

The presentation portion of this webinar will be recorded and posted online alongside the slides at www.mass.gov/info-details/private-agricultural-preservation-restriction. If you would like a copy of the recording before it is posted online, you may submit a Public Records Request. Please keep your video off and your microphone muted for the presentation portion. The Q&A portion will not be recorded.

Introduction to the Private APR Process for protecting farmland

While you are waiting:

On the side, open a browser to go to
menti.com and use code 9690 2796
or enter www.menti.com/bl7rg7he1pd8

Friday, November 14, 2025, 12:00 – 1:30pm
Online Webinar

Presented by Ron Hall, Chris Chisholm, Michele Padula and Jay
Rosa, MDAR Acquisition Team



Navigating teams and expectations

Asking questions and making comments

- Use chat box to enter your questions during the presentation
- Please don't share project specifics in your questions/ comments. A separate meeting may be scheduled.
- You can also email questions after to Ronald.hall@mass.gov

Recording

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Please keep your video off and your microphone muted for the presentation portion.

The Q&A portion will not be recorded.

Agenda and Goals

Agenda

1. Introduction
2. Types of protection
3. Why choose a Private APR? Benefits and comparison
4. Private APR Stories
5. Submitting a Private APR for review
6. Next steps
7. Question and Answers

Today's Goals

- ❖ Become familiar with Private APRs and how they compare with other farmland protection tools
- ❖ Understand what makes a good Private APR
- ❖ Increase awareness of the process to develop and approve a Private APR
- ❖ Meet MDAR staff who you will work with on Private APRs

Introductions

Ron Hall
Acquisition
Coordinator

**Coordinator of
APR and
PAPR Acquisitions**

Jay Rosa
Acquisition
Planner

**Southeastern MA,
Southern Worcester,
Hampden County
and Southern
Berkshire Counties**

Chris Chisholm
Acquisition
Planner

**Essex, Middlesex,
Westport, Dartmouth
and Hampshire
Counties**

Michele Padula
Acquisition
Planner

**Northern Worcester,
Franklin, and
Northern Berkshire
Counties**

Gerard Kennedy – Director of Division of Agricultural Conservation and Technical Assistance
Katharine Otto as moderator

Some things to keep in mind

1) Private APRs are not new!

But were used sparingly

2) Publicizing the process for Private APRs

To encourage more usage

3) This is an ongoing effort

Process may be refined in the future

Today's goal – Reviewing the process and expanding this effort in support of the MA Farmland Action Plan



Types of Protection

What is an APR?

For more
information visit
PAPR Guidance
Page 1

- A recorded restriction/ easement document fasten to farmland and is held by MDAR
- Forbid and/or limit non-agricultural/ horticultural commercial uses
- Land required to be used commercial agricultural/ horticultural uses in perpetuity

An APR is defined by [MGL Chapter 184 Section 31](#) as

“a right, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land appropriate to retaining land or water areas predominately in their agricultural farming or forest use, to forbid or limit any or all

- (a) construction or placing of buildings except for those used for agricultural purposes or for dwellings used for family living by the land owner, his immediate family or employees;*
- (b) excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance in such a manner as to adversely affect the land's overall future agricultural potential; and*
- (c) other acts or uses detrimental to such retention of the land for agricultural use.*

Such agricultural preservation restrictions shall be in perpetuity except as released under the provisions of section thirty-two. All other customary rights and privileges of ownership shall be retained by the owner including the right to privacy and to carry out all regular farming practices.”

What is a Private APR/ PAPR?

For more
information visit
PAPR Guidance
Page 1

- an Agricultural Preservation Restriction in which the primary holder (and/or co-holder if applicable) are entities other than MDAR
- permanent restriction that requires the approval “in the public interest” of the Commissioner of MDAR
- Tool to protect quality agricultural land

MDAR manages all reviews for Private APRs that will be held by charitable corporations/trusts, or municipalities.

Who can hold a Private APR?

- Any governmental body which has power to acquire interest in land or any charitable corporation or trust which has power to acquire interest in land and whose purposes include conservation of land or water areas or of a particular such area
- The Grantor and Grantee* may not be the same entity, nor may they be divisions of the same entity (e.g., a Select Board and Conservation Commission of the same town).

