



RECEIVED

By Darlene Brady at 12:44 pm, Oct 10, 2023

Kent Conservation Commission
Wednesday October 11, 2023 @7:00pm
Kent Town Hall
Agenda

Join Zoom Meeting

<https://us02web.zoom.us/j/84402833936?pwd=TmFPRWtmYUM3b1IHYNZ5TIBSbW9YUT09>

Meeting ID: 844 0283 3936 Passcode: 917827

1. Call to order
2. Accept/Amend Agenda
3. Accept/Amend Minutes of Regular Mtg. Sept 13, 2023
4. Accept Amend Minutes of Special Mtg, Sept 28, 2023
5. Treasurer's Report
6. Public comment

7. Old Business:
 - Discussion items
 - A. Purchase of Street Trees
 - B. Report on **Farmer Protection Ordinance Revisions.**

- Updates (as needed):
 - C. Materials Management in Kent – SAYT / organics recycling
 - D. Kent Municipal Open Space Acquisition
 - E. Green Energy Task Force
 - F. Housatonic Herbicide Working Group HHWG
 - G. Sustainable CT
 - H. Regional Recycling Task Force
 - I. POCD - Planning & Zoning Regulations Updates; Chapter reviews

8. New Business:
 - A. KCC 2024 Meeting Calendar

9. Correspondence / Upcoming Events
 - A. CACIWC Annual Mtg. Saturday, November 11

10. Adjourn



TOWN OF KENT

Conservation Commission
Regular Meeting Minutes
Wednesday, September 13, 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 Harrington
Lynn Worthington

Call to order

1. A quorum being present, Commission Chair Connie Manes called the meeting to order at 7:03 pm.
2. Accept Agenda. The agenda was amended to add under 7. New Business item B. Tree Planting, and item C. Regional Recycling Task Force. *Upon a motion by Melissa Cherniske seconded by Liddy Baker, the Commissioners voted unanimously to accept the agenda.*
3. Accept/Amend Minutes Regular Meeting July 12, 2023. The minutes were amended correct the date heading to clarify that the meeting occurred on Wednesday, July 12th, 2023. *Upon the motion of Melissa seconded by Wendy Murphy the Commissioners voted unanimously to accept the minutes with this amendment.*
4. Treasurer's Report. Treasurer Liddy Baker reported that there were no expenses since the last meeting. She confirmed that the Town's adopted budget includes the anticipated expenses presented by the Commission. The balance of the Kuga Fund is now at \$10,647.97 with 65 Trails Guides in inventory. There is \$347 within the arboretum fund.
5. Public Comment. None.
6. Old Business.
Discussion items
 - A. Materials Management in Kent – SAYT / organics recycling. The program is up and running for approximately 6 weeks and has received positive reviews. The Commissioners took note of this positive milestone, many years in the making. While still in its early days, Kent's vendor for organics disposal and composting has removed approximately 1000 lbs/wk. There are not yet numbers to determine whether a corresponding 1000 lbs less of trash has been hauled. The Commission asked First Selectman Jean Speck to provide these metrics when available, also including the cost differential for trash hauling for the town, and information on increased cost efficiency in processing trash using "waste to energy" treatment when organics are removed.

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.

Aspects of the program were discussed, including the preferred use of the “orange bags” issued to program participants; anticipation that there will be random audits of trash to assess compliance with trash diversion; where additional compost bags can be obtained; and planned improved signage and communications materials including Spanish-language materials. Jean made a list of items to include in a planned messaging campaign sharing tips and instructions.

Updates

- B. Protection of Farms and Farmers from Nuisance Claims. The Town Attorney forwarded comments in August recommending removal of one paragraph and no other changes. Connie shared her screen with the suggested deletion and attorney’s explanation. The Commissioners agreed with the rationale and *Melissa made a motion to delete the paragraph as recommended and forward the revised ordinance to the Board of Selectmen and the Planning & Zoning Commission for their review prior to a Town Meeting. Wendy seconded the motion and it passed unanimously.*

Jean suggested that the Board of Selectmen could review the proposed revisions at upcoming meetings on either September 22nd or 27th. There are four ordinances that will need to go to a Town Meeting and the Selectmen hope to do this in October. Connie will call Joyce Kearns to request this addition to an upcoming BOS agenda. A copy of the attorney’s markup and clean copy are attached to these minutes.

