

**PLANNING AND ZONING COMMISSION
TOWN OF CANAAN
FALLS VILLAGE TOWN HALL
108 Main Street, Falls Village, CT 06031**

**Public Hearing Minutes
September 25, 2025**

Public Hearings

Present: Planning and Zoning Commission members: Eileen Kinsella, Kim Mahoney, Doug Cohn, Matthew Macchi, Tim Metzger, Vice Chairman Stephen Koshland. ZEO Janell Mullen, Chairman Greg Marlowe. Marc Rosen (remote). Also present: Kathleen Clark, Selectman Chris Kensella, Keith Bodwell, PELS.

Greg Marlowe called the hearing to order at 6:02 pm.

Agenda:

- 1. Re-Subdivision Aspen Hill**
- 2. Zoning Text Amendment-Supporting Agriculture, Farms and Local Farm Businesses**

1. Re-subdivision -Aspen Hill

Applicant: Keith Bodwell, PELS

Location: Musin Mountain Farm, Aspen Hill Drive, Lots 4A and 11A

Proposal Summary:

- Expand Lot 4A from ~1 acre to 28 acres
- Subdivide Lot 11A (72 acres) into:
 - Lot 11B (25 acres)
 - Lot 11C (32.5 acres)

- Create two separate driveways (no shared access)

Access & Driveways:

- 75-foot-wide right-of-way for Lot 11B
- Driveways designed to follow natural grade, minimize cut/fill
- No shared driveways

Public Comments: Concerns raised regarding:

- Watershed impacts
- Intermittent streams and springs
- Runoff affecting downhill properties
- Overdevelopment

**Greg Marlowe moved to close the Re-Subdivision Hearing at 6:45 pm.
Stephen motioned, Eileen seconded. Unanimous.**

Greg Marlowe opened the Agriculture Uses hearing at 6:47 pm.

2. Zoning Text Amendment – Agricultural & Agritourism

Summary of Amendment:

- Recognizes farm stands, farm stores, and cannabis production as agricultural uses
- Allows multiple accessory agricultural uses per property
- Recommends 75-foot setback between new residential development and active farms
- Clarifies that agricultural uses are permitted in residential and rural zones
- Aligns local zoning with state cannabis licensing

