

**RECORD  
TOWN OF GRANBY  
SPECIAL TOWN MEETING  
APRIL 26, 2010**

In accordance with the foregoing warrant, the inhabitants of the Town of Granby qualified to vote in elections and town affairs, met at the Granby Jr. Sr. High School on East State Street on April 26, 2010, at 7:00 p.m. then and there to act on the following articles, to wit:

The Moderator, Albert Bail opened the Special Town Meeting at 7:00 p.m. with a quorum present (30 or more) 90 were in attendance at the time of opening.

The Pledge of Allegiance to the Flag was lead by the Select Board, and the residents joined in.

Committees and Boards present at this STM:

Select Board: Mary McDowell, Chair, Wayne H. Tack, Sr. and Mark Bail all present.

Finance Committee: John Libera, Jr. Chair, Robert Glesmann, III, James Hartly, Catherine Myers and Dana Ritter all present.

Agricultural Commission: Robert Murphy, Chair, Russell Aurnhammer, William Clark, Edward Parker, Sr., Pamela Desjardins, Alternate member, Evelyn Hatch, Alternate member. Not present David Kaskeski, member.

Others in attendance were Edward Ryan, Jr., Town Counselor, Christopher Martin, Town Administrator, Cathy Leonard, Town Administrator's Secretary.

The Moderator calls on the Town Clerk, Katherine A. Kelly-Regan, to certify that all the warrants were posted in accordance with the law.  
The Clerk responds they have. The warrant for this Special Town Meeting was declared to be in order.

The Moderator calls for Article 1 of the STM at 7:01 P.M.  
Motion 2<sup>nd</sup>

**ARTICLE 1:** move the Town vote to amend the Bylaws of the Town of Granby Volume I Chapter I – Town Meeting Section 12 by deleting the current wording and inserting,

“Ordinarily, only voters registered in Granby shall be permitted to speak at any business meeting. The Town Administrator and the Superintendent of Schools, who are not registered as voters in Granby, may speak at the discretion of the Moderator. Others not registered as voters may speak at the discretion of the Moderator and with the approval of the Town Meeting. Persons not registered as voters in Granby may be present at a Town Meeting but shall sit in a specified portion of the meeting room.”

Motion 2<sup>nd</sup>

Passed- Unanimous- Show of Hands

**ARTICLE 2:** move the Town vote to amend the Bylaws of the Town of Granby Volume I Chapter VIII – Regulations of Traffic and Motor Vehicles by adding Section 6 as follows:

**“Section 6. Handicapped Parking Bylaw**

- 6.1** It shall be unlawful for any person to leave any vehicle within parking spaces on public or private property which are required, under any provision of federal, state or local laws or regulations, to be designated and are clearly marked as reserved for vehicles owned and operated by disabled veterans or handicapped persons, except a vehicle transporting a handicapped person and displaying the special identification plate issued by any state or any Canadian province, or to leave a vehicle in such a manner as to obstruct a curb ramp designed for use by handicapped persons as a means of egress to a street or public way.
- 6.2** The penalty for violation of this bylaw shall be two hundred dollars (\$200.00); provided, however, that nothing herein shall be construed as prohibiting the removal, in accordance with the provisions of Section 120D of Chapter 266 of the General Laws of the Commonwealth of Massachusetts, of any vehicle which is in violation of this bylaw.
- 6.3** This bylaw shall be enforced by Town of Granby police officers. This bylaw may be enforced through the non-criminal disposition method provided in Section 21D of Chapter 40 of the General Laws of the Commonwealth of Massachusetts. For purposes of non-criminal disposition, the enforcing persons shall be those officials set forth in this paragraph of the bylaw and the specific penalty shall be as provided in paragraph 6.2 of this bylaw.”

**Motion 2<sup>nd</sup>**

**Passed: Majority- Show of Hands**

**ARTICLE 3:** move the Town vote to amend the Bylaws of the Town of Granby Volume I by inserting the following language:

**“CHAPTER XXIII. RIGHT TO FARM BYLAW**

**Section 1. Legislative Purpose and Intent**

The purpose and intent of this bylaw 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 statues 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 Granby restate and republish these rights pursuant to the Town’s authority conferred by the Article 89 of the Articles of Amendments of the Massachusetts Constitution “Home Rule Amendment”. This General Bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities and protects farmlands within the Town of Granby by allowing agricultural uses and related activities to function with minimal conflict with abutters and local agencies. This bylaw shall apply to all jurisdictional areas within Granby.

