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# Minuteman Area Comprehensive Agricultural Planning Program

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**Prepared For:** Minutemen Advisory  
Group for Interlocal Coordination

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With Partners:  
Land For Good  
Conservation Law Foundation (CLF) and  
CLF Ventures  
Sudbury Valley Trustees  
Tufts New Entry Sustainable Farming Project  
Massachusetts Farm Bureau Federation

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# Introduction

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The recent emergence of food-system planning comes at a time when one in five households with children in Massachusetts is unable to afford enough food, when farmland continues to be converted to other uses across the state, and when many people in the Commonwealth have yet to recover from the recent recession. The Massachusetts food system is vulnerable to the uncertainties of a changing climate and to pressures on farmers to navigate an increasingly complex regulatory system. At the same time, residents are grappling with health issues closely tied to nutrition and diet. Despite these barriers, New England is seeing a resurgence of family farms, an explosion of farmers’ markets, and a shift of consumer preference in purchasing food from local and regional sources. Massachusetts is fortunate to have opportunities to generate energy on farms by using food waste, to have the priorities of our anti-hunger advocates integrated into the local food system, and to have a longstanding commitment to smart growth and agricultural preservation.

The communities within the Minuteman Advisory Group on Interlocal Coordination (MAGIC) include the least-densely populated communities within of the MAPC region. MAGIC communities are particularly susceptible to encroaching development on lands suitable for agricultural production. These communities approached MAPC in 2012 to discuss the possibility of developing a planning program that would help subregional stakeholders increase the economic viability of farming and to protect sustainable foodsheds in the Subregion (i.e. farms and agricultural soils close to metropolitan markets). The MAGIC Comprehensive Agricultural Planning Program was established in May 2012 and was approved for the federal Sustainable Communities Program grant the MAPC had received in 2010.

An Agricultural Forum was held as a primary engagement strategy in March 2013, in which over 100 attendees, most of whom were farmers and ranchers, were present. The Forum provided a unique opportunity for regional municipal officials, farmers and ranchers, state and local agricultural organizations, and nonprofit agricultural service organizations to come together to discuss challenges to working land protection and economic agricultural viability. The primary issues raised are listed in the table below, and are discussed in great length within this report, accompanied by recommendations to overcome these challenges. Appendices include templates and tools relevant to recommendations provided.

Topic	Report Section	Specific Issues
Incorporating Ag in Planning	1	Poor planning Boards lack of ability to respond appropriately to complaints Perception that municipalities are hostile to farming Reactive rather than proactive municipal departments Lack of education regarding production practices
Agr. Economic Devlp.	2	Lack of Infrastructure for processing (i.e. slaughter facilities) Need for expanded processing facilities Lack of purchasing by supermarkets Labor housing availability
Zoning/Regulations	3	Regulations: one-size fits all for large & small operations Town bans on specific types of practices Competing interest w/ public uses (recreation, conservation, etc.) Municipal requirements in regulations (liability & insurance) Inconsistent and antiquated regulations

Topic	Report Section	Specific Issues
		State legal issues around the uses of municipal lands Regulations: need for better understanding of the ag. System Farmers are not defending their rights or do not have time to
Non-Regulatory Measures	4	Limitations on use by conservation restrictions Transferring appropriate conservation lands back into agriculture Use agreements on town-owned working lands (length of use, priorities for type/class of ag.) Conditions of State Agricultural Restriction Preservation and Local Restrictions
Land Tenure & Access	5	Availability of hayfields and affordable large parcels of farmland Access to land for young farmers
Farm Succession & Transfer	6	Limited assistance with succession and access to farmland
Leasing Land	7	Limited assistance with farmland leasing Finding affordable land
Public Education	8	Lack of consumer education on production practices (i.e. organic versus non) Lack of knowledge from general public and municipalities
Marketing	9	Production vs. retail costs Small farm competition with large commercial & national farms Buy Local and Direct Marketing Policies not prescriptive

It should be noted that this Program was the first of its kind undertaken in the MAPC Region, and thus, a very robust stakeholder engagement program was conducted over a series of several months with assistance from the MA Farm Bureau and the Agricultural Working Group. Agricultural planning is a new field in Massachusetts; within an area of the economy abundant with rich history and complex topics. In addition, the practice of farming and ranching in Massachusetts typically includes smaller operations (compared to national, subsidized farms), run by a long line of family members as their primary means of making a living. This creates an unusual planning quandary, in which what is being planned includes private properties with a municipally-perceived responsibility for serving the public good. When these factors are combined, it is likely that there are some issues that are very difficult to come to a consensus on, as was a factor within this project. These outlier issues have been identified within the report and recommended for further investigation.

# 1. Incorporating Agriculture in Planning

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Agriculture has received relatively little political support from municipal government due to its informal status. As a result, many farmers and ranchers experience insecurity of land access and ownership, and are unable to invest in the improvement of their land, inputs and infrastructure. Although the Massachusetts Department of Agriculture has a widely robust series of programs to assist farmers and ranchers, sustainability of local agriculture is largely dependent on political commitment from both local and state government rather than voluntary assistance. Fortunately, there has been a recent recognition regarding the importance of agriculture as a vital component of land use planning. Incorporating agricultural assets into a municipality's master plan, open space plan, and other land use plans ensures that the community protects these valuable resources and plans for the sector's growth in the future.

There is understandably some contention regarding municipal involvement in agriculture, as expressed by the farming and ranching community throughout the course of the Program. From the farmer/rancher perspective; this is their livelihood, their land, and their business. Keeping this disputation in mind, the purpose of exploring this issue was two-fold: 1) to begin to educate the farming and ranching community about the importance of planning and what municipalities can do to ensure their economic viability, and 2) to receive feedback from municipal officials regarding the suggested methods for including agriculture into land use planning without being too intrusive upon private property rights. All of the issues explored throughout this report keep these same two principles in mind.

## Issues

It was absolutely essential, and extremely informative, for the project team to meet and learn from the farming and ranching community regarding their perspectives on municipal engagement and assistance. What we heard was the following concerns:

- There has been a history of poor planning by local officials regarding the intersection between land use and agriculture;
- There is a shared perception within the agricultural community that municipalities are hostile to farming;
- Municipal departments tend to be reactive rather than proactive when addressing agricultural matters; and
- There is a lack of municipal education regarding agricultural production practices, which hinders their decision-making abilities.

Although these criticisms were somewhat difficult for some municipal boards to hear, there was an overwhelming response from municipal officials regarding their interest in remedying these issues and to find ways to better work with farmers and ranchers to protect their livelihood.

## Recommendations

Specific recommendations offered by farmers and ranchers and municipal officials, as well as the project working group, are listed below.

1. Include agriculture as a specific topic within Master Plans, Open Space Plans, and other relevant land use plans.



2. Establishment of Agricultural Commissions in municipalities that do not currently have one.
3. Legitimization of Agricultural Commission's roles and responsibilities.
4. Establishment of a process for project review, regulatory changes, and nuisance complaints between the Commission and the Planning Board, Board of Selectmen, and Boards of Health.

These recommendations are further explained in the sections below. It should be noted that a number of these action items will take time to implement, largely because agricultural protection and enhancement is a new endeavor in the field of land use planning. Therefore, the project Working Group proposes a follow-up to this report in the form of an Action Plan for municipal officials that include short-term actions they can take, as well as longer term actions that will require follow-up and assistance from MAPC and partners.

### **Agriculture in Land Use Plans**

Municipal planners engage in land management, physical planning, land use policy/plans, public engagement, zoning, and municipal land development. They also influence the bylaws and other laws and regulations at the municipal level and act as an intermediary between citizens their local governments. Therefore, it is critical for agriculture to be considered in land use planning to ensure that agricultural economic viability and land availability be considered within land use planning discussions.

In 2007 the American Planning Association's Planning and Community Health Research Center developed the *Policy Guide on Community and Regional Food Planning* that is based on the following two principles: 1) building stronger, sustainable, and more self-reliant community and regional food systems, and, 2) interaction of the industrial food system with communities and regions to enhance economic vitality, public health, ecological sustainability, social equity, and cultural diversity. The Guide defines Food Systems as "the flow of products from production, through processing, distribution, consumption, and the management of wastes, and associated processes." Guidance offered regarding the role planners can take to create or maintain a sustainable community food system are listed below.

1. Support comprehensive food planning process at the community and regional levels.
2. Support strengthening the local and regional economy by promoting local and regional food systems.
3. Support food systems that improve the health of the region's residents.
4. Support food systems that are ecologically sustainable.
5. Support food systems that are equitable and just.
6. Support food systems that preserve and sustain diverse traditional food cultures of Native American and other ethnic minority communities.
7. Support the development of state and federal legislation to facilitate community and regional food planning discussed in general policies #1 through #6.

In keeping these goals in mind, municipal planners can include the entire food system – or components of it – through several planning mechanisms:

- *Provide training to municipal officials regarding agricultural practices.* In order for planners to be able to advocate for agriculture and include the subject into land use planning, they need to first



understand its basic principles. There are some resources currently available for municipal training regarding practices and regulations relating to agriculture including, but not limited to:

- University of Massachusetts Amherst [Citizen Planner Training Collaborative](#)
  - University of Massachusetts Amherst [Center for Agriculture](#)
  - Massachusetts Department of Agricultural Resources [Agricultural Business Training Program](#) (primarily for agricultural enterprises but available to municipal officials)
  - U.S. Department of Agriculture [Rural Development Office](#) (Massachusetts, Rhode Island, Connecticut)
  - [Community Involved in Sustainable Agriculture](#)
- *Create a robust stakeholder engagement program.* The goal of this program should be to create strong working relationships between local governments, the farm community and regional/state programs to ensure that agriculture is given appropriate consideration in local planning. Since agriculture is a relatively new area of planning with stakeholders that are often unfamiliar to planners, predominantly farmers and ranchers, it is critical for municipal officials to gain trust with these stakeholders first and foremost. After doing so, they can feel comfortable creating a multi-stakeholder planning process that involves a wide spectrum of agricultural stakeholders.
  - *Include agriculture in land use plans.* Recommended components to an agricultural planning section of a land use plan are as follows:
    - Inventory of current agricultural practices/facilities (e.g. parcels where farming or ranching is practiced, community farms, farm training facilities, farmers markets, etc.);
    - Analysis of potential agricultural opportunities, based on stakeholder information and mapping (e.g. prime farmland soils layers, open space layers, etc.); and
    - Inclusion of policies aimed at maintaining and enhancing agriculture.
  - *Analyze local rules and regulations.* This exercise is particularly important to ensure greater land use compatibility between varied interests (e.g. residential/commercial development and agriculture). It is important for planners to review relevant land use regulations such as site plan review and subdivision rules, and zoning bylaws to ensure a balanced and positive regulatory climate that provides opportunity for the growth of farming and ranching. This topic is discussed at length in Section 3: Zoning and Regulatory Frameworks.

## **Master Plans**

Master plans, or comprehensive plans, are a planning tool that towns can use to define local community development goals and direct subsequent public policy decision-making. In Massachusetts, planners have the unique ability to determine what additional components should be included in a municipal master plan. Massachusetts General Law Chapter 41, Section 81D, provides guidance regarding the development of a municipal master plan and states: “A planning board...shall make a master plan of such city or town or such part or parts thereof as said board may deem advisable...” Although master plans are not mandated under MGL Ch41, municipalities must have one to qualify for certain state funds. In addition, municipalities are not required to make their zoning regulations consistent with the master plan. However, master plans may impact the content of zoning and other regulations. Therefore, it is a typical practice for Planning Departments and Boards to engage in a master or comprehensive planning process.

One way that towns can respond to the general feedback that local regulations are not supportive of agriculture is to designate agriculture as a priority land use in their master plan. Master plans can include

such information as maps identifying prime agricultural soils, community goals for protecting farmland, and commitments to participate in state farmland preservation efforts.<sup>1</sup> The incorporation of agriculture as a priority land use can also be a precursor for future town votes to adopt the Community Preservation Act, pass bond issues for agricultural land restrictions and programs, or to adopt agricultural friendly zoning. Towns around the state have done so: Harvard's master plan includes maintaining agricultural lands as part of preserving town character.<sup>2</sup> Tyngsborough's master plan emphasizes the need to protect the prominence of agricultural land in the community, as well.<sup>3</sup> Hadley also identifies preservation of agricultural resources as a priority in its master plan.<sup>4</sup>

## **Agricultural Commissions**

Agricultural commissions in Massachusetts "represent the farming community, encourage the pursuit of agriculture, promote agricultural economic development and protect farmlands and farm businesses, and preserve, revitalize and sustain agricultural businesses and land."<sup>5</sup> Agricultural commissions are formed through the passage of a local bylaw or ordinance at town meeting, pursuant to the home rule.<sup>6</sup> In Massachusetts, agricultural commissions do not have state-derived regulatory authority, and thus do not have a particular legal mandate or enforcement authority, but they can accomplish their goals by:

- Serving as a local voice advocating for farmers, farm businesses and farm interests;
- Providing visibility for farming;
- Working with other town boards about issues facing the town that affect agriculture;
- Helping resolve farm related problems or conflicts; and
- Protecting farmland and natural resources.<sup>7</sup>

According to a survey conducted for the Program to determine the status and awareness of agriculture in MAGIC municipalities, seven of the thirteen MAGIC communities have agricultural commissions. At the Program's Agricultural Forum, participants expressed that farmers are not currently defending their rights, or do not have the time to do so, and that regulators need a better understanding of agricultural practices.

Municipalities with agricultural commissions unfortunately do not integrate the commissions into local regulatory decision making, and therefore; they have far less impact in supporting the viability of local farms than they could. Furthermore, communication between agricultural commissions and other local regulatory entities is often sparse, leading to poor coordination. Some agricultural commissioners in the MAGIC subregion expressed that the only way to know whether other boards or commissions are addressing issues relevant to farms is to attend their meetings, which is not a feasible or efficient use of time. This is particularly problematic given that other boards often lack expertise or understanding of farming, despite the fact that they may be regulating farms. For instance, other commissions in town may be tasked with decision-making regarding road closings, signage, farmland preservation, and public attractions during harvest season – all of which can significantly impact the economic viability of farms in town, though members of the regulating committee may not be aware of that impact.

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<sup>1</sup> Southeast Michigan Council of Governments, *Land Use Tools and Techniques: A Handbook for Local Governments*, March 2003, at 9. Available at: [http://planningtoolkit.org/agriculture/protecting\\_agricultural\\_lands.pdf](http://planningtoolkit.org/agriculture/protecting_agricultural_lands.pdf).

<sup>2</sup> Harvard Master Plan: [http://www.harvard.ma.us/Pages/HarvardMA\\_BComm/Planning/exec.pdf](http://www.harvard.ma.us/Pages/HarvardMA_BComm/Planning/exec.pdf).

<sup>3</sup> Tyngsborough Master Plan. Available at [http://www.tyngsboroughma.gov/download/government/master\\_plan\\_tyngsborough.pdf](http://www.tyngsboroughma.gov/download/government/master_plan_tyngsborough.pdf).

<sup>4</sup> Hadley Master Plan. Available at: [http://www.hadleyma.org/pages/hadleyma\\_admin/hadleymasterplan.pdf](http://www.hadleyma.org/pages/hadleyma_admin/hadleymasterplan.pdf).

<sup>5</sup> Massachusetts Association of Agricultural Commissions, Overview. Available at: <http://www.massagcom.org/Overview.php>.

<sup>6</sup> Art. 89, § 2 of the Articles of Amendment of the Massachusetts Constitution.

<sup>7</sup> Massachusetts Association of Agricultural Commissions, Overview. Available at: <http://www.massagcom.org/Overview.php>.

Agricultural commissions, which are generally comprised of farmers and others active in local agriculture, can address such issues. In order to best achieve the food system goals and planning recommendations discussed above, the following recommendations regarding agricultural commissions and their roles should be employed:

- Establish agricultural commissions in municipalities that do not yet have one.
- Ensure that existing agricultural commissions are most effective and have authority. As stated above, agricultural commissions currently are not authorized in Massachusetts by any state-derived legislation. However, there are other models throughout New England in which authority is granted. New Hampshire Revised Statutes Annotated (RSA) Chapter 674 Section 44-e authorizes local governments to establish an agricultural commission: “in accordance with RSA [Ch.] 673 for the proper recognition, promotion, enhancement, encouragement, use, management, and protection of agriculture and agricultural resources,…” Change in Massachusetts Law could be advocated for in order for agricultural commissions to have a specific role in planning and policy making such in New Hampshire. In the interim, local government could ensure that Ag Commissions are empowered in the following ways:
  - Develop a communications plan between the Commission, Planning Board, and other relevant boards that prescribes a process for communication between boards regarding development/redevelopment, planning and regulatory change affecting agriculture. Ag Commissions should also be invited to participate in Town Meeting and other planning or community events and processes.
  - Revise bylaws or ordinances and/or create an accompanying review checklist to include a requirement that boards/commissions consult with the agricultural commission on issues affecting agriculture. The bylaw or ordinance should include a representative list of issues that require consultation with the agricultural commission, as well as a catchall provision such as “and all other matters impacting agricultural operations and their economic viability.” While there is no statutory requirement to do so, towns are empowered to create such opportunities for coordination among decision making bodies.

Recommendations presented in the following sections are premised on these general planning suggestions. In order for all recommendations to be successful, it is critical for municipal officials to understand agricultural principles and incorporate agriculture into land use planning. In addition, the inclusion of critical agricultural stakeholders into the process cannot be over emphasized. The success of the MAGIC Comprehensive Agricultural Planning Program can be assigned in part to the trust build with farmers and ranchers by the project team, and farmers/ranchers eventual acceptance of planning and willingness to be involved in the process. In addition, success can also be attributed to the sympathetic understanding by municipal officials regarding the key role that farmers and ranchers take in this important sector, the sensitivity regarding their livelihood, and the willingness to assist with agricultural protection and enhancing the economic viability of farming and ranching.

## 2. Agriculture as an Economic Development Engine

### Context

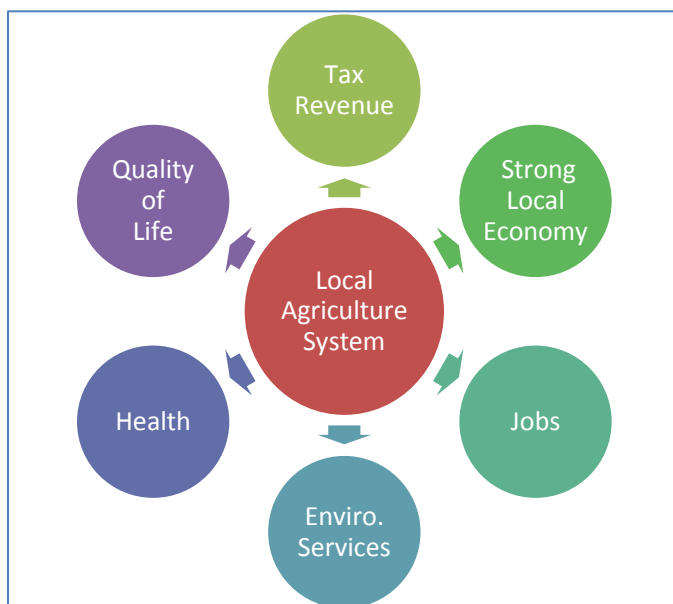
Agricultural practice has been evolving since the dawn of human civilization. As civilization developed, we moved from hunting and gathering to cultivation. This eventually led to processing and on to modern, long-distance and international trade of both raw and processed food. Changes in practices have often involved favorable and unfavorable elements. For instance, during the last 60 years the U.S. food became both inexpensive and plentiful – both good things for consumers, and an improvement from the past where food was often scarcer and expensive. However, downsides to those changes were a less healthy American diet and a loss of farm land and production outside of centralized production areas. Lower cost and wider availability of food unfortunately included foods which were heavy with sugar and fat. Where such foods were once rarities in human diets, they became much more predominant. Since the model for producing inexpensive and plentiful food often focused on economies of scale, production largely neglected local agricultural production. In the last half century or so, agriculture in New England, including the MAPC region, has diminished, primarily due to economic conditions that are less favorable from higher land, labor, and regulatory costs.

“Concord has an agricultural legacy – farmers defined the community’s wealth and patterns of growth. At various points in time...Concord was known for strawberries, asparagus, and broccoli. The community continues to actively support agriculture to preserve that legacy.”

--Marcia Rasmussen

Director of Planning & Land Management, Concord, MA

Municipalities in the MAGIC subregion can partner with farmers to protect the affordability of prime farmlands and to support profitable local agricultural ventures. Effective planning can generate creative ways to reach these mutually beneficial goals; and to the extent that private and public sectors work together, they will maximize their impact, creating broad economic development benefits. Developing a strong agricultural economy also depends on developing multiple facets of the local food system, including value-added products, retail opportunities, and manufacturing.



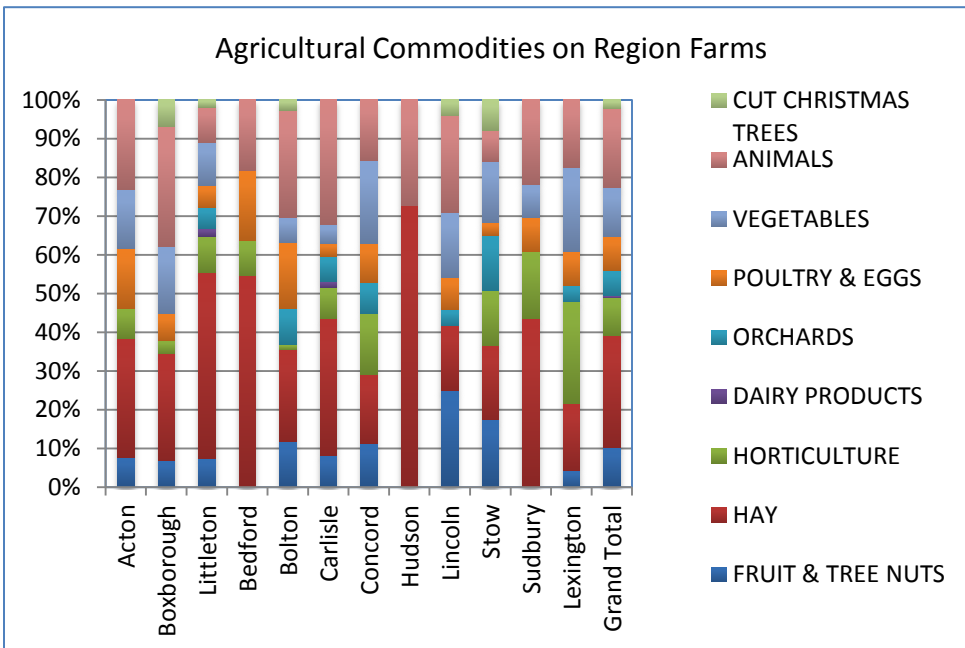
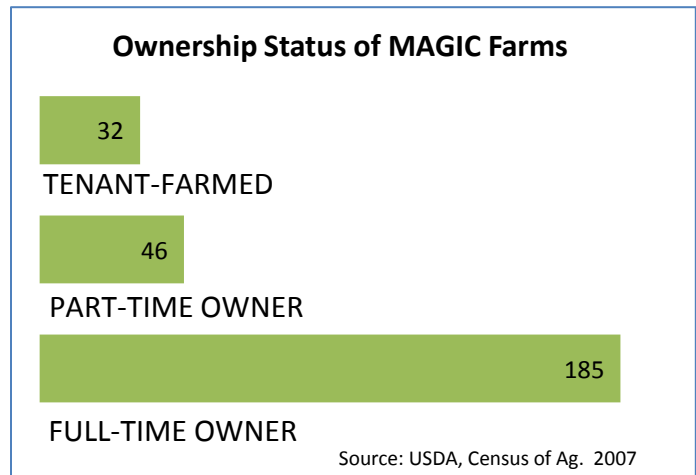
MAGIC towns are well situated to be important contributors to a regional “foodshed” and are economically competitive because of their proximity to Boston and other metropolitan markets. Preserving land and expanding the profitability of the agricultural sector in MAGIC towns has many direct and indirect economic benefits to municipalities. The agriculture sector provides tax revenue to MAGIC municipalities, while requiring fewer municipal services than residential development. Farms provide jobs and are important contributors to a strong local economy. Access to fresh local food increases the health of town residents and increases products available to institutions and schools. Farms also provide many more returns by preserving the

character of each town, aiding the tourism sector, and further enhancing quality of life for all citizens. Farmers can achieve these benefits while utilizing environmentally sensitive growing practices that increase the market value of their products and provide vital local environmental services. All of these benefits create a virtuous cycle, complementing and reinforcing each other to create a strong and healthy local economy.

## Agriculture by the Numbers in MAGIC Towns

The USDA reports that there are 263 farm operations in the area that comprises the MAGIC subregion. Approximately 7,870 acres are currently being cultivated, with estimated thousands of additional acres of unused property that could be converted to agricultural uses. The majority of farms are smaller than 50 acres in size. Most of these farms are operated on a full-time basis by their owners, with small numbers operated part-time or by tenant farmers.

Farmers in the MAGIC region produce hay, vegetables, livestock, and nursery products. Very few farms produce milk or dairy products, which continues a state-wide downward trend attributable to high costs of operation and low profitability. Twenty-three farms in the region, equaling 8% of the total, are USDA-certified organic.<sup>8</sup>



Farms in the area sell their goods at on-site farm stands, local farmers' markets, direct wholesale, and direct to local restaurants. Many of the farms growing vegetables rely on a Community Supported Agriculture (CSA) model, in which consumers purchase a share of their crop and pre-pay for the full cost of the share at the start of the season.

