

Strategy # 7: Protect Natural Landscapes

Metro Boston benefits from a diverse regional landscape that includes dense cities, suburban neighborhoods, town centers, and undeveloped farms, forests, and wetlands. The MetroFuture plan seeks to reinforce the best aspects of the region's growth patterns by focusing growth in town centers and urban areas, while protecting undeveloped landscapes. Undeveloped areas provide innumerable benefits to the region: they provide wildlife habitat, aquifer recharge and watershed areas, agricultural land and fresh local produce, recreation opportunities, and recreational, scenic, and historic benefits.

The diversity of values and landscapes requires a similarly diverse approach to landscape protection. This strategy comprises three broad approaches to protecting natural landscapes: expansion of land conservation efforts (both public and private); increasing the economic viability of local farms so they can resist development pressure; and ensuring appropriate development and high quality design in more rural areas. It is important to note that this strategy is interdependent with many others in this plan. Only if the region can successfully embrace compact suburban growth and increase the attractiveness of urban areas will the recommendations in this chapter be sufficient to prevent destruction of natural landscapes.

Statewide and regional plans identifying remaining open spaces and natural resources and their priority must be created and implemented. Protection of watersheds will be an important element in identifying these priority lands for protection and preservation. New and existing sources of funding are needed to fund the acquisition of these lands by the Commonwealth, municipalities and non-profit entities. Private-sector conservation actions will also be critical, and many recommendations will help conservation to be cost-competitive with other development options.

The economic viability of farming and agriculture in the region must be enhanced to ensure their continued presence in the years to come. A sustainable farming economy requires farmers, land, capital, labor, and access to markets. The MetroFuture recommendations seek to ensure all these elements are present, so that the market can operate efficiently and with minimal dependence on subsidy.

The latter recommendations in this strategy are designed to encourage appropriate methods of development in rural areas. Appropriate development in rural areas will ensure that priority open spaces, natural resources, and farmland are not subject to development. Such methods of development include transfer of development rights programs, mandatory conservation subdivision by-laws, and other methods of zoning, such as down-zoning and purchase of development rights.

A. Plan for land preservation on a state and regional basis

MetroFuture brings a regional perspective to land use and development, and establishes a framework for the distribution of growth and preservation activities. The plan establishes overarching objectives for land preservation based on available data, but further analysis is necessary to effectively prioritize preservation efforts and establish supportive development controls. The framework of MetroFuture can be applied to statewide or regional land

conservation planning; its emphasis on regionalism can also be applied to “local” open space planning efforts.

1) Develop statewide plans for land conservation

The Massachusetts State Land Conservation Plan is the most comprehensive statewide vision for land conservation. This plan was developed by the Department of Conservation and Recreation, in consultation with other public agencies and environmental organizations. It prioritizes potential conservation land with a ranking from 1 – 8 (highest priority), based on the participating organizations’ assessment of the ecological, agricultural, hydrological, and recreational value of various areas.

In order to provide a comprehensive statewide roadmap for land conservation, the Commonwealth should update the existing Plan or create a new one, complete with a detailed implementation strategy. The completed Plan will prioritize sensitive lands that need to be acquired to protect watersheds and provide open space to areas with limited access. One aspect of the Plan should be a usable tool, such as a map clearly identifying priority lands, available to all state, regional and local planning officials, to inform their decisions on what to protect and how.

Such an effort will benefit from the robust datasets that the state already has for priority habitats, water resources, protected open space, and other environmental resources. Unfortunately, similarly detailed data are not readily available for agricultural resources in the state. There is no comprehensive inventory of farms and agricultural enterprises, land in agricultural use, prime agricultural soils, and other elements of the state’s food system. This information should be compiled so that agricultural resources can be fully integrated into statewide and regional open space planning.

1.a The Department of Conservation should lead a new effort to update the State Land Conservation Plan

1.b The Department of Agricultural Resources should develop a statewide inventory of agricultural resources

2) Bring strategic and regional perspectives to local open space planning

Since many open space resources cross municipal boundaries, any effective open space planning must include a regional component. However, this regional perspective is hard to implement when most open space planning happens at the local level. Municipalities should aggressively pursue opportunities to meet open space and recreation needs through shared facilities or development of regional resources.

Currently, each municipality in the state is required to prepare its own Open Space and Recreation Plan (OSRP) in order to be eligible for many funding programs. The Division of Conservation Services (DCS) reviews and approves

these plans and awards grants to support their implementation. The current OSRP Requirements include a section on regional context, but the requirements for this section fall short of requiring a thorough analysis of regional considerations. These standards should provide clear guidance and expectations for a thorough analysis of regional considerations and they should explicitly support the regional development and implementation of OSRPs. DCS should convene a working group (including MAPC and private conservation organizations) to revise the regional element of the OSRP requirements, and should create a new category of plans (and funding) for multi-municipality open space plans.

