

Southeastern Massachusetts Farmland Protection Initiative

Webinar 1: Farmland Protection Tools for Municipalities

June 3, 2:00-3:30pm

Hosted by SRPEDD, OCPC, & Wildlands Trust



Source: This image was made with the assistance of open AI.

Introductions - Southeastern MA Farmland Protection Initiative

Webinar Hosts:

Karen Pettinelli – Principal Natural Resource Planner, SRPEDD

Rhiannon Dugan – Senior Comprehensive Planner, OCPC

Bill Napolitano – Resilience and Sustainability Planner, OCPC

Rachel Bruce – Chief of Staff, Wildlands Trust

Scott MacFaden – Director of Land Protection, Wildlands Trust

Bryan Dole – Environmental Intern, SPREDD

Jasper Crowley - APR Sales and Transfer Coordinator, MDAR

Jay Rosa - Acquisition Planner, APR Program, MDAR

Ron Hall - APR Acquisition Coordinator, MDAR

Two regional planning agencies (RPA)
+ a regional land trust of SE MA:

- **SRPEDD:**
Southeastern Regional
Planning & Economic
Development District



- **OCPC:**
Old Colony
Planning Council



- **Wildlands Trust**



The SE MA Farmland Protection Initiative is supported by the Massachusetts Department of Agricultural Resources (MDAR) Farmland Partnership Program

Webinar 1: Farmland Protection Tools for Municipalities

Agenda

- Project Background
- Permanent Farmland Protection Tools
- Temporary Farmland Protection Tools
- Municipal Planning and Zoning Tools for Farmland Protection:
 - Open Space and Recreation Plans
 - Conservation Subdivision Bylaws with Agricultural Use of Open Space
 - Municipal Guidelines for Exercising the Right of First Refusal on Chapter Lands
 - Municipal Farmland Protection Plans
- Funding Pathways for Farmland Protection
- Partner with a Land Trust!
- Agricultural Commissions - Role in Farmland Protection
- Community Preservation Act (CPA) Funds and Agricultural Preservation Funds (APF)
- Stay Involved!



Webinar 1: Farmland Protection Tools for Municipalities

Logistics

- We will have breaks interspersed for Q&A sessions
- In the meantime, please write your questions in the chat – they will be answered either in the chat or brought to the Q&A
- The webinar is being recorded and it will be sent out to registrants and posted on the SRPEDD project webpage
- We will also post the slides on the webpage, and send them out to registrants
- The slides are very dense with information as they are meant to be a resource – but we will be speaking at a high-level to summarize what is on the slides.
- Please feel free to reach out to us after the webinar with any follow-up questions.



Source: Wildlands Trust Website

Project Background

Southeastern MA Farmland Protection Initiative

The Southeastern MA Farmland Protection Initiative is a partnership between SRPEDD, OCPC and Wildlands Trust to support municipalities in protecting Chapter 61A farmlands in southeastern Massachusetts.

The project is supported by the Massachusetts Department of Agricultural Resources (MDAR) Farmland Partnership Program (FPP): <https://www.mass.gov/info-details/farmland-partnership-program> - a component of the MDAR Massachusetts Farmland Action Plan (MFAP).

In this initiative municipalities can collaborate directly with project partners to utilize farmland protection tools, navigate land acquisition partnerships, and meet local agricultural goals.

The goal is to collectively move the needle on protection of Chapter 61A lands in SE MA and increase our regional capacity to respond quickly to Right of First Refusal opportunities.

Project offerings include:

- Webinars and in-person workshops on Chapter 61A and Right of First Refusal for municipalities
- Technical assistance for municipalities in developing guidelines and procedures for Chapter Lands protection
- Educational opportunities on zoning and planning tools that reduce farmland loss
- Technical assistance in using Community Preservation Act (CPA) funding to create an Agricultural Preservation Fund

SOUTHEASTERN MA FARMLAND PROTECTION INITIATIVE

PROTECT OUR FARMLAND TODAY

Join SRPEDD, OCPC, and Wildlands Trust in a regional initiative to support municipal Chapter 61A farmland protection in Southeastern MA.



2026 - 2027 Project Offerings for Municipalities:

- Webinars
- In-person consulting sessions
- Planning assistance
- Presentations at municipal meetings
- Tools and resources



JOIN OUR MAILING LIST!

Receive project updates and invitations, enroll in project offerings!

Supported by the Massachusetts Department of Agricultural Resources
Oldfield Farmland Partnership Program



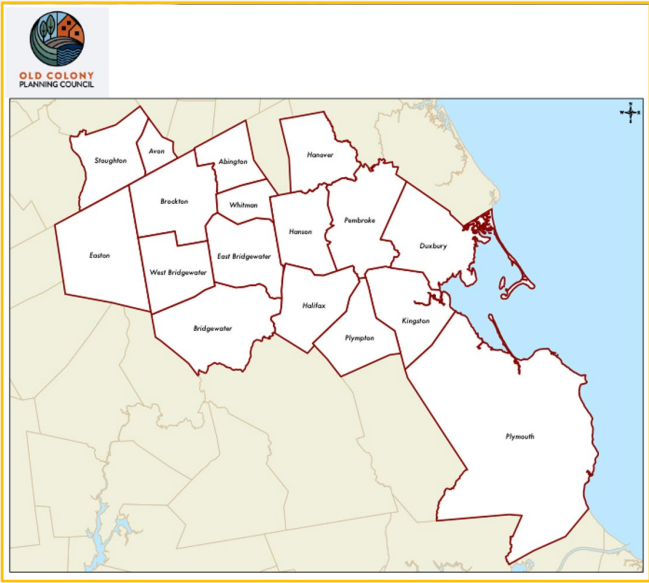
Project Background

Our Combined Project Service Region:

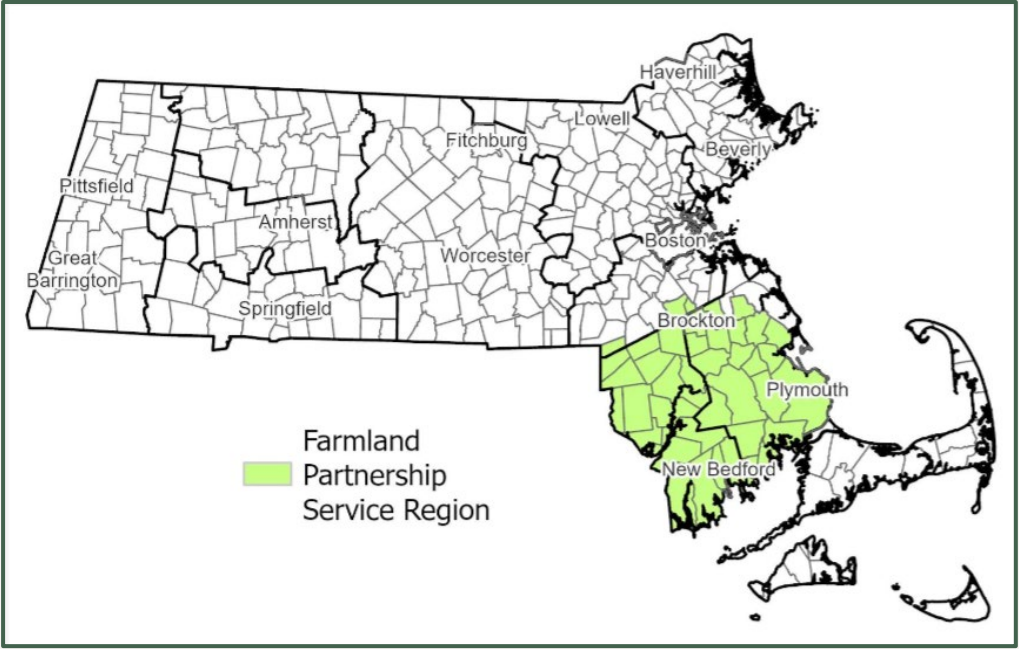
$SRPEDD (27) + OCPC (17) = 44 \text{ Municipalities}$



+



=



Wildlands Trust serves this entire region + more (currently a total of 60 municipalities).

Permanent Farmland Protection Tools

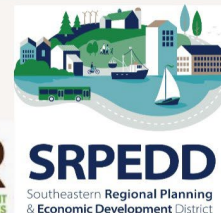
Permanent Farmland Protection Tools:

If a landowner in your municipality is interested in protecting their farmland from the pressures of development, there are multiple permanent protection options:

- **Agricultural Preservation Restriction (APR) Program**, held by the Massachusetts Department of Agricultural Resources (MDAR)
- **Private Agricultural Preservation Restriction (Private APR)**, held by a restriction-holding entity, approved through the Massachusetts Department of Agricultural Resources (MDAR)
- **Ag-friendly Conservation Restriction (CR)**, held by a restriction-holding entity and approved through the Executive Office of Environmental Affairs (EEA)

Funding Approaches:

- **Federal:**
 - ACEP-ALE Program
- **State:**
 - APR Program
- **Local:**
 - Municipal funds
- **General:**
 - Private/non-profit funds
- **Nontraditional strategies:**
 - MVP Program or other state/federal/local/non-profit programs offering funding for a CR



MDAR's Agricultural Preservation Restriction (APR) Program:

- A voluntary initiative that pays farmers the difference between a farm's fair-market value and its agricultural value in exchange for a permanent deed restriction that requires the land be maintained in active agricultural production while protecting it from development.
- It protects productive farmland (at least 5 acres) from development, ensuring the land remains actively farmed while reducing tax burdens, and assists farm succession. The farmer receives the value of the non-agricultural development rights and can re-invest these funds.
- Established in 1977, the APR Program is the first state program of its kind in the US and has protected over 75,000 acres of farmland across Massachusetts.
- From [MDAR APR Website](#): "The main objective of the APR program is to protect productive farmland with the deed restrictions and revitalize the agricultural industry by making land more affordable to farmers and their operations more financially secure."

Option to Purchase at Agricultural Value (OPAV):

A mechanism that aims to keep farmland affordable for farmers by ensuring a proposed buyer presents a viable and achievable farm business plan for a particular APR parcel. OPAV is a right held by the Commonwealth through MDAR APR deeds that aims to keep farmland affordable for farmers by ensuring proposed buyers present viable business plans for the APR parcel, as well as keeping the purchase price to the fair market agricultural value, rather than fair-market value.

