East Haddam Planning & Zoning Regulations

Inclusion of Hobby Farms & Intensive Commercial Farm Operations Revised Draft 7/27/2021

EXISTING REGULATIONS

Residential Districts R ½, R 1, R 2, R 4

9.2.9 – Agriculture and farming provided that all buildings designed for those uses shall be built not less than one-hundred (100) feet from the street line and seventy-five (75) feet from the nearest line of a lot under separate ownership.

9.2.10 – Farm and garden produce: The display and sale of farm and garden produce raised on a residential property. For such purposes one stand not more than two-hundred (200) square feet in area and not more than two signs aggregating not more than twelve (12) square feet in area advertising such produce may be erected. Such stand or signs shall be on the premises and not less than ten (10) feet from any street line.

Proposed See Section 29 for specific details for agricultural uses

Resort District - R

9.3.11 – **Agriculture and farming** provided that all buildings designed for those uses shall be built not less than one-hundred (100) feet from the street line and seventy-five (75) feet from the nearest line of a lot under separate ownership.

9.3.12 – Farm and garden produce: The display and sale of farm and garden produce raised on a residential property. For such purposes one stand not more than two-hundred (200) square feet in area and not more than two signs aggregating not more than twelve (12) square feet in area advertising such produce may be erected. Such stand or signs shall be on the premises and not less than ten (10) feet from any street line.

Lake Districts - L

9.4.9 – Agriculture and farming provided that all buildings designed for those uses shall be built not less than one-hundred (100) feet from the street line and seventy-five (75) feet from the nearest line of a lot under separate ownership.

Amendment 9.4.10 – Farm and garden produce: The display and sale of farm and garden produce raised on a residential property. For such purposes one stand not more than two-hundred (200) square feet in area and not more than two signs aggregating not more than twelve (12) square feet in area advertising such produce may be erected. Such stand or signs shall be on the premises and not less than ten (10) feet from any street line.

IG 2 - Farm (Permitted use), Greenhouse, Nursery, Wholesale Associated with a Farm, Farm Stand

IG 3 – Accessory to Residential Uses

Proposed Regulations

Uses Permitted in Residential Districts R ½, R 1, R 2, R 4

9.2.9 – Agriculture and farming provided it meets the requirements of Section 29 – Agriculture and Agricultural Uses. See Section 29 for specific details for agricultural uses.

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Uses Permitted in Residential / Resort District - R

9.3.11 – Agriculture and farming provided it meets the requirements of Section 29 – Agriculture and Agricultural Uses. See Section 29 for specific details for agricultural uses.

9.3.12 – Farm and garden produce: The display and sale of farm and garden produce raised on a residential property. For such purposes one stand not over two-hundred (200) square feet in area and not more than two signs aggregating not more than twelve (12) square feet in area advertising such produce may be erected. Such stand or signs shall be on the premises and not less than ten (10) feet from any street line.

Uses Permitted in Residential Lake Districts - L

9.4.9 – Agriculture and farming provided it meets the requirements of Section 29 – Agriculture and Agricultural Uses. See Section 29 for specific details for agricultural uses.

Amendment 9.4.10 – Farm and garden product: The display and sale of farm and garden produce raised on a residential property. For such purposes one stand not over two-hundred (200) square feet in area and not more than two signs aggregating not more than twelve (12) square feet in area advertising such produce may be erected. Such stand or signs shall be on the premises and not less than ten (10) feet from any street line.

IG 2 - Farm (Permitted use), Greenhouse, Nursery, Wholesale Associated with a Farm, Farm Stand

IG 3 – Accessory to Residential Uses See Section 29 for specific details for agricultural uses.

C-3 – Accessory to Residential Uses See Section 29 for specific details for agricultural uses.

C/B/IG – Accessory to Residential Uses See Section 29 for specific details for agricultural uses.

Section 29 – Agriculture and Agricultural Uses

29.1 Purpose - Proposed

It is the purpose of these Regulations to permit and support agricultural activities within the Town of East Haddam in a way that is compatible with the overall character of existing residential and commercial areas, not to degrade the natural environment, or negatively impact the public health, safety, and property values. These regulations also set the minimum standards for keeping of animals that are consistent with best management practices.

29.2 Definitions Existing and Proposed New Definitions

Existing 2014 - Agriculture: *Means "agriculture" as defined in Section 1-1(q) of the Connecticut General Statutes as amended: Except as otherwise specifically defined, the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement, or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or clearing 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 operation, or the harvesting of mushrooms, the hatching of poultry, or the construction, operation, or maintenance of ditches, canals, reservoirs, or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses, and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term "aquaculture" means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels, and other molluscan shellfish, on leased, franchised, and public underwater farmlands. Nothing herein shall restrict the power of a local zoning authority under chapter 124 of the Connecticut General Statutes.*

Proposed - Commercial Slaughtering Facility: The slaughtering of animals for other than home use by the owner. The slaughtering of livestock and poultry, as an accessory use to a Farm, is permitted, provided that all stock slaughtered are raised on the Farm. The facility is also subject to review and approval of the United States Department of Agriculture (USDA), Connecticut Department of Agriculture, and the Connecticut Department of Health. The facility used to slaughter animals shall be 100 feet from any property line.

