



INSTR # S2014000639  
DATE FILED 12/09/2014 12:33:44 PM  
CHRISTINE HALLORAN  
TOWN CLERK  
EASTON CT

**Minutes from the Agricultural Commission Meeting  
January 8, 2014, 7:30 pm, Town Hall Conference Room A**

Meeting called to order: 7:35PM

Present: Victor Alfandre, Irv Silverman, Jean Stetz-Puchalski  
Absent: Lori Cochran-Dougall, Laurel Fedor, Sal Gilbertie

Review of previous minutes, motion to approve by Victor Alfandre, second by Irv Silverman, approved unanimously.

Confirmed RFP for lease of plot A & B went out through First Selectman's office. It was delayed due to transition of town leadership. New deadline for proposal submission pushed out to January 31, 2014. Proposals will be reviewed at February Commission meeting.

Discussion about selection criteria. Compliance and experience with organic farming practices listed in RFP. Irv Silverman raised question of whether or not there should be a right of first refusal clause. Commission agrees, with the understanding that farmer, Ag Commission, and Town agree that lease terms have been met.

Lease to be amended to include a feedback clause. Consider member availability for special meeting before end of January to finalize lease language and prepare document for meeting with BOS.

Continued focus on education and professional development of Commission members regarding how best to work with town officials on planning for agriculture. Opportunity to attend AGvocate Ag Workshop at Goodwin College on planning for agriculture. Ag Commission plans to attend and have sent invitation to Town Planner and Planning and Zoning. Will share materials during February Commission meeting.

Working on a comprehensive email list for town farmers. Jean has list from farm map, but not a complete one. The Fairfield Chapter of the County Connecticut Farm Bureau has not followed through on giving us their list. Decision to divvy up the list of farmers and individually call. Discussed reaching out to PA. 490 holders.

Annual report is due for town. Commission will be prepared to contribute and finalize submission at February 2014 Commission meeting.

Discussed steps to finalize Right to Farm Ordinance. Commission will review the two drafts and be ready to contribute and approve final draft and presentation to BOS at February Commission meeting.

Meeting adjourned at 8:50 PM

Minutes submitted by Victor Alfandre, Recording Secretary  
Victor Alfandre

**AGRICULTURAL  
COMMISSION  
FOR THE TOWN OF  
EASTON  
CONNECTICUT**

**Commission Members**

**Jean Stetz-Puchalski,  
Chair**

**Victor Alfandre,  
Recording Secretary**

**Sal Gilbertie**

**Irv Silverman**

**Alternates:**

**Lori Cochran Dougall**

**Laurel Fedor**

RECEIVED

JAN 19 A 8:45

**Interim DRAFT with the inclusion of SECTION 7: DISCLOSURE NOTIFICATION (OPTIONAL SECTION)-**

**TOWN OF EASTON  
RIGHT TO FARM ORDINANCE**

**Statutory Reference or Authority:** Conn. General Stat. 55 1-1(q), Conn. General Stat. 19a-3411

**SECTION 1: PURPOSE AND INTENT.**

Agriculture is a significant part of the Town of Easton's heritage, and a vital part of the Town's future. The Town officially recognizes the importance of farming to its rural quality of life, heritage, public health, scenic vistas, tax base, wetlands and wildlife, and local economy. This Right to Farm ordinance:

- Encourages the pursuit of agriculture
- Promotes agriculture-based economic opportunities
- Protects farmland within Easton by allowing agricultural uses and related activities to function with minimal conflict with neighboring abutters and Town agencies, consistent with the Town Master Plan of Conservation and Development
- Acts as a policy statement providing an opportunity to educate Town residents from both the farming and non-farming community about a farmer's "Right to Farm" under Conn. General Stat. 55 1-1(q), Conn. General Stat. 19a-3411.

It is the declared policy of the Town of Easton to conserve, protect and encourage the maintenance and improvement of agricultural land, both for the production of food and other agricultural products and for its natural and ecological value. It is hereby further determined that whatever impact may be caused to others through generally accepted agricultural practices, such impact is offset and ameliorated by the benefits of farming to the neighborhood, community and society in general.

