

Concerns within application PZC #22-07-RA

Paul Maugle July 12, 2022

At the beginning of the proposed rewrite of the Ledyard zoning regulations the author states:

“The purpose of these regulations is to clearly **define agriculture** and to **promote the economic and operational viability** of existing agricultural operations while facilitating and promoting new operations.”

8.5 C Agriculture is defined in two places. First as a parcel of greater than 5 Acres and later (8.5D.4) as a parcel greater than 10 Acres.

Agriculture is Not defined as a business or activity!

As far as Connecticut’s “Right to Farm” law as stated in CT Statutes CGS §19a-341, there is very little in the **Present** Ledyard Zoning regulations, that can be further regulated. Let’s be clear, “**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” Farm odors, noise, dust, chemicals, and/or water pollution, setbacks for grazing, fences, horse tracks, manure management, crop plantings, outdoor food storage, weed control, and fertilizer application. In Connecticut they cannot be regulated. **If this the intent of the new regulations, why bother?**

Presently, there is little or no history of "complaints" about the impact of farms on nearby commercial or residential developments, and there is little or no history of "complaints" regarding the impact of nearby commercial and residential developments on farms.

Even though a farm may occasionally create nuisances, farms often **cause adjacent or nearby residential developments to be more valuable than similar developments** that are not adjacent to farms. We to set our regulations in context, **Ledyard's population growth is near zero**, and there is little risk of new subdivisions affecting farms, or of farms affecting new subdivisions.

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The stated proposed agricultural regulations conflicts with Ledyard's POCD guidance to encourage agriculture. **If adopted, the proposed regulations would limit farming, increase farming costs, reduce farm values and net farm income. In essence do more harm than good.**

The **proposed agricultural regulations require zoning permits for many ordinary aspects of farming.** In addition, several of its proposed regulations conflict with CGS §19a-341 and CGS §8.2. (a) zoning enabling statutes.

A good example is that screening cannot be regulated for uses allowed by right.

The proposed regulations also conflict with the POCD as they apply to Agritourism. The proposed regulations **unnecessarily limit the number of guests, days per week, events per year, hours of operation, and sizes of farm events in a manner that will significantly reduce the income from customarily incidental accessory uses of farms.**

The proposed regulations would reduce income from wine tastings at farm wineries, wedding festivities at apple, vineyard, and horticulture farms, cut-your-own Christmas tree farms, and pick-your-own apples on apple farms.

The proposed regulations are inconsistent, make little sense, are in general NOT needed.

For example, why should Ledyard prohibit amplified music and limit the size, number, hours, and days per week that on-farm weddings are allowed, but not prohibit amplified music or limit the size, number, hours, and days per week that weddings on church property is allowed. In addition, few, if any, farms are near dense residential developments.

Under the §2.2 definition section for **accessory uses and accessory structures** in the Existing Zoning Regulations, **customarily incidental uses of farms include**, but are not limited to weddings, reception venues, meetings, gatherings, festivities, art shows, wine tasting events,

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microbreweries, conferences, riding lessons, animal competitions, horse and animal shows, recreational horse riding, horse competitions, pumpkin picking patches, corn mazes, "u-pick" operations, petting and feeding zoos, sheep shearing, hayrides, snowshoeing, cross-country skiing, and cut-your-own Christmas trees.

The **Accessory uses and accessory structures** are, by definition, synonymous and **allowed by-right** in the §3.5 Schedule of Permitted Uses in the existing zoning regulations. Most are allowed by-right without requiring a zoning permit and without supplemental regulations.

If conflicting regulations are adopted, these current customarily incidental (accessory) uses of farms would become pre-existing, protected, and not subject to changes in the regulations. **So why bother? Changing this will only hurt future farming activities. Let's remember Ledyard's population growth is near ZERO!**

As with all land uses, farms should be regulated only to the extent necessary for the protection of public health, safety, convenience, and property values. This is accomplished in the Presently Existing Zoning Regulations.

In my opinion, that there is no need to require a zoning permit (as appears in the proposed §8.5.D.1 and the table on page 5-2 "Agricultural (Farm & Farming" entry) for the town to know when a farmer changes the acreage or types of new crops he plants, when he allows his farm to lie fallow, or when he applies fertilizer.

If this is the **intent of the proposed regulations**, then the proposed regulations should be withdrawn.