

## **APR Application Criteria & Considerations**

### Primary Requirements:

1. Farm must be at least five (5) acres in size.
2. Land has to have been actively devoted to agriculture for the two (2) immediately preceding tax years.
3. Farm must produce at least \$500 in gross sales per year for the first five acres plus \$5 for each additional acre or 50 cents per each additional acre of woodland and/or wetland.

### Other criteria considered:

1. Suitability and productivity of land for agricultural use based on soil classification, physical features, and location.
2. The degree of threat to the continuation of agriculture on the land due to circumstances such as owner's death, retirement, financial positions, development pressure, or insecurity due to rental agreements.
3. The degree to which the land is of a size or composition to be economically viable for agricultural purposes and the likelihood that it will remain in agriculture for the foreseeable future.

### **Municipal Grant Information**

This source of municipal APR funding is available only to towns that demonstrate support of agriculture from a planning perspective AND have enough agricultural activity to be sustainable.

### Threshold qualifications:

1. The municipality has an agricultural land base that includes a minimum of 400 acres in active agricultural use, and/ or 1200 acres enrolled in Chapters 61 and 61A combined.
2. The project must meet minimum soils requirements: A) for projects less than 20 acres, at least 75% of the land in agricultural use must be classified as Prime Farmland, Unique Farmland, or Soils of Statewide Importance, as defined and mapped by USDA-NRCS. B) for projects greater than or equal to 20 acres, at least 50% of the land in agricultural use must include the above described soil types.
3. A goal of a 20% local match is stipulated, but temporary bridge measures have been enacted for towns that show progress towards increased investment in their agricultural resources.

Where threshold requirements #1 and #2 above cannot be met, APR-Muni may allow specific projects to be eligible if the project at least contains the financial match requirements above, and either:

4. is adding to an existing APR block of at least 200 acres; OR
5. is part of a defined farmland block, of which 75% of the block is permanently protected;

# Statutes

## **Chapter 20: Section 23. Program to assist in acquisition of agricultural preservation restrictions**

(a) The secretary of environmental affairs shall establish a program to assist the commonwealth in the acquisition of agricultural preservation restrictions as defined in section 31 of chapter 184, for land actively devoted to agricultural or horticultural uses as defined in sections 1 to 5, inclusive, of chapter 61A. The commissioner of agricultural resources may from funds appropriated to carry out this section, or received from other sources, pay any agricultural land owner for a project submitted by a city or town and approved by the agricultural lands preservation committee established by section 24 such amount as is determined by the agricultural lands preservation committee to be equitable in consideration of anticipated benefits from such project but not to exceed the difference between the fair market value of such land and the fair market value of such land restricted for agricultural purposes pursuant to this section.

## **Chapter 20: Section 24. Agricultural lands preservation committee**

The committee shall evaluate and accept or reject projects submitted by cities and towns. In so evaluating, the committee shall consider at a minimum the following:

- (1) the suitability of land as to soil classification and other criteria for agricultural use;
- (2) the fair market value of such land and the fair market value of such land when used for agricultural purposes as determined by independent appraisals; and
- (3) the degree to which the acquisition would serve to preserve the agricultural potential of the commonwealth.

The commissioner of agricultural resources may establish such rules and regulations as may be deemed necessary to carry out this section.

## **Chapter 184: Section 31. Restrictions, defined**

An agricultural preservation restriction means a right, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land appropriate to retaining land or water areas predominately in their agricultural farming or forest use, to forbid or limit any or all (a) construction or placing of buildings except for those used for agricultural purposes or for dwellings used for family living by the land owner, his immediate family or employees; (b) excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance in such a manner as to adversely affect the land's overall future agricultural potential; and (c) other acts or uses detrimental to such retention of the land for agricultural use. Such agricultural preservation restrictions shall be in perpetuity except as released under the provisions of section thirty-two. All other customary rights and privileges of ownership shall be retained by the owner including the right to privacy and to carry out all regular farming practices.