

## Farm Stand at Rest-Stop-Ranch (202 Haverhill Rd)

8. Jan. 2020

Karl Ackerman and Mary MacDonald  
202 Haverhill Rd  
Topsfield, MA 01983

Glenn Clohecy  
Inspector of Buildings  
Town of Topsfield  
8 West Common St  
Topsfield, MA 01983

Dear Glenn Clohecy:

It was a pleasure to see you at the town hall last week. You asked for a description of what programs and services we would like to offer on our property and information to help determine if we meet the permitted use for a farm stand.

It is not our intention to become a 'conference center' or to have a large amount of foot traffic. The expectation is we are providing free accessible gardens and support programs for long term care givers and their loved ones. We have currently been doing that as Karl and Mary from our home. All access and services are free of charge. We are considering a 'Farm Stand' permit as I think it may allow the activities we offer and not require special permitting. What we are providing does not fall neatly into any of the current permitted or special purpose land use categories. Some land use classifications include what we do i.e. support programs at a "Conference and Event Center" but that seems much more than what we want or intend.

As Karl and Mary, homeowners, we invite long term care givers and their loved ones to our property to enjoy the gardens we have built and to use our space to relax, renew and heal. Our guests include local group homes for the developmentally and intellectually disabled.

As you are aware, we call the property, Rest-Stop-Ranch. We share with the community our wheelchair accessible gardens and a 'care takers' cottage year-round. Some of those that have benefited include MA DDS group homes who bring individuals and staff to the property for therapeutic horticultural visits where the individuals can enjoy a few hours in accessible gardens as they journey with Alzheimer's, Parkinson's, Down Syndrome, Brain Injury, and other debilitating illness. We also work with the Topsfield and other 'Councils on Aging' to offer a similar garden experience to local elders. Paula Burke is familiar with our services and has volunteered to talk with you if you like.

This year we have submitted the necessary documentation to the IRS for designation as a 501c3 Charitable organization under the name Rest-Stop-Ranch. The application is in process and we expect a determination by mid-2020 perhaps earlier if we filled out the paper work correctly. In that application we outlined the programs we provide the community. We understand that there are a number of ways to view and classify what we are doing and it is our hope to express those activities in a way that identifies them as permitted horticultural and social support activities that can be offered from a Farm Stand year round. We think that is

the essence of what we are providing. A Farm Stand is permitted in the residential/agriculture zone that our property occupies. It is our hope we do not require a special permit from the Zoning Board of Appeals.

We apologize if we misunderstand the process and any guidance or assistance would be greatly appreciated. Our fear is that if we require a special permit for a 'conference event center' the costs in permits and possible construction would be prohibitive and long especially seeing as our objective is to provide a beautiful garden and small cottage room where a small number of people suffering some of life's most difficult journeys can meet, share with others and renew themselves. Today we do that from our home, we would like to do it with the necessary permits and blessing from the town so that we can sell plants grown on our property, offer pick your on vegetables and fruit when in season, and offer picnics on the property if people bring their own food and beverages.

The proposed offerings and services at the Farm Stand are each described below:

### 1- For Sale to public, plants and produce grown on the property:

From the MA General Laws section 3 I am fairly sure that this is explicitly permitted <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40a/Section3>

Plants for sale will be primarily from those grown on the property. We do accept donated plants from the local garden clubs, but the amount constitutes <50% of the plants for sale. We are not purchasing plants that we would then offer for resale. We anticipate revenue from those sales to exceed \$1000 per year and all proceeds will be used to support Rest-Stop-Ranch's anticipated 501c3 designation.

Flowers for sale at the farm stand will be exclusively from those grown on the property or grown by our local Garden Club friends.

Produce for sale from the farm stand will be limited to that directly harvested from the gardens and will not be cut or prepared in any way. Thereby qualifying for exemption from Board of Health permitting via state code (105 CMR 590.000)

We would also like to offer postcards and other small gifts that can be purchased by our visitors and as we have seen such for sale at farm stands across the state. We are not sure if these would be allowed or not.

### 2 - "Get Dirty in the Garden" Volunteers

During the growing season we offer horticultural activities in the gardens where individuals and their care-giver can come to the gardens to enjoy horticultural activities: weeding, planting, garden maintenance, filling bird feeders, watering etc. We assume this would be classified as an agricultural activity and at a minimum part of what is required for anyone to provide a farm stand, IE growing the crops and preparing them for sale.

