

Department of Agricultural Resources
AGRICULTURAL LANDS PRESERVATION COMMITTEE
MINUTES OF MEETING
September 24, 2015
MDAR Conference Room
Big-E Eastern Exposition Grounds
West Springfield, MA

MEMBERS PRESENT:

- John Lebeaux
Department of Agricultural Resources
- Phillip DeMartino, Designee for Chrystal Kornegay
Department of Housing & Community Development
- Robert O'Connor, Designee of Matthew A. Beaton
Executive Office of Energy & Environmental Affairs
- Judy Leab
Board of Agriculture
- Warren Shaw, Jr.
Public Member
- George Beebe
Public Member
- Stephen Verrill
Public Member
- Fred Dabney
Public Member
- Daniel Wright
Natural Resources Conservation Service, Non-Voting Member

MEMBERS ABSENT:

- Patricia Vittum
Interim Director of Center for Agriculture, UMass, Amherst

ALSO PRESENT:

Jason Wentworth, Department of Agricultural Resources
Gerard Kennedy, Department of Agricultural Resources
Chris Chisholm, Department of Agricultural Resources
Barbara Hopson, Department of Agricultural Resources
Ron Hall, Department of Agricultural Resources
Michele Padula, Department of Agricultural Resources
Tara Zadeh, Department of Agricultural Resources
Michelle Kopelson, Department of Agricultural Resources

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Chairperson of the Agricultural Lands Preservation Committee ("ALPC"), John Lebeaux, Commissioner of the Massachusetts Department of Agricultural Resources (the "Department"), called the ALPC meeting to order at 1:34 P.M.

I. APR UPDATE

Commissioner John Lebeaux updated the ALPC members on the effects to the Department from early retirement and that 10 Department staff members had elected to take advantage of the Early Retirement Incentive Program (ERIP). There was a loss of 250-years of experience and reduced an already lean Department staff from 80 to 70 individuals. The Department was able to conduct certain hires and some immediate needs for replacing Animal Health Inspectors and a Director of Crop Services are expected. Also, a new Chief Apiary Inspector, Dr. Kim Skyrn joined MDAR. Kim has been actively meeting with beekeepers and attending beekeeper association meetings to get familiar with Massachusetts apiary sector and looking to advance this agricultural element.

The Department has been working hard on an emergency response plan and preparing for the consequence of the arrival of Avian Influence (AI) in Massachusetts. Wild migratory birds are natural carriers for AI. The Department is seeking to educate poultry owners about the risk this virus poses to their birds.

Ron Hall distributed and reviewed the **APR Report Summary** dated September 24, 2015. Year-end totals for the APR program included closing 13 projects, while protecting 870.7 acres of farmland, with an APR value of \$8.9 million, and cost the Department approximately \$7.2 million with \$333,110 in local contribution and \$812,965 in landowner bargain sale, plus Scenic Byway Funds of \$540,000.

To date in FY16 the APR Program has closed 1 project, which protected 77 acres of farmland, with an APR value of \$225,000, at cost the Department \$213,750 (with \$11,250 in local contribution). The number of pending projects has changed with 28 pending Vote of Interest (Nominated) projects with 1,940.3 acres and there are 26 pending Final Voted projects with 1,372.38 acres at an APR value of \$13.9 million, which will have a Department cost of \$12.1 million (with a potential local contribution over \$1.2 million and landowner bargain sale of roughly \$626,701).

Ron indicated that the Environmental Bond Funds has not yet been determined, and expected soon. The program has \$550,000 for due diligence costs and \$5.0 million of Federal funds is available for APR acquisitions.

Additionally, Ron Hall reported the Department has signed the FY15 Federal ACEP/ALE Cooperative Agreement for \$1,635,425.

After Ron's summary, Commissioner Lebeaux welcomed Daniel Wright from Massachusetts Natural Resources Conservation Service, the new Assistant State Conservationist for Easement programs and he asked introductions from ALPC members and guest.

II. APPROVAL OF MINUTES

a. June 22, 2015

It was moved, seconded and

VOTED: To approve of the minutes.

