



Avon's agricultural landscape is deeply rooted in its history and is highly valued by residents for its contribution in helping to define community character, as well as the production of local fresh produce. In addition, it offers a significant net positive to the Town from a fiscal perspective. There are many additional reasons to preserve farmland. These include:

- Growing food locally helps meet sustainable development goals.
- Retail sales associated with farming attract customers from outside of Avon, which may benefit other commercial establishments.
- Farmland offers environmental benefits, including wildlife habitat and the potential for groundwater recharge.
- Undeveloped farmland within the floodplain and floodway is able to convey and store floodwaters in an unimpeded manner.
- Farmland is a finite natural resource, as areas with prime agricultural soils are limited.
- Net positive tax revenue as opposed to conventional single family subdivision.
- There are many intangible benefits associated with farmland, including a rural aesthetics, open space, and preservation of a sense of rural character.

The economics of farming in Connecticut is challenging. Although there is increased demand for locally-grown food, farmers must compete with much larger operations in other parts of the country. In Avon, where land values are high in comparison to more rural area of Connecticut, the temptation to sell farmland for residential development is perhaps even greater. The market value of residentially-zoned prime agricultural land in Avon is significantly greater than its market value for agricultural production.

Chapter 5 established priorities for the preservation of twenty-one parcels of open space. Seven of these are currently used for farming. It is possible that the Town will be able to purchase some of these properties should they be offered for sale. However, the purchase price will likely be high and it is unlikely that the Town will be able to acquire all of them. It seems appropriate then to consider other ways which might be used to assist in the preservation of this limited natural resource.

Notwithstanding the Town's interest in preserving farmland, zoning regulations must also recognize the private property rights of agricultural land owners. In several instances this land has been passed down through many generations. It would-not be fair or legal to develop regulations that are so limiting so as to be deemed unlawful by Connecticut courts. Acceptable alternatives are therefore presented here.

This Chapter reviews how the current zoning ordinance regulates agriculture and then outlines possible modifications, which the Commission should consider. The goals of these possible modifications are to:

- Make it more likely that the Commission's existing Transfer of Development Rights (TDR) program will be utilized. This may be accomplished by offering greater incentives to developers and farmers while promoting higher density development in areas deemed appropriate by the Commission. Some of these areas have already been selected and shown as part of the current TDR program.



- Provide the few remaining farmers with additional commercial opportunities which are related to the growing of crops, raising livestock and other commercial agricultural activities. Examples include the establishment of a farm winery, orchards, commercial horse farms, and additional opportunities for retail sales. It should be noted that a viable working farm is a commercial operation that brings with it certain land use impacts relating to noise, odors, chemically laced runoff and commercial activity. There may be opportunities to expand the range of permitted activities as a means to assist in the economics of farming or other desirable agricultural uses in a manner which limits the intensity of the commercial activity such that impacts on neighboring residential properties are acceptably similar to "traditional" agricultural practices.
- Create opportunities where when agricultural land is sold for residential development, a significant density bonus might be granted for utilizing a cluster style development in exchange for the preservation of meaningful amounts of farmland. Require this form of development over conventional large-lot subdivisions. Use TDR to provide financial equity to the property owner.

Chapter 13 Agricultural Preservation



Inventory of Remaining Farmland

There are currently 21 parcels of land in Avon that are used for agricultural purposes, for a total of 472 acres. **Table 13-1** presents information on zoning district, address, number of acres, and ownership.

PARCEL ID #	OWNERSHIP	ADDRESS	# OF ACRES	ZONE
3290279	Carville Land Co LLC	279 Nod Road	26	A
3880135	Stanley Garstka	135 Scoville Road	12	A
3560090	Valley Farm Turf	90 Pine Hill Road	20	RU2A
4500255	Joseph DiFazio	255 Waterville Road	11	RU2A
4500575	Emer Coyne	575 Waterville Road	18	RU2A
4500595	Emer Coyne	595 Waterville Road	11	RU2A
3560096	Harry Wilcox	96 Pine Hill Road	7	RU2A
4500345	Susan Mitchell	345 Waterville Road	20	RU2A
1800112	Mark Mitchell	112 Cider Brook Road	2	RU2A
4520712	Douglas Thompson	712 West Avon Road	23	R40
4320170	Douglas Thompson	170 Thompson Road	10	R40
4320136	Douglas Thompson	136 Thompson Road	12	R40
2570010	Douglas Thompson	10 Harris Road	28	R40
4520841	Smith Farm of Avon LLC	841 West Avon Road	31	R40
4520828	Lenore Severni	828 West Avon Road	39	R40
4520864	Lenore Severni	864 West Avon Road	2	R40
4320120	Jean Parker	120 Thompson Road	20	R40
4330075	Town of Avon	75 Tillotson Road	108	ROS
4330100	Town of Avon	100 Tillotson Road	48	ROS
4320107	Jean and Thomas Parker	107 Thompson Road	5	I
4320133	Jean and Thomas Parker	133 Thompson Road	19	I
TOTAL ACREAGE			472	