The current structure by which the state guides local open space planning consists of guidelines for preparing open space plans. The guidelines themselves result in open space plans that are very limited and traditional in the following ways:

- Communities put too much effort into compiling the extensive background data that is required with less emphasis on strategic planning.
- The guidelines encourage the creation of overly ambitious laundry lists of action items which are completely unrealistic for communities to implement.
- The plans are either done by local volunteers or staff person who doesn't have the time to complete a plan in a timely manner or by a consultant who prepares a very generic plan.
- The planning process does not encourage communities to reach out to a broader constituency or to think beyond the borders.

More attention to strategic action, tighter connections to land use plan and zoning, and a greater emphasis on regional resources (both environmental and fiscal) will help these local open space plans be more effective.

2.a DCS should convene a working group to revise regional component of Open Space and Recreation Plan requirements

2.b EOEEA should support pilot programs for the creation of multi-municipality Open Space and Recreation Plans

2.c Municipal open space planning efforts should thoroughly explore regional issues and opportunities

2.d MAPC should develop a repository of geographic data on acquisition priorities

3) Establish stronger “No Net Loss” policies for natural land resources

The state can establish policies to prevent or mitigate the conversion of public or private conservation or natural resource lands to developed uses. “No Net Loss” legislation requires that when state or local government converts conservation land to other purposes, they must permanently protect an equal or

greater amount of land of equivalent or higher conservation value. Various state agencies can also assess the impacts of programs and funding on priority lands; in order to ensure that any impact attributable to state funding is mitigated. The Executive Office of Energy and Environmental Affairs should review all “surplus” land for resource values before disposition by the Department of Capital Asset Management.

3.a The legislature should adopt legislation (such as the Public Lands Protection Act) to prevent the disposition of state-owned conservation land

3.b By legislation or executive order, establish a “no-net loss” goal for the state’s agricultural land and prime agricultural soils

4) Exclude valuable natural resource lands from areas identified as priority development areas or focus areas for growth

State and regional policies and plans—for regional land use planning, transit-oriented development, economic development, and other uses—should seek to exclude priority natural resource lands (identified through state or regional planning) from areas identified as priority development areas or focus areas for growth, just as they would exclude large areas of wetlands or floodplain.

4.a MAPC and allied organization should recommend modifications to Chapter 43D regulations or implementation to discourage development of priority natural resource lands

B. Increase funding for priority land acquisition

While coordinated planning and policies can help reduce development pressure on natural resource lands, continued acquisition of priority areas will be necessary to preserve particularly vulnerable or valuable parcels, and to secure land for public use. State agencies, municipalities, and private conservation initiatives will all need additional resources in order to accomplish MetroFuture’s ambitious land preservation goals. In particular, it will be necessary to secure additional resources for land acquisition in urban areas and town centers, where land costs are higher, but the need for open space will be increasing.

5) Develop open space funding sources through use of a regional “Greenfield Fee”

A “Greenfield Fee” is a surcharge to development proportional to its impact to natural resource lands. Developers of large, sensitive, or rare parcels pay a larger amount; while developers of smaller, less critical parcels pay less. Impacts would be assessed using a consistent and predictable formula, based on a variety of criteria. Developers could provide mitigation on- or off-site to offset the fee. For example, if proceeds from the sale of agricultural land are reinvested in agricultural activity locally (in the same or adjacent municipality).

A greenfield fee would be most effective and equitable if it were applied regionally. A local option approach might meet stiff resistance from property owners concerned about its impact on resale value or the cost of development; a regional or statewide program would have less impact because developers could not simply move their project to another municipality to avoid the fee.

The revenue raised from greenfield fees should be dedicated to the acquisition of open space. If assessed through a regional program, a portion of the fees would go to a local fund, and the remainder would be directed to a regional fund to support regional open space priorities.

A greenfield fee will only be successful if it based on a consistent and predictable formula. Integration of the formula into community-level decision support tools and project-level plans will help to assess the cost impacts of various land use controls, and will encourage project designs that minimize impact on a given site. As with impact fees, some members of the development community may welcome the idea of a greenfield fee if it were relatively modest and applied in such a way as to bring more predictability to the permitting process. There is currently a greenfield fee program operating successfully in Maryland.

5.a MAPC will collaborate with public and private stakeholders to develop a greenfield fee proposal

6) The Commonwealth should provide adequate funding for open space

The recently passed Environmental Bond contains \$366,500,000 for Land accounts, available over the next five years. The Governor has committed to spending \$50 million per year on land, not including staff, and EEA is planning to release an annual "Land Spending Report Card" detailing how the money was spent. These capital dollars are critical for land conservation and preservation of our natural resources.

6.a The Administration should maintain its commitment to \$50 million of capital spending for land acquisition under Article 97, with a long-term goal of increasing the amount to \$75 million to match ongoing annual need.

