

Department of Agricultural Resources
AGRICULTURAL LANDS PRESERVATION COMMITTEE
MINUTES OF MEETING
October 26, 2016
Massachusetts Technology Collaborative
Weiss Conference Center
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
Interim Director of Center for Agriculture, UMass, Amherst
- Warren Shaw, Jr.
Public Member
- Fred Dabney
Public Member
- Stephen Verrill
Public Member
- Patricia Vittum
Interim Director of Center for Agriculture, UMass, Amherst
- Daniel Wright
Natural Resources Conservation Service, Non-Voting Member

MEMBERS ABSENT:

- George Beebe
Public Member
- Judy Leab
Board of Agriculture

ALSO PRESENT:

Gerard Kennedy, Department of Agricultural Resources
Alisha Bouchard, 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
Nick Pitel, Department of Agricultural Resources

GUESTS:

Jesse Robertson-DuBois – American Farmland Trust
Emmanuel Owasu -EEA
Juan Jose` Vazquez Martinez – National Commission of Protected Areas/ Mexico
Cassandra Ferrazzini de Frutos– Fawlrod de Agronanre/ Uruguay

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 10:34 A.M. Commissioner Lebeaux conducted introductions of attendees of the ALPC meeting.

I. APR UPDATE

Chairperson John Lebeaux provided a summary on the forecast of capital funds and the anticipated shortfall in revenues for the fiscal year. The administration is determined to adjust the budget through 9C process cuts and the Executive Office of Energy and Environment was administrating a cash incentive retirement program for employees with 10-year or more years of service. The Department was doing it share with the budgetary cutbacks for bringing state spending in align with state revenues.

In addition, Commissioner Lebeaux spoke on the **APR Report Summary** dated October 24, 2016. In FY16 the APR program closed 10 projects, while protecting 838.4 acres of farmland, with an APR value of \$6.709 million, at cost to DAR of approximately \$5,863 million, a local contribution of \$584,500 and Landowner Bargain Sales of \$216,000. Year to date in FY17 the APR program has closed 1 project, while protecting 45.8 acres of farmland, with an APR value of \$800,000, at cost to DAR of approximately \$718,389 with a Landowner Bargain Sale of \$81,611. There are 18 pending Vote of Interest (Nominated) projects, with **1,395.2** acres, and there are 26 pending Final Voted projects with 970.19 acres at an APR value of \$13.252 million with a DAR cost of \$9.675 million, a potential local contribution over \$2 million and landowner Bargain Sale of roughly \$1.373 million.

Stewardship funds are to be provided to the Department through the Environmental Bond this year and are anticipated to be \$369,000. The funding will be used for monitoring, baseline document reports, surveys and grant funding for improvements to APR properties.

The 2016 Agricultural Lands Easement (ALE) agreement between the Department and USDA's Natural Resource Conservation Services has an initial obligation of roughly \$1,027,000.

The Commissioner provided an update on the APR program's regulation and announced a listening session on November 9th at the Grafton Community Farm, starting at 10:00 AM.

II. APPROVAL OF MINUTES

a. July 13, 2016

It was moved, seconded and

VOTED: To approve of the minutes as amended.

III. FINAL VOTES

a. West Family (North Parcel) – Hadley – Hampshire 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 Hadley for the acquisition of an agricultural preservation restriction by the Commonwealth on the land in said municipality situated on South Maple Street, reportedly owned by Arthur West, for a sum not to exceed \$500,000.00, of which DAR will contribute \$450,000.00 with the balance to be a bargain sale of \$50,000.00 for 102 +/- 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 \$50,000.00 bargain sale, that the soils on the property meet ALE qualifications and subject to funding availability.

b. Laro West LLC & Longyard Laro LLC (Thomas McLaughlin, Manager) – Southwick – Hampden 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 Southwick for the acquisition of an agricultural preservation restriction by the Commonwealth on the land in said municipality situated on Laro and North Longyard Road, reportedly owned by Laro West LLC & Longyard Laro LLC (Thomas McLaughlin, Manager), for a sum not to exceed \$730,000.00, of which DAR will contribute \$657,000.00 with the balance to be a local contribution and/or bargain sale of \$73,000.00 for 34.8 +/- 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 \$73,000.00 town contribution and/or bargain sale, and that the soils on the property meet ALE qualifications.

