

Town of Brookfield, MA
Agricultural Commission
Minutes of Meeting
April 13, 2011

Meeting called to order at 6:30PM by Clarence Snyder

Commission Appointee's present:

Paul Benjamin (term expires 6/30/2012)
James Dolan & Ron Starcher (terms expire 6/30/2013)
Barbara Haberlin & Clarence Snyder (terms expire 6/30/2014)

Alternate members present:

Ken Cleveland
Donald Grimes
Donald Haberlin
Steve Novak

Not present: Mark Ledoux

Others present: Kathy Pikosky

Formation:

Mike Seery administered the oath of office to both commission members and alternates present who had otherwise not had the chance.

With the commission duly constituted, a nomination for motion for chairman was made, Clarence Snyder was nominated, no other nominations were made and nominations were closed, **A motion was made for Clarence Snyder for Chairman, seconded and the motion passed.**

A motion was made for a Co-Chairperson/Recorder. Barbara Haberlin was nominated, no other nominations were made and nominations were closed. **A motion was made for Barbara Haberlin as Co-Chairman/Recorder, seconded and the motion passed.**

Agreement on objectives: A review of the earlier mission statement was made and a suggestion made that we refer to those items as near term objectives and the commission review other mission statements before final agreement. The following are near term objectives:

1. Increase public awareness of agriculture, and the positive impact it has on Brookfield. Farms to retain open space and the rural character of Town. Farms provide fresh, local wholesome products.
2. The Right-to-Farm Bylaw provides the guiding principles of the commission. The Bylaw is a re-statement of Commonwealth of Massachusetts' law, which explains what necessary activities are legally carried out in farming.
3. The Agricultural Commission can act as a mediator in disputes that may arise between farmers and their neighbors if asked to do so by the Board of Selectmen or other Town boards as directed and provide recommendations.
4. The Agricultural Commission meets on an ad hoc basis.
5. To accomplish its goals the commission plans a closer cooperation with activities like the Apple Country Fair and other venues to promote agricultural products and activities.
6. Bring awareness to farms and farmers of federal, state and other programs that can help them.

A motion was made to adopt the Commission objectives was made, seconded and passed.

Agreement on Bylaw: With the need to submit warrant articles before May 10th a discussion of the most recent Right to Farm Bylaw was reviewed. **A motion was made, seconded and passed to submit the warrant article as recommended by the earlier committee to the Town Administrator.** The key change from the earlier version is the use of the word protectant rather than pesticide.

The Warrant article is to read:

To see if the Town will adopt a Right to Farm bylaw to read,

Section 1. Legislative Purpose and Intent

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 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 Brookfield 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 By law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Brookfield by allowing agricultural uses and related activities to function with minimal conflict with abutters and local agencies. This By-Law shall apply to all jurisdictional areas within the 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 agriculture, 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 forestry or lumbering operations;
- Raising of livestock including horses;
- Keeping of horses; and
- Keeping and raising of poultry, swine, cattle, sheep, goats, ratites (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 plants and animals;
- Application of manure, fertilizers and protectants;
- 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;
- Processing, slaughtering 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 or 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 Brookfield. 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 By-law are intended to apply exclusively to those 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. Precedence

In the event of conflict between this By-law and all other town regulations, this By law shall take precedence. In the event of conflict between this By-law and federal or state law, federal or state law shall take precedence respectfully.

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 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 person may have. The Zoning Enforcement Officer 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.

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 Brookfield hereby declares the provisions of this By-law to be severable.

Promotion of the Bylaw: It was agreed by consensus, as the prior committee had done an article would be sent to the Citizen for posting of the activities of the Commission. It was agreed that for May we would announce appointees, the commission’s key

objectives and solicit others with agricultural interests with the idea of developing a brochure or other communication tool.

Ideas on the reasons for the Right to Farm Bylaw for discussion at the next meeting:

1. To have Brookfield continue to be known for its heritage as a farming community. To prolong those interests and to be known as more than as a “bedroom town”, offering a higher quality of life. Venues as the Apple Country Fair can be seen as the Town’s acceptance and promotion of farms and agricultural pursuits.
2. That the Town’s Master Plan calls attention to agriculture in all but two sections, where agriculture would have a favorable impact on the environment, open space and zoning were used as examples.
3. Promoting a healthy lifestyle with locally grown or raised products. Providing the Town with its own sustainability or bio-security alternatives. Offering support to the communities surrounding Brookfield.
4. An improved economy where most of the income from locally produced products stays local. Where some studies suggest less than half of the income from produce shipped in stays local.
5. Tax base, farms offer a backbone to the tax base. Trusts such as the land donated to Audubon go into land trusts where little or no taxes are paid. Loss of farm land to development drives other town costs, as in increased costs for schools and teachers. There is a need for a balance between farms and farmland and new developments.

Other ideas were discussed to share these thoughts which will be discussed at the next meeting.

Next meeting planned for May 18th 6:30PM Town Hall.

Motion to adjourn at 7:17PM, seconded and passed. Meeting adjourned.

Respectfully submitted:

Clarence Snyder