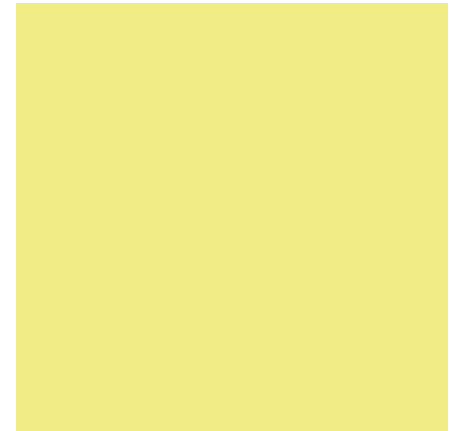




# Regulations: Conservation and Zoning



How NOT to get in trouble  
with town government!

Helping farmers understand conservation  
planning, zoning, and the local advocacy  
process

# + Tax / Financial Incentives for Farmland Preservation

- Chapter 61A
- APR – Agricultural Preservation Restriction Program
- FVEP – Farm Viability Enhancement Program
- Conservation Restrictions
- Leads to challenges...



# + Conservation Restrictions

## Definition / Scope:

- ***Voluntary legal agreements*** that allow individuals or families to retain ownership of their land, while placing limitations on development and certain uses for themselves and future owners.
- CR's are ***perpetual*** and "run with the land" -- it is ***recorded with the Registry of Deeds*** and is binding on both the present and future property owners.
- Each CR is tailored and most CR's ***prohibit development and subdivision, road building, and other uses*** that would damage the land. Conservation restrictions can ***allow for certain uses*** such as woodland management, ***farming***, and recreation.
- **Town Enforcers:** Local Con Coms, NRC



# + Wetlands Restrictions

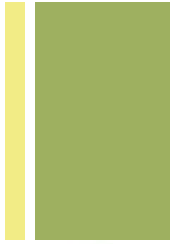
- *Guide to Farming in Wetland Areas (DEP)*
- **Definition of wetlands:**  
streams, ponds, bogs, marshes, swamps, floodplains, isolated land subject to flooding, wet meadows, salt ponds, salt marshes, land under the ocean, and fish runs, among others
- Exemptions for established Agricultural Use & Forestry
- Buffer Zones (100 feet)
- Review by local Conservation Commissions.







# Zoning and Local Building Codes



- State zoning laws related to agriculture
- Local zoning bylaws (on-farm sales, agritourism)
- Building Codes (local)
  - road setbacks, lot size, dimensions, signage size and placement, site plan requirements, screening...
- *New Entry's Resource Guide to Farming in MA*



# + Rural Living “Code of Ethics”

- Right-to-Farm bylaws / Agricultural Commissions
- Property boundaries
- Posting / trespass
- Fencing
- Water use
- Neighborly Considerations
- Liability Insurance





# Other Environmental Considerations

- Water Quality Protection
- Soil Conservation
- Permits (composting, animal operations)
- Licensed pesticide application & storage





# + Appeals & “Permissions” Process

## *Supporting Farmer Education and Advocacy*

1. Know the **rules** (do your homework)!
2. Find trusted **local allies**.
3. Be **prepared**-documentation and coaching.
4. Compliance.
5. Reporting and follow up.

