

AGRICULTURAL STRUCTURE EXEMPTIONS and APPLICATION PROCESS

TOWN OF WESTFORD ZONING POLICY

Title 24, Chapter 117 - § 4413 states that a town shall not regulate Accepted Agricultural Practices (AAP). If a structure is used for farming practices, as defined in Accepted Agricultural (Practice Regulations 4/24/06 – Section 2: Definitions 2.05), and furthermore meets the definition of farm structure contained therein, it may not need a local permit.

Application for an exempt agricultural structure shall be made as for any other structure, per section 4.1.1 of the Westford Zoning Regulations, accompanied by a statement of proposed agricultural uses. **This information will be used to determine if the structure qualifies as an exempt agricultural structure. A further exemption of zoning district setbacks may be granted by the Agency of Agriculture upon application to them.**

Application for an exempt agricultural structure procedure. (Other requirements of section 4.1 of the zoning may apply).

- 1). Fill out the standard zoning application, locate the structure on a site plan or aerial photo (available in the zoning office), include a floor plan and sketch of the structure and if appropriate, the location of any recorded building envelopes, areas restricted by easements, and areas with any other legal restriction placed on the property by previous permits, approvals, or covenants.

- 2) Using the following definitions, indicate which accepted agricultural practices are happening:

Section 3.2 Agricultural practices that are governed by these regulations include, but are not limited to, the following:

- (a)The confinement, feeding, fencing, and watering of livestock.
- (b)The storage and handling of livestock wastes and by-products.
- (c)The collection of maple sap and production of maple syrup.
- (d)The preparation, tilling, fertilization, planting, protection, irrigation and harvesting of crops.
- (e)The ditching and subsurface drainage of farm fields and the construction of farm ponds.
- (f)The stabilization of farm field streambanks.
- (g)The construction and maintenance of farm structures and farm roads.
- (h)The on-site production of fuel or power from agricultural products or wastes produced on the farm.
- (i)The on-site storage, preparation and sale of agricultural products principally produced on the farm.
- (j)The on-site storage of agricultural inputs including, but not limited to, lime, fertilizer and pesticides.
- (k) The handling of livestock mortalities.

Furthermore the structure must comply with the following definition of farm structure. Using the following definitions, indicate which definition of farm structure applies,

Section 2.06 Farm structure means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as "farming" is defined in subdivision 6001(22) of Title 10, but excludes a dwelling for human habitation, and:

(a) is used in connection with the sale of \$1000 or more of agricultural products in a normal year; or

(b) is used in connection with the raising, feeding, and management of at least the following number of adult animals: four equines; five cattle or American bison; fifteen swine; fifteen goats; fifteen sheep; fifteen fallow deer; fifteen red deer; fifty turkeys; fifty geese; one-hundred laying hens; two-hundred and fifty broilers, pheasant, Chukar partridge, or Coturnix quail; three camelids; four ratites (ostriches, rheas, and emus); thirty rabbits; one hundred ducks; or one-thousand pounds of cultured trout;

or

(c) is used by a farmer filing with the Internal Revenue Service a 1040 (F) income tax statement in at least one of the past two years;

or

(d) is on a farm with a business and farm management plan approved by the Secretary.

A farm pond constructed as a necessary component of any of the above activities will be considered an agricultural use, and since permits are required for ponds in Westford, an application is necessary to obtain an exemption for an agricultural pond.

3) Submit the paperwork to the Zoning Administrator, who must reach a decision within 30 days of receipt of the application whether the application qualifies for an agricultural exemption. If it does no zoning permit will be necessary, however the application and paperwork will be recorded in the Town records for future reference. **The zoning administrator's decision must be posted and is appealable for 15 days after it was made.**

Future NON-AGRICULTURAL USE of agriculturally exempt structure. If an agriculturally exempt structure ceases to qualify under the definition, in order for it to be used for uses other than exempt uses, application must be made as for any other structure under the then current regulations and fees paid accordingly.

Bear in mind that if an exempt structure has been located in an area otherwise off limits for construction i.e. outside of a building envelope, or per an Agency of Agriculture setback wavier, not in conformance with district setbacks, such structure might not be able to receive local approval and would be in violation of local regulations, subject to enforcement procedures. As well, any of the zoning standards, such as structure height, lot coverage etc. will have to be applied and if the structure doesn't conform to the standards in effect at the time of the use change it will not be able to receive a permit. **This structure will not be deemed a non-complying structure nor will the fifteen year statute of limitations be applicable.**