

SENATE No. 2784

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:
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>
<i>Thomas M. Petrolati</i>	<i>7th Hampden</i>

SENATE No. 2784

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.

The Commonwealth of Massachusetts

**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.