

## **MINUTES: AGRICULTURAL LANDS PRESERVATION COMMITTEE MEETING**

**Wednesday, May 3, 2023**

**10:00 AM to 12:30 PM**

### **MEMBERS PRESENT:**

Ashley Randle, Department of Agricultural Resources  
Warren Shaw, Jr., Public Member  
Susan Flaccus, Public Member  
Kathy Orlando, Sheffield Land Trust  
Karen Schwalbe  
Laura Abrams  
Fred Dabney  
Clem Clay  
Skip Vadnais  
Kurt Gaertner EEA  
Becca George EOHLC  
Rita Thibodeau, NRCS

### **ALSO PRESENT:**

**Department of Agricultural Resources Staff:** Gerard Kennedy, David Viale, Michele Padula, Kristina Smith, Dorothy Du, Delia Delongchamp, Chris Chisholm, Julie Weiss, Jill Ward, Margaret Callanan, Jay Rosa, Tyler Maikath, Alisha Bouchard, Ron Hall, Corey Fox.

**Public:** Cindy and John Adams

Chairperson of the Agricultural Lands Preservation Committee ("ALPC"), Ashley Randle and Commissioner (the "Commissioner") of the Massachusetts Department of Agricultural Resources (the "Department"), 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.

She provided instructions on how she will manage the virtual Teams meeting. She noted that the meeting was being recorded and that all votes need to be roll-call votes.

### **I. Department Updates**

Commissioner Randle presented an overview of Department activities. She discussed that AG Day was held at the State House for the first time since 2019. There were over 500 attendees. The Lt. Governor and Secretary Tepper attended. She thanked everyone who helped make it happen including staff, the Farm Bureau and the Mass Food System Collaborative.

She mentioned that the APR Program has been hosting Listening Sessions, as part of the triennial review, to understand the needs of APR owners. Details can be found at [www.mass.gov/apr](http://www.mass.gov/apr).

She outlined that in the previous 10 months the Department had closed 8 APR projects for a total of 261 acres with an APR value of approximately \$3.0 million. MDAR has invested approximately \$2.45 million, and the local contributions represented an additional \$323,000 and landowner bargain sales were \$223,550. To date the program has protected 952 farm properties and has just passed the 75,000-acre milestone. There are 10 Pending Votes of Interest with 528 (+/-) acres to be protected. There are 15 projects for Final Vote which will protect 775 (+/-) acres.

The APR program is now conducting quarterly reviews of applications with the objective to provide more opportunity for a landowner to apply and help expedite the evaluation process. Currently the APR program is evaluating 7 applications and 3 of these projects will be presented to the ALPC today.

APR program has submitted 2 new APR projects to the Massachusetts NRCS office for funding consideration with their Fiscal year 2023 Agricultural Conservation Easement Program (ACEP) Agriculture Land Easement (ALE) Program.

## **II. Approval of Minutes from November 28, 2022.**

Chair Randle asked for a motion to approve the minutes. One change was offered by Kathy Orlando which related to the absence of standard language on a vote. Gerard Kennedy indicated that the omission was in error and had been corrected. Skip Vadnais made the motion, Fred Dabney seconded. Approval unanimous.

## **III. Hearing for Appeal of Department Decision for a Certificate of Approval:**

Hearing officer Warren Shaw confirmed that Cindy and John Adams, the appellants, were present. He then outlined the hearing procedures for an appeal of a denial of a Certificate of Approval or Special Permit.

The Department's parties to the appeal were asked to introduce themselves and included Attorney Corey Fox; David Viale, the APR Program Supervisor; Delia Delongchamp the Stewardship Planner for Eastern Massachusetts; and Gerard Kennedy, Director of DACTA. The Hearing Officer then asked the appellants if there would be witnesses called, and they answered in the negative. Each side would have the chance to ask questions. All parties were sworn in.

The Hearing Officer then called on Cindy and John Adams to explain the reasons for their appeal. Cindy Adams explained that a lot of things have changed since their prior applications which were denied and that the farm has grown quite a bit to a year-round operation. There is now a farm stand and an ice cream stand. They are also involved with farmers markets, a CSA and they grow vegetables and field crops, and have an orchard.

They live in a dwelling which is on an exclusion. Cindy stated that the house is no longer of a sufficient size for their grown children and their families. The desire is to have a dwelling for their children, who are actively involved in the operation, on the APR to allow them to live onsite which would make it easier to run the farm. She said that they are trying to do what they can to build their farm operation. The dwelling on the APR would allow for them to transfer their farm to the next generation. They said that they had to buy the farm at market price and did not benefit from the APR money. They purchased both the exclusion and the APR land.

They spoke about their front property where their existing dwelling is located and which is not in the APR. The 6.3 acre parcel is on a main road holding the buildings, farmstand, the ice cream stand, a greenhouse and CSA. They have a Pick Your Own activity for flowers, cherry tomatoes and herbs. An equipment barn needs to be expanded. So, there is not a lot of space on the excluded portion of the APR for new buildings. The property in the exclusion is used as part of the farm.

The Hearing Officer asked the Department for its presentation. Attorney Corey Fox made the presentation for the Department and gave an overview of the reasoning behind the Department's decision:

On December 12, 1989, MDAR paid 1.4 million dollars for the APR from the Long Hill Farm Corporation. The APR protects 137 acres of land in West Newbury. The APR was written specifically to exclude a 6.3-acre lot with housing which directly abuts the Long Hill Farm APR land. The APR is intended to provide for the perpetual protection and preservation of agricultural lands. The landowner agreed that the land would be held in accordance with the terms of the APR in perpetuity.

On May 30, 1990, Mr. and Mrs. Adams purchased 520 Main Street which is the 6.3-acre lot of unprotected land that includes a farm store and an approximately 4,600 sq ft dwelling. A little more than a year later they purchased the Long Hill Farm APR property. On June 28, 2001, the Adams submitted their first application for a dwelling. However, the ALPC denied their application because the Department's dwelling policy at the time required that no feasible alternative dwelling site existed. ALPC determined that the applicants' 6.3-acre exclusion area was an alternative dwelling site.

In 2003, the Department, in responding to an inquiry from the Adams about the potential for a dwelling, sent a letter to them stating that the policy around dwellings on APRs remained unchanged. In 2006, the Adams submitted a second dwelling application, but new information was not apparent, and the second application was not approved for the same reasons as previously.

In 2015, ALPC adopted a revised dwelling policy but it still included the provision that MDAR would consider allowing a dwelling on APR land only if "no reasonable alternative exists". The 2015 guidelines are still in effect.

On October 28th, 2022, the Adams applied for a third time for approval to build a dwelling on APR land. On December 2, 2022 the Department emailed the Adams about suspected violations related to unapproved excavation and gravel operations as seen in aerial photos, and about the Long Hill Farm website, which advertised the property as being available as a site for private events, both of

which would require prior approval from the Department. The third application did not include any new information that would change the two previous decisions.

When making the decision to deny the third application, the Department relied on the language in the APR itself, specifically Sections B2 and C2, which make it very clear that building a dwelling on the property requires prior approval. Attorney Fox reviewed the language for the attendees.

Section B2 requires the prior written approval of the Department in order to construct a dwelling. Therefore, a Certificate of Approval (COA) is required.

Section C2 (a) requires that the dwelling be authorized by the APR. Section C2(b) requires that that the proposed structure does not defeat or derogate from the APR. In order to determine this, the program relies on the APR regulations at 330 CMR 22:09 and the APR Program's Dwelling Guidelines. Section C2(c) must show that any APR co-holder has provided their approval. In this case West Newbury is the co-holder. However, there is no information in the application that the co-holder has approved their request. That alone is sufficient for a denial.

APR Program regulations at 330 CMR 22:09 1(a) require that all three of the following criteria must be satisfied in order to approve a COA:

1. The activity will not result in the APR Parcel having Impervious Surfaces greater than five acres or 5% of the Parcel, whichever is less, or unless the APR provides a more stringent threshold;
2. The activity will minimize, to the fullest extent possible, the loss of quality agricultural soils; and
3. The activity will not interfere with or lead to the likelihood of future interference with agricultural operations and will preserve, maximize, and realize the agricultural potential of the parcel, and in addition will enhance or lead to the likelihood of enhancing future agricultural operations.

In the case of the application under consideration, the first of the criteria is satisfied. However, to establish if Numbers 2 and 3 are satisfied the Department looks to the APR Dwelling Guidelines.

