



AGRICULTURAL PRESERVATION RESTRICTION (APR) OWNERS SURVEY

SURVEY RESULTS



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MASSACHUSETTS FARM BUREAU FEDERATION
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Table of Contents

INTRODUCTION	2
SURVEY RESULTS	4
APPENDIX A – APR OWNERS SURVEY.....	12
APPENDIX B – QUESTION 4 – ACTIVITIES OTHER THAN AGRICULTURAL PRODUCTION	17
APPENDIX C – QUESTION 4a – DESCRIPTION OF ACTIVITIES BEYOND AGRICULTURAL PRODUCTION.....	19
APPENDIX D – QUESTION 8 – RESTRICTIONS	20
APPENDIX E – QUESTION 9 – AMEND EXISTING APR CONTRACT	24
APPENDIX F – QUESTION 10A – STOP AN ACTIVITY	25
APPENDIX G – QUESTION 13 – ABILITY TO BORROW FUNDS	28
APPENDIX H – QUESTION 14 – HOW WERE FUNDS USED:	29
APPENDIX I– QUESTION 14a – DESCRIPTION OF “OTHER”	32
APPENDIX J – QUESTION 16 – DRAWBACKS.....	34
APPENDIX K – QUESTION 17 – BENEFITS.....	37
APPENDIX L – QUESTION 18 – WAS THIS A POSITIVE EXPERIENCE? IF NOT, WHY?.....	43
APPENDIX M – QUESTION 19a – WAS THIS A POSITIVE EXPERIENCE? IF NOT, WHY?	46
APPENDIX N – QUESTION 20 – MORE OR LESS PROFITABLE WITHOUT AN APR?.....	49
APPENDIX O – QUESTION 21 – ANY ADDITIONAL COMMENTS?	52

INTRODUCTION

This report is a compilation and interpretation of the results of a survey of Agricultural Preservation Restriction (APR) owners conducted by the Massachusetts Farm Bureau Federation (MFBF). A copy of the actual survey is in APPENDIX A.

Background and Objectives

The Department of Agricultural Resources (DAR) holds the restriction on most APR farms in the Commonwealth. Since the inception of the program, The Department has had a staff and program dedicated to ensuring the requirements of the restriction are upheld. Since at least the early 1990s, there has been conflict between DAR and portions of the farming community over some of the program policies and actions. Since this time, MFBF has received a substantial number of complaints from our members about various aspects of the APR program. This has prompted the creation of an APR Committee at MFBF, several policy resolutions, and on occasion, legislation aimed at making reforms to the program.

Random complaints and perception are not good bases from which to determine the scope or nature of a problem. In the face of rising complaints, the MFBF APR Committee identified a need for a broader and more detailed understanding of the concerns, issues and complaints related to the administration of the APR program. This survey is intended to aid in understanding.

The goal is to provide objective information that will aid in making changes in policy, regulations and operating procedures that will strengthen the APR program and ensure APR resources are protected, while still allowing the landowner to farm and take the fullest advantage of opportunities to make their business prosper and grow.

Survey Design

The survey was designed to provide basic background on respondents relative to their ownership and use of APR land, and to provide basic information about their perceptions of the APR, as well as both positive and negative experiences with the administration of the program.

The survey was vetted through and approved by the MFBF APR Committee. DAR was also given the opportunity to review a draft of the survey and suggest changes. Many of the suggested changes were incorporated into the final survey and some of them were not.

Survey Distribution

A hard copy of the survey was mailed to APR owners as identified by the Department of Agricultural Resources (DAR). This list was obtained from DAR via public records request. DAR provided a list of 826 APR owners, but once duplicate names were removed, the final number was 766. Of the 766, 23 were returned as undeliverable, leaving a total of 743 possible responses to the direct mailing.

MFBF also posted a copy of the survey online and promoted its availability via social media, at meetings and through our newsletter. We also asked commodity groups and legislators to share the survey with their members and constituents. It should be noted that:

- DAR does not track ownership of APR parcels. Therefore, an unknown portion of mailings may have been received by individuals who no longer own APRs.
- Of those who do own APRs, a portion of those do not farm the APR, with the land leased to others or left fallow. As such, they may not have been able to respond to many of the questions posed in the survey. This is reflected in some of the answers.

When the survey concluded, 197 responses were received representing 27% of known APR farms as identified by DAR.

Report Design

The survey contained questions which were close-ended, meaning responses could be tallied and reported directly. These are reported as such.

There were also open-ended questions. By nature, open ended questions do not lend themselves to being easily categorized. Attempts to do so may be somewhat subjective. For each open-ended question, we attempted to categorize the top three areas of response. However, to balance out any potential subjectivity in this analysis, we've included actual responses to each open-ended question in the appendices so that the reader may conduct their own analysis.

It is ***strongly recommended*** that individual comments be reviewed by those reading this report. The synopsis of the comments cannot fully or completely characterize the content of these responses.

Some responses or portions of responses have been redacted. Prior to sending out the survey, many we spoke with expressed some concern about potential retaliation for criticizing the program. As one of the conditions for the survey, we made it clear that we would remove any information which might allow individual farms or respondents to be identified. Similarly, we've redacted reference to individual staff members at DAR.

It should be noted that survey questions did not specify a particular period of time. Unless specified by the respondent, experiences conveyed may have occurred at any time since the inception of the APR program, and should not be associated with any particular administration. Attitudes and views expressed about the APR program presumably do accurately represent respondents' current perception of the program.

NOTE: we received 2 ½ pages of comments with no relevance to APR or this survey and therefore are not included herein.

SURVEY RESULTS

1) Did you yourself enter into an APR agreement with the state or did you purchase an existing APR parcel?

Both – 5	3%
Entered – 123	62%
Purchased – 59	30%
No Response/other – 10	5%

2) What year did you enter into the APR agreement/purchase the APR?

Answers ranged from 1970's through 2016 – NOTE: some surveys listed dates for multiple parcels.

1970's - 3
1980's - 45
1990's - 41
2000's - 102
No response/other - 12

3) What do you produce on your farm?

Broad Categories	Number	Specifics
hay	100	
vegetables	88	
livestock	61	(beef- 25, goats- 5, pigs- 8, poultry- 12, sheep- 11)
fruit	53	(berries-19 , small fruit- 3, tree fruit- 22, unspecified- 9)
dairy	23	
silage corn	23	
wood products	21	
leased the property	14	
maple	11	
flowers	7	
nursery stock	6	
Christmas trees	5	
horses	5	
tobacco	5	
compost	4	
grain	4	
greenhouse	3	
honey	2	
pasture	2	
agritourism	1	

- 4) What activities take place on your farm, other than the production of an agricultural product? See APPENDIX B, page 17, for comments.**

No Response	126
Agritourism	22
Farm Stand	13
Recreation	9
Pick Your Own	7
Value-added Processing	7
Miscellaneous	included limited events, horse training, sheep dog training, model airplane flying, wedding ceremonies only, private gatherings, forestry, hunting, BBQ restaurant, cross-country skiing, therapeutic work program for people with mental illness, tours, field days, mud runs, community events, orchestra concerts, habitat for grassland birds

- 4a) If activities on your farm go beyond agricultural production please describe briefly:
See APPENDIX C, page 19, for comments.**

- 5) How many acres do you have in APR?**

Total acreage = 21,739, ranging from a high of 600 to a low of 5.

Mean = 113

Median = 80

- 6) If you or your family put the land into APR do you think you received a fair and full payment for the rights you granted to the state?**

Yes – 107 54%

No – 54 28%

No Response – 36 18%

- 7) In purchasing the APR property, or putting it into the APR program, were you represented by an attorney?**

Yes – 130 66%

No – 45 23%

Other – 22 11%

- 8) Do you feel that the restrictions the state is enforcing or attempting to enforce on your property exceed those to which you agreed?**

Yes – 60 31%

No – 125 63%

Other – 12 6%

Those that were represented by an attorney:

- 28% felt that the restrictions exceeded what they agreed to
- 68% felt that the restrictions did not exceed what they agreed to
- 4% no response

Those that were NOT represented by an attorney:

- 40% felt that the restrictions exceeded what they agreed to
- 58% felt that the restrictions did not exceed what they agreed to
- 2% no response

8a) If "yes", please describe briefly: - See APPENDIX D, page 20, for comments.

Analysis:

Of those who reported that they felt the restrictions were greater than what they had agreed to, a number of complaints described changing restrictions. Some describe situations where they believe the Department added restrictions which did not exist when they entered/bought an APR. In some cases they feel they are being denied the ability to do something they believe they have the right to do in the contract – for instance, building a home on a house lot.

The second largest category of complaints fell under what could be best described as “restrictions on diversification.” These responses complained about restrictions or prohibitions on retail sales, agritourism, nursery production, etc.

A number of people expressed concern with the “right-of-first-refusal/option at ag value”. This is a relatively new inclusion in APR contracts which allows DAR to disqualify potential APR buyers and substitute new buyers who they feel are more suited to owning the farm. Some respondents complained about this provision feeling they should be able to choose their buyer. Others complained that once DAR rejected their buyer, they did not have the ability to pull the property off the market.

9) Has anyone at the state ever approached you to amend an existing APR contract?

See Appendix E, page 24, for comments.

Yes – 26	13%
No – 165	84%
No response – 6	3%

Farm Bureau has heard a fair number of reports that DAR staff had approached APR landowners to amend older contracts with newer ones either when they had purchased an existing APR, or in relation to a special permit request. This is significant, as new contracts typically have more restrictions than older contracts. Many who reported such interactions said they felt the attempts to do so were coerced or underhanded as the implications of signing a new contract were not explained.

It is not clear from some of the responses that all of the respondents fully understood the question (mostly in the “other” shown in APPENDIX E).

Of the 26 respondents who reported having been approached by DAR to sign new contracts:

- Nine (9) reported being approached to sign a new contract in relation to an application for a Special Permit or Certificate of Approval
- Six (6) reported being contacted at the time of purchasing an existing APR.

10) Has someone from the state ever told you to stop an activity on your APR land or farm, or prevented you from doing something on your land/farm that you wanted to do?

Yes – 48 24%

No – 144 73%

Other – 5 3%

This question does not attempt to answer whether DAR appropriately or inappropriately attempted to stop certain activities on APR farms – only whether such conflicts had arisen.

10a) If “yes”, please describe the circumstances. – See APPENDIX F, page 25, for comments.

The largest category of such conflicts arose around what can best be described as “maintenance or improvements” to the land. The descriptions provided often revolved around the movement of soil on the property and erection of buildings.

The second largest category of responses was in the area of agritourism with reports of conflicts with DAR over events such as farm-to-table dinners, foot races, corn mazes, cross-country skiing, etc. Such events would typically require a special permit. It is worth noting that:

- A change in legislation in 2014 allows farms who are denied a Special Permit by DAR to appeal the decision to the Agricultural Lands Preservation Committee (ALPC). Some of these reports might pre-date this legislation.
- We have heard anecdotal reports of APR owners being told by DAR staff that an event “would not be approved”, without informing the owner that they could file a Special Permit application.
- A number of respondents reported conflicts around proposed solar/wind operations on APR farms.

11) Is there a dwelling on your APR land?

Yes – 46 23%

No – 147 75%

Other – 4 2%

The purpose of this question was simply to determine what percentage of APRs included a dwelling on the land. While it has been the policy of the State to allow dwellings to be kept in a parcel excluded from the APR land, the wisdom of this has come into question. In most situations, it is preferable for the farmer or workers to live on the farm. There is a concern that dwellings may be sold off separately from farms, leaving farmland without a convenient home from which the farmer can live and operate.

12) If there is not a dwelling, have you had any difficulty in securing farmer or labor housing?

Yes – 18	9%
No – 126	64%
Other – 53	27%

The results of this question suggest that, to date, farmer/labor housing is a problem for only a relatively small number of APR farmers. More detailed survey work would be necessary to determine if the 9% who reported difficulties represent a particular situation which might be remedied.

13) Has the restriction on your land ever limited your ability to borrow funds necessary to run or expand your operation?

Yes – 22	11%
No – 159	81%
Other – 16	8%

Restricted land is less valuable in that it cannot be developed. As such, there has been a concern that farmers who own APR land might not have the capital necessary to borrow money to subsequently operate the farm. Farm Bureau had heard some reports from APR owners who had difficulty obtaining access to capital with diminished equity.

The response suggests that such a problem exists, but is not widespread. This concern should be monitored as APR farms infrastructure ages, and infusion of capital becomes necessary.

13a) If "yes", please describe the circumstances. See APPENDIX G, page 28, for comments.