Examples

- **governmental units**
 - Conservation Commissions
 - Conservation Districts
 - Water Supply Divisions
- **non-profit organizations** whose purposes include the conservation of land or water
 - land trust/conservancy or similar organization).

Massachusetts General Laws. Chapter 184, Section 32 <https://malegislature.gov/Laws/GeneralLaws/PartII/TitleI/Chapter184/Section32>

* Grantor is the party who transferred a legal right (seller), while the grantee is the party who receives that right (buyer).

What are the considerations for land that may be suitable for a Private APR?

For more
information visit
PAPR Guidance
Page 1

- When determining whether the restriction is in the public interest, the governmental body approving the private APR shall take into consideration:
 - the public interest in such agricultural preservation; and
 - any national, state, regional and local program in furtherance thereof; and
 - 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.



MDAR Criteria for when PAPR is in the “Public Interest”

For more
information visit
PAPR Guidance
Page 1-2

- Land is currently actively devoted to commercial agricultural or horticultural uses
- Land in active agricultural production for at least one year
- Land demonstrates reasonable agricultural viability.
- **Is there minimal acreage requirement?**
- There is no minimum size required for eligibility, but non-forested parcels less than 5 acres will be subject to additional scrutiny for overall viability.
- There is a minimum size of 10 acres for a commercial forestry operation.

Commercial agricultural or horticultural uses as defined in [sections 1 & 2 of chapter 61 A](#)

For the purposes of Private APRs, Agricultural Viability is defined as “the ability of the land to support and maintain a commercial agricultural business.” (see next slide for more details)

Factors of Viability

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

For more
information visit
[PAPR Guidance](#)
Page 2

1. Geographic location
2. Infrastructure
3. Access to reliable markets.
4. **Quality of soil resources**
5. **Physical characteristics of the land**
6. There is a minimum size of 10 acres for a commercial forestry operation.
7. Municipal ordinances or bylaws that support agricultural use
8. **Marketable title**

Other things of note:

- There is no minimum size required for eligibility, but non-forested parcels less than 5 acres will be subject to additional scrutiny for overall viability

Added factors that demonstrate “Public Interest”

For more
information visit
PAPR Guidance
Page 2

1. Protecting the land will further a National, State or local policy or plan consistent with the purposes of APR.
2. **The land contains prime, statewide, or locally important agricultural soils (or forest soils if commercial forestry is the proposed horticultural use).**
3. The proposal limits resale value of the land to agricultural value.
4. **The proposal includes infrastructure, such as barns, wells, irrigation, and/or affordable housing for the farmer and/or labor.**
5. The proposal protects the whole property, including associated forests and wetlands and infrastructure.
6. **The land is currently predominantly in agricultural use.**
7. The property abuts other protected land.
8. The landowner/operator has completed a formal succession plan.
9. The landowner/operator has successfully completed Farm Viability Enhancement Program (FVEP) or other MDAR Grant Program.
10. The landowner/operator has completed a formal business plan.
11. Participation in agricultural business training program(s).
12. The property is within or is reasonably accessible to a designated Environmental Justice (EJ) block group;
13. The property is within NHESP Biomap Core Habitat or Critical Natural Landscape.
14. The landowner/operator utilizes Climate Smart and/or healthy soils practices (cover crops, no till, rotational grazing, riparian buffer, habitat linkage, energy efficiency,

The proposed PAPR must

For more
information visit
[PAPR Guidance](#)
Page 2

- Demonstrate the holders are qualified under MGL Chapter 184, section 32 to acquire an APR.
- Clearly demonstrate ownership of the land and who has the signatory authority.
- Demonstrate the land has legal and functional access.
- Provide proof of marketable and acceptable title.

The PAPR document

For more
information visit
[PAPR Guidance](#)
Page 2 - 3

Must include terms and conditions that are appropriate to:

- Protect farmland in perpetuity.
- Retain land predominately in its agricultural farming or horticultural use.
- Include affirmative requirement to keep the land primarily in commercial agricultural or horticultural production.
- Show all other customary rights and privileges of ownership shall be retained by the owner.
- Forbid acts or uses detrimental to such retention of the land for agricultural use.

