

AGRICULTURAL LAND PRESERVATION COMMISSION

MINUTES OF THE MAY 12, 2005 MEETING

COMMISSION MEMBERS PRESENT: Dave Wallace, Everett Stuart, Kevin Nelson, Jim Opaluch, Bob Sutton, Jason Pezzullo, Judy Bailey

COMMISSION MEMBERS ABSENT:

STAFF PRESENT: Mike Sullivan, Director, DEM
Mary Kay, DEM/Legal
Lis Peterman, DEM/Agriculture
Ken Ayars, DEM/Agriculture
Vicky Drew, USDA/NRCS

GUESTS: John and Monique Jevne, DeerPath Farm, N. Smithfield
Alex Simmons, Simmons Farm, Middletown

The meeting began at 5:10 pm at USDA, 60 Quaker Lane, Warwick.

John and Monique Jevne made a presentation and discussed their application to the Commission regarding DeerPath Farm, N. Smithfield.

Alex Simmons discussed a proposed subdivision of the Simmons Farm, Middletown (development rights to Simmons farm were acquired by the Commission in 1993). Mary Kay discussed in relation to the deed etc and the specific parcel Simmons proposes to be subdivided, and will further review.

The Greene Farm, Warwick was discussed in relation to a tax assessment issue with the City of Warwick (development rights to the Greene Farm were acquired by the Commission in 1990). The City does not recognize that the farm will remain as so in perpetuity, and is thus taxing at highest and best use. Bob Sutton made a motion, seconded by Judy Bailey, to send a letter to the City of Warwick explaining development right restrictions on the property in support of the owners position that it should be taxed as a farm. The motion passed unanimously (Kevin Nelson recused himself).

Jason Pezzullo made a motion, seconded by Bob Sutton, to approve the minutes of the April 14, 2005 meeting with amendments. The motion passed unanimously.

The Schartner application regarding Bald Hill Nursery, Exeter/N. Kingstown was reviewed and discussed. As the farm is under purchase and sale agreement to Schartner (copies of agreement provided), the Commission agreed to accept the application. As the farm is essentially the same as previously scored and accepted under the current owners (Mancinis), Bob Sutton made a motion, seconded by Dave Wallace to use and accept the previous scoring

for the farm, providing the Schartner proposal does not end up being substantively different. The motion passed unanimously.

The Jevne Farm (Deerpath Farm) was scored by the Commission, and achieved a score of 17.3 for primary criteria, 5.75 for secondary, total 23.05

The Bove Farm (Tower Hill Equestrian Center) was scored by the Commission, and achieved a score of 23.0 for primary criteria, 5.4 for secondary, total 28.4

Ken Ayars reported that George Mason, Little Compton Agricultural Conservancy Trust is appointed to the Commission, and Judy Bailey re-appointed.

The Commission discussed farms in negotiation:

Schartner (Bald Hill Nursery), Exeter/N. Kingstown - Undergoing appraisal. Bob Sutton made a motion, seconded by Kevin Nelson that the Commission authorize a commitment of \$500,000 pending review and approval of the appraisal, and the final amount of farmland offered for development rights being the same as the original application by Mancini. The motion passed unanimously.

Green, N. Smithfield – Purchase and sale agreement signed, proceeding with survey, title etc.

Lebreaux, Tiverton – Undergoing appraisal by the Nature Conservancy.

Richmond, L. Compton – No recent discussions with family. Commission has agreed to continue negotiations under the proposed conservation plan, with plan details to be refined in concert with DEM and The Nature Conservancy.

Manfredi, Westerly – Appearing unlikely there will be further negotiations as all family members do not appear to be receptive to protection of farm through development rights. Commission allocation of \$250,000 in FRPP funds must be used by end of September, 2005.

Escobar, Portsmouth - Commission has approved allocation of \$500,000, and USDA approximately \$900,000. The Aquidneck Island Land Trust is in the process of raising additional funds.

Salisbury, Scituate – Appraisal being updated to include an additional 21 acres of woodland, per request of Salisbury.

Knight, Scituate - The Knights have approved an offer of the appraised value of 2.2 million for development rights to the farm (approximately 85 acres). The Commission previously authorized a commitment of \$500,000 and has received a grant from USDA for \$350,000. Proceeding toward purchase and sale agreement and survey.

Pancieria, Hopkinton – Purchase and sale agreement signed, survey complete, deed approved by USDA. Proceeding toward closing.

Tuckahoe Turf, Richmond – Discussions continue toward resolving issues related to proposed public water supply wells on the property, and agreement is reached that the Water Resources Board will own in fee the acreage immediately around the proposed wells.

J. Peckham, Tiverton – Offer letter recently sent to Pete Peckham.

Wallace, So, Kingstown – (Dave Wallace recused himself and left the room). Boundary dispute resolved with adjoining farm Cottrells, and property recently re-appraised at \$850,000, which represents an increase of \$150,000 over the current purchase and sale agreement. After discussion, Kevin Nelson made a motion, seconded by Everett Stuart, that whereas the landowner entered into a purchase and sale agreement in good faith and the extensive delay in closing the project was not his fault, and because both private landowners have or are selling development rights to the State, the Commission agrees to accept the new appraisal and authorize an increase in funding of \$75,000 in accordance with the Town of South Kingstown increasing by an equal amount. The Commission's increase in contribution is pending review and approval of the appraisal by DEM. The motion passed unanimously.

Smith, Gloucester – appraisal to be amended to include additional 4 acres.

Cepi, Neale and Dutra Farms, Jamestown – Appraisals complete and submitted to the Conanicut Island Land Trust. Meeting held at DEM on May 10th with potential funding partners to discuss the projects. Ken Ayars to represent the Commission with negotiations.

L. Peckham, Tiverton – Undergoing Appraisal

Hibbad, Tiverton – Undergoing Appraisal.

Pandolfi, No. Smithfield – Appraisal recently received, undergoing review by DEM.

Jaswell, No. Smithfield – Undergoing appraisal.

Smith, Tiverton – Eric and Catherine Watne seek to purchase the Smith farm contingent and in collaboration with the offer by the Tiverton Land Trust and Commission to purchase the development rights to the farm for \$100,000 (Tiverton Land Trust and Commission each contributing \$50,000). Discussions ongoing between Smith, Watnes and Tiverton Land Trust.

The meeting adjourned at 7:20 pm.

Respectfully Submitted,

Kenneth D. Ayars, Chief
Division of Agriculture, RIDEM