

**SENATE . . . . . No. 2784**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Eric P. Lesser*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act providing for the permanent protection and stewardship of the historic Lampson Brook Farm in Belchertown.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Eric P. Lesser*

*First Hampden and Hampshire*

*Thomas M. Petrolati*

*7th Hampden*

**SENATE . . . . . No. 2784**

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By Mr. Lesser, a petition (accompanied by bill, Senate, No. 2784) (subject to Joint Rule 12) of Eric P. Lesser and Thomas M. Petrolati for legislation to provide for the permanent protection and stewardship of the historic Lampson Brook Farm in Belchertown. Environment, Natural Resources and Agriculture.

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**The Commonwealth of Massachusetts**

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

An Act providing for the permanent protection and stewardship of the historic Lampson Brook Farm in Belchertown.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the disposition and permanent protection of certain property at the former Belchertown State School known as the Lampson Brook Farm, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. As used in sections 1 through 11, inclusive, the following words shall,  
2 unless the context clearly indicates otherwise, have the following meanings:

3           “Board”, the Lampson Brook Farm board of directors, hereinafter referred to as the  
4 “board”, which shall include: the commissioner of the department of conservation and recreation  
5 or his designee, the commissioner of the department of agricultural resources or his designee, a  
6 member of the agriculture commission of the town of Belchertown as confirmed by the select  
7 board, a member of the conservation commission of the town of Belchertown as confirmed by  
8 the select board, a representative of the EDIC as confirmed by the select board, and a

9 representative of any nonprofit organization or private business holding an ownership interest in  
10 the Lampson Brook Farm. The board shall make decisions by a majority vote. For five years  
11 after the date of passage of this Act or until Chapter 664 of the acts of 1986 is repealed pursuant  
12 to Section 4 of this Act, whichever comes first, the secretary of the executive office of energy of  
13 environmental affairs or their designee shall serve as an ex officio member of the board, but  
14 shall vote on matters should a vote of the board result in a tie. Thereafter if a board vote results  
15 in a tie, and the board determines after reconsideration that the matter is deadlocked, the matter  
16 shall be referred to the Executive Committee of the Pioneer Valley Planning Commission which  
17 shall cast the deciding vote. In making its determination, the Executive Committee of the Pioneer  
18 Valley Planning Commission shall be entitled to either, in its sole discretion, rely solely on the  
19 existing record with respect to the matter or to receive additional information reasonably  
20 necessary to casting its deciding vote, and shall not be required to attend any in-person  
21 deliberations or meetings, notwithstanding any rules or requirements of the Board to the  
22 contrary. The Executive Committee of the Pioneer Valley Planning Commission shall have no  
23 legal liability and will be held harmless as a result of casting the deciding vote. The board shall  
24 be considered a body politic and corporate and is hereby constituted as a public instrumentality  
25 and the exercise by the board of the power conferred by this chapter shall be deemed to be  
26 performance of an essential governmental function.

27 “Commercial agriculture parcel”, the approximately 120 acres of commercial managed  
28 farm land and associated conservation land as further identified on the “survey plan” to be under  
29 the care and control of the department of agricultural resources and leased in consultation with  
30 the board and the community farm parcel owner, whenever feasible, to small-scale farmers  
31 following the best stewardship practices in the management plan.

32 “Community farm parcel”, the approximately 44 acres that include the historic  
33 Belchertown State School structures and viewscape, and associated farm fields and garden plots,  
34 as further defined in the survey plan. Said parcel shall be owned by a nonprofit organization  
35 selected by the Board pursuant to section 7 of this Act whose purposes include historic  
36 preservation, passive recreation, and promotion of small-scale farming, local food production,  
37 and food system development; and which shall provide the services described herein as Lampson  
38 Brook Farm management (“farm management”). Said parcel shall be encumbered by  
39 conservation and historic preservation restrictions in compliance with chapter 184, section 32 of  
40 the general laws which shall be held by one or more qualified organizations, selected by the  
41 board, whose purposes include farmland conservation and historic resource preservation. The  
42 management of the community farm parcel, including its viewscape, shall be in compliance with  
43 the management plan including providing service as the public gateway to the Lampson Brook  
44 Farm property.

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

46 “Enterprise zone parcel”, the approximately 10 acres that makes up the former dairy farm  
47 structures as further described on the “survey plan” to be owned or leased by a nonprofit  
48 organization or a private entity as selected by the board pursuant to Sections 5 and 7 of this Act  
49 and restored to the extent feasible and safe and developed for use by one or more natural  
50 resource-based businesses that are compatible with the provisions of the management plan.

51 “Farm management”, those services provided by the owner of the community farm parcel  
52 under the direction of the board to implement the management plan including overall  
53 coordination and management of the day to day operations of the Lampson Brook Farm. Farm

54 management services shall be provided under the direction of the board and in accordance with  
55 the management plan and through the negotiation of memoranda of agreement, in coordination  
56 with the owners of the forest parcel, the Jepson farmstead parcel, the enterprise zone parcel and  
57 the commercial agriculture parcel, and shall include the day to day operation of the Lampson  
58 Brook Farm Fund under the administrative direction of the board. The board may enter into a  
59 memorandum of agreement with the owners of the community farm parcel for provision of such  
60 services for up to twenty-five years with options to renew for periods up to twenty-five years.