Public Comments: none

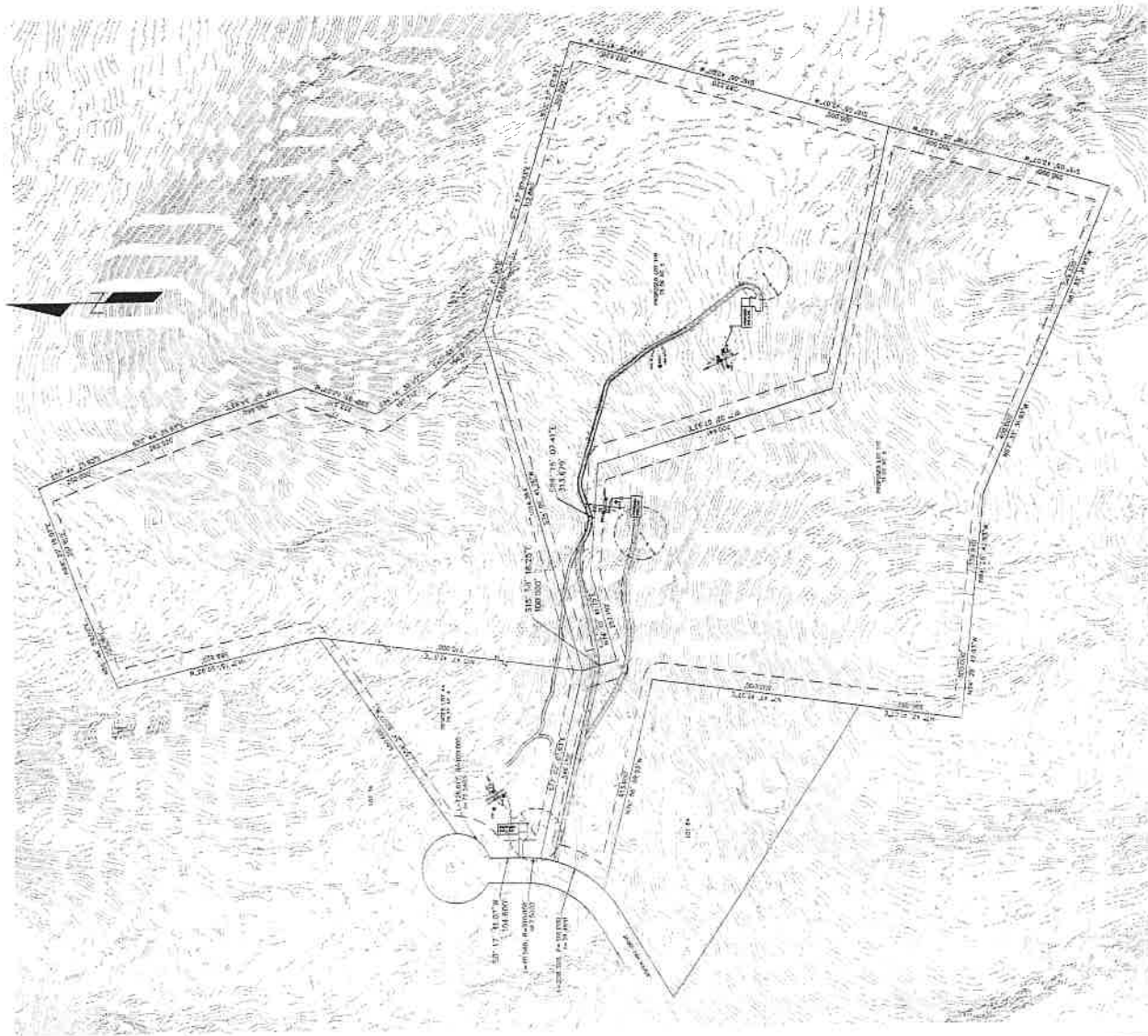
Greg Marlowe moved to close the hearing regarding Agricultural Uses at 6:51 pm. Eileen motioned. Stephen seconded. Unanimous.

Respectfully Submitted, Patti Fife-Secretary

Attachments:

Aspen Hill Re-Subdivision Maps

Text Amendment- Agriculture Uses



STANDARD MESS LOT 1A
HYDRAULIC GRADIENT 8.4%
RECEIVING SOIL DEPTH 18.0-22.0
HF = 30
FLOW FACTOR
DESIGN FLOW
225 GAL/DAY
PF = 1.75
PERCOLATION RATE
DESIGN FLOW
UP TO 10.0 MM/INCH
PF = 1.0
MESS-JOY 7541.0 = 52.5 FT

STANDARD MESS LOT 1C
HYDRAULIC GRADIENT 8.4%
RECEIVING SOIL DEPTH 18.0-22.0
HF = 30
FLOW FACTOR
DESIGN FLOW
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PF = 1.75
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STANDARD MESS LOT 1B
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GENERAL NOTES
1) LOCATED WITHIN 100 FEET OF THE PROPOSED
2) PROPERTIES ARE LOCATED WITHIN 100 FEET
OF THE PROPOSED WALL

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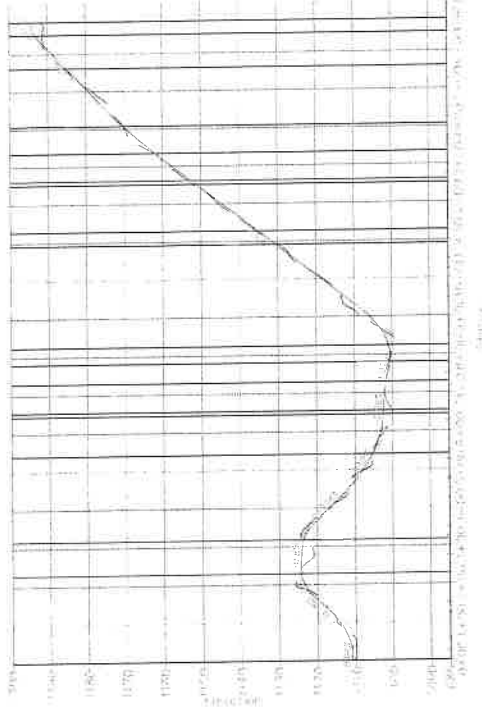
LEGEND
PERC TEST
DEEP TEST PIT
STONE WALL
EXISTING CONTOURS
PROPOSED CONTOURS
SILT FENCE
WETLANDS LINE
BENCHMARK









