

Department of Agricultural Resources

AGRICULTURAL LANDS PRESERVATION COMMITTEE

MINUTES OF MEETING

September 5, 2019

Massachusetts Technology Collaborative (MTC)

Weiss Conference Center

Room 102, 75 North Drive

Westborough, MA

MEMBERS PRESENT:

John Lebeaux, Department of Agricultural Resources

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

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

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

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

Laura Abrams, Board of Agriculture

Warren Shaw, Jr., Public Member

Fred Dabney, Public Member

Kathy Orlando, Sheffield Land Trust

Karen Schwalbe, Southeastern Massachusetts Agricultural Partnership, Inc

MEMBERS ABSENT:

Susan Flaccus

ALSO PRESENT:

Gerard Kennedy, Department of Agricultural Resources

Barbara Hopson, Department of Agricultural Resources

Ron Hall, Department of Agricultural Resources

Michele Padula, Department of Agricultural Resources

David Viale, Department of Agricultural Resources

Christine Smith, Department of Agricultural Resources

Margaret Callanan, Department of Agricultural Resources

Jen Boudrie, Department of Agricultural Resources

Gerry Palano, Department of Agricultural Resources

PUBLIC ATTENDEES:

Nathan L'Etoile, American Farmland Trust

Kristin Deboer, Kestrel Land Trust

Ken Crater, Community Harvest Project

David Outman, Harvard Conservation Trust

Chairperson of the Agricultural Lands Preservation Committee ("ALPC"), John Lebeaux and Commissioner of the Massachusetts Department of Agricultural Resources (the "Department"), called the meeting to order at 10:04 AM. Commissioner Lebeaux asked ALPC members and other attendees to introduce themselves and stated the meeting is being recorded and asked if anyone else was recording. There was not.

I. UPDATE

Commissioner Lebeaux updated the status of the APR regulations - they have been promulgated consistent with the

August 1st legislative deadline. A copy was provided to the ALPC.

The Department continues to try to realize the best outcomes for the Hemp program and is spending a lot of time on implementation. The Department's involvement in aerial mosquito control has taken considerable time and resources recently. There have been 11 Nights of spraying to date. Due to anticipated night time temperatures it appears aerial spraying may be complete for the year though there is the potential for additional ground spraying to occur. The last time this was required was 2012 and there aren't many staff still with MDAR that were part of that project so there was a bit of a learning curve. There have been four human cases including one fatality and seven equine fatalities.

He announced that Nick Pitel, APR Stewardship Planner is leaving the Department to work with a land trust in Chatam, NY. He will be missed, wish him well.

The Commissioner reviewed the APR report summary. Three projects have closed in FY 19 protecting 270 acres at a total APR value of \$3.19 million, with an MDAR contribution of \$2.97 million; local contribution of \$73,000 and bargain sales of \$319,800.

FY 20 to date the program has closed on 1 farm of 10 acres with a total APR value of \$180,000.

Pending projects total 17 with an acreage of 834. And there are 14 projects moving forward with a total acreage of 754.

USDA ALE program update - 12 applications awaiting processing, a new agreement expected this month with more detail coming then.

The Commissioner mentioned that at the recent NEASDA meeting an action item brought forward from RI was to recommend including nursery and sod operations in the federal ALE program (and therefore APR program in MA). MDAR is in support of this request as the nursery industry is the largest ag sector in the state and in RI.

II. APPROVAL OF MINUTES

a. June 13, 2019

It was moved, seconded with no further discussion and

VOTED: To approve of the minutes of June 13, 2019. The vote was unanimous.

III. VOTES OF INTEREST/NO INTEREST:

Ron Hall summarized the list. There are 19 applications, 3 withdrew for various reasons such as needing more time to think about the program, what areas to restrict or exclude, or successional planning. One application was ineligible due to lack of 50% quality soils requirement. Question from ALPC - how does this compare with the number of applications from previous years. Ron replied that in 2018 we had approximately 26 applications.

Warren Shaw asked if the reason the three properties withdrew was due to their own financial management or was it due to our policy such as the recent regulations or option to purchase. Ron stated that he was not aware of this as the reason and that it was largely due to their planning needs. Warren asked because he recently had a conversation with

someone who may be concerned.

Kathy Orlando asked about the farmer that did not qualify and if there was a regional land trust or someone who could help out? It is disturbing to hear that someone wanted to protect a farm but couldn't due to various requirements. Ron replied that we do try to communicate to folks that land trusts are an option and direct as best we can to land trusts. Michele Padula stated that this was a project where the landowner was frustrated with the requirements of configuration due to the eligibility requirements including gifting a portion of the area. Other options were provided but the landowner was unwilling to discuss further.

Kathy asked if there is a policy that can be established so that in those circumstances something can be worked out with a land trust to aid the landowner and have MDAR work with land trust. Michele stated that we automatically turn to the Town or land trust and usually that works but in this particular situation it did not.