7) Increase local capacity for open space acquisition

While the state has a critical role in land acquisition, many critical parcels are purchased by municipalities or local land trusts. These "on-the-ground" entities have more access to knowledge about when parcels might become available and which are more vulnerable to development pressures. With sufficient resources, these local entities can act quickly to take advantage of opportunities as they arise. However, this swift action is rare. Municipalities, in particular, are hampered by a lack of resources and cumbersome approvals for open space purchase. Land trusts and conservation organizations may be able to act more

quickly, but may lack the legal standing of municipalities to purchase Chapter 61 land before it goes on the market.

Municipalities can overcome some of these challenges by adopting the Community Preservation Act, which increases the resources available for open space acquisition and streamlines the use of those resources through a Community Preservation Committee. Municipalities can also partner with land trusts, by assigning their right of first refusal, or by asking land trusts to hold parcels until municipal funding is allocated.

7.a Municipalities should adopt the Community Preservation Act

7.b The legislature should adopt legislation to support adoption of the Community Preservation Act and ensure that an adequate state match is preserved

7.c Municipalities should assign Chapter 61 right of first refusal to a land trust where appropriate

7.d Municipalities should participate in existing funding programs for open space acquisition

C. Support private sector conservation initiatives

As land values escalate and public funding for land conservation is constrained by annual general obligation bond spending caps, voluntary donations of land to public and private conservation organizations are an increasingly important option for protecting Massachusetts' natural resources. Many landowners—particularly owners of large parcels of land in Developing Suburbs—want to preserve their property and livelihoods, and if possible, hand down to their children the acreage they own. By permanently donating or selling the future development rights to their land to a non-profit conservation organization or a government entity, a landowner may immediately obtain a federal income tax charitable deduction, and reduce the market value of the acreage used to compute estate taxes. However, the out-of-pocket expenses involved in making a donation of land (including attorney fees and appraisal costs) have discouraged many lower and middle income landowners from completing such transactions.

8) Establish and expand conservation tax credit programs

Existing Massachusetts tax law (MGL Chapter 62, Section 6) provides income tax incentives for private landowners to conduct a wide range of environmental improvements, including making investments in renewable energy sources, residential lead removal, and Title V septic system upgrades. A state income tax credit for land conservation would compliment these existing credits by rewarding landowners who choose to conserve their land for current and future public benefit.

8.a The Legislature should implement Governor Patrick's amendment to the state conservation tax credit legislation or implement the conservation tax credit as a standalone piece of legislation

9) Expand the use of Conservation Restrictions and Agricultural Preservation Restrictions

A Conservation Restriction is a voluntary, legally binding, permanent agreement between a landowner (grantor) and a holder (grantee), a public agency or a private non-profit land conservation organization. The grantor agrees to limit the use of his/her property for the purpose of protecting its conservation values. The conservation restriction is recorded at the Registry of Deeds and runs with the title. By permanently donating or selling the future development rights to their land to a nonprofit conservation organization or a government agency, a landowner may immediately obtain a federal income tax charitable deduction, and reduce the market value of the acreage used to compute estate taxes. Agricultural preservation restrictions (APR) are a specific type of conservation restriction designed to help farmers realize equity without being forced to sell their land for development purposes. The equity is often reinvested back into the protected farm by way of the purchase of more land, equipment or buildings and through the retirement of farm debt.

Legislation proposed by Representative Kulik would help to make these tools more effective. By strengthening the durability of conservation restrictions, this legislation will enhance innovative land protection across the Commonwealth. Enabling land trusts and other eligible organizations to co-hold APRs with the Department of Agricultural Resources will assist the Department in negotiating, funding, and enforcing these restrictions, and help foster public-private partnerships that are often necessary to complete such projects.

9.a The Legislature should amend the Conservation Restriction and Agricultural Preservation Restriction statutes to increase their effectiveness

9.b The Legislature should provide adequate resources and funding for the Agricultural Preservation Restriction (APR) Program.

10) Increase participation in the Chapter 61 programs

Currently, 15% of eligible landowners in the Commonwealth are enrolled in Chapter 61, 61A and 61B, which provides for a reduction in property tax assessments for land that is voluntarily maintained in active forestry (Chapter 61), productive agriculture or horticulture (Chapter 61A), or open space and recreational (Chapter 61B) uses. Chapter 61 was recently rewritten to remedy existing loopholes, make it more equitable and overall improve its effectiveness at preserving open space.

Additional actions could allow or encourage more landowners to participate in these programs. Adjustments to the 5-acre minimum threshold for participation in the Chapter 61A program could allow more very small farms growing high value crops to participate in the program. By classifying land enrolled in these programs as open space for tax purposes (instead of commercial land), municipalities can help to encourage more landowners to participate.

10.a The Legislature should reevaluate the current 5-acre threshold for participation in the Chapter 61A tax abatement program

10.b Municipalities with split tax rates (residential/commercial/open space) should classify Chapter 61 (A&B) land as open space, not commercial land

11) Increase estate planning assistance to farmers and owners of natural resource lands

One key to preserving family farms and natural resource lands in Metro Boston is to help farmers and other landowners successfully transfer their land and operations to the next generation. Estate planning assistance can raise awareness of sale or transfer options that can provide inheritance benefits comparable to simple fee transfer to a developer. The Cooperative Extension at the University of New Hampshire currently operates a successful series of workshops on this topic; which could be replicated in Metro Boston.

