

CHAPTER XLVIII

RIGHT TO FARM BY-LAW

48-1 Purpose and Intent:

The Town of Topsfield recognizes and endorses the right to farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations hereunder 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. Topsfield has a rich agricultural heritage continued by the current operation of farms that contribute to the character and economy of the Town. This By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Topsfield by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

The benefits and protections of this By-law are intended to apply exclusively to those commercial, agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Said benefits and protections do not extend to the non-commercial, personal and/or occasional accessory keeping of farm animals or agricultural activities.

48-2 Definitions:

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial 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, aqua cultural, floricultural, viticulture, or horticultural commodities;
- d. growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- e. raising of livestock including horses;
- f. keeping of horses as a commercial enterprise; and keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and came lids (such as llamas 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:

- 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 organism of plants and animals;
- c. application of manure, fertilizers and pesticides;
- d. conducting agriculture-related educational and farm-based recreational activities, including agric-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- e. processing and packaging of the agricultural output of the farm and the operation of a farmer's 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 the agricultural products; and
- g. on-farm relocation of earth and the clearing of ground for farming operations.

48-3 Right To Farm Declaration:

The Right to Farm is hereby recognized to exist within the Town of Topsfield. The above-described agricultural activities may include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices.

48-4 Protections:

The foregoing agricultural activities must conform with applicable federal and state laws and local by-laws, rules and regulations which regulate the lawful conduct of agricultural activities and specify the rights and obligations of the agricultural community, the Town, abutters, and the citizens of Topsfield. All applicable zoning, conservation, health, and animal inspection by-laws and rules and regulations take precedence over this By-law.

The provisions of this by-law shall not apply whenever an impact results from negligence or willful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility, or any of its appurtenances. (Art. 37, 5-4-2005 - Effective 8/30/2005)