

Department of Agricultural Resources
AGRICULTURAL LANDS PRESERVATION COMMITTEE
MINUTES OF MEETING
March 25, 2015
MDAR Conference Room
101 University Drive, Suite C-4
Amherst, MA

MEMBERS PRESENT:

- John Lebeaux
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
- Patricia Vittum
Interim Director of Center for Agriculture, UMass, Amherst
- Judy Leab
Board of Agriculture
- Warren Shaw, Jr.
Public Member
- George Beebe
Public Member
- Stephen Verrill
Public Member
- Deb Johnson - Hawks
Natural Resources Conservation Service, Non-Voting Member

MEMBERS ABSENT:

- Fred Dabney
Public Member

ALSO PRESENT:

Gerard Kennedy, 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
Michele Padula, Department of Agricultural Resources
Tara Zadeh, Department of Agricultural Resources
Michelle Kopelson, Department of Agricultural Resources
Dorothy Du, Department of Agricultural Resources

GUESTS:

Cris Coffin
Kathy Orlando
Donald Leab

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Chairperson of the Agricultural Lands Preservation Committee ("ALPC"), John Lebeaux, Commissioner of the Massachusetts Department of Agricultural Resources (the "Department"), at 10:06 A.M introduced Cris Coffin from the American Farmland Trust, who provided a brief presentation from the land sub-group that has been working on a statewide food system policy. Two goal/ impact activities were presented to the ALPC which included:

- More farmland and prime farm soils are permanently protected.
- More land is in active agricultural use.

Cris reviewed and highlighted strategies that the workgroup identified as need for the state APR program to maintain or increase the pace of land protection, for example increased APR funding, to review the programs price per acre and housing exclusions requirements, and to increase the state conservation land tax credit annual amount. Additionally, for more farm land to stay in production, a robust mitigation program to reduce farm land conversion, for instance strengthening Article 97 no-net loss policy and Executive Order 193, or to reclaim productive farm land by enacting farm land restoration program similar to the state of Connecticut's cost share program.

Committee members provided feedback and comments on the proposed strategies to Cris Coffin. Cris explained that the work group had conducted their last meeting on April 10, 2015 and the next action steps for advancing collective input to the Massachusetts Food Policy Council.

Commissioner Lebeaux called the ALPC meeting to order at 10:32 A.M.

I. APR UPDATE

Commissioner John Lebeaux opened the meeting and went around the room for introductions of the ALPC members, Department staff and members of the audience.

Commissioner Lebeaux reported that he has been getting up to speed on various matters within the Department and the administration has been focused on the budget and capital planning.

Ron Hall distributed and reviewed the **APR Report Summary** dated March 25, 2015. Since February 13, 2015 not a lot has changed with the number of APRs acquired. 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). The number of pending projects has changed with 34 pending Vote of Interest (Nominated) projects with 1,731.6 acres and there are 28 pending Final Voted projects with 1,622.26 acres at an APR value of \$15.7 million, which will have a Department cost of \$13.3 million (with a potential local contribution over \$1.5 million and landowner bargain sale of roughly \$929,058). There are eight (8) unresolved projects.

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Additionally, Ron Hall reported the Agricultural Land Easement Program's (ALE) obligation for FY15 cooperative agreement has been announced and it is expected to be \$2,236,500. He also reported that USDA announced the opening of the public comment period for Agricultural Conservation Easement Program (ACEP) interim final rule and the official notice of the proposed ACEP interim rule can be found on the Federal Registry. The 60-day comment period allows for electronically or mailed comments. The Department expects to submit comments by the April 28th deadline.

II. APPROVAL OF MINUTES

a. February 13, 2015

It was moved, seconded and

VOTED: To approve of the minutes.

