

Questions and Answers from Private APR (PAPR) Webinar 11/14/2025

Last revised 2/20/2026

Context

On November 14, 2025, MDAR hosted a webinar introduction to the new Private APR Guidance and related process. This webinar will explain how Private APRs differ from other farmland protection tools, share stories of successful Private APRs, walk through the process and discuss next steps.

The following document is a summary of questions and answers from this webinar, including additional answers that could not be provided at the time.

Some notes regarding the questions and comments:

- Some have been edited or combined.
- Questions have been collated by topics, in no particular order
- These comments are from voluntary participants in open discussion. These comments may or may not align with positions of MDAR or the Commonwealth of Massachusetts.

The following abbreviations are often used in this document, with explanations of these terms in the webinar.

- ALE – Agricultural Land Easement
- APR – Agricultural Preservation Restriction
- CR – Conservation Restriction
- PAPR or Private APR – Private Agricultural Preservation Restriction
- MDAR – Massachusetts Department of Agricultural Resources
- MGL – Massachusetts General Laws
- OPAV – Option to Purchase at Agricultural Value

For any follow up questions, please contact Ron Hall – Ronald.hall@mass.gov

Explanations

Question - What is the BDR?

MDAR answer – A BDR is a Baseline Documentation Report. This is a snapshot of the current conditions, activities and uses of the property at the time of closing. It contains maps, photos, etc.

Question - What is a Phase 1 ESA?

MDAR answer – A Phase 1 ESA is Environmental Site Assessment. Usually prepared by a professional and includes a records check as well as a site assessment to determine environmental impacts on the subject (ex. Spills) as well as nearby properties. An ESA or an applicable plan of action will only be necessary if issues are identified or discovered by the entity to be the holder of the PAPR or through APR staff review.

Landowner

Question - Can the landowner be a public agency such as a municipality or a state agency?

MDAR answer – Yes, if the entity is legally allowed to acquire interests in land.

Question - What about Native American tribes- are tribal lands eligible for Private APR, and can tribal groups serve as the holder of the restriction?

MDAR answer – Yes, but MDAR approval will require a finding the entity is a “governmental body or (by) a charitable corporation or trust whose purposes include conservation of land or water areas, in accordance with MGL c 184, s. 32.

Ranking criteria

Question and comment - Will subjective ranking criteria for whether or not MDAR will approve a Private APR be developed with partner input? The flexibility of this tool has always been such a strong selling point. Land trusts/municipalities will be raising all the funds for these and bearing the perpetual stewardship obligation. The more transparent the decision-making process is, the more likely partners are going to be to want to explore using this pathway (as opposed to a Conservation Restriction).

MDAR answer - This is not a grant program with ranking criteria. MDAR has developed a PAPR guidance process with criteria.

Question - Is there a revised APR scoresheet that has the percentages and points? (the last I saw was from the APR Program Guide 2020)

MDAR answer - This question pertains to standard APR's and is not relevant to PAPR discussion. There will be no scoresheet for a Private APR. MDAR has developed a PAPR guidance process with criteria.

Active agricultural use

Question – How does MDAR define "active ag use?" If a parcel meets the ALE eligibility criteria of 1/3 open cropland, would MDAR consider that to be active ag use?

MDAR answer - ALE eligibility is not an automatic guarantee for PAPR. MDAR's focus will be on the use of the open agricultural land and the size of the area of interest to be protected.

Comment – Where I live in central MA there are many prime agricultural lands whose owners are elderly and no longer actively farming, and whose children are not interested in farming. This is how a lot of farmland is lost to subdivisions, etc.

- Question - Would this type of land be disqualified from a PAPR because the owners aren't actively farming anymore?

MDAR answer – Yes. Land must be in commercial agricultural use for at least one year to qualify for a PAPR.

- Question – Are there any plans to do outreach to elderly landowners, perhaps in Chapter 61 programs, in ways that do not involve the internet?

MDAR answer – Currently there are no plans, but this has been identified as a need in the Farmland Action Plan.

Approvals

Question – Have the PAPR's always had to be approved by MDAR or is this a new requirement?

MDAR answer – Yes, if the holder of PAPR wants the benefits of MGL 184 Section 32, MDAR approval is required.

Timelines

Question – How long does a normal APR take? (Compared to 100 days for Wasserman example)

MDAR answer – A timeline of a standard APR can vary but generally could take up to 3 years to close.

Other uses

Question – Would the PAPR help with farms that have areas in active Ag with a compatible solar installation and area leased to a DCR approved compost facility?

MDAR answer – PAPR could be a good tool for properties that may not be typical for a standard APR. These details would be vetted during the initial evaluation of a PAPR application process as outline within the PAPR guidance.

Converting from short term to long term protection

Question – How does a Farm Viability Enhancement Program (FVEP) project with a 10-15 year restriction roll into an APR?

MDAR answer - The landowner may apply to the APR Program when the FVEP covenant is near expiration. FVEP Staff is currently tracking covenant expiration dates and discussing further options with landowners prior to the expiration date.

Different types of protection

Question – How can different types of protection be used together? For example, a Private APR can be used as an overlay tool over an existing CR that may not have had particularly farm-friendly language, and to strengthen the ag protection on that parcel. As noted, it can also help tie housing and farmland together and address the future buyer and affordability of the land and housing (via use of an OPAV).

MDAR answer – A PAPR could be placed on a property with an existing CR in order to protect additional interests with the approval of the landowner and the entity/entities that hold the existing CR.

Question – Would American Farmland Trust (AFT) be a good "case manager" to help figure out the "patchwork of protection mechanisms"?

MDAR answer – Yes, national/ regional land trust, such as AFT, as well as local land trusts, town officials, and state agencies, etc., would be points of contact for assistance with projects using several different protection tools (eg Private APR with CR).

Factors of Viability within MDAR criteria for when APR is in the “Public Interest”

Question – Can you describe municipal ordinances that are supportive/not supportive?

MDAR answer – The adoption of a Right to Farm Bylaw is an example of an ordinance that shows a commitment to support local agriculture and farmland protection.

Funding sources

Question – Is there any written guidance about the compatibility (or incompatibility) of Private APR with programs such as LAND grant, Conservation Partnership grant, etc.?

MDAR answer – No, there currently is no guidance available on this topic. However, there is consideration being given to review this matter.

Question – What (if any) funding does MDAR bring to the table in a PAPER?

MDAR answer – No funding is available at this time for Private APRs.

Notifying towns

Comment and question – Normal APRs have notifications to a town not approval by town. This is important so the project keeps moving, not stall, etc, especially if the town isn’t very supportive. Why can’t PAPER be like APR?

MDAR answer – Language in Mass General Law Chapter 184, Section 32 states that a municipality must approve an APR held by a non-profit organization/ land trust entity.

Guidance, templates and background docs

Question – Is there a template for the APR document you recommend people to use? If so, I suggest that you should link to it in your guidance.

MDAR answer – Yes, sample templates are available from MDAR. Email request to Ronald Hall – Ronald.hall@mass.gov.

Question- Does MDAR do a Phase 1 Environmental Assessment for traditional APRs? Do most land trusts do a Phase 1 for CRs?

MDAR answer – No, unless issues of concern are identified and a Phase 1 is needed. Land trusts have their own standard operational procedures.