Responses indicate that the concern is real, if not widespread. Again, this is an issue that should be monitored. Farm Bureau has policy supporting a government-backed loan guarantee for APR owners who might otherwise have difficulty obtaining capital for buildings, equipment and other farm needs which necessitate a loan.

14) If you or your family entered into the APR agreement, for what purpose did you use the money? If other, describe briefly: See Appendix H, page 29, for comments.

Pay off debt	37
Invest money back into the farm	48
Settle family obligations relative to transfer of ownership	22
I'd prefer not to divulge this information	21
Other (please describe briefly)	10
Not applicable	19

NOTE: respondents could choose more than one answer. Percentages don't add up to 100%.

This question is self-explanatory. Some of the responses raise potential concerns:

- 59% of respondents replied that they at least in part entered into an APR to pay off debt and to settle family obligations. It must be acknowledged that they may have entered the program because they didn't have any other options. No one is to blame for this. Nor is this

in and of itself a problem. However, the large demand for landowners wanting to put their land in APR is often hailed as a hallmark of the success of the program and testimony to its management. With well over half of those entering the program reporting their motivation as a need for money, this cannot be universally assumed.

- Nearly half the respondents state that their motivation was to put money back into the farm. This relates closely back to Questions 13 and 13a. Periodic investment into a farm, as with any business, is necessary as equipment and buildings deteriorate, or as the market changes and puts different demands on a property. APR represents a single opportunity for landowners to sell development rights, and doing so will reduce the value/equity associated with a property. As the program progresses, and the need to re-invest arises, agricultural supporters will need to consider things like loan guarantees and APR Farm Viability programs to keep APR farms viable and productive.

15) If your land had not been put into APR, do you believe it would currently be:

Developed – 76	39%
In agriculture – 59	30%
Don't know – 53	27%
No response – 9	4%

Many have speculated about the benefits of the APR program and its ability to keep land in agriculture and out of development. While the responses are also speculative, they come from the owner of the land, who is likely to have the most informed perspective on the fate of the land, had it not been protected.

16) As a farmer, what are the main drawbacks of the APR program you have experienced? See APPENDIX J, page 34, for comments.

- The largest number of reported drawbacks fell into the category of the program being too restrictive. Complaints about barriers to farmer and worker housing, composting, having commercial horse operations, agritourism, prohibitions on renewable energy, etc.
- Ranking closely behind general restrictions, respondents complained about bureaucracy in dealing with DAR. Complaints covered a gamut of issues including: processes being too complicated, lengthy approval timeframes, uncertainty with changing rules, difficulty in getting DAR to make a decision or determination on requests, time/complexity of periodic inspections.
- A fair number of people complained about a lack of understanding of agriculture by DAR staff and the general public.
- There were comments about the decreased value of land once it had been put under restriction.

17) As a farmer, what are the main benefits of the APR program you have experienced? See APPENDIX K, page 37, for comments.

- The greatest number of respondents reported that the greatest benefit was the ability to keep the land in agriculture and out of development.
- The second largest group of respondents reported no benefit to the APR program.

- The third largest group of respondents listed lower taxes as a benefit. This is a questionable benefit as APR land which is in agriculture is eligible for Chapter 61a rates. In no situation that we are aware of would APR tax rates be lower than those listed in Chapter 61a. If APR land were not in production, it would likely be taxed at a lower rate than land not enrolled in Chapter 61a.
- A significant number of respondents listed the ability to have money to invest in the land as a benefit.

18) If you or your family put your land into an APR, would you describe the process of doing so (discussions, legal proceedings, signing) as a positive experience? See APPENDIX L, page 43, for comments.

Yes – 96	49%
No – 60	30%
Other – 3	2%
No Response – 38	19%

19) Do you feel like the state has treated you fairly in their oversight of the APR land since you've signed the contract/purchased the APR land?

Yes – 129	66%
No – 50	25%
Other – 4	2%
No Response – 14	7%

19a) If "no", please describe how: See APPENDIX M, page 46 for comments.

- The largest number of responses focused on poor interactions with DAR, with complaints focused on lack of flexibility, follow-through, consistency and responsiveness.
- Several people responded about particular conflicts involving use of APR land.

20) Do you think your operation would be more profitable if there were not a restriction on the land? See APPENDIX N, page 49, for comments.

More – 53	27%
Less – 19	10%
Same – 112	57%
Other – 13	6%

Those who responded that they would be more profitable if their land were not in APR fell into three general categories:

- By far, the largest numbers of respondents stated that the rules about what could and could not take place on the farm, and the time and expense of obtaining permission, were a barrier to profitability. The inability, or difficulty in holding agritourism events, erecting housing and farm buildings, and the red tape of attempting to get permission for such activities were listed. The inability to put in solar facilities that were compatible with agricultural activities or on unproductive land, was relayed as well.
- Several lamented the inability to develop the land for housing. The basic premise of the program is to keep the land from being developed in such a manner. Others stated they would be more profitable if they were allowed to develop solar on the property.

The comments suggest the intent was to put solar arrays on productive APR land, which similarly, is in conflict with the basic premise of the program.

- Several people mentioned the lack of capital as a hindrance.

Those who responded they would be less profitable if the land were not in APR felt so because:

- Several felt they would be more burdened by debt if the land were in APR.
- Several also felt they profited from the investments they had been able to make with the infusion of APR Funds.

21) Please feel free to add any other comments you feel are pertinent to this effort.

See APPENDIX O, page 52, for comments.

There were over 100 comments including both negative, positive and neutral. We feel it would be a disservice to commenters to try to categorize comments made in response to such an open-ended question.

We ***strongly encourage*** readers to review all of them as they provide a good overall view of how APR owners feel about the program.

APPENDIX A – APR OWNERS SURVEY

AGRICULTURAL PRESERVATION RESTRICTION (APR) OWNERS SURVEY

Responses due by: JANUARY 15, 2017

In recent years, MA Farm Bureau has received a number of complaints and criticisms from owners of land on which there is an Agricultural Preservation Restriction (APR). The complaints have largely focused on how the state deals with APR owners, and how it manages its interest in existing APR properties. Compared to the number of APR properties in the Commonwealth, the number of complaints has been small. While anecdotal, neither the number nor nature of the complaints has been insignificant. MA Farm Bureau does not feel these complaints can be ignored.

As part of an effort to explore the scope and validity of these criticisms, MA Farm Bureau is asking all APR land owners to complete the survey below. Very simply, the results will be used to help identify problems, if any. Identifying the presence, scope and nature of a problem is of course the first step in solving it.

You do not have to be a Farm Bureau Member to participate in this survey.

While the general results of the survey will be shared broadly, individual surveys along with names of respondents will be kept confidential and will not be shared with anyone outside of MA Farm Bureau. **No one outside of Farm Bureau will know who responded, or see individual survey forms.** Unfortunately, if you do not provide your contact information, we cannot consider what you've provided as part of this survey.

**IF POSSIBLE, PLEASE USE THE FOLLOWING LINK TO
COMPLETE THE APR SURVEY*: goo.gl/bk6L8A**

If you own more than one APR parcel, please complete a separate survey for each parcel.

Name:

Address:

Email: _____ Phone Number: _____

***Required**

1. Did you yourself enter into an APR agreement with the state or did you purchase an existing APR parcel? *

2. What year did you enter into the APR agreement/purchase the APR? * _____

3. What do you produce on your farm? *

4. What activities take place on your farm, other than the production of an agricultural product? *

- a. Agricultural Production
- b. Retail sales of farm product
- c. Value-added processing
- d. Agritourism
- e. Other

4a. If activities on your farm go beyond agricultural production please describe briefly:

5. How many acres do you have in APR? * _____

6. If you or your family put the land into APR do you think you received a fair and full payment for the rights you granted to the state? *

- a. Yes
- b. No

7. In purchasing the APR property/putting it into the APR program, were you represented by an attorney? *

- a. Yes
- b. No

8. Do you feel that the restrictions the state is enforcing or attempting to enforce on your property exceed those to which you agreed? *

- a. Yes
- b. No

8a. If "yes", please describe briefly.

9. Has anyone at the state ever approached you to amend an existing APR contract? *

- a. Yes
- b. No

9a. If "yes", what were the circumstances?

- a. Change of ownership
- b. Approval of a Special Permit or Certificate of Approval
- c. Other (please describe)

10. Has someone from the state ever told you to stop an activity on your APR land or farm, or prevented you from doing something on your land/farm that you wanted to do? *

- a. Yes
- b. No

10a. If "yes", please describe the circumstances.

11. Is there a dwelling on your APR land? *

- a. Yes
- b. No

12. If there is not a dwelling, have you had any difficulty in securing farmer or labor housing? *

- a. Yes
- b. No

13. Has the restriction on your land ever limited your ability to borrow funds necessary to run or expand your operation? *

- a. Yes
- b. No

13a. If "yes", please describe the circumstances.

14. If you or your family entered into the APR agreement, for what purpose did you use the money*:

- a. Pay off debt
 - b. Invest money back into the farm
 - c. Settle family obligations relative to transfer of ownership
 - d. I'd prefer not to divulge this information
 - e. Other (please describe briefly)
-
-

15. If your land had not been put into APR, do you believe it would currently be*:

- a. In agriculture
- b. Developed for non-agricultural use
- c. Don't know

16. As a farmer, what are the main drawbacks of the APR program you have experienced? *

17. As a farmer, what are the main benefits of the APR program you have experienced? *

18. If you or your family put your land into an APR, would you describe the process of doing so (discussions, legal proceedings, signing) as a positive experience? *

- a. Yes
- b. No

18a. If "No" please briefly describe how/why.

19. Do you feel like the state has treated you fairly in their oversight of the APR land since you've signed the contract/purchased the APR land? *

- a. Yes
- b. No

19a. If "No", please describe how/why.

20. Do you think your operation would be more profitable if there were not a restriction on the land? *

- a. More
- b. Less
- c. Same

20a. If you answered "More" or "Less", please briefly explain why.

21. Please feel free to add any other comments you feel which are pertinent to this effort. *

Please Return Survey to:

**Massachusetts Farm Bureau Federation, APR Survey, 249 Lakeside Avenue, Marlborough, MA
01752**

APPENDIX B – QUESTION 4 – ACTIVITIES OTHER THAN AGRICULTURAL PRODUCTION

4. What activities take place on your farm, other than the production of an agricultural product?

- A lot of "visitors", agritourism has grown at an astounding rate; I don't "kick" people off my property
- Agritourism, hay rides, farm to table events
- Complimentary Hay rides - Sept & Oct
- Events on excluded property
- Farm to table dinners, functions & weddings, educational programs, festivals, birthday parties, corn maze
- Field trips
- Halloween events, wedding/function rentals, health walks/runs
- Haunted Halloween hayrides,
- Hay ride, corn maze
- Horse-drawn weddings, hay rides and sleigh rides
- Music series, open house, harvest fest, hayrides, (someday) pick your own, mud run, hunting, 5k
- Nursery sales, education, garden tours,
- School visits, PYO tree fruit, Orchestra in the Orchard (free concerts using a local chamber orchestra)
- The farm is leased to a non-profit which handles agritourism and farm-based education. The non-profit leases to four farm entities and the entities manage their own production such as livestock, hay, vegetables and sheep dog training.
- The site is an historic house museum with a preservation restriction - land under structures are in APR
- There are occasional events held for specific groups
- We host a few obstacle running races a year. We sell our own grass fed beef and vegetables at our BBQ restaurant in the summer.
- Horse drawn wagon rides, maple cream and candy
- Ice cream stand, bakery, petting zoo, hayrides, hay play area
- Compost sales
- Feed mixing and bagging
- Doggie daycare
- A small farm stand sells seasonal veggies
- Beef is sold at the retail store
- CSA & Farm Store open June1-Dec. 31
- CSA, Farm Store open June1-Dec. 31
- Farm Direct-Marketing
- Farm Stand—U-pick pumpkin operation.
- One of the first Roadside Stands implemented by parents 'on your honor' in this town.
- We have a farm stand where we sell our produce
- We have a farm store where people can come and purchase our products. We often give farm tours so that people can see our cattle, fields, and orchard.
- We have a farm store, sell our own beef

