

Department of Agricultural Resources
AGRICULTURAL LANDS PRESERVATION COMMITTEE
MINUTES OF MEETING
May 2, 2018
Department of Fishery and Wildlife
Field Headquarters
Westborough, MA

MEMBERS PRESENT:

- John Lebeaux
Department of Agricultural Resources
- Phillip DeMartino, Designee for Chrystal Kornegay
Department of Housing & Community Development
- Robert O'Connor, Designee of Matthew A. Beaton
Executive Office of Energy & Environmental Affairs
- Laura Abrams
Board of Agriculture
- Warren Shaw, Jr.
Public Member
- Stephen Verrill
Public Member
- Fred Dabney
Public Member

MEMBERS ABSENT:

- Patricia Vittum
Associate Director of Center for Agriculture, UMass, Amherst
- George Beebe
Public Member
- Daniel Wright
Natural Resources Conservation Service, Non-Voting Member

ALSO PRESENT:

Gerard Kennedy, Department of Agricultural Resources
Margaret Callanan, Department of Agricultural Resources
Barbara Hopson, Department of Agricultural Resources
Ron Hall, Department of Agricultural Resources
Michele Padula, Department of Agricultural Resources
Michelle Bodian, Department of Agricultural Resources
Taylor Arsenault, Department of Agricultural Resources
Myron Inglis, Department of Agricultural Resources

GUESTS:

Joe English - Guest
Laura Spienza-Grabski – Board of Agriculture/ MAAC
Kate Buttolph – Mass Audubon Society
Kathy Orlando – Sheffield Land Trust

ALPC – MINUTES OF MEETING –May, 2 2018

Page 2 of 5

Chairperson of the Agricultural Lands Preservation Committee ("ALPC"), John Lebeaux and Commissioner of the Massachusetts Department of Agricultural Resources (the "Department"), called the meeting to order at 1:40 PM. Commissioner Lebeaux introduced MDAR's General Counsel Margaret Callanan asked ALPC members and other attendees to introduce themselves.

Commissioner Lebeaux reported on the recently released Hemp policy and the development of regulations. The Commissioner described briefly the difference in Hemp and marijuana and the licensing process; questions should be directed to the Division of Crop and Pest Services and Legal Services.

I. APR UPDATE

Commissioner Lebeaux provided an update on the **APR Report Summary** dated May 2, 2018. FY18 year to date has the APR program closing **10** projects, while protecting **351.7** acres of farmland, with an APR value of \$2,923,000, at cost to DAR of approximately \$2,124,517, with Local Contributions of \$470,442 and Landowner Bargain Sales of \$323,403. Three of the APR projects were gift APRs.

There are **14** pending Vote of Interests (Nominated) projects, tallying **666.48** acres. There are **11** pending Final Voted projects totaling **788.92** acres at an APR value of \$9.187 million, a DAR cost of \$7.532 million, a potential local contribution of \$842,356 and landowner Bargain Sale of roughly \$947,830.

FY18 Stewardship funding has been used for producing roughly 374 baseline reports, and monitoring reports. Also, the Stewardship Assistance and Restoration (SARA) grant program has provided grant funds to approximately 7 APR farm properties. SARA enhances the continued use of the APR resource, which may include but is not limited to: clearing invasive plants/ brush; stabilizing soil loss; and/or reactivating cropland. The SARA program has provided 18 grants since its inception in FY2016.

In addition, Commissioner Lebeaux reported on NRCS Agricultural Lands Easement (ALE) Program and announced that MDAR has 10 of its projects still advancing with the Federal 2018 agreement process. NRCS's review should be finalized by September 2018.

II. APPROVAL OF MINUTES

a. November 29, 2017

It was moved, seconded and

VOTED: To approve of the minutes, as amended.

III. RE-FINAL VOTES

a. Mass Audubon Society/ Hubbard – Princeton – Worcester County

Michele Padula presented information on this request to the Committee recommending it for a new final vote. It was moved, seconded and

DISCUSSION: A member asked if there were any further restrictions with this project, and is excited to hear that the project is advancing.