CSA membership and farmers' market purchases have rapidly expanded in the past few years in the Massachusetts market. In the entire US, direct-to-

consumer sales amounted to \$1.2 billion in current dollar sales in 2007, according to the 2007 Census of Agriculture, compared with \$551 million in 1997.

<sup>8</sup> USDA, 2007 Census of Agriculture, Congressional District Profile, "Massachusetts 5<sup>th</sup> District"  
[http://www.agcensus.usda.gov/Publications/2007/Online\\_Highlights/Congressional\\_District\\_Profiles/cd2505.pdf](http://www.agcensus.usda.gov/Publications/2007/Online_Highlights/Congressional_District_Profiles/cd2505.pdf).

The market value of agricultural products sold in the 5th Congressional District, which comprises much of the MAGIC subregion, was \$66,195,000 in 2007<sup>9</sup> with an average of \$106,082 per farm. The estimated market value of agriculture products produced in the MAGIC region is \$27,899,566.00.<sup>10</sup> In Massachusetts overall, only 38% of farms had a positive net income, with the average net income per farm at \$63,560.<sup>11</sup>

**The estimated market value of agriculture products for the MAGIC subregion is \$27,899,566.00.**

Massachusetts' farmland is among the most expensive in the country, with the average price of farmland at \$11,600 per acre compared to \$4,750 per acre in New Hampshire.<sup>12</sup> There is great pressure to develop agricultural land into housing or other commercial ventures at the expense of broader community needs.<sup>13</sup> Despite growing interest in and support for purchasing local foods, new farmers find it difficult to obtain land to begin new farming ventures or to maintain current farms without strategic assistance and support. While programs exist to purchase agricultural lands under Chapter 61 programs, municipalities may not have sufficient funds available and often need to find creative cross-sector partnerships to finance preservation efforts.

With many competing budgeting needs, why would MAGIC towns support and encourage development of the agricultural sector? The following sections further explore the multiple benefits of local agriculture.

## Virtuous Cycle: Economic Benefits of Local Agriculture

### Tax Revenue Contribution and Municipal Services

Municipal planners can make a well-documented argument that preserving agricultural land is a fiscally sound development strategy. Town residents support livable and desirable communities but also need to balance those benefits with affordable tax rates.

Agricultural land and related uses contribute more in tax revenue than they require in municipal services, even if taxed at a lower agricultural rate. According to Cost of Community Services (COCS) studies in several Massachusetts towns over a ten-year period, it was determined on average that for every \$1.00 of municipal tax revenue generated by the residential sector, \$1.09 was spent in services such as schools and public safety. Farmland, on the other hand, has a positive cash flow, as it only requires on average \$0.47 to be spent on services.<sup>14</sup>

<sup>9</sup> USDA, 2007 Census of Agriculture, Congressional District Profile, "Massachusetts 5<sup>th</sup> District"

[http://www.agcensus.usda.gov/Publications/2007/Online\\_Highlights/Congressional\\_District\\_Profiles/cd2505.pdf](http://www.agcensus.usda.gov/Publications/2007/Online_Highlights/Congressional_District_Profiles/cd2505.pdf).

<sup>10</sup> USDA, 2007 Census of Agriculture, Congressional District Profile, "Massachusetts 5<sup>th</sup> District"

[http://www.agcensus.usda.gov/Publications/2007/Online\\_Highlights/Congressional\\_District\\_Profiles/cd2505.pdf](http://www.agcensus.usda.gov/Publications/2007/Online_Highlights/Congressional_District_Profiles/cd2505.pdf).

<sup>11</sup> Magnusson, Matt & Ross Gittell, James R Carter, "Home Grown, The Economic Impact Of Local Food Systems In New Hampshire,"

[http://www.foodsolutionsne.org/sites/foodsolutionsne.org/files/HomeGrownReport\\_final.pdf](http://www.foodsolutionsne.org/sites/foodsolutionsne.org/files/HomeGrownReport_final.pdf), (April 2010).

<sup>12</sup>UMASS Ag. Extension, Farm Real Estate Values, <http://ag.umass.edu/ma-agricultural-data/farm-real-estate-values> (August 28, 2013).

<sup>13</sup> Executive Office of Energy and Environmental Affairs, "Smart Growth Toolkit"

[http://www.mass.gov/envir/smart\\_growth\\_toolkit/pages/mod-ag.html](http://www.mass.gov/envir/smart_growth_toolkit/pages/mod-ag.html) (August 28, 2013).

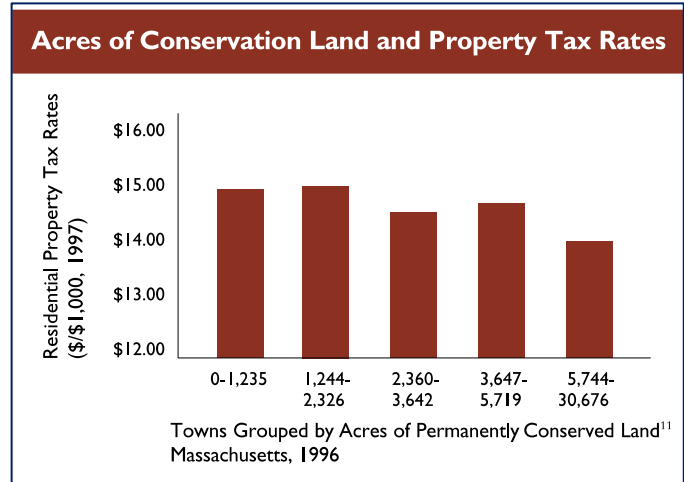
<sup>14</sup> American Farmland Trust, "Farms for the Future: Massachusetts' Investments in Farmland Conservation",

<http://www.farmland.org/programs/states/ma/documents/MAInvestmentsfinal.pdf>, (2008).



Municipal purchase of agricultural land or removal from the tax base can result in short-term costs, but long-term economic returns. These help mitigate the costs and are not shown to raise the tax burden. Massachusetts State Aid formulas are adjusted to the overall tax base, which should allay concern about decreased funding for municipal services due to the removal of taxable lands for conservation efforts.

The Trust for Public Land studied the development density of Massachusetts communities and determined that more commercialized and developed towns do not, in fact, have a lower residential tax burden. Instead, studies proved that maintaining a more rural character through increased conservation land controls the need to raise the tax burden on residents (see figure above)<sup>15</sup>.



### **Strong and Resilient Local Economies**

The food sector includes local agriculture, food manufacturing, food support services, and food retail. Increasing the amount and diversity of local agricultural products will have a multiplier effect across all sectors. Farmers purchase feed, fuel, and supplies locally to support their business. These jobs and services must typically remain local and cannot be outsourced.

In addition, the local sale of locally grown agricultural products adds even more value. When farms sell their goods directly to local consumers, restaurants, retail establishments, and institutions, more revenue remains in the local economy than if those goods were sold through the wholesale distribution system. Building local distribution of food adds resilience to a local economy in the face of any disruptions to the food system or large spikes in transportation or energy costs. The average household in the Boston area spends \$8,072 on food each year, or about 12% of their total purchases, according to the Bureau of Labor Statistics.

**The average household in the Boston area spends \$8,072 on food each year. Imagine the economic benefit if only 10% of this purchasing power could be shifted to local suppliers.**

Farmers’ markets are a common local direct purchase venue for farmers. Farmers’ markets can have a spillover effect of attendees supporting other local businesses, and thereby increasing the multiplier effect of local agriculture. Please see Section 9 for a further discussion regarding marketing.

### **Employment**

Massachusetts employs 361,537 workers in food system industries, with 19,592 employed in local agriculture and 22,159 in food manufacturing.<sup>16</sup> The average wage in local agriculture is \$9,201, and in food manufacturing, \$39,640. Because wages in food manufacturing and related businesses are generally significantly higher than in agriculture itself, expanding local food manufacturing business would contribute

<sup>15</sup> Brighton, Deb, The Trust for Public Land, “Community Choices: Thinking Through Land Conservation, Development, and Property Taxes in Massachusetts”, [http://www.farmlandinfo.org/documents/35390/CommunityChoices\\_pp1.pdf](http://www.farmlandinfo.org/documents/35390/CommunityChoices_pp1.pdf)

<sup>16</sup> Magnusson, Matt & Ross Gittell, James R Carter, “Home Grown, The Economic Impact Of Local Food Systems In New Hampshire”, [http://www.foodsolutionsne.org/sites/foodsolutionsne.org/files/HomeGrownReport\\_final.pdf](http://www.foodsolutionsne.org/sites/foodsolutionsne.org/files/HomeGrownReport_final.pdf), (April 2010).



to the economic growth of the food system. Additional job training and collaboration among school systems would also be a vital part of this strategy.

### **Preserving Character and Tourism**

Maintaining the rural and scenic characteristics of the MAGIC region is vital to preserving the tourism economy, which is a key economic driver. Working farms are an integral part of the beloved scenery of this area. Farms attract tourists, who contribute to various local establishments and attractions. On-farm “agro-tourism” activities can include educational experiences, overnight farm stays, pick-your-own operations, farms stands, and horseback riding. Many farmers look to diversify their income by offering these additional services.

In the MAGIC subregion, this includes establishments such as the Nashoba Valley Winery & Orchard in Stow, MA. They offer a number of valued-added products and services in addition to their agricultural products. Nashoba produces wines from local fruit, such as apples; offers pick-your-own orchards; and invites the public to festivals promoting local agriculture. Nashoba also hosts weddings and events that draw a broad range of tourists to the area.

### **Environmental Services**

The environmental services provided by local conservation land can be hard to capture in purely dollar terms, unlike tax revenue or jobs creation. However, local farms and conservation lands provide invaluable “free” services by filtering water, minimizing flooding, and providing wildlife habitat.<sup>17</sup> A Massachusetts Audubon Society study concluded that the annual value of these services provided by cropland and pasture is \$1,381 per acre.<sup>18</sup> When farmland is mismanaged or developed into residential areas, the financial burden of providing these environmental services may fall on municipalities.

### **Healthier Residents through Local Food**

Promoting overall health and the ability of residents to be productive citizens is an important public objective. A 2011 study of the health of local residents in an area that includes many MAGIC towns, found that the main nutrition issues were access to healthy food and reducing weight.<sup>19</sup> The study determined that 48% of area residents are overweight, with an increasing number of children becoming overweight.

Increasing the consumption of fruits and vegetables and decreasing processed food is a proven strategy for weight reduction and is correlated with reduced risk of developing many diseases. Local food providers typically provide unprocessed and sustainably raised food. Partnerships with local food producers can provide schools with healthy foods at an affordable cost. Studies have shown that increasing the health of school foods can show returns through increased student health and academic performance.<sup>20</sup>

In addition, consumers who value high-quality foods produced with low environmental and health impacts are often willing to pay more for local agricultural products. The nutritional value of local residents’ food purchasing dollars goes farther when used on local foods. Studies have shown that “freshly picked foods [...]

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<sup>17</sup> Lopez, Rigoberto A., University of Connecticut, “*Economic Impacts of Connecticut’s Agricultural Industry*”, <http://are.uconn.edu/documents/economicimpacts.pdf>, (September 2010).

<sup>18</sup> American Farmland Trust, “*Farms for the Future: Massachusetts’ Investments in Farmland Conservation*”, <http://www.farmland.org/programs/states/ma/documents/MAInvestmentsfinal.pdf>, (2008).

<sup>19</sup> Northwest Suburban Health Alliance, “CHNA 15 Community Health Network Area 15 Community Health Assessment Report 2011”, <http://www.chna15.org/drupal7/sites/default/files/CHNA15%20Assessment%20Report.pdf>, (2011).

<sup>20</sup> Hollar, Danielle, et al., *Agatston Journal of the American Dietetic Association*, “*Healthier Options for Public Schoolchildren Program Improves Weight and Blood Pressure in 6- to 13-Year-Olds*”, (volume 110 issue 2 Pages 261-267 DOI: 10.1016/j.jada.2009.10.029) Available at: <http://www.ncbi.nlm.nih.gov/pubmed/20102854> (February 2010).

retain more nutrients than less-fresh foods.”<sup>21</sup> Encouraging “hyperlocal” food purchasing habits further increases the health value and economic impact of these purchases.

## Best Practices in Action

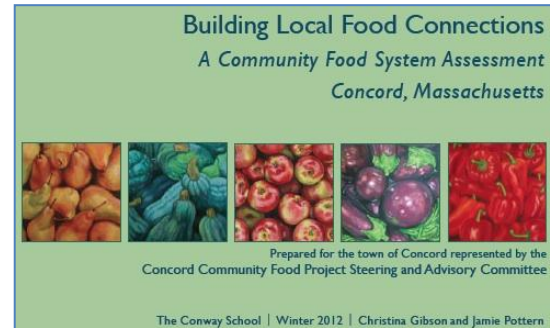
*How can municipal governments and regional agencies create a supportive business environment for agriculture and related components of the local food system?*

We have identified five examples of community-led best practices that support the agricultural economy in partnership with appropriate non-profit, for profit and public sector entities. Every practice may not be ideal or the best fit for every MAGIC community, but we have selected practices that are appropriate for towns such as those in the subregion. Certain solutions may also call for regional collaboration to maximize their economic development potential. In Part III, we present additional information and recommendations about these and other best practices, including implementation resources.

### Best Practice Example #1: Concord Food System

#### Assessment

A group of Concord residents and business owners formed a group called the Concord Food Network, which engaged local graduate students from The Conway School to perform a Community Food System Assessment. With assistance from municipal planners, the process highlighted the gaps in Concord’s food system, while illustrating the benefit of numerous local agricultural businesses to the community.



More Information: <http://concordfood.ning.com/page/community-food-project>

### Best Practice Example #2: Western Massachusetts Food Processing Center

The Franklin County Community Development Corporation runs a model example of a community food hub with its Western Massachusetts Food Processing Center. This facility provides valuable resources to local farmers, small business owners, and institutional purchasers. The facility has a shared-use kitchen that new food ventures can rent on a flexible basis and according to their business needs. The CDC also provides business planning, health, and marketing support to these ventures. To encourage the use of local foods at the facility, the Center helps form partnerships with local farmers and food companies. In addition, the facility has created its own service to freeze locally grown vegetables. The Center pays farmers a fair price for their produce, then washes, chops, blanches, packages and freezes thousands of pounds vegetables. The frozen products are then sold to schools to serve to students throughout the year.



Successful alumni of the food incubation center often outgrow the space and move to bigger facilities. Real Pickles, for instance, began at the processing center and now has its own facility, where three full-time and seven part-time employees process food from six area farms.<sup>22</sup>

<sup>21</sup> Martinez, Steve, et al., Economic Research Service, "Local Food Systems: Concepts, Impacts, and Issues, ERR 97, U.S. Department of Agriculture", [http://www.ers.usda.gov/media/122868/err97\\_1.pdf](http://www.ers.usda.gov/media/122868/err97_1.pdf) (May 2010).

More Information: <http://www.fccdc.org/about-the-center>

### **Best Practice Example #3: Leyden Working Farms and Forests Conservation Partnership**

A local agricultural conservation project in Western Massachusetts, the Leyden Working Farms and Forests Conservation Partnership is a collaborative effort among town, state, local land trusts, and private property owners that will conserve 500 acres of agricultural land, including the town's last working dairy farm. Neighboring businesses to the project – two retreat/conference centers that bring jobs and repeat tourists to the area – were active partners and beneficiaries in preserving the landscape.

### **Best Practice Example #4: Caretaker Farm, Williamstown**

Caretaker Farm in Williamston, MA exemplifies how a multi-stakeholder and community-financed process can protect local agriculture. Retiring farmers Sam and Elizabeth Smith wanted to keep their 35-acre farm active and prosperous. Equity Trust facilitated the project with the following entities, who all came together to preserve the farm and maintain long-term affordability:

The Commonwealth of Massachusetts purchased an Agricultural Preservation Restriction (APR). The price of the APR represented the amount of market value removed from the land by the APR restrictions. The town donated \$500, making it a co-holder of the APR.



Source: Caretaker Farm

The Williamstown Rural Lands Foundation (WRLF), a local land trust, purchased all of the land. The price paid by WRLF represented the amount of market value remaining in the agricultural land (but not in the buildings or the land under the farmstead). WRLF receives funding through donations from the local community (including from the former farmers, the Smiths).

The Smiths retained ownership of one of the two houses on the farm and hold a 99-year ground lease to the land beneath and immediately around that house.

New farmers Don Zasada and Bridget Spann purchased the main farmhouse and all of the barns and other agricultural improvements, and they hold a 99-year ground lease to the rest of the land. The price they paid represented the appraised as-restricted agricultural value of these improvements. When they want to sell their interest in the future, the price will be determined by the appraised as-restricted agricultural value. This measure ensures that the farm will remain affordable to future generations of farmers in perpetuity and protects the community's investment in the farm.

The Campaign for Caretaker Farm was spearheaded by farm members, who solicited \$239,000 in donations from the local community to pay some of the difference between the value of the farm if it were sold on the open market and the appraised as-restricted agricultural value.

More Information: <http://www.caretakerfarm.org/history.html>

### **Best Practice Example #5: Acton Boxborough Farmers' Market**

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<sup>22</sup> Executive Office of Housing and Economic Development, "Company Success Spotlights" <http://www.mass.gov/hed/business/incentives/edip/job-growth-story-1.html>, (August 28, 2013).

Begun in 2008 by an Acton resident who wanted access to fresh local foods, the Acton-Boxborough Farmers' Market showcases local sustainable agriculture and promotes organic practices. It is also a forum to educate the public on food and agriculture topics and to facilitate direct relationships between farmers and consumers. The market recently adopted a producer-only policy, which means that vendors may sell only the produce and/or value-added products that they themselves grow or make. Local community organizations can reserve a table to promote their group's efforts. As the market draws a large crowd, it has become a useful marketing channel for town-sponsored programs to conduct outreach. The market provides payment options for SNAP participants, and the town of Acton supports the market by providing its MinuteVan shuttle services to help transport elderly and limited mobility residents to the market.

More Information: <http://www.abfarmersmarket.org/index.php>

## Assessment & Recommendations

The virtuous cycle of the agricultural sector contributes to a broad array of economic development goals. While municipalities have primarily been involved with local food systems through land preservation and zoning, a larger municipal role as an economic development leader is needed to support strong local economies. To create a robust agricultural sector, municipalities in the MAGIC subregion can be involved at every step of the food supply chain, from production and processing to distribution, retail sales, and the utilization of food waste.

We have identified 10 ways MAGIC municipalities can help support their agricultural sector and expand the multifaceted economic development benefits that result from a strong local food system.

### 1. Begin with a Community Food and Agriculture

#### Assessment

Understanding the unique nature of the local agricultural businesses in the communities of the MAGIC subregion may be the best place to begin an economic development program. The effort required can vary depending on the municipal and community resources available. State and local agricultural agencies and commissions are a good place to start to identify information and resources specific to the agriculture sector. Every five years, the USDA publishes an Agricultural Census, the most recent of which was published in 2007; however, data from the 2012 census will be released beginning in February 2014. Local agriculture has changed quite a bit in the subregion in the past five years; for instance, the CSA revenue model is more widely used today than the USDA census reflects.

MAGIC communities should consider expanding the scope of assessment to include agriculture (production) and also the full life cycle of the food system (as shown in the figure to the right). Advocates of this "full food system" approach believe it may better connect local residents to the success of their local agricultural businesses. The process can pull in a wider range of stakeholders to facilitate and



collaborate on food system change. Including local food processing and manufacturing businesses in the assessment process may help connect the dots with the needs of local farmers to find markets for their goods.

*Sample questions for a community food assessment:*

- How many agricultural businesses are located in the town?
- What are their main products and where are they sold?
- What are the food-system needs of this community? Food-system planning should acknowledge the roles that local, regional, national and international food have in feeding the residents of the MAGIC subregion, and it should consider the impact of each on overall food security.
- What outcomes (e.g., job creation, health) do we want to measure and track?

*Agricultural System Assessment and Representation Resources:*

- Agricultural Commissions: <http://www.mass.gov/eea/agencies/agr/boards-commissions/agricultural-commissions.html>
- USDA Agricultural Census: <http://www.agcensus.usda.gov>
- Community-Based Food System Assessment and Planning: [http://www.pubs.ext.vt.edu/3108/3108-9029/3108-9029\\_pdf.pdf](http://www.pubs.ext.vt.edu/3108/3108-9029/3108-9029_pdf.pdf)

## **2. Ensure that Traditional Municipal Tools Support the Local Food System**

Municipalities can actively assist agriculture-related businesses in obtaining permits at the local and state level. They can help agricultural entrepreneurs design their businesses to comply with regulatory requirements and, where necessary, assist in negotiating appropriate variances. Upon receiving request to issue a permit or a rule change to support an agricultural enterprise, consider how it fits into the agricultural system. What gap is it filling? How could it be structured to fill that gap even better and help get more high-quality products to market?

Assisting farmers with tax burden and incentivizing agricultural businesses through tax assistance is an important role for municipalities. Six towns in the MAGIC subregion have a split tax rate for agricultural lands as residential/commercial. Five towns classify agricultural land as open space. Towns can consider providing tax assistance during rehabilitation of land or of a building that will be used to support the agricultural economy. Towns can also forgive back taxes on properties undergoing changes in use that will allow the properties to contribute to the agricultural economy.

Chapter 61A, described in detail elsewhere in this report, can be promoted and supported by assessors' offices in ways that make a meaningful difference to local agricultural land preservation. Additional opportunities also exist to support tax relief for tracts of land that are smaller than five acres and are in production.

## **3. Promote Local Food and Agriculture through Increased Public Visibility**

Municipalities in the MAGIC subregion take great pride in their agricultural heritage and offerings. Explicitly promoting local agriculture through multiple channels and vehicles is an important role for municipalities to



play. Making connections to regional Buy Local organizations is an important way to further expand the impact of local town efforts. A Buy Local organization has not yet been established whose territory covers the MAGIC subregion, a gap that might be successfully addressed by creation of a region-specific Buy Local entity. Town websites and brochures can also highlight local farms.

#### **4. Coordinate with Agriculture and Business Organizations**

Municipalities should pursue actions to support the agricultural economy in partnership with entrepreneurs and with appropriate non-profit, for profit, and public sector entities. In order to make relevant plans, it is important to get to know the organizations in your region that are already active in the agricultural sector. These include UMass Extension, 4-H, Grange, MA Farm Bureau, and the County Conservation District. These organizations can help with planning and implementation of any agricultural development strategies, such as:

- *Agro-tourism Festivals and Fairs.* Hold seasonal or yearly agro-tourism festivals and fairs to engage community support of agriculture. A “Strawberry Month” or “Corn Harvest Weekend” could be full of creative ideas to raise awareness of and pride in local products. Farmers should participate in ways that can earn them additional revenue (not, for example, donating products).
- *Recognition awards.* Consider creating an award for the businesses and people who do the most to promote local agriculture.
- *Farm Guides.* Publish an online and/or printed guide to all area farms to alert residents and tourists to ways they can support the agricultural sector.
- *Education.* Create school poster or essay contests to promote local foods and agriculture.
- *Signage.* Provide access to signage and advertising space for farmers on town property.

Realistically, no town can support its entire agricultural system needs across all inputs and outputs. Working in collaboration with regional partners will be fundamental to meeting the gaps of local agricultural economies.

#### ***Potential Partner Resources:***

- Massachusetts Farm Bureau Federation: <http://mfbf.net/>
- Massachusetts Four-H Foundation: <http://www.mass4hfoundation.org/>
- UMass Extension <http://extension.umass.edu/>
- Massachusetts State Grange: <http://www.massgrange.org/>
- Farm Credit East <https://www.farmcrediteast.com/>: <https://www.farmcrediteast.com/>
- Middlesex Conservation District: <http://middlesexconservation.org/>

#### **5. Cultivate Workforce Development, Training, and Education**

Leadership and training for farmers is an important element for local food-systems growth and should be included in municipal workforce development plans. For instance, farmers increasingly require food-safety

training to be able to sell into wholesale markets and food hubs. Local agricultural commissions can collaborate to provide useful educational programs for community residents of all ages, perhaps by surveying the needs of local farmers.

Educating the next generation about agriculture and food is an important task for towns and school districts. Essex Agricultural and Technical High School, located in Danvers, Massachusetts, is open to enrollment from MAGIC area youth. Local school districts can encourage youth with an interest in agriculture to explore this educational opportunity and can perhaps provide transportation assistance. Out-of-school educational opportunities, such as 4-H programs, are also a good resource. Town recreation departments can even provide supplemental income to local farmers by contracting out classes. The Bedford, Massachusetts recreation department facilitates a hands-on farm work class for youth at the Chip-in Farm. Parents pay a fee for this program to the town Recreation Department, and children form connections with their local farmer.

#### *Workforce Development & Training Resources:*

- Massachusetts Workforce Alliance: <http://www.massworkforcealliance.org>
- Food Safety Education: <http://www.mafoodsafetyeducation.info/about/about/>
- Business Planning Assistance: <http://www.mass.gov/eea/agencies/agr/land-use/agricultural-business-training-program-abtp.html>, and
- <http://nemassachusetts.score.org/chapters/northeast-massachusetts-score>
- Massachusetts 4-H: <http://mass4h.org/>

### **6. Support Farm Viability with Supplemental Revenue Streams**

Often, supplemental revenue from related recreational and accessory uses is important for farmers' economic viability. Economically beneficial recreational and accessory uses include corn mazes, u-picks, winery events, farm stays, slaughtering facilities, renewable energy production, and organics composting. All of these activities increase farmer income and provide important recreation and sustainability benefits to local communities. Agricultural commissions and municipal representatives can work with the community and farmers to ensure projects have minimal impacts on neighbors. We recommend that MAGIC communities use the tools found elsewhere in this report to ensure that municipal bylaws and other policies allow for supplemental revenue streams where appropriate.

