

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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FAQs for Municipal Co-holders of an APR Considering Approval of a MDAR Special Permit or Certificate of Approval of proposed activities or agricultural structures on an APR property

1. Why are we being asked to sign this?

Your city/town is a Co-Holder of an Agricultural Preservation Restriction ("APR") with the Massachusetts Department of Agricultural Resources (the "Department"). When the Department acquired the APR, your municipality contributed funds towards the purchase, which in turn gives you certain rights and responsibilities under the terms of the APR document and the APR Statute (M.G.L. c. 20, s. 23). Some APR documents require approval of any Co-Holder for the Department to issue a Certificate of Approval to permit certain agricultural activities. Many APR documents, as well as the APR statute, require the approval of the Co-Holder for all Special Permits.

2. Why does the landowner need permission for this?

APRs restrict the use of the land for agricultural purposes and requires the landowner to seek approval from the Department for certain agricultural structures and/or activities, as well as non-agricultural activities on the APR land. For more information about the policies related to Certificates of Approval and Special Permits, visit the APR Program's Policies and Guidelines section here: <https://www.mass.gov/service-details/agricultural-preservation-restriction-apr-program-details>.

3. Who should sign the Approval form on behalf of the city/town?

This may depend on each municipality's rules, regulations or bylaws. In many cases, the executive branch would be the signatory (Select Board for a town or Mayor for a city). Other municipalities have deferred to the signatory on the APR Document, or Co-Holder's Agreement, if any. Please check with your legal counsel to determine the proper signature on the approval form.

4. What are you asking us to approve?

The approval form should have included both a copy of the application detailing the COA or SP request, and a copy of the APR document. The landowner of the APR property should provide these three documents to you.

5. On what basis are we making this decision?

First, look to the APR document to determine if there are any prerequisites in order to grant approval. If none, your municipality may have previously determined approval criteria. In any event, your legal counsel should be able to advise you. By granting approval you are confirming that the proposed agricultural work or non-agricultural activity does not defeat nor derogate from the intent of the APR.

6. When do we need to provide a decision by?

The Department has 90 days to review completed applications for Certificates of Approvals or Special Permits. In certain cases, as required by the APR document, this timeline may not commence until co-holder approval is first received.

7. **By signing this form are we granting approval under any zoning bylaw, building code or other municipal approvals?**

The municipality's signature does not supersede any zoning, building or other permits required under the local bylaws. This approval is only the municipality's approval as the Co-Holder of the APR document. Additionally, the Department's approval is conditional upon the landowner obtaining any relevant municipal approvals.

8. **Whom should we contact if we have other questions about the APR or this approval process?**

Please contact MDAR. We are here to answer your questions! Please call or email the APR Stewardship Planner for your region.