Funding and Benefits of the MDAR APR Program:

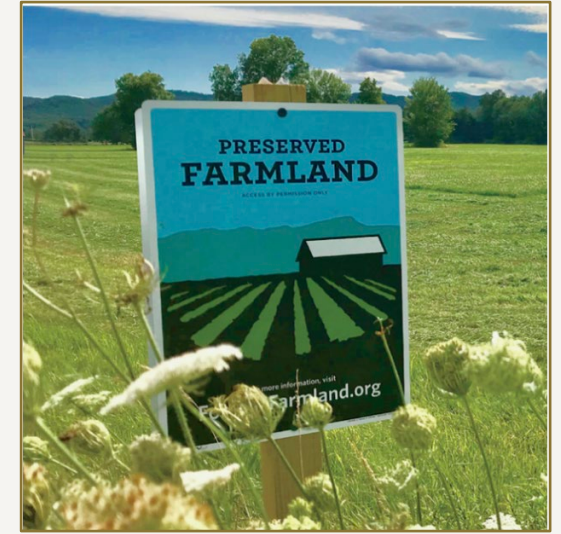
- The state purchases the deed restriction, allowing farmers to reduce debt, expand, or transfer their farms.
- Established funding pathway through combined state + federal funding: ACEP-ALE is often used as a federal match to the state program, **funding together about 90%+ of the cost of the deed restriction** (APR), with only a 5% to 10% local match required (5% for Right-to-Farm communities).
- CPA or other local funds can be used for the 5 -10% required match.
- Landowners retain ownership, the right to privacy, and the ability to carry out regular farming practices.
- The land subject to an APR remains in private hands, remains on local tax rolls, and continues to be managed by the property owner.



Permanent Farmland Protection Tool: Private APR

Private APR Program:

- Private APRs are Agricultural Preservation Restrictions that are held by a restriction-holding entity other than MDAR.
 - Unlike state APRs, Private APRs are held by "qualified organizations," which include local land trusts, conservancies, or municipalities (e.g., Conservation Commissions, Ag Commissions).
- The goal is to permanently restrict land to agricultural, farming, or forest use, forbidding or limiting construction, excavation, or other activities detrimental to the soil's agricultural potential.
- If held by a municipality, it is approved by MDAR. If held by a land trust or similar entity, it is approved by MDAR and municipality.
- For detailed guidance consult: [Private Agricultural Preservation Restriction - Mass.gov](https://www.mass.gov/info-details/apr-program-guide).



Source: MDAR APR Program Guide
<https://www.mass.gov/info-details/apr-program-guide>

Funding and Benefits:

- The restriction offers more flexibility than a MDAR APR.
 - More flexibility in restriction document terms. e.g. housing, pre-approved future uses or activities, additional conservation value priorities, public access, etc.
 - More flexibility in the transfer terms incorporated into the restriction document.
- MDAR approves terms in the restriction, the holder of the restriction has the responsibility of implementation.
- The land is kept in commercial agriculture.
- Diverse funding options: Funding sources can be municipal, private, non-profit, state, or federal (NRCS).
- Faster approval timeline.
- ACEP-ALE funds are a great match for private/non-profit/municipal funding sources (but no MDAR match provided).
- Landowners retain ownership, the right to privacy, and the ability to carry out regular farming practices.

Permanent Farmland Protection Tool: Ag-Friendly CR

Conservation Restriction (CR) Definition:

- A voluntary, permanent legal agreement between a landowner and a qualified organization (such as a land trust or government agency) that protects land by limiting future development, subdivision, and other intensive uses, while allowing the owner to retain private ownership.
 - Commercial uses are limited to agriculture or forestry uses.
 - Qualified organizations are those whose purpose it is to ensure permanent perpetual protection of unique Conservation Values.

Ag-Friendly CR:

- CR establishes agriculture as a permitted use, Allowances are made for construction and other practices that align with agricultural viability and conservation purposes.

How an Ag-Friendly CR Differs from a 'Typical CR':

- Protect agricultural uses alongside conservation values.
- Allows and supports commercial uses of the property as relates to agriculture and forestry.
- Protection of working lands



Hanson Farm in Bridgewater

Source: Wildlands Trust

Funding and Benefits of Ag-Friendly CRs:

- The restriction offers more flexibility than a MDAR APR agricultural practices, dependent on EEA and restriction-holder approval:
 - More flexibility in restriction document terms. e.g. housing, pre-approved future uses or activities, additional conservation value priorities, public access, etc., with MDAR approval.
 - More flexibility in terms related to transfer property (including ROFR and OPAV).
- Diverse funding options: Funding sources can be municipal, private, non-profit, state, or federal.
 - There are a variety of state and federal programs that will cover the cost of a CR to protect farmland, though for some of these programs ag land is less competitive than other conservation land uses/values. CPA funds can also be used at the municipal level for purchases of land or CR.
- Landowners retain ownership, the right to privacy, and the ability to carry out regular farming practices.

Temporary Farmland Protection Tools

Chapter 61A (M.G.L. c. 61A)

- Reduces the tax burden on agricultural landowners, allowing the land to stay in agriculture long by reducing financial pressure of land ownership.



Agricultural Covenants

- Limits the use of and improvements to farmland exclusively to agricultural purposes for a set number of years.



Temporary Farmland Protection Tool: Chapter 61A

Massachusetts Chapter 61A (M.G.L. c. 61A):

- A voluntary tax reduction program for landowners that meet Chapter requirements.
- Land is taxed at the current use value (instead of development value) to encourage the preservation of farms, forests, and other open space. This results in a large tax reduction (often 75% or more) for landowners while land is enrolled in the program.
- There is a minimum period of enrollment, otherwise landowners pay rollback or conveyance tax when the land is sold.
- Tradeoff: Landowner receives a property tax benefit while the municipality (and soon possibly the state) gets the **Right of First Refusal (ROFR)**.
- **ROFR:** The option to purchase the property by matching a legitimate offer before it is sold off.
- Penalties may be avoided if the land is sold to a new owner who agrees to keep land in the Chapter program.

