

MINUTES: AGRICULTURAL LANDS PRESERVATION COMMITTEE MEETING

TUESDAY, SEPTEMBER 28, 2021

10:00 AM to 12:30 PM

MEMBERS PRESENT:

John Lebeaux, Department of Agricultural Resources
Kurt Gaertner, Executive Office of Energy and Environmental Affairs Designee
Phil DeMartino, Department of Housing and Community Development Designee
Clem Clay, UMass, Center for Agriculture, Food and Environment
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 (SEMAP)
Rita Thibodeau, Natural Resources Conservation Service, Non-Voting Member

ALSO PRESENT:

Gerard Kennedy, Department of Agricultural Resources
Ron Hall, Department of Agricultural Resources
David Viale, Department of Agricultural Resources
Barbara Hopson, Department of Agricultural Resources
Michele Padula, Department of Agricultural Resources
Christine Smith, Department of Agricultural Resources
Kristina Smith, Department of Agricultural Resources
Ashley Davies, Department of Agricultural Resources
Tina Smith, Department of Agricultural Resources
Jill Ward, Department of Agricultural Resources
Rebecca George, Department of Housing and Community Development
Jamie Potten, American Farmland Trust

Public

Chair of the Agricultural Lands Preservation Committee ("ALPC") and Commissioner (the "Commissioner") of the Massachusetts Department of Agricultural Resources (the "Department"), John Lebeaux called the meeting to order. The Commissioner asked participants on the call to voluntarily identify themselves if they were a member of the public though noted that participants were not required to identify themselves. Phil DeMartino introduced Rebecca George as a future alternate designee.

He provided instructions on how he will manage the virtual Zoom meeting. He noted that the meeting was being recorded and that pursuant to the Governor's Emergency Order, all votes need to be roll-call votes.

I. Department Updates

Commissioner Lebeaux presented an overview of Department activities.

MDAR continues to be very busy. A welcome to Kurt Gaertner who is currently the EEA Designee, appointed a member because Bob O'Connor retired over the summer. The Commissioner spoke about the good work that Bob O'Connor did over the years, going on to say that Bob made extraordinary contributions to the cause of land and resource protection in the state. His work included the Landscape Partnership grant, the Conservation Land Tax Credit, the Resilient Lands Initiative, the Soil Health Plan and the state's climate strategies. He is highly respected and regarded, not just because of his vision for land protection and his effectiveness at bringing people together to facilitate dialog and move complex

initiatives forward, but for being one of the nicest and most pleasant people you are ever likely to encounter. Even though he is retired, Bob has continued his work for land protection and is currently steering the efforts to protect the Lampson Brook Farm in Belchertown as a contractor. There are a few people that you meet along the way who you can say have really made a difference when it comes to the protection of our resources and Bob is one of them. We are grateful for his work on the ALPC and with Land Conservation in the state and wish him the best for the future.

The Big E is open and running, and we are managing the MA Building. This year has been challenging, with fire service upgrades and construction going on. There were water problems, so a large fan was installed. There was a parts shortage, so the fan project was not finished. Attendance is good, but people are not entering the buildings as much as previously. They are handing out masks at the entrances. The vendors are doing well.

He commented about the Spotted Lantern Fly being found in Fitchburg. They are a threat to vineyards, orchards, and nurseries. The Future of Work initiative is ongoing, and employees are moving to new spaces in Southborough and Boston. The Commissioner spoke about changes including touchdown stations. The Commissioner then shared the sad news that former Board of Agriculture member Judy Leab passed away several weeks ago. She was a former Board of Agriculture chair, ALPC member and a passionate advocate for MA agriculture.

II. Approval of Minutes from November 6, 2020 and February 4, 2021.

Fred Dabney asked if there was any update on the appeal of the departmental decision for the Spivak APR to deny a dwelling. Gerard Kennedy clarified that we have not had any further contact with Mr. Spivak since that meeting.

Nov 6, 2020 – Motion to approve minutes made by Karen Schwalbe, seconded by Fred Dabney. Motion passed unanimously, with one abstention (Kathy Orlando).

Feb 4, 2021- Susan Flaccus pointed out that the minutes reflect that we adjourned at a.m. not p.m. and Warren Shaw was called Shade in error. Motion by Clem Clay to approve the minutes, as corrected, second by Warren Shaw. . Motion passed unanimously, with one abstention (Kathy Orlando).

