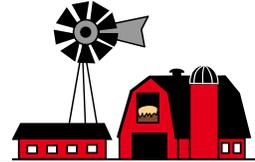




STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
Agricultural Lands Preservation Commission
c/o Department of Environmental Management
235 Promenade Street
Providence, RI 02908



AGRICULTURAL LANDS PRESERVATION COMMISSION

Final Meeting Minutes for
Thursday, February 23, 2017 at 4:00 pm

COMMISSION MEMBERS PRESENT: Kevin Nelson, Martha Neale, Diane Lynch, Ken Ayars, Dave Wallace, Jon Reiner

COMMISSION MEMBERS ABSENT: George Mason, Everett Stuart

STAFF: Michelle Sheehan – DEM, Lauren Farley – DEM, Mary Kay - Executive Counsel, DEM, Joe Bachand – USDA \ NRCS (United States Department of Agriculture \ Natural Resources Conservation Service)

GUESTS: Heather and Roger Souto – Peters Farm, Portsmouth

The meeting was called to order at 4:00 at USDA, 60 Quaker Lane, Warwick, RI by Kevin Nelson, Vice Chair.

On a motion by K. Ayars and a second by D. Wallace, the Commission voted unanimously to approve the minutes of the January 19, 2017 meeting.

Commission elections:

On a motion by M. Neale and a second by D. Wallace, the Commission voted unanimously to elect Kevin Nelson to be the Chair.

On a motion by K. Ayars and a second by D. Lynch, the Commission voted unanimously to elect J. Reiner to be the Vice Chair.

Review of current ALPC budget:

M. Sheehan provided update on current budget. The current balance \$2,977,808.52. Current project commitments include \$300,000 to Spruce Acres in Middletown / Portsmouth, \$172,000 to Andrews in Exeter, \$195,000 to Regnier/Fletcher Road in North Kingstown, \$200,000 to Whaley Farm in South Kingstown, \$1.1M to Adams in Exeter, and \$233,333 to Hibbad in Tiverton. Current overhead commitments (appraisals and survey) total \$125,000.

Status update of farms in negotiation:

Adams, Glen Rock Road, Exeter: Provisions of Deed to Development Rights (DDR), to be attached to Purchase and Sales Agreement, are being negotiated. Purchase price is \$3.3M.

Hibbad, Puncatest Road, Tiverton: Appraised value is too low for landowner. J. Bachand suggested that it may be eligible for NRCS program if it contains grasslands of special

significance (GSS). The GSS program has a more restrictive DDR but pays 75% of appraised value.

Whaley, South Kingstown: J. Bachand reported that RI - NRCS is working with their national office to rectify administrative issues with the cooperative funding agreement. NRCS is contributing 50% of the appraised value through their Farm and Ranch Lands Protection Program (FRPP).

Andrews Farm Deed to Development Rights. Discussion and action.

Andrews Farm is funded 50% with federal funds from NRCS's Agricultural Conservation Easement Program (ACEP). The program requires "minimum deed terms" to be attached to ALPC's DDR. M. Sheehan reviewed with Commission certain provisions of the minimum deed terms that are inconsistent with ALPC DDR provisions and DEM regulations. J. Bachand will review with NRCS attorney language regarding: subdivision and farm size, surface alteration and dam creation, and oil and gas exploration.

On a motion by K. Ayars and a second by M. Neale, the Commission voted unanimously to send the DDR with omissions or alternative language requested by ALPC to NRCS for national review. Subsequent discussion will occur following receipt of NRCS comments.

Peters Farm, Portsmouth, RI. Request to construct a horse barn on a portion of this protected farm (new owners). Discussion and action.

Heather and Roger Souto are interested in purchasing this protected farmland in Portsmouth. They are under a purchase and sale contract (P&S) with the owners. The contract is contingent on their ability to construct a horse barn and utility barn on the property. They presented building and schematic plans to the Commission for review. H. Souto is an equestrian and wishes to use the farm for lessons. The 10-stall barn would house their horses and additional stalls for potential lease. The 24' x 36' utility barn would be used for dry storage and equipment. M. Sheehan provided to the Commission the property DDR, which allows for agricultural buildings to be constructed on the premises. K. Nelson asked if ALPC can offer approval to non-landowners. M. Kay advised that that may be because a signed P&S constitutes a property interest.

On a motion by M. Neale and a second by K. Ayars, the Commission voted unanimously to approve the proposed structures consistent with the submitted plans and subject to the Soutos' purchase of the property.

Review the ALPC Alternative Energy Policy. Discussion and action.

Deferred pending action by RI State Legislature

Hathaway Farm, Main Road, Tiverton. Request to amend Deed to Development Rights to subdivide a portion of the farm for sale to another farmer. Discussion and possible action.

M. Sheehan reported that she spoke with Tiverton Town officials. They requested a formal proposal as they can't comment on hypothetical inquiries. The Commission will re-visit the language of their Amendment Policy criteria regarding "net gain". This potential amendment request may have a beneficial or neutral impact. M. Sheehan will contact the Hathaways about submitting a formal proposal that may be reviewed by the Commission,

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

DEM staff have started to explore potential acquisitions for the program. Rules & Regulations are in process.

Scoring New Applications: Carter property, 75 Stony Lane, Exeter, RI

This farm was accepted into the program under the old scoring system. It was re-scored by the Commission and achieved an average score of 49.6. The minimum score for acceptance into the program is 35.

On a motion by J. Reiner and a second by M. Neale, the Commission voted unanimously to accept the scoring of the Carter property.

There being no further business, on a motion by D. Wallace, seconded by M. Neale, the Commission voted unanimously to adjourn the meeting at 5:30.

Respectfully submitted by Lauren Farley, DEM