



TOWN OF PLYMOUTH

26 Court Street
Plymouth, Massachusetts 02360
(508) 747-1620
www.plymouth-ma.gov

Chapter 63

RIGHT TO FARM (Voted April, 2022)

[HISTORY: Adopted by the Annual Town Meeting of the Town of Plymouth 10-26-2009 by Arts. 22 and 23]

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Section 1 Legislative Intent

The purpose of this Article is to restate farm protections that already exist in state law so they are understood and implemented at the local level.

This Right to Farm ByLaw does not seek to change state laws, but to bring them together into one local bylaw to enhance local understanding of the right to farm. The Right to Farm Bylaw also encourages the pursuit of agriculture, promotes agriculturally based economic opportunities, and protects farming in the Town of Plymouth by allowing agricultural uses and related activities to function in minimal conflict with abutters and town agencies. The Bylaw shall apply to all jurisdictional areas within the Town.

The benefits and protections of this Bylaw are intended to apply exclusively to those agricultural operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this bylaw shall be deemed to authorize the acquisition of any interest in land, or to impose any land use regulations, which actions are properly the subject of state statute, regulations, or local zoning law or vote of Town Meeting.

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” and “agriculture” or their derivatives shall include, but not be limited to, the following:

- 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;
- The raising and keeping of horses
- Raising and keeping of livestock including poultry, swine, cattle, ratites (such as emus and ostriches) and camelids (such as llamas and camels) and other domesticated animals for food and other agricultural purposes, including bees and furbearing animals

“Farming” shall encompass activities including but not limited to:

- 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 organism 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 farmers’ 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; and
- On-farm relocation of earth and the clearing of ground for farming operations

Section 3 Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Plymouth. 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.

Section 4 Disclosure Notification

Within 30 days after this by-law becomes effective, the Board of Selectmen shall prominently post in the Town Hall, on the official Town Website, and make available for distribution the following disclosure:

“It is the policy of this community 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 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 cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by agricultural operations including the ability to access water for such property under certain circumstances.”

Section 5 Dispute Resolution

Any person having a complaint about a farm or farming activity or practice about a farm or farming activity or practice is encouraged to seek an amicable solution through resolution directly with the owner or operator of the farm at issue. Such person may also, notwithstanding the pursuit of other available remedies, file such complaint with the Board of Selectmen. The Board of Selectmen will forward the complaint to the Agricultural Commission, or other appropriate board or officer, and request that recommendations for resolution be provided within an agreed upon timeframe.

Section 6 Agricultural Commission

For the purpose of this section, the term “agriculture” shall include but shall not be limited to the production of crops, livestock, horticulture, aquaculture, the keeping and boarding of horses or livestock for personal or commercial purposes, forestry, nurseries, greenhouses, and related activities.

The Agricultural Commission shall have the powers and duties of an agricultural commission as provided in G.L. c. 40 section 8L and shall

- Serve as facilitators for encouraging the pursuit of agriculture in Plymouth
- Promote agriculturally based economic opportunities
- Act as advocates, educators and/or negotiators on agricultural issues
- Work for the preservation of agricultural lands
- Pursue all initiatives appropriate to creating a sustainable agricultural community
- Encourage early and effective resolution of farm related disputes

The Commission shall consist of seven members who shall be residents of the Town. A majority of members shall be farmers or employed in an agriculture-related field. If farmers or persons employed in agriculture are not available to serve on the Commission, then the Commission shall include a majority of members with knowledge and experience in agricultural practices or knowledge of related agricultural business. Each member of the Commission shall serve for a term of three years; provided, however, that the initial members appointed under this section shall serve for terms of one, two, or three years and the terms shall be arranged by the Town Manager so that the terms of approximately one third of the Commission's members shall expire each year. The members of the Commission shall be appointed by the Town Manager subject to the approval of the Select Board. A member of the Commission may be removed for cause by the Town Manager after a public hearing if a hearing is requested by the member. A vacancy created by a member being removed for cause shall be filled by the Town Manager for the remainder of the unexpired term in the same manner as the original appointment.

Section 7 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 the By-law. The Town of Plymouth hereby declares the provisions of this By-law to be severable.

A True Copy

Attest:



Kelly A. McElreath
Town Clerk