

ESTABLISH AN AGRICULTURAL COMMISSION

ARTICLE ____. To see if the town will vote to direct the Board of Selectmen to establish and charge an Agricultural Commission to represent the Town of Dighton's agricultural community and interests, and to act fully thereon. By request of the Board of Selectmen.

The Selectmen and said Commission, once appointed, shall develop a work plan to guide its activities. Such activities shall include but not be limited to the following: serve as facilitators for encouraging the pursuit of agriculture in Dighton; promote agricultural-based economic opportunities in the town; act as mediators, advocates, educators, and/or negotiators; act in an advisory capacity on farming issues for established town committees and departments; pursue all initiatives appropriate to creating a sustainable agricultural community; and encourage the pursuit of agriculture as a career opportunity and lifestyle.

For the purposes of this article, agriculture is defined as farming in all of its branches.

The Commission membership shall consist of five (5) residents, who shall be actively engaged in farming, appointed by the Board of Selectmen. The terms shall stagger on three year intervals with the initial terms being two members for three years, two members for two years, and one member for one year, and three years thereafter. Up to three (3) non-voting associate members may also be appointed by the Board of Selectmen; one (1) shall be from the Board of Selectmen, the others shall be actively engaged in farming or have an interest in farming. Each shall serve for a one-year term, and/or take any other action relative thereto.

The Board of Selectmen shall fill a vacancy based on the unexpired term of the vacancy in order to maintain the cycle of appointments, based on the recommendations of the Commission.

RIGHT TO FARM BYLAW

Section 1 Legislative 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 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 IA. We the citizens of Dighton 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 farmland within the Town of Dighton 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 Town.

Section 2 Definitions

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

The words "farming" or "agriculture" or their derivatives 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 forest or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and keeping and raising of poultry, swine, cattle, ratties (such as emus, ostriches and rheas) and camelids (such as llamas 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 plant 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 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; and
- on-farm relocation of earth and the clearing of ground for farming operations.

Section 3 Right To Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Dighton. 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 exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, 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.

Section 4 Disclosure Notification

Within 30 days after this Bylaw becomes effective, the Select Board shall prominently post in the Town Hall and make available for distribution 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 and 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 and 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."

In addition to the above, copies of this disclosure notification shall be available in a public area at the Town Hall.

Section 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 Select Board, the Zoning Enforcement Officer, or the Board of Health, depending upon 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, 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 Board of Health within an agreed upon time frame.

Section 6 Severability Clause

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

CARVER AGRICULTURAL COMMISSION

Example **Plan of Work**

7.01.05

Mission: To represent the Town of Carver’s agricultural community and interests; facilitate and encourage the pursuit of agriculture in Carver; promote agricultural-based economic opportunities in the town; act as mediators, advocates, educators, and/or negotiators; act in an advisory capacity on farming issues for established town committees and departments; pursue all initiatives appropriate to creating a sustainable agricultural community; and encourage the pursuit of agriculture as a career opportunity and lifestyle.

GOAL	ACTIONS	WHO	WHEN
<p>A. Develop an Inventory of Agriculture in Carver</p>	<p>1. Research available data:</p> <ul style="list-style-type: none"> a. Contact Dartmouth Ag Comm (about the process they used), Assessors, office, MASSGIS, SRPEDD, Census, MA Dept. of Agricultural Resources, Farm Bureau... b. Collect and synthesize data on: <ul style="list-style-type: none"> Land in agriculture Land use Owners, operators Permanently protected, CRs, APRs etc. Ch.61 land use Economic impact= Cost of community services, jobs, multiplier effect Benefits: open space, environment, historic and cultural <p>2. Develop a Working Map and Database of Agriculture in Carver</p> <p>3. Update regularly</p>		
<p>B. Educate Residents of Community about: Farming Normal farm practices Living near a farm</p>	<p>1. Develop Educational Materials (Utilize inventory data)</p> <ul style="list-style-type: none"> a. Fact Sheet/Flyer: Living Near a Farm b. Fact Sheet/Flyer: Normal Farming Practices & exemptions c. Develop “Farming 101” Cable Programming for community <i>Seek Grant Funding to support development</i> <p>2. Distribute Materials & Provide Education</p> <ul style="list-style-type: none"> a. Develop Distribution Plan b. Produce and Air Community Cable Programming c. Distribute Materials to Town Boards at their meetings d. Distribute Materials at Community events e. Post on Town Website f. Provide to legislators... 		
<p>C. Educate Residents of the Community about: <u>Cost of Community Services</u> and the benefits provided by agriculture</p>	<p>1. Collect information (utilize inventory data) already available and organize data from communities “like” Carver. Contact American Farmland Trust</p> <p>2. Develop a brochure</p> <p>3. Distribute Materials: at Community Events:</p> <ul style="list-style-type: none"> Old Home Days Merchants Edaville Railroad Post on Town Website 		