- we sell pick your own strawberries, sweet corn, hay, corn silage, Christmas trees and operate a floral shop
- Maple restaurant related agritourism and value-added products
- Board a few horses
- Pick your own
- Pick Your Own
- We have a pick your own apple operation in the fall.
- The u-pick pumpkin operation goes on APR land, but the retail sales/value added takes place in the buildings which are not on APR land.
- The up-pick pumpkin operations is the only operation that takes place on the APR land. The selling of the products takes place in the buildings connected to the farm, but not on APR land as well as the B & B.
- There is a u-pick pumpkin operation. In the buildings, which are not on APR land there is a roadside stand that sell both the produce grown.
- Pick your own, CSA, Winery
- Events such as cross country, competitive foot races, Octoberfest, hay maze
- Hiking, dog-walking, snow shoeing and cross-country skiing: recreation
- Nature trails and education
- Private passive recreation
- Protecting habitat for grassland birds, public walking trail, water sources for animals
- Snowmobile trail for town, minor recreational (civil war reenactment)
- some snowmobiles and cross-country skiing (no charges; sometimes without permission)
- The farmland has declared public access - recreational walking and cycling on farm roads. There is also an annual "Farm Festival" on a pastured "hill" in the center of the farm; NAcf HAS AN ACTIVE "farm community"
- The farmland has declared public access - recreational walking and cycling on farm roads. There is also an annual "Farm Festival" on a pastured "hill" in the center of the farm; NAcf HAS AN ACTIVE "farm community"
- Some on site sales
- On farm milk bottling plant
- Sawmill and equipment, dry-kiln, planer, etc. to turn trees into finished value-added retail products
- We produce and market cheese on our farm

APPENDIX C – QUESTION 4a – DESCRIPTION OF ACTIVITIES BEYOND AGRICULTURAL PRODUCTION

4a. If activities on your farm go beyond agricultural production please describe briefly:

- Farm to door delivery service
- Gould Farm is the first residential therapeutic community in the nation dedicated to helping adults with mental health and related challenges move toward recovery, health and greater independence through community living, meaningful work, and clinical care.
- I also own my own business doing computer mapping. Plan was to hire low skilled workers, train them in computer mapping while also tending to the farm.
- I train Border collies herding/farm dogs
- Mass Audubon educational programs and camps, farm stand (not on APR acreage)
- No commercial activities; just home landscaping
- Private model airplane friends to fly on fields. Private weddings without functions since the functions are not allowed on APR. Private gatherings. All of these items we are told cannot be held on APR in the future
- Temp. soil brought in to increase corn acres
- The brewery is located on the non-APR portion of the farm
- Utilize part of barn as rental space/storage
- Watching it grow up into brush and multiflora or floribunda rose bush thanks to more fools in "Bah-ston"! Define "Bah-ston"? A great big spoiled baby crying for more money to squander.
- We mill & package our grains for direct sales, process hops, sell turf
- We rent out small building to non-ag store. We rent out house to non-farm workers.

APPENDIX D – QUESTION 8 – RESTRICTIONS

Do you feel that the restrictions the state is enforcing or attempting to enforce on your property exceed those to which you agreed?) If “yes”, please describe briefly.

- Purchased with nursery trees on land, MDARs restrictions made it impossible to remove them. Restrictions on recreational use, hiking, horseback riding, limit potential use and business opportunities, and these activities do not impact the agricultural integrity of the land. The state should only be able to restrict development or removal of soil - not any USE of the land that does not impact the land.
- The annual oversight is a bit too rigorous. Our neighbor trimmed the edge of the field to assist us and we were cited. Also, another neighbor tossed their lawn clippings over his fence onto our property and we were cited.
- I paid ... for an APR property that had a house lot on it. The DAR is now negating the house lot. The house lot is specifically notated in the APR, yet they are now denying me.
- It is tough to build a farm building, it's like you are the enemy , it should be more of a partnership and they should be open to help
- They're constantly changing rules and regs and attempting to apply them to existing APRs which if then they knew what they would do today never would have signed. They're eliminating the farmer.
- They are out of control, and try to enforce their beliefs on us, and totally going against the APR, and what we were told we could do.
- We never thought that the restrictions would inhibit our ability as much as it does to ensure increased income for the future viability. We always wanted to protect the land but very displeased that we are unable to create other business for the future when it is not hurting the land. For example, having a small building on an already existing cement pad ... to increase foot traffic and give our children a chance to run a business for our and their future even when they would grow ... fruit trees and be here to help with our crops as well.
- In fact, ... the state lawyer, stood on our farm and said ... didn't care what we did with the non-APR portion of our farm and we do care very much about all the land APR or not. We have always taken care of our land and intend to continue to do so.

Additionally, the former commissioner, visited our farm and discussed a particular portion "prime" farm land and that the we needed to protect it and could not put a building where we wanted all while he stood on a large piece of ledge. We tried to explain that we could not farm that one portion even if we wanted to.

- Not allowed to compost can't sell byproduct feed at the farm
- The prior owner received a grant to clear a waterway and it is now overgrown. We would like to re-clear it.
- Restrictions are not flexible to accommodate the needs specific to retail farms.

- Limiting agritourism and the right of first refusal, and the devaluing of the property and rights to what we can use the property for, without compensation.
- ... the right of first refusal was only restriction when selling. The state discouraged our buyer with grazing restrictions. Earlier, when we were dairy farming, they discouraged my son from building a house which we had the right to do.
- The APR approves a dwelling, The DAR has rejected the dwelling
- My father told the family don't worry no houses will ever be built. He was pissed at all the other stuff they came up with!
- We attempted to improve the property but the APR personnel would not allow it.
- I am excavating .00004% of my land ... after my growing season, got a good crop, and feel I should be able to continue - ordered to stop
- The previous owner was outraged at our predicament, and said that was never the intent that he signed up for.
- Two years ago I was visited by the Commissioner, legal counsel of MDAR, composting coordinator and the staff person who had wanted my operation for several years!
- See documentation provided (...MDAR gave guidance/permissions which were rescinded ...)
- We were instructed/informed that we could perform all functions that we should choose as long as it was controlled by ..., and would not damage the condition of the APR property. This is not currently true -- more restrictions have been put into place
- We currently have two separate issues; we also have worked well with past APR personnel with projects on our farms.
- We are not allowed to do anything on the property without permission by the committee
- None of the current restrictions were in place on detailed on our APR including a building envelope that is and was originally in place, but now they have changed the guidelines.
- I would like to build a farm house on non-field area
- When I went into APR they said immediate family could build house on APR land. My son who farms with me was not allowed to build on it.
- Very difficult to obtain a special permit
- Great aunt did not realize all the parcels that we're going into it
- No comment! Plenty to say though!
- Where corn, etc. may be grown for biofuel production and MA Farm Bureau Fed. recognizes solar farming as a legitimate agricultural practice, why shouldn't APR land be allowed to solar farm?
- We have always had 2-4 horses, some in training for sales. Now we cannot use ...
- I believe horses to be agriculture
- I wanted to Farm Solar energy ... and was told no
- APR program has rejected our qualified purchaser
- Absolutely, that "option clause" sucks
- After signing, built house with swimming pool, 27 years later want pool removed, will not allow sewer line until pool removed. 1 parcel farm in foreclosure - six deeds.

- It is not the same for APR. Some get away with a lot of things and then there are some of us that are watched and don't do anything wrong. Just try to keep the land looking nice!!!
- The MDAR refuses at this point to release the house from the APR, their attorney wants me to prove it was my mother's intent not to have the APR on the farm house. You should speak to me directly regarding this.
- It is so restrictive that the value of the land is far below what I purchased it for
- When we purchased the APR there were several deposits of old tires and junk that were there from the very beginning. After our purchase we were instructed to clean up these messes at a cost of over \$20,000.00.
- There is no language in our agreement regarding "special events" yet they have enforced them on us in the past.
- Our lawyer was incompetent and the agreement makes no sense
- Too much state authority
- This was a horse farm; horse pasture, minimal breeding before we purchased it. We are told we can only have horses if we breed horses on the farm.
- Comm. of MA tried to gain water rights from a well off the property that I own. I told them "no way" and they rescinded the request. This was during approval process for a COA.
- The APR allowed for a house site and granted the right to build a house on a building envelope and then restricted our use on the building envelope.
- In our application we listed everything we did (horse-drawn weddings, hay rides and sleigh rides and other events.) After we signed, we were told we couldn't continue to do these by ... and later on
- APR reviews tend to be too intrusive
- I should be able to sell it to anyone, like any other real estate sale as long as the buyer understands the restriction and are able to meet it. And if there is a problem or I don't feel right about "the deal" I should be able to back-out.
- When it comes time for me to sell, I understand that the APR committee can choose the person to whom I would sell it to. I fell it should be like any other real estate sale, which would include the easement and the purchaser would have to keep it in agriculture or rent it to a farmer. If the sale is not going well, or I don't like the buyer I should have the right to withdraw. "Opt out" in other words.
- It is my understanding that I may not be able to sell it to the person of my choice and if the APR people can assign a buyer and I can withdraw if I do not approve of that person. Once I say I want to sell it, it done even if I change my mind. It should be like any other real estate deal and the easement goes with it.
- First of all, when the APR was placed all of the dignitaries arrived with their documents (the ones, which I was to sign, but had never seen before, only a sample one) and expected me to sign all, ... without thinking carefully, talking with my lawyer in private and being able to think overnight about what were the ramifications of what I was doing.

- Absolutely!!! There is no way to describe briefly! I am adamant that if it's not spelled out in original contract what is imposed and now required constitutes "Breach of contract" -therefore contract considered null and void! Furthermore I resent the new 'notion/rule' that now UMASS/Amherst has dictatorial authority over supervising your land as to what can and can't be planted when and how! That was not in the original contract that binds the agreement between the farmer and the APR Program...It is these kinds of implementations that just 'spring out of nowhere' conjured up by someone who is NOT a farmer who is justifying their glorified salary...that gives APR a bad name thus resulting in existing Non- APR farmers who are truly reluctant to even consider going into this program.
- Since our use has not changed - (continue to use for hay/livestock), we have not had any issues. However, this is an issue as it pertains to our ability to sell the property to a buyer of our choice due to the State having the opportunity to exercise their right of first refusal or option to purchase and there is no opportunity for the landowner to have input, be involved in the negotiations or withdraw from sale. Agree that the land should be priced at fair market value for agriculture & any buyer should be responsible for maintaining it as farmland - however, the state's involvement, and the state's qualification process, etc., goes too far! Not right.
- Inspections are not always during periods of time that are convenient for both parties, often scheduled at peak hours
- See attached documentation
- No thought as problems (hardships) that may occur with health issues, economy, Mother Nature, insurance
- Would like to put solar panels on barns

APPENDIX E – QUESTION 9 – AMEND EXISTING APR CONTRACT

9) Has anyone at the state ever approach you to amend an existing APR contract? If yes, what were the circumstances?

- MDAR Grant
- Change of ownership
- Approval of a Special Permit or Certificate of Approval
- Years ago they offered to let us sell the loam pile if we signed an updated contract. They also offered one time to let us sell the pile and let us have a house lot out of APR to sign updated contract; also recent one dealing with current issues
- Looking to restrict our attempts to improve the farm
- Approval of a Special Permit or Certificate of Approval
- Approval of a Special Permit or Certificate of Approval
- Change of ownership
- Change of ownership
- Approval of a special permit or certificate of approval
- Change of ownership
- Change of ownership
- Approval of a Special Permit or Certificate of Approval
- Approval of a Special Permit or Certificate of Approval
- Approval of a special permit or certificate of approval; other
- My agreement only requires no development, wanted to change to agricultural production only
- They come every year to see what I am doing!
- It was along the lines of asking about a building lot for a family member. It was only conversational, but the idea of a new agreement was proposed
- Franklin Land Trust approached the state on my behalf
- I answered no.
- The answer was no
- No contact to amend
- This is a meaningless question I answered no to 9
- For COAs
- We were told we had to "renew the special permit" (that we never heard of) to continue the horse activities. We never saw a special permit and they couldn't produce one or a copy of one. This was with Atty. ...
- Neighbors were granted special permission to erect a "McMansion" even though one building lot was! Original owner must be rolling in the grave...that is not what he signed and agreed to! Shows you cannot count on "contractual agreement" seemingly one sided to other than 'farmers' favor
- wanted us to sign special permit
- Some parts releasing houses from contract because of mortgages put on houses ...

APPENDIX F – QUESTION 10A – STOP AN ACTIVITY

Has someone from the state ever told you to stop an activity on your APR land or farm, or prevented you from doing something on your land/farm that you wanted to do? If “yes”, please describe the circumstances.