According to the guidelines, the Department must find that all of the following 6 requirements from Section 4 of the guidelines are met in order to approve a dwelling application:

1. The APR contains language allowing the Owner to petition the Department for approval to construct a Dwelling; and
2. The Premises is being utilized for commercial agriculture to the fullest extent possible. A majority of open productive agricultural land must be in commercial Agricultural Use; and
3. The proposed Dwelling will be occupied by the Owner and/or his or her immediate family members (spouse, parents, children and grandchildren [the Dwelling Occupant]); and
4. At the time of the application, at least one Dwelling Occupant has been regularly and actively engaged in the daily operation of agricultural activities on the Premises for at least two growing seasons immediately prior to the application; and
5. Based upon a monitoring report and other due diligence conducted by the Department after receipt of the request for a Dwelling, there are no existing violations on the applicable APR or any APR owned by the Dwelling Occupant or Applicant at the time of filing of the application; and
6. The Dwelling will not defeat or derogate from the intent and purposes of retaining the land for Agricultural Use and preserving the natural resources of the Commonwealth. In order to determine if this criterion is met, the Department must find all of the below:
  - a. The need for the Dwelling is directly related to, and being driven by, the current Agricultural Use of the Premises at the time of the Application. A proposed Agricultural Use of the Premises will not be considered. Applicant must demonstrate to the Department that the Agricultural Use of the Premises necessitates an on-site Dwelling. An Agricultural Use of the Premises for predominately hay or Christmas tree production does not necessitate a Dwelling; and

b. The Dwelling will not negatively impact the actual or potential agricultural viability of the Premises; and

c. If approved, the Dwelling will not negatively impact the future affordability of the Premises for Agricultural Use. If approved, the existence of the Dwelling will not increase the FMAV beyond the sum of the FMALV plus the FMABV plus the FMADV. In such a circumstance, a COA may be considered conditioned upon the granting of an updated APR with an Option to Purchase at Agricultural Value; and

d. The Premises is of a size and is comprised of a soil resource that makes it economically viable in and of itself. Viability will be determined at the time of the Application; and

e. If the Applicant was the APR Grantor, there was no land excluded from the APR for the possibility of the construction of a Dwelling; and

f. No reasonable alternative Dwelling site exists on non-APR land owned by the Applicant or the Dwelling Occupant. Reasonable alternatives include, but are not limited to, dwellings or buildable lots owned by the Applicant or Dwelling Occupant, in reasonable proximity to the Premises.

The applicants were not able to provide the Department with sufficient information to satisfy the requirements of #5 and #6. Item #5 requires that there are no existing violations on the APR. The applicants stated that they had not hosted any events on the farm that would require a Special Permit. However, in regard to excavation and gravel materials that were identified on site, the applicants stated that the materials were for the maintenance of the property and that they shared the materials with a friend who runs a small non-farm business off site. The Department determined that a Special Permit is needed to authorize materials on the APR premises for an off-site non-farm business use and, depending on the materials, what they are used for and where they come from. Additional violations of the APR are possible without approval.

The Department found that the application lacked sufficient information to demonstrate that dwelling guidelines #6 a. and #6 f. were met. Therefore, based on the guidelines, the proposed dwelling would defeat and derogate from the proposed purpose of the APR.

The Department's dwelling guidelines at #6 a. state that "the need for the Dwelling is directly related to, and being driven by, the current Agricultural Use of the Premises at the time of the Application. A proposed Agricultural Use of the Premises will not be considered. Applicant must demonstrate to the Department that the Agricultural Use of the Premises necessitates an on-site Dwelling. An Agricultural Use of the Premises for predominately hay or Christmas tree production does not necessitate a Dwelling."

The applicants and their family have managed the property for several decades without the need to live on site. The applicants did not demonstrate that there was a current operational need for an on-site dwelling. Proposed future uses are not a consideration. There is also an in-law apartment on the existing dwelling that can be used for living quarters.

The Department looked next to #6 f. which states that "No reasonable alternative Dwelling site exists on non-APR land owned by the Applicant or the Dwelling Occupant. Reasonable alternatives include, but are not limited to, dwellings or buildable lots owned by the Applicant or Dwelling Occupant, in reasonable proximity to the Premises". The applicant currently has both a dwelling and a 6.3-acre property. The Department finds that this criterion is not met by the applicants.

Having diligently evaluated the application using the requirements in the APR, the regulations and the guidelines, the Department found that the application does not meet all the requirements of the criteria to allow an approval for a dwelling. Specifically:

1. The current agricultural use of the property does not warrant the need for a new dwelling;
2. At the time of the application the Department had reason to believe that there were violations of the APR;
3. The applicant has a reasonable alternative dwelling site;
4. The required co-holder findings were not provided.

Therefore, Attorney Fox concluded by stating that the Department's decision to deny the Adams' third application for a dwelling must be upheld.

At this point Warren Shaw opened the meeting up for questions from the ALPC. Skip Vadnais asked the applicant about whether the town zoning would permit an additional house on the same 6.3-acre lot. The applicants responded that there is adequate space but



that there are frontage and septic issues and several variances that would need to be met. Skip stated that it is therefore buildable, but he would need to see their hardship. Laura Abrams stated that she had three agricultural houses abutting the greenhouses on a single lot with a single septic.

Skip Vadnais stated that just because it is a difficult task to go through the town approvals, it is not a hardship. He asked what had changed since their previous applications. Cindy Adams stated that there were three families who were active with the farm and who could not all live under the same roof.

He went on to ask about whether the violations that were referred to had been corrected. Dave Viale stated a review was ongoing using aerial photography, but the violation had not been formally cited. Skip stated that in his opinion MDAR has yet to establish if there is a formal violation cited and therefore there is not a violation.

Susan Flaccus asked the Adams if what they are looking to do is to downsize for retirement and that they want their children nearby. Cindy Adams replied that she hopes to continue farming and that she is not planning to build a retirement home. They feel it is beneficial for their family to be onsite at the farm because they have been unable to hire help. Susan asked what is to prevent the Adams from selling the 6.3-acre parcel if the dwelling is then built on the APR.

Fred Dabney asked about the Co-Holder (the town) and why the Adams have not approached them. The Adams replied that they thought they should start with the ALPC first. Karen Schwalbe asked if having the children working on the farm is sustainable if they live off of the farm. The Adams replied that no, it is not. Karen Schwalbe then asked if the violation had been put in writing. Dave Viale replied that it had not, because they still were not clear on exactly what the violation might be, and did not want to issue a formal violation until they could accurately describe it.

Warren Shaw asked if there were other questions. Clem Clay asked the Adams about the degree to which the family is deriving income from the farm. Cindy Adams replied that the kids have other jobs as well, and that she and John have both worked other jobs. Warren Shaw asked the Adams if there is a succession plan, and Cindy responded with a strong yes, and stated that they will never sell the farm.

Hearing no more questions, Warren Shaw asked for a motion to uphold the Department's decision and deny the appeal.

Skip Vadnais made a motion to uphold the finding because hardship has not been proven. Fred Dabney agreed with upholding the denial but suggests that they can return to the Department once problems may have been solved.

Kathy Orlando suggested that it be continued until certain items have been clarified. Skip Vadnais agreed that he would like to see some of these to be resolved. Susan Flaccus said that we should ask if it is really necessary.

Warren Shaw called the roll. Votes to uphold the Department's decision were unanimous.

Warren Shaw then turned the meeting back over to Ashley Randle.

#### **IV. Votes of Interest (Attachment A for Details):**

1. Martin- Ron Hall gave a presentation, scored 265. Motion by Clem Clay, seconded by Clem Clay. Approved unanimously with Kathy Orlando abstaining.
2. Wiehl- Jay Rosa gave the presentation, scored 320. Motion by Warren Shaw, seconded by Fred Dabney, Approved unanimously with Kathy Orlando abstaining.
3. Robert and Rebecca Thomas- Jay Rosa gave the presentation. Motion by Warren Shaw, seconded by Laura Abrams. Approved unanimously with Kathy Orlando abstaining.

#### **Stewardship Updates - None**

**Motion to adjourn-** Moved by Laura Abrams, Seconded by Warren Shaw  
Unanimously approved.

Adjourned at 11:48am Submitted by Gerard Kennedy.

Approved by ALPC at 10/18/2023 Meeting

**Attachment A: Votes of Interest**

MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES  
AGRICULTURAL PRESERVATION RESTRICTION PROGRAM

Narrative for Vote of Interest

**Christopher Martin – Sheffield – Berkshire**

This ± 52.86-acre property consists of a single parcel to the south of Cobble Lane in Sheffield. This property is located in a highly active agricultural area with approximately 967 acres of active commercial agriculture protected by APR within a 2.5-mile radius. The subject property is located in proximity to an established residential neighborhood to the north but agricultural use does not appear to conflict with this residential activity in terms of noise, odor, hours of operation, etc.

