

AGRICULTURAL LANDS PRESERVATION COMMITTEE MEETING

Wednesday, November 28, 2022

10:00 AM to 12:30 PM

Members Present:

John Lebeaux, Department of Agricultural Resources
Karen Schwalbe, Massachusetts Farm Bureau Federation
Kathy Orlando, Sheffield Land Trust
Kurt Gaertner, EEA
Clem Clay, UMASS (joined later)
Warren Shaw Jr., Public Member
Fred Dabney, Public Member
Laura Abrams, Public Member
Phil DeMartino, OCD
Skip Vadnais, Board of Agriculture
Rita Thibodeau NRCS

Members Absent:

Susan Flaccus, Public Member

Also present:

Jamie Pottern: American Farmland Trust
Brian Thomas: Appraiser
Becca George: DHCD
Gerard Kennedy, Barbara Hopson, Chris Chisholm, Tina Smith, Nathan Moyer, Julie Weiss, Dave Viale, Tyler Maikath, Ron Hall, Michele Padula, Jill Ward, Jay Rosa, Margaret Callanan, Evan Marshall, Jake Lehan, Dorothy Du:
Department of Agricultural Resources

Meeting Called to Order

John Lebeaux, Chairperson of the Agricultural Lands Preservation Committee ("ALPC") and Commissioner (the "Commissioner") of the Massachusetts Department of Agricultural Resources (the "Department"), called the meeting to order. He provided instructions on how he will manage the virtual Teams 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.

Approval of Minutes from September 14, 2022

Kathy Orlando proposed amending the minutes of 9/14/2022. In the section where the matter of locally important soils is discussed a sentence in the fourth paragraph should be corrected to state: "Kathy Orlando said communities have been working with Al Averill, soil scientist with American Farmland Trust, to identify by aerial photography where the soils are located. She says that it's a pretty straightforward and clear process. A map is produced and a letter from either the Agricultural Commission or Select Board is sent to NRCS to request the designation." In the next paragraph she noted that the following language should be added "that would be very individualized by community, so could it be incorporated into the primary criteria?"

Motion to Approve: Fred Dabney. Second: Karen Schwalbe. Unanimous Vote.

Brief Department Updates:

The Commissioner shared some updates:

Closings: This month, a project closed in Buckland, a property of 32 acres of hay, corn, and a farmstand.

Summary: 945 properties have been closed based on latest analysis protecting 74,800 acres. There are 12 pending Vote of Interest projects, with 436 acres to be considered for protection; 15 pending Final Vote projects for just over 655 acres with an APR value of \$7.26 million and a cost to the Commonwealth of \$5.26 million.

The program accepts applications year-round and has shifted to conducting reviews every quarter with the first review due date being November 30th. The program has successfully enrolled 4 APR projects for Fiscal Year 22 in the federal Easement Program totaling nearly 80 acres, with an estimated easement value of \$1.84 million and a Federal share equaling \$924,000.

The Commissioner called on Rita Thibodeau to report about NCRS. She stated that \$1,900,022 in funding is available for FY23. There was a reduction in funding, but she is hopeful that they can ask for additional funds if needed. Application deadline is December 30th this year.

The Commissioner updated the Committee on the personnel changes: He mentioned that Caroline Raisler has left MDAR for DCR. Barbara Hopson has moved over to being the lead on Land Licensing, and the Commissioner thanked her very much for all the work she has done over many, many years. He mentioned that leaves an APR vacancy they are looking to fill. We have a new Acquisition person, Jay Rosa, and two new Stewardship people, Nathan Moyer, and Tyler Maikath.

The Commissioner recapped the Big E, noting that 144,000 or so people passed through the MA Building. He also spoke about how bad the Spotted Lantern Fly invasion is in MA.

Clem Clay joined the meeting at 10:50.

Final Votes:**1. Michael P. Ferry, Inc. – Westport – Bristol County**

Chris Chisholm presented. The 32 +/- -acre parcel is located on Gifford Road and Mouse Mill Road in Westport and is owned by Mike Ferry. This 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 family has opened a bottling facility on a nearby parcel and has started producing pasteurized milk and yogurt. 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.