- We were told we could not use the farm to hold events (e.g., weddings), horseback riding, hiking, or film production.
- As stated in number 8 - we had to tell our neighbor to stop assisting us.
- *...comment completely redacted...*
- Ditch maintenance, more of the local municipality than the state. Haven't asked or done much to change.
- *...comment completely redacted...*
- Yes, we wanted ... to put up a building ... to help ensure the future viability all while increasing foot traffic for our farm stand creating a symbiotic relationship between the two business. Although they would have grown ... and provided ..., we were told we could not. However, we could have built the same exact size building in the same place to just hold old tractors.
- agritourism
- No compost no selling byproduct feeds
- Slowed down the process considerably and indicated that we could not put the land back into the original state
- They stopped a solar project planned on the farm. State won't allow proposed filling of sink holes in fields
- See answer to question 21
- Bring in soil, also a temp. scale to weigh trucks
- We wanted to level the field ... to improve the field. ... So we have not been able to improve the existing APR property.
- *...comment completely redacted...*
- I would like to put solar panels to help with income.
- ... in our discussions we were told we couldn't run cross-country skiing there, we couldn't keep our horses there (even for animal protection and gathering of the cattle).
- Not yet but the current "review" of APR and composting regulations is troubling
- Yes. Wanted to do composting on a small scale to help out. Told I could but nothing on permission. ... (state office) came to farm 2 years ago to review/evaluate farm for a composting agreement/contract ... but the process was stopped by the state's bureaucracy
- One of the current issues we face is they want us to stop farm to table dinners Other current issue is going to ALPC Committee.
- In ... we were all set to start installation of solar panels ... The APR committee shut us down last spring
- Build on our permitted building envelope that we understood we had when we purchased the farm. Also, denied special events.
- Septic system for barn
- Resolved

- Could not build house on land
- Wanted to put up a cell tower
- Running race ... was almost cancelled, and because of that ... we missed a good opportunity to market our farm to thousands.
- This goes to the original agreement in 1980!
- Solar farming. House built.
- Wanted to put solar panels up on only 5 acres of APR land
- *...comment completely redacted...*
- Remedy a third party encroachment
- The non-profit is looking to expand their public engagement and after meeting with representatives they are more aware of the restrictions and how they impact their ability to grow as an organization.
- See question 8a
- *...comment completely redacted...*
- We, as an early signer, were not aware of all of the ramifications, but APR worked well with us
- A special event permit was denied.
- A septic system exists on the APR land. It was built in The state says there is no proof it existed prior to the APR being granted in ... and therefore it cannot be repaired.
- Put up cell tower - right of way across APR
- As stated in #8a, we would like to be able to graze horses and house them in our horse barn, but not breed them
- We were granted a building envelope for our home but could not make improvements on that envelope
- Yes, but not anymore. ... told us horse-drawn events "were not considered agriculture."
- After an onsite APR review they told us that using asphalt millings for roads needed approval. We did not bother to respond to the request since we already did the work and no other letters were sent to us. We cleared trees from a field edge and they were worried about encroachment of a possible wetland. They were also concerned that we improved an access road to an adjacent parcel that is not APR.
- "I answered no... not myself personally....but based on other's dealings , 'stories' and articles written in newspaper regarding APR authorities, one hesitates and is leery of trying anything for fear of 'being in violation/fined' et al. Farmers converse and express their opinions amongst themselves in confidence rather than outwardly. They feel there is no one "that's got OUR back!" Even participating in this survey and naming names ... there is deep trepidation...which shouldn't be! I personally have multiple scenario's that could be successful that would dictate change and know that it would be met with opposition not only from APR but this town as well.
- *...comment completely redacted...*
- Only as it pertains to the ability to sell/transfer ownership to extended family member.
- We ask first
- No
- The survey which was not as agreed upon has taken a portion of our land that we hadn't agreed upon
- See attached

- I want to dig ditches - I don't dare
- Many times: solar, recreational corn mazes ... horses. ...
- Not really. Was told a percentage of power generated would have to be used by the property

APPENDIX G – QUESTION 13 – ABILITY TO BORROW FUNDS

13. Has the restriction on your land ever limited your ability to borrow funds necessary to run or expand your operation? If yes, please describe the circumstances.

- NA
- NA
- I don't borrow money
- Start-up loans for beginning farmers
- It devalued the property which affected the amount we could borrow.
- Possibly if we continue to get shut down – ... is a source of funding to keep the operation running. Dairy farming is difficult - my choice - but if I can grow a good crop on my land even though I excavate, where's the problem? Land of opportunity. Allow me to dig myself out of debt.
- There is a family dwelling, however the process was too lengthy/involved to make it feasible to erect dwelling for farming laborers. By reducing the value of this property, my ability to borrow funds has been greatly impacted.
- Low value on land. Currently paying off two FSA loans taken to build cranberry bogs. After my dad passed, had to get land appraised, found out that farm not even worth the ... I borrowed to improve it
- We are not making enough money to make ends meet now that our cows are gone and we are older. Without being able to use the land to produce a viable income we cannot pay off loans satisfactorily therefore we cannot get loan approval
- Some banks are not familiar or comfortable with APR properties, and not willing to lend.
- Second mortgage
- Quarter of value
- Denied by Farm Credit ..., FMHA/FSA, credit unions, local banks - redlined! Even my insurance policies!
- A bank will not look at the land if it is not allowed to have at least one dwelling on it for the owner.
- Land values are greatly diminished
- The non-profit is limited as far as easily accessible land to expand upon.
- Prevented possible buyer from getting veteran's loan
- Would like someone to come and talk to me/maybe I could get a little help once and awhile!!!
- The value of the house lot is appraised as APR land
- Unable to get an initial mortgage
- Had to extra collateral down to procure loan
- Not to borrow funds which I would NEVER do! I wanted to expand a certain sector on this farm... when I could of really used the help in early 2000's and applied reluctantly for a farm viability grant and was denied stating they couldn't possibly grant this due to the fact I had an APR! Essentially I was type cast and discriminated against!@@@@! Also investigated solar before it became popular and solar companies were on board and stopped adamantly when they learned I was under APR! Door SHUT!
- Have not needed to borrow funds
- Dept. of Ag put us on "blacklist" for not signing new APR farms
- Since we aren't doing the actual farming we don't know the answers to questions 12 and 13. Our land is farmed by ... of Some neighbors tap our trees for maple syrup for their own use
- Commercial lender apprehensive to give loan to buy land and put roof on barn
- Farm has never made money. Income has had an effect on family members; have to work off the farm for income, age and health issues

APPENDIX H – QUESTION 14 – HOW WERE FUNDS USED:

14. If you or your family entered the APR agreement, for what purpose did you use the money?

- Purchased neighbor's farm
- Invest money back into the farm
- Pay off debt, Invest money back into the farm
- Pay off debt, Debt reduction
- Invest money back into the farm
- N/A
- The APR money went to the previous owner.
- I'd prefer not to divulge this information
- Invest money back into the farm
- Invest money back into the farm
- Farm
- I did not enter into it
- Pay off debt
- We did not enter into the agreement, purchased the land with the agreement attached.
- Settle family obligations relative to transfer of ownership
- Pay off debt
- To purchase another APR farm
- Invest money back into the farm
- Pay off debt
- Pay off debt
- Settle family obligations relative to transfer of ownership
- We used the residue to purchase the land next to the property to make it a larger parcel.
- Pay off debt
- Pay off debt
- Invest money back into the farm
- I'd prefer not to divulge this information
- I purchased the property
- Settle family obligations relative to transfer of ownership
- Pay off debt, Invest money back into the farm
- Pay off debt, Invest money back into the farm
- Invest money back into the farm
- We purchased an existing APR
- Settle family obligations relative to transfer of ownership
- Pay off debt, settle family obligations relative to transfer of ownership
- Invest money back into the farm, Settle family obligations relative to transfer of ownership
- Settle family obligations relative to transfer of ownership
- Pay off debt, the original purpose was to purchase an abutting farm that we had been operating on by annual handshake agreement until owner passed away.
- Pay off debt
- Invest money back into the farm
- I'd prefer not to divulge this information
- Pay off debt
- Other
- Pay off debt, and invest money into the farm

- Parents' retirement fund
- Invest money back into the farm
- To buy out a partner
- I'd prefer not to divulge this information
- Pay off debt
- Purchased existing APR
- Invest money back into the farm
- Did not sign agreement
- Purchased land already in APR
- Pay off debt
- The Town purchased the property in 1988 and put the property in the APR 1998.
- N/A
- Grantors to us got the money
- Settle family obligations relative to transfer of ownership
- Invest money back into the farm
- Settle family obligations relative to transfer of ownership
- Invest money back into the farm
- Invest money back into the farm
- Pay off debt
- Pay off debt
- Invest money back into the farm
- I'd prefer not to divulge this information
- Invest money back into the farm
- I'd prefer not to divulge this information
- Settle family obligations relative to transfer of ownership
- I'd prefer not to divulge this information
- Not applicable
- Debt reduction, farm investment, family stuff
- There was no residue left. We purchased an already APR.
- Pay off debt
- I'd prefer not to divulge this information
- I'd prefer not to divulge this information
- N/A
- N/A
- Family payoffs
- We weren't the party who entered into the APR
- Pay off debt
- Invest money back into the farm
- Pay off debt
- Pay off debt
- Pay off debt
- Pay off debt
- I'd prefer not to divulge this information
- Invest money back into the farm
- The money from the APR reduced the amount we had to borrow to purchase the land.
- I didn't put the land in APR
- Invest money back into the farm
- Invest money back into the farm
- Invest money back into the farm
- Settle family obligations relative to transfer of ownership
- I'd prefer not to divulge this information
- I'd prefer not to divulge this information
- Pay off debt
- Pay off debt, Invest money back into the farm

- Pay off debt
- I'd prefer not to divulge this information
- I'd prefer not to divulge this information
- Did not enter into APR agreement, bought APR land
- I'd prefer not to divulge this information
- Settle family obligations relative to transfer of ownership
- I'd prefer not to divulge this information
- Settle family obligations relative to transfer of ownership
- Pay off debt
- Pay off debt
- Settle family obligations relative to transfer of ownership
- Pay off debt, Invest money back into the farm, Settle family obligations relative to transfer of ownership
- Invest money back into the farm
- Invest money back into the farm, it was used as a back-up and a means of survival...all markets at that time had plummeted (dairy tobacco and vegetable). It was futile and farmers did not want to see houses on their precious land that they worked and so loved.
- Invest money back into the farm, I'd prefer not to divulge this information
- Invest money back into the farm
- Pay off debt, Invest money back into the farm
- Pay off debt, Invest money back into the farm
- Pay off debt, Invest money back into the farm
- Pay off debt
- I'd prefer not to divulge this information
- Settle family obligations relative to transfer of ownership
- Invest money back into the farm
- I'd prefer not to divulge this information
- Other
- Living
- I'd prefer not to divulge this information
- I'd prefer not to divulge this information
- Settle family obligations relative to transfer of ownership
- Invest money back into the farm
- Pay off debt, Invest money back into the farm
- I don't know

APPENDIX I – QUESTION 14a – DESCRIPTION OF “OTHER”

14a) If other, please describe briefly:

- Offset the purchase price of the property
- Purchased additional farm land
- Went into the endowment and to pay for purchase of 12 acres of farmland
- Retirement investments
- Pay off debt AND invest in farm
- It gave me cash to work with as opposed to incurring more debt in order to replant the orchard and buy new apple trees
- The money that the Land Bank gave the family to purchase their Land was used to pay off a debt and then we lease the land back to the farmer to farm.
- N/A
- Helped secure funds for purchase of property
- Helped secure funds for purchase of property
- The APR money went to the previous owner.
- We bought our farm in 1999, when we sold the family farm in Sterling to settle family obligations
- We used the funds not only to pay off debt but to reinvest into the farm to help continue our success.
- To purchase another APR and expand the farm.
- I bought the APR land and received no money
- My father never told us
- College education of my children
- All money was to pay off debt, settle father's estate, and make improvements to farm. Still drive '90 pickup and pretty much live in the barn.
- My father bought out his brother's half to keep the farm going
- Pay off debt AND Invest back into farm AND settle divorce AND set aside funds for child's education
- Was already there and buying was contingent on being able to comply
- My mother had ... at the time, my dad sold the farm to the state; we needed the money to pay for the nursing home until her passing
- Retirement
- The heirs to the property wanted money and had a developer lined up if we could not purchase it. We had to pay off debt because the state did not pay off in time for the actual purchase.
- Invested for retirement!
- My dying father, concerned about my mother's finances.
- They worked all their lives with no money aside to help them when they no longer could work
- To buy out a partner
- The previous owner received the money
- Bought property already in APR
- Not applicable
- Invest money back into farm AND settle family obligations
- Pay off debt AND Invest back into farm