Types of Chapter Lands

- Ch. 61: Forestry
- Ch. 61A: Agriculture and Horticulture
- Ch. 61B: Recreation

Qualifications for Enrollment

- Depending on the type of land use, there are different qualifications for enrollment and management. Enrollment is handled through the local tax assessor's office.
- **Ch. 61A: Agriculture and Horticulture**
 - Minimum 5 contiguous acres in active agricultural production; does not require a management plan. Requires annual enrollment.

Temporary Farmland Protection Tool: Agricultural Covenants

Agricultural Covenants:

- A temporary protection mechanism that restricts the use of and improvements to farmland to agriculture for a fixed period of time.
- This can be useful to protect investment of public funds in a property, as well as serve as an alternative for farm owners that are not ready or eligible for permanent protection.
- For example, MDAR's Farm Viability Enhancement Program provides business assistance and funding for farm improvements in exchange for a 10- or 15-year Agricultural Covenant on the farm property. These covenants are signed by the landowner and MDAR, recorded at the appropriate Registry of Deeds, and the rights are held and stewarded by MDAR.



Source: Jon Grey, SRPEDD

Learn more about how Agricultural Covenants are used in the context on [MDAR's Farm Viability Enhancement Program webpage](#).

Questions?



Municipal Planning and Zoning Tools for Farmland Protection

- **Open Space and Recreation Plans**

- A tool for municipal management of natural resources

Open Space and Recreation Planner's Workbook

COMMONWEALTH OF MASSACHUSETTS
Maura Healey, Governor
Kim Driscoll, Lieutenant Governor

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
Rebecca Tepper, Secretary

DIVISION OF CONSERVATION SERVICES
Bob Wilber, Director

100 Cambridge Street, Suite 1020
Boston, MA 02114

www.mass.gov/orgs/division-of-conservation-services

Source: EEA, DCS. Mass.gov

- **Conservation Subdivision Bylaws with Agricultural as Open Space**

- A subdivision design type that serves natural resource protection and housing production goals



Source: SRPEDD Flickr.

- **Municipal Guidelines for Exercising ROFR on Chapter Land**

Town of Williamsburg Guidelines for Exercising First Refusal Option on Chapter 61, 61A or 61B land

This document is intended to serve as a guide for municipal staff, boards, and residents of the town of Williamsburg, by providing a clear and consistent process to be followed when landowners in town intend to convert their Chapter 61, 61A or 61B land or sell it with intended conversion to a different use. The procedure helps ensure all relevant town entities are notified and have the opportunity to provide input to the Select Board, enabling the Board to make a fully informed decision on behalf of the Town. To verify exact rights and responsibilities under this program, please consult Chapters 61, 61A, and 61B of the Massachusetts General Laws as well as Town Counsel.

NOTIFICATION REQUIREMENTS:

Landowner must notify Select Board of intent to sell or convert land designated under Chapter 61, which should include:

- Letter indicating Notice 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 letter is received by all appropriate parties, as shown by certified mail receipt, begins the 120-day period for the town to consider whether to exercise its first refusal option or transfer this right to a conservation organization. If the notification from the landowner is deficient, the town has 10 days in which to give the landowner notice thereof, in which case the landowner must correct the deficiency then resubmit his/her Notice of Intent, restarting the 120-day period. Often, Towns will be asked to waive the 120-day option period. Town officials should not sign any requested waiver unless and until the following internal procedures have been completed.

TOWN RESPONSE:

1. Select Board - If the Notice is deemed incomplete (does not include all required material), the Select Board sends a written notice of deficiency to landowner (or attorney) within 30 days of receipt. The 120-day period for the Town to exercise its right shall not commence until a complete Notice has been received by the Town.

If the Notice is deemed complete, the Select Board shall acknowledge receipt to the landowner, confirming the start date of the 120-day period (day after the complete Notice was received).

Select Board can forward any Notice to Town Counsel for conformation that it is complete.

2. Town Administrator - Notify all town boards and shutting landowners as soon as possible (within 7 business days) that information has been received with the date that begins the 120-day first refusal option period. Forward information received from landowner to the following committees, requesting a

Approved March 2026

Source: <https://www.mass.gov/doc/guidelines-for-exercising-first-refusal-option-on-chapter-61-61a-or-61b-land-town-of-williamsburg-updated-march-2026/download>

- **Municipal Farmland Protection Plans**

- Municipal plans that focus on Farmland Protection



Municipal Planning Tools: Open Space and Recreation Plans

What is an Open Space and Recreation Plan (OSRP)?

- Roadmap for prioritizing open space and recreation projects and expenditures
- Identifies and creates an inventory of natural resources in a community including Chapter 61A Lands
- Prerequisite for MA Division of Conservation Service Grants, supports permanent protection approval from State Agencies
- Public Process

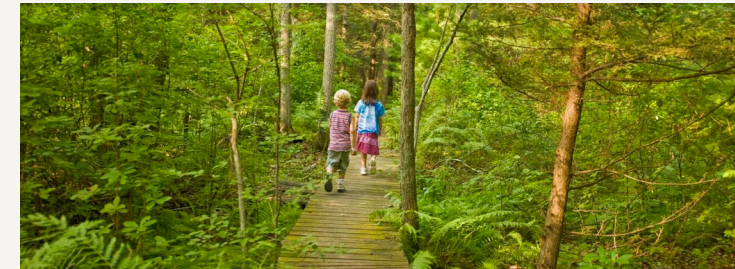


What is Open Space?