An existing single-family residential structure with an accessory garage is located on an elevated portion of the property that is accessible via a private drive from Cobble Lane. This portion of the property is to be excluded from the APR property, resulting in a total proposed APR area of ± 31.29 acres. Soils for this proposed APR area consist of 14.84 acres of farmland of statewide importance (47.45%) and 5.37 acres of farmland of local importance (17.15%). In total, 12.57 acres (40.19%) of the proposed APR area are currently utilized for open agriculture, specifically the cultivation of hay and forage managed by Pine Island Farm in Sheffield. As a result, the entire project would be eligible for ACEP-ALE funding when considering the town of Sheffield adoption of locally important farmland designation. In total, 64.6% of the property is comprised of eligible soils that satisfy federal eligibility requirements.

Property owner, Christopher Martin maintains a lease agreement with Pine Island Farm to manage and harvest hay from this 12.57 acres in support of their dairy operation located approximately 4 miles to the south. The open agricultural land is primarily utilized for hay/forage. If corn is grown and harvested, it is supplemented by winter rye and tilling the following spring. This lease agreement includes an annual rent fee plus the crop value of harvested hay/forage.

Representative of Pine Island Farm and the Sheffield Land Trust have stated support for this APR application, citing the property's quality soil condition, critical importance to commercial agricultural activity in the community, and viability for long-term commercial agriculture. The Applicant intends to maintain the existing agreement with Pine Island to manage hay operations moving forward.

APR Parcel Scoresheet Rating: 265 Points

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

Christopher Martin – Sheffield (Berkshire County)  
Photographer: Ron Hall

Date Taken: 4/20/2023



Photo #	Waypoint #	Description	Direction
1		Open Ag from Cobble Lane public way	SW



Photo #	Waypoint #	Description	Direction
2		Open ag with access driveway and wooded area to be excluded from APR	SE

**MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES  
AGRICULTURAL PRESERVATION RESTRICTION PROGRAM**

**Preliminary Evaluation Sheet**

ALPC MEETING DATE: May 3, 2023

APPLICANT: Christopher Martin

DATE APPLIED: 5/17/2022

PROPERTY LOCATION: 77 Cobble Lane, Sheffield COUNTY: Berkshire

CURRENT AG. USE: Hay, Forage, Corn

HIGHEST POTENTIAL AG. USE: Row Crop

ASKING PRICE:

PRICE PER ACRE:

LAND USE	ACREAGE	SOIL CLASSIFICATION	
		CLASS	ACREAGE
Tillable Cropland	12.57	Prime Farmland	0
Non-tillable Cropland		State Important Soils	14.84
Nursery/Orchard		Unique Farmland	
Pasture		Other land (local)	5.37
Managed Woodland		TOTAL Prime and SI	14.84 (47.4%)
Unmanaged Woodland	± 10.92	+ Locally Important	20.21 (64.6%)
Ponds/Wetlands	± 7.8		
Other	21.57		
TOTAL ACRES	52.86		
TOTAL ACRES FOR RESTRICTION	31.29		

CONSERVATION PLAN: No

CHAPTER 61A: Yes

ACRES TO BE EXCLUDED: Existing single-family residential structure, accessory garage, and vehicular access from Cobble Lane to be excluded, totaling 21.57 acres.

OWNERS COMMENT: Potential for five (5) buildable lots along the Cobble Lane property frontage at 1 acre each. Owner maintains an agreement with Pine Island Dairy Farm (Aragi Family) to grow and harvest primarily hay and alternated into corn production. If corn is harvested, winter rye is planted with re-tilling in the spring.

MUNICIPAL COMMENT: Supportive of application including right to farm bylaw and 17 existing APRs within 2.5-mile radius

STAFF COMMENT & RECOMMENDATION: Property directly abuts 110+ acres of preserved land to the south owned by the MA Audubon Society. Staff recognize 5.37 acres of designated farmland of local importance (Wareham Loamy

Sand) present on the property required to meet NRCS ACEP-ALE program eligibility requirements. Hay, forage, and corn produced is critical to ongoing operation of Pine Island Farm located approximately 4 miles to the south.

**Vote to approve for appraisal**

Proposed APR area was expanded to existing 31.29 acres following discussion between property owner and MDAR staff to include additional woodland acreage and a configuration that is more manageable for effective stewardship. Expanded acreage will also result restricted protected land contiguous to abutting Mass Audubon Society protected land to the south. This additional acreage results in the need for farmland of local importance calculation to maintain eligibility for NRCS ACEP-ALE funding.

# APR Parcel Scoresheet for Applications received 7/1/2022 - 7/23/2023

Date: 1/12/23

Prepared by: JR

Landowner's Name: Christopher Martin		Total Acres: 52.86
Property Address: 77 Cobble Lane Sheffield, MA		Eligible Acres: 31.29
<b>Application Eligibility and Land Determination Requirements</b>		
<b>Thresholds - State</b>		Yes
Parcel fulfills at least one EEA Land Conservation Priority		<input checked="" type="checkbox"/>
Products raised on parcel are sold in the normal course of business (i.e. commercial operation)		<input checked="" type="checkbox"/>
Parcel in active agricultural production for at least previous two years		<input checked="" type="checkbox"/>
Parcel contains at least 5 acres of active agricultural land		<input checked="" type="checkbox"/>
<b>Thresholds - Federal</b>		
Parcel consists of a single contiguous land parcel		<input checked="" type="checkbox"/>
Parcel contains ≥ 33% open farmland and ≤ 66% woodland		<input checked="" type="checkbox"/>
Parcel contains ≥ 50% of a combination of prime/state important soils		<input type="checkbox"/>
If sod/nursery operation, parcel meets NRCS tolerance for soil loss		<input type="checkbox"/>
<b>Parcel Attributes</b>		
% in open ag use: <u>40%</u>	Points	% prime/state soils: <u>47.7%</u>
33-50%	<u>25</u>	51-65%
51-75%	50	66-80%
76-100%	75	81-100%
Total	25	Total
		0
<b>Land Use</b>		
Land Use Majority (circle one)		Points
Vegetable/Small Fruit/Tobacco		75
Hay/Forage/RowCrops/Orchard/Vineyard		<u>50</u>
Pasture		25
Christmas Trees/Sugarbush		10
Total		50
<b>Location</b>		
Active commercial APR land within 2.5 mile radius: <u>967</u> ac		Points
None		0
1-250 acres		10
251-500 acres		25
over 500 acres		<u>50</u>
Abutting (including across street)		+10
Total		50
<b>Size</b>		
Acres of land in open ag use: <u>12.57</u> acres		Points
5-25		<u>10</u>
26-75		25
76 +		50
Total		10
<b>Intensity/Productivity</b>		
Percent of open land intensively farmed: <u>90%</u>		Points
0-25%		0
26-75%		25
76-100%		<u>50</u>
Total		50
<b>Ownership/Succession</b>		
Attribute		Points
Land owner is also farm operator		50
Farm operator makes majority of income farming		<u>25</u>
Farm operator has long term (5+ yr) written lease w/owner		<u>15</u>
Farm owner/operator owns other APR land		<u>10</u>
Written succession plan prepared by professional		10
Total		50
<b>Agricultural Priorities</b>		
Priority		Points
Right to Farm Bylaw		10
Total		10
<b>Single fam building permits - 5 yr average: <u>5</u> permits</b>		
between 1 and 5		<u>5</u>
6-15		15
More than 15		25
Total		5
<b>Additional Information</b>		
Parcel contains at least 75% prime soils (20 points)		
Staff Comments (1-40 points): Property is situated in close proximity to 17 existing APRs. Hay and forage production in critical in support of local farming/livestock operations - Pine Island. 5.37 acres of farmland of local importance (Wareham Loamy Fine Sand) maintains eligibility for ACEP-ALE funding. Restricted area directly abuts MA Audubon Society land to enhance overall land preservation		
High potential for residential development if not protected for agricultural use		
Total Points		265



Project Name: Martin, Christopher - Soils  
Sheffield, MA



Soil Classification	Acres	% Soil Type
Farmland of statewide importance	14.84	47.45%
Farmland of local importance	5.37	17.15%

**APR Applicant = 31.29 acres**

-  APR Applicant
-  Farmland of statewide importance
-  Farmland of local importance

