

Colchester Agriculture Commission
Minutes of Meeting
Monday, December 17, 2012 - 7:00 P.M.
Town Hall, Room 3 (and later moved to Room 1)

Attending: L.Curtis, E.Gillman, A.Savitsky, D.Wasniewski

Absent: J. Becker (also, neither of the Alternates were present)

Liaisons attending: S.Soby (Board of Selectmen),
A. Turner (Town Planner),
C.Bourque (New London County Farm Bureau Rep),
J.Tinelle (Alternate on the Planning and Zoning Commission)

HANCY A. BRAY
TOWN CLERK

Margaret Bourque

2012 DEC 18 PM 3:12

RECEIVED
COLCHESTER, CT

Also attending: Students from Civics Class at Bacon Academy (A.Howard, M.Charbonnier, A.Almerda, B.Ahlberg, J.Stee, M.Boulais, D.Gabree, and P.McQuilkin); S.Desrosiers, B.Przekopski, P.Leonard, D.Leith, J.Marino, T.Curtis, J.Fellows, J.Palmer, J. and D. Rosenblatt, D.Wray, D.Cugno, D.Mrowka, O.Duska, M.Staebner (New London County Farm Bureau Rep from Franklin, CT) and a few others who did not identify themselves to the Secretary.

1. Call to Order:

Meeting was called to order by Chairman E.Gillman at 7:00 P.M.

2. Additions to Agenda:

None.

3. Approve Minutes of the Agricultural Commission on November 19, 2012:

MOTION: A.Savitsky moved that the minutes be approved as submitted. D.Wasniewski seconded. There was no discussion and the motion was approved unanimously.

4. Citizen's Comments.

None.

5. Chairman's Report:

E.Gillman called upon Commission members to be active participants in the process, reminding us that we all need to contribute. She said that representatives from the the Agriculture Commission need to deal directly with other Boards and Commissions in Colchester, as appropriate, to be the voice of the agricultural community and that we should not depend solely on our liaisons to do this important part of our job.

6) Old Business:

a) Discussion and possible action on finalizing the Agriculture Commission By-Laws:

MOTION: L.Curtis moved to adopt the By-Laws for the Colchester Agriculture Commission as revised on 11/20/12. A.Savitsky Seconded. (These By-Laws had been distributed by email on 12/13/12 to all Commission members and Alternates along with the minutes of this meeting.) E. Gillman reminded the commission that these by-laws are a document that may be changed in the future to adapt to changing developments.

Motion was **unanimously approved**.

b) Discussion and possible action on the draft of Colchester Land Use Regulations:

B.Przekopski had prepared a list of suggestions for possible ways to amend the Draft of the Land Use Regulations. D.Rosenblatt of Rose and Petal Farm also made recommendations about possible changes to the draft regulations regarding Farm Stores. Copies of both of these documents which were read aloud at this meeting are attached to these minutes as part of the public record.

L.Curtis had reviewed the regulations and had made a number of suggestions via email to the Town Planner's office (as solicited by A.Turner) and had also forwarded her comments to Chairman Gillman. E. Gillman read aloud one of these suggestions (#3 from an email dated 12/5/12) regarding the motion which had been approved at the October 21, 2012 meeting regarding the Document "Guidance & Recommendations for CT Municipal Zoning Regulations and Ordinances" (specifically regarding livestock, among other topics). This portion of this email is also attached to these minutes as part of the public record.

C.Bourque had a list of recommendations which he read about possible changes to this draft document. His suggestions will be likewise attached to these minutes as part of the public record.

J.Tinelle (one of the Alternates on the P&Z Commission, and a barn builder by profession) had been asked to attend this meeting in a liaison capacity. He expressed the opinion that the P&Z really wants to encourage agricultural uses of land and agricultural types of businesses in Colchester. He urged this Commission to work together with the P&Z Commission to craft the language in this document which will make all constituencies more comfortable. There was a fair amount of contentious debate at this meeting, and Mr. Tinelle noted that many participants at this meeting seemed to be up in arms about the language in this draft document. He assured the attendees that he was present to support us in our efforts to make and keep Colchester an ag friendly town.

D.Wasniewski said that he believed the Agriculture Commission needed to be put on the agenda of both the P&Z Commission and the Board of Selectmen meetings to deal with the issues that have been raised directly.

A.Turner said that all Board and Commission members had been asked for their input on this document before the public comment period. He acknowledged that much of the language in this draft may require revisions to make all constituencies comfortable and that he was very open to making the changes necessary.

E.Gillman said that it was her opinion that the "tone and feeling" of the draft regulations does not reflect the will of the Agriculture Commission's previous official recommendations.