Must include language forbidding or limiting the following activities and requiring approval from the proposed holder for the activities which can only be granted if the activities are necessary to maintain the viability of the PAPR property and not affect the land's overall future agricultural use:

- construction or placing of buildings except for those used for agricultural purposes or for residential dwellings used for family living by the landowner or their immediate family or employees;
- excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance in such a manner as to adversely affect the land's overall future agricultural potential.

Who must approve a PAPR?

For more
information visit
[PAPR Guidance](#)
Page 3

If the restriction is held by	The PAPR is approved by
City or town or a commission, authority, etc	MDAR Commissioner
Charitable corporation or trust	MDAR Commissioner and the mayor, or in cities having a city manager the city manager, and the city council of the city, or selectmen or town meeting of the town in which the land is situated.

Stewardship reporting and enforcement obligations

For more
information visit
PAPR Guidance
Page 4

- An affirmative requirement to maintain the property predominantly in agricultural/horticultural (including forestry) use is required.
- There should be a stated intention to monitor the PAPR annually.
- No PAPR shall be unenforceable.



A quick pause with polling

Who is in the room? Some quick polls

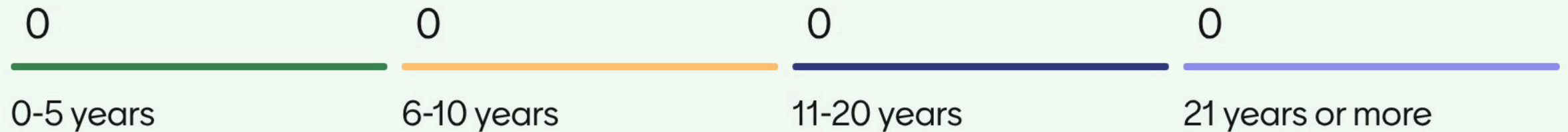
Go to menti.com and use
code 9690 2796

Or click
[www.menti.com/bl7rg7he
1pd8](https://www.menti.com/bl7rg7he1pd8)

Or scan the QR code



How many years of experience do you have with protecting farmland?



What type of organization do you work for?



- ☐ Land trust
- ☐ Municipality
- ☐ State agency
- ☐ Regional Planning Agency
- ☐ Other organization who works with farmers
- ☐ Farmer and/or landowner
- ☐ Other

How comfortable are you with protecting:

any land (open space, conservation, farmland, etc) with a CR?

farmland with a CR?

farmland with an APR?

farmland with a Private APR?

1.0

Don't know them

Very familiar (closed a lot)

Answers given on a scale: 1 (Don't know them), 2 (Basic understanding), 3 (Somewhat familiar – explored using them), 4 (Familiar – closed on a few projects), and 5 (Very familiar – closed on many projects):





Why choose a Private APR? Benefits and comparison

Benefit 1 – More choice of who can hold and steward the Restriction

Farmland protection is not a single transaction. It also establishes a long-term relationship for stewardship and enforcement on the property

- Farmers and landowners can have different preferences on who to work with for the long term
- Some like working with MDAR, while others may prefer to enter into a long term relationship with a local, regional or other statewide entity



Benefit 2 – More flexibility for eligibility*

Soils

- APRs prioritize a certain percentage of quality farmland soils
- PAPRs have no set percentage for quality farmland soils

Size

- APRs have a minimum of 5 acres of active agricultural land
- PAPRs have no minimal acreage, unless commercial forest

Non-farmland

- APRs prioritize protecting land in active agricultural production
- PAPRs can include more land that is not in active agricultural production

** While there is more flexibility, PAPRs still need to meet public interest threshold and are to be used as a tool to protect quality agricultural land*

Benefit 3 – More flexible terms and conditions

Term/ Condition	APR	PAPR
Affirmative Duty/ Covenant	Requires maintenance of land for commercial agricultural use	Have more flexibility on terms for this covenant.
Option to Purchase at Ag Value (OPAV)	Requires land is sold at its fair market value based on its agricultural use (i.e. helps with affordability for the next farmer).	May choose to include an OPAV.
Right of First Refusal (ROFR)	Used ROFR in the past so MDAR had the right to match a purchase agreement or assign that right to another entity. OPAV is included within current restrictions.	May choose to include a ROFR.
Dwellings	Does not allow dwellings.	Can allow dwellings.
Structures and impervious surface	Only allow agricultural related structures with approval and have a set impervious surface limitation.	Can allow a wider range of structures with approval and may not have an impervious surface limitation.
Special permits	Require special permits for non-agricultural activities or uses.	May choose to use special permits.

