

Adopted January 24, 2020

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

**Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey
November 22, 2019 - 9:30 a.m.**

MINUTES

MEMBERS IN ATTENDANCE: Chairman Richard Prickett, Sean Earlen, Jordan Howell, Jerome H. Irick, Ed Lloyd, and Mark Lohbauer

MEMBERS ABSENT: Candace Ashmun

STAFF PRESENT: Nancy Wittenberg, Stacey P. Roth, Charles Horner, Larry L. Liggett, Susan R. Grogan, Paul Leakan, Jean Montgomerie and Betsy Piner. Also present was Craig Ambrose with the Governor's Authorities Unit.

1. Call to Order

Chairman Prickett called the meeting of the Comprehensive Management Plan (CMP) Policy and Implementation (P&I) Committee to order at 9:40 a.m.

2. Pledge Allegiance to the Flag

All present pledged allegiance to the Flag.

3. Adoption of minutes from the September 27, 2019 CMP Policy & Implementation Committee Meeting

Commissioner Lohbauer moved the adoption of the September 27, 2019 meeting minutes. Commissioner Irick seconded the motion. The minutes were adopted, with all Committee members voting in the affirmative

4. Electric Transmission Right-of-Way Maintenance Pilot Program

Ms. Wittenberg said the New Jersey Pinelands Electric Transmission Right-of-Way Maintenance Pilot Program (ROW) is concluding its ten-year term and Ms. Jean Montgomerie, with the Regulatory Programs Office, will provide an update as to the status of the program and the reason why staff is recommending a two-year extension.

Ms. Montgomerie provided an overview of the ROW program through a PowerPoint presentation (*Attachment A to these minutes and posted on the Commission's website at: <https://www.nj.gov/pinelands/home/presentations/November%2018%202019%20Update%20on%20the%20ROW%20Plan1.pdf>*).

She said the pilot program had been developed through collaboration between Rutgers University and the Commission's Science Office to manage 233 miles of high voltage rights-of-way in the Pinelands Area. The program's goal is to maintain early successional habitats and preserve wetlands integrity while maintaining utility transmission line safety. Ms. Montgomerie said the Commission had approved the ROW Plan in 2009 and that she had provided Progress Reports to the Commission in 2014 and 2017. She said today's update represents the 10-year review.

Ms. Montgomerie said three utility companies are subject to the ROW Plan: Jersey Central Power and Light (JCP&L) serves the northeast corner of the Pinelands; Public Service Enterprise Group (PSE&G) serves the western portion of the Pinelands, and Atlantic City Electric (ACE), the utility with both the largest number of lines and the largest acreage, serves the southern portion of the Pinelands.

Ms. Montgomerie said the ROW Plan is a guidance document with vegetation maintenance prescriptions for each of the 3,041 spans (covering 2,695 acres) in the Pinelands Area. She said there is a federal requirement that vegetation must not be within 3' below the wires or within 15' of the wire sway zone (to each side). She said the goal is to keep the vegetation within the utility right-of-way the same as that of the surrounding area and to leave the wetlands as undisturbed as possible. She said there are 59 prescriptions including the two basic ones: "mow" and "cut trees manually; do not mow"; there are also timing restrictions. She said the utilities have reporting requirements and an annual fee to the Commission, based on the area within the right-of-way and calculated by the CMP prescription. This fee is to offset costs related to monitoring the project. She described how spreadsheets were created and integrated with Arcview mapping to track the data for each span.

Ms. Montgomerie cited an example of the degree to which the utilities must go to protect wetlands. She described Slide #7, depicting a JCP&L line spanning wetlands in Berkeley Township. She said when a transmission line tower required repairs, the company had to bring in loads of rock to support the weight of the trucks. Once the repairs were completed, all the fill was removed to minimize the impact of the endeavor.

Ms. Montgomerie said communication has been somewhat difficult with the Board of Public Utilities, which requires that the data from the study be shared with a site-specific contact person within that agency.

In response to Commissioner Lloyd's question if the Commission couldn't request a specific contact person, Ms. Wittenberg said there are security issues involved.

In response to Commissioner Lloyd's question if the right-of-way should be widened to help deter fires, Ms. Montgomerie said the width of the right-of-way is based on the voltage carried through the lines; the narrower rights-of-way are assigned to those power lines carrying lower voltage.

Ms. Montgomerie said the main focus is cutting the "walls" of trees, perhaps with more frequency, within the right of way.

