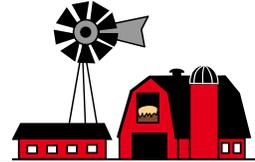




STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
Agricultural Lands Preservation Commission
c/o Department of Environmental Management
235 Promenade Street
Providence, RI 02908



AGRICULTURAL LANDS PRESERVATION COMMISSION
FINAL Minutes for the Meeting of Thursday, November 17, 2016

COMMISSION MEMBERS PRESENT: Kevin Nelson, Martha Neale, Jon Reiner, Diane Lynch, Michelle Sheehan- DEM representative for member Ken Ayars

COMMISSION MEMBERS ABSENT: George Mason, Dave Wallace, Ken Ayars, Everett Stuart

STAFF: Michelle Sheehan – DEM, Lauren Farley – DEM, Attorney Mary Kay – DEM

GUESTS: Vito Buonomano – Owner, Northeast Solar & Wind Power, LLC, Chuck Allott – Executive Director of Acquidneck Land Trust (ALT), Glenn Cottrell – Cottrell Homestead Farm, Scott Milnes – Econox Renewables Inc., Dianne Izzo - Attorney for RI Farm Bureau, Ralph DeVivo – Associated Engineers and Consultants

The meeting was called to order at 4:20 at USDA, 60 Quaker Lane, Warwick, RI by Kevin Nelson, Vice Chair.

• Reading and approval of the minutes of the meeting of 10/27/2016:

On a motion by M. Neale and a second By D. Lynch the Commission voted unanimously to approve the minutes of the October 27, 2016 meeting with minor amendments.

• Review of current ALPC budget

M. Sheehan provided update on current budget. The current balance \$3,086,955. Current project commitments are \$172,000 to Andrews in Exeter, \$550,000 to Bailey, \$185,000 to Regnier/Fletcher Road, \$200,000 to Whaley Farm in South Kingstown, \$1,000,000 to Adams in Exeter, \$375,212 to Broadwall in Coventry, \$233,333 to Hibbad in Tiverton. Current overhead commitments (appraisals and survey) total \$85,000.

• Cottrell Farm, Waites Corner Rd, South Kingstown. Submission of additional information under existing request to run an underground power line across the farm to service a solar array. Discussion and possible action.

M. Sheehan presented to Commission members additional information from Northeast Solar & Wind Power. V. Buonomano and G. Cottrell contends the underground powerline will have no impact on the agricultural operation of the farm. Topsoil would be replaced following installation. Underground line would connect solar array on farm's non-protected area to National Grid pole on Rte. 138 with three-phase power. System would be require additional pole to be owned by Cottrell proximate to the National Grid meter pole on Rte. 138. The Deed to Development Rights (DDR) allows energy production for on-farm use. This is not logistically possible on the property because the milking barn is connected to single-phase power on Waites Corner Road. A 1-acre solar array generates too much power to be connected to single-phase power. Net metered single phase power

could service the premises and support the agricultural operations of the farm but this would be a separate system from the proposed commercial operation. The Cottrell's would like to finance a future single-phase system with proceeds from the proposed commercial array to defray on-farm energy costs. M. Kay explained the legal requirements of the proposed transmission line. The line would require DDR amendment. ALPC is currently working to finalize the Amendment Policy. Cottrell Farm representatives were advised to submit in writing proposed amendment for consideration. Commission members expressed their support of the goal of the project, along with concern about the legal ramifications. It is imperative that the validity of DDR provisions withstand legal test. DEM will work with landowner and representatives to provide next steps following the receipt of written request for deed amendment.

• Scoring New Applications: Spruce Acres Farm, 1286 East Main Road, Middletown

C. Allott answered questions from the Commission. The front portion of property contains various buildings including a farmhouse, barn, garage and office that ALT will use for programming. The back portion contains 15 acres of agricultural land. C. Allott confirmed this area will remain in active agriculture in perpetuity, a condition of ALPC contribution. ALT plans to lease these acres to interested small farmers.

The farm was scored by the Commission and achieved an average score of 44.8. The minimum score for acceptance into the program is 35.

On a motion by M. Neale and a second by D. Lynch, the Commission voted unanimously to accept the scoring of the Spruce Acres Farm property.

• Status update of farms in negotiation: Adams, Glen Rock Road, Exeter. Request for additional funding from ALPC. Discussion and possible action. M. Sheehan informed the Commission about ongoing negotiations. Original ALPC contribution was 1 million. In order to meet funding gap, additional 100K is required.

On a motion by J. Reiner and a second By D. Lynch the Commission voted unanimously to approve additional funding making ALPC contribution total 1.1 M.

• Review the ALPC Alternative Energy Policy. Discussion and action.

Commission members reviewed ALPC draft policy and alternate language circulated by K. Nelson that attempts to balance the preservation of existing protected property while recognizing the need to be more flexible in future agreements. DEM staff and legal will review and amend draft language. MD is the only state that allows commercial energy generation on protected farmland; the process is very complicated. ALPC is not able to craft a policy without a similar elaborate process. The RI Office of Energy Resources recommendation is in line with ALPC draft policy. They support renewable energy but not on protected farmland. ALPC policy would be considered a guidance document, subject to further revision if needed.

• West Wind Farm, Reservoir Road, North Smithfield. Request to install a temporary solar array on one acre of this protected farm. Discussion and possible action. Deferred

• Simmons Farm, West Main Road, Middletown. Request to install a solar farm on 10 acres of this protected farm. Discussion and possible action. Deferred

- **Regnier Farm, 300 Fletcher Road, North Kingstown. Request from the Town of North Kingstown for additional funding from ALPC. Discussion and action.** Regnier Farm protection is being funded by the Agricultural Conservation Easement Program (ACEP) of United States Department of Agriculture - Natural Resource Conservation Services (USDA-NRCS). This grant funds 50% of easement acquisition. Additional funds are from the Town of North Kingstown (\$185,000) and ALPC. The appraisal was recently updated per ACEP program requirements. The Town seeks an additional \$10,000 contribution to the existing ALPC commitment of \$185,000.

On a motion by M. Neale and a second by D. Lynch, the Commission voted unanimously to contribute \$195,000 to the project.

- **Procedure for Entertainment License letter requests. Discussion and possible action.**

Deferred

- **ALPC Amendment policy. Discussion and action.**

On a motion by J. Reiner and a second by D. Lynch, the Commission voted unanimously to adopt the draft policy.

Further discussion identified a minor revision needed for consistency of Paragraph 3.

On an amended motion by M. Neale and a second by D. Lynch, the Commission voted unanimously to adopt the draft policy.

- **Hathaway Farm, Main Road, Tiverton. Request to amend Deed to Development Rights to subdivide a portion of the farm for sale to another farmer.** Deferred. DEM staff to consult with Tiverton Town Planner regarding municipal subdivision requirements.

- **Farmland Acquisition Program: brief update on progress with the Rules & Regulations**

The third public workshop will be on December 15 at 6 pm at DEM.

There being no further business, on a motion by J. Reiner, seconded by D. Lynch, the Commission voted unanimously to adjourn the meeting at 6:20

Respectfully submitted by Lauren Farley, DEM