



*A Guide for*

# **Agricultural Commissions**

**Building Relationships with  
Town Boards and Staff**

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# TABLE OF CONTENTS

<b>INTRODUCTION</b>	<b>2</b>
<b>WHY WORK WITH TOWN BOARDS AND STAFF?</b>	<b>3</b>
<b>BUILDING RELATIONSHIPS WITH TOWN BOARDS AND STAFF</b>	<b>3</b>
<b>STEPS TO BUILDING RELATIONSHIPS</b>	<b>5</b>
<b>Informal approaches</b>	<b>5</b>
<b>Formal approaches</b>	<b>12</b>
<b>RESULTS OF BUILDING RELATIONSHIPS</b>	<b>17</b>
<b>MUNICIPAL FUNCTIONS AND THEIR UNDERLYING AUTHORITY</b>	<b>20</b>
<b>Board of Selectmen</b>	<b>20</b>
<b>Executive Secretary/Town Administrator</b>	<b>21</b>
<b>Conservation Commission</b>	<b>21</b>
<b>Conservation Agent</b>	<b>22</b>
<b>Board of Health</b>	<b>23</b>
<b>Health Agent</b>	<b>23</b>
<b>Planning Board</b>	<b>23</b>
<b>Town Planner</b>	<b>24</b>
<b>Animal Control Director/Inspector</b>	<b>24</b>
<b>Building Inspector/Commissioner</b>	<b>25</b>
<b>Finance Committee</b>	<b>25</b>
<b>Community Preservation Committee</b>	<b>25</b>
<b>Board of Appeals</b>	<b>26</b>
<b>Legal Department/Town Counsel</b>	<b>26</b>
<b>Town Moderator</b>	<b>27</b>
<b>Board of Assessors</b>	<b>27</b>
<b>LAWS HAVING PARTICULAR INTEREST TO AGRICULTURE</b>	<b>28</b>
<b>Right to Farm Bylaw</b>	<b>28</b>
<b>Open Burning Law</b>	<b>28</b>
<b>Eminent Domain</b>	<b>28</b>
<b>RESOURCES</b>	<b>30</b>

# A Guide for Agricultural Commissions

## Building Relationships with Municipal Boards and Staff

### Introduction

This guide provides newly organized agricultural commissions (AgComs) with real examples of what existing AgComs have done to communicate and develop working relationships with municipal boards and staff. Examples range from simple and informal approaches to those that are more structured. The intent is to provide a range of approaches for your consideration so that you can plan the best way to build relationships in your town. The guide also contains explanations of board and staff roles, authorities and responsibilities with references to Massachusetts General Law.

A growing number of municipalities within the Commonwealth of Massachusetts have created AgComs. AgComs, supported by the community and established within town and city governments, provide a critical link between agriculture and the community. AgComs are part of municipal government and are charged with:

- Representing the agricultural community and its interests to local governments
- Providing education and advice on day-to-day and long-term agricultural issues
- Ensuring that the voice of farmers is heard within town and city halls
- Enhancing agricultural awareness
- Facilitating and encouraging the pursuit of agriculture and promoting agriculture-based opportunities
- Acting in an advisory capacity as mediators, advocates, educators and/or negotiators on farming issues for town boards, committees and departments
- Protecting farmland and other natural resources
- Working for the preservation of agricultural lands
- Pursuing initiatives appropriate to creating a sustainable agricultural community

To meet their charge successfully, AgComs must develop and maintain working relationships with their local government boards, staff, and elected officials.

## **Why work with town boards and staff?**

Bringing people together and developing relationships to effect change is one of the most fundamental elements of problem solving in our society. Effective working relationships result in:

- Relationships of trust
- Healthy communications
- Finding common goals
- Educated boards
- Building motivation and capacity for change
- Thoughtful strategies and action

AgComs effect change by providing local government boards and staff with input and advice on day-to-day and long-term agricultural issues. Involvement of the AgCom in town board business ensures that full consideration is given to agricultural issues and concerns.

## **Building relationships with town boards and staff**

The effectiveness of the AgCom hinges on developing strong working relationships with other local government boards and staff to ensure that agriculture is given appropriate consideration in local government is planning and decision making processes. AgComs plan for and support agriculture within local government by:

- Providing a voice for agriculture in the community and educating residents of the environmental, social, aesthetic and financial benefits of agricultural land uses
- Raising the awareness of agriculture and its importance to the local and regional economy
- Acting as advisors, advocates, facilitators, mediators, and communicators on behalf of the agricultural community and serve as a link between the community and local government
- Encouraging agricultural land use inventories and the application of geographic information system (GIS) technology to increase the understanding of land use relationships
- Encouraging policies in master planning and open space planning aimed at maintaining and enhancing farming
- Encouraging focused planning at the urban/farm interface to improve land use compatibility and to ensure a secure operating environment for the farm industry
- Reviewing community plans and zoning bylaws
- Adopting and implementing bylaws to ensure a balanced and positive regulatory climate that provides opportunity for the maintenance and growth of farming
- Connecting farmers with natural resource management technical and financial assistance providers
- Creating agricultural economic development strategies
- Improving opportunities for agricultural land preservation funding

***“Developing working relationships with municipal boards and staff often results in better understanding of roles, authorities, issues and regulations; creates more effective ways to communicate; and helps to overcome politics and agendas that impede progress.”***

Barbara Link, Advisor, Rehoboth AgCom

Relationships with boards and staff:

- Create ways by which conflicts may be managed in their early stages
- Provide opportunities for learning about farming as a business and farming practices
- Result in acknowledgement and appreciation of the valuable work done by town volunteers, staff and elected officials

## Steps to building relationships

### Informal approaches

Some municipal government boards and staff communicate easily and well. In this situation, board relationship building is not difficult. Commonly town officials, board members, and staff know each other in their municipal roles and as acquaintances and friends. Hatfield is an example of such a town.

The following example describes how the Hatfield AgCom's working relationships with town boards and staff has been developed through personal contacts and interactions.

