



Massachusetts Farmland Protection Options

A GUIDE FOR LANDOWNERS, LAND TRUSTS, AND MUNICIPALITIES



Acknowledgments

Working Together for Farmland Protection in Massachusetts

Massachusetts has a rich history of farmland protection and is home to many land trusts, agencies, municipal governments, and organizations that work collaboratively on farmland preservation. Each of these agencies and organizations plays a vital role in saving the Commonwealth's important agricultural land.



USDA Natural Resources Conservation Service (NRCS)

USDA-NRCS is the primary federal agency working to protect natural resources on privately-owned land and Indigenous land by providing technical and financial assistance to plan and implement conservation practices, protect farmland, and provide information about soils and other natural resources to communities for land use planning. NRCS offers easement programs to help conserve agricultural lands, wetlands, grasslands, and forestlands.



Massachusetts Department of Agricultural Resources (MDAR)

MDAR is a state agency working to preserve farmland through its Agricultural Preservation Restriction (APR) program, which was established in 1977 as the first state program of its kind in the nation. State funds for the APR program are often leveraged using funds from USDA-NRCS. MDAR also offers grants and technical assistance to farmers. As of June 2025, MDAR has acquired 970 APRs to protect approximately 77,115 acres of farmland across the Commonwealth.



Massachusetts Division of Conservation Services (DCS)

DCS is a division of the Massachusetts Executive Office of Energy and Environmental Affairs (EEA) that offers funding to cities, towns, and nonprofit groups so that they can purchase land and development rights for conservation or recreation purposes. DCS also reviews Conservation Restrictions (CRs), administers the Conservation Land Tax Credit (CLTC) Program, and supports Conservation Districts.



Massachusetts Land Trust Coalition (MLTC)

The mission of the Massachusetts Land Trust Coalition is to advance land conservation across Massachusetts by providing education, tools, networking, and advocacy for land trusts and their partners. Many land trusts in Massachusetts are leading the way in preserving farmland in their communities. Local and regional land trusts work together through MLTC to accomplish land conservation goals across the state. A list of Massachusetts land trusts may be found at the MLTC website.



American Farmland Trust (AFT)

American Farmland Trust is the only national conservation organization dedicated to protecting farmland, promoting sound farming practices, and keeping farmers on the land. AFT staff work closely with partners across Massachusetts to advance farmland protection, farm succession and access, and climate-smart agriculture.

*Front and back covers: Farm fields in Connecticut River valley, Mass.
(Photo by Western Mass Drones).*



LANCE CHEUNG/USDA

Thomas Farm, Sunderland, Mass.

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This guide is not intended to provide legal or tax advice.

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AFT



Freedom Food Farm, Raynham, Mass.

Introduction



Apex Orchards, Shelburne, Mass.

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Farmland is a unique and important resource in Massachusetts.

Agricultural land provides a myriad of benefits. Yet, Massachusetts continues to lose its best farmland, as farms go out of business and more land is developed for residential, commercial, and industrial uses. In fact, American Farmland Trust's [Farms Under Threat 2040: Choosing An Abundant Future](#)¹ projects that the Commonwealth could lose nearly 74,000 acres of farmland by the year 2040 (nearly 15% of the agricultural land in the state).

Massachusetts Farmland Protection Options aims to help landowners, land trusts, and municipalities navigate the array of public programs and tools available to protect and steward farmland. This guide also touches on estate planning, succession planning, and tax considerations, and includes case studies that highlight innovative efforts to protect our state's working lands. In addition, it covers how farmland protection can be employed by land trusts, towns, and agencies as a tool for increasing access to more affordable farms for the next generation of farmers.

Massachusetts Farmland Action Plan

"Farming is part of the fabric of Massachusetts' history, culture, economy, and future—and farmland is the foundation. The 7,241 farms on approximately 500,000 acres in the Commonwealth employ roughly 26,000 people, produce an annual market value of over \$475 million in goods (MDAR, 2023) and have a total economic impact of \$7 billion annually (Farm Credit East, 2021).

In addition to food and fiber, well-managed local farms provide a myriad of ecosystem services—they support wildlife and pollinators, buffer against flooding and recharge groundwater supplies, store carbon, and improve soil health (USDA, 2012). Their green infrastructure helps us respond to natural and anthropogenic disasters and are critical to adapting to a changing climate (American Agriculturist, 2010)."

— From the [Massachusetts Farmland Action Plan, 2023-2050](#)²



List of Common Acronyms

ACEP-ALE	Agricultural Conservation Easement Program-Agricultural Land Easement	See page 20
APR	Agricultural Preservation Restriction	See pages 6, 9, and 31
CPA	Community Preservation Act	See 20 and 38
CR	Conservation Restriction	See page 6
DCS	Division of Conservation Services (a division under the Massachusetts EEA)	See page 20
EEA	Massachusetts Executive Office of Energy and Environmental Affairs	
FLI	Farmland of Local Importance	See page 39
MDAR	Massachusetts Department of Agricultural Resources	See page 19
NRCS	Natural Resources Conservation Service (a branch of USDA)	See page 20
OPAV	Option to Purchase at Agricultural Value	See pages 6, 12, and 35
USDA	United States Department of Agriculture	

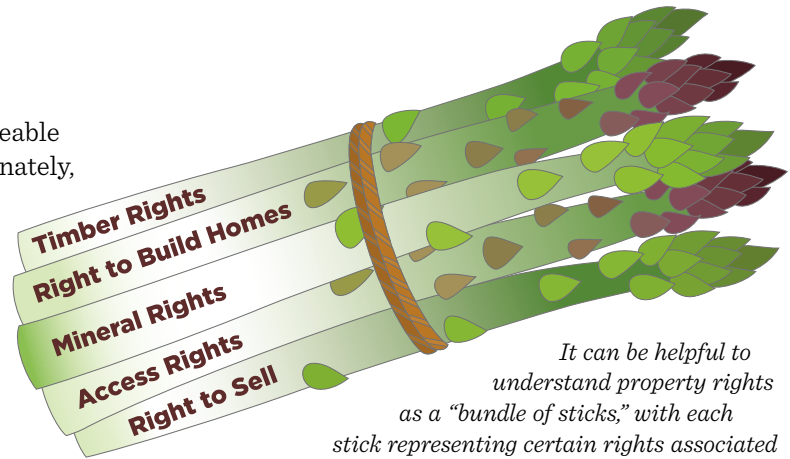
Part I: Farmland Protection Basics for Landowners, Land Trusts, and Municipalities

Farmland Protection 101

Farms, soils, and agricultural land are irreplaceable resources that provide many benefits. Unfortunately, Massachusetts is rapidly losing its remaining farmland to development and other non-farm uses. **Most farmers and landowners do not want to see their farms get developed into housing or other uses, but too often, landowners face situations that can result in farmland loss: financial challenges, a death in the family, the lack of a successor to take over the farm, or other challenging circumstances.**

One powerful way to address farmland loss is for landowners to choose to permanently protect their land. This can be done through the sale or donation of the land's "development rights." How does this work?

Through the use of different tools and funding programs (which will be discussed in detail in Part II, beginning on page 19), a landowner can work with a land trust, town, or agency to explore options for the sale or donation of their development rights. Through this voluntary process, the landowner permanently gives up certain rights (such as the right to build



It can be helpful to understand property rights as a "bundle of sticks," with each stick representing certain rights associated with ownership. Land protection generally involves the transfer of the whole bundle (transferring the land "in fee simple") to a land trust or public entity, or the sale or donation of some of those rights (generally those related to development) to a land trust or public entity.

houses or extract resources), while retaining certain rights related to farming and agricultural activities.

These property rights have monetary value, and a landowner's choice to restrict future development of the property may result in a cash payment (sale of development rights) and/or a charitable contribution (donation of development rights). By restricting the land's future development, the goal is to ensure the land remains a farm in perpetuity.

So many reasons why

Why might someone choose to permanently protect their land? Selling or donating the development rights permanently protects the agricultural soils and supports the future agricultural use of the land. Landowners can rest assured that their land will not be developed, even after the farm is sold or transferred.

Landowners may choose to permanently protect their land for a variety of reasons, such as:

- Preserving the farm's legacy
- Helping to support a more viable agricultural future
- Supporting local food production and food access

- Helping facilitate the transfer of the land to the next generation
- Desire to make the farm more affordable and accessible for a future farmer
- Financial and tax benefits of land protection

In addition to having a strong land ethic, many landowners are driven by the financial benefits of protecting their land. Donating or selling one's development rights can have significant financial and tax benefits that can support a landowner in investing money back in the farm, funding their retirement, buying out family members, or any other purpose. These benefits are described on pages 13 to 16 of this guide.

Permanent Restrictions that Protect Agricultural Land

In Massachusetts, the most common farmland protection tool is the agricultural preservation restriction (APR).

An *agricultural preservation restriction (APR)* is a restriction that landowners may voluntarily place on part or all of their farmland. A more general term for this type of restriction is a *conservation restriction (CR)*. Any type of CR or APR permanently limits future

development in order to protect the land's natural resources, which may include agricultural resources.

The landowner retains ownership of the land, and the APR or CR is held by a separate qualified entity, such as a land trust or government agency. The entity that holds the restriction is responsible for ensuring the terms of the restriction are upheld and the land is never developed. **Most APRs and CRs “run with the land” beyond any particular owner, meaning the restrictions remain in place in perpetuity, even if the land is sold or transferred.**

Alphabet soup: APRs, CRs, and ALEs (oh my!)

You may hear a variety of different terms to describe farmland protection tools. In this guide, “farmland protection” is the phrase used to describe the permanent restriction of land for agricultural purposes, though you may also hear it called “land conservation” or “farmland preservation.”

The legal mechanism for farmland protection also has several names. In general, agricultural preservation restrictions (APRs), conservation restrictions (CRs), and conservation easements (CEs) are similar tools that accomplish the same goal, which is to permanently restrict the future development of a property.

An *Agricultural Preservation Restriction (APR)* is a type of CR that is designed specifically to preserve land for agriculture, horticulture, and forestry use. APRs and CRs are administered by different state agencies in Massachusetts, but both are tools for the permanent protection of land. This type of transaction may also be referred to as the “sale [or donation] of development rights” or the “sale [or donation] of an APR or CR.”

The term “conservation easement” is not commonly used in Massachusetts, but it is widely used in other states as well as in federal policy. For USDA programs, the term “*Agricultural Land Easement*” (ALE) is often used to describe a CR or APR that was purchased with USDA funding.

This guide will use “APR or CR” to refer to any permanent restriction on privately owned farmland. See pages 24 to 27 for a comparison chart of farmland protection programs in Massachusetts.

LIMITED-TERM RESTRICTIVE COVENANTS

Some landowners may be interested in limiting the future use of their land, but may not be ready for a permanent restriction such as an APR or CR. In some cases, a limited-term restrictive covenant may be an appropriate tool. By Massachusetts state law, this type of restriction is limited to 30 years. It may also be referred to as a term easement or a limited-term deed restriction.

The [Farm Viability Enhancement Program](#)³ is a popular program for limited-term agricultural covenants offered by the Massachusetts Department of Agricultural Resources (MDAR). The program offers business planning, technical assistance, and grants to commercial farms. A condition of the program is that the landowner must grant a covenant to keep the land in agriculture for a term of 10 or 15 years (and landowners may participate in this program up to 2 times). Farmers benefit from business planning and technical assistance as well as investment of grant funds for capital improvements, which aims to enhance the viability of the farm long-term. Farms that have participated in the Farm Viability Enhancement Program may be able to pursue an APR toward the end of their covenant term.

Another program offering term easements is the Wetlands Reserve Easement (WRE) program. The WRE program is described on page 23.

OPTION TO PURCHASE AT AGRICULTURAL VALUE (OPAV)

An important element of many APRs is the [Option to Purchase at Agricultural Value \(OPAV\)](#)⁴. The OPAV has been a required term of all APRs acquired by MDAR since the early 1990s. The OPAV is a legal tool to help ensure that agricultural land remains available to farmers at agricultural value. **The OPAV requires that when farmland protected with an APR is**

To sell or not to sell?

For many farmland owners, their land is their primary financial asset. It may also be the source of their livelihood and their home. The decision of whether to sell the farm is highly personal, as well as financial. It may be a comfort to know that selling the farm does not have to mean that the land will go out of agricultural use.

Some landowners may choose to sell or donate their land to a municipality, land trust, or other agency for conservation purposes. Protecting the land with an APR or CR before the sale can help ensure the land remains as a farm even once the municipality or land trust owns it. In this scenario, the APR or CR would be held by a third party, and the land (sometimes known as “fee land” or “fee simple”) would be owned and maintained by the land trust or municipality.

Some landowners find that by first protecting their land with an APR or CR, they are able to facilitate the sale of the property to a new farmer, ensuring that the land remains as a farm even when it transfers out of the family. The restricted land may also be more affordable for the next farmer to purchase, especially if the land is subject to an OPAV (see pages 6 and 35).

Some land trusts and government agencies may use another tool, called “Buy-Protect-Sell”. In this scenario, the landowner conveys the land to the land trust or agency; the land is protected with an APR or CR; then the land trust or agency sells the land to the next farmer at a reduced price. This is a good tool for landowners who need to sell their land quickly, but still want to see it protected with an APR or CR. The case study on page 21 includes an example of a Buy-Protect-Sell transaction.

There are several organizations in Massachusetts working to help landowners transfer their land to the next generation of farmers, using APRs as well as other tools. See pages 17 and 18 for more information.

sold, it must be sold to a “qualified farmer” at the property’s “fair market agricultural value,” thereby limiting both who the buyer may be and the purchase price.

The OPAV has been an effective tool for keeping the resale value of protected land at its “agricultural value,” thereby keeping it more affordable for farmers and beginning farmers. Like all APR terms, the OPAV runs with the land, meaning it remains in effect perpetually, even when the property changes ownership multiple times. There are typically exemptions and waivers from the OPAV, notably if the farm is transferred within the family.

While all modern APRs held by MDAR include the OPAV, restrictions acquired by other organizations and agencies (including CRs and “Private APRs” (see pages 19 and 31)), may or may not include the OPAV. Each protected farm is unique, and the terms of each APR and CR are equally unique. The agency or organization acquiring the CR or APR closely collaborates with landowners to determine the particulars of the OPAV and other provisions of the CR or APR. More information about OPAV can be found on pages 12 and 35.



