



**AGRICULTURAL LANDS PRESERVATION COMMISSION (ALPC)  
MINUTES OF THE MAY 15, 2014 MEETING**

**DRAFT**

**COMMISSION MEMBERS PRESENT:** George Mason, Ken Ayars, Kevin Nelson, Martha Neale, Everett Stuart

**COMMISSION MEMBERS ABSENT:** Will Wright, David Wallace

The meeting was called to order at 5:11 pm at USDA, 60 Quaker Lane, Warwick, RI by G. Mason, Chair.

On a motion by K. Nelson and a second by M. Neale, the Commission voted unanimously to accept the minutes of the February 27, 2014 meeting.

**New Applications/Scoring**

The Balme farm in Little Compton was scored by the Commission and achieved an average score of 36.4

The Kaiser farm in Warren was scored by the Commission and achieved an average score of 41.8.

The Broadwall farm in Coventry was scored by the Commission and achieved an average score of 37.2.

As the minimum score for acceptance into the program is 35, K. Ayars made a motion seconded by G. Mason to accept the Balme Farm, the Kaiser Farm, and the Broadwall Farm into the program. The motion passed unanimously.

**ALPC Budget**

M. Sheehan gave an update on the ALPC budget. The current balance with the 2013 bond apportionment (\$1.5 million) and current project and overhead commitments included is \$-607,500. Another \$1.5 million apportionment is due July 1, 2014 and one for another \$1.5 million is due July 2, 2015. Current project commitments are \$150,000 to Rippin in N. Kingstown, \$192,500 to Lial in Warren, \$255,000 to Bettencourt in Tiverton, \$550,000 to Bailey, \$185,000 to Regnier/Fletcher Road, and \$200,000 to

Whaley Farm in South Kingstown. Current overhead commitments (appraisals and survey) total \$95,000.

### **Status of Farms in Negotiation**

Lial, Tiverton – the Deed to Development Rights has been reviewed by NRCS. The appraisal update is ready but won't be reviewed by NRCS until July. Due to additional funding for the project secured from The Nature Conservancy and the Champlin Foundations in the amount of \$75,000, the new amount to be contributed by ALPC is \$127,500.

Bettencourt, Tiverton - the Deed to Development Rights has been reviewed by NRCS. The appraisal update is ready but won't be reviewed by NRCS until July. Due to additional funding for the project secured from The Nature Conservancy and the Champlin in the amount of \$100,000, the new amount to be contributed by ALPC is \$146,000.

Bailey, East Greenwich – no new updates from the family.

Sunset Orchard, Scituate – closed in March, 2014

Rippin, North Kingstown – project led by the town - the Deed to Development Rights has been reviewed by the NRCS

Whaley, South Kingstown - project led by the South Kingstown Land Trust – project currently stalled

Andrews, Exeter – farmer is undecided about how to proceed, project stalled for now.

Borrelli, Johnston – appraised at \$260,000.

On a motion by M. Neale and a second by K. Nelson, the Commission voted unanimously to contribute up to \$130,000 in ALPC funds towards the project and to submit the project for NRCS funding.

Cotta, Portsmouth - The appraisal is in and the project is ready to move forward.

On a motion by K. Ayars and a second by K. Nelson, the Commission voted unanimously to contribute up to \$402,500 in ALPC funds towards the project and to submit the project for NRCS funding.

### **Michael C. Kent Revocable Trust/ Attorney General**

Michael Kent is the owner of the Briggs farm in East Greenwich, protected by ALPC in 1991. In April of 2013 Michael Kent requested permission to replace the existing trailer on the property with a new house. Mary Kay, DEM Legal, requested that the Attorney General weigh in about whether this would violate the terms of the Deed to Development Rights. M. Sheehan presented the AG's response letter, which concluded that replacing the trailer with a new house would violate the terms of the DDR.

On a motion by K. Nelson and a second by E. Stuart, the Commission voted unanimously to inform Mr. Kent that at the advice of legal counsel, they do not have authority to grant his request and it is therefore denied.

### **Governor's Green Economy Bond**

M. Sheehan gave an update regarding the language in the Farmland Acquisition for Active Use section. The language now calls for the purchase of either fee or development rights.

### **Deed to Development Rights form**

M. Sheehan gave a brief summary about possible amendments to ALPC's Deed to Developments, as requested by K. Ayars and G. Mason.

1) Amend the "no further subdivision" clause – this would allow the owner of a protected farm to subdivide the farm parcel if it resulted a more viable, active agricultural parcels. It would require prior written approval of the ALPC. Commission members expressed agreement with this change and requested that staff work with DEM Legal to craft proposed language.

2) Affirmative clause for active agricultural use – this language would require owners of protected farms to keep them actively farmed or maintained as agricultural fields. The Commission would like to proceed with this change and have it become part of the standard ALPC form. Staff to pursue with DEM legal.

3) Include an "Option to Purchase at Agricultural Value" provision – this would give ALPC the right to purchase a protected farm at appraised agricultural value, triggered when the owner receives an offer to purchase the farm. The purpose of the provision would be to prevent protected farms from selling out of agriculture. The Commission expressed an interest in keeping this provision on the list to consider in the future, but to table for now.

### **Federal Farm and Ranchland Protection Program**

M. Kenyon provided an update regarding the new Farm Bill and the changes to FRPP. FRPP and GRP are now combined into the Agricultural Lands Easement Program (ALE) under the new Agricultural Conservation Easement Program (ACEP). The grant round for ACEP is now open, with a deadline for submission of June 6, 2014.

### **ALPC Membership**

D. Wallace, W. Wright, and E. Stuart have all been re-appointed to the ALPC, pending Senate approval. In addition, Jon Reiner, Town Planner for North Kingstown, and Fay Strongin, an urban farmer in Providence, have both been approved for appointment to the Commission, pending Senate approval.

### **Announcements/Additional Business**

K. Nelson presented to the Commission a sign that could be placed on ALPC farms that identifies them as protected farms with funding from ALPC. Commission members

expressed interest in working with DEM staff to pursue funding and implementation strategies.

There being no further business, on a motion by E. Stuart and a second by M. Neale, the Commission voted unanimously to adjourn the meeting at 7:05.

Respectfully submitted,

Michelle Sheehan  
Division of Planning and Development  
RIDEM