Existing 2014 - *Farm: see Agriculture*

Existing 2014 - *Farm Stand: see Accessory Uses to Agriculture*

Existing - Feed and Grain - Food for livestock, mixtures prepared for livestock

Proposed – Hobby Farm – A parcel of property that does not contain enough property to set buildings that house agricultural animals one hundred (100) feet from the front property line and seventy-five (75) feet from the side or rear property line. A Hobby Farm is permitted to raise only two large bodied livestock; four small bodied livestock; poultry; and rabbits as a hobby and not for commercial purposes. See Section 29.3.A

Proposed - Intensive Commercial Farm Operation: includes raising at one time for commercial purposes on the property of more than two hundred (200) poultry, or twenty (20) large bodied livestock, thirty (30) adult small bodied livestock, one hundred adult rabbits, ten or more adult swine, any Fur-Bearing Animal Farms such as mink and fox, or the requirement to construct a building exceeding a 5,000 square foot footprint.

Proposed - Large Bodied Livestock: Includes, but is not limited to, bovine animals, horses, reindeer, mules, and other larger hoofed animals.

Existing - Nursery: Land or greenhouses used to raise flowers, shrubs, and plants for sale. See Greenhouse.

Proposed - Pigs, Swine, Pigsty – Per Connecticut Health Code 19-13-B23(a) "No pigsty shall be built or maintained on marshy ground or land subject to overflow, nor within three hundred feet of any inhabited house or public meeting house upon the property other that of the proprietor of the pigsty." Properties with ten or more adult swine shall be subject to the Agricultural Buffers required for Intensive Commercial Farming operations.

Proposed - Poultry: Includes but is not limited to domestic fowl such as chickens, turkeys, guinea fowl, pheasant or game birds, ducks, and geese, raised for flesh, eggs, or show.

Proposed - Small bodied livestock: Sheep, goats, alpacas, llamas, miniature horses and other similar small hoofed animals along with poultry and rabbits.

Existing - Signage Non-Residential Uses: On lots containing a farm, church, place of worship, parish hall, cemetery, museum, school, college, university, membership club, philanthropic institution, hospital, recreation facility, nature preserve, wildlife sanctuary, convalescent home, sanitarium, public utility facility, or building, use or facility of the Town of East Haddam, or other non-residential use permitted in residential zones by these Regulations, one (1) sign not exceeding twenty (20) square feet

Existing - Wholesale Associated with a Farm: An Accessory Use on a Farm for the wholesaling of agricultural products produced on a Farm, including, but not limited to, dairy products, vegetables, fiber, poultry, beef, and other customary agricultural products; but excluding the sale of agricultural equipment, rendering of fat or lard, or other industrial processing of agricultural products not customarily carried on a Farm. **Proposed** The slaughtering of livestock

and poultry, as an accessory use to a Farm, is permitted, provided that all stock slaughtered are raised on the Farm. The facility used to slaughter animals shall be 100 feet from any property line.

29.3 Permitted Uses -- Proposed

A. ***Hobby Farms* – A parcel of property that does not contain enough property to set buildings that house agricultural animals one hundred (100) feet from the front property line and seventy-five (75) feet from the side or rear property line. *Small bodied livestock, poultry, rabbits - permitted in all Zones and Districts - Structures that house said animals are to be seventy-five (75) feet from the street line and forty (40) feet from the side and rear property line. Hobby farms are permitted to have up to four (4) small bodied livestock and no more than a total of twenty-five poultry and / or rabbits in aggregate. Hobby farms may have up to two large bodied farm animals if the structure houses them is seventy-five (75) feet from the street line, forty (40) feet from the side and rear property line, and at least one hundred (100) feet from any existing neighboring residence.***

B. ***Farms with large bodied animals that don't exceed nineteen (19) adult animals – permitted in all Zones and Districts except the East Haddam Village District and the C-3 District*. Structures that house said animals shall be built not less than one-hundred (100) feet from the street line and seventy-five (75) feet from the side and rear property line.**

C. ***Intensive Commercial Farm Operations – permitted in all Zones and Districts by Special Exception Review (See Section 14a and 14b) except in the East Haddam Village District, the C-3 District, and the C/B/IG District.***

Agricultural Buffer for Proposed (new) Intensive Commercial Farming Operation* For Proposed Intensive Commercial Farm Operations no building or any animal waste storage or treatment area shall be located closer than 225 feet from the street line or 300 feet from any other property line, except that the distance may be reduced to 100 feet when the adjoining property is deeded open space or land physically unsuitable for building purposes, as determined by the Commission. The Commission may also require a 100 foot buffer planted with trees and shrubs from any property line.

