Agriculture Preservation Restriction ("APR") Program
Summary of Municipal Role for APR Application and Enrollment Process

This document was last revised on 8/6/2026. This document will be revised and updated as needed and published on the APR Program Resources for Municipalities webpage.

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About this document

Intent

The goal of this document is to increase the awareness among municipal staff and officials of their statutory responsibilities and many opportunities to support the mission of the Agricultural Preservation Restriction (APR) program to permanently preserve farmland for its economic, cultural, and environmental benefits. This program is run by the Massachusetts Department of Agricultural Resources (MDAR).

This summary was created in response to requests for clarity about the ways that municipalities can contribute to farmland protection. This supports the goal of increasing the pace of farmland protection as outlined in the Massachusetts Farmland Action Plan.

This document is a general overview of the APR process, including the municipal role. It is not intended to be a comprehensive document and, as with any complex process, there may be some nuances and details which are not covered here. Throughout this process, MDAR staff will guide and assist municipalities wherever they can.

Structure of this document

This document outlines the roles and responsibilities of municipal staff and officials when a parcel of farmland in their municipality is being protected through MDAR's APR Program. There are different responsibilities at each phase of the APR acquisition process. Some responsibilities are required for the municipality to complete, and for others the municipality can choose how to get involved.

The following document builds upon a checklist created to guide farmers through the process of protecting their farmland through the APR Program.[1] As relevant, we have provided a brief summary of this information as reference to give the reader context for what others are doing at the same stage.

Questions

If you have any follow up questions related to this document, please contact Ron Hall (APR Acquisition Coordinator).

Introduction to Protecting Farmland in Massachusetts, including the APR Program

When protecting farmland there are several protection options available. Permanent protection mechanisms used in Massachusetts include Agricultural Preservation Restrictions (APR), Private APRs (PAPR) and Conservation Restrictions (CR). This document focuses on the APR Program.

What is an Agricultural Preservation Restriction (APR)?

An APR is an easement/ restriction held by the state through MDAR. The APR program strives to pay eligible farmland owners the difference between the Fair Market Value and the Agricultural Value of their farmland in exchange for a permanent deed restriction on the title to the farmland, which restricts any use of the property that will negatively impact its future agricultural viability, and secures a commitment to keep the land in agricultural production in perpetuity. Learn more from MDAR's APR Webpages, particularly the APR Program Guide.

Who is involved in protecting farmland through an APR?

The two main entities involved with protecting farmland as an APR are the landowner and MDAR staff. Both will work with various experts to advance the farmland protection project, including lawyers, surveyors, appraisers, business advisors, tax advisors and others. Decision making regarding APRs at MDAR includes the Agricultural Lands Preservation Committee (ALPC) which is comprised of state officials, farmers and other specified interest groups.

Municipalities also have notable roles and responsibilities, and this is the focus of this document.

Public officials will be notified during the process of protecting farmland and may have a small role, upon request.

A land trust may also be involved in protecting farmland.

Depending on the funding used for the project, the US Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), and/or other entities who provide funding may also be involved.

[1] Page 8 of the APR Program Guide

Phase 1 – Pre-Application and Initial Project Vetting

This phase is initiated by the landowner. A landowner may become interested in pursuing an APR on their property based on their own research or based on conversations with land trusts or other entities.

MDAR staff are contacted by the landowner to evaluate whether an APR is a good fit for the landowner's property. An APR Acquisition Planner (APR Planner) is assigned for pre-application planning. The landowner needs to complete many steps before an APR Planner can reach out to the municipality.[2]

Role of Municipality

Once a formal application is submitted by the landowner to the APR program, the APR Planner will notify the municipality to ask for:

1. Figures for the total number of residential building permits for new construction issued by the town over the previous five years broken down by year.
2. Confirmation whether the municipality has enacted a "Right to Farm Bylaw."

This notification will also provide information about how the municipality can provide a potential financial contribution towards the local match. This will be explored more in Phase 2.

Phase 2 – Application review and other work leading to MDAR making a formal offer

There are many responsibilities for MDAR and the landowner at this phase as they move from the application being submitted through several processes to MDAR making a formal offer to protect the farmland, based on an appraisal.[3]

Role of Municipality

MDAR will notify the municipality when it has been decided that the APR program proposes to acquire an APR on farmland within the community. The APR Planner will request:

1. The municipality's financial support through a contribution towards the acquisition of an APR as a local match requirement, following the APR Local Matching Funds Policy.
2. The Select Board or City Council announce that the Commonwealth is considering an APR acquisition at its next regularly scheduled and publicly noticed meeting. The APR Planner will provide a "Notice of Proposed Acquisition" to the Select Board or City Council. The date that the municipality certifies the announcement starts a minimum 120-day (4-month) clock intended for closing an APR.

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[2] In brief, the following are key responsibilities of the landowner in Phase 1:
- Research the APR program and explore whether their farm is eligible and fits their farm's goals
- Contact MDAR staff to discuss the property and farm business and how it could fit into the APR program

[3] In brief, the following are key responsibilities of the landowner and MDAR staff in Phase 2:
- Complete and submit an APR application to MDAR to evaluate.
- Upon MDAR staff completing its review, a recommendation is brought to the ALPC for an initial decision whether to pursue the project.
- If the application is accepted, a title exam and appraisal will be conducted by MDAR.
- Review the appraisal and purchase offer, and decide to accept or decline MDAR's offer.