11.a A state agency or university should convene a working group to coordinate and expand estate planning programs in Massachusetts

D. Create a new generation of farmers through training, technical assistance and access to capital

Many of the region's farmers are reaching (or long past) retirement age; younger skilled and resourceful farmers are needed to keep those existing farms in production. If the region is to increase the amount of acreage in agricultural production and the production of the local agricultural/food system economy, even more new farmers will be necessary. At the same time, changing tastes, environmental factors, and market conditions will demand that farmers adopt best management practices and continuously improve operations in order to remain sustainable. Access to fiscal and technical resources will help farmers increase their contribution to the local agricultural economy.

12) Increase training opportunities and internships for new farmers

The future of farming depends on the continued entry of new farmers. Young farmers have emerged as part of a growing social movement. In order to better guarantee their success, they must have access to all the training, tools, and knowledge available.

There are already many such opportunities, including the “Exploring Your Small Farm Dream” workshops (operated by the Department of Agricultural Resources’ Agricultural Business Training Program) and internships at working farms such as Maggie’s Farm in Orange, Massachusetts. So far, more than 300 farms have completed an MDAR sponsored business planning program tailored to their own particular versions of Massachusetts agriculture.

13) Provide more training and technical assistance to immigrants and refugees who wish to begin farming

Immigrants are a growing segment of the state’s farmers. Many immigrants come with extensive farming experience but need training to apply that experience to the New England environment and economy.

Existing examples of extremely successful programs include the New Entry Sustainable Farming Project, a project of the Friedman School of Nutrition Science and Policy at Tufts University; Nuestra Raites in Holyoke; Flatt’s Mentor Farm in Bolton. Each of these programs serves a different population and each uses a distinctive approach.

The Mutual Assistance Association Coalition (MAA) of Massachusetts is currently exploring ways to connect immigrants and refugees from agrarian backgrounds with urban agriculture and food-systems organizations. This effort may also identify strategies to connect immigrants and refugees with training opportunities.

14) Increase financing options for local farmers

Farmers need capital to secure land and equipment. While agricultural lenders such as Farm Credit and the USDA Farm Services Agency do offer credit, neither adequately serves farm operators who are perceived as higher risk because they are start-ups, have innovative business models lacking industry benchmarks, or are poorly collateralized. Meanwhile, community development finance institutions (CDFI) typically have little or no agricultural expertise.

In 2008 the Carrot Project conducted a survey of over 700 farmers in New England and New York State and came to the following conclusions: “It is not only start up farms that have difficulty securing the financing they need. It was also found that businesses operating more than 4 years are facing obstacles to financing as well.” Cash flow management can also be a challenge for some enterprises that are well-capitalized, especially those with high debt loads. This survey highlighted a few areas where further inquiry may be useful in assisting farmers facing obstacles to obtaining the financing they need.

MassDevelopment has considerably experience with innovative financing tools and might be an appropriate entity to establish a new funding program to support agriculture and value-added producers. Such a program exists in Pennsylvania, where farmers and organizations can get loans or loan guarantees for capital improvements, working capital, planning, or new initiatives.

Community Supported Agriculture (CSA) is one strategy that some farmers use to increase cash flow. In a CSA program, customers pay an up-front fee at the beginning of the season and receive a share of the farm's production over the course of the growing season. CSA programs provide farmers with more working capital at the beginning of the season.

The transition to higher-value or more environmentally sustainable products and methods (such as certified organic production, Integrated Pest Management (IPM), ethnic produce, etc.) can incur significant costs. The Department of Agricultural Resources has grant programs to support planning for such transitions, such as the Farm Viability Enhancement Program. However, these grants are limited. DAR and the Commonwealth should expand financing programs (both training and capital costs) for farmers who want to transition to higher-value products and methods.

14.a MassDevelopment should explore opportunities for a new agriculture-oriented funding program

14.b Private investors should consider creating or investing in local agriculture financing programs

15) Provide greater security and longer lease lengths for farmers leasing publicly-owned farmland

The Commonwealth and municipalities own many acres of agricultural land which is leased to private farmers, usually for a duration of five years. Longer lease durations will increase the ability of these lands to support development of new farm businesses. Public agencies should consider prioritizing state- or municipal-owned farmland for young, new-entry, and immigrant producers, as well as organizations that engage in farm-based youth development and mentoring.

E. Build a stronger market for local agricultural products

Moving the region's agriculture toward more higher-value produce and "value-added" production, such as developing new products to meet new consumer demands, is essential to making agricultural activity an economically competitive alternative to development for property owners. More efficient markets might be facilitated through stronger distribution networks, year-round outlets for local food, marketing and verification programs, and technical assistance to wholesale customers.