#### **Example 1: Personal contacts and interactions**

##### **Town of Hatfield**

Hatfield is a very small town, population 3,300. Within the circles of town government, board members commonly know each other. Therefore, it has not been difficult for the Hatfield AgCom to develop relationships with other boards, **mainly through personal contacts and interactions.**

There are no formal processes for this interaction.

- The zoning bylaws require that various development proposals requiring certain approvals be automatically referred to the AgCom for comment.
- The AgCom held a Farmer's Forum during the winter of 2004-2005 for the first time, which allowed farmers to meet in a open setting with members and officers from town offices and boards. The AgCom was present, so this allowed for additional interactions between the AgCom and other town boards.

Most of the AgCom interactions are handled by phone calls, e-mails or face-to-face meetings in the town hall hallways with other board members and town offices.

The next example is from the town of Carver. Carver is growing. In 1971 Carver's population was 2,400, similar to Hatfield. Today the population has grown to 11,500. Full build-out predictions estimate 22,900 additional residents over the next 20 years. Most of Carver's AgCom members know each other, as they are long time residents of the town. However, not all of them know other town board members, staff and elected officials. As the town grows and board members change, there will be an increasing number of planning board, conservation commission, and board of health members who do not know the AgCom members and are unfamiliar with farming, farm families, the business of farming, and farm management practices. AgCom members are keenly aware of the growing disconnect between new residents and town government, and between new residents and agriculture.

The following example describes how the Carver AgCom's working relationships with town boards and staff has been developed through a planned approach. This approach was used to familiarize town board members and staff with the AgCom members, their purpose, and to begin developing an agreed-to way of communicating.

## Example 2: AgCom introductions to town boards and AgCom liaisons

### Town of Carver

The following steps are part of the Carver AgCom's plan for communicating and building relationships with town boards, staff and elected leadership.

#### Initial Introductions:

##### Board of Selectmen and town staff

- The AgCom Chair introduces himself/herself to Board of Selectmen, at a selectboard meeting and to all town staff during their work day. The chair explains the roles and responsibilities of the AgCom, provides them with the AgCom bylaw and plan of work.

##### Town Boards

- AgCom requests inclusion on other town board meeting agendas.
- AgCom representatives attend board and commission meetings.
- The representatives introduce themselves to town board members; explain the AgCom's roles and responsibilities and their interest in working with them on issues affecting agriculture.
- The representative provides the board with the name of an AgCom contact person and his or her contact information.

#### Establishing Liaisons

The AgCom chair contacts the respective chairs of the planning board, conservation commission and board of health, and discusses the idea of providing an AgCom liaison to their boards. The liaison's role would focus on improved communication between the boards and providing guidance and advice on issues related to agriculture.

##### Steps:

- AgCom members volunteer to be AgCom "liaisons" to town boards.
- Liaisons agree to regularly attend meetings of their assigned board.
- At their first meeting, the liaison introduces himself/herself, states the role of the AgCom, why the liaison is important and how they hope to improve communication between the boards.
- AgCom liaison reports to AgCom on present or emerging issues where AgCom involvement would be beneficial.

**Note:** A selectman is a member of the AgCom, and the town's conservation agent and town planner regularly attend AgCom meetings.

The third example of ways to develop working relationships among town boards is taken from the experiences of the Dartmouth and Westport AgComs.

The AgComs had been established for awhile and had made efforts to communicate and work together with town boards, similar to those described in the Carver example. Town boards and staff knew the AgComs existed and were aware of their purpose and interest in working together on issues affecting agriculture. Often, however, the AgComs were not consulted regarding issues affecting agriculture or contacted in a timely manner so that issues and conflicts could be addressed in their early stages.

In the case of Dartmouth, the AgCom discussed their concerns with their Town Administrator and recommended a joint meeting of town boards. The purpose of the meeting was to improve communication, educate board members about the value of AgCom input, and come to an agreement on how best to communicate and work together.

The meeting was planned to include members of the AgCom, board of health, conservation commission, board of selectmen, the conservation agent, health agent, building inspector, animal control officer, and town counsel.

The town administrator was the meeting facilitator. Massachusetts Department of Agricultural Resources Special Programs staff presented case studies of actual situations involving agriculture, town boards, and decision-making. Board members were asked to provide input on how they would address the situation or resolve the conflict given their roles and authorities. The AgCom members spoke about how they could be involved and help provide their expertise. Also in attendance was the Massachusetts Department of Agricultural Resources General Counsel. He provided interpretations of laws affecting agriculture, such as the model right to farm bylaw and agricultural exemptions to Massachusetts Wetlands Protection Act. He also provided advice on how farmers can best remain in compliance with federal, state, and local laws and regulations.

Following board member input and discussion, areas needing improvement were identified. These areas included communication, documentation, and understanding of law, regulations, and agricultural exemptions. The group then agreed on a process to improve communication and address conflicts or emerging conflicts that affect agriculture.

**The following pages contain copies of the meeting goals, an outline of the meeting process and the meeting agenda. Following the agenda are examples of the case studies presented for discussion during the meeting.**

### Example 3: Joint board meeting

#### Meetings conducted in the Towns of Dartmouth and Westport

##### Joint Board Meeting Goals

- Bring board members together – face to face, in a friendly atmosphere
- Identify situations and issues, using real situations, where the AgCom should be involved to facilitate and provide assistance to other town boards
- Agree on a process to communicate between boards and staff when they face issues involving agriculture.
- Create a process to deal with conflicts or emerging conflicts

##### Joint Board Meeting Process

Convener: Board of Selectmen  
Host: Agricultural Commission  
Meeting Facilitator: Town Executive Administrator  
Invited Boards and Staff: Agricultural Commission  
Board of Health  
Health Agent  
Animal Control Officer  
Planning Board  
Town Planner  
Conservation Commission  
Conservation Agent  
Board of Appeals  
Technical and Legal Advisors: Mass. Department of Agricultural Resources (MDAR) general counsel and special programs staff  
The department provided guidance regarding applicable laws, regulations, etc.

