



Agricultural Commission Technical Assistance Project

Mass. Dept. of Agricultural Resources
&
Conservation Works

Massachusetts Farmland Action Plan (2024)

Mass. is losing agricultural land faster than we can save it.

Between 1997 - 2022: 113,000 acres farmland lost ([2022 Census of Agriculture](#)).

Goals:

- Accelerate the permanent protection & stewardship of farmland.
- Increase access to farmland.
- Support and enhance the viability of farms & farmland.

Farming in Massachusetts today

According to the 2022 Census of Agriculture, Massachusetts has:



* A “producer” is a person who is involved in making decisions for the farm operation

Source: Census of Agriculture 2022 and earlier. Tables 1,2, 4, 5 and 52.

www.nass.usda.gov/Publications/AgCensus/2022/Full_Report/Volume_1_Chapter_1_State_Level/Massachusetts/

Farmland Action Plan: Tasks for Ag Coms

Sampling of tasks from the matrix

1059	Create watchlists of important farmland properties that are not yet protected and prioritize them in terms of threat of loss and importance, and support municipalities and land trusts in doing the same.
1063	Develop and implement a program to train municipalities on the economic, food security, and other benefits of farmland, to help them understand the details of Chapter 61A Right of First Refusal (ROFR), and to encourage them to exercise their rights or assign them to nonprofits.
1066	For properties at risk of turnover or conversion, educate owners about APR opportunities.
1104	Explore mechanisms that would require towns with municipal agricultural commissions have those bodies review and provide a recommendation on ROFRs under Chapter 61A. Provide commissions with education to enable them to do so effectively.
1110	Encourage all municipalities to adopt the CPA, create conservation commission funds, and fund them for agricultural land protection projects as consistent with the CPA statute.
1458	Work with municipalities to identify and publicly list all publicly owned land that is either in current agricultural production or suitable for agricultural production. Consider each parcel for inclusion in the farmland licensing program.
1162	Support municipalities in developing their own farmland licensing agreements and plans.
1256	Provide a clearinghouse of all the Right to Farm bylaws municipalities have passed, along with the model the state created.
1442	Promote ag mediation services available to help when there are disputes between farmers and those they interact with.

Farming Falmouth Celebrates Purchase Of 'The Patch'

