

HOUSE No. 3477

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to protect farm viability..

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

1 Chapter 111 of the General Laws is hereby amended by inserting after section 32A the
2 following section:—

3 Section 32B. No ordinance, by-law, or regulation shall prohibit, unreasonably regulate, or
4 require a special permit for the use of land for the primary purpose of commercial agriculture,
5 aquaculture, silviculture, horticulture, floriculture or viticulture, except that all such activities
6 may be limited to parcels of 5 acres or more in area not zoned for agriculture, aquaculture,
7 silviculture, horticulture, floriculture or viticulture. For such purposes, land divided by a public
8 or private way or a waterway shall be construed as 1 parcel. No ordinance, by-law, or regulation
9 shall exempt land or structures from flood plain or wetlands regulations established pursuant to
10 the General Laws. For the purposes of this section, the term "agriculture" shall be as defined in
11 section 1A of chapter 128, and the term horticulture shall include the growing and keeping of
12 nursery stock and the sale thereof. Said nursery stock shall be considered to be produced by the
13 owner or lessee of the land if it is nourished, maintained and managed while on the premises.