\*Note: Additional expertise can be provided by the Mass. Farm Bureau Federation, USDA agencies, Mass. Office of Dispute Resolution, American Farmland Trust

##### Joint Board Meeting Agenda

- **Welcome** Host Agricultural Commission
- **Purpose of Meeting** Board of Selectmen
- **Introductions** Facilitator
- **Review Agenda & Expected Outcomes** Facilitator
- **\*Case Studies presented one at a time** (examples below) then groups follow steps A-F for each case study
  - a. Identify the issues within the case
  - b. Ask boards and staff for their perspective on how they would address issues related to them
  - c. Ask AgCom to explain its perspective
  - d. MDAR counsel identifies relevant statutes, regulations and options
  - e. Discuss areas needing improvement
  - f. Summarize the lessons learned
- **Define and agree on processes to communicate between boards (document)**  
(town boards and staff with AgCom and AgCom with town boards and staff)

## Examples of case studies used in joint board meetings

The following case studies may be used in your town. The names used in the case studies have been changed, but the situations described are real. New case studies may also be developed to reflect situations occurring in your community.

### Case 1

Farmer Miller is new to agriculture.

She purchased a 20-acre farm that has been inactive, except for four acres that have been used to raise hay, which she will continue.

The parcel is currently zoned residential.

She wants to have an equine operation with a riding ring and boarding facility.

She will need to construct a parking area and all new signs.

Each summer, she plans to erect a temporary open-sided structure from which parents can watch their children ride.

### Case 2

Farmer Wetmore has an active farm on which he raises horticultural products.

The farm is right next to a wetland.

Wetmore needs to square off one field that is in production and that is within the 100-foot buffer around the wetland.

He intends to build a poly hoop greenhouse in the same area.

Off-season, he will raise sheep and house them in the greenhouse.

Wetmore does not believe he needs a permit to build the greenhouse because it is exempt under the Wetlands Protection Act.

**Case 3**

Farmer Cook is a former chef who retired to her family's farm.

She wants to maintain the dairy business and increase the specialty food offerings.

She plans on selling specialty foods from the existing farm stand.

She has a farm plan done by Natural Resources Conservation Service specifically to manage some environmental issues that pre-existed her arrival.

Cook also wants to raise beef cattle. These cattle will be slaughtered offsite, the meat USDA-inspected, stamped, and sent back to her packaged and frozen to sell from the farm stand.

She will also grow specialty crops that will be marketed to premier restaurants.

**Case 4**

Farmer Fowler owns and operates a 20-acre orchard and nursery.

The business has been operating in the same location for more than 50 years.

A private farm well supplies farmer Fowler with irrigation water.

The town installed a public water supply well 20 years ago.

At that time, the farmer was told that any impact of the public well upon his private farm well would be mitigated by providing farmer Fowler with a connection into the town water supply at no cost to him.

The impact from the town well has caused a dramatic decrease in the available water from the existing farm well.

**Case 5**

Moo-Town is a commercial dairy that processes its own milk and ice cream. There is an ice cream stand on the farm. Tourists and school groups are invited to visit.

The farm owner took over the operation two years ago from her grandfather.

She has been short on cash, so she began taking in produce to feed the cattle. When the produce is no longer usable for the animals, she mixes it into some grass, leaves and wood chips for compost. She has taken in clamshells too, but not seafood gurry.

The Board of Health has notified the farmer that she has a fly problem and is in violation of composting regulations.

After a recent field trip by a local school, she received word that the teachers thought the place was not clean enough, that is smelled, and the flies were unpleasant.

Now she is beginning to think that perhaps she needs to make some changes, but doesn't know where to begin.

**Case 6**

Brown Cow Dairy operates near a wetland.

The farmer squared off the corners of his pasture with the belief that he is exempt from wetland regulations.

There has been a history of milk room waste entering the stream that crosses the farm property.

Recently, a farm pond was created without notifying town officials.

**Case 7**

Farmer Nancy's family has been involved in agriculture for several generations, but she is new to this operation.

She brings many new entrepreneurial ideas with her that redefine agriculture.

She continues the large wholesale vegetable business for which the farm is known, but has also expanded into herbs, cut flowers and unusual nursery products.

She imports some of the plants for retail sale. She invites people into her hoop greenhouses for classes on plant care and flower arranging.

Farmer Nancy has also invested in some chickens to sell fresh eggs, and now has some animals as part of a petting zoo: lambs, a goat, a pony and a llama.

Her neighbors are complaining about the noise of the rooster crowing and the smells of the farm animals.

## **Formal approaches**

Towns may require boards, staff and residents to communicate and interact. The town of Dartmouth required town boards to work together when they passed an Agricultural Preservation Trust Fund bylaw. The intent was to assure that residents' tax dollars would be used for the purpose of protecting productive and threatened farmlands, and in support of agricultural economic development. Town boards are required to work together, establish priorities, discuss, debate and make decisions on expenditures of public funds.

### **Example 4: Town boards required to work together**

#### **Town of Dartmouth**

##### **Agricultural Preservation Trust Fund:**

The Agricultural Preservation Trust Fund Bylaw established a fund for agricultural land preservation and economic development.

**It also created a mechanism by which town boards and commissions are required to work together,** establish priorities, discuss and debate and make decisions on expenditures of public funds.

The Town of Dartmouth successfully passed an article for an Agricultural Preservation Trust Fund of \$2,750,000, appropriated by borrowing. A bond issue was placed before the voters on November 3, 1998 at the State Election as a proposition 2 1/2 debt exclusion question. The question passed.

The bylaw required the establishment of an Agricultural Preservation Trust Fund Council. Management of the Agricultural Preservation Trust Fund is overseen by the council.

The Council reports to and recommends fund expenditures to the Board of Selectmen and Finance Committee.

The Council consists of town board and commission members, appointed by the Agricultural Commission.