- Received no money
- Got to keep my land. I did not receive money!!!
- Invest back into the farm AND some want to re-invest, others just want funds to build and go to heirs in next generation
- We entered into a new APR agreement on land that was already in an APR and did so at considerable expense
- Pay off debt AND invest in farm AND settle family obligations; my grandfather had died and we needed to pay ... in gift taxes, as well as capital gains so nearly half of the payment went back as taxes
- Not applicable
- Pay off debt, invest in farm and settle family obligations
- n/a - purchased existing APR
- Pay off debt AND invest in farm
- We didn't enter the APR agreement
- We didn't enter into the APR agreement
- The children of those whom signed the agreement, were the beneficiaries of the APR money
- The money from the APR enabled us to purchase the property by reducing the mortgage needed.
- I answered no
- The federal government does not recognize APR so our inheritance taxes were full. The APR did not cover the federal inheritance
- Savings
- Initially we invested the funds after taxes for our retirement, future farm purchases and expenses
- Also to keep the land from ever being developed
- It was a means of pure survival as the dairy industry was purposefully ridding themselves of the small dairy producers and steering toward the big guys...started implementing all kinds of rules and restrictions to dissuade small producers, much like I see happening to the vegetable growers currently, stating it's in the "best interest of the public's safety", right!
- Land was going to be auctioned because of bank foreclosure
- To purchase another existing APR farm
- I believed ... used the money for repairs to house and farm buildings and to try to keep the farm in business
- We use the interest to help pay real estate taxes on the non-APR house and lot, ...
- Never received any payment. There is a tax for owning APR reduction by town on ... acres
- Save on taxes
- Use as investment to provide retirement income to senior (age) partners
- Fixed the house to make it livable - water, heating, windows. Rebuilt the barn in 2005; repairs needed again

APPENDIX J – QUESTION 16 – DRAWBACKS

16. As a farmer, what are the main drawbacks of the APR program you have experienced?

- None
- None
- None
- Just the paperwork and 'red tape' associated with documentation related to the program.
The people are nice, but arranging for visits, etc. takes time.... often during our busiest time of year.
- time requirement for annual monitoring and submittal of change notices (which is fairly minimal)
- Asking permission to build/expand is a bit of a nuisance, but it wasn't a huge problem for us.
- Everything is fine.
- Restrictions---Solar panel/infrastructure on APR land, selling of things such as fieldstones that are removed to improve the lands.
- None
- The program presently seems to be in turmoil and unable to make decisions
- Have not experienced any drawbacks
- This property has not experienced any drawbacks.
- Partnering with the state. Decreased land value with limited customer base if we were to try to sell any land. Limitations on use.
- None
- None
- For us there have been no drawbacks. Without the APR we would not have been able to purchase the land from our neighbor.
- None. they had not contacted me
- Planning future farm activity requires more time to accommodate APR paper work
- None
- If you're going to have APR program every farmer should be required to sign up -- good luck
- How to pay for our children to inherit APR is one time only
- None so far
- Not being able to build a house on the farm
- None
- As of now, none
- So far I am pleased that this farm is protected. I purchased knowing fully restrictions in my deed.
- The house not being a part of the farm
- None
- None
- More paperwork when putting up building
- Not being able to sell lots
- None
- Minimal - just restriction on permitted activity as afore-mentioned
- NO drawbacks
- Most experience has been good and I think the program is very beneficial. However, my latest experience was troubling and to their credit, it was rectified quickly. I think their legal

department does not understand our business or the idea behind APR, and becomes overzealous at times.

- None yet but it would be nice to live on my land. I need to check my mailbox there regularly and check for theft and vandalism. Currently looking for a home closer to the land.
- None
- None
- None
- If you want to put up a greenhouse or anything you have to call all the time
- None, we understood the regulations in the first place
- None
- I have spent the last five years trying to get my building envelope removed from APR. I was successful but the legal fees were enormous and I had to give up a parcel three times as large and put it in a new APR
- Having to fight every time we wanted to expand some of our services.
- Hope our children get a fair price for the property
- None at this time
- Having MDAR trying to micro manage some aspects of our farming operation.
- I may experience, that I can't sell it to whom I may want to and if the deal goes sour or I want to withdraw the offer, it is my understanding I will not be able to opt out. I have spoken to my lawyer and she has stated to me there should be an "opt out" in the agreement.
- None yet. However maybe housing for farm help or farm manager. Also, it may become a problem when I am ready to sell the farm. It may be sold to different people. Reference the answer to question 8A.
- ... you do not have time to read the documents and think about what you are doing and sleep on this decision over night. People arrive with documents (having been only shown a sample in advance) present the docs, (in my case for different ones) expect you to sign and then they leave. ... Reread question 8A.
- Drawback at the beginning, not having the time to think and digest the material, which I was to sign. Now on the other end as I contemplate my retirement or my demise, I would like to have the right to say who gets this farm, which has been in my family for 78 years. I understand that the APR program has the right to assign someone if they think the person I have chosen is not to their liking and I cannot opt out. This is unreasonable. It should be like any other real estate transfer. The easements travels with the property.
- Main drawbacks? Are you kidding me! You want it alphabetically or chronologically! In this farming industry, there are too many in 'authority' over one person. ... There is no one manual that encompasses and documents all ...you have the Agricultural Conservation Commission breathing down your back. You have the birding/reptile community looking for extinct species and documenting it...you have airplanes flying overhead documenting wetlands and generating maps so you cannot farm 225 feet from either side of the river/brook/etc.... you have Board of Health... you have in case of animals the Humane Society... you have the DEP, Labor Board, the EPA, and then the general public that because you sold the developmental rights and it came from their tax dollars they get to trespass on your land and dictate what you are or are not doing according to their liking and they come with no viable farming firsthand experience! I want people to be held accountable to NO TRESPASSING in APR LANDS... period!

I have a conservation area that amounts to a postage stamp nearby and then people ignore signs posted and then traverse wood roads, many of which my father cut in order to harvest his own firewood..... thinking it's all conservation! It's about liability and protection of assets...numerous camp fires sightings found which jeopardize my forest/wood/assets. I was born and raised on this farm...and I have never witnessed so much outside input for a land that used to be run by its owner and not interfered with as it is today... My father would of never stood for it nor if he had known would not of signed on the dotted line as to the numerous outcomes imposed on today's farmers...Just days before he died in 2000, he went to his sister who also had land that she had previously considered putting into APR...and he stated to her..."I wished the hell I never did it"! Sums it up I'd say!"

- For us, it has only been the sale process.
- None
- None
- None
- None so far!!
- None
- I rent the farmland to my nephew who grows hay
- It takes a long time to have some improvement approved
- None to date
- None
- None - as APR is written
- None
- Lack of water at times -- leased for "0" money to dairy farmer
- Cheap resale
- None at this time
- We did not enter the APR program while actively dairy farming as it did not seem to be a good financial business decision (lowering value to borrow against) also did not need the monies to run the business or to pay down debt. Some bullying seemed to occur during negotiations.
- Education, repairs, equipment/seeds/leasing, over use of land not being taken care of, weather, health, economy, income, money to even get started. Farming is very hard labor requiring constant repairs of buildings, fences and equipment. Time, animal care, town and state permit laws.

APPENDIX K – QUESTION 17 – BENEFITS

17. As a farmer, what are the main benefits of the APR program you have experienced?

- Helped us expand our land base
- Knowing the land and the land of our neighbors will always be farmed
- Expansion of land base through reallocation of resources
- 61a lowered tax rate - but all a 501-C non-profit so shouldn't have to pay property taxes
- PR to customer base, agricultural land security
- Protection of land
- Captured equity locked up in land, conserved prime farmland forever
- It does just what is expected. Allows a farmer to farm his/her land , who might otherwise struggle to afford and maintain the land
- It has allowed me to re-invest in the farm to make it more efficient and profitable without incurring large debt
- Low taxes
- Improved productivity of fields and woodland
- Improved productivity of fields and woods.
- Maintaining a level of expenses
- We would not have been able to afford the purchase of this farm if the land was not sold at agricultural value. The constant requirement for MDAR to conduct inspections does provide motivation to constantly improve the land - though in 5 years, we have had two inspections, and neither of them were ever completed.
- Again, none that I know of because the land is only owned by ... and not farmed by
- Money to keep the farm going and to keep the farm in the family
- Affordability
- We would not be farming on this property without APR funding (and other community funding)
- We would not be farming on this property without APR funding (and other community funding)
- Low tax rate
- Allowed us to buy a farm in central Massachusetts
- Tax break... however that's even debatable with the 61A program - wish my parents opted for that instead of selling the rights.
- It is nice to know the land will always be Ag.
- We have been able to pay off debt and reinvest into our farm.
- Land affordability
- Paid bills
- None
- Helping with farm transfer
- It keeps the land in good use and preserves it from development.
- It makes land affordable for farmers to buy.
- Having the opportunity to preserve farmland and continue to operate a family farm
- None
- Lower taxes only
- None, and after hearing what my friend said, I expect nothing but problems
- To have the land that we need.

- Open land to be used by farmers actively engaged in agriculture
- Reasonable real estate taxes, 61a
- Preserving open space - giving the community a rural atmosphere, incentive area to live with family
- The huge stress of financial burden lifted from my back, and improvements I was able to make.
- Lower taxes
- There aren't any. They are short sighted and too restrictive. You can get the same land protections and technical help using other programs (land trusts, non-profit farming programs like MFBF) without the headaches associated with the failed APR program.
- Shed family owners
- Protect land from unnecessary development
- Got needed cash in 1994 to pay off mortgage, buy a tractor and build a ... greenhouse
- Unsure
- Preserve agriculture
- None
- Able to afford the purchase
- I am currently in the process of receiving funds to assist in improving the APR property since I was not allowed/approved to use it fully, to its fullest capacity
- When ... was top dog his motto was "what can we do to make this work," not the same now
- None, we were one of the first farms to sign up and the payout was so low we did not gain anything nor are able to better our situation
- The main benefit is to keep the land in agriculture as well as benefit from the aid that is available to APR farmers through grants, etc.
- That the land is protected and that is valued by us as lifelong committed farmers our customers value that as well. Tax break on APR land, but current use also provides that break as well
- None
- None
- Tax break
- None
- Cheap ag land with no worries about the pressure of developers, good for family/estate planning and the possibility of passing it to children or grandchildren. Goodwill from our customers
- To keep land in agriculture
- Provided funds and helped estate planning
- None. Perhaps grants in the future?
- We avoided having more developed land in the neighborhood
- Made keeping open farm land affordable
- None. Other than the cash to stay afloat.
- It has been my wish and dream to keep the land in agriculture
- Land was still farmland, although still very expensive
- None. My mother had finances for the 18 months she survived my father
- 1) The initial cash infusion 2) knowing that development is not an option has perhaps saved our family from internal squabbling.

- None it helped my parents restricts my son and me.
- Improved land use and land management practices; additional resources to invest back into the farm and our work.
- Because of APR we were able to buy out a partner and gain full ownership, as well as protect the land for the future.
- Affordable land
- Not having neighbors/development
- Protection of the land for conservation, accessibility and ready approval for NRCS EQIP grants because federal and state money is being used on protected property, ready approval for DCR Forestry grants because of being a protected property; no wasted funding, perpetuates protection for the people of MA
- The land will stay in farming
- Tax reduction
- Lower tax rate
- some income
- There are many benefits as it helps secure the non-profit leasing the property from the town and keep the property in agriculture instead of a property that could turn into ball fields etc...
- None so far
- Keeps productive farm acreage in agriculture
- Could not have purchased this property
- None as a farmer, but as a planning board member I'm glad there are no houses
- Lower taxes??
- Protection of the land in perpetuity; tax reduction
- The land will be protected for agriculture for following generations
- No housing developments
- No pressure to develop; neighbors appreciate the open space
- Tax benefits as well as 61a
- Cheaper taxes
- None
- It has been very helpful to our family in permanently reducing the value of the trust, plus lower real estate taxes are very important
- None
- Keeps land in agriculture and prevents non-farming heirs and families from breaking up farm for non-ag purposes
- None from my experience
- Lower taxes
- Did qualify for a grant - would have been farm viability without an APR
- None
- None
- Qualitative in terms of preserving a way of life
- Keeping land for agriculture only
- Farmland is taken care of quite well with the present renter of this farmland
- The farm was probably more affordable because of the APR. We paid 8,250 per acre. However, a farm appraisal by a bank set the FMV at under 6,500 per acre. A 55-lot sub-

division plan approved by the town 40 years before we purchased the farm would have valued the acreage at 100,000 per acre.

