

Department of Agricultural Resources
AGRICULTURAL LANDS PRESERVATION COMMITTEE
MINUTES OF MEETING
January 28, 2016
Department of Fishery and Wildlife
Field Headquarters
Westborough, 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
- Warren Shaw, Jr.
Public Member
- Fred Dabney
Public Member
- George Beebe
Public Member
- Daniel Wright
Natural Resources Conservation Service, Non-Voting Member

MEMBERS ABSENT:

- Patricia Vittum
Interim Director of Center for Agriculture, UMass, Amherst
- Judy Leab
Board of Agriculture
- Stephen Verrill
Public Member

ALSO PRESENT:

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

Chairperson of the Agricultural Lands Preservation Committee ("ALPC"), John Lebeaux and Commissioner of the Massachusetts Department of Agricultural Resources (the "Department"), called the meeting to order at 10:09 A.M.

I. APR UPDATE

Chairperson John Lebeaux opened the meeting with a brief summary on Department matters indicating that a consolidation of MDAR Human Resource staff into the Executive Office of Energy and Environment was underway, and a second round of early retirements had occurred. The Department was able to conduct certain hires for staff positions identified as essential.

In addition, Commissioner Lebeaux spoke briefly on recently release Governor's House 2 budget for bringing state spending in align with state revenues. Under this plan the Department can probably observe budget reductions to Department staff wages, operational expenses and programs. Funding for programs such as the Massachusetts' Emergency Food Assistance Program anticipate being \$17 million and Integrated Pest Management (IPM) would be level funded.

Commissioner Lebeaux conducted introductions of attendees of the ALPC meeting.

Ron Hall distributed and reviewed the **APR Report Summary** dated January 28, 2016. To date in FY16 the APR Program has closed 4 projects, which protected 254 acres of farmland, and had an APR value of \$1,680,000 million, and cost the Department \$1,532,000 million (with \$110,750 in local contribution). There are 28 pending Vote of Interest (Nominated) projects with 1940 (+/-) acres and there are 27 pending Final Voted projects with 1368 (+/-) acres at an APR value of \$15,730,000 million, which will have a Department cost of \$12,949,159 million (with a potential local contribution over \$1,291,060 million and landowner bargain sale of roughly \$1,515,181). There are 11 unresolved projects.

II. APPROVAL OF MINUTES

a. September 24, 2015

It was moved, seconded and

VOTED: To approve of the minutes.

III. VOTE OF NO INTEREST

a. Bailey (West Winds Farms, LLC) – East Longmeadow – Hampden County

Barbara Hopson presented information on this application to the ALPC. Her recommendation was to nominate for a vote of no interest. It was moved, seconded and

VOTED: To approve a vote of no interest for this application.

IV. VOTE OF INTEREST

a. Smith – Whately – Franklin County

Michele Padula 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. Lapa – North Hatfield – Hampshire County

Michele Padula 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

DISCUSSION:

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

c. LaFlamme 1 (Dickinson Farm) – Granby – Hampshire County

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

DISCUSSION: Kristin DeBoer provided a presentation from Kestrel Land Trust (“KLT”) on the La Flamme 1 & 2 projects.

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

d. LaFlamme 2 (Dickinson Farm) – Granby – Hampshire County

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

DISCUSSION: Kristin DeBoer from KLT and Andrew Morehouse from the Food Bank of Western Massachusetts (“Food Bank”) provided a presentation on the LaFlamme 2 project.

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

e. Lanni – Lunenburg – Worcester County

Michele Padula 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.

f. Kosinski (Gene Kosinski & John Kosinski) – Feeding Hills (Agawam) – Hampden County

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.

V. FINAL VOTES

a. East Quabbin Land Trust (formerly Gaudreau) – New Braintree – Worcester County

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

DISCUSSION: There is a purchase and sale agreement between East Quabbin Land Trust and Raymond Waugh. Mr. Waugh is the anticipated future private owner of the property to meet requirements of the ALE program.

