



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
Agricultural Lands Preservation Commission
c/o Department of Environmental Management
235 Promenade Street
Providence, RI 02908



**AGRICULTURAL LANDS PRESERVATION COMMISSION (ALPC)
MINUTES OF THE MARCH 26, 2015 MEETING**

DRAFT

COMMISSION MEMBERS PRESENT: Kevin Nelson, Martha Neale, Dave Wallace, Fay Strongin, Ken Ayars, Jon Reiner, Everett Stuart,

COMMISSION MEMBERS ABSENT: George Mason, Will Wright

STAFF: Lauren Farley – DEM, Mike Kenyon – USDA / NRCS, Michelle Sheehan - DEM

GUESTS - Farm Bureau Members – President Henry Wright, Lyn Spinella, Richard Schartner

The meeting was called to order at 4:05 pm at USDA, 60 Quaker Lane, Warwick, RI by K. Nelson, Vice Chair.

On a motion by D. Wallace and a second by F. Strongin, the Commission voted unanimously to accept the minutes of the February 26, 2015 meeting

At the request of H. Wright and agreement of Commission members, item # 4 was moved up on agenda.

RI Farm Bureau: request to discuss issue related to the State being able to change a contract after a farmer has sold development rights - H. Wright offered to the Commission congratulations on the recent closing of the 100th protected farm. He informed commission that the Farm Bureau requests that farmers approaching Commission regarding prospective sale of their development rights are informed that land use abutting their farms is subject to change and there is no guarantee that it will not. He offered the example of interdepartmental transfer of land between state agencies. Commission members spoke of goals of cooperation and sensitivity to best interests of farmers. There was discussion regarding the counseling of farmers seeking to sell development rights about the pros, cons and ramifications of doing so. ALPC is not the forum for this type of education but a third party / outside entity consultation during initial stages of discussions would be beneficial to all parties involved. R. Schartner informed Commission of rebuilding efforts and the support from the community he has received following recent fire. He presented to the Commission the following documents for the record:

- Copy of recorded Purchase and Sales agreement dated 12/11/08 recorded in Exeter Land Evidence records on 12/15/08 in Book 347, Page 153
- Option to Purchase dated 12/11/08 recorded in N. Kingstown 12/15/08 in Book 2350, Page 253
- Deed to Development Rights dated 12/11/08 recorded in Exeter Land Evidence records 12/15/08 in Book 347, Page 125
- Deed to Development Rights dated 12/11/08 recorded in N. Kingstown Land Evidence records 12/15/08 in Book 2350, Page 239
- Physical Alterations Permit Application dated 3/13/06
- Physical Alterations Permit Application dated 2/10/09
- Certificate of Transfer of Land from RIDOT to RIDEM dated 12/9/10, recorded in Exeter Land Evidence Records on 6/23/11 in Book 399, page 220
- Letter from RIDOA to N. Kingstown Planning Director dated 11/10/10
- Letter from RIDOA to N. Kingstown Planning Director 3/26/12
- Letter from N. Kingstown Planning Director to N. Kingstown Town Manager dated 5/2/2012
- Unsigned Easement Agreement
- Appraisal Report by Andolfo Appraisal Associates dated 5/21/13 for 20 acres of land in North Kingstown Plat 102 Portion of Lot 11 and Exeter Map 39, Block 1, Portion of Lot 2
- Letter from DOT Director Michael P. Lewis to Richard Schartner dated 10/30/2013
- Survey dated 9/15/14 titled: "Pre-Application Plan Strawberry Fields South County Trail Exeter, Rhode Island AP52, Block 1 – Lots 5 & 6 for Richard Schartner
- Survey dated 5/22/13 titled "Bald Hill Nursery Picnic Grove Plan"
- Letter from RIDEM to RIDOT dated 3/25/10
- 3-page synopsis of events prepared by Schartners dated 8/15/11

Commission members asked R. Schartner what future actions he was requesting of Commission and informed him that no action could be taken currently as his presentation of documents was not an agenda item. R. Schartner informed Commission he wished to present documents for record. K. Nelson informed him that his presentation of documentation will be reflected in meeting minutes.

ALPC Budget

M. Sheehan gave an update on the ALPC budget. The current balance is \$5,127,500 and includes: Fiscal Year 2015 bond apportionment (\$1.5 million), current project and overhead commitments (\$1,480,000) and \$3 million apportionment due July 1, 2015. Current project commitments are \$150,000 to Rippin in N. Kingstown, \$395,000 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 \$85,000.

South Kingstown Land Trust/Weeden Farm (Matunuck Schoolhouse Road, South

Kingstown): request to swap land under ALPC Development Rights for abutting land owned by the Union Fire District.

Action was deferred until April meeting. South Kingston Land Trust will attend April meeting to present request. Commission members asked whether land swap would be precedent setting. Attorney General's Office would likely have to weigh in.

Status update of farms in negotiation:

Rippin: 100 Lafayette Road, North Kingstown – J. Reiner informed Commission that a Class 1 survey for the property has been completed. A forest management plan and the baseline documentation report have been completed and are under NRCS review. The Land Conservancy of North Kingstown assisted the town with the baseline documentation report and URI drafted the forest management plan. An updated appraisal will be completed soon. NRCS is preparing the Conservation Plan. Closing is anticipated by summer.

Hibbad: 273 Puncatest Neck Road, Tiverton – M. Sheehan presented appraisal to land owners. They have yet to respond.

Scoring new applications

DiMeo Farm: 396 Greenville Avenue, Johnston – The farm was scored by the commission and achieved an average score of 35.1

Bux property: 378 Greenville Avenue, Johnston - The farm was scored by the commission and achieved an average score of 25.

As the minimum score for acceptance into the program is 35, M. Neale made a motion seconded by F. Strongin to accept the DiMeo Farm into the program. The motion passed unanimously.

Farmland Bond/Acquisition Program: update on creation of rules and regulations

M. Sheehan informed Commission that DEM staff has been working to develop rules and regulations to administer new program. Following a review of the existing statutory language of the Farmland Preservation Act minor changes will need to be implemented to ensure all bond funds administered by this program are dedicated for farmland preservation purposes. The proposed new language states: “Any land received as a gift may be resold by the Commission with the development rights retained by the state and so noted by covenant in the deed. Any such resale by the Commission shall not be subject to the prior right of first refusal by the prior owner, their heirs, successors and assigns and the second right to purchase by the municipality in which the land is situated as provided by R. I. Gen. Laws Sections 37-7-3 and 37-7-5. The proceeds from the sale shall be returned to the Agricultural Land Preservation Fund.”

NRCS Agricultural Conservation Easement Program: update on application deadline and new rules

M. Kenyon informed Commission that new rules have been issued and a national press release will be out in early April. NRCS RI office will hold a training workshop in April.

Changes to the ACEP-ALE program include the option to include NRCS minimum deed terms to DDR. This can then be reviewed in RI and not subjects to national review.

Update on the 100th Protected Farm celebration planning – The date of event will be April 16th at 10:30. Events will include a visit to Lial Farm and speaking program at Hope & Main culinary business incubator in Warren.

There being no further business, on a motion by D. Wallace and a second by E. Stuart, the Commission voted unanimously to adjourn the meeting at 6:00

Respectfully submitted,

Lauren Farley
Division of Planning and Development
RIDEM