- C. POCD – Planning & Zoning Regulations Updates; Chapter reviews. No update.
- D. Kent Municipal Open Space Acquisition. Jos Spelbos discussed the Planning & Zoning Commission’s current deliberation on a subdivision application wherein the applicant proposes to use the regulation allowing for a “fee in lieu of open space”. The P&Z has suggested creating a fund to receive the deposit for this fee. The application is on the agenda for the P&Z’s September 14, 2023 meeting. Lynn Worthington commented that there are two state enabling statutes – one for Fee in Lieu of Open Space and one for Land Acquisition Funds and raised the possibility that the town could adopt municipal regulation/ordinances to enable both mechanisms to build a fund.

Jean reported to the Commission that the heirs of Lloyd Albin want to deed the Town fee ownership of the property known as “Albin’s Way” – a short roadway used to provide access from Route 341 to Kenmont. The Town will likely accept this gift and maintain the property as a road access.

- E. Green Energy Task Force. Wendy continues her efforts to have a benchmark study performed for Kent. Meanwhile, she has become aware of an energy assessment program the Town of New Milford used for its municipal buildings and is looking into whether the same program could benefit Kent. Wendy is working to determine if this assessment has been performed on municipal buildings in Kent in the past and Jean discussed two times when energy-saving changes were made in municipal buildings pursuant to energy audits.
- F. Housatonic Herbicide Working Group. No update.
- G. Sustainable CT. No update.

7. New Business.

- A. Reappointment of KCC Members Connie Manes and Carol Franken and Alternate Michael Benjamin. All three of these individuals being willing to continue to serve, *upon a motion by Wendy seconded by Liddy, the Commission unanimously voted to ask the Board of Selectmen to make this reappointment. Connie will advise Joyce Kearns of the vote.*

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- B. Tree Planting. Pursuant to the Commission’s earlier discussions, Jos met with Kent’s Tree Warden Bruce Bennett. Bruce is working with Rick Osborne to identify trees in the Village that may need to be removed for safety and other reasons (e.g., dead ash and trees irreversibly damaged by spongy moth). Bruce and Jos walked Bridge Street to identify potential tree-planting sites and propose that 1-3 trees should be planted in the area between the gun shop and Kent Wine & Spirit. Jos recommends a Sycamore to be complemented by River Birch and/or Sugar Maples. The Commission supports the planting of native trees only. Jos estimates expenses up to \$1,000 depending on the size of the trees, noting that larger trees are more expensive and require more labor and equipment to plant – he is working with Bruce and Rick to determine the availability of trees and equipment and personnel capacity for planting. Jos will prepare a proposal with costs for three trees for the Commission’s review and possible approval.

Jean shared her screen to show a draft “hazard tree evaluation” Bruce Bennett is preparing in alignment with a new state law providing funding for hazard tree removal. Jean also reported that as part of Streetscape Phase II three trees will be removed. The work is tentatively scheduled for next summer. The Commission briefly discussed whether the town could pass a “no net loss of trees” resolution.

Jos said Bruce would agree to join the Commission’s November meeting.

- C. Regional Recycling Task Force. Jean asked on behalf of the Task Force whether a volunteer from the Commission is willing to attend the Task Force’s monthly meetings. Meetings take place on the second Tuesday of each month at 10:30 am in Brookfield. Currently the Task Force is not offering a hybrid-virtual option. The time commitment is approximately 5 hours/month.

8. Correspondence.

- A. Salisbury Forum Friday, September 22nd – Affordable Housing and Conservation
B. CACIWC Annual Meeting Saturday, November 11, 2023.

