

HOUSE No. 5229

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, January 4, 2021.

The committee on Ways and Means, to whom was referred the Senate Bill providing for the permanent protection and stewardship of the historic Lampson Brook Farm in Belchertown (Senate, No. 2972), reports recommending that the same ought to pass with an amendment striking all after the enacting clause and inserting in place thereof the text contained in House document numbered 5229.

For the committee,

AARON MICHLEWITZ.

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Text of an amendment, recommended by the committee on Ways and Means, to the Senate Bill providing for the permanent protection and stewardship of the historic Lampson Brook Farm in Belchertown (Senate, No. 2972). January 4, 2021.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. As used in this act, the following words shall, unless the context clearly
2 requires otherwise, have the following meanings:

3 “Board”, the Lampson Brook Farm board of directors established in section 2.

4 “Commercial agriculture parcel”, approximately 120 acres of commercially managed
5 farmland and associated conservation land as further identified on the survey plan, which shall
6 be under the care and control of the department of agricultural resources.

7 “Community farm parcel”, approximately 44 acres, including the historic Belchertown
8 state school structures and viewscape and associated farm fields and garden plots, as further
9 defined in the survey plan.

10 “Division”, the division of capital asset management and maintenance.

11 “Enterprise zone parcel”, approximately 10 acres of land that makes up the site of the
12 former dairy farm structures as further described on the survey plan.

13 “Farm management”, services provided by the owner of the community farm parcel
14 under the direction of the board to implement the management plan, including the overall
15 coordination and management of the day-to-day operations of the Lampson Brook Farm.

16 “Forest parcel”, approximately 240 acres of forest and natural cover, including the former
17 compost site, as further described on the survey plan.

18 “Fund”, the Lampson Brook Farm Fund established in section 3.

19 “Jepson farmstead parcel”, approximately 16 acres of land that includes the historic
20 Jepson farmhouse and adjacent land and the former root cellar parcel as further identified on the
21 survey plan.

22 “Lampson Brook Farm”, an approximately 430-acre historic site comprised of (i) the
23 240-acre forest parcel, (ii) the 120-acre commercial agricultural parcel, (iii) the 44-acre
24 community farm parcel, (iv) the 10-acre enterprise zone parcel and (v) the 16-acre historic
25 Jepson farmstead parcel and grounds and as further described on the survey plan.

26 “Management plan”, a plan completed by the board, in consultation with the division and
27 New England Small Farm Institute, Inc., prior to the disposition of any parcels of the Lampson
28 Brook Farm.

29 “Survey plan”, a plan that clearly delineates the 5 parcels that comprise the Lampson
30 Brook Farm.

31 SECTION 2. (a) There shall be a body politic and corporate to be known as the Lampson
32 Brook Farm board of directors, which shall be a public instrumentality of the commonwealth.
33 The board shall consist of the commissioner of conservation and recreation or a designee; the

34 commissioner of agricultural resources or a designee; 3 persons to be appointed by the select
35 board of the town of Belchertown, 1 of whom shall be a member of the agriculture commission
36 of the town, 1 of whom shall be a member of the conservation commission of the town and 1 of
37 whom shall be a representative of the Belchertown Economic Development Industrial
38 Corporation; and 1 representative of a nonprofit organization or private business holding an
39 ownership interest in the Lampson Brook Farm who shall be appointed by the members of the
40 board. The secretary of energy and environmental affairs or a designee shall serve as an ex-
41 officio member of the board for 5 years from the effective date of this act or until the repeal of
42 chapter 664 of the acts of 1986, whichever first occurs. The exercise by the board of the power
43 conferred by this act shall be deemed to be the performance of an essential governmental
44 function.

45 Decisions made by the board shall be by a majority vote. The secretary of energy and
46 environmental affairs shall vote on matters where a vote of the board resulted in a tie. If a board
47 vote results in a tie when the secretary of energy and environmental affairs is not serving as an
48 ex-officio member and the board determines after reconsideration that the matter is deadlocked,
49 the matter shall be referred to the executive committee of the Pioneer Valley Planning
50 Commission which shall cast the deciding vote. In making its determination, the executive
51 committee of the Pioneer Valley Planning Commission, in its sole discretion, shall be entitled to
52 either: (i) rely solely on the existing record with respect to the matter; or (ii) receive additional
53 information reasonably necessary to casting its deciding vote; provided, however, that
54 notwithstanding any rules or requirements of the board to the contrary, the executive committee
55 of the Pioneer Valley Planning Commission shall not be required to attend any in-person
56 deliberations or meetings. The executive committee of the Pioneer Valley Planning Commission

57 shall have no legal liability and shall be held harmless as a result of casting the deciding vote
58 under this subsection.