Cranberry farm, South Carver, Mass.

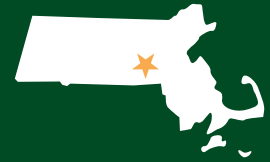
LANCIE CHEUNG/USDA



Town Line Dairy Farm, Upton, Mass.

Town Line Dairy Farm

FARMLAND PROTECTION CASE STUDY



Though Town Line Dairy Farm had been in the Maloney family for over 100 years, it had been less active in recent years. Crystal Maloney and her husband, Johnny Lindquist, began revitalizing the farm in 2011, and in 2023, they made the decision with Crystal’s mother, Carol, to permanently protect the farm with an Agricultural Preservation Restriction (APR).

The family worked with the Mass. Department of Agricultural Resources (MDAR) to negotiate the sale of development rights through the APR program. Meanwhile, MDAR partnered with the U.S. Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS). Fifty percent of the development rights value was supplied by USDA-NRCS through a program called ACEP-ALE (Agricultural Conservation Easement Program-Agricultural Land Easement). The Town of Upton contributed \$15,000 in local matching funds, and MDAR supplied the remainder of the APR purchase price.

During the negotiations, it came to light that the 28-acre parcel, while productive, did not have enough prime farmland soils to be a strong candidate for the ACEP-ALE program. By excluding 9 acres of less-productive woodland from the deal, the farm would qualify. However, rather than leaving those 9 acres unprotected, the family offered to donate a restriction on that portion of the property, receiving payment for the APR on 19 acres but protecting the entire farm.

Today, the farm raises cows, chickens, and pigs, selling many of its products at a farm store on site. The APR included two building envelopes to accommodate existing agricultural structures. The APR also included an Option to Purchase at Agricultural Value (OPAV) and an affirmative agriculture covenant, ensuring the land will remain available for farming in the future. “MDAR has been great to work with,” said Lindquist. “They want their APR farms to succeed. You get the sense that you’re under their wing.”

Farm at a Glance

LOCATION: Upton, Mass.

PARTNERS: MDAR, USDA-NRCS, Town of Upton

FUNDING SOURCES: MDAR APR, ACEP-ALE, Town funds

TOOLS USED: MDAR APR, OPAV



BOTH IMAGES: TOWN LINE DAIRY FARM

Town Line Dairy Farm, Upton, Mass.

Frequently Asked Questions About Farmland Protection

HOW ARE LANDOWNERS COMPENSATED FOR RESTRICTING THEIR LAND?

Depending on which program(s) they may be eligible for, landowners may be able to receive a cash payment for selling an APR or CR, and/or they may receive certain tax benefits from donating any portion of the APR or CR value.

For many farmers and landowners who own farmland, their land is their primary asset. Selling an APR or CR (also known as “selling the development rights”) is a way for landowners to extract equity (cash) from their land, without selling the land for non-agricultural use.

For some landowners, donating an APR or CR—or selling an APR or CR for less than the appraised development rights value, also known as a “bargain sale”—can provide certain tax advantages. If the ownership of the land (also known as the fee simple) is also donated, there may be additional tax benefits for this additional gift.

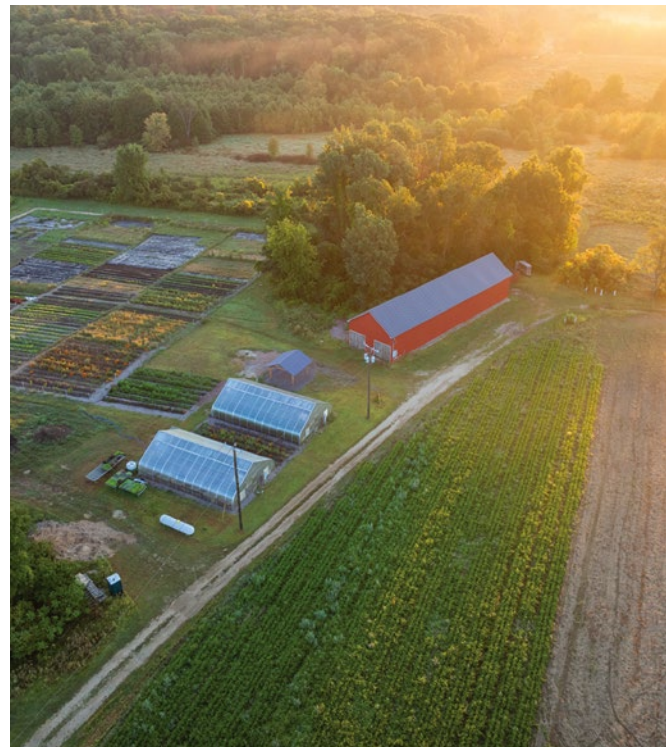
See pages 13 to 16 for more information about financial considerations related to farmland protection. Landowners considering protecting their land should discuss their options with a tax professional.

WHAT LAND QUALIFIES?

Each APR and CR program may have different criteria for an eligible property, even if the landowner intends to donate the APR or CR. See pages 24 to 27 for a chart summarizing eligibility requirements for several popular programs.

Landowners generally negotiate with the land trust or government agency over how much of their land to place under the APR or CR. The restriction is often (but not always) written to exclude the farm residence, but existing farm buildings may be included. Wetlands and forested land that are part of a farm can be included in the APR or CR, but they may be excluded based on their contributing attributes to the farm, the landowner’s needs, and the requirements of the APR or CR program.

Note that in some cases, multiple protection tools can be combined, whether all at once or phased over time, to protect as much land as possible. For example, it may make sense to place an APR on the farm fields, a CR on the forest, a wetlands easement on a wetland area, and/or a watershed preservation restriction on important source water lands that aren’t in agricultural



JAMIE MALCOLM-BROWN/KESTREL LAND TRUST

Second Food Bank Farm, Hadley, Mass.

production. Landowners are encouraged to explore their options and may benefit from advice from their local land trust or conservation agency.

WILL AN APR OR CR REQUIRE A CHANGE IN HOW THE LAND IS FARMED?

Most APRs (and CRs designed to protect farmland) are designed to be flexible, to allow farmers to continue farming as they have been, and to adapt their farm operations as they see fit, provided there is minimal adverse impact to the protected soils. In most cases, the agricultural soil is the key resource being preserved by the APR or CR.

Farmers may plant or raise any type of agricultural or horticultural commodity permitted by the APR or CR, provided the soils are protected (this would typically limit eligibility for turf or in-ground nursery production). A farm conservation plan and/or a forest management plan may be required to guide future management of the land. See page 10 for more information about conservation plans and forest management plans.

If a farm operation engages in agritourism uses, there may be certain limitations and/or advance approvals required. Similarly, any non-agricultural activity that is commercial in nature may have limitations or requirements imposed by the APR or CR.

Conservation Plans and Forest Management Plans

Some land protection programs require the landowner to adhere to best practices for farming and forestry. These practices may be laid out in a Conservation Plan and/or a Forest Management Plan. Conservation Plans are often prepared by a Technical Service Provider (TSP) or Conservation Planner from USDA-NRCS or a local Conservation District, while Forest Management Plans may be prepared by a service forester or a private licensed forester. Forest Management Plans may also require approval from the State.

Even if not required, these types of plans are valuable for all farmland owners. The plan includes tools and resources customized specifically for each property, such as a land use map, soils information, photos, inventory of resources, economic costs and benefits, and a schedule of recommended practices—all based on the farmer’s goals and the resource needs. Technical assistance and funding may be available from local, state, or federal sources to help prepare and implement the plan.

Conservation restrictions (CRs) designed to protect land for multiple purposes, such as for wildlife habitat, scenic vistas, and recreation, may limit or prohibit certain types of farming practices or farm infrastructure; they may also require public access on a portion of the property. These types of restrictions may not be appropriate for all farms.

WHAT IMPROVEMENTS CAN BE MADE TO THE PROPERTY?

An agricultural restriction, such as an APR or CR, typically prohibits any non-agricultural commercial development and other uses that would adversely affect the property’s agricultural resources.

Most APRs (and CRs designed to protect farmland) allow the construction of farm buildings and other improvements related to the farm operation. In some cases, this may require prior approval from the APR or CR holder(s). In many cases, the extent of new construction is limited, and new structures must be located within a designated “building envelope.” There is also typically a limit on the amount of impervious surfaces (e.g., paved driveways or rooftops) allowed on the protected land.



Meadowed Lamb, Hadley, Mass.

MAYA RAPPAPORT/AFT

APRs held by the Massachusetts Department of Agricultural Resources (MDAR) currently may not include the farm dwellings within the protected APR area, although housing for farm labor may be included. “Private APRs” that are not held by MDAR may allow for both types of housing. See pages 19 and 31 for additional information about Private APRs. Landowners may also opt to exclude additional land from the APR

for future house lots or other types of infrastructure that would not be permitted on APR land.

Rooftop solar may be allowed on approved and/or existing structures, and ground-mounted solar is often allowed with prior approval, though the size and location of the system are typically limited by the APR terms. Refer to [MDAR APR guidance](#)⁵ for more information.

Landowner responsibilities for a land protection transaction

As with any real estate transaction, the property owner must complete some due diligence to protect their financial interests and ensure a sound transaction.

- Work with legal and tax advisors:** It is strongly recommended for landowners to secure their own legal counsel to advise them on protecting their land. It’s also helpful to consult with a knowledgeable tax advisor early on in the process. This type of legal and tax advice is well worth the cost due to the perpetual nature of any APR or CR and the potential tax implications.
 - Get clear on your goals:** When working with a government agency, land trust, or other organization, the landowner may have some opportunity to negotiate the terms of the APR or CR. The APR or CR is a permanent restriction that can rarely (if ever) be amended after the fact. Therefore, landowners must fully understand all the restrictions they are agreeing to, and take into consideration their goals for their family and the property long into the future before agreeing to the deal.
 - Do your due diligence:** Many APRs and CRs allow for the future construction of buildings within a certain area of the property. Some landowners also negotiate the option to exclude some land from the APR or CR to allow for future development. In these scenarios, the landowner is responsible for completing their own due diligence to ensure the designated building areas will be developable (e.g., conducting perc tests, reviewing zoning requirements, etc.).
 - Ensure clear title:** As with a property sale, the sale of an APR or CR is contingent upon having clear title. As the “seller” of the APR or CR, the landowner (with support of their legal counsel) is typically responsible for resolving any title
- issues that may arise. That includes mortgages, which the landowner will need to work with their bank to pay off or “subordinate” prior to the closing.
 - Pay for project costs as needed:** Depending on the program, landowners may also be asked to pay some of the costs associated with the land protection transaction. This might include paying for part of the cost of an appraisal, a boundary survey (or providing an existing survey if available), and legal and closing costs.
 - Get an appraisal to substantiate your tax deduction:** Landowners interested in pursuing a tax deduction or tax credit may need to hire a qualified, independent appraiser to appraise the APR or CR value. Both the IRS and the Commonwealth of Massachusetts require the “donor” (landowner) to substantiate the donated value of the APR or CR with an appraisal to be eligible for the federal income tax deduction and the Mass. Conservation Land Tax Credit Program (CLTC), respectively. See page 16 for more information about the federal tax code and page 15 for information about the CLTC program.
 - Donate to a land trust Stewardship Fund:** Many land trusts request that landowners make a one-time tax-deductible cash contribution to a special “land stewardship fund.” Land trusts seek this type of donation because the land trust is obligated to monitor and enforce the terms of the APR or CR in perpetuity. Because these restrictions “run with the land,” the restriction holder may need to address a violation of the APR or CR terms (such as prohibited construction or non-agricultural uses) years or even decades down the road. Dedicated stewardship funds make it possible for land trusts to ensure that the land remains available for farming, forever.

IS PUBLIC ACCESS REQUIRED?

Most APRs do not require public access, meaning the landowner may choose to post their property against trespassing or allow the public onto portions of the land.

However, public access may be required on land protected through certain state programs, including the Conservation Partnership program, the LAND grant program, the Landscape Partnership program, and others. See page 20 for more information about these programs.

Most APRs and CRs do not prohibit compatible non-commercial recreational uses of the property, such as hunting, fishing, hiking, and horseback riding.

CAN THE LAND BE DIVIDED INTO SMALLER UNITS?

In some cases, protected farmland may be divided after the APR or CR is in place, with prior approval from the holder(s) of the APR or CR. However, restrictions vary widely between programs, and in many cases, a potential future division of the property must be approved prior to the closing of the APR or CR. Landowners should not assume that a division will be allowed and must consult with the land trust or agency that holds the APR or CR to determine the restrictions for their property.

CAN THE PROPERTY BE SOLD TO ANYONE?

All future owners must abide by the terms of the APR or CR, which “runs with the land” in perpetuity. Additionally, many APRs include a provision that restricts future sales of the property, requiring APR farms to be purchased by a “qualified farmer” at the “agricultural value” of the land. This is known as the Option to Purchase at Agricultural Value (OPAV).

Each OPAV may be written a little differently, so it’s important for landowners to understand the terms of their particular APR before putting their property up for sale. The terms “qualified farmer” and “agricultural value” are typically defined within the APR document, as well as in the [MDAR regulations](#).⁴ The holder of the OPAV (the APR or CR holder, typically a state agency, land trust, or municipality) reviews proposed sales and may waive their right to purchase if the proposed sale or transfer meets the requirements of the OPAV (i.e.,

a sale to a qualified farmer at the property’s agricultural value). In limited cases, if the requirements of the OPAV are not met, the holder may choose to purchase (or assign the right to purchase) the land.

If a landowner intends to sell or transfer the property, it’s important to consult with the holder of the OPAV well in advance to understand the requirements. See pages 6 and 35 for more discussion of OPAVs.

WHAT IF THE LANDOWNER CAN NO LONGER FARM THE LAND?

Many APRs, especially those held by MDAR, require that the land remain in agricultural use. This is known as the “affirmative agriculture covenant” (see page 34). If the land is “not used” for more than a certain length of time (typically 2–3 years), action may be taken to ensure the land is farmed, unless the land is lying fallow in conjunction with an approved conservation plan.

Most APRs allow the land to be leased or licensed for agricultural purposes. Assistance is available to help find a farmer through the New England Farmland Finder, as well as through other partner organizations. See page 18 for information about the New England Farmland Finder and other tools for connecting with the next generation of farmers.

