COMMUNITY GARDENS

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\_\_\_\_ Purpose and preamble. Whereas, access to healthy and affordable food options is a key determinant of public health outcomes across the socio-economic spectrum;

WHEREAS, community garden projects provide satisfying labor and can be a source of seasonal employment and leadership development for both adults and youth;

WHEREAS, community garden projects encourage a community’s food security and increase healthy, affordable food access, allowing residents to grow their own food and make it available to others;

WHEREAS, community gardens also build community among diverse groups of neighborhood residents and are a productive and beautifying use of vacant and/or abandoned land;

WHEREAS, communities with gardens experience less crime and vandalism and increase in property values;

WHEREAS, community gardens connect people to the environment and educate community members about sustainable living practices;

NOW THEREFORE, be it resolved that the Town of Palmer, Massachusetts (the

“Town”) passes this Community Garden Bylaw that establishes the rules by which stakeholders must follow.

\_\_\_\_ DEFINITIONS. The terms listed below, as included in this Bylaw, shall have the following meanings:

A. Beds: area of land that has been specifically cultivated for agricultural use; beds may be raised off of the ground level.

B. Community garden: Land that is gardened by a group of individuals sharing responsibility for the site either independently or under the auspices of a public or nonprofit organization.

C. Community gardening: growing food within cities, towns and even village settings; it is not growing food outside of built human environments.

D. Cultivated: Preparing and using (land) for crops or gardening; to break up (soil) in preparation for sowing or planting.

E. Environmentally Critical Area: Geologic hazard areas, steep slope areas, flood prone areas, wetlands, fish and wildlife habitat conservation areas, and abandoned landfills.

F. Garden Group: see Garden Entity

G. Garden Entity: a group of people operating a community garden; or a Micro-Enterprise with the purpose of establishing and maintaining a community garden or residential garden.

H. Gardening Activity: any activity associated directly with the cultivation, harvesting, or maintenance of a community or residential garden

I. Micro Enterprise: a type of small business, often registered, having five or fewer employees and requiring seed capital of not more than $35,000.

J. Mass in Motion Wellness Leadership Team (MWLT): The MWLT; constituted in October 2014 and serves as a diverse group of stakeholders that provide a comprehensive examination and ongoing assessment of the Palmer food system as well as ongoing recommendations for policy and built environment solutions to improve access to fresh, affordable and culturally appropriate food for those who live and work in the Town of Palmer.

K. Point of Contact: Designated contact person for a Garden Entity.

\_\_\_\_ Community Gardening Regulations. A. In all zones, community gardens on all public and private lands are subject to compliance with all applicable provisions of the

Palmer Zoning Bylaw, and the following provisions: 1. All gardening activity is allowed from dawn until dusk (provided that activities are not a nuisance to the abutters, (i.e., noise violations, etc.)) every day of the week.

a. Gardeners are permitted to sell excess produce at licensed venues, provided that food is grown in raised beds that are buffered from potentially contaminated soil.

b. If gardeners test the toxicity of soil, and results show that the soil is clean, raised beds are not required.

2. Signs: One (1) identification sign is permitted.

a. The sign shall provide information for the responsible entity.

b. The sign shall not be illuminated and shall comply with the size regulations of Palmer Zoning Bylaw.

3. All Community Gardens on both private and public land will receive guidelines from the MWLT. Garden Entities will also be required to submit an application to the Town of

Palmer Planning Department that addresses any probable impacts, including but not limited to:

a. A proposed site for a community garden.

b. A disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests or other purposes they are intended for.

c. A point of contact.

4. Additional guidelines for gardens:

a. Water Quality and Soils. Irrigation run-off cannot adversely affect adjacent properties, water bodies and environmentally critical areas, and proposed sediment and erosion control measures.

b. Traffic and Parking. Impacts related to the number of staff on-site during work hours, and the number of potential visitors regularly associated with the site, cannot adversely affect abutting properties.

c. Visual Impacts and Screening. Visual impacts relating to the proposed nature, location, design, and size of proposed features, structures and activities, including the location of composting activities and planting areas, and any existing or proposed screening must be addressed and not adversely affect abutting properties.

d. Odor. In all zones, at all times, all Garden Entities shall be responsible for maintaining their respective Community Gardens in compliance with Palmer Zoning

Bylaw Article XV section 1511.5 relative to nuisance odors.

e. Agricultural Chemicals. Impacts related to the use of chemicals, including any fertilizer and pesticide cannot adversely affect abutting properties.

f. Mechanical Equipment. Impacts related to the operation of equipment, including noise, odors, and vibration cannot adversely affect abutting properties.

g. Structures. The structures for residential garden (i.e. greenhouses and hoop houses) will comply with state and town regulations and bylaws pertaining to neighborhood/lot. h. Insurance. All community gardeners on Town-owned land will be required to sign a “hold harmless clause” with the Town.