- Public or private land
- Conservation land
- Forested land
- Agricultural land
- Water bodies, wetlands, beaches
- Athletic fields and playgrounds
- Small/pocket parks, green buffers
- Cemeteries and historic sites
- Other undeveloped land



Source: SRPEDD Flickr



Source: Wildlands Trust, Willow Brook Farm
<https://www.wildlandstrust.org/willow-brook-farm>



Source: Westport MA Recreation Department, Annex Playground

Municipal Planning Tools: Open Space and Recreation Plans

Components of an OSRP

Section 1: Plan Summary

Section 2: Introduction

Section 3: Community Setting

Section 4: Environmental Inventory and Analysis

Section 5: Conservation and Recreation Lands Inventory

Section 6: Analysis of Needs

Section 7: Action Plan

Section 8: Public Comments

Section 9: References

Sections 4 and 5 allow a community to identify land of the highest environmental value. This process also documents the conservation land within the community that may not be protected or acquired yet, including Chapter 61 Lands.

Conservation Subdivision Zoning Bylaws:

- Municipalities can adopt bylaws that allow for smaller lot sizes when a minimum amount of a project's total developable land is set aside as permanently protected land.
- A conservation subdivision is a type of development that accommodates the same number of housing units as a conventional subdivision, but with smaller lot sizes to allow for open space preservation.

Community Benefits:

Conservation subdivisions protect open spaces while providing smart-growth style housing development. The protected open space offers resources to the community:

- Farmland and active agricultural operations
- Forest land and trails
- Parks/recreation
- Habitat and natural resource protection



Source: Skyward
Film, "Avalon Estates"

Conventional Subdivision, 9 Units



Conservation Subdivision, 9 Units



Source: Town of Lynnfield, MA.

https://www.town.lynnfield.ma.us/sites/g/files/vyhlf3391/f/pages/basic_osrd_1_pager_9.17.2020.pdf

Case Study – Agriculture as Open Space:

Conservation subdivisions, and similar smart-growth oriented zoning bylaws, can be used for agricultural land preservation.

Example: Conservation subdivision in Westborough MA

- Project goals: The development's layout was designed to preserve a significant amount of active farmland.

There are examples in Massachusetts (Amherst and Acton) where conservation subdivisions are mandatory in certain overlay zoning districts – such as agricultural districts.

Assabet Estates

Westborough, Massachusetts
Open Space Community

SUMMARY

This development achieved the following:

- preserved 74% of the parcel as open space; the majority as contiguous open space adjacent to the Assabet River and the SuAsCo Reservoir
- reduced the lot sizes from 50,000 to 15,000 square feet
- eliminated lots abutting the Assabet riverfront area
- preserved an old stone "cow chase"
- maximized view sheds from several parcels
- reduced roadway from 2,453 feet (conventional plan) to 1,679 feet (open space plan)
- the landowners who sold their farmland for this development retained two parcels on the northeastern edge; one was the existing farmhouse and barn which remain occupied



An old stone cow chase, historically used by farmers to lead cattle to water, was preserved in this open space community design and remains a prominent aesthetic feature.

SUBDIVISION PROFILE

Original Concept Plan Engineer: Frances Zarette, P.E., Land Design, Inc., Shrewsbury, MA
Developer: Jon Delli Priscoli, Brigham Development Company, Marlborough, MA

Total Parcel	Lots/Units allowed by Conventional Plan	Lots/Units allowed by Cluster Plan	Lots/Units built under Cluster Plan	Protected Open Space
32.6 acres	18 single family lots (50,000 sq. ft. each)	18 single family lots (8,000 sq. ft. min.; 15,000 sq. ft. max.)	18 single family lots (15,000 sq. ft. each)	24 acres (74%)

Source: MAPC 'Open Space Residential Development: Four Case Studies'

Conservation subdivisions can also be used for the development of affordable farmworker housing:

- This strategy, sometimes called "conservation-based affordable housing," allows farmers to retain ownership of the farmland while developing small, high-density, or clustered housing that can serves seniors, farmers, or low-income residents.
- This strategy assists in farm viability while also supporting farmland protection.

Municipal Planning Tools: Guidelines for Exercising ROFR

Municipal Guidelines for Exercising ROFR on Chapter Lands

The Town of Williamsburg released guidelines in March of 2026 for how the municipality will respond in the situation of a Right of First Refusal (ROFR) (!).

Benefits:

- Written guidelines can assist in effective and speedy response to a purchase & sale notice when a municipality wants to protect farmland - through acquisition or assignment of ROFR to a land trust.
- This process of developing guidelines brings members of different boards and committees together to discuss their priorities and outline a roadmap that sustains the community's long-term vision.

Project technical assistance offerings: Project partners will assist municipalities in developing clear, actionable protocols to respond quickly to purchase and sale (P&S) notifications and Right of First Refusal opportunities to respond quickly to a Right of First Refusal opportunity for Chapter 61A lands.

Town of Williamsburg

Guidelines for Exercising First Refusal Option on Chapter 61, 61A or 61B land

This document is intended to serve as a guide for municipal staff, boards, and residents of the town of Williamsburg, by providing a clear and consistent process to be followed when landowners in town intend to convert their Chapter 61, 61A or 61B land or sell it with intended conversion to a different use. The procedure helps ensure all relevant town entities are notified and have the opportunity to provide input to the Select Board, enabling the Board to make a fully informed decision on behalf of the Town. To verify exact rights and responsibilities under this program, please consult Chapters 61, 61A, and 61B of the Massachusetts General Laws as well as Town Counsel.

