

NEW POWERS FOR AGRICULTURAL COMMISSIONS

MGL CH.40, SEC.8L



Farmland
Conservation

Municipal
Agricultural
Land Plan

Agricultural
Preservation
Fund

FARMLAND CONSERVATION

AGRICULTURAL COMMISSIONS CAN:

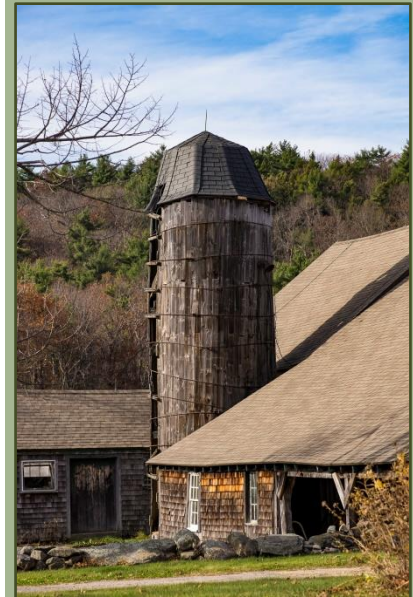


- Own Farmland
- Hold Conservation Restrictions (CR) on Farmland
- Accept Donations of Farmland
- Purchase Farmland or CR's on Farmland
- Manage and Control Farmland owned by Commission

Comprehensive Agricultural Land Plan

PLANNING

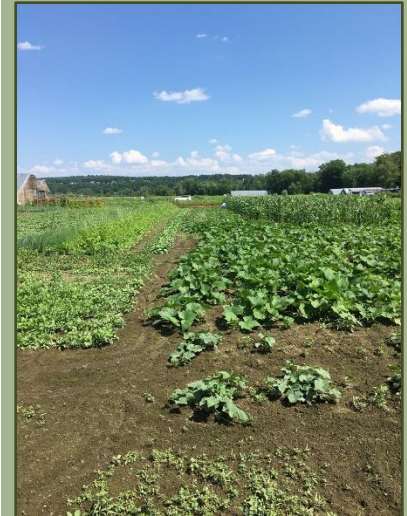
- ❖ Agricultural land areas and facilities;
- ❖ Agricultural Restriction Tract Index;
- ❖ Priorities for Agricultural Land Conservation;
- ❖ Municipal lands suitable for Agricultural Use;
- ❖ Land that should be retained as a Public Necessity for Agricultural use.



Agricultural Preservation Fund

FUNDING

- ❖ **Established by Municipality;**
- ❖ **Donations, Grants, Municipal Appropriations, Farm Lease Income;**
- ❖ **Use for any purpose authorized by state law:**
 - **Purchase Land & CR's**
 - **Manage/Lease Farmland**
 - **Agricultural Land Plan**
 - **Appraisals**
 - **Due Diligence**
 - **Books, Maps, Pamphlets**



AGRICULTURAL COMMISSIONS

NEW POWERS

Hold Ag. Land & CR's

Apply for Grants

Agricultural Land Plan

Agricultural
Preservation Fund

Manage Agricultural
Land

OLD POWERS

Promote Agriculture

Advocate for Farmers

Right to Farm

Ch. 61A Enrollment

Educate the Public

Farmers' Market

HOW FARMLAND IS CONSERVED

FARMLAND OWNERSHIP

Agricultural Commissions can own farmland:

The farmland is permanently protected under Article 97 of the Amendments to the MA Constitution.

CONSERVATION RESTRICTION (CR)

Agricultural Commissions can hold a conservation restriction on farmland:

The farmland is permanently protected under MGL Chapter 184, Section 32.

FINANCING FARMLAND CONSERVATION

MA State Grant Programs

MA Dept. of Agricultural Resources (MDAR):

- Agricultural Preservation Restriction (APR) Program
- Private APR Program
(Does not include financing)
- Urban Agriculture Program

Executive Office of Energy & Environmental Affairs (EEA):

- LAND Grant Program
- Landscape Partnership Program
- Conservation Partnership Program
- Conservation Land Tax Credit Program

FINANCING FARMLAND CONSERVATION

Federal Grant Programs

USDA_Natural Resource Conservation Service (NRCS):

- Agricultural Conservation Easement Program_Agricultural Land Easement (ACEP-ALE)
- Agricultural Conservation Easement Program_Wetland Reserve Easement (ACEP-WRE)
- Regional Conservation Partnership Program (RCPP)

USDA_US Forest Service (USFS):

- Forest Legacy Program
(Administered by MA Dept. of Conservation & Recreation (DCR), Division of Forestry)

Note: Agricultural fields and other non-forested land cannot exceed 25% of property.