III. APR Program Updates

The Commissioner provided an update on the APR Program. EEA Secretary Theoharides approved land acquisition funding in the amount of \$3.5 million for the APR program For FY22. The program has closed **8 APR Farm properties** from December 30, 2020, to August 4th, 2021, while protecting **286.87 acres** at an **APR value of \$4,100,000**. The **land acquisition costs to MDAR** for these properties was **\$3,109,209**, with a **Local contribution of \$640,000**, and a **landowner bargain sale/ donation of \$349,277**.

To date the program has acquired **935 properties**, while protecting approximately **74,500 acres**.

The APR program has expended all (\$1.27 million) of the 2008 Environmental Bond funds in FY21. The remaining Authorization in the Environmental Bonds is \$36,459,371.14, which is apportioned as:

- ❖ 2014 Environmental Bond = \$16,458,371.14
- ❖ 2018 Environmental Bond = \$20,000,000

Currently there are **8** pending Vote of Interest projects, with **343.59** acres to be protected. There remains **20** pending Final Voted projects with **833.54** acres with an **APR value of \$8,681,600** million, an **MDAR cost of \$6,135,378** million, and estimated **\$2,349,262 local contribution** and landowner **Bargain Sales** of roughly **\$196,910**.

Unresolved Projects total **4** projects, which 4 were Votes of Interest (3 Landowners did not accept offers and one landowner withdrew his application to pursue other alternatives).

Staff reviewed and evaluated **19 APR applications**. Staff are presenting 14 of the 19 applications today. The 4 projects not being presented were the result of 2 of the projects not meeting program eligibility and the remaining 3 projects the landowners withdrew their applications.

The APR program currently has **28** voted projects by the ALPC, and with **14** APR applications bring the total to **42** active projects.

MDAR submitted 9 applications for the new ALE Agreement and 8 of the application were enrolled under the new Program Agreement format with **343.59** acres with an **APR value of \$3,947,000** million, resulting in a **federal share of \$1,973,000** million.

One remaining application was withdrawn by the landowner to pursue other alternatives.

Rita Thibodeau from NRCS reported that in FY 2021, NRCS was able to allocate 2.3 million dollars to all 9 applications. They received \$2.6 million for ALE funds for FY21 and may possibly receive slightly more because of regional equity funding in the Northeast. So, there is a possibility to fund more applications.

Warren Shaw asked about the 3 who did not accept an offer- are we starting to see problems with valuation? Ron Hall responded that these applicants were disappointed with the dollar amounts they were offered. Warren Shaw asked whether the offers we are making are too low. Michelle Padula explained that the issues were around family matters, not funding. Karen Schwalbe commented that the dollar amount for the program is more likely to prevent applicants to the program as opposed to applicants dropping out due to offers. Barbara Hopson clarified that one of the 3 rejected the offer because it was too low. Dave Viale noted that there will be an opportunity to discuss the cap for offers later in the meeting.

The Commission then asked the team for program updates:

Gerard Kennedy spoke about a new initiative surrounding farmland: working in collaboration with the Donahue Institute, the Food Systems Collaborative and the American Farmland Trust, to develop a farmland action plan for the state. The Governor's office granted \$200,000 dollars to contract with an entity to develop a Farmland Action Plan for MA. This was proposed over the past few years. The contract was awarded to The Donahue Institute and they are currently discussing the framework for the Plan. The intent is to position the program to help the agricultural sector to increase farmland conservation, prevent farmland loss and keep farmland in production. The project is looking at access and long term protection and environmental viability. It's a stakeholder driven program with facilitated meetings with stakeholders. The goal is to have something by the end of the fiscal year. Having shared goals with the APR program will be valuable. Fred Dabney asked if there will be regularly scheduled meetings. Gerard Kennedy responded that the model we would follow would be based on the Resilient Lands Initiative model. A stakeholder driven process, at first with subject matter experts, and then the broader public. A lot of data has been gathered on existing conditions by the American Farmland Trust. The food systems document is an excellent resource. Clem Clay asked if the ALPC would have any formal role in this process. Gerard Kennedy anticipates that there may be ALPC members that will be involved.

Project Status: Closings. New applications.