HOW LONG DOES THE LAND PROTECTION PROCESS TAKE?

The process of selling an APR or CR to a land trust or governmental entity typically takes a couple of years, depending on various factors, including ensuring clear title to the property. Donating an APR or CR is often much faster, but may still be subject to delays, especially if the landowner would like to pursue the Mass. Conservation Land Tax Credit. (Due to the popularity and demand for this program, there is often a waiting list; see page 15 for more information.)

If circumstances force a property owner to act more quickly to sell the property, a “buy-protect-sell” arrangement may be a good option. A land trust or government agency may be able to quickly raise the funds to purchase the property from the landowner, protect the land with an APR or CR, then sell the restricted land to a farmer. The case study on page 21 includes an example of a Buy-Protect-Sell transaction.



Taxes and Financial Considerations

SALE VS. DONATION OF DEVELOPMENT RIGHTS

Certain land protection programs may offer landowners a cash payment for the sale of an APR or CR (also known as a sale of development rights). Alternatively, APRs and CRs can be donated to a nonprofit land trust, a town, or a state agency. Landowners may be eligible for tax benefits for donating the development rights on their land, and so should consult a tax professional early in the process.

In many cases, landowners can also combine the sale and donation of an APR or CR through a “bargain sale.” In a bargain sale, a landowner sells the APR or CR at less than its fair market value, taking a charitable deduction on the donated portion of the APR or CR value. See page 15 for more information about bargain sales.

Deciding whether to donate or to sell an APR or CR, or how much of a donation to make as part of a bargain sale, is often complex, and is influenced by a landowner’s income level, tax bracket, cost basis in the property, business and/or personal objectives, and the availability of funding for the purchase of development rights. Landowners are encouraged to work with their tax advisor to determine their eligibility for tax benefits.

SELLING THE DEVELOPMENT RIGHTS

Selling a farm’s development rights, also known as selling the APR or CR, can provide landowners with an important source of capital to expand or diversify a farm operation, provide for retirement, buy out non-farming members of the family, or address other financial needs, while ensuring that the farm is protected for future generations.

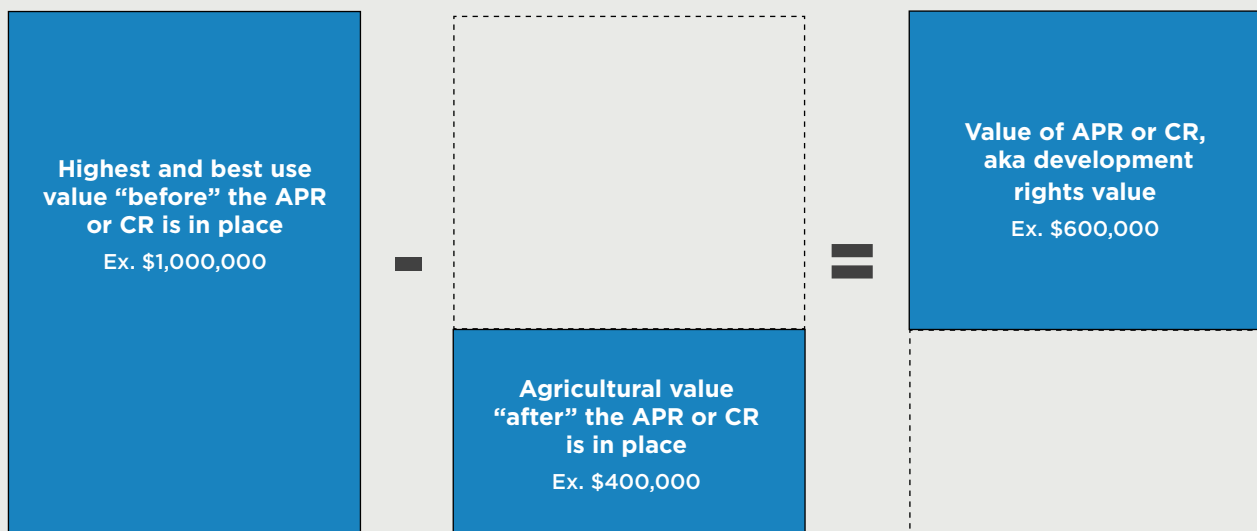
The IRS recognizes the proceeds from a sale of development rights as a sale of an interest in real estate, meaning the sale may be subject to federal and state capital gains taxes. Some landowners may find it advantageous to do a bargain sale (see page 15) in order to reduce their capital gains exposure. Case studies on pages 8, 21, and 37 describe farms protected through a sale of development rights.

DONATING THE DEVELOPMENT RIGHTS

The donation of development rights, also known as donating an APR or CR, generally qualifies as a tax-deductible charitable gift under [Internal Revenue Code Section 170\(h\)](#).⁶ This means a landowner may be able to claim the value of the APR or CR as a federal income tax deduction, and may also qualify for the Mass. Conservation Land Tax Credit (CLTC) up to \$75,000 (see below for more information). See

Valuing APRs and CRs

The value of an APR or CR (the appraised development rights value) is the difference between the “fee simple” value of the property (the “before” value) and the “agricultural value” of the property as restricted by the APR or CR (the “after” value), as determined by a qualified appraiser.





Farm in New Marlborough

FARMLAND PROTECTION CASE STUDY



For many farm families, land is their biggest asset. Over time, as the farm operation changes or the land passes to the next generation, the local land trust is often a critical advisor for landowners considering how to steward their land in the future.

In the case of one farm in New Marlborough, Mass., the property owner had considered protecting the land, but unfortunately passed away before a conservation deal could be finalized. His children lived out of state and were uncertain about what they wanted to do with the property. They subdivided and sold portions of the property, but ultimately decided to conserve 125 acres of high-quality hay fields and forestland by donating the development rights for conservation.

Berkshire Natural Resources Council (BNRC), a regional land trust in the Berkshires with a mission to conserve and care for the land, and the New Marlborough Land Trust (NMLT), a local land trust in the town of New Marlborough, together worked with the family to protect the land with a Private Agricultural Preservation Restriction (Private APR). The land trust partners worked closely with the Mass. Department of Agricultural Resources (MDAR) and the town’s Select Board to approve the APR.

In less than six months, BNRC and NMLT negotiated a deal with the landowners, completed all the necessary due diligence, and closed the Private APR, which is co-held by BNRC and NMLT. Because the development rights were donated, the landowners were able to apply for a federal income tax deduction. The transaction helped the family ensure the land will remain available for farming even if it is one day sold out of the family. The Private APR includes an affirmative duty to keep the farm in active agricultural use (also known as an affirmative agriculture covenant).

Farm at a Glance

LOCATION: New Marlborough, Mass.

PARTNERS: Berkshire Natural Resources Council, New Marlborough Land Trust, MDAR

FUNDING SOURCES:
Donation of development rights—no funding to acquire the restriction

TOOLS USED: Private APR, Affirmative agriculture covenant, Federal income tax deduction

BERKSHIRE NATURAL RESOURCES COUNCIL



Farm field, New Marlborough, Mass.

page 16 for more information about the federal tax code.

Many land trusts accept donations of APRs and CRs on farmland. Landowners may also donate an APR or CR to a municipality or to a state agency, provided the land meets the municipal or state program requirements. See page 14 for an example of a donation of development rights.

BARGAIN SALES

Landowners seeking to sell an APR or CR may choose, or be asked, to sell the APR or CR at less than the appraised development rights value. By agreeing to a “bargain sale,” the landowner can often help offset some of the capital gains taxes on the sale of the APR

or CR, in addition to being eligible for any federal income tax deduction allowed for the donated amount. Landowners should work with a financial advisor and attorney on this tax planning. Bargain sales may also qualify for the Mass. CLTC program. See page 22 for an example of a bargain sale transaction.

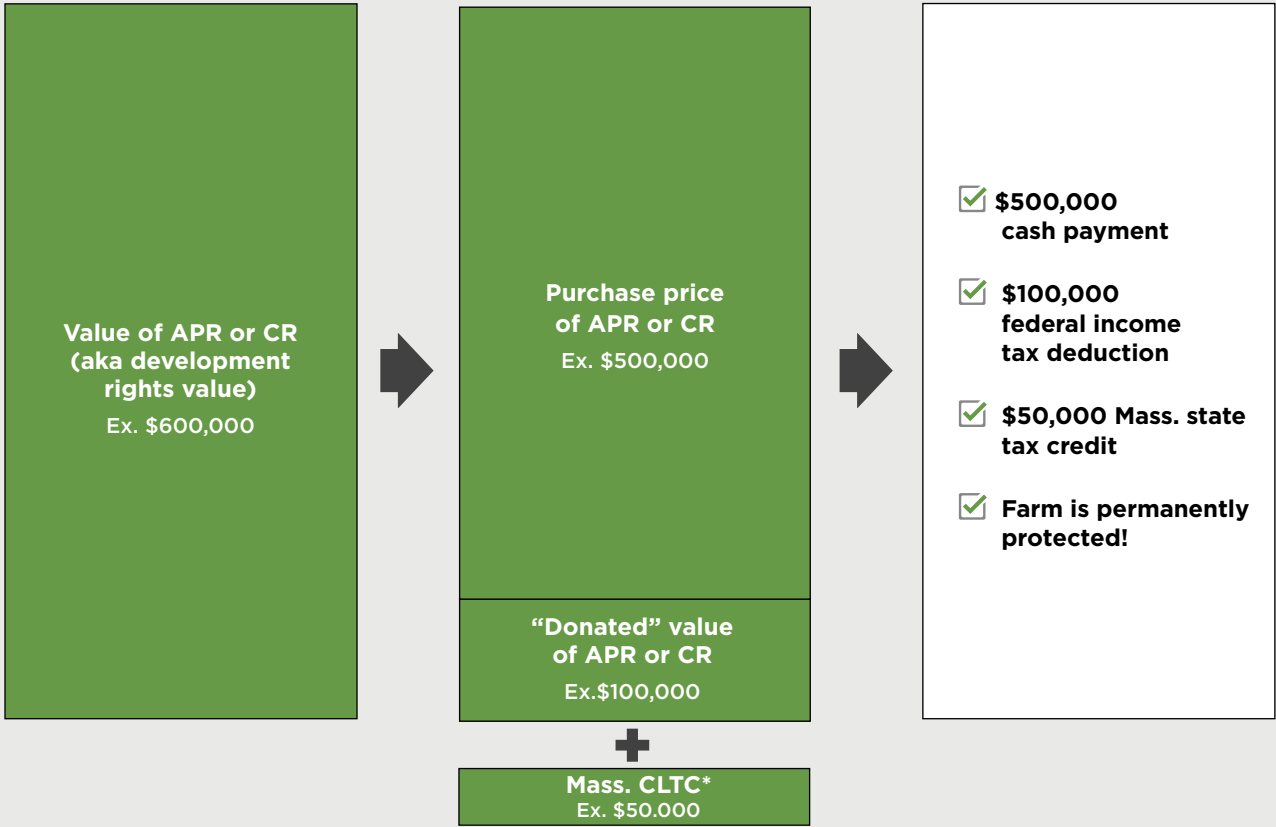
MASSACHUSETTS CONSERVATION LAND TAX CREDIT (CLTC)

The Commonwealth of Massachusetts offers an incentive for landowners to protect their land using a donation or bargain sale, through either an APR/CR or a fee simple transaction. This incentive is called the [Conservation Land Tax Credit \(CLTC\)](#).⁷

Example of a land protection transaction

In this example, the fair market value of the APR (the development rights value) is \$600,000, but the landowner agrees to a purchase price of only \$500,000—a “bargain sale.” The remaining value (\$100,000) is considered a charitable donation

and may be eligible for a federal income tax deduction. Additionally, this landowner may be eligible for the Massachusetts Conservation Land Tax Credit (CLTC) for the donated portion of the APR value.



*Tax credit worth 50% of “donated” value, up to \$75,000

The Massachusetts CLTC is equal to 50% of the fair market value of the donated land (or the APR or CR), but may not exceed \$75,000. For a landowner who qualifies for the full \$75,000 tax credit, if the landowner's state tax liability is less than \$75,000 for the tax year, the tax credit would reduce the state taxes

to \$0. After filing their taxes, the landowner would receive a check back from the state for the difference.

To qualify for the CLTC, all donors must apply to and be certified by the Commonwealth prior to the donation. The land must have sufficient natural resources in the public interest, and the instrument used (APR, CR, or fee simple deed) must perpetually protect the land.

Taxpayers who claim the CLTC may not claim any other state credit or deduction in the same tax year for the costs related to the same donated, certified land. However, landowners can, in addition to the CLTC, claim a federal income tax deduction for their donation or bargain sale of a CR or APR. Timing is an important consideration for pairing this tool with other funding sources and programs, as the donation must be made in the same calendar year as the tax credit is being claimed.



MAYA RAPPAPORT/AFT

Keshtyar Seed, Chesterfield, Mass.

Impact of Farmland Protection on Property Taxes

In Massachusetts, landowners may benefit from reduced property taxes if they enroll in [Chapter 61, 61A, or 61B, collectively known as the “current use” tax programs](#).⁸ These programs incentivize landowners to continue using their land for forestry, agriculture, or open space by imposing penalties if the land use changes or the property is transferred. However, as land values continue to climb, these penalties may not be enough to prevent the land from being developed.

By contrast, an APR or CR provides permanent protection. Farmland that is already enrolled in Chapter 61A is a good candidate for permanent land protection. In fact, any land that is eligible for Chapter 61A is also eligible for the MDAR APR program. However, because Chapter 61A already allows the land to be taxed at its agricultural value, land that is enrolled in Chapter 61A may not benefit from a further reduction in property taxes once the land is protected.

The landowner remains responsible for all property taxes. Even with an APR or CR, the landowner may need to continue to apply to the local tax assessor to remain enrolled in Chapter 61A. Landowners should check with their town assessor's office. See page 36 for more information about Chapter 61A.

FEDERAL TAX CODE

[Internal Revenue Code 26 USC Section 170\(h\)](#)⁶ and associated U.S. Treasury Regulations govern the income tax benefits available for donating a qualified conservation contribution, which includes CRs, APRs, and fee simple land. If a landowner voluntarily donates a CR, an APR, or fee simple land to a land trust or government agency, and if it benefits the public by permanently protecting important conservation resources, this may qualify as a charitable tax deduction on the donor's (landowner's) federal income tax return.