NOTIFICATION REQUIREMENTS:

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- 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.
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Approved March 2026

MDAR Municipal Planning Resources Coming Soon...

An Overview of Planning for Farmland at a Municipal and Regional Level in Massachusetts

Due to be released in 2026, this document is intended to:

- Supplement information in the 2025 Open Space and Recreation Planner's Workbook released by the MA Division of Conservation Services.
- Support other municipal and regional planning documents such as Master Plans, Strategic Plans, Food Systems Plan and many other plan types.
- Support the implementation of the 2023 Massachusetts Farmland Action Plan which includes several tasks that focus on improving planning for farmland protection at a municipal level.

Municipal Farmland Protection Plans

In addition to OSRPs and farmland chapters in Master Plans, municipalities can also write plans that focus on Farmland Protection.

In 2026 and 2027, Regional Planning Agencies in Western MA are working to create templates for writing farmland protection plans for municipalities in Massachusetts and will be refining them with 6 pilot communities.

Learn more about the project on the [Farmland Partnership Protection Projects webpage](#).

Questions?



Funding Pathways for Municipal Farmland Protection

Municipal Grants – Commonly Accessed for Ag Protection:

1. MDAR Agricultural Preservation Restriction (APC) Funds
2. NRCS ACEP Agricultural Land Easement (ALE) Funds
3. DCS Local Acquisitions for Natural Diversity (LAND) Grant (with agricultural use provisions)
4. EEA Municipal Vulnerability Preparedness (MVP) Program Action Grants
5. ECO One Stop Grants: New one-stop shop for municipal environmental grants, released 2026, includes:
 - EEA Planning Assistance Grants, MVP, Coastal Resilience Grants, EEA Dam and Seawall Repair or Removal, CZM Coastal Resilience Grant, CZM Coastal Habitat & Water Quality Grants, EEA Cooling Corridors Program, DER Culvert Replacement Municipal Assistance

LAND and
PARC now
open!
Deadline
July 9th, 2026
at 11:59pm



- But most importantly, talk to your land trust! It's all about partnerships....

State Agency Acronyms:

- EEA: Executive Office of Energy and Environmental Affairs (EEA)
- DCS: Division of Conservation Services
- CZM: Coastal Zone Management
- DER: Division of Ecological Restoration
- MDAR: Massachusetts Department of Agricultural Resources



Partner with a Land Trust!

It is highly advantageous for municipalities to partner with a land trust due to the complex, time-sensitive nature of Chapter land transactions. Land trusts offer specialized expertise, rapid financing, and stewardship capacity that local governments can leverage to enable the permanent protection of agricultural lands rather than their conversion to residential or commercial use.

Benefits of Municipal – Land Trust Partnerships in Chapter 61A Protection:

- **Rapid action on Right of First Refusal (ROFR):** A land trust can act quickly to help the town exercise the ROFR, or take assignment of it, providing the technical expertise to navigate the legal process, source funding, secure appraisals, and negotiate with landowners.
- **Funding & Bridge Financing:** Land trusts have connections and expertise to resource funding for a variety of land conservation projects. This capacity is essential in providing funds quickly as needed in the situation of a ROFR.
- **Stewardship and management:** Land trusts can take on the responsibility of managing the CR or APR in perpetuity, including monitoring and enforcing restrictions, relieving the municipality of this responsibility.
- **Community trust and facilitation:** As non-profit partners, land trusts can build rapport with landowners who may be hesitant to work directly with governmental officials and facilitate discussions about conservation options.

Agricultural Commissions (AgComs): A Voice in the Community

AgComs serve as an official, non-regulatory voice for farmers within local government, bridging the gap between agricultural needs and town planning.

How Agricultural Commissions Protect Chapter 61A Farmland :

- **Official Voice in Government:** Authorized under M.G.L. § 8L , AgComs represent farmers' interests to municipal boards and commissions, ensuring agriculture and agricultural lands are considered in local decisions.
- **Farmland Protection & Advocacy:** AgComs can work to identify, prioritize, preserve, and protect agricultural lands. They are familiar with the farms in town and can advocate for the use of CPA funds for the protection of critical farmlands.
 - **Ag Coms can exercise ROFR on chapter land**, accept land donations, cover APR/CR local match, buy/lease farmland, partner with land trusts to respond to ROFRs, and more...
- **Community Engagement:** AgComs can engage the community and bring awareness around agricultural activities. AgComs can garnish support for the protection of critical Chapter 61A lands through the use of CPA funds.
- **Resolving Conflicts:** They can assist in resolving disputes between farmers and non-farm neighbors.
- **Agricultural Preservation Fund:** AgComs can manage municipal funds to support agriculture in their community...(see next slide!)

Community Preservation Act (CPA)

Funding:

- MA CPA allows municipalities to use local tax surcharge funds, coupled with state matching funds, to **acquire, preserve, and rehabilitate agricultural land and resources**.
- Farmland is explicitly defined as a priority for protection under the CPA Open Space Category. See: [CPC](#).
- CPA funds are governed by a local Community Preservation Committee (CPC)
- CPA always requires a town meeting or city council vote to appropriate funds, which creates a challenge in accessing funds quickly in a ROFR situation.