In response to Commissioner Lloyd's question regarding staff recommendations, Ms. Montgomerie said an extension is warranted because, in addition to some issues raised in previous presentations, staff is seeking clarification of some of the terms used by the industry and generally requires more time to fully evaluate the results of the program. Ms. Wittenberg added that the extension is needed to resolve issues of timing constraints as they differ between the New Jersey Department of Environmental Protection (NJDEP) and the Commission making it difficult for the utilities to administer. Also, she said the herbicide issue needs to be addressed.

Ms. Montgomerie said since 2012, all three utility companies have requested permission to use Integrated Vegetation Management (IVM), including herbicide use, to better manage tree regrowth. She provided a photo (Slide #8) of an ailanthus tree that had grown 22' in only two years, thus requiring additional mechanical trimming that might otherwise not be necessary through the use of herbicides.

In response to Commissioner Lloyd's question if it would require a CMP amendment to allow herbicides, Mr. Horner said currently there is a specific provision in the CMP prohibiting the use of herbicides in the utility right-of-way. All three utility companies have requested to use herbicides on a limited basis although that has yet to be defined.

Ms. Montgomerie added that the utilities had proposed a 30-span mini pilot program using specific herbicides.

In response to Commissioner Lohbauer's question about off-road vehicle (ORV) damage within the right-of-way, Ms. Montgomerie said these are gated areas with limited access so ORV use is deterred significantly. The utility companies do not want these vehicles and trespassers on their properties.

Ms. Montgomery said one benefit of the ROW Plan is that American mistletoe has expanded from the original six spans to 12 to 15 spans, primarily in the Great Egg Harbor River basin, probably due to birds flying within the rights of way. She said she believed the prescription requiring survey of mistletoe prior to any vegetation management activity could be suspended based on the success of the plant. She said there may be other plants that have benefitted but, because they were not formally surveyed prior to the implementation of the pilot program, it is unknown.

Ms. Montgomery said staff feels generally this has been a successful program to the alternative of requiring a Certificate of Filing each time the utility companies need to maintain their rights-of-way. She said the Threatened and Endangered species timing obligations have required adjustments as needed, citing an issue in 2014 with protecting the northern long eared bat. She said the two-year extension will allow staff to incorporate what they've learned into a CMP amendment.

Chairman Prickett said because the rights-of-way are so well managed, they are relatively undisturbed, to the benefit of native plant and animals. He said he hoped the utility companies were promoting this good work.

Commissioner Lohbauer moved the recommendation to the Commission for the extension of the Electric Transmission Right-of-Way Maintenance Pilot Program for two years. Commissioner Irick seconded the motion and all voted in favor.

5. Lake Lenape MOA amendment: proposed schedule

Ms. Roth asked the Committee to recall the presentation by Atlantic County (*P&I Committee meeting, August 23, 2019*) regarding its request to amend the deviation 1998 Memorandum of Agreement (MOA) with the Commission regarding development projects on the western lakeshore of Lake Lenape Park. The County wishes to reconfigure the facilities at the boat launch area and install floating docks to better accommodate the multiple activities that occur in the vicinity. Because the related deed restriction was imposed upon the entire lake, in addition to land areas within the park, the process requires the lifting of the deed restriction to allow any changes to the MOA.

Ms. Roth said the County needs to engage staff at the New Jersey Department of Environmental Protection (NJDEP) Green Acres Program, which holds the deed of conservation restriction (DCR) and she is trying to keep the two processes in alignment. Ms. Roth said she anticipated a draft MOA amendment would be before this Committee in January and then the process would advance with a public hearing/comment period before the agreement is returned to the Committee in March 2020 and then before the full Commission in April. She said she had confirmed with the County that this schedule will accommodate their need to install the floating dock system by early spring.

In response to Commissioner Lloyd's question, Ms. Roth confirmed that NJDEP holds the DCR while the Pinelands Commission is the partner in the MOA. She said the phrasing of the existing DCR is not well written and the new amendment will provide more flexibility. The Commission will renegotiate the new DCR with the rights assigned to NJDEP. She said she was surprised that the MOA had deed restricted the lake itself. The deed restriction will be lifted only from the development "box" in the vicinity of the boat ramp/dock area.

Commissioner Irick said he was pleased that Atlantic County can be accommodated.

6. Presentation by the State Agriculture Development Committee: Special Occasion Events on preserved farms

Ms. Grogan introduced Ms. Susan Payne, Executive Director of the State Agriculture Development Committee (SADC), and said she would make a presentation on SADC's proposed policies for Special Occasion Events (SOEs) on preserved farmland. Ms. Grogan noted that, some years ago when it was relatively active, the Commission's Agriculture Committee had been interested in such a program and she and Ms. Wittenberg had met with many different groups (County Agricultural Development Boards, farmers, etc.) to consider activities on farms, not just preserved farms. That initiative had been undertaken due to the soccer facility at the Tuckahoe Turf Farms in Hammonton and Waterford on preserved farmland. She said ultimately the Committee decided to look more narrowly at special events to determine if some should be exempt from Commission application but that was not pursued. She said she thought this Committee would benefit from hearing what standards SADC is considering putting in place and whether or not they will work within the Pinelands Area.

