practices approved by the Commissioner of the Department of Energy and Environmental Protection, or, where applicable, Commissioner of Health Services; and
- e) Irrigation and water management associated with normally accepted farming practices.

~~These provisions shall not apply whenever a nuisance results from the negligent or improper operation of any such agricultural operation.~~

3.2. Definitions. “Agriculture” means 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.

“Agricultural Operations” means activities relating to agricultural use including, but not limited to, the cultivation and tillage of soil, the burning, processing, or composting of agricultural waste products or other agricultural burning, processing or composting, provided that such composting activity shall not be the sole or primary agricultural operation, protection of crops and livestock from insects, diseases, birds, predators or other pests from damaging or potentially damaging crops, the proper and lawful use of agricultural chemicals including but not limited to the application of pesticides and fertilizers, or the raising, production, irrigation, pruning, harvesting, or processing of an agricultural commodity, including any type of crop or livestock, and any forestry improvements and timber harvesting and processing. Such operations also include the operation and transportation of farm equipment over roads within the Town and conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided the activities are related to marketing the agricultural output or services of the farm and local produce and livestock products and provided same do not conflict with any provisions of the zoning regulations. For purposes of this ordinance, such operations do not include the slaughtering of animals not raised on the premises where they are to be slaughtered.

“Farm” means land used primarily for agricultural activities including: agriculture, nurseries, orchards, ranges, forestry, nursery or truck gardening, or for raising or keeping of livestock and fowl but excluding the raising of animals for laboratory use or for their fur, farm buildings and accessory buildings thereto including barns, silos, greenhouses, hoop houses and other temporary structures or other structures, and as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities.

“Locally” for the purposes of this ordinance shall mean all Connecticut counties as well as Dutchess, Columbia and Putnam Counties in New York; and Berkshire County in Massachusetts.

~~4. Dispute Resolution and Advisory Opinions. An interested person may submit a written request to the First Selectman’s office for an opinion as to whether a particular agricultural operation constitutes a nuisance or is an activity that is incidental to normal and customary farming activity and comports with community standards. In the event a dispute arises between an agricultural operator and a resident in the Town of Kent as to whether a particular agricultural operation constitutes a nuisance, either interested party may submit a written request to the Selectmen for an advisory opinion or to mediate the dispute. The Selectmen may promulgate such regulations and procedures as it deems necessary for the implementation of this section.~~

~~Nothing herein shall preclude any party from either appealing said advisory determination to the Superior Court for the Judicial District of Litchfield and/or commencing a direct action in said court to abate the claimed nuisance.~~

~~History: Adopted May 1, 2015, effective June 3, 2015. Adopted originally as Right to Farm Ordinance on May 1, 2015, effective June 3, 2015. Revised [date].~~

Chapter 6: Conservation Commission

Section 5.2: Protection of Farms and Farmers from Nuisance Claims

Purpose and Intent. Agriculture is a significant part of the Town of Kent’s heritage, its rural character, and may constitute a vital part of the Town’s future. It is therefore the declared policy of the Town of Kent and legislative determination of the Kent Board of Selectmen to conserve and protect agricultural land and to encourage agricultural operations and the sale of local farm products within the Town. 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. It is hereby further legislatively determined that whatever impact to others through normal agricultural practices, such impact is offset and ameliorated by the benefits of farming to the neighborhood, community, and society in general. Methods of farming that comport with generally accepted farming practices are also deemed to comport with community standards at large.

This ordinance is enacted for the protection of farms and farmers. It is not the purpose of this ordinance to create an avenue for complaints made against farmers that could not be made against non-farmers. It is protective, not punitive, in its application. It does not provide a process for and may not be used as an affirmative right to bring nuisance claims or grievances including but not limited to those related to noise, odors, dust or fumes, the storage or use of buildings and equipment.

This ordinance aligns with statewide policy codified in Connecticut General Statutes Section 19a-341, as may be from time to time amended. This ordinance is not to be construed as modifying or abridging state law relative to the abatement of nuisances, nor shall it supersede applicable health, safety, fire, life safety, or building codes and regulations operable statewide or within the municipality of Kent.