Fred stated that he understands that part of the problem with frustration is sometimes the length of time it takes. He is wondering if there is anything that can be done to improve upon that timeline. Ron responded that each year we look at how to improve the timeline such as having due diligence completed sooner in the process. Gerard stated that the program was restructured in the past year by bringing in a Land Acquisition Specialist (Dave Viale) with the goal of centralizing the closing process which had previously been handled individually by field agents. The idea was to centralize key components of the process as a way to help reduce the closing time frame. Question whether it has made a difference - it has not been enough time yet to tell for sure. Fred looks forward to hearing the results. Warren mentioned that was also some of the thought process of the realignment of the application process? Gerard responded that we continue to address areas where that have been lags - for example we are bidding out title work sooner than we have done before. We should have a better understanding if this has been helpful over the next year.

Bob O'Conner stated that APR does not have enough state money to close on the projects being final voted right now. Ron said that the state allocation of funds is probably not enough. Bob - in the past the final voted list value was much more than the state allocated funds. Fred asked that if we see a significant drop in the number of applications we'd also see a significant drop in the amount of funding needed. Is that correct? Ron stated that each year we are given an allocation be EEA.

Kristin Deboer from the Kestrel Land Trust stated that from their perspective the three years to closing for an APR has dampened their proactive efforts in the Connecticut River Valley. So she wonders if there is a different way. Perhaps help the department define what the need is so it may help with the funding sources.

Gerard stated that the program would be happy to have that conversation offline and can set up a time to discuss - it is a larger conversation.

Kathy - would like to suggest expanding that discussion to go back and look at more rolling applications so that due diligence can be done as we go along. And also finding additional funds for non-federal projects for projects that don't fit into that timeline.

Gerard said that we are accepting applications year round - they are evaluated at the deadline so it is important to communicate to the community that we are accepting applications year round and prefer to get them further in advance.

Nathan - do we have a sense of where we stack up compared to other states in regard to the federal program? Dan - no list currently but if memory serves probably middle to lower half of the closing time frames.

Michele Padula stated that much of the timelag is just waiting. For example, the nominated projects today will not be final voted until there is a signed cooperative agreement in place which could be more than a year from now. She isn't sure if people are aware of this fact.

Kathy - it wasn't always that due diligence waited to be done. Wondering if there is something to be done to enable due diligence to be done before waiting for cooperative agreement to be signed.

Ron - survey is cost shared by landowner at 50% so we wait until final vote (currently). Certainly if there are ways to do that it would be helpful. Other due diligence is done sooner.

Dan - one of the biggest due diligence that plays into NRCS timeframe is the appraisal. Fed rules is that if there is an appraisal done within a couple of months of the federal cooperative agreement then no SAR is needed.

Commissioner - suggested moving to the votes.

a. Alan Fini/Henry Fini, Jr. – Westfield – Hampden County

Barbara Hopson presented the following narrative

This 32+/- acre property is located on East Mountain Road in Westfield and is part of the larger 140-acre Fini Farm. Approximately 2 acres on East Mountain Road containing the existing residential dwelling as well as a 3 +/- acre gravel operation in the rear of the parcel will be excluded. The existing house has frontage on East Mountain Road and the gravel operation will be accessible through either deeded access or a right-of-way. The proposed APR parcel is approximately 27.3 acres and consists of 100% prime and state farmland soils. Fini's Farm is a very successful vegetable operation producing the following: 200 acres corn, 80 acres rhubarb, 25 acres hybrid tomatoes, 18 acres green squash, 15 acres yellow squash, 14 acres turnips, 10 acres green beans, 8 acres string beans, 8 acres green peppers. The Fini's own around 140 acres and rent additional land in Southampton. Much of the produce is sold at their farm stand located around the corner from this parcel. The City of Westfield is very supportive of this application and voted positively at a recent meeting of the CPC to provide a substantial local contribution.

Gravel pit will be excluded because it is active and material is being taken out for use on their "home" farm. 100% prime and state soils, active vegetable operation. Currently own 140 acres in 3 towns. Much of the produce is sold at farmstand on nearby property. City of Westfield voted to move forward....but can't do the funding all themselves. 430 score. Staff recommendation is a Vote of Interest.

Questions from ALPC. Fred - the CPC voted to provide substantial contribution. Always thought a vote from the CPC requires the land be conserved and therefore made it difficult for the state to partake in conservation. Ron and Barbara clarified that it was an initial vote and the funds would not be expended until later - so it is not an issue for this project.

Bob O Connor- the value in the appraisal is probably significantly higher than the CPC value? Barbara - very well could. Also near the cap. Showed APR radius map to explain some of the criteria where the map applies. Bob - likes the new map.

Motion, second, no further discussion. All in favor - unanimous. Warren and Fred 1st, 2nd.

b. William & Kelly Galusha – Williamstown – Berkshire County

Barbara Hopson presented the following narrative:

This 20+/- acre property is located on Blair Road in Williamstown and is associated with the larger Fairfield's Dairy Farm, LLC APR parcels. Approximately 2 acres with frontage on Blair Road containing the existing residential dwelling will be excluded. The proposed APR parcel is approximately 18 acres and consists of 100% prime and state farmland soils. The parcel is currently used for corn production for Fairfield's Dairy, which milks around 150 head on over 400 acres of APR land. Bill Galusha would like to transition the field to organic vegetables in the future and create a retail outlet near the farm.

