

Department of Agricultural Resources
AGRICULTURAL LANDS PRESERVATION COMMITTEE
MINUTES OF MEETING
July 13, 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
- Patricia Vittum
Associate Director of Center for Agriculture, UMass, Amherst
- Judy Leab
Board of Agriculture
- Warren Shaw, Jr.
Public Member
- George Beebe
Public Member
- Stephen Verrill
Public Member
- Daniel Wright
Natural Resources Conservation Service, Non-Voting Member

MEMBERS ABSENT:

- Fred Dabney
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
Jason Wentworth, Department of Agricultural Resources

GUESTS:

Jesse Robertson-Dubois, American Farmland Trust
Kathy Orlando, Sheffield Land Trust
Don Leab
Nathan L'Etoile

ALPC – MINUTES OF MEETING –July 13, 2016

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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 10:06 A.M.

I. APR UPDATE

Chairperson John Lebeaux opened the meeting and conducted introductions. Commissioner Lebeaux spoke briefly about the budget and the tough decisions for coordinating state spending. He did not foresee reductions in Department staff and the administration and legislature were resilient in developing the 2017 state budget.

Additionally, Commissioner Lebeaux reported that the book on Fiscal Year 2016 for the APR program has not officially closed. In FY16 the APR program has closed 9 projects (one of these projects was a gift) while protecting 784 acres of farmland at an estimated APR value of \$6.489 million, costing DAR approximately \$5.665 million with local contributions of \$548,500 and Landowner Bargain Sales of \$194,000. Currently, there are 24 pending Vote of Interest (Nominated) projects involving approximately 1572.2 acres of farmland. Further, there are 23 pending Final Voted projects with 909.92 acres at an APR value of \$11.54 million that will have a DAR cost of \$9.182 million, a potential local contribution of over \$942,150 and landowner Bargain Sales of roughly \$1.413 million.

The Commissioner also reported that in FY16 the program received new stewardship funds totaling \$180,000. This included \$130,000 towards monitoring and outstanding or pre-Baseline Reports, and \$50,000 towards a grant program, the Stewardship Assistance and Restoration for APRs (SARA) program. SARA provides funding for improvements to APR property in order to remove invasive plants, reclaim inactive fields to active cropland, restore farm resources that have been negatively impacted by natural disasters, or conduct surveys to help with stewardship of the land.

Ron Hall distributed the **APR Report Summary** dated July 13, 2016 for the Committee members to review and discussion.

Lastly, the Commissioner updated members on the Department's 2016 application for the Agricultural Lands Easement (ALE) program with USDA's Natural Resource Conservation Services, and the initial obligation of roughly \$1,027,000. The Department's project submission exceeded the 2016 ALE obligation

II. APPROVAL OF MINUTES

a. January 28, 2016

Approval of the meeting minutes from January 28 2016 was moved, seconded and

VOTED: To approve of the minutes.

III. FINAL VOTES

a. Robert J. and Carol L. Russell – Westport – Bristol 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 Westport for the acquisition of an Agricultural Preservation Restriction by the Commonwealth on the land in said municipality situated on Hixbridge Road, reportedly owned by Robert J. and Carol L. Russell, for a sum not to exceed \$625,000.00, of which MDAR will contribute \$280,644.00 with the balance to be a local contribution of \$280,000.00 and/ or bargain sale of \$64,356.00 for 15.42 +/- 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 \$344,356.00 town/ local contribution and/or bargain sale, and that the soils on the property meet ALE qualifications.

b. Elm Terrance Trust – Dracut – Middlesex County

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

DISCUSSION: The committee discussed the amount for this APR and the substantial local contribution. It was further indicated that staff did a fine job in pulling this project together.