9. Adjourn. *There being no further business before the Commission and upon the motion of Wendy seconded by Liddy the meeting adjourned at 8:57 pm.*

NEXT REGULAR MEETING: Wednesday October 11 @ 7:00pm

Respectfully submitted by: Connie Manes, Chair

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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 Agricultural Operations~~practices~~ may result in, for example but
40 include without limitation:

Commented [JS1]: Comment from DRB: I would eliminate anything to do with officiating a nuisance. In other words, eliminate lines 33-38. This currently allows a complainant bring legal counsel and to impose dozens of hours on our CC volunteers to fight their battle. If that is too drastic of a revision, eliminate line 37 starting with the words “These provisions...” and all of 38 that require a threshold determination of negligence by the CC. This alone could involve a lengthy hearing process with a complainant whose financial resources for legal paying talent simply cannot be matched by a farmer. I defended a Kent resident in a lawsuit on a similar but not identical issue some years ago sued by a newcomer weekender for whom money was no object.

- 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.

"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~~

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

Suggested Revisions – For Review by Conservation Commission and then by Town Attorney – DRAFT 5.29.23 with further revisions of the Conservation Commission 5.31.23

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 ~~e~~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 ~~e~~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;
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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.

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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].

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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.

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- 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
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9.14.23 Clean Copy Revisions with Kent Town Attorney recommendations incorporated

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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.

9.14.23 Clean Copy Revisions with Kent Town Attorney recommendations incorporated

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.

“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].



TOWN OF KENT

Conservation Commission
Special Meeting Minutes
Thursday, September 28, 2023 @ 7:00pm

In attendance:
Mike Benjamin
Melissa Cherniske
Carol Franken
Connie Manes
Jos Spelbos

Members of the Public Attending: Lynn Worthington

Call to order

1. A quorum being present, Commission Chair Connie Manes called the meeting to order at 7:04 pm. Melissa Cherniske moved to elevate alternate Mike Benjamin to voting status. Connie seconded the motion and it passed unanimously.
2. Accept/Amend Minutes Regular Meeting September 13, 2023. Tabled until next meeting.
3. Public Comment. None.
4. Discussion items
 - A. Proposal for Purchase of Street Trees – The commissioners reviewed the proposal prepared by Jos Spelbos and Bruce Bennett to plant three trees on Elizabeth Street. It remains unclear whether the trees would be planted within the state's Right of Way or on the properties of Nordic Property Management.

The cost to purchase and plant the trees is estimated at \$1400-\$1500, which would be paid from the Kuga Fund. The tree prices are wholesale and Rick Osborne has offered to help using town equipment which saves on labor costs.

According to Bruce Bennett, Nordic Property Management has given permission for trees to be planted on their property. They have not committed to maintaining the trees (Bruce and Jos have volunteered to do the watering this fall).

Commissioners discussed prior occasions when the commission funded and planted trees after obtaining the written commitment of private property owners to provide both a share (50%) of the cost of the trees and be responsible for ongoing maintenance. The commissioners discussed whether this would be the appropriate cost share and decided to review how other Connecticut towns approach tree planting on private property. Wendy Murphy may have a copy of the form the Commission used in 2015 to secure the written commitment of private property owners.

The commissioners determined to continue discussion at the Regular Meeting of October 11th, by which time they hope to know with certainty where the trees will be planted (whether or not on private property). If the trees will be planted on private property, the commissioners hope to know whether the

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.

property owners are willing to commit to sharing the cost of the planting as well as to maintaining the trees. The commission will develop a formal structure and guidelines for its planting program going forward.

- B. Report on Farmer Protection Ordinance Revisions. Connie reported that the Board of Selectmen's meeting scheduled for Wednesday, September 27th was cancelled and has yet to be rescheduled. She will ensure that the ordinance revisions are placed on the agenda for the next BOS meeting. She will additionally ask to have the matter placed on the agenda for the next Planning & Zoning Commission meeting on Thursday, October 12th.
- C. Adjourn. There being no further business before the Commission the meeting adjourned at 7:43pm.

NEXT REGULAR MEETING: Wednesday October 11 @ 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.

TOWN OF KENT

Kent Town Hall
41 Kent Green Boulevard
PO Box 678
Kent, CT 06757



Dear Kent Property Owner:

It is an unfortunate fact that the number of shade trees lining Kent streets has decreased in the past several years. The Kent Conservation Commission would like to provide additional trees along the margins of your street, thus restoring the shaded aspect that was for so long a hallmark of its character. It is both desirable and necessary to place those trees within private property, in line with existing street trees. We need to keep them away from utility wires, buried water and sewer lines, vehicular traffic and pedestrian traffic.