III. VOTE OF INTEREST

a. Gaudreau– New Braintree - Worcester

Michele Padula presented information on this application to the ALPC. Her recommendation was to nominate the property for appraisal to determine value. It was moved, seconded and

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

b. Boon Road South Realty Trust (Sullivan) – Stow - Middlesex

Chris Chisholm presented information on this application to the ALPC. Her recommendation was to nominate the property for appraisal to determine value. It was moved, seconded and

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

c. Westport River/ Buzzard Bay (Russell) – Westport - Bristol

Chris Chisholm presented information on this application to the ALPC. Her recommendation was to nominate the property for appraisal to determine value. It was moved, seconded and

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

d. Fox/ Elm Street Terrace Trust – Dracut - Middlesex

Chris Chisholm presented information on this application to the ALPC. Her recommendation was to nominate the property for appraisal to determine value. It was moved, seconded and

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

IV. FINAL VOTES

a. Sloane – Feeding Hills/ Agawam - 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 Agawam for the acquisition of an agricultural preservation restriction by the Commonwealth on the land in said municipality situated on Barry Street, reportedly owned by Catherine and John Sloane, for a sum not to exceed \$995,000, of which DAR will contribute \$895,500 with the balance to be a local contribution and/or bargain sale of \$99,500 for 84.4 +/- 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 \$99,500 town contribution and/or bargain sale, and that the soils on the property meet FRPP/ ALE qualifications.

b. Ballygill Limited Partnership (Sean Stanton) – Great Barrington - Berkshire

Barbara Hopson presented information on this request to the Committee recommending it for a new final vote. There was a brief discussion on the current owners understanding of the Department's offer and future owner qualifications. Also, the potential loss of farmland for a proposed solar installation was discussed. 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 North Plain Road, reportedly owned by Ballygill Limited Partnership (Sean Stanton is the future purchaser), for a sum not to exceed \$850,000 of which DAR will contribute \$765,000 with the balance to be a local

contribution and/or bargain sale of \$85,000 for 70.65 +/- 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 \$85,000 town contribution and/or bargain sale, and that the soils on the property meet ALE qualifications.

c. Baker Farm LLC - Swansea - Bristol

Chris Chisholm presented information on this request to the Committee recommending it for a new final vote. There is a Farm Viability Enhance Program ("FVEP") covenant on the property and a pay-back will be required. The committee briefly discussed incentives for a Town to implement an Agricultural Commission and Right to Farm Bylaw. It was moved, seconded and

VOTED:

To approve the project submitted by or on behalf of the Town of Swansea for the acquisition of an agricultural preservation restriction by the Commonwealth on the land in said municipality situated on Locust Street, reportedly owned by Kenneth M. Baker, for a sum not to exceed \$1,020,000, of which DAR will contribute \$816,000 less the FVEP payback of \$60,000 equaling \$756,000 with the balance to be a \$250,000 local contribution and a bargain sale of \$14,000 for 93.3 +/- 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 \$264,000 town contribution and/or bargain sale, and that the soils on the property meet ALE qualifications.

d. Hass Family Trust – Rehoboth - Bristol

Chris Chisholm 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 Rehoboth for the acquisition of an agricultural preservation restriction by the Commonwealth on the land in said municipality situated on Providence Street, reportedly owned by John Hass, Trust of the Hass Family Trust, for a sum not to exceed \$540,000 of which DAR will

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contribute \$450,000 with the balance to be a \$54,000 local contribution and a bargain sale of \$36,000 for 25+/- 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 \$90,000 town contribution and/or bargain sale, and that the soils on the property meet ALE qualifications.

V. DISCUSSION

a. Dwelling Policy

Committee members were encouraged to submit their comments on the policy from the February 13th, 2015 ALPC meeting. Commissioner Lebeaux and General Counsel Tara Zadeh opened the discussion. There was a brief discussion by committee members on the criteria and subjects related to dwelling size, location, affordability, and does the reality for a dwelling allow for the continued farm operations. The dwelling policy was developed from past policy and guidance documents and placed into a standard format for the committee's review and advice.

A motion was made, seconded and

VOTED:

The ALPC adopts the APR Program Guidelines, Requests for a Certificate of Approval to Construct or Place a Dwelling, dated January 5, 2015 as guidelines of the ALPC.

b. Public Comment

The next meeting will be tentatively scheduled for the last Wednesday of May 2015, with a time and location to be determined. The Committee was provided the remaining schedule of meetings for 2015, which were tentatively listed for the last Wednesday for the months of May, July, September and November

It was moved, seconded and

VOTED: To adjourn the meeting at 11:44 A.M.

Respectfully submitted,



Ronald A. Hall,
APR Program Coordinator