

The Commonwealth of Massachusetts

Executive Office of Energy and Environmental Affairs



Department of Agricultural Resources

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AGRICULTURAL PRESERVATION RESTRICTION PROGRAM GUIDELINES **REQUESTS FOR A CERTIFICATE OF APPROVAL FOR CONSTRUCTION OF** **HOUSING FOR FARM LABOR**

I. PURPOSE:

By obtaining an Agricultural Preservation Restriction ("APR"), the intent of the Commonwealth of Massachusetts is to perpetually protect and preserve agricultural lands, and to limit activities or uses which may be wasteful of the natural resources of the Commonwealth. In accordance with the terms of the APR, certain activities, uses, and improvements require Departmental Approval. The construction of Housing for Farm Labor on an APR Parcel requires Department Approval in the form of a Certificate of Approval ("COA"). The purpose of these Guidelines is to provide Applicants of a COA for Housing for Farm Labor and the Department with guidance regarding the criteria that need to be satisfied for the Department to issue a COA for Housing for Farm Labor.

II. DEFINITIONS:

The definition of the following terms used herein can be found in 330 CMR 22.02 ("CMR") or as defined below.

Agricultural Preservation Restriction ("APR"): Defined in CMR.

Applicants: Defined in CMR.

Application: Defined in CMR.

APR Parcel: – Defined in CMR.

Agricultural Use: the raising of animals, including but not limited to, dairy cattle, beef cattle, poultry, sheep, swine, horses, ponies, mules, goats, bees and fur-bearing animals, for the purpose of selling such animals or a product derived from such animals in the regular course of business; or when primarily and directly used in a related manner which is incidental thereto and represents a customary and necessary use in raising such

animals and preparing them or the products derived therefrom for market, as defined in General Laws, Chapter 61A, Section 1, as amended. Also horticultural uses, the raising of fruits, vegetables, berries, nuts and other foods for human consumption, feed for animals, tobacco, flowers, sod, trees, nursery or greenhouse products, and ornamental plants and shrubs for the purpose of selling such products in the regular course of business; or when primarily and directly used in raising forest products under a certified forest management plan, approved by and subject to procedures established by a state forester, designed to improve the quantity and quality of a continuous crop for the purpose of selling these products in the regular course of business; or when primarily, directly used in a related manner which is incidental to those uses and represents a customary and necessary use in raising such products and preparing them for market, as defined in General Laws, Chapter 61 A, Section 2, as amended.

Agricultural Operation: a commercial farming business that uses the APR Parcel to generate income from Agricultural Use.

Certificate of Approval – Defined in CMR.

Department – Defined in CMR.

Department Approval – Defined in CMR.

Farm Business Plan – Defined in CMR.

Housing for Farm Labor – Defined in CMR.

(APR) Owner – Defined in CMR.

III. DEPARTMENT PREREQUISITES TO ISSUE A COA FOR CONSTRUCTION OF HOUSING FOR FARM LABOR

To issue a Housing for Farm Labor COA the Department must determine, in their sole discretion, that all the following criteria is satisfied by the Application:

1. A majority of the open, productive agricultural land on the APR Parcel must be in commercial Agricultural Use.
2. Construction of the Housing for Farm Labor is necessary to sustain the Agricultural Operation.
3. The necessity for Housing for Farm Labor on the APR Parcel shall not be driven by non-agricultural use of the APR Parcel or non-agricultural uses of existing structures on the APR Parcel.
4. Construction of the Housing for Farm Labor will fully minimize the loss of prime farmland soil, and statewide important soil on the APR Parcel.
5. The size and location of the Housing for Farm Labor, including but not limited to the installation of utilities, driveways, parking areas and/or other appurtenant structures, are appropriate for the APR Parcel based on the number of intended occupants of the Housing for Farm Labor and the labor requirements of the Agricultural Operation.
6. The location of the Housing for Farm Labor on the APR Parcel will not materially interfere, or lead to the likelihood of interference with the Agricultural Operation in the future.
7. Occupants of the Housing for Farm labor are employees of the APR Owner, which shall include individuals

that are regularly and materially engaged in the Agricultural Operation. When determining whether a person is an employee of the APR Owner or regularly and materially engaged in the Agricultural Operation, the Department shall consider at a minimum, but without specific requirements:

- a) The duties and responsibilities of the intended occupant(s) of Housing for Farm Labor in connection with the Agricultural Operation.
- b) The season(s) and hours of work performed by the intended occupants of the Housing for Farm Labor in connection with the Agricultural Operation; and
- c) The occupant can demonstrate to the Department's sole satisfaction a long-term commitment to the APR Parcel, such as, but not limited to, an executed lease for the Agricultural Operation's use of the APR Parcel or confirmation of the occupants long-term interest in the Agricultural Operation or title to the APR Parcel.

As a general guideline, the intended occupants of the Housing for Farm Labor will be presumed to have satisfied the requirements of this Section 7 if an intended occupant of the Housing for Farm Labor performs an average of 40 hours per week of agricultural work in connection with the Agricultural Operation.

8. The Applicant must submit a Farm Business Plan as a part of their COA Application that is sufficient to demonstrate the APR Parcel is and will be fully utilized for commercial Agricultural Use.

IV. AUTHORITY

Per MGL Chapter 184 §§ 31-33, Chapter 20 §§ 23-26, 330 CMR 22.00, and the terms of APRs, at the Department's discretion, the Department may grant a COA to construct Housing for Farm Labor on the APR Premises.

Hereby adopted this ____ day of _____, 2026

Commissioner, Ashley Randle
Department of Agricultural Resources