

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

**Minutes of Meeting September 27, 2022
Approved May 3, 2023**

Members Present

Kerri Green - Chair, Matt Varrell, Rob Traver, Frank Carlson, Christiane Turnheim - arrived late

Green called meeting to order at 7:03pm

Review/Approve Minutes

No minutes were available to review.

Review FY23 Goals for All Boards Meeting

Green explained the FY23 All Board's meeting was to be held Wednesday, September 28th. She explained that there is usually a round robin of Chairs or Vice Chairs sharing what their respective boards goals and objectives are for the coming year. Green suggested she might refer to highlights from the FY22 Annual Report and also mention the recent work of the Harvard Climate Committee (HCIC) and supporting the Ag related initiatives they have cited in their work.

Traver made a suggestion to mention our accomplishments and also what we need/want. Varrell said it would be a good idea to mention the new Harvard Grown & Right to Farm signs that will be going up soon once DPW has availability. Traver asked what is one big thing that Ag needs in town...what can others do to support Ag? Green said support/buy local. Varrell agreed and also pointed out the stress of inflation are still prevalent, if not more so, on small agricultural businesses coming out of the pandemic and the need to support those Ag businesses is even more important now. Traver said maybe even make a statement suggestion to spend 5% or 10% of their food budgets locally.

Present & Discuss Proposed Protective Bylaw Amendment §125-7 Agricultural Uses

Green presented a proposed Protective Bylaw Amendment §125-7 Agricultural Uses. This bylaw was proposed by the Select Board (SB). The SB has now charged the Planning Board (PB) as the governing body of the town's protective bylaws to hold the required public hearings required before bringin the proposed §125-7 amendment to a Special Town Meeting in January 2023.

Green reported that she posed some clarifying questions to Ag Comm's SB liaison, Erin McBee, which she was planning to get answers to from Town Council. Unfortunately those answers were not available prior to tonight's meeting. Ie: Currently there is no such thing as an "Events license" and clarifying language relating to the MGL's that the current TOH Entertainment license sites.

Green also reported that it was unclear as to if the PB had the authority to amend the current proposed language since the SB is the proponent. McBee reported that the PB could amend the language and then bring it forward to Town Meeting, but this didn't feel 100% correct to the PB Chair Richard Cabelus. Cabelus is going to look into this more.

Currently the PB is looking for Ag Comm to discuss the presented amendment language, and whether or not Ag Comm would support it as written and if we would want to amend the language.

Traver asked what was the origin of this proposed amendment. Green answered this was the SB's attempt to make it so that an agricultural business could obtain more than 30 one-day entertainment licenses by way of an annual entertainment license which is currently not allowed because it is considered a medium scale commercial use - which is not allowed in the Ag./Residential zone.

Turnheim was surprised that the SB didn't approach the Ag Comm prior to proposing this. Traver asked Carlson if he initiated this to which Carlson responded that he did not, that the SB did as there was a whole set of things that came to light when he was not able to obtain an annual entertainment license for his Taproom because it is not a permitted use in the Ag./Residential. He said the SB did not want to spot zone and only permit this use on the 5 farms in town - Turnheim corrected Carlson that there is more than 5 farms that would qualify for this use, that there were more than 50 farms that meet the MGL definition requirements of a "farm" and that it was incorrect to downplay that there are only 5 farms in town that would qualify for this use.

Turnheim pointed out that if this were to pass the SB would have to treat all farms equally should they choose to host entertainment or events on their farms, because if they didn't it would be a legal liability. For this reason she wants to know the conditions of a license within the amendment to ensure equitable opportunity for all farms.

Green reported that after speaking with a SB the day before that the SB is now aware of the number parcels that meet the applicability requirements of a "farm" and that they surely aren't looking to have concerts and weddings popping up on all 5+ acre farms in town, and this SB member thought increasing the acreage threshold would be a good solution. To which Green reminded everyone that it was advised within the Ag Climate Action Plan (ACAP) to not do that as it would create exclusive opportunities not inclusive opportunities and could have a detrimental effect on the Ag Community in town. Green said it would be good for Ag Comm to discuss this proposed solution as well.

Turnheim said that something like this could entice large properties to become “farms” in order to tap into the non-agricultural commercial revenue opportunities available to them based on meeting the criteria. It could be a loophole.

Green stated that if large properties want to pursue commercial opportunities and the town wants to support such a bylaw change that it needs to be presented separately from the expansion of agricultural uses, and that any expansion of Ag uses should follow the recommendations of the ACAP to not create exclusive opportunity by way of larger acreage thresholds than MGL’s 5 acre minimum.

Turnheim referenced our 61A list and stated that there are 33 with more than 10 acres, and 12 farms with more than 25 acres.

Varrell asked if there was similar language for non-agricultural properties in town, because he didn’t quite understand how this was applicable to strictly agricultural vs the whole town regardless of Agriculture or not. Carlson responded that this would fall under §125-7 Agricultural Uses. Varrell still didn’t understand how this wouldn’t apply to all properties in town because it’s not clearly clarified within the language of §125-7, to which Carlson responded that it’s obvious that it needs further clarification and that Town Council clearly drew it up within a hurry.

Green reported that PB is looking to bring it to public hearing November 7th. Varrell again referred to the language as well as §125-2 which is Harvard’s general permitted uses by zone - to which Ag Uses are exempt.

Traver said that the language is so limiting in length and as presented is dangerous. Because if it were to pass it would give tremendous discretionary power to whomever is issuing this license. The lack of clarity and consideration of consequences make it really bad idea right now.

Green finds creating a higher acreage threshold to be discriminatory and not taking into account those that provide income to their households through agriculture and that some in town have a skewed view of what is agriculture vs what actually is agriculture by MGL. Through lots of research the Commission is aware that the town agricultural community is made up of many different types and sizes of farms but all contribute to the town’s character. Varrell agreed and said that excluding the smaller farms will only make the larger farms viable and the smaller farms not viable and that is not in the character of the town.

Green also made note that farms abut farms all over town and that could be an issue should this pass in terms of conflict. Traver said the amendment as written is problematic. Varrell said he is all for adding language that provides parameters of hours, size, etc within the amendment, but it needs to be fair and equitable when applied for the viability of all farms.

Carlson made a motion that this needs more clarification and that Ag Comm needs to work with the PB to see what they are going to come up with. Traver seconded.

Further discussion Traver said Ag Comm should put some of these reservations into a statement.

Carlson amended his motion to also include the statement:

The current wording, or lack thereof, of the amendment might hurt Harvard Ag:

1. ***Under the current language, it allows anyone who meets acreage requirement to designate their property as a farm to host commercial events.***
2. ***It allows discretionary authority to the Select Board to approve or deny an application based on arbitrary criteria not established in the bylaw.***
3. ***It doesn't ensure equitable access to economic opportunities.***

Traver seconded. All were in favor.

Member & Chair Updates

None at this time.

Adjourn

Carlson made a motion to adjourn. Traver seconded. All were in favor. Meeting adjourned at 8:43.

Submitted by K. Green