

Nagog Orchard Working Group - March 13th, 2024

Meeting called to order at 7pm

Present: Jen Clancy, Amy Tarlow Lewis, Brad Mitchell, Matthew Nordhaus, Karen Morrison.

Will Pickard arrived at 7:27

Attending Remotely: Sarah Seaward

Well Update

Sarah Seaward: The results of the well water test that was performed were returned. The test results came back fine for irrigation. No arsenic, iron levels elevated but not significant. The water can be used for irrigation, if it was to be used as a potable water source they would need to go through the normal process with the Board of Health..

Public Records Law and Update

Brad Mitchell stated that the Working Group has nothing to do with public records responses, that is the domain of the Town Clerk. We provide documentation to the Town Clerk when requested and they provide it to the person making the records request. The Working Group has had requests to redact information on the responses from some of the submitters. The Working Group has asked the Town Administration to forward the responses to Town Counsel for redaction, if any is possible.

Minutes

Minutes of the working group meeting on March 6 were presented. Jen Clancy made a motion to accept the minutes as presented, seconded by Amy Tarlow Lewis, The motion passed 5-0, Karen abstained.

RFI Submission Review

The Working Group discussed their opinions on the RFI responses that we received.

Brad Mitchell stated that he was impressed with the quality of the responses in general, and that he felt that four of them stood out in terms of quality and completeness. All of his top four proposed purchasing the APR land.

Matthew Nordhaus also identified 4 submissions that stood out. Of those 4 2 proposed purchase and 2 proposed a lease. Karen Morrison's picks consisted of 3 that proposed purchase and one lease, as did Amy Tarlow Lewis.

Jen Clancy commented that the variety of experience presented in the responses was notable. Amy Tarlow Lewis stated that all of her favorite response had relevant experience and all had a timeline, goals, and a way to raise money. Also, most of the submitters had additional people as part of a team, in to support all the functions of a farm. Brad Mitchell pointed out that if teams were reliant solely on experienced employees there's a bigger risk if they lose the employee

Karen's top responses all had direct agricultural experience. Matthew identified experience and also said that his picks had specific, realistic goals and timelines. Sarah Seaward identified vision of the orchard and longevity as positive qualities in the submissions, as well as a diversity of possible ways to develop the land, and that multiple approaches helped to make the

submission more resilient. She was looking for someone that matches the Morrisons desire to include fruit trees and animals as part of the operation. Matthew Nordhaus suggested that the Working Group include non-profit or community benefit as one of the criteria for evaluating the RFP responses. Brad Mitchell agreed on the diversity, and stated that he was agnostic on the profit vs. non-profit. That a good for-profit company would be better than a poor non-profit, and vice-versa. Sarah Seaward felt that there's aesthetic value to the orchard, and that a for-profit organization that was invested in the community would be sufficient. Amy Tarlow Lewis stated that neither for-profit nor nonprofit: may be able to support community integration with the farm

Karen Morrison also was evaluating the potential impact on the immediate area around the farm on the neighbors.

Will Pickard identified responses that had the potential to work with others on the property. His favorite responses had a proposal with a starter area that didn't require an investment in the entire property, and could work with others.

Adding house and upper barn to APR

Karen Morrison asked whether the Working Group wanted to continue to pursue adding the house, upper barn, and surrounding land to the APR?

Brad Mitchell stated that the Department of Agricultural Resources has seen both positive and negative results when adding structures to an APR. He also pointed out that some of the proposals could get derailed if we add the house and barn to the APR. Further, if the house is added to the APR subdividing the house would be ok if it was used for farm labor workers if it's, but could never be rented. Will Pickard inquired whether the barn could be used for processing goods, would it be OK in the APR? Brad Mitchell answered that it probably would if the source of the material was from the farm, and if the goods were related to the ag activity.

RFP Discussion

Brad Mitchell suggested the Working Group discuss the RFP's focus and provisions. First discussion was whether it is required that we specify lease or purchase, or could include both as an option. Karen Morrison stated that there are legal hurdles to overcome, and that legally we are obliged to issue an RFP either for lease or purchase but not both.