D. ***Existing 2014 - Accessory Uses to Agriculture:*** *The following activities are recognized as a normal part of agriculture uses and are therefore allowed as a Permitted Use: 1) retail sale of agricultural products produced on a Farm, including dairy products, vegetable, fiber, poultry, beef, and other customary, agricultural products. No less than twenty-five (25) percent of the products (both by volume and by product type) shall be raised or produced on the Farm. The maximum square footage of a Farm Stand, including both enclosed and outdoor display areas, shall be seventy-five (75) square feet for each acre of land on the same lot with the Farm which is under cultivation. Residential property farm stands are not to be more than two-hundred (200) square feet*

in area and not have more than two signs aggregating not more than twelve (12) square feet in area advertising the farm products raise on site. Such stand or signs shall be on the premises and not less than ten (10) feet from any street line. ***(From existing Regulations)***

Other activities that may have greater public participation such as corn mazes, horse shows, seminars/meetings, a tasting or sampling room, on site tours for the public to see the operation or production of the product, training and lessons for individuals, public events (such as rentals for weddings, showers, etc.), and artist exhibitions shall require a Special Exception Review and approval as an accessory use by the Planning and Zoning Commission. Such activities are to be complementary and subordinate to the principal agricultural use. The Commission will be reviewing the proposed frequency of events, event traffic, parking, lighting, noise levels, and the sanitation facilities needed. The accessory activities may be permitted as a Special Exception provided the activity is in harmony with the surrounding properties with respect to scale and density of development, shall not depreciate surrounding property values, and shall blend with the historical character of surrounding buildings and landscape.
(From existing Regulations)

E. Proposed Best Management Practices: All farms shall utilize Best Management Practices (BMPs) as recommended by the University of Connecticut Extension Service, the Natural Resources Conservation Service (NRCS), the United States Department of Agriculture (USDA), or other agencies associated with proper agricultural practices. Best Management Practices are needed for animal welfare, animal density, manure management, stormwater management, pasture rotation, soil erosion and nutrient runoff. Several publication in Best Management Practices are available through the agencies listed above. Farms that do not follow best management practices can be hazardous to the welfare of the animals, can degrade the natural environment, and negatively impact the public health and property values. Such properties can be reported to the Connecticut Department of Agriculture, the local health district, the local wetlands agent for remediation, and the Zoning Enforcement Officer.

F. Proposed Deed restrictions, restrictive covenants, and association by-laws. When it comes to livestock, East Haddam Zoning regulations does not supersede or override deed restrictions, restrictive covenants, and association by-laws.

EAST HADDAM SUBDIVISION REGULATION

Existing - 4.18.03 - Agriculture Buffer Areas

Buffers adjacent to actively farmed land shall be established around residential subdivisions. Said buffer areas shall be one hundred feet (100) in width but may be reduced to no less than fifty (50) feet in width as directed by the Commission, depending on the type of agricultural or farm use, the topography, existing vegetation and the proposed design and plantings of such areas. It shall be the responsibility of the developer, subject to approval by the Commission, to

provide an effective barrier that will reasonably protect adjacent farming area. It shall be the responsibility of the individual lot owners where such buffers are established on their lots, to maintain the buffer in accordance with the designed intent, such responsibility to be implemented and enforced by a declaration of covenants and restrictions in a form to be approved by the Commission and approved in a final version by its legal counsel. In addition, the following statement shall be noted on the subdivision plan: "This property abuts or is in proximity to an active agricultural or farming operation which is a permitted zoning use. The policy of the Town is to encourage agricultural uses which are an integral component of the existing community character. Agricultural operations sometimes emit such things as noise, odor, or dust which are unavoidable byproducts of such operations." If the abutting actively farmed land changes use to residential, commercial, or industrial development, then these requirements shall be voided, and the implementing declaration and covenant shall so provide.

Connecticut General Statutes - Sec. 19a-341. Agricultural or farming operation not deemed a nuisance; exceptions. Spring or well water collection operation not deemed a nuisance. (a) Notwithstanding any general statute or municipal ordinance or regulation pertaining to nuisances to the contrary, no agricultural or farming operation, place, establishment or facility, or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable (1) odor from livestock, manure, fertilizer or feed, (2) noise from livestock or farm equipment used in normal, generally acceptable farming procedures, (3) dust created during plowing or cultivation operations, (4) use of chemicals, provided such chemicals and the method of their application conform to practices approved by the Commissioner of Energy and Environmental Protection or, where applicable, the Commissioner of Public Health, or (5) water pollution from livestock or crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control approved by the Commissioner of Energy and Environmental Protection; provided such agricultural or farming operation, place, establishment or facility has been in operation for one year or more and has not been substantially changed, and such operation follows generally accepted agricultural practices. Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commissioner of Agriculture or his designee shall be prima facie evidence that such operation follows generally accepted agricultural practices.

(b) Notwithstanding any general statute or municipal ordinance or regulation pertaining to nuisances, no operation to collect spring water or well water, as defined in section 21a-150, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable noise from equipment used in such operation provided the operation (1) conforms to generally accepted practices for the collection of spring water or well water, (2) has received all approvals or permits required by law, and (3) complies with the local zoning authority's time, place and manner restrictions on operations to collect spring water or well water.

(c) The provisions of this section shall not apply whenever a nuisance results from negligence or wilful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility, or any of its appurtenances.