

# THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



## Department of Agricultural Resources

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### AGRICULTURAL PRESERVATION RESTRICTION (APR) PROGRAM POLICY APR Local Matching Funds

- I. **PURPOSE:** To leverage APR funding, educate communities about the public and local benefits of APR land, and encourage local financial support for APR acquisitions.
- II. **AUTHORITY:** M.G.L. c. 20, sec. 23, which established the APR Program, authorizes the Commissioner to establish policies for the management and oversight of the program. 330 CMR 22.14 also provides that it shall be the sole discretion of the Commissioner to implement and establish policy, after consultation with the Agricultural Land Preservation Committee (ALPC). See also: M.G.L. Chapter 21a, Chapter 184 Sections 31 Regulation 301 CMR 51
- III. **SCOPE:** This policy applies to acquisitions of APRs to which the APR Program provides funding.
- IV. **POLICY:** A minimum amount of matching funds must be provided for APR acquisitions in the following ways:

#### Projects with appraised values within the APR Cap Policy:

For projects valued less than or equal to the APR price per acre cap, a minimum local match of 10% of the appraised APR value is required. However, this minimum match shall be reduced to 5% if a Right to Farm Bylaw has been established in the community in which the project is located.

#### Projects eligible for the APR Over Cap Policy:

For projects valued more than the APR price per acre cap, and that are eligible to go over the APR price per acre cap, and that are being offered more than the APR price per acre cap, a minimum local match of 10% of the appraised APR value is required. There is no opportunity to further reduce this minimum match requirement.

- V. **DEFINITIONS:** As used throughout this policy, the words or phrases listed below shall have the following meanings:

Agricultural Preservation Restriction (APR): a perpetual restriction set forth in M.G. L. c. 184 § 34 to retain land or water areas predominately in their agricultural, farming, or forest use, and forbids or limits certain property development rights and uses.

APR Value: The difference between the Fair Market Value and the Fair Market Agricultural Land Value as determined by the appraisal obtained by the Department pursuant to 330 CMR 22.06(2)(e).

APR Cap & Over Cap Policy: Policy imposing a per acre spending cap on new APR acquisitions, approved by the ALPC on November 30, 2021, and as amended thereafter.

Local Match: A cash or in-kind contribution towards the acquisition of an APR. The source of the match can come from any combination of the following sources: a non-state or federal entity such as a municipality, land trust or other non-profit organization, or non-government organization, or a bargain sale from the landowner. Examples of in-kind contributions are services approved by the Department including but not limited to an appraisal, survey, title exam, environmental site assessment.

Right to Farm Bylaw: A general bylaw enacted by a municipality with a purpose and intent to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A, Chapter 128 Section 1A, and Chapter 243 Section 6.

VI. **REFERENCE LINKS:**

M.G.L. Chapter 21a

M.G.L. Chapter 184 Section 31

M.G.L. Chapter 20 Sections 23

330 CMR 22

301 CMR 51

VII. **POLICY HISTORY:**

2022-01-11: Policy amended herein and adopted

2008-11-19: Policy amended. See Interim guidance memo<sup>1</sup>

2004-07-12: Policy created via establishment of Commonwealth Capital Program (See ALPC minutes)

1998-11-22: Local Match encouraged but not required. No formal policy established. (See ALPC minutes)

Consultation to the ALPC conducted at a duly authorized public meeting January 10<sup>th</sup>, 2022.

Adopted January 14, 2022



John Lebeaux

Commissioner, Department of Agricultural Resources

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<sup>1</sup> Memo dated 11-19-2008, from Ronald Hall, APR Program Coordinator & Scott Soares, Assistant Commissioner – Chief of Staff, to APR staff, legal services, municipalities, and land organizations, entitled “Interim Guidance Document for APR-Municipal (APR-Muni) Grants on revised Financial Match Requirement”.