

Department of Agricultural Resources

AGRICULTURAL LANDS PRESERVATION COMMITTEE

MINUTES OF MEETING

November 7, 2019

Massachusetts Technology Collaborative (MTC)

Weiss Conference Center

Room 102, 75 North Drive

Westborough, MA

MEMBERS PRESENT:

John Lebeaux, Department of Agricultural Resources

Joe Shoenfeld, UMass, Center for Agriculture, Food and Environment

Phillip DeMartino, Designee for Chrystal Kornegay, Department of Housing & Community Development

Robert O'Connor, Designee of Kathleen Theoharides, Executive Office of Energy & Environmental Affairs

Dan Wright, Natural Resources Conservation Service, Non-Voting Member

Laura Abrams, Board of Agriculture

Warren Shaw, Jr., Public Member

Fred Dabney, Public Member

Susan Flaccus, Public Member

Kathy Orlando, Sheffield Land Trust

Karen Schwalbe, Southeastern Massachusetts Agricultural Partnership, Inc

MEMBERS ABSENT:

ALSO PRESENT:

Gerard Kennedy, Department of Agricultural Resources

Barbara Hopson, Department of Agricultural Resources

Ron Hall, Department of Agricultural Resources

Michele Padula, Department of Agricultural Resources

Christine Smith, Department of Agricultural Resources

Jen Boudrie, Department of Agricultural Resources

Caroline Raisler, Department of Agricultural Resources

Taylor Arsenault, Department of Agricultural Resources

Delia Delongchamp, Department of Agricultural Resources

Ashley Randle, Department of Agricultural Resources

Caroline Raisler, Department of Agricultural Resources

PUBLIC ATTENDEES:

Larry Flaccus, Farmer

Rita Thibodeau, Acting State Conservationist, NRCS

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 10:12 AM. Commissioner Lebeaux asked ALPC members and other attendees to introduce themselves and stated the meeting is being recorded and asked if anyone else was recording. There was nobody else recording the meeting.

I. UPDATE

Commissioner Lebeaux updated the ALPC on the status of the Department's efforts to combat the spread of EEE which was a major disruption from normal operating procedures. The Commissioner then provided an update on the most recent closings of the APR program. To date the Department has closed out two projects protecting 76 acres. There are 14 pending final voted projects and 28 pending vote of interest projects. There are 4 unresolved projects that have a vote of interest. There was an update to the sources of program funding to show the authorizations from the Environmental Bond Bills.

Staff met with the Secretary to present on the proposed acquisitions for the fiscal year. The official allocation for FY20 is expected any day now. The APR program did receive \$450,000 in funding to support the stewardship program.

Regarding the ALE Program, the Department has a signed 2019 cooperative agreement with NRCS to protect 10 parcels at a cost estimate of \$2.1 million in reimbursement funds. Additionally, the Department has signed an RCCP agreement with NRCS to protect a parcel with an estimate of \$77,500 in federal matching funds.

John congratulated Dan Wright on his recent appointment to the position of State Conservationist, replacing the recently retired Christine Clarke.

Karen S. asked if the Bond funds are state funds and if we have received ALE funds previously. The Commissioner clarified that the Bond funds are state dollars and the ALE funds represent the reimbursement from NRCS of 50% of the funds expended to acquire ALE projects.

Fred D. asked some clarifying questions on the process for organic farms to be excluded from spraying during an emergency application. The Commissioner stated that it is Department policy that certified organic farms are excluded from spraying.

Minutes

II. APPROVAL OF MINUTES

a. September 5, 2019

Ron H. identified an error on page 7 of the Vote of Interest with the Handrich property. The section requires that the notice of the Vote of Interest is added in.

Susan F. commented that neither she nor her husband was present. She commented that there were grammatical errors. She asked that there be numbers added to the minutes. Kathy O. mentioned that there are errors and highlighted them on page 1, page 3 and on the second to last page.

It was moved, seconded with no further discussion and

VOTED: To approve of the minutes of September 5, 2019. The vote was unanimous.

Motion: Warren S.; Second- Susan F.

III. FINAL VOTES

1. Bartini, Lee- Berkshire County

Barbara H. presented the Final Vote.

