

AGRICULTURAL LAND PRESERVATION COMMISSION

MINUTES OF THE DECEMBER 8, 2005 MEETING

COMMISSION MEMBERS PRESENT: Jim Opaluch, Everett Stuart, Kevin Nelson, Ken Ayars (for Bob Sutton), Judy Bailey, Dave Wallace, George Mason

COMMISSION MEMBERS ABSENT: Jason Pezzullo

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

GUESTS: Rich Clark, Clark Farm, South Kingstown

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

Kevin Nelson made a motion, seconded by Everett Stuart, to approve the minutes of the November 10, 2005 Meeting. The motion passed unanimously.

Rich Clark discussed a proposal, and letter submitted to the Commission in this regard dated 12/2/05, to subdivide and purchase approximately 35 acres of the Browning Farm, South Kingstown. The Browning farm is a dairy operation to which the development rights were previously purchased by the Commission. The subject 35 acres is not actively farmed by Browning, and Clark proposes to purchase the acreage for field crop production and construction of a retail farm stand. The Commission previously discussed the proposal and asked Clark to submit more detailed plans, and discuss with the Commission. Mary Kay informed the Commission there is precedent for allowing subdivision if it provides an advantage to the perpetuation of farming in Rhode Island. After discussion, Kevin Nelson made a motion, seconded by Dave Wallace, to approve conceptually the proposed subdivision consistent with the written proposal to the Commission. The motion passed unanimously. Rich Clark is informed that specific building plans etc. still need Commission review and approval, and a letter from Browning is required to show his acceptance of the proposal.

The Commission discussed a draft letter by Mary Kay to Michael Kent in response to his proposal to allow construction of a house on the former Graham property (now owned by Kent) on which the Commission has previously purchased development rights, in return for adding to the development rights a one acre improved house lot previously kept out of the agreement. Mary Kay's legal opinion and letter does not permit this to occur, based on a previous legal opinion by the RI Attorney General in response to a similar request on another Rhode Island property for which development rights had been purchased. George Mason made a motion, seconded by Jim Opaluch to authorize Mary Kay to send the letter and legal opinion to Michael Kent. The motion passed unanimously.

The Commission discussed the status of the proposed rules. DEM does not have staff time or availability to shepherd the rules through the administrative processes required in relation to rules promulgation, and requests it be done through the Department of Administration. Dave Wallace made a motion, seconded by George Mason, that the Commission approved the rule making administrative procedures be handled through the Department of Administration. The motion passed unanimously.

The meeting adjourned at 6:55 pm.

Respectfully Submitted,

Kenneth D. Ayars, Chief
Division of Agriculture, RIDEM

The Commission discussed farms in negotiation:

Schartner (Bald Hill Nursery), Exeter/N. Kingstown – Schartner has purchased the Bald Hill property in fee, and the Commission has made an offer for the sale of development rights to the farm of 3.1 million, pending receipt of funding.

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

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 - Proceeding toward closing by end of September, deed language being finalized, survey underway. Town meeting scheduled with respect to requested contribution of \$250,000 by the Town of Scituate.

Pancier, 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. Pete Peckham to meet in the near future with tax attorney via arrangement by DEM and the Nature Conservancy.

Wallace, So, Kingstown – Commission increased its offer on a matching basis with the Town of South Kingstown to reflect the higher appraisal value.

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

Ceppi, Neale and Dutra Farms, Jamestown – A meeting was recently held with DEM and representatives of the Town of Jamestown and Land Trust to discuss the negotiating committee and strategy, appraisals etc. Formal negotiations will commence upon receipt of the final appraisals.

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 have purchased the Smith farm in fee, and the offer still stands for the sale of development rights by the by the Tiverton Land Trust and Commission for \$100,000 (Tiverton Land Trust and Commission each contributing \$50,000).

Bove, North Kingstown – Proceeding toward closing by the end of September, 2005.

Ken Ayars and Bob Sutton reported on 12 million dollars in the federal transportation bill to Rhode Island, which through the efforts of Senator Chaffee are designated toward open space protection particularly within the area of the Queens River Watershed. This can include farmland, and the Senator has requested via a letter to the Governor that the funds be administered through DEM. DEM and DOT are in discussion in this regard.

Ken Ayars reported the public hearing on the revised Commission rules is tentatively scheduled for October 13th, 2005. Bob Sutton made a motion, seconded by Judy Bailey, that the hearing be at 4pm at USDA, 60 Quaker Lane, on that date. The motion passed unanimously.

The Commission then toured several farms in Tiverton and Little Compton, and the meeting adjourned at approximately 6pm.

Respectfully Submitted,

Kenneth D. Ayars, Chief
Division of Agriculture, RIDEM