

255-26 Commercial Agricultural Uses

Amendment to Repeal and Replace § 255-26 Stables and Riding Academies in its entirety – Replace with “Commercial Agricultural Uses”

To see if the Town will vote to amend the Zoning Bylaw by repealing the existing provisions of §255-26 in their entirety and inserting in its place, the following:

§ 255-26 Commercial Agricultural Uses

A. Purpose

- (1) Provide reasonable regulations for Exempt Agricultural Uses and Commercial Agriculture.
- (2) Make provisions for some limited commercial agricultural uses which are carried out as part of nonexempt agricultural uses.
- (3) Further South Hadley’s efforts as a Right to Farm community by providing options for selling products and providing uses and facilities to supplement income from agricultural operations.
- (4) Support goals, objectives and recommendations in the South Hadley Master Plan and the South Hadley Open Space and Recreation Plan regarding preservation of agricultural land and operations.

B. Site Plan Review Required

- (1) Except as expressly provided herein, Site Plan Review is required for all facilities to be used to conduct commercial agricultural uses.
- (2) As provided in § 255-145C, Site Plan Review for exempt agricultural uses is for the purpose of ensuring compliance with reasonable regulations as related to parking, open spaces, building height, and building setback requirements as provided for in MGL c. 40A, Sec 3.

C. Setback Requirements

- (1) Commercial agricultural facilities shall conform to principal use setback requirements unless a different setback is specified within this § 255-26, or by the Planning Board in the course of Site Plan Review, determines a different setback provides an appropriate reasonable regulation.

D. All signs shall be in conformity with the provisions of §255-85.

- (1) Exception. The Planning Board may grant some relief as part of a Site Plan Review decision for specific Commercial Agriculture activities authorized in this § 255-26. Such relief shall be based upon a determination that the sign will not be adverse to the character of the surrounding neighborhood or the community.
- E. Riding academies. The term "riding academies" shall be interpreted to include private club riding stables, rental and hacking stables, livery and boarding stables. Where permitted in conformance with the Use Regulations Schedule (Article V), such uses shall meet the following conditions:
- (1) The minimum acreage required shall be a parcel or tract of land which meets or exceeds the acreage and conditions to qualify for an exempt agricultural use under MGL c. 40A sec. 3.
 - (2) Barns, stables, riding rings, corrals and accessory facilities shall be located at least 175 feet from any side or rear lot line.
 - (3) Sufficient off-street parking facilities shall be provided to accommodate all users and visitors to the property.
 - (4) The area to be used for the keeping of horses and/or ponies shall have adequate fencing to contain the animal(s) within the property boundaries.
 - (5) Stables, corrals and yards shall be properly drained and reasonably free from excessive odor, dust and mud, so as not to create a nuisance or health hazard, to the community or to surrounding property owners, from an air or drainage pollution standpoint.
 - (6) Maintenance of the stable and property used in the keeping of horses and/or ponies shall conform to all regulations of the local Board of Health and state health authorities.
 - (7) The keeping of horses and/or ponies not associated with an agricultural use meeting the definition of "Agricultural Uses, Exempt" shall conform to the provisions of §255-25 Agricultural Uses Accessory to Residential Use.
- F. Keeping of poultry. The keeping of poultry associated with an agricultural use meeting the definition of "Agricultural Uses, Exempt" or "Agriculture, Commercial", is subject to the following reasonable regulations:
- (1) The flock shall be confined in an enclosure not less than 10 feet from any lot line and not less than 25 feet from any building used for human habitation.
 - (2) Shall not exceed one unit of poultry to each 500 square feet of lot area.
 - (3) The building and enclosure for the keeping of poultry permitted herein shall not exceed 1/20 of the area of the lot on which it is located, and any building so used shall be limited to one story in height.
 - (4) The keeping of poultry not associated with an agricultural use meeting the definition of "Agricultural Uses, Exempt" shall conform to the provisions of §255-25 Agricultural Uses Accessory to Residential Use.