16) Create and strengthen marketing programs for local food

"Buy local" programs help to coordinate retail marketing and provide branding and advertising for local foods. The Massachusetts Department of Agricultural Resources operates a statewide marketing and branding program (Massgrown) and supports four regional "Buy Local" programs. However, only small portions of the MAPC region are covered by these programs: Essex County Buy Fresh on the North Shore, and Southeastern Massachusetts Agricultural Partnership on

the South Shore. Expanding the geographic and operational scope of such programs would reach more farmers and potential markets. New programs are needed to ensure that all MAPC municipalities are served by a buy local program.

The operational scope of the buy local model might expand to include more wholesale marketing and institutional assistance, comparable to the existing Massachusetts Farm to School Program (a nonprofit) but with a broader scope and more robust funding. A strong regional clearinghouse could assist public agencies, institutions, and food service outlets (retail markets, restaurants, value-added producers) that wish to source more local foods. Such a clearinghouse could also facilitate and support technical assistance programs (training, marketing, equipment) to help wholesale customers make the transition to more local sourcing. This recommendation and implementation should be coordinated with the Department of Education School Lunch Program and the School Nutrition Association.

To be successful, retail programs require considerable up-to date research (customer surveys and other forms) regarding buying preferences to identify the most significant market opportunities, and to shape marketing (both conventional and social marketing). Such marketing should support and highlight both small and large farms.

The state has an existing program to support for agri-tourism; the DAR “Agro-Activities” map and guide are a key element of this program and should be updated regularly and available in print or online.

Buy local programs and clearinghouses should be coordinated with or possibly integrated into a statewide/regional Food Policy Council (described in Strategy #9, Ensure Access to Healthy Food.) These programs should also coordinate with programs in adjacent states, since “local” doesn’t necessarily stop at the state boundary.

17) Expand school and institutional purchasing programs.

School and institutional purchasing programs are a very important component of a strong local agriculture economy. Feeding locally grown foods to students can be a good way for food service directors to improve the nutritional value and taste of school meals, while supporting the local economy. Selling local products to schools can be profitable for Massachusetts growers who are looking for a new way to connect with local consumers. For participating farmers, the steady business represented by institutional purchasers can provide stability when retail markets are sluggish or harvests are high.

To date there are about 100 public school districts, private schools, and colleges in the Commonwealth serving local food, over half of which have received assistance from the Massachusetts Farm to School Project funded by Massachusetts Department of Agricultural Resources. Over 40 farms are currently selling locally grown foods to these schools across the state.

Local sourcing should be a priority for food service purchasing in state agencies, local government (including schools), and private institutions such as hospitals and universities. Colleges, universities, and institutions can be “anchors” for local farm to school markets, which can also include local schools with less purchasing power

Local food preference should be incorporated in bid specifications and contracts. The University of Massachusetts Amherst, in its contract with its distributors, reserves the right to purchase a certain percent of its produce from local farmers. However, UMass Amherst is one of the few institutions that do not contract with a foodservice corporation, so this model may have limited applicability.

Food service management companies must take a leading role in purchasing local food, seeking out alternative distribution systems, and demanding accountability from distributors who sell “local” food. Such an effort depends on reliable audit and verification systems described below.

17.a The Legislature should amend the Massachusetts Preferential Purchasing Law of 2006 to include state colleges and universities

17.b Institutional purchasers should consider the creation of on-site farmers markets

18) Standardize labeling or verification programs for “local foods”

Many schools, institutions, and large companies contract with food service management companies, who have relationships with food distributors. Customers who request (and reportedly receive) local foods may have no way of verifying whether or how much of the foods came from local farmers. Public health is also an important concern: the production and distribution processes must be certified, and foods must be traceable in case of recalls or health concerns. There are existing public health regulations that address production and processing standards, but these may be ill-suited to necessary uses and the diversity of farmers.

All stakeholders (customers, food service management companies, distributors, DAR, advocates) need to develop guidelines regarding “local” labeling, and a process should be set up for third party verification of local foods purchased through conventional food distributors.

19) Create more infrastructure to support processing and distribution of local produce.

Examples include the Western Mass Food Processing Center, a support and training center for agricultural producers and growers making value-added products or preserving harvests run by the Franklin Co. Community Development Corporation. Such facilities can convert seasonal local products to

value-added products and preserved products that can be sold year-round. They can also be used for initial food prep to facilitate farm-to-school purchases, such as preparation of carrot coins or apple slices. They can also be used by community members for personal canning and food preservation. More organized distribution systems for local produce can also facilitate farm to school/institution programs by consolidating the products of many small farms and reducing the number of independent contracts and delivery routes. Many models exist in Massachusetts, including growers' cooperatives (Pioneer Valley Growers Association); farmer/distributors (Czajkowski Farm in Hadley), and commercial consolidators (Red Tomato in Canton.)

