

MINUTES: AGRICULTURAL LANDS PRESERVATION COMMITTEE MEETING

Tuesday, November 30, 2021

10:00 AM to 12:30 PM

Via Microsoft Teams

MEMBERS PRESENT:

John Lebeaux, Department of Agricultural Resources
Clem Clay, UMass, Center for Agriculture, Food and Environment
Rita Thibodeau, Natural Resources Conservation Service, Non-Voting Member
Warren Shaw, Jr., Public Member
Susan Flaccus, Public Member
Kathy Orlando, Sheffield Land Trust
Karen Schwalbe, SEMAP
Philip DeMartino, DHCD
Kurt Gaertner, EEA
Fred Dabney, Public Member

ALSO PRESENT:

Gerard Kennedy, Department of Agricultural Resources
Alisha Bouchard, Department of Agricultural Resources
Dorothy Du, Department of Agricultural Resources
Barbara Hopson, Department of Agricultural Resources
Michele Padula, Department of Agricultural Resources
Delia Delongchamp, Department of Agricultural Resources
Ron Hall, Department of Agricultural Resources
Dave Viale, Department of Agricultural Resources
Christine Smith, Department of Agricultural Resources
Julie Weiss, Department of Agricultural Resources
Ashley Davies, Department of Agricultural Resources
Dorothy Du, Department of Agricultural Resources
Jill Ward, Department of Agricultural Resources
Becca George, DHCD
Jamie Pottern, American Farmland Trust
Connie Adams

John Lebeaux of the Massachusetts Department of Agricultural Resources ("MDAR") and Chair of the Agricultural Lands Preservation Committee ("ALPC") called the meeting to order at 10:05 AM, with full remote participation. The Chair asked participants on the call to voluntarily identify themselves if they were a member of the public although he noted that participants were not required to identify themselves.

The Chair provided instructions on how he will manage the virtual meeting. He stated that the meeting was being recorded and that pursuant to the Governor's Emergency Order, all votes need to be roll-call votes. Noting that there was clearly a quorum, and in order to expedite the proceedings he opted to combine the roll call of member attendance with the vote of the minutes.

II. Approval of Minutes from October 27, 2021.

Chair Lebeaux asked for any comments on the minutes. Karen Schwalbe stated that she was not at the 10/27 meeting but is listed as present. Kathy Orlando had several minor grammatical corrections which she had shared with Gerard. However, she noted that there were two additional items needing correction. On page 3 in the item about Mass Audubon she proposed the following revision; "and concurred with David Viale that Mass Audubon is looking to help fund a full spectrum of conservation beyond what Mass Audubon itself would do, and that this new action plan is designed to be a different kind of program to help increase the pace of land protection overall, including farmland protection, through supporting other organizations and agencies in the land conservation work

that those organizations and agencies do.”

Chair Lebeaux asked for a motion to approve the minutes as corrected.

Warren Shaw made a motion to approve the minutes as corrected, Clem Clay seconded. Motion passed unanimously with Karen Schwalbe abstaining.

I. Department Updates

Chair Lebeaux presented an overview of Department activities.

Since the previous ALPC meeting of October 27th, MDAR, in partnership with the Town of Whatley and NRCS's Agricultural Conservation Easement Program closed one new Agricultural Preservation Restriction in Whatley, preserving another 20.12 acres. The farm raises blueberries, raspberries, and mixed vegetables. The property is in a large, very productive block of APR farms.

In Calendar Year 2021 the APR program has closed 12 *APR Farm properties*, while protecting 429.19 acres at an APR value of \$6,417,500.00. The land acquisition costs to MDAR for these properties was \$4,488,537.00, with a Local contribution of \$1,366,136.00, and a landowner bargain sale/ donation of \$561,427.00.

To date the program has acquired 939 properties, while protecting approximately 74,719 acres. The following is a brief APR summary:

- Currently there are 22 pending Vote of Interest projects, with 699.05 acres to be protected.
- There remains 16 pending Final Voted projects with 654.28 acres with an APR value of \$6,610,000 million, a DAR cost of \$4,793,600 million, and estimated \$1,694,100 local contribution and landowner Bargain Sales of roughly \$122,250.
- Unresolved Projects remains at 4.
- Remaining Authorization Environmental Bonds is \$35,665,580.52.
- The APR program currently has 38 voted projects by the ALPC.

