

SENATE No. 2972

The Commonwealth of Massachusetts

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

SENATE, December 10, 2020.

The committee on Senate 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. 2784), - reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2972).

For the committee,
Michael J. Rodrigues

SENATE No. 2972

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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.

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 this act, the following words shall have the following meanings
2 unless the context requires otherwise:

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

4 “Commercial agriculture parcel”, approximately 120 acres of commercial 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.

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

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

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

30 SECTION 2. (a) There shall be a body politic and corporate to be known as the Lampson
31 Brook Farm board of directors which shall be a public instrumentality of the commonwealth.
32 The board shall consist of the commissioner of conservation and recreation or a designee, the
33 commissioner of agricultural resources or a designee, 3 persons to be appointed by the select

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

43 Decisions made by the board shall be by a majority vote. The secretary shall vote on
44 matters where a vote of the board resulted in a tie. If a board vote results in a tie when the
45 secretary is not serving as an ex-officio member and the board determines after reconsideration
46 that the matter is deadlocked, the matter shall be referred to the executive committee of the
47 Pioneer Valley Planning Commission which shall cast the deciding vote. In making its
48 determination, the executive committee of the Pioneer Valley Planning Commission, in its sole
49 discretion, shall be entitled to either: (i) rely solely on the existing record with respect to the
50 matter; or (ii) receive additional information reasonably necessary to casting its deciding vote;
51 provided, however, that notwithstanding any rules or requirements of the board to the contrary,
52 the executive committee shall not be required to attend any in-person deliberations or meetings.
53 The executive committee shall have no legal liability and shall be held harmless as a result of
54 casting the deciding vote under this subsection.

55 (b) The board, in consultation with the division and New England Small Farm Institute,
56 Inc., shall complete a management plan prior to the disposition of any of the parcels of the

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

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

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

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

103 for regular and nonrecurring expenditures. Unexpended funds may be carried over from year to
104 year and may be expended in subsequent years without appropriation. No expenditure from the
105 fund shall cause it to be in deficiency.

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

116 SECTION 5. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the
117 General Laws, the board, with the approval of the division and consistent with the
118 recommendations of the management plan, shall seek proposals and select nonprofit
119 organizations for the permanent ownership of the community farm parcel and the forest parcel.
120 The board shall give preference to those qualified applicants that propose to own both parcels
121 and provide farm management services and shall choose the applicant that most closely meets
122 the recommendations of the management plan and offers the most experience in resource
123 stewardship. The value of the community farm parcel and the forest parcel shall be as restricted
124 by the associated conservation and historic preservation restrictions and applicants may utilize
125 appropriate private, state or federal grants to pay for the restricted value as determined by an

126 independent appraiser. The proceeds from the conveyance shall be deposited into the fund. The
127 owner of the community farm parcel shall provide farm management services. Farm
128 management services shall be provided under the direction of the board, in accordance with the
129 management plan, through the negotiation of memoranda of agreement, in coordination with the
130 owners of the forest parcel, the Jepson farmstead parcel, the enterprise zone parcel and the
131 commercial agriculture parcel, and shall include the day-to-day operation of the Lampson Brook
132 Farm Fund under the administrative direction of the board. The board may enter into a
133 memorandum of agreement with the owners of the community farm parcel for provision of such
134 services for up to 25 years, with options to renew for additional periods of up to 25 years.

135 (b) The community farm parcel shall be owned by a nonprofit organization selected by
136 the board pursuant to subsection (a) and such nonprofit corporation shall have at least the
137 following purposes: (i) historic preservation; (ii) passive recreation; and (iii) promotion of small-
138 scale farming, local food production and food system development; and (iv) farm management
139 services. The community farm parcel shall be encumbered by conservation and historic
140 preservation restrictions in compliance with section 32 of chapter 184 of the General Laws and
141 held by any qualified organizations selected by the board that have been organized for purposes
142 that include farmland conservation and historic preservation. The management of the community
143 farm parcel, including its viewscape, shall comply with the management plan, including
144 providing service as the public gateway to the Lampson Brook Farm property.

145 (c) The forest parcel shall be owned by a nonprofit organization selected by the board
146 pursuant to subsection (a) and such organization shall be organized for at least forest
147 conservation and management purposes. The forest parcel shall be held under a conservation
148 restriction in compliance with section 32 of chapter 184 of the General Laws which shall be held

149 jointly by the department of conservation and recreation and the conservation commission of the
150 town of Belchertown pursuant to section 8C of chapter 40 of the General Laws.

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

162 SECTION 7. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
163 Laws, the board, with the approval of the division and consistent with the recommendations of
164 the management plan, shall seek proposals and select a nonprofit organization or a private entity
165 for a 99-year ground lease or for permanent ownership of the enterprise zone parcel. The board
166 decision shall be based on the total amount of the proposed lease or purchase payment, the
167 compatibility of the proposal with the management plan, the applicant's ability to steward the
168 parcel and any other criteria as determined by the board. The board may utilize the fund to
169 restore or partially restore the enterprise zone parcel in order to successfully complete the
170 transition from the former dairy farm into sustainable natural resource-based enterprises
171 compatible with the management plan with provision for public access, tourism and public

172 education value and public benefits. The value of the enterprise zone parcel shall be determined
173 by an independent appraiser. The ground lease or sale proceeds shall be deposited into the fund.
174 The owner or lessee of the enterprise zone parcel shall manage the enterprise zone parcel in
175 compliance with the management plan and any ground lease or deed shall include a provision
176 requiring compliance with the management plan.

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

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

193 SECTION 10. 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 survey plan
195 and the management plan shall remain under the care and control of the division. The division
196 may dispose of that parcel and shall consider the impact any such disposition may have on
197 adjacent property.

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

199 SECTION 12. Section 11 shall take effect upon the certification of the survey and
200 management plans by the division of capital asset management and maintenance pursuant to
201 section 4.