0 90 180 360 540 Feet

Center: 73.358565°W 42.096176°N



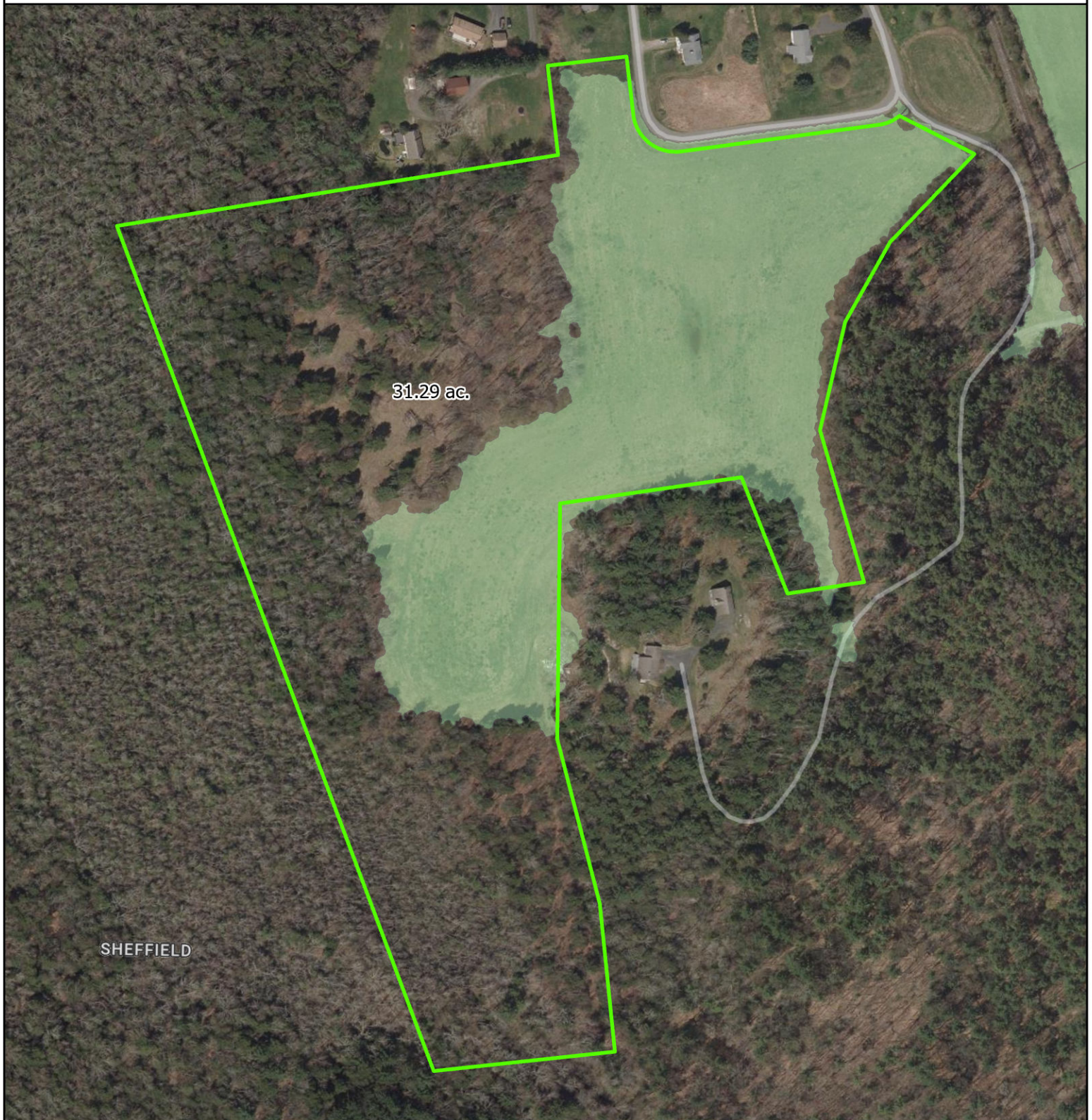
Data Provided by MDAR, NCRS, & MassGIS 2021 Imagery

Created by Massachusetts Department of Agricultural Resources

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Project Name: Martin, Christopher - Land Cover  
Sheffield, MA



Land Cover	Acreage	% Land Cover
Open Agriculture	12.57	40.19%

0 112.5 225 450 Feet

Center: 73.358509°W 42.096159°N

Data Provided by MassGIS, MDAR, and LCLU (2016)

Created By Massachusetts Department of  
Agricultural Resources

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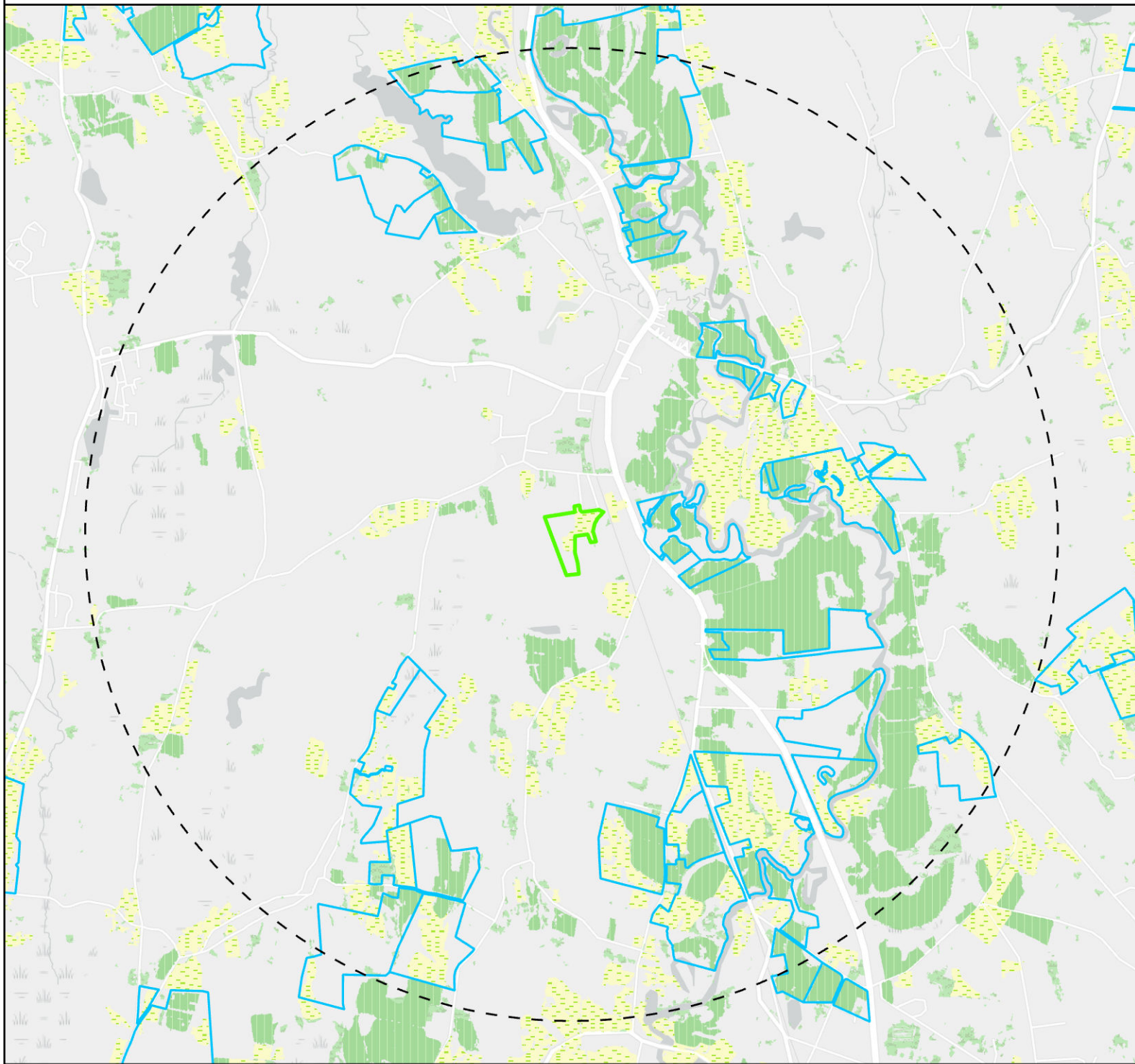
- Open Agricultural Land
- APR Project



**APR Project = 31.29 acres**



# Project Name: Martin, Christopher - 2.5 mile Block Map



## Land Cover Summary Within 2.5 mile Radius

Land Cover Name	Acres on APR
Cultivated	564.96
Grassland	48.44
Pasture/Hay	353.97

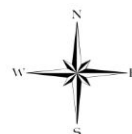
Land Cover Name	Acres
Cultivated	1353.72
Grassland	259.02
Pasture/Hay	1065.84

12,566 acres total with 2.5 miles

This map shows active agricultural areas and APRs within 2.5 miles of the project area. Active ag. is determined by the LCLU (2016) dataset.

- Existing APR
- Cultivated
- Pasture/Hay
- Grassland
- APR Applicant

There are 17 APRs within 2.5 miles of this project.



0 0.5 1 Miles

Center: 73.358775°W 42.096588°N

Data Provided by Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, USDAMDAR, & NCRS

Created by Massachusetts Department of Agricultural Resources

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# MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES

## AGRICULTURAL PRESERVATION RESTRICTION PROGRAM

### Narrative for Vote of Interest

#### **Joan Wiehl Estate c/o Paul E. Wiehl – Sheffield – Berkshire**

This ± 38.15-acre property consists of two parcels along the Housatonic River on Hewins Street in Sheffield. Parcel 29.2 (524 Hewins Street) includes approximately 33.56 acres along the westerly side of Hewins Street, and Parcel 13.1 (0 Hewins Street) includes approximately 4.59 along the easterly side of the street. The property is located in a highly active agricultural area, and directly abuts the existing Chapin APR and Egerton Family Tr APR. In total, 17 existing APR properties are located within 2.5 miles of the Wiehl property, totaling over 800 acres of active agricultural land protected by Agricultural Preservation Restriction.