What restriction meets your needs?

Private APRs could be a better fit than an APR if:

- You have a tight timeframe
- You have capacity to steward the property in perpetuity
- APR eligibility requirements can't be met
- Would like more flexibility to meet goals and objectives
- You don't need as much funding

Private APRs could be a better fit than a CR if

- Your project has a commercial agricultural priority
- You don't need as much funding

A patchwork of restrictions could also be useful!

You could use several different mechanisms that are best suited to the land uses and purposes of different parts of the farm property.

For example, for the land used for agriculture, focus on APR or PAPR, and use a wetland easement or CR where other uses prevail.

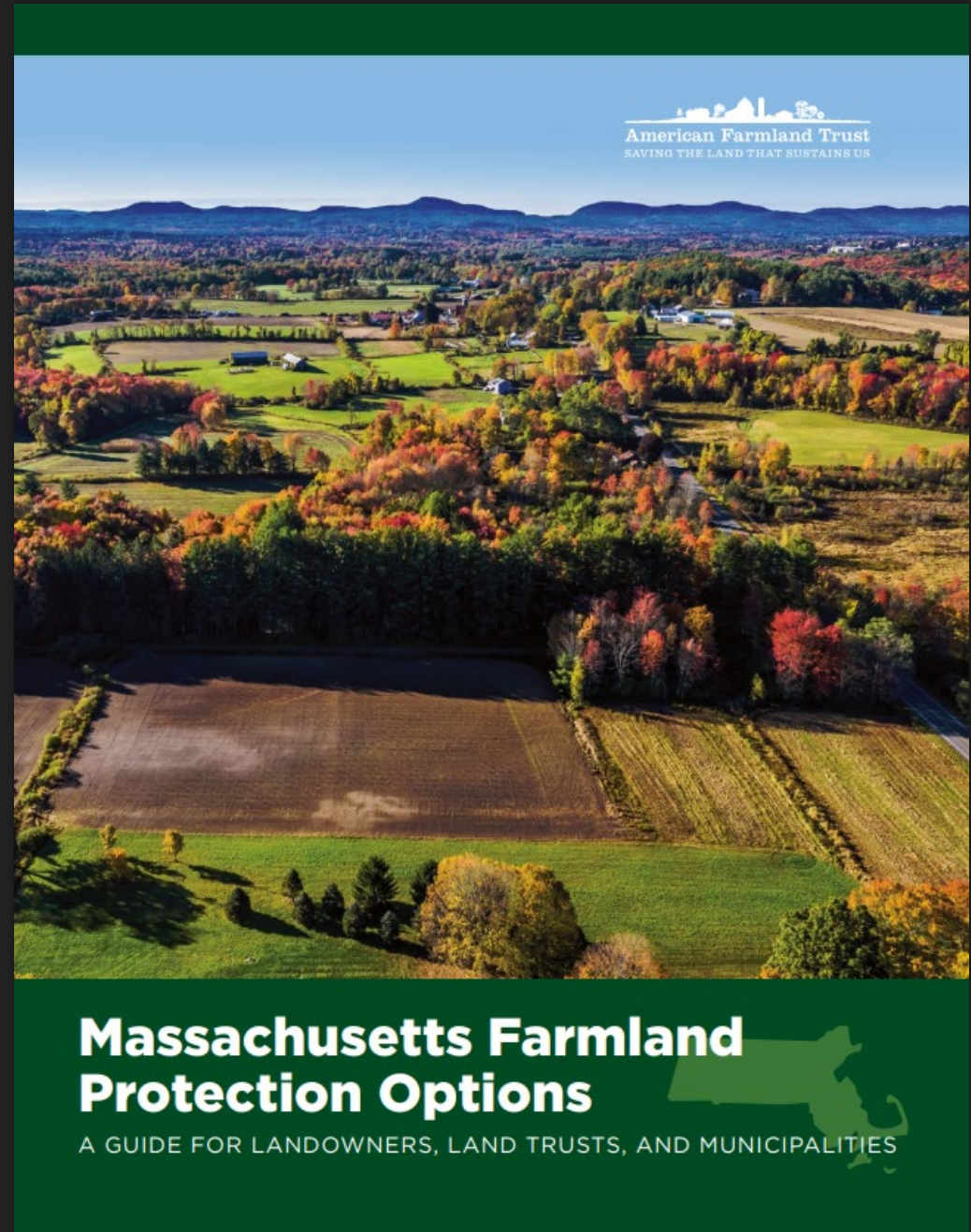


More comparison

American Farmland Trust –
Massachusetts Farmland
Protection Options: A Guide
for Landowners, Land Trusts,
and Municipalities.
September 2025.

[https://farmlandinfo.org/
publications/massachusetts-
farmland-protection-options-
guide/](https://farmlandinfo.org/publications/massachusetts-farmland-protection-options-guide/)

Particularly see Pages 24 - 27





Private APR Stories

Wasserman Private APR

Context

- Completed in approximately 100 days
- 125.6 acres of hay land and woodlands in New Marlborough
- Held by Berkshire Natural Resources Council (BNRC) and the New Marlborough Land Trust (NMLT)
- Donation of APR value for estate planning purposes (tax credit)

Notable features

- Fast closing
- Includes pre-approved future ag. construction (type and location)
- Allows minimal public access (rear walking path)
- Outlines additional conservation values (woodlands, wetlands, habitat)
- Excludes residential parcels
- Includes Forest Management Plan so significant woodland acreage could be included



Vollinger Private APR

Context

- 122.29 acres of crop land, hay land, pasture and woodlands in Northampton
- Organized by Trustees
- Private APR held by Kestrel Land Trust
- Funding - NRCS Regional Conservation Partnership Program (RCPP) and Audubon Catalyst Fund

Notable features

- Includes building envelope for future agricultural structures
- Allows up to 4 defined recreational events per year with prior approval
- Outlines additional conservation values (woodlands, wetlands, habitat)
- Excludes residential parcels



Other lessons learned

What can make a Private APR challenging?

- Properties that may have non-continuous parcels need to demonstrate sustainable agricultural or horticultural infrastructure.