BODWELL ENGINEERING AND SURVEYING LLC
92 DREAM HILL RD - WEST CORNWALL, CT 06796
860-318-5300 - BODWELLENGINEERING.COM

RE - SUBDIVISION
MUSIC MOUNTAIN FARM LOTS 1A AND 11A
ASPHEN HILL DRIVE - GOSHEN - 305.2 LUG VOL/AC

PREPARED FOR:
BODWELL ENGINEERING
95 MAIN STREET - 2ND FLOOR
CANAN, CT 06018

SCALE: 1"=150'
DATE: JULY 2025
PROJECT#: 2022-58
SHEET#: 1 OF 1



     	LEGEND PERC TES- DEEP TEST PIT STONE WALL EXISTING CONTOURS PROPOSED CONTOURS SILT FENCE WETLANDS LINE BENCHMARK		BODWELL ENGINEERING AND SURVEYING LLC 97 DREAM HILL RD. - WEST CORNWALL, CT 06736 860-318-5300 - BODWELLSURVEYING.COM
	RF - SUBDIVISION MUSIC MOUNTAIN FARM LOTS 1A AND 11A ASPEN HILL DRIVE - GOSHEN - Map 2 L=14 403-46 PREPARED FOR: RICA CONSTRUCTION 95 MAIN STREET - 2ND FLOOR CANAAN, CT 06018	SCALE: 1" = 150'  DATE: JULY 2025 REF:	PROJECT#: 2022-58 SHEET#: 1 OF 1

TOWN OF FALLS VILLAGE (CANAAN), CT
PLANNING & ZONING COMMISSION

Memorandum regarding Agriculture & Agri-tourism

Prepared by Janell Mullen, Consultant Planner for April 24, 2025, updated for June 26, 2025, and set for Public Hearing on September 25th at 6:15 PM

BACKGROUND INFORMATION & CURRENT REGULATIONS:

The Town of Canaan (Falls Village) Zoning Regulations currently does not include a definition of agriculture. Most CT towns utilize the statutory definition (CGS §1-1 (q)) as it encompasses the breadth of agricultural uses that are possible in CT.

The term "Farm" is currently defined (*page 91*) as "a tract of land, whether as a principal use or an accessory use, for producing agricultural, horticultural, floricultural, vegetable, tree, or fruit products, and also including the raising of horses and other farm animals but excluding the slaughtering of animals not raised on the premises.

Farming –the activities conducted on a farm.

In **Section 2. Residential Zones**, Farm or farming is a permitted principal use "No permit required" in all zones (Village Residential, Residential/Agricultural, and Mountain Residential) (*page 9*).

In **Section 2.4, Permitted Accessory Structures**, accessory farm structures (Barns and agricultural outbuildings accessory to a farming use) are majorly allowed by zoning permit in all residential zones. A farm stand of more than 400 square feet requires a Special Permit.

In **Section 3.2, Rural Business Zone**, Farm and farming, including a farm stand is a permitted principal use (*page 21*)

In **Section 3.3 Light Industrial Zone**, farm or farming, is a permitted principal use (*page 25*).

WHAT THE POCD SAYS ABOUT AGRICULTURE USES:

The recently adopted Plan of Conservation and Development (POCD) **Section 3.3 Encourage Working Lands** includes the following policies:

1. Continue to encourage farms, farming, and agricultural and forestry operations.
2. Support educational programming (such as Great Mountain Forest and VoAG at HVRHS) that will support current and future agriculture.
3. Maintain awareness of funding for farmland protection available through Agriculture Viability Grants from the CT Department of Agriculture.
4. Support efforts by local farms and non-profit organizations to encourage working lands.

