

Department of Agricultural Resources
AGRICULTURAL LANDS PRESERVATION COMMITTEE
MINUTES OF MEETING

February 13, 2015

Massachusetts Division of Fisheries and Wildlife Field Headquarters
Westborough, MA

MEMBERS PRESENT:

- Gerard Kennedy
Department of Agricultural Resources
- Phillip DeMartino, Designee for Chrystal Kornegay
Department of Housing & Community Development
- Celia Riechel, Designee of Matthew A. Beaton
Executive Office of Energy & Environmental Affairs
- Warren Shaw, Jr.
Public Member
- Fred Dabney
Public Member
- George Beebe
Public Member
- Darlene Monds
Natural Resources Conservation Service, Non-Voting Member

MEMBERS ABSENT:

- Judy Leab
Board of Agriculture
- Patricia Vittum
Interim Director of Center for Agriculture, UMass, Amherst
- Stephen Verrill
Public Member

ALSO PRESENT:

John Lebeaux, Department of Agricultural Resources
Alisha Bouchard, Department of Agricultural Resources
Rick Chandler, Department of Agricultural Resources
Chris Chisholm, Department of Agricultural Resources
Barbara Hopson, Department of Agricultural Resources
Ron Hall, Department of Agricultural Resources
Nicholas Pitel, Department of Agricultural Resources
Michele Padula, Department of Agricultural Resources
Tara Zadeh, Department of Agricultural Resources
Michelle Kopelson, Department of Agricultural Resources
Craig Richov, Department of Agricultural Resources

GUESTS:

Kathy Orlando
Cris Coffin

ALPC – MINUTES OF MEETING –February 13, 2015

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Chairperson of the Agricultural Lands Preservation Committee ("ALPC"), Gerard Kennedy and designee for the Commissioner of the Massachusetts Department of Agricultural Resources (the "Department"), called the meeting to order at 10:20 A.M.

I. APR UPDATE

Chairperson Gerard Kennedy opened the meeting with the introduction of newly appointed Commissioner John Lebeaux and then went around the room for introductions of the ALPC members, Department staff and members of the audience. Commissioner Lebeaux, who was sworn in on February 6th by Governor Baker, started work this day in his new position and he provided a brief introduction and personal history.

Ron Hall distributed and reviewed the **APR Report Summary** dated February 13, 2015. To date in FY15 the APR Program has closed 6 projects, which protected 329.2 acres of farmland, and had an APR value of \$2.9 million, and cost the Department \$2.66 million (with \$39,200 in local contribution and \$226,800 in landowner bargain sale). There are 31 pending Vote of Interest (Nominated) projects with 2,061 acres and there are 21 pending Final Voted projects with 1,339.33 acres at an APR value of \$12.3 million, which will have a Department cost of \$10.2 million (with a potential local contribution over \$1.4 million and landowner bargain sale of roughly \$703,447). There are four (4) unresolved projects.

Chairperson Kennedy introduced Cris Coffin from American Farmland Trust. Cris update the Committee of the land sub-group that has been working on a Statewide Food System policy. The sub-group is working on recommendations to reduce farmland conversion and increase farmland protection as a standard for consideration. Cris is looking to arrange a collective meeting of farmers to supplement the work of the sub-group and make an enhanced proposal.

II. APPROVAL OF MINUTES

a. November 10, 2014

It was moved, seconded and

VOTED: To approve of the minutes.

III. VOTE OF INTEREST

a. Smiarowski – Whately - Franklin

Rick Chandler presented information on this application to the ALPC. His recommendation was to nominate the property for appraisal to determine value. It was moved, seconded and

DISCUSSION: A brief discussion on local match funding from municipalities and the encouragement of local residents to support.

VOTED: To appraise the property and negotiate for the execution of an Agricultural Preservation Restriction.

b. Thatcher Family Farm – Plainfield - Franklin

Rick Chandler presented information on this application to the ALPC. His recommendation was to nominate the property for appraisal to determine value. It was moved, seconded and

DISCUSSION: A brief discussion on the farm use and activity and the plan of the current owners.