VOTED:

To approve the project submitted by or on behalf of the Town of New Braintree for the acquisition of an agricultural preservation restriction by the Commonwealth on the land in said municipality situated on West Road, reportedly owned by East Quabbin Land Trust, for a sum not to exceed \$252,000.00, of which DAR will contribute \$239,400.00 with the balance to be a bargain sale of \$12,600.00 for 66 +/- 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 \$12,600.00 bargain sale, and that the soils on the property meet ALE qualifications. Further, the vote was also subject to value confirmation by a Review Appraiser prior to closing.

b. Smiarowski – Whately – Franklin County

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 Whately for the acquisition of an agricultural preservation restriction by the Commonwealth on the land in said municipality situated on Long Plain Road, reportedly owned by Ed and John Smiarowski, for a sum not to exceed \$200,000.00, of which DAR will contribute \$180,000.00 with the balance to be a local contribution and/or bargain sale of \$20,000.00 for 17.6 +/- 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 \$20,000.00 town contribution and/or bargain sale, and that the soils on the property meet ALE qualifications.

c. Boon Road South Realty Trust (Sullivan) – Stow – Middlesex County

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 Stow for the acquisition of an agricultural preservation restriction by the Commonwealth on the land in said municipality situated on Boon Road, reportedly owned by Boon Road South Realty Trust, for a sum not to exceed \$530,000.00, of which DAR will contribute \$347,805.00 with the balance to be a local contribution and/or bargain sale of \$182,195.00 for 19.65 +/- 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 an \$182,805.00 town contribution and/or bargain sale, and that the soils on the property meet ALE qualifications.

d. Hoerle, James – Amherst – Hampshire County

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 Amherst for the acquisition of an agricultural preservation restriction by the Commonwealth on the land in said municipality situated on South East Street, reportedly owned by James Hoerle, for a sum not to exceed \$685,000.00, of which DAR will contribute \$616,500.00 with the balance to be a local contribution and/or bargain sale of \$68,500.00 for 62.62 +/- 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 \$68,500.00 town contribution and/or bargain sale, and that the soils on the property meet ALE qualifications.

VI. RE-FINAL VOTE

a. Clapp, Arthur and Patricia – Westhampton – Hampshire County

Barbara Hopson presented information on this request to the Committee recommending it for a new re-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 \$567,000.00, of which DAR will contribute \$538,650.00 with the balance to be a local contribution and/or bargain sale of \$28,350.00 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 \$28,350.00 town contribution and/or bargain sale, and that the soils on the property meet ALE qualifications.

VII. DISCUSSION

a. APR Related Regulations (330CMR22)

MDAR General Counsel, Tara Zedah, presented information about the Governor’s initiative for regulatory review. The ALPC’s role and responsibilities have changed as well as NRCS’ role. The ALPC is not mandated by statute to have regulations. Presented to the committee were suggested draft guidelines consisting of the portions of 330 CMR 22 that relate to the ALPC.

ALPC members asked for a mark-up of the draft regulations to show the changes and edits made to the regulations. Also, criteria for evaluating applications were made available.

It was moved, seconded and

VOTED:

To take all actions necessary to rescind the portions of 330CMR22 which relate to the actions or the authority of the ALPC.

ALPC members further discussed the APR program meeting the challenge of future application demand. A sub-committee should be organized and help review and develop criteria for evaluating applications.

It was moved, seconded and

VOTED:

To adopt ALPC procedures, content to be determined at a later date by the ALPC based on a sub-committee working with MDAR.

b. Chamberlain Hearing Request

The Chamberlains have sought additional time for scheduling their hearing.

It was moved, seconded and

VOTED:

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To stay the appeal hearing, requested by the Chamberlains on 11/16/2015, after the 45 day time period set by the ALPC for hearing and to hold the hearing within 45 days of notification by the Chamberlains that they would like to set an appeal hearing date.

c. Public Comment

The next meeting is to be determined by necessity, with a time and location to be determined.

It was moved, seconded and

VOTED: To adjourn the meeting at 12:05 PM.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ronald A. Hall".

Ronald A. Hall,
APR Program Coordinator