Votes of Interest

Michael P. Ferry, Inc. – Westport – Bristol County (Ashley Davies Presenting)

This 28 +/- acre property is located on Gifford Road and Mouse Mill Road in Westport and is owned by Mike Ferry. This 28-acre parcel is just one of the many parcels that support the dairy operation owned by Mike and his son Andrew (263 acres leased, 129 acres owned). Silage corn and Triticale are grown on the property. Mike has already protected his home farm with an APR. The land will pass to Mike's son Andrew who is a partner in the dairy operation. The two are also opening up a bottling facility on another one of their properties in town so that they can produce pasteurized milk locally. There are no structures on the site, which is accessible via frontage on Mouse Mill Road. One 80,000 square foot house lot is being excluded from the APR. The property is within 2.5 miles of 4 APRs, with a total of 89 acres of active agricultural land. An additional 17 APRs with an additional 401 acres of active agricultural land are just beyond the 2.5 miles radius. Soils consist of approximately 24 acres of Prime Farmland (86%).

APR Parcel Scoresheet Rating: 360 points

Staff Recommendation: Staff recommendation is to nominate for a vote of interest.

Motion by Warren Shaw, second by Fred Dabney to approve. Karen Schwalbe asked if she should abstain because her organization is based in the area and supports local agriculture. Both the Commissioner and Attorney Smith stated that they see no conflict.

Motion passed unanimously.

Robert and Lois Davis [Blossoming Acres] – Southwick – Hampden County (Barbara Hopson Presenting)

This 44+/- acre Davis property is located on Sheep Pasture Road in Southwick, of which approximately 31.39 acres are proposed for APR. The Davis' farm business plan is in partnership with Lenita Bober, who owns the Blossoming Acres APR on College Highway in Southwick. They grow 12 +/- acres of assorted vegetables including greenhouse tomatoes, field tomatoes, eggplant, peppers, and sweet corn. All produce is sold year-round at the College Highway site. In addition, Lenita travels to two farmers markets from May through November. This parcel is critical to Blossoming Acres. Soils on the parcel consist of 100% prime farmland soils.

APR Parcel Scoresheet Rating: 340 points

Staff Recommendation: Staff recommendation is to nominate for a vote of interest.

Barbara Hopson added that Southwick is very supportive of agriculture and makes local contributions. Motion to approve by Fred Dabney, seconded by Laura Abrams. Motion passed unanimously.

Picone/Wildlands Trust – Middleborough – Plymouth County (Ashley Davies Presenting)

This 87.7 +/- acre property is located on Plymouth Street in Middleborough and is currently owned by the Picone family. The property is under Chapter 61A and is currently going through a ROFR process, a development offer of \$6M was made to the Picones, with a proposal for nearly 400 units to be sited on the 190-acre property. The Town of Middleborough has assigned the ROFR over the northern half of the property (approx. 95ac) to Wildlands Trust, this portion is the subject of this application. Wildlands Trust will purchase the northern half of the property, while the Town of Middleborough will purchase the southern half of the property for conservation and may license the use of the agricultural areas to the neighboring farmer. Prior to closing on the APR, the Wildlands Trust plans to sell the 95 acres to a successful vegetable farmer that has been displaced from his current situation (land and farm stand) on another APR farm. There is one large barn on site (11,000 sq ft) which has been used as a chicken coop, milking barn, and hay barn in its life. The property is accessible via frontage in two locations on Plymouth Street.

The property also has approx. 3600 ft of frontage on the Nemasket River and two farm ponds that will provide necessary irrigation to the vegetable operation that will be sited on the property. This APR will not only save this valuable piece of farmland and crucial river frontage but will improve its agricultural use and will provide affordable land for a successful farmer that has had little success finding land elsewhere.

The property is within 5 miles of 4 APRs with 216+/- acres of active agricultural land. Soils consist of approximately 61 acres of Prime and State Important Farmland (70%).

APR Parcel Scoresheet Rating: 335 points

Staff Recommendation: Staff recommendation is to nominate for a vote of interest.

Karen Schwalbe added that the potential buyer is a strong farmer. Motion to approve made by Warren Shaw, seconded by Susan Flaccus. Motion passed unanimously with one abstention (Karen Schwalbe).