III. VOTE OF INTEREST

a. Laro West LLC & Longyard Laro LLC (McLaughlin, Thomas) – Southwick - Hampden

Barbara Hopson presented information on this application to the ALPC. Her recommendation was to nominate the property for appraisal to determine value. It was moved, seconded and

VOTED: To appraise the property and negotiate for the execution of an Agricultural Preservation Restriction.

b. North Longyard Laro LLC (McLaughlin, Thomas) – Southwick - Hampden

Barbara Hopson presented information on this application to the ALPC. Her recommendation was to nominate the property for appraisal to determine value. It was moved, seconded and

VOTED: To appraise the property and negotiate for the execution of an Agricultural Preservation Restriction.

c. Bashista, Steve – Southampton – Hampshire

Barbara Hopson presented information on this application to the ALPC. Her recommendation was to nominate the property for appraisal to determine value. It was moved, seconded and

VOTED: To appraise the property and negotiate for the execution of an Agricultural Preservation Restriction.

d. Clarke, Janice and Russell (Clover Hill Nominee Trust) – Richmond - Berkshire

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Barbara Hopson presented information on this application to the ALPC. Her recommendation was to nominate the property for appraisal to determine value. It was moved, seconded and

VOTED: To appraise the property and negotiate for the execution of an Agricultural Preservation Restriction.

e. Smith/ Mass Audubon – Princeton - Worcester

Chris Chisholm presented information on this application to the ALPC. Her recommendation was to nominate the property for appraisal to determine value. There was discussion about the property to be sold to a future farmer prior to the restriction being placed on the farmland. It was moved, seconded and

VOTED: To appraise the property and negotiate for the execution of an Agricultural Preservation Restriction.

f. Ferry – Westport - Bristol

Chris Chisholm presented information on this application to the ALPC. Her recommendation was to nominate the property for appraisal to determine value. It was moved, seconded and

VOTED: To appraise the property and negotiate for the execution of an Agricultural Preservation Restriction.

IV. FINAL VOTES

a. Windy Hill Orchard, Inc. (Mareb, Dennis and Judy) – Great Barrington - Berkshire

Barbara Hopson presented information on this request to the Committee recommending it for a new final vote. There was discussion on ACEP/ ALE Program standards and requirements as it relates to land and landowner eligibility, and that the Mareb family need to complete/ update their eligibility forms. It was moved, seconded and

VOTED:

To approve the project submitted by or on behalf of the Town of Great Barrington for the acquisition of an agricultural preservation restriction by the Commonwealth on the land in said municipality situated on Stockbridge Road, reportedly owned by Dennis and Judy Mareb, for a sum not to exceed \$946,000, of which DAR will contribute \$555,000 with the balance to be a local contribution and/or bargain sale of \$391,400 for 37 +/- acres, and the Commissioner of Agricultural Resources shall be and hereby is authorized

to acquire a restriction, cause payment to be made therefore and do any and all other acts necessary to complete said acquisition.

This vote passed and is subject to the Department's standard conditions with respect to executing its current Agricultural Preservation Restriction contract un-amended. Further, this vote is also subject to a \$391,400 town contribution and/or bargain sale, and that the soils on the property meet ACEP/ ALE qualifications.

b. Clapp, Arthur and Patricia (Runnymede Farm) – Westhampton - Hampshire

Barbara Hopson presented information on this request to the Committee recommending it for a new final vote. It was moved, seconded and

VOTED:

To approve the project submitted by or on behalf of the Town of Westhampton for the acquisition of an agricultural preservation restriction by the Commonwealth on the land in said municipality situated on Easthampton Road, reportedly owned by Arthur and Patricia Clapp, for a sum not to exceed \$567,000 of which DAR will contribute \$510,300 with the balance to be a local contribution and/or bargain sale of \$56,700 for 58 +/- acres, and the Commissioner of Agricultural Resources shall be and hereby is authorized to acquire a restriction, cause payment to be made therefore and do any and all other acts necessary to complete said acquisition.

This vote passed and is subject to the Department's standard conditions with respect to executing its current Agricultural Preservation Restriction contract un-amended. Further, this vote is also subject to a \$56,700 town contribution and/or bargain sale, and that the soils on the property meet ACEP/ ALE qualifications.

c. DeMolles, Edward and Marlyn – West Bridgewater - Plymouth

Chris Chisholm presented information on this request to the Committee recommending it for a new final vote. It was moved, seconded and

VOTED:

To approve the project submitted by or on behalf of the Town of West Bridgewater for the acquisition of an agricultural preservation restriction by the Commonwealth on the land in said municipality situated on Manley Street and Walnut Street, reportedly owned by Edward and Marlyn DeMolles, for a sum not to exceed \$1,670,000, of which DAR will contribute \$1,073,870 with the balance to be a \$167,000 local contribution and a bargain sale of \$429,130 for 66.7 +/- acres, and the Commissioner of Agricultural Resources shall be and hereby is authorized to acquire a restriction, cause payment to be made therefore and do any and all other acts necessary to complete said acquisition.

