

**AGRICULTURAL LAND PRESERVATION COMMISSION  
MINUTES OF THE JUNE 20, 2007 MEETING**

**COMMISSION MEMBERS PRESENT:** Everett Stuart, Kevin Nelson, Dave Wallace. Michael Sullivan arrived at 5:00 pm.

**COMMISSION MEMBERS ABSENT:** Jason Pezzullo, Jim Opaluch, George Mason

**GUESTS:** Ellen Puccetti - Northern Green Holdings LLC, North Smithfield, Linda Tucker - SODCO, Wayne Salisbury - Salisbury Farm, Bruce Keiser-Town Manager of Jamestown, and Richard Schartner - Schartner Farms, Exeter.

**STAFF:** Mary Kay, DEM/Legal, Lis Peterman-DEM, and Mike Moorman-USDA/NRCS

The meeting was scheduled to begin at 4:00 pm at USDA, 60 Quaker Lane, Warwick, RI. There was not a quorum at that time so an informational session was held until final members were present. The official meeting was called to order later at 5:10 pm by Everett Stuart.

Ellen Puccetti the manager of Northern Green Holdings LLC talked about actions taken by the abutter the Pound Hill Office and Business Park, on Northern's property and wanted to give the Commission notice that trees had been inadvertently removed from property in which development rights were held by the State. The trees were removed last fall by Pound Hill Office and Business Park. Northern Green would like to permit the abutter to remove the stumps that were left on the Northern Green Holdings LLC property. Mary Kay, DEM/Legal said that removal of the tree stumps would not violate the deed to the development rights. Ms. Puccetti submitted pictures of the site where trees were removed from the property.

Linda Tucker representing SODCO made a presentation to the Commission about inconsistencies contained in the conservation easement held by the Town of North Kingstown and the deed to development rights held by the Commission, by which the development rights to the SODCO farm were acquired several years ago. The Town of North Kingstown easement allows subdivision of smaller parcels of land (25 acres, or larger) to be sold and the Commission's deed prohibits any subdivision. She requested that the Commission consider amending the State's deed to be consistent with the North Kingstown covenant in case future farmers may want to purchase smaller parcels of land for farming.

Wayne Salisbury from Salisbury farm in Johnston recently sold development rights to the Commission and is requesting to put an addition on an existing barn for more retail space and storage area for the farm. He would like to add a 28x28 foot structure to the existing barn but local fire regulations have complicated the process. His preference would be to construct an

addition, but if he can't he would like to construct a freestanding post and beam structure in the alternative.

Bruce Keiser, Town manager for Jamestown updated the Commission on the three development rights projects in Jamestown. The Town currently has funding from the Commission, FRPP and Champlin Foundation. In addition, the Town will be seeking 7 million dollars from the Town of Jamestown in the form of bond money in late August. The Town is also looking for private monies to be raised to reduce the contribution from the local taxpayers. They would like to close on all three farms by September 30, 2007.

Mike Moorman from NRCS said the ranking for the recent FRPP application round had been completed earlier that afternoon but could not yet give details.

Richard Schartner from Schartner Farms spoke and gave a presentation of a revised plan to purchase development rights for his farm. He is proposing an 80-90 acre "Rt 102 farm" that cannot be subdivided. The Rt. 102 farm proposal consists of: 20 acres where there could be single dwelling building envelopes and enough room for 4 dwellings. Another 8-10 acres (around the existing buildings) would be general business, agriculture related. Another 22 acres would be dedicated to agriculture technologies (greenhouses, windmills etc). The development rights would be sold on the balance of the acreage.

The proposed "Rt 2 farm" (approximately 50 acres) would allow for building envelopes totaling 96,000 sq. feet and zoned general business. It would be written into the covenant that all buildings must be agriculture related and if the total sq. feet of allowable building its reached and another building is proposed then an old one would have to be torn down and top soil replaced to put the land back to farming. Another section of the "Rt. 2 farm" along its southern edge would be reserved for possible residential dwelling construction. Development rights would not be sold on this area, but it could not be subdivided from the development rights portion of the farm. There was also discussion of the possibility of withholding about 20 ac. on the corner of Rts. 2 and 102 for a possible transfer of development rights program with the Town of N. Kingstown. Under this proposal the Commission would have right of first refusal to later purchase the development rights on this parcel

At 5:10pm the meeting was called to order when a quorum was obtained.

Dave Wallace made a motion to accept the minutes of the May 10, 2007 meeting and noted that "provided" was spelled incorrectly. Kevin Nelson seconded the motion with the spelling correction. The motion passed unanimously.

Everett Stuart and Mary Kay gave an update on farms in negotiations. The Jaswell Farm will not be moving forward anytime soon as the appraisal values were lower than the Jaswell's expectations. Treaty Rock Farm in Little Compton is moving towards a closing. Tuckahoe Turf Farm is talking with the Water Resources Board regarding well sighting rights. Smith Farm-purchase and sales agreement has gone out to the owner. Salisbury Farm in Johnston has closed. Hibbad in Tiverton is out of the picture for the Commission; local land trust has taken over. The Commission budget for 08 looks good so far with 1 million dollars expected.

A motion was made by Kevin Nelson that the DEM staff attorney give a legal opinion on the request by Linda Tucker to modify the covenant and report back to the Commission on results. The motion was seconded by Dave Wallace, motion passed unanimously.

The Swan Farm in Portsmouth was scored and achieved a primary score of 19.5 and a secondary score of 4.7 for a total of 24.2 and was accepted into the program, however the Commission cannot commit funds at this time.

Everett Stuart discussed Commission membership and said William Wright, who was recently appointed to the Commission by the Governor, is still awaiting Senate Confirmation. Everett also mentioned that the Separation of powers legislation, which would expand the number of Commission members, appears dead for this session.

The Commission held a public hearing this afternoon on the Commission Rule Amendments from 3:30pm to 5:00pm. There are 20 days available for any additional comments.

The July Commission meeting will be held in Little Compton. The meeting will probably consist of an update on farm negotiations and a farm tour. Due to scheduling conflicts on the Commission's regular July meeting date (July 12), the meeting is tentatively set for July 19, 2007 and will be in the late afternoon. The date will be finalized later.

A motion was made by Dave Wallace to adjourn the meeting at 7:10pm and was seconded by Kevin Nelson, motion passed unanimously.

Respectfully submitted,

Elisabeth Peterman, Sr. Environmental Planner  
Division of Agriculture