G. Keeping of livestock. The keeping of livestock associated with an agricultural use meeting the definition of “Agricultural Uses, Exempt” or “Agriculture, Commercial”, is subject to the following reasonable regulations:

- (1) This section pertains to all other livestock for which standards have not otherwise been provided for herein §255-26.
- (2) Standards for the keeping of livestock shall be consistent with §255-26E.
- (3) The keeping of livestock not associated with an agricultural use meeting the definition of “Agricultural Uses, Exempt” shall conform to the provisions of §255-25 Agricultural Uses Accessory to Residential Use.

H. Breeding of Livestock. Breeding of livestock is permitted by right only to the extent that it is part of and conducted as an agriculturally exempt use. Accordingly, it is to be accessory to the raising of livestock.

I. Outdoor recreation facilities in Agricultural Zoning District

- (1) Purpose. The overall purpose of the outdoor recreation facilities use within the Agricultural Zoning District is to preserve agricultural lands through enhancing the economic viability of active farmland operations
- (2) Facilities allowed.
 - (a) Outdoor recreation facilities may be permitted, subject to compliance with the mandatory standards, conditions and requirements for a Special Permit as well as the conditions set forth in this section. Only activities that are not disruptive of the integrity of agricultural soils shall be permitted.
 - (b) Nothing herein is to be interpreted as precluding the use of any land for passive recreational activities such as, but not limited to, hunting, hiking, skiing, fishing, etc.
- (3) Minimum area of parcel. A minimum of 5 acres must remain in active agricultural production.
- (4) Minimum frontage. The parcel must meet the frontage requirements for the applicable zoning district.
- (5) Parcel coverage. Outdoor recreation facilities shall not occupy more than 2.5% of the total land area of the parcel on which the facilities are located. This area limitation includes the portion of the tract occupied by required parking facilities and any associated structures and does not apply to buildings and structures used for agricultural purposes (including accessory uses).
- (6) Minimum setbacks. The outdoor recreation facilities use areas and buildings (not to include related parking areas and trails for pedestrians or nonmotorized vehicles) shall meet the required setbacks for principal uses in the applicable zoning district.
- (7) Maximum height. Buildings and structures used as part of the outdoor recreation

- facility use shall be no higher than 35 feet and include no more than two stories.
- (8) Maintenance of agricultural uses. Outdoor recreation facility uses are to be incidental to the active farmland of the parcel on which they are located. Accordingly, the parcel must be maintained largely in active agricultural usage. The applicant for the special permit (and owner of the property, if the applicant is not the owner) must demonstrate that the property will be preserved in such use. If a substantial portion of the property ceases to be maintained as active farmland, the Special Permit for outdoor recreation facility use will be subject to termination by the Planning Board.

J. Farm Stand – Exempt

- (1) Location. An exempt farm stand must be on the same parcel as the exempt agricultural use providing the produce/crops being sold. However, if the agricultural use is carried out on multiple parcels or on a separate parcel preserved for agricultural use via an APR or similar restriction, the farm stand may be located on an adjacent parcel owned by the owner/operator of the agricultural use.
- (2) Size. The maximum size of a farm stand allowed on exempt agricultural land shall not exceed 400 square feet.
- (3) Limit on sale of merchandise. Merchandise offered for sale at a farm stand shall conform to the restrictions/requirements specified for agriculturally exempt parcels in MGL c. 40A, sec. 3.
- (4) Setbacks. Exempt farm stands shall not be considered accessory structures and shall meet the following setbacks:
 - (a) Farm stands shall be located at least 20 feet from edge of pavement of roadway and no less than 20 feet from the side property line.
- (5) Parking. Adequate parking shall be provided on the subject property and such parking shall not create a hazard to traffic along the adjoining roadway or traffic entering/exiting the subject property.
- (6) Hours. Available 24 hours per day.
- (7) Lighting. Farm stands are not to be illuminated. However, this shall not preclude use of security lighting or motion activated lighting provided only the farm stand is so illuminated.
- (8) By Right. Exempt farm stands are allowed by right and are not subject to Site Plan Review by the Planning Board.