Ms. Payne gave a PowerPoint presentation (*Attachment B to these minutes and posted on the Commission's website at:*

<https://www.nj.gov/pinelands/home/presentations/SADC%20presentation%2011-22-2019.pdf>).

In addition, Ms. Payne distributed a hand-out of the SADC SOE working group draft chart describing various parameters and evaluation factors for SOEs on preserved farms (*Attachment C to these minutes*).

Ms. Payne said in addition to SADC's day-to-day responsibilities of preserving and monitoring farms, recently it has been facing two big issues: SOEs on preserved farms and soil protection standards. She said of the two, the SOE issue is more time sensitive. She said in 2014, a law was passed, the result of litigation, to allow wineries on preserved farms. The understanding was that these wineries would be limited to growing and processing grapes and marketing their wine. Within six months, weddings started occurring at these wineries leading to litigation between SADC and one of the preserved farms. During that process, the legislature intervened and created a pilot program for special events conducted on preserved farm wineries only. Ms. Payne said of the 50-some wineries in New Jersey, 17 are associated with preserved farmland. Of those 17, six are subject to this law because they are conducting SOEs. The remaining wineries are either not conducting SOEs or are conducting them in their exception areas. She said of the 2600 farms in the SADC program, roughly two thirds have exception areas; allowing SOEs on all preserved farms, not just wineries, could benefit the remaining one third.

Ms. Payne said the pilot program was scheduled to expire in 2018 originally, but has now been extended to May 2020. She said it is the conclusion of the program that is raising the urgency of this issue. She said, in granting the extension, the legislature required SADC to report and make recommendations on the program. Ms. Payne said SADC's working group (farmers and non-

farmers including representatives of Rutgers University, the League of Municipalities and the NJ Farm Bureau) has been meeting with various groups including County Boards of Agriculture, the Highlands Commission, and now the Pinelands Commission, to develop and get feedback on the draft recommendations. She said each County is allowed to determine what it considers to be a SOE. Also, she said, the legislation did not extend right-to-farm protections to the participating farms; it strictly allowed SOEs to occur on preserved farms so that they could be in compliance with the law for the duration of this pilot program

Ms. Payne said weddings are in vogue as the most active SOE so SADC is determining to what extent these activities can occur. She said SADC's role is to protect the farm and protect the farmers. She said while SADC believes all farms, not just wineries, should be allowed to conduct SOEs, the farm should serve as a backdrop for a particular activity while agricultural production remains the primary function of the farm. She noted that breweries and distilleries should also be afforded protection that could allow them to conduct SOEs.

Ms. Payne discussed the relationship between the agricultural production value of a farm and the number of activities it should be allowed to conduct. As an example, she noted that wine grapes are a highly valuable crop and the proposal suggests wineries with an annual income of \$50,000 be allowed 26 SOEs a year while a farm whose income is valued the same but derived from another crop be allowed 15 events. She noted the regulatory, marketing and distribution limitations that are imposed on wineries but not on other crops. She said wine is an inherent part of our culture and this difference recognizes that wine is not the same thing as tomatoes.

Ms. Payne reviewed issues related to types and size of events, relationship of the number of events to farm size and income, and limitations to the occupied area for events to include temporary utilities and porta-potties, parking, and food vendors. She said an "event" is one day, which, she said, could mean two separate activities in a single day would count as one event, while a single activity carried over three days would be considered three events. She said SADC may need to look at improvements and existing structures but does not contemplate the construction of new buildings to accommodate a special event. Also, she said, restaurants are prohibited.

In response to Commissioner's Lohbauer's question as to why restaurants are prohibited, Ms. Payne said they would be permitted as farm-to table events where the food is produced on the farm but that is not considered a SOE. She said a dairy operation that sells its cheese and ice cream is totally protected as are apple picking festivals at orchards.

Ms. Payne said, under the Farmland Preservation Program, SADC is required to look at a farmer's financial records but wants to have minimal involvement and keep the program simple. She displayed various reporting forms from which SADC would determine the value of the farm's production and compare it with the soils productivity assessment to determine the agricultural production value. She said the draft provisions encourage simplified enforcement by

SADC and the County Boards of Agriculture with a written warning for a first violation but meaningful fines and revocation of permits to conduct SOEs for a subsequent offense.