This vote passed and is subject to the Department's standard conditions with respect to executing its current Agricultural Preservation Restriction contract un-amended. Further, this vote is also subject to a \$167,000 local contribution and \$429,130 bargain sale, and that the soils on the property meet ACEP/ ALE qualifications.

d. Raffa, Paul – Dudley - Worcester

Michele Padula presented information on this request to the Committee recommending it for a new final vote. It was moved, seconded and

VOTED:

To approve the project submitted by or on behalf of the Town of Dudley for the acquisition of an agricultural preservation restriction by the Commonwealth on the land in said municipality situated on Silvestri Road, reportedly owned by Paul Raffa for a sum not to exceed \$210,000 of which DAR will contribute \$165,000 with the balance to be a local contribution and/or bargain sale of \$42,000 for 21+/- acres, and the Commissioner of Agricultural Resources shall be and hereby is authorized to acquire a restriction, cause payment to be made therefore and do any and all other acts necessary to complete said acquisition.

This vote passed and is subject to the Department's standard conditions with respect to executing its current Agricultural Preservation Restriction contract un-amended. Further, this vote is also subject to a \$42,000 local contribution and/or bargain sale, and that the soils on the property meet ACEP/ ALE qualifications.

IV. RE-FINAL VOTE

a. Baker Farm LLC - Swansea - Bristol

Chris Chisholm presented information on this request to the ALPC recommending it for a revised final vote. There is a Farm Viability Enhance Program ("FVEP") covenant on the property and a \$44,000 pay-back will be required on the land to be converted into an APR, resulting in a \$0.00 landowner bargain sale. The Town of Swansea had approved \$225,000 and committed \$204,000 towards the Baker APR, while the remaining balance was kept for possible due diligence. It was moved, seconded and

VOTED:

To approve the project submitted by or on behalf of the Town of Swansea for the acquisition of an Agricultural Preservation Restriction by the Commonwealth on the land in said municipality situated on Locust Street, reportedly owned by Kenneth M. Baker, for a sum not to exceed \$1,020,000, of which DAR will contribute \$816,000 less the adjusted FVEP payback of \$44,000 equaling \$772,000 with the balance to be a \$204,000 local contribution for 93.3 +/- acres, and the Commissioner of Agricultural Resources

shall be and hereby is authorized to acquire a restriction, cause payment to be made therefore and do any and all other acts necessary to complete said acquisition.

This vote passed and is subject to the Department's standard conditions with respect to executing its current Agricultural Preservation Restriction contract un-amended. Further, this vote is also subject to a \$204,000 town contribution and \$0.00 bargain sale, and that the soils on the property meet ACEP/ ALE qualifications.

VI. DISCUSSION

a. Requests for a Certificate of Approval to Subdivide Land - Guidelines

There was a brief discussion by committee members on the criteria and subjects related to subdivision of land subject to an APR.

A motion was made, seconded and

VOTED:

The ALPC adopts the APR Program Guidelines, Requests for a Certificate of Approval to Subdivide Land, dated September 10, 2015, as guidelines of the ALPC.

b. Department and APR Program Regulations

General Counsel Tara Zadeh discussed Governor Baker's Executive Order #562 commissioning a complete and comprehensive review of every existing regulation, including all of the Department's regulations. The APR regulations were discussed as well as the fact that the statute does not mandate regulations for ALPC or APR program.

Counsel Zadeh further explained that the Department will be holding general listening sessions to provide interested individuals information on the regulatory review process and the opportunity to comment on the regulations.

In addition, in view of the fact that the ALPC responsibilities have changed and are now more narrow it was suggested that the regulations be rescinded and instead ALPC guidelines are utilized. The ALPC discussed the idea and requested the Department prepare the guidelines for the ALPC to review prior to the ALPC voting to rescind the regulations.

At a future meeting, members of the ALPC as requested a summary for the process of exercising an assignment under the Right of First of Refusal and Option to Purchase at Agricultural Value, so they have a better understanding of the procedure.

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The next ALPC meeting will be tentatively scheduled for the month of November and a date, time and location to be determined.

Commissioner Lebeaux also reported the hiring of Assistant Commissioner Jason Wentworth and introduced him. Jason's past experienced included being Executive Director of the Southeastern Massachusetts Agricultural Partnership (SEMAP) and worked for State Representative Christopher M. Markey of Dartmouth.

c. Public Comment

None.

It was moved, seconded and

VOTED: To adjourn the meeting at 2:45 P.M.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Ronald A. Hall", written in a cursive style.

Ronald A. Hall,
APR Program Coordinator