This section includes the following action steps:

1. Evaluate local regulations to enable more diverse activities on farms and support local farming and farm businesses.
2. Investigate additional ways to enhance and promote the viability of local farms, farming, and farm businesses.

Action step 1, as mentioned above, was assigned specifically to the Planning and Zoning Commission (P&Z) as the lead.

EXAMPLES IN NEIGHBORING TOWNS:

The P&Z has decided to look to expand permissible farm uses to include more aspects of Agri tourism (the combination of a farming operation with aspects of tourism which includes the generation of income and/or the attraction of visitors to a farm) and farm-related events.

For example, in 2019 the Town of Cornwall amended its agricultural regulations to allow for:

- Farm stays
- Farm wineries, cideries, and/or breweries
- Educational tours and tastings
- Farmer's Markets and Farm Stores

Accessory aspects of farming such as u-pick operations, hayrides, corn-mazes, farm stands and farm tours require a Zoning Permit.

The Town of Morris revamped its regulations associated with farming in 2023 to allow for:

- Agriculture events such as farm dinners and other seasonal offerings
- Accessory uses to agriculture may include pick your own operations, horseback riding, carriage/sleigh rides, farm tours, corn mazes, farmers' markets, CSA pick-ups, and/or farm demonstrations
- Agri-tourism (eg Thursday Socials at South Farms)
- Farm Business – an establishment associated with an active farm which sell and/or serves agricultural products that may be produced on or off-site. Examples may include a retail farm store, a farm brewery, winery, farm restaurant/market and/or a combination of these uses.

As a Right to Farm Town, the Town of New Hartford requires any new residential use that abuts a working farming to establish the minimum of a 75' foot setback. This buffer requirement protects the farm from being subject to nuisance complaints ensures that the residential property owner is buffered from any herbicides, pesticides, manure, and/or other externalities that are inherent in farming. It is the new developer's responsibility and not the farmer's responsibility to enhance their setback.

PROPOSED AMENDMENTS:

1. Update current definition (Section to align with Connecticut General Statutes §1-1 (q) to expand current definition and include within **Section 8 Definitions**:

Agriculture – “farming”, The cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including cannabis, the raising, shearing, feeding, caring for, training, and management of livestock, including horses, bees, poultry, fur-bearing animals, and wildlife; the operation, management, conservation, improvement, or maintenance of a farm and its buildings, tools, and equipment.

Accessory uses shall include salvaging timber or clearing land of brush or debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, 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, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale of 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 and vegetables for market or for direct sale.

The term “farm” includes farm buildings, and accessory building thereto, nurseries, orchards, 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 and horticultural commodities.

2. **Section 2.3 Permitted Farm Structures & Accessory Uses** should be updated to include the following:

	ZONE	Village Residential	Residential/ Agricultural	Mountain Residential
ACCESSORY FARM STRUCTURES				
1. Barns and agricultural outbuildings accessory to farming use.		Zoning Permit	Zoning Permit	Zoning Permit
2. Farm stand accessory to a farming use of 400 square feet or less		By Right (no permit)	By Right (no permit)	By Right (no permit)
3. Farm business/farm store accessory to a farming use of more than 400 square feet		Special Permit	Special Permit	Special Permit
4. Accessory Uses to Agriculture		Zoning Permit	Zoning Permit	Zoning Permit
5. Agri-tourism and/or events on farm property		Special Permit	Special Permit	Special Permit

Section 2.6 Special Residential Regulations shall include **F. Agricultural Uses, Structures, and Agri-tourism.**

3. This new section **F. Agricultural Uses, Structures, and Agri-tourism** shall include:

1. **Purpose**

Agriculture has always been an integral part of Canaan (Falls Village's) economy, culture, and landscape. These regulations seek to support traditional agricultural practices as well as provide flexibility for innovative methods and practices in support of viable farm businesses and the local economy. These regulations permit farming in all residential zones, as well as within the Light Industrial Zone, allows farming activities consistent with the state's definition of agriculture, and provides opportunities for accessory agricultural uses, farm businesses, and agri-tourism. Careful consideration has been given to encourage the preservation of tracts of farmland, which includes significant open fields, prime agricultural soils, historic barns, and scenic vistas.