In particular, renewable energy production is a new and promising field for agricultural application. Renewable energy projects reduce our region's dependence on polluting fossil fuels and help stabilize rising utility prices for farmers. Municipalities can work with farmers to find suitable sites to build renewable energy projects, including biomass, solar photovoltaic, and wind power projects. The innovative community financing mechanisms mentioned above might be a good fit for these types of projects, as they combine a growing public interest in supporting both local farms and renewable energy. Often, the best source of savings is energy efficiency or conservation measures that reduce monthly utility bills, putting additional cash in farmers' hands – cash that they can use to further expand their operations. The Mass Farm Energy Program (MFEP) can provide funding and assistance to farms for both renewable energy and energy efficiency projects. With tips, audits, and resources, MFEP helps farms conserve energy and improve the energy efficiency of farm operations, enabling farms to capture energy efficiency savings before investing in more costly renewable energy technologies.



Municipalities often struggle with solid waste problems and pay increasingly high fees to haul waste to environmentally polluting incinerators or landfills. In response, some towns are aggregating food and yard waste for composting or energy production at local farms. Farms earn extra revenue and provide rich compost, a needed and useful local farming input. Marblehead, Massachusetts recently instituted a program to divert food waste from school cafeterias to a local farm for composting. The program cuts food waste sent to the transfer station by 50 percent<sup>23</sup>.<sup>24</sup> The Commonwealth monitors and approves new on-farm composting facilities to ensure that they meet health and safety requirements and do not negatively impact neighbors.

#### *Supplemental Revenue Stream Resources:*

- Massachusetts Agricultural Tourism: <http://www.mass.gov/eea/agencies/agr/markets/agritourism/>
- Massachusetts Farm Energy Program: <http://www.berkshirepioneerrcd.org/mfep/>
- Massachusetts Composting: <http://www.mass.gov/eea/agencies/agr/about/divisions/agr-composting-program-generic.html>

## **7. Promote Community-Based Agricultural Financing**

Keeping farmland in agricultural productivity is the foundation for a strong agriculture sector, but funding a large array of agricultural preservation projects solely through municipal funds is impossible. It also may miss an innovative source of funding for local farms: the people of the region's communities. Local residents and municipalities share many incentives to support their agricultural sector. Frequently, a farm that is a vital part of the town is in desperate need of financial assistance to ensure its preservation, and residents are simply waiting to be asked to demonstrate that support.

Spearheading a community-based financing project for agricultural lands may require a municipality to partner with local land trusts, non-profits, individual landowners, farmers, state agencies, and neighborhood groups. Models exist where both the land and the buildings on it are owned fully by the town, land trust, or community group. After the land is purchased, it may be re-sold or leased to a community group or private farmer.

Crowd-sourced funding via online channels has become a viable and popular method for funding new business ventures. Cities are starting to use this new technology to fund important programs. *Citizeninvestor* is a free online platform that helps municipalities create easy campaigns to fund projects. Only local government entities can post projects to raise money on Citizeninvestor, with cities such as Philadelphia and Boston and smaller towns currently participating.<sup>25</sup> The potential for civic engagement in these new funding platforms has wide-ranging benefits for municipalities in (and beyond) the agricultural sector.

Farmers often need help financing their existing ventures beyond initial land purchases, but may lack access to traditional capital such as bank loans, or they cannot afford the high interest rates that traditional capital sources require. Typical investors also like to see a short-term return on their investment. Unlike large metropolitan areas, MAGIC towns may not have the capital to create their own business loan programs or grants. However, in community-based financing models, the capital can either be structured as a donation or have a longer-term horizon for repayment. Special agricultural financiers exist to primarily fund small

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<sup>23</sup> [http://www.wickedlocal.com/marblehead/news/x2082696843/From-cafeteria-to-compost-Marblehead-schools-diverting-food-waste?zc\\_p=0](http://www.wickedlocal.com/marblehead/news/x2082696843/From-cafeteria-to-compost-Marblehead-schools-diverting-food-waste?zc_p=0).

<sup>24</sup> [http://www.wickedlocal.com/marblehead/news/x2082696843/From-cafeteria-to-compost-Marblehead-schools-diverting-food-waste?zc\\_p=0](http://www.wickedlocal.com/marblehead/news/x2082696843/From-cafeteria-to-compost-Marblehead-schools-diverting-food-waste?zc_p=0).

<sup>25</sup> Citizeninvestor, "FAQ", <http://www.citizeninvestor.com/faq> (August 28, 2013).

agricultural businesses and provide reduced-cost loans for land acquisition or business growth. By helping farming ventures enroll in the Commonwealth's Farm Viability Enhancement Program or by providing community business planning assistance, municipalities can ensure best use of community resources to support agriculture.

Municipalities can also introduce their agricultural sector to the following innovative private financing models and community resources that directly support agriculture:

The Multi-Year CSA Financing Model allows consumers to pre-buy their CSA allotment for multiple years. Typically, farmers give the CSA customer a bonus or discount for this membership. To mitigate the risk of the transaction being classified as a security (which may require registering with state and federal authorities), farmers should make clear that the CSA share is being sold simply as a method for pre-buying a service, not as an investment vehicle.<sup>26</sup>

The MassDevelopment/The Carrot Project Small Farm Loan Program offers loans to farmers in Massachusetts. The loans are available for \$3,000 to \$35,000 at 6% to 7% interest rates.<sup>27</sup>

Equity Trust Fund loans are typically between \$5,000 and \$150,000 with interest rates of between 5% and 7%. The loans are financed via small donations of at least \$1,000. Donors earn up to 3% return.<sup>28</sup>

KivaZip provides an online portal for small farmers to fund their ventures. The campaign can be easily marketed to the local community for support. Lenders can support farming ventures with as little as five dollars, and they can return payments through the system but receive no interest.<sup>29</sup> A municipality can help the program by acting as the entity to officially endorse the business.

#### *Community-based Agricultural Financing Resources:*

- Citizinvestor: [www.citizinvestor.com](http://www.citizinvestor.com)
- Equity Trust Fund: <http://equitytrust.org/>
- Farm Viability Enhancement Program: <http://www.mass.gov/eea/agencies/agr/about/divisions/fvpe.html>
- KivaZip: <https://zip.kiva.org/>
- MassDevelopment/The Carrot Project Small Farm Loan: <http://thecarrotproject.org/>
- Multi-Year CSA Financing Model: <http://www.uvm.edu/newfarmer/business/finance-guide/Chapter8.pdf>
- *Roadmap for City Food Sector Innovation and Investment*: <http://wallacecenter.org/our-work/Resource-Library/wallace-publications/Roadmap%20for%20City%20Food%20Sector%20Innovation%20and%20Investment.pdf>

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<sup>26</sup> Michelsen Esq., Kristina, and Ben Waterman, University of Vermont Extension, "The Multi-Year CSA Financing Model", <http://www.uvm.edu/~susagctr/resources/FinGuideChapter8.pdf>, (2012).

<sup>27</sup> The Carrot Project, "Massachusetts Loan Program" <http://thecarrotproject.org/financing/massachusetts> (August 28, 2013).

<sup>28</sup> Equity Trust, "Farm and Food System Loans", <http://equitytrust.org/category/loans/farms-and-food/> (August 28, 2013).

<sup>29</sup> National Young Farmers Association, "Resource Spotlight – Kiva Zip Helps Connect Supporting Communities With Entrepreneurs" <http://www.youngfarmers.org/resource-spotlight-kiva-zip-helps-connect-supporting-communities-with-entrepreneurs/> (June, 2013).

- *Creating a Community Investment Fund: A Local Food Approach:*  
<http://www.cuttingedgecapital.com/wp-content/uploads/Creating-a-Community-Investment-Fund-A-Local-Food-Approach.pdf>

## **8. Explore Possibilities for Municipal Financing of Farm Worker Housing**

Towns have significantly assisted the agricultural sector by purchasing land, and thus assuring the affordability of farmlands. But as housing prices rise, communities are also faced with an increasing lack of affordable farm worker housing. While municipalities need to find creative applications of outside resources to achieve community agricultural objectives, communities also have access to funding resources that are not readily available to the private sector. Clearly identifying available financial resources, then leveraging those funds with community financing, will help ensure a strong agricultural sector.

The Community Preservation Act (CPA) allows towns to raise funds for preservation, affordable housing, and open spaces through a property tax increase. Many towns in the Massachusetts have successfully used CPA funding to purchase working farms, including the farm residences. The Newton Community Farm, for example, restricts occupancy of its farmhouse to farmers. The house was included in the purchase of the farm property financed with CPA funds. While the house does not qualify as affordable housing according to Department of Housing and Community Development regulation, it is still an important component of a successful plan to ensure agriculture business viability. Concord has recently used town and CPA funds to purchase the McGrath Farm, prioritized because it included housing opportunities. A local affordable housing group funded by community members also committed an additional \$200,000 to assist in renovating the farmhouse into two units of housing. The property will be made available to a farmer and farm worker at an affordable monthly rent.<sup>30</sup>

### *Municipal Financing Resources:*

- Community Preservation Coalition: <http://www.communitypreservation.org/>
- APR Municipal Grant Program: <http://www.mass.gov/eea/agencies/agr/land-use/municipal-grant-information.html>

## **9. Look for Opportunities to Support Infrastructure Planning and Investment**

The market demand for prepared local farm goods such as salad mixes and jams has grown substantially. The seasonality of New England food systems requires farmers to employ season-extending growing methods, storage facilities, distributions hubs, and food processing methods in order to provide year-round local retail goods. The agricultural sector also creates a wider economic impact when added value is created through processing and manufacturing. The MAGIC subregion is currently lacking sufficient facilities to process much of its local food. As mentioned above, individual farmers or small business owners do not have the necessary capital to finance construction of their own processing facilities. Without access to processing, storage, or local distribution centers, they are missing out on important business opportunities. A comprehensive municipal business attraction and retention plan must include support of shared-use facilities.

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<sup>30</sup> Lefferts, Jennifer Fenn, Boston Globe, "Concord's purchase of McGrath farm will keep tradition going", <http://www.bostonglobe.com/metro/regionals/west/2013/08/24/concord-purchase-mcgrath-farm-will-keep-tradition-going-century-farming-family-legacy-ends-but-farming-will-continue-family-legacy-ends/eesFZ3qi3vMxvX2XrryiaJ/story.html> (August, 24, 2013).

Another option is to create a local food hub; facilities or organizations that manage the aggregation, storage, processing, distribution or marketing of locally and regionally produced food. They fulfill from one to all of these functions and come in a variety of shapes and sizes. A national model for this type of organization is the [Local Food Hub](#) established in Charlottesville, Virginia. It is an innovative hybrid nonprofit organization working to develop a sustainable local food distribution model. Their mission is based on the belief that small, family farms should be able to sell their produce to large, wholesale markets such as hospitals, restaurants, public schools, senior centers, and grocery stores. It is possible for a Subregional organization to be established for this purpose. The Local Food Hub organization has produced an [online presentation](#) to guide folks interested in establishing a hub and they are available to consult with interested parties. It should be noted that in November of 2013 the Department of Agricultural Resources (DAR) awarded \$200,000 in Buy Local grants to non-profit organizations dedicated to promoting local agriculture across Massachusetts. If available, this grant source may be a viable funding mechanism for the expansion or development of By Local programs.

Since funding completely new ventures can be challenging, it is a good strategy to consider how new public investments already being planned could meet agricultural or food system needs. For example, if a new school is being built, a community kitchen could be located there. Designing a school kitchen with the capacity to cook and store fresh foods might also provide an opportunity to promote local foods. The extension of a town water line could be an opportunity to expand food-processing capacity. Existing industrial parks may be able accommodate a food hub with minimal modification.

*“Skyrocketing consumer demand for local and regional food is an economic opportunity for America’s farmers and ranchers. Food hubs facilitate access to these markets by offering critical aggregation, marketing, distribution and other services to farmers and ranchers. By serving as a link between the farm or ranch and regional buyers, food hubs keep more of the retail food dollar circulating in the local economy. In effect, the success of regional food hubs comes from entrepreneurship, sound business sense and a desire for social impact.”*

*---Tom Vilsack,  
USDA Secretary,  
August 2013*

#### *Infrastructure Planning and Investment Resources:*

- USDA Guide and Lists of Food Hubs: <http://www.ams.usda.gov/AMSV1.0/foodhubs>
- National Good Food Network – Food Hubs: <http://ngfn.org/resources/food-hubs/food-hubs#research-resources>

### **10. Encourage School Districts to Purchase Local Food**

Food hubs clearly help aggregate local farms’ goods, but for success, farmers and food manufacturers also need long-term and high-volume customers. Local institutions such as school districts are the ideal purchasers. Local school districts are increasingly interested in purchasing healthier foods that are both nutritious and affordable. Fresh produce from local farms is the perfect match to achieve these objectives. Food hubs may even find that success with local school food programs helps them reach other markets as the hubs’ experience and capacity grows to serve larger customers.

In the 2011-2012 school year, 231 Massachusetts school districts, 48 colleges, and 41 K-12 independent schools purchased food from over 114 farmers and increased local food purchases from distributors,

according to the Massachusetts Farm to School project.<sup>31</sup> School districts also often offer health education programs to complement the improved food offerings.

*Institutional Purchasing Resources:*

- Kids Eat Smart Concord: <http://www.kidseatsmart.org/index.html>
- Massachusetts Farm to School Project: <http://www.massfarmtoschool.org/>
- Farm To Institution New England (FINE): <http://www.farmtoinstitution.org/>

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<sup>31</sup> Massachusetts Farm to School Project, "About," <http://www.massfarmtoschool.org/about-us/>

## 3. Zoning and Regulatory Frameworks

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### Regulatory Frameworks to Support Local Agriculture

#### Context

While the focus of this Study was to determine how municipalities can help support and local agriculture, it should be noted that municipalities can hinder agriculture within their borders if using antiquated or unreasonable regulations and policies. When asked about the challenges focusing agriculture in the MAGIC Region, and throughout Massachusetts, many farmers stated that municipal regulation was a significant issue. There are a number of reasons for this:

- Town officials are often caught between neighbors with legitimate, or sometimes less than illegitimate, claims about odor or noise from the farm, and the farmer. With limited knowledge about agriculture, many officials are not equipped to find a balanced solution to such conflicts.
- Where agriculture is not prevalent in a town, officials are not always aware of the protections afforded to agriculture under state law.
- While Massachusetts is a Home Rule State, the legislature has recognized the importance of agriculture to the citizens of the Commonwealth. In many cases, legislation has standardized approaches to the regulation of agriculture and limited the authority of municipalities. There are several primary areas where towns are governed by state law in their oversight of agriculture: public health, pesticides and plant nutrients (i.e. fertilizer and manure use), and zoning.

Boards of Health (BOHs) have fairly broad authority in what they can regulate. However, there are limitations under state law in what they can regulate relative to agriculture. These generally relate to declaring farms to be a nuisance. Relevant statutes include MGLs Ch. 111 Section 125A and Ch. 243: Section 6. In short, these laws do not allow BOHs to declare a farm a nuisance if it is operating within what are considered to be “generally accepted farming practices.”<sup>32</sup> Board of Health authority is also limited to *human* health. Humane concerns, wetlands concerns (absent a direct connection to drinking water) and other issues not directly are not within the authority of BOH.

Under a 1994 amendments made to the state Pesticide Control Act (MGL 132B), municipalities may not regulate “the labeling, distribution, sale, storage, transportation, use and application, and disposal of pesticides.” This pre-emption applies to all pesticides, not only those used in agriculture. The driving force behind the pre-emption was a desire to ensure science-based regulations, and to prevent conflicting requirements in different towns.<sup>33</sup> Animal manure, as well as nutrients from fertilizer, can pose water quality issues if not uses and managed properly. Like pesticides, ensuring proper management of nutrients is very science-based. As ground and surface water resources often straddle town lines, it is important to ensure that regulations and strategies to ensure proper management of manure and nutrients are consistent state-wide. Because of this, the legislature passed a law limiting the authority of municipalities (with a very few exceptions) to regulate manure and fertilizer use a plant nutrients. Municipalities may not regulate the use of fertilizers or manure (<https://malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter262>). In the place of municipal regulations, the Department of Agricultural Resource is required to implement regulations governing the use of manure and fertilizer.

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<sup>32</sup> Where more than one generally accepted practice exists, BOHs may not dictate which practice a farm is to use.

<sup>33</sup> <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXIX/Chapter132B/Section1>

After World War II, suburbia began encroaching into rural and agricultural areas outside of larger cities, such as Boston. Before long, many farms found themselves in residentially zoned areas and held to zoning requirements that prohibited them from growing and operating as a farm. In response, the legislature passed Massachusetts General Law (MGL) 40a Section 3 that largely exempts qualifying farms from local zoning assignments or requires a special permit for “the use of land for the primary purpose of commercial agriculture [...]” It also stipulates that municipalities shall not prohibit, or “unreasonably regulate or require a special permit for the use, expansion, reconstruction or construction of structures thereon for the primary purpose of commercial agriculture [...].”<sup>34</sup>

## **Issues**

This section of the report discusses regulatory issues that were raised in response to the municipal agriculture survey, by participants of the March 2013 MAGIC Forum, by working group members, and via interviews with several public officials and planning staff in MAGIC communities. Attendees at the MAGIC Forum raised some general concerns about the impact of local regulations on agriculture. They felt that some towns unfairly ban certain agricultural practices and that local regulations are inconsistent and antiquated. Participants also noted that some local regulations inappropriately take a “one size fits all” approach to regulating agriculture, when in fact regulations necessary for large agricultural operations are poorly suited to small operations.

### ***Best Versus Normal Agricultural Practices***

While the terminology varies somewhat between statutes, the concept of Normal Agricultural Practices is integral to many of the agricultural protections/Exemptions in MA law:

- MGL Chapter 111: “Generally Accepted Ag Practices”
- Wetlands Protection: “Normal Maintenance and Improvement”
- MGL 40a Section 3: “Reasonably Regulate”

While the terms are often used interchangeably, *Normal Agricultural Practices* (and equivalent terms) are not the same as *Best Management Practices*. When referencing either term, municipalities should be clear to distinguish between the two.

Normal practices are those practices which most if not all farmers can be expected to do at any given time. It should be noted that:

1. There may be more than one normal practice for any given activity.
2. What is “normal” changes over time and may be different for different geographical areas or for different types of farms.

Best practices are those practices which may be desirable from an agricultural, health, or environmental point of view, and many farms at given time may need assistance in achieving these practices. Assistance may be related to financial, technical or educational assistance. It is not appropriate to require best management practices for farms in a regulatory context without ensuring that assistance is available.



As previously noted, practices vary over time and between farms and geographies. Municipalities will likely need assistance in determining what a *Normal* or *Best Practice* may be for a given farm in a given area. Good sources for determining what practices are normal and best include:

- USDA Natural Resource Conservation Service: there are several county offices throughout the state. The State office is in Amherst.
- MA Department of Agricultural Resources
- UMASS Extension
- MA Farm Bureau Federation

### Zoning Concerns

Zoning regulations have a major impact on the viability of local agricultural operations. The need for improving local zoning came up in several ways:

- *Agricultural Zoning Exemption.* For a farm to qualify for zoning relief, MGL Ch 40a Section 3 requires that it produce a certain percentage of products for sale on site or in Massachusetts. Before 2010, Section 3 was applicable only to parcels of 5 acres or more. However, in 2010 the legislature expanded the applicability of this section to also include “parcels 2 acres or more if the sale of products produced from the agriculture [...] use on the parcel annually generates at least \$1,000 per acre based on gross sales dollars.”<sup>35</sup> A number of towns in the MAGIC subregion have not updated their ordinances or bylaws to be consistent with the 2010 amendment. Concern was expressed that some towns may require special permits for activities that are exempt from zoning under MGL c. 40A, § 3, as interpreted by Massachusetts courts. There is a great deal of case law from Massachusetts courts applying Section 3 to various scenarios and sets of facts.<sup>36</sup> For instance, courts have found the following:
  - Ice cream stands selling ice cream and dairy from out of state are not exempt.<sup>37</sup>
  - Slaughterhouses for livestock raised onsite are exempt.<sup>38</sup>
  - Mobile home trailers used as residences for dairy farm employees are exempt.<sup>39</sup>
  - Piggeries are exempt.<sup>40</sup>
  - Boarding, training, or grooming of dogs not owned by the landowner is not exempt.<sup>41</sup>
  - Removal of gravel that is not incidental to an agricultural use is not exempt.<sup>42</sup>
  - Tree nurseries with stock from off-site that does not involve onsite cultivation is not exempt.<sup>43</sup>
  - A greenhouse and related fuel tank is exempt.<sup>44</sup>

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<sup>35</sup> 2010 Mass. Acts 240, § 79.

<sup>36</sup> What follows is a small sampling of case law from Massachusetts courts interpreting G.L. c. 40A, § 3; this list is not exhaustive and is not intended to comprehensively represent the entire body of case law interpreting that statute.

<sup>37</sup> *Minty v. Nat Arena, et. al.*, No. 96-3254-J, 1998 Mass. Super. LEXIS 109 (May 15, 1998).

<sup>38</sup> *Modern Continental Const. Co. Inc. v. Bldg. Inspector of Natick*, 42 Mass. App. Ct. 901 (1997).

<sup>39</sup> *Miller v. Turner, et. al.*, No. 66257, Mass. Land Court (January 3, 1975).

<sup>40</sup> *Bldg. Inspector of Mansfield v. Curvin*, 22 Mass. App. Ct. 401 (1986).

<sup>41</sup> *Town of Sturbridge v. McDowell*, 35 Mass. App. Ct. 924 (1993).

<sup>42</sup> *Henry v. Bd. of Appeals of Dunstable*, 418 Mass. 841 (1994).

<sup>43</sup> *Bldg. Inspector of Peabody v. Northeast Nursery, Inc.*, 418 Mass. 401 (1994).

<sup>44</sup> *Town of Tisbury v. Martha's Vineyard Com'n*, 27 Mass.App.Ct. 1204 (1989).

- Farm stand and related offices are exempt if the 50% rule is met during the growing season.<sup>45</sup>
- *Signage Restrictions.* Signs are extremely important for attracting customers to farms, but the placement of signs is highly regulated at both the local and state levels. It was evident in working group meetings and interviews with municipalities that many farmers view their towns' signage regulations as detrimental to the promotion of agricultural operations. For instance, farmers in Bolton have complained that the town over-regulates signage. In Concord, the local bylaw has been changed to be less restrictive for farm signs, but they have found that stringent state signage laws remain an obstacle.
- *Accessory Uses on Farms.* Income diversification can be extremely helpful to the economic viability of a farm. Some farms find it helpful to incorporate accessory land uses into their properties for diversified revenue, with farming remaining the primary land use. Accessory uses that can add diversified income include retail sale of farm products, bed and breakfasts, crafts, veterinary services, wedding venues, and other revenue generating events, among others. Massachusetts courts have found some accessory uses to be exempt from zoning regulation by MGL c. 40A, § 3 (e.g. farm stands), while finding that some others are not exempt (e.g. veterinary hospitals).<sup>46</sup> Members of the working group noted that some towns prohibitively regulate accessory uses that courts have held to be exempt from zoning under MGL c. 40A, § 3.

### *Right to Farm Bylaws*

Right-to-farm bylaws are general bylaws (not zoning bylaws) that “state with emphasis the right to farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations, including but not limited to: Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. Thus, right to farm bylaws make reference to existing laws and their associated rights, but do not create or grant new rights. This bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within a town by allowing agricultural uses and related activities to function with minimal conflict with abutters and town agencies.”<sup>47</sup> According to the MAGIC Ag Survey, seven municipalities in the MAGIC subregion have right-to-farm bylaws, and five do not (one town did not respond). At the MAGIC Forum, several participants noted that existing right-to-farm bylaws need more “teeth” to have an impact.

### *Preservation of Agricultural Land*

Many towns are experiencing a loss of working agricultural land to development. For instance, in Bolton, some small farms have been converted to subdivisions. In interviews, towns expressed a desire to utilize land use regulatory tools to keep land in agricultural production. The Massachusetts Farm Bureau (MFB) expressed considerable concern regarding the use of zoning for agricultural land preservation on the basis that such regulatory tools remove development value from land, and reduce the ability of farmers to use their land as collateral for loans. However, upon further discussions with MFB, there is agreement that if zoning provisions were applied correctly, there would be less of an impact to development value. For

<sup>45</sup> von Jess v. O’Neal, 1991 WL 11258265, Mass. Land Court (January 04, 1991).

<sup>46</sup> See *Prime v. Zoning Bd. of Appeals of Norwell*, 42 Mass. App. Ct. 796, 802-803 (1997) (Discusses applicability of G.L. c. 40A, § 3, to farmstands. Court found that a 40x60 foot farmstand selling agricultural products grown on the property, as well as other products, could not be prohibited, but could be reasonably regulated.); see *Tanner v. Board of App. of Boxford*, 61 Mass. App. Ct. 647, 652 (2004) (Finding that veterinary hospitals are not an exempt agricultural use: “Our cases that have considered the application of § 3 to animals have looked primarily to the raising and breeding of animals owned by the property owner, and not to the care of animals owned by others, in determining what constitutes an agricultural use within the meaning of the statute.”)

<sup>47</sup> Massachusetts Department of Agricultural Resources, Right to Farm Bylaw: <http://www.mass.gov/eea/agencies/agr/land-use/right-to-farm-by-law.html>.

instance, allowing non-farm accessory uses by special permit would provide for additional income and land value.

## Tools

The following section provides analysis of potential regulatory tools to address issues identified through our research, and examples of towns currently implementing those suggested regulatory approaches.