**Section 2.** A farm shall be defined as having at least five (5) acres and generate at least five hundred (\$500) per year in gross sales. Certain small-scale specialty operations, which do not meet the five (5) acre requirement, can be arbitrated on a case-by-case basis through the Agricultural Commission. 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 and all its branches and the cultivation and tillage of soil,
  - Dairying,
  - Production, cultivation, growing and harvesting of any agriculture, aqua-cultural, floricultural, vita-cultural, or horticultural commodities,
  - Growing and harvesting of forest products upon forest land and any other forestry or lumbering operations,
  - Raising livestock, including horses,
  - Keeping of horses as a commercial enterprise,
  - Keeping and raising of poultry, swine, cattle, sheep, 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,
  - Operation and transportation of slow-moving farm equipment over roads within the Town,
  - Controls pests, including but not limited to; insects, weeds, predators and disease organisms of plants and animals,
  - Application of manure, fertilizers and pesticides,
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- 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 farmers’ market or farm stand, including signage,
  - 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,
  - 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 Granby. The above-described agricultural activities may occur on holidays, weekdays and weekends, by night or day, and shall include the attendant incidental odors and dust associated with normally

accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community and the society, in general. The benefits of protections of this bylaw 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 bylaw shall be deemed as acquiring any interest in land or as imposing any land use regulation, which is properly the subject of State statute or regulation or local zoning law.

#### **Section 4. Disclosure Notification**

Not later than twenty-one (21) days after the purchase and sale contract is entered into or prior to the sale or exchange of real property, if no purchase and sale agreement exists, for the purchase or exchange of real property or prior to the acquisition of a leasehold interest or other possessory interest in real property, located in the Town of Granby, the landowner shall present the buyer or occupant with a disclosure notification, which states the following:

**“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 lays within a community 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 of Granby may be impacted by commercial agricultural operations.”**

A copy of the disclosure notification shall be given on a form prepared by the Town of Granby and shall be signed by the buyer prior to the sale, purchase, exchange or occupancy of such real property. A copy of the disclosure notification must be filed with the Town Agricultural Commission, or its designee, prior to the sale, purchase, exchange or occupancy of such real property. In the case of the buyers’ refusal to sign the disclosure notification, an affidavit signed by the seller or their designee that the buyer was presented with a copy of the disclosure notification will be sufficient. The affidavit shall be on a form provided by the Town of Granby. In addition to the above, a copy of this disclosure notification shall be provided by the Town of Granby to landowners each fiscal year at the annual town meeting and shall be posted in the town hall.

#### **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 written grievance with the Office of the Selectmen, the Zoning Enforcement Officer or the Board of Health, depending on 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 Office of the Selectmen or the Zoning Enforcement Officer 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 of Granby authority

within an agreed upon time frame. The Board of Health, except in case of imminent danger or public 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 bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this bylaw. The Town of Granby hereby declares the provisions of this bylaw to be severable.

**Motion 2<sup>nd</sup>**

**Passed: Majority- Show of Hands**

**ARTICLE 4:** move the Town vote to approve a feasibility study and development of a preliminary design for the Granby Public Library.

**Motion 2<sup>nd</sup>**

**Passed: Unanimous- Show of Hands**

**ARTICLE 5:** move the Town vote to authorize the Library Trustees of the Granby Public Library to apply for, accept and expend any State grants, which may be available for the project.

**Motion 2<sup>nd</sup>**

**Passed: Majority- Show of Hands- Only one voter opposed**

**ARTICLE 6:** move the Town vote to transfer from the Capital Needs Stabilization Fund the sum of \$45,000 for the purpose of purchasing a dump truck for the Highway Department.

**Motion 2<sup>nd</sup>**

*2/3<sup>rd</sup> Vote Required for this Article to Pass.*

**Passed By 2/3<sup>rd</sup> Vote-Declared By Moderator- Show of Hands**

**ARTICLE 7:** move the Town vote to approve Amendment No. 14 To The Agreement Between The Towns of Belchertown, Granby, Hardwick, Monson, New Braintree, Palmer and Ware, Massachusetts With Respect To The Establishment Of A Regional Vocational Technical High School District:

The "Agreement Among the Towns of Belchertown, Granby, Hardwick, Monson, New Braintree, Palmer, Ware and Warren, Massachusetts, with Respect to the Establishment of a Regional Vocational Technical High School District," (the "Agreement") is hereby amended as follows:

I. Preamble. (a) The first paragraph of the Preamble to the Agreement is hereby amended in its entirety to read as follows:

"Agreement among the towns of Belchertown, Granby, Hardwick, Monson, New Braintree, Oakham, Palmer, Ware and Warren

Massachusetts, with Respect to the Establishment of a Regional Vocational Technical High School District."

- (b) The second paragraph of the Preamble of the Agreement is hereby amended in its entirety to read as follows:

"This Agreement is entered into pursuant to Chapter 71 of the General Laws of the Commonwealth of Massachusetts, as amended, among the Towns of BELCHERTOWN, GRANBY, HARDWICK, MONSON, NEW BRAINTREE, OAKHAM, PALMER, WARE and WARREN Massachusetts. In consideration of the mutual promises herein contained, it is hereby agreed as follows:"

## II. Additional Committee Member from Oakham

Section I of the Agreement is hereby amended by adding at the end a new section (L) as follows:

(L) Admission of Oakham.