By KATIE NELSON Jun 19, 2025 0

Project Update 5/30/25: Preservation of The Patch

Closing: June 27, 2025
Appraised Value: \$1,400,000
Price: \$1,250,000

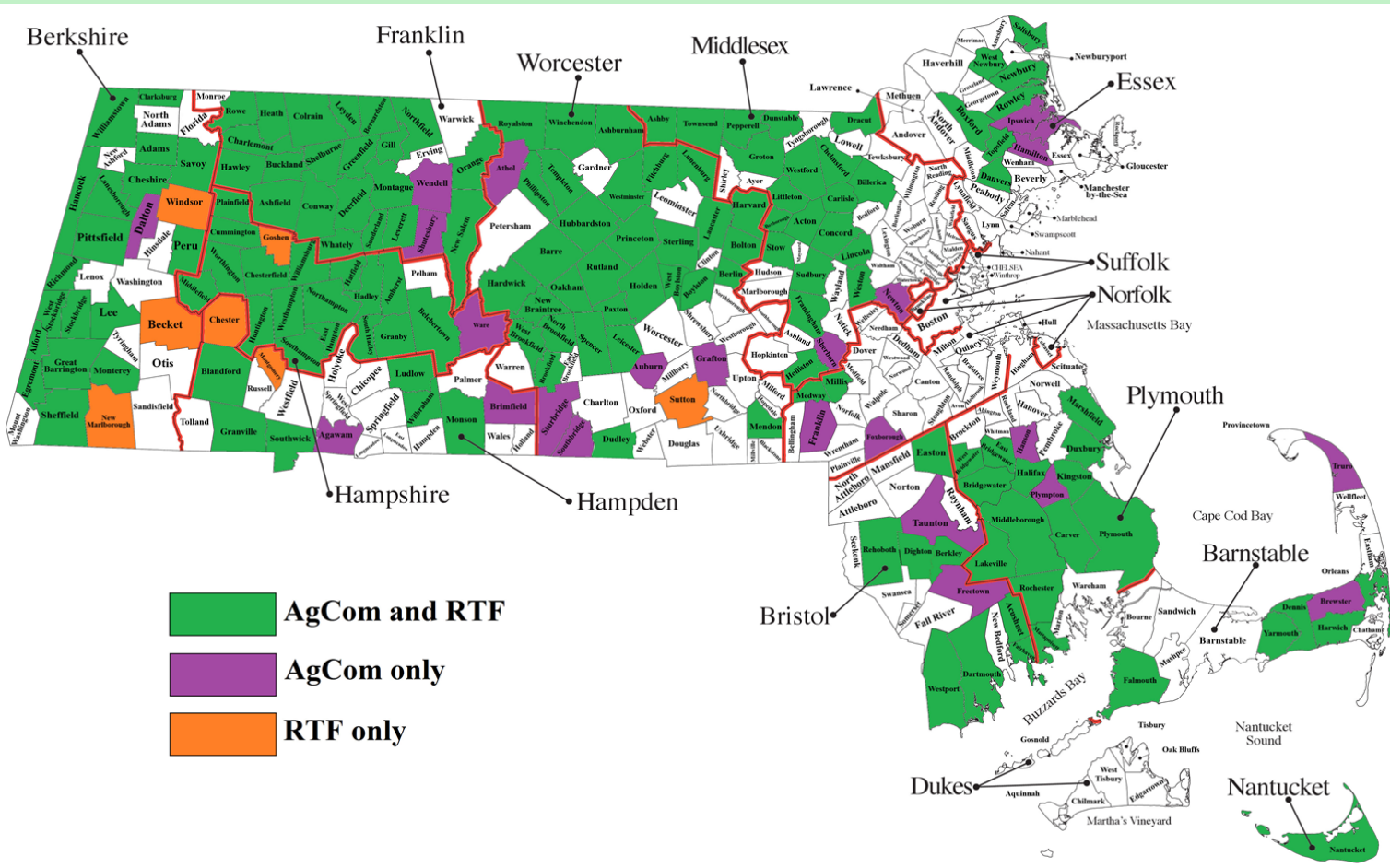
Funds Raised	
Massachusetts Conservation Partnership Grant Awarded September 2024	\$300,000
Donations - August '24 to March '25	\$370,522
Community Preservation Funds Grant - April 7th Conservation Restriction	\$320,000
The 300 Committee Land Trust \$50,000 Challenge	\$ 50,000
Matching donations from the community	\$ 50,000
New donations	\$14,478
<i>The home stretch!</i>	\$145,000

\$1,250,000 Raised !!!!



Agricultural Commissions – Old and New Powers
Hancock Shaker Village, November 1, 2025

Status of AgComs in Massachusetts



- There are currently more than 170 Agricultural Commissions and more than 150 Right to Farm Bylaws. Some have recently been inactive, but in general those are hoping to be back in gear.
- The Mass Association of Agricultural Commissions, MAAC, has been inactive for several years, but there are current efforts to bring it back to life.
- The Mass Association of Conservation Districts (MACD) is beginning an effort to help reactivate the Agricultural Commissions of eastern Massachusetts.
- Island Grown Initiative is assembling a group from Martha's Vineyard in conjunction with the Ag Society to learn more about how Ag Commissions can support farmers and explore possible AgComs for towns on the island.