19.a The Legislature should increase funding for Agricultural Innovation Center Grants to \$2million

20) Establish a Boston Public Market to provide a year-round venue for local food products

Public markets include vendors or merchants who meet regularly at the same location; a sponsoring entity that has legal and financial responsibility and that oversees operations; and, in some cases, a structure to house the market. A public market expands upon traditional farmers' markets by making fresh food available throughout the year, typically operating several days each week. Within a large, centrally-located market hall, customers find a broad selection of local produce and food products, as well as specialty foods. The number and diversity of vendors create a critical mass that can attract customers from throughout the city. Local farmers selling once or twice a week can be an important component of a public market. Examples of successful public markets can be found in Portland (Maine), Seattle, and San Francisco

The Boston Public Market Association is currently working toward creation of such a market and submitted a proposal for such a use on the Central Artery parcels. Should a Central Artery location not materialize, the City of Boston, the Commonwealth, and other agencies such as MassPort should work to find a site that could be provided for a market at nominal cost. The 2008 Environmental Bond bill included \$10 million toward creation of such a market.

F. Remove regulatory and labor-related barriers to agricultural expansion/diversification

While the market for local food is increasing, many agricultural operations may find it difficult to expand their operations due to regulatory restrictions, opposition from residential abutters, or lack of labor. MetroFuture recommends a variety of policies or initiatives to overcome these challenges. Land use controls must be supportive of diversified agricultural operations and should help to prevent conflicts between residents and farmers. Farmers can also be protected from nuisance claims through "right to farm" bylaws that reaffirm the preservation of agriculture as a community priority. Agricultural commissions should be supported as important local advocates for farm operations in their community.

Transportation services and coordination with social service/employment organizations will help ensure that farmers can find the labor critical to their operations.

21) Revise local zoning to support diversified agricultural operations

In order to remain economically viable, many farms have expanded beyond basic agricultural production to include agro-tourism, expanded retail (groceries, garden supplies), and value-added processing.

Such uses should be facilitated by local zoning (they are often restricted or conditional). Chapter 40A and local regulation should consider the following as “agricultural uses” when they occur on a working farm and support the viability of that farm: roadside stands, garden centers, hospitality services (inn/restaurant), or value added operations. Larger farm stands might be permitted with the provision that a certain percentage of items sold must come from the region or state. Zoning should also specifically allow for agricultural support businesses, such as implement repair, and for activities, such as pumpkin festivals and company picnics. In appropriate locations, municipalities should also permit processing and distribution/product consolidation on parcels in agricultural use, contingent on a certain amount of the inputs being sourced locally (e.g., 50% from within MA and 75% from within New England).

Municipalities may also want to consider requiring increased setbacks for residential uses adjacent to designated agricultural areas, in order to reduce conflicts over noise, odor, dust, and aesthetics.

21.a MAPC and stakeholders should research and disseminate zoning strategies to support agriculture

22) Increase the role of agricultural commissions in protecting and promoting agricultural activity

Agricultural Commissions serve as advocates for local farms. Formed through adoption of a local bylaw or ordinance, their responsibilities can include providing assistance for natural resource management, affording visibility to local farmers, and assisting local boards with community development decisions. They can also help to mediate disputes between neighbors and agricultural enterprises. Only 14 MAPC municipalities have established Agricultural Commissions.

The Massachusetts Department of Agricultural Resources recently released a Handbook for Agricultural Commissions, a step-by-step reference guide for newly organized agricultural commissions.

22.a MAPC should work with the Massachusetts Office of Dispute Resolution to provide conflict resolution training for Agricultural Commissions

23) Increase the use and effectiveness of “Right to Farm” bylaws that protect farmers

The Right to Farm is vested in all residents of the Commonwealth under Article 97 of the state Constitution. Communities interested in formally re-asserting that

right within the community may pass a Right to Farm Bylaw that clearly states the priorities of the community relative to fostering agricultural activities and allowing farms to operate "with minimal conflict with abutters and Town agencies" The Massachusetts Attorney General has developed a model Right to Farm Bylaw, which also establishes the notification procedure for informing all residents of the Town of the community's status as a Right to Farm entity.

Only five MAPC municipalities have adopted Right to Farm bylaws.

24) Coordinate social and transportation services to link workers with farm employment

The challenges of finding affordable and qualified labor are squeezing our region's farmers. Availability of low-cost labor is a major challenge for many farmers; survey results from Essex County more than a third of farmers cut back on operations due to lack of labor. Youth-based agricultural training programs may be one source of labor with corollary social benefits.

24.a The Boston MPO should conduct a study on transportation services for farm laborers through the Unified Planning Work Program

G. Adopt sustainable land use controls in natural landscape areas

MetroFuture recommends focusing growth in the region's city, town, and village centers, and other areas where infrastructure and resources are available to support growth. However, the plan also recognizes that some development will still occur on undeveloped "greenfields." Just as there are ways to "grow smart" in urban communities and town centers, there are ways to "grow smart" in the less developed, more rural portions of the region. Clustered homes, well-designed roadways, and preserved open spaces can be combined to support housing development without homogenizing our region's character.