VOTED: To appraise the property and negotiate for the execution of an Agricultural Preservation Restriction.

III. FINAL VOTES

a. Rutherford/ Haryn Nominee Trustee – Hadley - Hampshire

Rick Chandler presented information on this request to the Committee recommending it for a new final vote. It was moved, seconded and

VOTED:

To approve the project submitted by or on behalf of the Town of Hadley for the acquisition of an agricultural preservation restriction by the Commonwealth on the land in said municipality situated on Lawrence Plain Road, reportedly owned by Seth and Michelle (Niedbala) Rutherford, for a sum not to exceed \$165,000, of which DAR will contribute \$156,750 with the balance to be a local contribution and/or bargain sale of \$8,250 for 17 +/- acres, and the Commissioner of Agricultural Resources shall be and hereby is authorized to acquire a restriction, cause payment to be made therefore and do any and all other acts necessary to complete said acquisition.

This vote passed and is subject to the Department's standard conditions with respect to executing its current Agricultural Preservation Restriction contract un-amended. Further, this vote is also subject to an \$8,250 town contribution and/or bargain sale, and that the soils on the property meet ALE qualifications.

b. Estate of Chester F. Kulikowski (1) - Hadley - Hampshire

Rick Chandler presented information on this request to the Committee recommending it for a new final vote. It was moved, seconded and

VOTED:

To approve the project submitted by or on behalf of the Town of Hadley for the acquisition of an agricultural preservation restriction by the Commonwealth on the land in said municipality situated on Spruce Hill Road, reportedly owned by Estate of Chester F. Kulikowski, Attorney Alfred J. Albano, Jr. Administrator, for a sum not to exceed \$660,000 of which DAR will contribute \$594,000 with the balance to be a local contribution and/or bargain sale of \$66,000 for 44.5 +/- acres, and the Commissioner of Agricultural Resources shall be and hereby is authorized to acquire a restriction, cause payment to be made therefore and do any and all other acts necessary to complete said acquisition.

This vote passed and is subject to the Department's standard conditions with respect to executing its current Agricultural Preservation Restriction contract un-amended. Further, this vote is also subject to a \$66,000 town contribution and/or bargain sale, and that the soils on the property meet ALE qualifications.

c. Estate of Chester F. Kulikowski (2) - Hadley - Hampshire

Rick Chandler presented information on this request to the Committee recommending it for a new final vote. It was moved, seconded and

VOTED:

To approve the project submitted by or on behalf of the Town of Hadley for the acquisition of an agricultural preservation restriction by the Commonwealth on the land in said municipality situated on Rocky Hill and Huntington Road, reportedly owned by Estate of Chester F. Kulikowski, Attorney Alfred J. Albano, Jr. Administrator, for a sum not to exceed \$505,000, of which DAR will contribute \$497,750 with the balance to be a local contribution and/or bargain sale of \$25,250 for 49 +/- acres, and the Commissioner of Agricultural Resources shall be and hereby is authorized to acquire a restriction, cause payment to be made therefore and do any and all other acts necessary to complete said acquisition.

This vote passed and is subject to the Department's standard conditions with respect to executing its current Agricultural Preservation Restriction contract un-amended. Further, this vote is also subject to a \$25,250 town contribution and/or bargain sale, and that the soils on the property meet ALE qualifications.

d. Seekonk Round Hill Realty Trust, LLC (Picheny) – Great Barrington - Berkshire

Barbara Hopson presented information on this request to the Committee recommending it for a new final vote. It was moved, seconded and

VOTED:

To approve the project submitted by or on behalf of the Town of Great Barrington for the acquisition of an agricultural preservation restriction by the Commonwealth on the land in said municipality situated on Seekonk and Round Hill Roads, reportedly owned by Seekonk Round Hill Realty Trust, LLC (Picheny), for a sum not to exceed \$800,000 of which DAR will contribute \$718,389 with the balance to be a local contribution and/or bargain sale totaling \$81,611 for 46+/- acres, and the Commissioner of Agricultural Resources shall be and hereby is authorized to acquire a restriction, cause payment to be made therefore and do any and all other acts necessary to complete said acquisition.

