



Office of the Town Clerk

50 Billerica Road
Chelmsford, MA 01824-3190
978-250-5205
FAX 978-250-5208

Elizabeth L. Delaney
Town Clerk

Raymonde R. Legrand
Assistant Town Clerk

To Whom It May Concern:

MAY 26 2011

The Adjourned Annual Town Meeting of April 28, 2011, was called to order at 7:30 PM at the Senior Center at 75 Groton Rd. The Moderator Richard E. DeFreitas recognized the presence of a quorum. There were 149 Town Meeting Representatives present. The following action took place:

UNDER ARTICLE 19. The Moderator asked for a motion to waive the reading of the article. William Griffin moved to waive the reading. The Moderator asked for vote by way of a show of hands, **motion carried, unanimously.**

Douglas Housler said he was asked by the Agriculture Commission to speak about the article. He noted that the Chief of the Fire Department had asked that additional language regarding the burning of brush be included under the definitions section and it was. The purpose of the by-law is to seek endorsement of the community at large of being in favor of farming and open space agriculture uses. As the town has grown and there has been a conflict of people from the urban sector moving to Town which was originally a farming community. The conflict is the farmer's right to farm and the homeowner who abuts the farmer's property, dealing with the activities connected to farming that are not considered in a suburban community. This article supports farming and if this article passes the community supports farming. The language is a model by-law adopted by other communities throughout the State. The Commission did change the requirement that any seller of property in Chelmsford to a buyer would have to disclose that Chelmsford is a farming community. If this was not done then a fine of \$300 would be implemented. The Commission instead opted that a newspaper ad published twice a year in the local newspaper stating that Chelmsford was a Right to Farm Community and that would confirm the general knowledge of the community. Marianne Paresky what was the minimum amount of land required to be a farm. There is nothing mentioned in this article. Are horses considered accessories? Yes they are. Richard McClure questioned the activities regarding composting of materials. Does this mean farms will be able to accept "trucked in" materials from other areas? Yes it would be allowed. Glenn Thoren questioned what is the current protection that abutters have regarding mounds of fertilizer etc. Whatever uses that are currently going on a farming location abutters are aware of. If there is a new activity that is farming related it doesn't mean that it is not subject to enforcement by the Building Inspector or the Board of Health. All this is saying is that an abutter can't purposely or willfully try to create a nuisance to a neighbor who abuts a farm. It has to be done in the most minimum intrusive way. This would eliminate the burden of truth in a court setting. Joanne Anderson how many farms



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are there? There are at least ten farms. How much land is required? It is not specified in this article. Carol Suleski asked does this by-law impact the private residence, say a resident on a main road wanted to have a goat does it protect them. No it does not address the private resident it only addresses the commercial farmer. The Moderator asked for further questions, seeing none he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for any discussion, seeing none he asked for a vote by way of a show of hands. The **motion carried**, and the article reads as follows:

Charles Wojtas moved that the Town vote to amend the Code of the Town of Chelmsford by adopting a new chapter, Chapter 127 Right to Farm Bylaw, as follows:

Chapter 127 Right to Farm Bylaw

Section 127-1 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 there under 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 the Town of Chelmsford 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 Chelmsford by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

Section 127-2 Definitions

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

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



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- A. farming in all its branches and the cultivation and tillage of the soil;
- B. dairying;
- C. production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- D. growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- E. raising of livestock including horses;
- F. keeping of horses as a commercial enterprise; and
- G. keeping and raising of poultry, swine, cattle, 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:

- A. operation and transportation of slow-moving farm equipment over roads within the Town;
- B. control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- C. application of manure, fertilizers and pesticides;
- D. composting of farm and non-farm compostable materials;
- E. 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;
- F. processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- G. maintenance, repair, sale and 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;
- H. burning of brush in a controlled and safe manner after issuance and receipt of a permit issued from the Chelmsford Fire Department that such burning shall satisfy all of the conditions of the regulations and guidelines of the Chelmsford Fire Department and as set forth in 310 CMR 7.07(3)(b) and (c).

Section 127-3 Right To Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Chelmsford. The above-described agricultural activities may occur on holidays, weekdays, and weekends



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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 commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Keeping and raising of poultry, swine, cattle, 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, shall not be governed by local animal fee by-law. 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 127-4 Disclosure Notification

On an annual basis notification will be printed in two local newspapers:

"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 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."

Section 127-5 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 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 Board of Selectmen 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.



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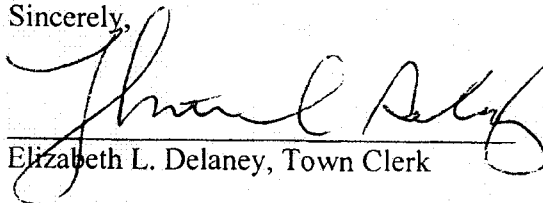
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The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations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

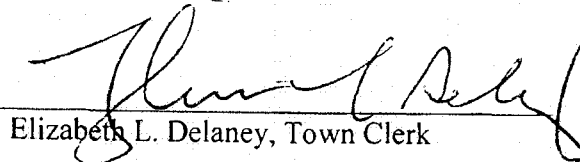
Section 127-6 Severability Clause

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

Sincerely,


Elizabeth L. Delaney, Town Clerk

A True Copy Attest:


Elizabeth L. Delaney, Town Clerk

TOWN OF CHELMSFORD
COMMONWEALTH OF MASSACHUSETTS

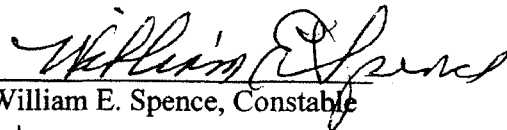
Middlesex

Date July 22, 2011


Pursuant to the within Town Bulletin, I have notified and warned the inhabitants of the Town of Chelmsford by posing up attested copies of same at the following places, to wit:

Town Office Building Gymnasium, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Gymnasium, Byam School Gymnasium, Westlands School Gymnasium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Building Gymnasium, and Town Office Building Lobby.

Signed


William E. Spence, Constable

A True Copy Attest,


William E. Spence, Constable