61 “Forest parcel”, the approximately 240 acres of forest and natural cover, including the  
62 former compost site, as further described on the survey plan to be owned by a nonprofit  
63 organization selected by the Board pursuant to sections 5 and 7 of this Act, whose purposes  
64 include forest conservation and management and held under a conservation restriction in  
65 compliance with chapter 184, section 32 of the general laws held jointly by the department of  
66 conservation and recreation and the conservation commission of the Town of Belchertown  
67 pursuant to chapter 40, section 8C of the general laws.

68 “Jepson farmstead parcel”, the historic Jepson farmhouse and adjacent land including the  
69 former root cellar parcel, totaling approximately 16 acres, as further described on the survey plan  
70 to be owned by the New England Small Farm Institute, Inc. or a successor non-profit  
71 organization. Such successor organization shall be approved by the board. Said parcel shall be  
72 encumbered by a historic preservation restriction in compliance with chapter 184, section 32 of  
73 the general laws. Permitted use of the Jepson farmstead parcel shall include office, classroom,  
74 meeting, and archival storage space, and residential use for purposes of providing site security  
75 and a management presence at Lampson Brook Farm.

76 “Lampson Brook Farm”, the approximately 430-acre historic site comprised of the 240  
77 acre forest parcel, the 120 acre commercial agricultural parcel, the 44 acre community farm  
78 parcel, the 10 acre enterprise zone parcel, and the 16 acre historic Jepson farmstead and grounds  
79 and as further described on the survey plan.

80 “Management plan”, a plan to be completed by the board, in consultation with the  
81 division and New England Small Farm Institute, Inc. prior to the disposition of any of the parcels  
82 of the Lampson Brook Farm. The management plan shall take into account the many public  
83 values that make the Lampson Brook Farm a unique natural and cultural resource including: the  
84 conservation, sustainable management and demonstration of forest and farmland resources; the  
85 promotion of and provision for passive outdoor recreation and for access for the Snowmobile  
86 Association of Massachusetts as specified in Section 9; the enhancement and promotion of local  
87 economic opportunity, including tourism; the protection and enhancement of regional open  
88 space, including Lampson Brook Farm’s historic working agricultural landscape and viewshed;  
89 the protection of habitat and promotion of biodiversity; and the preservation and appropriate use  
90 of historic farm structures and infrastructure. The management plan shall integrate the above  
91 values into a Lampson Brook Farm vision statement and sustainable management operating plan  
92 for the next ten years with input from various experts, stakeholders and the local community.  
93 Said management plan shall include the provisions outlined in section 2 of this act and be  
94 updated at least every ten years.

95 “Survey plan”, a plan that clearly delineates the five separate parcels that comprise the  
96 Lampson Brook Farm and which is recorded in the Hampshire Registry of Deeds within one year  
97 of the passage of this act.

98           SECTION 2. The board shall oversee the completion of the management plan within one  
99 year of the passage of this act. The management plan shall be used as a guide by the board and  
100 farm management for the next ten years and shall effectively provide for public outreach and  
101 education regarding the unique cultural and natural resource values that make the Lampson  
102 Brook Farm an important resource for the commonwealth. The board shall monitor the activities  
103 of the Lampson Brook Farm to assure the continuous implementation of the management plan  
104 and the stewardship standards contained in the management plan. The board of directors shall  
105 update the comprehensive management plan every ten years or as needed during each ten-year  
106 planning period.

107           SECTION 3. There shall be established and set up on the books of the commonwealth a  
108 separate fund to be known as the Lampson Brook Farm Fund, hereafter referred to as the Fund.  
109 The Fund shall be administered by the board consistent with the management plan. There shall  
110 be credited into the fund revenues or other financial sources directed to the fund by  
111 appropriation, bond revenues or other monies authorized by the general court and specifically  
112 designated to be credited to the fund, any income derived from the investment of the amounts  
113 credited to the fund and monies from the repayment of loans from the fund, lease payments from  
114 tenants of the Lampson Brook Farm including any ground lease payments from the enterprise  
115 zone parcel or funds received from the sale of the enterprise zone, forest or community farm  
116 parcels, funds from the sale of timber or other products from the forest parcel, funds from public  
117 or private sources including, but not limited to, gifts, state, federal or private grants, donations,  
118 rebates and settlements received by the commonwealth that are specifically designated to be  
119 credited to the fund and all other amounts credited or transferred into the fund from any other  
120 source. Amounts credited to said fund shall be held in an expendable trust and shall be used

121 solely for implementing the purposes and administration of the Lampson Brook Farm established  
122 in this act including but not limited to the completion of the survey plan, completion of the  
123 management plan, the restoration of the enterprise zone parcel, the restoration of the Jepson  
124 farmstead, restoration and improvements on the community farm parcel, forest and commercial  
125 farm parcels, administrative support to the board of directors, any and all costs and expenses,  
126 including reasonable attorney fees, incurred by the Executive Committee of the Pioneer Valley  
127 Planning Commission in fulfilment of its Lampson Brook Farm Board of Directors duties, and  
128 for operations and expenditures according to a budget prepared by the owner of the community  
129 farm parcel and approved by the board in accordance with procedures established in the  
130 management plan for regular and non-recurring expenditures. Unexpended funds may be carried  
131 over from year to year to be expended in subsequent years without appropriation. No  
132 expenditure from the fund shall cause it to be in deficiency.

