

**TOWN OF PRINCETON**

**BOARD OF HEALTH**

**AGRICULTURE REGULATIONS**



The Board of Health of the Town of Princeton Massachusetts, as authorized by Massachusetts General Laws, Chapter 111, Sections 31 and 155, has duly adopted the following regulation. This regulation has been promulgated to provide minimum standards for the protection of public health, animals, and the environment. The following rules, regulations, and standards are deemed by the Board of Health to be generally adequate to protect the public health, comfort, and the environment in the interests of present and future citizens of the Town of Princeton. The effective date of this regulation is August 13, 2007.

## Section 1: **DEFINITIONS**

**Abutter:** Shall mean the owners or tenants of property which adjoin the lot upon which animals are to be kept whether or not said properties are separated by a public way.

**Animal:** For the purpose of these regulations, animal is to mean all animals except dogs, cats, and domestic animals normally kept in the home. It includes fowl that are kept or harbored as domesticated animals.

**Animal Unit:** For the purpose of permitting a given number of animals or fowl, the following shall be considered equivalent and each will be regarded as a single animal unit. Animal Units are cumulative across species:

Horse	1	Bovine	1
Pony	2	Miniature Horse	2
Goats	8	Sheep	8
Swine	4	Geese	10
Ducks	15	Rabbits	20
Chickens	20	Pigeons	20
Turkeys	10		

Fractional units of smaller animals are cumulative. Offspring are counted when they are weaned or reach half the average adult weight. (Refer to Section 2 General Requirements)

**Commercial Stable:** A stable operated for commercial purposes including riding schools or boarding.

**Compost:** Material that has gone through a process of accelerated biodegradation and stabilization of organic material under controlled conditions to maintain an internal temperature of 135 to 160 degrees to kill most pathogens, parasites, and weed seeds.

**Corral:** Any pen or enclosure for confining animals, including, but not limited to paddocks and pastures.

**Dwelling:** Any building or shelter used or intended for permanent or periodic human habitation.

**Facility:** The total accommodations to be used for the keeping and care of animals, including but not limited to manure storage areas, stables, and corrals.

**Farm:** A parcel of land under one ownership which contains a minimum of five (5) acres, and its use, concomitant with the keeping of animals, comprises of major source of income and/or constitutes a livelihood for the owner or tenant.

**Feed:** A food mixture of preparation, and hay, used for consumption by animals, kept at or proximate to a facility.

**Floodplain:** An area of land typically subject to seasonal or storm-related inundation.

**Fowl:** As used in these regulations, shall mean all members of the bird family, and shall include chickens, roosters, capons, hens, turkeys, pigeons, peafowl, ducks, swans, geese (other than wild species).

**Horse:** Any solid-hoofed animals including, but not limited to, a horse, donkey, pony or mule.

**Lot:** An area of land in a single ownership, with definite boundaries used or available for use as the site of one or more buildings.

**Manure Storage:** Location, with structures or not, where manure is gathered or temporarily accumulated including a stockpile or compost pile of any size or configuration.

**Owner:** Every person who alone, or jointly, or severally with others:

- a. has legal right to any dwelling or dwelling unit, or
- b. has care, charge, or control of any dwelling or dwelling unit as agent, executor, executrix, administrator, administratrix, trustees, lessee, or guardian of the estate of the holder of legal title.

**Person:** Every individual, partnership, corporation, firm, association, or group, including a city, town, country, or other governmental unit, owning property or carrying on an activity in town.

**Permit:** The written consent from the Board of Health to allow the keeping of animals.

**Riding Stables:** An activity where horses and/or areas to ride are made available at a fee. These operations are subject to these regulations, and must also comply with state licensing under 330 CMR 16.00.

**Runoff:** Water from precipitation or snow melt that flows over the surface of the ground.

**Shelter:** Any structure used to house animals.

**Stable:** A building or structure in which animals are sheltered and/or fed, including but not limited to barns, coops, run-in sheds or other animal shelters.

**Stall:** A compartment in a stable used for the keeping of one or more animals.

**Suitable Area:** The portions of a lot available for the keeping and maintaining animals. The suitable area is exclusive of wetlands or floodplains.

**Unsanitary Conditions:** The state of being of a facility which, in the opinion of the Board of Health, is conducive to or results in breeding of flies, creation of offensive odors, rodent infestation, septic liquid effluent, or turbid runoff.

**Vermin:** Any insects, bugs, or small animals regarded as objectionable because they are destructive or disease carrying, included but not limited to: flies, mosquitoes, lice, and rats.