Federal tax law limits the amount of deduction a landowner can claim in any given year for the donation or bargain sale of a land or APR/CR restriction. Donors who are “qualified farmers” (as defined by the IRS) can deduct the value of the donation up to 100 percent of their adjusted gross income (AGI) in the year of the gift, while non-farmer donors can deduct up to 50 percent. Non-farmer corporations are limited to 10 percent deductions. Donors can apply any excess donation value as federal income tax deductions for the next 15 years, subject to the same percentage limitations. Qualified farmers and ranchers are defined by the IRS as individuals or corporations who earn more than 50 percent of their gross income from farming in the taxable year in which the gift is made.

Because federal and state tax laws change frequently, landowners considering a donation or bargain sale of an APR, a CR, or land should consult with a tax advisor regarding current applicable federal and state conservation tax provisions. This guide is not intended to provide legal or tax advice.



Planning for the Future

ESTATE PLANNING AND LAND PROTECTION

Proper estate planning provides the framework for a smooth transition of farm ownership and management. Land protection can play an important role in estate planning. Without estate planning, families may find themselves in the position of having to sell land or other farm assets in order to pay taxes or to settle an estate after the death of a loved one. Protecting all or a portion of the farm with an APR or CR can be an important tool to help facilitate the transfer of the land and business to the next generation while financing retirement and reducing possible estate taxes.

Landowners wishing to protect their land from development beyond their death should start the process as early as possible. A good first step is to consult with family members, a knowledgeable attorney, a financial advisor, and the local land trust. Landowners may choose to leave their land to a conservation organization in their will, or may leave instructions in their will that the land should be protected with an APR or CR. It's always best to confer with the land trust or conservation organization before leaving a bequest. Landowners may also prefer to

Resources for estate planning & succession planning

- The [Farm Transfer Network of New England](#)⁹ maintains a list of qualified estate planning and succession planning professionals.
- [“Protecting Your Legacy”](#)¹⁰ is a guide to conservation-based estate planning featuring examples of real Massachusetts landowners.
- [American Farmland Trust](#)¹¹ also published a guide for estate planning specifically for farmland owners.
- The [Farm-Pass program](#)¹² provides no-cost direct assistance to help Massachusetts farm owners pass their farm on to the next generation. This service from MDAR is targeted to owners who have already identified a successor—either within the family or not—who is interested in transitioning to own and manage a commercial farm business on the farm property in the near future.



Szawlowski Farm, Hatfield, Mass.

LANCIE CHEUNG/USDA

Where to find a farmer

- [Land for Good](#)¹³ is a New England-wide nonprofit that specializes in helping landowners, farmers, and communities navigate the complexities of land access, tenure, and succession planning.
- [New England Farmland Finder](#)¹⁴ is a program operated by Land for Good that helps landowners match with farmers to lease or buy their land.
- The [Farmland Access Legal Toolkit](#)¹⁵ has resources for farmers and landowners related to farm leasing and transfer.

Other groups may also be helpful with finding a farmer to buy or lease farmland. There is an extensive network of farmer support organizations statewide (e.g., Buy Local groups, incubator farm organizations, urban farming groups, etc.) who can share farmland access opportunities with their networks, and local or regional land trusts may also have contacts as well.

complete the APR or CR before their death, allowing them to rest assured that the land will remain available for farming in the future.

Landowners should pay close attention to state and federal regulations as they relate to estate planning and seek formal legal, financial, and tax advice to make the best use of these tools.

agricultural use, known as the affirmative agriculture covenant. If the current farmer is no longer able to farm, the landowner is responsible for finding a new farmer to keep the land in production. For more information, see pages 12 and 34.

CONNECTING WITH THE NEXT GENERATION OF FARMERS

Many landowners wish to maintain their land as a farm, but they have no heirs who want to take over the farm. It is very common, especially in New England, for older farmers to have no succession plan for the land or the farm business. **Connecting landowners with the next generation of farmers can be critical to keeping the land in agricultural use over the long term, as well as allowing older farmers to retire when they are ready.**

Farmland protected with an APR may be subject to special requirements when it comes to land transfer. Many APRs include an Option to Purchase at Agricultural Value (OPAV), which requires that when the farm is sold, the buyer must be a “qualified farmer,” and the purchase price must not exceed the “agricultural value” of the land. If the seller can’t find a “qualified farmer” to purchase the land, the OPAV holder may intervene to help ensure the land is sold to a farmer. See pages 6, 12, and 35 for more information.

Additionally, many APRs include a provision requiring that the land remain in active commercial

Decision-Making Guide: Questions to ask yourself

As you consider whether you are ready to protect your land, ask yourself these questions:

- What are your long-term goals for the land? Can protecting your land help you achieve these goals?
- Do you want to retain ownership of the land, or transfer it to a new owner?
- Do you want to protect the entirety of your land, or a portion?
- How would your finances be impacted by the decision to protect your land?
- Who do you need to consult with as you make your decision?

If you are ready to start, please refer to the Appendix for a list of organizations and agencies who can help you achieve your land protection vision!

Part II: Farmland Protection Programs in Massachusetts

The following programs are sources of funding for the purchase of APRs, CRs, and farmland in Massachusetts.

Demand for these programs is strong, and the amount of money available in each of the programs fluctuates every year. As a result, the time involved can vary by year and program. To get a better understanding of the timeframe involved, it is best to contact the program directly. General information about eligibility requirements, selection criteria, and application information for each of the programs can be found on pages 24 to 27.

Municipalities and land trusts are often active partners in farmland protection projects, mounting successful fundraising campaigns and contributing a significant percentage of project costs.

Mass. Department of Agricultural Resources (MDAR) Agricultural Preservation Restriction (APR) Program

In 1977, Massachusetts was one of the first states in the nation to establish an agricultural preservation



KATHY SFERRA PHOTOGRAPHY

Rockbottom Farm, Stow & Hudson, Mass.

restriction (APR) program. The APR program pays landowners for voluntarily protecting their land (see page 6). Landowners may apply directly to the APR program, but often benefit from the advice or support of their local land trust or municipality during the application process. MDAR often leverages cost-share funding from the ACEP-ALE program (see page 20), so landowners applying for the APR program may also need to meet ACEP-ALE eligibility requirements. See the case study on page 8 for an example of a farm protected through the APR program, using ACEP-ALE funds as a cost-share.

As mentioned on page 6, MDAR also provides business planning, technical assistance, and grants to commercial farms through the Farm Viability Enhancement Program. Participants in this program must agree to a limited-term covenant to keep their land in agricultural use for a term of 10 or 15 years. Farms that have participated in this program may be able to pursue an APR or a Private APR once the 10- or 15-year covenant has expired. For farms that are already protected with an APR, MDAR offers grants and technical assistance through its APR Improvement Program (AIP). Refer to the Appendix for a list of grants and resources.

Private APR: A flexible tool for farmland protection

In some cases, a farmland protection project may be led by a land trust or municipality, rather than MDAR. A separate tool is available for this scenario, known as a “Private APR.” A Private APR is held by a municipality, land trust, or conservation organization, rather than MDAR. Private APRs generally have more flexible eligibility requirements than an MDAR APR. A Private APR is a great tool for landowners who want more flexibility than a traditional MDAR APR could offer, provided the landowner is working with a land trust or municipality that is willing to hold and enforce the Private APR terms. See page 31 for additional information about Private APRs, and see page 14 for an example of a farm protected with a Private APR. Refer to [MDAR guidance posted online](#)¹⁶ for the most up-to-date information on Private APR.

USDA-NRCS Agricultural Conservation Easement Program-Agricultural Land Easement (ACEP-ALE)

The Agricultural Conservation Easement Program (ACEP) is a federal cost-share program that helps fund the purchase of agricultural conservation easements (APRs or CRs) on productive farmland. ACEP protects the agricultural viability and related conservation values of eligible land by: limiting nonagricultural uses that negatively affect agricultural uses and conservation values, protecting grazing uses and related conservation values by restoring or conserving eligible grazing land, and protecting and restoring and enhancing wetlands on eligible land.

Created in the 2014 Farm Bill, ACEP consolidated three former USDA Natural Resources Conservation Service (USDA-NRCS) land protection programs—the Farm and Ranch Lands Protection Program (FRPP), the Grassland Reserve Program, and the Wetlands Reserve Program. ACEP is managed through two distinct subprograms: Agricultural Land Easements (ALE) for farmland protection and Wetlands Reserve Easements (WRE) for wetlands protection. ACEP-ALE is most commonly used to protect agricultural land; for information about ACEP-WRE, see page 23.

For ACEP-ALE, landowners do not apply directly to the program; instead, applicants to the MDAR APR program that meet the eligibility criteria for ACEP-ALE are included in the state's application to ACEP-ALE. Municipalities, land trusts, and tribes can also use ACEP-ALE funding toward APRs or CRs purchased with dollars raised locally or privately, provided the landowner and land both meet the ACEP-ALE eligibility criteria. The state, municipality, land trust, or tribe is reimbursed by USDA through ACEP-ALE for up to half of the appraised fair market value of the APR or CR.

Some restrictions purchased with ACEP-ALE dollars require landowners to have a conservation plan, and NRCS may provide technical assistance to create a plan. For more information about conservation plans, see page 10. Protected farms may receive additional ranking points when applying for other Farm Bill Programs. For examples of farms protected using ACEP-ALE, see pages 8 and 21. Refer to [NRCS guidance](#)¹⁷ for the most up-to-date information on ACEP-ALE and other programs.

Community Preservation Act (CPA)

The Community Preservation Act (CPA) is a tool that helps Massachusetts communities preserve

open space and historic resources, create affordable housing, and develop outdoor recreational facilities. Municipalities that have adopted CPA generate revenue for these purposes from a local surcharge of up to 3% of the tax levy against real property, combined with additional funds distributed by the state. CPA funding is frequently utilized to pay for open space protection, including farmland protection. In many cases, municipalities can match their local CPA funding with other funding sources, including the MDAR APR program and/or ACEP-ALE funds, to protect farmland with an APR or CR. Municipalities may also use CPA funds to purchase farmland in fee for the purpose of preserving it. The [Community Preservation Coalition](#)¹⁸ is an excellent statewide resource for municipalities. See case studies on pages 22 and 37 for examples of municipalities utilizing CPA funds to acquire land for conservation. For more information about CPA, see page 38.

Grant Programs from the Mass. Division of Conservation Services (DCS)

The Massachusetts Executive Office of Energy and Environmental Affairs (EEA) [Division of Conservation Services \(DCS\)](#)¹⁹ offers several grant programs to protect open space. These include:

- Conservation Partnership Grant Program
- Landscape Partnership Grant Program
- Local Acquisitions for Natural Diversity (LAND) Grant Program
- Parkland Acquisitions and Renovations for Communities (PARC) Grant Program
- Drinking Water Supply Protection Grant Program

While none of these grant programs are specifically designed to protect farmland, they are intended to protect a wide range of conservation values, and have been used by land trusts and municipalities to protect a diverse array of farms across the state. It should be noted that DCS grant programs generally require some form of public access on the protected property, which may or may not be appropriate for a particular farm. Additionally, with some exceptions, new structures not supportive of conservation or outdoor recreation are generally limited on land protected using these programs, which is likely to be detrimental to the long-term viability of a farm. See page 22 for an example of a farm protected using funds from a DCS grant program.



Wainer Farm Farm, Dartmouth, Mass.

BUZZARDS BAY COALITION

Wainer Farm

FARMLAND PROTECTION CASE STUDY



In 2022, the land known as the Wainer Farm was listed for sale at \$4.5 million, a price that would not be affordable for most farmers. The Buzzards Bay Coalition (the Coalition), a nonprofit dedicated to the restoration, protection, and sustainable use of the Buzzards Bay and Vineyard Sound watersheds, stepped in to purchase the property, negotiating a lower price and removing the threat that the property would be purchased for development.

The Coalition partnered with the U.S. Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) to protect the land with a Conservation Restriction (CR) and transfer it to a farmer in a Buy-Protect-Sell transaction. A Farm Bill program known as ACEP-ALE (Agricultural Conservation Easement Program-Agricultural Land Easement), provided 50% of the CR value, while the Coalition fundraised for the remainder of the project costs. This pioneering project represents only the second ACEP-ALE project in the country to use a Buy-Protect-Sell transaction!

When all was said and done, the farm was permanently protected with a CR and sold at a more affordable price to farmers Tucker Manley and Bethany Costa, owners of the Russells Mills Flower Company.

Farm at a Glance

LOCATION: Dartmouth, Mass.

PARTNERS: Buzzards Bay Coalition, USDA-NRCS

FUNDING SOURCES: ACEP-ALE, Privately raised funds

TOOLS USED: Buy-Protect-Sell, CR



BUZZARDS BAY COALITION

Wainer Farm Farm, Dartmouth, Mass.



Carver Hill Orchard, Stow, Mass.

KATHY SFERRA PHOTOGRAPHY

Carver Hill Orchard and Small Farm FARMLAND PROTECTION CASE STUDY



In 2017, the Town of Stow and the Stow Conservation Trust (SCT), an all-volunteer land trust, teamed up to fund the protection of two important farms in town: Carver Hill Orchard and Small Farm.

Carver Hill Orchard, a popular destination for pick-your-own apples and berries, had been in the Lord family for almost 200 years. When the primary farmer was injured in a farming accident, the family was looking for a way to keep the business going. After determining that they wanted more flexibility than the popular state Agricultural Preservation Restriction (APR) program could offer, the family approached the Town for alternative options for protecting the 78-acre farm.

After almost 30 years of growing vegetables at Small Farm, the Sipler family was looking towards the future. With no heirs to take over the farm business, they wanted to ensure the land would remain in agriculture after they retired.

The Town and SCT worked together to design a conservation strategy that would work for both farms. Each family agreed to a farm-friendly Conservation Restriction (CR), co-held by the Town and SCT, with a public trail easement on each farm.

In an enthusiastic show of support, Town Meeting approved expending Community Preservation Act (CPA) funds towards the protection of both farms. The Town was also awarded grants from two programs from the Mass. Executive Office of Environmental Affairs (EEA) Division of Conservation Services (DCS): the Local Acquisitions for Natural Diversity (LAND) grant and the Conservation Partnership grant. A private fundraising campaign closed the gap. The Sipler family was also eligible for the Massachusetts Conservation Land Tax Credit (CLTC) because they agreed to sell their development rights at a bargain sale. Once both farms were protected, they each transferred to new owners who have continued the farm business.