Table 13-1 Agricultural Properties in Avon by Zone

Two (2) of these parcels are owned by the Town and partially leased for agricultural purposes. In total, 156 acres are leased by the Town to two farmers; this represents 33% of all remaining farmland. There are only two remaining parcels of land, totaling 38 acres, used for agriculture that is located in the agricultural zone. When Zoning Regulations were first adopted in 1957, there were 1,200 acres placed in the agricultural zoning district.

Map 13-1 depicts all existing agricultural parcels by zoning district.



There are currently 14 parcels totaling 252 acres zoned residential but used for agricultural purposes. These parcels represent more than one half of all remaining agriculture in Avon. Traditional, large-lot residential developments are presently allowed, as of right, on these properties.

One 26 acre parcel zoned agricultural is located on Nod Road mostly located within the 100-year floodplain and partially within the floodway associated with the Farmington River. The portions of this property encumbered in this manner are not appropriate for residential development, but would be an appropriate location for continued agricultural pursuits. Another parcel at 90 Pine Hill Road, a former sod farm, is almost entirely in the regulated floodplain as well.

How Agriculture is Currently Regulated

Avon's Zoning Regulations divide farming into two tiers, in order to differentiate and establish separate rules for large and small farming operations. The first simply referred to as "farming" establishes rules for larger agricultural operations on parcels in excess of 10 acres. The second is referred to as "limited farming" and covers smaller farms on parcels less than 10 acres in size as an accessory use to a residential home. These terms are defined as follows:

Farming:

“Cultivation of soil for growing of crops; dairy farming; orchards; and/or the raising, breeding, and keeping of livestock and animals (excluding pigs) on a parcel of land containing at least ten acres.”

Farming is permitted as of right in the agricultural zone and all residential zones.

Limited Farming:

“Farming on a tract of land of less than 10 acres provided the use is accessory to the principle use of the premises.”

Limited Farming regulations also establish minimum acreage requirements for the keeping of large, medium, and small animals based on the number of animals in each category. Limited Farming is also permitted in all residential zoning districts as of right.

Zoning Regulations also establish rules for a commercial nursery. A nursery is defined as:

“An agricultural operation where the primary use is the growing of flowers, plants, shrubs, or trees outdoors for commercial gain and which may include the sale of such products and related garden merchandise as an accessory use.”

Nurseries are allowed by special permit in all residential zones.



Farms on parcels of land in excess of 10 acres are allowed limited retail sales including farm-grown or farm-related products by special permit. These activities are currently subject to the following requirements/restrictions:

- Retail sales must be associated with an *active* farm operation.
- The scale of retail activities must be *compatible* with nearby residential properties.
- *Eighty percent* (80%) of products sold must be grown on the farm.
- Any buildings used for retail sales may not exceed 3,000 square feet.
- Safe access and egress must be provided.
- All new structures must meet dimensional requirements of the residential zone that the farm is located in.
- Parking requirements are to be determined by the Commission. A *buffer yard* must be provided between all farm buildings, farm store, and parking areas to adjoining residentially-used properties, where deemed necessary.

This Chapter recommends modifications to zoning regulations that govern larger farming operations on parcels of land. It is recommended that the parcel size be reduced to 5 acres for farming.

Past Efforts/Accomplishments to Preserve Agriculture

The Planning and Zoning Commission, Avon Town Council, and Avon taxpayers have taken many important actions over the past five decades in an effort to support and retain agriculture. These efforts include the following:

- Adoption of Public Act 490
This tax policy has been utilized by the Town since the 1960s. It provides an opportunity for owners of farms or forest land to apply to the Avon Tax Assessor for classification of their land as farm or forest land and pay taxes based on this lower use value without considering its potential for residential development. Currently there are 39 land parcels totaling 1,347 acres that are taxed based on this substantially lower value. Of these 20 parcels, or 316 acres, are used for agriculture.

Table 13-2 presents this information and **Map 13-2** highlights these properties.

	PARCELS	ACRES
Farm	20	316
Forest	19	1,031

Table 13-2 Property Taxed as Farm or Forest Land under Public Act 490.