APR Parcel Scoresheet Rating: 365 points Staff recommendation is a Vote of Interest.

Excluding two acre house lot. Forage, 100% prime/state. Estimated around 150 head of cattle on over 400 acres of APR land. Tied to two existing APR's. Score 365.

Fred made a motion, Warren seconded. No further discussion. All in favor - unanimous.

c. Jasca Group LLC – Ludlow – Hampden County

Barbara - presented the following narrative

This 14.5+/- acre property is located on West Street in Ludlow. The parcel is part of a 50-acre parcel owned by Jasca Group LLC. Kestrel Land Trust has been working with the current landowner on a preservation strategy including a proposed Wetlands Reserve Easement Program application on the larger portion of the overall parcel. The proposed 14.5-acre APR parcel consists of 78% prime and state farmland soils. The parcel has most recently been used for mulch hay. Ryan Voiland, owner of Red Fire Farm, owns several APR parcels including a recent acquisition just north of this parcel over the county line in Hampshire County. In addition to land owned by Red Fire, they rent about 100 acres from others for vegetable and small fruit production. Red Fire Farm has sales of approximately @2.2 million per year and estimate that this parcel has the potential of producing gross revenue of about \$10,000 per year. Ryan Voiland will enter into a Purchase and Sale Agreement with the current landowner.

APR Parcel Scoresheet Rating: 345 points. Staff recommendation is a Vote of Interest.

Dan - Barbara - you said there is road frontage on this parcel? BH explained configuration. Bob - what is going to happen to the forestland? Kristin - this is one of the cases where the forest is not of interest to MDAR so up to the land trust to try to figure out. Limited development a possible option. Wonders if the APR area could be expanded? BH - because of the scoring she feels this is probably the best configuration to stay with.

Motion by Warren second by Laura, no further discussion. All in favor - unanimous.

d. Scott MacKenzie – New Marlborough – Berkshire County

Barbara presented the following narrative

This 70+/- acre property is located on Adsit Crosby Road in New Marlborough. There are two residential dwelling exclusions; one approximately an acre in size and located on the north side of Adsit Crosby Road and the other about 4.1 acres, which contains the landowners house and associated out buildings. The proposed APR parcel consists of 93% prime and state farmland soils. Scott MacKenzie currently grows hay on the parcel, which he uses to feed his livestock (beef and pigs) and sells the rest to local farmers. He also ran a farm stand for 30 years, farming a total of 7 acres in sweet corn and vegetables. This parcel is in an area of high agricultural activity and several local farmers would purchase the land subject to restriction in the future.

APR Parcel Scoresheet Rating: 325 points. Staff recommendation is a Vote of Interest.

Question about areas of land owned by MacKenzie. Barbara - a couple parcels are not owned by Scott. Attorneys to review if there is a ROW or some way to achieve legal access. Laura - she thought with an APR you could not have access to a non-farmer's house? BH - it would be excluded.

Warren Shaw commented that it may get a little dicey trying to figure out the parcels but willing to move forward with it.

Motion by Warren second by Laura - no further discussion. All in favor - unanimous.

e. Fisk, et al. – S. Deerfield - Franklin County

Michele Padula presented the following narrative

Pamela Fisk recently inherited this property on South Mill River Road in S. Deefield along with her brother Arno Skalski and sister Sandra LaCoy. Pamela lives in the house located on an exclusion which she bought out from her siblings, but they still own the land together. It consists of approximately 6.6 acres which is all open and nearly all prime soils (97%). The property has been leased to Joe Tatro, a local dairy farmer, for the last 20 years and Joe has rotated corn and hay over the years. Max Antes, another local farmer who owns an APR headquarters nearby, will use the barn that is located on the Fisk property as a shelter for his animals since he leases the abutting field to pasture his cows. This property is located in a very

Another local farmer will be using the barn, (leases abutting field). 320 score. Staff recommendation is a Vote of Interest.

Laura - what's the smallest parcel we'd consider an APR for? MP - 5 acres.

Laura - this APR has no houses, just a barn? Michele - Correct.

Motion, second, no further discussion. All in favor - unanimous.

f. William R. Handrich, Jr. and Priscilla E. Handrich; Trustees of the William R. Handrich, Jr. and Priscilla

Ron presented the following narrative

This 46.39 +/- acre property is located on Moody Bridge Road in Hadley and is currently owned by William R. Handrich, Jr. and Priscilla E. Handrich; Trustees of the William R. Handrich, Jr. and Priscilla E. Handrich Living Trust. The Handrich family has been renting the parcel for hay production with Barry Roberts and vegetable production with Wally Czajkowski, Plainville Farm. Approximately 400 feet of frontage along southern part Moody Bridge Road with roughly 5 +/- acres have been excluded from the APR application resulting in 40.5 +/- acres for consideration. Soils on the property proposed for APR consist of approximately 30.8 acres of prime and statewide importance soils with an overall percentage of 76% prime/state soils.

