

# Frequently Asked Questions (FAQs)

Below are some frequently asked questions to help you better understand your APR. Please contact your **acquisition planner** to confirm your understanding of the retained rights, allowable uses, and advance permissions required by your unique APR document.

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## **How long does it take to enroll my property in the APR program?**

If your APR application is accepted by the Agricultural Lands Preservation Committee (ALPC), MDAR maintains a goal to complete APR applications within a two-year period from the date of application. However, all proposals present unique circumstances that must be addressed accurately to protect both you as the landowner and the Commonwealth as an interest holder in the land. We strongly recommend that applicants meet with MDAR staff members, and your attorney and/or financial advisor prior to submitting an APR application to identify any property constraints or other issues that may arise to streamline your application process.

[APR Application Instructions | Mass.gov](#)

## **Does the APR apply to my entire property?**

Not necessarily. You will work with APR staff to determine the best configuration and boundaries for your APR area. You may exclude portions of your property from the designated APR area – most commonly existing residential structures, potential future building lots, etc.

## **How is the value of my APR determined and is that price negotiable?**

MDAR hires certified and independent third-party appraisers that will meet with you, evaluate comparable land transactions, and consider development potential in drafting an appraisal report that will be made available to you. This appraisal report determines the fair market value of your property (before APR restriction) and the fair market agricultural value of your property (after APR restriction). Market value – Agricultural value = the APR value. This APR value informs our offer to you. Currently the program requires 5-10% of the purchase price come from a local source such as the municipality, local land trust, or a landowner donation. Therefore, our offer will typically be 90-95% of the appraised value and MDAR staff will seek the remaining 5-10% from the local sources. If the full FMV is not achieved, you can consider the significant state and federal tax incentives available for selling at less than FMV. MDAR does not negotiate purchase price.

## **Does the APR mean that the Commonwealth owns a portion of my property?**

No. The APR is a deed restriction that limits use of the property to commercial agriculture. The Commonwealth is purchasing the restriction or “interest” but has no ownership of the land. Additionally, no public access to APR land is required aside from annual monitoring by APR staff or contractors with advanced notice to the landowner.

[General Law - Part II, Title I, Chapter 184, Section 31 \(malegislature.gov\)](#)



### Is the APR a permanent restriction?

The intent of an APR is to permanently restrict use of the land to commercial agriculture as defined by MA General Law Chapter 61A section 1 and 2. This restriction runs with the land itself and remains in place even if ownership of the land changes in the future.

[Chapter 61A \(malegislature.gov\)](#)

### Can I build structures on my APR land?

APR landowners may propose to construct agriculture related structures (barn, storage shed, farm stand, etc). These proposals must be approved by MDAR prior to construction through a Certificate of Approval (COA) process. APR landowners may also propose to construct labor housing. However, residential structures for the landowner or family members are currently not permitted. Roof mounted solar is allowed and limited ground mounted solar may be permitted through advance approval, provided it is used in part to offset farm related electricity consumption.

[www.mass.gov/doc/apr-renewable-energy-policy-2018/download](http://www.mass.gov/doc/apr-renewable-energy-policy-2018/download)

### Does enrollment in the APR program include any other benefits aside from the APR purchase price?

Yes, properties within the APR program may be eligible for specific grant programs offered by MDAR that are intended to support farm restoration and improvement projects. Additionally, in cases of donated or gifted APR land, whether in part or in whole, landowners may be eligible for significant state and/or federal tax credits.

[Agricultural Grants and Financial Assistance Programs | Mass.gov](#)

[Commonwealth Conservation Land Tax Credit \(CLTC\) | Mass.gov](#)

[Insert link to info on Federal Tax Credit](#)

### Can I lease or sell APR land?

APR land may be leased in whole or in part, provided the lessee is utilizing the property for commercial agriculture. APR land may be sold; however, APRs include an option to purchase at agricultural value (OPAV), meaning that MDAR must be notified of bona fide offers to purchase/sell APR land to ensure the sale price is at fair market agricultural value, and the buyer is qualified to maintain commercial agricultural use of the land. If the Commonwealth, through MDAR, elects to exercise these rights the land may be assigned to an eligible buyer. MDAR does not often elect to exercise these rights and prefers to work with landowners to identify viable and adequate buyers for the APR land.

[APR Change of Ownership | Mass.gov](#)

### Can I host agritourism or other non-agriculture events on my APR land?

In general, commercial agricultural activities and non-commercial activities (selling produce, classes, tours, etc.) are permitted, provided they do not adversely impact the farmland itself. A landowner may propose to host commercial non-agricultural activities like live music, weddings, or community events but they must be approved in advance by MDAR through a Special Permit process. Non-agricultural activities must only be accessory to the primary commercial agricultural use of the land. MDAR approval of such events does not constitute approval of any additional licensing, permitting, code compliance, etc. that may be required to host such events.

[www.mass.gov/doc/apr-special-permit-policy/download](http://www.mass.gov/doc/apr-special-permit-policy/download)

### Why are federal, municipal, or nonprofit partners involved in some APR applications?

MDAR works closely with your municipal government and the federal Natural Resources Conservation Services (NRCS) for several reasons. All APR projects require 5-10% match funding, commonly through municipal (CPA), or other local (land trust) sources. It is also common to leverage limited APR funding with federal (NRCS), or state (grants). It is also important to consult with these partners to ensure all APR proposals comply with applicable regulations including, but not limited to, zoning, access, subdivision requirements, natural resource protections, and any other encumbrances that may affect the property.

[www.mass.gov/doc/apr-local-matching-funds/download](http://www.mass.gov/doc/apr-local-matching-funds/download)

### If I invest in infrastructure improvements on my APR, will that be considered if I sell the property in the future?

Yes. Resale value of an APR is based on the agricultural value of the land, existing structures, and any business value, which includes infrastructure and other factors. This value is determined by appraisal. If a proposed sale price is 20%+ higher than this appraised value, the seller is provided the opportunity to justify this increased sale price. Just like any home or land improvement, it is not guaranteed that a seller will recoup the entire value of these improvements through a sale because fair market value fluctuates over time.

To learn more, contact our staff and review these resources: [www.mass.gov/doc/apr-staff/download](http://www.mass.gov/doc/apr-staff/download)

[APR Program Overview: Agricultural Preservation Restriction \(APR\) Program Details | Mass.gov](#)

[APR Program Manual: APR Program Guide | Mass.gov](#)