- Purchase of Fisher Farm (Tillotson Road)
In 2002 Avon taxpayers approved the purchase of the 317 acre Fisher Farm located on Tillotson Road for \$2,235,000. Additional adjoining property totaling 57 acres and six (6) farm buildings, located in the Town of Farmington, were purchased by The Town of Farmington. The Town of Avon applied for and received a grant from the State of Connecticut Land Acquisition Program in the amount of \$938,000, to assist in this purchase. In turn, a conservation easement over 290 of the 317 acres was granted to the State of Connecticut. A small portion of the Farm was not subject to this easement and reserved as possible future expansion to the Fisher Meadows Recreation Area. The Town currently leases these 317 acres to two farmers. A total of 156 acres this land is tillable.
- Broadened Opportunities for Retail Sales
In 2004 the Planning and Zoning Commission amended Avon's Zoning Regulations expanding opportunities for retail sales for farms located in both agricultural and residential zones. This Chapter recommends further modifications which the Commission should consider.
- Transfer of Development Rights (TDR)
The Transfer of Development Rights is a concept which has been in the zoning regulations for some time but has seen only a modest amount of use in Connecticut. In 2007 Avon became one of only two Towns in the State to adopt Transfer of Development Rights Regulations. The official Zoning Map was amended to include both "transfer in" and "transfer out" areas. Under this program a developer is given the opportunity to secure an interest in two or more parcels of land in each of these designated "transfer out" areas. Housing density from the "transfer out" parcel which is to be preserved, and is assigned and combined with permitted density of the "transfer in" development parcel. This results in the preservation of undeveloped land deemed to be of high priority to the Commission and the increase of density on property to be developed. Twelve parcels of land consisting of 236 acres are currently used for agriculture and have been designated by the Commission as high priority for preservation and have been included within the "transfer out" district. These areas include all remaining privately owned farmland except for those parcels located within the 100-year floodplain.

Map 13-3 depicts privately-owned farmland within the Transfer Out Overlay Zone.

This Regulation creates an opportunity to preserve agricultural land at no expense to Avon taxpayers, while introducing higher development density in appropriate areas. Farmland is preserved in perpetuity through the use of a conservation easement and remains in the ownership of the farmer. This land may be sold in the future but continues to be subject to the easement. However, to date, no TDR applications have been submitted to the Commission. (See also Chapter 7, Housing, for a discussion on the Transfer of Development Rights.)

This Chapter discusses possible changes to the metrics relating to the exchange of density, in an effort to make this option more attractive to a developer.



Additional Measures to be Considered

The Planning and Zoning Commission should consider the following measures in an effort to preserve additional meaningful amounts of privately-owned farmland.

Recommended Modifications to Transfer of Development Rights Regulations (TDR)

A TDR program by its nature adds complexity to a potential development. Perhaps, the most significant is that it requires a developer to obtain an interest in two or more (noncontiguous) parcels of land. A developer must secure an interest in land he/she wishes to develop, as well as an interest in land to be preserved (where development rights may be transferred out). The economics must be favorable enough for a developer to pursue such a transaction, given the added complexity when compared to a more conventional development application. When drafting the current TDR Regulations in 2007, the Commission relied upon certain assumptions relating to the economics of such a transaction. These were used to establish a formula for the transfer of rights between the transfer out (sending) and transfer in (receiving) parcels.

Current Regulations permit the transfer of up to four (4) units per acre from the sending area to the receiving area. This density is to be added to density otherwise permitted for a multi-family development. The maximum density currently allowed for a multifamily project is four (4) units per acre. The transfer of an additional four (4) units per acre from a sending area results in a maximum potential of eight (8) units per acre. Permitted density is reduced if either the sending or receiving parcel contains wetlands, steep slopes, or is located within the 100-year floodplain.

The metrics for this transfer formula ~~was~~ were based on two assumptions. The first was that most land within the sending was located in the R40 Zone and had the development potential for roughly one (1) unit per acre if developed as a conventional large-lot subdivision. The second was that the value of one (1) approved single-family house lot was roughly equal to the value of four (4) ~~building pads~~ associated with a multi-family project, condominium or apartment. It is probable that this transfer formula does not offer a great enough incentive to a developer.

The Commission should consider possible modifications to these Regulations to award more density from the sending parcel to the receiving parcel. The transfer metrics must provide for more than a ~~break even~~ proposition for a real estate developer to choose the TDR option given the inherent complexity of the entire transaction.