The Council is chaired by the member representing the Agricultural Commission. The Council consists of:

- One member of the Agricultural Commission
- One member of the Planning Board
- One member of the Board of Selectmen
- One member of the Conservation Commission
- One member of the Finance Committee
- One member of the Capital Improvement Committee
- One member of the Dartmouth Natural Resources Trust
- One member of the Community Preservation Committee
- Two Citizens-at-Large

## **Example 5: Formal Collaboration Process**

Whenever groups come together to achieve a common goal or attempt to solve a problem, conflict may arise in some form. The following, very formal process, is designed to build communication pathways that are created and agreed to by town boards, staff and elected leadership. The process was developed by the Massachusetts Office of Dispute Resolution for use with AgComs.

The process described here is intended to be used as a model. It should be modified to fit your situation.

### **I. Getting Organized - AgCom with municipal leadership: Board of Selectmen, Town Manager, Mayor**

#### **Initiating the process**

1. Need understanding of intent, outcomes, buy-in and commitment from Board of Selectmen, Town Manager/Administrator, Mayor
2. Leadership must be willing to be visible and participate throughout process
3. Must commit to wanting boards to work effectively together on issues of common concern

### **II. Plan for Collaboration**

#### **Leadership states problem/challenge**

1. Explain why there is a need for collaboration – what is going right - what is going wrong
2. Explain why it is in the board members interest to come to the table – what’s in it for them
3. Discuss benefits of collaboration (better outcome, more buy-in) and provide examples of other effective collaborations
4. Discuss drawbacks of not collaborating – what opportunities are being missed

#### **Identify stakeholders**

1. Identify who needs to be invited to collaborate (who has a stake?)  
Board of Selectmen, Town Administrator, Planning Board, Town Planner,  
Board of Health, Health Agent, Conservation Commission, Conservation Agent, others
2. Consider possible obstacles in advance and be prepared (politics, etc)

#### **Identify a neutral, trusted convener**

1. Identify neutral convener of process. Convener has expertise in consensus building, collaborative problems solving, dispute resolution and prevention and facilitating
2. Make sure all are comfortable with neutral convener (trust is essential)

#### **Identify a town “point person” who will work with convener (Board of Selectmen/Town Administrator)**

1. Leader, trusted and credible
2. Understands intent and purpose and buy in
3. Must be willing to be visible and participate throughout process
4. Must commit to insuring boards work together on issues of common concern

#### **Identify subject matter expert (agriculture)**

[Continued on next page]

**III. The Collaborative Process** – Guidelines for convener

**1. Provide leadership with overview of collaborative process/consensus**

- Brief Board of Selectmen on process and outcomes
- Define roles/responsibilities within the process (who will manage process and what roles others will play):
  - Convener
  - Point person
  - Subject matter expert
- Establish ground rules
- Define outcomes of the process:
  - Agree on how to communicate
  - How to resolve disputes
  - Time frames
  - Feedback methods

**2. Conduct Board Member and Staff Collaboration Survey (for each board at their regular meeting)**

*A sample survey can be found on page 16 of this Guide.*

Have each member complete a confidential survey. Survey is used to determine:

- What individual/group needs and interests are
- Prior history of collaboration/interaction with other boards (good and bad)
- Priorities of individuals and of board
- Potential obstacles that they see to collaboration with other boards
- Potential benefits they see to collaboration with other boards
- Their level of commitment to collaboration and problem solving

**3. Compile results**

- Identify substantive issues/interest common to stakeholder (board member)
- Examine prior history and identify areas where need exists for relationship repairing or/rebuilding
- Examine priorities of individuals/board – identify common priorities - gain clarity if needed
- Develop plan for collaboration to present for consideration to stakeholders highlighting areas of common interest and areas where there exists greater need for collaboration/problem solving
- Protect confidentiality of all

**4. Present results to each board**

- Highlight areas of commonality
- Show where significant gains can be made
- Present plan for collaboration and solicit suggestions/feedback
- Address questions/concerns and ensure comfort with process

**5. Convene all Boards and Staff** (Using information from surveys)

- Prepare agenda, schedule joint meeting, boards are requested to attend by leadership.
- Convene meeting at neutral location where all are comfortable.

[Continued on next page]

**[Formal process continued]**

- Review purpose of meeting (should be done by town leadership)

What will be discussed – agenda includes

1. Discussion of their common interests/needs/concerns
2. Why collaboration is essential – what can be gained/lost
3. Identify specific areas where collaboration is needed

**6. Develop specific strategies for improving communication and collaboration**

**7. Follow up – are the strategies working?** Develop a process that answers these questions:

- Who in leadership will monitor whether the strategies are working?
- How will they do this?
- What do boards and board members do to if the process is not working?
- Next steps in process

**8. Document results**

- Document process and provide to all boards, staff and leadership involved.

### **Board Member and Staff Collaboration Survey**

1. What do you see as the primary responsibility of your position or the board on which you serve?
  
2. What are your three top priorities?
  - a.
  - b.
  - c.
  
3. How does what you do impact the citizens of your town?
  
4. Is your ability to achieve your stated goals and priorities dependent on how well other officials or boards cooperate or collaborate within your town? If so, how?
  
5. In your opinion, do the officials/boards within your town have a history of working well together toward a common goal? Explain.
  
6. Do you believe there would be a benefit to improving communication and working more collaboratively with other officials/boards? Explain.
  
7. In your opinion, are there obstacles that prevent you or your board from successfully collaborating with others? If so, do you believe these obstacles can be overcome? Explain.
  
8. In your opinion, are the officials/boards you work with committed to working together to serve the needs of the citizens? If not, why?
  
9. Comments:

## Results of building relationships

The following examples provide evidence of the positive results that can be achieved by building relationships among town boards and staff.

### Examples

#### **Town of Dartmouth: How relationships were developed**

The Animal Control Officer (and farmer) is a member of the AgCom. Two members have been designated as the main contacts for emergencies and situations requiring immediate attention. One contact person was provided with a town funded cell phone. Town board members and staff were provided with the cell phone number.