O.Duska (who owns an equestrian facility with riding stables) said that she believed strongly that this document in its final form should help unite farmers in this town in their ability to make a living by agricultural pursuits which may generally be permitted, not to separate the farming community by having specific wording that only apply to certain types of farms (such as in the “Farm Wineries” section of this draft).

B.Przekopski said that much of this document contained too much “micromanagement” and therefore has a lot of our farmers “riled up”.

J.Rosenblatt cautioned that when these regulations are finally adopted they will have the force of law, so wording needs to be very carefully crafted to that there is no room for arbitrary opinions about areas of the code which may eventually require enforcement in specific cases.

M.Staebler (Franklin CT resident) said that in his opinion the Farm Bureau is a capable resource for dispute resolutions in the future, citing an example of a chicken manure problem in his home town which was successfully resolved by intervention by the Farm Bureau personnel rather than by civil servants at the Town Hall. He also said that he was opposed to bans on any specific kinds of livestock. Also also that section 8.11-2 of the draft resolutions regarding manure management should be replaced by section 1-1q of the CT General Statutes. He recommended relying on the CT Department of Agriculture—and specifically not the CT DEEP—to manage this function if situations arise in the future where enforcement of best practices is required. He also recommended eliminating the 100 foot setback requirements on the theory that this one-size fits all approach is often inappropriate to the specific land parcels size, shape, and topography.

C.Bourque said that in his opinion the contentious nature of the discussions at this meeting reflected a problem with the process of creating this draft of these new regulations. In his opinion the Agriculture Commission (which has been in existence since November 2011) was not asked for its input early enough in the process. He spoke for many other farmers present when he said that they are not a lynch mob, but that this document may have been perceived as attacking the way some of the farmers in our town will be permitted to make their livelihood, and it is human nature to take offense at this. He believes the P&Z meetings in the past may not have been as transparent as would have been ideal and advocated for the Ag Commission to be a partner in the process from here forward.

D.Wasniewski said the as the public comment section is apparently open now he hopes that all stakeholders can be brought into the process to get these regulations into a generally acceptable form for passage into law.

A.Turner reassured the commission that there will be no rush to pass these new regulations until the majority of our entire community is comfortable with its wording.

MOTION: D.Wasniewski moved **that representatives of the Agriculture Commission make presentations to the Planning and Zoning Commission and the Board of Selectman regarding Section 8 and other zoning regulation concerns of the agricultural community.** A.Savitsky seconded. **Unanimously passed.**

Subsequent discussion included ascertaining that there would be a Planning & Zoning Commission meeting on Wednesday, January 2 , 2013, followed by a Board of Selectman

meeting on Thursday, January 3. E.Gillman (Chairman) and D.Wasniewski (Vice-Chairman) will attend these meetings on behalf of the Agriculture Commission to attempt to have the language of this document changed as appropriate to reflect the comments made at the meeting tonight and previously submitted by emails to the Town Planner's office and others.

c) Discussion and possible action on the tax rates for the 490 program with the goal of adhering to the current CT Dept of Agriculture guidelines for valuations of all farmland in town:

Chairman Gillman reported that she had not yet been contacted the Assessor, thus there is nothing more to report on this topic at this meeting.

f) Any other old business deemed necessary.

None.

7. New Business:

a) Set the regular monthly meeting schedule for 2013.

All members of the CAC present at this meeting agreed that the 3rd Monday night of every month worked as the regular meeting night. The time of our meetings, however, was changed to begin at 6:30 P.M., by general agreement of those present.

(When drawing up the schedule, however, it was recognized that the third Mondays of January and February are holidays when Town Hall is closed, so for those two months only the meetings will be held on the Second Monday of the month.)

Therefore the officially scheduled dates for 2013 for the Agriculture Commission will be:

January 14 February 11 March 18 April 15 May 20 June 17

July 15 August 19 September 16 October 21 November 18 December 16

b) Informal discussion of potential candidates for Agriculture Commission officers to be considered for nomination/election at the January Agriculture Commission meeting:

There was a brief discussion of this topic in which E.Gillman (current Chairman) indicated her reluctance to continue in this leadership role. D.Wasniewski (Vice-Chairman) indicated that he would also find it difficult to become Chairman due to demands of his day jobs. J.Becker was absent, so no decisions about leadership in 2013 were resolved.

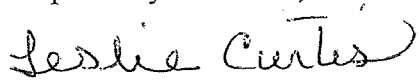
c) Any other new business deemed necessary:

A.Savitsky announced that the Colchester Farmers' Market would definitely be held on the Town Green in 2013 having the same hours as in the past.

8. Adjournment:

MOTION: L.Curtis moved to adjourn the meeting at 8:31 P.M. A.Savitsky seconded.
Unanimously approved.

