



**RECEIVED**

*By Darlene Brady at 11:01 am, May 15, 2023*

Kent Conservation Commission  
Special Meeting - Wednesday, May 17, 2023 @7:00pm  
Kent Town Hall  
Agenda

Hybrid Link: <https://us02web.zoom.us/j/85630258871?pwd=OGNrSVR6Q2NRWVlveVdiY2dTeFZpdz09>  
Meeting ID. 856 3025 8871 Passcode: 860705

1. Call to order
2. Accept Agenda
3. Accept/Amend Minutes April 19, 2023
4. Treasurer's Report
5. Public comment
6. Old Business

*Discussion items*

- A. Right to Farm Ordinance Revision
- B. Town Clean-up Debrief
- C. Kent Municipal Open Space Acquisition
- D. Materials Management in Kent – PAYT and organics recycling

*Updates (as needed):*

- E. POCD - Planning & Zoning Regulations Updates; Chapter reviews
- F. KCS Arbor Day Celebration
- G. Green Energy Task Force
- H. Housatonic Herbicide Working Group HHWG - Letter to BOS & press release
- I. Sustainable CT
- J. Legislative Watch list:

SB 73 Requiring Local Representation on Siting Council (JF, Senate Calendar Number 57)  
SB 896 DEEP and Tree Removal in State Parks (JF, Senate Calendar Number 118)  
SB 962 The Use of Certain Rodenticides (Amended and ret'd to Senate)  
SB 963 Neonicotinoids for Non-Agricultural Use (Amended, ret'd to Senate)  
HB 5278 - Increasing List of Invasive Plants Prohibited from Sale in CT (referred to Joint Committee on Env)  
HB 5400 The Preservation of Stone Walls in the State (Amended, tabled for House Calendar)  
HB 5608 Certain Photovoltaic Facilities on Prime Farmland, Farmland of State-wide Importance or Core Forests (JF, House Calendar Number 97)  
HB 6397 Zero Carbon Emissions (Tabled for House Calendar)  
HB 6481 Prohibiting Release of Certain Balloons (Passed House, Senate calendar)  
HB 6482 Raising the Bonding Limit to 25K for Greenways Bikeways/Rec Trails (Ref'd by House To Committee on Finance, Revenue and Bonding)  
HB 6483 Enabling Bonding for State Open Space (OSWA) - 10M (Ref'd by House To Committee on Finance, Revenue and Bonding)  
HB 6485 Authorizing Green Burial Companies to Receive Open Space Funds (JF, House Calendar Number 50)  
HB 6486 EPR for Tires (JF, House Calendar Number 325)  
HB 6606 The Use of Certain Products Made From Polystyrene (Referred to Committee on Appropriations)  
HB 6607 Nighttime Lighting of State-Owned Buildings at Certain Times for the Protection of Birds (Passed out of House, tabled for Senate)  
HB 6608 The Distribution of Single Use Plastic Straws by Certain Restaurants (House Calendar Number 104)  
**HB 6610 "No Net Loss" of State Forest Lands (no action by Env)**  
**HB 6744 Compensatory Reforestation Plans**

7. New Business
  - A. KLT Picnic participation
8. Correspondence
9. Adjourn



**TOWN OF KENT**  
Conservation Commission  
Regular Meeting Minutes  
Wednesday, April 19, 2023 @ 7:00pm

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

Members of the Public Attending:  
Jennifer Heaton-Jones, HERRA  
Lynn Harrington

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Call to order

1. A quorum being present, Commission Chair Connie Manes called the meeting to order at 7:03 pm.
2. Accept/Amend Agenda. The Commissioners agreed to revise the order of agenda item 6, discussing PAYT/Organics Recycling first (6E) within that section thereby moving items 6A-6D down by one. *Upon a motion by Melissa Cherniske seconded by Liddy Baker, the Commissioners voted unanimously to accept the agenda as amended.*
3. Accept/amend minutes of Regular Meeting March 8, 2023. *Upon a motion by Melissa seconded by Mike Benjamin, the minutes of the March 8, 2023 Regular Meeting were unanimously approved.*
4. Treasurer's Report. Treasurer Liddy Baker distributed and reviewed her written report. There remains \$2,225.87 within our 22-23 budget. A few reimbursement requests are anticipated for the Commission's April activities.
5. Public Comment. No comments.
6. Old Business.  
*Discussion items*
  - E. Sustainable Materials Management in Kent – PAYT and Organics Recycling.  
Jennifer Heaton-Jones, Executive Director of the Housatonic Resources Recovery Authority, presented the following: In recognition that Connecticut is in a waste crisis, the State has allocated funding for pilot projects intended to reduce non-recycled household waste. \$55,400 has been awarded for a "Pay-As-You-Throw (PAYT)" program at the Town of Kent's Transfer Station. Details are still being planned; Jen will be providing a public information session in the coming weeks. The goal is to implement the program by July 1<sup>st</sup>.

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.

Through the program, organic waste (food waste) will be collected at the Transfer Station and transported to a processing facility (such as New Milford Farms). After processing the material will be returned to Kent as usable compost.