However, many current land use controls include requirements that are detrimental to the protection of natural resources and traditional New England character. MetroFuture recommends changes to state and local zoning to discourage conventional subdivision designs, excessively wide roads, unregulated house lots along rural roads, and suburban-style development in truly rural areas.

25) Eliminate "Approval not Required" (ANR) process for land subdivision

The current "Approval not Required" exemption in the Massachusetts Subdivision Control Law allows landowners to create new lots without the approval of local authorities so long as those lots meet minimum frontage and area requirements. This exemption leads to uncoordinated development along existing roadways, where planning boards have little authority to manage design and access; and opportunities for clustered homes are lost.

Implementation steps to eliminate this exemption are included in (#1B—Modernize Zoning Tools).

26) Adopt true large lot zoning

Large lot zoning should be implemented in communities where there remain active agricultural and farming land uses. By creating districts with minimum lot sizes of 20, 30 or 40 acres, rural communities can ensure that such parcels remain a sufficient size to sustain a farming or agricultural lifestyle.

Because downzoning is often met with resistance by landowners concerned about the value of their property, it should be preceded by creation of a Transfer of Development Rights program that allows landowners to still recoup the existing value of their property. With such a program in place, downzoning should not reduce the capacity of development rights that could be sold. In other words, a 40-acre property downzoned from 1-acre zoning to 10-acre zoning, the owner could either create four house lots or sell development rights equal to 40 housing units.

Implementation steps for this recommendation are included in (#1B: Modernize Planning and Development Tools.)

27) Implement environmentally-friendly roadway standards

A 2007 Pioneer Institute report concluded that “Many local road design standards represent “worst practices” in terms of landscape design, and some appear to be designed to increase the cost of subdivision for developers.” Pioneer’s research found that 20% of municipalities in Metro Boston require typical residential roads be 30 feet wide or more, enough for two travel lanes and two lanes of parking.

These inappropriate standards result from blanket application of high volume/high speed road design criteria, overestimates of on-street parking demand, and the perception that wide streets result in faster emergency response times. The resulting roadways require more clearing and grading, more impervious surface, and wide roadways out of character with the surrounding area (subdivision roadways wider than the country lanes they connect to). Wider roadways also result in higher vehicle speeds (regardless of the speed limit) and more danger to pedestrians.

Narrower road sections and alternative road profiles can reduce aesthetic and environmental impact (especially stormwater runoff) of new development, while still allowing safe travel, emergency vehicle access, and adequate parking. For most low-traffic roads, a 24’ road width is sufficient to accommodate two way traffic, and even narrower widths should be used in very low traffic conditions (e.g., a six-lot subdivision.) The National Fire Protection Administration Uniform Fire Code (2003) recommends a minimum unobstructed width of just 20 feet, with the recognition that local authorities set lower standards if turnouts or alternate exits are available.

While many municipal planners and planning boards recognize that many existing standards are excessive, they lack the time and resources to revise their

standards. Other staff and boards favor excessive roadway requirements because they see them as a deterrent to development; however, such an approach is counterproductive as it yields higher housing costs and, ultimately, more damage to the environment and town character. Developers who wish to implement innovative roadway designs may be forced to apply for a variance or to incorporate unnecessary design elements (A developer in Tyngsborough applied for a variance to construct a roadway with country drainage and swales; the planning board required him to bury the granite curbing flush with the pavement surface.)

More municipalities need to adopt roadway design standards that represent “best practices” in the field; however, one standard will not be appropriate for all municipalities or situations. A set of alternative standards, codified in the Subdivision Control Law could become the default roadway design standards for municipalities without the resources or inclination to adopt best practices on their own.

27.a Municipal planning boards and staff should review and revise their roadway standards as necessary

27.b MAPC and allied organizations should conduct a process to develop stakeholder consensus about roadway design requirements and emergency access

27.c MAPC and allied organizations should develop a set of alternative roadway design standards that could be codified through state policy

28) Protect scenic roads through development controls and sensitive design

Most residents and visitors experience the scenic character of Metro Boston’s natural and historical landscapes as they travel through it on roadways. However, the scenic character of these roadways can be degraded by insensitive development, inappropriate roadway designs, excessive tree removal, and other alterations. Local controls can help to preserve the character of scenic roads while allowing development and transportation improvements.

Scenic road bylaws are a commonly used tool to help preserve rural and historic character of local roads. These controls require planning board approval for alteration of stone walls and removal of trees within the right of way on designated roads.

Because scenic road bylaws cannot be used to manage development on private land, some municipalities have also adopted scenic overlay districts that regulate the appearance of development within a certain distance of a scenic road or within view from a certain location. These regulations may address the location, height, density, or massing of buildings; tree removal, alteration of stone walls; or other activity that could impact the appearance of the district.

Scenic roads and landscapes rarely end at municipal boundaries. Therefore, a regional approach to scenic landscape protection will yield more comprehensive protection. Where a scenic road crosses municipal boundaries, municipalities should collaborate on development of scenic road bylaws or overlay districts, so that requirements are consistent. A joint review process for proposed activities within view of the adjacent municipality might also be appropriate.

