

Description of Nursery Activities

Historically, a Nursery has been a supplier of garden plants and accessory sundries. Today, however, the range of nursery functions, services, products and activities is far wider, and is of vital importance to many branches of agriculture, forestry, conservation and biology. They include retail nurseries which sell to the general public, wholesale nurseries which sell only to businesses such as other nurseries and to commercial gardeners, and private nurseries which supply the needs of institutions or private estates. Some retail and wholesale nurseries sell by mail.

Some nurseries specialize in one phase of the process: propagation, growing out, or retail sale; or in one type of plant: e.g., groundcovers, shade plants, or rock garden plants. Some produce bulk stock, whether seedlings or grafted, of particular varieties for purposes such as fruit trees for orchards, or timber trees for forestry. Some produce stock seasonally, ready in springtime for export to colder regions where propagation could not have been started so early, or to regions where seasonal pests prevent profitable growing early in the season. It is now commonplace for nurseries to obtain their stock from plants which have been propagated elsewhere, such as by specialist nurseries or wholesalers.

Typically, nursery sales consisted of plants grown on site and sales of related products for the garden and yard as its primary business. But it has developed and grown into a business that has a varied range of plant material (including tropicals), care products, products for outdoor living, services and functions. Everyday items found in a nursery, or often called garden centers, include annual and perennial flowers, trees and shrubs, roses, container gardens, hanging baskets, houseplants, water gardening, seeds and bulbs, potting mixes, soil amendments, bulk agricultural products (mulches, composts, soils, firewood), fertilizers and chemicals, pottery, garden tools and supplies, fountains and garden décor. Other nursery departments include wild bird feeding, floral, gift, outdoor furniture and small pets (such as guinea pigs, rabbits, fish and mice.) Most nurseries have also branched out and sell home décor and interior products (furniture), products based around camping and other outdoor activities including barbecue grills and related products, (specialty clothing, games, and tents.) Most nurseries have a large Christmas department during the holiday season. Some nurseries have added a cafe or coffee bar, and restaurant. There are a lot of individual elements that make nurseries unique.

Nurseries offer various services as well including plant delivery, design, placement and rental programs. Most nurseries offer design and build services from a single tree planting to a complete landscape renovation. Outdoor rooms are being designed and created as an extension of one's home and can serve triple duty - cooking, living and dining space all in one's back yard retreat.

Nurseries host customer workshops (wreath making, container planting, fairy gardening), and landscape seminars (how to protect pollinators). They have events for customers' families (corn festivals and mazes or pumpkin walks.) They provide a facility for non-profits to meet (local garden clubs.) They host art fairs, flea markets, farmers markets. They have recycling programs. They raise money for charitable purposes. They have television and radio programs. They have cool and trendy displays. But far more important than any one of these individual elements is how they all fit together. Every year and every season, independent nurseries come up with new and innovative ways to build their business and take advantage of the evolving marketplace.

In Massachusetts, a Nursery is defined under Mass General Law 128. These nursery activities include all the branches of agriculture including farming, the cultivation and tillage of the soil, the production, cultivation, growing and harvesting of any agricultural, floricultural or horticultural commodities as well as any forestry or lumbering operations and other associated activities.

Mass General Law Chapter 40a Section 3 effective August 1, 2010, protects nurseries over 2 acres by stating that no zoning ordinance or bylaw can prohibit, unreasonably regulate, or require a special permit for the use of land for the primary purpose of commercial agriculture, horticulture or floriculture provided that during the harvest season of the primary crop raised on land of the owner or lessee, 25 percent of such products for sale, based on either gross dollars or volume, have been produced by the owner or lessee of the land.

The term horticulture shall include the growing and keeping of nursery stock and the sale thereof. Said nursery stock shall be considered to be produced by the owner or lessee of the land if it is nourished, maintained and managed while on the premises.

A nursery may sell trees, shrubs, evergreens, fruits, vegetables, flowers, Christmas trees and wreaths, and other seasonal plants as well the products for the care and keeping of agricultural and nursery products, including but not limited to fertilizers, insect and fungus controls, bulk agricultural products such as compost, mulch, soil, stone, firewood, hardscape materials including cobblestones, bluestone, granite etc.

A nursery may also sell accessory garden items such as but not limited to garden tools, water accessories, pottery and planters, bird houses, baths, and feeders, animal feed, statuary, fountains, lawn and patio furniture, arbors, trellis', garden lighting including string lights, lanterns and candles, garden ornamentation including games, globes, gnomes, sun dials, wind chimes, outdoor patio mats and other related outdoor living items as listed in relevant gardening magazines and industry yearly trend reports.

In accordance with Agricultural Law Memo 10-05 dated September 14, 2010, such a nursery may also serve as a destination for visitors whose objective is to experience agricultural life and operations with resulting benefits to agriculture in the Commonwealth and the economic viability of the agricultural enterprise which may include hosting farmers and artisan markets.

Milton Zoning Bylaws

Thayer Nursery's nursery activities are protected under Milton Zoning Bylaws:

SECTION III. Use Regulations.