**Watercourse:** Any perennial or intermittently – flowing body of water, including a river, stream, brook or creek, which moves in a definite channel in the ground due to a hydraulic gradient.

**Wetlands:** Areas of frequent flooding or standing or flowing water, and are more clearly defined as Bordering Vegetated Wetlands in 310 CMR 10.55.

## Section 2: **GENERAL REQUIREMENTS**

- 2.1 Permits are required by animal owners if their property for keeping animals is less than or equal to the minimum required thresholds of suitable area per animal unit. Permits are not required by animal owners if their property for keeping animals is greater than the minimum required thresholds of suitable area per animal unit. Where permits are required, no person shall keep or allow to be kept any animal **unit** within the limits of the Town of Princeton in any building or any premise on which he may be the owner, lessee, tenant, or occupant, without a written permit from the Board of Health. All such permits shall expire on December 31<sup>st</sup> of each year, unless sooner revoked by the Board of Health for cause. Each person representing the holder of legal title is bound to comply with the provisions of these regulations as if they were the owner.
- 2.2 The minimum suitable area of property for keeping animals is greater than or equal to thirty thousand (30,000) square feet. (1 acre = 43,560 sq.ft.)
- 2.3 Area requirements (Based on Animal Units and suitable area characteristics): a minimum of thirty thousand square feet (30,000) of suitable land is required for the first Animal Unit. A maximum of two (2) Animal Units will be allowed on lots having at least sixty thousand square feet (60,000) of suitable area, and each additional Animal Unit more will require twenty thousand square feet (20,000) of suitable land, provided that the granting of such permit will not adversely affect the public health, safety and welfare. Seasonal stock that is raised or bred and sold off within 3 months shall not be counted toward an animal unit. Domestic and or exotic animals not list will be addressed on an as needed basis. Unit numbers and area requirements will be based on recommendations from either USDA, MDA, or a nationally recognized organization specific for the species.

**Table 2.3a Minimum Threshold Requirements\***

Suitable Area Square Feet	Suitable Area approximate Acres	Animal Units
30,000	.75	1
60,000	1.5	2
80,000	2.0	3
100,000	2.5	4
120,000	3.0	5
140,000	3.5	6
160,000	4.0	7
180,000	4.5	8

\*Note: Table provided for reference purpose

The table 2.3b will be used to determine total animal unit contributions. The formula for determining the total animal units is given below.

Total Animal Units= (# of specific type of animal X fractional unit of specific type of animal) + (# of specific type of animal X fractional unit of specific type of animal)...

Example: A farm with one pony and four goats.

Total Animal Units = (1 pony X .500) + (4 goats X .125)

Total Animal Units = .500 + .500

Total Animal Units = 1

**Table 2.3b Single animal equivalent to one Animal Unit**

Type of Animal	Fractional Unit
Horse	1.00
Pony	.500
Goat	.125
Swine	.250
Duck	.067
Turkey	.100
Bovine	1.00
Mini horse	.500
Sheep	.125
Geese	.100
Rabbits	.050
Pigeons	.050
Chickens	.050

2.4 Properties with existing animals that do not meet the minimum suitable area per animal unit, at the time of enactment of these regulations, shall come into compliance through the attrition of existing animals as they are sold, removed or die.

## 2.5 Existing Stable

Existing stables are exempt from the stable requirements in Table 2.5. Any structural additions, excluding replacement roofing, windows, doors and/or siding replacement, made to existing stables after January 1, 2008 will not be included under the existing stable exemption and will be required to conform to the new construction requirements.

New Construction requirements as of January 1, 2008.

The facility for the keeping of animals shall be located on a lot in conformance with the following:

Table 2.5 Facility Requirements

Item Description	Manure Storage	Stable	Corral
1. Tributary to Surface Water Supply*	200 ft	200 ft	100 ft
2. Well used as a supply of drinking water	100 ft	100 ft	100 ft
3. Wetland	100 ft	50 ft	25 ft
4. Property Line of Public Way	50 ft	50 ft	---
5. Any part of any individual sewage disposal system	10 ft	10 ft	---

The above minimum requirements may be increased in any particular case at the discretion of the Board of Health.

\*Note: The setbacks noted above to Tributary to Surface Water Supply in the DCR watersheds are statutory and require separate approval by the DCR Division of Water Supply.

2.6 All facilities for the keeping of animals shall be securely fenced so as to prevent the escape of animals there from. At no time will animals be allowed to roam unattended.