- Permanently designated for Ag
- For this particular property there were no benefits
- Pay off debt
- Reduction of purchase price of land; continuance of use of land for agriculture - and, for benefit of local ecosystems.
- The assurance of knowing it will always be farmland to pass down to my sons
- Ability to operate or purchase farmland at reasonable valuation level.
- Advice from MDAR and NRCS on land mgmt., funds received
- Low taxes. Affordable for us to buy.
- Affordable property. Low taxes.
- Lower property Tax Rate
- None
- I was able to pay off the mortgage and hold onto the farm
- Protects valuable land from development and encourages vegetable farming
- Have not experienced any drawbacks
- Automatic property tax valuation/code
- We were able to have our crop tested for invasive insects, with negative results.
- Tax exemptions, investment, protection from developers
- APR enabled us to buy the property from our neighbor and increase our farm land for grazing and hay. It also included an apple orchard and a barn and garage for storage.
- I was able to buy this property
- Less trouble with the town on agricultural exemptions
- Improvements
- Tax assistance, the ability to inherit the farm without having to sell land
- Low taxes
- None!
- Influx of cash
- Peace of mind that the land stays as is
- We want to farm, any other activities are not in our interest. We use the APR to brag that we are dedicated to farming.
- Protection from development. The money enabled us to keep farming, just not enough to really put into the farm.
- We have the land for growing and also because it is near the road and our farm stand, vital to our farm image.
- I was able to purchase this farm at farmland pricing. If that had not been the case I would probably not be farming.
- more open farmland
- that the land will stay open and not developed
- Lower taxes on low income agricultural use. That is, we can engage in low income activities while preserving the land and environment
- Makes farmland available AND affordable to farmers

- I was able to buy this land at its agricultural value thus making it possible for me to live out my dream of farming at a young age. Everyone loves the farm and it will always be!! APR Monitors want to help you will any problems or concerns...is what we have seen so far. That's a plus!
- keeping land available for agriculture
- preservation of non-developable land
- land cannot be developed
- n/a other than it will always be farmland
- to be able to use the land while having a retirement fund at the same time
- certainty; with the APR all other options are gone
- none
- The land stays as it is. We encourage the wildlife and keep it as natural as possible.
- Helped us pay some of our debts.
- AIP Grant
- Having money from the sale without completely selling off property.
- The money. I was able to "pull a run-down farm" up buy its boot straps.
- I was able to take a "run-down" farm and pull it by its boot straps.
- Able to take a "run down farm" and pull it up by its boot straps.
- Able to revive a "run down" farm back into a viable one.
- None! Other than the farm still stands as a farm! Absolutely NO benefit...I get no perks from being in APR and no one on my side telling me what I CAN do instead of endless lists of what I cannot do, that is WHY there is huge reluctance in current farmers to go into APR program which makes it 'hard' for ... and ... to recruit dollars to put into these funds in order to 'handcuff' more farmers! And YOU think the number of complaints are relatively small and 'insignificant!???? Oh yah...townspeople keep reminding you that you get a tax break but what does that amount to if your markets are sewn up and cannot generate income to continue to farm being diluted by all the new farmers markets, ...numerous CSA's ... that resort to shipping to the inner cities because they are finding their markets are saturated...
- None, with the exception of the financial payment initially received and knowing the land would not be able to be subdivided - which was important.
- Money to operate
- Adding farmland to our farm
- We rented the farm before, now there's no rent but there are taxes and upkeep. I am sure we are ahead but by how much?
- Have extra money
- Money
- My nephew appreciates the opportunity to farm in a limited way. Income supplements his other work.
- Provided initial capital to start stand business
- Fair compensation for ensuring that prime farmland is preserved for the citizens of the Commonwealth for the long term.
- Reduced taxes
- Feeling secure knowing that the farm will always be in agriculture
- None

- The land has remained open and in agricultural production as it has been for over 150 years.
- Food for cows, dairy
- Lower taxes
- Other than the initial investment to put money into the farm, no other benefits
- We are still able to control the ag production activities that are carried out on the land.
Still maintain ownership.
- Reduced taxes

APPENDIX L – QUESTION 18 – WAS THIS A POSITIVE EXPERIENCE? IF NOT, WHY?

18. If you or your family put your land into an APR, would you describe the process of doing so (discussions, legal proceedings, signing) as a positive experience? 18a. If "No" please briefly describe how/why.

- Yes, but complex & lengthy
- Took state lawyer 3 years!
- N/A
- N/A
- I wanted to answer yes to this question but I also wanted to add a comment, which I could not do if I checked yes. The process was a relatively positive one but it was arduous; fortunately, a friend who had already experienced the process guided us every step of the way. Without him, I am not sure it would have been as positive.
- See all my answers above
- At the initial time of signing, no known issues arose. However, fast forward to the last twenty years and it's been a nightmare.
- Yes/No in 1986 it was all good, in 2016 it is horrible
- We feel that we were highly pressured without the proper description and restrictions of the program.
- We did not put the land into the APR
- Long and difficult process.
- We were coerced into signing an updated APR, when purchasing the existing APR by
- The delay and timing of the transaction resulted in a very large capital gains tax
- I didn't do the original APR
- It happened with my father who kept everything to himself. I asked a half dozen times, please educate us, bring us up to date, but no.
- Positive based on reward - slow and cumbersome but I understand
- town "fathers" know benefits of certain restrictions resulting in financing & healthy long term results
- Yes I got the needed money in 1994 to address needs. No, I'm constrained from doing "modern" agricultural activities - i.e., farm to table restaurant, agritourism.
- Capital gains tax excessive. Since 2008, money in bank non-productive. Better to have land you can sell for housing.
- Too young at the time to know about proceedings, etc. Do know that now I have to live with the contract forever and I didn't receive money, just a devalued farm.
- Too much negotiating with committee, No one had any set ground rules for making any decisions workable.
- We purchased an existing APR
- Again, please call
- There was no negotiating for price -- all was cut and dry
- n/a didn't mean to check this
- Stalled for over a year, then had to get it done tomorrow; messed up my tax planning.
- Extreme family fighting. ... felt pressured into signing by her attorney. The fact that there were no family discussions led to a lot of fighting
- There is nothing positive about not having clear deed for your capital assets FOREVER
- Most parts of the experience was positive, but the 2 year period it took to complete it hurt us financially. It was a very difficult time for us.
- An agreement was reached with provisions to exclude barn, house and 5 acres. The lazy, uninformed lawyer (I hate and despise all professionals especially lawyers) didn't include in agreement!
- I didn't do it; my grandparents did
- Too long of a process

- My grief-stricken mother signed the APR without legal advice or family discussion. She said ..., our neighbor, would take care of her.
- My parents were not guide when they did this.
- Did not sign agreement
- Does not apply, land already in APR when purchased
- N/A
- Process contained errors that needed to be corrected later
- My brothers did this. I had nothing to do with it!! We used to own ... acres that my parents had owned!!!
- Complicated and somewhat grueling but still positive
- The whole process took too long
- The state "valued" the land at 60% of selling price, required a new APR and a 20 year lease to the farmer who purchased a separate APR parcel at the same time and my legal fees ran to \$12,000. It was definitely not a positive experience
- Their frontage calculations were incorrect but convinced my mother to close for they had a check and said they would reappraise later which took 30 years to finish, but not without backlash - the house has an APR on it
- Too much red tape by state
- Refer to 14a -- as we were pressured by circumstances
- Not applicable
- Very timely (a long time to agree on a price)
- We did not put the land in APR, the older family members did.
- But, our lawyer did not carefully read the agreement
- I did not put the land in APR
- There is always difficulty in dealing with bureaucrats
- Too long and quite expensive with surveying and legal fees.
- See answer to #16
- The state attorney ... made it very difficult and confusing to understand. We were told we didn't need an attorney.
- At the last minute the state did not want to go through with the APR, because we didn't want the ... acres with buildings included. Called our state Representative and it went through.
- I never saw the document in advance. I was shown a sample, but the actual one I was to sign, and was expected to sign "right then and there" without having the time to look it over carefully, sleep on it and to talk with my layer in private.
- "No time to read the documents. Only provided a sample of the APR in advance. Everyone arrives, you are presented with the APR's ... and you are expected to sign the paperwork and out the door they go. No time for you to actually read the documents, think about them and wake up the next morning and say yea or nay. No time to think about what you are doing. I RESENT THAT."
- And I asked my lawyer if she was present and neither she nor I can remember."
- Please read the answers question 8A and 16.
- I have described this about not being able to contemplate the documents at the beginning and I have described what my understanding is about selling this farm, which my family and I have worked for 78 years to maintain. We should have the right to "opt out" if the "deal" is not right.
- "I said no but at the time...people in power would say ANYTHING and promise anything to get you to sign as it was in their master plan to have a lot of greenspace so they then could use that as leverage /selling point to come and reside here which would allow and increase the town's tax base...We have one of the highest tax base here. They relied on the 'dumb' farmer dangling the monetary carrot thinking that it was a lot of \$ which in the time it was but the 'dumb' farmer didn't realize inflations and ultimate I call the depression that once again repeating itself in 2008 thereby were in the dark of the actual 'value' of

the existing dollar in that time period compared to non-existent worth of the dollar in today's economy!

- Not only the above but it was stressful, as to whether they were doing the 'right' thing...they trusted those that 'sold' them on the idea...which was a neighbor and a relative, who worked for a lawyer and who's interests were further fueled by all the town committees they were on and made them 'look good' to convince virtually the whole street to do this! We trusted these people! In hindsight... perhaps should not have..!"
- My father passed away and was the one involved with the process - so unable to answer properly.
- State didn't approve our application for two 1/2 years, therefore it cost us ... in loan payments to Farm Credit because we had to buy a property or lose it.
- I can only assume ... felt it a positive experience
- We were under a time constraint and had no leverage. Also the survey was not completed as agreed upon and now we are operating under circumstances we had not agreed to.
- We had to front a lot of money for legal and surveying fees. At the time we were pursuing the APR, the response from the state was slow. It took a lot of time and effort to get all the "T's" crossed and "I's" dotted.
- Positive for me as I bought it already in APR
- Long & tedious; almost withdrew several times; a lot of wasted time and monies to achieve a decent contract and dollar amount
- Was not there when going through this process
- Don't know. I don't think it was a positive experience

APPENDIX M – QUESTION 19a – WAS THIS A POSITIVE EXPERIENCE? IF NOT, WHY?

19. Do you feel like the state has treated you fairly in their oversight of the APR land since you've signed the contract/purchased the APR land?

19a. If "No", please describe how/why.

- N/A
- N/A
- The state had 120 days to execute their option to purchase the APR land, it took more than 6 months to receive their approval. And as stated earlier, our farmland had existing nursery trees growing on it. MDAR representatives were actively trying to give away the trees "for" us during and after the purchase proceedings - without our knowledge, until we were approached by those contacted by MDAR.
- I think for the most part we have been treated fairly; however, as mentioned above, the oversight has been a bit over-zealous.
- See all my answers above. They have completely violated the covenant in the APR which allows for one building lot on my APR land. Now they are denying me that right.
- Absolutely not, I was brought up a farmer and love my life and farm but would never support any one entering into an APR today, when we needed there help they told me I was "on my own", the state put the APR restriction on my farm years ago, they told me they had very little to do with it, they own the development rights on our farm and so therefore they own more than half the value of it therefore they have a bigger financial interest in it than me, I would strongly suggest to anyone wanting to get involved with the APR program to go farm in another state
- They're ignorance and personal agendas shine through.
- They are totally bullying us, they will not even respond to emails sent, they have gone back on everything they said during a face to face meeting, and they will not even begin to hear our side of this argument.
- No, please see previous answers
- Making it seem like APR "needed" to be updated
- Been charged with APR violations by AG but they haven't spelled out the violations
- Needs to be an in-between answer. The people have been fairly reasonable, just a time consuming process.
- The state restricted parking on APR when we have events ...They restricted handicapped parking as well. Requests for special events take months to review, and are never done in a timely manner. They request financial and other information about the event(s) which is none of their business. We were treated with disrespect from the state attorney and staff.
- As described in an attempt to build son's house; and in the eventual sale of ... property
- Land frontage is overgrown. Told not to disturb by NRCS official ...
- See question 16 above
- Every APR is different but they treat us the same. No give or take -- it's their way or to court!
- Because of the earlier discussion that I stated.
- Basically yes - again, this is a dairy farm and I need all the income I can get. I unknowingly violated the "no excavation" clause, but have proven I DO grow a crop on field every year.
- Our selection process for their first right of refusal looked only at recent training. As a result a ... acre parcel which had always been used for mixed animal and crop (hay or corn primarily with small gardens) was given to a vegetable farmer who in no way had experience

or equipment to use the full acreage. The idea that we had no experience even though we maintained horses for 7+ years was truly proven false as we have successfully reared horses, chickens, goats for over a year and fought off predation, worms, and had multiple births and reared the young. They probably could have seen this if they talked with us or multiple references we could have given, but they were not interested in any of that. Our feeling that there was some politics which also got in the way and this is one more reason why the funding which the APR gets would be better used by independent non-profits such as MFBF who could better manage land, would better understand farmers plights, and would be more reasonable with non-agricultural ways of making money in off seasons than the APR is willing to look into.