2. **Definitions**

Accessory Uses to Agriculture – These uses shall be ancillary to a farming operation and may include, but are not limited to, the following:

- Pick your own operations
- Hayrides/sleighrides/horseback rides
- Educational Farm Tours
- Corn mazes, pumpkin patches, and other seasonal attractions
- CSA pick-ups
- Farm demonstrations

Accessory uses to a working farm may include a combination of activities like those listed above and which are connected to the undertakings of a working farm to promote/sell products and/or practices of a working farm. If any accessory use and/or combination of agricultural uses consistently attracts 25 or more individuals to the premises of a working farm simultaneously, that use shall be considered Agri-tourism and permitted as such.

Agriculture - "farming", The cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including cannabis, the raising, shearing, feeding, caring for, training, and management of livestock, including horses, bees, poultry, fur-bearing animals, and wildlife; the operation, management, conservation, improvement, or maintenance of a farm and its buildings, tools, and equipment.

Accessory uses shall include salvaging timber or clearing land of brush or debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, 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, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale of 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 and vegetables for market or for direct sale.

The term “farm” includes farm buildings, and accessory building thereto, nurseries, orchards, 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 and horticultural commodities.

Agri-tourism – The combination of a farming operation with aspects of tourism which includes the generation of income and/or the attraction of visitors to the setting of a farm. Agri-tourism as a use attracts many visitors (greater than 25 individuals at any given time) to a working farm and includes an event such as farm dinners, weddings, workshops, etc.

Farm stand – A structure established for the display and sale of farm products which primarily have been grown on the premises and:

- (1) Shall not exceed 400 square feet
- (2) Shall adhere to the setback requirements required in the applicable zone
- (3) Shall provide at least one (1) off street space as a safe vehicular pull-off for each fifty square feet (50 sf) of building area and shall provide for safe vehicular ingress/egress to and from the public roadway
- (4) May include on-site signage

Farm Business/Farm Store- an establishment associated with an active farm and/or a conglomerate of active farms which sells or serves agricultural products that may be produced on/or off site. Examples of a farm business may include but are not limited to, a grocery food co-op, farm brewery or winery tasting room and retail store, a farm café and/or restaurant, an establishment offering farm stays, workshops open to the general public, and/or a combination of these uses.

3. Additional Provisions

- a. Modifications – any expansion and/or modification of an agricultural use that requires permitting shall be brought to the attention of the ZEO on behalf of the P&Z. When considered to be more impactful than the current authorized use(s), the ZEO and P&Z Commission may require a new application be considered.
- b. Multiple Uses- More than one (1) agricultural accessory use may be authorized on a single property. The proposed agricultural, accessory uses, and agri-tourism uses will be considered cumulatively when determining compliance.

- c. Lighting-All outdoor lighting associated with accessory agricultural uses and Agri-tourism shall adhere to **Section 5.6 Outdoor Illumination & Dark Sky Principles**
- d. Signage- All signage shall comply with **Section 5.4 Sign Standards**.
- e. Parking – All farm uses shall provide adequate off-street parking. Parking areas shall not encroach on property setbacks. In general 1 space should be provided per 250 feet of gross floor area (see also **Section 5.2 Parking & Loading**).
- f. Sanitary Systems- All on-site water and sanitary systems shall be adequately sized and in suitable condition to serve the proposed use(s). TAHD approval shall be included with the application materials (if applicable).
- g. All activities associated with agricultural, and agri-tourism uses shall comply with all local, state, and Federal regulations. Approval of plans by other regulatory agencies (eg Building Official, Fire Marshal, local area health district, Inland Wetlands Commission, public safety) shall be obtained when applicable.

Recommendation: These regulations suggest that any new residential use that is established next to a working farm maintain a minimum recommended setback of 75' from the property line of the abutting farm. This buffer protects the farm from nuisance complaints for noise and smell as well as ensures that the new residential property is buffered from herbicides, pesticides, manure, and/other externalities that are inherent in farming. It is the responsibility of the new residential owner and not the farmer's responsibility to enhance their setback.