Chapter 7 of the POCD highlights a number of parcels in the vicinity of Avon Village Center which may warrant further study as potential desirable locations for multi-family housing. There may be added market demand for these units as part of the implementation of the approved Master Plan for the Avon Village Center (AVC) Zone. The Commission should consider amending existing regulations, which now require a minimum of five (5) acres, to permit the transfer of density to smaller parcels within the Village Center. The Commission should also consider expanding receiving locations to include established apartment and condominium projects where increased density may be desirable and is served by adequate infrastructure.



There are a small number of towns within the U.S. which have preserved farmland by creating opportunities to transfer residential density from farmland to commercial development as well. The Commission should study redevelopment potential within the Commercial Retail (CR) and Commercial Park (CP-A) Zones and create opportunities allowing increased lot coverage and/or parking reductions for every acre of farmland which is preserved. Once again, the metrics must be analyzed to provide enough of an incentive for a commercial owner/developer to pursue this option. The Commission should consider requiring the developer to submit a report detailing the metrics of a proposed TDR exchange. At the same time, opportunities to increase commercial density will be limited by the need to retain an adequate amount of green space for developed properties within the CR Zone. As an example, one town in Massachusetts allows a 2,000 square foot increase in building size plus a potential increase in lot coverage and parking reductions for every acre of farmland preserved. Another approach would be to permit a percentage increase in coverage if specific incentives are achieved.

Applicants should be encouraged to investigate the Transfer of Development Rights as a means to provide an appropriate land use at an appropriate density while at the same time preserving farmland.

Farm Wineries

There are currently over 35 farm wineries in Connecticut. The State of Connecticut passed legislation in 2008 (Public Act 08-187) making it easier to establish such a use. Creating a local process to permit this use offers another opportunity to preserve farmland and benefit the overall economy by bringing additional visitors to Avon.

Few residents would question the bucolic nature of a vineyard or even buildings necessary to process grapes and produce wines at a modest scale. Experience has shown that introducing these commercial activities at a modest scale is necessary to support the economics of such a facility. Some other activities often associated with a winery such as tastings and the use of the facility for special events including meetings or weddings need to be properly integrated and scaled so as not to adversely affect neighboring residents using adequate buffers for abutting residentially used prop

The Commission should consider the adoption of regulations which would permit the establishment of a farm winery by special permit on parcels of land in excess of five (5) acres. Regulations must strike a balance between fostering the economic success of these agricultural enterprises and safe guarding property rights of surrounding residential neighbors. The Commission may wish to consider the following standards:

- Requiring that a certain percentage of grapes used in wine production be grown on the property where the production facility and tasting room is located.
- Limiting the size of the tasting room and indoor and outdoor space that may hold special events.
- Limit the number and size of outdoor events.



- Establish noise standards, buffer zones to nearby properties, and place limits on hours that events may take place.
- Establish parking requirements.
- Limits on the amount of food which may be sold/served. Consider differentiating between sales during normal tasting hours and special events.
- Prohibition on obtaining a restaurant liquor permit from the State of Connecticut Liquor Control Commission.

Horse Farms

Avon's Zoning Regulations currently prohibit the boarding of horses as a commercial enterprise. An established horse farm, located at 595 Waterville Road, is currently treated as a legally established non-conforming use. The Commission should consider a change which would allow these activities as a permitted uses and as special permit use in residential and zoning districts. It is important to recognize that a traditional farming operation, such as the growing of crops and raising livestock, brings with it all of the positive attributes discussed earlier in this Chapter but at the same time brings impacts, which may adversely affect neighboring residential properties, depending on the size and nature of the commercial operation. The regulation of commercial horse farms with boarding may be controlled through a special permit process to ensure compatibility with adjacent properties. The impacts of a proposed horse farm could be compared to those of more traditional farming operations using standards in an effort to permit enough commercial activity to generate adequate income to support the farm, while not adversely affecting neighboring residential properties.

Additional Retail Opportunities

The Commission should also consider other changes to the Zoning Regulations to broaden retail sales opportunities for farmers. These may include one or more of the following:

- Permitting farm to table dining at a modest scale depending on parcel size and activity location.
- Permitting the establishment of farm breweries and distilleries as may be permitted under CT law.
- Introduction of activities such as corn mazes, hay rides, and petting zoos and the like.
- Sales of farm produce such as cut your own Christmas trees and pick your own pumpkins, berries and apples, etc.
- Introduction of a farm bakery adjunct to the retail sales of produce grown on the farm.
- Production of other farm products such as peat pots, wool and the like.

