

KENT CONSERVATION COMMISSION

Kent Town Hall
41 Kent Green Boulevard
Kent, Connecticut 06757

REGULAR MEETING
March 11, 2015 – 7:00 PM

MINUTES

RECEIVED FOR RECORD
KENT TOWN CLERK

2015 APR -6 P 1:25

BY *Wendy Murphy*
TOWN CLERK

Present: Commissioners Liddy Baker, Melissa Cherniske, Carol Franken, Rick Levy, Connie Manes, Wendy Murphy, Donna Sommers; Advisor Jos Spelbos. Absent: Laurie Doss.

1. Call to order.
There being a quorum present, Chairperson Connie Manes called the meeting to order at 7:10 pm.
2. Accept/Amend Agenda.
Carol Franken made a motion to accept the agenda. Wendy Murphy seconded the motion, and it was unanimously approved.
3. Review, amend, approve minutes of Regular Meeting January 14, 2015.
Minor amendments were made to the minutes. Franken made a motion to approve the minutes as amended. Melissa Cherniske seconded the motion, and it was unanimously approved.
4. Treasurer's Report.
Treasurer Liddy Baker provided an oral report and submitted a written report; there has been no activity in the past month. The balance within the Kuga Fund is \$7,000, \$300 of which has been designated by the Commission to care for trees planted at Kent Center School in celebration of Arbor Day. Baker has not heard from the Town with regard to the Commission's budget request for FY2015-2016.
5. Spring Events Planning
 - A. Arbor Day. The Commission discussed this year's Arbor Day contribution of a tree. Jos Spelbos suggested working with the Bird Habitat group at the school to select a tree that would work with this initiative. Cherniske will connect Spelbos and Mr. Szwed. Spelbos will coordinate with Mr. Coffil and the Arbor Day planning committee. Spelbos will also assess the trees planted during previous years to determine if pruning is necessary.

Cherniske has printed 2 copies of the winning HRRR poster for the Arbor Day celebration and later display at the Transfer Station during the Town Clean Up celebration, the Kent Land Trust Community Conservation Picnic, and at the Town Hall.
 - B. Kent Memorial Library Earth Day Children's Event. Franken reported that Emily Sanborn of South Kent School will lead a children's program on Wednesday, April 15th at 1:00 pm. The program will focus on animals, and compare local wildlife to domestic pets. Franken has arranged for the Library to purchase a children's book on the wood thrush in conjunction with the program.

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C. Town Clean Up. Baker reported that she ordered the green bags for recyclables collection. She has the list of participants from last year and will contact previous captains and volunteers to confirm their participation. Baker will analyze which roads in Town were not covered last year; Cherniske and Donna Sommers will help recruit additional volunteers to cover these roads. Cherniske reported that the Boy and Cub Scouts will clean up in the Village Center on Friday, April 24th and John Casey has offered once again to host a party for them afterwards. Manes will write a press release and develop flyers for posting within the first week of April.

Manes will post our April Earth Day events on the Chamber of Commerce calendar.

6. Reduce, Reuse, Recycle Campaign.

A. Street containers. Rick Levy reported on the effort to obtain permanent recycling containers for Kent's Main Street. Cherniske identified containers that may fit the Town's streetscape aesthetic, priced at about \$850 per container. Levy was successful in obtaining a grant of \$200 from Winters Brothers Waste Systems, Inc. to be used for the recycling bins. Levy and Cherniske made application on March 1st to the Berkshire Taconic Community Foundation Green Pastures fund for an additional \$3000 and expect a decision prior to the Commission's April meeting. They have identified 2 or 3 additional grant leads. Franken and Murphy will continue to assist Levy and Cherniske in obtaining grants.

B. Other.

- i) The Commission will look for a date during the April school break, or in May, to visit the facility.
- ii) We will host a table at the Kent Land Trust Community Conservation Picnic this Memorial Day focused on recycling.
- iii) Manes applied for a "Keep America Beautiful" grant to fund 4 of Kent's own Temporary Event Recycling containers.
- iv) The Commission discussed additional ideas to encourage recycling in Kent. The link to the EPA's "Make a Difference" campaign for school age children has interesting ideas about how to incorporate waste reduction education into the school day.

7. Macro Madness II.

Manes reported that Meghan Lally of Connecticut's Department of Energy & Environmental Protection has emailed the results of our macroinvertebrate surveys, preliminary to the publication of the DEEP RBV Annual Report. Lally has also emailed suggesting that the Commission participate in a mini-study with the DEEP by surveying sites that the DEEP is also scheduled to sample and comparing data. The DEEP has selected the confluence of Bog Hollow and Macedonia Brooks in Kent among other sites. Following discussion, the Commission determined not to participate in the mini-study, but rather to focus on streams identified within Kent as needing follow up assessment or which have never been assessed for baseline.

