

PRIVATE AGRICULTURAL PRESERVATION RESTRICTION (PAPR)
Instructions to Request Approval of a Private APR under M.G.L. c. 184, § 32.

Section 1: Initial Project Screening

1. Grantor/Grantee Information

Grantor Name(s):

Primary Grantee:

Secondary Grantee:

Other: (specify rights):

2. Contact Information

Contact #1:

Contact #2 (optional):

Contact #1 E-mail:

Contact #2 E-mail:

Contact #1 Phone:

Contact #2 Phone:

3. Background Information

Municipality:

Project Street Address:

PAPR Acreage:

Site/Project Name:

Assessors ID: Map(s) and Lot(s): (As shown on the Board of Assessors property card)

Is this Private APR an Amendment to an existing Conservation Restriction?

☐ Yes ☐ No

If yes, please describe why the Amendment is proposed, and provide recording information and a PDF of the original CR.

Recording Deadline, if applicable. Please explain reason for deadline:

(Note: MDAR cannot guarantee an approval date)

4. Sources of funding for the acquisition of the PAPR

Community Preservation Act and Amount	Federal Grant and Amount
Conservation Land Tax Credit (calendar year and tax credit amount)	Other (Please provide name of grant and amount)

5. Describe how this project is in the public interest

6. Description of capacity to steward the PAPR

7. Description of the owner/operators of the land (relevant experience, etc.)

8. Description of current and proposed agricultural uses and any non-agricultural uses of the land. Please indicate if there are any structures on the land proposed for the PAPR

9. Summary of any atypical/unique PAPR terms considered at this time (e.g. unique reserved rights)

10. Known encumbrances that may undermine the acquisition and purpose of a PAPR

In addition to the information requested in the form below please also include the following documents with your submission:

1. GIS shapefile of the proposed PAPR boundary.	<input type="checkbox"/>
2. Maps of the property (aerial, soils, topography, etc.) and any exclusions.	<input type="checkbox"/>
3. Appraisal report (prepared within the previous 12 months), survey, current deed, Phase1 ESA or similar.	<input type="checkbox"/>
4. Plans and agreements (conservation, forest management, business, leases, P&S, etc.).	<input type="checkbox"/>
5. Recent Title Commitment/Exam with explanation of why any encumbrances are acceptable.	<input type="checkbox"/>
6. Any other relevant documents.	<input type="checkbox"/>

Attestation: By signing this application, you attest all statements herein are accurate and true. By signing this application, you give permission to have a site visit by MDAR staff which may be necessary before a decision is made.

Landowner Signature: _____ Date _____

Print Name: _____

Entity Signature: _____ Date _____

Print Entity Name: _____

Print Representative Name: _____ Date _____

Submit the form and attachments to: ronald.hall@mass.gov

Section 2. Approval of PAPR Document

This step occurs after initial screening (Section 1) indicates the project should proceed.

If a notice to proceed has been provided and you are only seeking approval of document terms at this point you do not have to submit the information in Section 3 at this time. Please submit the following documents.

1. Draft Private Agricultural Preservation Restriction (Required).	<input type="checkbox"/>
2. Metes and bounds description ¹ OR Survey plan OR Boundary Survey (Required). (Please send plan as separate document) also, <i>see notes on Metes & Bounds / Survey Plan on the following page.</i>	<input type="checkbox"/>

¹ (In accordance with MGL Chapter 184 Sec. 26, the Premises description must be either a full metes and bounds description, or a recorded plan of land – an unrecorded plan may be provided with the application, provided it will be recorded in conjunction with the PAPR)

Section 3. Approval of PAPR Signature and Recording

This Section may be provided after PAPR document approval (Section 2). You can submit one item at a time as you have them vs. submitting as one complete package. Process can take up to 90 days for approval of a complete package.

