



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

WESTERN MASSACHUSETTS DIVISION
1350 MAIN STREET
SPRINGFIELD, MASSACHUSETTS 01103-1629

THOMAS F. REILLY
ATTORNEY GENERAL

(413) 784-1240
www.ago.state.ma.us

July 25, 2006

Linda A. Knupp, Town Clerk
37 Shattuck Street - P.O. Box 1305
Littleton, MA 01460

**RE: Littleton Annual Town Meeting of May 8, 2006 — Case # 3801
Warrant Articles # 12 and 15 (General)**

Dear Ms. Knupp:

Articles 12 and 15 - I return with the approval of this Office the amendments to the town by-laws adopted under these Articles on the warrant for the Littleton annual town meeting that convened on May 8, 2006.

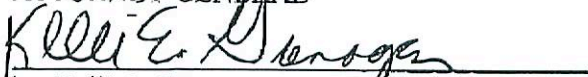
Note: Under G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of this section. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

If the Attorney General has disapproved and deleted one or more portions of any by-law or by-law amendment submitted for approval, only those portions approved are to be posted and published pursuant to G.L. c. 40, § 32. We ask that you forward to us a copy of the final text of the by-law or by-law amendments reflecting any such deletion. It will be sufficient to send us a copy of the text posted and published by the Town Clerk pursuant to this statute.

Nothing in the Attorney General's approval authorizes an exemption from any applicable state law or regulation governing the subject of the by-law submitted for approval.

Very truly yours,

THOMAS F. REILLY
ATTORNEY GENERAL


by: Kelli E. Gunagan, Assistant Attorney General
By-law Coordinator, Municipal Law Unit
1350 Main Street, 4th Floor
Springfield, MA 01103-1629
(413) 784-1240, x 117

enc.
pc: Town Counsel



Town of Littleton
May 8, 2006

ARTICLE 12: Change Date of Annual Election and Annual Town Meeting

Passed by majority vote to amend Chapter 41 of the Town Code, by deleting Section 41-1 thereof in its entirety and, replacing it, with the following:

§41-1 Dates when held

The Annual Town Meeting shall be held on the first Saturday in May followed by the Annual Town Election on the second Saturday in May.

ARTICLE 13: Transfer of Care And Control of Land to Housing Authority

No affirmative action taken.

ARTICLE 14: Establish Agricultural Commission

Passed by majority vote to establish the formation of an Agricultural Commission which will support agriculture and enhance open space in the Town of Littleton, as follows:

AGRICULTURAL COMMISSION

To see if the Town will vote to establish an Agricultural Commission to represent the Littleton farming community.

Said Commission once appointed shall develop a work plan to guide its activities. Such activities include, but are not limited, to the following:

- shall serve as facilitators for encouraging the pursuit of agriculture in Littleton;
- shall promote agricultural-based economic opportunities in Town;
- shall act as mediators, advocates, educators, and/or negotiators on farming issues;
- shall work for preservation of prime agricultural lands; and
- shall pursue all initiatives appropriate to creating a sustainable agricultural community.

The Commission shall consist of seven members appointed by the Board of Selectmen. The Commission will consist of a minimum of:

- four members whose prime source of income is derived from farming or agricultural-based enterprises in Littleton and another three who are interested in farming.
- three members for a term of three years;
- two members for a term of two years and three thereafter; and
- two members for a one year term, and three years thereafter.

The appointing authority shall fill a vacancy based on the unexpired term of the vacancy in order to maintain the cycle of appointments, based on recommendations of the Commission.

1. Appointing authority: Board of Selectmen
2. Establish number of members of Commission: 7 plus 5 alternates
3. Establish terms of service: staggered, see above
4. Establish whether members must be Town residents: No

attest a True Copy
Linda C. Karpel
Town Clerk
May 17, 2006

Town of Littleton
Voted May 8, 2006

ARTICLE 14: Establish Agricultural Commission

Passed by majority vote to establish the formation of an Agricultural Commission which will support agriculture and enhance open space in the Town of Littleton, as follows:

AGRICULTURAL COMMISSION

To see if the Town will vote to establish an Agricultural Commission to represent the Littleton farming community.

Said Commission once appointed shall develop a work plan to guide its activities. Such activities include, but are not limited, to the following:

shall serve as facilitators for encouraging the pursuit of agriculture in Littleton;
shall promote agricultural-based economic opportunities in Town;
shall act as mediators, advocates, educators, and/or negotiators on farming issues;
shall work for preservation of prime agricultural lands; and
shall pursue all initiatives appropriate to creating a sustainable agricultural community.

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- two members for a term of two years and three thereafter; and
- two members for a one year term, and three years thereafter.

The appointing authority shall fill a vacancy based on the unexpired term of the vacancy in order to maintain the cycle of appointments, based on recommendations of the Commission.

1. Appointing authority: Board of Selectmen
2. Establish number of members of Commission: 7 plus 5 alternates
3. Establish terms of service: staggered, see above
4. Establish whether members must be Town residents: No
5. Method for filling vacancies: Board of Selectmen
6. Purpose for the Commission: To represent the Littleton farming community
7. Guide principles for Commission appointment: Members should:
represent Town geographically,
represent the diversity and scale of agricultural businesses,
represent the diversity of the Town's population,
encourage next generation farmers.
The overall intent is to be inclusive not exclusive.

Mission: Promote agricultural-based economic opportunities; preserve, revitalize and sustain the Littleton agricultural industry, and encourage the pursuit of agriculture as a career opportunity and lifestyle.

ARTICLE 15: Right to Farm Bylaw added to Town Code

Passed by majority vote to enact the following new general bylaw to be inserted into the Town Code:

RIGHT TO FARM BYLAW

Section 1 Legislative Purpose and Intent

*Attest a True Copy
Linda A. Knapp
Town Clerk
May 17, 2006*

The purpose and intent of this By-law 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 statutes and regulations there under 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 Littleton restate and republish these rights pursuant to the town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment")

This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Littleton by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

Section 2 Definitions

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 in all its branches and cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry of lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise;
- keeping and raising of poultry, swine, cattle, 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 furbearing animals.

"farming" shall encompass activities including, but not limited to the following:

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- 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 farmer's market or farm stand including signage thereto; 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; and
- 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 Littleton. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with