\_\_\_\_\_\_ Maintenance and Upkeep. A. Trash Removal. If necessary, and if resources are available, the Town will provide an initial land clearing for free on town owned property.

1. Once the garden has been cleared by the Town, gardeners are responsible for getting trash moved to a designated area at the garden site for Town to collect.

2. The Town will remove bulk items on town owned property, if resources are available, that get illegally dumped after the initial clearing.

3. Gardeners are responsible for collecting trash from the lot and the adjoining sidewalk and putting it in barrels for trash collection. An annual trash fee will be assessed by the Town if municipal trash collection is desired.

4. Appearance.

a. Gardeners must maintain the site and tree belt. This includes cutting of the grass and overgrown vegetation, as well as, removal of trash and debris.

b. At the end of the growing season, all garden beds shall be cleared and cultivated, as appropriate.

5. Water.

a. If there is an existing water main installed near the lots, the Town may install a water service and/or tap for a fee to be paid by the community garden entity. Requests for installing a water service and/or tap must be made within six (6) months of anticipated installation.

b. Unless grant funding is found, community gardeners will be responsible for paying water fees, including the turn on/turn off fee and monthly fees even when water main is not in use.

6. Soil/compost.

a. The Town will work with community gardeners to assist with compost delivery. Any community garden who desires compost must call or email and request it from the Town. The Town will arrange for the delivery of at least one truckload of compost to each garden in the late spring, annually, if requested by above deadline.

b. If gardeners plan to compost on-site, they must take steps to ensure that their respective Community Gardens do not create nuisance odors. Any complaints about compost must be validated by the Town of Palmer Code Enforcement Department.

\_\_\_\_ Identifying and Securing Town Owned Land. A. There will be a designated person on the MWLT who will be responsible for accepting requests about community gardens. That person will work with the appropriate Town Department liaisons from Planning, Parks and Recreation, and Health about lots that are available as requests are received.

1. If the garden entity is looking for available, Town-owned land, the MWLT will accept requests for community garden lots between the months of January to May. Lots will be identified with the help of Town departments of Health, Parks and Recreation, and Planning.

2. Appropriate lots for community gardening can be made available based on the following criteria:

a. The lot is unlikely to be developed in the foreseeable future.

b. There is a water line on or near the property, and/or the buildings on-site have non-toxic roofs so that rain water catchments are safe to practice.

c. The lot receives adequate sunlight between April and October.

d. There is street lighting nearby.

3. The MWLT is the liaison between the garden group and the Town.

4. If the community garden is to be located on a publicly owned parcel, the Town and the gardeners shall sign a license and “hold harmless” agreement. Once the “hold harmless” agreement has been signed and the garden entity successfully maintains the site in compliance with this Bylaw for one (1) full season, the Town shall elect to offer a five (5) year license agreement to allow that land to be used as a garden.

5. In the event that the Town has concerns about the condition, operation, location or maintenance of a community garden, the Town shall provide written notice to the community garden contact person, who shall have twenty-one (21) days to provide a written response to the Town, addressing the stated concerns. In the event that a written response is not received by the Town within the allotted time period set forth above, or the concerns set forth in the Town’s written notice have not been fully corrected within thirty (30) days of receipt of said notice, the Town reserves to the right to immediately withdraw from the land tenure agreement.

6. The Town reserves the right to withdraw from the land tenure agreement if the following events occur, and shall provide the community garden contact person with a written forty-five (45) day notice of its intent to withdraw:

a. If the garden entity fails to uphold the terms and conditions identified and set forth in the license agreement; or

b. If there is significant change in the conditions, neighborhood, marketability, or opportunity for development occurs which calls for a different use of the land.

In this circumstance, the Town shall work with the gardeners to make best efforts to secure a lot as close as possible to the garden entity by the next growing season.

\_\_\_\_ Land Use. A. Garden entities are permitted to sell excess produce at licensed venues, provided that food is grown in raised beds that are buffered from potentially contaminated soil, and the sale of such excess produce is authorized by the Palmer Zoning Bylaw. B. If garden entities test the toxicity of soil and results show that the soil is clean, raised beds are not required.

\_\_\_\_ Safety. A. Liaison with the Police Department:

1. The MWLT will forward to the Police Department a list of community gardens with contact information for each one each spring so the department knows the land is not abandoned and who to contact in case of emergency.

2. Police will take notice of garden sites when they drive by.

\_\_\_\_ Community. A. In order to make the community aware of the gardens and the partnership with the Town, a number of outreach methods will be used.

B. The MWLT maintains a page on the Town website including information about the gardens and a link to a map of the gardens.

\_\_\_\_ Sustainability. A. All existing community gardens that are listed and shown on the map created by the MWLT as of August 2015 will be “grandfathered” as an appropriate use of that current lot as of the date of passage of the bylaw.

B. Community support for gardening is growing in our town and as funding becomes available to town departments more resources may be allocated to gardening as appropriate. In the meantime, research and exploration into funding in partnership with the Town will be prioritized.