

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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Commissioner

**MEETING MINUTES**  
**MASSACHUSETTS AGRITOURISM STUDY COMMISSION**

**Monday, April 26, 2021**  
**Via Zoom**

**Board Members in Attendance:** Chair John Lebeaux, Tyler Cotta on behalf of Rep. Fiola, James Ostis on behalf of Senator Edward Kennedy's office, Brad Mitchell, Derek Dunlea on behalf of Rep. Fiola, Keiko Orrall, Colin McDonald on behalf of Rep. Dykema, Nathan L'Etoile, Michael Moore, Matt Douglass on behalf of Sen. Rausch, Karen Schwalbe, Sen. Kennedy

**Absent:** Erin Williams

**Also in Attendance:** Amy Parker, Sen. Gobi, Rep. Pignatelli, Isabel Bennett

**MDAR Staff in attendance:** Christine Smith, Ashley Randle, Mary Jordan, Rick LeBlanc, Phu Mai, Delia Delongchamp, Tina Smith, Alisha Bouchard

1. **Call to Order:** The meeting started at 1:02 pm, with full remote participation.

2. **Approval of the minutes from the last meeting on March 15, 2021.**

Karen Schwalbe made a motion to approve the minutes from the last meeting, which was seconded by Keiko Orrall. The vote to approve the minutes was unanimous.

3. **Industry Updates.**

There were no industry updates.

4. **Old Business**

a. **An Act to Promote Agritourism Report – APR Program Comments**

At the previous meeting, there was a request to table the discussion of the APR Program comments on the Agritourism Report until this meeting. The Chair asked if there were comments.

Brad Mitchell responded that he was the one who had asked to table the discussion, that he had a chance to review but had no further comments.

5. **New Business**

**a. Farm Breweries Discussion**

Nathan L'Etoile clarified that Brad Mitchell had asked at the last meeting about agritourism and farm breweries but Nathan had to leave the previous meeting early so it was continued for this meeting.

Brad Mitchell stated that the zoning exemption allows for some income that is not related to production on the farm, but some breweries go above that allowance and there is confusion on the application of the zoning exemption.

Nathan L'Etoile stated that there are a lot of different players in this space. ABCC is the entity that licenses the breweries. On the application, there is a box where you can check off farm brewery if you grow hops. The winery application does not even require the applicant to grow grapes. In order to have a farm brewery, you do not have to use ingredients grown on the property in the beer. Some farms have a lot of ties to local ingredients and others do not, but there is no statutory requirement. Part of the agritourism discussion is to figure out how breweries fit into the regulatory framework. Nathan stated that any discussion of what is classified as farm brewery should involve ABCC. However, the use of farm products and breweries should be part of the agritourism discussion.

Brad Mitchell said that the issues he sees for farm breweries, wineries and distilleries are surrounding the zoning exemption and what is allowed in a residential neighborhood under zoning. Nathan L'Etoile agreed that the language is ambiguous.

Nathan L'Etoile stated that he has a farm brewery on his farm and that the majority of ingredients he uses are grown on the farm. Most other breweries, however, have different ratios of products grown on the farm. He said many farm breweries are a great way to get visitors to the farm and that other farm products are sold to those visitors to the farm.

Brad Mitchell pointed out it is more challenging for wineries since many grapes cannot be grown in this area.

Nathan L'Etoile stated that for licensing there is no requirement for the grapes to be grown on site or in Massachusetts.

The Commissioner asked if it made sense to talk with someone from the ABCC. Nathan L'Etoile stated it only made sense if we want to change the definition. Otherwise, if it is zoning and breweries/wineries on APR land, then the ABCC would not be needed. Keiko Orrall and Brad Mitchell agreed.

Nathan L'Etoile said the confusion comes from being called a farm brewery or farm winery but not being exempt under the zoning exemption because some of them are not actually farms.

Keiko Orrall asked if the question surrounding breweries and wineries is an agritourism issue because it is a way for farms to expand business but the zoning issue is confusing.

Brad Mitchell said yes and that he can see both sides of the issue – why a farm brewery would want to be considered a farm but also why the municipality would not think that the zoning would apply to certain farm breweries.

Keiko Orrall asked if there were clarity around the zoning would that help. The answer is yes but there is no consensus on where members want the zoning to come out.

The Chair suggested that this might warrant further discussion on the subcommittee level. Nathan L'Etoile suggested having the zoning regulatory subcommittee consider incorporating this issue. He added that there are probably some issues concerning current use taxation.

**b. Cottage Food/Commercial Kitchens and BOH**

Erin Williams had wanted to discuss this matter but she was unable to make this meeting so this will be pushed off until the next meeting.

Brad Mitchell noted that there is some legislation that has been filed and asked if Michael Moore had some input. Michael Moore said that his department had not taken a position on that legislation yet.

Brad Mitchell said he had some articles to share on this topic. Chair LeBeaux stated that Brad could send him the articles and he would see that they got distributed to the group.

**c. Building Code Discussion – Michael Smolak**

Michael Smolak had requested to address the Commission but was not able to attend this meeting.

**d. Travel and Tourism Grants**

Keiko Orrall announced that the Office of Travel and Tourism is offering a new grant program, Destination Development Capital Grants. These grants support projects to expand, construct, restore or renovate Massachusetts tourism destinations and attractions. The grant closes May 21 and would include agritourism destinations and attractions.

**6. Next Meeting**

Chair Lebeaux suggested May 17 for the next meeting date. He stated that a notification would be sent out.

**7. Adjournment**

Sen Kennedy made a motion for a vote to adjourn. The motion was seconded by Brad Mitchell. The vote to adjourn was unanimous. Meeting was adjourned at 1:33 pm.