2.7 A supply of potable water shall be available to the animals at all times and at or near the facility for feeding, cleaning, and fire protection purposes.

2.8 Adequate shading in the corral area shall be provided.

2.9 Each stable shall be located on land with good drainage ability and not subject to flooding.

2.10 The Animal Inspector, Agent of the Board, or any member of the Board of Health shall have the right to make an inspection at any time in accordance with Chapter 111, Section 127-B.

### Section 3: **SHELTER PERMIT**

3.1 Permits are required by animal owners if their property for keeping animals is less than or equal to the minimum required thresholds of suitable area per animal unit. No person or owner shall erect, occupy or use for a stable, barn, coop, or animal shelter (hereinafter collectively referred to as shelter) any building in town for animal use unless such use is permitted by the Board, and in such cases, only to the extent so permitted. Within 60 days of the passage of this regulation, each property having at least one animal unit kept at or below the minimum suitable area requirements shall apply for this permit.

- 3.2 The permit application under this Regulation shall include:
- a. A sketch with dimensions and setbacks, or drawn to scale, that delineates lot lines, abutting streets, stables, corrals (showing fencing where appropriate), manure storage, septic system, private or public wells and water supply lines, surface watercourses, and wetlands within one hundred (100) feet of the facilities.
  - b. A description for the manure storage, handling and appropriate disposal of manure,
  - c. The proposed maximum number of animals, by type, to be kept, and
  - d. A fee of \$20.00
- 3.3 The Board of Health will review the above documentation, and if acceptable, issue a Shelter Permit, which will be renewed annually. A site inspection may be necessary.
- 3.4 Any permitted facility owner who proposes to construct an addition to a facility shall apply for a building permit with the Building Inspector.

#### Section 4: **COMPOSTING**

- 4.1 All excessive organic waste generated as a result of engaging in any agricultural practice shall be composted in accordance with MDA standards for composting. This shall include yard waste (lawn clippings and/or leaves) not generated on the property.

#### Section 5: **MANURE MANAGEMENT**

Manure management is significant in protecting the quality of surface and ground water supplies, to control disease transmission and to minimize noisome odors and vermin.

- 5.1 Manure shall be collected on a regular basis from stables and corrals. The collected manure shall be:
- a. placed in a manure stockpile, removed semi-annually, and/or
  - b. added to a compost pile (refer to Manure Management pamphlet by Princeton Agriculture Commission), and/or
  - c. spread in a pasture in a manner consistent with good agricultural practices and USDA guidelines, and/or
  - d. disposed of in an environmentally acceptable way.
- 5.2 When no other acceptable option exists, the Board of Health shall presume that manure storage proposed to be located within 100 feet of a potable water supply well has the potential to adversely impact groundwater quality. Documentation of well construction on the applicant's premises and placement of the manure storage as far from the well as practical will be required to show that the water supply will not be adversely affected. Manure storage shall not be located within 100 feet of an abutter's well.



- 5.3.1 Manure storage proposed to be located closer than 50 feet to the lot line shall be considered to be a potential noisome impact to the abutter. It must be clearly shown that the location is visually screened and will not create objectionable impacts.
- 5.3.2 Manure storage proposed to be located within 100 feet of a wetland shall be presumed to adversely impact surface water quality. This presumption may be overcome by proving that drainage from the manure storage is away from wetlands or there is no drainage, and a determination has been issued by local Conservation Commission noting such when applicable.
- 5.3.3 Manure storage shall comply with the following conditions:
  - a. free from storm water runoff from any structure.
  - b. easily accessible from stables or corrals.
  - c. graded to keep surface water from running over or through the waste.
  - d. free from seasonal flooding.
  - e. such that equipment will not traverse the septic system.
  - f. operated to control odors and fly populations by covering, composting or removing waste off-site on a regular basis. If necessary, fly populations shall be treated with fly parasites or flytraps.
- 5.6 A manure management plan must be submitted to address proper manure management specific to the site and shall describe methods proposed to contain manure, treat manure, and dispose of manure (refer to Manure Management pamphlet by Princeton Agriculture Commission).

