

SENATE No. 527

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Rodrigues

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 modernize certain provisions of the agricultural preservation restriction program.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>	
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>1/29/2019</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>1/31/2019</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>1/23/2019</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>1/29/2019</i>
<i>Norman J. Orrall</i>	<i>12th Bristol</i>	<i>1/30/2019</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>1/31/2019</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/1/2019</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>2/1/2019</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	<i>2/1/2019</i>

SENATE No. 527

By Mr. Rodrigues, a petition (accompanied by bill, Senate, No. 527) of Michael J. Rodrigues, Anne M. Gobi, Adam G. Hinds, Paul A. Schmid, III and other members of the General Court for legislation to modernize certain provisions of the agricultural preservation restriction program. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to modernize certain provisions of the agricultural preservation restriction program.

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. SECTION __. Section 23 of chapter 20 of the general laws is hereby
2 amended by striking out, in 35, the following “a maximum of 5 years duration” and replacing it
3 with the following:- no less than 5 years duration.

4 SECTION __. Section 23 of chapter 20 of the general laws, as most recently amended by
5 section 17 of chapter 154 of the Acts of 2018, is hereby amended by striking out subsection (c)
6 and inserting in place thereof the following new subsection:-

7 (c) Any applicant aggrieved by a decision of the department denying a request for a
8 certificate of approval for agricultural activities or structures or any landowner of land subject to
9 an agricultural preservation restriction who is subject to and aggrieved by a decision of the
10 department to relative to a special permit authorized in subsection (b), including the length or
11 renewal of the permit, or any landowner of land subject to an agricultural preservation restriction

12 who is subject to and aggrieved by a decision of the department to exercise or assign a right to
13 acquire an interest in land through an option to purchase at fair market agricultural value, a right
14 of first refusal or other similar right for land subject to an agricultural preservation restriction as
15 held by the commonwealth on their land may request an adjudicatory hearing under chapter 30A
16 before the agricultural lands preservation committee. The determination of the department shall
17 contain a notice of a right to request a hearing and may specify a time limit, not to exceed 21
18 days, within which the applicant may request a hearing before the committee under said chapter
19 30A. If a timely request is received, the committee shall, within a reasonable time, hold a hearing
20 in compliance with said chapter 30A. The committee shall designate a hearing officer to preside
21 over the hearing, to assemble an official record of the hearing and to render a written decision
22 which shall be submitted to the committee. The committee shall make the final decision.