Looking at keeping out a couple lots for family purposes for future. Access also currently used as driveway to their house. Will use title to look at any easements etc. 320 points. Staff recommendation is a Vote of Interest.

Kristin - worth adding the USFWS has heavily invested in acquiring fee lands for a refuge here. The director of that program has often noted the US gov. has a MOU with the APR program to protect land in that area.

Recommendation is for a Vote of Interest

g. Crescent Farms Trust (Davidowicz) – Bradford – Essex County

Ron presented the following narrative

This 33.2 +/- acre property is located on Willow Road in Bradford (Village of Haverhill) and is currently owned by Crescent Farms Trust. Michael Davidowicz is the farm operator and a trustee of the farm parcel. Approximately 2 +/- acres located on south west portion of the property will be excluded. A 15-foot roadway exclusion on the eastern boundary will provide access to a separate back 11-acre wood parcel, as well as an area of 4-acres backland will not be included for appraisal and this land will be donated to the APR. The APR application eligible acreage results in 27 +/- acres for consideration. The parcel is used for forage hay production and pumpkin or corn production. There are no agricultural structures on the site. Soils on the property proposed for APR consist of approximately 14.9 acres of farmland of state importance soils with an overall percentage of farmland state importance of 55% state soils.

Warren - let the committee know he does a significant amount of business ...and will not be voting.

Rotation of pumpkin corn, other uses....farmed by Michael D. as part of larger operation.
Approx 27 acres to be appraised. 320 points. Staff recommendation is a Vote of Interest.

Bob - is the city supportive of this? Ron - has not had the conversation yet.

Laura - question whether any reason we feel we might not get the documentation of trust? Ron – no.

Motion by Bob, second by Karen, all in favor. Warren abstained. Unanimous.

h. Gomes – Dudley - Worcester County

Michele Padula presented the following narrative

Barbara Gomes owns this 100+/- property on Dresser Hill Road in Dudley. Barbara's father, Stanley Pikul, farmed the land himself for his entire life, but since Barbara inherited it when Stanley passed away several years ago she has been leasing it to local farmers for hay production. Approximately 42.5 acres are being considered for APR which includes 35 acres of hay on both sides of Dresser Hill Road. Eighty percent of the land is classified as prime/state important soils.

The Gomes parcel is located in the largest block of APR land in Worcester County where farmland is in high demand. The land is currently being leased to Todd Morin who owns a dairy just over the line in CT where he is milking 400 cows and just recently switched his farm over to a robotic dairy. The parcel

42.5 acres. Part of the largest APR block in Worcester. Score 310. Staff recommendation is a Vote of Interest.

Fred - 80% prime soils but the score sheet says 75%. Michele clarified the 75% is prime. The additional 5% is state.

Motion by Warren, second by Karen, no discussion. All in favor. Unanimous.

i. Edward J. Gralinski Jr. – Hadley – Hampshire County

Ron presented the following narrative:

This 10.5 +/- acre property is located on River Road in Hadley and is currently owned by Edward J. Gralinski, Jr. . Wally Czajkowski, of Plainville Farm has been renting the parcel. The parcel abuts an APR parcel and is located in a large APR block of active commercial agricultural Land. The farmland is used for vegetable and tobacco and there are no agricultural structures on the site. Soils on the property proposed for APR consist of approximately 6.2 acres of prime farmland (59%) and .9 acres of soils of farmland statewide importance to farming (8.6%) with an overall percentage of prime/farmland statewide importance of 67.6% prime/ state soils.

APR Parcel Scoresheet Rating: 305 points. Staff recommendation is a Vote of Interest.

Motion by Fred, second by Laura, no further discussion. All in favor - unanimous.

j. Pierce – Lunenburg - Worcester County

Michele Padula presented the following narrative

The Pierce property is located on Chase Road (Route 13) and Northfield Road in Lunenburg. The total acreage is 112, but because of NRCS soil eligibility requirements, a small 10-acre portion is being excluded for scoring and appraisal purposes, but will be included in the restriction at the time of survey and closing. After reconfiguration, 102 acres will be scored and appraised, 51% of which is comprised of prime/state important soils.

Dan Pierce has been operating a very successful Christmas tree farm on the property for many years. Several years ago, with none of his children wanting to take over the farm, Dan reached out to Steve Violette and offered him the opportunity to lease some of the land for vegetables. Steve owns and operates a retail farm stand less than half a mile from Dan's parcel and he also owns two additional APR properties in Lunenburg and one in Franklin County where he grows small fruit and vegetables. Currently Dan is managing the Christmas trees on approximately 50 acres and Steve is growing vegetables on 20 acres. Steve needs Christmas trees for his retail operation so he is being mentored by Dan to slowly take over that portion of the farm, while he also plans to continue to plant more vegetables as there is still some cleared land that hasn't been planted yet. A building will be included in the APR that is used for Christmas tree sales along with wreaths, roping, etc.

Dan applied to the APR Program in 2012, but rejected the offer. At that time he was uncertain about the future of the farm, but he feels like he is in a better position to accept an offer since he has Steve lined up to take over the operation. Steve will be purchasing the property at agricultural value immediately after the APR closes.