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

Market Value Before Restriction - \$1,100,00 (\$34,375/acre)

Market Value After Restriction (agricultural value) - \$160,000 (\$5,000/acre)

APR value - \$940,000 (\$29,375/acre)

The Commonwealth offer of approximately 88% of the APR value (\$825,160 or \$25,786.25/acre) was accepted by Michael. The Westport Land Trust has indicated that it will support this application and has the necessary funds for a 10% contribution (\$94,000). The remaining \$20,840 will be taken as a bargain sale.

Staff Recommendation:

Staff recommends final voting this property for \$825,160 from the Commonwealth and the

remaining value (\$94,000) in the form of a local contribution and/or landowner bargain sale. The usual conditions apply.

Karen Schwalbe made the motion to approve, Kurt Gaertner seconded. All in favor, unanimous.

2. Padula/ Sterling Realty Trust

Chis Chisholm presented. The 21.21-acre parcel located on North Row Road in Sterling is owned by Michael L. Padula as Trustee of the Padula/Sterling Realty Trust. Approximately 12 acres are being used to raise hay and the remainder is wooded or wet. Fifty five percent of the soils are classified as prime or state important. This parcel is utilized by a local APR farmer, Larry Powers. When Mr. Powers retires, the Murray Family has already expressed interest in taking over the management of the property.

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

Market Value Before Restriction - \$525,000 (\$24,752/acre)

Market Value After Restriction (agricultural value) - \$106,00 (\$4,998/acre)

APR value - \$419,000 (\$19,755/acre)

The Commonwealth offer of 90% of the APR value (\$377,100 or \$17,779.34/acre) was accepted by Michael Padula as Trustee. The Town of Sterling has indicated that it will support this application and has the necessary funds - 10% contribution (\$41,900)

Staff Recommendation:

Staff recommends final voting this property for \$377,100 from the Commonwealth and the remaining value (\$41,900) in the form of a local contribution and/or landowner bargain sale. The usual conditions apply.

Warren Shaw made the motion to approve, Laura Abrams seconded. All in favor, unanimous.

3. Cotter/Maloney – Douglas - Worcester County –

Michele Padula presented. Riddle Brook Farm, owned by Mike and Shea Maloney, is located on Main Street in Douglas and consists of 7.5 acres. Mike and Shea operate this productive, diversified farm with 5 acres in production including tilled beds for cut flowers, mixed vegetables, blueberries, and a flock of laying hens. Ninety eight percent of the property is comprised of prime/state important soils.

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

Market Value Before Restriction - \$135,000 (\$18,000/acre)

Market Value After Restriction (agricultural value) - \$30,000 (\$4,000/acre)

APR value - \$105,000 (\$14,000/acre)

The Commonwealth's offer of \$94,500 (\$12,600/acre) was accepted by the owners. Staff has reached out to the Town of Douglas regarding a local match but a contribution is unlikely so it appears that the landowners will be taking a bargain sale of \$10,500.

Staff Recommendation:

Staff recommends final voting this property for \$94,500 from the Commonwealth and the remaining value (\$10,500) in the form of a local contribution and/or landowner bargain sale. The usual conditions apply.

Warren Shaw made the motion to approve, Karen Schwalbe seconded. All in favor, unanimous.

4. King - Sutton - Worcester County

Michele Padula presented. This 23 +/- acre property located on King Road in Sutton is owned by Glenn King and is used for hay production. The parcel was originally part of the 200+ acre abutting Highloft Farm owned by Glenn's sister Sharon Kent, but a small parcel was subdivided and transferred into Glenn's ownership. Glenn and Sharon operate Highloft Farm together and they currently have 150 Dorper sheep on the property.

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

Market Value Before Restriction - \$480,00 (\$20,870/acre)

Market Value After Restriction (agricultural value) - \$95,350 (\$4,145/acre)

APR value - \$384,650 (\$16,723/acre)

The Commonwealth's offer of \$324,190 (\$14,095/acre) was accepted by the landowner.

The Town of Sutton will be contributing \$19,233 so the remaining value (\$41,227) will be taken as a bargain sale.

Staff Recommendation:

Staff recommends final voting this property for \$324,190 from the Commonwealth, with a contribution of \$19,233 from the Town of Sutton and a \$41,227 Landowner Bargain Sale. The usual conditions apply.

Clem Clay made the motion to approve, Karen Schwalbe seconded. All in favor, unanimous.

