

Harvard Agricultural Advisory Commission (HAAC) Town of Harvard, MA

**Minutes of Meeting October 26, 2022
Approved July 26, 2023**

Green called meeting to order 7:04pm

Members Present: Kerri Green - Chair, Rob Traver, Christiane Turnheim, Frank Carlson, Matt Varrell (joined late)

Other Present: Erin McBee, Select Board Liaison

Review/Approve Minutes

Traver made a motion to approve the minutes of April 27, 2022 and June 7, 2022. Carlson seconded. No discussion. Traver, Carlson and Green were in favor - Turnheim abstained due to not being in attendance on one of the minutes dates.

Update on Harvard Grown & RTF Sign Installation

Green reported from DPW Director, Tim Kilhart that the signs will not be installed before winter. Additionally he also said that new sign posts would need to be purchased at the expense of the Commission. Kilhart estimated a 10 foot pole is what would be needed. Kilhart also said we would need to take an inventory of the sign locations as to other signs in the area, number of signs on poles. Green suggested each member take a location or two and report back with photos to Green who would sent them to DPW. Members chose town line entry points and would get photos to Green by November 4, 2022.

Kilhart also feels the interior directional signs that the SB approved would be an ethics violation for the town employees to install directional signs to farms & businesses. He said he would have to look into it. McBee said she will look into this.

FY24 Budget Submission

Green reported the FY24 budget submission is due December 1, 2022. The FY23 budget was approved at \$1000.00 and she anticipated to ask for the same. Carlson asked if we could add an additional \$200-300 to that. Green said additional funds could be added but would have to have documentation to prove the need. Varrell pointed out that the potential cost of the new posts

we might need to purchase would warrant such need. Traver asked about the Harvard Grown Brochures - which Green said there is still ample supply of.

Green said she could put together a draft submission with the usual asking, and Traver agreed to proof read it before the next meeting where the Commission will review/approve so it could be submitted.

Proposed Protective Bylaw Amendment §125-7 Agricultural Uses

Green attended the recent Planning Board meeting and it was unclear to the PB if they had the right to amend the proposed bylaw amendment from the Select Board. Green shared certain points highlighted by the PB in a Memo. (Attached) It has been determined that after the Public Hearings on the amendment the PB can make amendments to the language but the SB would need to support the amendment, but it is unclear if the SB needs to approve the amendments or if they could deny the PB's amendments.

Green had a discussion with the PB Chair, Richard Cabelus and he said he feels there is a push to increase the acreage for accessory entertainment and events activities to be larger than the MGL 5 acre minimum. Carlson pointed out that he felt this would address Turnheim's concerns from the last meeting that these uses would be popping up on all 5+ acre properties. Turnheim corrected Carlson that her concern was more with non farmers with big properties would use this as a loophole as it is written to commercialize, which she sees is a much bigger risk for the town. Turnheim wanted to point out she liked the language that the NJ AMP had that it wasn't based on acreage but also income because some farms can be small and have a higher income and some farms could be very large and produce very little income. Turnheim suggested referring to the Worcester County Farm Census income brackets to help determine a gross income threshold aside from the current MGL \$500 income threshold for 61A. Additionally assuring that the revenue from these entertainment & event accessory uses wouldn't exceed income from agricultural products.

Carlson is content to leave it at the 5 acre threshold and doesn't have a problem with it.

Varrell is in agreement with what Turnheim said and pointed out that he uses all 5 of his acres for his farm and doesn't think that anyone would argue that he is not a farm, but there are certainly other properties with larger acreage that are in 61A that are producing far less income than he is. Varrell ask what the motivation was to increase the acreage threshold - McBee couldn't speak to that directly. Varrell said that if it was to create buffers, etc from abutting properties that wouldn't quite work if one was looking to host an event on a barn by the road and neighbors - but if it was to limit the number of properties that could qualify for such a use then that feels discriminatory. Green agreed. Carlson said it sounded like increasing the acreage threshold could open a can of worms.

McBee said to base off of income could be tricky if a farm had a bad 1-2 seasons in a row. Varrell rebutted that it could be set up that a farm would have to average revenues of last 3-5 years upon applying.

Traver didn't have anything to add, but was agreeing that striking the 5 acre and making up something else would be problematic.

Green does not support the increased acreage threshold as it is discriminatory to those trying to support their households through agricultural revenue, when they already meet the definition of a farm by MGL. Turnheim also doesn't feel we should discourage small farms and producers as these farms are encouraged by the state especially as climate change continues to affect other parts of the country that are part of the food supply.

Green referenced an excerpt from the 2020 Ag Climate Action Plan (attached) that discourages against limiting zoning changes to larger parcels. Varrell asked that that be forwarded to the PB as it is important for them to see that.