### Zoning

#### Agricultural Exemption

While local zoning bylaws and ordinances are not required to directly incorporate language from MGL c. 40A, § 3, it is important that local bylaws and ordinances do not conflict with the zoning exemption or case law interpreting it; such contradictions create confusion for regulated parties, and further, are likely unenforceable. During the MAGIC forum and in some interviews with municipalities, it became clear that some towns in the MAGIC region may need to revise their zoning bylaws and ordinances to ensure that they are consistent with the zoning exemption, including the two-acre provision added in 2010.

#### Signage

Local zoning bylaws and ordinances often regulate how many signs are permitted on a property, where they may be placed, their design, and what information can be communicated. Many towns restrict signage for all land uses, including farms. In an effort to support local farms, towns have amended their zoning bylaws and ordinances in a range of ways: some towns completely exempt farms from sign restrictions, while others take a more moderate approach by easing requirements or applying less stringent standards to farm signage. For instance, agricultural signs associated with on-site agricultural activities in Ware are exempt from signage restrictions.<sup>48</sup> In Belchertown, agricultural signs do not require a permit if they offer produce and other farm products for sale, are a maximum size of 12 square feet, and are movable.<sup>49</sup> Within the MAGIC subregion, Boxborough exempts agricultural signs from sign permit requirements, provided that:

*“(a) The sign may indicate only the name of the farm, products for sale and/or the price of said products; (b) The sign is designed to be portable, such as an A-frame, H-frame or T-frame sign placed on the surface of the ground or temporarily staked into the ground; (c) Only two such signs may be located on a property without a sign permit; (d) The sign is located on the same property on which the agricultural use is conducted; (e) The sign is displayed only when the agricultural use is open to the public for purchase of products; (f) The sign is not illuminated or inflatable.”<sup>50</sup>*

Littleton has also relaxed signage limitations for agricultural signs in residential districts (see Appendix D).<sup>51</sup>

Conversations with the MFB and farmers indicate the need for regulations that allow for seasonal off-site directional signage as a critical element as maintaining agricultural viability.

Local farmers in the Town of Stow worked with municipal officials to achieve signage flexibility for farm businesses. They created off-site sign regulations that allow for variation in the size and number of signs, but that also establish a ceiling for the total square footage. Bylaw regulations allow one 16-square-foot sign for

<sup>48</sup> Ware Zoning Bylaw, § 6.5.3(l).

<sup>49</sup> Belchertown Zoning Bylaw, § 145-22(D)(2)(e).

<sup>50</sup> Boxborough Zoning Bylaw, § 6305(7).

<sup>51</sup> Littleton Zoning Code, § 173-36.

seasonal agriculture on-site, with any additional signs off-site not to exceed 12 square feet.<sup>52</sup> Rather than limit the number of off-site signs, the bylaw requires the total square-footage of off-site signs to be below 75 square feet. The exact ceiling on square footage may differ across communities, but the practice of combining size and quantity of off-site signs can provide flexibility for agricultural businesses that are increasingly hard to regulate with a one-size-fits-all approach.

### Accessory Uses

In an effort to help keep agricultural land in active farming, several towns have revised their zoning ordinances to permit non-farming accessory uses on farms. In making these changes, towns have utilized a range of approaches, some more permissive than others. In Bolton, where Nashoba Winery holds events as an accessory use to the farm, the town added a section to their zoning bylaws addressing such accessory uses: Section 2.5.2.5 provides that “[t]he Town of Bolton finds that in order to protect and preserve agricultural, horticultural, floricultural, or viticultural lands, to preserve natural resources and maintain land in active agricultural, horticultural, floricultural, or viticultural use, it is necessary to allow the owners of said lands to conduct an accessory business to supplement income from said uses [...]”<sup>53</sup> The bylaws define accessory uses (“Agricultural/Business Uses”) that are allowed in any district if a special permit is granted by the board of selectmen.<sup>54</sup> Allowed uses include: sale of farm products, crafts and other retail products; veterinary services; revenue-generating events; and wireless communication facilities.<sup>55</sup> The list of criteria that must be met in order to acquire a special permit for this use is very detailed.<sup>56</sup> To be eligible for a special permit, the farm must be “not fewer than 20 acres on one or more contiguous parcels or 75 contiguous acres,” and must have a “state, town, or privately held perpetual agricultural preservation restriction or conservation restriction or an application for such a restriction pending before the appropriate approving authority for the restriction. The restriction must apply to at least 20 acres, but the accessory use may be on un-restricted land contiguous to the agricultural land.”<sup>57</sup>

The Town of Littleton has a similar provision, allowing accessory uses on farms over five acres if a special permit is granted by the planning board.<sup>58</sup> In granting the special permit, the planning board “may set conditions such as hours of operation, number of employees, or other conditions that they deem appropriate [...]”<sup>59</sup> This part of the Littleton bylaws provides that “this section is not intended to, and does not, impact the ability of the landowner to undertake any use or construct any structure allowed by right under local zoning, MGL c.40A, §3, first par. and/or state definitions related to agriculture.”<sup>60</sup>

Brimfield takes a different approach, allowing certain accessory uses only in agricultural-residential districts.<sup>61</sup> Some permitted uses are allowed as-of-right, while others required a special permit from the board of appeals.<sup>62</sup>

If the goal of allowing accessory uses on farms is to support farm land uses, then the least burdensome regulatory strategy is to allow those uses as-of-right. However, some towns may want to encourage those land uses, but feel the need to have some measure of control – thus the imposition of special permitting requirements. Working group members have indicated that from the farmers’ perspective, the requirement for special permits is undesirable, as such permits can be cost-prohibitive and burdensome. Site plan

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<sup>52</sup> Town of Stow Zoning Bylaw, Section 6.3.4 Off-Site Signs-Seasonal Agriculture. Last Updated November 7, 2011

<sup>53</sup> Bolton Zoning Bylaws, § 2.5.2.5.

<sup>54</sup> *Id.*

<sup>55</sup> *Id.* at § 2.5.2.5(a).

<sup>56</sup> *Id.* at § 2.5.2.5(d).

<sup>57</sup> *Id.* at § 2.5.2.5(c).

<sup>58</sup> Littleton Zoning Code, §173-57(A).

<sup>59</sup> *Id.* at §173-57(B).

<sup>60</sup> *Id.* at §173-57(E).

<sup>61</sup> Brimfield Zoning Bylaws, § 3.4.

<sup>62</sup> *Id.* at § 3.5.

review, which “has to do with regulation of permitted uses, not their prohibition, as would be the case with a special permit or a variance,”<sup>63</sup> can be a less burdensome alternative to special permitting, and can help ensure that accessory uses are in keeping with the town’s priorities. The site plan review process may be required to impose conditions on as-of-right land uses before a building permit is issued, or can accompany special permitting processes. Given that special permitting is constrained pursuant to MGL c. 40A, §3 (“no zoning ordinance or bylaw shall unreasonably regulate, or require a special permit for the use of land for the primary purpose of commercial agriculture [...] nor [...] the use, expansion, reconstruction, or construction of structures.”), site plan review can be a useful alternative. While site plan review can be helpful in regulating certain land uses without prohibiting them, performance standards accompanying the review need to have flexible criteria. For instance, many site plan review processes are not well-tailored to agricultural land uses, requiring design elements that do not make sense, or are not feasible, for that land use. Brad Mitchell, Policy Director for the Massachusetts Farm Bureau (MFB), notes that the site plan review process is too prescriptive and formula driven, making it unwieldy for farms. Working group member Jesse Steadman, a planner in Stow, advises that site plan review processes could be improved by nesting specific agricultural performance standards in the rules and regulations for site plan review rather than in the zoning bylaw or ordinance, precluding the need for a variance should the planning board choose to grant a waiver from a performance standard that is not well suited to a specific farm.<sup>64</sup> This principle is useful to consider in the context of permitting accessory uses on farms to allow for income diversification, but can also be applied broadly when considering regulating agricultural land uses. It will be essential for towns seeking to pursue this approach to solicit feedback from local farmers, through agricultural commissions where possible, when developing specific agricultural performance standards for site plan review.

Finally, as noted above, several accessory uses have been found by Massachusetts courts to be exempt from zoning under MGL 40A, § 3. The courts have not ruled on every possible scenario, and therefore some grey area exists as to what accessory uses might be considered to fall within the MGL 40A, § 3 zoning exemption. This uncertainty creates some challenges, but towns seeking to regulate accessory uses for farms should make every effort not to encroach on legal zoning exemptions provided by MGL 40A, § 3.

Additional zoning examples can be found in Appendix D.

### **Right-to-Farm Bylaws**

Right-to-farm bylaws are a useful tool for supporting agriculture within a town, and for eliminating conflict with neighboring land uses. While they do not create any new rights, they emphasize provisions already in state law. Municipalities that do not have a right-to-farm bylaw should consider adopting one. The Massachusetts Department of Agricultural Resources (MDAR), the MFB, and the Massachusetts Association of Agricultural Commissions created a model right-to-farm bylaw that municipalities can use as a template, (see Appendix C) but there is no requirement for what provisions right-to-farm bylaws must contain. The model bylaw includes a declaration regarding the right to farm (to highlight the importance of farming and reduce nuisance claims), a disclosure notification requiring landowners to provide buyers/future occupants with notice that farming activities occur nearby, and a provision regarding resolution of disputes. Towns can develop language for their right-to-farm bylaws to suit local needs. For instance, Concord’s right-to-farm bylaw is different from the state model, and is tailored to address local needs.<sup>65</sup> Local agricultural commissions can also play an important role in crafting, adopting, and implementing right-to-farm bylaws.

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<sup>63</sup> See *Osberg v. Planning Bd. of Sturbridge*, 44 Mass. App. Ct. 56, 58 (1997).

<sup>64</sup> A similar concept is discussed in the 2012 Rhode Island report “Community Guidance to Maintain Working Farms and Forests.” Available at: <http://www.dem.ri.gov/programs/bpoladm/suswshed/pdfs/farmfor.pdf>.

<sup>65</sup> Concord Farming Bylaw: [http://www.concordma.gov/Pages/ConcordMA\\_Bylaws/Farming%20Bylaw.pdf](http://www.concordma.gov/Pages/ConcordMA_Bylaws/Farming%20Bylaw.pdf).



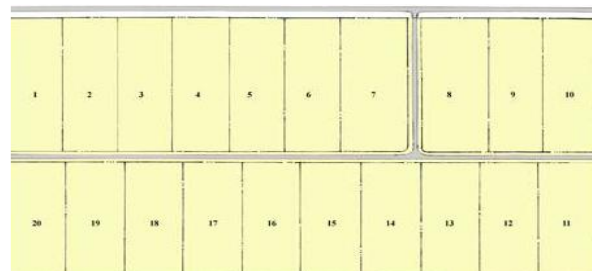
## Preservation of Agricultural Land

Many towns are experiencing a loss of agricultural land to development, but there are a wide variety of regulatory tools available for towns to realize their vision of keeping land in agricultural production. Towns can amend their zoning bylaws and ordinances to include tools such as agricultural overlay districts, cluster development, and transfer of development rights programs to incentivize keeping agricultural land out of development. Should towns determine that the use of zoning tools to preserve agricultural land is desirable, the following approaches may merit consideration:

### Agricultural Overlay Districts

Overlay districts are zoning districts that are layered on top of underlying base zoning districts, and generally have their own special provisions. Overlay districts can share boundaries with underlying districts, or have new, unique boundaries.<sup>66</sup> Agricultural overlay districts are generally created to protect local agricultural resources, such as prime agricultural soils and open space. Concord's Community Food System Assessment notes that while Concord does not currently have any agricultural districts (overlay or otherwise), they would be useful for protecting existing farms from subdivision and make prime land available for new farms.<sup>67</sup>

As part of a comprehensive farmland preservation plan developed with the Pioneer Valley Planning Commission, Amherst created a Farmland Conservation Overlay District that requires any development within the district be clustered in order to preserve prime agricultural soils.<sup>68</sup> To date, at least one farm property has been conserved through this program: Barkowski Meadows, a 35-acre parcel with 23 permanently protected contiguous acres.



Traditional Subdivision

### Cluster Development

Cluster development can be used to maintain a town's agricultural character by keeping open space available for farming instead of being developed for other purposes. Cluster development occurs where dwellings are grouped together rather than spread out over a tract of land, allowing the undeveloped land to be restricted and used for agriculture or other open space uses. Clustering can be implemented on a mandatory or voluntary basis, with strong incentives typically tied to voluntary programs.<sup>69</sup>



Cluster: Open Space Protection

<sup>66</sup> Definition from: University of Wisconsin-Stevens Point, Center for Land Use Education, *Planning Implementation Tools: Overlay Zoning*, Nov. 2005. Available at: [http://www.uwsp.edu/cnr-ap/clue/Documents/PlanImplementation/Overlay\\_Zoning.pdf](http://www.uwsp.edu/cnr-ap/clue/Documents/PlanImplementation/Overlay_Zoning.pdf).

<sup>67</sup> Christina Gibson and Jamie Pottern, *Building Local Food Connections: A Community Food Assessment, Concord, Massachusetts*, Winter 2012, at 27-28. Available at: [http://api.ning.com/files/1VDunAog-h\\*SvshTWbf7y1E8SymCdhBt4fwAldOcW-47FbMmizNeRjIHG-jiSh2i9GuUwj6x9i55Uh\\*SmyvTwHC1JiJ6SwR/ConcordReport\\_LowResolution.pdf](http://api.ning.com/files/1VDunAog-h*SvshTWbf7y1E8SymCdhBt4fwAldOcW-47FbMmizNeRjIHG-jiSh2i9GuUwj6x9i55Uh*SmyvTwHC1JiJ6SwR/ConcordReport_LowResolution.pdf).

<sup>68</sup> Amherst Zoning Bylaw, § 3.28; Executive Office of Energy and Environmental Affairs, *Massachusetts Smart Growth/Smart Energy Toolkit, Agricultural Preservation Case Study*. Available at: [http://www.mass.gov/envir/smart\\_growth\\_toolkit/pages/CS-aq-amherst.html](http://www.mass.gov/envir/smart_growth_toolkit/pages/CS-aq-amherst.html).

<sup>69</sup> New Jersey Department of Agriculture, *Agricultural Smart Growth Plan for New Jersey*, April 2006, at 22. Available at: <http://www.nj.gov/agriculture/pdf/smartgrowthplan.pdf>.

Typically, the most effective cluster development programs are those that are mandatory.<sup>70</sup> In addition to conserving land, cluster development cuts reduces infrastructure and government services costs.<sup>71</sup> Locating farms immediately adjacent to densely settled subdivisions could present challenges in terms of nuisance claims, making it particularly helpful for towns pursuing cluster development to have right-to-farm bylaws in place. Cluster development has been employed in quite a few towns in the Commonwealth to protect agricultural land. Bolton and Littleton both have cluster development bylaws.<sup>72</sup>

Outside the MAGIC region, in Hatfield, open space development is allowed as of right in several districts, including agricultural districts; open space development is defined as “residential development in which single family residences are clustered together, adjacent to permanently preserved open space.”<sup>73</sup> One of the purposes cited for the open space development provision is to “encourage the permanent preservation of [...] agricultural lands, forest lands [...]”<sup>74</sup>

Easthampton has established Open Space Residential Development “to encourage the preservation of open land for its scenic beauty and agricultural, open space, forestry and recreational use [...]”<sup>75</sup> Open Space Residential Development is permitted in several residential districts if a special permit is granted by the planning board.<sup>76</sup> As an incentive to pursue Open Space Residential Development, the planning board may reduce frontage requirements and allow greater density for residential development through the special permit process.<sup>77</sup> To be eligible, the total area of open space must be at least 50% of the total parcel area, restricted to open space agricultural uses, recreational uses, or conservation, and must be placed under a conservation restriction/easement.<sup>78</sup>

The Pioneer Valley Planning Commission also has a model cluster bylaw.<sup>79</sup>

### **Transfer of Development Rights**

Transfer of Development Rights (TDR) is a regulatory tool where development rights are severed from a parcel of land (the “sending area”) and sold at market. The original parcel is then restricted from future development, and the purchaser can assign the development rights to a different parcel (the “receiving area”) for additional permitted density (e.g. additional residential units).<sup>80</sup> TDR can be an alternative to towns buying up agricultural land, which is attractive given limited public funds. However, it should be



<sup>70</sup> Elisa Paster, *Preservation of Agricultural Lands Through Land Use Planning Tools and Techniques*, 44 *Natural Resources Journal* 283, 295. Available at: [http://lawlibrary.unm.edu/nri/44/1/09\\_paster\\_agricultural.pdf](http://lawlibrary.unm.edu/nri/44/1/09_paster_agricultural.pdf).

<sup>71</sup> *Id.*

<sup>72</sup> Bolton: Farmland and Open Space Planned Residential Development Bylaw - allows reduced minimum lot sizes (1 acre) provided the applicant provides 33% of total land acreage as open space. Created by Special Permit issued from the Planning Board. (Considering increasing percentage to 60%). Has resulted in 343 acres preserved to date, although only 1 property is farmland (hay production). Bolton Zoning Bylaws, § 2.3.6; Littleton: The Bylaw provides bonus densities in a cluster development if the roadside farmland that could have been developed under the ANR provision is instead protected as part of the open space in the cluster development (goal: push development away from road/prime agricultural lands), Littleton Zoning Code, § 173-104(E).

<sup>73</sup> Hatfield Zoning Bylaws, § 6.2.1.

<sup>74</sup> *Id.* at § 6.2.2(2).

<sup>75</sup> Easthampton Zoning Ordinance, § 9.12.

<sup>76</sup> *Id.* at § 9.11.

<sup>77</sup> *Id.* at § 9.157, 9.158.

<sup>78</sup> *Id.* at § 9.163.

<sup>79</sup> Pioneer Valley Planning Commission, *By-Right Cluster Zoning Bylaw*. Available at: [http://www.pvpc.org/resources/landuse/cluster\\_bylaw.pdf](http://www.pvpc.org/resources/landuse/cluster_bylaw.pdf).

<sup>80</sup> Rick Taintor, *Transfer of Development Rights Report, South County Watersheds Technical Planning Assistance Project*, April 2001, at 8. Available at: <http://www.dem.ri.gov/programs/bpoladm/suswshed/pdfs/tdrreprt.pdf>.



noted that voluntary TDR programs can be a weak tool for implementing land use changes: TDR is more effective as a complement to mandatory rezoning strategies.<sup>81</sup> A Rhode Island report determined that the likely factors determining success of a TDR program are: (1) the real estate market in the area encompassed by the TDR program; (2) the regulatory structure underlying the TDR program; and (3) the capacity of the receiving areas to accommodate the increased intensity of development.<sup>82</sup> The report also notes that it is beneficial for TDR programs to provide meaningful incentives for program participation: Land uses and intensities in the sending and receiving areas “must be established at a lower level than the market would support,” and “transfer ratios must be sufficient to induce landowners to buy and sell development rights.”<sup>83</sup>

Hadley has a farmland preservation bylaw within its zoning bylaw that includes a TODR provision.<sup>84</sup> That bylaw provides: “Transfer of development rights provides for increased density of commercial or industrial development in the designated Receiving District when suitable open space land in the Farmland Preservation District is permanently preserved from development. The transfer of development rights is accomplished by the execution of an agricultural preservation restriction, and the increased density is permitted by the issuance of a special permit [...]”<sup>85</sup> All “developable farmland” in the Farmland Preservation District (which is the Agricultural-Residential Zone) that is at least five acres is eligible to apply for a special permit from the Planning Board to transfer all or part of their developments rights.<sup>86</sup> Developable farmland is defined as: “land that is enrolled under MGL c. 61A, Assessment and Taxation of Agricultural and Horticultural Land, and is covered by soils in USDA land capability Classes I to IV. Where public sewer service is not immediately available to a lot, only 50% of soils identified by the USDA soil maps as hydric (wetland) within Classes I to IV may be counted as developable farmland [...]”<sup>87</sup>

Hatfield’s transfer of development rights language is very similar to Hadley’s. The sending area in Hatfield is all land within the agricultural, outlying residential, and rural residential zoning districts.<sup>88</sup> All development rights are transferred through the Hatfield Land Preservation Fund.<sup>89</sup> The zoning bylaw formally incorporates the town’s agricultural advisory commission into the TODR process, requiring that copies of all special permit applications for TODR be provided to the agricultural advisory commission, and that the “Agricultural Advisory Committee shall keep a voluntary registry of property owners of land in the Sending Area who are interested in participating in this program.”<sup>90</sup>

Easthampton uses similar language for transfer of development rights. However, Easthampton also provides an alternate method for TODR transactions: “[... A]n applicant for a Special Permit in Section 9.35 may make a cash contribution to the City of Easthampton Farmland and Open Space Fund to be used for the purpose of purchasing agricultural preservation restrictions, conservation restrictions or open space in the Sending Area. The Easthampton Conservation Commission shall oversee all expenditures from this fund. The contribution shall be of a value equal to the value of raw developable land set by this ordinance at the time of adoption at \$35,000.00 per lot. This value shall be reviewed and adjusted every two years by the City Council.”<sup>91</sup>

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<sup>81</sup> *Id.* at 10.

<sup>82</sup> *Id.* at 13.

<sup>83</sup> *Id.* at 14.

<sup>84</sup> Hadley Zoning Bylaw, § 17.4.

<sup>85</sup> *Id.*

<sup>86</sup> *Id.* at § 17.3, 17.5.

<sup>87</sup> *Id.* at § 17.2.

<sup>88</sup> Hatfield Zoning Bylaws, § 6.1.4(A)(1).

<sup>89</sup> *Id.* at 6.1.3.

<sup>90</sup> *Id.* at 6.1.5(A), 6.1.11.

<sup>91</sup> Easthampton Zoning Ordinance, § 9.397.

## Action Steps

The following implementation steps would enable municipal officials in the MAGIC subregion to better support agricultural activities.

### **1. Utilize Zoning Tools**

#### ***Agricultural Zoning Exemption***

Review bylaws and ordinances and amend if necessary to ensure compliance with the MGL c. 40A, s. 3, zoning exemption and applicable case law, including the two acre provision added in 2010.

#### ***Signage***

Relax signage restrictions for agricultural operations. Options include complete exemptions from signage restrictions for agricultural signs (e.g. Ware), or solutions that are more of a compromise, such as in Belchertown and Boxborough, where agricultural signs are still regulated, but less stringently than other types of signage.

#### ***Accessory Uses***

Amend bylaws and ordinances to provide zoning relief for accessory land uses that provide diversified revenue for farms. Make sure that any new regulation of accessory uses does not overstep the MGL c. 40A, §3, agricultural zoning exemption. Consider permitting accessory uses as of right instead of by special permit, or if some measure of review is needed, create and utilize a modified site plan review process that is tailored to agricultural land uses.

### **2. Adopt a Right to Farm Bylaw**

Follow the state's model, or create a different version that better suits your town's needs (e.g. Concord).

### **3. Preserve Agricultural Land**

For example, agricultural overlay districts, cluster development or transfer of development rights programs that preserve local agricultural land. If agricultural preservation tools already exist in a town, consider expanding to include multiple preservation tools, or make existing tools mandatory rather than optional. When considering these approaches, towns should also consider concerns expressed by the Massachusetts Farm Bureau regarding property value and associated impacts.

## 4. Non-Regulatory Policy Frameworks

### Conservation Restrictions and Agricultural Preservation Restrictions

Conservation Restrictions (CRs) and Agricultural Preservation Restrictions (APRs) are non-regulatory, bilateral legal contracts negotiated between a landowner and other parties with an interest in the land. Depending on the type of restriction, they must be approved by the municipality and the Secretary of Energy and Environmental Affairs or the Secretary of Food and Agriculture. Approved restrictions are recorded in the property deed and must be registered at the county registry of deeds in which the property is located in order to take effect. CRs and APRs run with the land in perpetuity and require state legislative action in order to be lifted. Therefore, CRs and APRs remain intact when property ownership is transferred. CRs and APRs may be held by a private landowner, the state, a municipality, or a qualified land trust; whereas the state APR program is managed by the Massachusetts Department of Agricultural Resources. The state APR program offers landowners a payment up to the difference between the fair market value and fair agricultural value of the land, in exchange for a permanent deed restriction on uses that may impact the land's agricultural viability. Like CRs, once registered, APRs also run with the land in perpetuity. There is little room for negotiation on a state APR; the terms are fairly set in stone. Building of any structures or amenities that are not deemed related to agricultural uses are prohibited under the state APR program. However, there has been some uncertainty as to what uses are deemed necessary under an APR, and therefore whether trails, woods, roads, utilities, and temporary structures (defined as "any structure that requires the grading of soil or excavation for footings or foundations"<sup>92</sup>), all of which have been deemed necessary to support agricultural activities, would be allowed.

*"I think supporting the farms in one's town is very important for building the community. Neighbors meet and catch up at farm stands... By supporting the farms in your town, you are also making it possible for land to remain farmland and not be developed. Most of the farms in Lincoln are on conservation land. This enables young people to afford to farm in the town by paying a lease instead of owning."*

*--Ellery Kimball*

#### Issues

Within the MAGIC subregion, there are approximately 724 private or municipal properties permanently protected through CRs or APRs. Of these, 42 are APRs, seven are joint CR/APRs, and the remaining 675 are CRs, some of which include reserved rights to conduct agricultural activities (source: MassGIS). CRs are established on land to protect wildlife habitat, reserve use for recreation, or preserve working farmland. Because CRs can allow these various and often competing uses, balancing community needs when contemplating the acquisition of land holding these restrictions can present a significant challenge.

At the agricultural forum in March of 2013, the issue was raised that CRs and APRs can be too limiting on a farmer's ability to farm due to two primary factors: 1) too much oversight by the entity that holds the CR/APR (who is legally required to monitor it annually), or 2) the CR overemphasizes habitat values, which can conflict with agricultural values.

<sup>92</sup> Massachusetts Department of Food and Agriculture, *Commonwealth of Massachusetts Agricultural Preservation Restriction*, 2010.