8. Planning & Zoning Commission Regulations Review.

A Town Meeting was held February 19th to solicit comments on the latest version of the draft regulations. Spelbos made comments about the draft's approach to conservation developments, among other subjects.

9. Open Space Plan.

Tabled.

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10. Right To Farm Ordinance.
The Commissioners discussed the draft Right To Farm Ordinance distributed prior to the meeting, and made edits. A portion of the discussion focused on whether to narrow language within the ordinance referring to “generally accepted farming practices” to “generally accepted farming practices *in Connecticut*” (emphasis added). Spelbos made a motion to add the narrowing language. Levy seconded the motion and the vote transpired as follows: Baker, No, Cherniske, No, Franken, No, Levy, Yes, Manes, No, Murphy, No, Sommers, No. Baker made a motion to accept all other changes and move the draft forward in the Town’s processes for adoption. Manes seconded the motion and it passed unanimously. Manes will make the changes, circulate the final draft to the Commissioners, and determine the process for Town adoption.
11. Old Business.
 - A. Trail Brochure/Guide. Murphy reported that John Baker has prepared at least a draft map for every trail in Kent, and that she has text drafted for each trail.
 - B. Town of Kent Annual Report. Tabled.
 - C. Hatch Pond Watershed Implementation Plan Meeting 2/27. Franken and Spelbos attended the latest meeting of the Implementation Committee. Marty Connor, Torrington’s City Planner, presented on Low Impact Development practices which have been used in Torrington, including rain gardens and pervious pavement in commercial parking lots. Manes will email Maryann Haverstock to inquire whether the presentation by Fuss & O’Neill on the status of the Pond, held this past November, can be repeated at the Town Hall on a weekend this June, so that more people from the community may participate.
 - D. Roxbury Conservation Commission Well Testing Program. Tabled.
 - E. Kent Center School Bird Habitat. Discussed within Arbor Day planning conversation.
12. New Business.
 - A. State Budget. The Commission discussed the broad cuts proposed for environmental programs and services in the Governor’s budget. There may be opportunities to advocate for the restoration of funding; the Commission will investigate further.
 - B. Town of Washington Ordinance banning Fracking Waste. The Commissioners discussed a new ordinance adopted by the Town of Washington banning the storage and/or use of fracking waste within the Town. Cherniske believes fracking waste is addressed or covered within the new draft P&Z regulations. Manes will obtain a copy of the Washington ordinance. The Commission will determine whether additional regulation to the draft regulations may be appropriate.
13. Correspondence
 - A. Franken reported that the Commission sent a letter to the CT DEEP supporting the application by the Kent Land Trust for Open Space and Watershed Land Acquisition funding in connection with 25 acres on Route 341 across from Kent Hollow Road, and provided a copy of that letter for the records.
 - B. The Commission received a thank-you letter for dues payment to the Connecticut Land Conservation Council.
 - C. Aquarion Water sent its packet publicizing and seeking nominations for its annual Environmental Champions Awards.

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14. Adjourn. There being no further business, the meeting was adjourned at 9:37 p.m.

Respectfully submitted,

Connie Manes

April 6, 2015

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Chapter []. RIGHT TO FARM

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.

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.

These provisions shall not apply whenever a nuisance 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 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.

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]

American Farmland Trust Right To Farm Laws Fact Sheet: <http://farmland.org/programs/states/wa/documents/APPENDIXI-Righttofarmlaws.pdf>

Article on Torrington's Ordinance: <http://www.registercitizen.com/general-news/20130219/torrington-council-passes-right-to-farm-ordinance-2>

Brooklyn
Canterbury
Colchester
Columbia
Eastford
Franklin
Lebanon

New Milford: <http://ctplanningforagriculture.com/right-to-farm-newmilford.php>

North Stonington: <http://ctplanningforagriculture.com/right-to-farm-nostonington.php>

Pomfret

Thompson

Torrington:

Woodstock: <http://ctplanningforagriculture.com/right-to-farm-woodstock.php>

[http://www.sourcewatch.org/index.php?title=Right to Farm Laws](http://www.sourcewatch.org/index.php?title=Right_to_Farm_Laws)

<http://cga.ct.gov/2011/rpt/2011-R-0058.htm>

[http://www.cfba.org/images/resources/right to farm.pdf](http://www.cfba.org/images/resources/right_to_farm.pdf)