Reducing the notification period with consent from municipality and public officials

Typically, MDAR will seek a reduction in the 120-day notification period to 60-days to expedite the process because of a priority classification of the farmland parcel, and consent from the municipal authority, as well as from the public officials listed below, to waive the 120-day notice period.

Notifying other public officials

In addition to working with the municipality, MDAR is also required to provide notice to certain public officials, including the local state Representative, state Senator and Regional Planning Agency.

Phase 3 – Secure Funding and Survey

If the landowner has accepted MDAR's offer, MDAR moves ahead with securing funding to supplement MDAR funds allocated.

MDAR is required to follow the APR Local Matching Funds Policy. There are three entities who can provide the local match – the municipality, a local land trust, and/or the landowner.

- When a municipality chooses to provide some of the funding towards the purchase price of the farmland restriction, they have some specific responsibilities in this phase.
- MDAR may submit an APR application to its federal funding partner, the USDA Natural Resources Conservation Service (NRCS). This involves some responsibilities for the municipality if they are also contributing funding.
- If federal funding is not available, another funding partner may be explored and there may be a municipal role.

After funding is secured, MDAR will go through final decision-making processes and procure a survey and Baseline Documentation Report (BDR) for the property.

Role of the Municipality regarding a boundary line survey

MDAR staff will complete a boundary line survey for the property in most cases, and it is typically required if part of the property is removed from the protected area. If this occurs, the survey is procured by MDAR staff and can require sign off by the municipality.

Role of Municipality if providing municipal funding

When a municipality chooses to provide some of the funding towards the purchase price of the farmland restriction, they have some specific responsibilities in this phase.

For the municipal contribution, see the responsibilities outlined in Phase 4.

If the municipality will be providing a contribution and MDAR is seeking federal funding, the municipality has additional responsibilities in this phase. When MDAR is securing federal funds to support the purchase price, there is a process for adding the Municipality as a "co-holder" onto the federal easement application, agreement, and parcel project contract.[4] The APR Planner will provide guidance to help municipalities complete and submit the following federal requirements:

- Provide information for Point of Contact (POC) with the municipality.
- Complete co-holder section and sign form NRCS-CPA-41 Entity Application for an ALE Agreement. This includes the municipality's DUNS number and active System of Awards Management (SAM) Unique Entity Identification number (UEID).[5]
- Name of official authorized to sign on behalf of the municipality and provide proof of signatory authority.
- Sign form ACEP-ALE Program Agreement – Exhibit -1 Identification and Signature Page for NRCS Easement Co-holders.
- Sign form NRCS-CPA-1267 – Modification of the Schedule of Acquisition for Easements.
- Sign form NRCS-CPA-1265 – Appendix to Form NRCS-CPA-1265 ACEP-ALE Parcel Cost Share Contract.

Role of Municipality if not providing municipal funding

There are no responsibilities if the municipality has chosen not to contribute any municipal funding. They could have other responsibilities related to MDAR seeking other funding sources.

Role of Municipality if another funding source is pursued

Each funding source has its own requirements and may have responsibilities for the municipality.

Phase 4 – Final Preparation and Closing

This phase focuses on the final steps to complete the acquisition of the APR, including closing on the APR document. MDAR's title attorneys will coordinate the closing process.

Role of Municipality if providing funding

MDAR staff will reach out to work with the municipality on how funding will be conveyed for the closing on the farmland restriction. The APR Planner will send the municipality notice of the closing and recording of the APR.

Role of Municipality if becoming a co-holder

Legal documents preparing for an APR closing will be sent to the municipality if they are intending to be a co-holder to complete, sign and return to MDAR to hold for the closing. The packet will include:

- An APR restriction document with associated exhibits for the municipality to sign, and
- An invoice with instructions for providing the municipality's payment.

The APR Planner will send the municipality notice of the closing and recording of the APR.

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[4] USDA Natural Resources Conservation Service (NRCS) Agricultural Conservation Easement Program-Agricultural Lands Easement (ACEP-ALE) Program

[5] This is required because the municipality will benefit from the federal funds.

Role of Municipality if not providing funding or being a co-holder

There are no responsibilities in this phase.

Phase 5 – After the farmland is protected

After the APR is recorded, there is an ongoing relationship between MDAR and the landowner with specific roles and responsibilities, including monitoring the APR, technical assistance and funding opportunities. An APR Stewardship Planner is assigned to the APR.

Depending on how the municipality was involved, they may also have roles and responsibilities.

Role of Municipality as co-holder

Depending on the specific APR document language, a municipal co-holder can have certain rights and responsibilities under the terms of the APR document and APR Statute (Massachusetts General Laws. Chapter 20, § 23). For more information see the Co-holder FAQ.

The APR Stewardship Planner initiates conversation with the municipality when certain situations arise.

- Some APR documents require co-holder approval for Special Permits for certain non-agricultural, commercial events, activities or uses that will not negatively impact the land resource. For more information see the Special Permit Guidance and FAQ.
- Some APR documents require co-holder approval for MDAR to issue a Certificate of Approval to permit certain agricultural activities or improvements.

Many APR documents include a MDAR held Right of First Refusal (ROFR) or Option to Purchase at Agricultural Value (OPAV) when a property is transferred to a new owner which does not require municipal involvement.

Role of Municipality if not a co-holder

There are no responsibilities in this phase per the APR restriction. The APR property is subject to all applicable laws and regulations.