Some farmers and ranchers suggest that state APRs are too restrictive. Others have farmed successfully on APR lands for many years – Verrill Farm and Hutchins Farm in Concord are two good examples. Perpetual CRs and APRs are enabled through Massachusetts General Laws Sections 31-33, which has been in place for several decades. Restrictions drafted in the 1970’s, 1980’s, and even into the 1990’s may have focused more on protecting environmental habitat from rapid residential development than preserving agriculturally valuable land. A resurgence of interest in local and sustainable agriculture over the past decade has led more towns and land trusts to focus on protecting working agricultural lands. Holders of older CRs and APRs may find themselves in difficult situations where land that is now recognized to have agricultural value was originally protected for the purpose of conservation, and those values may come into conflict. A common example is management of fields for grassland nesting birds such as bobolinks. These birds nest on the ground in late spring/early summer, just when many farmers are ready for their first hay cut. If a restriction protects ground nesting bird habitat, a farmer on that land may be deprived of his first and best hay.

CRs cannot be undone without a two-thirds vote of the state legislature, and this is not a preferred route for addressing situations in which both Grantor and Grantee agree that a CR is not functioning as intended. Amendment of the original CR is one possible remedy. According to the *Massachusetts CR Handbook* (Massachusetts Executive Office of Energy and Environmental Affairs, Division of Conservation Services, 2008), “While [Massachusetts General Laws] Chapter 184, §32 is silent on the subject of amendments to conservation restrictions, it is strongly suggested that amendments be treated as something less than releases but subject to the approvals of the grantor, grantee, municipality, and the Secretary [of Energy and Environmental Affairs]. Amendments should then be recorded in the registry of deeds.”

As drafting practices become stronger with time and experience on the part of land trusts and municipalities, CRs and APRs remain the most effective tool to protect agricultural land, because they leave land in private ownership, allow for agricultural uses, and prohibit non-agricultural development.

For farmers, it is obviously easier to farm land that is free of restrictions. However, when a municipality puts local funds into purchasing a CR (i.e., purchase of the development rights), the expectation is that the property will remain as open space – whether for agriculture, passive recreation, or habitat protection purposes – in perpetuity. CRs and APRs also play a role in making farms more affordable by reducing the value once restricted. When a CR or APR is purchased, the purchase price is determined by first establishing the full fair market value of the property, typically on the basis of its residential or commercial development potential. This is referred to as the “before” value. An appraiser then determines the value of that land once those development rights are stripped – what’s left is known as the “after” or “residual” value. The difference between the “before” and “after” values is the value of the CR or APR.

Once restricted to agricultural value, a farm becomes more affordable, but this may not always be enough for new farmers trying to acquire land in competitive markets. A 2012 study by the National Young Farmers Coalition addresses concerns that estate buyers in markets around large urban areas are taking advantage of the affordability of restricted farmland to establish second homes, thus taking productive land out of agriculture.<sup>93</sup> This study makes three recommendations: First, land trusts should work with farmers as conservation buyers. This follows a model that has been used by land trusts in Massachusetts, where the land trust raises funds to purchase a piece of farmland, identifies a farmer to farm it, restricts the land through a CR or APR, and resells the now-restricted land to the farmer. By identifying the farmer at the outset, the land trust is able to negotiate the terms of the CR or APR that will best suit that farmer’s needs. Second, CRs should include affirmative agricultural production language. This means that the CR or APR requires farmland to be agriculturally productive, and in fact APRs done through the Massachusetts Department of Agricultural Resources do include this type of prescriptive language. If a farmer becomes unable to work his or her land, he or she may lease it to another farmer to fulfill this obligation. Third, CRs and APRs protecting farmland should include options to purchase at agricultural value, or OPAVs. OPAVs

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<sup>93</sup> National Young Farmers Coalition, *Farmland Conservation 2.0: How Land Trusts can Protect America’s Working Farms*. September 2013.

require that a farmer sells land to another “qualified” farmer. The land trust holding the restriction may include for itself the opportunity to approve such buyers before a transaction can take place.

While OPAVs may be a good method for insuring that farmland continues to be farmed, it does not necessarily guarantee that farmland will be affordable for new farmers. A 2013 study by Land For Good identifies competition for restricted lands within the farming community, where established farmers can outbid starting farmers for restricted land.<sup>94</sup> The study found that most of the farmers buying land protected with APRs in Massachusetts were bought by established farmers at per acre values that exceeded the appraised agricultural value.

### ***CR/APR Enforcement Capacity***

While it is increasingly common to see municipalities purchasing CRs or APRs on farmland, many have limited experience in doing so. Municipal staff may lack the necessary expertise for drafting these documents and the personnel to conduct annual monitoring of the restrictions, which is a critical step to enforce the restrictions’ perpetuity. Many municipalities within the MAGIC subregion own and license agricultural land under CRs are active, working farmlands; however, some communities do not feel they have the resources to manage such activities. A selection of these scenarios is addressed in Section 5 of the report that discusses licensing issues.

CRs on farmland typically include more reserved rights/allowed uses than a CR on conservation land, and striking a balance between protecting resources and allowing a farmer flexibility to farm the way he or she needs to can be extremely challenging. Municipal staff and volunteers in non-staffed land trusts may lack sufficient expertise in agricultural management to allow them to adequately monitor APRs or CRs with reserved agricultural rights. MDAR has provided monitoring training in the past through the Massachusetts Association of Conservation Districts, and there may be potential to offer those trainings more widely.<sup>95</sup> (See recommendations below.)

Some smaller land trusts may find agricultural CRs daunting for the reasons stated above. Sudbury Very few of the local, all-volunteer land trusts in the MAGIC subregion hold CRs over land in actively engaged in agriculture. Regional land trusts may be better equipped to play such a role, because they have paid professional staff with experience in drafting easements and/or annual monitoring of restrictions.

However, not all regional land trusts have staff with direct experience doing agricultural work; drafting flexible restrictions can still be a challenge as agricultural practices adapt to new markets and a changing climate. This section addresses whether a land trust in Massachusetts focusing exclusively on agricultural land is needed. We looked at agricultural land trusts in other states, as well as land trusts and other non-profits in Massachusetts that work to preserve farmland.

#### ***Example 1: Mount Grace Land Conservation Trust, Athol, MA***

Mount Grace is a regional land trust that works in 23 communities in the north-central part of Massachusetts. With 11 full-time staff members, they conduct land conservation and stewardship activities on over 7,000 acres of land. While Mt. Grace has always had a focus on protecting working forestland, more recently they have extended their capacity to protect agricultural lands (see Land For Good section on Campaign for Affordable Farms). Mt. Grace is using innovative practices to include affordable housing on farmland, a step that has not been taken by other regional land trusts – if any – in the state. A recent Mt. Grace project of particular note is Red Fire Farm in Granby. When the owners of Red Fire Farm expressed interest in acquiring a former nursery in the nearby town of Montague, they came to Mt. Grace for

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<sup>94</sup> Land For Good, *Does the Option at Agricultural Value Protect Farmland for Beginning Farmers?* 2103.

<sup>95</sup> Chris Chisholm, MA DAR, personal communication.

assistance. Mount Grace assisted the buyers in applying for an APR, which was approved in 2010 for funding in 2011. With that assurance in place, the farmers purchased the farm, and sold the development rights to Mt. Grace. When APR funding became available, Mt Grace then resold those development rights to the APR program. To ensure that the land will always stay in farming and will always remain affordable for farmers, Mt. Grace and Red Fire Farm are taking the project one step further through a new concept called “whole farm affordability.” In this model, Mount Grace will acquire farmland, but the farmer will own the buildings on that farmland. Mount Grace will then grant a 99-year lease on the land at a rate that keeps farming viable, and relieves the land trust from having to own and manage structures, which can be costly, time consuming, and outside the organization’s scope of work.

### *Example 2: Maine Farmland Trust*

The Maine Farmland Trust (MFT) is a statewide organization with a mission “to protect farmland, and to keep farming in Maine viable and vital.” In addition to protecting land with agricultural easements, the organization also works in other ways to ensure agricultural vitality in the state. Its “FarmLink” program matches next-generation farmers to farmland, and the buy/protect/sell program enables them to keep farmland more affordable by selling land to farmers at restricted values. MFT also collaborates with regional and local land trusts, providing technical support and even funding to their efforts.

One of MFT’s program areas is “Farm Viability,” through which they provide consultation to farmers on [business planning](#), [shared-use equipment](#), [community farm share](#), [market development](#), [four season farming](#), and [food hubs](#).

### *Example 3: Peconic Land Trust, Long Island, NY*

The Peconic Land Trust (PLT) works in one of the most expensive real estate markets in the country: the south fork of Long Island. Despite exorbitant property values, the trust has managed to conserve around 10,000 acres of land since its founding in 1983, including working farmland. Protecting farms is one of the core programs of the land trust, and like the Maine Farmland Trust, PLT offers services to the agricultural community beyond purchasing and holding conservation easements by offering a robust education program, such as the Agricultural Center at Charnew’s Farm, a 23-acre farm that provides a setting for PLT’s Learning Gardens and Community Garden. Some of the agricultural fields are leased to local farmers. They partner frequently with the Long Island Farm Bureau to provide technical support to members of the farming community, including help with leasing issues.

### *MAGIC Subregion*

There are eight local land trusts within the MAGIC subregion. Representatives of five of these land trusts attended a meeting to discuss agricultural land management. Only one, the Concord Land Conservation Trust (CLCT), currently owns land that is agriculturally productive. However, CLCT’s primary mission is to “preserve Concord’s natural landscape, open space, wildlife corridors and habitats,”<sup>96</sup> and they do not currently have a goal of acquiring more agricultural land or CRs over agricultural lands.

Nonetheless, farmland protection is of great concern to several of the local land trusts in the MAGIC region, and whether they hold agricultural CRs or not, some of the tools outlined in this section, and partnering with the other organizations referenced, may be helpful to them in advocating for farmland protection and helping farm owners interested in conservation.

Sudbury Valley Trustees is a regional land trust with a mission to protect habitat and open space in the 36-municipalities of the Sudbury-Assabet and Concord Rivers watershed. SVT owns 2,195 acres of land outright

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<sup>96</sup> [www.concordland.org/about.html](http://www.concordland.org/about.html)



that is managed as reservations, and holds Conservation Restrictions on an additional 1760 acres. Out of all the holdings, six reservations include some portion in active farming, and at least 16 conservation easements that are held or co-held by SVT include reserved rights to farm. A nearly-60-year-old organization, SVT started out protecting floodplain land along the Sudbury River. In recent years, farmland protection projects have been on the rise, as interest in local agriculture has increased, and a number of large pieces of farmland have become available. SVT has partnered with landowners and municipalities on several large farmland protection projects in recent years, primarily using conservation restrictions as the means of protection. SVT has sought input from established farmers on the terms of the CR, and attempts to build as much flexibility into them as possible while ensuring preservation of the most critical resources.

Land for Good is a New England non-profit with a mission to “ensure the future of farming in New England by putting more farmers securely on land.”<sup>97</sup> LFG does not own land nor hold CRs and APRs, but they do provide some of the additional farmer support services that are provided by the statewide or regional land trusts described above. These services include:

- Farm Seekers Program, which matches farmers with available farmland;
- Farm Legacy Program, which helps retiring farmers with estate and legacy planning; and
- Working Lands Program, which helps owners of farmable land find ways to put and keep that land in active agriculture.
- Land For Good provides consulting services, educational workshops, and produce policy briefs on issues critical to individuals, land trusts, and communities involved in farming and conservation.
- New Entry Sustainable Farming Project is a Massachusetts non-profit that works to “strengthen local food systems by supporting new farmers.”<sup>98</sup> As with Land For Good, New Entry does not hold easements nor own land. The organization is currently the beneficiary of land owned by the Dracut Land Trust as well as a privately-owned farm in Newburyport, on which they run “incubator” farms to train new farmers. Additionally, they provide the following services:
  - Farmland matching service that assists landowners looking for farmers and farmers looking for land;
  - Farmer training, including farming basics and business planning; and
  - Assistance to other organizations providing farmer training;
  - Providing networking services for beginning farmers, and
  - Providing other industry support such as starting and maintaining a USDA-certified mobile poultry processing unit.

## **Best Practices and Recommendations**

### ***1. Update Open Space and Recreation Plans***

It is also critical that municipalities maintain up-to-date and thorough open space and recreation plans that include an inventory and assessment of agricultural or potential agricultural lands. Among the maps included in such plans should be maps showing prime and statewide important agricultural soils. The open space planning process allows community members to develop a shared vision for the future of a town’s agricultural, conservation, and recreation lands. Having updated open space plans also makes

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<sup>97</sup> [www.landforgood.org](http://www.landforgood.org)

<sup>98</sup> [www.nesfp.org](http://www.nesfp.org)

municipalities eligible for state grants such as the LAND, which can be matched with Community Preservation Funds<sup>99</sup> to acquire interests in land for conservation, passive recreation, and agriculture.

According to the website of the Division of Conservation Services, as of October 2013, the following MAGIC towns did not have up-to-date open space and recreation plans: Acton, Bedford, Bolton, Boxborough, Concord, and Maynard (<http://www.mass.gov/eea/docs/eea/dcs/osrp-status-for-web.pdf>).

## ***2. Develop and Institutionalize Agricultural Policies***

For towns that do wish to own and lease farmland, we recommend that they have policies in place for assessing land acquisition opportunities as they arise. This might include standardizing procedure for gathering input from town boards and committees and other stakeholders in a timely manner, particularly when it comes to Chapter 61A withdrawals. Sudbury's process may be one that other towns would like to emulate (see Appendix A).

Funding sources for purchase of CRs and APRs can include the state APR program, the Community Preservation Act, Local Areas for Natural Diversity (LAND), a state program, and Conservation Partnership Grants.

## ***3. Utilize and Increase Capacity of Existing Network of Non-Profit Organizations***

On the basis of information gathered from stakeholders at the MAGIC forum, municipal officials, and research of available resources and best practices throughout, we recommend against the establishment of an agricultural land trust for two main reasons. First, as one stakeholder noted, "it's another mouth to feed." With available funding for land conservation already stretched thin and getting thinner, it's difficult to see how another non-profit would compete against existing non-profits for funding. Massachusetts already has numerous non-profits that provide support for farming and more land trusts than any other state except California.

Second, while there may not be an option for a "one-stop shop" of resources for farmers, a large network of organizations in Massachusetts currently provides many services to this sector, such as Land For Good and New Entry. These two organizations have the expertise to round out the services provided by traditional land trusts, and to provide technical assistance to municipalities ensuring that conservation of farmland is done in a way that best meets stakeholders' needs. Sudbury Valley Trustees has already partnered with both organizations to hold workshops and explore potential farmland protection projects.

## ***4. Create Partnerships between Municipalities and Land Trusts***

Another option for towns willing to hold CRs or APRs is to partner with a local or regional land trust and list both entities as grantees on the restriction contract. This way, towns may benefit from land trust professionals or seasoned volunteers with experience in drafting restrictions, as well as having either paid staff or a ready pool of volunteers to produce baseline documentation reports and conducting annual monitoring of the restriction. SVT has such an agreement with the town of Sudbury, where the land trust takes on the role of "managing agent" for several shared CRs in town. A separate memorandum of understanding between SVT and the town describes the responsibilities of each party with regards to monitoring (which is primarily undertaken by SVT), enforcing violations, and sharing information. Language on dispute resolution is recommended in such documents in case of future disagreements on enforcement issues.

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<sup>99</sup> All MAGIC Towns have adopted the CPA with the exception of Bolton and Boxborough.

## **5. Create Local Conservation Restrictions**

As discussed previously, the state APR program, while extremely important as a key agricultural protection tool, is restrictive in terms of expanding value-added activities on farms. Municipalities and land trusts may also hold APRs that are independent of the state program. These types of APRs are similar to CRs, where the terms are negotiated between the municipality or the land trust and the landowner. While they also generally prohibit most residential or commercial development, they are considered relatively flexible legal documents that can be tailored to the specific needs of the landowner and the land. This flexibility allows municipal or land-trust held APRs to designate partitions such as housing affordability restrictions for income-eligible farmers to live on the land where they work; preservation of permanent agricultural structures; or provisions to assist a community in meeting its open space and agricultural goals in cases where a state APR program cannot. Because the state program will only purchase APRs on land that is at least 50% “prime” agricultural soils or soils of “statewide importance,” communities can use local financing, such as Community Preservation Funds, to purchase APRs on farms that do not meet state criteria.

## **6. Be Informed About Conservation Restrictions in Practice**

Towns should also inform themselves on the state CR handbook (<http://atfiles.org/files/pdf/MAconsrestrict08.pdf>), which provides a model CR that includes optional language on reserved rights for agriculture. A sub-working-group of the Massachusetts Land Trust Coalition is currently working on an updated model CR and CR handbook.

### **Specific Action Items**

Based on information gathered at the MAGIC forum, discussions with municipal officials and research of best practices throughout, the following are our recommendations.

1. If not already completed for an open space and recreation plan, municipalities should conduct a survey of active and potential agricultural lands in the community should be conducted and documented.
2. Municipalities should adopt a policy for reviewing Chapter 61 withdrawals and other conservation opportunities that arise from time to time. Towns that don't have them should also consider establishing open space committees, which may be proactive in reaching out to landowners of important farmland before disposal or transfer is imminent. (See Appendix B.)
3. When considering agricultural uses for a municipal parcel, municipalities should review the state's [boilerplate conservation restriction](#) in order to understand the scope of potential agricultural activities and the challenges of balancing scenic, agricultural, and recreational uses.
4. Reference [Local Acquisitions for Natural Diversity](#) (LAND) grants prior to placing an acquisition article on a town meeting warrant, and provide sample town meeting vote language to ensure that proper protection is guaranteed.
5. Establish processes for reacting when notified that lands are coming out of Chapter 61A, and for making decisions about land acquisitions that allows for input from many stakeholders.

## **Massachusetts Constitution - Article 97**

A question arose during the course of the project as to whether there is a problem with municipal land that has potential for farming lying fallow or being managed for conservation and/or passive recreation. There

may be a perception that Article 97 of the Massachusetts Constitution is the limiting factor, so we thought it would be helpful to summarize Article 97 and what it means for agricultural lands.

## **Context**

Article 97 of the Massachusetts Constitution was approved by voters in a ballot in 1972. It reads:

*"The people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose.*

*The general court shall have the power to enact legislation necessary or expedient to protect such rights.*

*In the furtherance of the foregoing powers, the general court shall have the power to provide for the taking, upon payment of just compensation therefore, or for the acquisition by purchase or otherwise, of lands and easements or such other interests therein as may be deemed necessary to accomplish these purposes.*

*Lands and easements taken or acquired for such purposes shall not be used for other purposes or otherwise disposed of except by laws enacted by a two thirds vote, taken by yeas and nays, of each branch of the general court."*

In 1973, the Massachusetts Attorney General (AG) responded to questions from the House of Representatives concerning the disposition of Article 97 lands.<sup>100</sup> A question posed by the House also addressed the definition of "natural resources" as contemplated by the Article. The AG responded with the definition found in Chapter 21 of the General Laws of Massachusetts, which defines natural resources as including "ocean, shellfish and inland fisheries; wild birds, including song and insectivorous birds; wild mammals and game; sea and fresh water fish of every description; forests and all uncultivated flora, together with public shade and ornamental trees and shrubs; land, soil and soil resources, lakes, ponds, streams, coastal, underground and surface waters; minerals and natural deposits (ibid.)." The AG adds:

*"G.L. Chapter 12, 11D, establishing a Division of Environmental Protection in my Department, uses the words "natural resources in such a way as to include air, water, rivers, streams, flood plains, lakes, ponds, or other surface or subsurface water resources and seashores, dunes, marine resources, wetland, open space, natural areas, parks or historic districts or sites". General Laws Chapter 213, 10A, the so-called citizen-suit statute, contains a recitation substantially identical. To these lists Article 97 would only add 'agricultural' resources [emphasis added] [...] Public lands taken or acquired to conserve, develop or utilize any of these resources are thus subject to Article 97."*

He adds further that "[t]he resources enumerated above should [...] be regarded as examples of and not delimiting what are 'natural resources.'"

Another question from the House regarded clarification of the portion of the Article that reads "shall not be used for other purposes or otherwise disposed of." The AG notes that "dispose" has no legal definition, though the Supreme Court has indicated that a lease may be considered a form of disposal of interest (US

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<sup>100</sup> Robert H. Quinn, Opinion of the Attorney General Regarding the Disposition of Public Lands Under the "Clean Environment" Amendment to the Constitution of Massachusetts, 3 B.C. Env'tl. Aff. L. Rev. 495 (1974).

vs. *Gratiot*, 39 U.S. 526, 1840).” Many towns we have spoken with recognize this and therefore enter into license agreements with farmers who use town lands.

The AG also noted the doctrine of “prior public use,” in that “*public lands to one public use cannot be diverted to another inconsistent public use without plain and explicit legislation authorizing the diversion.*” Prior public use comes into play whenever land is diverted from one public use to another, inconsistent public use. Article 97 added to that a new dimension, by requiring the 2/3 vote of the legislature for transfer of land between government agencies, levels of government, political subdivisions, or from public control to private use or ownership, even when no change in the land is contemplated.

The AG concludes by writing that “*The protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is declared to be a public purpose.*”

Therefore, it’s clear that agricultural uses can be compatible with Article 97 protection. Problems may arise where votes taken long ago were explicit in allowing certain uses but not others, and certain uses, such as agriculture and recreation, become incompatible. Original town meeting votes may have restricted use of certain properties for conservation or recreation uses, perhaps because these were more highly valued at the time of the vote. Because each land transaction is unique, and towns have owned land since the 1970s, and furthermore since best practices have not always been in place to ensure sound transactions; evaluating this would need to have to take place on a case-by-case basis.

### **Example 1 - Carlisle**

Such an example occurred in Carlisle over land originally purchased for “conservation and recreation. For years, the land had been hayed by a farmer who one year decided to plant corn instead. Neighbors objected, saying that children could no longer play in the fields as they had, and thus its intended public purpose had been violated. The farmer agreed to put half the field back in hay and the crisis was averted, but it highlights the problems that may arise when community multiple community values are expected to be served by a single piece of land.

### **Example 2 – Littleton**

For a number of years, some members of the legislature have been attempting to pass new legislation to address the disposal of Article 97 lands. Commonly referred to as the “no net loss” act, it seeks to strengthen Article 97 by providing additional requirements for disposal or change in use of Article 97 land, including the provision that land converted from its Article 97 purposes be replaced with lands of “equal or greater area, market value and natural resource value and of comparable location and use, as compared with the Article 97 lands or easement being disposed of or changed in use.” While this legislation has not yet become law, the Executive Office of Energy and Environmental Affairs has adopted an internal policy that effectively achieves the same goal, by requiring EOEAA agencies to conduct a review of any potential Article 97 land disposals. That review would, among other things, require concurrence of the Secretary of Energy and Environmental Affairs before disposition occurred, and recommend that the Governor veto any proposed dispositions that did not meet the “exceptional circumstances” outlined in the Conditions for Disposition Exceptions (EOEEA Article 97 Land Disposition Policy, 2/19/98).

### **Recommendation**

It may also be helpful for towns to employ better practices in acquiring land for conservation and recreation. Examples exist across the state of communities that have adopted policies for handling notices of withdrawal from the Chapter programs. A good guide for addressing withdrawals from Chapter 61 can be

found in “Conservation and Land Use Planning under Massachusetts’ Chapter 61 laws: A Primer for Cities, Towns, and Conservation Organizations” (Mt. Grace Land Conservation Trust, 2007). Examples of best practices employed in the Towns of Sudbury and Wendell, MA are provided in Appendix A.



## 5. Land Tenure and Access to New Farmland

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### Issues

Access to farms and farmland has been identified as a top challenge for entering farmers. Due to the high cost of land in MAGIC communities, pressures from development, and competition among farmers for scarce land resources, it is also a challenge for established farmers who want to expand or relocate their operations. At the MAGIC forum, farmland access — specifically land availability and affordability — were mentioned frequently as major barriers for new and beginning farmers in the subregion.

To sustain and enhance farming in a MAGIC community, municipal leaders need to assure that land is available for farming. The land has to be appropriate for the desired farm operation, and it has to be affordable for the new or expanding farmer via purchase or rental.

In the MAGIC region, farming is for the most part small-scale and diversified. Intensive produce operations are typical, along with perennial fruits, non-food horticulture (e.g. nursery, bedding plants) and small livestock. Farmers in the region do a lot of direct-to-consumer marketing through CSA farms, farm stands and farmers markets. In fact, “knowing your farmer” provides excellent market opportunity for farmers in highly developed areas such as the MAGIC communities. These kinds of operations seek and require a certain land base and farm infrastructure.

For the MAGIC communities, local farming can promote farming heritage, contribute to the local economy and culture, and help build a local food movement. Recent awareness about food self-reliance (using a greater proportion of food from closer to home, as opposed to achieving total food self-sufficiency) opens the door to more active civic engagement about farms and farming opportunity. For example, seeing farms as diverse in scale and type of operation leads to a greater openness to welcoming and hosting smaller, part-time, and innovative farmers on a town’s agriculturally capable lands.

Farmers need to be able to afford the land, either by purchase or rental. If renting, they need suitable rights to use the property, and sufficient security to meet their business objectives. They may need infrastructure such as farm buildings, water and fencing. For MAGIC communities, housing for farmers and farm laborers is as crucial as farm infrastructure. Many farm operators need to live where they farm, and housing affordability is often a bigger issue than land availability.

Many farmers are part-time, meaning they report their primary occupation as other than farming. Nonetheless, they contribute to the local and regional economies as well as to the community’s quality of life. The MAGIC towns have something to offer in this regard, as there are more opportunities (the current economy notwithstanding) for off-farm and spouse employment.