 - A separate forested parcel must have an established forest stewardship plan.
- Knowledgeable landowners/ farmer operators that express a farm business plan for the farmland or forested parcel in the short-term and long-term.
 - This can include a succession plan.
- Balancing the purposes between working land values and conservation land values.
 - Thoughtful contemplation with the landowner towards prioritizing farmland or conservation preservation.
- Be aware of practical and legal access, including easements



Submitting a Private APR for Review

Initial Process

Contact
MDAR
PAPR
Planner

Review
guidance
materials

Complete
Section 1
of
submission
form

Email
submission
form

MDAR
Review

- see separate slide

All materials available at www.mass.gov/info-details/private-agricultural-preservation-restriction

Read the Private APR Guidance

- 4 pages
- Includes additional details not covered today
- Last revised March 2025

www.mass.gov/info-details/private-agricultural-preservation-restriction

THE COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



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PRIVATE AGRICULTURAL PRESERVATION RESTRICTION (APR) GUIDANCE

Request for the Massachusetts Department of Agricultural Resources to approve a private agricultural preservation restriction under M.G.L. c. 184, § 32.

What is a Private APR?

A private APR is an Agricultural Preservation Restriction in which the primary holder (and co-holder if applicable) are entities other than the Massachusetts Department of Agricultural Resources ("MDAR").

An APR is defined by [MGL Chapter 184 Section 31](#) as "a right, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land appropriate to retaining land or water areas predominately in their agricultural farming or forest use, to forbid or limit any or all (a) construction or placing of buildings except for those used for agricultural purposes or for dwellings used for family living by the land owner, his immediate family or employees; (b) excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance in such a manner as to adversely affect the land's overall future agricultural potential; and (c) other acts or uses detrimental to such retention of the land for agricultural use. Such agricultural preservation restrictions shall be in perpetuity except as released under the provisions of section thirty-two. All other customary rights and privileges of ownership shall be retained by the owner including the right to privacy and to carry out all regular farming practices."