VOTED:

On November 29, 2017, a parcel of land on Route 62 in Princeton owned by the Massachusetts Audubon Society received a Final Vote by the ALPC. The property consists of 43.5 eligible acres (although ineligible land will be donated so the APR will be approximately 60 acres) and is being rented to Nancy Hubbard. It has always been Mass Audubon's intention to sell the property to Nancy Hubbard prior to closing, and she intends to transfer the property into a trust with herself and her son Andrew Hubbard as trustees post-closing.

To waive the Commonwealth's Option to Purchase at Agricultural Value and to allow the transfer of the property into a trust with Nancy Hubbard and her son Andrew Hubbard within 120 days of the APR closing date.

b. Warren Wilcox (Windy Hill Farm) – Sheffield/ New Marlborough – Berkshire County

Barbara Hopson presented information on this request to the Committee recommending it for a new final vote. It was moved, seconded and

VOTED:

On November 29, 2017, a parcel of land on Hulett Road in Sheffield and Brewer Branch in New Marlborough owned by Warren Wilcox received a Final Vote by the ALPC. The property consists of approximately 174 (+/-) eligible acres and Morven Allen, owner/operator of Balsam Hill Farm has been renting the fields from Warren Wilcox for the past several years. Balsam Hill Farm an organic dairy with a milking herd of over 200 head. The farm headquarters are located on Hewing Street, a short distance from the Wilcox property. Morven Allen will be purchasing the Wilcox property for agricultural value shortly after the APR closing.

To waive the Commonwealth's Option to Purchase at Agricultural Value and to allow the transfer of the property to Morven Allen, owner/ operator of Balsam Hill Farm, shortly after the APR closing.

IV. OTHER TOPICS

a. APR Program Guidelines – Request for Certificate of Approval to Construct a Renewable Energy System

Director Gerard Kennedy presented to the ALPC members APR Program Guidelines on Request for Certificate of Approval to Construct Renewable Energy System. He described the process for public input on the guidelines and the use of an on-line portal for a two month period, which resulted in roughly twenty-five comments. Comments principally center on alternative energy systems being roof mounts and located non-agricultural areas. Components of the policy were highlighted such as authority, ground mount structures, de-commissioning plan, site plans and the capacity of the Renewable Energy System (RES).

DISCUSSION: Members provided comments on the different limitations between APR parcels and non-APR parcels. Limiting the capacity of energy production/ output for an RES and determining the location of the systems are concerns for the farm operations continued success. Members expressed a need to come up with a policy that is mutually agreeable, and understanding how to prevent unintended hardship to owners of APR properties while not sacrificing the land resources which were protected.

Members appreciated that the process for new guidelines/ policies was evolving, but desired more input into the RES guidelines/ policy. The RES policy needs to be re-visited and encompass a special meeting to further address concerns of the ALPC.

There was a motion made, seconded and

VOTED: for ALPC to adopt as their policy exempting roof mounted Renewable Energy Systems (RES) from Certificate of Approval (COA) and encourage MDAR to adopt the same policy.

b. APR Parcel Scoresheet for FY-19 projects

APR Staff (Ron Hall, Michele Padula and Barbara Hopson) presented the modified APR parcel Scoresheet and the changes that were made. The total points of the score card increased and modifications were made to Parcel Attributes, Location, Agricultural Priorities, and Possible Additional Points sections.

DISCUSSION: Members recommended that more points be given for a written succession plan and increase the points from 5 to 10.

There was a motion made, seconded and

VOTED: To endorse the revised APR Parcel Scoresheet as presented with the amended points for a written succession plan.

V. UPDATES

a. APR Listening Session

Gerard Kennedy provided a report of the APR Listening Sessions. There were multiple sessions held in Amherst, Middleborough, Danvers and Worcester with roughly 165 attendees and produced about 70 comments. At the last session there were break-out groups, and the group discussing the Waiver process had a great attendance. Some of the topics covered during the listening session included solar systems, outreach and public relations, monitoring, communications, acquisition process, and special permits.

DISCUSSION: Members provided their added thoughts from the listening sessions. They recognized the APR program is 40 years old and that agriculture is evolving. Providing better communications to owners of APR properties is important so they can clearly understand the requirements of their APRs. Also, members acknowledged the changing environment, and technologies necessary for farm operations to be successful and viable on protected farmland.

It was moved, seconded and

VOTED: To adjourn the meeting at 3:32 PM.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Ronald A. Hall", written in a cursive style.

Ronald A. Hall,
APR Program Coordinator