The Pierce parcel is across the street from Lanni Orchards, which should have an APR closing within the next few months.

Second largest APR block in Worcester county. Michele feels it is a great project and obvious vote of interest but a couple items prevented it from scoring high. Only 67 acres of other APR land in the 2.5 radius. However, just outside that area there are hundreds of acres of APR land. In addition Lanni (closing soon) would have been included. Staff points were given due to this consideration. The Christmas tree scoring gives lowest score but vegetables are highest scoring. Staff points given due to this consideration. Final score is 280. Staff recommendation is a Vote of Interest.

Bob - is the town supportive or will there be a need for funding? Michele - believes the town will be supportive. 10% would be needed, should be an easy vote. Closing with Dan Pierce? So the sale to the other gentleman doesn't count as succession planning? At the moment there is nothing in writing for the sale. When we get to final vote there will need to be a P&S and it will be final voted with a waiver in place based on the P&S to avoid the Option.

Warren - APR will still happen regardless if Steve buys the land? Michele - correct.

Warren - bold statement to make that Steve will be purchasing subject to APR value because we don't have the info. Michele - yes, and Steve has been at every meeting, very eager to buy. Warren - seems it would be logical to give them the points for the planning. There was staff agreement that a formal plan in writing was needed.

Warren moved to vote, second by Karen, no further discussion. All in favor - unanimous.

k. Community Harvest Project, Inc. – Harvard - Worcester County

Michele presented the following narrative:

In 2014 the 74-acre Prospect Hill Community Orchard was gifted to Community Harvest Project, Inc. (CHP) by a generous donor who wanted to see the property preserved as an orchard and used for the greater good. CHP was founded in 1998 to improve access to healthy fruits and vegetables to food insecure families in Massachusetts. In the past 5 years alone, CHP has donated over one million pounds of fresh produce to food pantries and community partners who provide food to those in need. CHP relies on volunteer labor to operation the farm, with the exception of one paid farm manager

The APR application is for 70.5 acres of land including a 30-acre orchard (mostly apples with some peaches) and less than an acre of asparagus. Future plans include increasing the acreage of stone fruit, planting blueberries and planting Christmas trees to donate to less fortunate families around the holidays. Approximately 78% of the farm is comprised

of prime/state important soils. Two large barns along the frontage along with an unimproved house lot will be excluded to allow maximum flexibility for activities in the future and to allow for the possibility of farm labor.

There is a tremendous amount of local support for this project and there is likely to be a very large contribution from the town of Harvard. The project is, expected to go well over the cap due to land values in this area. Score 295. Staff points added for infrastructure including irrigation. Staff thought the mission of the organization also deserved points. Staff recommendation is a Vote of Interest.

Michele noted Ken Crater from CHP is here today.

Ken - have received incredible amount of support from town. Goal is create an endowment to be able to keep farm in perpetuity. Most food grown goes to Worcester County foodbank. Many volunteers including school children come to the farm to learn about farming as well.

Warren - assumes CHP is a non for profit? Ken - correct. Warren - what would a succession plan look like if CHP were to get out of that business? Ken - there is a board of directors and intend to operate in perpetuity. But assets would be turned over to a "like" organization should CHP not be able to continue.

Bob - is there a way to commit the idea of an endowment as part of the APR? Ken - the endowment is aspirational right now - there are aspects of the planning that have not yet been fully realized. Not sure how such an agreement would be phrased to try to tie to the APR - there is excluded area too.

Can it be federal? Michele - yes, she did check

Motion, second, no further discussion. All in favor - unanimous.

I. Atherton, Buckland, Franklin County

Michele Padula presented the following narrative:

The Atherton property is located on Ashfield Street (Route 112) in Buckland. The total acreage is 140+-on both sides of the road, but approximately 32 acres on the east side of Route 112 will be considered for APR. Susan Atherton took over the property from her parents in 1999 and continued an ongoing haying operation and expanded into vegetables (approximately one acre). She added a greenhouse and constructed a farmstand in 2003 with a grant from the Farm Viability Enhancement Program. Since that time she has expanded the operation to include coolers for vegetables, an additional greenhouse and wreaths and holiday greens in December. Total produce sales from the farm in 2018 were approximately \$30,000. In addition to growing vegetables she also cuts hay on 13 acres and leases 5 acres of land to Clessons River Farm for corn. Sixty seven percent of the parcel is classified as prime/state important soils. Susan is at the point where she would like to scale back the amount of work that she personally handles on the property, so she has been working with folks at Land for Good regarding succession planning. She is close to signing a long-term lease with a farmer who has been renting land in Colrain and selling produce at local farmers markets and through a CSA. The woman is losing her lease in Colrain so will be moving her operation to the Atherton property and marketing her produce directly from the farmstand as well as farmers market. Susan will continue to cut hay and will consider leasing more land to Clessons River Farm. Route 112 is a highly travelled route, especially by tourists in the fall, and the Atherton Farm has been a successful direct marketing outlet over the years. The successional planning with Land for Good should ensure that this continues well into the future. Parcel Score: 275

Staff points given for succession planning and lease to be signed. Staff recommendation is a Vote of Interest.