The AgCom periodically attends other board meetings to create visibility and demonstrate interest. Selectmen, the town planner and town administrator regularly attend AgCom meetings (and agricultural preservation trust council meetings) so information regarding agricultural issues flows in the direction of the AgCom.

AgCom members will assist the board of health with complaint calls if the issues relate to agriculture. When complaints relates to agriculture, the health agent prepares the preliminary report and the AgCom is asked to participate in resolving the complaint.

The following protocol is used when the AgCom is called upon to help resolve conflict:

#### **Results: Dartmouth Agricultural Commission**

##### **Conflict Resolution Protocol**

- Location where complaint originated:
- Review and attach complaint
- Contact farmer: \_\_\_\_\_ Date: \_\_\_\_\_  
Neighbor: \_\_\_\_\_ Date: \_\_\_\_\_
- Date of visit and findings:
- Comments from surrounding neighbors (if applicable, include dates of visit(s), phone call(s), etc., **this information shall remain confidential**):
- Agricultural Commission Recommendations:
- Discussion with collaborating Board (date and brief narrative):
- Agreed upon resolution to be signed and dated by the neighbor, the farmer and a representative from the Board and the AgCom (each shall receive a copy)

**Results: Dartmouth Agricultural Commission and the Board of Health**

**Improved Farmer-Neighbor Relations**

There were two neighboring farms. One of the farms was sold and subdivided for residential housing. The other remained an active farm. The new residents of the subdivision were unfamiliar with farming and normal farm practices. The existing farmer was using a bird cannon to protect his pumpkin crop from predation. He was also using a radio to keep other animals from his chickens. The neighbors called the town police with a nuisance complaint, who then referred the case to the board of health.

The board of health called in the AgCom to assist in resolution of the complaint. An AgCom member visited the neighbors to show them the cannon and explain its use. Once the neighbors understood the purpose of the cannon, the noise, and its benefit to the farm operation, they dropped the complaint. They are now very supportive of the farm and accepting of the noise produced by the cannon and radio.

**Town of Hatfield: How relationships were developed**

- Given the small size of the town relationships are built on personal contacts and interactions.

**Results: Hatfield Agricultural Commission and the Board of Selectmen**

**Reduced Water Rates for Agricultural Use**

The Board of Selectmen approached the AgCom seeking recommendations on appropriate agricultural water use rates. The Boards intent was to offer lower rates for legitimate agricultural users. The AgCom developed the definition of agriculture and the application process for reduced water rate approval. The AgCom then provided the Board of Selectmen with their recommendations.

The new reduced agricultural water use rates were announced jointly by the AgCom and the town Department of Public Works.

**Results: Hatfield Agricultural Commission, the Board of Selectmen, Board of Health, Zoning Board of Appeals and the Building Inspector**

**Passage of Right to Farm Bylaw**

The board of selectmen came to the AgCom requesting a proposed Right to Farm Bylaw for Hatfield. While developing their proposed bylaw, the AgCom solicited comments from the board of health, zoning board of appeals and the building inspector. Prior to Town Meeting all boards met, provided input, considered the ramifications of the proposed language, and agreed on the final proposed bylaw.

The Right to Farm article was presented at Town Meeting and passed.

### **Another Town's Experience: How relationships were developed**

#### **Joint Board Meeting**

Soon after the AgCom was formed, they held a joint meeting with Mass. Department of Agricultural Resources counsel, the board of health and the conservation commission. The purpose of the meeting was to demonstrate how many sides there are to issues, identify where an AgCom may become involved in an issue, and the importance of communication and documentation.

Following this meeting, and despite having reminded the boards several times a year of the AgComs availability, the AgCom was only contacted when there was a problem. This was a function of the board agents, not the board. The agents believed they could deal with issues better and quicker if the AgCom was only called in "if needed." Frequently, by the time the AgCom was called in, damage was done with farmer relations, and the problem was harder to solve for the AgCom and for the agent.

### **Results: Agricultural Commission, the Board of Health and Health Agent**

#### **Improved Farmer-Neighbor Relations**

Recently, the AgCom has made the point that with often overworked agents and boards *the AgCom can save them staff time by getting involved early.*

When the AgCom gets involved, they go straight to the science and equip the agent with the knowledge of this farm science and technology. This helps the agent go back and deal with the complaining public with confidence. When the farmer needs to adjust his/her methods, the AgCom supports that on-site education event and helps implement whenever possible.

### **Town of Carver: How relationships were developed**

- The Town Planner regularly attends AgCom meetings
- The Planner informs the AgCom of subdivision proposals submitted to the planning board
- AgCom members have the opportunity review the proposals and plans and provide findings and recommendations to the planning board

## Municipal functions and their underlying authority

Understanding the mission, roles and powers of municipal boards and staff is important to the success of an AgCom. AgCom members should also become familiar with the politics of local government and meet the people who are elected and appointed: committee members, board members, and staff. The AgCom's ability to do their work hinges on their understanding of the individuals and groups that are in their town government.

The following descriptions of municipal board and staff roles and powers include those entities with which the AgComs most commonly work.

*NOTE: The following information is presented as a service to the public. Although efforts have been made to ensure that the information is accurate, it is not intended as legal advice. This information is for reference only, and its interpretation will not prevail if it comes into conflict with the Massachusetts General Laws ("Mass. Gen. Laws"), the Code of Massachusetts Regulations ("CMR"), or any other legal resources.*

### Board of Selectmen

Board of selectmen members are elected and serve as a town's chief executive body. They have overall responsibility for the general welfare of the community and operations of town government. Outside of education, they are usually the major appointing authority for a town. They are authorized to enter into contracts on behalf of the municipality. The details of their duties and responsibilities are outlined in the **Massachusetts Municipal Association publication, Handbook for Massachusetts Selectmen**. This publication may be purchased online at: [www.mma.org/publications/smen\\_handbk.html](http://www.mma.org/publications/smen_handbk.html)

The Town of Townsend, Massachusetts describes the role of the board of selectmen on their website, [www.townsend.ma.us](http://www.townsend.ma.us) as follows. "While most other town boards and offices serve a particular function (e.g., assessors, finance, school, health), the board of selectmen's responsibilities are much broader. Their job is often one of sorting out the various positions of different departments and boards to determine the best overall course of action for the town. Selectmen play an active and strong role in the financial management of the town. The board of selectmen sees that all town boards and officials execute state and town legislation, whether or not the board or official is under the board of selectmen's direct control.