Agriculture Preservation Fund (APF):

- Established by MGL c. 40 § 8L(h), an Agricultural Preservation Fund can be formed by the municipal Agricultural Commission.
- Similar to a Conservation Fund, municipalities can set aside CPA funding to be used at a later time to acquire and protect local agricultural resources.
- APF can be used by the AgCom to protect farmland without needing to request funds at Town Meeting. This allows quick use of funds to respond to a ROFR.
- AgComs can request funds annually at Town Meeting to be placed in the APF and funds roll-over into following year if not used.

**Regional Example: Dartmouth Agricultural Preservation Trust - recently received \$1.5 million from CPC!!*

Coming Soon...

Upcoming project offerings:

1. Webinars:

- Chapter 61A Right of First Refusal 'Need-to-Knows' - Elements of 61A protection including 'how to beat the P+S'
- The Value of Land Protection - Cost-benefit analysis - explain land conservation tax outcomes.
- Local Champions/Local Successes - Success stories/challenges within our region.

2. Municipal Technical Guidance Consulting Sessions:

- 'Is this a bona fide offer?': Assist municipal leadership in identifying valid P&S notification.
- 'How to beat a P&S - Steps to take and who to call': Cater to the unique municipal structure of the session recipient.
- Tools for preventative land protection: 'Techniques for communication with Chapter property landowners'.

3. Conservation Subdivisions Zoning bylaws for Agricultural Preservation and Farmworker Housing Workshops

4. CPC Committee Meeting Presentations on Agricultural Protection Funds

Sign up for our mailing list
to stay informed! ➡



Visit our project
webpage ➡



Source: Wildlands Trust

Coming Soon...

Resources/Written Materials

- Along with every webinar there will be written material distributed to participants that references material discussed in the webinar.

Upcoming 3-fold pamphlet:

WHY PARTICIPATE IN THE FPP INITIATIVE?

In this initiative, municipalities can collaborate directly with project partners to utilize farmland protection tools and navigate land acquisition partnerships to meet local agricultural protection goals.

Together we can collectively **move the needle** on protection of Chapter 61A lands in SE MA and increase our regional capacity to respond quickly to Right of First Refusal opportunities.

PROJECT OFFERINGS

- Webinars farmland protection mechanisms for municipalities
- Municipal training on Chapter 61A and preparedness for land acquisition
- Education on zoning and planning tools that reduce farmland loss
- Using Community Preservation Act funds to set up an Agricultural Preservation Funds for Chapter 61A lands

WHERE CAN I LEARN MORE?

To learn more about Chapter 61A farmland protection in Massachusetts visit:

MassAudubon & Essex County Greenbelt: Land Conservation Options: A Guide for Massachusetts Landowners
<https://massland.org/sites/default/files/files/landconservationupd2008.pdf>

MassWoods: Chapter 61 Programs
<https://masswoods.org/sites/default/files/2024-08/Ch61-Programs-Revised-2018.pdf>

American Farmland Trust: Massachusetts Farmland Protection Options Guide
<https://farmlandinfo.org/publications/massachusetts-farmland-protection-options-guide/>

MDAR Farmland Grants Webpage:
<https://www.mass.gov/guides/agricultural-grants-and-financial-assistance-programs>

Private APR Program Webpage:
www.mass.gov/info-details/private-agricultural-preservation-restriction

Interested in learning more?
Sign up for our mailing list!

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FARMLAND PROTECTION TOOLS FOR MUNICIPALITIES

Southeastern MA Farmland Protection Initiative

Join SRPEDD, OCPC, and Wildlands Trust in a regional initiative to support municipalities in protecting Chapter 61A farmlands in Southeastern Massachusetts.



Supported by the Massachusetts Department of Agricultural Resources (MDAR) Farmland Partnership Program.

FARMLAND PROTECTION TOOLS

Permanent Farmland Protection
There are three basic types of permanent protection options for agricultural lands:

Agricultural Preservation Restriction (APR) Program

- Protected land would held by the Massachusetts Department of Agricultural Resources (MDAR)

Private Agricultural Preservation Restriction (Private APR),

- Protected land would held by a restriction-holding entity, approved through the Massachusetts Department of Agricultural Resources (MDAR)

Ag-friendly Conservation Restriction (CR)

- Protected land would held by a restriction-holding entity and approved through the Executive Office of Environmental Affairs (EEA)

Temporary Farmland Protection
Chapter 61A (M.G.L. c. 61A)

- Reduces the tax burden on agricultural landowners, allowing the land to stay in agriculture long by reducing financial pressure of land ownership.

Agricultural Covenants

- Limits the use of and improvements to farmland exclusively to agricultural purposes for a set number of years.

Municipal Planning and Zoning Tools for Farmland Protection

Open Space and Recreation Plans

- A tool for municipal management of natural resources

Conservation Subdivision Bylaws with Agricultural as Open Space

- A subdivision design type that serves natural resource protection and housing production goals

Municipal Farmland Protection Plans

- Municipal plans that focus on Farmland Protection

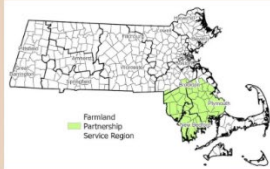
PROJECT BACKGROUND

This unique collaboration allows two regional planning agencies - SRPEDD and OCPC - to work with a regional land trust and municipalities to tackle an issue persistent beyond town boundary lines.



SRPEDD (27) + OCPC (17) =

44 Municipalities in Project Service Region



Wildlands Trust serves this entire region + more (currently a total of 60 municipalities).

More information on the project webpage



Source: Pamphlet created by Maria Jones, SRPEDD.