STATE GRANT

R E Q U I R E M E N T S

- ❖ Current Open Space & Recreation Plan;
- ❖ Capacity to hold and manage property;
- ❖ Strong Conservation Project;
- ❖ Willing Landowner;
- ❖ Qualified Appraisal.

ALL GRANT

Q U E S T I O N S

- ❖ Who is Eligible to Apply?
- ❖ What kind of Appraisal or Valuation is required?
- ❖ What percentage of value does the grant program pay?
(Remaining % is “Cost-Share”)
- ❖ What are Cost-Share requirements?
(e. g. Cash; Landowner Contribution
“Bargain Sale”)
- ❖ Is the grant paid at “Closing” or is it a
“Reimbursement Grant”?

❖ Grant Applications

❖ Grant Acceptance and Municipal Appropriations

❖ Land Purchase and Conservation Restrictions

❖ Agricultural Land Plan

❖ Agricultural Preservation Fund

❖ Chapter 61 Notice and ROFR

MUNICIPAL

**A
P
P
R
O
V
A
L
S**

MA DEFINITION OF AGRICULTURE

- Agricultural, aquacultural, floricultural or horticultural commodities;
- Forest products and lumbering operations;
- Stabling Horses as a commercial enterprise;
- Bee Keeping;
- Fur-bearing animals;
- Preparations for market, delivery to storage or carrier

MGL Chapter 128, Section 1A

"Farming" or "agriculture" shall include farming in all of its branches...



CH. 61A & LOSS OF FARMLAND

Municipal Procedures

- Chapter 61 Enrollment
- Ch. 61 Notice
- Right of First Refusal



AGRICULTURAL COMMISSION INVOLVEMENT:

- ❖ Assessors Office
 - Ch.61 Penalties for Conversion
- ❖ Chapter 61 Notice:
 - Get the Notice!
 - Select Board Vote
- ❖ Right of First Refusal
 - Waivers & Assignments
 - Exercising the ROFR
 - Town Votes

MA FARMLAND ACTION PLAN

AGRICULTURAL COMMISSIONS ARE KEY TO SUCCESS:

GOALS: Improve Farmland Protection, Access, and Viability.



- MA Dept. of Agricultural Resources (MDAR) Grant Programs:
 - Urban Agriculture
 - Agricultural Food Safety Improvement Program ([AFSIP](#))
 - MA Food Ventures Program ([MFVP](#))
 - Matching Enterprise Grants for Agriculture ([MEGA](#))
 - Agricultural Energy Grant Program ([Ag-Energy](#))
 - Agricultural Environmental Enhancement Program ([AEEP](#))
 - Farm Viability Enhancement Program ([FVEP](#))
- Exec. Office of Environmental Affairs (EEA) Grant Programs:
 - Conservation Assistance Grants
 - Small Communities Grants

MASS. GENERAL LAWS CH.40, SECTION 8L

Acts of Massachusetts 2016, Chapter 218

AN ACT MODERNIZING MUNICIPAL FINANCE AND GOVERNMENT

(Section 23 is codified in MGL Chapter 40, Section 8L)

(Section 215 is not in MGL Chapter 40, Section 8L; it is codified in MGL Chapter 111, Section 31.)

SECTION 215. ...In a municipality with a municipal agricultural commission established pursuant to section 8L of chapter 40, the board of health in that municipality shall, during the publication period, solicit and consider comments submitted by the commission on regulations that have an impact on farming or agriculture as defined in section 1A of chapter 128.

(Section 243 is not in MGL Chapter 40, Section 8L. It is not codified in Mass. General Laws)

SECTION 243. A municipal agricultural commission established before the effective date of this act shall have the authority provided to municipal agricultural commissions in section 8L of chapter 40 of the General Laws without further action to accept said section 8L of said chapter 40.