The “PAYT” component of the pilot involves material which cannot be diverted from the waste stream. In return for their user fee – expected to be a discounted rate from the current annual fee - Transfer Station customers will receive a fixed number of trash bags per week. If they need additional bags they will pay an additional fee. It is important to note that participation will be voluntary during the pilot – Transfer Station customers who don’t wish to participate can continue to pay an annual fee as they have in the past.

Wendy Murphy suggested that there be a focus on messaging about the waste crisis in addition to the savings, as Transfer Station customers may not be sufficiently incentivized by the savings. Jen asked the Commission to partner with HRRRA in launching the pilot. She is grateful for our support. *The Commission will share and support the Town meeting.*

Wendy asked whether Kent’s schools and restaurants might participate in the pilot. Jen thought schools could be able to participate if they delivered their organic waste to the Transfer Station.

Jean Speck attended a recent Chamber of Commerce meeting to share information about the grant and pilot.

A. Town Clean-Up.

The Commission planned the celebration at the Transfer Station signalling the end of the April Earth Day Clean-up. Jen Heaton-Jones said that next year HRRRA can arrange for free safety vests and garbage bags for the Clean-Up. She was glad to know of our efforts and will share our Facebook posts on social media.

B. Jos reported that Bruce Bennett arranged for a Scarlet Oak to be planted in front of the Frontier Building by students on Friday April 29<sup>th</sup> at 2pm. We do not yet have information about the cost of the tree, but expect it to be \$300 or less. An indoor program at the school will follow the planting. *Melissa will follow up with Kent Greenhouse regarding the possibility of obtaining three shrubs to replace those which didn’t survive in the KCS Outdoor Classroom area.*

C. Right to Farm Ordinance.

The Commission discussed the purpose and intent of the Right to Farm Ordinance and how it should be administered. The Commission believes that the Ordinance is being misapplied by the Board of Selectmen. *Jean Speck asked the Commission to discuss and submit amendments to the Ordinance which could clarify this intent, which she would then submit to Town Counsel. The Commission agreed to focus on this at its next meeting.*

D. POCD. Jos reported that the Planning and Zoning Commission will meet to review revisions to the Conservation Subdivision Regulations tomorrow. The materials for the meeting are available in the meeting folder. Jos summarized the proposed changes, which the Commission on balance supports.

*Updates (as needed):*

A. Spring Break Library Program. Carol, with Wendy’s assistance, did a wonderful job planning and providing this program.

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- B. Kent Municipal Open Space Acquisition. Tabled.
  - C. Housatonic Herbicide Working Group (HHWG). The HHWG's press release was published. Thus far the railroad has not responded to the group's requests to meet and discuss reducing environmental risks associated with its current program of herbicide application.
  - D. Green Energy Task Force. No update.
  - E. Sustainable CT. No update
  - F. Legislative Watch List:  
The Commission discussed HB 6486: EPR for Tires, which is likely to pass the House soon. She encouraged members of the Commission to reach out to Kent's representative (Rep. Maria Horn) with their support.
5. Correspondence. None.
6. Adjourn. There being no further business before the Commission and upon the motion of Melissa seconded by Wendy the meeting adjourned at 9:20 pm.

*NEXT MEETING: Wednesday May 10<sup>th</sup> @ 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.



## KENT CONSERVATION COMMISSION

Kent Town Hall, 41 Kent Green Boulevard, Kent, Connecticut 06757

April 26, 2023

Kent Board of Selectmen, via email

[firstselectman@townofkentct.org](mailto:firstselectman@townofkentct.org)

[rderham@townofkentct.org](mailto:rderham@townofkentct.org)

[Glennsanchez@townofkentct.org](mailto:Glennsanchez@townofkentct.org)

Kent's Right to Farm Ordinance – Please read this letter into the record

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Dear Selectmen Speck, deRham, and Sanchez,

In 2015, the Town of Kent upon recommendations within its Plan of Conservation and Development, with the endorsement of the Planning and Zoning and Conservation Commissions and of the Board of Selectmen, and after review by Kent's Town Attorney, adopted a Right to Farm Ordinance with the purpose and intent to promote and advance the Town's stated policy "to conserve and protect agricultural land and to encourage agricultural operations and the sale of farm products within the Town", and "reduce the loss of agricultural resources by limiting circumstances under which any such operation may be considered a nuisance."

How ironic that the two times since 2015 that the Ordinance has been raised publicly (both within the past year), have been attempts by non-farmers to hoodwink town leadership into taking action *against* farmers - action which couldn't even be taken in a dispute between non-farming residents.

Simply stated, Kent's Right to Farm ordinance offers protection to farmers for things that might otherwise constitute an *appropriately-raised* nuisance claim. Kent – having no noise or blight ordinance – doesn't offer *any* resident the opportunity to have our Board of Selectmen play King Solomon when they disagree with their neighbor on noise or how they keep their yards.

In the event Kent did allow this kind of complaint, Right to Farm precludes such an opportunity when the person making noise, odor, or with farm equipment or buildings on their property is a farmer.

