
CHAPTER XVIII – FARM PRESERVATION BY-LAW

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 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 1A.

We the Citizens of Princeton 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").

The General By-law encourages the pursuit of agriculture, promotes agricultural-based economic opportunities and protects farmlands within the Town of Princeton by allowing agricultural uses and related activities to function with the 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:

- 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; raising of livestock including horses commercial and non-commercial;
- E) keeping of horses; and keeping and raising of poultry, swine, cattle, sheep, goats, rabbits, bees, ducks, guinea hens, rarities (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 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 organisms of plants and animals;
- C) application of manure, fertilizers and pesticides;
- D) conduction of agricultural-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;
- E) processing, slaughtering and packaging of the agricultural output of the farm and the operation of a farmers' market or farm stand including signage thereto;
- F) 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
- G) on-farm relocation of earth and the clearing of ground for farming operations.

Section 3 Right of Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Princeton. 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 maybe 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 Farm Preservation 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 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 Selectman 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.

The Board of Health, except in cases of imminent danger to 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 with in the agreed upon time frame.

Section 5 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 Princeton hereby declares the provisions of this By-law to be severable, or take any action relative thereto.

(Adopted at the Special Town Meeting, October 30, 2007.)