PROPOSAL for a RIGHT-TO-FARM BY-LAW, Town of Clarksburg, Massachusetts

Section 1: Purpose and Intent

This General By-law serves as a cornerstone for fostering a thriving agricultural community while ensuring harmonious coexistence with neighboring properties and local government entities. Its primary objectives are to promote, support, and sustain agricultural endeavors, enhance the economic landscape and overall well-being of the Town, and mitigate any potential conflicts arising from such activities.

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Massachusetts Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Clarksburg 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").

Section 2: Right-To-Farm Declaration

The Right-To-Farm is hereby recognized to exist within the Town of Clarksburg. The below described agricultural activities may occur on holidays, weekdays, 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 community and society in general. The benefits and protections of this By-law are intended to apply exclusively to commercial agricultural and farming operations conducted in accordance with generally accepted agricultural practices. Nothing in this Right-to-Farm By-law 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. This By-law does not supersede local, state or federal laws or regulations, or private covenants.

Section 3: Definitions

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

***"Farming"** or **"agriculture"** shall include, but not be 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, aquacultural, floricultural, viticultural or horticultural 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 as a commercial enterprise;
- keeping and raising of poultry, swine, cattle, sheep, goats, 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 fiber and fur-bearing animals and honey bees;
- fish hatcheries;
- growing and harvesting of Christmas trees
- cultivation of sugar maple trees for the production of maple products;

***"Farming"** or" **agriculture"** shall include, but not be limited, to the following activities:*

- 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 organism of plants and animals;
- application of manure, fertilizers, pesticides, and herbicides with adherence to all Massachusetts General Laws pertaining to the applications of these materials and substances while adhering to all wetland and pollinator protection laws in effect.

• conducting agricultural-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
• processing and packaging of the agricultural output of the farm and the operation of a farmer's 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;
• on-farm relocation of earth and the clearing of ground for farming operations; and
• construction and use of farm structures and fences.

Section 4 Disclosure Notification

In order to allow prospective purchasers to make informed decisions prior to a real estate transaction and to promote harmony between farmers and their new neighbors after a transaction, the Town requests selling landholders and/or their agents (and assigns) to provide written notice to prospective purchasers substantially as follows:

"It is the policy of the Town of Clarksburg to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products, and 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 cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances."

The Town will provide notification that the Town of Clarksburg is a Right-to-Farm Community by the following means:
• By posting a copy of the above disclosure notice and the Right-to-Farm By-law at the Clarksburg Town Hall, at the Clarksburg Public Library, and on the Town's official website.
• Notification language required by this section shall appear each year in the Agricultural Commission's report in the Town's Annual Report document.
• Copies of this disclosure notice and Right-to-Farm By-law will be made available for distribution upon request at the Clarksburg Town Hall.
• Road signage notifying the general public that Clarksburg is a Right-To-Farm Community will be placed on major thoroughfares near town borders pending State approval, if required, and subject to all regulations for such signage and any necessary budget approvals.
• Property owners should make efforts to inform prospective tenants or buyers that Clarksburg is a Right-to-Farm Community and direct prospective tenants or buyers to the above locations and sources for obtaining this notification language and By-law.
• Those seeking to purchase real estate within the Town of Clarksburg and requesting a statement of Municipal Lien from the Town pertaining to such purchase, will be furnished a copy of this Right-to-Farm By-law.

Section 5 Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of Health, depending on the nature of the grievance. The filing of the 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 shall 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 or 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.

Section 6 Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Clarksburg hereby declares the provisions of this By-law to be severable.