This vote passed and is subject to the Department’s standard conditions with respect to executing its current Agricultural Preservation Restriction contract un-amended. Further, this vote is also subject to an \$81,611 town contribution and/or bargain sale, and that the soils on the property meet ALE qualifications.

e. Robert E. Arnold Tobacco Corporation - Southwick - Hampden

Barbara Hopson presented information on this request to the Committee recommending it for a new final vote. It was moved, seconded and

VOTED:

To approve the project submitted by or on behalf of the Town of Southwick for the acquisition of an agricultural preservation restriction by the Commonwealth on the land in said municipality situated on College Highway, reportedly owned by Robert E. Arnold Tobacco Corporation, for a sum not to exceed \$245,000 of which DAR will contribute \$220,500 with the balance to be a local contribution and/or bargain sale of \$24,500 for 22 +/- acres, and the Commissioner of Agricultural Resources shall be and hereby is authorized to acquire a restriction, cause payment to be made therefore and do any and all other acts necessary to complete said acquisition.

This vote passed and is subject to the Department’s standard conditions with respect to executing its current Agricultural Preservation Restriction contract un-amended. Further, this vote is also subject to a \$24,500 town contribution and/or bargain sale, and that the soils on the property meet ALE qualifications.

f. Burney/ Meadowbrook Farm – East Longmeadow - Hampden

Barbara Hopson presented information on this request to the Committee recommending it for a new final vote. It was moved, seconded and

VOTED:

To approve the project submitted by or on behalf of the Town of East Longmeadow for the acquisition of an agricultural preservation restriction by the Commonwealth on the land in said municipality situated on Markham Road, reportedly owned by John Burney for a sum not to exceed \$945,000 of which DAR will contribute \$801,000 with local contribution and/or bargain sale of \$144,000 for 80.1 +/- acres and the Commissioner of Agricultural Resources shall be and hereby is authorized to acquire a restriction, cause payment to be made therefore and do any and all other acts necessary to complete said acquisition.

This vote passed and is subject to the Department's standard conditions with respect to executing its current Agricultural Preservation Restriction contract un-amended. Further, this vote is also subject to a \$144,000 town contribution and/or bargain sale, and that the soils on the property meet ALE qualifications.

g. Kestrel Land Trust/ Shyloski – Granby - Hampshire

Barbara Hopson presented information on this request to the Committee recommending it for a new final vote. It was moved, seconded and

VOTED:

To approve the project submitted by or on behalf of the Town of Granby for the acquisition of an agricultural preservation restriction by the Commonwealth on the land in said municipality situated on Taylor Road, reportedly to be purchase and owned by Ryan Voilland for a sum not to exceed \$140,000 of which DAR will contribute \$132,350 with local contribution and/or bargain sale of \$7,650 (\$6,350 attributed to advanced payments for appraisal and 50% of survey cost) for 14.43 +/- acres and the Commissioner of Agricultural Resources shall be and hereby is authorized to acquire a restriction, cause payment to be made therefore and do any and all other acts necessary to complete said acquisition.

