

61	61A	61B
Assessors' Use only		
Date Received		
Application No.		

Name of City or Town

**Fiscal Year _____ Application for
Forest-- Agricultural or Horticultural -- Recreational Land Classification
General Laws Chapter 61, §§ 1 & 2 – Chapter 61A, § 6 – Chapter 61B, § 3**

INSTRUCTIONS: Complete all sections that apply. Please print or type.

A. IDENTIFICATION. Complete this section fully.

Name of Applicant(s): _____				
Mailing Address: _____				
No. Street		City/Town		Zip Code
Property Covered by Application:				
Location	Parcel Identification (Map-Block-Lot)	Deed Reference (Book & Page/Cert. No.)	Total Acres	Acres to be Classified

B. TYPE OF CLASSIFICATION. Check the classification you are seeking and provide the required information.

FOREST Attach State Forester's Certificate and Approved Forest Management Plan.

AGRICULTURAL or HORTICULTURAL

1. Current use of land. List by classes established by the Farmland Valuation Advisory Commission, if applicable.

Land Use by Class	No. of Acres	Specific Use, Crops Grown
a. Vegetables, Tobacco, Sod and Nursery Cropland		
b. Dairy, Beef and Hay Cropland		
c. Orchards, Vineyards and Blueberries Cropland		
d. Cranberries		
e. Christmas Trees		
f. Productive Woodland (Attach copy of State Forester's Certificate and Approved Management Plan if initial application, or new/revised plan)		
g. Cropland Pasture, Permanent Pasture and Necessary and Related Land		
h. Contiguous Non-productive Land		
i. Other Agricultural or Horticultural (Specify)		

2. Statement of income in preceding year. Supporting documentation, including copies of your federal and state tax income returns, may be requested to verify your income.

a. Gross sales from agricultural or horticultural use.....\$ _____

b. Amount received under MA or US Soil Conservation or Pollution Abatement Program.....\$ _____

Total (Provide a detailed description of the source of the farm income listed above).....\$ _____

3. Previous use of land. Was the land valued, assessed and taxed as classified agricultural or horticultural land under c. 61A for the prior 2 fiscal years? Yes No

If no, was the use of the land during the prior 2 fiscal years the same as the current use described above? Yes No

If no, describe in detail the use of the land during the prior 2 fiscal years _____

If no, was your farm income during either of the prior 2 fiscal years less than the amount reported above?
Yes No

If yes, list the income for the year \$ _____ Fiscal year _____

RECREATIONAL *Land may qualify based on its condition or recreational use.*

1. Is the land retained in substantially a natural, wild or open condition? Yes No

Is the land in a landscaped or pasture condition or managed forest condition? Yes No

If managed forest, attach copy of State Forester's Certificate and Approved Management Plan if initial application, or new/revised plan.

Does the land allow to a significant extent the preservation of wildlife and other natural resources? Yes No

If yes, indicate which natural resources are preserved:

Ground Water/Surface Water <input type="checkbox"/>	Clean Air <input type="checkbox"/>	Vegetation <input type="checkbox"/>
Rare/Endangered Species <input type="checkbox"/>	Geologic Features <input type="checkbox"/>	Scenic Resources <input type="checkbox"/>
High Quality Soils <input type="checkbox"/>	Other (specify) _____	Other (specify) _____

2. Is the land used primarily for recreational use? Yes No

If yes, indicate for which recreational activity:

Archery <input type="checkbox"/>	Picnicking <input type="checkbox"/>	Camping <input type="checkbox"/>	Nature Study & Observation <input type="checkbox"/>
Fishing <input type="checkbox"/>	Golfing <input type="checkbox"/>	Hang gliding <input type="checkbox"/>	Non-commercial Youth Soccer <input type="checkbox"/>
Hiking <input type="checkbox"/>	Target Shooting <input type="checkbox"/>	Hunting <input type="checkbox"/>	Private Non-commercial Flying <input type="checkbox"/>
Boating <input type="checkbox"/>	Skiing <input type="checkbox"/>	Swimming <input type="checkbox"/>	Horseback Riding <input type="checkbox"/>
			Commercial Horseback Riding & Equine Boarding <input type="checkbox"/>

How often is the land used for recreational activities? _____

How many people use the land for those activities? _____

Is the land open to the general public? Yes No

If no, to whom is its use restricted? _____

Is the land used for horse racing, dog racing or any sport normally undertaken in a stadium, gymnasium or similar structure? Yes No

C. LESSEE CERTIFICATION. If any portion of property is leased, the following statement must be signed by each lessee.

I hereby certify that the property I lease is being used as described in this application and that I intend to use the property in that manner during the period to which the application applies.