Bob Bartini purchased this 30 +/- acre property from Yokum Ridge Property Management in 2019. The property is located on Fairview Street in Lee. Bob Bartini has been renting the parcel for several years. Bob Bartini was originally going to purchase the property from Yokum Ridge Property Management shortly after the APR closed, but circumstances have changed, and he went ahead and purchased it prior to restriction. The entire parcel is about 33 acres and approximately 3 +/- acres south of the ROW to the Sportsman's Club have been excluded from the APR application resulting in 29.9 +/- acres under consideration. The parcel is used for hay and rotational grazing and there are no agricultural structures on the site. Bob Bartini owns the Golden Hill APR property in Lee and has made substantial improvements to that property. Soils on the property proposed for APR consist of approximately 11.9 acres of prime farmland (40%) and 8 acres of soils of state and/or local importance to farming (27%) with an overall percentage of prime/state farmland of 67% prime/state soils.

The Market Value Before Imposition of APR has been determined by appraisal to be \$750,000 The Fair Market Agricultural Value is \$62,500. The resultant price of the APR is \$687,500. This project qualifies for over the cap spending and as a result the Commonwealth can contribute \$475,723 toward acquisition. The remaining \$211,777 will consist of a bargain sale.

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 \$687,500 less a local contribution/bargain sale of \$211,777 which equals a Commonwealth share of \$475,723 subject to the following conditions:

- 1.) Available funding
- 2.) The town and/or parties must provide the aforementioned match at or before closing, if applicable.
- 3.) All parcels to be excluded (if any) 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 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.

VOTED: To Final Vote the project per the terms and conditions as presented

Motion: Karen S; Second – Warren S.

The vote was unanimous.

2. Ashman Revocable Trust – Whately - Franklin County

Michele Padula Presented the Final Vote.

The Ashman property is located on Long Plain Road in Whately and consists of approximately 33 acres of land. Approximately 11 acres of woodland are being excluded from the application for NRCS eligibility purposes, but will be included in the restriction at the time of survey and closing. Of the 22 eligible acres, approximately 20.5 (93%) are considered state important soils. The property is located in a large APR block and is currently being leased to Pasiecznik Farms, a local APR operation for potato and butternut squash production.

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

Market Value Before Restriction - \$375,000 (\$17,045/acre)

Market Value After Restriction (agricultural value) - \$155,000 (\$7,045/acre)

APR value - is \$220,000 (\$10,000/acre).

Larry and Nancy Ashman have accepted an offer of \$209,000 (\$9,500/acre) from the Commonwealth. It is likely that the Town of Whately will contribute most, if not all, of the remaining amount (\$11,000). The owners have agreed to bargain sale whatever portion the Town does not fund.

Staff Recommendation: Staff recommends final voting this property for \$209,000 from the Commonwealth and the remaining value (\$11,000) in the form of a local contribution and/or bargain sale.

The Final Vote is conditioned on:

- 1.) Available funding
- 2.) The town and/or parties must provide the aforementioned match at or before closing.
- 3.) All parcels to be excluded (if any) 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 only in an increase in the local match.
- 6.) *The owner(s) must execute the current approved and un-amended APR contract in effect at the time of closing with the Department. (Note this was not included at the time of the presentation by Michele P. but was added in following a vote of the ALPC at the end of the meeting.)*

Dan W. asked where the excluded portion line of the forest land is. The woodland is to be gifted into the APR. Dan W. stated that he is missing where this would be ineligible. Michele P. stated that they have had mixed messages on how to package properties.

Michele P. said that the parcel was eligible as is but the question is should it be carved down to get the most points. We aim to maximize possible points.

Fred D. asked why slow the process down by requiring a more complicated survey. Dan W. stated that staff don't know how the projects will rank against other projects. So it is a judgment call on the part of the staff at the time.

VOTED: To Final Vote the project per the terms and conditions as presented

Motion: Fred D.; **Second** Karen S.

The vote was unanimous.

3. Sobieski – Whately - Franklin County

Michele P. presented

The Sobieski property is located on River Road in Whately and consists of 20 acres of land, with over 90% prime soils. Fran Sobieski and his son Robert raise 9 acres of blueberries, ½ acre of raspberries and 3 acres of mixed vegetables. The vegetables are sold from a retail stand located on the farm and the berries are sold at the stand, via PYO and through wholesale outlets. The property is located in a large, very productive block of APR farms. Robert will eventually take over the operation when his father retires. The Town of Whately is very supportive of the APR Program and will be contributing funds towards this acquisition.

