

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



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MEETING MINUTES
MASSACHUSETTS AGRICULTURAL TOURISM STUDY
COMMISSION

Monday, January 25, 2021
Via Zoom

Board Members in Attendance: Chair John Lebeaux, Yael Langer on behalf of Senator Anne Gobi, Dominik Lay on behalf of Senator Edward Kennedy, Keiko Orrall, Brad Mitchell, Nathan L'Etoile, Colin McDonald on behalf of Rep. Pignatelli, Michael Moore, Karen Schwalbe

Absent: Representative Paul McMurtry, Erin Williams

MDAR Staff in attendance: Christine Smith, Ashley Randle, Mary Jordan, Delia Delongchamp, Phu Mai, Alisha Bouchard

1. **Call to Order:** The meeting started at 1:04 pm, with full remote participation.
2. **Approval of the minutes from the last meeting on December 14, 2020.**

Michael Moore made a motion to approve the minutes from the last meeting, which was seconded by Karen Schwalbe. The vote to approve the minutes was unanimous.

3. **Industry Updates.**

Karen Schwalbe stated that she was cautiously optimistic about the COVID-19 vaccine and planning for spring and summer farmers' markets.

Keiko Orrall agreed and added that there were upcoming recovery grants from the Office of Travel and Tourism. The grant is open through mid-February.

4. **Final Report: Subcommittee Updates**

Ashley Randle stated that there are two subcommittees - Regulatory Subcommittee and National Policy Subcommittee.

Brad Mitchell reported from Regulatory Subcommittee that the focus has been on zoning, which is the biggest barrier that will need to be addressed, along with a change in definition of 128(1)(a). The food and alcohol issues were also discussed along with discussion about waiver of liability that is used by other states. They felt it was not appropriate to give liability waivers for certain activities that exist outside of the agritourism space (i.e., weddings) so did not want to create a different level of liability for those activities.

The National Policy Subcommittee focused on legislation but that will be covered in New Business.

5. New Business

Yael Langer of Sen. Gobi's office reported that they had been approached by a BU professor who teaches a course about law and policy about having a student work on a research project for the office. They took him up on his offer and the student did some research on agritourism, along with a model bill. The student talks about main barrier to agritourism being APR land, along with Tax issues, followed by liability issues and zoning matters. She also mentioned the allowance for solar panels on the farm, limited by percentage of use and suggested using a similar model for events. Yael Langer suggested that everyone review the document and felt that it would provide a helpful framework.

Chair Lebeaux reminded the group that February 19 is the date for initial filings. He reminded the group too that they were looking at language from other states. There were discussions about Sen. Kennedy filing bill, in conjunction with Sen. Gobi. Chair Lebeaux asked for an update about filing legislation.

Dominik Lay reported from Sen. Kennedy's office that he was not aware of the status of the filing but that he would check with Sen. Kennedy.

Chair Lebeaux asked how the report would help with a filing for a bill in February and do they have time to pivot to adding information from this report to a bill.

Yael Langer stated that there is no harm in filing in February, perhaps just a definition, but that it would also not be a problem to come up with additional language.

Brad Mitchell agreed with Yael Langer. He stated they do need a definition but that there are other matters that would be good to address as well. The definition could be a place holder and other language could be added in committee or at some other point.

Nathan L'Etoile agreed that the definition would be a good place to start.

Yael Langer did give caution that language change in committee technically happens after public comment and so adding in language in committee might not be well-received if there had not been public comment on that additional language. She asked if perhaps they could put more together before February 19th.

Keiko Orrall agreed with Yael's assessment and thought it best to have more comprehensive language.

Yael Langer suggested that if the committee does not have more information by Feb. 19th, the other language could be filed as a separate bill and then make a request to combine the bills so both would get a public hearing. Keiko agreed with that as well.

Chair Lebeaux supported this last suggestion. The members present generally agreed with this approach.

Yael Langer stated that at the last meeting the group had thought the filing date was January 15th and that Sen. Kennedy would file the legislation for the definition. The date had been since changed to Feb. 19th.

Yael Langer requested that the members provide comment on the report that had been provided so that there is agreement on what else needed to be added for legislation.

Brad Mitchell agreed, stating the liability concerns would be something that might need to be added in.

Yael Langer reiterated that she thought there were other proposals within the report that she would hope people with more expertise would look at.

Michael Moore liked the table that broke down different activities and also the reference to working farms. He liked the identification of peripheral activities as well.

Karen Schwalbe agreed that there was a lot to take in.

Chair Lebeaux stated that all members now had an assignment to read the report and use it as a basis for what they want to discuss at the next meeting for what they want to add to the legislation.

Dominik Lay asked if someone could email him the definition language that they wanted to be filed as legislation. Chair Lebeaux stated that someone could send it to him.

6. Next Meeting

Brad Mitchell and Yael asked if they could meet prior to the filing deadline so they could possibly put more together. Ashley Randle suggested February 8th, which would be a week earlier than usual, with February 15th being the President's Day holiday. Chair Lebeaux stated that an email invitation would be sent for that date.

Keiko Orrall asked about when they would be filing a report. Ashley Randle said they had decided earlier on a June filing for the report.

7. Adjournment

Karen Schwalbe made a motion for a vote to adjourn. The motion was seconded by Brad Mitchell. The vote to adjourn was unanimous. Meeting was adjourned at 1:38 pm.