A major role of the board of selectmen is to coordinate the roles of all participants in the financial management process and fiscal issues of the town. The board of selectmen participates in the budget process, reviewing budget requests and having input at all levels of the process. Throughout the fiscal year, the board of selectmen, in conjunction with the finance committee, monitors the financial performance of the town. Additionally, the board of selectmen assumes a role in any issue or policy that has broad implications for the financial condition of the town.

Selectmen serve as the civic leaders of the town. In general, selectmen develop policies as directed by town meeting, and the appropriate department head, board or officer within the community is responsible for administering those policies.”

For more information on the roles and responsibilities of the board of selectmen, please go to:

**Massachusetts Municipal Association website at [www.mma.org](http://www.mma.org).**

### **Executive Secretary/Town Administrator**

Under **Mass. Gen. Laws, Chapter 41, section 23A: Executive secretary or town administrator**, this position is appointed by the board of selectmen to serve as the executive secretary/town administrator of the town. The town administrator is responsible for the day-to-day administrative functions of town services and departments, except schools, and prepares the agenda for board of selectmen meetings. According to **Mass. Gen. Laws, Chapter 41, section 23A**, the town administrator “shall act by and for the selectmen in any matter which they may assign to him relating to the administration of the affairs of the town or any town office or department under their supervision or control.”

The town administrator serves as the board of selectmen’s contact person with departments under his or her control. He/she represents the board of selectmen in relations with elected boards and officials, state agencies and the public.

### **Conservation Commission**

The conservation commission is charged with the protection of a community’s natural resources. A conservation commission, amongst other duties, advises other municipal officials and boards on conservation issues that are related to their areas of responsibility. Members are appointed.

For more information, please see: **Mass. Gen. Laws, Chapter 40, section 8C: Conservation commission; establishment; powers and duties.**

Open Space Protection: Under **Mass. Gen. Laws, Chapter 40, section 8C**, a conservation commission can be used for the “promotion and development of the natural resources and for the protection of watershed resources” of the town or city in which the commission was created. Under these powers a conservation commission exercises planning, acquiring and managing open space, and encourages and monitors conservation and agricultural preservation restrictions. A conservation commission may accept gifts of money or land with the approval of the board of selectmen or city council. Conservation commissions inventory the municipality’s natural resources and prepare maps and plans. Open space and recreation plans are coordinated by conservation commissions.

Wetlands Protection: conservation commissions were given responsibility for administering the **Wetlands Protection Act, 310 CMR 10.00**. Thus, the conservation commission serves the community in a regulatory and a conservation capacity. Conservation commissions process applications for permits to do work in and near wetlands, floodplains, banks, riverfront areas, beaches and surface waters. The Wetlands Protection Act is promulgated pursuant to **Mass. Gen. Laws, Chapter 131, section 40**. **Under this statute, there is an agricultural exemption for “work performed for the normal maintenance or improvement of land in agriculture use.” The Wetlands Protection Act Agriculture Regulations, 310 CMR 10.04, gives the definition for the term “Normal maintenance of land in agricultural use.”**

Many conservation commissions in the Commonwealth have adopted local non-zoning ordinances or bylaws, giving further clarification of their powers to protect wetlands.

Today, most conservation commissions spend their time hearing wetlands cases. Many conservation commissions have also set up open space, land management and other committees involving members interested in the original mandate. The conservation commission has the authority to adopt rules and regulations pertaining to the use of conservation land.

For more information about Massachusetts conservation commissions, and support available for commissions, please go to the **Massachusetts Association of Conservation Commissions website at [www.maccweb.org](http://www.maccweb.org)**.

## Conservation Agent

The conservation agent is staff for the conservation commission and assists with the enforcement of and compliance with the provisions of the Wetlands Protection Act as well as local bylaws. A conservation agent’s duties include, but are not limited to:

- Reviewing site plans and subdivision plans and reporting to the commission regarding completeness and accuracy
- Monitoring existing projects
- Providing support and guidance to an applicant
- Presenting summaries and findings of applications at meetings
- Drafting Orders of Conditions and/or Determinations of Applicability
- Representing the conservation commission if necessary
- Preparing and presenting reports and written correspondences
- Verifying wetland delineations, approving erosion and sediment control installations
- Investigating complaints
- Providing environmental/open space planning support

## Board of Health

Boards of health are charged to protect the public health. To do this they develop, implement, and enforce policies and regulations. These powers are granted pursuant to **Mass. Gen. Laws, Chapter 111: Public Health**, and include statutory powers to develop regulations in the areas of public health. Some of the statutory powers of Chapter 111 that may be relevant to an agricultural commission are as follows:

- **Section 31: Health regulations; summary publication; hearings; filling sanitary codes and related rules, etc.** This section allows local health boards to adopt “reasonable” health regulations.
- **Section 122A: Unsafe or inadequate supply of water in places of habitation or where food or drink is served to public; option order.** The board may act where there is an unsafe or inadequate supply of water for domestic purposes in places of habitation and in places where the public is furnished food or drink.
- **Section 127: Regulations relative to house drainage. This section is concerning sewer connections and house drainage.**
- **Section 127A: State sanitary code; adoption; enforcement; jurisdiction; speedy trial.**
- **Section 31A: Permit for removal or transportation of garbage; application; exemptions.**
- **Section 31B: Rules and regulations for removal of garbage; penalty.**
- **Section 143: Trade or employment resulting in or attended by noisome and injurious odors; assignment of places; appeal.**

For more information on Massachusetts boards of health, please go to the **Massachusetts Association of Health Boards website at [www.mahb.org](http://www.mahb.org)**.

