

HOUSE No. 03408

The Commonwealth of Massachusetts

PRESENTED BY:

William M. Straus

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to agricultural lands..

PETITION OF:

NAME:

William M. Straus

DISTRICT/ADDRESS:

10th Bristol

HOUSE No. 03408

By Mr. Straus of Mattapoisett, a petition (accompanied by bill, House, No. 3408) of William M. Straus relative to horticulture regulations. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to agricultural lands..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1: Chapter 240 of the Acts of 2010 is hereby amended by striking Section 79 and
2 replacing with the following:

3 No zoning ordinance or by-law shall regulate or restrict the use of materials, or methods of
4 construction of structures regulated by the state building code, nor shall any such ordinance or
5 by-law prohibit, unreasonably regulate, or require a special permit for the use of the land for the
6 primary purpose of horticulture as defined by section 2 of chapter 61A, provided that either
7 during the months of June, July, August and September of each year or during the harvest season
8 of the primary crop raised on land of the owner or lessee, 50 percent of such products for sale,
9 based on either gross sales dollars or volume, have been produced by the owner or lessee of the
10 land on which the facility is located, or at least 50 percent of such products for sale, based on
11 either gross annual sales or annual volume, have been produced by the owner or lessee of the
12 land on which the facility is located and at least an additional 50 percent of such products for

13 sale, based upon either gross annual sales or annual volume, have been produced in
14 Massachusetts on land other than that which the facility is located, used for the primary purpose
15 of horticulture as defined by section 2 of chapter 61A, whether by the owner or lessee of the land
16 on which the facility is located or by another, except that all such activities in areas not zoned for
17 horticulture as defined by section 2 of chapter 61A may be limited in the following manner: to
18 parcels of 2 acres or more, and on other parcels less than 5 acres but more than 2 acres, provided
19 however, that at least \$1,000 per acre of verifiable revenue can be demonstrated. For such
20 purposes, contiguous land or land divided by a public or private way or a waterway shall be
21 construed as one parcel.