

Taylor Tower

From: Maureen Ward
Sent: Tuesday, January 19, 2021 3:52 PM
To: Charter and Bylaw Committee
Subject: Feb

Charter Change Discussion for Feb. 2, 2021

Article 22 Sewer Pg. 50

22.11 ~~Before any abatement may be considered, the bill shall be paid in full.~~

In discussion with Mr. Hickey and Mr. Croteau – this is not done. Often the homeowner is put on a plan or a rebate is considered by the BOS before the bill is paid. The recommendation was to strike this line.

Article 24 Recreation Commission Pg 52

1. A There shall be a Recreation Commission [The Commission] consisting of seven (7) members appointed by the Board of Selectmen. One (1) member shall be a **WINCHENDON MIDDLE SCHOOL** student in good standing ~~from the Murdock Middle School~~, and one (1) member shall be a **WINCHENDON HIGH SCHOOL** student in good standing ~~from the Murdock High School~~.

There has been some difficulty getting students to be part of this commission. Limiting it to students who attend Murdock Middle/High eliminates those Winchendon Students who attend Monty Tech, Winchendon Private School, Home Schooled Students, etc.

Article 39 Pg. 93

Taylor Tower

From: Ellen Toner >
Sent: Wednesday, January 20, 2021 6:35 PM
To: Maureen Ward
Cc: Charter and Bylaw Committee
Subject: Re: Right to Farm Bylaws

Thank you, Moe! Appreciate the quick response :)

On Wed, Jan 20, 2021 at 6:12 PM Maureen Ward <mward@townofwinchendon.com> wrote:

Thank you for reaching out, Ellen. Much of the location to "farm" falls under zoning but I will pull state statutes to see where we can clarify.

Moe Ward
Sent from my iPhone

> On Jan 20, 2021, at 6:05 PM, Ellen Toner — wrote:

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> Sorry for sending so last-minute!!

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> I think it would be great if there could be some language added to this section of the bylaws that would ensure the rights of all property owners to run backyard farms (and, if residents are renting rather than owning, dependent of course on rental agreements). I realize that that needs a lot of definition, but maybe a quick way to ensure this right, rather than listing particularly what kinds of animals qualify for which acreage, would be to say something along the lines of allowing residents to own and maintain livestock on their land as long as there is a clear case to be made that there is enough land there for the animals to be well cared for.

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> Looking at the current bylaws, there is one section in particular that I think should be emphasized or at least certainly not diminished: "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." -sections 30.3 (p. 73) of the 2019 Bylaws. There has been some debate among some of us residents as to whether this refers to all of Winchendon, or only particular zones. As section 30.4 indicates that everyone moving to town must receive notice that it is a farming community, that seems to indicate that the right to farm refers to all residences in the Town of Winchendon, not just to plots above a certain acreage, etc. It would be great if that could be clarified in the language of 30.3

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> Thanks very much, and, again, apologies for the late input!

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> Best,
> Ellen Toner

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Taylor Tower

From: Dave Walsh
Sent: Thursday, January 21, 2021 9:35 AM
To: Maureen Ward; Charter and Bylaw Committee
Cc: Animal Control
Subject: RE: MGL on Right to Farm as cited in our Bylaws

All,

I apologize for not mentioning this earlier but will address it now. I am adamantly against any adjustments to this bylaw that are less restrictive. I feel I can more than justify my position. I will be checking into what I can speak to regarding the horrendous animal abuse I have had the unfortunate opportunity to witness in this town some as a result of so called farmers. All too often even people with the best intentions who attempt to farm/raise livestock become overwhelmed. This can result in abuse and neglect of the animals, unsanitary conditions and in some cases infestation and disease.

I encourage all of you to do research regarding farm animal abuse in Massachusetts before suggesting or agreeing to any changes!

I will be speaking to my senior A.C.O. for her input regarding meetings she has attended with the Agriculture Commission. I also feel that direct requests by the Charter Bylaw Committee should be made not only to the Agriculture Commission but to the Board of Health and the Building Inspector for input.

Lastly, I am sure this individual is well intended as are many, but as in all situations when laws or regulations are adopted you don't regulate for the best people you regulate for the worst!

Dave

From: Maureen Ward
Sent: Wednesday, January 20, 2021 7:05 PM
To: Charter and Bylaw Committee <CharterBylaw@townofwinchendon.com>
Subject: MGL on Right to Farm as cited in our Bylaws

I believe the issue that Ms. Toner is concerned with is now under review by the Agriculture Commission as a zoning modification BUT for our own due diligence here are the chapters cited in our current Bylaw Article 30 Right to Farm.

Chapter 40 A Section 3

Section 3. No zoning ordinance or by-law shall regulate or restrict the use of materials, or methods of construction of structures regulated by the state building code, nor shall any such ordinance or by-law prohibit, unreasonably regulate, or require a special permit for the use of land for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, nor prohibit, unreasonably regulate or require a special permit for the use, expansion, reconstruction or construction of structures thereon for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, including those facilities for the sale of produce, wine and dairy products, provided that either during the months of June, July, August and September of each year or during the harvest season of the primary crop raised on land of the owner or lessee, 25 per cent of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, or at least 25 per cent of such products for sale, based on either

exclusively for the building, repair and maintenance of highways which exceed the dimensions or weight limits imposed by section nineteen and the weight limits imposed by section thirty of chapter eighty-five may be operated without such registration for a distance not exceeding three hundred yards on any way adjacent to any highway or toll road being constructed, relocated or improved under contract with the commonwealth or any agency or political subdivision thereof or by a public instrumentality, provided that a permit authorizing the operation of such a vehicle in excess of the stated weight or dimension limits has been issued by the commissioner of highways or the board or officer having charge of such way, and provided that such earth-moving vehicle shall be operated under such permit only when directed by an officer authorized to direct traffic at the location where such earth-moving vehicle is being operated. The operation of such an earth-moving vehicle shall conform to any terms or conditions set forth in such permit, and any person to whom any such permit is issued shall provide indemnity for his operation by means of a motor vehicle liability policy or bond conforming to the requirements of this chapter and shall furnish a certificate conforming to the requirements of section thirty-four A with each such application for a permit. Violation of this section shall not be deemed to render the motor vehicle or trailer a nuisance or any person a trespasser upon a way and shall not constitute a defense to, or prevent a recovery in, an action of tort for injuries suffered by a person, of for the death of a person, or for damage to property, unless such violation by the person injured or killed or sustaining the damage was in fact a proximate cause of such injury, death or damage, but violation of this section shall be deemed evidence of negligence on the part of the violator. A motor vehicle or trailer shall be deemed to be registered in accordance with this chapter notwithstanding any mistake in so much of the description thereof contained in the application for registration or in the certificate required to be filed under section thirty-four B as relates to the type of such vehicle or trailer or to the identifying number or numbers required by the registrar or any mistake in the statement of residence of the applicant contained in said application or certificate. A person convicted of a violation of this section shall be punished by a fine of not more than one hundred dollars for the first offense and not more than one thousand dollars for any subsequent offense.

Chapter 111, Section 125: Removal of nuisance by board

Section 125. If the owner or occupant fails to comply with such order, the board may cause the nuisance, source of filth or cause of sickness to be removed, and all expenses incurred thereby shall constitute a debt due the city or town upon the completion of the removal and the rendering of an account therefor to the owner, his authorized agent, or the occupant, and shall be recoverable from such owner or occupant in an action of contract.

The provisions of the second paragraph of section three A of chapter one hundred and thirty-nine, relative to liens for such debt and the collection of the claims for such debt, shall apply to any debt referred to in this section, except that the board of health shall act hereunder in place of the mayor or board of selectmen.

Chapter 128 Section 7A: Definitions

Section 7A. As used in this chapter the following words shall, unless the context otherwise requires, have the following meanings:—

"Agriculture" and "farming", as defined in section 1A of chapter 128.

"Arbor", an area of land devoted to the propagation and cultivation of fruitbearing trees and shrubs, and nut trees.

"Bureau", the bureau of land use in the division of agricultural development.

"Chief", the chief of the bureau of land use.

"Elderly persons of low income", persons who are age 65 or over and whose annual income is less than the amount necessary to enable them to maintain a decent standard of living, except that where there exists a surplus of land appropriate for garden use, the age requirement may be reduced by the director to age 62; but the oldest of the applicants between 62 and 65 shall be given preference.