Who is Eligible to Hold a Private APR?

[MGL Chapter 184, section 32](#) establishes that any governmental body which has power to acquire interest in land or any charitable corporation or trust which has power to acquire interest in land and whose purposes include conservation of land or water areas or of a particular such area, may acquire an Agricultural Preservation Restriction.

What type of land is eligible for a Private APR?

[MGL Chapter 184 section 32](#) states when determining whether the restriction is in the public interest, the governmental body approving the private APR (MDAR if held by a municipality and both MDAR and the municipality if held by a charitable corporation or trust) shall take into consideration:

- the public interest in such agricultural preservation; and
- any national, state, regional and local program in furtherance thereof; and
- 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.

Therefore, MDAR has established the following criteria to measure whether the APR is in the public interest:

1. The land proposed for a Private APR is currently actively devoted to commercial agricultural or horticultural uses as defined in [sections 1 & 2 of chapter 61A](#) (herein "agricultural" or "agriculture"). The land should have been in active

Fill out Section 1 of Submission Form

- 5 of 8 pages
- Includes additional details not covered today
- Last revised September 2025

[www.mass.gov/info-
details/private-agricultural-
preservation-restriction](http://www.mass.gov/info-details/private-agricultural-preservation-restriction)

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)

Section 1 of the Submission Form

“Initial Project Screening”

In the submission form

- Grantor and Grantee information
- Background information, including location, acreage
- Funding sources
- Describe
 - How project is in public interest
 - Capacity to steward the PAPR
 - Owner/Operators of land and experience
 - Current and proposed agricultural and non-agricultural uses
- Atypical/ unique PAPR terms being considered
- Known encumbrances
- Signatures
- Other details, including any deadlines for recording, existing CR, etc

Attachments

- Maps and GIS files
- Appraisal report, survey, current deed, Phase 1 ESA, etc
- Plans and agreements
- Recent Title Commitment/ Exam
- Any other relevant documents

Review phases

Phase 1 – Eligibility

- Corresponds with Section 1: Initial Project Screening

Phase 2 – Restriction documents

- Corresponds with Section 2: Approval of PAPR Document

Phase 3 – Remaining documents and approval

- Corresponds with Section 3: Approval of PAPR Signature and Recording

All materials available at www.mass.gov/info-details/private-agricultural-preservation-restriction

Section 2 of the Submission Form

“Approval of PAPR Document”

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

Required attachments

- Draft Agricultural Preservation Restriction
- Metes and bounds description OR Survey plan OR Boundary Survey.

Section 3 of the Submission Form

“Approval of PAPR Signature and Recording”

Essential attachments

- 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.
- Baseline Document Reports – draft
- Documentation of duly authorized approval by the municipality

If applicable

- Draft Private Agricultural Preservation Restriction (if not previously provided).
- Metes and bounds description or Survey Plan or Boundary Survey (if not previously provided).
- Appraisal (if not previously provided)
- Approval of any other required entity (NRCS ACEP ALE etc.).
- Original CR (Only if this is a CR Amendment).
- Town Vote(s)/City Council Order(s)
- Trustee Certificate or Other Corporate Authority
- Any other Exhibits that will be attached to the PAPR.



Next steps

What comes next?

- Video of today's presentation will be shared soon
- Use the guidance and submittal form

Ask questions and engage with MDAR staff early in the process to work through whether your project is a good fit for PAPR.



MA Farmland Action Plan

Protecting farmland – whether by municipalities, land trusts, MDAR, or other entities – is an important part of this plan. There is a lot of work to do!

The PAPER guidance and today's webinar implement:

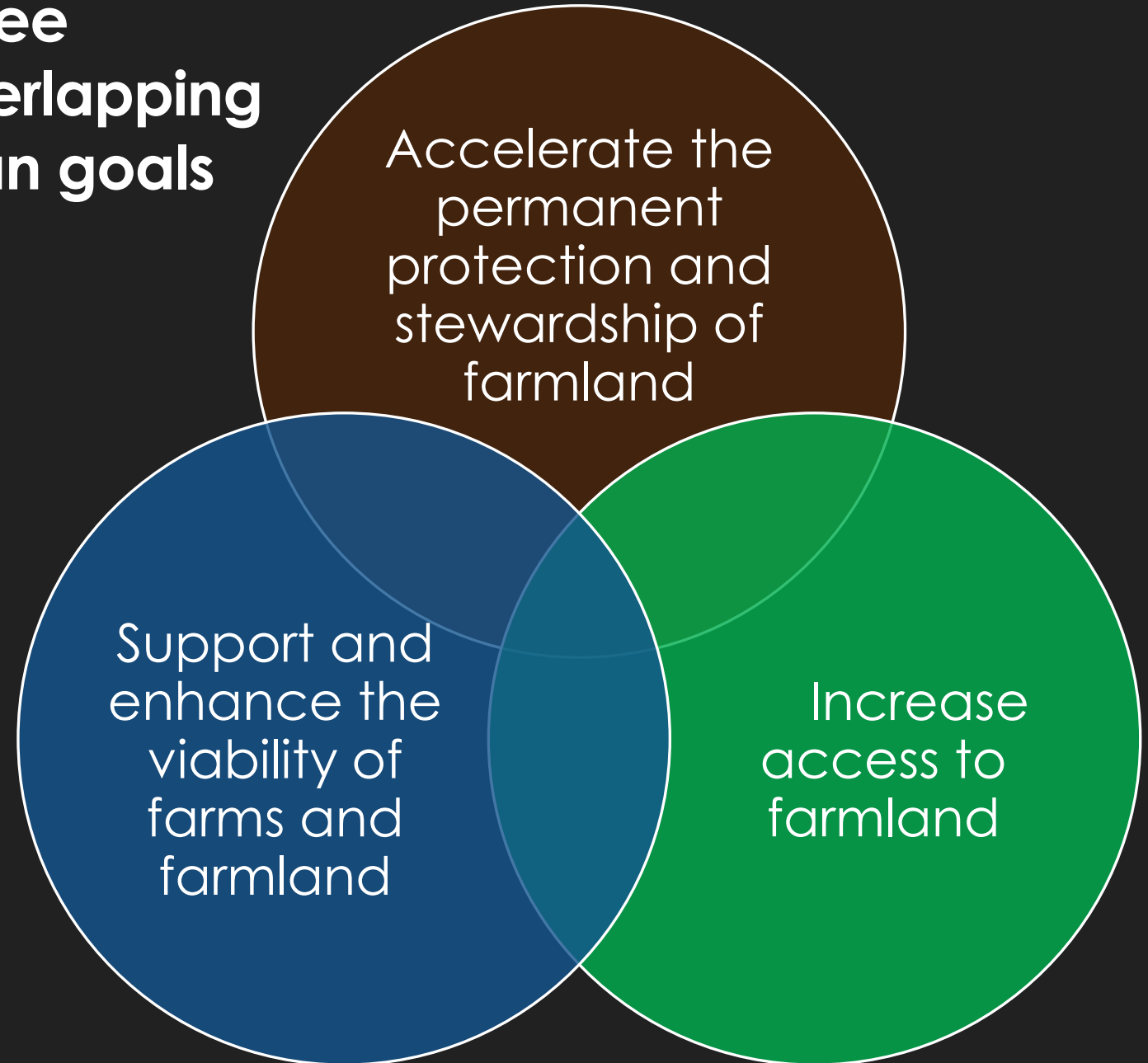
Task 1064 - Better educate partners about the APR Program's policy on approving private APRs—restrictions acquired without use of APR funding and held by a non-state entity such as a land trust or municipality.

Learn more and sign up for newsletter at

www.mass.gov/farmland-action-plan

This includes the new Farmland Partnership program.

Three overlapping plan goals



As a reminder

1) Private APRs are not new!

But were used sparingly

2) Publicizing the process for Private APRs

To encourage more usage

3) This is an ongoing effort

Process may be refined in the future



Questions or comments?

Please submit questions and comments in the chat box.

Please don't share project specifics in your questions/comments. A separate meeting may be scheduled.

For any questions after today, please email them to Ronald.hall@mass.gov

The recording will now be turned off.



Question – Status of Private APR funding

- Due to the current uncertainty around funding, MDAR is not planning to issue a grant for Private APRs at this time.

Question – Is a private APR considered Article 97 land?