You can easily see how, paradoxically, the Board of Selectmen's intervention, indeed their very entertainment of the last two complaints does farmers double jeopardy – by erroneously considering them subject to a nonexistent nuisance ordinance and then forcing them to participate in a vague sort of mediation-like balancing of interests prohibited by the Right to Farm Ordinance because of the farmer's farm and farming.

Last Wednesday, April 19<sup>th</sup> First Selectman Jean Speck asked the Kent Conservation Commission during its Regular Meeting to revise the Right to Farm Ordinance to clarify how it is meant to operate and when the Board of Selectmen should properly accept a complaint. We plan to discuss this revision in our May meeting. If we reach a consensus that revisions should be made we will forward to Planning and Zoning and to the Board of Selectman our recommended changes and rationale therefore. We respectfully request that the Board of Selectmen stay further action on the matter until that time.

Sincerely,

Connie A. Manes, Chair, Kent Conservation Commission

Sec. 5-2. ~~Right to Farm~~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 legislative body of Kent to conserve and protect agricultural land and to encourage agricultural operations and the sale of 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 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. It is expressly not the intention of this ordinance to create an avenue for complaints to be made against farmers which could not appropriately be made against non-farmers. This ordinance is protective, not punitive, in its relationship to agricultural activities. 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 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 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. It is herein understood that such practices may include without limitation:

1. The incidental noise from livestock or farm equipment;
2. Odors from livestock, manure, fertilizer, compost, agricultural end-products, or feed;
3. Dust and fumes created during plowing or cultivation operations;
4. 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

5. Irrigation and water management associated with normally accepted farming practices.

In the event a properly-raised nuisance complaint is submitted pursuant to a valid and adopted Kent ordinance, by a resident of the Town of Kent, the governing body charged with overseeing such complaint 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. These provisions shall not apply whenever a nuisance complaint results from the negligent or improper operation of any such agricultural operation.

#### 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 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.

~~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.~~

Passed: [date]

Published: [date]

Effective: [date]



Sec. 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 legislative body of Kent to conserve and protect agricultural land and to encourage agricultural operations and the sale of farm products within the Town.

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It is expressly not the intention of this ordinance to create an avenue for complaints to be made against farmers which could not appropriately be made against non-farmers. This ordinance is protective, not punitive, in its relationship to agricultural activities. 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.

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1. The incidental noise from livestock or farm equipment;
2. Odors from livestock, manure, fertilizer, compost, agricultural end-products, or feed;
3. Dust and fumes created during plowing or cultivation operations;
4. 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
5. Irrigation and water management associated with normally accepted farming practices.

In the event a properly-raised nuisance complaint is submitted pursuant to a valid and adopted Kent ordinance, by a resident of the Town of Kent, the governing body charged with overseeing such complaint 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. These provisions shall not apply whenever a nuisance complaint results from the negligent or improper operation of any such agricultural operation.

#### Definitions.

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“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.

*Right To Farm Ordinance – Suggested Revisions 2023*  
*Kent Conservation Commission*

Passed: [date]

Published: [date]

Effective: [date]



## **Chapter 6 CONSERVATION COMMISSION**

### **Sec. 5-1. Conservation Commission**

1. Pursuant to the provisions of Section 7-131a of the General Statutes, the Town of Kent establishes a Conservation Commission which shall have all of the powers and duties set forth in said general statutes for the development, conservation, supervision and regulation of natural resources, within the Town.

2. The Conservation Commission shall consist of five (5) members, all of whom shall be electors of the Town of Kent. Thereafter, members shall be appointed for terms of three (3) years, each commencing on the first Monday of December in each year. Members shall continue to serve until their successors have been appointed and qualified.

3. There shall be two (2) alternate members to the Conservation Commission, all of whom shall be electors of the Town of Kent. The alternate members shall be appointed for a term of one (1) year each commencing on the first Monday of December in each year. The alternate members shall continue to serve until his or her successor has been appointed and qualified. When seated, the alternate members to the Conservation Commission shall have all of the powers and duties conferred upon regular members.

4. The Commission shall elect officers in the month of January in each for a three-year term at a meeting of the Commission duly warned and noticed. Said officers shall consist of a Chairman, Vice-chairman, Secretary and any other officers which the commission may deem necessary or appropriate. A special election, duly noticed, may be held to replace any officer who has resigned or is otherwise unable to serve for the balance of the unexpired term of said officer.

5. The First Selectman shall appoint the members and the alternate member to the Conservation Commission and shall, by appointment, fill the remaining term of any member or alternate member who vacates, resigns or leaves office. The First Selectman may remove any member or alternate member for cause as provided by Section 7-131a(a) of the General Statutes.

History: Conservation Commission created by special town meeting June 20, 1974; rescinded Nov. 6, 1981; combined with Inland Wetlands Commission at special town meeting June 24, 1988, effective July 15, 1988; repealed and separated at vote February 5, 1999, revision adopted November 2, 2001, effective December 1, 2001.

### **Sec. 5-2. Right to Farm**

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 § 19a341. 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.

2. Declaration. No present or future agricultural 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 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. It is herein understood that such practices may 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. 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.

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“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.