- (a) Within ten days following the approval of an amendment to the Agreement providing for the admission of the Town of Oakham into the District, the moderator of the Town of Oakham shall appoint one member to serve on the Committee, whose term shall expire at the next biennial District election, at which election a successor shall be elected to serve for a term of 4 years.

## III. Apportionment of Operating Costs to the Town of Oakham.

Section IV of the Agreement is hereby amended by adding at the end of subsection IV(H) the following new paragraph:

"The terms of this Section shall apply to the Town of Oakham except that the Town of Oakham shall not be assessed an annual surcharge for the partial reimbursement of the original member towns for their payment of capital costs on account of the original regional District school building."

## IV. Effective Date

This Amendment No. 14 to the Agreement shall take effect upon its acceptance by each of the member towns, in accordance with the terms of Section VII of the Agreement.

Motion 2<sup>nd</sup>

Passed: Unanimous- Show of Hands

**ARTICLE 8:** move the Town vote to accept a certain road known as Trout Lily Lane with certain easements as shown on a plan entitled Definitive Plan, Granby, Massachusetts prepared for Charlotte A. Sousa, 116 Aldrich Street, Granby, MA, by D.L. Bean, Inc., 40

School Street, Westfield, MA Surveyors & Engineers, dated 5-23-2005, revised 12-26-2006, which plan is recorded in the Hampshire County registry of Deeds, Plan Book 213, Page 118, as a public way, a copy of which is on file with the Town Clerk, including easements for drainage, utility, or other purposes where shown on said plan. Motion 2<sup>nd</sup>

Passed: Unanimous- Show of Hands

**ARTICLE 9:** move the Town vote to accept a certain road known as Munsing Ridge with certain easements as shown on a plan entitled Definitive Subdivision Munsing Estates, Granby, MA. Surveyed for Lussier Building & Development Corporation June 30, 2003 by Roberge Associates Land Surveying, 21 Mohawk trail #283, Greenfield, MA 01301, which plan is recorded in the Hampshire County registry of Deeds, Plan Book 197, Page 18, as a public way, a copy of which is on file with the Town Clerk, including easements for drainage, utility, or other purposes where shown on said plan. Motion 2<sup>nd</sup>

Passed: Unanimous- Show of Hands

**ARTICLE 10:** move the Town vote to accept a certain road known as Maximilian Drive with certain easements as shown on a plan entitled K-Pine Estates, Granby, Massachusetts – Plan of Land in the Town of Granby Massachusetts, Hampshire County by Durkee, White, Towne & Chapdelaine Civil Engineers & Land Surveyors, 356 Front Street, Chicopee, MA 01013 dated July 5, 2000, prepared for the East State Street Nominee Trust, Alan Kotowicz, trustee, 399 George Hannum Road, Belchertown, MA 01007, which plan is recorded in the Hampshire County registry of Deeds, Plan Book 187, Page 186, Document #9920249 97, as a public way, a copy of which is on file with the Town Clerk, including easements for drainage, utility, or other purposes where shown on said plan.

Motion 2<sup>nd</sup>

Passed: Unanimous- Show of Hands

**MOTION:** move to adjourn this Special Town Meeting

Motion 2<sup>nd</sup> The STM is officially dismissed at 7:44 P.M.

The business for this STM is completed, Albert Bail, Moderator officially Dismisses the STM at 7:44 pm.

There were 100 registered voters and twelve non-voters in attendance at this Special Town Meeting.

Respectfully submitted,  
Katherine A. Kelly-Regan  
Town Clerk

*\*Received on August 3, 2010 with the APPROVAL from the Office of the Attorney General, Special Town Meeting held on April 26, 2010 Case # 5476, Warrant Articles # 1, 2 and 3 Town of Granby General By-Laws.*

*Article # 1- "General Bylaw Volume I Chapter I, Town Meeting Section 12 by deleting the current wording and inserting,*

***“Ordinarily, only voters registered in Granby shall be permitted to speak at any business meeting. The Town Administrator and the Superintendent of Schools, who are not registered as voters in Granby, may speak at the discretion of the Moderator. Others not registered as voters may speak at the discretion of the Moderator and with the approval of the Town Meeting. Persons not registered as voters in Granby may be present at a Town Meeting but shall sit in a specified portion of the meeting room.”***

***Article # 2- To amend the Bylaws of the Town of Granby Volume I Chapter VIII – Regulations of Traffic and Motor Vehicles by adding Section 6 as follows:***

***“Section 6. Handicapped Parking Bylaw***

***Article # 3- to amend the Bylaws of the Town of Granby Volume I by inserting the following language:***

***“CHAPTER XXIII. RIGHT TO FARM BYLAW***

***Section 1. Legislative Purpose and Intent***

***Section 2. Definition of “farming” or agriculture”***

***Section 3. Right-to farm Declaration***

***Section 4. Disclosure Notification***

***Section 5. Resolution of Disputes***

***Section 6. Severability Clause***

***Copies of this approval in its entirety can be viewed in the Granby Town Clerk’s Office.***