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

Market Value Before Restriction - \$380,000 (\$19,000/acre)

Market Value After Restriction (agricultural value) - \$165,000 (\$8,250/acre)

APR value - is \$215,000 (\$10,750/acre).

The project meets the criteria to exceed the \$10,000/acre cap and Fran has accepted an offer of \$204,250 (\$10,212/acre) from the Commonwealth. It is likely that that the Town of Whately will contribute most, if not all, of the remaining amount (\$10,750). Fran has agreed to bargain sale whatever portion the Town does not fund.

Staff Recommendation: Staff recommends final voting this property for \$204,250 from the Commonwealth and the remaining value (\$10,750) in the form of a local contribution and/or bargain sale.

The Final Vote is conditioned on:

- 1.) Available funding
- 2.) The town and/or parties must provide the aforementioned match at or before closing
- 3.) All parcels to be excluded (if any) 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 only in an increase in the local match.
- 6.) *The owner(s) must execute the current approved and un-amended APR contract in effect at the time of closing with the Department. (Note this was not included at the time of the presentation by Michele P. but was added in following a vote of the ALPC at the end of the meeting.)*

Project will exceed the cap.

Warren S. asked if Michele P. has reviewed any documents that show the plan for the son to take over is formalized. He stated that we give points for succession. Michele P. said the son was very involved. Warren S. stated that in these types of cases the structure could fall apart.

VOTED: To Final Vote the project per the terms and conditions as presented

Motion: Warren S; **Second:** Karen S

The vote was unanimous in support.

4. Gunn 1 (Montague Road) - Sunderland – Franklin County

Michele P. presented

The Gunn family owns and operates Gunn Farm on Montague Road in Sunderland where they have a herd of 70 milkers and 100 heifers. Steve Gunn is the eighth generation of farmers in his family, and his grandson is now farming along with him. In 2010 the Commonwealth purchased an APR on 108 acres of the home farm. In 2016 The Franklin Land Trust purchased an APR on a 22 acre field abutting the existing APR and assigned the APR to the Commonwealth at no cost.

In 2018 Steve Gunn applied to sell an APR on two additional fields that are currently in agricultural use. Parcel 1 on Montague Road is a total of 11 acres (64% prime/state soils), with 7 acres being used for corn silage.

Appraised values of the parcel established by Jim O'Connor yield a Market Value Before Restriction of \$230,000 with a Market Value After Restriction (agricultural value) of \$60,000. Therefore, the APR value is \$170,000 (\$15,455 per acre). The project meets the criteria to exceed the \$10,000/acre cap and the Steve has accepted an offer of \$148,000 (\$13,455/acre) from the Commonwealth. It is likely that that the Town of Sunderland will be contributing most, if not all, of the remaining amount (\$22,000). Steve has agreed to bargain sale whatever portion the Town does not fund.

Staff Recommendation: Staff recommends final voting this property for \$148,000 from the Commonwealth and the remaining value (\$22,000) in the form of a local contribution and/or bargain sale.

The Final Vote is conditioned on:

- 1.) Available funding
- 2.) The town and/or parties must provide the aforementioned match at or before closing
- 3.) All parcels to be excluded (if any) 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 only in an increase in the local match.
- 6.) *The owner(s) must execute the current approved and un-amended APR contract in effect at the time of closing with the Department. (Note this was not included at the time of the presentation by Michele P. but was added in following a vote of the ALPC at the end of the meeting.)*

VOTED: To Final Vote the project per the terms and conditions as presented

Motion: Warren S

Second: Joe S

The vote was unanimous in support.

5. Gunn 2(Whitmore Cross Road) - Sunderland – Franklin County

Michele P. presented

The Gunn family owns and operates Gunn Farm on Montague Road in Sunderland where they have a herd of 70 milkers and 100 heifers. Steve Gunn is the eighth generation of farmers in his family, and his grandson is now farming along with him. In 2010 the Commonwealth purchased an APR on 108 acres of the home farm. In 2016 The Franklin Land Trust purchased an APR on a 22 acre field abutting the existing APR and assigned the APR to the Commonwealth at no cost.

