

Town of Holden Bylaws
Article V Part 13
Agricultural Commission
Adopted May 18, 2009

Section 1. Agricultural Commission

There is hereby established a Holden Agricultural Commission. Said Commission shall encourage the pursuit of agriculture both as a business and a resource, the preservation of farmland, and the promotion of agricultural-based economic opportunities within the Town. It shall also be available to mediate, advocate, educate and/or negotiate over any and all farming issues within town borders.

Section 2. Duties and Responsibilities

The duties and responsibilities of the Agricultural Commission shall include, but shall not be limited to:

1. Advising the Board of Selectmen, the Planning Board, the Zoning Board of Appeals, the Conservation Commission, the Board of Health, and other local organizations, on projects and activities related to agriculture, including acquisitions and other transactions involving agricultural lands in town.
2. Engaging in projects and actions to promote the business of farm-related activities and traditions, and the preservation of farmland in town. These activities shall include programs and community events.
3. Reporting on all business related to the committee on an annual basis as a part of the official Town Report.
4. Or take any other action relative thereto.

Section 3. Commission Structure

The Commission shall consist of five members appointed by the Board of Selectmen. At least four of the members shall be actively engaged in agriculture, with preference for one member to be actively involved in commercial farming. The fifth member can be a “supporter” of agriculture. They shall serve staggered terms of three years each, except that with respect to the initial appointees, one shall have a term of one year, two shall have a term of two years and two shall have a term of three years.

Section 4. Commission Structure Continued

Up to three voting alternates may also be appointed to the Commission by the Board of Selectmen, each for a one-year term. These alternates shall also be actively engaged in agriculture or supporters of agriculture. Vacancies shall be filled by the Board of Selectmen, based on recommendations from the sitting Agricultural Commission.

Note that the above Town bylaw section was first adopted in May 2009, following general guidance from the Massachusetts Department of Agriculture. In ensuing years, the Massachusetts Legislature adopted specific guidance and authorities for Agricultural Commissions across the Commonwealth. These were codified into law in MGL Chapter 40; Section 8L. The Holden Town Meeting adopted this new (at the time) legislation at the annual meeting in 2017. The content of MGL Chapter 40 Section 8L is presented below:

In summary; the new law, under which the Holden Agricultural Commission currently operates, changed the structure of the Commission to 7 permanent members and no alternates and gave the Commission some significant new powers, including managing Town-owned properties and creating and managing preservation funds.

MGL Chapter 40; Section 8L

Section 8L. (a) For the purposes of this section "farming" and "agriculture" shall have the same meaning as ascribed to them in section 1A of chapter 128.

(b) A municipality which accepts this section may establish a municipal agricultural commission to promote and develop the agricultural resources of the municipality. Unless otherwise restricted by law, a municipal agricultural commission may: (i) buy, hold, manage, license or lease land for agricultural purposes; (ii) educate the public on agricultural issues; (iii) advocate for farmers, farm businesses and farm interests; (iv) assist farmers in resolving municipal problems or conflicts related to farms; (v) seek to coordinate agricultural-related activities with other governmental bodies or unofficial local groups or organizations that promote agriculture; (vi) receive grants, gifts, bequests or devises of money or personal property of any nature and interests in real property in accordance with this section; (vii) apply for, receive, expend and act on behalf of the municipality in connection with federal and state grants or programs or private grants related to local agriculture, with the approval of the mayor or city manager in a city or the board of selectmen in a town; and (viii) advertise, prepare, print and distribute books, maps, charts and pamphlets related to local agriculture that the municipal agricultural commission deems necessary for its work.

(c) A commission may conduct research and prepare agricultural-related plans, including a comprehensive local agricultural land plan which shall be, to the extent possible, consistent with any current town master plan and regional area plans. The plan shall show or identify: (i) agricultural land areas and facilities; (ii) matters which may be shown on a tract index under section 33 of chapter 184; (iii) acquisitions of interest in land under this section; (iv) municipal lands that are held as open space; (v) nonmunicipal land subject to legal requirements or restrictions to protect that land or use it for open space, conservation, recreation or agriculture; (vi) land that should be retained as a public necessity for agricultural use; and (vii) any other information that the commission determines to be relevant to local agricultural land use. The commission may amend the plan whenever necessary.

(d) The commission may appoint a chair, clerks, consultants and other employees and may contract for materials and services as it may require, subject to appropriation by the municipality.

(e) The commission shall keep accurate records of its meetings and actions and shall file an annual report with the clerk of the municipality. The commission's annual report shall be posted on the municipality's public website and, in a town, shall be printed in the annual town report for that year.

(f) A commission shall consist of not less than 3 nor more than 7 members who shall be residents of the municipality. A majority of members shall be farmers or employed in an agriculture-related field. If farmers or persons employed in agriculture are not available to serve on the commission, then the commission shall include a majority of members with knowledge and experience in agricultural practices or knowledge of related agricultural business. Each member of the commission shall serve for a term of 3 years; provided, however, that the initial members appointed under this section shall serve for terms of 1, 2 or 3 years and the terms shall be arranged by the appointing authority so that the terms of approximately 1/3 of the commission's members shall expire each year.

In a city, the members of a commission shall be appointed by the mayor unless otherwise provided by the city's charter; provided, however, that in a city having a Plan D or Plan E charter, the appointments shall be made by the city manager unless otherwise provided by the city's charter. In a town, the members of the commission shall be appointed after a public hearing by the board of selectmen; provided, however, that in a town having a town manager form of government, the appointments shall be made by the town manager subject to the approval of the board of selectmen.

A member of a commission may be removed for cause by the appointing authority after a public hearing if a hearing is requested by the member. A vacancy created by a member being removed for cause shall be filled by the appointing authority for the remainder of the unexpired term in the same manner as the original appointment.

(g) A commission may receive gifts, bequests or devises of personal property or interests in real property as described in this subsection in the name of the municipality, subject to the approval of the city council or board of selectmen, as the case may be. The commission may purchase interests in the land only with funds available to the commission. A city council or a town meeting may raise or transfer funds so that the commission may acquire in the name of the municipality, by option, purchase, lease or otherwise, the fee in the land or water rights, conservation or agricultural restrictions, easements or other contractual rights as may be necessary to acquire, maintain, improve, protect, limit the future use of or conserve and properly utilize open spaces in land and water areas within the municipality. The commission shall manage and control the interests in land acquired under this subsection. The commission shall not take or obtain land by eminent domain.

The commission shall adopt rules and regulations governing the use of land and water under its control and prescribe civil penalties, not exceeding a fine of \$100, for a violation.

(h) A municipality may appropriate money to an agricultural preservation fund of which the treasurer of the municipality shall be the custodian. The treasurer shall receive, deposit or invest the funds in savings banks, trust companies incorporated under the laws of the commonwealth, banking companies incorporated under the laws of the commonwealth which are members of the Federal Deposit Insurance Corporation or national banks or invest the funds in: (i) paid up shares and accounts of and in cooperative banks; (ii) shares of savings and loan associations; or (iii) shares of federal savings and loan associations doing business in the commonwealth. Any income derived

from deposits or investments under this subsection shall be credited to the fund. Money in the fund may be expended by the commission for any purpose authorized by this section.