Farm at a Glance

LOCATION: Stow, Mass.

PARTNERS: Town of Stow, Stow Conservation Trust, EEA Division of Conservation Services

FUNDING SOURCES: CPA, LAND grant, Conservation Partnership grant

TOOLS USED: CR, Mass. Conservation Land Tax Credit



KATHY SFERRA PHOTOGRAPHY

Small Farm, Stow, Mass.

When considering these grant programs as a potential funding source to protect a farm property, municipalities and partners should confer with DCS grant administrators early in the process to determine whether the terms required by these programs are appropriate for the farm property in question, as well as how these programs might interact with other funding sources such as ACEP-ALE, especially with regards to closing timelines.

Protecting Woods and Wetlands

Most farms in Massachusetts include forestland and wetlands as well as open cropland and pasture. Woods can buffer the farmland and support the viability of the farm operation, while also providing many other benefits. Forestland owners may protect their land through many of the same tools and programs available to farmland owners. Forestland may be included as part of an APR, and there are also programs that allow for the protection of properties that are entirely forested.

ACEP-ALE allows for no more than 66% forestland to be included in the agricultural parcel. In general, the only time this percentage may exceed 66% is if the forested area contains maple sugar stands. These sugar bush operations would be counted as cropland, rather than forestland, in the ACEP-ALE application.

For the MDAR APR program, there is generally no cap on the amount of forestland that may be included. However, ACEP-ALE is often used as a source of cost-share funding for APR projects, so the 66% limit may apply. Private APR does not require parcels to have a certain amount of cropland; however, if the parcel is a commercial forestry operation with no open cropland, it must be at least 10 acres to qualify for Private APR.

Other state and federal programs are available to protect forestland. These include the DCS grants identified above, as well as USDA programs such as the Forest Legacy program and the Regional Conservation Partnership Program (RCPP). Contact the [Massachusetts state NRCS office](#)¹⁷ for more information about these programs.

ACEP-WRE

The [Agricultural Conservation Easement Program-Wetland Reserve Easement \(ACEP-WRE\)](#)²⁰ is a voluntary federal conservation program implemented by the USDA Natural Resources Conservation Service (NRCS). This program provides technical and financial assistance to private landowners and tribes to restore, protect, and enhance wetlands in exchange for retiring eligible land from agriculture. This tool is most often used on cranberry bogs in the eastern part of the state, but broadly includes privately held farmed or converted wetlands that were previously degraded due to agricultural uses and can be successfully and cost-effectively restored. NRCS prioritizes applications based on the easement's potential for protecting and enhancing habitat for migratory birds and other wildlife.

There are three enrollment options for private and tribal landowners:

- **Permanent easements:** This is a conservation easement in perpetuity. The easement payment will be the lesser of the fair market value of

the land determined by a Uniform Standards of Professional Appraisal Practice (USPAP) appraisal or an area-wide market analysis, an established payment cap, or an amount offered by the landowner. In addition to paying for the easement, USDA pays 100 percent of the costs of restoring the wetland.

- **30-year easements:** This is a conservation easement lasting 30 years. Easement payments are 75 percent of what would be paid for a permanent easement. USDA also pays 75 percent of restoration costs.
- **30-year contracts:** This is a 30-year agreement that is eligible only on acreage owned by Indian tribes. Program payment rates are commensurate with 30-year easements.

Landowners may apply directly to NRCS. A helpful [toolkit](#)²¹ is available for landowners online. Refer to [NRCS guidance](#)¹⁷ for the most up-to-date information on ACEP-WRE and other programs.

Comparison of Farmland Protection Programs in Massachusetts

	MDAR APR Program^a	Private APR^a
Who may apply?	<p>Landowners apply directly to MDAR and may include:</p> <ul style="list-style-type: none"> • Private landowners • Land trusts and municipalities that own land 	<p>Applicants (working with a landowner) may include:</p> <ul style="list-style-type: none"> • Any governmental body which has power to acquire interest in land • Any charitable corporation or trust whose purposes include conservation of land or water areas
Eligibility requirements	<p>Property must:</p> <ul style="list-style-type: none"> • Be at least 5 acres in size • Have been devoted to commercial agriculture/ horticulture for the two immediately preceding tax years • Meet Chapter 61A requirements for gross sales 	<p>Property must:</p> <ul style="list-style-type: none"> • Further the public interest • Be currently actively devoted to commercial agricultural or horticultural uses for at least one year • Have reasonable agricultural viability • No minimum parcel size, but non-forested parcels under 5 acres will be subject to additional scrutiny, and forested parcels must be at least 10 acres
Selection criteria	<p>Other factors considered:</p> <ul style="list-style-type: none"> • Suitability and productivity of land for agricultural use based on soil classification, physical land features, and location near other farms • The degree of threat to the continuation of agriculture on the land • The size or composition of the farm that determines economic viability for agriculture, and the likelihood that it will remain in agricultural use in the future 	<p>Other factors considered:</p> <ul style="list-style-type: none"> • Factors related to viability, including quality of soil resources, presence of farm infrastructure, access to markets, etc. • Factors related to the public interest, including inclusion of OPAV in Private APR terms, furtherance of a public policy, etc.
Who holds the APR/CR?	<ul style="list-style-type: none"> • MDAR holds the APR • Municipalities may co-hold (not land trusts) • If third parties provide funds—such as ACEP-ALE funds from NRCS—they may hold a right of enforcement 	<ul style="list-style-type: none"> • Land trust, municipality, or conservation organization is the holder of a Private APR (not MDAR)

^a Information about the Mass. Department of Agricultural Resources (MDAR) Agricultural Preservation Restriction (APR) program, as well as Private APR, is based on [MGL c. 184, §§ 31 through 33](#) (statute), [330 CMR 22.00](#) (regulations), and policies published on the [APR program website](#) as of July 2025.

USDA-NRCS ACEP-ALE ^b	DCS Grant Programs ^c	Community Preservation Act (CPA) ^d	
<p>Applicants (working with a landowner) are known as “eligible entities” and may include:</p> <ul style="list-style-type: none"> • Municipalities • States • Nonprofit conservation organizations • Indian tribes and tribal governments 	<p>Varies by grant program.</p> <ul style="list-style-type: none"> • Nonprofits may apply for Conservation Partnership • Municipalities may apply for LAND • Landscape Partnership requires multiple co-applicants 	<p>Applicants apply to the local Community Preservation Committee (CPC) and may include:</p> <ul style="list-style-type: none"> • Municipal entities • Nonprofit organizations 	Who may apply?
<p>Property must:</p> <ul style="list-style-type: none"> • Be part of an active farm operation • Have prime or important agricultural soils; or have historic or archaeological resources; or further a state or local government policy consistent with the purpose of ACEP • Contain no more than ⅔ forest land • Be privately owned (non-governmental), or owned by a tribe or tribal government • Landowner(s) must also meet ACEP-ALE eligibility criteria 	<p>Property must:</p> <ul style="list-style-type: none"> • Requirements vary by grant program • Most programs are not specifically designed to protect farmland, but may be suited for farmland protection in some cases 	<p>Property must:</p> <ul style="list-style-type: none"> • Meet the CPA legislative definition of "open space"²² • Further a public interest by its protection 	Eligibility requirements
<p>Other factors considered:</p> <ul style="list-style-type: none"> • Access to markets, infrastructure, and other agricultural support services • Development pressure • Land with a high % of prime and important agricultural soils • Land with a high % of open cropland or pastureland • Projects with a high % of non-federal matching funds 	<p>Other factors considered:</p> <ul style="list-style-type: none"> • Selection criteria vary by grant program 	<p>Other factors considered:</p> <ul style="list-style-type: none"> • Each CPA municipality must establish a Community Preservation Committee (CPC) • Each CPC creates its own application process and sets its own selection criteria for CPA projects with the municipality 	Selection criteria
<ul style="list-style-type: none"> • Eligible entity holds the APR or CR (MDAR may be an eligible entity for APR projects) • Multiple entities may co-hold • NRCS retains a third-party right of enforcement 	<ul style="list-style-type: none"> • Varies by grant program • Land trust, municipality, and/or government agency may be the restriction holder • Grants may also pay for fee acquisition of land 	<ul style="list-style-type: none"> • Municipality must retain a real interest in the property, which may include fee ownership, holding the APR/CR, or co-holding the APR/CR with a partner (such as MDAR or a land trust) • Property must be preserved with an APR or CR, even if CPA funds are being used to purchase the property in fee 	Who holds the APR/CR?

Table continues on the following page.

- b Information about the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Agricultural Conservation Easement Program-Agricultural Land Easement (ACEP-ALE) program is based on [7 CFR 1468](#) and on the Conservation Programs Manual [Title 440 Part 528 Amend. 131, Feb 2020](#), as well as policies published on the [Mass. NRCS website](#) as of July 2025.
- c Massachusetts Division of Conservation Services (DCS) grants include the Conservation Partnership grant, Landscape Partnership grant, Local Acquisitions for Natural Diversity (LAND) grant, and others. Information about these programs is based on policies published on the [DCS website](#) as of July 2025.
- d Information about the Community Preservation Act (CPA) is based on [MGL c. 44B](#), as well as guidance published on the [Community Preservation Coalition website](#).

Comparison of Farmland Protection Programs in Massachusetts, continued

	MDAR APR Program^a	Private APR^a
APR/CR template	APR is drafted by MDAR using the APR template restriction ²³	Private APR is drafted by the applicant in consultation with MDAR. The restriction may include language from APR, ACEP-ALE, Model CR, or other templates, but must include an affirmative agriculture covenant.
How are structures treated?	<p>APR terms generally include:</p> <ul style="list-style-type: none"> • Farm buildings allowed • Impervious surfaces limited • No dwellings, other than farm worker housing • Limits on renewable energy production 	<p>Private APR terms generally include:</p> <ul style="list-style-type: none"> • Dwellings, farm buildings, and renewable energy may be allowed, subject to approvals and impervious surface limitations
Other important APR/CR terms	<p>APR terms generally include:</p> <ul style="list-style-type: none"> • Affirmative agriculture covenant • OPAV • No public access required 	<p>Private APR terms must include:</p> <ul style="list-style-type: none"> • Affirmative agriculture covenant • Limitations on excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance
Cost-share requirements	<ul style="list-style-type: none"> • MDAR typically covers 40–50% of APR value • ACEP-ALE funds are often available to cover 50% • A “local contribution” of 10% cash match is required (5% if in a right-to-farm community) • Landowner may offer a bargain sale • Landowner may be asked to contribute to survey cost 	<ul style="list-style-type: none"> • No dedicated funds from MDAR are available at time of publication • Applicants may use ACEP-ALE and other funding sources
Application timeline	<ul style="list-style-type: none"> • Landowners may apply to MDAR at any time • MDAR is responsible for all due diligence 	<ul style="list-style-type: none"> • The applicant must vet the proposal with MDAR initially, then apply to MDAR for approval at least 90 days prior to closing • The applicant is responsible for all due diligence • The Commissioner of MDAR signs the APR • For land trust-held Private APRs, the municipality must also approve

USDA-NRCS ACEP-ALE ^b	DCS Grant Programs ^c	Community Preservation Act (CPA) ^d	
<p>ALE is drafted by the eligible entity using NRCS minimum deed terms.²⁴ Restriction may be recorded as a CR or Private APR.</p>	<p>CR is drafted by applicant using EEA DCS Model Conservation Restriction (CR).²⁵ Not all CR terms from the Model CR may be appropriate for lands protected with DCS grants.</p>	<p>No restriction template for CPA; may use language from APR, Model CR, or other templates. If matching funds are used, there may be required terms associated. Private APR may be used if it doesn't conflict with requirements from other funders.</p>	<p>APR/CR template</p>
<p>ALE terms generally include:</p> <ul style="list-style-type: none"> • Dwellings and farm buildings may be allowed within a Building Envelope • Impervious surfaces limited • Limits on renewable energy production 	<p>CR terms generally include:</p> <ul style="list-style-type: none"> • Most structures are limited 	<p>No specific requirements from CPA</p>	<p>How are structures treated in the APR/CR?</p>
<p>ALE terms generally include:</p> <ul style="list-style-type: none"> • A conservation plan is required to address highly erodible cropland. • No public access required 	<p>CR terms generally include:</p> <ul style="list-style-type: none"> • Typically a farm conservation plan is required for agricultural activities • Public access required 	<p>No specific requirements from CPA. Depends on the APR/CR template being used, which may be dictated by other funding sources.</p>	<p>Other important APR/CR terms</p>
<ul style="list-style-type: none"> • ACEP pays up to 50% of the appraised fair market value of the APR/CR • Eligible entity must contribute an amount at least equal to NRCS share in value • Entity contribution may include bargain sale from private landowner 	<ul style="list-style-type: none"> • Varies by grant program • DCS typically provides 50% or more of CR value 	<ul style="list-style-type: none"> • CPA may pay for up to 100% of the property purchase price and/or APR/CR purchase price • Many municipalities rank projects higher if CPA funds will be matched by other sources 	<p>Cost-share requirements</p>
<ul style="list-style-type: none"> • Eligible entities may submit applications at any time • Parcels are ranked by NRCS and contracts are developed for each parcel under a Program Agreement with the entity • State agency (MDAR or DCS) and NRCS must approve APR/CR language prior to closing 	<ul style="list-style-type: none"> • Timeline varies by grant program • Most programs are reimbursement grants • CR must be signed by Secretary of EEA 	<ul style="list-style-type: none"> • Municipal CPCs set their own application timelines • Accessing CPA funds requires approval from Town Meeting or City Council 	<p>Application timeline</p>



KATHY SFERRA PHOTOGRAPHY

Walcott-Whitney Farm, Stow, Mass.

Part III: Approaches for Keeping Farmland in Farming

Land protection, including farmland protection, happens at the local level. Towns, cities, and local and regional land trusts can be a strong force for promoting and protecting farmland within their region. Farmland is not only a unique and irreplaceable natural resource; it is also an economic engine, a critical part of the food system, and essential to the vitality and livability of local communities. Land trusts and municipalities are indispensable in farmland protection efforts in Massachusetts.