VOTED:

To approve the project submitted by or on behalf of the Town of Dracut for the acquisition of an agricultural preservation restriction by the Commonwealth on the land in said municipality situated on Avis Avenue reportedly owned by the Elm Terrance Trust, for a sum not to exceed \$1,462,000.00, of which DAR will contribute \$521,314.00 with the balance to be a local contribution and/or bargain sale of \$750,000.00 for 27 +/- 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 \$750,000.00 town/ local contribution and/or bargain sale, and that the soils on the property meet ALE qualifications.

c. Pam/ Wilcox (The Kitchen Garden) – 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 Christian Lane, reportedly owned by Caroline Pam and Tim Wilcox, for a sum not to exceed \$75,000.00, of which DAR will contribute \$67,500.00 with the balance to be a local contribution and/or bargain sale of \$7,500.00 for 7.75 +/- 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 \$7,500.00 town/ local contribution and/or bargain sale, and that the soils on the property meet ALE qualifications.

d. Lanni Orchards, LLP – Lunenburg – Worcester 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 Lunenburg for the acquisition of an agricultural preservation restriction by the Commonwealth on the land in said municipality situated on Chase Road and Northfield Road, reportedly owned by Lanni Orchards, LLP, for a sum not to exceed \$580,000.00, of which DAR will contribute \$522,000.00 with the balance to be a local contribution and/or bargain sale of \$58,000.00 for 78 +/- 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 \$58,000.00 town/ local contribution and/or bargain sale, and that the soils on the property meet ALE qualifications.

e. Gunn (Gift) – Sunderland – Franklin County

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

VOTED:

To approve the project submitted by or on behalf of the Town of Sunderland for the acquisition of an agricultural preservation restriction by the Commonwealth on the land in said municipality situated on Montague Road, reportedly owned by Steven Gunn as a gift on 22 +/- 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 the condition of a survey should it be determined that the current property description is not satisfactory.

IV. DISCUSSION

a. APR Related Regulations (330CMR22) – ALPC applicable portions

MDAR General Counsel, Tara Zadeh, provided an update on the process as it related to the APR regulations, which included in part amending portions of 330 CMR 22.00, processing through the Office Administration and Finance and moving forward through the public hearing and comment period. She also discussed the APR program’s policies and guidelines that have collectively been presented to the ALPC and all are posted on the program’s web-page.

b. Application Pre-screening process

DACTA Director Gerard Kennedy, suggested to the ALPC that a hold be placed on new votes of interest until the ALPC prioritizes projects as funding is limited and there is a large backlog of final voted projects. Additionally, Gerard described the process redesign session that APR staff participated in in order to evaluate the closing process for APR projects. The redesign explored issues of process efficiency, project backlog, and limited funds and the competitiveness for projects to qualify and be eligible for federal funds. As a result of this redesign, the Department suggested implementing an annual application process so projects are evaluated against one another and only projects that meet eligibility requirements for both the state and federal program would be presented to the ALPC for Final Votes. ALPC discussed the pros and cons of this approach.

Representatives from the land trust community encouraged a public process and indicated that a clear process is needed in order for land trust organizations to support the APR program and to help bridge the gap of time that it may take for an application to be completed as an acceptable APR project.

The ALPC wants a transparent process and asked that the score/ ranking system be presented, before endorsing a procedure change with the program application process.

c. Chamberlain Hearing Request

The Chamberlains have sought additional time prior to hearing their appeal of the Department's denial of a certificate of approval.

It was moved, seconded and

VOTED:

To hold the appeal hearing requested by the Chamberlain's related to the denial of a Certificate of Approval at the next scheduled ALPC meeting.

d. Waiver Process

ALPC members discuss the recent assignment process for an APR property in the Great Barrington area. There was concern expressed on the selection process for assigning the property and the public perception of the process was disappointing.

Further discussion about the role of the ALPC with the waiver process was reviewed and it was clarified, that the recent legislation has changed their role in such matters. It was suggested that clearer communications be provided and that a sincere effort of explaining the guidelines and notification process be provided to the individuals involved.

The next meeting will take place in the Fall with a fall date, time and location to be determined.

It was moved, seconded and

VOTED: To adjourn the meeting at 12:08 PM.

Respectfully submitted,



Ronald A. Hall,
APR Program Coordinator