Glenn King – Sutton – Worcester County (Ashley Davies Presenting)

This 23 +/- acre property is located on King Road in Sutton and is currently owned by Glenn King. These 23 acres are a portion of the larger Highloft Farm (totaling 200 acres). Glenn's sister, Sharon, owns the remaining 177 acres, which she hopes to put under an APR in the near future. Glenn and Sharon raise the unique Dorper sheep (150+ head).

They sell the livestock in private sales mostly for the ethnic meat market. The property has been in the King family since 1716. The subject 23 acres is used for hay production. There are no structures on the site. It is accessible via an easement over a neighboring property, through Glenn's abutting house lot, or via forested road frontage. The property is within 2.5 miles of 2 APRs, with a total of 64 acres of active agricultural land. An additional 9 APRs with an additional 412 acres of active agricultural land are just beyond the 2.5 miles radius. Soils consist of approximately 15 acres of Prime Farmland (65%) and 8 acres of State Important farmland (35%).

APR Parcel Scoresheet Rating: 325 points

Staff Recommendation: This is a valuable resource and an integral part of a larger operation. Staff recommendation is to nominate for a vote of interest.

Ashley Davies added that this farm has been in the family since 1716 and the owners intend to leave it to their sons. Motion to approve made by Warren Shaw, seconded by Fred Dabney. Motion passed unanimously.

Cotter/Maloney- Douglas - Worcester County (Michele Padula Presenting)

This property, known as Riddle Brook Farm, is located on Main Street in Douglas and is owned and operated by Michael Cotter and Shea Maloney. The couple purchased the 7.5 acre property in 2018 when it was being used for hay and turned it into a small, diversified farm with 5 acres in production. They tilled beds for cut flowers, mixed vegetables and blueberries and acquired a flock of laying hens. The cut flowers are currently the main source of income for the farm and fetch \$2,300 per week at the Copley Square Farmer's Market. Mike and Shea plan to plant more perennials in the upcoming years. The hens are pastured on 1.5 acres along with their guard dog and their eggs sell for \$10/dozen at the market. There are also 3 acres of hay which support their flower and egg business to create compost for the flowers and bedding and ground cover for the hens. Ninety eight percent of the property is comprised of prime/state important soils.

Shea left her job at Weston Nurseries when she and Michael purchased the property and now works full time on the farm. They also hired a full-time farm manager who had previously worked with Shea at the nursery.

This is a small property, but it is being very intensively farmed and gross sales are steadily increasing. The owners are young with agricultural experience and plan to increase productivity even more in the future.

Parcel Score: 330

Staff Recommendation: Nominate for appraisal.

Michelle Padula added that the owners plan to increase the flower and egg business. Motion to nominate for appraisal made by Warren Shaw, seconded by Karen Schwalbe. Motion passed unanimously.

Ostrowski – S. Deerfield - Franklin County (Michele Padula Presenting)

Chester Ostrowski is the owner of this 12-acre parcel on S. Mill River Road in Deerfield. The property abuts the Savage APR to the south and the Fisk property to the north which is under APR application and is scheduled to close in 2022. Once a dairy farm, the Ostrowski land has been leased to local farmers for the last 20 years for hay, tobacco, and corn. The property is currently leased to a local farmer for hay production. Nearly all of the land is in production and 53% of the soils are classified as prime/state important. Chet submitted an application for this parcel in 2008 when it was part of a larger 100-acre application that included 2 other parcels. Since that time one of the parcels has been leased to a solar company and the other will be transferred soon to Chet's son who has no interest in APR, so this current application only includes the 12-acre parcel.

The Ostrowski property is located in a very successful and productive APR block where agriculture is in high demand. The Town of Deerfield is very supportive of local agriculture, and it is likely that they will contribute towards this application since they voted last year to contribute 10% towards the Fisk application.

Parcel Score: 260

Staff Recommendation: Nominate for appraisal.

Michelle Padula added that this property abuts Savage APR. Motion to nominate for appraisal made by Warren Shaw, seconded by Clem Clay. Laura Abrams asked about effect of solar panels, Michelle Padula clarified that Chet owns 3 parcels and one has solar panels on leased land. Motion passed unanimously.

Robert Haley – Williamstown- Berkshire County (Barbara Hopson Presenting)

This 28+/- acre Haley property is located on Hopper Road in Williamstown, of which approximately 21.78 acres are proposed for APR. Haley Farm is a small dairy located in Williamstown. A portion of the property on Hopper Road was protected through DCR in 1991 and the landowner would like to preserve the remaining land through an APR. The parcel is predominantly used for hay production to support the dairy operation and approximately 1 acre is used for vegetables. The barn located on the parcel is in good condition and is used to house some cows, hay and equipment storage. This parcel is critical to the dairy operation. Soils on the parcel consist of approximately 56% prime farmland soils.