Declaration. No present or future Agricultural Operations conducted or maintained on a recognized farm which is engaged in the act of farming as defined in this ordinance, shall become or be considered a nuisance solely because such activity resulted or results in any changed condition of the use of adjacent land. Agricultural Operations may occur on holidays, weekends and weekdays by night or day.

In the event a properly-raised nuisance complaint pursuant to a valid and adopted Kent ordinance is submitted by a resident of the Town of Kent, the Conservation Commission shall determine whether the activities claimed to be a nuisance are Agricultural Operations as defined below. Should the activities be determined to be agricultural activities, the nuisance claim shall be dismissed.

It is herein understood that such Agricultural Operations may result in, for example but without limitation:

- a) The incidental noise from livestock or farm equipment;
- b) Odors from livestock, manure, fertilizer, compost, agricultural end-products, or feed;
- c) Dust and fumes created during plowing or cultivation operations
- d) The use of agricultural chemicals, pesticides and fertilizers including manure, provided such chemicals and the method of their application conform to practices approved by the Commissioner of the Department of Energy and Environmental Protection, or, where applicable, Commissioner of Health Services; and
- e) Irrigation and water management associated with normally accepted farming practices.

1. **Definitions.** “Agriculture” means 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.

“Agricultural Operations” means activities relating to agricultural use including, but not limited to, the cultivation and tillage of soil, the burning, processing, or composting of agricultural waste products or other agricultural burning, processing or composting, provided that such composting activity shall not be the sole or primary agricultural operation, protection of crops and livestock from insects, diseases, birds, predators or other pests from damaging or potentially damaging crops, the proper and lawful use of agricultural chemicals including but not limited to the application of pesticides and fertilizers, or the raising, production, irrigation, pruning, harvesting, or processing of an agricultural commodity, including any type of crop or livestock, and any forestry improvements and timber harvesting and processing. Such operations also include the operation and transportation of farm equipment over roads within the Town and conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided the activities are related to marketing the agricultural output or services of the farm and local produce and livestock products and provided same do not conflict with any provisions of the zoning regulations. For purposes of this ordinance, such operations do not include the slaughtering of animals not raised on the premises where they are to be slaughtered.

“Farm” means land used primarily for agricultural activities including: agriculture, nurseries, orchards, ranges, forestry, nursery or truck gardening, or for raising or keeping of livestock and fowl but excluding the raising of animals for laboratory use or for their fur, farm buildings and accessory buildings thereto including barns, silos, greenhouses, hoop houses and other temporary structures or other structures, and as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities.

“Locally” for the purposes of this ordinance shall mean all Connecticut counties as well as Dutchess, Columbia and Putnam Counties in New York; and Berkshire County in Massachusetts.

History: Adopted originally as Right to Farm Ordinance on May 1, 2015, effective June 3, 2015. Revised [date].

RECEIVED

By Darlene Brady at 11:00 am, May 18, 2023



TOWN OF KENT
Conservation Commission
Special Meeting Minutes
Wednesday, May 17, 2023 @ 7:00pm

In attendance:
Liddy Baker
Melissa Cherniske
Carol Franken
Connie Manes
Wendy Murphy
Jos Spelbos
First Selectman Jean Speck

Members of the Public Attending:
Lynn Worthington
Lynn Harrington

Call to order

1. A quorum being present, Commission Chair Connie Manes called the meeting to order at 7:06 pm.
2. Accept/Amend Agenda. *Upon a motion by Melissa Cherniske seconded by Liddy Baker, the Commissioners voted unanimously to accept the agenda.*
3. Accept/amend minutes of Regular Meeting April 19, 2023. The minutes were amended to fix numbering typos at paragraphs 7 and 8. In the section subheaded "Legislative Watch List" the minutes were amended to clarify that Jennifer Heaton Jones encouraged the Commissioners to reach out to Rep. Maria Horn with support for the EPR for tires bill. *Upon a motion by Melissa seconded by Liddy, the minutes of the April 19, 2023 Regular Meeting were unanimously approved as amended.*
4. Treasurer's Report. Treasurer Liddy Baker reported that the Commission had \$996.01 in expenses over the last month, leaving \$1,229.36 within our 22-23 budget. Carol has an additional reimbursement requests. The balance of the Kuga Fund is \$10,940.84. We have 60 Trails Books available for sale.
5. Public Comment. No comments.