At this point in the meeting, Fred Dabney joined the meeting by phone.

Rita Thibodeau for NRCS noted that the first batching round for ALE applications was on Friday Nov 19th, 2021. They did not get any applications for ALE. The next batching round is January 21st. If there are applications for 2022, she strongly encourages applicants to submit paperwork as soon as possible. She put link to forms in chat bar. Chair Lebeaux called for questions; there were none.

Chair Lebeaux stated that a seat on the Board of Agriculture is open. Laura Abrams and Fred Dabney are leaving the Board of Agriculture due to term limits. A new Chair has been designated in Fred “Skip” Vadnais, a farmer from Rehoboth. MDAR is working to fill the other vacancies.

III. Final Votes

Chair Lebeaux asked that the order of presentation of the Final Votes be adjusted to allow Michele Padula to present her projects first.

a) West – Hadley – Hampshire County

Michele Padula presented. The 58-acre parcel located on South Maple Street in Hadley is owned by Arthur West. Approximately 32 acres are being used to raise corn and the remainder is wooded. Eighty six percent of the soils are classified as prime or state important. This parcel is part of a larger farm operation that has been in the West family since 1810 known as Hartsbrook Dairy. The family is currently milking 100 animals from a total herd of 210. The West family owns a total of 300 acres of land, 185 of which they have already preserved through the APR Program, and they also rent additional APR land in the area.

Appraised values of the parcel established by O'Connor Real Estate Associates are as follows:

Market Value Before Restriction - \$ 945,000 (\$16,293/acre)

Market Value After Restriction (agricultural value) - \$ 315,000 (\$5,431/acre)

APR value - \$ 630,000 (\$10,862/acre)

The Commonwealth offer of 90% of the APR value (\$567,000 or \$9,776/acre) was accepted by Arthur West. The Town of Hadley has been very supportive of the APR Program in the past and staff is working with local officials to secure a 10% contribution (\$63,000) on the West project.

Staff Recommendation: Staff recommends final voting this property for \$567,000 from the Commonwealth and the remaining value (\$63,000) in the form of a local contribution and/or landowner bargain sale, subject to the standard conditions.

Motion by Warren Shaw to final vote the West project, second by Clem Clay. Motion passed unanimously.

b) Lindquist/Maloney – Upton – Worcester County

Michele Padula presented. The 28-acre property known as Town Line Dairy Farm is located on Williams Street in Upton and is owned by Johnny Lindquist and his mother-in-law Carol Maloney. Johnny and his wife Crystal farm the land together and it is primarily used for rotational grazing. They have close to 20 acres fenced into multiple pastures and paddocks, and graze beef year-round with seasonal poultry and pork production. They currently have 30+ beef animals and produce 600-1200 meat birds annually. They also have 2 hoop houses and an acre of vegetable production and hope to obtain organic certification in the future. The products are sold retail from a stand on the farm.

Due to NRCS soils eligibility requirements, approximately 9 acres were excluded, so 19 acres were appraised. The 19-acre parcel contains 52% prime/state important soils. The landowners intend to gift the excluded portion into the restriction.

Appraised values of the parcel established by Ellen Anderson are as follows:

Market Value Before Restriction - \$ 260,000 (\$13,684/acre)

Market Value After Restriction (agricultural value) - \$ 58,000 (\$3,052/acre)

APR value - \$ 202,000 (\$10,862/acre)

The owners have accepted a Commonwealth offer of \$190,000 (\$10,000/acre) and the Town of Upton will be contributing \$12,000.

Staff Recommendation: Staff recommends final voting this property for \$190,000 from the Commonwealth with the remaining value (\$12,000) in the form of a local contribution from the Town of Upton subject to the standard conditions.

Motion by Fred Dabney to final vote the Lindquist project, second by Susan Flaccus. Motion passed unanimously.

c) Constance L. Adams (Yellow Stonehouse Farm) – Westfield – Hampden County

Barbara Hopson presented. This 85+/- acre property is located on Root Road in Westfield. The entire farm contains extensive wetlands, woodlands, and unmanaged pasture as well as a shed and the main barn, which houses the CSA distribution area, walk-in cooler, and cold storage area. The farm has been in Connie Adams and her husband John Keilch's families since the 1920's. Connie and John have worked diligently to create a thriving CSA and Farm Store and have established the farm as the only USDA Certified Organic Vegetable farm in Hampden County. The CSA currently has approximately 200 members and provides pick-up and PYO products for 20 weeks during the growing season plus winter and spring share options that last into February in winter and a spring share into April and May. In addition to the CSA, they sell organic produce and herbal products as well as value added condiments in the farm store.