5. Picone – Middleborough – Plymouth County

Chris Chisholm presented. The 92.13 -acre parcel is located on Plymouth Street in Middleborough and is currently owned by the Picone Family as a successful hay operation. The property is under Chapter 61A and is currently going through a ROFR process. The Town of Middleborough has assigned the ROFR over the northern half of the property (approximately 92.13 acres) to Wildlands Trust, this portion is the subject of this application.

Wildlands Trust has assigned its ROFR to Kevin Smith of Greensmith Farm, LLC. Kevin is currently running a mixed vegetable operation in Hanover and plans on moving his operation to the Picone farm once the land is restricted

There is one large barn on site (11,000 sq. ft.) which has been used as a chicken coop, milking barn, and hay storage. The property is accessible via frontage on Plymouth Street. The property also has approximately 3,600 feet 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.

Appraised values of the parcel established by Realworth Appraising and Consulting are as follows:

Market Value Before Restriction - \$2,200,000 (\$23,879.3/acre)

Market Value After Restriction (agricultural value) - \$480,000 (\$5,210/acre)

APR value - \$1,720,000 (\$18,669.27/acre)

The Wildlands Trust and the Town of Middleborough indicated that they will support this application and they have the necessary funds for a 50% contribution of \$860,000. The Commonwealth's offer of \$860,000 (9,334.63/acre) was accepted by Greensmith Farm LLC; therefore, the combined paid consideration for the parcel to be protected by an APR is \$1,720,000.

Staff Recommendation:

This parcel represents a valuable agricultural resource and is a critical farm parcel for which the Town of Middleborough has exercised a ROFR under Chapter 61A. In addition, the property will be purchased by Greensmith Farm, LLC simultaneously with an APR closing. Staff recommends final voting this property for

\$860,000 from the Commonwealth and the remaining value (\$860,000) in the form of a local contribution and/or landowner bargain sale. The usual conditions apply.

Warren Shaw made the motion to approve, Karen Schwalbe seconded. All in favor, unanimous.

6. Diane J. Lauzier- South Hadley- Hampshire County

Ron Hall presented. The 210 (+/-) acre property is located on Alvord Street in South Hadley, near a couple of APR properties in the area. There are two areas excluded, a 5 (+/-) acres homestead lot along Alvord Street and 45 (+/-) acres backland which will be donated as a CR or APR. The appraisal was completed for 159 (+/-) acres of the overall parcels. The property is partially rented to Barstow Longview Farm and partially rented by McCray Farm for forage corn and hay production.

According to NRCS, soils on the property proposed for APR consist of approximately 65.09 acres of prime farmland (41%) and 42.65 acres of soils of farmland statewide importance (27%) with an overall percentage of prime/farmland statewide importance of 68% prime/ state soils and are well suited to agricultural use.

Appraisal values established by O'Connor Real Estate Associates, Inc., yield an unrestricted full market value of \$2,700,000, or \$16,981 per acre. The restricted (agricultural value) is \$800,000 or \$5,031 per acre. Therefore, the APR value is \$1,900,000 or \$11,950 per acre.

The Commonwealth's offer is \$1,710,000; and it was determined that a local contribution/ bargain sale of \$171,000 or 10% will make up the local match. The Town of South Hadley has a land Conservation Fund and has a fundraising opportunity with the Kestrel Land Trust. The fund raising has been successful, and all indications are that the Town and Kestrel Land Trust have reached the 10% local contribution.

Staff Recommendation:

This parcel represents a valuable agricultural resource and is critical parcel to local farm operations located in the area. Staff recommends that this application is final voted at the APR value of \$1,900,000 less a local contribution/bargain sale of \$190,000 which equals a Commonwealth share of \$1,710,000. The usual conditions apply.

Clem Clay made the motion to approve, Karen Schwalbe seconded. All in favor, unanimous.

The Commissioner concluded the meeting with several remarks. He congratulated Karen Schwalbe on her new position as the Executive Director of the Massachusetts Farm Bureau. He also stated that this meeting this will be his last ALPC meeting, and thanked all the board members and staff. ALPC members expressed their best wishes to the Commissioner.

Motion to adjourn made by Karen Schwalbe. Second by Laura Abrams. Unanimous Vote.
Meeting adjourned at 11:13am.