## **Section 6: MAINTENANCE OF PREMISES AND ANIMAL CARE**

- 6.1 All buildings, premises and conveyances shall be maintained by animal owners, stable owners and operators in such a manner so as not to create an unsanitary condition.
- 6.2 Animal owners, stable owners and operators shall provide adequate shelter and space for the welfare of any animals on the premises. Stalls shall be of adequate size for the comfort and safety of the animals contained therein. Standing stalls are permissible.
- 6.3 Animal owners, stable owners and operators shall take all reasonable precautions to prevent the spread of infectious or contagious diseases.
- 6.4 Animal owners, stable owners and operators shall provide adequate space for the safety of group housed animals.
- 6.5 Animal owners, stable owners and operators shall ensure that corrals contain adequate shade and that they be free of glass, wire, and other materials which might cause injury to the animals.

- 6.6 No person owning, leasing, or controlling the management of a facility for the keeping of one or more animals, shall willfully or through negligence, cause, suffer, allow or permit:
- a. the floor and/or the ground of the facility for the keeping of animals be designed, constructed, and/or maintained as to cause or contribute to unsanitary conditions at said facility, and drainage or liquid effluent containing urine and/or fecal matter from any animal kept at said facility to be discharged in runoff, or to flow over the surface of the ground on to neighboring property, public way or to watercourses.
- 6.7 No owner of a facility for the keeping of one or more animals, shall willfully or through negligence, cause, suffer, allow, or permit an infestation of insects or vermin at said facility. Control of these pests shall be with the use of USDA approved compounds. The continuance of an infestation of vermin at or near the facility beyond a date specified by the Board of Health, when the owner has been ordered by the Board of Health to abate any such infestation in a safe and sanitary manner, shall be cause for revocation of permit and initiation of legal proceedings to eliminate said conditions.

## Section 7: **VARIANCES**

- 7.1 The Board of Health may vary any portion of these regulations with respect to any particular case when documentation is submitted to justify a determination that in its opinion:
- the enforcement thereof would do manifest injustice, or
  - the applicant has proven that the same degree of environmental/public health protection required under these regulations can be achieved without strict application of the particular section.
- 7.2 Variance Request Protocol
- a. Every request for a variance shall be made in writing and shall state the specific variance sought and the reasons therefore, and
  - b. No variance request shall be considered until the applicant has legally notified all abutters by certified mail, return receipt at his/her own expense at least ten (10) days before the duly noticed Board of Health hearing will take place. The notification shall state the specific variance sought and the reasons therefore. Proof of receipt of said notification by all applicable abutters must be filed with the Board of Health prior to opening the hearing.
- 7.3 The Board of Health may impose conditions, safeguards, and limitations, both of time and use to which the variance pertains. If the rights authorized by a variance are not exercised within one (1) year from the granting of such variance(s) they shall lapse.

- 7.4 Any variance granted by the Board of Health shall be in writing. Any denial of a variance shall also be in writing and shall contain a brief statement of the reason(s) for the denial. A copy of the variance shall be available to the public at all reasonable hours in the office of the Board of Health while it is in effect.

#### **Section 8: NOTICE OF NONCOMPLIANCE**

Upon a violation of these regulations the Board of Health or its agent may issue a Notice of Noncompliance ("Notice"). The Notice shall describe the violation and the corrective action to be taken within a specific time period. Failure to respond to the Notice or failure to take the corrective action shall result in a hearing before the Board. The Notice shall constitute a written warning for the purpose of Section 10.

#### **Section 9: APPEAL PROCESS**

Any person who is aggrieved by an Order of the Board may request a hearing before the Board by filing a written petition within seven (7) days following receipt of such Order. The Board shall schedule a hearing within thirty (30) days of receipt of such appeal. The Board shall issue a written decision in which the Board may sustain, modify, or withdraw the Order or suspend or revoke the permit.

Any person aggrieved by the decision of the Board may seek relief in any court of competent jurisdiction.

#### **Section 10: PENALTIES**

Any person violating the provisions of these regulations shall be subject to a fine of one hundred dollars (\$100.00) per day. Each day or part thereof that the violation continues shall be deemed to be a separate offense.

Violation of this bylaw may also be enforced by non-criminal disposition in the manner provided by General Laws, Chapter 40, Section 21D and Chapter XVI of the Princeton Bylaws. The specific non-criminal disposition penalty, which shall apply to a violation of this bylaw, shall be as follows:

First offense within a twelve month period:	WARNING
Second and subsequent offenses within a twelve month period:	\$100.00

The enforcement of this regulation by non-criminal disposition as described herein shall be added to the list of bylaws and regulations so designated and enforced in Chapter XVI of the Princeton Bylaws.

#### **Section 11. SEVERABILITY**

The invalidity of any portion or provision of this regulation shall not invalidate any other portion or provision thereof.