This vote passed and is subject to the Department's standard conditions with respect to executing its current Agricultural Preservation Restriction contract un-amended. Further, this vote is also subject to a \$7,650 town contribution and/or bargain sale, and that the soils on the property meet ALE qualifications.

h. Muka – Greenfield - Franklin

Rick Chandler presented information on this request to the Committee recommending it for a revised final vote, as a result of the town having a Right-to-Farm bylaw in place, resultant in an increased Commonwealth contribution and a reduced local match. It was moved, seconded and

VOTED:

To approve the project submitted by or on behalf of the Town of Greenfield for the acquisition of an agricultural preservation restriction by the Commonwealth on the land in said municipality situated on 614 Colrain Road, reportedly owned by Joyce Muka, for a sum not to exceed \$255,000 of which DAR will contribute \$242,250 with the balance to be a local contribution and/or bargain sale of \$12,750 for 52 +/- acres, and the Commissioner of Agricultural Resources shall be and hereby is authorized to acquire a restriction, cause payment to be made therefore and do any and all other acts necessary to complete said acquisition.

This vote passed and is subject to the Department’s standard conditions with respect to executing its current Agricultural Preservation Restriction contract un-amended. Further, this revised vote is also subject to a \$12,750 town contribution and/or bargain sale, and that the soils on the property meet ALE qualifications.

i. Pirog (1) – Hadley - Hampshire

Rick Chandler presented information on this request to the Committee recommending it for a revised final vote, as a result of a survey and an opportunity to create two (2) separate feasible APRs. It was moved, seconded and

DISCUSSION; The initial presentation summary to the Committee was revised so as to accurately reflect two (2) final votes and the resulting appraised value for each project; therefore the member’s original motion was withdrawn and new motions were made for Pirog (1) and Pirog (2).

VOTED:

To approve the first project submitted by or on behalf of the Town of Hadley for the acquisition of an agricultural preservation restriction by the Commonwealth on the land in said municipality situated on Honey Pot Road, reportedly owned by Fredrick A. Pirog, for a sum not to exceed \$10,000 of which DAR will contribute \$9,500 with the balance to be a local contribution and/or bargain sale of \$500 for 5.1 +/- acres, and the Commissioner of Agricultural Resources shall be and hereby is authorized to acquire a restriction, cause payment to be made therefore and do any and all other acts necessary to complete said acquisition.

This vote passed and is subject to the Department’s standard conditions with respect to executing its current Agricultural Preservation Restriction contract un-amended. Further, this revised vote is also subject to a \$500 town contribution and/or bargain sale, and that the soils on the property meet ALE qualifications.

J. Pirog (2) – Hadley - Hampshire

Rick Chandler presented information on this request to the Committee recommending it for a revised final vote, as a result of a survey and an opportunity to create two (2) separate feasible APRs. It was moved, seconded and

VOTED:

To approve the second project submitted by or on behalf of the Town of Hadley for the acquisition of an agricultural preservation restriction by the Commonwealth on the land in said municipality situated on Bay Road and Aqua Vitae Roads, reportedly owned by Fredrick A. Pirog, for a sum not to exceed \$453,500 of which DAR will contribute \$230,925 with the balance to be a local contribution \$39,500 and bargain sale of \$183,075 for 14.82 +/- acres, and the Commissioner of Agricultural Resources shall be and hereby is authorized to acquire a restriction, cause payment to be made therefore and do any and all other acts necessary to complete said acquisition.

This vote passed and is subject to the Department's standard conditions with respect to executing its current Agricultural Preservation Restriction contract un-amended. Further, this revised vote is also subject to a \$222,575 town contribution and/or bargain sale, and that the soils on the property meet ALE qualifications.

VI. DISCUSSION

a. Dwelling Policy

Chairperson Gerard Kennedy presented information about the Department approval committee process and talked about policy/guidance document revisions.

The Dwelling policy was developed from past policy and guidance documents and placed into a standard format for the committee's review and advice. There was a brief discussion on the policy which only pertains to those APRs containing language for a landowner to apply for an approval for a dwelling. Committee members were encouraged to submit their comments on the policy for the next ALPC meeting.

b. Public Comment

The next meeting will be tentatively scheduled for the last Wednesday of March 2015, with a time and location to be determined.

It was moved, seconded and

VOTED: To adjourn the meeting at 12:01 PM.

Respectfully submitted,



Ronald A. Hall,
APR Program Coordinator