Fred - that is a lot of points given for planning. Ron - there was a lot of discussion about it. Quick progress with land for good boosted confidence in the project. Also a historical society that owns land nearby that has interest in keeping the

property in farming.

Motion by Kathy, second by Karen, no further discussion. All in favor - unanimous.

m. Howes – Buckland – Franklin - Worcester County

Michele presented the following narrative.

This 10.8 acre property on Ashfield Road (Route 112) in Buckland is owned by Ian Howes. Ian inherited the property from his grandparents and it has historically been rented to Clessons River Farm, a local dairy. Approximately 8.8 acres are being considered for APR with 5 acres are in ag production – 2.5 in hay and 2.5 in corn. Seventy seven percent of the land (6.7 acres) is classified as prime soils.

The town of Buckland initiated the process of taking the land for non-payment of taxes several years ago, but the taxes were paid in time to prevent the taking. It appears that Ian may be in a similar situation again and he sees the APR Program as his last chance to save the land. It is likely that the town would have to be convinced to put the tax-taking on hold while the APR process continues. Score 225 points. Staff recommendation is a Vote of No Interest.

Kathy - says the dairy farm has been using the land and given the state of dairy farms and importance of hay land to them, she wonders if doing an APR would help this stay in agriculture then why would this be a problem? Michele - property is overgrown, poorly managed. Believes dairy farmer goes in when he can and when she spoke with the landowner it was clear he was not very informed about the application (mother had him sign and submit) and program. The situation did not appear to be something the APR should get involved in - investing staff time, due diligence etc. only to find out it doesn't end well. And when the owner doesn't know he applied to the program it is not a good sign.

Laura motion to vote not interest, second by Warren, no further discussion. All in favor - unanimous.

n. Moschini/Anderson – N. Grafton - Worcester County

Michelle presented the following narrative:

This 75 acre property on Glen Street in N. Grafton is owned by Marie Anderson and her sister Margaret Moschini. Marie's daughter and her husband cut hay on 7 acres from various small fields on the property. Another 7 acres of land is overgrown pasture that the owners would like to bring back into production. Due to NRCS eligibility rules, approximately 40 acres are being considered for APR. The eligible parcel contains 29 acres of prime/state important soils (72%), although most of it is woodland.

Marie and Margaret submitted an application last year and the project received a Vote of No Interest at that time. There have been no significant changes on the property. Score of 210. Staff recommendation is a Vote of No Interest.

Michele noted that it is a difficult property to configure to be eligible for NRCS 50% soils.

Laura - do you know what the score was last year? Michele - no but I believe they were the lowest scoring.

Kathy - Is there communication about a vote of no interest? Michele explained so they are aware. Laura - it doesn't appear anyone will farm the property for more than what they currently do? Michele - the farming operation isn't going to change.

Warren motion, second by Karen, no further discussion. All in favor - unanimous.

o. Plante – Brookfield - Worcester County

Michele presented the following narrative:

This 160+/- acre property on Lake Road in Brookfield is owned by Lake Road 2018 Realty Trust, with Jean Plant as the

sole trustee. Jean purchased the land in 1986 and has been leasing it out to local farmers since it was purchased. Currently she leases approximately 50 acres of hay land to a small beef operation. Jean keeps some of the hay for her horses that he keeps on a 7-acre parcel that she is excluding from APR consideration. Approximately 67% of the land is rated as prime/state important, although a good portion of this is currently wooded.

This property does contain some very good soils, but it is not located in a desirable agricultural area. Jean expressed concern that finding local farmers to lease her land for hay is difficult as there are fewer and fewer in the area. She did apply to the APR Program in the late 1990's and accepted an offer, but changed her mind during the closing process.

Parcel Score: 175

Staff did make several attempts to contact the farmer who is currently leasing the land, but was unable to speak to him. No points were awarded under "ownership/succession", but if the farmer does make the majority of his income.

Landowner admits not in a desirable agricultural area and is concerned about ability to find a farmer to lease. Formerly accepted an offer and then changed her mind. There was a conversation to confirm she was more serious this time around. Score of 175. Staff recommendation is a Vote of No Interest.

Laura motion to vote no interest, second by Fred, no further discussion. All in favor - unanimous.

IV. FINAL VOTE: Kestrel Land Trust/ Western Mass Food Bank Hadley Hampshire

Ron Hall presented the following narrative:

This final vote is for a portion of the farm property located on Shattuck Road totaling approximately 142 +/- acres. An appraisal was conducted on 123 (+/-) acres and the remaining 19 (+/-) acres will be donated to the APR. This property has a long history of active agriculture and is used for vegetable production and has been sought after by local farm operations. Kestrel Land Trust has coordinated the acquisition of the whole 193-acre Szala property and partnered with the City of Amherst to protect 23 (+/-) acres, and a abutting farm to protect 28 (+/-) acres near Comins Road in Hadley To that end Kestrel has an agreement with The Food Bank of Western Massachusetts and our posed to purchase the 142-acres farmland parcel with plans to expand their locally grown vegetable program.