## Health Agent

The health agent, as an agent of the board of health, works to promote and protect public health, and enforces the related state and local laws and regulations. For a list of the duties and powers of a health agent, please refer to **Mass. Gen. Laws, Chapter 111, section 30: Agents; appointments; inspections**.

## Planning Board

A planning board is created and regulated by **Mass. Gen. Laws, Chapter 41, sections 70-72**. A planning board is responsible for review and approval of all subdivisions of land. This includes residential subdivisions on new streets, the division of parcels on existing streets and commercial and industrial developments in which new streets or lot lines are created. A planning board is responsible for administering subdivision control rules and regulations in accordance with **Mass. Gen. Laws, Chapter 41, sections 81A-81GG**. A planning board is also required to comply with the zoning regulations established in **Mass. Gen. Laws, Chapter 40A**, and the town or city’s zoning ordinances. **Chapter 40A**,

**section 1-A**, provides that a planning board may be designated the “special permit granting authority” for various classes of uses, such as cluster and planned unit developments, authorized by special permit. Under **Mass. Gen. Laws, Chapter 41, section 70**, in most municipalities, a planning board is elected. For more information about planning boards, and support for boards, please go to **Massachusetts Citizen Planner Training Collaborative at [www.umass.edu/masscptc](http://www.umass.edu/masscptc)**.

## **Town Planner**

The planner often serves under the direction of the town manager/administrator and in conjunction with the board of selectmen, planning board and other municipal boards, commissions and departments. The planner is normally responsible for the essential planning and community development processes within the town. The planner may also work under the direction of the planning board on special permit, land use and plan reviews. A town planner’s duties may include, but are not limited to, the following:

- The development, coordination and the facilitation of programs relating to the physical and economic development of the town
- Implementation of the master plan
- Review of applications
- Staffing of planning board
- Chairing technical committees
- Identification of grant sources and preparation of grant applications

## **Animal Control Director/Inspector**

The Department of Agricultural Resources appoints municipal animal inspectors for every city and town in the Commonwealth. The primary duty for an animal inspector is rabies control in the domestic animal population. Animal inspectors are also responsible for barn inspections and may be called upon to assist with domestic animal disease quarantines in the event of an outbreak. Animal inspectors are paid by their municipality.

Pursuant to **Chapter 129, section 2: Powers and duties of director**; the director may make and enforce reasonable orders, rules and regulations relative to the following:

- Sanitary condition of neat cattle, other ruminants and swine and of places where such animals are kept
- Prevention, suppression and extirpation of contagious diseases of domestic animals
- Establishing of disease-free herds of cattle and the issuing of certificates in connection therewith
- Inspection, examination, quarantine, care and treatment or destruction of domestic animals affected with or which have been exposed to contagious disease, the burial or other disposal of their carcasses, and the cleansing and disinfection of places where contagion exists or has existed.

More information about the powers and duties of Animal Inspectors can be found in **Mass. Gen. Laws, Chapter 129, sections 15-19.**

### **Building Inspector/Commissioner**

Every city and town has a building inspector or building commissioner who is appointed by the municipality's chief administrative officer. This person is in charge of administering and enforcing the state building code, **780 CMR et seq**, as well as **Mass. Gen. Laws, Chapter 22, section 13A** and the rules and regulations made under the authority thereof.

For more information on the powers and duties of a building inspector/commissioner, please consult **Mass. Gen. Laws, Chapter 143, section 3: Inspector of buildings or building commissioner; local inspectors; employment and design; qualifications; city or town without local inspectors.**

### **Finance Committee**

The finance committee's primary statutory responsibility under **Mass. Gen. Laws, Chapter 39, section 16: Appropriation, advisory or finance committees; appointment; tenure; powers and duties**, is to advise and make recommendations to Town Meeting on the budget and other financial matters. The finance committee is primarily responsible for reviewing the proposed budget submitted by the town administrator/executive secretary and forwarding it to the board of selectmen with its recommendations. The finance committee is also charged with submitting a written budget report to the Annual Town Meeting and a written report to the Annual Town Meeting and any Special Town Meeting with its advisory recommendations on all financial warrant articles, and the projected tax impact of the proposal.

### **Community Preservation Committee (CPC)**

The Community Preservation Act (**Mass. Gen. Laws, Chapter 44B: Community Preservation**) is a state law which provides new funding sources that can be used by cities and towns to address three core community concerns:

- Acquisition and preservation of open space
- Creation and support of community housing
- Acquisition and preservation of historic buildings and landscapes

Adoption of the Community Preservation Act may be considered by residents when there is a desire to preserve the small-town character of their community, preserve open space and agricultural lands, protect the town's historical heritage, and provide recreational areas.

A Community Preservation Committee (“CPC”) can make recommendations to the town annually for projects aiming to preserve or create open space, provide community housing, and protect our historical properties while at the same time maximize the return to the community for the dollars spent.

Community Preservation Committees are established by **Mass. Gen. Laws, Chapter 44B, section 5: Community Preservation Committees; members; recommendations**. A CPC is responsible for consulting with other town boards and commissions to conduct a study of the community’s preservation needs, in regards to community housing, open space and historic preservation. The CPC is also responsible for selecting and recommending Community Preservation Act projects at Town Meeting.

For more information about the Community Preservation Act and the Community Preservation Committee, please go to the **Community Preservation Coalition website at [www.communitypreservation.org](http://www.communitypreservation.org)**.

