

COMMONWEALTH OF MASSACHUSETTS

FRANKLIN, SS.

TOWN OF GILL

SPECIAL TOWN MEETING: JANUARY 7, 2009

To any of the Constables of the Town of Gill in the County of Franklin,

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said town, qualified to vote in elections and in town affairs, to meet at the Gill Town Hall in said Town on Wednesday, the Seventh day of January, in the year Two Thousand and Nine (1/7/09) at 7:00 p.m. in the evening then and there to act on the following articles:

Article 1: To see if the Town will vote to transfer from Free Cash a sum of money to pay legal bills incurred by the Tax Collector from a prior year, or take any action relative thereto.

Article 2: To see if the Town will vote to transfer a sum of money from the Highway Machine Earnings Account to pay for repairs made to Highway Department equipment, or take any action relative thereto.

Article 3: To see if the Town will vote to amend the vote taken under Article 6 (Cemetery Erosion Prevention) at the Annual Town Meeting on May 5, 2008, or take any action relative thereto.

Article 4: To see if the Town will vote to transfer a sum from the Building Inspector Stabilization Fund to the general Stabilization Fund or take any action relative thereto.

Article 5: To see if the Town will vote to transfer funds from the Stabilization Fund to support general operating expenses of the Town or take any action relative thereto.

Article 6: To see if the Town will vote to amend or rescind the vote taken under Article 5 (Fire Truck Pump Repair) at the Annual Town Meeting on May 5, 2008, or take any action relative thereto.

Article 7: To see if the Town will vote to amend the vote taken under Article 24 (Omnibus) at the Annual Town Meeting on May 5, 2008, to increase and/or decrease the sums of money raised and appropriated for several departments pursuant to the results of the override election of January 6, 2009, for the fiscal year beginning July 1, 2008, or take any action relative thereto.

Article 8: To see if the Town will vote to amend the vote taken under Article 25 (Regional School Assessment) at the Annual Town Meeting on May 5, 2008, to increase the sums of money raised and appropriated, or take any action relative thereto.

Article 9: To see if the Town will vote to pass the following non-binding resolution: As the state defined FY 2009 Gill Montague Regional School District assessment is unsustainable, we believe any increase in Gill's assessment next year is fiscally irresponsible. Therefore we, the Town Meeting Members of Gill, recognizing the serious budget constraints the Town, State and Nation are under presently and shall be for the foreseeable future, cannot and will not support a 2010 school assessment that is greater than the level set by the State this year, less reduction in local and school aid allocated for FY 2010.

Article 10: To see if the Town will vote, pursuant Chapter 82A, §2 of Massachusetts General Law, to designate the Board of Selectmen as the appointing authority for the Board or officer responsible for the issuance of trench excavation permits pursuant to Chapter 82A, §4 and 520 CMR 14.00, or take any action relative thereto.

Article 11: To see if the Town will vote to adopt the following Right to Farm bylaw, or take any action relative thereto:

Section 1 Legislative Purpose and Intent

The purpose and intent of this by-law is to explain the existing Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution and all state statutes and regulations thereunder 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 Gill 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 By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Gill 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.

Section 2 Existing Definitions

The word 'farm' shall include any parcel or contiguous parcels of land or water bodies used for the primary purpose of commercial or non-commercial agriculture or accessory thereto.

The words 'farming' and '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, aquacultural, floricultural, viticultural, or horticultural commodities;
- Growing and harvesting of forest products upon forest land and any other forestry or lumbering operations;
- Keeping and raising of poultry, horses, swine, cattle, bees, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes.

'Farming' shall encompass activities including but not limited to the following:

- Operation and transport 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 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 in the Town of Gill. 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 protection of this By-law are intended to apply exclusively to these commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm 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, local zoning law or other local by-laws or regulations.

Section 4 Disclosure Notification

Within 30 days after this bylaw becomes effective the Select Board shall prominently post in the Town Hall 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 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 is within a town where farming activities occur. Such farming activities may include but are not limited to activities that cause dust, noise and odors. Buyers or occupants are also informed that property located within the town may be impacted by commercial agricultural operations.

In addition this disclosure notification will be made by the Agricultural Commission to the town residents each fiscal year via a town mailing or newsletter.

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 appropriate body depending upon the nature of the grievance, which may include the Board of Selectmen, the Zoning Enforcement Officer, or the Board of Health. 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 shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance involving all concerned parties and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance involving all concerned parties and report its recommendation to the Board of Health within an agreed upon time frame, except in cases of imminent danger or public health risk, wherein the Board of Health shall act immediately under its own authority.

Section 6 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 Gill hereby declares the provisions of this By-law to be severable.



FRANKLIN, SS.

TOWN OF GILL

And, you are directed to serve this Warrant, by posting up attested copies thereof at the Town Hall, Main Road; Post Office, Mt. Hermon; The Gill Store, Main Road; and Riverside Municipal Building, Route 2, in said Town fourteen days at least before the time of holding said meeting.

Hereof fail not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as foresaid.

Given under our hand this Twenty Second day of December in the year Two Thousand Eight (12/22/2008).

Selectboard of Gill

_____, Chair

_____, Clerk

_____, Member

A true copy Attest:

_____, Town Clerk

Date: _____

Individuals who may need auxiliary aids for effective communication for this meeting should call the Gill Town Hall at (413) 863-9347 or MA Relay System at (800) 439-2370.

Pursuant to the within Warrant, I have notified and warned the inhabitants of the Town of Gill by posting up attested copies of the same at Town Hall, Main Rd.; Post Office, Mt. Hermon; Gill Store, Main Rd.; and Riverside Municipal Building, Route 2, seven days before the date hereof, as within directed.

_____ Constable of Gill

Date: _____