

Department of Agricultural Resources
AGRICULTURAL LANDS PRESERVATION COMMITTEE
MINUTES OF MEETING
September 6, 2017
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
- Laura Abrams
Board of Agriculture
- Warren Shaw, Jr.
Public Member
- Stephen Verrill
Public Member
- Fred Dabney
Public Member
- Daniel Wright
Natural Resources Conservation Service, Non-Voting Member

MEMBERS ABSENT:

- George Beebe
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
Michelle Bodian, Department of Agricultural Resources
Nick Pitel, Department of Agricultural Resources
Taylor Arsenault, Department of Agricultural Resources

GUESTS:

Kathy Orlando – Sheffield Land Trust
Steve McCray – Dairy Farmer
Kim Maire- Harvard Ext. School Student
Laura Sapienza-Grabski – Board of Agriculture

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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 10:08 A.M. Commissioner Lebeaux and asked the ALPC members and other attendees to introduce themselves, and indicated that the meeting was being recorded by a guest.

Chairperson Lebeaux recognized Steve McCray to address committee members on his topic for corn production and care on his APR land this season as follow-up to ALPC appeal decision with his Special Permit request involving excavation for a mud bog truck event on a portion of his APR land. Unknowingly the McCray's conducted mud truck events without submitting a Special Permit request to the Department for prior years. Mr. McCray explained to committee members the corn production (displayed a stock of corn and photograph of field) has not diminished from previous year yields. In addition, Mr. McCray shared a letter from Crop Production Services' crop consultant for soil samples taken on a field parcel that Mr. McCray offered the Department in exchange for an APR field parcel which previously held the truck event. A copy of the letter was submitted and appended to the meeting minutes.

Committee members had questions regarding the impact of excavation and the event activities on the land, and the rigorous interpretation for a land exchange proposal to be considered, which requires a determination for land to no longer being suitable for agriculture. It was suggested by Commissioner Lebeaux that further consideration be giving towards a definition of excavation as it relates to Special Permit requests.

I. APR UPDATE

Commissioner Lebeaux provided an update on the **APR Report Summary** dated September 6, 2017. Year end for FY17 had the APR program closing 14 projects, while protecting 557.4 acres of farmland, with an APR value of \$6.04 million, at cost to DAR of approximately \$5.12 million, with Local Contributions of \$615,750 and Landowner Bargain Sales of \$260,311. One of the APR projects was funded by Mass DOT Scenic Byway funds.

There are 6 pending Vote of Interest (Nominated) projects, tallying **636.6** acres. There are 16 pending Final Voted projects totaling 635.07 acres at an APR value of \$8.18 million, a DAR cost of \$6.2 million, a potential local contribution of \$954,650 and landowner Bargain Sale of roughly \$1.16 million.

The current federal funds for FY18 obligated to the APR program are \$2,100,000. The official announcement for FY18 State Bond funds is pending. Stewardship funds will again be provided to the Department through the Environmental Bond, The stewardship funds have provided funding for baseline reports, monitoring reports, and grant funds for the Stewardship Assistance and Restoration (SARA) program. Stewardship remains a priority of EEA's and we hope to know MDAR's funding soon.

The Department will be celebrating the 40th anniversary of the creation for the legislation that led to the APR program. We will be celebrated on October 20th, and a speaking program is tentatively schedule for 1:00-3:00PM on top of Mount Sugarloaf State Reservation, 300 Sugarloaf Street South Deerfield, MA. There will be farm tours of APR properties the same day, and an announcement of these activities will be made.

The Department's Agricultural Lands Easement application for the 2017 agreement is ongoing and MDAR is still awaiting the outcome of it's' application for federal funding. The 2017 ALE agreement should be finalized soon.

Commissioner Lebeaux introduced Chris Chisholm for an update on MEPA mitigation for a parcel called Land Between the Rivers, a project in the Town of Pepperell. MDAR is receiving a gift APR on approximately 11 acres of prime and state important soils, as mitigation for a school and senior center which were built on active agricultural properties. Working with the Town and the Division of Fisheries and Wildlife, collectively 32.6 acres of prime agricultural land along the Nashua River in Pepperell will be acquired. The Town will be leasing out the acreage to a local farmer.

II. APPROVAL OF MINUTES

a. June 19, 2017

It was moved, seconded and

VOTED: To approve of the minutes, as amended.

III. VOTES

Director Gerard Kennedy provided ALPC members background details on the list of applications and the process for evaluating the projects. The ALPC is to decide whether an application will receive a Vote of Interest or Vote of No Interest. The members discussed whether to review the project lists as a batch or to review each project individually. Upon review the project packets and evaluation form, the committee members chose to have each project present for their consideration.