For an overview of the tools that land trusts and municipalities can employ to permanently protect farmland, see Parts I and II of this guide.

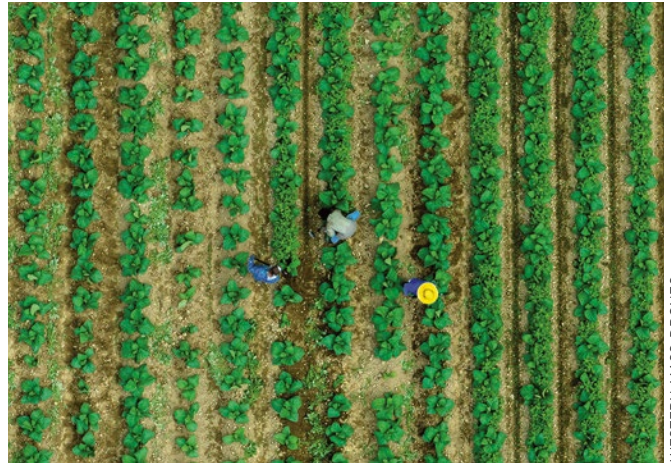
Protecting Farms with Viability in Mind

Farms need farmers. Farmers, in turn, need to be successful in their farm operations in order to keep the land in production. Protecting land from non-agricultural use alone is not enough; conservation groups must also consider factors such as commercial use, farm business viability, allowances for farm buildings and housing, land access and affordability, evolving agricultural practices and technologies, and the local and regional context. See pages 31 to 34 for information about farm-friendly CR and APR terms.

TOWN-OWNED OR LAND TRUST-OWNED FARMLAND

In addition to playing a critical role in the purchase of development rights, many land trusts and towns also save and steward farmland through their fee acquisition (ownership) of farmland.

Farmland in Massachusetts can be prohibitively expensive for farmers, and farmers can benefit from being able to lease or license farmland from a town or land trust. A supportive and secure lease or license arrangement may help a beginner farmer get their business off the ground, or may provide critical support acreage for an established farmer. Lease lengths can range from 1 year to 99 years. For resources related to working with beginning farmers, refer to page 18 of this guide. The case studies on pages 30 and 32 illustrate how municipalities and land trusts can make their land available to farmers.



WESTERN MASS DRONES

Farm workers, Hatfield, Mass.

Ground lease: A land access tool

Massachusetts farmers face unique challenges with regard to land access. Farm real estate values in the Commonwealth are among the highest in the country, and housing prices present an additional affordability challenge. Although OPAV, or the Option to Purchase at Agricultural Value (pages 6, 12, and 35), is effective at keeping land from selling above the “agricultural value,” it is not always enough to make farmland affordable, especially for beginning farmers and historically underserved farmers. As land passes to the next generation of farmers, new tools are needed to ensure they can access the land they need.

A ground lease is a tool that allows a tenant to lease the land (ground) and own some or all of the improvements on it. Typically, the lease term is very long (99 years), and the land is held by an organization or individual that is committed to keeping the land accessible for farming. Because the farmer owns the buildings and improvements, they can still build equity without needing to buy the land. This creates affordable, secure land tenure for the farmer. Read more about ground leases and other tools in the [Farmland Access Legal Toolkit](#)¹⁵ and see page 32 for an example of a ground lease.





Hannan Healthy Foods, Lincoln, Mass.

Hannan Healthy Foods FARMLAND PROTECTION CASE STUDY



In 2018, Mohammed Hannan decided to start a farm. Having grown up on his family’s farm in Bangladesh, Mohammed never lost sight of the importance of access to healthy food, even as he worked various non-farming jobs in the US. Eventually, with the support of his wife and children, Mohammed enrolled in a farmer training program at New Entry Sustainable Farming Project.

Upon graduating, Mohammed searched for land to continue his farm business, called Hannan Healthy Foods. The Town of Lincoln, with its robust farmland licensing program, ended up being the best option. The Town owns approximately 200 acres of agricultural land, which it makes available to farmers through renewable 5-year licenses, administered by the Conservation Commission. Approximately 13 farms operate on Town land.

Although a license is not the most secure form of land tenure for a farmer, Lincoln has a decades-long track record of working with farmers, in one case keeping the same farmer on the land for 30 years until he retired. Per the Town’s Farm Stewardship Policy, farmers using Town land generally must use organic practices and must report their farming activities to the Town at least once a year.

A drawback of this arrangement is the risk of building permanent infrastructure on land owned by another. Although Lincoln has approved certain infrastructure projects for Mohammed, such as installing a greenhouse, the approval process was long, and any permanent improvements, such as a well, might be installed at the farmer’s expense but owned by the Town. Lincoln has a fund to help cover costs like these and assist with land maintenance.

The farm has continued to grow, selling produce to a local Food Hub and through its farm stand and CSA. In the context of farmland loss and high land values, Lincoln’s licensing program has helped support farmers who might not have found land otherwise.

Farm at a Glance

LOCATION: Lincoln, Mass.

PARTNERS: Town of Lincoln, Hannan Healthy Foods, New Entry Sustainable Farming Project

FUNDING SOURCES: Town funds used to purchase land

TOOLS USED: Article 97, License for farmers to use Town-owned land



BOTH IMAGES: MOHAMMED HANNAN

Hannan Healthy Foods, Lincoln, Mass.

Article 97

In 1972, Massachusetts voters passed Article 97 of the Amendments to the Massachusetts Constitution. In addition to establishing the people's right to clean air and water, Article 97 also requires that land and restrictions (APRs and CRs) acquired by a public entity for conservation may not be disposed of or used for non-conservation purposes.

Together with the Public Lands Protection Act (PLPA), passed in 2022, Article 97 creates strong safeguards for public conservation lands by establishing a process that must be followed any time these lands are considered for a transfer or change of use, culminating with the requirement for a two-thirds vote of the Legislature. This means that farmland protected with an MDAR APR, or a farm acquired by a Town for conservation, can not easily be conveyed or taken for another use.

Article 97 allows for the issuance of a revocable permit or license on conservation land, meaning farmland that is subject to Article 97 may be licensed to a farmer for agricultural use. Many municipalities use this tool to make Town-owned agricultural land

available to farmers. The case study on page 30 includes an example of this type of license.

Farm-Friendly APR/CR Terms

Any conservation restriction should be drafted to protect the specific resources found on the property, and farmland APRs and CRs are no different. Farmland may contain natural resources such as farmland soils, forestland, wildlife habitat, drinking water supply, and others. However, these are by no means the only conservation values of farmland. **A farm-friendly APR or CR should protect not only the natural resources, but also the agricultural use and future agricultural viability of the property.**

COMMON APR/CR TERMS FOR FARM PROPERTIES

The following is a summary of APR/CR terms that may enhance the viability of the farm over the long term:

- **Conservation values:** The “purpose” of the APR or CR should include protecting the farmland soils,

Private APRs vs. MDAR APRs

In Massachusetts, a Private APR is an APR that is held by a land trust, municipality, or conservation organization, rather than by MDAR. See page 19 or an overview of Private APRs. Refer to [MDAR APR guidance](#)⁵ and [Private APR guidance](#)¹⁶ posted on the MDAR website for the most up-to-date information.

An important advantage of the Private APR over an MDAR APR or a traditional CR is its flexibility. Other than the affirmative requirement to maintain the land predominantly in agricultural/horticultural use, there is currently no required template or set of restrictions when using a Private APR.

Holding a Private APR is undoubtedly a bigger stewardship responsibility for a government entity such as a municipality or a non-profit such as a land trust (compared to having MDAR hold the APR), but it offers the most flexibility and control for both the landowner and the municipality or land trust. The case study on page 14 includes an example of a farm protected with a Private APR.

Distinctions between MDAR APRs and Private APRs include:

- Private APRs are held and stewarded by a land trust, municipality, or conservation organization, rather than by MDAR.

- Dwellings may be included in a Private APR, unlike MDAR APRs (MDAR APRs currently allow labor housing in the APR, but the primary residence is not included or permitted in the APR).
- The affirmative agriculture covenant must be included in a Private APR, but may be drafted differently than an MDAR APR, depending on the goals of the restriction holder.
- The Option to Purchase at Agricultural Value (OPAV) is optional to include in a Private APR, but when it is included, it may be used in creative ways to further enhance the future affordability of the property for the next generation of farmers. This includes the ability to layer the OPAV over the housing, which is not permitted in MDAR APRs.
- MDAR APRs must be at least 5 acres. Private APRs can protect smaller farms, as there is no minimum size, enabling the protection of a wider range of farms, especially in urban, peri-urban, and suburban communities.





Iron Ox Farm, Hamilton & Topsfield, Mass.

NEIL UNDERLINGER/ESSEX COUNTY GREENBELT

Iron Ox Farm FARMLAND PROTECTION CASE STUDY



Esex County Greenbelt Association (Greenbelt), a regional land trust working within the 34 towns of Essex County, has developed an approach to farmland protection that supports farmland affordability as well as land conservation.

A recent example is Iron Ox Farm, formerly known as Green Meadows Farm, located in Hamilton and Topsfield, Mass. Greenbelt raised funds to purchase the land from a family that had owned the farm for generations. With help from Equity Trust, a national nonprofit promoting socially equitable forms of property ownership, Greenbelt came up with a plan to ensure that the land would remain in production and would be accessible to farmers for generations to come.

Greenbelt would retain ownership of the land, but would enter into a 99-year ground lease with a farmer. With a ground lease, the farmer leases the land (including the land underneath the buildings) and owns everything on top of the soil (including the farm and residential improvements, the farm business, and crops). The farmer has the opportunity to build equity by constructing agricultural buildings and even a residence, which they could sell or transfer to the next generation. The ground lease provides the farmer with many of the benefits of land ownership without the expense.

With help from The Carrot Project, a group that supports agricultural businesses as business advisors, Greenbelt solicited proposals from farmers interested in working the land. Iron Ox Farm was selected by an advisory committee and has been farming the land since 2021. Farmers Alex Cecchinelli and Stacey Apple grow organic vegetables and operate a CSA (community-supported agriculture).

Greenbelt's President, Chris LaPointe, commented, "Farmland protection alone without affordability protections is not enough. We're not just protecting the soil, we're working to ensure that local farmers can continue to grow food for our communities and have viable livelihoods."

Farm at a Glance

TOWN: Hamilton & Topsfield, Mass.

PARTNERS: Essex County Greenbelt Association, Equity Trust, The Carrot Project

FUNDING SOURCES: Privately raised funds

TOOLS USED: Ground lease

STACEY SEBASTION/ESSEX COUNTY GREENBELT



Iron Ox Farm, Hamilton & Topsfield, Mass.



the agricultural use, and the agricultural viability of the property.

- **Commercial use:** The APR or CR should permit commercial use, especially growing, harvesting, processing, packaging, and selling farm and forest products.
- **Agritourism and other commercial uses:** Farmers often rely on agritourism and other commercial uses that complement the farm operation. These types of uses should be considered in the APR or CR, including related uses such as parking and new buildings that may be needed in the future. Consideration should also be given to the potential impact on resale value that any allowed non-agricultural uses may add. For example, the MDAR APR program limits such uses by requiring advanced approval that does not transfer to successor landowners. This is intended as a way to keep the resale value at agricultural value.
- **Impervious surfaces:** Limiting the amount of impervious surface (e.g., paved areas and rooftops) on the property can be a good strategy for protecting agricultural soils. The ACEP-ALE program requires that the APR or CR limit impervious surfaces to 2% of the property, or up to 10% with a waiver. The APR or CR should clearly define what qualifies as “impervious;” for example, ACEP-ALE defines impervious surfaces to include buildings with or without flooring, but does not count NRCS-approved conservation practices (such as a concrete heavy use area for livestock) towards the impervious surface limitation.
- **Farm buildings:** Nearly all farming properties need farm buildings. Even if the current farm operation does not require buildings, it’s very likely that a future farm operation will require buildings for agricultural uses. The APR or CR may limit the size and location of farm buildings as an alternative to prohibiting buildings outright.
- **Building envelopes:** The APR or CR may designate a particular area or areas of the property as being most suitable for future construction of farm buildings. Some programs require these “building envelopes” to be located prior to closing. The APR or CR should also account for certain types of improvements that may need to be located outside the building envelopes, such as driveways or utilities for farm buildings.

“Whole Farm” Protection

Many farms in Massachusetts include a wide range of land uses and produce a diversity of farm and forest products.

“New England agriculture is incredibly diverse across the landscape due to its geography, glaciated past, soils, and land use history. The region lends itself to diversified farming, ranging from large-scale crop production to highly diversified operations on small acreages.”

— From [*Farms Under Threat: A New England Perspective*](#)²⁶

As farmland rapidly disappears, protecting the full diversity of Massachusetts farmland has become more important than ever. “Whole Farm” protection is an approach that considers the totality of the farm parcel in the land protection deal: not only the prime cropland, but also the hilly pastureland, the old fields growing in with trees, the wetland and forestland areas, and, importantly, the farmstead buildings and dwelling(s).

Protecting “whole farms” may not always be the right tool, particularly as the average farm size is trending downward and beginning farmers may not be able to afford farm parcels with a lot of forested acreage. But land trusts, municipalities, and government agencies interested in preserving the full range of farm types and a diversity of conservation values may find creative solutions to protect “whole farms.”

- **Dwellings:** Farmers need housing. In many parts of the country, dwellings are routinely included within the APR or CR boundary and subject to the APR or CR terms. This may enhance the long-term viability of the farm, especially if there are restrictions on the size and/or resale price of the house to enhance affordability. However, including the dwelling in the APR or CR does constitute an added stewardship responsibility for the holder of the APR or CR. The MDAR APR program does not currently allow for the inclusion of dwellings within the APR area, other than farm worker housing. Private APR is a good tool for land trusts and municipalities wishing to include the dwelling within the APR area.
- **Public access:** Most farm-friendly APRs and CRs do not require public access, leaving it to the landowner to decide whether to allow the public to



Innovative farmland protection tools

Although CRs and APRs are the most commonly used tools for permanent land protection, they do have limitations. For example, even with provisions like the affirmative agriculture covenant and the OPAV, many protected farms remain too expensive for beginning farmers and historically underserved farmers to purchase.

