



November 9, 2023

Via email to the Whately Planning Board: planningboard@whately.org

Via email to the Whately Agricultural Commission & agcommission@whately.org

Dear Whately Planning Board and Whately Agricultural Commission:

As you may be aware, Nourse Farms, which consistently employs a steady roster of 180 people year round, is growing. We are actively undergoing an expansion project in Whately across from our headquarters in an effort to meet the demands of our current customers with the same quality berry plants we've been growing in the valley for decades. If the weather events of 2023 have taught us anything, it's that we need to embrace innovation in an effort to future proof the business from the impacts of extraordinary weather events that seem to have become the new norm.

We have partnered with Havecon Horticultural Projects to build a propagation greenhouse for growing the same small fruit plants we currently have in our catalog today.¹ The total plan is for a greenhouse, micropropagation lab, and administration facility for growing small fruit plants as well as supporting infrastructure including a rain catchment and stormwater detention basin. Specifically, the greenhouse build will be done in three phases of 2.5 acres each. The final greenhouse will be 7.5 acres in total and will allow us to get 12 months of production off our farmland rather than just 4 months. This facility is being built to grow foundation plants (first in our lab and then in our greenhouse, same process as today) which support the rest of our business and will be planted out in our various plant nursery sites.

While we have received feedback that this project fell within the agricultural exemption from the start, we now formally seek your opinion as to whether our expansion meets the bylaws definition of "normal agricultural use." There has been some confusion as to the size of the greenhouse build, as many initially believed it to be 15 acres in size. In fact, when fully finished, it will be only half that size.

This build has generated a number of conversations surrounding Whately's bylaws' reference to "normal agricultural uses."² Specifically, Article V, §171-17 A (2) states that, "Projects requiring site plan review. Any residential, commercial, industrial, or institutional use allowed by right or special permit in any district, including subdivisions, shall require site plan review, except that single-family dwellings on individual lots and normal agricultural uses are exempt."

As the bylaws are silent as to the definition of "normal agricultural use" we look to (1) State law and relevant definitions; (2) Treatment by other entities in this regard; (3) Scope of build; and (4) Industry standards in order to guide us.

(1) State law and relevant definitions

In the Commonwealth, MGL Ch128 Sec.1A is the official "general" definition of agriculture. "'Farming' or 'agriculture' shall include farming in all of its branches and the cultivation and tillage of the soil, dairying,

¹www.noursefarms.com – do you want a catalog link here?

² <https://www.whately.org/home/pages/bylaws-regulations>



the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market." The berry plants we grow and the methods used to grow them clearly fall within the state's definition of agriculture within the scope of "cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities."

While the exact term of "normal agricultural use" is not widely used, normal agricultural practices has been defined as "all activities conducted by the owner or lessee at a site for the production of crops and/or nursery plants."³

(2) Treatment by other entities in this regard

To date we have successfully obtained sign offs from the Conservation Commission and the Massachusetts Historical Society, both of which declared us to be agriculturally exempt relative to this project. All projects undertaken by Nourse at our Whately headquarters in the past, including builds of our greenhouses, office, packhouse, cooler facility (for storage of our plants prior to shipment) and lab, have been exempt from Site Plan Review and deemed to be for normal agricultural use.

(3) Scope of build

When Tim and Mary Nourse started this company, they sought to stay at the forefront of innovation in the industry, but the truth is we have fallen 10-20 years beyond the best practices in Europe in the berry plant propagation industry. For us to maintain our reputation and keep our long-time customers, we must grow in a way that fosters plant health and combats massive losses due to weather and disease. While this project may seem large in Whately, it is a phased build of 2.5 acres of greenhouse and 2.5 acres of support buildings (the lab where the plants start and the office for our current supporting staff), followed by 2 more bays of greenhouse for a total of 7.5 acres of plants under glass. In truth, while it feels like a big undertaking for us as we are accustomed to bolt-ons over time, this would not even be considered to be a medium build for the industry.

With this expansion we are simply looking to grow the same small fruit plants for the same customers we currently have today using more efficient and environmentally friendly practices. Sustainability is at the forefront of our plan with our rainwater catchment basin. We are going to utilize the facility to increase high health practices by allowing the product to come directly from the lab (where we grow baby plants in test tubes) to the greenhouse. We are looking to increase the quality of the product we are growing and adapt to new farming techniques that allow us to provide a cleaner plant for farmers to put in their fields to grow berries. We enable many of our customers to grow organic fruit, which has become a big consumer demand in the market.

³ (2023) Normal agricultural practices. Law Insider. <https://www.lawinsider.com/dictionary/normal-agricultural-practices>



(4) Industry standards

Here at Nourse Farms, we currently have a total of 7.2 acres of plants grown under protected structures. We have 2.5 acres of raspberries grown under high tunnels at the same location (located behind the new build), 2.5 acres at our main Whately location, and 2.2 acres in Northfield at the former Five Acre Farm site. With this capacity, we are unable to meet the demand of our customers, which include everyone from home gardeners ordering a single gooseberry plant to names that dominate the berry growing market such as Dole and Driscoll's.

Greenhouses are popping up everywhere as farmers adapt their growing practices. Protected production is becoming more and more common in agriculture. Locally in Whately, Happy Valley Organics has a greenhouse that is approximately 4 acres on Route 5&10 that grows potted herbs. In Devens, MA, Little Leaf Farms has a 10 acre state of the art greenhouse with a supporting infrastructure which they use to grow lettuce to provide local produce.

Havecon, our greenhouse builder is well respected in the industry for conducting successful builds that span the globe and has projects viewable on their site dating back to 2009.⁴ With an eye closer to home, a glance at their projects in the US alone shows multiple builds in New England.⁵ Across the US, there has been a significant push for greenhouse expansion in agriculture, as it allows for more controlled and sustainable cultivation practices.

The world of farming is changing, exacerbated by events just this year where so many in the valley lost so much due to flood and disease in their outdoor growing practices. We are adapting to survive, with additional effort made to incorporate sustainability practices and initiatives. Our greenhouse plan incorporates a rainwater harvesting system which will allow us to capture rainwater off the roof to be reused for crop irrigation. We also have incorporated a stormwater retention system designed to handle back to back 100 year storms without impacting the land around it.

We intend for this to be a showroom quality facility which will bring us closer to the vision Tim Nourse had from the beginning: setting the standard in our industry with quality and service. We believe this project, which just expands our ability to provide the same offerings of small berry plants to our current customers, qualifies as normal agricultural use and thus renders it exempt from Site Plan Review.

We hope you will support us in this regard and entrust you with this decision. We appreciate your time and consideration in this matter. If we can endeavor to provide any further information in support of this request, please do not hesitate to reach out.

Respectfully submitted,

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⁴ <https://havecon.com/en/projects>

⁵ <https://havecon.com/en/projects/north-america/usa>