Cluster Zoning

The Commission should consider a change to the Zoning Regulations that would grant a density bonus for a cluster-style development if a meaningful amount of farmland is preserved. Current cluster regulations permit added flexibility for lot size, building placement, and road construction. However, gross density (maximum number of homes) under current regulations may not exceed that of a conventional single-family subdivision for the zone in which it is located.



The Commission might consider a change that would offer a significant density bonus, perhaps 30%, if, in exchange, a minimum of 50% of the farm is preserved. An easement would be placed on the portion of the farmland which is to be retained, ensuring its long term preservation. This land could remain in the ownership of the farmer, with rights to transfer ownership for continued farming, or possibly be deeded to the Town or Avon Land Trust and leased for agricultural purposes.

Although current cluster regulations require a minimum parcel size of only 10 acres, it would be appropriate in this instance to utilize this option on larger tracts of land. This would then provide an opportunity for the preservation of a large enough parcel of land that could be used for agricultural production. It may be appropriate to establish regulations such that an area of farmland of at least five (5) acres is preserved.

Several towns in Connecticut have adopted zoning and subdivision regulations which allow a cluster-style development as of right and a traditional large-lot subdivision by special permit. This non-traditional approach is the reverse of the Commission's current Regulations and the majority of Connecticut Towns. This method, combined with a density bonus, could greatly increase the likelihood of a cluster application being advanced.

One way to implement this approach would be that the Commission could give consideration to the establishment of an overlay zone which would include key privately owned farmland parcels where this regulatory approach would be applied. If farmland within this overlay zone is sold for development, a traditional large-lot subdivision would require a special permit while a cluster development, with a possible density bonus, would be allowed as of right. The Commission should study agricultural parcels which are currently designated as possible transfer out locations within the existing Transfer of Development Rights Program, considering this possible change.

The approval and construction of a cluster style development will require access to a public sewer or the approval of a community septic system by the State DEEP or DOHS. Most existing farmland does not have direct, easy access to existing or planned public sewer lines. In order to serve these areas an analysis of sewer capacity allocations needs to be undertaken, for both the Farmington and Simsbury Sewage Treatment Plants. In addition, any expansion of the Town's Sewer System would need to be reviewed for consistency with the Connecticut Conservation and Development Policies Plan 2013-2018 or any more recent amendment.

Map 13-4 depicts existing farmland, existing public sanitary sewers, and future service areas.

OTHER CONSIDERATIONS

Solar Farms

The Commission enthusiastically supports the production of electrical power using solar and other clean renewable methods. However, given the limited amount of remaining prime agricultural farmland in Avon, the Commission does not support the use of this resource for the installation of a permanent commercial solar farm.



Agricultural Buffer

The Commission may wish to consider the adoption of an adequate buffer zone for the residential development of property which adjoins existing farmland. Such a buffer would help minimize potential conflict between these new residential uses and existing farm operations.

Defining Agriculture

The Commission should consider modifying the current definition of agriculture in its Regulations, as defined by Connecticut General Statutes Sec 1-1(q), which would have the effect of broadening the range of possible agricultural activities. This Statute defines agriculture as follows:

“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 or wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conversation, 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. 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 farm lands. Nothing herein shall restrict the power of a local zoning authority under Chapter 124.”

The adoption of the statutory definition would place the Town Regulations in alignment with the State Statutes.



Goal and Policies

Goal:

To preserve a significant amount of the remaining agricultural land now in private ownership.

Policies:

1. Consider modifications to existing Transfer of Development Rights (TDR) Regulations that will further incentivize a developer to choose this development option versus a traditional subdivision as outlined in this Chapter. Changes could include the ability to earn additional density from the transfer out parcel and the addition of smaller transfer in locations within the Village Center.
2. Consider the adoption of farm winery regulations that link the growing of grapes and wine product on adjacent parcels of land. Permit additional activities such as wine tastings and special events but restrict to a size and scale which is compatible with neighboring residential properties.
3. Consider the adoption of regulations allowing horse farms with boarding by special permit at a size and scale which is compatible with neighboring residential properties.
4. Consider modifications to existing Cluster Zoning Regulations that would grant a density bonus when significant areas of farmland are preserved in perpetuity. Consider the establishment of an overlay zone to include existing privately owned farms where a traditional subdivision would be allowed by special permit while a cluster development would be allowed as of right.
5. Consider the adoption of regulations creating a perimeter buffer for any proposed residential development which is adjacent to an established farm.
6. Consider broadening the definition of agriculture, as per Section 1-1(q) of the Connecticut General Statutes.

“Funding provided in part by the Connecticut Department of Agriculture through the Community Investment Act”.

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