Commissioner Lebeaux informed the Committee Members that John Payne from Shelburne had requested his application to be withdrawn from further consideration. The committee members then reviewed projects by their evaluation ranking:

a. Steven & Kristen Mong – Stow – Middlesex County

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

DISCUSSION: Members discussed with staff the awarding of points for certified organic and justification for these points.

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

b. Donald P. Bannish, Joseph M. Bannish and John P. Bannish – Westfield – Hampden County

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

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

c. KJ Araujo LTD, dba Araujo Farms – Dighton – Bristol County

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

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

d. Laurenitis – Sunderland – Franklin County

Michele Padula presented information on this application to the ALPC. Her recommendation was to nominate the property for appraisal to determine value. A *vote of interest* was moved, seconded and

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

e. Szala Realty Trust/ Dewitt Thomson – Hadley – Hampshire County

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

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

f. Estate of Juliana Niedbala – Aqua Vitae Road Hadley – Hampshire County

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

DISCUSSION: Members asked about other protected land/ APRs and recreational use values.

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

g. Estate of Juliana Niedbala – Hadley – Hampshire County

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

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

h. Garbiel – Montague – Franklin County

Michele Padula presented information on this application to the ALPC. Her recommendation was to nominate the property for appraisal to determine value. A *vote of interest* was moved, seconded and

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

i. Estate of Arthur C. Thatcher – Plainfield – Hampshire County

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

DISCUSSION: Committee members asked if the family were supportive of the application as they had cancel a previous application from a federal agreement, due to family not in full agreement

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

j. Michael 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. A *vote of interest* was moved, seconded and

DISCUSSION: Committee members asked if future landowner was supportive of the application as he had canceled a previous application from a federal agreement. Offer had been rejected and project was canceled.

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

k. Marrow – Paxton – Worcester County

Michele Padula presented information on this application to the ALPC. Her recommendation was to nominate the property for appraisal to determine value. A *vote of interest* was moved, seconded and

VOTED: will appraise if Mr. Morrow's sister is willing to proceed with the APR application and puts in writing she will complete eligibility forms.

l. Payne (Foxbard Farm) – Shelburne – Franklin County

The landowner had emailed the Department and withdrawn his application from consideration. No action taken.

m. Arthur J. Batacchi, Jr. – Sheffield – Berkshire County

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

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

n. Richard & Eleanor Amaral – Rehoboth – Plymouth County

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

DISCUSSION: P&S will be provided between landowner and farmer using the land.

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

o. VS Haseotes/ Suachuk – Plympton – Plymouth County

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

DISCUSSION: P&S was provided to Department between landowner and farmer using the land.

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

p. Richard & Marie Pray, Jr. – Seekonk – Bristol County

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

DISCUSSION: Member discussed the additional points for 56-75% prime /State/local soils on APR Parcel Scoresheet.

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

q. Karen Dube – Sheffield – Berkshire County

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

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

r. Halley – Pittsfield – Berkshire County

Michele Padula presented information on this application to the ALPC. Her recommendation was to nominate the property for appraisal to determine value. A *vote of interest* was moved, seconded and

DISCUSSION: Members discussed projects that may be considered threaten by development. Maybe land trust can be another funding source to help protect land should state not be able to act soon enough.

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

DISCUSSION: Committee members continued their discussion on the additional points provide on the APR Parcel Scoresheet by staff. Points given to organic certified farm is a

category of concern and its potential effect on a project's ranking from non-organic farm. An applicant can make a case to the ALPC if they have questions on their evaluation.

s. Vattes/ Fitch – Bolton – Worcester County

Michele Padula presented information on this application to the ALPC. Her recommendation was not to nominate the property for appraisal. A *vote of no interest* was moved, seconded and

DISCUSSION: Members discussed the majority of funds generated from the farm and the productivity/ intensity of the open farmland.

VOTED: To not appraise the property.

t. West – Conway – Franklin County

Michele Padula presented information on this application to the ALPC. Her recommendation was not to nominate the property for appraisal. A *vote of no interest* was moved, seconded and

VOTED: To not appraise the property.

u. Lewis Pomeroy Sr. Revocable Trust – Huntington – Hampshire County

Chris Chisholm presented information on this application to the ALPC. Her recommendation was not to nominate the property for appraisal. A *vote of no interest* was moved, seconded and

VOTED: To not appraise the property.

v. Barbara Sandman (Sandman's Blueberries) – Granville – Hampden County

Barbara Hopson presented information on this application to the ALPC. Her recommendation was not to nominate the property for appraisal. A *vote of no interest* was moved, seconded and

VOTED: To not appraise the property.

IV. OTHER DISCUSSION

a. Date for next ALPC Meeting

The next meeting is to be schedule within the next 45-60 days, with a time and location to be determined.

It was moved, seconded and

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VOTED: To adjourn the meeting at 12:02 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald A. Hall". The signature is written in a cursive style with a large initial "R".

Ronald A. Hall,
APR Program Coordinator