Respectfully submitted,

A handwritten signature in cursive script that reads "Leslie Curtis". The signature is written in black ink and is positioned below the typed name.

Leslie Curtis
Secretary

Exerpt from email to Town Planner A.Turner by L.Curtis dated 12/5/12 regarding comments about the draft of the zoning regulations, section 8.11 Agricultural Uses:

3. The Agriculture Commission voted to recommend to the Planning and Zoning Commission in its October meeting that they adopt the regulations suggested in the "Guidance & Recommendations for CT Municipal Zoning Regulations and Ordinances". This recommendation has not been adopted in the language of current draft. I still personally believe strongly that these best practices of how to word our code should be incorporated to replace much of the overly-specific wording in Section 8.11 Agricultural Uses. I believe you have a copy of this in your office and you participated in the process of preparing this document. Let's use it and get the ZEO out of having to be in the enforcement business in areas where the expertise exists as described in this document.

Email from B.Przekopski to E.Gillman which was read at the meeting by Mr. Przekopski re: items of importance for farmers in our community:

1. New zoning regs should be consistent w/the right to farm act.
2. Any farm operation should have no restrictions on acreage, but must meet a setback for other residences this includes wineries.
3. Piggeries should be allowed as long as they meet the state statutes and not limited just to two pigs.
4. Commercial operations should be allowed in agricultural areas as long as the operation is linked to the agricultural acreage. If a farmer decides to repair farm equipment, besides his own, this operation is linked to agricultural. If a farmer decides to compost manure, topsoil or make mulch from products this is linked to agricultural.
5. Farm signs should be no bigger than 16 square ft in size and limited to two sides.
6. Farm buildings or other structures should be exempt from size but must meet all building codes and standards.
7. If commercial operations existed on a farm to help pay for the farm operation this should be allowed.
8. All farm operations should follow best management practices from the Dept. of Agriculture.

8.11.4

(suggestions by D. Rosenblatt:)

FARM STORES

The on-site Farm Store is a logical and organic out-growth of farming.

Farm Stores selling all products naturally occurring from agricultural practices on property on-site, adjacent or leased by the farm owner is allowable without additional permit providing all guidelines pertaining to parking, placement, environmental management and signage are met.

RE:

“At least 50% of the gross value of the products available on the site for sale shall be from agricultural goods produce on the owners farm”

TO BE AUGMENTED BY:

100% of all agriculturally-based products sold must be from documented Connecticut-based agricultural producers. Confirming documentation in the form of a Letter of Contractual Affiliation should be available.

RE:

“Farm Stores shall be setback no less than fifty (50) feet from the front lot line and twenty-five (25) from the side and rear lot lines.”

TO BE CHANGED TO:

Farm Stores shall be setback no less than thirty (30) feet from the front lot line and twenty-five (25) from the side and rear lot lines.”

Changes to draft of zoning regulations as recommended by C.Bourque at the Agriculture Commission meeting on 12/17/12:

Changes that need to be made will follow, but let me first state that I feel that these regulations are so fundamentally flawed and need to be rewritten. If we were to change the document that we have these are some suggestions. 8.11.1 add a statement of supporting farming because they are good for the economic development of the town and local food is important for food security. 8.11.2, use the entire definition in CGS 1-1(q) breaking it up causes confusion. The town adopted this definition chapter 55. when stating best management practices and generally accepted practices the authority needs to be stated as the CTDOAG. 8.11.3 there should be no ban on any kind of livestock. Ag buildings should have no height limit and no special waiver. 8.11.4, There should be 2 sections, one for Farm Stores and one for Farm Stands, access needs to be from all types of roads. Do not determine how a store is laid out. 8.11.5 farms need directional signs they tend to be in out of the way locations. 2 sided directional signs at intersections placed on private property with permission of the owner should be allowed. 8.11.5 this entire regulation is too specific and might be considered as spot zoning. Remove the word winery. There should be no minimum acreage as long as setbacks are met the events and functions should be proportional to the size of the farm as long as you can park all of the vehicles on the property. It should not be up to the PZC to determine what is complimentary to a Farm. There should be a distinction between ag related events (hayrides, corn mazes, petting zoos) and non ag related events (weddings corporate functions fund raisers) secD there should not be a restriction for access by road type, farms are on all types of roads in town. secE when the need for a buffer it needs to be specific what the requirement is (too vague). There should not be minimum distance from the owners residence. 8.12 Stables are farms and included in the definition of agriculture. They need to have the same rights as any farm in town to hold events and to have accessory uses needed to insure the success of the farm. secD is not necessary because it was already stated that farms will use BMPs as determined by the CTDOAG, manure management falls under this statement. secE Farm help housing should be allowed on all farms not just horse farms. secF goes without saying that all farms are responsible for keeping their livestock fenced in.