Lessee

Date

D. SIGNATURE. All owners must sign here to complete the application.

This application has been prepared or examined by me. Under the pains and penalties of perjury, I declare that to the best of my knowledge and belief, it and all accompanying documents and statements are true, correct and complete. I also certify that I have signed and attached a Property Owner's Acknowledgement of Rights and Obligations under classified forest, agricultural or horticultural or recreational land programs, as part of this application.

Owner

Date

If signed by agent, attach copy of written authorization to sign on behalf of taxpayer.

DISPOSITION OF APPLICATION (ASSESSORS' USE ONLY)

Ownership <input type="checkbox"/>	All <input type="checkbox"/>	GRANTED	Date Voted/Denied _____
Min. Acres <input type="checkbox"/>	Part <input type="checkbox"/>		Date Notice Sent _____
Use/Condition <input type="checkbox"/>	Deemed <input type="checkbox"/>		Board of Assessors
Gross Sales <input type="checkbox"/>	All <input type="checkbox"/>	DENIED	_____
	Part <input type="checkbox"/>		_____
	Deemed <input type="checkbox"/>		Date _____

 Name of City or Town

Property Owner's Acknowledgement of Rights and Obligations under Classified Agricultural or Horticultural Land Program

This form must be submitted as part of your application for classification

QUALIFICATIONS. I understand that property must consist of at least 5 contiguous acres of land under the same ownership and be "actively devoted" to agricultural or horticultural use in order to qualify for and retain classification as agricultural or horticultural land under Massachusetts General Laws Chapter 61A. Agricultural or horticultural use includes land used primarily and directly to raise animals or products derived from animals or to grow food for human or animal consumption, tobacco, plants, shrubs or forest products to sell in the regular course of business. For the land to be considered "actively devoted" to a farm use, it must have been farmed for the two fiscal years prior to the year of classification and must have produced a certain amount of sales, or have been used in a manner intended to produce that minimum amount of sales within a certain period of time. An equal amount of contiguous non-productive land may also qualify for classification. I understand that buildings and other structures located on the property, as well as the land on which a residence is located or regularly used for residential purposes, do not qualify for classification and will continue to be assessed a regular local property tax.

APPLICATIONS. I understand that for property to be classified as agricultural or horticultural land under Chapter 61A, I must submit a written application to the board of assessors of the city or town in which the land is located by December 1 of the year before the start of the fiscal year for which taxation as classified land is sought, unless the city or town is undergoing a revaluation for that fiscal year. *(The fiscal year of cities and towns begins July 1 and ends the following June 30.)* In that case, the application deadline is extended until 30 days after the date the actual tax bills for that year are mailed. The assessors must approve or disapprove my application for classification within 3 months of the date I filed it and, if they do not act within that time, the application will be considered approved. The assessors must notify me by certified mail whether my application has been approved or disapproved within 10 days of their decision. I understand that classification and taxation of the land as agricultural or horticultural land under Chapter 61A will begin the following July 1, which is the start of the next fiscal year.

I also understand that I will have to file a separate application by December 1 (or the extended deadline if applicable) each year for classification of the land to continue into the next fiscal year. I further understand that the land cannot be classified as agricultural or horticultural land for a fiscal year if I do not comply with all application deadlines and procedures.

LIEN. I understand that once my application for classification has been approved, the board of assessors will record a statement at the Registry of Deeds indicating that the land has been classified as agricultural or horticultural land under Chapter 61A. That statement will constitute a lien on the land for all taxes due under Chapter 61A. I understand that I must pay all fees charged by the Registry for recording or releasing the lien.

ANNUAL TAXATION. I understand that I must pay an annual property tax to the city or town in which the classified land is located. The tax will be assessed on the use value of the land for agricultural or horticultural purposes, rather than fair market value based on the land's highest and best use as would be the case if the land were not classified. In determining the valuation of my land, the board of assessors will consider the range of agricultural land use values established by the Farmland Valuation Advisory Commission together with their knowledge, judgment and experience regarding farm land values. The commercial property tax rate for the fiscal year will be applied to that value, unless the city or town has accepted a local option to apply the open space property tax rate. The tax will be due in the same number of installments and at the same time as other local property tax payments are due in the city or town. Interest will be charged on any overdue taxes at the same rate applicable to overdue local property taxes.

MUNICIPAL OPTION TO PURCHASE. I understand that the city or town has an option to purchase any classified land whenever I plan to sell it for, or convert it to, a residential, commercial or industrial use during a fiscal year it is classified, or within 1 full fiscal year after it is removed from classification. I must notify by certified mail or hand delivery, the mayor and city council or the selectmen, assessors, planning board and conservation commission of the city or town of my intention to sell or convert the land to those uses and provide certain information regarding the intended sale or conversion. If I plan to sell the land, the city or town has the right to match a bona fide offer to purchase it. If I plan to convert it, the city or town has the right to purchase it at its fair market value, which is to be determined by an impartial appraisal. The city or town may also assign its option to a non-profit, conservation organization, the Commonwealth or any of its political subdivisions. I understand that I may not sell or convert the land until at least 120 days after I provide a notice that fully complies with the requirements of Chapter 61A or until I have been notified in writing that the option will not be exercised and the notice is recorded at the Registry of Deeds, whichever is earlier.