An existing single-family residential structure located at the far north of the 524 Hewins Street parcel is to be excluded from the APR area, resulting in a total proposed APR area of ± 37.15 acres. Soils for this proposed APR area consist of 14.6 acres of prime farmland (39.4%) and 5.2 acres of farmland of statewide importance (14.1%). In total, 20.32 acres (54.7%) of the proposed APR area is currently utilized for open agriculture. As a result, the entire project would be eligible for ACEP-ALE funding.

The Joan Wiehl Estate, represented by Paul E. Wiehl, maintains a lease agreement with Sheffield Sod Farm (Goodchild Family) to grow and harvest hay from this 20.32 acres in support of their livestock operation consisting of 16-20 beef animals. Sheffield Sod Farm is located approximately 1.5 miles to the south of the Wiehl property. Average hay yields are approximately 5-6 tons per acre. The applicant suggests that the protection of this property for agricultural use is critical to the ongoing viability of the Goodchilds' farm operation that currently includes 130 acres of hay production, 20 acres of corn production, 100 acres of sod, and approximately 50 acres for pasture and farm infrastructure.

The Sheffield Land Trust has facilitated this APR application, citing the property's quality soil condition, critical importance to commercial agricultural activity in the community, and viability for long-term commercial agriculture. The Applicant intends to maintain the existing agreement with the Goodchild family to manage hay operations that on average achieve three harvests per year.

Note that parcel 29.2 includes minor discrepancy in total lot size (acreage) between the Town of Sheffield tax record and MDAR GIS analysis. The owner has contracted with a land surveyor to produce an updated property survey for estate planning purposes.

APR Parcel Scoresheet Rating: 320 Points

Staff Recommendation: Staff recommendation is to nominate for a vote of interest with the condition that ongoing survey work by the applicant be completed prior to the completion of a property appraisal by the Department to ensure lot size accuracy.





Photo #	Waypoint #	Description	Direction
1		Far southwest point of 524 Hewins along river	NE



Photo #	Waypoint #	Description	Direction
2		Undeveloped parcel 13.1 to west of Hewins St.	NE





Photo #	Waypoint #	Description	Direction
3		Access point for parcel 13.1 from Hewins Street	W

**MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES  
AGRICULTURAL PRESERVATION RESTRICTION PROGRAM**

**Preliminary Evaluation Sheet**

ALPC MEETING DATE: May 3, 2023

APPLICANT: Joan Wiehl Estate c/o Paul E. Wiehl

DATE APPLIED: 10/27/2022

PROPERTY LOCATION: 524 Hewins Street, Sheffield

COUNTY: Berkshire

CURRENT AG. USE: Hay

HIGHEST POTENTIAL AG. USE: Hay with potential for row crops

ASKING PRICE:

PRICE PER ACRE:

LAND USE	ACREAGE	SOIL CLASSIFICATION	
		CLASS	ACREAGE
Tillable Cropland	20.32	Prime Farmland	14.6
Non-tillable Cropland		State Important Soils	5.2
Nursery/Orchard		Unique Farmland	
Pasture		Other land	---
Managed Woodland		TOTAL Prime and SI	19.8 (53.5%)
Unmanaged Woodland	± 9.41		
Ponds/Wetlands	± 7.42		
Other			
TOTAL ACRES			
TOTAL ACRES FOR RESTRICTION	37.15		

CONSERVATION PLAN: No

CHAPTER 61A: Yes

ACRES TO BE EXCLUDED: 1 existing residential structure including septic and well approximately 1 acre.

OWNERS COMMENT: Intend to utilize APR as a tool for estate planning to prevent subdivision amongst trustees and maintain land in support of existing area farming operations through hay production.

MUNICIPAL COMMENT: Supportive of application including right to farm bylaw and 17 existing APRs within 2.5-mile radius

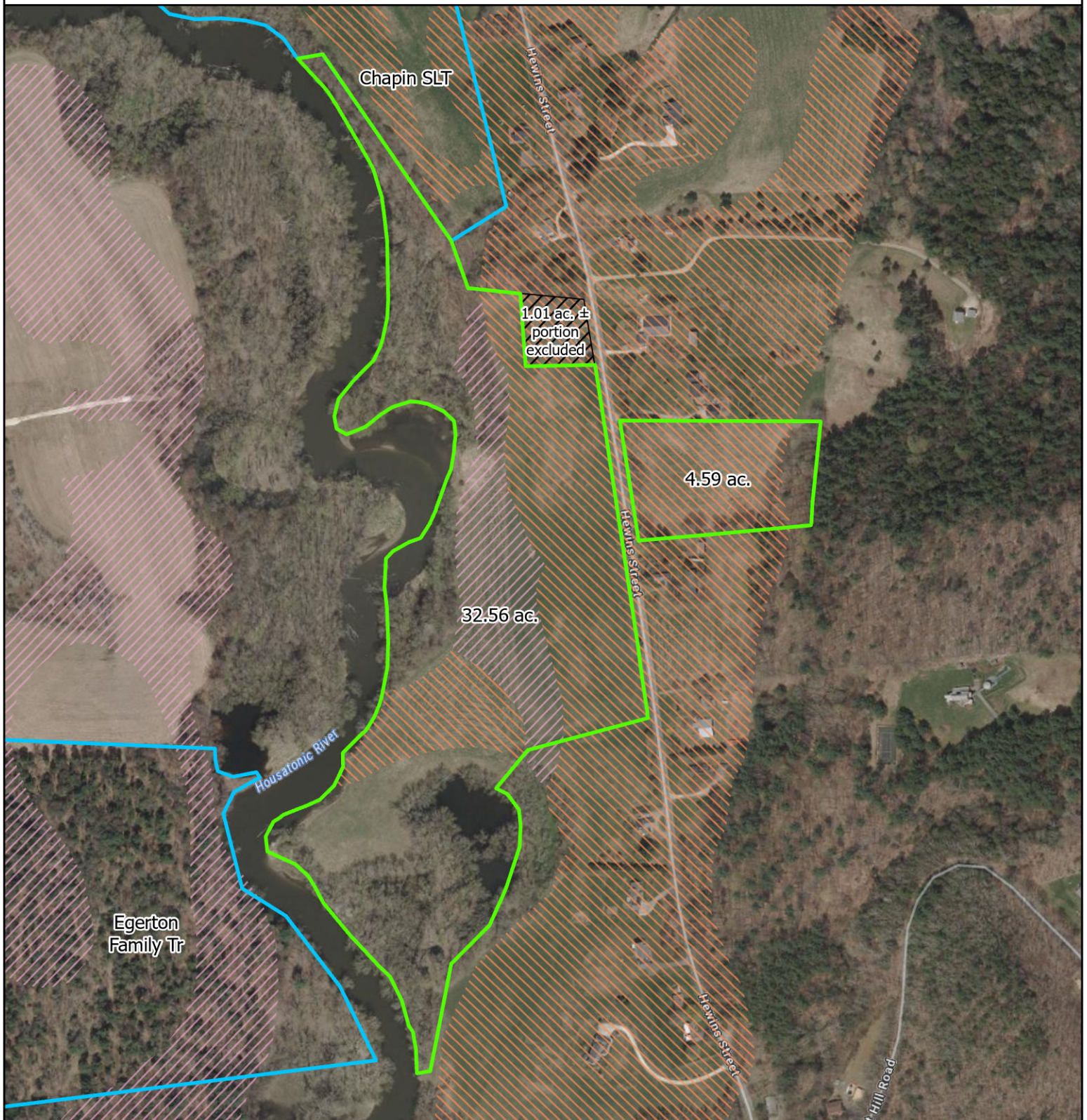
STAFF COMMENT & RECOMMENDATION: **Vote to approve for appraisal.**

Application initially included portions of parcel 13 at 583 Hewins Street but staff request to remove based on complication of residential and rear exclusions, concerns about effective stewardship and propensity for encroachment, particularly if future transfer of ownership.