Matthew Nordhaus asked if the group could reach out to the lease respondents to see if they want to purchase? Karen Morrison replied that those RFI respondents can respond to the RFP , or not to the RFP, but we shouldn't derail this process since we have multiple respondents that want to purchase. Brad Mitchell felt it's easier and cleaner if we sell.

Sarah Seaward stated that there may also be people who have not responded to the RFI, and there may be other avenues out there as far as criteria to add to the RFP. Karen Morrison stated that a lease to own is too expensive and too risky for the town, and that the respondents who asked for purchase also wanted the house and barn.

Amy Tarlow Lewis made a motion to offer a purchase of the APR land to the RFP, including barn and house if possible. Matthew Nordhaus seconded. Motion passed 7-0

RFP Criteria:

Brad Mitchell stated that there should be public sessions to find out what the community wants. He suggested that criteria for experience include number of years and number of acres. Funding criteria include a business plan, sales channels for retail experience, whether there is any pre-loan approval documentation or a letter from bank or other demonstration of financial viability? Further, have they received USFDA or private grants in the past.

Matthew Nordhaus suggested that the community wants a farmstand, pick your own operation, and that he would like a small preference included in the RFP Brad Mitchell stated that the working group should talk to the community

Amy Tarlow Lewis asked whether sustainable farming practices can be included as a criteria. Do the applicants operate with organic practices? How do they address biodiversity, etc.

Town Meeting Presentation

The working group discussed what, if any, warrant article would be brought to Town Meeting in May. Karen Morrison stated that an RFP can be issued, and then Town Meeting can approve a sale after there is a purchaser. Alternatively Town Meeting could give approval to sell and then approve the final sale in the fall. Matthew Nordhaus stated that the Working Group will present the group's plan to the residents no matter what it is. Karen suggested that voting pre-emptively to allow a sale will provide any purchaser with more assurance that the sale will be approved by the town. Brad Mitchell suggested that our Public Listening session happens prior to Town meeting. After further discussion the Working Group decided to go to the spring town meeting to ask to sell, and then go back in the fall with approval for a specific buyer.

RFP Drafting Contractor

Karen Morrison interviewed two potential contractors, and felt that either one could do the work. Landvest offers experience with Ag Land, but Ray Santilli, the alternate contractor suggested by Littleton's Town Administrator, had much more experience with the municipal process. Amy Tarlow Lewis asked who would add the Agricultural experience to the mix when drafting the RFP. Brad Mitchell suggested a third party who could participate. Karen Morrison stated that the purpose of the contractor is to translate the working group's experience into something that's appropriate for an RFP.

Matthew made a motion to hire Ray Santilli to assist the Working Group in drafting the RFP. Amy Tarlow Lewis seconded The motion passed 7-0

Community Input Sessions

Amy Tarlow Lewis suggested that the working group book the Sturtz Room at the town Library for an upcoming Sunday. Brad Mitchell felt we would not have the APR for the house and barn settled by Town Meeting in May. The Town Warrant closes March 25th. The working group considered sessions on April 14th, 21st or 28th. Amy Tarlow Lewis will look at the Library schedule and communicate with the working group on the dates.

Adding House/Barn to APR

Brad Mitchell spoke to commissioner of the DAR, and David Vialle. DAR concerns about adding the house and barn to the APR include the cost going up. This is not an issue with our situation because there will be little, if any, value increase. DAR is still reticent to make the change. Brad called state Senator Jamie Eldridge's office and discussed the situation. Senator Eldridge has a call with the DAR commissioner this week asking to accept the house and barn.

Next Meeting

The Working Group agreed to meet again on March 27th.

Adjournment

Karen Morrison made a motion to adjourn, which was seconded by Amy Tarlow Lewis. Motion passed 7-0 and the meeting was adjourned at 9:07PM