GOAL	ACTION	WHO	WHEN
<p>D. Educate school age children about farming</p>	<ol style="list-style-type: none"> 1. Develop/Format Farming “101” Video for CCAT targeted toward children 2. Provide opportunities for youth to work on farms 3. Develop Hands-On Projects & Programs for youth <ul style="list-style-type: none"> Contact Mike Paddock Bog-in-a-Cup Seed germination Contact ag in the Classroom – access Work Plans Contact-Connect to Bristol Ag. HS Connect with Scouts Connect to ongoing youth activities and investigate how ag comm. can assist. 4. Organize and Conduct: <ol style="list-style-type: none"> a. Bog/Farm Tours b. Farm Education Days c. Provide for Seasonal Farm activities 5. Revitalize 4-H in Carver <ol style="list-style-type: none"> a. Serve as supporters 6. Link to Universities, TV, Press and Legislators 		
<p>E. Develop Strategies for Farmland Protection</p>	<p>Using Information from Inventory of Agriculture:</p> <ol style="list-style-type: none"> 1. Work with Town Departments and Boards to strategize for passage of Community Preservation Act (CPA) in FY '07 (town meeting '06) 2. Work with American Farmland Trust (AFT) to develop presentation for all town boards, departments and citizens re: farmland protection methods and tools... 3. Participate in making recommendations as the town pursues its right of first refusal on Ch. 61 land with P&S. 4. Serve as a catalysts for preservation of working farms/landscapes 		
<p>F. Conflict Resolution</p>	<p>Work to resolve conflicts at earliest stages between:</p> <ul style="list-style-type: none"> Neighbors and farmers Residents (community) and farmers Town boards and farmers Farmers and farmers Residents (community) and ag industry (issues relate to helicopter use, noise, pumps, pesticide use, manure, odors...) <ol style="list-style-type: none"> 1. Identify ag comm member(s) to call when questions arise 2. Contact Dartmouth and Westport for their procedures 3. Develop Fact Sheet : Neighbor to Neighbor explain right to farm, exemptions, normal farming practices 4. Receive training in Conflict Resolution-Facilitation to resolve conflicts at earliest stages 5. .Provide Conflict resolution facilitation when called upon (ag-related issues) 6. Provide education to public on Normal farming practices (cable, fact sheets and flyers) 		

GOAL	ACTION	WHO	WHEN
G. Public Relations & Communication	<ol style="list-style-type: none"> 1. Coordinate information about and publicize agricultural related activities/events (farm markets, cranberry products etc) <ol style="list-style-type: none"> a. Promote agriculture at established functions (community events, harvest festivals...) 2. Develop a Website 3. Advocate/Educate Legislators 4. Develop/distribute and air quarterly cable programming and seasonal newsletters 		
H. Serve as a Support System for Growers/farmers	<ol style="list-style-type: none"> 1. Serve as an Advocate 		
I. Provide for Suitable Incomes for Local Agriculture to Survive	<ol style="list-style-type: none"> 1. Provide education on agricultural economics 2. Conduct ag economic surveys 3. Serve as a clearinghouse for ag economic information by commodity (national and regional) 		
J. Advocate for Farming at Town Hall, State and Federal Levels (agencies and legislators)	<ol style="list-style-type: none"> 1. Ag Commission members also serve on boards 2. Recommend Warrant Articles that are supportive of agriculture 3. Participate in Ag Day at the Sate House and in Legislator education 		
K. Communication: Develop Working Relationships with Town Dept's, Boards and staff	<ol style="list-style-type: none"> 1. Attend Board Meetings 2. Request notification when Boards are addressing issues affecting agriculture (ag comm.= advisory) Provide agricultural expertise to all Boards and Officials 		
L. Serve as a Clearinghouse for Everything Agriculture	<ol style="list-style-type: none"> 1. Provide evaluation of Town Warrant Articles 2. Provide agricultural expertise to all Boards and Officials 		
M. Develop Resources: Advisors and Friends Engage in all aspects of Work Plan Implementation	<ol style="list-style-type: none"> 1. Reach out and engage people to help the Ag Comm implement the Work Plan <ol style="list-style-type: none"> a. Legal b. Legislative c. Engineering d. Financial e. Boards f. Writing 		
N. Investigate Need for Local Right to Farm ByLaw	<ol style="list-style-type: none"> 1. Over time, evaluate Need 		
O. Survey/Inventory Farmers Issues/Needs/Priorities	<ol style="list-style-type: none"> 1. Access surveys done by Dartmouth and Westport 2. Draft questionnaire for Carver Farmers 3. Send/Distribute to farmers 4. Synthesize information and use in Work Plan Development and Work Plan implementation 		

GOAL	ACTION	WHO	WHEN
P. GRANT WRITING	1. Search for Grant Opportunities and Apply for Grants to Fund: <ol style="list-style-type: none"> a. Education Projects b. Videos c. Flyers, Fact Sheets, Brochures d. Quarterly Newsletter e. Website f. Farmer Questionnaires... . . 		