**SECTION 2: DEFINITIONS.**

The terms "agriculture" and "farming" shall have all those meanings set forth in Section 1-1(q) of the Connecticut General Statutes, as amended.

**SECTION 3: RIGHT TO FARM.**

No present or future agricultural operation conducted or maintained in a manner consistent with accepted agricultural practices, which is engaged in the act of farming as defined in the ordinance, shall become or be considered a nuisance solely because such activity resulted or results in any changed condition of the use of the land. Agricultural operations may occur any day or night provided such activities do not violate applicable health, safety, fire, zoning, wetlands, life safety, environmental or building codes and regulations and shall include, without limitation:

1. The incidental noise from livestock, poultry or farm equipment used in generally acceptable farming practices;
2. Odors from livestock, manure, fertilizer or feed;
3. Dust and fumes associated with normally accepted farming practices;
4. Use of chemicals, provided such chemicals and the method of application conform to practices approved by the Commissioner of Energy and Environmental Protection, or where applicable the Commissioner of

Public Health.

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

Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commission of Agriculture or his/her shall be prima facia evidence that such operations follow generally accepted agricultural practices. Nothing contained in this ordinance shall restrict the powers of the Easton's Conservation Inland Wetlands Commission, Planning and Zoning Commission, Building or Health Departments under Connecticut General Statutes.

As per Conn. Gen. Statute 19a-341. Agricultural or farming operation is not deemed a nuisance.

#### **SECTION 4: RESOLUTION OF DISPUTES.**

Residents of Easton may seek assistance from the Agricultural Commission with any complaints or concerns they have with respect to any agricultural operation, place, establishment or facility located in Easton. Residents of Easton may seek assistance from any other Easton official, board or commission with respect to any agricultural operation, place, establishment or facility located in Easton. The Agricultural Commission may provide assistance with any complaint or concern brought to it or any other official, board or commission. Nothing herein prohibits residents from making complaints to the Connecticut Department of Agriculture and seeking a remedy from said Department and any decision of the Department of Agriculture shall be considered determinative of the issues presented to said Department of Agriculture.

Nothing contained in this ordinance shall restrict the powers of Easton's Conservation Inland Wetlands Commission, Planning and Zoning Commission, Building or Health Departments under Connecticut General Statutes. In addition, these Boards and Departments are encouraged to adopt regulations consistent with this ordinance and to make the permanent preservation of farmland within the Town, a criterion in its planning policy decisions.

#### **SECTION 5: IMPACT UPON ZONING.**

As already stated, nothing contained in this ordinance shall restrict the power of the Easton Planning and Zoning Commission. The Commission is urged to adopt regulations consistent with this ordinance, and to make the permanent preservation of farmland within this municipality, a criterion in its planning and policy decisions.

#### **SECTION 6: WILLFUL OR RECKLESS CONDUCT NOT PROTECTED.**

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

#### **SECTION 7: DISCLOSURE NOTIFICATION (OPTIONAL SECTION)**

Not later than 21 days after the purchase and sale contract is entered into, or prior to the sale or exchange of real property if no purchase and sale agreement exists, for the purchase or exchange of real property, or prior to the acquisition of a leasehold interest or other possessory interest in real property located in the town of Easton, the landowner shall present the buyer or occupant with a disclosure statement which states the following:

**It is the policy of Easton to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products, and also for its natural and ecological value.**

This disclosure notice is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within Easton may be impacted by commercial agricultural operations."

A copy of the disclosure notification shall be given on a form prepared by the Town and shall be signed by the landowner prior to the sale, purchase, exchange or occupancy of such real property. A copy of the disclosure notification must be filed with the Board of Selectmen or its designee prior to the sale, purchase, exchange or occupancy of such real property. In addition, a copy of this disclosure notification shall be included with the annual property tax bill sent to each landowner.

#### **SECTION 8: CODIFICATION.**

In accordance with Conn. Gen. Statute Chapter 98, 7-148(b), the town has the right to create a right to farm ordinance.

PUBLIC HEARING:

ADOPTED:

PUBLISHED:

EFFECTIVE:

Interim DRAFT no disclosure section

## **TOWN OF EASTON RIGHT TO FARM ORDINANCE**

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