April 2025

Special Permit Guidance and Frequently Asked Questions



A Special Permit is an approval issued by the Department of Agricultural Resources that allows for certain non-agricultural, commercial events, activities or uses on land restricted by an Agricultural Preservation Restriction (APR). Non-agricultural commercial events, activities or uses proposed in a Special Permit application may be otherwise prohibited in your APR document; however, they may be allowable when they are ancillary to the primary agricultural operation. Any APR landowner may apply for a Special Permit. The Department may grant a Special Permit according to the criteria and guidelines in Requests for a Special Permit to Conduct Non-Agricultural Activities or Uses on APR Land. Proposed uses or activities that may negatively impact agricultural soils and/or temporarily displace production areas will receive extra scrutiny.

If your APR document has a municipal co-holder or co-Grantee, you are required to seek municipal approval under the terms of the APR or the application may be considered incomplete. A Special Permit does not replace any additional approvals that may be required by Boards of Health, Planning, Zoning, or other controlling entities. MDAR highly recommends applying for a Special Permit from the Department prior to pursuing other necessary approvals, and following the steps in this order may also be required by your APR document. Please refer to your APR document for more information or contact your APR Stewardship Planner.

Once a completed application is received by the Department, the APR Program is required to review the application within 90 days, so it is recommended to apply well in advance of your proposed activity. Special Permits can be issued for a term of up to 5 years. Renewals can be requested, but are not guaranteed. Special Permits are non-transferrable to the next APR landowner(s). To apply for a Special Permit, please use the attached application that best fits the proposed events, activities or uses. If a Special Permit application is considered incomplete, the Department will require supplemental information.

MDAR
MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES

APR
Agricultural Preservation Restriction Program

Q: I want to hold an event or events on my APR premises; what types of events can I hold?

A: Examples of activities/events on APR properties approved previously include outdoor weddings, running races, various vendor fairs, fundraising events, and concerts. Recurrent or long-term activities/events may be approved by Special Permit, but only if, amongst other criteria, they are not the primary income of the agricultural enterprise and do not displace full-time commercial agriculture.

Q: Do I need a Special Permit for agritourism business activities, such as corn mazes, hayrides, harvest festivals, and farm to table dinners featuring products grown on the agricultural enterprise?

A: A Special Permit is often not required for activities/events that are incidental, market the farm, and support the primary agricultural operation on an APR. See the activity categories below for general, but not definitive, guidance. A Special Permit may be necessary depending on the activity's size and/or scale. If agritourism activities become the primary income of the operation or displace full time commercial agriculture, the APR owner may be considered out of compliance and subject to enforcement by the Department.

Q: Do I need a Special Permit for recreational activities?

A: Non-agricultural, recreational activities for which APR landowners do not charge a fee, such as hiking, snowmobiling, birdwatching, Nordic skiing, hunting, and family weddings, do not require a Special Permit. However, you should reference your APR document because it may include more specific requirements for recreational activities. Contact your APR Stewardship Planner with questions.

Q: Can I build new structures with a Special Permit?

A: A Special Permit does not allow for new, permanent structures to be built. It may permit temporary structures that can be removed (such as tents or platforms) which will not cause any negative impact to the APR resources. Any temporary structures must be removed at the conclusion of the term of the Special Permit. You may be able to use an existing permanent structure for your Special Permit activities, but any modifications to the structure must not expand the footprint, require additional utilities, or prevent future agricultural use of the structure.

Q: What are some other considerations about agritourism and marketing my farm?

A: If you intend to open your farm to the public, MDAR generally recommends you consult your insurance carrier and legal counsel. You may also want to familiarize yourself with local municipal zoning requirements to understand what is possible on your farm. MDAR's Division of Agricultural Markets and Farm Viability programs are available to assist in directing you to industry resources, and can offer suggestions about marketing and agritourism best practices. These programs can provide business training classes focused on direct marketing as well. MA Farm Bureau and industry groups also offer resources related to agritourism and direct marketing online and at local conferences.

Q: What happens if my Special Permit application is denied?

A: Upon issue of a denial notification, a landowner may appeal the decision within 21 days to receive a hearing before the Agricultural Land Preservation Committee. The Committee designates a hearing officer and will render a final written decision.

Special Permit Categories

	Alternative Uses of Land or Structures	Non-Agricultural Events	Agritourism*
Type:	Agreements with third-parties to temporarily use APR Premises for storage of non-agricultural materials. The use of an existing agricultural structure for a non-agricultural use. Farm stays or short-term rentals. Parking for off-site, non-agricultural events.	Non-agricultural events, recurring or one-time.	Regular incidental non-agricultural activities on APR Land that are conducted **in association or combination** with commercial agricultural activities that have insignificant impact to the resource. Parking on existing parking areas for non-agricultural related events.
Examples:	• Equipment storage for a sports team • Yurts or tent sites managed by a third-party • Use of an existing structure as a yoga studio	• Ticketed concerts • Fairs (cultural, craft beer, craft vendors) • Weddings • Corporate retreats • 5k race • Paintball or disc golf • Food service events that do not use more than 50% ingredients from the APR farm (weight or volume)	• Pick-your-own operations • Corn maze, pumpkin patch, hay rides in season • Harvest festivals • Farm-to-table dinners • Pet animals for personal use or for farm visitors • On-farm education, camps, school field trips • Hunting by landowner permission
Information required in application:	Draft, unsigned company contracts, income, est. # attendees, maps, etc., Co-holder approval. Resource plan may be required if there is any potential impact to agricultural resources or regulatory areas.	Draft unsigned company contracts, est. # attendees, income, maps, etc., Co-holder approval.	*Typically Special Permit is not required. **Commercial agriculture must always be the primary and predominant use of the Premises. No permanent structures allowed.**

Ask your Stewardship Planner any questions if your proposed activity is not covered under this document.