- They only approached me about the composting - otherwise I haven't seen or heard from them when I reach out to contact a staff worker.
- The federal government even taxed my Social Security with selling land to APR program
- There is a lack of assistance/cooperation when attempting to acquire ANY special permits to utilize the property to its fullest
- Some projects in the past worked good; current ones not so much.
- We were one of the first farms and there was no good set of examples on how much money was fair. We got next to nothing for our farm. It paid off bills so we could keep it but for no good end.
- Same as previous comments
- Heavy hand
- I was way underpaid; I was offered ... for just ... acres less than a year after going into APR
- *...comment completely redacted...*
- Got it? Plenty more to say!
- See #18a
- They tried to force us into a new stricter agreement for no reason
- We have severe erosion issues APR said not their problem...
- Did not sign agreement
- Rejected our sale to a qualified purchaser
- See question 8a
- The definitions change to suit them
- We avoid any discussions with governmental interests because 1) we are not sure who represents the state's interests, 2) we hear tales of the state offering to approve farm plans only if a new APR is executed
- I described above about the situation when we purchased the APR property and the resulting problem it caused us. It was an expensive problem to correct for us.
- Overall it has been fair, but recently, the denial of a special permit, and the subsequent canceling of an MDAR grant, as a result of "violating" the special permit denial has led us to believe they have treated us unfairly.
- Did not allow me to expand the amount of land in an APR along with problems noted above with an existing septic system
- Until a most recent visit when they suggested putting some of our land back in production, but did not consider whether we had the need or manpower to do so.
- Also wrote about our need for estate planning which seemed to go beyond the scope of an APR."
- They have been obstructive and almost vindictive. They did not want to discuss APR and still today are slow to respond and extremely uncooperative.

- ... used to show up all the time to tell us what we couldn't do or what we had to do along with
- We haven't had to contact them about anything
- I think they are too critical. What we think are improvements to the property they think is change and is negative.
- When they come to inspect the land, they are late, have not fully inspected the farm before they come and interview you and then jump to conclusions about the land when finished with the inspection. Those conclusions then show up in their reports.
- During their inspections, they arrive late, interview you on time, but the inspections is not complete, then when the inspection is complete they jump to conclusions and those conclusions show up in their reports.
- Some of the inspections, at least the last one, arrived late, inspection was not finished before my interview, then inspectors went and finished the inspection and jumped to conclusions and these conclusions show up in the final report. Some are not true.
- When they come to inspect, they have not completed the inspection before your interview with you and then when they continue with the inspection, there are conclusions, which are not accurate and then show up in the report.
- NO! The earlier APR's' got 260K and the latter APR's got 1.2 Million for holdin' out... just down the street...for less land! Come on... try that on see how you would like it! There should be adjusted compensation for earlier APRs!
- An Agent came only 3 years ago to "walk" the land for the first time
- See #18a, Also, we don't mind the state checking up on us but feel we are the only ones in this area that they check up on.
- See attached
- Don't really know
- The farm is leased (no family member has the time or money to make it a commercial farm.) The equipment here is old or we lack the right equipment, storage, fencing, acreage, animal housing. Seems to be one huge expense.

APPENDIX N – QUESTION 20 – MORE OR LESS PROFITABLE WITHOUT AN APR?

20. Do you think your operation would be more profitable if there were not a restriction on the land? 20a. If you answered “More” or “Less”, please briefly explain why.

- Less - with added land we are able to be certified organic
- Less - We would have had less capital to invest
- Less - If it was not in agricultural use it could have a negative (i.e., loss=less) impact on the environment.
- Less - reinvestment money availability
- Less - it keeps me focused on my livestock
- Less - APR money allowed reinvestment in farm, buildings and equipment
- Less - taxes
- Less - because of more debt
- Less - taxes would be higher
- Less - I would not put as much money or effort into the operation
- Less - If the land were not restricted then I would not put as much money or effort into its operation.
- Less - tax base is consistent
- Less - We were told early that we were restricted from certain activities, so we did not pursue those. We have been approached multiple times to lease/sell some of the land that we were not able to consider. The approval process to put up barns and buildings is an administrative barrier to putting structures where they are needed to be as efficient as possible.
- Less - I am guessing it would be considered less profitable because the taxes might be higher and the family debt would be greater.
- Less - Potentially more profitable- as the future of farming is changing and we may be restricted as to what we can do. - i.e. hydroponics
- Less - Purchase price, funding & taxes would be higher
- Less - Without the restriction (and the APR contribution, and much more) the farm would have "fallen" to housing development
- Less - Without the restriction (and the APR contribution, and much more) the farm would have "fallen" to housing development
- More - My farm would be far more established with being able to spend time on it rather than traveling across the state for meetings. Money would be reallocated to put back into the farm instead of legal fees for attorneys to simply prove our innocence.
- More - We would actually be able to go forward with some of our projects
- More - It would be more profitable because we would have been able to diversify even more than we have all without harming the land and creating greater income and ensuring our children would have a way to grow the farm.
- More - Compost and byproduct sales
- More - There are wet fields that we would have already fixed so they could be hayed.
- More - Could borrow more.
- More - Just more flexibility in what I could do with the land such as splitting it into smaller parcels.
- More - During an event, people have to be bused to our farm which is very cost prohibitive.
- More - When farming ..., restrictions on family housing (building homes for family) discouraged continued family operations
- More - I could build barns, building, sheds without DAR approval. They take years to respond.

- More - Now you could work with family, neighbors, town to find a better way to make a go of it.
- More - difference of land value
- More - For non-agricultural use/then I would be out of work
- More - I would subdivide
- More - By not allowing us to fix the property, the production on that area is less than half if it was repaired.
- More - I wish I could build a barn or storage building on APR land or dwelling for a family member to develop a more profitable hay or livestock operation
- More - Only difference would be allow us to do events that don't affect our crop production. Again, the money was a godsend - I respect my land and try to use it to maximum potential
- More - Solar panels would help generate income to help improve farm and life
- More - I currently have a farm, that if I was involved in the APR, I would have to have slowed my development down due to building structures that are required, it would need approval, I am free to run different programs at times of the year that bring in revenue which would be forbidden by the ... and in the future, we are not chained to the narrow, acceptable definition of agriculture that the APR uses (horses, for instance).
- More - liquor store, casino, brothel would be nice
- More - but towards the cost to the town, waste of environment
- More - more - potential "farm to plate", bed and breakfast
- More - I would do some other building if it wasn't protected; would have loved to have given my children some of the land to build on
- More - The possibilities for revenue sources would have less red tape
- More - Could have housing development, live on an area when water and sewer are available in Hadley. Good for housing.
- More - I could use some land to sell other items or construct solar on non-productive land
- More - Definitely, because I would be able to use the property for many other purposes
- More - Would be easier to expand the farm to table side of business; also, solar would have been a possibility
- More - we could make our own decisions and have some viable options on the farm
- More - It is possible that we would host large scale events on the property, like weddings, motor cross etc.
- More - better access to funding and far more opportunities to host events, expand, and offer more to the community and the public!
- More - Simply because net worth would have tripled with inflation
- More - building lots
- More - see question 16
- More - We could certainly earn more with agritourism. But it's a moot point because agritourism is not our cup of tea. We came here to farm not to make Disneyland.
- More - other non-ag income sources are prohibited -- see #16 above
- More - would have more opportunities with agritourism
- More – ... to put housing on property to expand business options. The ability to put a solar farm on APR property because it is completely compatible with beekeeping
- More - any potential income producing activity that requires a structure and/or capital investment struggles to have an incubation phase (i.e. try small to see if it works before growing bigger) without a discussion with a committee who are more concerned with a contract from the past than the sustainability of the farm. We as farm owners, in reality, have the state of Mass watching us as a landlord.
- More - We could have sold building lots (which we preferred not to do). More recently, we were approached to install solar panels on a portion of the land, which we would have liked to

consider. We believe alternative energy makes a positive contribution and the payback to us would have been helpful.

- More - Why? Because I could have sold the damn place, got the f- - out of this corrupt state and country to an honest place to start again.
- More - could possibly do more
- More - more value
- More - could add solar and other smaller non-farm specific operations
- More - We would have a horse training facility
- Same - Hard to say, but the increase in agritourism in general, would lead us to get aboard that train without worrying about the repercussions from APR

APPENDIX O – QUESTION 21 – ANY ADDITIONAL COMMENTS?

21. Please feel free to add any other comments you feel which are pertinent to this effort.

- Great program
- Comments would be ignored
- We would like help keeping snowmobiles and ATV's off of our property!!
- APR program is good for farmers
- *...comment completely redacted...*
- *...comment completely redacted...*
- In this case, this survey would be better suited for the farmer (or lessee) of the land and not the owner.
- *...comment completely redacted...*
- Currently I am completely dissatisfied with both my APR and the DAR. The DAR doesn't return phone calls, they don't reply to email, they do not aid, help, or advise when their help is needed, but most importantly the APR language is only as good as the current administration or Commissioner is in power. When they are gone, all bets are off, and the rules change. They become judge, jury, and executioner and are the same old bureaucratic quagmire that is currently in place.
- The APR program has been good for me because it allowed me to buy a farm in central Massachusetts, but I strongly feel that the program treats the farmers like we are the enemy and offers no support when needed. I had a border dispute here and even though the state put the APR restriction on it and filed it at the court house they told us when the property line was challenged that we were on our own and had very little to do with it. I would never support anyone looking to get into an APR in Massachusetts or at least make sure that they know that the state leaves you out there by yourself... FYI, some of the questions in the survey do not apply to us but I had to put in an answer to continue with the survey
- I'd really like to tell certain members of MDAR, legal counsel mainly, that they need to stop wasting our tax dollars on fishing for ways of attacking the farmers who still exist. Take a look at how many farmers have left the state and found far happier lives. If they're objective is to eliminate the MA farmers, they're doing a great job.
- The APR program is a joke, they have their own personal opinions and agendas and they feel as though that is all that matters, and if we could buy the restrictions back from them we would in a heartbeat.
- On question 12, we have not had difficulty securing labor as we only need part time help at this point.
- We really hope that the individuals in charge of the program come to realize that change is needed and rethink what can be done to help increase income on a farm as diversity is the key now and ensure the viability in the future as younger generations take over. Agritourism and education along with other businesses that don't harm the land could really help to create positive growth for years to come.
- If APR is restricting activity they should work to help find other enterprises. MDAR is more about regulations
- APRs need to be reviewed and adapted every 5-10 years to keep up with farming.
- I have nothing much more to say. The APR reviews have been fine and not a lot of work for me.

- Farms do not know what kind of event they would be allowed to propose. For example: getting paid to have people hunt on the APR, Frisbee golf course, mountain biking trails, four wheeler/snowmobile or horseback riding trails, growing marijuana, zip lines, weddings, music festival, or flying radio controlled airplanes.
- We appreciate the chance to share, thank you. Sometimes the experience and knowledge of the farm operator needs to be taken into account. Thanks again.
- I wish I hadn't taken the APR
- The DAR failed to defend my farming rights when the DEP said I allegedly violated wetlands law. One state agency vs. another agency.
- How do you convince the state to change - just like life - one must change. All I want is a future for my family on the "family farm", ... We also own APR land in CT. Thank you, good job.
- Babies are born every day, but land with open space is not being made
- If I could afford it, would use more lime and commercial fertilizer. Put less stringent but land "respectful" regulations on it. I sell feed, respect my land. Allow us to be opportunistic but respectful. Thank you for asking.
- *...comment completely redacted...*
- After dealing with a number of non-profits, I have found the training classes I need, and am very happy with the discussions I am having with a local land trust who is trying to get the funding for a restriction with the same financial benefits as the APR, without the politics, headaches, and overly restrictive policies. I would strongly suggest dissolving the APR and give the funds (including the bloated funds used for salaries at the APR) to local non-profits and organizations such as yours that could better serve the farmer.
- The APR saved ... has gone from 250 farms to 3. Zero realtors to 38 offices full.
- Hand tremor - difficulty in writing
 - a) The MDAR feel they are not responsible for previous advice dispensed by them.
 - b) They threaten you with huge litigation expenses if you disagree or "SHUT DOWN"
- APRs are fine but there are sure restrictions and there is no break on taxes just because it is in an APR
- Cigar tobacco farm; cigar taxes, by regulation no demand for tobacco crop, and since has ruined the business, therefore bad decision to enter APR program.
- I do have another APR farm which I built a cranberry bog with AIG help, this was also when they let us remove material from the farm to improve it. No current issues there. Will need more water up there somehow. Currently had to pump water out of ... River at low tide to put into my pond. Pond dried up in June 2016.
- We feel we have never been treated fairly and are totally disgusted with the APR Committee and their treatment of us as respectable business people. We ran a respectable dairy farm and the APR was an attempt to make ends meet better financially. We have been thwarted at every turn and will never save our farm especially now that we are older and cannot work like we used to. Our farm is ... prime land for development. Labor is hard to find. Help is undependable and lazy, they do not know how to work. It is not possible to find decent farm help in this community.
- Thank you for offering this survey, hopefully feedback will help and offer a wakeup call to the frustration experienced too often.
- I would support a union of APR owners that would allow us to converse and advocate for our ideas of the best use of ag land in Massachusetts.