Traditional Agricultural Commission Functions

- Raise the profile of farming within the town
- Join Mass Farm Bureau Federation (free for an AgCom)
- Shepherd a Right to Farm Bylaw through Town Meeting or Town Council
- Conduct a town-wide survey of farm operations in town
- Publish an AgCom brochure
- Put up “Right to Farm Community” welcome road signs
- Prepare maps of farms in town, including farms that may be at risk of development
- Sponsor town farm days with farm open house tours
- Help farmers deal with Boards of Health and DEP wetland regulations
- Participate in CPC (Community Preservation Act Committee) discussions about the allocation of funds
- Sponsor public information sessions and gatherings
- Sponsor school gardens
- Support local farmers markets
- Assist in resolving agricultural conflicts without involving lawyers
- Connect farmers to assisting organizations, including the Mass Dispute Resolution office for mediation issues
- Take advantage of farm grant programs
- Help locate farmland for young farmers and for Indigenous tribes



New Farmland Conservation Tools

Under Chap 40, Section 8L

AGRICULTURAL COMMISSIONS CAN:

- Purchase and Own Farmland to be Leased to Farmers. The land is permanently protected by Article 97 of the Amendments to the MA Constitution.
- Hold Conservation Restrictions (CRs) on farmland that also provide permanent protection.
- Accept Donations of Farmland / Purchase CRs or APRs on farmland
- Manage and Control Farmland
- Establish Agricultural Funds with money from the CPA, grants, farm lease income, donations, or town appropriations – to be used for any purpose authorized by state law
- Work with MDAR and landowners to help get farmland under APRs.



Accepting Chapter 40, Section 8L

Municipalities that created their AgCom before August 9, 2016, automatically fall under Chapter 40, Section 8L, and have the powers created by this section. Municipalities that approved their AgComs after that date should ask their Town Meeting or Town or City Council vote to accept this section.

SAMPLE CITY COUNCIL ORDINANCE / TOWN MEETING ARTICLE

“To see if the City Council/Town will vote to adopt Massachusetts General Laws Chapter 40, Section 8L, and will by adopting this section establish under that section all rights and powers provided to the Framingham Agricultural Commission, including to: (i) buy, hold, manage, license or lease land for agricultural purposes, (ii) hold Conservation Restrictions on farmland, (iii) accept donations of farmland, (iv) apply for and receive grants, gifts, bequests in accordance with this section, (v) establish a comprehensive agricultural land plan, and (vi) establish a municipal Agricultural Preservation Fund.”



The Big Picture

How do town Agricultural Commissions relate to farmland preservation in Massachusetts?

- Planning to prevent farmland loss. MDAR predicts that 80,000 acres of farmland will be lost over the next 30 years. AgComs can gear up to help prevent that loss by using their new powers.
- The state APR program has protected more than 75,000 acres covering almost 1,000 farms. AgComs can assist landowners with APR applications and can request CPA funds for the local match.
- Conservation Land Trusts have been instrumental with various phases of farmland protection and can partner with Ag Commissions in exercising rights of first refusal or otherwise purchasing land to be leased to farmers.



Preparing to Use Farmland Preservation Tools

- Become familiar with Chapter 40, Section 8L.
- Conduct a farm landowner survey to collect information about farms in town, current issues, including productive acres, land rentals, farm products, estimated value of farm product sales, size of the town's farm economy, impact on local vendors, number of farm workers, ways in which farm products are marketed, interest in ag land protection, status of farm transfer plans, and interest in obtaining assistance with land protection, estate planning, conservation plans, marketing, or other matters.
- Map farmland in town including parcels that are under Chapter 61A or APR and land that is not protected.
- Identify farmland that may be at risk.
- Prepare a plan outlining how the town would respond to a Chapter 61A withdrawal and decide whether to exercise its Right of First Refusal.
- Work with local land trusts or other possible partner organizations to prepare for a land preservation situation.
- Create a Comprehensive Local Farmland Action Plan.
- Create an Agricultural Preservation Fund, established by action of the municipal treasurer, and work to fill it with funds from the Community Preservation Act, grants, town appropriations, donations, or other sources.