MDAR's Farmland Action Plan (MFAP)

The [2023 Massachusetts Farmland Action Plan](#) is a long-range strategic initiative intended to guide actions to ensure that farmland and farming are available and viable for current and future generations in Massachusetts. It focuses on three overlapping goals to address challenges:

- Accelerate the permanent protection and stewardship of farmland
- Increase access to farmland
- Support and enhance the viability of farms and farmland

Learn more on the [Farmland Action Plan webpage](#) and by signing up for the [MFAP newsletter](#).

Farmland Partnership Program (FPP)

The [Massachusetts Farmland Partnership Program](#) is a grant program to help implement the [2023 MFAP](#). The goal of the program is to build networks of partners who work together collaboratively and in coordination to protect farmland, enhance farm viability, and ensure access to farmland.

There are several 2026/2027 projects that may be of interest to municipalities, including:

- A group of projects aimed at [increasing awareness of farmland protection options for municipalities](#) in SE Mass (includes this webinar!).
- A project creating and refining templates for [municipal farmland protection plans](#) in western MA.
- A project that will be researching and providing education for [municipalities interested in licensing/ leasing their lands for farming](#).

Farmland Protection Resources

- [Agricultural Preservation Restriction \(APR\) Program webpage](#), including program guide and staff contact information
- [Private APR Program webpage](#), including 2025 guidance and webinar
- Agricultural Covenants as outlined [MDAR's Farm Viability Enhancement Program webpage](#).
- For urban farmlands there is also assistance from the [Urban Agriculture Program](#).

Ag Coms

In 2025 and 2026 MDAR engaged a contractor to provide technical assistance and education to AgComs, and to municipalities interested in establishing an AgCom. Learn more on the [MDAR AgCom webpage](#).

Licensing public lands for agriculture

MDAR's [land licensing team](#) state agencies to make publicly-owned agricultural land available to farmers and others through agricultural licenses. They can also provide this assistance for municipalities.

Agriculture

MDAR has a wide variety of grant and technical assistance programs. Learn more from the [MDAR Grants and Financial Assistance Webpage](#) and by signing up for the [Farm and Market Report newsletter](#).

Questions?



Contact Us!



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Project webpage: <http://srpedd.org/farmland-protection-initiative/>



Resources and References

1. American Farmland Trust

- *Massachusetts Farmland Protection Options Guide*. <https://farmlandinfo.org/publications/massachusetts-farmland-protection-options-guide/>

2. Community Preservation Coalition

- *Finances*: <https://www.communitypreservation.org/finances>
- *Housing Trusts & Conservation Funds*: <https://www.communitypreservation.org/housing-trusts-conservation-funds>
- *Protecting Farmland with the Community Preservation Act*: <https://www.communitypreservation.org/APR-program>

3. Mass Audubon, & Essex County Greenbelt Association

- *Land Conservation Options: A Guide for Massachusetts Landowners* (2008): <https://massland.org/sites/default/files/files/landconsoptionsupd2008.pdf>

4. Massachusetts Department of Agricultural Resources (MDAR)

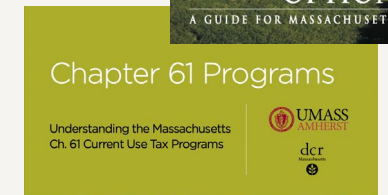
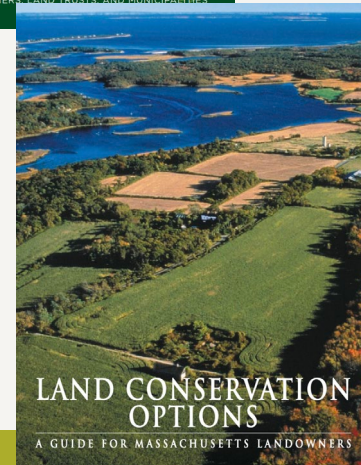
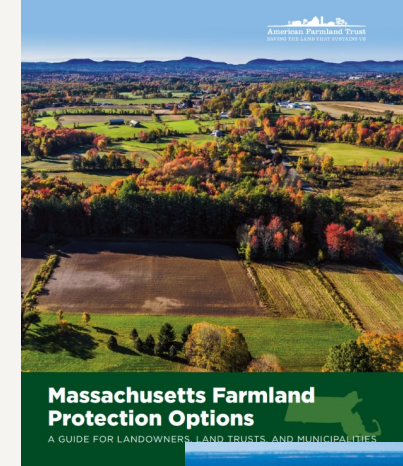
- *Farmland Valuations*: <https://www.mass.gov/info-details/farmland-valuations>
- *Private Agricultural Preservation Restriction* - <https://www.mass.gov/info-details/private-agricultural-preservation-restriction>
- *Farmland Grants*: <https://www.mass.gov/guides/agricultural-grants-and-financial-assistance-programs>

5. MassWoods

- *Chapter 61 Programs* (2018) : <https://masswoods.org/sites/default/files/2024-08/Ch61-Programs-Revised-2018.pdf>

6. Wildlands Trust

- *Wildlands Buys the Farm then Sells It* (2020): <https://www.wildlandstrust.org/news-blog/2020/3/3/wildlands-buys-the-farm-and-then-sells-it>



SOUTHEASTERN MA FARMLAND PROTECTION INITIATIVE



Thank you!



Supported by the Massachusetts Department of Agricultural Resources (MDAR), Farmland Partnership Program

PROTECT OUR FARMLAND