1. Phase 1 ESA or similar all appropriate inquiry due diligence with explanation of why any recognized environmental conditions and/or recommendations for further action are acceptable.	<input type="checkbox"/>
2. Baseline Document Reports - draft.	<input type="checkbox"/>
3. Documentation of duly authorized approval by the municipality.	<input type="checkbox"/>
If Applicable	
1. Draft Private Agricultural Preservation Restriction (if not previously provided).	<input type="checkbox"/>
2. Metes and bounds description or Survey Plan or Boundary Survey (if not previously provided).	<input type="checkbox"/>
3. Appraisal (if not previously provided).	<input type="checkbox"/>
4. Approval of any other required entity (NRCS ACEP ALE etc.).	<input type="checkbox"/>
5. Original CR (<u>Only</u> if this is a CR Amendment).	<input type="checkbox"/>
6. Town Vote(s)/City Council Order(s) (<i>For CPA votes or other applicable votes/orders</i>).	<input type="checkbox"/>
7. Trustee Certificate or Other Corporate Authority (<i>If Grantor is a Trust, LLC, or other Corporation This can be a draft</i>).	<input type="checkbox"/>
8. Any other Exhibits that will be attached to the PAPR.	<input type="checkbox"/>

General Information and Notes

- **PUBLIC BENEFIT/INTEREST**

- The Commissioner shall consider (1) the public interest in such agricultural preservation, (2) any national, state, regional and local program in furtherance thereof, (3) any public state, regional or local comprehensive land use or development plan affecting the land; and (4) any known proposal by a governmental body for use of the land. In addition, see criteria in the [Private APR Guidance](#).
- Regardless of the grantor's intent, the Commissioner's determination of public interest will be dependent upon how well the PAPR demonstrates public interest; however, grantors should be advised that the Commissioner reserves the right to require modifications to the PAPR where in his/her opinion the Permitted Acts/Uses adversely impact the public interest, purposes, or conservation values, or when the document is improperly drafted.
- Please use the MassGIS online mapping tool, MassMapper. For recommendations on how to describe and effectively convey conservation values, public benefit, and purposes and to explore the conservation values associated with the PAPR "Premises" (the land subject to the PAPR). The PAPR must describe these conservation values, and MassMapper is one tool that can help you determine which are present on the Premises. Use the Mass GIS Online Mapping Tool, MassMapper, to explore the PAPR's unique characteristics. See the tool here:
<https://maps.massgis.digital.mass.gov/MassMapper/MassMapper.html>

- **METES & BOUNDS / SURVEY PLAN**

The land subject to the PAPR must be described by either a metes and bounds description or with reference to a recorded survey plan (See M.G.L. c. 184 §26). Please provide a digital copy of any survey plan that will be used to satisfy this requirement, or include the metes and bounds description, if using that instead, as an Exhibit to the PAPR. If the plan is not final at the time of submission, a draft or a placeholder sketch map are sufficient to conduct the initial review.

- **GRANTEE QUALIFICATIONS**

If the grantee is a non-profit charitable corporation or trust, MDAR may require proof that it is a qualified charitable organization in accordance with M.G.L. c.180 §4(a) or (l) and the I.R.S. Code Section 501(c) (3), and that it qualifies as a M.G.L. c.184 §32 holder, and reserves the right to review the organization's by-laws or charter and list board members or officers, as applicable.

- **MUNICIPAL APPROVAL**

If held by a charitable corporation or trust, the PAPR must be approved by the mayor/city manager and the city council, or select board/board of selectmen or town meeting to satisfy the requirements of MGL c. 184 §32, which states in part: *"In determining whether the restriction or its continuance is in the public interest, the governmental body acquiring, releasing or approving shall take into consideration the public interest in such conservation ... and any national, state, regional and local program in furtherance thereof, and also any public state, regional or local comprehensive land use or development plan affecting the land, and any known proposal by a governmental body for use of the land."*

- **BASELINE DOCUMENTATION REPORTS** Baseline documentation reports establish the conditions of the property subject to the PAPR at the time of its recording and are the foundation of future monitoring and enforcement. They should be prepared for every PAPR.

- **RELEVANT MASSACHUSETTS GENERAL LAWS**
 - Restrictions, Defined - [Chapter 184 Section 31](#)
 - Effect, enforcement, acquisition, and release of restrictions – [Chapter 184 Section 32](#)
 - Conservation commission; establishment; powers and duties [Chapter 40 Section 8\(c\)](#)
 - Community Preservation Act - [Chapter 44B, Section 12](#)