The kind of trees planted will be governed by site and soil conditions and by the existence of neighboring trees and power lines. They will be chosen from a list of varieties generally accepted as appropriate street trees in this area. In many instances, homeowners will have the opportunity to choose from two or three types of trees.

With your written consent, the Town of Kent will be authorized to plant trees on private property. The Town will take responsibility for their planting, care and maintenance until such time as the trees are well established.

Your cooperation in this planting program will help enhance the beauty of your street and your property. If you wish to participate, please sign the attached permission form and return it to the Kent Conservation Commission, Kent Town Hall, P.O. Box 678, Kent, CT 06767, no later than February 1, 2005. We will be in touch with you prior to any plantings.

If you have any questions, please contact Wendy Murphy, Kent Conservation Commission at 927-3364 or Kent Tree Warden Bruce Bennett at 927-4436, Ext. 105.

Thank you for your interest in this project. We look forward to working with you.

Sincerely,

A handwritten signature in cursive script that reads "Shaun McAvoy".

Shaun McAvoy, Chairman
Kent Conservation Commission

TOWN OF KENT

Kent Town Hall
41 Kent Green Boulevard
PO Box 678
Kent, CT 06757



Permission is hereby granted to the Town of Kent to plant ___ street shade tree(s) on my property located at _____, Kent, Connecticut.

The undersigned agrees to exercise normal care in protecting said tree(s) from mower damage and other preventable injuries. I understand that by signing this agreement, I am permitting the Town of Kent, its contractors or employees to enter my property for said planting and such routine maintenance that may be necessary to assure the well-established growth of the tree(s).

Date: _____ Signature(s) _____

Print Name(s)

NOTE: Trees will be planted about three (3) feet inside the front lot line, and/or approximately three (3) feet inside the sidewalk, where sidewalks exist.

Under this agreement, the Town of Kent transfers ownership of the trees after the initial planting and establishing growth period.

Please retain one copy of this agreement for your records.

TOWN OF KENT

Kent Town Hall
Attn. Kent Conservation Commission
41 Kent Green Boulevard
PO Box 678
Kent, CT 06757



Attn. Cindy Gustafson, Property Owner #39 Elizabeth Street

Permission is hereby granted to the Town of Kent to plant one 4 1/2-5" caliper shade tree on your residential property located at #39 Elizabeth Street, Kent, Connecticut. The intended planting site has been flagged for prior inspection and approved by you.

The undersigned agrees to pay the Kent Conservation Commission \$225 for your share of the wholesale cost of this tree and its planting. You also agree to exercise normal care in protecting said tree from mower damage and other preventable injuries. You or your tenants at 41 Elizabeth Street will also water the tree as needed during periods of inadequate rain until the tree is well-established. Should the tree fail within the first three years the Town agrees to remove it at no cost to you, the owner.

GG
Only if
tenants
are able
to water
the tree

You understand that by signing this agreement, you are permitting the Town of Kent, its contractors or employees to enter your property solely for said planting and such routine maintenance that may be necessary to assure the growth of the tree in the first year. Under this agreement, the Town of Kent transfers ownership of the tree after the initial planting to the undersigned.

Date: 12-7-15

Signature Cynthia Gustafson

Print Name(s)

Please retain one copy of this agreement for your records.



TOWN OF KENT
Conservation Commission

SCHEDULE OF REGULAR MONTHLY MEETINGS FOR 2024



Pursuant to CGS§ 1-225:

Regular meetings of the Conservation Commission will be held on the second Wednesday of each month with the exception of August at Kent Town Hall, 41 Kent Green Boulevard, Kent, CT, or using videoconferencing technology if meeting in person is not possible. Meeting times will be 6:30 pm in the months of January, February, November and December. Meeting times will be 7:00 pm in the months of March through October.

At our October 11 2023 meeting were approved the following Regular Meeting dates for 2024:

January 10
February 14
March 13
April 10
May 8
June 12
July 10
September 11
October 9
November 13
December 11
January 18, 2025

Connie Manes

Chair

“This institution is an equal opportunity provider and employer”