In response to Chairman Prickett's question regarding the process to finalize these rules, Ms. Payne said the staff recommendations will be presented to the SADC for action. She noted that SADC consists of eleven members: four farmers; two members of the public; representatives of the Departments of Treasury, Environmental Protection and Community Affairs; Rutgers University; and the Secretary of Agriculture, who is the Chairman. She noted that four of the seats are not filled but are on the Senate Judiciary Committee's agenda for this week.

In response to a question from Ms. Roth, Ms. Payne said the Committee wants a balance, so the farmers are not all from a specific area.

In response to Commissioner Lohbauer statement that he hoped SADC could assist the Commission's Climate Committee on farming matters, Ms. Payne responded that she would be happy to do so but the experts are at Rutgers, not SADC, and there are great resources throughout the state.

Chairman Prickett suggested the December 13, 2019 Commission meeting would be a good time to reach out to the rest of the Commission to solicit comment on SADC's draft proposal.

Ms. Roth said she would coordinate the comments on behalf of the Commission and advance them to SADC.

7. Continued discussion of Section 502 land acquisition funding

Chairman Prickett said, at the last P&I Committee meeting, (*September 27, 2019*), Ms. Grogan had made a very helpful presentation on the "502" (*Section 502 of the National Parks and Recreation Act of 1978*) grant money. He said since that time he had met with Ms. Wittenberg and Ms. Grogan to discuss further the possibility of obtaining the remaining \$8 million in funding not yet allocated by Congress.

Ms. Grogan said staff had researched the status of the funding and found that the Commission and the New Jersey Department of Environmental Protection (NJDEP) were indeed compliant with the requirement that they request full funding within the first ten years after the adoption of the National Parks and Recreation Act of 1978, so that requirement had been satisfied.

Ms. Grogan said that staff had previously reported there were about 12,000 acres left to be preserved in the original 502 Areas but based on better mapping, the number is actually 14,000 acres. She said it is unlikely that the additional \$8 million would be sufficient to acquire all that land but it is also unlikely that all the owners will want to sell. She said if the Commission obtains the additional funding, it may need to designate some new 502 funding areas.

In response to a question from Commissioner Lohbauer, Ms. Grogan said the Commission is responsible for designating the target areas in need of protection.

Ms. Grogan said staff would reach out to NJDEP. She said since it is they who administer the funding, this needs to be a joint effort. She noted that many attempts to secure the funding have been made over the years, sometimes generally and other times in relation to a specific project.

In response to Chairman Prickett's question if the Committee was interested in pursuing the remaining \$8 million, Commissioner Lloyd said he had no reservations about proceeding and there was a general affirmation by the Committee.

Ms. Wittenberg said the Commission will work with the Governor's office to initiate the process with Congress.

Ms. Grogan said staff is updating mapping so that the legislators can see where lands of interest are located.

Ms. Roth said there is no formal process for State legislators to be involved.

Chairman Prickett thanked staff for having brought the matter to his attention.

8. Public Comment

Mr. Fred Akers, with the Great Egg Harbor River Watershed Association, commended the Commission on the ROW program. He said the program has been successful in its design to optimize habitat in disturbed areas.

Commissioner Lohbauer asked for a status update on the plaques for former Commissioners to which Ms. Wittenberg responded that she felt there was little interest in providing them but staff could survey the Commissioners. She noted that from her own experience, such items tend to accumulate and they become somewhat meaningless.

Commissioner Lloyd said he shared Ms. Wittenberg's concern that there was little interest.

Mr. Leakan said framed Pinelands photographs have been given in the past.

Commissioner Irick said he had raised the plaque issue at the Commission meeting but he was willing to hear the opinions of others.


Chairman Prickett noted that the Pinelands National Reserve 2020 Calendar had been distributed to all Commissioners this morning.

Mr. Leakan said that the Pinelands calendar, like the Short Courses, the visitors' center, and the Speakers Series, serves to promote awareness of the Pinelands and contributes toward an interest

in protecting it. He said the calendars will be available at the Batsto Village Visitors Center and the headquarters of Bass River and Brendan Byrne State forests.

There being no further business, Commissioner Lohbauer moved the adjournment of the meeting at 11:45 a.m. Commissioner Howell seconded the motion and all voted unanimously to adjourn.

