

## CHAPTER XXXI AGRICULTURE

### SECTION 1. Agricultural Commission

The Town will establish an Agricultural Commission to represent the Hubbardston farming community. The commission shall consist of five members appointed by the Board of Selectmen. The Commission will have a minimum of three members who are actively engaged in agriculture in Hubbardston and another two who are “supporters” of agriculture. The three actively engaged in agriculture will be appointed to initial terms of one, two and three years with staggered three-year terms thereafter and the two “supporters” of agriculture will to be appointed to one and two year terms with staggered three year terms thereafter.

Said Commission once appointed shall develop a work plan to guide its activities. Such activities include, but are not limited, to the following: serve as facilitators for encouraging the pursuit of agriculture in Hubbardston; promote agricultural-based economic opportunities in Town; act as mediators, advocates, educators, and/or negotiators on farming issues; work for preservation of prime agricultural lands; pursue all initiatives appropriate to creating a sustainable agricultural community and preserving the rural character of Hubbardston.

The Board of Selectmen shall fill any vacancies based on the unexpired term of the vacancy in order to maintain the staggered cycle of appointments and such appointments will based on recommendations from the Agricultural Commission.

### SECTION 2. Right to Farm

#### Section 2.1 Purpose and Intent

The purpose and intent of this bylaw is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations there under including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter III, Section 125A and Chapter 128 Section IA.

We the citizens of Hubbardston restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Hubbardston by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This bylaw shall apply to all jurisdictional areas within the town.

#### Section 2.2 Definitions

The word *farm* shall include any parcel or contiguous parcels of land or water bodies used for the primary purpose of agriculture, or accessory thereto.

The words *farming* or *agriculture* or their derivatives shall include, but are not limited to, the following:

- Farming in all its branches and the cultivation and tillage of the soil;
- Dairying;
- Production, cultivation, growing, and harvesting of any agricultural, aquaculture, floriculture, viticulture, or horticulture commodities;
- Growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- Raising of livestock including horses;
- Keeping of horses; and

- Keeping and raising of poultry, swine, cattle, sheep, ratites (such as emus, ostriches and rheas) and camelids (such as llamas, alpacas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

*Farming* shall encompass activities including, but not limited to, the following:

- Operation and transportation of slow-moving farm equipment over roads within the Town;
- Control of pests, including, but not limited to, insects, weeds, predators and disease organisms of plants and animals;
- Application of manure, fertilizers and pesticides;
- Conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to the agricultural output or services of the farm;
- Slaughtering, processing and packaging of the agricultural output of the farm and the operation of a farmers' market or farm stand including signage thereto;
- Maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- On-farm relocation of earth and the clearing of ground for farming operations.

### **Section 2.3 Right to Farm Declaration**

The Right to Farm is hereby recognized to exist within the Town of Hubbardston. The above described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this bylaw are intended to apply to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm bylaw shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

### **Section 2.4 Disclosure Notification**

Within 30 days after this bylaw becomes effective, the Board of Selectmen shall prominently post within the town limits the following disclosure:

*It is the policy of this community 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 notification 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 may cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the town may be impacted by agricultural operations.*

### **Section 2.5 Resolution of Disputes**

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Board of Selectmen, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance.

The filing of a grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review

and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame. The Board of Health, except in cases of imminent danger to the public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.