

Agriculture and Farm Preservation Bylaw

Section I: Intent

The intent of the Agriculture and Farm Preservation Bylaw is to encourage the pursuit of agriculture, preserve existing farmlands, and encourage agricultural based economic opportunities, within the Town of Paxton.

The Town specifically notes and emphasizes the rights granted under MGL, Ch. 40A, s.3; Ch. 90, s.9; Ch. 111, s.125A; and Ch.128, s. 1A, relating to agricultural activities.

Section II: Definitions

The word “farm” shall include any parcel or contiguous parcels of land or bodies of water under private ownership, used for the primary purpose of commercial agriculture, or an accessory use thereto.

The term “farm” for purposes of this bylaw shall be defined as the commercial production of crops, horticultural items, or animal products for human use or consumption. “Farming” shall include, but not be limited to:

- Cultivation and tillage of the soil
- Production, Cultivation, growing or harvesting of any agricultural, floricultural, viticultural, horticultural, or aquatic commodities for commercial purposes
- Growing and harvesting of forest products
- Raising livestock, including horses
- Keeping of horses as a commercial enterprise
- Keeping and raising of poultry, swine, cattle, ratites (emus, ostriches, rheas), camelids, and other animals, including bees and fur-bearing animals for food, or other agricultural purposes,

Provided, each aforementioned instance, such activity shall be subject to all applicable provisions of the Zoning Bylaw or any regulation legally instituted by any Town, State, or Federal agency authorized to make such regulation.

Activities considered as an “accessory use” to farming shall include, but not be limited to:

- Operation and transportation of slow-moving farming equipment over the roads within the Town of Paxton
- Control of pests, including, but not limited to, insects, weeds, predators, and disease organisms of plants and animals
- Application of manure, fertilizer, and pesticides
- Conduct of agriculture-related, educational, farm-based recreational activities (including “agritourism”), provided such activities are related to marketing the agricultural output or services of the farm
- Processing and packaging of the agricultural output of the farm including the operation of a farmer’s market or a farm stand (including related signage)
- Maintenance, repair, or storage of seasonal equipment or apparatus used for the purpose of propagation, processing, management, or sale of agricultural products.

- On farm relocation of earth and the clearing of ground for farming operations, provided, each aforementioned instance, such activity shall be subject to all applicable provisions of the Zoning Bylaw or any regulation legally instituted by any Town, State, or Federal agency authorized to make such regulation.

Section III: Right to Farm Declaration

- A. The town of Paxton hereby recognizes and acknowledges the existence of a Right to Farm within the Town. The agricultural activities defined in Section II, above, may occur at times which include holidays and weekends, by night or day, and may generate incidental noise, odor, dust, or fumes normally associated with generally accepted agricultural “best practices.” It is the Town’s policy that whatever impacts may be imposed upon others by the reasonable practice of agriculture (within the parameters established by the Zoning Bylaw, State statute, or regulations legally established by authorized Town, State, or Federal agencies) is more than offset by the benefits of farming to the neighborhood, to the community, and to society in general. In keeping with this policy, farming as defined in the bylaw, shall not be deemed to be a nuisance.
- B. Nothing in this Agriculture and Farm Preservation Bylaw shall be deemed to authorize acquisition of any interest in land. Nothing in this bylaw may authorize the imposition of any land use regulation, nor be construed in a manner contrary to State statute, legally implemented regulation, or the Paxton Zoning Bylaw.

Section IV: Agriculture Commission

- A. To further the goals of the Bylaw, there is hereby established an Agricultural Commission, to consist of five (5) members, appointed by the Board of Selectmen and three (3) alternates. The members of the Commission shall be substantially engaged in pursuit of agriculture, or have previously been engaged in the pursuit of agriculture, or those that have a combination of education and/or experience that qualifies them to serve in this capacity.
- B. The term of appointment shall be three (3) years, timed to coincide with the Town’s fiscal year. At the time said Board is first appointed, one member shall be appointed for one (1) year, two members for a term of two (2) years, and two members for a term of three (3) years; all subsequent appointments shall be made for terms of three (3) years. Vacancies within the Agricultural Commission will be filled based on the unexpired term of the vacancies to maintain the cycle of appointments.
- C. The Agricultural Commission shall be authorized;
 - To act as a spokesman for the Paxton farming community
 - Present written or oral testimony in the context of public hearing before any Town Board or Committee
 - On its own initiative, to advise any Town Board or Committee on the matters pertinent to the particular area of jurisdiction of that Board or Committee, insofar as the issue relates to the interests of agriculture

- To advise the Board of Selectman and/or the Planning Board on any Town-wide issues relating to the agriculture which, in the opinion of the Advisory Board, require a concerted Town action or response.
- To respond to any request for information or advice from any Town Board or Committee
- To provide public information or public education services regarding agriculture and the practice of agriculture in Paxton, or in general
- To serve, at the written request of any Town Officer, Board or Committee, as an arbitrator or negotiator in the resolution of disputes relating to agricultural issues, provided that no order or decision on the particular matter in question has already been issued by any Town entity authorized to do so; and that any resulting decision or recommendation shall be strictly advisory, and shall have no legal standing or definitive nature beyond the voluntary agreement of the parties to abide by it

Section V: Severability

In the event that any part of this Bylaw is, for any reason, held to be unconstitutional, invalid, or void by any court or agency of competent jurisdiction, it shall not be construed to affect the validity or the continuation and implementation of all other elements of this Bylaw.