A broader issue is that this model of land protection is based on a colonial, capitalistic concept of private land ownership, where land is valued based on its development potential rather than its significance to the community and its natural resource value.

In some cases, conservation groups interested in working with Native American tribes to rematriate protected land to the tribe have encountered challenges due to the restrictions included in the conservation restriction. A growing “land back” movement calls for the return of land, including agricultural land, to tribes with no legal restrictions or encumbrances, advocating for tribal sovereignty as the best form of land stewardship.

Another innovative approach, known as the [community land trust model](#),²⁷ was pioneered by Black farmers in the South to promote equitable land access through a new form of land ownership.

The community land trust model is often used to create affordable housing opportunities, but it is also used for community farms and gardens. Typically, a ground lease is combined with other affordability provisions to ensure equitable and just access to land (see page 32 for a case study of a ground lease in Massachusetts).

A related model is the “agrarian commons,” pioneered by a national nonprofit called [Agrarian Trust](#),²⁸ whose mission is to support land access for the next generation of farmers. In this model, land is owned by a local community group with a volunteer board, then leased to a farmer with an affordable, secure, long-term lease. This model is promoted as a way to permanently take land off the market and create affordable and just land access opportunities for farmers.



Deerfield Farm, Deerfield, Mass.

enter on part or all of the property. However, some grant programs require public access; in these cases, land trusts and municipalities should determine with the landowner whether and where public access is feasible or appropriate for the particular property.

- **Renewable energy:** In some cases, renewable energy structures may help a farm meet its energy needs and may serve as an additional revenue stream. Rooftop solar panels on allowed structures are an example of a renewable energy structure that does not result in the conversion or degradation of agricultural or natural land. Many programs, including the MDAR APR program and ACEP-ALE, require that the APR or CR limit renewable energy production, without entirely prohibiting it.

AFFIRMATIVE AGRICULTURE COVENANT

In Massachusetts, all APRs, including MDAR APRs and Private APRs, include a provision known as the affirmative agriculture covenant. This provision requires that the protected property remain in active agricultural or horticultural use. Some APRs may include exemptions from this requirement for a set period of time (e.g., two years), or for circumstances beyond the farmer’s control. There may also be an

LANCE CHEUNG/USDA



MAYA RAPPAPORT, AFT

Keshtyar Seed, Chesterfield, Mass.

exemption if ceasing agricultural activity is done in conjunction with an approved agricultural conservation plan. Page 12 has more information about the affirmative agriculture covenant in APRs.

Enforcement mechanisms may vary. For example, in a Private APR, the restriction holder may reserve the right to find a new farmer if the land is not actively farmed for a set period of time, or the right to keep the land clear at the landowner's expense. A Private APR may even be drafted so that the OPAV is triggered if the property is not being farmed beyond an allowable exempted period of time (e.g., after 3 years and attempts to remedy), enabling the restriction holder to facilitate a transfer to a farmer who will keep the farm in active production.

The flexibility of this tool makes it ideally suited to accommodate the unique circumstances of specific farm operations, meet the goals of the landowner, and protect the community's long-term investment in working farmland.

Landowners whose land is subject to an affirmative agriculture covenant should reach out to the holder of their APR or CR if they have any concerns about their ability to keep the land in production. For information about finding a farmer to buy or lease protected farmland, refer to page 18.

OPTION TO PURCHASE AT AGRICULTURAL VALUE (OPAV)

The Option to Purchase at Agricultural Value (OPAV) is intended to promote the transfer of protected farmland to farmers at the land's agricultural value. The OPAV requires that when the protected farm is sold, it must be sold to a "qualified farmer" at the

property's "agricultural value," thereby limiting both the buyer pool and the purchase price. See pages 6 and 12 for more information about OPAV.

The OPAV has been an effective tool for keeping protected land available at agricultural value. In Massachusetts, the OPAV was developed in the early 1990s, and since that time, all MDAR APRs include the [OPAV](#).⁴ In the case of a Private APR, the land trust, municipality, or other qualified entity may choose to include an OPAV. This may be an opportunity to include additional affordability provisions within the Private APR restriction.

Planning for Agriculture

SUPPORTING LOCAL FARMERS THROUGH PLANNING

One of the best ways to protect farms and farmland is to focus on the economic success of local agricultural operations. A profitable farm is far more likely to keep land in agricultural use. A first step for municipalities might be to **form an Agricultural Commission** to provide farmer input on town policies that impact local agriculture and to help develop initiatives that will keep farming viable. Engaging the business community, chamber of commerce, economic development commission, or regional planning commission can help foster the recognition of agriculture as a key local economic driver.

Municipalities may also **enact a local right-to-farm ordinance** that mirrors the state's right-to-farm law. Such ordinances help maintain a supportive environment for farmers by reducing conflicts between farmers and non-farming neighbors. MDAR also incentivizes municipalities to adopt right-to-farm bylaws by reducing the required local match (5% rather than 10%) for APRs in right-to-farm towns. Parcels located in a right-to-farm community may also receive a higher ranking when included in an APR or an ACEP-ALE application.

Another essential strategy is to **include farmland in local and regional plans**, especially Master Plans, Open Space and Recreation Plans, and Municipal Vulnerability Plans. Conducting a farmland inventory may help the municipality build relationships with farmers, as well as document the important benefits farms bring to the community. This type of planning may also help a community identify threatened or priority farms, so that when an opportunity comes

up to protect them, the municipality is more ready to act. Finally, in some cases, a local plan or policy that addresses the importance of farmland may be used as evidence of eligibility for the purposes of the ACEP-ALE program, which means communities may have the opportunity to bring in more federal dollars to preserve farmland in their community.

CHAPTER 61A

Chapters 61, 61A, and 61B are Massachusetts' current use tax programs. Chapter 61A is specifically for farmland, and is designed to tax farmland owners for the property's "current use" value rather than its "highest and best use" value. In exchange for this break on property taxes, landowners agree to maintain the land for agricultural use. Landowners who withdraw from the program, sell their land for a non-farming use, or propose to convert their land to a non-farming use within a certain time period are subject to financial penalties, in recognition of the tax income that the municipality had given up to support keeping the land in agricultural use. See page 16 for more general information, and refer to information published by [Mass Woods](#)⁸ for additional guidance.

The program also includes a unique provision known as the Right of First Refusal (ROFR). In certain circumstances, if a farmland owner plans to sell or convert the Chapter 61A land for a non-farming use, the ROFR provides the municipality with the opportunity to purchase the land. Many municipalities have used this tool to preserve open space across the state, including farmland.

Municipalities often find more success using this tool when they are able to be creative and strategic. Advance planning is very helpful, so that municipalities know which properties are their top priority for conservation before they come up for sale. Community Preservation Act funds (see pages 20 and 38) are often a key funding source for Chapter 61A properties that come up for sale. Municipalities may also partner with land trusts and may even assign the ROFR to a land trust or state agency. Land trusts and state agencies may be able to act quicker than the municipality and may have access to additional funding sources. Protecting farmland, especially when there is a need to act quickly, is often a collaborative effort involving multiple partners and funding sources. See page 37 for a case study of how Chapter 61A may be used to protect farmland.



PAUL CAREY GOLDBERG/ESSEX COUNTY GREENBELT

Grant Family Farm, West Newbury, Mass.



Picone Farm, Middleborough, Mass.

Picone Farm

FARMLAND PROTECTION CASE STUDY



In Massachusetts, Chapters 61, 61A, and 61B can be a powerful tool for land protection. In 2020, the Picone Farm was enrolled in Chapter 61A and was one of the largest remaining farms in Middleborough. When a large residential development was proposed, a group of conservation partners quickly coalesced to save the farm.

Chapter 61A not only grants a Right of First Refusal (ROFR) to the municipality to purchase land before it is sold for development; it also allows the municipality to “assign” its ROFR to a qualified entity such as a land trust. In the case of the Picone Farm, the Town exercised its ROFR on the southern half of the 190-acre parcel, but assigned the ROFR on the northern half to Wildlands Trust, a regional land trust working throughout Southeastern Massachusetts.

For the southern portion—the “town” portion—the Town utilized Community Preservation Act (CPA) and Municipal Vulnerability Preparedness (MVP) funds to acquire the land in fee. The Town also appropriated taxpayer dollars approved at Town Meeting to close the funding gap. For the northern portion—the “farm” portion—Wildlands Trust contributed privately raised funds and helped apply for an Agricultural Preservation Restriction (APR) from the Mass. Department of Agricultural Resources (MDAR). Rather than acquiring the land itself, Wildlands Trust identified a private farmer—Greensmith Farm—as a “nominee” to exercise its ROFR.

The outcome was that the northern area of the property is owned by Greensmith Farm and remains in agricultural production, forever protected by an APR co-held by MDAR and the Town. The Town-owned southern portion is permanently protected by a Wildlands Trust-held Conservation Restriction as well as being under Article 97, and includes community gardens and walking trails.

Farm at a Glance

TOWN: Middleborough, Mass.

PARTNERS: Town of Middleborough, Wildlands Trust, MDAR

FUNDING SOURCES: CPA, MDAR APR, MVP, Privately raised funds, Local taxpayer dollars

TOOLS USED: Chapter 61A, Right of First Refusal, CR, MDAR APR

BOTH IMAGES: ECOPHOTOGRAPHY/WILDLANDS TRUST



Picone Farm, Middleborough, Mass.





MAYA RAPPAPORT/AFT

Finicky Farm, Northfield, Mass.

RIGHTS OF FIRST REFUSAL (ROFR)

In addition to ROFRs granted to municipalities via 61A, land trusts can consider negotiating with landowners to obtain a similar right for themselves. This can be an effective tool if a landowner is not quite ready to permanently protect their land. For example, a landowner could donate or sell a ROFR to a land trust in addition to any ROFR that exists under 61A. This can act as a secondary level of opportunity should the municipality not exercise or assign its ROFR. ROFRs can also be used on exclusions from CRs or APRs to give a land trust the opportunity to later keep that excluded land with the rest of the protected farm.

COMMUNITY PRESERVATION ACT (CPA)

Municipalities may adopt and utilize the Community Preservation Act (CPA) for farmland protection. See page 20 of this guide for more general information about CPA. See case studies on pages 22 and 37 for examples of farms protected using CPA and refer to information published by the [Community Preservation Coalition](#)¹⁸ for additional guidance.

As with Chapter 61A (pages 16 and 36), municipalities that are creative and strategic with CPA are often more successful with protecting farmland and other open space. Grants for CPA funding always require a recommendation from the local Community Preservation Committee, as well as final approval from either Town Meeting or City Council, which may prevent municipalities from acting quickly on a potential open space acquisition. CPA funds may also not be enough to purchase an expensive farmland parcel. However, there are some creative strategies built into CPA that may help.

After a recommendation from the local Community Preservation Committee, Town Meeting or City Council may vote to move some CPA funds into a “Conservation Fund,” which is a local fund that is controlled by the Conservation Commission. Funds may accumulate there and may be spent to preserve an open space or farmland parcel, without the need to go back to the legislative body for a vote. This is very helpful when it’s important to act quickly, such as when a Chapter 61A parcel comes up for sale. Municipalities

also have the option of bonding against future CPA revenue, which may allow them to pay for an expensive land purchase.

CPA funds can be used in conjunction with other funding sources, including as a local match for an MDAR APR as well as ACEP-ALE. Land trusts can also be critical partners to municipalities. CPA funds can be spent on certain due diligence costs for land protection projects, including a one-time contribution to a land trust to help steward the protected land. And, while CPA requires that the municipality acquire a real interest in the property, it does not require that the municipality end up owning the land, nor does it require public access. This gives the flexibility for the municipality to use CPA to acquire an APR or CR on privately-owned farmland. Municipalities may co-hold the restriction with MDAR or a land trust, reducing the stewardship burden on the municipality.

MUNICIPAL VULNERABILITY PREPAREDNESS (MVP) PROGRAM

The Municipal Vulnerability Preparedness (MVP) program is administered by the Massachusetts Executive Office of Energy and Environmental Affairs (EEA) and provides funds to municipalities, tribes, and political subdivisions to adapt to climate change and improve resilience. The program includes two types of grants: planning grants and action grants. Planning grants may be used to help communities: identify climate hazards, assess vulnerabilities, and develop action plans to improve resilience to climate change. Communities that have completed an MVP plan are eligible to apply for Action Grants. The Action Grant program invests in local priorities that build climate resilience, which may include land protection. For land protection projects, the MVP program operates similarly to DCS grant programs such as LAND (see page 20).

The MVP program has several Regional Coordinators across the state who can help communities understand the program and apply for grants. For an example of a farm protected with MVP funds, see the case study on page 37, and refer to the [MVP web page](#)²⁹ for the most up-to-date guidance.

FARMLAND OF LOCAL IMPORTANCE (FLI)

In New England, many farmers are growing crops or pasturing livestock in fields that are not classified in the USDA soil survey as prime farmland soil, unique farmland soil, or farmland of statewide importance.

These areas may receive the designation of Farmland of Local Importance (FLI). As implied by the name, FLI soils are designated locally, at the level of the municipality. A [list of all municipalities that have designated FLI soils](#)³⁰ is available online.

In Massachusetts, municipalities and Conservation Districts interested in designating a list of FLI soils may work with a soil scientist from the USDA-NRCS. A signature is needed from a local government body, such as the municipal Agriculture Commission or Conservation Commission. Designating a list of FLI soils does not obligate the municipality to take any action, but it can help make more farms in town eligible for USDA-NRCS funding programs, including ACEP-ALE.

Aside from raising awareness within the municipality of where farms are located and the importance of the soil resources in town, the primary benefit of designating FLI soils is that more local farms may be eligible for USDA-NRCS funding programs. In particular, farms may be eligible for the ACEP-ALE if they include at least 50% prime, unique, and important farmland soils, which would include FLI soils. If the municipality has not designated FLI soils, those soil types cannot be considered for ACEP-ALE eligibility.