APR Parcel Scoresheet Rating: 250 points

Staff Recommendation: Staff recommendation is to nominate for a vote of interest. [WHAT DOES THIS DATE REFER TO?]

Motion by Karen Schwalbe, seconded by Susan Flaccus. Motion passed unanimously.

Daniel Smith – Seekonk – Bristol County (Ashley Davies Presenting)

This 10.65 +/- acre property is located on Olney Street in Seekonk and is currently owned by Daniel Smith. The property abuts a wetland area and stream to its west and is bordered by residential homes to the north and south. The abutting stream provides water for irrigation. This property is currently farmed by Mike Smith of Oakdale Farms in Rehoboth, an APR protected farm. Daniel Smith's son Gary will inherit the property and is currently obtaining an agricultural degree. Gary hopes to someday transition some of the property to growing and selling ornamental flowers. There are no agricultural structures on the site, with all structures being located on the Smith's house lots. The APR will have no frontage but will have a deeded access easement over the Smith's house lots.

The property is within 2.5 miles of 9 APRs in Seekonk, Rehoboth, and Swansea, with a total of 204 acres of active agricultural land. An additional 4 APRs with an additional 104 acres of active agricultural land are just beyond the 2.5 miles radius. The property is entirely open save the wetlands and the treed buffer along the wetlands. Soils consist of approximately 6.74 acres of State Important farmland (63%). The Smith's would like to conserve the property and are engaging the APR program as a part of their estate planning. They have not indicated a monetary requirement to move forward.

APR Parcel Scoresheet Rating: 240 points

Staff Recommendation: Staff recommendation is to nominate for a vote of interest.

Motion by Fred Dabney, seconded by Clem Clay. Karen Schwalbe stated that she needed to abstain because the current farmer is on her Board. Motion passed unanimously with one abstention (Karen Schwalbe).

Prifti Realty Trust – Southwick – Hampden County (Barbara Hopson Presenting)

This 30 +/- acre Haley property is located on Kline Road in Southwick, of which approximately 28 acres are proposed for the APR. The parcel has road frontage on Kline Road, Granville Road and Fred Jackson Road. The parcel contains two exclusions; one on the north side of Kline Road containing the residence and barn, and another future building lot for their son on the southern parcel. The parcel abuts the Solek APR (former dairy and now a beef operation) and has been rented by the Soleks for many years. Soils on the parcel consist of approximately 59.72% prime farmland soils.

APR Parcel Scoresheet Rating: 230 points

Staff Recommendation: Staff recommendation is to nominate for a vote of interest.

Ted Andrews [Shaker Farm] – Richmond – Berkshire County (Barbara Hopson Presenting)

This 10.08+/- acre property is located on Dublin Road in Richmond, of which approximately 7.57 acres are proposed for the APR. This parcel is currently used by a local APR farmer for hay production. The parcel abuts the Malnati APR parcel. The owner is excluding approximately 2.5 acres, which includes the historic homestead, barn, livestock shed and old milk house. He is working toward placing a historic preservation restriction on the 2.5-acre parcel. Soils on the parcel consist of 60.57% prime farmland soils.

APR Parcel Scoresheet Rating: 230 points

Staff Recommendation: Staff recommendation is to nominate for a vote of interest.

Motion by Karen Schwalbe. Seconded by Warren Shaw. Motion passed unanimously.

Carol K. Longley Family Irrev. Trust Williamsburg, Hampshire County (Ron Hall Presenting)

This approximately 31.47 +/- acre parcel is located on Mountain Street in Williamsburg (village of Haydenville) and is currently owned by the Carol K. Longley Family Irrevocable Trust. Rand Burnett and Richard Lennon are the co-trustees. For many years this property has been farmed by the abutting former Warner dairy, and the land was used for corn and hay. Currently the farmland is rented and farmed by Doug Warner who lives at 113 Mountain Road in Haydenville. He is looking to purchase the Longley farmland and is in current negotiations. According to Doug approximately 15 (+/-) acres is used for forage hay production for a beef and sheep farm operation. The APR program is interested in protecting approximately 31.47 acres portion of the total 181.2 acres property. The Kestrel Land Trust is working with the landowner to protect the remaining 150 +/- acres with a Conservation Restriction.