This option is not available to the city or town and the notice requirement does not apply if the agricultural or horticultural use is simply discontinued, or I plan to build a residence for my use, or the use of my spouse or my parents, grandparents, child, grandchild, brother or sister, the surviving spouse of any of those relatives, or an employee working full time in the agricultural or horticultural use of the land.

RENEWABLE ENERGY OPTION. I understand that, as a general rule, development or installation of solar or wind farms or facilities on classified land will constitute a change in use and trigger a municipality's right of first refusal and penalty tax assessment. However, I understand that there are exceptions to this general rule for certain solar or wind facilities located on land classified under Chapter 61A. Under section 2A(a) land "may, in addition to being used primarily and directly for agriculture or horticulture, be used to site a renewable energy generating source," which includes a source that generates electricity using solar or wind energy. However, I understand that the renewable energy generating source must meet the following purpose and size requirements: (i) It must produce energy for the exclusive use of the land and farm on which it is located, and (ii) It cannot produce more than 125% of the annual energy needs of the land and farm upon which it is located. I further understand that if a qualifying renewable energy generating source produces more than 125% of the power requirements of the farm, it may still be eligible for Chapter 61A classification if it qualifies for a Department of Energy Resources solar incentive program.

PENALTY TAX. I understand that I must pay one of two alternative penalty taxes whenever any of the land is no longer used for, or maintained in, a use or condition that would qualify the land for classification as agricultural or horticultural land under Chapter 61A, forest land under Chapter 61 or recreational land under Chapter 61B. Payment of a penalty tax applies in that case whether or not the land is subject to the purchase option and notice requirement. I must pay a roll-back tax for a 5 year period if the use of the land changes to a non-qualifying use or condition or 10 years where the land has been used to simultaneously site a renewable energy generating source pursuant to Section 2A of Chapter 61A. If the change in use or condition occurs when the land is classified, the tax will be imposed for the current fiscal year and the 4 prior years. If the land is not classified at that time, the tax will be imposed for the 5 prior years. In either case, the tax will be the difference between the amount I would have paid in annual property taxes on the land if it had been taxed at its fair market value and the amount of the taxes I paid on the land under Chapter 61A during the same time. The roll-back tax also includes interest at the rate of 5% per year on each year's tax savings. A roll-back tax on any of my land in classification on July 1, 2006 (fiscal year 2007) will not include interest so long as the land continues to be owned by me, my spouse, parent, grandparent, child, grandchild, brother, sister or surviving spouse of any of those deceased relatives.

However, I must pay the alternative conveyance tax instead if the land is sold for or converted to a non-qualifying use within 10 years of the date I acquired it, or the earliest date of its uninterrupted agricultural or horticultural use by me, whichever is earlier, and the conveyance tax is greater than the roll-back tax that would be due. The conveyance tax will be equal to the conveyance tax rate applied to the sales price of the land, or if converted, to the fair market value of the land as determined by the assessors. The conveyance tax rate will be 10% if the land is sold or converted within the first year of ownership, 9% if sold or converted within the second year, and so on with the rate declining each year by one percentage point until it is 1% in the 10th year of ownership. After this 10 year period has expired, I will not be liable for any conveyance taxes, but will remain liable for roll-back taxes if there is a change to a non-qualifying use or condition of the land.

APPEALS AND ABATEMENTS. I understand that I may contest decisions made by the board of assessors to disapprove all or part of my application for classification by applying for a modification of the decision. I may also contest my annual property tax or any penalty tax assessed under Chapter 61A by applying for an abatement. Applications to modify a decision or abate a tax must be made in writing and must be filed with the assessors within 30 days of the date I am notified of the decision or tax. If I disagree with the assessors' decision, or the assessors do not act on my application, I may appeal to the Appellate Tax Board within 30 days of the date I am notified of the assessors' decision, or 3 months from the date my abatement application was filed, whichever is later. If the appeal concerns my annual property tax, I must have paid it to maintain the appeal. I further understand that the assessors cannot modify any decision or grant any abatement if I do not comply with all application deadlines and procedures.

I certify that I have examined this general statement of the requirements and obligations of Chapter 61A and acknowledge that it is my responsibility as an applicant for classification to fully understand and satisfy all requirements of Chapter 61A. I also certify that I will notify the board of assessors immediately in writing of any circumstances developing after this date that may cause a change in the use of the property from that described in my application for classification.

Owner(s)

Date