The proposed APR parcel is approximately 14.2 acres in vegetable production and consists of 100% prime farmland soils. Connie and John are committed to preserving the farm as an agricultural enterprise and want to make sure that the farm is operational, profitable and affordable to the young farmer who they choose to succeed them when they are closer to retirement.

The Market Value Before Imposition of APR has been determined by appraisal to be \$380,000

The Fair Market Agricultural Value is \$85,000,000.

The resultant price of the APR is \$295,000.

This project qualifies to go over the cap. A 20 percent match (\$59,000) is required for this project.

The City of Westfield has committed to providing the local contribution. The Commonwealth will be purchasing an APR on approximately 14.2 +/- acres for \$236,000.

Staff Recommendation: This parcel represents a valuable agricultural resource, is critical to a local farm operation and is located in an agricultural area. Staff recommends that this application is final voted at the APR value of \$295,000 less a local contribution/bargain sale of \$59,000 which equals a Commonwealth share of \$236,000 subject to the standard conditions.

Motion by Clem Clay to final vote the Adams project, second by Susan Flaccus,. Motion passed unanimously.

d) Christian D. Hanson and Donna M. Hanson–Richmond–Berkshire County

Barbara Hopson presented. This 20+/-acre property is located on State Road in Richmond. It's part of a larger parcel, which contains 9.1 acres of woodland, wetlands, and acreage not currently used for agricultural production as well as the primary residence and a winery. The farm has been farmed for 150 + years, much of that time by the same family. The current owners purchased the property in 2017 with the intention of building a winery (on the exclusion parcel) and maintaining the rest of the property in active agriculture. Approximately 5 +/-acres are currently hayed by the previous owner as well as around 2 acres where he grows pumpkins and squash and sells at a farm stand on the parcel. The Commonwealth will be purchasing an APR on approximately 12.44+/-acres for \$187,844.

The **Market Value Before Imposition** of APR has been determined by appraisal to be \$335,000.

The **Fair Market Agricultural Value** is \$35,000.

The resultant price of the **APR** is \$300,000.

This project qualifies to go over the cap.

The Town of Richmond is not contributing towards this acquisition and the landowner has agreed to accept a bargain sale of \$112,844 (37%)

Staff Recommendation: This parcel represents a valuable agricultural resource, is critical to a local farm operation and is located in an agricultural area. Staff recommends that this application is final voted at the APR value of \$300,000 less a local contribution/bargain sale of \$112,844 which equals a Commonwealth share of \$187,844 subject to the standard conditions.

Barbara Hopson stated that the winery has been constructed. One slight change is that the landowner will pay for 100% of survey. Fred Dabney asked if winery is totally separate project or are tenant farmers involved. Barbara Hopson said they are separate. Tenant farmers grow hay, pumpkins, vegetables. Grapes are only about an acre.

Motion by Warren Shaw to final vote the Hanson project, second by Fred Dabney. Motion passed unanimously.

e) Clinton & Cynthia Howard – West Bridgewater – Plymouth County

Ashley Davies presented. This 59.37 +/- acre property is located on River Street in West Bridgewater and is currently owned by Cynthia Howard. The Howard family has owned Shadi-Oak farm since the King's Grant in the 1600's and it has been in active operation since that time. The property is bordered on two sides by the Town River and has a natural spring and stream running through its center. These natural water systems eliminate the need for irrigation and allow the Howards to get four cuttings of hay per year. This property was a dairy at one time, but at present the Howards raise beef cattle (40-45 head) and grow hay for silage and sale along with their daughter. They have just built a new structure from which they direct sale beef and eggs. The Howard's daughter will inherit the property and lives on an abutting parcel with her family.

There are no agricultural structures on the site, with all structures being located on the Howards' house lots. Of the 59.37 acres, 49 will be subject to an ACEP-ALE and the remaining 10.67 acres will be donated by the Howards to be included in the APR. The West Bridgewater Agricultural Commission is seeking CPC funding to cover the local contribution at this Spring 2022 Town Meeting.