Land access issues are particularly challenging for new and beginning farmers. Today, most new farmers do not come from farm backgrounds nor have a family farm to take over. Further, most have limited resource such that they simply cannot finance a land purchase, however modest. More often, they are encouraged to begin by leasing land. But leases — especially short-term leases — can discourage investment in the property and the community, and stall growth of the farm business. A good lease and supportive landlord however, can provide a beginning farmer with adequate security and flexibility to launch a farm operation.

### Best Practices

As good farmland is tied up or lost to other uses, and land prices go up, farmers and communities are expanding their thinking about farmland access and tenure. Some innovative ideas:

- Farming on smaller parcels;
- Longer-term and ground leases (wherein the farmer rents the land and owns the buildings);
- Making more private land available for farming through engaging and assisting non-farming landowners;
- Making public (town) and institutional land available for farming;
- Multiple farmers on a single larger property;
- Incubators and community farms;

Making more land available, affordable and secure for new farmers is not without challenges. These include:

- Inventorying available private and public land
- Building landowner awareness and comfort around making land available for farming
- Standards, guidelines and expectations for on-farm practices
- Reconciling landowner financial needs (or expectations) with realistic returns from farming

Towns typically do not directly address land tenure and access for new farmers. With the exception of making town land available for farming (see below), MAGIC towns, like others, do not explicitly state a concern for how farmers acquire, hold and pass on their farm properties. Understandably, this is seen as a private sector concern. Most farmland is in private hands and its acquisition and transfer occur in the marketplace.

The notable exceptions are in places where food system, food assessment or foodshed studies are undertaken, or in communities with local food advocacy groups. In such cases, “local food” connects with local farmers. To keep and support local farmers, these studies and groups argue, they need to farm on “local land.” In towns with active farming advocates, it’s more likely that efforts will be made to make land available to new and other farmers. Agriculture commissions often are great champions for farming and can stimulate awareness about land availability. In some communities, conservation commissions, open space committees and community preservation committees lead the way in building appreciation for farming, identifying available land and seeing to it that the town is welcoming to new and expanding farmers.

### **Example 1: Concord**

A committee of about 30 residents and officials assembled to bring various food agendas into an integrated discussion. They commissioned [\*Building Local Food Connections: A Community Food Assessment\*](#), a comprehensive report that ties land use, food production, distribution, processing, storage, consumption and waste recovery to promote a sustainable local food system. Another goal of the report is to contribute to larger regional foodshed.

The report identifies the land access challenge. It states, “[...G]reatest challenges identified include a lack of affordable and accessible land for new farmers.” The report elaborates, “Though there is a large amount of land suitable for local food production, much of it is privately owned, and it is challenging for new farmers to gain access to it. Property values in Concord are prohibitively high for new farm start-ups and Concord’s seasoned farmers are concerned about how farmland will be passed to the next generation. Affordable

housing for new farmers also needs to be addressed to support future generations of farmers in Concord [...] The lack of affordable land and housing are obstacles that are often insurmountable for new farmers, especially if these farmers are not inheriting land from the current farm owners.”

By prioritizing land access challenges as integral to a more sustainable local (and regional) food system, Concord set the stage for municipal and citizen actions to address the challenges. For example, the report suggests that private property owners and local government can assist with land leases or alternative arrangements with growers to increase access to expensive land to help new farmers. Directives in the report include leasing municipal land to “new, small farm start-ups,” identifying farmable parcels, and making “underutilized,” institutional, and park land available and affordable for farming.

While farmland protection is referenced in several Concord planning documents, and mentioned in the report as critically important, the report recognizes that preservation is not sufficient to maintain farmland. A small percent of Concord’s farmland is permanently protected. The report authors also point out that over half of Concord farmland is in Chapter 61A; they question what will happen to that land as it comes out of current use.

As a general comment, protecting the land by removing the development rights typically does lower the value of the land, making it more affordable. By requiring in the easement that the land transfer at agricultural value to a farmer or to a landowner who will rent the land for farming, preservation can be an important tool to address affordability. A recent publication from Land For Good analyzes the Option to Purchase at Ag Value (OPAV), which is a farmland preservation tool that was designed to address affordability <http://landforgood.org/wp-content/uploads/LFG-Does-The-Option-At-Agricultural-Value.pdf>.

It is important to note that municipal officials and committee members must be familiar with the requirements of Chapter 40, particularly Section 3, which addresses towns’ abilities to hold, lease, and convey properties. In particular, the distinction between a lease and a license is critical: A lease is considered an interest in real property, and may not be given away by the town without being considered a violation of Article 97. A license, on the other hand, is revocable at will, and does not transfer an interest in property.

### **Example 2: Acton**

Acton has fewer resources at its disposal to actively foster farming than some other MAGIC communities. As with many communities, town officials “don’t think a lot about what land could be in agriculture,” and conservation-minded people tend not to focus on agriculture. The town does lease or license several parcels for farming, but not specifically to new farmers. Monitoring existing agreements and bringing new agriculture projects for consideration are challenges. The open space committee has a priority list of parcels for acquisition. The criteria for prioritization — like many similar towns — include rural, aesthetic, recreation, and environment, but not specifically agriculture. It’s not due to opposition to farming in town; quite the contrary. According to the Acton Department of Natural Resources, “Ag projects stumble. Guidance would be great.” To its advantage, Acton has vast inventory of conservation land, its own Action Conservation Trust, and a history of partnerships with Sudbury Valley Trustees and TTOR.

There are three examples of other communities (outside of the MAGIC region) that have encountered similar issues and have attempted to address them at a municipal or regional level.

### **Example 3: Town of Groton, MA – Using GIS to Engage Landowners**

In 2011 the Groton agricultural commission began collaboration with the New Entry Sustainable Farming Project (NESFP) in a pilot project using geographic information systems (GIS) to identify existing and

potential private farmland. NESFP generated a GIS map using various overlays to identify parcels of land that are uniquely suited to agriculture. In Groton, many of the small parcels that fit the criteria were found in the big backyards of suburban residents whose homes were built when a farm was sold and subdivided. Such parcels can be enough for a viable farm business. An initial deliverable was a refined agricultural land inventory and map for the town.

The agricultural commission then sent a letter to owners of these identified properties, informing them of their unique agricultural resources and the opportunity to rent their land to a beginning farmer. The letter invited landowners to a workshop on how to lease land to a farmer. In addition, the commission encouraged NESFP to contact other organizations in town (like Groton Local, a buy-local group, and the sustainability commission) to garner support for the outreach efforts. A workshop was held at the Groton Grange. Staff from NESFP and Land For Good spoke about the realities and best practices of leasing land to a farmer. An immigrant farmer from the NESFP program spoke about her search for land and her farming business. Landowners came to the meeting from Groton and surrounding areas, some of them because they were curious about the letter they received, others because they wanted to learn how to do their part for sustainable agriculture in their area.

One of the Groton landowners at the meeting was very interested in leasing land to a farmer. She had always wanted to do something with her few acres of land, though work and family obligations always got in the way. NESFP staff visited with the landowner and provided resources that [Land For Good](#) developed on renting land to a farmer. Through these discussions and NESFP assistance, the landowner was able to finalize a rental agreement with a beginner farmer.

NESFP continue to collaborate with Massachusetts towns of Topsfield, Concord, and Lincoln throughout 2012 and 2013.

#### **Example 4: Campaign for Affordable Farms**

The [Campaign for Affordable Farms](#) is an initiative of the [Mount Grace Land Conservation Trust](#) to increase access to affordable whole farms. While this not a municipal effort, the model could be adopted by town-owned land.<sup>101</sup> The campaign addresses the urgent local need for protected whole working farms that are inclusive of farm infrastructure and affordable residence. While Massachusetts APRs can dramatically reduce the cost of agricultural land, there has been no equivalent tool in place to ensure that *whole farms*, including the necessary buildings and infrastructure, remain affordable into the future.

This innovative conservation project builds on the work of [Equity Trust](#), a pioneer in a shared equity model, where ownership of the farm is divided between a land trust and a farmer. In this case, Mount Grace owns the land and the farmer owns the farmhouse, barn, and other farm infrastructure. This project addresses value and price barriers of current farm conservation options. The land trust raises funds to purchase land to hold as a community resource for long-term public benefit, and then the farmer purchases the farm's built infrastructure, including the house, office, barns, and greenhouses and any future improvements. Mount Grace then leases, at a market-based rate, the farmland to the farmer under a 99-year inheritable lease that requires the land to be actively farmed by the lessee.

As the owner of the land, Mount Grace is responsible for property taxes at the agricultural use rate. The farmer then grants Mount Grace a permanent affordability restriction in the form of an option at agricultural value on the farm infrastructure, ensuring that the buildings are always sold to the next lessee for a fair and affordable agricultural price. The land-lease payment will be determined by an independent appraisal and cover all ownership costs.

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<sup>101</sup> <http://grist.org/article/local-food-a-growing-trend-for-land-trusts/>, and <http://www.mountgrace.org/mount-graces-campaign-affordable-farms>

### **Example 5: Municipal and Area Food Plans**

Other towns and areas have produced comprehensive food system plans similar to the one described in the Concord, MA example, above. All of them reference land protection, access, availability, and affordability.

The [Franklin County Farmland and Foodshed Study](#) (2012) framed its exploration around the question of whether Franklin County could become food self-sufficient. Food self-sufficiency means all the food that a target area needs would be produced within that area — in this case, the county. The study examined available, needed, potential, and protected farmland and found that approximately 44,000 acres of currently unproductive agricultural land could be brought into production. The study proposed various strategies for expanding the farmland base. It concluded that self-sufficiency within the county was neither possible nor desirable, advising a regional food system framework instead. Among the recommendations was for towns to lease to new and beginning farmers “seeking affordable land.”

For MAGIC communities, thinking regionally about land access, availability, and affordability can open doors for collaboration and projects of multi-town or county-wide significance.

Northampton, MA is a small city with a population of about 26,000. A local, private sector group commissioned [Feed Northampton: First Steps toward a Local Food System](#). This study identified land resources within the city and organized “food cultivation strategies” around four districts: rural, suburban, urban, and agricultural. While not going into any depth about land access, the report did mention “people interested in starting new farms [are] challenged by lack of affordable, appropriate land.” For Northampton, next steps could include public and private strategies to make land resources more available for farming. (See below for more on this initiative.)

### **Other Ideas:**

1. *Leverage other initiatives* to extend farmland tenure and availability. For example, the [Freedom’s Way Landscape Inventory](#) is a program collaboration of the Massachusetts Department of Conservation and Recreation (DCR) and the Freedom’s Way Heritage Association (FWHA). The [Massachusetts Heritage Landscape Inventory program](#) (HLI) applies to communities in the Freedom’s Way area, in which several MAGIC communities are located. The primary goal of the program is to help communities identify a wide range of landscape resources, particularly those that are significant and unprotected. The HLI program targets preservation of agricultural activities, and it catalogues and preserves historic barns, farmhouses, outbuildings, fences and other agricultural structures. Historic family-owned farms are rapidly disappearing, and those that remain are particularly vulnerable to change. The Lincoln Reconnaissance Report Project, a product of the HLI, recognizes Lincoln as a leader in innovative agricultural partnerships to preserve farmland through complex arrangements that meet a variety of public and private needs.
2. *Partner with organizations* to educate landowners about land availability and leasing. [New Entry Sustainable Farming Project](#) and [Land For Good](#) are two such organizations. They host workshops such as *Land Access Info Nights* and sessions on leasing land for farming. Each organization also provides consultation and technical assistance.
3. *Consider other policies* such as those suggested in [Farmland Access and Tenure Innovations: Policy and Program Suggestions to Promote Land Access for New England’s Beginning Farmers](#).

## Assessment & Recommendations

**Recommendation 1:** Prioritize making land available for farming; encourage a “farm friendly” environment to attract new farmers; build public awareness; post available public properties; promote affordable housing.

- a) Identify and post available town land for farming; increase the available municipal land base for farming.
- b) Review and refine lease and license agreements.
- c) Host or contract with organizations to host land access workshops for landowners; partner with neighboring communities.
- d) *Exempt property taxes* on land and/or farm buildings on land leased to new and beginning farmers.
- e) Help farmers find available land by promoting programs and services that address this need. Provide information in mailings, brochures and as links on town websites. Use the website [www.farmfriendlyneighbor.org](http://www.farmfriendlyneighbor.org) to offer information about making land available for farming.

**Recommendation 2:** Inventory and map available public and private land, conserved or not; include smaller parcels.

- a) Identify existing map and inventory resources and gaps that would need to be filled to get a complete picture of the town’s agriculturally viable parcels.
- b) Conduct an inventory and mapping project to address gaps.
- c) Reach out to landowners and host information sessions.
- d) Consider strategies to incentivize landowners to rent land for farming.

**Recommendation 3:** Foster and engage in partnerships with land trusts, funders, farm organizations, conservation buyers, and investors.

- a) Work with local and regional land trusts to protect farmland and keep it in active farming.
- b) Work with groups and advisors that recruit and place farmers on public or private land.
- c) Leverage the growing interest in farming to attract local and regional investors to help purchase farmland or easements.



## 6. Farm Succession and Transfer

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At the MAGIC forum, farm succession was mentioned as a challenge for established farmers. Without adequate succession planning, farms are more likely to go out of farming. As is true across the country, the farming population in the MAGIC region is aging, with few younger farmers entering the industry. Moreover, older farmers are reluctant to exit from farming for financial or sentimental reasons, ranging from retirement income needs, transferring management, dealing with taxes, and non-farming heirs.

Because fewer next-generation farmers are staying in farming, a major challenge for many farmers is the lack of an identified successor. This is despite their desire to keep their farms in farming. Succession and transfer planning can be complex and daunting, and farmers tend to avoid it until it's too late to make informed choices. Farmers in New England are also challenged to find legal or tax advisors who are knowledgeable about the farming industry.

Like land access, farm succession is not generally considered a public issue. However, communities can play an important role in helping farms stay in farming. Older farmers are pillars of the local farming community and leaders in the state's agriculture industry. Several MAGIC towns have farms that have been in existence for generations and are local landmarks.

Established farmers can also be teachers and mentors for new farmers, creating opportunities for beginner farmers to expand their businesses. One way to do this is through a formal apprentice or mentoring program. Several such programs provide a wide range of support for the mentor and the apprentice. One example is the On-Farm Mentor's Guide from the New England Small Farm Institute. Informal mentoring can be nurtured in many farm settings, provided the senior farmer is willing to spend some time and effort in a teaching role. Sometimes a mentoring period is part of a transfer plan. A successor (family or non-family) works his or her way into the operation, learning the ropes from the senior operator and gradually acquiring equity in the operation.

Eastern Massachusetts hosts one of the first CRAFT networks. [The Eastern Massachusetts Collaborative Regional Alliance for Farmer Training](#) is a structured apprentice experience comprised of on-farm work plus educational visits to other farms in the network. Several MAGIC area farms are in this teaching network (e.g., Siena, Great Brook, Hutchins and Lindentree).

### Best Practices

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#### **Example 1: Town of Middleboro, MA**

The town commissioned a study of a unique agricultural neighborhood. [Land For Good](#) (LFG) assisted the town in developing strategies to retain this working landscape, specifically in helping farmland owners in the area keep their land agriculturally productive or bring more land into production. Consultants interviewed area residents – both farming and non-farming – addressing type of agriculture, tenure (ownership, rental) and succession planning status, and land preservation status and interests. LFG worked with specific farmers on succession planning, and enumerated suggestions for how the town could help support and revitalize this farming neighborhood.

#### **Example 2: "Transfer the Farm" workshops**

These types of workshops have been held throughout New England. They have been co-sponsored and presented by a collaboration of UMass Extension, private firms and NGOs such as Land For Good. To date,

none have been solely sponsored any single town, but a joint outreach effort from multiple towns could bring a critical mass of farmers to these events and create momentum in transfer planning.

## Assessment & Recommendations

**Recommendation 1:** Support retiring farmers by sponsoring programs. Towns could co-host workshops focused on farm succession planning and bring technical experts to provide education and tools. Several towns could co-sponsor a mixer for transitioning farm families and invite farm seekers as well as succession-planning advisors. Through their agricultural commissions and/or annual town census listings, towns could identify potential beneficiary families begin a dialogue on transfer planning. Towns could sponsor support sessions for senior farmers led by farm succession facilitators. Towns could do direct mailings or other engagement activities to inform farmers about these resources.

**Recommendation 2:** Offer incentives to farmers who complete succession plans. Such incentives could be extra points on an agricultural conservation easement application or a property tax reduction. Towns could provide farm succession planning information to all property owners enrolled in Chapter 61A.

**Recommendation 3:** Build into town plans and programs an awareness of the connections among aging farmer demographics, succession planning, land access and local food.

## 7. Leasing Land for Farming

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At the MAGIC Forum, the ability to lease farmland in the subregion was mentioned as a critical factor in farmland access, affordability, and security for farmers of all experience levels. About a third of farmers rent some or all the land they farm; most advisors recommend that beginning farmers start on rented land. Despite the cultural bias toward land ownership, renting farmland has always been integral to land tenure, both locally and nationally. To many farmers, renting land is the only viable way to start or expand their operations.

### About Farmland Leasing

In recent years, public and private landowners have recognized the value in making land available for farming through lease agreements. For some, rent can help meet carrying costs. Many are motivated by seeing their land managed responsibly and actively, contributing to the local food system and economy, preserving a working landscape, and providing farming opportunities. Many municipalities own public land suitable for farming. These parcels may be conserved for open space as town forests, schools, or for recreational use. Other owners of public farmland include counties and states. The MAGIC subregion has federal park land which, through a pioneering program, offers farming leases to private farmers. Private sector landowners, such as academic and religious institutions, corporations, utilities, and individuals, own parcels that could be farmed. Towns could encourage private landowners to rent land for farming.

To successfully lease land for farming, the landowner – whether public or private – needs information and support to draft strong lease documents and establish good landlord-tenant relationships. A good relationship makes a good lease possible, and vice-versa. Some leases (or licenses) are relatively simple. A basic lease contract consists of five elements: the names of the parties; the premises; the start and stop dates; the “consideration”(rent); and the signatures of both parties. Most leases will go into greater detail, addressing provisions such as: permitted and prohibited uses; infrastructure, maintenance, repairs and improvements; liability; and default.

It is essential for public entities to have fair and transparent processes for selecting farming tenants and negotiating agreement terms. Massachusetts towns need to be clear on the distinction between leases and licenses and when each may or must be applied. More attention should be paid to the legal parameters of licenses as well as to what flexibility they might offer (e.g., rolling lease terms).

Some land trusts lease land for farming. In the private sector, service providers can assist landowners in crafting good leases that clearly spell out roles and responsibilities as well as shared land stewardship goals. Additional considerations are required when the property includes farm infrastructure and/or a dwelling. Landowners need information to develop realistic expectations about being a farm landlord. Items such as what constitutes agriculture; what is feasible on their property, conservation objectives and practices, “nuisance,” privacy (for both landlord and tenant), sharing of the premises (e.g., landlord’s use of trails, shared parking area, use of equipment), and conflict resolution need to be addressed up front.

Monitoring of land use is critical for both public and private landowners, which can be conservation organizations such as land trusts. Monitoring entails regular observation of the property to assure that the terms of any agreement are in compliance by all parties in the agreement. For example, landowners and easement holders want assurance that all required practices are in place, and that no activity that is expressly prohibited is occurring. For some private landowners, towns, and groups with more modest capacity, monitoring can be a challenge. Regular meetings between landowner and tenant are essential, even if only annually. Sometimes it is worth the investment to contract for site monitoring with a group that is familiar with agriculture.

## The MAGIC Subregion

Eight of the MAGIC towns lease or license conserved town land for farming; three do not lease or license any land for agriculture. Our project survey did not explicitly ask what towns did to promote leasing public or private land for farming. There is no information or indication that any MAGIC town actively promotes or encourages leasing of private land for farming.

Challenges mentioned related to leasing or licensing town land for farming include:

- Expertise and time for selection, negotiation, and monitoring;
- Real or perceived bias in farmer selection;
- Requirements for or against certain types of farming, for example, food versus non-food crops, horses, or only organic production;
- Public access needs;
- Roles and responsibilities among town boards (conservation commissions, agriculture commissions, planning boards, boards of selectmen);
- Compatibility between farming and other resource priorities (e.g., water quality, view shed, habitat); and
- Lack of infrastructure and utilities.

## Rent, Lease or License

A rental or lease of real estate conveys an interest in a certain designated area of real property. Rent and lease are, for these purposes, synonymous. A lease transfers to the tenant a leasehold interest in the property. Leases can be transferable and/or irrevocable. The person occupying the property is granted an exclusive right of continuous possession and the absolute right of control and occupancy during the term of the lease, subject to the terms of the lease. The agreement creates a relationship between the landlord and tenant in which the rules of engagement such as communication, rights and limits on landlord visits, notifications, etc., are spelled out.

A license to use real estate merely grants a right to use the real property. It does not confer exclusive dominion or control over the property. A license gives a tenant permission to use real property for a specific purpose. It does not transfer an interest in the real property. Usually a license is revocable.

### Example 1: Concord

The Town of Concord has sixteen properties engaged in active farming. Fourteen of those have three-year licenses; two are under life tenancies. Tenants are charged \$25/acre, regardless of use or resource quality. Concord prides itself on its agricultural heritage as well as recent upsurges in interest in local food and farming, resulting in increased attention to land availability. Town officials cite insufficient time, fairness in the tenant selection process, and property monitoring as major challenges. Another acknowledged challenge is the lack of provision for new farmers to “get in” on leased land. They stressed the critical importance of engaging in a formal transparent process throughout the tenant selection process using a request for proposal form with specified criteria. Concord allows improvements on its farmed properties. NRCS cost-

shares with farmers for conservation projects on the leased property. The farmer must remove the improvement or, if it's not removable, the town keeps it.

### **Example 2: Lincoln**

Lincoln has thirteen farm properties under five-year licenses. Here, the licenses can “roll over,” meaning that after five years in good standing, the tenant’s license is automatically renewed for another five years. Additionally, two or three small parcels were recently licensed; one of them, a vineyard, has a ten-year lease. The town charges \$35/acre for cropland and \$30/acre for hay. Lincoln has a nine-page farm policy that mandates a farm plan, and conducts a formal RFP process for licensee selection. Public access is required on nearly all rented fields, which has been known to cause problems with dogs and graffiti, for example.

Lincoln town officials seek to attract new farmers, but also want to keep their valued farming tenants. Officials are working with the New Entry Sustainable Farming Project to identify farmland in the town as part of a robust program to generate new farmland opportunities. There is talk about setting up an incubator with a few smaller parcels to attract new farmers to Lincoln. They also want to move toward prioritizing food production.

In Lincoln, the roles and responsibilities of town committees and commissions are still unclear with respect to managing town farmland. An agriculture subcommittee of the conservation commission is responsible for administering farming licenses on town land, whereas the agriculture commission is more involved with advocacy. Conservation officials recognize the importance of farmer housing, but strategies on providing use affordable housing for farmers and seasonal employees have yet to be identified.

### **Example 3: Acton**

Acton has three town properties under lease or under one-year renewable license for farming. As with Concord and Lincoln, Acton is careful about the distinction. In addition, Acton owns and manages two community garden sites. It leases to the state for purpose of farming about 20 acres of town land that abuts the state prison. The town does not have an agricultural commission; these lands and licenses are managed by the conservation staff. Aside from these arrangements, officials here feel they “don’t put enough energy into thinking about what could be made available for farming.” With limited staff, monitoring current properties and acquiring CRs through the town process are major challenges.

### **Example 4: Sudbury**

Sudbury is working towards getting additional land under cultivation. Much of this land includes some provision for public access. The town has strong interest in preserving its agricultural heritage and has been identified as a priority by the conservation commission in the open space plan and master plan. Like Lincoln, Sudbury works with farmers on five-year renewable leases issued through an RFP process, which includes ranked criteria. If two submittals scored equally, the farmer from Sudbury is given preference. The conservation commission issues and reviews RFP responses, selects the licensee, and negotiates the license. There is an agricultural commission in town, with a main mission of advocating for farming and farming interests.

Sudbury sees its licensing program as a win-win situation. Farmers help the town bring land into productivity and lessen the town’s burden of mowing open fields. The conservation agent sits down with each licensed farmer once a year to review the license and talk about any issues that have come up. Some challenges that were cited include bringing land back into cultivation when it has been fallow for some time, as heavy equipment might be required, and the increasing need for water. Many of the town’s fields are located next to sensitive habitat where the town has prohibited any use. For instance, a farmer was met with barriers

during a request to dig a well for irrigation, as the proposed well location was in close proximity to a vernal pool.

## **Best Practices**

There are two examples of innovative leasing programs created within Western Massachusetts, as well as a workshop series developed by Land For Good, described below.

### **Example 1: Grow Food Northampton (GFN)**

GFN began as a group of Northampton, MA citizens concerned about the future of two significant Northampton farms on rich Connecticut River bottomland. The GFN group engaged the Trust for Public Land and the city of Northampton in a shared vision to save the land for farming and make it available, affordable, and secure for farmers. TPL purchased the properties and placed them under an APR. GFN successfully raised funds to purchase the farmland from TPL. The largest contribution of nearly \$100,000 came from the city as a pre-payment on a 198-year lease of a portion of the property for community gardens. These funds were allocated from Northampton's Community Preservation Act funds.

GFN administers the 121-acre property. It recruited farmers and entered into a long-term (99-year) lease for a portion of the land. GFN signed a five-year lease with another farm operation and also is offering 0.25-1-acre rental plots for smaller market farm operations. The lease term is one year with the possibility for renewal. GFN was awarded \$104,500 from the Northampton Community Preservation Fund to develop the Florence Organic Community Garden.

