



Stroud Common Wealth Community Farm Land Trust Project

Case Study

India Line Farm USA

Community Farm Land Trust Cases and Resources from the USA

Overview

The development of CSA's in the US has triggered the need for farmland purchase and then putting this into a community land trust. The E.F.Schumacher Society and the Equity Trust having been providing technical assistance and facilitation to several innovative community supported farms, such as Indian Line and Caretaker Farms. The E.F.Schumacher Society website has a comprehensive Online Community land Trust handbook, with all the Indian Line Farm legal documents, management plan and agreements available for downloading. The following text is based on the E.F.Schumacher Society website.

Indian Line Farm - Model for Farmland Preservation & Conservation

Summary

In a unique, collaborative arrangement developed by the E. F. Schumacher Society, the Community Land Trust in the Southern Berkshires, the Berkshire Highlands Program of The Nature Conservancy, and farmers Elizabeth Keen and Alex Thorp joined together to purchase Indian Line Farm in southwestern Massachusetts. The aims of the partnership are to preserve the first CSA farm project in North America, to maintain it as a working organic farm, to protect the adjacent sensitive wetlands, and to provide small-scale farmers access to affordable farmland.

Description and Story

Working with the Schumacher Society to draft the innovative legal documents, The Nature Conservancy acquired easements or restrictive covenants on the property to permanently limit future development, while the Community Land Trust acquired the title to the land and is leasing it to Elizabeth and Alex on a 99-year basis. The farmers themselves have purchased the house, barn, and other buildings, and will gain equity through any improvements made to the farm during their tenure. The Community Land Trust retains an option to purchase the buildings and improvements back, and to resell them at their replacement cost to another farmer.

When Indian Line Farm went on the market after the death of owner Robyn Van En, the Berkshire Taconic Landscape Program recognized an opportunity to meet the conservation needs of the site while collaborating with other community interests to provide small-scale farmers affordable access to farmland. In a partnership that can serve as a model for supporting economic development that is compatible with conservation, the Program joined with the Community Land Trust and two experienced and dedicated young farmers to acquire and protect the farmlands.

The Nature Conservancy received a conservation restriction or easement running to over 20 of the property's 22 acres, which includes a management agreement that stipulates the placement of wetland buffers and defines appropriate farming practices. The Community Land Trust holds title to the land and leases it to Elizabeth and Alex on a 99-year basis, thus providing security of tenure. The farmers own the house, barn, other outbuildings and farm improvements, enabling them to build equity as a direct result of their work. Under such an arrangement, Indian Line Farm remains a viable entity and an important part of a network of small, regional enterprises. At the same time, it abates key threats to nearby Jug End Fen and ensures that these rare wetlands remain secure from unsustainable land use along their southern edge.

Benefits

Addressing the critical connections between ecology, economy, and community, this model project is protecting habitat, preserving agricultural property, and keeping small-scale, organic farming viable. The participation of the two land trusts provided a way for Berkshire consumers to successfully finance the purchase of the land so that the farmers can continue to farm organically and practice wise stewardship without having to use unsustainable growing methods to pay off land debt quickly. (Adapted from an Orion magazine article, August 1999)

Lessons

1. Unless communities take positive action to save and purchase small farms in popular second home country areas, these will be lost for farming.
2. Indian Line, as one of the original pioneers of CSA in the US, had an already supportive community base of box scheme customers, who were prepared to help the Community Land Trust in the South Berkshires to fundraise for the farm purchase. Community building is a key feature of a successful CFLT buy out.
3. Partnerships with conservation organizations can significantly help with raising capital for the purchase, as well as widen the benefits to the community.
4. Leasing the land to the framers, whilst the framers can purchase the structures on the land and own the improvements-both preserves the community interest in keeping the farm farming, and accessible, whilst supporting framers initiative.
5. The attention to detail and clarity in the Lease Agreement, the Land Use Plan, the Management Plan is important, when agreements are being made to last 'in perpetuity. This is important so as to preserve the community benefits and original charitable investment.
6. Indian Line has developed a new model of sustainable CSA farming, which because of the community land trust connection, doe not have to 'mine the soil' to pay high loan costs.
7. A critical number of exemplar farms, such as Indian Line, are important to disseminate good practice.
8. The increased value created by a CSA uh as Indian Line Farm needs to be captured at an early stage by community farm land ownership before land prices escalate unaffordably.
9. Indian Line shows how a CFLT can secure the 'commons' for farmer and community benefits for the long term.

10. Preventing land speculation, increasing local self-reliance, and encouraging full community participation are among the most critical means by which a Community Land Trust brings housing, farming and business costs down and makes land-use planning a community-based endeavor.

11. Community Land Trust, such as the Community land Trust in the South Berkshires which purchased Indian Line Farm, can be used for a variety of types of land use-not just housing or land. This shows how communities can take a holistic grasp of the land and property assets and can take an active role in designing and developing the landscape, economy, culture and housing for sustainable communities.

Resources and Further Information

Model legal documents for the Indian Line Farm partnership are available from the E. F. Schumacher Society, 140 Jug End Road, Great Barrington, MA 01230, (413) 528-1737, USA

www.smallisbeautiful.org

See the E.F.Schumacher website above for the following Resources:

A New Lease on Farmland: Assuring a Future for Farming in the Northeast by Susan Witt and Jay Rossier A guide to CLT members to ensuring that farmland kept in a trust is used productively over the long-term.

In Business Article: Group Effort Saves Nation's First CSA Farm by Susan Witt
Lease Agreement - Based on leases used by the Jewish National Fund and modified over the years within Massachusetts Law. Consult with your local lawyer for application to your local laws. The object is to provide leaseholders with ownership of all buildings and other improvements on the site while maintaining ownership of the land itself within the Trust. The resale restrictions call for the leaseholder to retain the current replacement value of improvements on the site, adjusted for deterioration, without also capturing the speculative land value.

Addendum to the Lease This addendum is for the benefit of a mortgager of the building on leased land. It allows a mortgager to be free from resale restrictions in the event of a foreclosure. There is also ample provision for the CLT to correct any default before foreclosure.

Land Use Plan Details the tillable land, buffer areas, and other uses of the land. It reflects the combined ecological, community, farming, and private homestead interests of the partnership.

Land Management Plan Developed in cooperation with the farmers, the management plan sets the requirements for crop and livestock production to ensure that the land stays in use and is farmed in accordance with organic standards.

Conservation Easement The easement protects the ecological characteristics of the farm.

Notice of Lease The Notice of Lease, description of the property leased, and the Land Use Plan are recorded at the registry of deeds after signing.

Bill of Sale

Property Boundaries

Great Barrington Land Conservancy: Tax-exempt land conservancy's can work closely with land trusts to preserve land, which the land trust can then hold in perpetuity

What is a Land Conservancy?

Articles of Incorporation