A. Residence AA, A, B, and C District Uses. In a Residence AA, A, B, C district, except as herein otherwise provided, no building or land shall be used and no building shall be erected or altered which is intended or designed to be used for a store or shop, or for manufacturing or commercial purposes, or for other purposes **except** one or more of the following:

4. (a) Agricultural, horticultural, or floricultural use on a parcel of more than five acres if such use is the primary one, selling only produce raised on the premises; but the term "agricultural use" shall not include maintenance of a piggery or fur farm.

(b) On a parcel of five acres or less, agricultural use, selling only produce raised on the premises; provided, however, that this paragraph 4(b) shall not be deemed or construed to permit to authorize the maintenance of any building or structure.

7. Any of the following uses, if authorized by permit issued by the Board of Appeals and subject to appropriate conditions, limitations, and safeguards stated in writing by the Board of Appeals and made a part of the permit:

(d) On a parcel of five acres or less a greenhouse or nursery selling only produce raised on the premises; provided, however, that greenhouses and nurseries in single residence districts shall be permitted to sell, only during the Christmas season, cut trees, Christmas trees, boughs, holly and wreaths grown or fabricated elsewhere than on the premises

NOTE: The land that consists of Thayer Nursery totals **over 8** acres so Thayer Nursery is **NOT** in need of special permit issued by the Board of Appeals. Any Special Permits issued by the Town of Milton are superseded by state statute.

B. Accessory Uses in Residence AA, A, B and C Districts.

1. In Residence AA, A, B and C districts the following are hereby declared not to be "accessory uses" within the meaning of the bylaw.

- (a) **Except** with respect to a parcel of more than five acres primarily used for agricultural, horticultural or floricultural purposes, the garaging or maintaining on any lot of a total of more than five registered automobiles at any time, or the maintaining of any unregistered automobile whether assembled or disassembled unless such unregistered automobile is stored within an enclosed building, unless a special permit is granted by the Board of Appeals pursuant to the provisions of Section IX.C..
- (b) The maintaining on any lot of any commercial automobile, **except** in the case of a lot used for agricultural or for a municipal use, except that one such commercial vehicle may be maintained provided that such commercial vehicle is garaged.
- (c) The garaging or maintaining on any lot of less than five acres used for agriculture of more than four commercial vehicles.
- (d) The sale of produce not raised on the premises unless, in the case of a commercial greenhouse maintained on any lot of less than five acres established and doing a non-conforming business, a special permit is granted by the Board of Appeals pursuant to the provisions of Section IX hereof.

Section IV A. Earth Materials

5(b): The provisions of said Section IV shall be deemed not to prohibit a nursery from the deposit of clean earth materials on its premises on a temporary basis and from selling such clean earth materials in the course of its business.

Thayer Nursery Protected Nursery Activities and Products

Thayer Nursery specializes in growing-out trees, evergreens, deciduous shrubs, perennials, herbs, groundcovers to a usable size. Thayer Nursery is actively and primarily raising fruits, vegetables, berries, ornamental plants and shrubs, flowers, sod, trees, nursery and greenhouse products for the purpose of selling these products in the regular course of business.

Thayer Nursery is an agribusiness that consists of a retail nursery and garden center that sells to the general public, to other nurseries, to commercial gardeners and landscapers, and to institutions. Thayer Nursery activities include the selling of bulk agricultural product as such as composts, soils, mulches, stone, masonry products, tools and equipment that are needed for tending after a garden or landscape, firewood, as well as other provisions needed for decorating the garden and landscape such as garden ornamentation, furniture, giftware and holiday decorating items.

Thayer Nursery's Seasonal Markets will be the sought-after destination for fresh, seasonal produce, meat, seafood and poultry grown by family farmers as well as unique, one-of-a-kind crafts created by local artisans. Thayer Nursery aims to educate the community about agricultural diversity and by sustaining a vibrant local economy.

Definitions

AgriTourism: Wikipedia - **AgriTourism**, as it is defined most broadly, involves any agriculturally based operation or activity that brings visitors to a farm or ranch. AgriTourism has different definitions in different parts of the world. AgriTourism includes a wide variety of activities, including buying produce direct from a farm stand, navigating a corn maze, slopping hogs, picking fruit, feeding animals, or staying at a bed and breakfast (B&B) on a farm. AgriTourism is a form of niche tourism that is considered a growth industry in many parts of the world. Other terms associated with AgriTourism are "agritainment", "value added products", "farm direct marketing" and "sustainable agriculture".

AgriTourism is widespread in the United States. Agritourists can choose from a wide range of activities that include picking fruits and vegetables, riding horses, tasting honey, learning about wine and cheese making, or shopping in farm gift shops and farm stands for local and regional produce or hand-crafted gifts.

Agricultural tourism or AgriTourism, is one alternative for improving the incomes and potential economic viability of small farms. Some forms of AgriTourism enterprises are well developed, including fairs and festivals. Other possibilities still offer potential for development".

Farmers Market: Wikipedia - A **Farmers' Market** (also **farmers market**) is a physical retail market featuring foods sold directly by farmers to consumers. Farmers' markets typically consist of booths, tables or stands, outdoors or indoors, where farmers sell fruits, vegetables, meats, and sometimes prepared foods and beverages. Farmers' markets exist worldwide and reflect their local culture and economy. Their size ranges from a few stalls to several city blocks. In some cultures, live animals, imported delicacies unavailable locally, and personal goods and crafts are sold.