- If held by a municipality, it is Article 97 land
- If held by a land trust, it is not Article 97 land.

Question – How do you release a PAPR?

- A Private APR may only be released, in whole or in part, in accordance with M.G.L. c. 184 Section 32.
- And if held by a municipality (or public entity) in accordance with M.G.L. c. 3 Section 5A, and Article 97 of the Amendments to the Massachusetts Constitution.

Question – Can I see examples of other people's PAPRs?

- MDAR has example Private APRs restriction documents available upon request.
- Email your request to ronald.hall@mass.gov

Questions or comments?

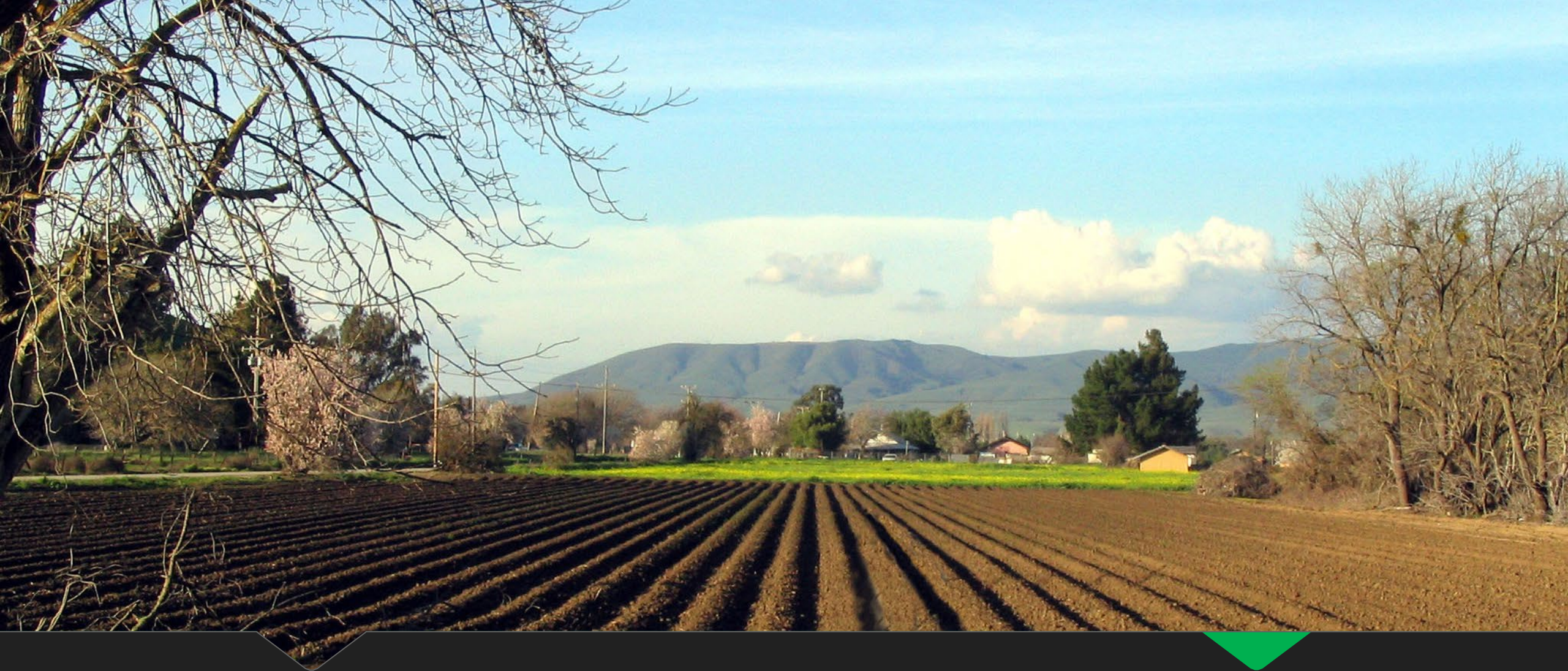
Please submit questions and comments in the chat box.

Please don't share project specifics in your questions/comments. A separate meeting may be scheduled.

Please visit the Private APR Webpage for slides, recording, guidance, submission form, contact information and more!

www.mass.gov/info-details/private-agricultural-preservation-restriction





Thank you for joining!