The property is in close proximity to two APRs, and abuts the Warner APR, with 47.91+/- acres of active agricultural land. Soils on the parcel proposed for the APR consist of about 26.24 acres of prime and statewide importance soils with an overall percentage of 83.37% prime/state soils. There is approximately 39.5% open farmland.

APR Parcel Score sheet Rating: 220 points

Staff Recommendation: Staff recommendation is to nominate for a vote of interest and appraise the farm property.

Motion made by Susan Flaccus, seconded by Warren Shaw. Motion passed unanimously.

Padula/Sterling Realty Trust – Sterling – Worcester County (Michele Padula Presenting)

This 21 +/- acre property is located on North Row Road in Sterling and is owned by Mike Padula and his sister via the Padula/Sterling Realty Trust. These 21 acres are utilized by a local APR farmer, Larry Powers for hay production. When Mr. Powers retires, the Murray Family has already expressed interest in taking over the management of the property. There are no structures on the site, which is accessible via its frontage on North Row Road. The property is within 2.5 miles of 4 APRs, with a total of 146 acres of active agricultural land. An additional APR with an additional 27 acres of active agricultural land is just beyond the 2.5 miles radius. Soils consist of approximately 11.7 acres of Prime Farmland (56%).

APR Parcel Scoresheet Rating: 210 points

Staff Recommendation: Staff recommendation is to nominate for a vote of interest.

Michelle Padula added that clearing is being done to expand hay fields and improve drainage. The other part of the parcel is to be obtained by Sterling Land Trust. Motion by Karen Schwalbe, second by Fred Dabney. Motion passed unanimously.

David Tombarelli – Haverhill/Bradford – Essex County (Ashley Davies Presenting)

This 39.8 +/- acre property is located on Marbles Lane in the Haverhill village of Bradford, and is currently owned by David Tombarelli. The property abuts a wetland area and stream to its west and contains wooded upland to its east. This property is currently farmed by two APR farmers, Davidowicz of Crescent Farms in Bradford (silage corn) and Chris Stasinos of Silsby Farm in Haverhill (sweet corn). There is one large barn on site, 4500 sq ft. The Tombarellis' home will be excluded from the APR on a 2-acre lot. The 29 acres of wooded upland will be excluded from the APR but conserved with a Conservation Restriction (CR) or Wetland Reserve Easement (WRE) by Essex County Greenbelt Association.

The property is within 2.5 miles of 5 APRs, with a total of 273 acres of active agricultural land. An additional 7 APRs with an additional 202 acres of active agricultural land are just beyond the 2.5 miles radius. The APR portion of the property is entirely open save the wetlands and the treed buffer along the wetlands. Soils consist of approximately 15.25 acres of Prime Farmland (38.33%) and 6.59 acres of State Important farmland (16.55%).

Mr. Tombarelli previously applied to the APR program, but the financing did not suit at that time. Mr. Tombarelli is now primarily concerned with conserving the property and has indicated that is his primary concern at this time.

APR Parcel Scoresheet Rating: 205 points

Staff Recommendation: The APR Parcel Score for Tombarelli would be significantly higher if we had cut out the wetlands, but in order to preserve this full parcel it made sense to include this sensitive portion of the property within the APR. The eastern forested half of the property will be conserved by a WRE or CR and together with the APR they will conserve the entirety of the parcel. This is a valuable agricultural unit, utilized by successful active APR farmers. Staff recommendation is to nominate for a vote of interest.

Ashley Davies added that two APR farmers use the property. Kurt Gaertner asked about Haverhill's involvement, and Ashley responded that they might contribute to the purchase. Karen Schwalbe asked how the excluded house lot is accessed- Ashley Davies replied that it's kind of tricky- there is a causeway over the wetlands. Clem Clay questioned the choice to include wetlands, questioned funding the purchase of wetlands. Ashley Davies responded to Clem Clay that it will be limited by the appraised value of wetlands. Motion made by Warren Shaw, second by Karen Schwalbe. Motion passed unanimously.