Because significant alterations to scenic roads often happen as a result of transportation improvements, it is critical to design local and state roadway projects so that they enhance scenic character. The MassHighway Project Development and Design Guide, revised in 2006, supports the use of “context sensitive design” to ensure that excessive roadway standards are not applied inappropriately. Conditions vary throughout the region, and every project is unique, so there is no way to mandate the application of context-sensitive design. It is incumbent on state and local officials, landowners, and residents to advocate for designs that appropriately balance transportation needs with scenic values.

There are also a number of tools that municipalities can use to link road preservation with community economic development through tourism. The National Scenic Byways Program, administered by the Federal Highway Administration, is one such program.

28.a Municipalities should adopt scenic road bylaws where appropriate

28.b MAPC should support multi-town scenic road designations for ways that cross municipal boundaries

28.c Municipalities should adopt viewshed protection overlay districts

28.d Municipal and state officials should use “context-sensitive” roadway designs in scenic areas

H. Increase the use and impact of Open Space Residential Design

Open Space Residential Design (OSRD, also known as Conservation Subdivision Design) is a development approach that combines land preservation with clustered development. It operates on a four step process: identify conservation areas; locate home sites; align streets and trails; and draw in lot lines. Development is generally concentrated on a portion of a parcel of land, with the balance preserved as open space for recreation, conservation, agriculture or forestry. By focusing on site planning flexibility rather than dimensional requirements, OSRD allows development to be arranged on a site for maximum economy, character, and preservation of environmental resources.

Currently, just over half of the Commonwealth's 351 communities have some type of cluster provision in their zoning by-law. Currently, many of these provisions go unused or are severely underutilized. The Pioneer Institute notes: "Since cluster development's introduction in the 1970s, 80 percent of the municipalities in eastern Massachusetts have adopted some kind of cluster provision. The cluster regulations, however, are often written in ways that inhibit their use. Many require larger parcel sizes than are typically available for development in the locality (for example, 25 acres in Lynnfield, and 10 acres in Burlington). The vast majority requires special permits. There are even towns that require town meeting approval of any cluster-zoned development. The risky permitting processes can drive up the cost of this kind of development and make conventional design more appealing to the developer. Many of the provisions are crafted to give the developer very little flexibility in design; the provisions actually serve as alternative types of conventional zoning, still requiring large lots per unit, wide setbacks, excessive frontage, etc. Finally, the provisions are often structured so that the special permit granting authority has little ability to negotiate increased density in exchange for benefits for the municipality, such as greater open space protection."

The use of OSRD in Massachusetts may also be constrained by land ownership and legal barriers. Some legal entity is needed to maintain resources held in common, such as common driveways, open space, wells, or wastewater treatment facilities. However, conventional homeowners' associations do not have the standing or assets that many municipalities expect for such legally responsible entities. Meanwhile, the condominium model (in which homeowners own the structure but the association owns the underlying land) may be too unfamiliar to developers and purchasers. Additional research is necessary to understand the various approaches that are currently used and to develop best practices and models.

29) Permit Open Space Residential Design "as of right" and require its use in sensitive resource areas

Developers will be much more inclined to use Open Space Residential Design (OSRD) if they trust that the permitting process will be predictable and efficient. If municipalities require a special permit, developers will be less likely to spend the time and money on developing a plan that is not certain to be approved. Municipalities can create this predictability by adopting OSRD bylaws that allow cluster developments "as of right," with a detailed and rigorous design site plan review process. Conventional subdivisions would be permitted by special permit. The zoning requirements for cluster would have to be fully described in the bylaw so that a subdivision plan could reasonably be drawn there from. A methodology would be needed to calculate basic underlying density for the whole parcel, then a process to locate houselots juxtaposed with a required area of open space. This "area allocation" formula is also more cost-effective because it does not require preparation of a conventional subdivision plan to determine lot count.

29.a Municipalities should adopt zoning bylaws/ordinances that permit OSRD “as of right”

29.b MAPC should seek funding to assist municipalities with the development and adoption of “as of right” OSRD bylaws

30) Improve design of Open Space Residential Developments

Recent research into Open Space Residential Design (Hamin, 2007) found that OSRD developments generally result in designs that provide more ecological and open space benefits than do conventional subdivision plans. However, other goals are not achieved as well, including creative design, housing diversity, and other public goods.

Well-trained planning boards are key to successful implementation of OSRD. New regulatory approaches might also be considered, including stronger design requirements and more robust evaluation criteria to support planning board negotiations. Greater ecological and recreational benefits might also be achieved by incorporating municipal and regional open space plans into site designs, in order to form habitat corridors or trail connections.

30.a MAPC should collaborate with allied organizations to provide additional training opportunities for planning boards on the evaluation of OSRD

30.b MAPC and allied organizations should collaborate to disseminate a “next generation” of OSRD bylaws with stronger design requirements and evaluation criteria