Landowner's Name: Joan Wiehl Estate		Total Acres: 38.15
Property Address: 524 Hewins Street Sheffield, MA		Eligible Acres: 37.15
<b>Application Eligibility and Land Determination Requirements</b>		
<b>Thresholds - State</b>		Yes
Parcel fulfills at least one EEA Land Conservation Priority		<input checked="" type="checkbox"/>
Products raised on parcel are sold in the normal course of business (i.e. commercial operation)		<input checked="" type="checkbox"/>
Parcel in active agricultural production for at least previous two years		<input checked="" type="checkbox"/>
Parcel contains at least 5 acres of active agricultural land		<input checked="" type="checkbox"/>
<b>Thresholds - Federal</b>		
Parcel consists of a single contiguous land parcel		<input checked="" type="checkbox"/>
Parcel contains ≥ 33% open farmland and ≤ 66% woodland		<input checked="" type="checkbox"/>
Parcel contains ≥ 50% of a combination of prime/state important soils		<input checked="" type="checkbox"/>
If sod/nursery operation, parcel meets NRCS tolerance for soil loss		<input type="checkbox"/>
<b>Parcel Attributes</b>		
% in open ag use: <u>54.7%</u>	Points	% prime/state soils: <u>53.5%</u>
33-50%	25	51-65%
51-75%	<u>50</u>	66-80%
76-100%	75	81-100%
Total	50	Total
		25
<b>Land Use</b>		
Land Use Majority (circle one)		Points
Vegetable/Small Fruit/Tobacco		75
Hay/Forage/RowCrops/Orchard/Vineyard		<u>50</u>
Pasture		25
Christmas Trees/Sugarbush		10
Total		50
<b>Location</b>		
Active commercial APR land within 2.5 mile radius: 808.6 ac		Points
None		0
1-250 acres		10
251-500 acres		25
over 500 acres		<u>50</u>
Abutting (including across street)		<u>+10</u>
Total		60
<b>Size</b>		
Acres of land in open ag use: <u>20.32</u> acres		Points
5-25		<u>10</u>
26-75		25
76 +		50
Total		10
<b>Ownership/Succession</b>		
Attribute		Points
Land owner is also farm operator		50
Farm operator makes majority of income farming		<u>25</u>
Farm operator has long term (5+ yr) written lease w/owner		<u>15</u>
Farm owner/operator owns other APR land		10
Written succession plan prepared by professional		10
Total		40
<b>Intensity/Productivity</b>		
Percent of open land intensively farmed: <u>95</u> %		Points
0-25%		0
26-75%		25
76-100%		<u>50</u>
Total		50
<b>Agricultural Priorities</b>		
Priority		Points
Right to Farm Bylaw		<u>10</u>
Total		10
Single fam building permits - 5 yr average: <u>5</u> permits		Points
between 1 and 5		<u>5</u>
6-15		15
More than 15		25
Total		5
Subtotal		300
<b>Additional Information</b> Points 20		
Parcel contains at least 75% prime soils (20 points)		
Staff Comments (1-40 points): Property is situated in close proximity to 17 existing APRs. Average 3 hay cuttings per year in support of local farming/livestock operations. Land directly abuts the Housatonic River and includes farmland of local importance (Limerock silt loam)		
Additional Comments/Considerations: Average yield of 5-6 tons of hay per acre utilized by Goodchilds of Sheffield Sod Farm to support their livestock operation (approximately 16-20 beef animals). Alignment with Sheffield Land Trust priorities.		
Total Points		320



# Project Name: Wiehl- Soils Sheffield, MA



FRMLNDCLS	SoilAcres	% Soil Type
All areas are prime farmland	14.6	39.4%
Farmland of statewide importance	5.2	14.1%

**APR Applicant = 37.15 acres**

- Existing APR
- All areas are prime farmland
- Farmland of statewide importance
- APR Applicant
- Exclusion

0 150 300 600 900 Feet

Center: 73.325477°W 42.092935°N



Data Provided by MDAR, NCRS, & MassGIS 2021 Imagery

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# Project Name: Wiehl - Land Cover Sheffield, MA



Land Cover	Acreage	% Land Cover
Open Agriculture	20.32	54.7%

**37.15 acres total**

0 170 340 680 Feet

Center: 73.325492°W 42.092963°N

Data Provided by MassGIS, MDAR, and LCLU (2016)

Created by Massachusetts Department of Agricultural Resources

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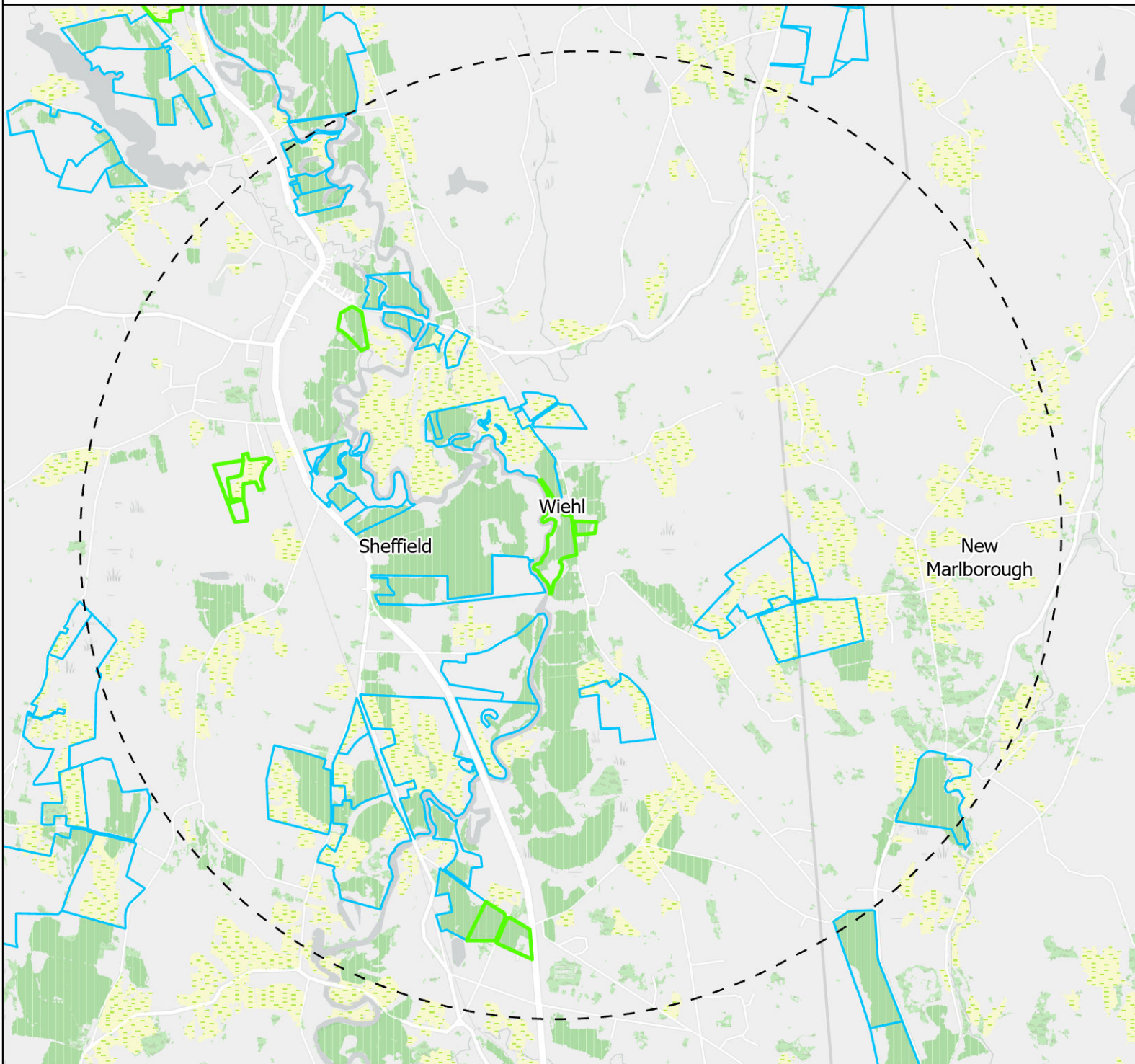


- Exclusion
- Open Agriculture
- APR Applicant
- Existing APR





# Project Name: Wiehl - 2.5 mile Block Map



## Land Cover Summary Within 2.5 mile Radius

Land Cover on APRs	Acres
Cultivated	412.6
Grassland	25.9
Pasture/Hay	370.1

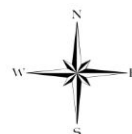
Land Cover w/in 2.5 miles	Acres
Cultivated	1254.1
Grassland	408.9
Pasture/Hay	1418.2

12,566 acres total with 2.5 miles

This map shows active agricultural areas and APRs within 2.5 miles of the project area. Active ag. is determined by the LCLU (2016) dataset.

- Existing APR
- Cultivated
- Pasture/Hay
- Grassland
- Town Boundary
- APR Applicant
- 2.5 mile Buffer

There are 17 APRs within 2.5 miles of this project.