59 (b) The board, in consultation with the division and the New England Small Farm
60 Institute, Inc., shall complete a management plan prior to the disposition of any of the parcels of
61 the Lampson Brook Farm. The management plan shall take into account the many public values
62 that make the Lampson Brook Farm a unique natural and cultural resource, including: (i) the
63 conservation, sustainable management and demonstration of forest and farmland resources; (ii)
64 the promotion of and provision for passive outdoor recreation and for access for the Snowmobile
65 Association of Massachusetts, Inc. as described in section 9; (iii) the enhancement and
66 promotion of local economic opportunity, including tourism; (iv) the protection and
67 enhancement of regional open space, including Lampson Brook Farm's historic working
68 agricultural landscape and viewshed; (v) the protection of habitat and promotion of biodiversity;
69 and (vi) the preservation and appropriate use of historic farm structures and infrastructure. The
70 management plan shall integrate these factors into a Lampson Brook Farm vision statement and
71 sustainable management 10-year operating plan with input from experts, stakeholders and the
72 local community. The management plan shall be updated not less than every 10 years or as
73 needed during each 10-year planning period.

74 The board shall oversee the completion of the management plan within 1 year after the
75 effective date of this act. The management plan shall be used as a guide by the board and farm
76 management and shall provide for public outreach and education regarding the unique cultural
77 and natural resource values that make the Lampson Brook Farm an important resource for the
78 commonwealth. The board shall monitor the activities of the Lampson Brook Farm to assure the

79 continuous implementation of the management plan and the stewardship standards contained in
80 the management plan.

81 (c) The board shall ensure completion of a survey plan that shall delineate the 5 parcels
82 that comprise the Lampson Brook Farm. The survey plan shall be recorded in the Hampshire
83 district registry of deeds within 1 year after the effective date of this act.

84 SECTION 3. There shall be a Lampson Brook Farm Fund. The fund shall be
85 administered by the board consistent with the management plan. There shall be credited to the
86 fund: (i) revenues or other financial sources directed to the fund by appropriation; (ii) bond
87 revenues or other monies authorized by the general court and specifically designated to the fund;
88 (iii) any income derived from the investment of the amounts credited to the fund; (iv) monies
89 from the repayment of loans from the fund; (v) lease payments from tenants of the Lampson
90 Brook Farm including, but not limited to, any ground lease payments from the enterprise zone
91 parcel or funds received from the sale of the enterprise zone, the forest parcel or the community
92 farm parcel; (vi) funds from the sale of timber or other products from the forest parcel; (vii)
93 funds from public or private sources including, but not limited to, gifts, state, federal or private
94 grants, donations and rebates; (viii) settlements received by the commonwealth that are
95 specifically designated to be credited to the fund; and (ix) all other amounts credited or
96 transferred into the fund from any other source. Amounts credited to the fund shall be held in an
97 expendable trust and shall be used solely for the implementation and administration of the
98 Lampson Brook Farm including, but not limited to: (A) the completion of the survey plan; (B)
99 completion of the management plan; (C) restoration of the enterprise zone parcel; (D) restoration
100 of the Jepson farmstead; (E) restoration and improvements on the community farm parcel, the
101 forest parcel and the commercial agriculture parcel; (F) administrative support to the board of

102 directors; (G) all costs and expenses, including reasonable attorney fees, incurred by the
103 executive committee of the Pioneer Valley Planning Commission in the discharge of its duties
104 relative to the Lampson Brook Farm board of directors; and (H) for the operations and
105 expenditures made according to a budget prepared by the owner of the community farm parcel
106 and approved by the board in accordance with procedures established in the management plan
107 for regular and nonrecurring expenditures. Any unexpended funds at the end of the fiscal year
108 shall not revert to the General Fund and shall be carried over from year to year and may be
109 expended in subsequent years without appropriation. No expenditure from the fund shall cause
110 the fund to become deficient at any point during any fiscal year.

111 SECTION 4. Upon completion of the survey and management plans, the board shall
112 formally vote to accept each plan and send notice of such acceptance to the division. The
113 division shall certify that the plans are sufficient to ensure the permanent protection and
114 ownership of all parcels comprising the Lampson Brook Farm. The division shall notify the
115 house and senate committees on ways and means of its certification of the plans. Parcels not
116 transferred by the board pursuant to this act on or before the division notifies the house and
117 senate committees on ways and means of its certification of the survey and management plans
118 shall remain under the management of the existing lease between the division and the New
119 England Small Farm Institute, Inc., executed on September 9, 2003, including any amendments
120 thereof, and supported by expenditures from the fund as approved by the board.

121 SECTION 5. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the
122 General Laws, the board, with the approval of the division and consistent with the
123 recommendations of the management plan, shall seek proposals and select nonprofit
124 organizations for the permanent ownership of the community farm parcel and the forest parcel.

125 The board shall give preference to those qualified applicants that propose to own both parcels
126 and provide farm management services and shall choose the applicant that most closely meets
127 the recommendations of the management plan and offers the most experience in resource
128 stewardship. The value of the community farm parcel and the forest parcel shall be as restricted
129 by the associated conservation and historic preservation restrictions and applicants may utilize
130 appropriate private, state or federal grants to pay for the restricted value as determined by an
131 independent appraiser. The proceeds from the conveyance shall be deposited into the fund. The
132 owner of the community farm parcel shall provide farm management services. Farm
133 management services shall be provided under the direction of the board, in accordance with the
134 management plan, through the negotiation of memoranda of agreement, in coordination with the
135 owners of the forest parcel, the Jepson farmstead parcel, the enterprise zone parcel and the
136 commercial agriculture parcel, and shall include the day-to-day operation of the Lampson Brook
137 Farm Fund under the administrative direction of the board. The board may enter into a
138 memorandum of agreement with the owners of the community farm parcel for provision of such
139 services for up to 25 years, with options to renew for additional periods of up to 25 years.

