

AGRICULTURAL LAND PRESERVATION COMMISSION

MINUTES OF THE JULY 14, 2005 MEETING

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

COMMISSION MEMBERS ABSENT: Jim Opaluch, Jason Pezzullo

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

GUESTS: Richard and Jeb Shartner, Schartner Farm
Monique Jevne, Deerpath Farm

The meeting began at 5:15 pm at USDA, 60 Quaker Lane, Warwick.

Kevin Nelson made a motion, seconded by Robert Sutton, to approve the minutes of the June 9, 2005 meeting. The motion passed unanimously.

Monique Jevne, DeerPath Farm, No. Smithfield, spoke regarding continuing efforts to preserve the farm, and discussed and reviewed an agricultural business plan submitted by the Jevne's at the Commission's request. The farm acreage is smaller than typical applicants, and the Commission stressed the importance of a financial contribution and support from the Town of No. Smithfield toward the project, which the Jevne's plan to seek. The Commission stated their interest in assisting the Jevne's and re-scoring the farm at a future meeting, based on the submitted business plan and pending a financial commitment from the Town toward protecting the farm.

Richard Schartner, Schartner Farm, N. Kingstown, discussed with the Commission his progress toward purchasing Bald Hill Nursery (in fee), and negotiations with the Commission and partners also toward purchasing the development rights to the farm. The Commission reviewed the updated appraisal and letter by Lisa Primiano, DEM, approving it. Bob Sutton made a motion, seconded by Dave Wallace, to offer 3.1 million dollars toward the development rights to the Bald Hill Nursery property, based on review and acceptance of the appraisal by DEM, and contingent upon receipt of funding from other anticipated partners and funding sources. The Chair is also authorized to enter into a purchase and sale agreement in this regard. The motion passed unanimously. Bob Sutton made a motion, seconded by Everett Stuart, to authorized the Chair to sign a letter stating the Commission's approval and support of Schartner's agricultural business and development plan for the property. The motion passed unanimously.

Alex Simmons, Simmons Farm, Middletown stating the interest of a developer of property abutting the farm for a retirement home community, in developing walking paths from the new development through the farm property to the Simmon's roadside stand. The Commission did not see this activity as inconsistent with the easement as long as the walking paths are not on actively farmed land.

The Commission discussed an informal verbal request by Michael Kent, new owner of the former Graham property, for the Commission's perspective on constructing a new house on the property, in exchange for giving development rights to the Commission on an improved house lot formally cut out of the original acquisition. After discussion, the Commission, while willing to discuss a more formal proposal by Mr. Kent, conveys no interest in approving the development rights swap as proposed.

The Commission reviewed and discussed a request by the South Kingstown Land Trust to increase the Commission's contribution toward development rights to the Keah Property (Dave Wallace recused himself from discussion). Due to new USDA restrictions on allowable soil losses from sod operations pursuant to the FRPP program, the grant to the Land Trust for the Keah property is no longer applicable without substantive changes to the sod harvest schedule for the farm, which Mr. Wallace cannot achieve without significant economic impacts. The Land Trust therefore requests of the Commission funding to make up for the loss of \$200,000 in federal funds toward Keah. Bob Sutton made a motion, seconded by George Mason, to split any funding increase with the Town of South Kingstown, up to a maximum increase in contribution by the Commission of \$100,000. The motion passed unanimously.

The Commission reviewed the final draft of proposed rule amendments, and Bob Sutton made a motion, seconded by Everett Stuart, to approved the amendments, schedule a public hearing and proceed with administrative procedures toward promulgating the rules. The motion passed unanimously.

The Commission is without a Vice Chair, therefore Bob Sutton made a motion, seconded by Kevin Nelson, to nominate and approve Everett Stuart as Vice Chair. The motion passed unanimously.

The Commission discussed farms in negotiation:

Schartner (Bald Hill Nursery), Exeter/N. Kingstown – See above.

Green, N. Smithfield – Offer made and Purchase and sale agreement forwarded to representatives of estate. A request for from a family member of Wrights Dairy, who will buy the farm in fee, to increase the Commission's contribution toward development rights was discussed and denied, as the values are supported by the appraisal.

Lebreaux, Tiverton – Appraisal received, offer for development rights to farm in amount of \$1,000,000 made to Lebreaux.

Richmond, L. Compton – Continuing discussions with family regarding conservation plan and subdivision of property.

Manfredi, Westerly – FRPP grant toward Manfredi farm moved to the Knight Farm, Scituate. No longer negotiating with family for development rights.

Escobar, Portsmouth - Proceeding toward closing by end of September, survey and final deed language being finalized.

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). Additional FRPP funding received in 2005, and a request has been made to the Town of Scituate for a contribution toward the project. Survey being arranged.

Panciera, Hopkinton – Closed

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 – See Above.

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

Cepi, Neale and Dutra Farms, Jamestown – Ken Ayars met with all three landowners to initiate negotiations, which will continue pending receipt of the appraisal and development of formal negotiating committee and teams.

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