Creating Local Farmland Action Plans

(c) A commission may conduct research and prepare agricultural-related plans, including a comprehensive local agricultural land plan which shall be, to the extent possible, consistent with any current town master plan and regional area plans. The plan shall show or identify: (i) agricultural land areas and facilities; (ii) matters which may be shown on a tract index under section 33 of chapter 184; (iii) acquisitions of interest in land under this section; (iv) municipal lands that are held as open space; (v) nonmunicipal land subject to legal requirements or restrictions to protect that land or use it for open space, conservation, recreation or agriculture; (vi) land that should be retained as a public necessity for agricultural use; and (vii) any other information that the commission determines to be relevant to local agricultural land use. The commission may amend the plan whenever necessary.



Private Agricultural Preservation Restrictions

- Private Agricultural Preservation Restrictions (APRs) may be granted by public or private landowners to qualified organizations. The landowner granting the APR is the “Grantor”.
- Organizations qualified to hold Private APRs (the “Grantee”) include governmental units (e.g., Conservation Commissions, Conservation Districts, or Water Supply Divisions) and non-profit organizations whose purposes include the conservation of land or water (e.g., a land trust/conservancy or similar organization). APRs may be “co-held” by more than one grantee.
- The Grantor and Grantee may not be the same entity, nor may they be divisions of the same entity (e.g., a Select Board and Conservation Commission of the same town).

Webinar - Introduction to the Private APR Process for protecting farmland in Massachusetts

Friday, November 14, 2025, 12:00pm – 1:30pm, via Teams

MDAR is hosting a webinar introduction to the new Private APR Guidance and related process.

Financing Farmland Conservation

MA State Grant Programs

- Urban Agriculture Program (MDAR)
- LAND Grant Program
- Landscape Partnership Program
- Conservation Partnership Program
- Conservation Land Tax Credit Program (pays up to \$75,000 for a donated Conservation Restriction)

Federal Grant Programs

- Agricultural Conservation Easement Program (ACEP-ALE)
- Forest Legacy Program (administered by MA DCR)
- Regional Conservation Partnership Program (RCPP)



“LexFarm” – Lexington Community Farm, AKA Busa Farm
– is now under a recent Conservation Restriction held by
Citizens for Lexington Conservation Preservation
Foundation, Inc.

**MGL 61A Policy
Right of First Refusal
Town of Carlisle, MA**

1. All applicants requesting that their property be taken out of Chapter 61A must at a minimum forward the following information required by the statute: 1.) Name of the owner of record of the land; and 2.) a description of the premises adequate for identification thereof. If the land is to be sold, a copy of a bona fide purchase and sale agreement should also be included. Landowners may utilize Form 1 (attached) which when completed in its entirety shall be considered by the Board of Selectmen as the notice of intent to sell or convert to residential, commercial or industrial use ("Notice of Intent"). All supporting documentation required by Form 1 should be attached. The landowner is statutorily required to forward, by certified mail, a Notice of Intent to the Board of Selectmen and notice to the Board of Assessors, Planning Board and Conservation Commission. In addition, the landowner will be required to provide an affidavit from a notary public that these notices were mailed via certified mail to the Board of Selectmen, Board of Assessors, Planning Board and Conservation Commission.

The day following the latest date of deposit of such notices in the United States mail shall be considered the start date of the option period. The Board of Selectmen will then begin the review process.

2. Within the 120-day option period allotted by the Massachusetts General Laws, the Board of Selectmen will solicit, in writing, recommendations from the Board of Assessors, Planning Board and Conservation Commission regarding potential town purchase and use of this land. A letter from the Board of Selectmen shall be forwarded to each of the aforementioned bodies within seven (7) days of the receipt of the Notice of Intent and shall specify a date by which written recommendations will be due in the Office of the Board of Selectmen. In addition, although not statutorily required, the Board of Selectmen may also notify, in writing, the Carlisle Land Trust and the Board of Health within the same time period. The Carlisle Land Trust and the Board of Health may forward written recommendations to the Board of Selectmen.
3. Prior to voting on whether to exercise the Town's option, the Board of Selectmen shall review and take into consideration written recommendations from the Board of Assessors, Planning Board and Conservation Commission provided the recommendations are received by the date set forth by the Board of Selectmen in paragraph 2 above.

