

AGRICULTURAL LAND PRESERVATION COMMISSION

MINUTES OF THE JUNE 9, 2005 MEETING

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

COMMISSION MEMBERS ABSENT:

STAFF PRESENT: Lis Peterman, DEM/Agriculture
Ken Ayars, DEM/Agriculture
Vicky Drew, USDA/NRCS

GUESTS: John Berg, The Nature Conservancy
Bill Harsch, Esq.

The meeting began at 5:00 pm at USDA, 60 Quaker Lane, Warwick.

John Berg updated the Commission regarding negotiations concerning the LeBreux Farm, Tiverton, and Treaty Rock Farm, Little Compton.

The Nature Conservancy (TNC) recently made an offer of 1 million dollars to Lucien LeBruex for a development rights and conservation easement to the farm. The TNC easement would pertain to approximately 155 acres of woodland, the development rights easement to approximately 85 acres of farmland, with funding from for development rights coming from the Commission and USDA. Approximately 5 acres of land in and around the farm house and buildings would be excluded. An appraisal has been completed which TNC is reviewing with the appraiser.

The TNC has been in discussion with the three sisters owning Treaty Rock Farm, Little Compton, and John Berg conveyed the latest draft of the conservation plan for the property. The sisters hope to subdivide the property three ways with permission of the Town, pending approval of the conservation plan. The Commission expressed some concerns the plan does not adequately prioritize agricultural land and uses of the property, and it was agreed DEM staff would meet with the family to discuss the proposed location of the houses and proposed conserved non-agricultural land in relation to the viability of farming operations.

George Mason was introduced to the Commission, recently appointed by the Governor and also a member of the Little Compton Agricultural Conservancy Trust.

Jim Opaluch made a motion, seconded by Kevin Nelson, to approve the minutes of the May 12, 2005 meeting with amendments. The motion passed unanimously.

Vicky Drew announced and discussed the award by the USDA/Natural Resources Conservation Service of 2.35 million in Federal Farmland Protection Program (FRPP) to the

Commission toward the development rights acquisitions of the five farms in the application: Dutra, Jamestown - \$500,000; Neale, Jamestown - \$500,000; Ceppi, Jamestown - \$450,000; Knight, Cranston - \$600,000; and Jaswell, Smithfield - \$300,000. The Commission expressed their appreciation.

The FRPP Cooperative Agreement with the Commission toward the Manfredi Farm, Westerly, was discussed which requires the funds (\$250,000) be used by September 30, 2005. The heirs to the farm do not desire to continue negotiations for the sale of development rights, and therefore transferring the funds to other projects was discussed. Kevin Nelson made a motion, seconded by Bob Sutton, that \$150,000 of new FRPP funds awarded to the Commission for Knight, Cranston be transferred to another project within the 2005 Cooperative Agreement, and \$250,000 in FRPP funds from the 2002 Cooperative Agreement allocated toward Manfredi be transferred to the Knight Farm. The motion passed unanimously.

Ken Ayars discussed the Commission budget and recent funding requests for Escobar, Portsmouth, and Bove, North Kingstown. Both farms must close by September 30, 2005 pursuant to FRPP Cooperative Agreement requirements, and have funding gaps. Requests for additional funding were made respectively to the Commission by the Aquidneck Island Land Trust (AILT) for Escobar, and Town of North Kingstown for Bove. Bob Sutton made a motion, seconded by Kevin Nelson to approve an additional \$188,328 to toward Escobar, Portsmouth, subject to a formal letter of request in this regard by the AILT. The motion passed unanimously. Kevin Nelson made a motion, seconded by George Mason, to approve \$200,000 toward Bove, North Kingstown, subject to approval of the appraisal and a legal review of the covenant by DEM. The motion passed unanimously.

The Commission discussed the Franklin Farm, Cumberland. The farmland surrounding the farm house has been previously protected by DEM Open Space and Town funds, though not the house and 2 acres surrounding. The 2 acre house lot and farmhouse is now for sale after the passing of the farm owner, and the Town is seeking to protect the house lot with the rest of the farm, and seeking Commission assistance in this regard. After discussion, it was determined that Commission regulations would not allow as the 2 acre house lot is less than the 5 acres established minimum.

The Commission discussed farms in negotiation:

Schartner (Bald Hill Nursery), Exeter/N. Kingstown - Undergoing appraisal.

Green, N. Smithfield – Offer made and Purchase and sale agreement forwarded to representatives of estate.

Lebreaux, Tiverton – See Above.

Richmond, L. Compton – See Above

Manfredi, Westerly – See Above.

Escobar, Portsmouth - See Above.

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

Knight, Scituate - SThe Knights have approved an offer of the appraised value of 2.2 million for development rights to the farm (approximately 85 acres). Additional FRPP funding received in 2005, see above. Proceeding toward purchase and sale agreement and survey.

Pancieria, Hopkinton – Closing to be scheduled within next few weeks. Ceremony regarding Panciera and two other recently protected farms in Hopkinton to be held on June 13th.

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 sent to Pete Peckham, no formal response as of yet..

Wallace, So, Kingstown – 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. Commission approved an increase in funding of up to \$75,000 based on matching contribution by the Town of South Kingstown.

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

Ceppi, Neale and Dutra Farms, Jamestown – Appraisals completed, submitted to and undergoing review by the Conanicut Island Land Trust. FRPP funding in 2005 received for all three farms, see above. Ken Ayars to represent the Commission with negotiations and meet with landowners in the near future to initiate 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