The Food Bank of Western Mass already owns a 59-acre farm property in Hadley and has partner with a local CSA farm to grow vegetables. For several years the farm operator and The Food Bank agree upon the share from the harvest in lieu of land rent. The Food Bank has plans to purchase the second Hadley farm to expand their locally fresh vegetable program.

Appraisal values established by O'Connor Real Estate Associates, Inc. yield an unrestricted full market value of \$1,260,000, or \$10,244 per acre. The restricted (agricultural value) is \$520,000 or \$4,228 per acre. The resulting APR value is \$740,000 or \$6,016 per acre for the 123-acres appraised.

The Town of Hadley's Conservation Commission and CPC has approved \$360,000 towards the project. The Commonwealth's offer is \$375,000; therefore, the combined paid consideration for the project is \$735,000. The Kestrel Land Trust will accept a \$5,000 bargain sale.

Kestrel Land Trust is working closely with Town of Hadley to contribute an additional local match of \$3,900 for the appraisal, \$5,694 for the (MDAR's 50% cost share) survey, \$2,250 for title and including MDAR as a recipient of environmental assessment report for a combined total of \$11,844 due diligence cost savings that commonly MDAR would have paid. The addition of \$11,844 due diligence, added to the Town's local contribution of \$360,000 towards the APR, added to Kestrel Land Trust's bargain sale of \$5,000 brings the combined local match to \$376,844. MDAR's will be responsible for final title/ title policy and Baseline Document Report. The local support for this project provides the required funds towards this state only project.

Staff Recommendation:

This parcel represents a valuable agricultural resource and is a critical farm parcel which is located in a highly active commercial agricultural area. In addition, the property will be purchased by The Food Bank of Western Mass simultaneously or shortly after the APR closing. Staff recommends that this application be final voted at the APR value of \$740,000 less a local contribution/bargain sale of \$365,000 which equals a Commonwealth share of \$375,000 subject to the following conditions:

1.) Available funding

Kristin - one of the last and largest farms in Hadley remaining to protect so it is an important project to the Town and the Land Trust.

Barbara - the food bank will be purchasing at Ag value based on the appraisal? Kristin and Ron – yes.

There was a motion as requested, a second, no further discussion, the vote passed unanimously.

The Commissioner suggested taking a break following the votes for ten minutes. The meeting reconvened at 12:10pm

Gerard distributed drafts of the proposed business plan for transfer of APRs under the OPAV to committee for their review outside of this meeting. Also working on a manual that is a one-stop manual for the APR program. A copy was distributed and asked for feedback before they leave today.

V. VOTE : APR Renewable Energy Policy

Gerard summarized the requirements/policy. ALPC voted in February on current policy for ground mounted solar systems. There was discussion at that time to look at other energy needs for a farm. Currently farmers provide documentation of previous 3 year's energy used and a calculation made to determine what energy needs are and can move forward with an approval. ALPC asked staff to look at other energy uses on the APR to include those other uses such as propane, oil, diesel, natural gas, and wood. The main difference between the current policy and the proposed policy is a new section under #8 - a table that converts BTU energy units into KW's and also looks at efficiency. The result is a unit that can be applied when a landowner is applying for a Certificate of Approval for a ground mounted PV system.

Gerry Palano further explained that the rationale that went into this surrounds the state's mandates and goals for greenhouse gas reduction and emissions. We want to make sure we are consistent with this. Gerry summarized the source of the information in the table. Described that the equipment would be documented and determined to ensure it meets minimum efficiency standards.

Kathy - is there a way to do this for cordwood as well? A lot of farmers use that instead of wood chips or pellets? Gerard stated that it was a good question but it is not a priority because it is hard to monitor. If the goal is to help offset and save funds on APR's it was difficult to include because the cord wood is usually not purchased since it comes off the farm and it is difficult to monitor and track.

ALPC - it is labor to get the cordwood to where it needs to be. Nathan - if the goal is to also reduce greenhouse gas emissions it would seem worth looking at a way to include wood of all kinds. Most cord wood systems are least efficient - so something we'd want to get rid of.

Karen asked if we are proposing to treat all fuels the same? Discussion on use of multiplier.

Are there wood burning technologies that could be introduced to make more effective? Gerry - we are using only those that qualify for our standards. Discussion of farm vs. residence and the pro-ration process for that.

Bob - this is all to calculate for what is allowable for solar. But the solar does not replace the heat. Discussion of heat pumps and electric run by solar. Bob - if we could discourage fossil fuel use somehow it might be better. Discussion about how to achieve that and the challenges.

Gerard pointed out additional changes - #7 is limited to 1% of the total APR land.

Warren - this regulates what is used on an APR. What if energy uses are on another APR or non-APR land (excluded areas). Gerard - there was a real concern about the acreage that would be covered due to high use of energy. Gerard reminded the ALPC that roof mounted systems are not subject to this approval - just ground mounted. Gerard clarified the policy does address using solar on the APR to power facilities off the APR. Warren feels the 1% is a little low.