Green started onto the discussion of definitional language as the current amendment doesn't have any. Green sent along to members a recently passed Accessory Use bylaw, New Jersey Agricultural Management Practices (AMP) and the Town of Bolton Accessory Agricultural Business Bylaw. Members reviewed and discussed all three.

Green cited two definitions from the NJ AMP that stuck out to her in particular that provided definitional language relating to "entertainment" & "events"

"Ancillary entertainment-based activities" means non-agricultural offerings, commonly used as incidental components of on-farm direct marketing activities, that are accessory to, and serve to increase, the direct-market sales of the agricultural output of a commercial farm. Such activities are designed to attract customers to a commercial farm by enhancing the experience of purchasing agricultural products. Examples of ancillary entertainment-based activities include, but are not limited to: background live or recorded music, face painting, story-telling, sandbox area, small swing set or playground equipment, pedal carts for children, and picnic tables. Such activities may have a fee associated with them, but such fees shall be de minimis compared to the income generated from the sale of the agricultural output of the commercial farm.

"On-farm direct marketing event" or "event" means an agriculture-related function offered by a commercial farm that is accessory to, and serves to increase, the direct-market sales of the agricultural output of the commercial farm. Such events are designed to attract customers to a commercial farm by enhancing the experience of purchasing agricultural products; may include on-farm direct marketing activities as components; are either product-based or farm-based; and occur seasonally or periodically. Product-based events, provided they demonstrate the required relationship to marketing the output of the commercial farm, may include, but are not limited to: an apple, peach, strawberry, pumpkin, wine, or other agricultural or horticultural product festival held at a commercial farm that produces that particular product. Farm-based events provided they demonstrate the required relationship to marketing the output of the commercial farm, may include, but are not limited to: seasonal harvest festivals held at a commercial farm that produces such seasonal farm products, farm

open house events, CSA membership meetings, and farm-to-table events that showcase the agricultural output of the commercial farm.

Carlson thought Rutland's language might be more applicable than something from NJ.

Green referenced Rutland's Agri-Entertainment definition.

Agri-entertainment - means entertainment, such as a seasonal event, festival, contest, music, party, or other time-specific event, designed specifically to bring the public to a Farm Enterprise for a farm-related educational experience by displaying a combination of the farm setting and products of the agricultural operations with the ultimate goal to encourage the purchase of agricultural products. Agri-entertainment is designed to enhance the agricultural viability of farm operations.

Traver liked the last sentence that explained that the entertainment would enhance the agricultural viability. That a wedding can't just be on the farm - it somehow has to be directly enhancing the viability of what is produced on the farm. Turnheim also likes the parameter from Bolton that states the sales from the accessory uses can not be more than the sales derived from agriculture. Green agreed as it becomes a bit of a guardrail and keeps things in proportion.

McBee pointed out that if you're a wedding venue then you're no longer a farm. Turnheim pointed out that once could team up with a wedding coordinator and just provide the space, while also requiring the use of the farm products.

Green pointed out that because the current language doesn't define entertainment or events leaving a lot of ambiguity - which is the issue at hand. Parameters are important because this use is being applied in an agricultural setting and having the two tie in with each other.

Green asked McBee if the town was seeking to allow weddings and she didn't have an answer for that.

Traver said providing language to ensure agricultural zoning and agriculture aren't taken advantage of is of primary importance. Green also suggested possibly having a prohibited list of certain uses that could possibly be exploited if not explicitly prohibited.

Another question from Cabelus (PB) was if requiring a special permit & site plan review would be a better way. Green mentioned how Bolton did a limited use special permit that wasn't transferable under their bylaw for the winery.

Green also reported that Kara Minar mentioned at the last PB meeting that this amendment was a stepping stone and that a more broad Ag bylaw could come after. Green expressed she wished this wasn't how things were being done and that going about things right and thorough would be preferable over the rushed and ambiguous attempt now.

Varrell expressed he wouldn't support something without any specificity because those are the types of things that get taken advantage of. Turnheim agreed. All agreed having definitional language for 1. entertainment and 2. events (both) would be necessary. And more so if

entertainment and events are required to be open to the public or if private events are allowed.

Member & Chair Updates

Turnheim asked if the Commission was okay with the dates presented in the HCIC's Climate Action Plan as there was a HCIC meeting tomorrow evening and they wanted to know Ag Comm's thoughts. The Commission reviewed the dates again and were all comfortable with the dates presented in the draft. Members did express some concern about the baseline date and who will be overseeing that part, Turnheim would bring this up as well.

Green reminded members that the §125-7 Agricultural Uses Public Hearing on November 7, 2023.

Next Meeting November 30, 2022

Adjourn

Traver made a motion to adjourn. Turnheim seconded all were in favor. Meeting adjourned 9:29pm.

Submitted by K. Green