In 2018 Steve Gunn applied to sell an APR on two additional fields that are currently in agricultural use. Parcel 2 on Whitmore Cross Road is a total of 27 acres with 23 acres being used for corn silage.

Appraised values of the parcel established by Jim O'Connor yielded a Market Value Before Restriction of \$365,000 with a Market Value After Restriction (agricultural value) of \$190,000. Therefore, the APR value is \$175,000 (\$6,481 per acre). Steve has accepted an offer of \$157,500 and it is likely that the Town of Sunderland will be contributing most, if not all, of the required 10% match (\$17,500). Steve has agreed to bargain sale whatever portion the Town does not fund.

Staff Recommendation:

Staff recommends final voting this property for \$157,500 from the Commonwealth and the remaining value (\$17,500) in the form of a local contribution and/or bargain sale.

The Final Vote is conditioned on:

- 1.) Available funding
- 2.) The town and/or parties must provide the aforementioned match at or before closing
- 3.) All parcels to be excluded (if any) 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 only in an increase in the local match.
- 6.) *The owner(s) must execute the current approved and un-amended APR contract in effect at the time of closing with the Department. (Note this was not included at the time of the presentation by Michele P. but was added in following a vote of the ALPC at the end of the meeting.)*

VOTED: To Final Vote the project per the terms and conditions as presented

Motion: Warren S

Second: Fred D.

The vote was unanimous in support.

Laura A. asked if the two parcels do not abut each other. Warren S. stated that they abut with the excluded parcel so there is access.

6. Mitchell - Hawley - Franklin County

Michele P. presented

Peter Mitchell purchased this property on Forget Road in Hawley in 2005. Since the purchase, Peter has planted new cider apple varieties and constructed a 2,000 square foot building for processing his apples and bottling Headwater Cider. The business has been quite successful, and his cider can be found at many retail locations in Franklin County. The property consists of 20 acres of apple orchard, 20 acres of hay leased to a local farmer, and the remainder in woodland. One hundred percent of the property is mapped as prime/state important soils. Peter harvests an average of 2,000 bushels of apples per year which translates into 1,200-2,000 gallons of hard cider (7,000-9,000 bottles). Seventy eight acres are being considered for APR and a 2 acres lot is being excluded as a future home site for the land owner.

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

Market Value Before Restriction - \$312,500 (\$4,006/acre)

Market Value After Restriction (agricultural value) - \$100,000 (\$1,282/acre)

APR value - is \$212,500 (\$2,724/acre).

Pete has accepted an offer of \$191,250 (\$2,452/acre) from the Commonwealth. There will not be a local contribution, so the remaining amount (\$21,250) will be a landowner bargain sale.

She clarified that a pond that was included in the appraisal was subsequently realized to be tied to the excluded area's heating system. So the pond – roughly 1 acre- will have to be removed. It is unlikely that the value will go down. Laura A. asked if the price goes down, how is the vote affected. Michele P. stated that we can pay only if price goes down and this is reflected in the vote.

Staff Recommendation: Staff recommends final voting this property for \$191,250 from the Commonwealth and the remaining value (\$21,250) in the form of a local contribution and/or bargain sale.

The Final Vote is conditioned on:

- 1.) Available funding
- 2.) The town and/or parties must provide the aforementioned match at or before closing
- 3.) All parcels to be excluded (if any) 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 only in an increase in the local match.
- 6.) *The owner(s) must execute the current approved and un-amended APR contract in effect at the time of closing with the Department. (Note this was not included at the time of the presentation by Michele P. but was added in following a vote of the ALPC at the end of the meeting.)*

VOTED: To Final Vote the project per the terms and conditions as presented

Motion: Fred D.

Second: Laura A

The vote was unanimous in support

7. Nickerson - Holliston/Ashland - Middlesex County

Michele P. presented

Charlie Nickerson is the owner of this 34-acre parcel located mainly in Holliston with a small portion in Ashland. A 5-acre lot around Charlie's house and outbuildings is being excluded, so approximately 29 acres are being considered for APR. Approximately 18 acres are open vegetable/orchard land and the remainder is wooded. For the past several years the land had been leased to a young couple for organic vegetables, but next year it will be leased to Adrian Collins who owns and operates Outpost Farm, a turkey farm that Adrian purchased from Charlie Nickerson several years ago. Charlie and Adrian are in the process of signing a Purchase and Sales Agreement for the transfer of the property following the purchase of the APR by the Commonwealth. The APR land will be sold to Adrian for \$290,000 which is the appraised agricultural value.

Appraised values of the parcel established by Avery and Associates are as follows:

Market Value Before Restriction - \$1,400,000 (\$48,276/acre)

Market Value After Restriction (agricultural value) - \$290,000 (\$10,000/acre)

APR value - is \$1,110,000 (\$38,276/acre)

This project meets the criteria to exceed the \$10,000/acre cap, so Charlie has accepted an offer of \$465,588 (\$16,055/acre) from the Commonwealth. The Town of Holliston will be contributing \$500,000 towards this project and the Sudbury Valley Trustees have committed to raise the remainder, so with a total local contribution of \$644, 412, there will be no need for a landowner bargain sale.

Staff Recommendation:

Staff recommends final voting this property for \$465,588 from the Commonwealth and the remaining value (\$644,412) in the form of a local contribution.

The Final Vote is conditioned on:

- 1.) Available funding
- 2.) The town and/or parties must provide the aforementioned match at or before closing
- 3.) All parcels to be excluded (if any) 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 only in an increase in the local match.
- 6.) *The owner(s) must execute the current approved and un-amended APR contract in effect at the time of closing with the Department. (Note this was not included at the time of the presentation by Michele P. but was added in following a vote of the ALPC at the end of the meeting.)*

A discussion ensued about how to ensure that the landowner ultimately sells the property to the farmer. Kathy O. did not want to put a timeframe on it. Warren S. stated that he understands. A discussion ensued around this matter. His will states that the property will automatically go to auction.

Commissioner stated that he is favor of a vote which gives the landowner six months to sell the property to the farmer without having to go through the waiver process. Kathy O. stated that the ALPC should have a vote today to allow staff to extend the timeframe.

General concerns were expressed about the future of the project if the landowner changes his mind or is unable to close on the project.

Susan F. asks how often does this type of scenario occur? Especially where there are members on the committee who have familiarity with the farm.

It was decided to add language for an automatic waiver such as - A waiver shall be granted to Adrian Collins of Outpost Farm if there is a fully executed P&S at \$290,000 signed within 6 months of the Final Vote stating that the property should be sold to Adrian at agriculture value at some point in the future.

Ron H. asked if the ALPC wants to do a final vote on this project. There was general agreement.

VOTED: To Final Vote the project per the terms and conditions as presented

Motion: K Schwalbe

Second: WShaw

The vote was unanimous in support

8. Thistle Rock Farm, LLC/EQLT – New Braintree/Oakham - Worcester County

Michele P. Presented

The Adams family owned and operated Thistle Rock Farm on Adams Road in New Braintree and Oakham until 2016 when Ricky Adams passed away. Following Ricky's death, Thistle Rock Farm LLC (Alden Brodmerkle and his two sons) purchased the farm house on 4 acres on the east side of Adams Road as well as 10 acres on the west side of Adams Road. The East Quabbin Land Trust (EQLT) purchased approximately 47 acres of open land on the east side of the road and entered into a Purchase and Sales Agreement to sell the land to Thistle Rock Farm LLC. EQLT then submitted an APR application for the 47 acres with the understanding that the land would be transferred to Thistle Rock LLC immediately prior to the sale of the APR. Alden has been farming in New Braintree for his entire life and intends to use the open land for hay and rotational grazing. Approximately 70% of the land is mapped as prime/state important soils.

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

Market Value Before Restriction - \$235,000 (\$5,000/acre)

Market Value After Restriction (agricultural value) - \$80,000 (\$1,702/acre)

APR value - is \$155,000 (\$3,298/acre).

Alden Brodmerkle has accepted an offer of \$147,250 (\$3,133/acre) from the Commonwealth. It is likely that the remaining amount (\$7,750) will be in the form of a landowner bargain sale if the Town of New Braintree is unable to contribute funds.

Staff Recommendation:

Staff recommends final voting this property for \$147,250 from the Commonwealth and the remaining value (\$7,750) in the form of a local contribution and/or bargain sale.

The Final Vote is conditioned on:

- 1.) Available funding
- 2.) The town and/or parties must provide the aforementioned match at or before closing
- 3.) All parcels to be excluded (if any) 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 only in an increase in the local match.
- 6.) *The owner(s) must execute the current approved and un-amended APR contract in effect at the time of closing with the Department. (Note this was not included at the time of the presentation by Michele P. but was added in following a vote of the ALPC at the end of the meeting.)*

VOTED: To Final Vote the project per the terms and conditions as presented

Motion: Fred D.

Second: Karen S.

The vote was unanimous in support

9. John P. and Faye Omasta Northampton HAMPSHIRE

Ron H. presented

The 43 (+/-) acre property is located on West Farm Road in Northampton, with multiple APR properties in the area. The appraisal was completed for 36.1 (+/-) acres of the overall parcels, and the remaining 6.87 acres will be donated. The property is currently used by John primarily for hay production, pasture

and a small-scale logging and forest harvest operation. Two tobacco barns are located on the parcel. According to NRCS, approximately 60.7% of the 36.1 (+/-) acre property is comprised of state important soils.

The City of Northampton is working the Omasta family to acquire and protect an additional 18 (+/-) acre back parcel as CR land held by the City. The City will have a trail easement along the southern border of the restricted farmland as part of a walking trail associated with the CR land. The trail easement is roughly 10 foot-wide and at a very small section crossing a wet area widens to 15 feet to allow some flexibility with placement of a boardwalk crossing.

Appraisal values established by O'Connor Real Estate Associates, Inc. yield an unrestricted full market value of \$810,000, or \$22,437 per acre. The restricted (agricultural value) is \$175,000 or \$4,848 per acre. Therefore, the APR value is \$635,000 or \$17,590 per acre.

The project is eligible for the over the cap spending which amounts to \$559,500 or \$15,500 per acre. The Commonwealth's offer is \$559,500; a local contribution/ bargain sale \$75,450 or 12% will make up the local match. The City of Northampton has a CPC and has been supportive of APRs in the past and has indicated strong support for a local contribution.

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 \$635,000 less a local contribution/bargain sale of \$75,450 which equals a Commonwealth share of \$559,550 subject to the following conditions:

- 1.) Available funding
- 2.) The town and/or parties must provide the aforementioned match at or before closing
- 3.) All parcels to be excluded (if any) 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 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.

Laura A. asked about #6 of the conditions. Ron stated that the provision related to the current APR document.

VOTED: To Final Vote the project per the terms and conditions as presented

Motion: Karen O.

Second: Joe S.

The vote was unanimous in support

10. Stephen A. Pettey and Joyce P. Silvia WESTPORT Bristol

Ron H. presented

This 35.5+/- acre property is comprised of 22+/- acres of crop and pasture land and is located on Sodom Road in Westport. Steve Pettey and his sister Joyce Silvia own the property and the APR will help with their estate plans so that ownership of the farm will be with Steve. Determining from web-soil survey maps, approximately 51.5% of the 35.5 (+/-) acre property is comprised of Prime or Farmland of Statewide Important soils.

Steve is currently leasing 11-acres to a local dairy operation for corn silage and he raises raising 17 beef animals and sells some of the herd annually. Steve plans to increase his beef operations and improve additional land and woods for pasture.

Appraisal values established by Avery Associates, Inc. yield an unrestricted full market value of \$925,000, or \$26,056 per acre. The restricted (agricultural value) is \$105,000 or \$2,958 per acre. Therefore, the APR value is \$820,000 or \$23,099 per acre.

The project is eligible for the over the cap spending which amounts to \$539,600 or \$15,200 per acre. The Commonwealth's offer is \$539,600; a local contribution/ bargain sale \$280,400 or 34% will make up the local match. The Town of Westport has approved \$150,000 of CPC funds and the Westport Conservation Land Trust is fund raising \$130,400 for this project.

Staff Recommendation: This parcel represents a valuable agricultural resource, is critical to a local farm operation and is in an agricultural area. Staff recommends that this application is final voted at the APR value of \$820,000 less a local contribution/bargain sale of \$280,400 which equals a Commonwealth share of \$539,600 subject to the following conditions:

- 1.) Available funding
- 2.) The town and/or parties must provide the aforementioned match at or before closing
- 3.) All parcels to be excluded (if any) 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 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 D. stated that Westport is mistakenly shown to be in Berkshire County. There was also a typo noted under the comments **on the last paragraph of the summary sheet showing a value of \$13,000 instead of \$130,000**

VOTED: To Final Vote the project per the terms and conditions as presented

Motion: Fred D.

Second: Susan F.

The vote was unanimous in support

11. Mong – Stow - Middlesex

Michele P. presented

Steven and Kirsten Mong own this 5.25 acre property that is comprised of 5 acres of cropland and .25 acres of gutter connected greenhouse. The property supports the Mong's organic vegetable operation locally known as Applefield Farm. Steve and Kirsten also own the Tyler APR down the street from this parcel. The entire property is comprised of prime soils.

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

Market Value Before Restriction - \$145,000 (\$27,619/acre)

Market Value After Restriction (agricultural value) - \$50,000 (\$9,524/acre)

APR value - is \$95,000 (\$18,095/acre).

The project qualifies to exceed the \$10,000/acre cap and the landowners have accepted an offer of \$85,500 (\$16,286/acre) from the Commonwealth. The remaining 10% match (\$9,500) will be in the form of a local contribution or a landowner bargain sale.

Staff Recommendation: Staff recommends final voting this property for \$85,500 from the Commonwealth and the remaining value (\$9,500) in the form of a local contribution and/or bargain sale.

The Final Vote is conditioned on:

- 1.) Available funding

- 2.) The town and/or parties must provide the aforementioned match at or before closing
- 3.) All parcels to be excluded (if any) 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 only in an increase in the local match
- 6.) The owner(s) must execute the current approved and un-amended APR contract in effect at the time of closing with the Department.

VOTED: To Final Vote the project per the terms and conditions as presented

Motion: Kathy O.

Second: Karen S.

The vote was unanimous in support

Votes for Michele P. had not included provision #6 which states:

6. The owner(s) must execute the current approved and un-amended APR contract in effect at the time of closing with the Department.

in her projects. So she asked for a vote that Items 2-8 and Item 11 that the ALPC's vote be amended to include provision #6

IV. DISCUSSION APR Program Review Schedule and Outreach

Gerard presented on the packet of material to be distributed as part of the requirements of the legislation. Warren S. and Kathy O. suggested that in addition to materials presented that the packet should include the application for the Special Permit.

Bob O Connor liked it and suggested that we include it in the mail. He suggested that we finish it and include it in the packet.

Warren S. liked it. Karen S. liked this version better – most of the document is reader friendly.

Some discussion around why everyone does not have a copy. The issue is that it is still very much in a draft form and that staff need to review and refine the document.

Commissioner Lebeaux stated that he thinks it is a huge step in the right direction as far as communication

Fred D. was encouraged that a lot of changes have been made to the program and that what is being given out is clearly stated that it is of this date. He added that no matter how much we review this that there will be people who don't like it. There will be some people who find it problematic.

Farm Bureau is one of our fiercest critics so would it make sense to include them in discussions. Warren stated that the FB still has some issues about the APR Program. Gerard clarified that WS was referring to the FB comments on the regulations.

Karen S. thinks it is a good tool and that will be valuable. She is approaching it as though she were a landowner going through the process of acquisition. She mentioned that at the national land trust meeting there were comments on changes coming to the ALE program.

Stewardship

Gerard discussed the stewardship program and where it intersects with the role of the ALPC through the appeals process. Stewardship made a presentation to the ALPC. Caroline Raisler introduced the stewardship program and went over some of the key elements of stewardship.

Delia Delongchamp explained about the process for Special Permits and talked about the fact that 44 permits have been issued for these moving forward. This will be an issue to be revisited with ALPC.

Taylor Arsenault provided an overview of the technology being used.

Commissioner Lebeaux called the meeting to an end at 1:45 PM

Respectfully submitted,

Gerard Kennedy

Gerard Kennedy
DACTA Director

Approved by ALPC at March 30, 2020 meeting.