

Rural Enterprise Overlay District

§ 100. Purpose

Consistent with the Town's Open Space and Recreation Plan, the Town's Right to Farm Bylaw, the, the Southern Worcester County Comprehensive Economic Development Strategy, and General Law Chapter 40A, § 3 of the Zoning Act, the purpose of this Bylaw is to provide for innovative economic development opportunities for Hubbardston residents. This Bylaw will benefit the general health and welfare of Town residents and the region by encouraging economic development and open space preservation that fits the rural patterns of land use and development of the Town. This Bylaw will also provide opportunities for Hubbardston farmers to supplement their income produced through their farm operations by diversifying their operations to include businesses that may combine agriculture, tourism, outdoor recreation, and other farm related activities. Nothing herein is intended to limit any use protected by [G.L. c. 40A, § 3](#) as an agricultural or agritourism use.

§ 101. Applicability

This Bylaw applies to the Rural Enterprise Overlay zoning district within the Town, as shown on a map on file at the Town Offices.

§ 102. Definitions

Agriculture and Agricultural - shall include farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

Agritourism - an agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, experience, or enjoy that activity.

Farm - means a farming operation engaged in agriculture or agricultural activities, whether or not those activities are entitled to protection under [G.L. c. 40A§ 3](#).

Farmers' Market - a public market for the primary purpose of connecting and mutually benefiting Massachusetts farmers, communities, and consumers while promoting and selling products grown and raised by participating farmers. Farmers' markets must adhere to the minimum qualifications for [Massachusetts Farmers' Markets](#) as set forth by the Massachusetts Department of Agriculture.

Non-Exempt Use - means a land use that is not entitled to protection under [G.L. c. 40A,§ 3](#).

Open-space property – means undeveloped land or working lands that contain natural, scenic,

ecological, cultural, hydrological, or geological values that preserve or enhance the rural patterns of land use and development of the Town.

§ 103. Permit Procedures, Authority

The Planning Board shall act as the administering authority for Site Plan Review and Special Permit application review, if required under this Bylaw. Otherwise, for new first-time uses believed to be allowed by right and not requiring a special permit, the applicant shall request review of said use and advice from the Building Inspector by notifying the Building Inspector of the proposed use at least thirty (30) days prior to commencing said use. The Applicant shall be responsible for obtaining any and all other necessary and applicable federal, state, and local permits and/or licenses as may be required prior to issuance of a building permit. The dimensional requirements of the underlying RA zoning district contained in Article 5 Section 5.1 shall apply to each use allowed by this Bylaw.

§ 104. Use Provisions

A. Allowable Uses

Examples of allowable non-exempt agritourism uses include but are not limited to the following:

- (a) Fruit, pumpkin or related U-pick operations;
- (b) Educational and demonstrative tours;
- (c) Agricultural museums;
- (d) Living history farms;
- (e) Processing demonstrations;
- (f) On-farm farmers' markets and roadside stands;
- (g) Winemaking operations, winery tours and wine tasting where products sold are either grown or prepared on-site;
- (h) Cider- or beer-making operations, tours and tastings where products sold are either grown or prepared on-site;
- (i) Distilling operations, liquor tours and liquor tasting where products sold are either grown or prepared on-site;
- (j) Ice cream and bakery facilities where products sold are either grown or prepared on-site;
- (k) Outdoor recreation (e.g. fishing, hunting, bird watching, game preserves, natural features);
- (l) Horseback riding;
- (m) Art galleries or sculpture parks;
- (n) Aquaculture and product sales;
- (o) Beekeeping and honey sales;
- (p) Agricultural stores;
- (q) Services directly supportive of agriculture (e.g. agricultural consulting, farrier, saddlery, tack and equipment service or repair)
- (r) Sale of agriculturally produced products;

- (s) Greenhouses or nurseries for the raising of flowers and horticultural products including the sale of products grown on site;
- (t) Consuming agricultural or food products; and
- (u) Garden tours.

B. Allowable Uses, with sufficient acreage

Agritourism activities requiring larger lots shall be a permitted use, provided that the owner has no fewer than 5 acres on one or more contiguous parcels. Examples of allowable non-exempt agritourism uses requiring larger lots include but are not limited to the following:

- (a) Corn mazes, crop art or related activities;
- (b) Tours and trail systems for walking, riding, skiing, bicycling, and other trail uses. These recreational activities shall not involve the use of motorized vehicles, except for motorized wheelchairs or similar equipment reasonably necessary to enable disabled persons to use the trails, or pedal-assist electric bicycles capable of a maximum speed of not more than 20 miles per hour.
- (c) Petting and feeding of farm animals;
- (d) Hay rides;
- (e) Cut your own Christmas tree farms; and
- (f) Special events, weddings, receptions, or private parties for a commercial purpose where events are held less than four times per year or are expected to have a maximum capacity of less than 350 attendees;
- (g) Concerts, festivals, or time-specific special events where events are held less than four times per year or are expected to have a maximum capacity of less than 350 attendees.

C. Allowable Uses by Special Permit

- (1) The following non-exempt uses require a site plan submission and special permit application to the Planning Board:
 - (a) On farm restaurant
 - (b) Special events, weddings, receptions, or private parties for a commercial purpose where events are held more than four times per year or are expected to have a maximum capacity of more than 350 attendees;
 - (c) Concerts, festivals, or time-specific special events where events are held more than four times per year or are expected to have a maximum capacity of more than 350 attendees.
 - (d) Rural campgrounds;
 - (e) Lodging, other than bed and breakfast; and
 - (f) Nonmotorized active recreational uses including but not limited to: disc golf; zip lines; and mini-golf.

- (2) Uses allowed by special permit under this article shall submit site plans and special permit applications to the Planning Board in conformance with Article 9 and Article 7, respectively, of the Hubbardston Zoning Bylaws, with the exception of item 9.2 f. An Environmental and Community Impact Analysis shall not be required for proposed uses

allowable under the Rural Enterprise Overlay District bylaw.

§ 105. Severability

If any provision of this Bylaw is held invalid by a court of competent jurisdiction, the remainder of the Bylaw shall not be affected thereby. The invalidity of any Section or Sections or parts of any Section or Sections of this Bylaw shall not affect the validity of the remainder of the Town of Hubbardston Zoning Bylaw.