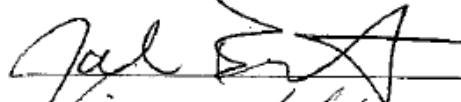
- 3.1 If the Town votes to exercise its option and purchase the land, all information on the parcel will be forwarded to town counsel, and other appropriate governmental bodies, in order to begin the purchase process. In accordance with the statute, written notice shall be forwarded to the landowner by certified mail and recorded at the Registry of Deeds. Notice must be filed within the 120-day option period.

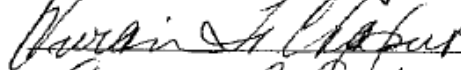
Prior to voting to exercise the option to purchase the land, Town Meeting must authorize the Board of Selectmen to purchase the property and appropriate funds for the purchase. Town Meeting vote authorizing the purchase and appropriation must take place with the 120-day option period and prior to the filing of the notice to exercise the Town's option.

- 3.2 The Town reserves the right to assign its option to a third party, as set forth in MGL, c. 61A, if it is determined by the Board of Selectmen that it is in the towns best interest to do so. If the property is assigned, notice shall be forwarded by certified mail to the landowner and shall state the name and address of the organization as well as the terms and conditions of said assignment. Notice must be filed within the 120-option period.

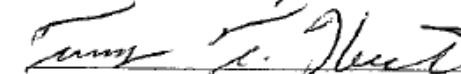
- 3.3 If the Board votes not to exercise its option of first refusal, the Board of Selectmen shall vote and endorse Form 2 – Waiver of Right of First Refusal. A copy of Form 2 will be forwarded to the Town Clerk for inclusion as a permanent record of the Town. A copy of Form 2 shall be forwarded to the landowner, Board of Assessors, Planning Board and Conservation Commission. In addition, the original of Form 2 shall be recorded at the Registry of Deeds.

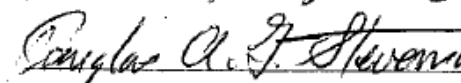
BOARD OF SELECTMEN

 Chairperson

 Vice-Chairperson

 Member

 Member

 Member

Case Study: Right of First Refusal (ROFR) Exercised by a Town

- The situation: a 12-acre farm in Westport was sold to a developer. The required Chapter 61A withdrawal request was filed with the Select Board and other boards.
- Community residents did not want to see the land developed. The developer had planned to build 3 or 4 new houses.
- Once the request had been submitted, the Select Board voted within the maximum 120-day period to assign the ROFR right to Westport Land Conservation Trust (WLCT)
- Within the next 90-day period, WLCT raised the necessary \$400,000 and closed on the property.
- Within the following 4 months, WLCT then recorded a Conservation Restriction on the property and 2 months later sold it to a farmer. The CR went through the necessary approval steps including DCS review and EEA Secretary's signature.
- WLCT engaged a lawyer to complete the following steps:
 - Record the assignment in the Registry of Deeds.
 - File an affidavit affirming the purchase and sale agreement with no new terms.
 - Record the property transfer to WLCT within 90 days of the assignment.
 - Record a new purchase and sale agreement.
 - Record the sale from WLCT to the new farm owner.



Resource Organizations able to Assist AgComs

MDAR AgCom Technical Assistance Program
Mass Farm Bureau Federation
Land For Good (Keene, NH)
American Farmland Trust
Mass Dispute Resolution Program
Regional Planning Commissions
Buy Local Organizations (SEMAP and others)
Conservation Law Foundation Legal Food Hub
Conservation Land Trusts (140 in Mass)
Mass Food System Collaborative
Mass Farmers Markets
NOFA Mass
New Entry Sustainable Farming Project
Food Bank of Western Mass
<https://www.mountgrace.org/about/news/post/mount-graces-five-year-farmland-inventory-now-complete>
Others!



“LexFarm” – Lexington Community Farm
(now under Conservation Restriction)



Thank you!

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MDAR Ag Commission Technical Support Project