- We think the original intent of the APR is wonderful. We are very committed to keeping land permanently in agriculture, however the difficulty in using the land for events which do not harm or change the land is not acceptable. See additional documentation provided.
- The town ...treats APR land as non-agricultural status for tax purposes unless it is enrolled in Chapter 61 or 61a. This was a big hardship for me since I inherited the land. I am in the process of trying to revitalize the farm and it would help me greatly to be able to install solar - it is completely compatible with my business model.
- I have three APR parcels but I am not completing a separate survey for each parcel due to time constraints. Therefore you can count this three times if you wish"
- At the time we entered into the APR program we lived in a dairy farming community. The assumption was to continue sustaining our farm by dairy farming. In ... we ceased to be a commercial dairy farm. Our communities are in the final stages of losing their commercial family dairy farms. As far as I am concerned, as long as the state of Mass is more concerned with compromising the farmer's clear deed to his capital assets than the sustainability of farming itself, then farmland will become the property of those who can afford it, not those who can maintain ownership through agriculture. Those whose ownership depends on the depth of their roots will be displaced by those whose ownership depends on the depth of their pockets.
- *...comment completely redacted...*
- We have not been asked to verify hay production experience or beef cattle experience, but have been asked to give extensive record of training, lessons, sales, winnings in dressage riding to be allowed to finish riding area.
- I believe the program back then was misrepresented to my family. Limited education.
- We knew what we were doing, and also knew about the previous objections by the APR was helpful to us.
- Treatment has been fair
- Overall, it has served its purpose in protecting against development of the land.
- Your survey does not have response fields for second or third party owners. I answered some of the questions because the field was required but did not really pertain to a second or third party owner. I LIKE Google docs.
- We have not been in APR very long, seems positive thus far
- I purchased property already in APR
- We have never attempted to make any changes in order to experience APR process other than buying the property in 2011
- We recently met with ... and ... at the site and all parties including the town, the director of the non-profit felt the meeting was informative, positive in nature, and it gave us a guideline to set our direction moving forward. Overall we felt they were both very professional and positive and we look forward to a strong partnership in the future with the APR Program.
- The APR was placed on our property as part of our acquisition of the land in ... therefore we did not need to go through a waiver process. We signed a purchase & sale agreement (P&S) with farm buyers on ... The APR program provided no assistance to our prospective buyers about the requirements from them needed to file a waiver. Our house & barn are not part of land under APR but the program initially said that a separate P&S was not needed with the request for a waiver. They then changed their mind and decided that a separate P&S would be needed but would not accept the date of the original request filing as the start of their 120 day process. Repeated attempts by our lawyer for clarification from the program about requested information or dates for decisions have gone unanswered. This has made it

very difficult to make proper plans for winter. The APR program finally responded by rejecting our buyers as unqualified on ... despite them filing a detailed Farm Plan and meeting their definition of "New Entry Farmers". If our current buyers are still interested in sticking with this process we will now have to compile and sign our fifth purchase and sale agreement because of the length of time that this process has taken. We now run the risk of APR securing a different buyer for our ag land that may have no interest in our house and barn. Why would anyone want to purchase APR land if the process for acquiring it is this difficult and time consuming? CAN YOU PLEASE HELP US!!! We can send supporting documentation if needed.

- Clearing some land; working hard to clear ditch; put in 3 wells, going to put in drain pipe, 4 irrigation greenhouse up, crossover put in parking lot, electric pipe in, water from town in, septic in, now working hard for a farm stand, cooler, kitchen and also an equipment storage barn
- Interesting case in Hadley where the state took the APR land away from the highest bidder and gave it to another farmer at a much lower price.
- I have a tenant farmer
- The development pressures in the Berkshires are huge. We still lose farms and open land regularly.
- It would be an incentive to landowners to participate in APR if the receipts were tax exempt. I would like to see the program expanded to include forest land.
- It seems ridiculous to have the property examined each year for proper usage since there is a restriction on the property, recorded at the Registry of Deeds, no commercial or other non-farm use can be had with the property. It seems a waste of government money, and a waste of owner's time.
- The farm has been in the family since 1908. Your program has been a big help in keeping a large land holding for the future of the family farm. Also, CR's, 61a, forestry plans. Thanks for this.
- Just trying to keep the land looking nice so people can enjoy it and pick up other people's trash!!!
- Need understanding that some newer ag dev. (farm viability, value-adding, eco/ag tourism for example) need to be recognized by "old-fashioned" APR historic values.
- I'll soon be 70 and I had hoped by now to have sold and deeded the house to my eldest son and transfer the APR land to all of my children. Because the MDAR is not willing to release the homestead lot and farm house from the APR it has me kept in an ongoing hardship
- I would be happy to discuss any of this
- Been positive
- Our farm is ... acres with a nearly 3 acre carve-out for unrestricted use. This survey misses the importance of that 3 acres, both to the beauty of the property and to the operation of the farm itself. If the 3 acres were to be razed and re-built, there would be a significant loss of the bucolic feel of the farm. The farmhouse and outbuildings, improvements to the 3 acres, are essential to its being an operational farm. The 2 parcels have to be considered together. The responses given above do not consider them together. Also questions 6, 8, 14, and 18 should not be included in our response-- they are N/A.
- It is apparent that the State made APR purchases without doing due diligence on being sure the property was properly cleaned up before they purchased it.

- We were pleased last year at the results of the helicopter planting of winter rye: even with the winter's low precipitation, we could detect lower erosion in the "slopingest" area of the fields.
- We're grateful for the APR Program. We probably wouldn't be farming if we weren't able to purchase APR land. One other thing, it would be nice if the towns were educated on the taxing of the land. They make us fill out Chapter 61A forms and won't listen to why that's not the right thing to do. More uniformity with the different towns' tax collectors would be helpful.
- Also on the survey, you should have N/A as an option as any question pertaining to entering into the APR agreement (which we didn't) I just gave a random answer.
- Thank you. We are grateful for the APR Program as we would not own this property otherwise.
- Our APR agreement is very old. There is a lot of vague, general language. Our agreement should be treated very differently than the newer APR agreements. We did not get the benefits of the money of the original agreements. The money that was paid for the rights in ..., was far less than what our rights would be worth today. APR got a great deal, and should try to help us. Yes, APR owns the rights to keep this land open, but they should be motivated to keep it viable and flourishing as well. They can do that simply by easing restrictions, especially when the language in the older agreements leaves a lot to interpretation.
- The farmer who sold an APR to the state subsequently donated the restricted land The farmers at the time of the donation continue to farm the land; both farmers have nearby farm stands and additional fields in agricultural production. Some of the questions above aren't really relevant to this situation.
- Refer to #17. Thank you!
- I will likely be selling my APR land within the next two years. I do not want the state's "right of first refusal" to become a hassle.
- We have had no contact with the state since inheriting the land in 2012
- I entered into the APR agreement as a request of my late husband who was the prior owner of the farm. He wanted the land to always remain as farmland, as his legacy and not developed, as he did not have children to pass his business down to after his death.
- I feel most complaints are from people who want to sell out or were not adequately educated or represented by an attorney. Sour grapes which put this program into jeopardy for the rest of us.
- We were very lucky to get the land into the APR program, enabling us to buy it at the agricultural value and keep it as part of our farm. Without the APR we would probably be looking at the neighboring property with a HUGE house in the middle of it and posted signs around the perimeter. Thanks for the APR help!
- We hope it will continue to be an option for farmers in the future.
- I have had no contact with the APR office since I bought the land in May 2016. Perhaps my answers will change as time goes on.
- Passing the farm intact to our next generation will be difficult without further financial help from the state. Can the state convince the feds about the lower value of APR land?
- I purchased this property fully knowing what I was getting into. It was a good deal and we have profited well. Any greenhouse, solar projects, etc. have been embraced and approved by the board.

- I am glad we did it but do feel in the long run that the money was sufficient considering how land values increased from the time we started to when we signed. We really had to do it to protect the land in the best way possible.
- Overall I think APR is a good program.
- I feel the APR program is beneficial to preserve farmland and open space. It helps support agriculture of smaller farms.
- The APR is a GREAT program. It has allowed me to fulfill my dream of owning my own farm after 25 years of renting land. Keep up the good work and DON'T let anyone water down the restrictions!
- I think APR needs more staffing and legal counsel that is directed toward the program rather than to state business in general.
- I am a firm believer in the APR program because it keeps land in agriculture. In the future APR and land preservation will be the only open space in our area.
- Your electronic survey is flawed: question 4a does not require an answer if APR land is used for agricultural production only, yet it is marked a required field and would not let me submit without an answer. Confusing.
- We have enjoyed being able to have the money all these years and it is nice to see green fields and open space. APR has been a true savior of space!!
- APR program does not understand farms and farming. It is ridiculously restrictive.
- We lost ... farm buildings with a lot of damage to the land, trees, roads, trails, and bridges from the 2011 tornado. Nobody ever came to see how we were and how the farm faired. The state has a large investment in this property. We have filed many times ... for grants to help with the repairs. Turned down every time.
- We're grateful Farm Bureau is keeping an eye on how the state deals with APR owners.
- I think the APR program needs more internal (i.e. ALPC, legislature) and external oversight (Farm Bureau). Not everyone is being treated fairly all of the time.
- This is the same answer as 18A. I resent the fact that I was not allowed to see the APR document in advance. I was signing three that day and even though they were nearly all the same, there was a lot of material to sign off on and I was not presented the documents previously and expected to sign. All the "mucky mucks" sitting in the room waiting for your signature.
- It like an airplane ride - the beginning is risky getting off the ground and the landing is also risky. APR is the same, no time to read the documents and think about them and sleep on the proposal overnight. Then It is my understanding "while landing" selling off your land with the restriction, MDAR has the right to assign the buyer and you can't opt out. You should have the right to "opt out" and/or approve the buyer. My family has worked hard to keep and maintain this farm for 78 years and it would break my heart to be owned by someone "of not my liking."
- Please re-read answers to question 8A and 16. My family and I have had this farm for 78 years and have struggled to maintain it. We would not like to have it go to someone, who did not think it was not to our liking.
- I feel I have covered it. Problems getting into the APR's, problems moving on to the next phase of your life and being told what you are going to do with your farm, and the inspection process. When you buy real estate there is a certain "bundle of rights" that go with it. And yes I do understand that there is an easement, which goes along with the land now.

- I sincerely question that this survey will not be shown nor submitted to others than Farm Bureau and I feel there will be consequences by the truthfulness of the above responses. I feel there is NO entity that has the farmers' backs, and if there is some dribble of support (via grants) there is always a HOOK to it!
- Because of APR we were able to add 70 acres to our farm
- An abutting landowner has been encroaching on my APR property by dumping materials. The MDAR wants me to deal with these people; someone threw a tree limb through the back window of my pickup. Please help me if you can!! Thank you.
- Size of farm made dairy farming impossible (too small). APR keeps the land from being developed which ... and now I feel is desirable.
- See attached
- We have some concern about what happens when ... no longer can, or want to farm.
- This year a lady from ... conservation came to check on the land. I didn't realize when we signed up we would be checked out every year or monitored. Sometimes I feel they think I'm not going to keep the land in good condition. It's been in my family since 1899, I have a long history on MY land.
- We put land owned jointly ... in APR to buy out family members on farming. We only did this to settle the estate. We hope to build a new barn when milk prices rise, hopefully we will have no problem
- As land prices increase, any "caps" should be revisited from time to time. More agritourism type activities should be allowed by right (very few do any soil harm). Except for non-ag buildings and topsoil removal, all activities allowed on non-APR should be allowed on APR lands. As arable lands continue to shrink and demand for local food increases, the ag value of land should be allowed to increase faster than inflation (on post, present and future contracts). The new rewrite of the APR program may cause greater problems for many APR's.