In this elegant and innovative partnership, the municipality contributed financially to the acquisition of the property through a pay-it-forward lease with a private group. The private group also leases to farmers under various tenure scenarios (short- and long-term). As a community farm, GFN promotes values about farming and food production, offering educational programming for community gardeners and beyond.

### **Example 2: Amherst**

Amherst has been actively promoting local farming for decades. Arable parcels were either protected and acquired by the town using CPA funds or were gifted to the town. Amherst has had an agriculture overlay zoning district for 25 years. It supports a farmers' market on the town common, a second market in a town park, and a winter market.

The town has an ongoing program of licensing town-owned farmland for periods between three to ten years. The Amherst Conservation Commission oversees the licensing of town land for community gardens and farming. Tenants include young and immigrant farmers, but they are not expressly identified as priorities. The conservation commission actively supports farming activities through their involvement in Amherst College's new Book and Plow Farm to help farmers develop irrigation from groundwater or the Fort River.

The conservation commission maintains a [website](#) to inform the public on the farmland licensing process. The website offers a list of available land and their locations, soil quality, and assessor data. It spells out the application procedure and relevant policies.

### **Example 3: Landowner Workshops**

Land For Good, in partnership with local organizations and towns, conducts landowner workshops such as one in Groton, MA. Non-farming landowner workshops have also been held in: Warwick, RI; Concord, MA;



Wilbraham, MA; Blue Hill, ME; Bremen, ME; West Lebanon, NH; Rutland, VT; Waitsfield, VT; Lebanon, CT; and Torrington, CT.

At each workshop, basic information on farmland ownership, accompanied by testimonials from successful farmers, was presented. Resources to guide land owners through the leasing process were also provided. In Groton, workshop attendees included participants from the GIS project, but broader outreach brought other landowners from Groton and surrounding towns.

## Recommendations

**Recommendation 1:** Establish a transparent and fair process for issuing RFPs for licenses on public land with clear written guidelines and policies. These should describe the solicitation, proposal review, license award, and annual monitoring procedures. Farmers should be part of the process. Lease fees should reflect farming realities and also not be seen as subsidizing certain farmers over others. Make sure properties are actively monitored and that municipal officials are adequately informed about farming, or can draw upon agricultural experts in the monitoring process.

**Recommendation 2:** Encourage private landowners to lease land for farming. Distribute general information, sponsor workshops and information sessions using an interactive tool such as the GIS project referenced in Section 1.

**Recommendation 3:** Within the limitations of law, encourage more secure tenure on public land. Where possible, implement longer terms and rolling lease terms. (A rolling lease term is one in which there is always, for example, a three-year term. At the end of the first year of a three-year lease, the tenant still has three years.) Advocate for regulatory changes, if needed. Allow for the placement of improvements on town property and, where possible, for the farmer to remove or be compensated for them at the end of the lease.

## 8. Public Education and Outreach

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A lack of public education regarding agricultural practices and the various benefits of agriculture can lead to conflicts and misunderstandings between farming and non-farming neighbors – conflicts that can drain farmers' time and decrease their ability to effectively manage an agricultural operation. The absence of accessible information regarding the public benefit provided by agriculture acts as a barrier to widespread community support.

### Issues

The above issues were raised at the agricultural forum during discussion of the undue burden that farmers face. Farmers present at the forum stated that a lack of understanding of normal agricultural practices and the benefits that farms bring to the public, often lead to unfounded complaints made by citizens. These complaints, often brought to the attention of the municipality, lead to tedious and expensive legal dealings that have to then be dealt with by farmers, who must take time away from their round-the-clock farming tasks to do so. Some farmers said that they spend so much time dealing with issues that arise due to a lack of education and understanding that it is almost a second job, which takes away from their ability to make their business viable. In areas where there is a great lack of understanding and relationships with the community, hostility may result and farmers will often choose to seek more favorable geographic locations at the expense of the land they have spent years improving. Farmers who leave one town in Massachusetts may choose to go to another state altogether, one that has better mechanisms in place for agricultural support.

Knowledge of agricultural benefits to communities and the impact of consumer habits regarding the purchase of local agricultural products appear to be intertwined. Both at the forum and in public meetings held by the Middlesex Conservation District in 2012, it was reported that consumers do not understand the environmental and community impact that local production affords. Participants noted that more education was needed to link the practice of farming with the way of life that has attracted so many residents to the MAGIC subregion.

### Best Practices & Tools

Stakeholders agree that although a lack of agricultural understanding and education is an issue for both municipal governments and town residents, education of the general public will reach most audiences and will get to the root of the problem. Engaging municipal governments in the dissemination of information will in turn educate and effect a change in municipal governments' attitudes toward agriculture in town.

With agriculture being a multidimensional and complex topic we must make the information and method of public education simple enough to keep the attention of the general public while also allowing any person to easily make a meaningful change. Although there are a myriad of agricultural industries, a great number of production methods, and a number of benefits of keeping agriculture viable, drilling down to concrete yet simple steps that the public can take to support agriculture, or at least not hinder it, may be the most successful method of changing the public perception.

The AGvocate Program, funded by CT Department of Agriculture Farm Viability Grant, began in early 2009. Guided by a Steering Committee, the AGvocate Program provides Northeast Connecticut Towns technical assistance to initiate Agriculture Commissions; review and implement tax reduction options; plan for farmland protection, encourage buy local opportunities, explore methods to promote local farms; include

agriculture in town plans; and pass right-to-farm ordinances.<sup>102</sup> Outreach is one of the major components of the AGvocate program and they have made supporting agriculture something that is digestible by the general public.

## Assessment & Recommendations

To allow agriculture to thrive and farmers to focus on the viability of their farms, we must first educate the public and municipalities on agricultural practices, the importance of agriculture, and the ways in which the public can support agriculture and not hinder it.

### Farm Friendly Neighbor Program

We propose that a program for the general public that offers simple and easily digestible information on the above topics is the first step in obtaining a strong system of agricultural support in the MAGIC subregion.

Working in conjunction with planners and local agricultural commissions, the Farm Friendly Neighbor Program (FFN) pilot was created to build community support for local agriculture and advance public education efforts surrounding the importance of farming in the community. By increasing access to knowledge about the benefits of local agriculture, common farming practices in Massachusetts, and ways residents can support working farms, the Farm Friendly Neighbor program seeks to strengthen support for and viability of Massachusetts agriculture.

In order for the FFN Program to be effective, a pilot campaign was created during the MAGIC Comprehensive Agricultural Planning Program that included the following tools:

- Website: [www.farmfriendlyneighbor.org](http://www.farmfriendlyneighbor.org);
- Brochure: (See Appendix E); and
- Car or Refrigerator Magnet.

A second phase of the program is recommended where educational efforts will be expanded to provide municipal agents, boards, and commissions/committees with information that will allow them to follow their objectives, while also promoting and allowing for agricultural vitality in their municipality. Tufts New Entry Sustainable Farming project staff would create educational materials for municipal staff, boards, and commissions/committees that deal in agricultural matters. The educational materials created would consist of:

A second brochure that covers common acts by municipalities that hurt agriculture, and that provides information on these issues and simple suggestions that will assist the municipal agents in making fully informed decisions that won't hinder agricultural viability.

Several additional website pages that address these conflicts added to the website. These pages will offer mitigation techniques and templates/examples of by-law, zoning, or other legal changes that could be made to avoid future conflicts and promote agriculture in the municipality.

Tufts would then meet with municipal departments and commissions that would promote the program in that municipality. Municipalities would then adopt the project and become a "Farm Friendly Town" by:

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<sup>102</sup> The Last Green Valley, Inc. (5/30/13). AGvocate Program. Retrieved from [http://aginfo1gv.org/agvocate\\_program/](http://aginfo1gv.org/agvocate_program/).

- Signing a letter of support (agricultural commission or other appropriate municipal entity to be signatory);
- Adding municipal information to a section of the FFN Program Brochure.
- Distributing brochures and car magnets to residents through mailings and dissemination to municipal buildings;
- Distributing promotional materials at farmers markets, agricultural conferences, municipal conferences, and municipal events; and
- Creating a link on the municipal website to the FFN website.

### **Buy Local Programs**

Many people give little consideration to the choice between a local market or farm stand and a large grocery store when deciding where to shop. They do not know the benefits of choosing local foods and the economic benefits to the locality. Broadening awareness of the consequences of shopping choices is an essential strategy in protecting the economic viability of local farms and rebuilding local economies. Buy Local Groups help generate consumer awareness and demand for locally grown food products, and assist in improving access to local food sources. There are currently eight Buy Local Groups across Massachusetts. However, there are gaps in the presence of Buy Local groups in contiguous areas of Worcester and Middlesex County. The MAGIC region falls completely within this gap area.

### ***Recommendation***

A Buy Local program is needed within the MAGIC Subregion due to this gap. At the Forum, there was some discussion whether it would be better to expand existing Buy Local, or create a new one. There are pros and cons to each option: creation of a new program would create competition for scant resources, and expanding an existing program might dilute the “local” focus of the group. Municipalities within the Subregion should work together to determine what type of program would be most useful to their communities. In the interim, municipalities should utilize existing Buy Local Campaign templates and guidance (as shown in Appendix C) to begin to disseminate the Buy Local message. In addition, the Buy Local program that is established should include public education beyond buying local and promote other methods that the public could employ to support agriculture. It would be most conducive to supporting agriculture throughout the state if all buy-local groups became promoters of the Farm Friendly Neighbor Program in their regions. Meetings with Northeast Harvest, DAR and other groups supporting Buy Local programs should be held in order to determine the best way to organize, fund, and support a program for this region and to expand the focus of buy-local groups to include the Farm Friendly Neighbor Program.

## 9. Marketing

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Marketing for agriculture involves all activities included in moving the goods and services produced at a farm or ranch to the consumer. This is a critical aspect of agricultural viability in that pricing, distribution, and advertizing of goods often dictates the economic viability of a farm or ranch. Marketing is the process of planning and executing pricing, and promotion and distribution that satisfies customer needs. It involves collecting information, analyzing alternative market outlets, pricing products to compete in the marketplace, defining the scope of the proposed market area and meeting consumers' needs. Therefore, marketing is an essential part of a farm or ranch's business and we learned during the course of the project that farmers

*“Land doesn’t stay in agriculture unless the goods and services produced there have a market! Without a profitable market, farms go out of business, land goes fallow, and/or fields grow houses.... Preserving farmland doesn’t preserve farming. Land is necessary, but not sufficient for a thriving agricultural economy.”*

*– Shanna Ratner  
Principal, Yellow Wood Associates, and Mel King Fellow at MIT*

and ranchers need assistance in developing and executing a successful marketing program.

### Issues and Recommendations

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A number of key issues were raised during the course of the project regarding agricultural marketing within the Subregion, as listed below.

- Production vs. retail costs.
- Saturation of farmers markets.
- By Local Laws/Regulations with limited powers.

Each of these critical challenges will be explained in detail. The following section will provide recommendations of ways to overcome these challenges.

#### Production versus Retail Costs

##### **Issue**

The challenges regarding production versus retail costs was raised at the March Forum, and continued to be an item of great concern discussed by the farming and ranching community. The issue at hand is the fact that the current retail market is set-up in such a way that smaller New England farms must compete with large, national commercial farms that typically receive subsidies for their crops from the federal government. Therefore, the true cost of production is not reflected in the market, particularly at large chain grocery stores, making it extremely difficult for local farms to compete with large subsidized farms. These subsidies are authorized through the deferral Farm Bill.

## Recommendation

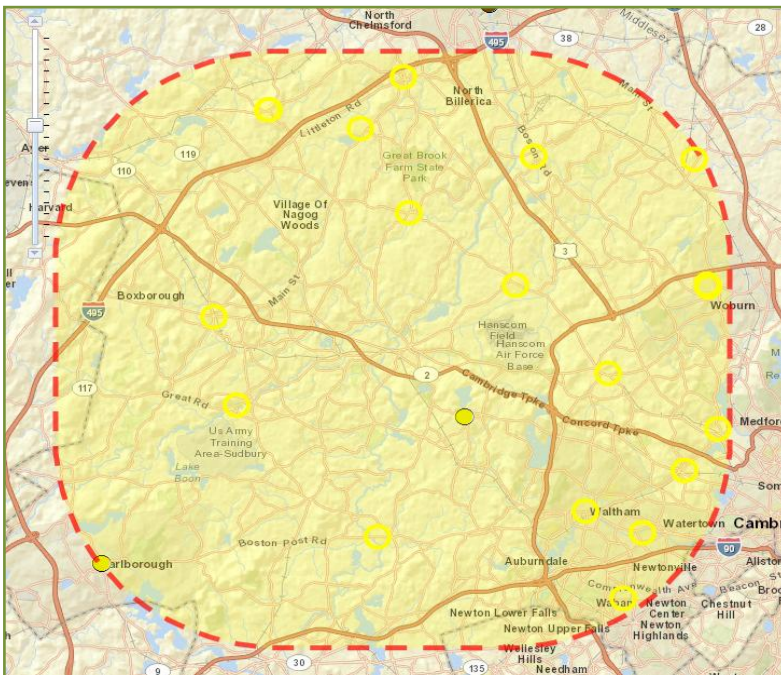
Although subsidies are a federal issue, there are action steps that regional and state officials and agricultural organizations can take. It's possible to keep competition alive and well in the local food system is by applying anti-trust regulations similar to those in the airline and telecommunication sectors. State trade policies could be reformed to restrict direct foreign investment in farm land with what are called “corporate farming laws.” The main intent of these laws is to preserve and protect the “family farm” as the basic unit of production. A family farm can be defined in numerous ways, but typically is defined as “an incorporated farm enterprise with a limited number of stockholders at least one of whom resides on or operates the farm.”<sup>103</sup>

## Saturation of Farmers Markets

### Issue

Establishing local farmers markets is a good method for ensuring that locally produced foods have a marketing presence. However, an alternative perspective was presented at the Subregional Agricultural Forum regarding the saturation of farmers markets in some areas, and the need to coordinate market establishment. The proliferation of these markets is often unchecked resulting in some markets saturating a given market and harming other markets and farm stand operations.

### Recommendation



Municipal officials can provide better coordination of farmers markets to ensure that local farms and ranches have opportunities to market their products locally, without creating additional, unnecessary competition in close proximity. The U.S.D.A. [Know Your Farmer, Know Your Food](#) Compass Map provides municipalities with an inventory of agricultural projects, programs, and markets in a particular area. The example shows a Compass Map inquiry for the MAGIC Subregion. Areas circles in yellow are established farmers markets. Municipal officials; planners, agricultural commissioners, or the like, can work with their regional USDA program to ensure that farmers markets are tracked using this database.

Source: Know Your Farmer, Know Your Food, USDA

Farms ([realtimefarms.com](http://realtimefarms.com)), which is a crowd-sourced nationwide food guide enabling users to trace food back to the farm it came from. The website tracks farms and their products, farmers markets, and eateries. Municipalities should familiarize themselves with these inventories to understand where markets are

There is another online mapping inventory by a private organization called Real Time

<sup>103</sup> Schroeter, Azzam, and Aiken; *Anti-Corporate Farming Laws*; American Agricultural Economics Association; November 2006.



located and where new ones are needed. In addition, officials (likely Agricultural Commissioners) should work with local restaurants to encourage the purchase of food from local farms and to show this availability on these databases. In addition, municipalities need to work with Regional Planning Agencies and regional agricultural organizations to look beyond municipal boundaries to understand regional market forces regarding new farmer's markets.

Mass Farmers Markets (MFM) is a non-profit organization with a mission to partner with farmers, consumers, and communities to foster, enhance and sustain farmers market in Massachusetts. MFM remains as the only organization working state-wide on behalf of farmers markets, the communities in which they are located, and the farmers who rely on them as a crucial source of income. Their vision is one in which small family farms and local communities thrive because a significant percentage of residents have access to and choose to consume local food whenever possible. They directly manage farmers markets in greater Boston and provide support services to Massachusetts farmers markets and the communities that host them. Specific guidance by MFM for Subregional farmers, agricultural commissioners and other municipal officials regarding considerations for starting farmers markets would be extremely useful.

## **Municipal Purchasing**

### ***Issues***

There was general discussion of the challenges of selling directly to municipalities for school lunch and senior programs, for example. Barriers identified included:

- Pricing is high when selling wholesale to schools;
- The municipal approval process is cumbersome and confusing; and
- Opportunity is limited due to the lack of overlap between the school year and growing season.

### ***Recommendation***

The [Massachusetts Farm to School Project](#) has been matching up schools and farmers since 2004, helping to create sustainable local foods purchasing relationships. The project encourages the growth of preferential local foods purchasing in K-12 public schools, independent schools, and colleges across the state. The project assists with direct sales or use of conventional distributors to ensure profitable sales routes for farmers and affordable purchasing for schools. Municipal officials should seek assistance from the Farm-to-School Program to increase the consumption of local food at schools and senior centers.

## **Buy Local / Direct Farm Marketing Law - Limitations**

Massachusetts currently does not have a law regulating the use of the word "local." Therefore, grocers are free to interpret "local" as they see fit. Some local food advocates feel that having a definition such as that included in New Hampshire and Vermont Law, is needed, particularly placing a geographic boundary within the definition (i.e. 100 miles). On the other hand, some advocates feel that a specific definition may exclude certain producers from being deemed "local." In addition, locally grown food laws that require purchasing food grown within a defined geographic boundary could be vulnerable to challenge under the U.S. Constitution's Commerce Clause doctrine (DCCD) regarding discrimination against goods and commerce from other states. However, there is a "market-participant exception," that allows the development of laws that define locally grown foods within the enacting state or locality, as long as they apply to government purchasing only.

## **Recommendations**

To avoid a limited definition of “local”, some have advocated for mandatory labeling, such as that stipulated in Massachusetts General Law Chapter 1 Section 99B, which regulates the use of the term “native” (i.e. local), stating: “...the name of state in which such fruit, vegetables or turkeys were grown [must] appear[s] immediately after the word native.” Similar local regulations can be created that provide additional guidance and stipulations than this state law.

Farm direct marketing allows the producer to sell products directly to the consumer through a variety of marketing channels such as farmers’ markets. Washington State Small Farm and Direct Marketing Program helps farmers sell their products through direct marketing and increasing the economic viability of small farms is at the heart of the mission. Their [Small Farm and Direct Marketing Handbook](#) provides guidance for anyone navigating regulations governing the sales of farm products in the state. The Handbook offers direct marketing strategies, regulatory guidance, and additional resources. New York and California legislatures have enacted programs to support development of direct farm marketing that provides direction regarding how the state government can create opportunities for farmers to sell directly to consumers. Programs include farmers markets and grants to farmers interested in diversifying into direct farm marketing.

# Appendices

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## A. Excerpt - Town of Sudbury 2009-2013 Open Space and Recreation Plan

### Section 9 – Five-Year Action Plan

Armed with achievable, consensus-based goals and objectives, a list of properties for both open space and recreation potential, and Community Preservation Act funding, the Town is poised to implement this plan. It is unlikely that all the goals will be accomplished in the next five years, but listing specific actions will enable us focus our efforts on high priority items, and to monitor progress over time.

One of the central aspects of the Action Plan must be to continue to work with the various boards and committees who represent the open space and recreation interests of the Town, including the Board of Selectmen, Conservation Commission, Park & Recreation Commission, Planning Board and the Community Preservation Committee. Success at Town Meeting will be linked to a cohesive strategy backed by all the major boards. Sudbury is fortunate to have excellent communication and cooperation amongst these boards so that goals can be evaluated and achieved equitably.

One example of Sudbury's ability to communicate and cooperate successfully is demonstrated in the land acquisition process currently in place. In order to understand what it takes to complete a preservation project, the process is outlined below.

Sudbury is enamored of its open spaces – fields, forests, farms and flood plains. These areas define the character of the Town, and make it a very desirable and beautiful place to live. The Town has spent considerable time and money ensuring that these areas remain undeveloped for future generations. Long after state subsidies for agricultural preservation dried up, and other funding sources for open space protection declined, the Town has continued to dedicate local resources to protecting land. Over the last several years, as land values have risen significantly and town financial resources have declined, an informal process for evaluating land for protection and negotiating with landowners has been developed which has met with approval from Town officials, landowners and residents alike. This process evolved with the guidance of the Land Protection Specialists at Sudbury Valley Trustees, to whom we are grateful for their advice and knowledge. The process has focused on the recommendations of the previous Open Space and Recreation Plan, and the evaluation criteria developed by the Land Use Priorities Committee Report. The process is outlined below so that future boards and committees can utilize this process and build upon its successes to continue the legacy of open space preservation in Sudbury.

#### **How is a parcel chosen?**

The vast majority of parcels that the Town preserves are identified in one or more Town plan or study. They have received some public acknowledgement that they contain resources worthy of protection, whether it is natural resource values, unique wildlife habitat, groundwater protection, scenic view, active farmland, etc.

The parcel may come to our attention by virtue of a right of first refusal under the Town's Chapter 61 tax program, whereby property owners receive real estate tax discounts for keeping their property undeveloped, and in return the Town receives a right of first refusal when they are ready to sell. The parcel may also be offered directly to the Town by a willing landowner who needs to sell their land for any variety of reasons. Occasionally, the Town will send letters to landowners notifying them that the Town is interested in preserving their land, so that they can consider purchase by the Town when the time comes.

### **How is the value or cost determined?**

However we begin the process, the determination of value is almost always the same. A plan is developed, typically by the landowner, showing the development potential under current zoning and subdivision regulations. In addition to the plan, an analysis of the soils and topography is also completed to determine buildability of the lots and the roadway system. This gives us an idea of how many lots could be developed. An appraisal is then done, which takes into account land value and the costs necessary to develop the plan into a subdivision. The net value becomes the price of the land.

Sometimes landowners want to continue to own the land, and only sell the development rights to the Town. The rights are typically in the form of a conservation or agricultural preservation restriction, prohibiting development but allowing some use of the property. Appraisals can also be prepared which show the value of the restriction, which are typically discounted from 10-30% of the price for a full sale of property.

### **How is the price negotiated?**

If the property is enrolled in Chapter 61, the landowner must submit a bona fide purchase and sale agreement for the property, and the Town must match that offer. The purchase and sale agreement cannot contain contingencies, and there is no price negotiation.

For all other properties, where there is a less formal process, the price can be determined in one of two ways. The landowner can submit an offer of the land to the Town, and name a price. This method typically requires the landowner to have completed the subdivision plan and appraisal to document the value. The Town will then have an appraisal commissioned on its behalf, and armed with this knowledge, will negotiate terms and price for the sale.

Or, with a willing landowner who does not want to have to prepare a subdivision plan and appraisal, but does want the town to purchase the land or a restriction on the land, the Town can complete the valuation process outlined above. The cost of doing the plan will typically be deducted from any purchase price, and the Town must have sufficient staff help to carry this out.

### **What Town board or department is responsible for land acquisition?**

Ultimately, the Town Manager and the Board of Selectmen have the authority to negotiate and purchase land for the Town. Other boards and departments may bring a parcel of land to the attention of the Town Manager, but no other board or department has the authority to negotiate for the Town unless expressly given. The Town Manager will assign a project manager, typically the Director of Planning and Community Development or the Conservation Coordinator. Once a project materializes, the project manager discusses its merits with other boards and committees such as the Conservation Commission, Planning Board, Community Preservation Committee, Finance Committee, and the Park & Recreation Commission. Projects that receive broad support are the most successful.

### **How long is the process?**

From experience, we have seen that land negotiation typically take 1-2 years before a project is ready to be proposed for Town Meeting.

### **How is land acquisition/preservation funded in Sudbury?**

Sudbury is fortunate to have a dedicated funding source for open space preservation with the Community Preservation Act. A 3% surcharge on all residential property tax bills is collected annually to fund this. Over the last 5 years the state has matched Sudbury's local revenues. These funds can be expended only upon recommendation of the Community Preservation Committee and an affirmative Town Meeting vote. The Community Preservation Committee has become an active participant in land acquisition since they must approve all expenditures. By virtue of the committee make-up, with representation by most major boards, enthusiastic support for a project by the CPC is an important political tool for passage at Town Meeting.

### **How many parcels will the Town be able to buy based on projections for Community Preservation Act revenue?**

Given the large amount of undeveloped land left in Sudbury, the CPC has formulated spending policies that seek to leverage their revenues and maximize the number of projects that can be funded. It is the CPC policy to bond land acquisition expenditures and spread payments out over 20 years so that the current residents do not shoulder the entire financial burden. Future residents who will enjoy these lands will also be burdened with the costs. The annual debt service expenditure for a 20 year bond will typically cost 1/10th of the total cost of the project. For example, a \$5 million expenditure for open space will cost \$500,000 per year. This then becomes a minimal annual cost, allowing reservation of revenue for other projects.

We have completed some modeling of CPC revenue in order to manage current debt and plan for new projects. Based on the current reserves of the CPC, outstanding debt and anticipated revenues, it is anticipated that the Town could fund a major open space acquisition every 3-4 years for as long as the CPA surcharge is collected.

### **Who else is involved?**

Many people are involved from start to finish. Town Counsel reviews all legal documents, including purchase and sale agreements, restrictions, deeds and title work. The Conservation Commission typically becomes the manager of purchased or preserved lands, and constructs informational kiosks and trails. The Conservation Commission also typically submits applications to the state for approval for Conservation Restrictions, and Self-Help/LAND funding, if applicable, and leads site visits to inform the public prior to a Town Meeting vote. Sudbury Valley Trustees are another local resource that helps with negotiating purchases, fundraising, publicity, and monitoring of open space parcels.

