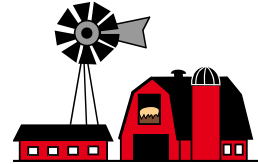




STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
Agricultural Lands Preservation Commission
c/o Department of Environmental Management
235 Promenade Street
Providence, RI 02908



AGRICULTURAL LANDS PRESERVATION COMMISSION
MINUTES OF THE THURSDAY, FEBRUARY 26, 2016 MEETING

COMMISSION MEMBERS PRESENT: Kevin Nelson, Everett Stuart, Martha Neale, Dave Wallace, Jon Reiner, George Mason

COMMISSION MEMBERS ABSENT: Fay Strongin, Will Wright, Ken Ayars,

STAFF: Lauren Farley – DEM, Michelle Sheehan – DEM, Bruni Alvarez - NRCS

GUESTS: Vito Buonomano – Owner, Northeast Solar & Wind Power, LLC, Nicholas Gorham - Farm Bureau Attorney, Glenn Cottrell – Cottrell Homestead Farm, Bill Richmond – Vice Chair, Little Compton Agricultural Conservancy Trust (LCACT).

The meeting was called to order at 4:05 at USDA, 60 Quaker Lane, Warwick, RI by George Mason, Chair.

On a motion by K. Nelson and a second by K. Ayars, the Commission voted unanimously to accept the minutes of the November 19, 2015 meeting with minor edits.

On a motion by K. Nelson and a second by D. Wallace, the Commission voted unanimously to accept the minutes of the January 28, 2016 meeting with minor edits.

On a motion by G. Mason and a second by K. Nelson the Commission voted unanimously to move forward agenda items pertaining to guests.

West Wind Farm, Reservoir Road, North Smithfield. Request to install a temporary solar array on one acre of this protected farm. V. Buonomano, owner of Northeast Solar & Wind Power, LLC presented to the Commission a request by West Wind Farm to install a temporary 20-year solar array on a forested one acre area of this protected farm. A ground mount system would be used to transfer energy to the grid. The request is subject to National Grid accepting the power. V. Buonomano represented the position of farm owner Frank Ronci. At the time of the sale of his development rights in the 1980's, on-farm commercial solar energy generation was not in existence and a waiver of this prohibition in DDR should therefore be considered. This particular site is well-suited due to its proximity to National Grid three phase electric power infrastructure. 1-acre is a small footprint in consideration of state and federal policies mandating substantial reduction in greenhouse gas emissions. E. Stuart inquired about ground disturbance and the arability of the land after 20 years. V. Buonomano explained that top soil remains, rocks are removed and panels are mounted on non-toxic I-beams. Solar arrays would be fenced and trees outside of fenced area would be removed in order to not block sunlight.

Cottrell Farm, South Kingstown. Request to move a one acre portion of their set-aside area to the southwest corner of the property. V. Buonamano addressed a similar proposition for Cottrell Farm, South Kingstown. G. Cottrell at prior meeting requested to move a one acre

portion of their 5-acre set-aside area to the southwest corner of the property for the purpose of installing a commercial solar system. The Cottrell Family also sold their development rights in the 1980's. Farm Bureau attorney N. Gorham added that Bureau is in favor, the small scale of the proposed projects are typically not very controversial and therefore attract less local dissent. They also allow farmers to remain viable by generating income. G. Mason informed the guests that the ALPC is awaiting guidance from DEM Legal prior to making a decision. It was noted that ALPC is the decision making body according to its enabling legislation. M. Sheehan confirmed that DEM legal opinion will be in consult with the Attorney General's office.

