



Town of Georgetown
Office of the Town Clerk
1 Library St., Georgetown, MA 01833

VOTE CERTIFICATION

This is to certify that on May 6, 2024, at a duly called and posted Annual Town Meeting, at which more than a quorum of voters was present, the Town of Georgetown took the following action on Article 13:

EXTRACT FROM THE MINUTES OF THE TOWN MEETING HELD AT THE GEORGETOWN MIDDLE HIGHSCHOOL, 1 WINTER STREET, IN THE TOWN OF GEORGETOWN, MA, ON MONDAY, MAY 6, 2024.

Article 13: Right to Farm Bylaw (ATM 24-13)

To see if the Town will vote to amend the Town's General Bylaw by adding a new Chapter, Right to Farm, as set forth below, and further, to authorize the Town Clerk to assign appropriate Chapter and section numbers for said bylaw, or take any other action in relation thereto.

Chapter XX: Right to Farm

§XX-1 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 amendment Article 97 of the Massachusetts Constitution and all statutes and regulations thereunder including but not limited to General Laws Chapter 40A, Section 3; Chapter 90, Section 9; Chapter 111, Section 125A; and Chapter 128, Section 1A. We the citizens of Georgetown restate and republish these rights pursuant to the Town's authority conferred under the Home Rule Amendment to the Massachusetts Constitution.

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

§XX-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: 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



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including horses; keeping of horses as a commercial enterprise; and keeping and raising of poultry, cattle, swine, 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 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 agricultural products; and on-farm relocation of earth and the clearing of ground for farming operations.

§XX-3 Right to Farm Declaration.

The right to farm is hereby recognized to exist within the Town of Georgetown. The above-described 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 in 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. Moreover, nothing in this 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.

§XX-4 DISCLOSURE NOTIFICATION

Within twenty-one (21) days after the execution of a purchase and sale agreement for the purchase of any real estate is entered into, or prior to the sale or exchange of real property if no purchase and sale agreement exists, for the purchase or exchange of real property, or prior to the acquisition of a leasehold interest or other possessory interest in real property, located in Georgetown, the landowner shall present the buyer or occupant with a disclosure notification which states the following:



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

A copy of the disclosure notification shall be signed by the landowner prior to the sale, purchase, exchange or occupancy of real property. A copy of the disclosure notification must be filed with the Board of Selectmen prior to the sale, purchase, exchange or occupancy of such real property. In addition, the Town may mail a copy of this disclosure notification to all landowners once each fiscal year by inclusion in its mailing of real estate or excise taxes.

Any violation of this section shall be subject to a fine of \$300 and shall be enforced by the Board of Selectmen or its designee. The Town is authorized to enforce this section under the non-criminal disposition provision of G.L. c.40, §21D.

§XX-5 Resolution of Disputes.

The Town hereby designates the Board of Selectmen to serve as facilitator and advocate for encouraging the pursuit of farming and agriculture in Georgetown, and to promote agricultural-based economic opportunities in the Town, which shall work with Town officials and boards to promote and protect agricultural interests.

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 on 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 Board of Selectmen shall review and facilitate the resolution of the grievance within an agreed upon time frame. The Zoning Enforcement Officer may forward a copy of any grievance to the Board of Selectmen for review. The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Board of Selectmen, 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.



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§XX-6 Severability Clause.

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

Selectman Douglas Dawes makes the motion to approve Article 13 as printed in the warrant. Selectman Daryle LaMonica seconds the motion. Finance and Advisory Board 4 in favor, 2 abstentions.

Vote—200 in favor, 70 opposed. Motion carries.

MAJORITY VOTE

A True Copy Attest,

Kerri A. McManus

Town Clerk

