

Chapter two hundred and sixty-eight in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits: open burning, section thirteen of Chapter forty-eight, bicycle permits, section eleven A of Chapter eighty-five, sales of articles for charitable purposes, section thirty-three of Chapter one hundred and one, children work permits, section sixty-nine of Chapter one hundred and forty-nine, clubs, associations dispensing food or beverage licenses, section twenty-one E of Chapter one hundred and forty, dog licenses, section one hundred and thirty-seven of Chapter one hundred and forty; fishing, hunting, trapping license, section twelve of Chapter one hundred and thirty-one, marriage licenses, section twenty-eight of Chapter two hundred and seven and theatrical events, public exhibitions permits, section one hundred and eighty-one of Chapter one hundred and forty.

SECTION 11.

Every Town Officer, either elected or appointed, shall post the hours their office is open to the public on their office door.

SECTION 12.

AGRICULTURAL COMMISSION, to be comprised of ten members appointed by the Selectmen, 5 full time & 5 alternates, serving 3-year terms each. Said Commission shall serve as facilitators for encouraging the pursuit of agriculture in West Brookfield, and to promote agricultural-based economic opportunities in the town. Mission: Preserve, revitalize and sustain the West Brookfield Agricultural Industry and its lands: encourage the pursuit of agriculture, promote agricultural-based opportunities & protect farmland. Budget: No funding requirement. (Adopted 05/10/2005).

CHAPTER XIII Right to Farm by-law

Section 1 Legislative Purpose and Intent

The purpose and intent of this bylaw 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 West Brookfield 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").

This General Bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of West Brookfield by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This bylaw 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 commercial agriculture, or accessory thereto.

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

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aqua cultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, swine, cattle, rarities (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food or other agricultural purposes, including bees and fur-bearing animals.

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

- 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 farmer’s 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 relation 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 West Brookfield. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and may 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. The benefits and protections of this bylaw are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in

accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm Bylaw 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. This bylaw does not supersede local, state or federal laws or regulations.

Section 4 Disclosure Notification

Not later than 21 days after the purchase and sale contract is entered into, or prior to the sale or exchange of real property if no purchase and sale agreement exists, for the purchase or exchange of real property, or prior to the acquisition of a leasehold interest or other possessory interest in real property, located in the Town of West Brookfield, the landowner shall present the buyer or occupant with a disclosure notification which states the following:

“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 with the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances.”

A copy of this disclosure notification shall be given on a form prepared by the Town and shall be signed by the landowner prior to the sale, purchase, exchange or occupancy of such real property. A copy of the disclosure notification must be filed with the Board of Selectmen or its designee prior to the sale, purchase, exchange or occupancy of such real property. In addition to the above, a copy of the signed disclosure notification is to be included with requests for municipal lien certificates and the notice “West Brookfield has a Right to Farm Bylaw” will be posted on the Annual Census Form.

Section 5 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 Select Board, the Zoning Enforcement Officer, or the Board of Health, depending on 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 Select Board may forward a copy of the grievance to the Agricultural Committee 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 or 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 within an agreed upon time frame.

Section 6 Severability Clause

If any part of this bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this bylaw. The Town of West Brookfield hereby declares the provisions of this bylaw to be severable. (Adopted 05/08/2007).

**CHAPTER XIV
Automatic Sprinkler Systems Bylaw**

SECTION 1.

Every building of more than seventy-five hundred (7,500) gross square feet in floor area or every addition of more than seventy-five hundred (7,500) gross square feet in floor area shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code; provided, however, that in the case of said addition, such an adequate system of automatic sprinklers shall be installed in said addition only. No such sprinkler shall be required unless sufficient water and water pressure exists. For purpose of this section, the gross square feet of a building or addition shall include the sum total of the floor areas for all floor levels, basements and sub-basements, measured from outside walls, irrespective of the existence of interior fire walls, floors and ceilings.

In such buildings or additions, or in certain area of such buildings or additions, where the discharge of water would be an actual danger in the event of fire, the head of the fire department shall permit the installation of such other fire suppressant systems as are prescribed by the state building code in lieu of automatic sprinklers. Automatic suppressant or sprinkler systems shall not be required in rooms or areas of a telephone central office equipment building when such rooms or areas are protected with an automatic fire alarm system. Sprinkler systems shall not be required on a one story building having a fire resistance rating as prescribed in the state building code that is used solely for offices provided the building is protected by an automatic fire alarm system. Sprinkler systems shall not be required in open-air parking structures, defined as; buildings, structures, or portions thereof, used for parking motor vehicles and having not less than twenty-five percent of the total wall area open to atmosphere at each level, utilizing at least two sides of the structure. This section shall not apply to buildings or additions used for residential purposes.

The head of the fire department shall enforce the provisions of this section. (Adopted on 11/24/86).