## Board of Appeals

Under **Mass. Gen. Laws, Chapter 40A, section 12: Boards of appeal; membership, rules**, “zoning ordinances or bylaws shall provide for a zoning board of appeals.” Also, “the mayor, subject to confirmation of the city council or board of selectmen, shall appoint members.” The zoning board of appeals is a permit granting authority appointed by the board of selectmen and has all of the powers and duties prescribed under **Mass. Gen. Laws, Chapter 40A**. The board of appeals, amongst other powers, may:

- hear and decide applications for variances with respect to land or structures
- hear and decide applications for special permits
- hear and decide appeals from decisions of administrative officials of the town made under the zoning bylaws (this is derived from **Mass. Gen. Laws, Chapter 40A section 14: Boards of appeal; powers**)

In granting any of the above, the zoning board of appeals must act within the time constraints and specifications of the general laws and the zoning bylaws. The board of appeals may impose conditions, safeguards, and/or limitations as part of its approval of any application.

## Legal Department/Town Counsel

The town or city legal counsel or department may provide written opinions on specific issues for all departments as directed by the board of selectmen, executive secretary/town manager.

## Town Moderator

The town moderator is elected annually. According to, **Mass. Gen. Laws, Chapter 39, section 15: Moderators; powers and duties**, the moderator is the presiding officer of the Annual Town Meeting, any Special Town Meetings and any other meetings at which he or she is requested to officiate. The moderator regulates the proceedings, decides all questions of order, declares the outcome of all votes, and has other powers and duties as provided for in the Massachusetts General Laws and the Town By-laws.

The moderator's powers and duties can be found in **Mass. Gen. Laws, Chapter 39, section 14-15, 17-18**.

## Board of Assessors

The board of assessors estimates the value of real and personal estate in their districts. According to **Mass. Gen. Laws, Chapter 41, section 24**, "the assessors in every city and town shall be elected or appointed as otherwise appointed by law." Cities can have up to nine assessors, and up to five assessors for a town. The board shall appoint one of their members to be their chairman, and another to be the secretary or clerk of the board.

**There are certain provisions in the Mass. Gen. Laws, for the taxation of agricultural land.** Boards deal with these provisions in special statutory assessments for agriculture. These include:

**Mass. Gen. Laws, Chapter 41, sections 24 through 34B;**

**Chapter 61: Classification and taxation of forest lands and forest products**

**Chapter 61A: Assessment and taxation of agricultural and horticultural land**

**Chapter 61B: Classification and taxation of recreational land**

## Laws having Particular Interest to Agriculture

### Right to Farm Bylaws

Many communities have adopted right to farm bylaws to advise residents that farming activity is prevalent in its community. Such bylaws are brought through **Mass. Gen. Laws, Chapter 111, section 125A: Review of order adjudging the operation of a farm to be a nuisance**, and are put forth at town meetings/city councils and voted upon. For a copy of the state model Right to Farm Bylaw, please visit [www.mass.gov/agr/righttofarm](http://www.mass.gov/agr/righttofarm).

### Open Burning Law

Open burning is addressed in **310 CMR 7.07(1)**, which states, “No person shall cause, suffer, allow or permit the open burning of any combustible material.” However, under **310 CMR 7.07(3)(b) and (c)**, 310 CMR 7.07(1) does not apply to “activities associated with the normal pursuit of agriculture which have been determined by the Department as necessary and which include but are not limited to, open burning of blueberry patches for pruning purposes, dead raspberry stalks, fruit tree prunings, and infected beehives for disease control;” nor does it apply to “open burning of brush and trees resulting from agricultural land clearing operations.” 310 CMR 7.00 *et seq* is promulgated under the statutory authority of **Mass. Gen. Laws, Chapter 111 sections 142A-142J**. Additionally, **Mass. Gen. Laws, Chapter 111 section 142L** gives more information on agricultural burning.

For detailed information consult **310 CMR 7.07** before engaging in open burning.

### Eminent Domain

There are special provisions in the Mass. Gen. Laws when municipalities engage in eminent domain takings. Eminent Domain and its provisions are detailed in **Mass. Gen. Laws, Chapter 79**.

**Mass. Gen. Laws, Chapter 79, section 2** states:

Where no other provision is made by law, a taking of land by eminent domain by or on behalf of the Commonwealth shall be made by the governor and council, a taking by or on behalf of a county by the county commissioners of such county, a taking by or on behalf of a city by the aldermen, a taking by or on behalf of a town by the selectmen, a taking by or on behalf of a district by its prudential committee and a taking by or on behalf of a private corporation by its board of directors.

**Mass. Gen. Laws, Chapter 79, section 5B** states:

“No property used for agriculture or farming as defined in section one A of chapter one hundred and twenty-eight shall be taken without the consent of the owner thereof, nor shall an easement

be taken on such property without such consent, except after a hearing by the board at which such owner shall be entitled to be heard and allowed to introduce such evidence that other land not used for agriculture or farming, as so defined, and without occupied buildings situated thereon is available for the public use for which it is intended to take his property. If such evidence is introduced and accepted by the board as valid, the board shall exempt said property from the taking. The provisions of this section shall not apply to takings in behalf of the commonwealth, takings for highway purposes, nor to takings authorized by the department of telecommunications and energy, except in that in such takings notices of hearings required by section seventy-two of chapter one hundred and sixty-four shall be sent to all interested parties.

Any and all takings pertaining to agricultural land must go through a special process.

## Resources

### **Massachusetts Department of Agricultural Resources**

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[www.mass.gov/agr](http://www.mass.gov/agr)

### **Pilgrim Resource Conservation and Development – USDA-NRCS**

Irene Winkler, Coordinator  
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[www.pilgrimrcd.org](http://www.pilgrimrcd.org)

### **Community Involved in Sustainable Agriculture (CISA)**

Annie Cheatham, Executive Director  
One Sugarloaf Street South Deerfield, MA 01373  
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### **American Farmland Trust**

Cris Coffin, New England Director  
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1 Short Street, Suite 2 Northampton, MA 01060-3952  
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### **Massachusetts Farm Bureau Federation**

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### **Massachusetts Office of Dispute Resolution**

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