133 SECTION 4. Chapter 664 of the acts of 1986 is hereby repealed upon the completion of  
134 the survey plan and the management plan, and upon the permanent protection and ownership of  
135 all the parcels that make up the Lampson Brook Farm. Parcels not yet transferred by the board,  
136 as permitted by this act, shall remain under the management of the existing or amended lease  
137 between the division and the New England Small Farm Institute, Inc., and supported by  
138 expenditures from the Fund as approved by the Board.

139 SECTION 5. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General  
140 Laws, the board, with the approval of the division and consistent with the recommendations of  
141 the management plan, shall seek proposals and select one or more nonprofit organizations for the  
142 permanent ownership of the community farm parcel and the forest parcel. The board shall give  
143 preference to those qualified applicants that propose to own both parcels and provide the services

144 of farm management, choosing that applicant that most closely meet the recommendations of the  
145 management plan and offers the best experience in resource stewardship. The value of the  
146 community farm and forest parcels will be as restricted by the associated conservation and  
147 historic preservation restrictions and applicants may utilize appropriate private, state or federal  
148 grants to pay for the restricted value as determined by an independent appraiser. The proceeds  
149 from the conveyance shall be deposited in the Fund. The owner of the community farm parcel  
150 shall provide the services of farm management.

151 SECTION 6. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General  
152 Laws, the board, in consultation with the division, shall transfer the ownership of the Jepson  
153 farmstead parcel at no cost to the ownership of the New England Small Farm Institute, Inc. or its  
154 successor organization, with such successor organization approved by the board. There shall be  
155 an historic preservation restriction over this parcel in compliance with Chapter 184, section 32 of  
156 the general laws and held by a qualified public or private entity. The New England Small Farm  
157 Institute, Inc. shall manage the Jepson farmstead parcel in compliance with the management  
158 plan.

159 SECTION 7. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General  
160 Laws, the board, with the approval of the division and consistent with the recommendations of  
161 the management plan, shall seek proposals and select a nonprofit organization or a private entity  
162 for either a 99 year ground lease or permanent ownership of the enterprise zone parcel. The  
163 board decision will be based on the amount of the payment, the compatibility of the proposal  
164 with the management plan, the ability of the applicant to steward the parcel and other criteria set  
165 by the board. The board may utilize the Fund to restore or partially restore the enterprise zone  
166 parcel in order to successfully complete the transition from the former dairy farm to one or more

167 sustainable natural resource-based enterprises with provision for public access, tourism and  
168 public education values and public benefits and which are compatible with the management plan.  
169 The ground lease or sale proceeds shall be deposited in the Fund. The owner of the enterprise  
170 zone parcel shall manage the enterprise zone parcel in compliance with the management plan and  
171 this provision shall be included in the ground lease or deed for the above conveyance.

172 SECTION 8. The owners of the Jepson Farmstead, the community farm and commercial  
173 agriculture parcels shall have the authority to lease portions of said parcels to farmers or  
174 organizations for a period not to exceed fifteen years, all of which shall be compatible with the  
175 management plan. The owner of the forest parcel shall complete a forest stewardship plan  
176 approved by the department of conservation and recreation and which conserves the biodiversity,  
177 outdoor recreation, scenic and other values of the forest parcel and which shall include the  
178 sustainable forest management of the parcel. The owners of the forest and community farm  
179 parcels may develop passive recreational and education trails which are compatible with the  
180 management plan and forest stewardship plan in coordination with the community. The board  
181 shall have the right to undertake maintenance of the Lampson Brook Farm parcels should the  
182 owners fail to maintain the land in accordance with the management plan and the conservation or  
183 historic preservation restrictions.

184 SECTION 9. A permanent access easement or agreement, as located on the plan, shall be  
185 granted to the Snowmobile Association of Massachusetts on behalf of the Mill Valley  
186 Snowmobile Club for the snowmobile trail that crosses the Lampson Brook Farm as described in  
187 the management plan and future updates to the plan and the conservation restriction.

188           SECTION 10. Not less than \$350,000 shall be appropriated to the Lampson Brook Farm  
189 Fund for the renovation of the facilities and land of the Lampson Brook Farm, the development  
190 of the management plan, the selection of owners of the parcels, transition costs during the initial  
191 period, and other activities in accordance with the management plan under the direction of the  
192 Board.

193           SECTION 11. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General  
194 Laws, the landfill site of the former Belchertown State School as described in the plan and the  
195 management plan shall remain under the care and control of the division and the division may  
196 dispose of this parcel in the future in compliance with the laws of the Commonwealth and with  
197 consideration for the impact such disposition may have on adjacent property.