

By Mr. Bickford of Berlin, petition of the Massachusetts Farm Bureau Federation and Walter E. Bickford for legislation to exempt land or structures used for the purpose of viticulture from certain zoning restrictions. Local Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT EXEMPTING LAND OR STRUCTURES USED FOR THE PURPOSES OF
VITICULTURE FROM CERTAIN ZONING RESTRICTIONS.

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 3 of Chapter 40A of the General Laws, as amended by
2 Chapter 803 of the Acts of 1975, is hereby amended by striking out
3 the first paragraph and inserting in place thereof the following
4 paragraph: —

5 No zoning ordinance or by-law regulate or restrict the use of
6 materials or methods of construction of structures regulated by the
7 state building code, or shall any such ordinance or by-law prohibit,
8 unreasonably regulate or require a special permit for the use of
9 land for the primary purpose of agriculture, horticulture, floriculture,
10 ture, or viticulture nor shall they prohibit or unreasonably regulate
11 the expansion or reconstruction of existing structures thereon for
12 the primary purpose of agriculture, horticulture, floriculture, or
13 viticulture including those facilities for the sale of produce, and
14 wine and dairy products, insofar as such products for sale have
15 been produced on the land on which the facility is to be located,
16 except that all such activities may be limited to parcels of more
17 than five acres in areas not zoned for agriculture, horticulture, or
18 floriculture. For such purposes land divided by a public or private
19 way or a waterway shall be construed as one parcel. No zoning
20 ordinance or by-law shall exempt land or structures from flood
21 plain or wetland regulations established pursuant to general law.