As shown above, it takes a concerted effort to achieve the goals of this plan. We have had success in the past, and hope to continue these achievements into the next decade. The Five Year Action Plan sets forth realistic goals, and assigns responsibilities to various Town boards and departments to accomplish them. Map 5, Inventory of Lands of Conservation and Recreation Interest, incorporates the Five Year Action Plan. The parcels on the Plan are the priorities for the duration of the 2009-2013 Open Space and Recreation Plan.

What the Town does not currently have, and should consider, is the formation of an Open Space Advisory Committee. This committee would be responsible for evaluating and prioritizing

potential properties for preservation with CPA of other public funds. Given the somewhat limited CPA funding, and the expansive priority list of parcels contained in this Plan, an evaluation committee would determine the readiness of a project, and its projected level of support prior to moving forward to a commitment to the landowner. Currently there is no process in town.



## B. Town of West Brookfield Procedure for Exercising First Refusal Option – Ch. 61, 61A, or 61B Land

This document is intended to serve as a guide for municipal staff, boards, and residents of the town of West Brookfield, outlining general steps to be followed when landowners in town intend to convert or sell their Chapter 61, 61A, or 61B land. In order to verify exact rights and responsibilities under this program, consult Chapters 61, 61A, and 61B of the Massachusetts General Laws or a land use attorney, as well as town counsel.

### **NOTIFICATION REQUIREMENTS (by statute):**

The landowner provides a Notice of Intent, by certified mail, to the Select Board, Board of Assessors, Planning Board, Conservation Commission, and State Forester (c/o Commissioner of DCR) to sell or convert classified land; this notification should include:

- Cover letter notifying Select Board of intent to sell or convert the land, specifying proposed use of the land;
- Contact information for landowner;
- If Intent to sell, copy of the purchase and sales agreement specifying purchase price and all terms and conditions of proposed sale, and any additional agreements;
- Survey of land (or map if survey is unavailable);
- Location and acreage of land, shown on a map drawn at the same scale as the assessors' map.

The day after this notification is mailed to all appropriate parties, as shown by the certified mail receipt, begins the 120-day period for the town to consider whether to exercise its first refusal option or assign this right to a conservation organization. If the notification from the landowner is deficient, as determined by town counsel, the town has 30 days in which to give the landowner notice thereof, in which case the landowner must then resubmit his/her notification, re-starting the 120-day period.

### **TOWN RESPONSE**

The Executive Secretary shall be responsible for the coordination of the following activities:

1. Select Board – Sends written acknowledgement of receipt of notice to landowner (or his/her attorney) with date received and asks the assessors office for copies of the current tax maps and assessments for the property as well as contact information for abutting landowners.
2. Select Board – (a) Notifies all town boards and abutting landowners within 10 days that notification has been received, along with the date that began the 120-day first refusal option process. (b) Forwards information received from the landowner and provided by the assessors office to the following committees.

- Conservation Commission
- Planning Board
- Board of Assessors
- Open Space Committee
- Agricultural Commission
- Historical Commission

3. Select Board – Will coordinate the gathering of information and recommendations from various committees, organizations, and individuals regarding this notification.

4. Select Board – (a) Schedules and organizes a meeting to discuss this first refusal option opportunity within 35 days of the distribution of materials specified in 2(b) above. (b) Notify the six above-listed committees, abutting landowners, and any other interested parties, such as land trusts and conservation organizations of this meeting, noting that responses and recommendations are due by this date; it will be assumed that any entity not submitting a response by this time does not wish to recommend that the town exercise its right of first refusal.

5. Executive Secretary – Within 10 days of the meeting described in the preceding paragraph, prepares and distributes to all parties a document that summarizes the results of the meeting and the recommendations of the various committees, and indicates whether or not there seems to be interest in exercising the town's right of first refusal or assigning it to an appropriate organization; any and all committee, organization, and individual recommendations should be attached to this document.

6. Select Board – Following receipt of the Executive Secretary's document, schedules a public hearing regarding the town exercising its right of first refusal. (Note – the town cannot exercise its right of first refusal without a public hearing.) It is advisable that it take place by the halfway point in the 120-day period - or as soon thereafter as possible – in order that issues such as associated contracts and identification of funding can be resolved before the 120 days expire.

7. Select Board - Within the 120-day timeframe, after a public hearing (giving public notice in accordance with the open meeting law), makes the decision to do one of the following:

- (a) Exercise the first refusal option;
- (b) Assign the first refusal option to a qualified nonprofit conservation organization or agency;
- (c) Decline to exercise the first refusal option.

Requirements for each option:

**If option (a) is chosen:** If the Select Board must execute and record with the Worcester County Registry of Deeds a *Notice of Exercise*, containing the name of the owner of record and a description of the premises adequate for identification, and send notice to the landowner by

*certified mail*, accompanied by a proposed purchase and sale agreement to be consummated in 90 days or fewer.

**If option (b) is chosen:** The Select Board must execute and record a *Notice of Assignment*, stating the name and address of the organization or agency which is expected to exercise the option and the terms and conditions of the assignment. If the land trust or agency elects to exercise the option, it must send notice to the landowner by certified mail, and record its Notice of Exercise, containing the name of the owner of record and a description of the premises adequate for identification, plus propose a purchase and sale agreement to be consummated within 90 days. The parties then work out the agreement and consummate it. The organization or agency then records a conservation restriction.

**If option (c) is chosen:** The Select Board must sign and deliver a *Notice of Non-Exercise*, containing the name of the owner of record and a description of the premises adequate for identification, to the landowner, sending it by certified mail to the landowner's address on the Notice of Intent.

Note: If neither the Notice of Exercise nor the Notice of Assignment is recorded within the 120-day period, the Town's option expires and the landowner is free to sell, but only upon the original terms spelled out in the purchase and sale agreement that accompanied his/her original Notice of Intent.

## C. Massachusetts Model Right-to-Farm Bylaw

### **Section 1 Legislative Purpose and Intent**

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations there under including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter III, Section 125A and Chapter 128 Section IA. We the citizens of [Farm-Town] restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General By-law encourages the pursuit of agriculture, promotes agriculture- based economic opportunities, and protects farmlands within the Town of [Farm- Town] by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

### **Section 2 Definitions**

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing,

management, or sale of the agricultural products; and  
•on- farm relocation of earth and the clearing of ground for farming operations.

### **Section 3 Right To Farm Declaration**

The Right to Farm is hereby recognized to exist within the Town of [Farm-Town]. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

### **Section 4 Disclosure Notification**

Not later than 21 days after the purchase and sale contract is entered into, or prior to the sale or exchange of real property if no purchase and sale agreement exists, for the purchase or exchange of real property, or prior to the acquisition of a leasehold interest or other possessory interest in real property, located in the Town of [Farm-Town], the landowner shall present the buyer or occupant with a disclosure notification which states the following:

"It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances."

A copy of the disclosure notification shall be given on a form prepared by the Town and shall be signed by the landowner prior to the sale, purchase, exchange or occupancy of such real property. A copy of the disclosure notification must be filed with the Board of Selectmen or its designee prior to the sale, purchase, exchange or occupancy of such real property. In addition to the above, a copy of this disclosure notification shall be provided by the Town to landowners each fiscal year by mail.

A violation of Section 4 shall be subject to a fine of \$300 and shall be enforced by the Board of Selectmen or its designee. The Town is authorized to enforce Section 4 under the non-criminal disposition provision of G.L. c. 40, § 21D.

### **Section 5 Resolution of Disputes**

[Applicable only in communities that have Agricultural Commissions.] Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board may forward a copy of the grievance to the

Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

#### **Section 6 Severability Clause**

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of [Farm- Town] hereby declares the provisions of this By-law to be severable.



## D. Summary - Zoning Alternatives For Farmland/Open Space/Corridor Protection Efforts in MAPC Communities

Materials prepared by Metropolitan Area Planning Council for GreenActon Meeting: 3/22/11

The Metropolitan Area Planning Council (MAPC) is undertaking a project with the communities of Essex, Ipswich and Littleton to provide zoning and other recommendations to promote farmland/scenic view corridor protection efforts a District Local Technical Assistance project to be completed by December 2010. The following materials are some of those researched that appear to have the most relevance for other communities.

### **Corridor Protection or similar bylaws:**

#### Topsfield Scenic Overlay District: Corridor preservation

Establishes district 1000 feet east and west of centerline of Route 1. Bylaw applies to all construction except additions to Single Family dwellings. Bylaw establishes a minimum 100' setback from Route 1, within which all large trees are to remain and additional landscaping/screening is to be established if new structures would be visible from Route 1 (note that this applies to all lots: existing, subdivision or ANR). Larger developments such as subdivisions would be subject to the bylaw provisions such as "All construction shall be located to the extent possible behind natural elevations and vegetated areas of the property so that it is not visible from Route 1".

#### Ipswich Open Space Preservation (Cluster)

Any development of greater than 6 or more dwellings or 4 or more acres must submit a cluster proposal, and if they choose, a conventional plan. Base cluster density is equal to conventional density, but bonuses for additional open space or increased affordable units can yield as much as 2 times base density. Conventional development requires 2-acre lots (note that zoning was changed from 1-acre density in order to promote cluster, which, using bonuses, could return to near 1-acre density). Because of the incentive to save acreage for inclusion in the cluster, where the potential density per acre is higher, most developers forgo undertaking the ANR lots.

#### Ipswich Green Space Preservation Development District

An overlay district that enables development of professional business offices and services in a residential district, subject to requirements for minimum 50% open space, minimum 100-foot naturally vegetated buffer to all streets and abutting lots, minimum 250-foot setback of structures from frontage street, maximum 30% impervious cover. Square footage of commercial space is set at 3000 square feet times the number of building lots that could be built on the site, plus a potential bonus for additional open space above the 50% required, but with a maximum FAR of .1. Septic system may be located in preserved open space area.

#### Littleton- proposed cluster development bonus density

Proposed additions to the cluster bylaw provisions in Littleton would provide additional incentives for protection of roadside corridors as well as protection of active agricultural lands. A density bonus would be established in the cluster bylaw for protection of agricultural roadside areas that

could have been developed via ANR divisions prior to being included in the cluster subdivision open space. See page 4 for draft language.

#### Wilbraham Ridgeline and Hillside Overlay District: scenic view protection

Establishes all lands over 550 foot elevation as a special overlay district, where all developments (building permit, subdivisions, special permits) are subject to site plan review by the Ridgeline and Hillside District Review Board. Criteria and standards are established so that developments “blend harmoniously with the natural terrain and vegetation in order to preserve and protect the scenic character and the environmental quality of the site”. Does not appear to have an impact on ANRs.

#### Amherst Farmland Conservation District

The bylaw requires that residential developments under subdivision control law shall be submitted as cluster developments that protect the maximum feasible amount of permanently preserved farmland while also allowing for usable open space for active and passive recreation for the residents. Although the district does not include road frontage (and therefore appears to “give up on” ANR divisions), the bylaw states that “every reasonable effort shall be made to maintain views of open agricultural fields from nearby public ways.

#### Town of Falmouth Habitat Protection Overlay Bylaw:

Establishes a Wildlife Habitat Overlay District, within which all divisions of land greater than 5 or 20 acres (depending upon zoning district) must preserve (by donation to non-profit or town or under a conservation restriction) a 300-foot-wide contiguous corridor that connects with such corridors or prospective corridors on adjacent land, for the purpose of allowing wildlife migration. Natural Resource Department makes recommendation to permit reviewing agency. Planning Board promotes cluster subdivisions where appropriate. Bylaw states that it covers “All subdivisions or divisions of land”, but it is not clear how it impacts ANR developments.

#### Town of Bolton Bylaws

The Town of Bolton zoning defines any development of a parcel over 15 acres that results in more than 6 lots over 5 years (even if these are not part of the same development plan) as Major Residential Developments. Piecemeal developments of a large tract of land would trigger this provision once the 6<sup>th</sup> lot is reached. Any Major Residential Development is only allowed through a Farmland and Open Space Planned Residential Development, which lowers the minimum lot size to 40,000 square feet but still maintains an 80,000 square foot density, and which requires a minimum of 33% open space as a component of the cluster plan.

#### **Transfer of Development Rights bylaws used to protect open space:**

##### Westfield Transfer of Development Rights bylaw: Residential to Commercial transfers

Allows for transfer of residential development rights to business district (at a conversion rate of 1 dwelling unit yielding 2000 square feet of commercial space); also allows for increase in height limits and increase in percent lot coverage beyond base commercial regulations in order to allow for additional space resulting from TDR. Receiving area must have municipal water and sewer service.

### Hadley Transfer of Development Rights bylaw: includes Alternative Method of Transactions

Emphasis here is on farmland preservation. Each acre of developable farmland that is preserved can be converted to 2000 square feet of commercial or industrial floor area, and a reduction in parking requirements, and an increase in allowable lot coverage for structures (there is no change to height limits). The bylaw also includes an Alternative Method for Transactions which consists of a payment to the town (to be used for later purchase of development rights on farmland) that is based upon the average value of purchased rights in the town in the past 3 years.

### Hatfield Transfer of Development Rights: Using cash as TDR currency

Promotes transfer from agricultural areas to commercial and industrial areas where 1 development right converts to 2000 square feet of commercial/industrial development plus and increase in allowable percent building coverage. However, all transfers are by way of cash payment to the town, with the development right value based on per-acre assessed values of improved versus unimproved residential lands (with funds to be used by the town to purchase development rights).

### Sunderland Special Resource Districts and TDR:

Agricultural, Critical Resource and Watershed Districts are included in the special resource districts. All new structures and all major residential developments are allowed only by special permit from the Planning Board. Submittals for major residential developments (defined as creation of 6 or more lots by subdivision or not) must include basic and alternative plans, one of which must be a flexible development proposal (cluster). Special Permits are granted if developments protect agricultural activity, scenic views, habitats, and fragile environmental resources. If this cannot be done the Board “may grant a special permit only upon the determination that nondevelopment alternatives for utilization of the site have been reasonably pursued and found to be infeasible, including transfer of development rights or sale of land or rights to other organizations having land preservation purposes”. Development rights may be transferred out of these resource districts to developments elsewhere in town, where the developments may be increased in scale by a factor of 2.

### Town of Framingham: Increased density through mitigation payments (cash for TDR)

Within specific Highway Corridor Overlay Districts where the town wishes to promote increased development, the town has set a base floor area ratio (FAR) of .32, but allows special permits for approval of structures with a greater floor area ratio (up to .5 FAR). There are several options for the developers to provide a “public benefit amenity” including the contribution of cash payments that can enable the community to purchase open space outside of the development area (these funds can also be used for pedestrian pathways or traffic mitigation measures). The required contribution for increased density is \$22 per each square foot of extra space proposed above the .32 FAR up to .40 FAR, and up to \$32 per square foot of additional space up to .50FAR.

### **Bylaw concepts to maintain viability of agricultural activities**

Town of Littleton – proposed bylaw amendment to allow for expansion of uses permitted by special permit in agricultural areas within residential zones. See Page 5 for draft language. Note that a similar bylaw is already in effect in Bolton.

**Littleton: Proposed Change zoning bylaw so that the following would apply throughout town (current as of 3/21/11):**

To see if the Town will vote to amend the Zoning By-Law of the Town of Littleton as follows:

1. Amend §173-104.A by inserting a reference to Subsection E, so that the first sentence begins “Except as modified by Subsections B, C and E below,”

2. Insert a new §173-104.E, as follows:

E. The number of dwelling units that may be constructed in an Open Space Development may be increased by the Planning Board if it finds that the developer has incorporated into the Open Space Development significant areas of scenic woodland or agricultural lands along public road frontage that may otherwise have been developed into “Approval Not Required” (ANR) lots prior to the submittal of the Open Space Development, and if the Planning Board finds that the proposed Open Space Development protects this significant roadway frontage in the open space to be protected in perpetuity under the provisions of the Open Space Development bylaw. The number of dwelling units to be added to the calculation in Subsection A shall not exceed two times the number of ANR lots that could have been developed prior to the submittal of the Open Space Development, but that are instead included in the protected open space area.

; or to take any other action in relation thereto.

[Note that the purpose of this language is to provide an incentive for developers to not establish ANR lots prior to filing their full subdivision, by giving a density bonus for preservation of road frontage areas.]

**Littleton: Change zoning bylaw so that the following would apply throughout town (current as of 3/21/11)**

To see if the Town will vote to amend the Zoning By-Law of the Town of Littleton as follows:

1. Amend the Use Regulations Schedule set forth in §176-26.B by inserting, immediately below the row labeled “Roadside stands (agricultural)” a new row as follows:

	<b>R</b>	<b>VC</b>	<b>B</b>	<b>IA</b>	<b>IB</b>
Accessory Business Uses	P	P	P	P	P

at Active Farms (See § 173-57)

2. Insert a new §173-57, as follows:

**§173-57. Accessory Business Uses at Active Farms**

A. The Town of Littleton finds that in order to protect and preserve the agricultural, horticultural, viticultural or floricultural lands (hereafter “agricultural uses”), to protect and preserve natural resources, and to maintain land in active agricultural uses, it is necessary to enable the owners of said lands that are in active agricultural use to conduct, in addition to any primary or accessory use subject to the protection of M.G.L. c.40A, §3, par. 1, certain other appropriate accessory business uses to supplement the income from said agricultural uses.

The Planning Board, by special permit, may grant approval for the following accessory business uses at active farms on contiguous farmland parcels in excess of 5 acres:

- Veterinarians’ office.
- Agricultural equipment and supply dealers.
- Custom farm providers.
- Feed milling and delivery.
- Facilities for hosting or staging of revenue-generating events, tours, weddings, and functions which are appropriate in scale to the premises and any surrounding residential area, including the preparation and serving of food and beverages for such events, provided that the facilities are primarily outside or under an open shelter and shall be operated seasonally.
- Small-scale abattoir/meat processing facilities.
- Facilities for the production and sale of farm-related products, such as but not limited to cider, baked goods, butter, wine, cheeses, or ice cream, whether or not the farm is the main source of the raw materials used in the farm products, provided that the facilities and associated parking shall not occupy more than 10% of the total farm area.
- Farm stand restaurants designed and used for the sale of farm crops and livestock grown on farms in the local agricultural area; provided that the facilities and parking for the farm stand restaurant, and the associated farm stand, shall not occupy more than 10% of the total farm area.
- Animal boarding facilities for the boarding of up to 50 animals other than those stabled, raised, or kept onsite in connection with the primary agricultural use.
- Farm implement and similar heavy machinery repair services, such as a welding operation, blacksmith shop, etc. that the farm operator would normally undertake in maintenance of machinery for his/her own farm.
- Subsurface disposal of septic effluent from nearby or adjacent residential or commercial facilities, or municipal waste water treatment facility, provided that the surface of any such area shall be placed under a conservation or agricultural preservation restriction.

B. The Planning Board may set conditions such as hours of operation, number of employees, or other conditions that they deem appropriate when granting a special permit pursuant to this section. In order to maintain agriculture as the primary use for the property, the uses provided for herein (excluding those uses for which a specific maximum is provided above), and any associated parking, shall occupy no more than 5% of the land area of the farm parcel(s). The Planning Board may require that the special permit, including all conditions, be recorded at the Registry of Deeds. The special permit shall recite the circumstances under which the special permit is being granted (e.g. the amount of land area in active agricultural use, the nature of the primary agricultural use, etc.) and shall include a condition requiring that the given circumstances continue to exist.

C. Decision Criteria: Special Permits for accessory business uses at active farms shall be granted only if the Planning Board determines that the criteria of Section 173-7C are met, after consideration of the following:

- (1) Roads, water and drainage facilities are existing, or as committed by the applicant to be improved, and their ability to serve this proposal adequately and safely without material deterioration in service to other locations.
- (2) Degree of assurance that no planned process or unplanned contingency will result in undue hazard or contamination of air, land, or water resources.
- (3) Visual compatibility with the vicinity, including consideration of site arrangement, consistency in architectural scale (or reasonability of departure), retention of existing site features, especially trees, and architectural character.
- (4) Degree of threat to environmental resources, including loss of valuable trees and other vegetation, disturbance to habitats, and soil loss through erosion.
- (5) Buffering and screening from any nearby uses of different character.
- (6) Retaining prime or important agricultural soils in active production.

Specific uses that are prohibited on residentially zoned agricultural lands include:

- Gas stations or retail or wholesale fuel storage or delivery.
- Retail Stores such as drug, department, hardware, and clothing stores.
- Manufacture of non-agricultural products.

D. This section does not preclude a landowner from applying for other permits for Extensive Recreational uses of the agricultural lands that are not incompatible with the seasonal agricultural uses of the agricultural lands.

E. This section is not intended to, and does not, impact the ability of the landowner to undertake any use or construct any structure allowed by right under local zoning, M.G.L. c.40A, §3, first par. and/or state definitions related to agriculture.

Or take any other action in relation thereto.



## E. Farm Friendly Neighbor Brochure



Massachusetts residents spend an estimated **\$28.1 billion** annually on **food**.

However, **less than 2%** of this money is spent on **locally grown food**.<sup>4</sup>

Additionally, with a **population** of over **14 million people** and proximity to several large cities,

New England is under **pressure** to develop its **last remaining farms**.<sup>5</sup>

With these challenges also come **great opportunities** to support Massachusetts farms and keep our region vibrant and healthy.

### About the Program

The Farm Friendly Neighbor Program is about raising awareness of the benefits of agriculture, understanding the practices your farming neighbor is using, and developing new ways we can all support the viability of our region's farms.

To learn more about the program and how to support local agriculture go to:

[www.FarmFriendlyNeighbor.org](http://www.FarmFriendlyNeighbor.org)



Farm Friendly Neighbor is a program of New Entry Sustainable Farming Project in collaboration with the Town of Stow, MA, the Massachusetts Farm Bureau Federation, and the Metropolitan Area Planning Council's MAGIC Comprehensive Agricultural Planning Program Working Group.

The work providing the basis for this publication was supported by award funding from the U.S. Department of Housing and Urban Development. We also thank the Metro Boston Consortium for Sustainable Communities for making this work possible.

<sup>1</sup> [http://www.mass.gov/agr/massgrow/farmers\\_markets.htm](http://www.mass.gov/agr/massgrow/farmers_markets.htm)

<sup>2</sup> State of Massachusetts Ag Census or USDA.gov

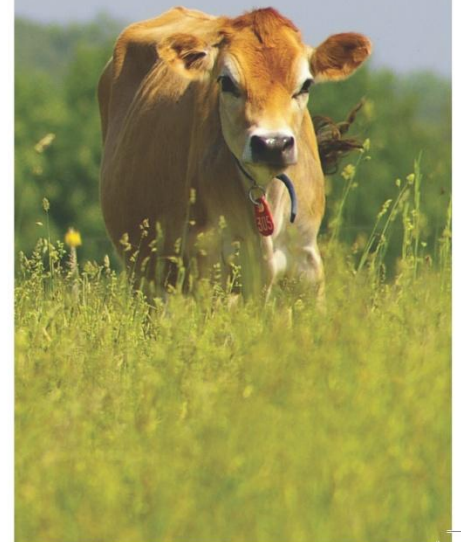
<sup>3</sup> American Farmland Trust, Farmland Information Center, Fact Sheet: Cost of Community Services, 2007

<sup>4</sup> USDA Food CPI and Expenditures, Table 13, USDA 2007 Agriculture Census.

<sup>5</sup> United States Census Bureau Population Finder



How to be a  
**FARM FRIENDLY  
NEIGHBOR**



## How can you be a Farm Friendly Neighbor?



## The Benefits of Local Farms

**1. Buy** locally produced foods to help preserve the character of our community, strengthen our local economy, and save family farms. Consider purchasing from farm stands, farmers markets, or CSAs, and request local products in grocery stores and restaurants.

**2. Communicate** with your farming neighbors. Simply being neighborly can build trust and help both parties understand each other's needs and concerns. Most farmers can be very accommodating, but remember that farming is a 24/7 business. If you have any concerns or if activities on a farm are somehow impacting you, talk it over first as neighbors. Your local Agricultural Commission can help out if a solution proves difficult.

**3. Advocate** for farm friendly regulations in your community by speaking up at meetings of local boards and commissions. Letting municipal officials know that non-farming residents value agriculture can go a long way.



**4. Learn** about the agricultural practices of your farming neighbor. The more you know, the more supportive you can be. Find information on agricultural practices on our website: [www.FarmFriendlyNeighbor.org](http://www.FarmFriendlyNeighbor.org)



**5. Enjoy** the natural surroundings that local farms support. While there may be some occasional inconveniences in living near a farm – like getting stuck behind a tractor on your way to work – remind yourself of the benefits that farms bring to your community and family. Open space, scenery, wildlife habitat, fresh fruits and vegetables and cleaner soil, air, and water to name a few. Visit one of your area farms and enjoy the benefits of having farm neighbors.

**Better access to healthy, fresh, locally grown food now and in the future.**

- Access to healthy, fresh, locally grown food is available at nearly 250 farmers markets and over 400 farm stands across Massachusetts.<sup>1</sup>

**Support of local economies and job creation.**

- Massachusetts farms help stabilize local economies, generating nearly \$490 million dollars annually according to the last Agricultural Census.<sup>2</sup> And many of those dollars are spent by visitors attracted to our region's pick-your-own destinations, and other agri-tourism activities.

**Stable, low-cost tax revenue for towns.**

- Farming helps balance municipal budgets. A study of several Massachusetts towns revealed that for every tax dollar generated from farming, only 47 cents was required for community services, such as roads. Compare that to the \$1.09 spent on services to every \$1 generated by the residential sector.<sup>3</sup>

**Preservation of historic community character.**

- Working farms preserve our agricultural heritage. Massachusetts has more than 100 farms which have been run by the same families for over 100 years. Some date back to before the Revolutionary War! And active agriculture sustains our open space, providing for the healthy lifestyle that has made our region such an attractive place to live.