The other change was if a system was greater than 250KW then it should be installed as a dual use system under the SMART program.

Nathan - to get a 250 kW system you need to have a 100 acre APR land. A 1% limit on this doesn't seem to serve any of the farms energy needs. Commissioner asked what Nathan might think is sufficient.

Gerard- isn't feeling ALPC ready to vote. Warren - we are just seeing for the first time - we need further in advance for topics of this complexity.

Agreement to schedule another session to discuss.

Kathy - Question about timing of the De-commissioning Plan - should it be required before approval? The question was recorded in the minutes.

VI. DISCUSSION: APR Appeal Process

Gerard summarized the regulation requirements and pointed the ALPC to the regulation section. 22.13, the process for certificate of approvals and special permits. The designation of a hearing officer is required via this section of the regulations. In addition the landowner would need to request a hearing within 21 days - this is by statute. The ALPC has to hold the hearing within a reasonable time. Previous ALPC decided 45 days was a reasonable time in which to hold a hearing. Previous ALPC had also designated a hearing officer - Warren Shaw. Today the ALPC is being asked to decide what a reasonable time frame is and to designate a hearing officer. Gerard asked the ALPC if they are comfortable with the previous process which seemed to work and if they wanted to designate a hearing officer. The officer can hear an appeal independently of the ALPC. In the past the officer has held the hearing at the same time as the ALPC. It does not require the entire body of the ALPC. They could hold a hearing and report back to the ALPC.

Question- is the officer for a term? Gerard - in the last iteration of the ALPC Warren was the hearing officer for all appeals until decided otherwise.

Warren - we could do it the same way but doesn't have to be him. Gerard - yes.

Laura - aren't we going backwards from some of the complaints that the Commissioner alone would make a decision by designating a hearing officer than could go forward without the ALPC? Gerard - no - the officer could have the hearing, and report back and then the ALPC could jointly make a decision.

Bob - feels strongly it should be done at the same time with the ALPC. - It's not fair to the hearing officer and is not

going to help. Nathan reiterated that the ALPC decides - the hearing officer only reports and provides a proposed recommended decision to the ALPC.

Christine - even if the hearing is in front of the entire ALPC, the officer runs the hearing.

Nathan - smaller time frame could cause the ALPC to meet 10 or more times a year and a longer time frame of 120 days or so would extend the time to wait to just have a hearing so it is a balance of those things.

Christine - it would be an open meeting so a landowner could attend.

Kathy - there is no way a hearing officer as one person would know what all the other questions would be from the other ALPC members. She thinks it should be required to have the ALPC and landowner at the hearing. There was further discussion.

Gerard - sounds like ALPC prefers all members present for a hearing. But if not possible then the fall back would be the hearing officer holding a hearing with the department and landowner. 45 days still considered reasonable time.

Warren - would be comfortable leaving it at that. There has only been approximately 2 a year.

Fred - do we have to designate an officer? Christine - they can do it upon each request. But that would require a quorum of the ALPC? So there is a logistical consideration. Warren Shaw offered to continue in this role as Hearing Officer.

Motion, second, all in favor, unanimous. (for special permits etc.)

Gerard - For the Option Process - what would be a reasonable time? Discussion of 45 days and Warren as hearing officer. This is a new role for ALPC - before it only applied to special permits and COA's but now it also applies to OPAV and ROFR.

Bob - consistency makes sense and if there are a lot of appeals the committee can discuss it again. The Commissioner clarified it is a quorum of the ALPC - not all members. The committee acknowledged.

Motion, second, all in favor, unanimous.

Bob O'Connor left the meeting at 1:10pm.

VII. VOTE: Designation of Adjudicatory Hearing Officer- This vote was accomplished in the discussion and action for the agenda item above.

VIII. DISCUSSION: APR Program Review Schedule & Outreach

Gerard introduced Jen B. as outreach staff. Jen has drafted the schedule for the review of the program per the new regulations which require that the Department consult with the AgBoard and the ALPC and hold regional hearings every three years to review the APR Program.

Jen - if people have first impressions or how the ALPC can review it before it is rolled out the public. ALPC - could you provide as a PDF? Discussion of it. Yes - you just can't Cc each other on comments due to public meeting law. Agreed Jen will send it around to the committee.

Jen discussed the flyer that outlines 5 events coming up. Gerard - we are required to hold review meetings every 3 years. We are also going to use this as an opportunity to reflect back on the listening sessions and what has happened since then. There will be an effort to physically mail out copies of all regulations policy, guidelines to all APR landowners

21 days prior to the meetings. Jen read the flyer out loud which described the purpose of the review sessions.

Laura -the sessions will all be the same but just at different locations? Jen - yes.

Kathy - time is 5-7pm. Is it possible to move later - seems early in the day for farmers. Jen acknowledged that would probably work. Gerard reiterated request.

There was no other business.

There was a motion and second to adjourn the ALPC meeting.

Motion and a second. Motion, second, all in favor, unanimous.

VOTED: To adjourn the ALPC meeting at 1:18 PM.

Respectfully submitted,

David Viale,
Agricultural Lands Acquisition Specialist