K. Farm Stand – Nonexempt

- (1) Must be on the same parcel as the agricultural use providing the produce/crops being sold, or on land in same ownership of agricultural use.
- (2) Limited to seasons in which the items being sold are grown and harvested on the parcel.
- (3) Size. The maximum size of a farm stand allowed on nonexempt agricultural land shall not exceed 100 square feet, unless waived by the Planning Board under Site Plan Review. A waiver shall be based upon a determination that the size of the

- farm stand will not be adverse to the character of the surrounding neighborhood or the community.
- (4) Limit on merchandise. Only items produced on the subject property (including on contiguous parcels owned in common with the subject property) shall be sold.
 - (a) Sale of live animals is not permitted.
 - (5) Setback. Nonexempt farm stands shall meet accessory structure setbacks for the applicable zoning district.
 - (6) Parking. Adequate parking shall be provided on the subject property and such parking shall not create a hazard to traffic along the adjoining roadway or traffic entering/exiting the subject property.
 - (7) Hours. Between the hours of dawn to dusk. The Planning Board may establish different hours of operation as part of the Site Plan Review process.
 - (8) Lighting. Any illumination of a nonexempt farm stand is to be approved by the Planning Board as part of the Site Plan Review process.
 - (a) Generally, farm stands are not to be illuminated, however, this shall not preclude use of security lighting or motion activated lighting provided only the farm stand is so illuminated.
 - (b) No light trespass on abutting properties, and all light fixtures are to be dark sky compliant.
 - (9) Site Plan Review. A nonexempt Farm Stand is subject to Site Plan Review by the Planning Board in accordance with Article XII.

L. Farm Store, Accessory

- (1) Must be either on the same parcel as the exempt agricultural use providing a portion of the produce/crops being sold or on a contiguous parcel to said exempt agricultural use in common ownership.
- (2) Size. A farm store shall not have more than 10,000 square feet of floor area exclusive of storage space.
- (3) To be owned and operated by the owner of the agricultural land.
- (4) The majority portion of the product sold shall be from products cultivated and processed on the exempt agricultural use. Other agricultural products produced in Massachusetts shall be allowed for sale.
- (5) Setbacks. Must meet setbacks required for principal structures for the zoning district in which the building is located.
- (6) Parking. Off-street parking for the Farm Store must conform to the provisions of §255-86.
- (7) Accessory space. Allowed accessory uses include restaurant, ice cream and/or bakery facility, and/or gift store. Accessory space products shall be prepared on site with farm crops grown or raised on the exempt agricultural use. Locally/regionally grown or made merchandise (25% or less of sales) shall be permitted with waiver by Planning Board.
- (8) Walk-up window. A walk-up, take out window may be incorporated into the Farm Store for the accessory restaurant, ice cream, and bakery operations.

- (a) Drive-through window service shall not be permitted.
- (9) Site Plan Review. A Farm Store is subject to Site Plan Review by the Planning Board in accordance with Article XII.

M. Greenhouses

- (1) Site Plan Review. Erection and operation of a Commercial Greenhouse is subject to Site Plan Review by the Planning Board in accordance with Article XII. Planning Board may waiver conditions as deemed appropriate.
- (2) Setbacks. Greenhouses must meet principal structure setbacks for the zoning district in which the structure is located.
- (3) Parking. Adequate space for parking of vehicles shall be provided on the subject property. The parking area is to be in conformity with the provisions of § 255-86 Off-street parking.
- (4) Height. No greenhouse shall exceed a maximum heigh of 25’.
- (5) Mechanical equipment. Any mechanical equipment associated with the operation of the greenhouse shall be screened.
 - (a) Any greenhouse heating plant shall be located at least 20 feet from any lot line.
- (6) Illumination.
 - (a) Lighting and illumination associated with the Greenhouse shall be minimized and consistent with public safety requirements and hours of operation.
 - (b) Lighting shall only illuminate the property on which it is located
 - (c) Internal lighting in greenhouses shall be fully screened from abutters after sunset.