c. Michael Kosinski – Westfield – Hampden County

The project was removed from the agenda. No further action was taken.

d. Gene Kosinski and John Kosinski – Agawam – Hampden 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 Agawam for the acquisition of an agricultural preservation restriction by the Commonwealth on the land in said municipality situated on North West Street, reportedly owned by Gene Kosinski and John Kosinski, for a sum not to exceed \$300,000.00, of which DAR will contribute \$285,000.00 with the balance to be a local contribution and/or bargain sale of \$15,000.00 for 37.5 +/- 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 \$15,000.00 town contribution and/or bargain sale, and that the soils on the property meet ALE qualifications.

e. Smith – 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 Rick, Robert and William Smith, for a sum not to exceed \$100,000.00, of which DAR will contribute \$95,000.00 with the balance to be a local contribution and/or bargain sale of \$5,000.00 for 12 +/- 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 \$5,000.00 town contribution and/or bargain sale, and that the soils on the property meet ALE qualifications.

IV. DISCUSSION

a. APR Pre-screening Process and Ranking Form

Chris Chisholm and Ron Hall presented details on the APR ranking/ score card. The review process started early this year and has included input from a sub-committee of the ALPC and APR staff. The APR program has always had an evaluation form for its projects, and the APR & NRCS Parcel Eligible Worksheet has been a tool for the Department for several years and developed during the era of the FRPP Farm Bills. The objective of this ranking system's design is to meet key program purposes and focus areas for the state program; and there is an additional ranking system for the federal program under which each project will be evaluated.

There was discussion with the ALPC members and included comments about recognition of operations that include organic dairy pasture and forestry use that can include maple bush for syrup and harvesting of tree products. Members also had questions about nursery and sod farms and if there is any consideration for these operations.

Written comments are welcome and members of the meeting were asked that they submit their input by November 9th. Comments can be submitted in writing or by email.

b. APR Related Regulations (330CMR22) Update

MDAR General Counsel, Tara Zadeh, presented information about the APR Regulations as it relates to the Governor's initiative for regulatory review, as well as the ALPC's roles and responsibilities having changed with 2014 legislation.

General Counsel Zadeh updated the members on the action steps that have occurred, and on the September 21, 2016, public hearing on the Agricultural Preservation Restriction Program regulation. The Department believed it was in the public interest to extend the written comment period and accept written comments until October 21, 2016.

Approximately 15 comments were received and being considered. Subsequently, an information session was organized for November 9th, and will take place at the Grafton Community Farm, starting at 10:00 AM. The information session will review the process and highlight the changes to the regulations.

In regards to the APR program's guidelines, the development and implementation process was discussed and that all Department guidelines are presented to the ALPC. It was explained that the ALPC may adopt Department guidelines as its own guidelines.

ALPC members discussed and provided comments on the APR regulation process and information session. It was suggested that the Department be able to articulate and show

the changes made to the APR regulations at the information session. Further, it was expressed by ALPC members, APR owners, Farm Bureau, land-trust and others that the information session provides an opportunity for input into the APR regulations.

In addition, the ALPC members would like to further review a course of action for organizing their own committee procedures, guidelines and policies.

c. Pending adjudicatory hearings – update

An update was provided by DACTA Director Gerard Kennedy and General Counsel Tara Zadeh to ALPC members on the afternoon's three adjudicatory hearings. Two APR owners requested more time for their hearings and extensions were accepted for: 1) Whipple Certificate of Approval for a Dwelling Request and 2) Chamberlain Certificate of Approval for land improvements Request.

The McCray Special Permit hearing would take place as scheduled.

d. Adjudicatory hearing procedures - discussion

The ALPC members and Department staff discussed the process for adjudicatory hearings and the challenges with scheduling, postponements and extenuating circumstances to change hearing dates. The ALPC discussed the previously voted upon receipt of a request for hearing to have up to 45 days to hold a hearing and the full board needs to be engaged for arranging a hearing date. When there is a situation that calls for a decision by someone whether to adjust the scheduling of a hearing, the ALPC needs to designate the authority.

A motion was moved, seconded and

VOTED: to allow the hearing officer to make a decision to allow a one-time extension and to grant a second extension only in extenuating circumstances.

e. 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 12:26 PM.

Respectfully submitted,



Ronald A. Hall,
APR Program Coordinator