

**LINCOLN AGRICULTURAL COMMISSION PROPOSED BYLAW-TOWN COUNSEL
APPROVED**

Proposed deletions to the bylaw language are shown in ~~strikethrough text~~ and additions are shown in ***bolded italic text***.

6.1 Uses Permitted:

- (a) one building containing one dwelling unit used as a single family residence;
- (b) rooming or boarding house for not over three lodgers;
- (c) museums and libraries owned and operated by the Town or by a public charitable organization with respect to which the Town elects or appoints members of the governing board, and parks, playgrounds, conservation area, water supply areas and land owned and operated for the public enjoyment or service by a public or semi-public agency;
- (d) preservation of a lot in its natural conditions; fields, pastures and wood lots; orchards, nurseries, truck gardens and farms, but not including ~~piggeries or farms~~ operated in substantial part for disposal of garbage, sewage, offal or renderings; greenhouses for private uses; keeping of pets and farm animals for residents' use; sale or the offering for sale of ~~fFarm pProduce~~ by an owner, or resident tenant, ***lessee or licensee*** of the land in the Town providing ~~ed~~ that, for ***parcels under five acres***, a ~~substantial~~ ***majority of the proceeds results from the sales*** ~~portion of such produce~~ ***of products*** is raised within the Town;

(e) the keeping, raising, breeding or training of farm animals for food, fiber or other agricultural purposes on lots between 2 acres and 5 acres, generating sales less than \$5,000.00 per acre annually which shall be calculated as the average of the previous three consecutive years and an animal density not to exceed two animal units per acre at the animal's primary location. On lots between 2 acres and 5 acres, greater than 2 acres, additional animal units will be allowed in proportion to the amount of increased acreage. Proper enclosures and Best Management Practices shall be used.

The annual sales limit shall be adjusted in January using the CPI-U Index from December and compounded annually.

(f) commercial greenhouses and farm stands on parcels between 2 acres and 5 acres, generating annual sales less than \$5,000.00 per acre.

For purposes of 6.1 (e) and 6.1 (f) above, a lot that contains 80,000 square feet shall be considered to be 2 acres.

(e g) accessory uses on the same lot, if entirely auxiliary to uses as permitted in ***6.1(a) through 6.1(d f)***;

(fh) professional office, studio, laboratory, and workshop accommodating occupations customarily conducted in Lincoln in a residence or building accessory thereto by a person residing on the premises, provided that:

- i. such use is clearly incidental and secondary to the use of the premises for residential purposes;

- ii. not more than one person other than residents of the premises is engaged in the conduct of the home occupation, whether as an employee or otherwise;
- iii. no offensive noise, vibration, smoke, dust, odors, heat, glare or unsightliness is produced;
- iv. there is no public display of goods or wares and there are no signs except as permitted in **Section 16**;
- v. there is no exterior storage of material or equipment (including the parking of more than one commercial vehicle) and no other exterior indication of such use or variation from the residential character of the premises;
- vi. there are adequate off-street parking spaces for employees and for visitors in connection with the home occupation which does not substantially alter the appearance of the premises as a single family residence.
- vii. such use does not require the parking of more than four vehicles used by persons engaged in the occupation, clients, customers or patients on a regular basis;
- viii. traffic generated by such use is not inconsistent with traffic usually associated with a single family residence.

(g *i*) religious or educational uses governed by **M.G.L. c. 40A, s. 3** (see Section 19.1.e)

(h *j*) other uses that cannot be prohibited under **M.G.L. c.40A, s.3**.

6.2 The following uses require a Special Permit from the Board of Appeals, as provided in **Section 20** below, with the written advice of the Planning Board in each case; , **and when pertaining to agriculture, the additional written advice from the Agricultural Commission**. See **M.G.L. c.40A, s.3** for specifically described uses that may be exempt from this special permit requirement.

- (a) hospital, sanitarium, nursing home or charitable institution other than those defined in **Section 5.3**;
- (b) use of land or structure by a public utility or by the Town;
- (c) community club or country club and golf course not conducted for profit;
- (d) commercial greenhouses **and farm stands on parcels under 5 acres generating annual sales greater than \$5,000.00 per acre**;
- (e) the raising and , keeping, **breeding or training of farm animals for food, fiber, or other agricultural purposes, on parcels under 5 acres, generating sales greater than \$5,000.00 per acre annually which shall be calculated as the average of the previous three consecutive years or an animal density that exceeds two animal units per acre at the animal's primary location**. of poultry for other purposes than the use by the occupants of the residence, or the boarding, training, raising, or breeding of dogs other than for the residents' own use as pets or farm animals (e.g., sheep dogs), or the training, raising, breeding or offering for hire of riding horses other than for the residents' own use.

(f) ***The boarding, training, raising, or breeding of dogs other than for the residents' own use as pets or farm dogs.***

(f g) private, non-commercial radio and television towers; provided that a permit to erect and maintain such a tower in connection with the operation of an amateur radio station shall not be denied unless the safety of the public will be endangered by such erection or maintenance;

(g h) any museum or library not referred to in **Section 6.1(c)** or **6.1(g i)** above;

(h i) any occupation which otherwise meets the requirements of **Section 6.1(f h)** but which requires the parking of more than four motor vehicles on a regular basis or with respect to which more than one person other than the residents of the premises is engaged in the conduct of such occupation;

(h j) an occupation not currently customarily conducted in a residence in Lincoln which is customarily conducted in residences in other communities, and which is as consistent with the residential character of the premises as those occupations permitted under **Section 6.1(f h)**, provided that the requirements of **Section 6.1(f h)**, (i - viii) are met.

Section 23 Definitions.

Farm Animal: Livestock including horses, poultry, swine, cattle and other domesticated animals used for food or fiber purposes; fish, bees and fur-bearing animals.

Farm Produce: shall include all products derived from horticulture, floriculture, silviculture, and viticulture.

Animal Unit: For the purpose of keeping a given number of animals or fowl, the following shall be considered equivalent and each will be regarded as a single animal unit:

(a) An animal whose weight equals 1,200 pounds or more.

(b) Multiple animals whose combined weight is less than 1,200 pounds.

(c) Livestock and fowl whose weight equals less than 20 pounds each, 30 animals will equal 1 Animal Unit.

Best Management Practices:

Manure Management: Management and disposal of manure shall be done according to Best Management Practices to contain and prevent the runoff of leachate. Manure management shall comply with Section 12.4 of the Zoning Bylaw, Aquifer Protection and Watershed Protection Overlay Districts relating to manure management and to 310 CMR 22.02 definitions of Zone I and Zone II and accompanying regulations.

Livestock Guidelines: Keeping livestock healthy and able to produce requires proper nutrition, appropriate shelter, and suitable containment. Refer to the guidelines of Massachusetts Department of Agriculture Resources (MDAR) for livestock owners.