For Massachusetts land trusts, towns, and agencies wishing to use FLI soils as part of an ACEP-ALE application, there are several new resources available. It's important to note that each FLI soil survey map unit includes an "FLI qualifier" which must be met in order for the soil to be considered FLI for the purpose of USDA-NRCS programs. Entities applying for ACEP-ALE can get a better understanding of these qualifiers by using the [Massachusetts FLI Screening Tool](#).³¹

MASSACHUSETTS FARMLAND ACTION PLAN

In December 2023, the Massachusetts Department of Agricultural Resources (MDAR) released a statewide [Farmland Action Plan](#).² This plan is the first of its kind in Massachusetts and addresses three goals for farmland in Massachusetts: farmland protection, farmland access, and farm viability. The goals and recommendations within the Farmland Action Plan were developed through a robust public process that engaged stakeholders and experts from across the Commonwealth. The plan is not specific to MDAR or APR Program—it is intended to be a plan for all agricultural stakeholders in Massachusetts. The Plan is a great resources for land trusts and municipalities to inform their activities going forward.

Conclusion

Land protection alone is not enough to address the myriad of challenges facing farmers in Massachusetts, which include climate change, rising land and housing values, an aging farmer population, unjust distribution of land and resources, pressures on farm businesses, and more. Nevertheless, land is the basis of our collective ecosystem, and in the face

of rapid development and loss of farmland, protecting farmland is more urgent now than ever. Farmers and farmland owners must work collaboratively and creatively with municipalities, land trusts, government agencies, and conservation organizations to protect and steward farmland for future generations, because once it's gone, it's gone.



Bartlett's Farm, Nantucket, Mass.

JAMIE POTTERN/AFTY



Notes

- 1 Farms Under Threat 2040: <https://farmlandinfo.org/publications/farms-under-threat-2040/>
- 2 Massachusetts Farmland Action Plan, 2030–2050: <https://www.mass.gov/info-details/massachusetts-farmland-action-plan>
- 3 Farm Viability Enhancement Program: <https://www.mass.gov/info-details/farm-viability-enhancement-program-fvep>
- 4 Option to Purchase at Agricultural Value (OPAV) guidance from MDAR: <https://www.mass.gov/info-details/apr-change-of-ownership>
- 5 MDAR Agricultural Preservation Restriction (APR) Program Details: <https://www.mass.gov/info-details/agricultural-preservation-restriction-apr-program-details>
- 6 Internal Revenue Code Section 170(h): <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title26-section170&num=0&edition=prelim>
- 7 Massachusetts Land Conservation Tax Credit (CLTC): <https://www.mass.gov/info-details/commonwealth-conservation-land-tax-credit-cltc>
- 8 Information about Chapters 61, 61A, and 61B, published by Mass Woods: <https://masswoods.org/landowner-programs/chapter-61-current-use-tax-programs/index.html>
- 9 Farm Transfer Network of New England: <https://farmtransfernewengland.org/>
- 10 Protecting Your Legacy: <https://masswoods.org/sites/default/files/pdf-doc-ppt/PYL-Revised-2020/index.pdf>
- 11 Your Land is Your Legacy: <https://farmlandinfo.org/publications/your-land-is-your-legacy-estate-planning-for-farmers-and-ranchers/>
- 12 Farm-Pass program: <https://www.mass.gov/info-details/agricultural-business-assistance#farm-pass-farm-transfer-planning-assistance>
- 13 Land for Good: <http://landforgood.org/>
- 14 New England Farmland Finder: <https://www.newenglandfarmlandfinder.org/>
- 15 Farmland Access Legal Toolkit: <https://farmlandaccess.org/>
- 16 Private APR guidance from MDAR: <https://www.mass.gov/info-details/agricultural-preservation-restriction-apr-program-details>
- 17 USDA-NRCS Massachusetts state office web page: <https://www.nrcs.usda.gov/state-offices/massachusetts>
- 18 Community Preservation Coalition: <https://www.communitypreservation.org/>
- 19 Information about grants offered by the Mass. Executive Office of Energy and Environmental Affairs (EEA) Division of Conservation Services (DCS): <https://www.mass.gov/grant-programs-offered-by-the-division-of-conservation-services>
- 20 ACEP-WRE webpage: <https://www.nrcs.usda.gov/programs-initiatives/wre-wetland-reserve-easements>
- 21 ACEP-WRE (Wetlands Reserve Easement) Toolkit for Landowners: <https://farmlandinfo.org/acep-wre-for-landowners/>
- 22 CPA legislative definition of “open space”: https://www.communitypreservation.org/text-legislation#anchor_open-space
- 23 APR template restriction: <https://farmlandinfo.org/sample-documents/mdar-apr-model-easement/>
- 24 NRCS minimum deed terms: <https://farmlandinfo.org/publications/acep-ale-mdts-with-commentary/>
- 25 EEA DCS Model Conservation Restriction (CR): <https://www.mass.gov/info-details/conservation-restriction-review-program>
- 26 Farms Under Threat: A New England Perspective: https://farmlandinfo.org/wp-content/uploads/sites/2/2020/10/AFT_NE_FUT-10_14_20_rev.pdf
- 27 New Communities, the first community land trust: <https://www.cltweb.org/resources/clt-case-studies/new-communities/>
- 28 Agrarian Trust: <https://www.agrariantrust.org/>
- 29 Municipal Vulnerability Preparedness (MVP) Program webpage: <https://resilient.mass.gov/mvp/>
- 30 List of municipalities that have designated Farmland of Local Importance: <https://efotg.sc.egov.usda.gov/#/>
- 31 Massachusetts Farmland of Local Importance Screening Tool: <https://farmlandinfo.org/tools/ma-farmland-local-importance-screening-tool/>

Part IV: Appendix of Resources

Additional Grants and Programs

FEDERAL PROGRAMS FROM USDA

[Agricultural Management Assistance](#) (AMA)

This program is designed to help farmers use conservation practices to manage risk and address natural resource issues. Producers receive financial and technical assistance to construct or improve water management structures or irrigation structures; plant trees for windbreaks or to improve water quality; and mitigate risk through production diversification or resource conservation practices, including soil erosion control, integrated pest management, or transition to organic farming.



Carver Hill Orchard, Stow, Mass.

[Conservation Reserve Program](#) (CRP)

CRP provides a yearly rental payment to farmers who remove environmentally sensitive land from agricultural production and plant species that will improve environmental health and quality. Contracts for land enrolled in CRP are from 10 to 15 years in length. The long-term goal of the program is to re-establish valuable land cover to help improve water quality, prevent soil erosion, and reduce loss of wildlife habitat.

[Conservation Stewardship Program](#) (CSP)

CSP encourages owners of farmland and nonindustrial private forestland to address natural resource concerns (soil, water, air, and habitat quality, as well as energy) comprehensively by maintaining and improving existing conservation practices as well as undertaking new ones.

[Environmental Quality Incentives Program](#) (EQIP)

This conservation assistance program provides cost-share assistance to producers to implement certain structural and management practices on eligible agricultural land. Examples of structural practices include grassed waterways, filter strips, terraces, waste lagoons, and irrigation systems. Examples of management practices include conservation tillage, cover cropping, nutrient management, and integrated pest management.

[Healthy Forests Reserve Program](#) (HFRP)

This program is intended to restore, enhance, and protect forestland for the purpose of promoting the recovery of threatened and endangered species, improving animal and plant biodiversity, and enhancing carbon sequestration. The program offers a 30-year agreement for Tribal nations; all others are permanent easements—and provides cost-sharing for restoration of threatened or endangered species habitat.

KATHY SFERRA PHOTOGRAPHY





LANCIE CHEUNG/USDA

Warner Farm, Sunderland, Mass.

STATE PROGRAMS FROM MDAR

[Overview of MDAR Grants and Services](#)

The Commonwealth offers various grants and funding programs for agriculture through MDAR. The link above includes a comprehensive list of grants and programs for farm improvement projects, support for new farmers, marketing and promotion, food safety and food access, and other programs for Massachusetts farmers.

[Farm Viability Enhancement Program \(FVEP\)](#)

FVEP provides business planning and technical assistance to help established farms identify strategies to increase farm viability. Participants selected to participate in the program may be offered grant funds to implement strategies identified in the planning process in return for signing an agricultural covenant on the farm property for a 10 or 15-year term.

[APR Improvement Program \(AIP\)](#)

This grant program provides grant funding to farms with land that has already been protected through MDAR's Agricultural Preservation Restriction (APR) Program. Examples of uses of grant funds include new or improved agricultural buildings, as well as resource improvements, such as wells, establishing perennial crops, or fencing. The program may also provide additional technical assistance in identified areas of need such as family succession, marketing, or financial tracking to help increase farm viability.

[Stewardship Assistance and Restoration on APRs \(SARA\)](#)

This grant program funds projects to restore farmland for agricultural use on agricultural preservation restriction (APR) farms. Funds may be used for materials and contracted labor or equipment rental costs to clear or reclaim inactive fields that are out of production through no fault of the current owner.

[Matching Enterprise Grants for Agriculture \(MEGA\)](#)

The Matching Enterprise Grants for Agriculture (MEGA) program assists beginning farmers who are between 1 and 10 years in business by providing technical assistance (including a mentorship option) and business planning assistance. Funds are typically used for equipment, infrastructure, or other capital improvements to implement strategies identified during the planning process to help their business grow.

[Urban Agriculture Program](#)

Urban farmers are eligible to apply, as well as municipalities, nonprofits, and public or nonprofit educational or public health institutions. The program funds infrastructure needs, innovative food production, zoning ordinances, technical assistance, land acquisition, and youth leadership development.

OTHER PROGRAMS

[American Farmland Trust Brighter Future Fund](#)

AFT administers grants to farmers through our national grant-making program, the Brighter Future Fund.

[American Farmland Trust Prosperity Partners](#)

AFT is a licensed NRCS Technical Service Provider and can provide conservation planning for farms and ranches through its Prosperity Partners consulting team. This team provides a wide range of services geared towards helping farmers access capital, often at no cost to the producers themselves.

[Farm Credit East Services and Financing](#)

Farm Credit East is a leading provider of credit and financial services for Northeast agriculture, with special programs for young, beginning, veteran, and small farmers.

[Farm Credit East Grants & Incentives for Northeast Agriculture](#)

Farm Credit East publishes a comprehensive guide of available grants for farmers and also offers grant writing services.

Further Resources

FARMLAND PROTECTION

Farmland Information Center

[Agricultural Conservation Easements Fact Sheet](#)

A great primer on private farmland protection.

Massachusetts Land Trust Coalition

[Land Trust Resource Library](#)

A collection of resources for land trusts in Massachusetts.

National Agricultural Land Network

[NALN Network and Online Community](#)

Resources, online discussion boards, and more for farmland protection practitioners.

Farmland Information Center

[“Why Save Farmland” Webpage](#)

A great resource to make the case for farmland protection.

American Farmland Trust

[New England Farmland Protection and Access Webpage](#)

A clearinghouse of AFT's farmland protection and access work in New England.

American Farmland Trust

[Farms Under Threat 2040: Choosing an Abundant Future](#)

A multi-year initiative to document the status of and threats to agricultural land.

SUCCESSION PLANNING AND LAND ACCESS

[Land for Good](#)

A nonprofit supporting farmers with land access and succession.

[New England Farmland Finder](#)

A service to help connect farmers with farmland.

MDAR

[State-Owned Farmland Licensing Program](#)

Information about farming on state-owned farmland.

PLANNING FOR AGRICULTURE

UMass-Amherst

[Chapter 61 Programs](#)

Information about Chapter 61, 61A, and 61B for landowners, land trusts, and municipalities.

UMass-Amherst MassWoods

[Cost of Community Services Studies](#)

Case studies to determine the fiscal contribution of local land uses based on tax revenue and public services.

Farmland Information Center

[Planning for Agriculture](#)

A collection of resources about planning for agriculture at the local, state, and regional level.

Directory of Farmland Protection Organizations

FEDERAL AGENCIES

[USDA-Farm Service Agency](#)

445 West Street
Amherst, MA 01002
(413) 253-4500

[USDA-Natural Resources Conservation Service](#)

451 West Street
Amherst, MA 01002
(413) 253-4350

[USDA-Rural Development](#)

Southern New England Office
451 West Street
Amherst, MA 01002
(413) 253-4300

STATE AGENCIES

[Massachusetts Department of Agricultural Resources](#) (MDAR)

225 Turnpike Road, 3rd Floor
Southborough, MA 01772
(617) 921-4018

[Massachusetts Division of Conservation Services](#) (DCS)

100 Cambridge Street, 9th Floor
Boston, MA 02114
(857) 274-7173

[University of Massachusetts Extension](#)

Stockbridge Hall, 80 Campus Center Way
University of Massachusetts Amherst
Amherst, MA 01003-9246
(413) 545-4800

NON-PROFIT ORGANIZATIONS

[American Farmland Trust](#)

1 Short St
Northampton, MA 01060
(413) 586-9330
American Farmland Trust is a national conservation organization dedicated to protecting farmland, promoting sound farming practices, and keeping farmers on the land.

[Land for Good](#)

PO Box 625
Keene, New Hampshire 03431
(603) 357-1600

Land for Good is a New England-based nonprofit that provides support and expert guidance to help farmers, landowners, and communities navigate the complex challenges of land access, tenure, and transfer.

[Massachusetts Farm Bureau Federation](#)

249 Lakeside Avenue
Marlborough, MA 01752
(508) 481-4766 • mfbf.net

Massachusetts Farm Bureau Federation is a membership organization with a mission to strengthen a diverse agricultural community by supporting and advocating for Massachusetts farm families.

[Massachusetts Land Trust Coalition](#)

18 Wolbach Road
Sudbury, MA 01776
(978) 443-2233

List of Land Trusts across the Commonwealth:
<https://massland.org/land-trusts>

As the umbrella organization for land trusts in the Commonwealth, the Massachusetts Land Trust Coalition strengthens land trusts and advances land conservation by providing education, tools, networking and advocacy for land trusts and their partners.

[Trust for Public Land](#)

Massachusetts Office
6 Beacon Street, Suite 615
Boston, MA, 02108
(617) 367-6200

The Trust for Public Land is a national land conservation organization with a commitment to protecting land for people to enjoy, including farms and forests that support land-based livelihoods.

[The Trustees of Reservations](#)

200 High Street
Boston, MA 02110
(617) 542-7696

The Trustees of Reservations is a statewide nonprofit with a mission to preserve, for public use and enjoyment, places of exceptional scenic, historical, and ecological value.



American Farmland Trust
SAVING THE LAND THAT SUSTAINS US



For an electronic copy of this report, visit
farmlandinfo.org/publications/massachusetts-farmland-protection-options-guide
or scan this code:

