

- **THE COMMONWEALTH OF MASSACHUSETTS**
- **WORCESTER SS.**

**TO EITHER OF THE CONSTABLES OF THE TOWN OF MENDON**  
**IN THE COUNTY OF WORCESTER GREETING.**

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 **Miscoe Hill School** in said MENDON on the **twenty fifth** day of **September** next, at 7:00 o'clock in the afternoon, then and there to act on the following articles:

**ARTICLE 1**      To see if the Town will vote to transfer a sum of money from available  
**(Fin Com)**      funds to pay bills of a prior year, or act or do anything in relation  
thereto.

**ARTICLE 2**      To see if the Town will vote to transfer a sum of money from available  
**(Fin Com)**      funds to Property and Casualty Insurance (Line Item 945B), or act or  
do anything in relation thereto.

**ARTICLE 3**      To see if the Town will vote to transfer a sum of money from available  
**(Fin Com)**      funds to Worker's Compensation (Line Item 912B), or act or do  
anything in relation thereto.

**ARTICLE 4**      To see if the town will vote to appropriate, borrow or transfer from  
**(BOS)**      available funds, the sum of Three Hundred Sixty Thousand Dollars  
(\$360,000) to be expended under the direction of the Board of  
Selectmen for the purpose of purchasing the property known as St.  
Michael's Church at 29-31 North Ave., Mendon, MA, Parcel ID# 8-  
189-29-31 provided, however, that this appropriation and debt  
authorization shall be contingent upon passage of a Proposition 2  
1/2 debt exclusion referendum question under General Laws Chapter  
59, § 21C(k), or act or do anything in relation thereto.

**ARTICLE 5**      To see if the Town will vote to appropriate, borrow or transfer from  
**(BOS)**      available funds, the sum of One Million Seven Hundred Thousand  
Dollars (\$1,700,000) to be expended under the direction of the Board  
of Selectmen for the purpose of renovating the property known as St.  
Michael's Church at 29-31 North Ave., Mendon, MA for use as a  
library and/or other municipal uses provided, however, that this  
appropriation and debt authorization shall be contingent upon  
passage of a Proposition 2½ debt exclusion referendum question  
under General Laws Chapter 59, § 21C(k), or act or do anything in  
relation thereto.

**ARTICLE 6  
(Agricultural Com)**

**To see if the Town will vote to amend the Mendon Town Bylaws by adding Chapter XXIX, Right to Farm Bylaw, or act or do anything in relation thereto.**

**MENDON RIGHT TO FARM BY-LAW**

**Section 1 Legislative Purpose and Intent**

The purpose and intent of this By-law 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 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 Mendon 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 Mendon 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 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, aquacultural, 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, ratites (such as emus, ostriches and rheas) and camelids (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:

- 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 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 within the Town of Mendon. The above-described agricultural activities shall be subject to General Laws and state regulations and such 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. 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. 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, or local zoning law.

### **Section 4 Disclosure**

Within 30 days after this By-law becomes effective, the Agricultural Commission shall prominently post on the Town Hall notice board 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 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 within the Town may be impacted by agricultural operations.”

A copy of the disclosure notification shall be included in the Town's Annual Report.

### **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 upon 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 Commission 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 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 Mendon hereby declares the provisions of this By-law to be severable.

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|-----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ARTICLE 7<br/>(BOS)</b>                                      | To see if the Town will vote to accept Massachusetts General Law, Chapter 41, Section 23A, or take any action in relation thereto.                                                                                                                                                                         |
| <b>ARTICLE 8<br/>(Community<br/>Preservation<br/>Committee)</b> | To see if the Town will vote to transfer a sum of money from the Community Preservation Budgeted Reserve Account to be used for the purpose of installing a Beaver Solution device to prevent excessive blockage by the beaver dams at Lake Nipmuc and Inman Pond, or take any action in relation thereto. |
| <b>ARTICLE 9<br/>(BOS)</b>                                      | To see if the town will vote to accept the street known as <b>Deer Hill Drive</b> as a public way in the Town of Mendon provided, however, the grantor provide to the Town a certificate of title and deed acceptable                                                                                      |

to the Board of Selectmen with respect to the roadway and easements.

**ARTICLE 10** To see if the Town will vote to transfer a sum of money from available  
**(Fin Com)** funds to Aid to Veterans (Line Item 543C), or act or do anything in relation thereto.

**ARTICLE 11** To see if the Town will vote to transfer a sum of money from available  
**(Fin Com)** funds to Finance Committee Reserve for General Expenses (Line Item 131C), or act or do anything in relation thereto.

**And you are directed to serve this Warrant, by posting up attested copies thereof at three or more public places in said Town, 14 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 aforesaid.**

**Given under our hands this 30th day of August in the year of our lord two thousand twelve.**

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**Selectmen of Mendon**

**A True copy. Attest:**

\_\_\_\_\_

**Constable**

**Worcester, ss.**

**PURSUANT TO THE WITHIN WARRANT, I have notified and warned the inhabitants of the Town of Mendon by posting up attested copies of the same at:**

Town Hall; \_\_\_\_\_; \_\_\_\_\_

\_\_\_\_\_ days before the date of the meeting, as within directed.

\_\_\_\_\_, **Constable**