140 (b) The community farm parcel shall be owned by a nonprofit organization selected by
141 the board pursuant to subsection (a) and such nonprofit corporation shall have at least the
142 following purposes: (i) historic preservation; (ii) passive recreation; (iii) promotion of small-
143 scale farming, local food production and food system development; and (iv) farm management
144 services. The community farm parcel shall be encumbered by conservation and historic
145 preservation restrictions in compliance with section 32 of chapter 184 of the General Laws and
146 held by any qualified organizations selected by the board that have been organized for purposes
147 that include farmland conservation and historic preservation. The management of the community

148 farm parcel, including its viewscape, shall comply with the management plan, including
149 providing service as the public gateway to the Lampson Brook Farm property.

150 (c) The forest parcel shall be owned by a nonprofit organization selected by the board
151 pursuant to subsection (a) and such organization shall be organized for at least forest
152 conservation and management purposes. The forest parcel shall be held under a conservation
153 restriction in compliance with section 32 of chapter 184 of the General Laws which shall be held
154 jointly by the department of conservation and recreation and the conservation commission of the
155 town of Belchertown pursuant to section 8C of chapter 40 of the General Laws.

156 SECTION 6. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
157 Laws, the board, in consultation with the division, shall transfer ownership of the Jepson
158 farmstead parcel, at no cost, to the New England Small Farm Institute, Inc. or its successor
159 organization; provided, however, that any transfer to a successor organization shall be approved
160 by the board. There shall be a historic preservation restriction over the Jepson farmstead parcel in
161 compliance with section 32 of chapter 184 of the General Laws which shall be held by a
162 qualified public or private entity. The New England Small Farm Institute, Inc. shall manage the
163 Jepson farmstead parcel in compliance with the management plan. Permitted uses of the Jepson
164 farmstead parcel shall include, but not be limited to, office space, classrooms, meeting and
165 archival storage space and residential use for providing site security and a management presence
166 at Lampson Brook Farm.

167 SECTION 7. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
168 Laws, the board, with the approval of the division and consistent with the recommendations of
169 the management plan, shall seek proposals and select a nonprofit organization or a private entity

170 for a 99-year ground lease or for permanent ownership of the enterprise zone parcel. The board
171 decision shall be based on the total amount of the proposed lease or purchase payment, the
172 compatibility of the proposal with the management plan, the applicant's ability to steward the
173 parcel and any other criteria as determined by the board. The board may utilize the fund to
174 restore or partially restore the enterprise zone parcel in order to successfully complete the
175 transition from the former dairy farm into sustainable natural resource-based enterprises
176 compatible with the management plan with provision for public access, tourism and public
177 education value and public benefits. The value of the enterprise zone parcel shall be determined
178 by an independent appraiser. The ground lease or sale proceeds shall be deposited into the fund.
179 The owner or lessee of the enterprise zone parcel shall manage the enterprise zone parcel in
180 compliance with the management plan and any ground lease or deed shall include a provision
181 requiring compliance with the management plan.

182 SECTION 8. The owners of the Jepson farmstead parcel, the community farm parcel and
183 the commercial agriculture parcel may lease portions of those parcels to farmers or organizations
184 for a period not to exceed 15 years; provided, however, that any such lease shall be compatible
185 with the management plan. The owner of the forest parcel shall complete a forest stewardship
186 plan, subject to the approval of the department of conservation and recreation, that conserves the
187 biodiversity, outdoor recreation, scenic and other values of the forest parcel and includes the
188 sustainable forest management of the parcel. The owners of the forest and community farm
189 parcels may develop passive recreational and education trails that are compatible with the
190 management plan and forest stewardship plan in coordination with the town of Belchertown. The
191 board may maintain the Lampson Brook Farm parcels if the owners or lessees fail to maintain

192 the land in accordance with the management plan and the conservation or historic preservation
193 restrictions.

194 SECTION 9. A permanent access easement or agreement, as located on the survey plan,
195 shall be granted to the Snowmobile Association of Massachusetts, Inc. on behalf of the Mill
196 Valley Snowmobile Club, Inc. for the snowmobile trail that crosses the Lampson Brook Farm as
197 described in the management plan and the conservation restriction.

198 SECTION 10. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
199 Laws, the landfill site of the former Belchertown State School, as described in the survey plan
200 and management plan, shall remain under the care and control of the division. The division may
201 dispose of that parcel and shall consider the impact any such disposition may have on adjacent
202 property.

203 SECTION 11. Chapter 664 of the acts of 1986 is hereby repealed.

204 SECTION 12. Section 11 shall take effect upon the certification of the survey and
205 management plans by the division pursuant to section 4 and the publication of the notice of such
206 certification in the state register. The division shall notify the state secretary of the certification.
207 The state secretary shall publish the notice in the state register.