Dourdeville/Carnright – Holden - Worcester County (Michele Padula Presenting)

Denise Dourdeville and her husband Holley Carnright own a large property on Route 31 on the Holden/Princeton line that is located between the Zottoli APR to the north and the Oldakowski APR to the south. Denise has been working with DCR for many years to protect her large woodland holdings, but she would like the open land on the property to continue to be used for agricultural production, so in 2016 she gifted an APR on a 7-acre hay field on the west side of Route 31. She is now interested in preserving additional agricultural land and would like to gift an APR on a 7 +/- acre parcel directly across the street from the existing APR. The parcel contains a hay field that totals approximately 3.5 acres and 23% of the property is mapped as prime/state important soils. Since the subject parcel is too small to stand alone as an APR, it will be added to the existing APR by amending the restriction's property description. This will increase the viability of the restriction by guaranteeing that the two parcels must always stay together as one unit and can't be sold separately.

All of the agricultural land on the Dourdeville property is currently being used by Andrew Hubbard who owns a livestock/hay operation in Princeton. Hubbard Farm was protected by an APR several years ago.

Staff Recommendation: Staff recommendation is to accept the gift APR on approximately 7 acres and move ahead with an appraisal to determine the agricultural value to be used as a baseline value in the restriction document.

Michelle Padula, added that the owners have donated a lot of land to DCR. This parcel will be added to an existing APR to make up 14 acres of APR land, all being used for hay. Motion to accept the gift and appraise made by Warren Shaw, seconded by Karen Schwalbe. Motion passed unanimously.

7 minute break

ALPC Policy Update

Discussion re: cap on per acre cost.

Dave Viale: Dave stated that the program is undergoing review of policies and guidelines and will be periodically bringing policy considerations to the ALPC. For example, Stewardship is working on updating the Special Permit policy, guidelines, and process. Here today we are focused on the per acre cap.

Dave Viale presented on Powerpoint. (Attachment A). The APR program is required to review policies and procedures on a regular basis. The Department should look at updating the policy no later than November, in advance of offers being made in late November and early December. The last time the caps were raised was 1983 and 2003. Today's concern is that the caps are below market values. Since 2020, 82% of projects have appraised APR values over the \$10k/acre cap. APR applications are decreasing and offers are not being accepted due to the capped APR purchase price offer vs market value discrepancy.

Karen Schwalbe asked if the cost of inflation will be an ongoing increase or is this just a one-time bump.

Dave says that we are required to review the program every 3 years, data and trends show there is a periodic need to make adjustments, but currently there is no policy in place to regularly adjust the rate. Karen Schwalbe suggested it would be sensible to have a mechanism in place to review and adjust the cap. Clem Clay suggested some appraisal data is more relevant than inflation. Clem Clay then asked are we having trouble spending down the allocations due to this issue? David Viale replied that we are not. Clem Clay asked what mechanisms are in place for additional funding given that an increase in the CAP could lead to a faster rate of spending

Ashley Davies pointed out that when the cap was put in place it was prior to our current situation where we are getting ALE funding. It was later clarified that, in fact, the program has received federal funding since 1995.

Phil DeMartino suggested that raising the cap will mean we have to say no to more people. He then suggested there will be more development pressure going forward.

Warren Shaw said he doesn't think that if there's a stable adequate funding supply, we have a reason to keep the low caps we have now. As far as adjustments, annually might be reasonable as long as there was adequate funding. Laura Abrams asked about the average price per acre. David Viale responded that it depends on where the land is located and that we may want to change points in the rankings if we see a trend where APRs are coming in from areas without other APRs nearby.

Kurt Gaertner said he supports increasing the cap and asked if we needed a cap at all. He cited that no other state agency land acquisition program utilizes a cap and instead relies on their ranking and evaluation processes.

Susan Flaccus pointed out that when someone sells APR land, if the value has changed, they will still get market value. David clarified that is true for the remaining agricultural value, but the cap is applied to what the landowner is paid when they enroll into APR.

Kathy Orlando thinks that raising the cap is important, it would be helpful to be able to have a policy that says we will look at it on an ongoing basis. She also noted that we will need to get more money coming into the program from other sources, and that returning to rolling applications and having a list of projects ready to enroll helps secure additional funding and protect additional farmland, and that price per acre in an appraisal is not the same for all acres in one single farm.

Clem Clay asked about Gerard Kennedy's discussion of the Farmland Action Plan, in that there are a lot of plans to protect farmland, and what is the connection or link of this decision to those plans going forward?