6. Old Business.

Discussion items

A. Right to Farm Ordinance Revision.

The Commissioners discussed suggested revisions to the Right To Farm Ordinance for the purpose of clarifying when and how it should be used for the protection of farms and farmers against nuisance claims. *The Commissioners considered and rejected proposing the repeal or rescission of the Ordinance. Connie will make edits in accordance with the discussion and circulate to the Commission for further discussion and possible approval in a Special Meeting to be scheduled. Following approval by commissioners the suggested revisions will be sent to Town Counsel for review.*

The Commissioners discussed with First Selectman Jean Speck her options for issuing an opinion in the current matter before the Selectmen; *all agreed it would be most appropriate to deliver an opinion that*

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the activities in the complaint are not nuisances, based on the Town's lack of any regulation, ordinance or mechanism for deeming activities nuisances.

B. Town Clean-Up Debrief.

The Commissioners discussed the Town Clean-up including participants' observations that there is far less trash on the roads than there has been in the past. The majority of roadside trash consists of beer cans and liquor "nips", presumably tossed from cars to remove evidence of drinking while driving. Trash is heavier on heavily-used roads that people don't walk on – such as Routes 7 and 341.

The Commissioners discussed ways to increase participation and streamline the Clean-Up in the future. Ideas included: setting up a table by the IGA to register people, using social media to solicit volunteers, having a unique "day" for the Clean-Up as is done in other towns, and using google forms for sign-ups and tracking participation. *Next year the Commission will take advantage of the free bags, gloves and vests provided by HRRRA. Participants love the cakes from Costco, so we will continue that part of the program.*

Connie will send Jean a copy of the thank you card distributed to volunteers, for sharing out in the Town eNews. Wendy will write a letter to Costco management thanking them for their personal service.

C. Kent Municipal Open Space Acquisition. Tabled.

D. Sustainable Materials Management in Kent – PAYT and Organics Recycling.

This pilot program will now be called "SAYT" for "Save As You Throw". The Town held a public meeting last Friday about the program. Jennifer Heaton Jones presented with DEEP Commissioner Katie Dykes attending as a special guest. About 25 people attended and asked questions. A second meeting will be held on June 13th by zoom. The program is on track to be implemented beginning July 1st.

Updates

E. POCD.

The Planning and Zoning Commission will meet tomorrow to review revisions to Regulations (including Conservation Subdivision Regulations) subsequent to the public meeting last month. At the request of Land Use Administrator Tai Kern Jos submitted written comments following his oral comments during the meeting.

F. KCS Arbor Day Celebration.

Jos reported the Arbor Day celebration took place on a beautiful day. KCS students and faculty enjoy this annual tradition. The Scarlet Oak was slightly more expensive than our trees have been in the past – prices have increased. Rick Osborne will ensure the tree is watered.

During the event Bruce Bennett asked Jos and Connie for the Commission's help in getting more street trees in the Village.

G. Green Energy Task Force.

Wendy reported that PACE is working on aggregating and centralizing staff support for energy initiatives within the COGs.

Wendy will have information about green energy and how to conserve energy available at the Commission's table during the Kent Land Trust Community Picnic on Memorial Day.

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- H. Housatonic Herbicide Working Group (HHWG). No update.
 - I. Sustainable CT. Jean is working to jumpstart this effort.
 - J. Legislative Watch List:
The Commission reviewed the list of environmental bills including some which may move forward this session.
7. New Business
- A. KLT Picnic Participation.
Wendy, Carol and Liddy will attend the Kent Land Trust Community Picnic and sell Trails Books (\$15) as well as provide information on Green Energy and SAYT. Wendy can bring her tent. Mike Benjamin is available to help set up the tent + tables at 9am but is unavailable to be at the picnic until shortly after noon. The tables should be set up by 10:30 and the picnic runs from 11 to 1pm. Mike will have information on KLT's Exploration Challenge available as well as props such as walking sticks.
8. Correspondence. None.
9. Adjourn. There being no further business before the Commission and upon the motion of Wendy seconded by Liddy the meeting adjourned at 9:02 pm.

NEXT REGULAR MEETING: Wednesday June 14th @ 7:00pm

Respectfully submitted by: Connie Manes, Chair

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