

Proposed General Bylaw for the Town of Montague: Right to Farm

What is a “Right-to-Farm” bylaw?

A Right-to-Farm bylaw encourages the pursuit of agriculture, promotes agricultural-based economic activities, and protects farmlands within the town by allowing agricultural uses and related activities to function with minimal conflict with neighbors. The bylaw will support and encourage all types of farming and forestry activities.



Why do we need a Right-to-Farm bylaw?

Here in Montague we are blessed with some of the best farmland soils in the world, and we have nearly 3000 acres of land in agricultural uses. Some of this precious farmland is protected, but not all. Farming is part of our cultural heritage, contributes significantly to the local economy, preserves open space, and the rural character of our town that is beloved of visitors and residents alike. However, here as in other farming communities, development pressure over the past few decades has brought persons new to farming into traditional agricultural areas. New rural residents can be surprised to learn that the beautiful agricultural landscape is sometimes accompanied by odors, noise from field work, and other necessary byproducts of farming. Right-to-Farm language in the state statutes protects farmers from nuisance lawsuits from neighbors, and creates public awareness regarding the needs of local farms and farmers. The bylaw will also contribute to the permanent preservation of farmland. The Right-to-Farm bylaw is a way of showing our commitment to supporting agriculture.



How will the Right-to-Farm bylaw work?

The Right-to-Farm bylaw is based on Commonwealth of Massachusetts statutes and regulations that protect agricultural activities. The bylaw will restate and republish these rights pursuant to the town’s authority conferred by Article 89, or the “Home Rule Amendment” of the MA Constitution. The bylaw was drafted by the Montague Agricultural Commission and will be voted on at the next annual Town Meeting on May 5, 2012.

A draft of the proposed bylaw is attached here. The draft is also available at Town Hall, on the town’s website, and the town libraries. If you have questions concerning this proposed bylaw, please feel free to contact the Agricultural Commission, Donna Francis, chair (367-9747).

The Montague Right-to-Farm bylaw will include the following Disclosure Notification for home buyers and renters:

“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 could include, but are not limited to, activities that cause noise, dust, and odors, and could occur by day or night on weekdays, weekends, and holidays. Occupying land within the Town of Montague means that one could expect and accept such conditions as a normal and necessary aspect of living in such an area”.

(Source for some text in flyer: Pioneer Valley Planning Commission – www.pvpc.org)