Appraised values of the 49ac ALE, established by O'Connor Real Estate Associates, are as follows:

Market Value Before Restriction: \$520,000 (\$10,612/acre)

Market Value After Restriction: \$160,000 (\$3,265/acre)

APR Value: \$360,000 (\$ 7,347/acre)

Staff Recommendation: Staff recommends final voting this property for \$324,000 from the Commonwealth and the remaining value (\$36,000) in the form of a local contribution subject to the standard conditions.

Susan Flaccus made a motion to final vote the Howard project; second by, Clem Clay. Motion passed unanimously.

f.) Kasmir S. and Kathleen F. Machowski, Trustees of The Machowski Revocable Trust) – Chicopee – Hampden County

Barbara Hopson presented. This 28+/- acre property is located on both the north and south side of Fuller Road in Chicopee. It's part of a larger parcel, which contains the farmstead parcel consisting of the existing residence, farm stand and associated agricultural structures. The farm has been in the family for generations, first as a dairy farm, and subsequently for vegetable production. It has been used for the production of Christmas trees for the past 30 years. Varieties grown are Fraser and Concolor firs, which are considered premium trees.

Susan Lopes leases the land and works in conjunction with the owner. The farm employs several people during the spring, fall and winter. Fall sales are mainly pumpkins, gourds, and mums. This farm is one of only a couple of farms left in Chicopee and enjoys a large and loyal clientele. The proposed APR parcel is approximately 19.23 acres.

Soils on the parcel consist of approximately 56% prime/state farmland soils. The parcel is intensively managed and extremely well run.

The Market Value Before Imposition of APR has been determined by appraisal to be \$292,500.

The Fair Market Agricultural Value is \$97,500.

The resultant price of the APR is \$195,000.

A 10 percent match (\$19,500) is required for this project.

Staff are working with The City of Chicopee to secure the local contribution. The Commonwealth will be purchasing an APR on approximately 19.23 +/- acres for \$175,500.

Staff Recommendation: This parcel represents a valuable agricultural resource and is a well-managed popular Christmas tree operation. Staff recommends that this application is final voted at the APR value of \$292,500 less a local contribution/bargain sale of \$19,500 which equals a Commonwealth share of \$175,500 subject to the standard conditions:

This farm has strong, loyal local clients. Susan Flaccus worried about pollution from roads close by. Does the program worry about pollution to food products should they be grown in the future? Barbara Hopson said that the program is conducting a Phase One Environmental Assessment on the parcel to be sure of food safety going forward. Ron Hall clarified what that Phase One assessment process entails. Warren Shaw asked why the parcel with the farm stand on it is excluded. Barbara Hopson said it is a nice, solid, good looking farm stand, but the owner wanted it left out of APR. Ashley Davies said this situation may occur more often going forward. Barbara Hopson also said that raising the cap will allow us to work with properties that are less rural so we may be doing more phase ones in future

Motion made by Warren Shaw to final vote the Machowski project, seconded by Fred Dabney. Motion passed unanimously.

Ron Hall stated that these final votes were on offers that were made with the current APR spending caps of \$10,000 and \$20,000.

Christine Smith asked Ron Hall to read out the standard conditions to which each vote was subject.

Ron Hall stated that the standard conditions are as follows:

1. Available funding
2. The town and all parties must provide the funding match at or before closing
3. All parcels to be excluded must conform to the layout as appraised, must be surveyed out and must be approved as required by the municipal zoning body.
4. The Department will complete a recordable survey of the APR property, the cost of which will be shared according to an agreement with the owner, in formats suitable for the purposes of the Department prior to closing.
5. Any lowered value as a result of the final survey will result in the difference being deducted from the state share of the APR, and any higher number may result in only in an increase in the local contribution/bargain sale.
6. The owner(s) must execute the current approved and un-amended APR contract in effect at the time of closing with the Department.

Fred Dabney asked if there was any feedback from the farming community about raising the caps. Warren Shaw said that the farm table discussion was positive, but it hasn't been out there very long so not many people know about it yet.

Motion to Adjourn

Chair Lebeaux invited a motion to adjourn the meeting.

Clem Clay made the motion to adjourn the meeting at 10:45 am, Warren Shaw seconded. Motion passed unanimously.

Submitted by Jill Ward

Approved by ALPC at 1/11/22 Meeting