Karen Schwalbe requested more information about the various sources of funding.

Motion made by Warren Shaw and seconded by Karen Schwalbe for staff to come to the next meeting with a recommendation for a cap increase to vote on. Motion passed unanimously.

Motion to Adjourn

The Commissioner invited a motion to adjourn the meeting:

Warren Shaw made the motion, Clem Clay seconded. Motion passed unanimously.

Meeting was adjourned at 12:40 PM

Submitted by Jill Ward

Agricultural Preservation Restriction (APR) Program

Summary as of July 20, 2020

Program Totals to date: **74,213 Acres Restricted**
 926 Farm Properties

Sources of Program Funding:

1. 2008 Environmental Bond	\$ 1,520,241.00
2. 2014 Environmental Bond	\$20,000,000.00
3. 2018 Environmental Bond	\$20,000,000.00
• Balance Remaining in Bond:	\$41,520,241.00

Total Acquisitions (FY20) Year to Date:

Farms	Acres	Total APR Value	MDAR Contribution	Local Contribution	Bargain Contribution	Comments
4	397.43	\$3,134,848	\$2,467,863	\$462,000	\$204,985	

Vote of Interest (Nominated) Projects:

<u>COUNT</u>	<u>ACRES</u>	<u>TOWN</u>	<u>COUNTY</u>
1	32	Buckland	Franklin
1	42.5	Dudley	Worcester
1	77	Great Barrington	Berkshire
2	51.5	Hadley	Hampshire
1	70	Harvard	Worcester
1	102	Lunenburg	Worcester
1	65	New Marlborough	Berkshire
<u>1</u>	6.6	South Deerfield	Franklin
1	18	Williamstown	Berkshire
10	464.1		

Final Voted Projects:

<u>COUNT</u>	<u>ACRES</u>	<u>TOWN</u>	<u>COUNTY</u>	<u>DAR COST</u>	<u>APR</u>	<u>Local Contribution</u>	<u>Bargain Sale</u>
1	27.5	Ashland/Holliston	Middlesex	\$465,588.00	\$1,110,000.00	\$644,412.00	\$0.00
1	20.7	Dighton	Bristol	\$207,000.00	\$290,000.00	\$83,000.00	\$0.00
1	23.3	Feeding Hills	Hampden	\$166,250.00	\$175,000.00	\$8,750.00	\$0.00
1	39	Hadley	Hampshire	\$556,136.00	\$660,000.00	TBD	\$103,864.00
1	81	Hawley	Franklin	\$191,250.00	\$212,500.00	\$0.00	\$21,250.00
1	29.9	Lee	Berkshire	\$475,723.00	\$687,500.00	\$211,777.00	TBD

1	77	Lunenburg	Worcester	\$522,000.00	\$580,000.00	\$58,000.00	TBD
1	36.1	Montague	Franklin	\$382,500.00	\$425,000.00	\$42,500.00	\$0.00
1	47	New Braintree/Oakham	Worcester	\$147,250.00	\$155,000.00	TBD	\$7,750.00
1	36.1	Northampton	Hampshire	\$559,500.00	\$635,000.00	\$75,450.00	TBD
1	20.4	Plainfield	Hampshire	\$90,000.00	\$100,000.00	\$0.00	\$10,000.00
1	29.87	Rehoboth	Bristol	\$261,000.00	\$290,000.00	\$29,000.00	\$0.00
3	243.73	Sheffield	Berkshire	\$872,190.00	\$969,100.00	\$0.00	\$96,910.00
1	5.25	Stow	Middlesex	\$85,500.00	\$95,000.00	\$9,500.00	TBD
2	33	Sunderland	Franklin	\$305,900.00	\$345,000.00	\$39,100.00	TBD
1	36	Westport	Bristol	\$539,600.00	\$820,000.00	\$280,400.00	TBD
2	44	Whately	Franklin	\$413,250.00	\$435,000.00	\$21,750.00	TBD
21	829.95			\$6,240,637.00	\$7,984,100.00	\$1,503,639.00	\$239,774.00

NEW APR Applications (June 30, 2020):

Farms	Counties
3	Berkshire
1	Franklin
4	Hampden
4	Hampshire
1	Plymouth
3	Worcester
16	Total APR Applications