- Chapter XLVIII 48-2 Definitions

- c. production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticulture, or horticultural commodities

### 3- Memory Café in the Garden AND Sunday Stroll

During the growing season we offer a memory café <https://www.memorycafedirectory.com/what-is-a-memory-cafe/> and Sunday stroll in the garden. These are the two days a month where we are 'open' to the public and invite people to enjoy the gardens. Effectively these constitute the hours of operation for the Farm stand, and the activity we think would fall under the definition of horticultural activity from the by-laws.

For more information on Rest Stop Ranch and the Calendar of events see <http://rest-stop-ranch.com/>

All parking for people coming to the farm stand is off-street in our driveway area and the parking spaces near the cottage, enough for about a dozen cars, though we never have that many vehicles on site at the same time.

### 4- Individual support for Long Term Caregivers AND

#### Group support for Long-Term Family Dementia Caregivers

Mary provides one on one support for long-term caregivers; the service is provided free of charge and by appointment. We also provide a meeting place for an Alzheimers.org Caregiver's Support Group that Mary facilitates (<https://www.alz.org/manh>).

These meetings take place in the gardens on the property and in the 'Caretaker's Cottage'. It is our hope that these types of gatherings are not restricted in by the town's bylaws. We are not sure how they would differ from a bridge, garden club, or book club that meets in someone's home.

If they are regulated then we hope they can be considered agricultural use of the 'farm stands' therapeutic gardens and structures. For the purpose of classification, we believe that therapeutic gardens are an agricultural activity that would fall under the right-to-farm bylaw adopted by the town.

- See the American Horticultural Therapy Association for information on therapeutic gardens <https://www.ahta.org/horticultural-therapy>
- Topsfield has adopted the Right-To-Farm bylaw (<https://www.topsfield-ma.gov/town-clerk/files/chapter-xlvi-right-farm-law>)
- MASS Department of Agricultural Resources includes Agritourism as part of farm activity. <https://www.mass.gov/service-details/farm-stand-resources>
- Chapter XLVIII 48-2 Farming shall encompass activities including but not limited to...

- d. conducting agriculture-related educational and farm-based recreational activities, including agric-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- The use of the gardens for therapeutic activity is a 'service of the farm'. They also encourage the sale of plants, produce and flowers grown at the farm.

**Use of the cottage:** One aspect of the one-on-one individual support and the group support is that when weather impedes use of the gardens we offer support in the 800'sq foot cottage on the property. We consider this to be one of the necessary structures for the agricultural activity; it was originally a barn but was a residence when we purchased the property in 2009. It is where we would clean and prepare the plants and flowers for sale and where individuals and groups can meet when the weather prohibits outdoor enjoyment of the gardens.

The cottage is currently considered by the town as one of two single family homes on the property and has been rented in the past.

It has designated parking, a separate septic system and utilities and is accessible. The structure is old and the Independent living center of Salem MA performed an Accessibility Report and rated us highly for access in the garden and cottage. The recommendations they made, including hand bars at the toilet area and removing some furniture, have already been implemented. Their written report is available for review.

We do have an accessible port-a-potty that we rent during the growing season. Funds from the Massachusetts Department of Developmental Services pay for this as part of our offering a Memory Café for individuals with memory loss inclusive of Down Syndrome and individuals with traumatic brain injury. In 2016, Mass DDS provided seed funding for organizations and individuals to provide an inclusive Memory Café. We applied for and received a reimbursement contract that has been renewed each year since. Since 2017 we have been offering the once-a-month Memory Café with Paula Burke and the Topsfield COA. In the winter months we are meeting at the town library. In the Spring, Summer and Fall we offer the Memory Café at our gardens.

If the use of the cottage to allow guests to meet and discuss their situation and for Mary to hold support group meetings is not permitted, we can strike it from our Farm-Stand application and perhaps consider it at a later date.

- Chapter XLVIII 48-2 Farming shall encompass activities including but not limited to...
  - d. processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;

We truly appreciate your assistance in figuring out how to provide this to the community and meet all the necessary town by-laws and permitting processes.

Sincerely,

Karl Ackerman and Mary MacDonald