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

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.

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

- SECTION 1. As used in this act, the following words shall have the following meanings
 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.
- "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.

- "Farm management", services provided by the owner of the community farm parcel under the direction of the board to implement the management plan, including the overall coordination and management of the day-to-day operations of the Lampson Brook Farm.
- "Forest parcel", approximately 240 acres of forest and natural cover, including the formercompost site, as further described on the survey plan.
- "Fund", the Lampson Brook Farm Fund established in section 3.

- "Jepson farmstead parcel", approximately 16 acres of land that includes the historic Jepson farmhouse and adjacent land and the former root cellar parcel.
 - "Lampson Brook Farm", an approximately 430-acre historic site comprised of the 240-acre forest parcel, the 120-acre commercial agricultural parcel, the 44-acre community farm parcel, the 10-acre enterprise zone parcel and the 16-acre historic Jepson farmstead parcel and grounds and as further described on the survey plan.
- "Management plan", a plan completed by the board, in consultation with the division and New England Small Farm Institute, Inc., prior to the disposition of any parcels of the Lampson Brook Farm.
- "Survey plan", a plan that clearly delineates the 5 parcels that comprise the Lampson Brook Farm.
 - SECTION 2. (a) There shall be a body politic and corporate to be known as the Lampson Brook Farm board of directors which shall be a public instrumentality of the commonwealth. The board shall consist of the commissioner of conservation and recreation or a designee, the commissioner of agricultural resources or a designee, 3 persons to be appointed by the select

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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