Scoring new applications:

Dawson Farm, Little Compton - G. Mason abstained from voting due to his position as Chair of LCACT. Vice Chair Bill Richmond briefly spoke about the farm and the logistics of the DDR with NRCS. The farm was scored by the Commission and achieved an average score of 35. **As the minimum score for acceptance into the program is 35. M. Neale made a motion seconded by E. Stuart to accept Dawson Farm into the program. The motion passed unanimously.**

Adams Farm revision, Glen Rock Road, Exeter – This farm was scored and accepted to the program at a prior meeting. The Commission requested the opportunity to re-score based on new boundary lines. The farm was re-scored by the Commission and achieved an average score of 39.8. **As the minimum score for acceptance into the program is 35. M. Neale made a motion seconded by E. Stuart to accept Dawson Farm into the program. The motion passed unanimously.**

Dawson Farm, Little Compton. Request from the Little Compton Agricultural Conservancy Trust for \$200,000 for an assignment of the Deed to Development Rights to the ALPC. The fee will be held by LCACT. They cannot also be the holder of the easement. **On a motion by J. Reiner and a second by E. Stuart, the Commission voted unanimously to accept the assignment and contribute \$200,000 to the project.**

Set meeting schedule for 2016

On a motion by K. Nelson and a second by K. Ayars, the Commission voted unanimously to hold 2016 meetings on the third Thursday of every month at 4:00 pm.

Commission Officer elections: On a motion by E. Stuart, G. Mason was nominated to remain Chair and K. Nelson to remain Vice Chair. The motion was seconded by J. Reiner and passed unanimously.

Status update of farms in negotiation:

Adams: Glen Rock Road, Exeter. Update and request to alter acreage in project M. Sheehan explained likely funding shortfall and asked Commission to continue their 1 M. contribution to Phases 1-2, omitting Phase 3 (82 acres). Original Commission vote was contingent upon the protection of all acreage, including Phase 3 which will likely be completed a future date with NRCS ACEP-ALE funding. The Commission re-iterated concerns regarding the appraised value of the project. Following a motion by E. Stuart seconded by J. Reiner to contribute \$1M. contingent upon the receipt of additional funding from partner groups in the amount of \$1.4M, discussion ensued. The Commission pressed to negotiate a bargain sale.

On an amended motion by E. Stuart seconded by J. Reiner the Commission voted to contribute an amount not to exceed \$1M. contingent that the total offer price for Phases 1-2 not exceed \$3.1M. The motion passed unanimously.

Andrews: 99 Ten Rod Road, Exeter. The application was submitted to NRCS ACEP-ALE. NRCS staff is in the process of ranking applications.

South Kingstown Land Trust: request for \$10,000 reimbursement for overhead costs associated with the Gordon Farm project, Liberty Lane, South Kingstown
ALPC members were concerned this request may set an unwanted precedent. The Commission's existing \$100K contribution to project was noted.

M. Neale made a motion seconded by J. Reiner to deny the request. The motion passed unanimously .

Weeden Farm, Matunuck Schoolhouse Road, South Kingstown: update from the Attorney General on South Kingstown Land Trust's amendment request - M. Sheehan informed the Commission that formal letter regarding the request will be made by AG's office before next meeting. The decision will inform future guidance relating to requests to amend easements. ALPC members expressed a desire to address requests on a case-by-case basis with a set of established parameters so each proposal may have consistent evaluation criteria. The need exists to use non-arbitrary performance standards and to balance the ALPC's mission of protecting agricultural land with farm viability issues and changing technology. B. Alvarez suggested that the NRCS conduct certified wetlands determinations prior to any alteration of woodlands.

Urban Edge Farm, Pippin Orchard Road, Cranston. This farm is owned by DEM. Request from leaseholders Southside Community Land Trust to conduct field excavation and remove dredged pond material. - M. Sheehan provided maps and informed Commission that this field was farmed historically. B. Alvarez suggested that the NRCS conduct certified wetlands determinations prior to any alteration or excavation.

Review of farms eligible for funding – deferred

Farmland Acquisition Program: brief update on progress with the Rules & Regulations
Stakeholder meetings have been held. A public hearing relation to regulations will occur this spring. Goal is to have regulations authorized prior to Legislature's summer recess.

NRCS Agricultural Conservation Easement Program: update on program provided by B. Alvarez.

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

Respectfully submitted,

Lauren Farley, Division of Planning & Development, RIDEM