0 0.5 1 Miles

Center: 73.324901°W 42.093099°N

Data Provided by Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, USDAMDAR, & NCRS

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MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES  
AGRICULTURAL PRESERVATION RESTRICTION PROGRAM

Narrative for Vote of Interest

**Robert M. Thomas, Jr. & Rebecca Myers Thomas – Sheffield – Berkshire**

This ± 56.9-acre property consists of approximately 12.76 acres of open agricultural land along the property frontage with the remaining acreage consisting of established woodland and wetland areas. There is a noticeable increase in grade to the west of the open agricultural portion of the property. No exclusions are proposed as this property has no history of residential use or other development. There are 11 existing APRs with approximately 655 acres in commercial agricultural use within a 2.5-mile radius. The preservation of this property through APR is also intended to contribute to the existing Sheffield-Egremont Agricultural, Ecological & Scenic Corridor project initiated by both the Sheffield and Egremont Land Trusts. These organizations have submitted an EEA Landscape Partnership Grant application for phase 5 of the corridor project with budgeted funds in support of this proposed APR project.

The property owner maintains an agreement with the Larkin Farm in Sheffield to manage and harvest hay with any average yield of 6 tons per acre annually. Larkin Farm utilizes hay produced for feed in support of area dairy and livestock operations. Larkin Farm also leases and owns other APR properties in Sheffield for similar agricultural activity.

The property includes approximately 19.9 acres of prime farmland (34.9%). Almost the entirety of land utilized for open agriculture includes this prime designation. In total, 12.76 acres of the property are utilized for agricultural purposes (22.4%). These parcel attributes do not meet federal eligibility requirements for ACEP-ALE funding. Therefore, the Sheffield Land Trust (SLT) has committed to providing the required 50% funding match should this APR project proceed. This SLT funding match is not reliant upon the award of Landscape Partnership grant funds. MDAR does not object to pursuing this APR without federal ACEP-ALE funding based on the viability of long-term agricultural use, the land resource, quality of soils, and importance of the property to the wider land conservation corridor in Sheffield.

The majority of woodland area is designated by MassWildlife as NHESP priority habitat of rare species. Typically, this designation can require the development of a habitat management plan. Both the Resilient Lands Initiative and the Farmland Action Plan encourage the protection of wildlife habitat and consideration of whole farm parcels in achieving additional benefits of farmland preservation.

**APR Parcel Scoresheet Rating:** 240 Points

Staff Recommendation: Staff recommendation is to nominate for a vote of interest noting that the Sheffield Land Trust intends to provide matching funds in place of NRCS ACEP-ALE funding and develop a priority habitat management plan if required.





Photo #	Waypoint #	Description	Direction
1		Open Ag along Bow Wow Rd. Frontage	S



Photo #	Waypoint #	Description	Direction
2		Woodland area with grade change	SW

**MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES  
AGRICULTURAL PRESERVATION RESTRICTION PROGRAM**

**Preliminary Evaluation Sheet**

ALPC MEETING DATE: May 3, 2023

APPLICANT: Robert M. Thomas & Rebecca Myers

DATE APPLIED: 4/24/2023

PROPERTY LOCATION: 0 Bow Wow Road, Sheffield

COUNTY: Berkshire

CURRENT AG. USE: Hay

HIGHEST POTENTIAL AG. USE: Row crops

ASKING PRICE:

PRICE PER ACRE:

LAND USE	ACREAGE	SOIL CLASSIFICATION	
		CLASS	ACREAGE
Tillable Cropland	12.76	Prime Farmland	19.9
Non-tillable Cropland		State Important Soils	
Nursery/Orchard		Unique Farmland	
Pasture		Other land	.27 (Local)
Managed Woodland		TOTAL Prime and SI	19.9 (34.9%)
Unmanaged Woodland	± 27.3		
Ponds/Wetlands	± 16.9		
Other			
TOTAL ACRES	56.99		
TOTAL ACRES FOR RESTRICTION	56.99		

CONSERVATION PLAN: No

CHAPTER 61A: Yes

ACRES TO BE EXCLUDED: None

OWNERS COMMENT: Property owner maintains agreement with Larkin Farm of Sheffield to manage hay operation of the property resulting in an average yield of 6 tons per acre of open land. Larkin utilizes hay generated to provide local feed to existing area farmers, specifically dairy and livestock operations. Larkin manages through lease agreement and owns additional APR land in Sheffield.

MUNICIPAL COMMENT: Supportive of application including right to farm bylaw and 11 existing APRs within 2.5-mile radius.

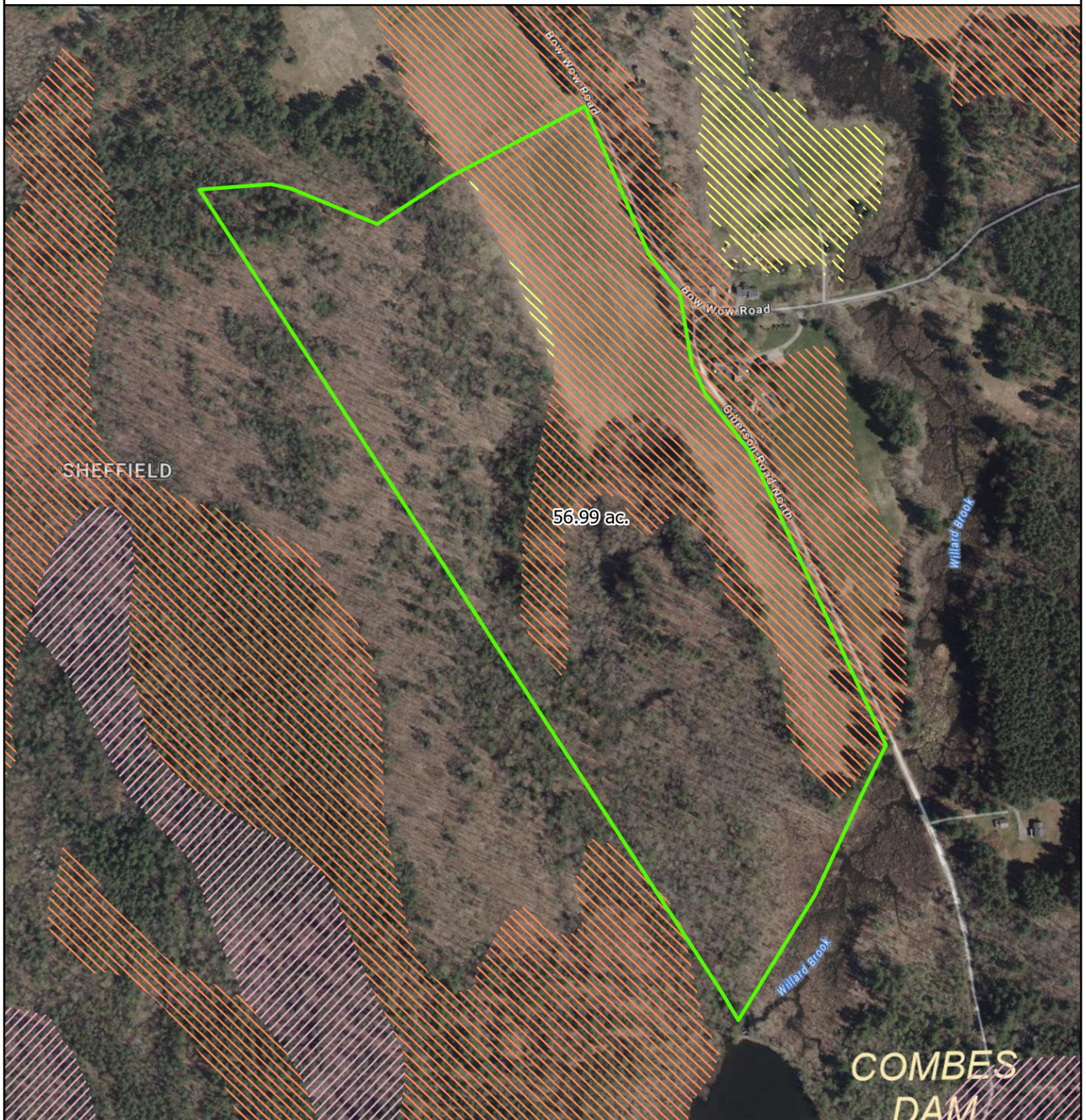
STAFF COMMENT & RECOMMENDATION: **Vote to approve for appraisal.** Proposed APR would be included with ongoing Sheffield/Egremont Land Trust initiative for protected land and connectivity of the Sheffield-Egremont Agricultural, Ecological & Scenic Corridor Project. Phase 5 of this project is pending grant application results

from the EEA Landscape Partnership program. The inclusion of woodland and wetland areas within the proposed APR area results in soil percentage and open agriculture percentage that would not be eligible for NRCS ACEP-ALE funding. Sheffield Land Trust intends to provide matching funds (50%) toward acquisition of the APR, whether awarded a Landscape Partnership grant or other allocated funds for this project.