N. Farm Related Business

- (1) Purpose. To provide for innovative economic development opportunities for South Hadley farmers engaged in Commercial Agriculture on Agriculturally exempt property in South Hadley. It is intended that adding “farm related business” to the Commercial Agriculture operations will aid in attracting the public to the farm and educate the public on farming operations.
- (2) Accessory to Commercial Agriculture. Activities customary to attracting customers to, and servicing customers visiting the farm are considered “Accessory to Commercial Agriculture”. Such activities are permitted by right without requiring Site Plan Review or any other approval by the Planning Board.
- (3) Such farm related business shall not degrade the agricultural soils on the premises where it occurs.
- (4) Examples of such accessory services/activities include, but may not be limited to, the following:

- (a) Fruit, pumpkin or related U-pick operations;
 - (b) Farm stand in accordance with § 255-26H (farm stand, exempt);
 - (c) Petting and feeding zoos involving farm livestock;
 - (d) Cut your own Christmas tree farms;
 - (e) On-farm farmers' markets – temporary operations;
 - (f) Horseback riding where the Commercial Agriculture operation includes boarding and/or raising of horses;
 - (g) Hayrides;
 - (h) Processing demonstrations (e.g. sugar houses);
 - (i) Agricultural museums and living history farms;
 - (j) Educational and demonstrative tours and garden tours.
- (5) Allowable Farm Related Activities/Uses requiring Site Plan Review. Examples of allowable uses include, but are not limited to, the following:
- (a) Special and/or seasonal events (such as, Haunted hayrides, corn mazes, crop art or related activities; private or semi-private events such as weddings or other parties; short duration events such as concerts, festivals, or similar events);
 - (b) Tractor pulls, farm equipment demonstrations, and similar events with the approval of the Massachusetts Department of Agricultural Resources;
 - (c) Art galleries or sculpture parks;
 - (d) Nonmotorized active recreational uses including but not limited to disc golf, zip lines, and archery;
 - (e) Food trucks as part of events and/or to support activities accessory to commercial agriculture;
 - (f) Winery/brewery/liquor tours and wine/beer/liquor tasting where a significant portion of products sold are also prepared on site with farm crops grown or raised on site.
- (6) Farm related business uses may only be permitted when conforming to the following standards.
- (a) On parcels where the principal use of land is commercial agricultural as that term is used in MGL Chapter 128, § 1A, which are agriculturally exempt and are operated for agricultural purposes.
 - (b) On parcels where at least 5 acres of land is used for active agricultural purposes such as, but not limited to, cultivation of crops, pasture for livestock.
 - (c) Where the Farm Related businesses are demonstrated as not converting active farmland to non-farm activities on a permanent basis.

(7) Site Plan Review required.

- (a) Except for the accessory activities as provided in § 255-26N(2), farm related business activities are subject to Site Plan Review by the Planning Board.
- (b) Applications must conform to Article XII, Planning Board Rules and Regulations for Site Plan Review, and the provisions of this § 255-26N.
- (c) Applications for Farm Related Businesses must also:
 - [1] Specify and describe all of the proposed accessory Farm Related business activities including any proposed use of “food trucks” or other “temporary food or beverage preparation and distribution vendors/equipment.
 - [2] Provide sufficient documentation and plans to demonstrate how the property is to be used for the various activities and that the principal and proposed complies with § 255-26N.
 - [3] Describe when and how the planned seasonal/annual/occasional events and activities will be scheduled.
 - [4] Describe plans to ensure that other permits required to undertake the proposed accessory activities will be secured sufficiently in advance of activities.
- (d) Required Findings for Approval. The Planning Board must find that the following issues are reasonably addressed in the applicant’s plan for conducting the related business activities:
 - [1] Potential nuisances arising from noise, odor, hazard, and project lighting
 - [2] Increased traffic and need for sufficient off-street parking on the project site
 - [3] On-site/off-street parking
 - [4] Sanitation and refuse disposal
 - [5] Crowd control and security
 - [6] Fire protection
 - [7] Screening to the extent applicable and appropriate
 - [8] Timely compliance with other local permits and licensing requirements
 - [9] The Farm-Related uses project conforms with § 255-26N

O. Compliance with applicable regulations and licensing requirements

- (1) Compliance with the provisions of the Zoning Bylaw and Planning Board approval does not negate the need for compliance with other permit requirements and other departmental rules and regulations including but not limited to Building Code, Board of Health regulations, Public Safety (Fire and Police) permits and rules and regulations.
- (2) Failure to comply with any applicable local or state regulations and requirements would be a violation of the South Hadley Zoning Bylaw as well as any other applicable bylaw, law, or regulation.