

WILLIAMSBURG RIGHT-TO-FARM BYLAW

Section 1. Purpose

The purposes of this Bylaw are to promote agriculture, educate citizens about agriculture and to encourage its acceptance in our community. Agriculture is a vital part of Williamsburg, past and present. The Town of Williamsburg is committed to do what it can to ensure the continuation of agriculture, despite our rapid residential development. Agriculture is important to our town for the local production of food and forest products and a source of local employment, and for environmental values that agricultural land provides, such as clean air, scenic beauty and open space. In order to accomplish the above-stated purposes, this Bylaw : 1) affirms the right to farm in Williamsburg, 2) provides a definition of agriculture, 3) provides a disclosure notice to educate potential buyers of property in Williamsburg about our commitment to agriculture and 4) establishes a procedure for mediation of disputes involving agricultural practices.

Section 2. Legislative Intent and Authority

The 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 Articles of Amendment 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 Williamsburg, 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 farmlands within the Town of Williamsburg by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies.

Section 3. Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of agriculture. 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, lumbering, or tree-growing operations;
- raising of livestock, including horses;
- keeping of horses as a commercial enterprise;
- keeping and raising of poultry, swine, cattle, sheep, 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 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, 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 operation;

- construction and use of farm structures and facilities for the storage of animal wastes, farm equipment, pesticides, fertilizers, agricultural products and livestock, for the processing of animal wastes and agricultural products, for the sale of agricultural products, and for the use of farm labor, in accordance with applicable labor laws and regulations, as permitted by local and state building codes and regulations; including construction and maintenance of fences.

Section 4. Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Williamsburg. 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 agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm Bylaw shall be deemed as acquiring any interest in land, or imposing any land use regulations, which are properly the subject of state statute, regulation, or local zoning bylaw. This Bylaw does not supersede local, state or federal laws or regulations, or private covenants.

Section 5. Disclosure Notification to Real Estate Buyers

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 of Williamsburg requests selling landholders and/or their agents (and assigns) provide written notice to prospective purchasers substantially as follows:

“It is the policy of the Town of Williamsburg 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 that the property they are about to acquire 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, for example, tractor traffic on roadways, noise associated with forest harvesting equipment, such as chainsaws, or occasional stray livestock. Purchasing, and henceforth occupying land within Williamsburg means that one should expect and accept such conditions as a normal and necessary aspect of living in Williamsburg.”

Written notification may occur in one of several ways including, but not limited to, a disclosure form or addendum to a Purchase and Sale Agreement, and should include an acknowledgement by the buyer that he or she has received notification.

Within 30 days after this Bylaw becomes effective, the Board of Selectmen shall make available for use by selling landowners or their agents (and assigns) copies of example written notifications.

Within 30 days after this Bylaw becomes effective the Board of Selectmen shall prominently place in the town hall the above disclosure.

Section 6. 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, using the form made available for this purpose, 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 thirty days of being notified of the grievance.

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 thirty days of notification.

Section 7. 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 Williamsburg hereby declares the provisions of this Bylaw to be severable.