Landowner's Name: Robert Thomas & Rebecca Myers		Total Acres: 56.99
Property Address: 0 Bow Wow Road Sheffield, MA		Eligible Acres: 56.99
<b>Application Eligibility and Land Determination Requirements</b>		
<b>Thresholds - State</b>		Yes
Parcel fulfills at least one EEA Land Conservation Priority		<input checked="" type="checkbox"/>
Products raised on parcel are sold in the normal course of business (i.e. commercial operation)		<input checked="" type="checkbox"/>
Parcel in active agricultural production for at least previous two years		<input checked="" type="checkbox"/>
Parcel contains at least 5 acres of active agricultural land		<input checked="" type="checkbox"/>
<b>Thresholds - Federal</b>		
Parcel consists of a single contiguous land parcel		<input checked="" type="checkbox"/>
Parcel contains $\geq$ 33% open farmland and $\leq$ 66% woodland		<input type="checkbox"/>
Parcel contains $\geq$ 50% of a combination of prime/state important soils		<input type="checkbox"/>
If sod/nursery operation, parcel meets NRCS tolerance for soil loss		<input type="checkbox"/>
<b>Parcel Attributes</b>		
% in open ag use: 22%	Points	% prime/state soils: 34.9%
33-50%	25	51-65%
51-75%	50	66-80%
76-100%	75	81-100%
Total	0	Total
<b>Land Use</b>		
Land Use Majority		Points
Vegetable/Small Fruit/Tobacco		75
Hay/Forage/RowCrops/Orchard/Vineyard		50
Pasture		25
Christmas Trees/Sugarbush		10
Total		50
<b>Location</b>		
Active commercial APR land within 2.5 mile radius: 655 ac		Points
None		0
1-250 acres		10
251-500 acres		25
over 500 acres		50
Abutting (including across street)		+10
Total		50
<b>Size</b>		
Acres of land in open ag use: 12.76 acres		Points
5-25		10
26-75		25
76 +		50
Total		10
<b>Intensity/Productivity</b>		
Percent of open land intensively farmed: 90 %		Points
0-25%		0
26-75%		25
76-100%		50
Total		50
<b>Ownership/Succession</b>		
Attribute		Points
Land owner is also farm operator		50
Farm operator makes majority of income farming		25
Farm operator has long term (5+ yr) written lease w/owner		15
Farm owner/operator owns other APR land		10
Written succession plan prepared by professional		10
Total		35
<b>Agricultural Priorities</b>		
Priority		Points
Right to Farm Bylaw		10
Total		10
Single fam building permits - 5 yr average: 5 permits		Points
between 1 and 5		5
6-15		15
More than 15		25
Total		5
Subtotal		210
<b>Additional Information</b>		Points 30
Parcel contains at least 75% prime soils (20 points)		
Staff Comments (1-40 points): Land would contribute to Sheffield-Egremont Agricultural, Ecological & Scenic Corridor project, specifically Phase 5 around the Bow Wow Woods totaling approximately 500 acres. Both the Sheffield & Egremont Land Trusts have submitted an EEA Landscape Partnership Grant to support this Phase 5 including the proposed Thomas APR		
Additional Comments/Considerations: Property currently utilized by Larkin Farm in Sheffield for feed operation hay production		
Total Points		240



# Project Name: Thomas - Soils Sheffield, MA



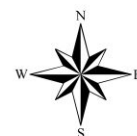
FRMLNDCLS	Soil Acres	% Soil Type
All areas are prime farmland	19.9	34.9%
Farmland of local importance	0.27	0.5%

**APR Applicant = 56.99 acres**

- All areas are prime farmland
- Farmland of statewide importance
- Farmland of Local Importance
- APR Applicant

0 175 350 700 1,050 Feet

Center: 73.394804°W 42.121887°N



Data Provided by MDAR, NCRS, & MassGIS 2021 Imagery

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Project Name: Thomas - Land Cover  
Sheffield, MA



Land Cover	Acreage	% Land Cover
Open Agriculture	12.76	22.4%



Center: 73.394782°W 42.121868°N

Data Provided by MassGIS, MDAR, and LCLU (2016)

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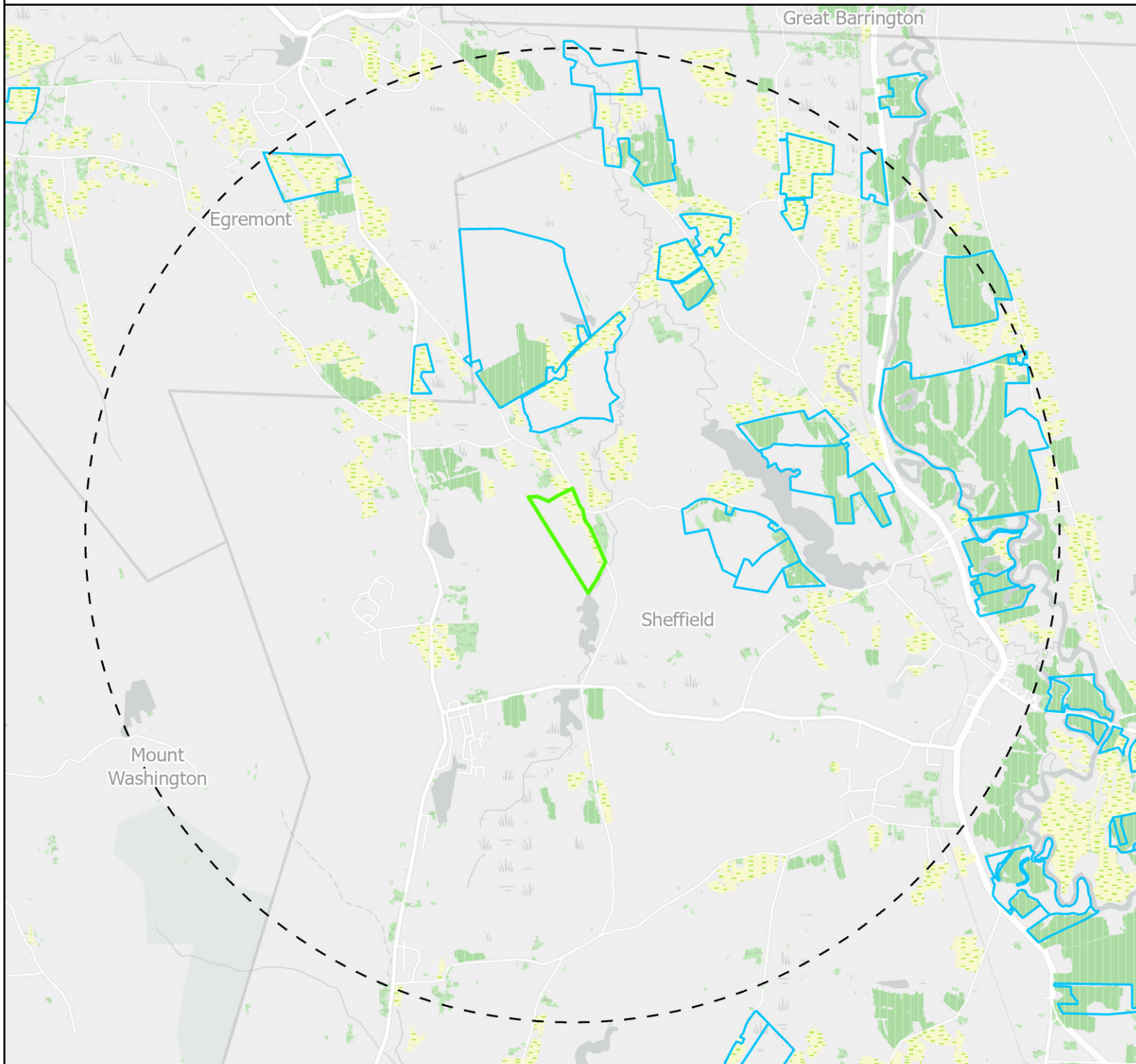
- Open Agriculture
- Existing APR
- APR Applicant



56.99 acres total



# Project Name: Thomas - 2.5 mile Block Map



## Land Cover Summary Within 2.5 mile Radius

Land Cover within APR	Acres
Cultivated	435.2
Grassland	18.6
Pasture/Hay	201.5

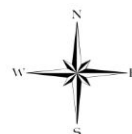
Land Cover within Buffer	Acres
Cultivated	734.1
Grassland	199.8
Pasture/Hay	868.4

12,566 acres total with 2.5 miles

This map shows active agricultural areas and APRs within 2.5 miles of the project area. Active ag. is determined by the LCLU (2016) dataset.

- Existing APR
- Cultivated
- Pasture/Hay
- Grassland
- Town Boundary
- APR Applicant
- 2.5 Mile Buffer

There are 11 APRs within 2.5 miles of this project.



0 0.5 1 Miles

Center: 73.39425°W 42.122288°N

Data Provided by Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, USDAMDA, & NCRS

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