HOUSE DOCKET, NO. 783 FILED ON: 1/14/2013

HOUSE . . . . . No. 772

The Commonwealth of Massachusetts

PRESENTED BY:

Keiko M. Orrall and Paul A. Schmid, III

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 adoption of the accompanying bill:

An Act to clarify allowable activities on land under an agricultural preservation restriction.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Keiko M. Orrall	*12th Bristol*	*1/14/2013*
Paul A. Schmid, III	*8th Bristol*	*1/18/2013*
Carolyn C. Dykema	*8th Middlesex*	*2/1/2013*
James B. Eldridge	*Middlesex and Worcester*	*1/31/2013*
Denise C. Garlick	*13th Norfolk*	*1/29/2013*
Kenneth I. Gordon	*21st Middlesex*	*1/31/2013*
Stephen Kulik	*1st Franklin*	*1/30/2013*
Sarah K. Peake	*4th Barnstable*	*1/14/2013*

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By Representatives Orrall of Lakeville and Schmid of Westport, a petition (accompanied by bill, House, No. 772) of Keiko M. Orrall and others relative allowable activities on land under an agricultural preservation restriction. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act to clarify allowable activities on land under an agricultural preservation restriction.

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

Section 23 of Chapter 20 of the General Laws is hereby amended by inserting the following after section (b): (c) Movement, removal and alteration of soil which conducted on a property under an Agricultural Preservation Restriction, which is consistent with the normal maintenance and improvement of agricultural land and related to farming operations described in MGL 128 S1a shall be determined not to defeat or derogate from the intent and purposes of retaining the land for agricultural use and preserving the natural agricultural resources of the commonwealth provided: 1) all soil is kept on the site of the Agricultural Preservation Restriction; 2) soil is appropriately stabilized to prevent runoff and loss; 3) the general consistency and makeup of the soils is not degraded or significantly altered; 4) the location from which the soil is removed can be returned to or near to its previous state. Further, such activities shall not be subject to the requirements of a special permit as described in (b) or approval by DAR, the Agricultural Lands Preservation Committee or other entity. described in (b) or approval by DAR, the Agricultural Lands Preservation Committee or other entity.