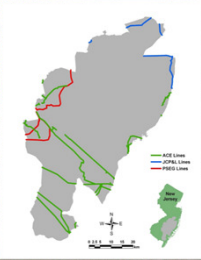
Certified as true and correct:



Betsy Pifer,
Principal Planning Assistant

Date: December 18, 2019

An Overview of the New Jersey Pinelands Electric-Transmission Right-of-Way Vegetation Management Plan and CMP Pilot Program



Jean Montgomerie
Environmental Specialist
Pinelands Commission

11/27/2019


NEW JERSEY PINELANDS ELECTRIC-TRANSMISSION RIGHT-OF-WAY VEGETATION-MANAGEMENT PLAN

Approval:
The Commission approves the New Jersey Pinelands Electric Transmission Right-of-Way Vegetation Plan (ROW Plan) in 2009.

Purpose:

- Maintain early successional habitats
- Preserve wetlands integrity
- Maintain utility transmission line safety

Extent:
Manage 233 miles of high voltage ROW in the Pinelands Area.




11/27/2019

ROW Pilot Program Timeline

- 2009: ROW Plan approved as a 10-year Pilot Program in the CMP.
- 2010: Companies begin annual reporting on which spans were managed.
- 2014: Staff provided the First Progress Report on years 2010-2012 to Commission.
- 2017: Staff provided the Second Progress Report on years 2013-2015 to Commission.
- 2019: **“Commission Executive Director must review Pilot Program and determine whether or not the Program has been successful and may be incorporated into CMP.”**
- “Or two-year extension”**

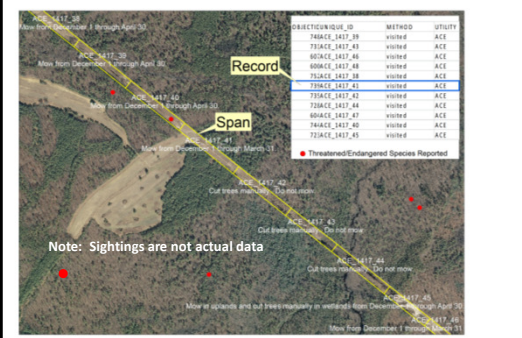
11/27/2019

The Vegetation Management Prescriptions



- Developed by Rutgers University and Pinelands Commission Science staff to maintain Pinelands successional habitats
- Are on a span-by-span basis for all 3,041 spans in the Pinelands
- Prescriptions reflect local Pinelands habitats such as scrub-shrub vegetation, emergent wetlands, ponds and grasslands
- 59 prescriptions were developed, the basic prescriptions are “mow” and “cut trees manually, do not mow,” with various additional restrictions added, such as a timing restriction

11/27/2019



Record

DIRECTION	ID	METHOD	UTILITY
FRANCE	1417_38	visited	ACE
FRANCE	1417_40	visited	ACE
FRANCE	1417_42	visited	ACE
FRANCE	1417_44	visited	ACE
FRANCE	1417_46	visited	ACE
FRANCE	1417_48	visited	ACE
FRANCE	1417_50	visited	ACE
FRANCE	1417_52	visited	ACE
FRANCE	1417_54	visited	ACE
FRANCE	1417_56	visited	ACE
FRANCE	1417_58	visited	ACE
FRANCE	1417_60	visited	ACE
FRANCE	1417_62	visited	ACE
FRANCE	1417_64	visited	ACE
FRANCE	1417_66	visited	ACE
FRANCE	1417_68	visited	ACE
FRANCE	1417_70	visited	ACE

Span

Note: Sightings are not actual data

Spreadsheet integration with Arcview mapping

11/27/2019

The Three Utility Companies

No. of Spans (3,041)

- JCP&L 7%
- PSEG 8%
- ACE 85%

Area of ROW (2,695 acres)

- JCP&L 15%
- PSEG 38%
- ACE 47%

11/27/2019



Administered by Two Offices

<p>Regulatory Programs Office</p> <p>Site inspects ROWs to see if prescriptions are being carried out correctly.</p>	<p>Science Office</p> <p>Reports on vegetation study plots to assess the effects of the prescription.</p>
---	--

11/27/2019

The Pilot Program was generally successful in meeting its goals ...

... but we need more time to adopt an Amended ROW Plan that addresses issues encountered over the past ten years.

A two-year extension will allow the development of the Plan.

11/27/2019

Since 2012, all three utilities have been requesting the use of IVM (Integrated Vegetation Management), including limited herbicide use, to better manage tree regrowth.

11/27/2019



Special Occasion Events on Preserved Farmland

PRESENTATION TO THE SADC
SEPTEMBER 26, 2019

Current SOE Pilot Law

- Applies to preserved farm wineries only
- Allows SOEs, subject to conditions
- No RTF protection
- SADC required to submit recommendations to the legislature and Governor (winter 2019)
- SADC SOE Working Group

Examples of SOEs

- Weddings / receptions / parties
- Corporate gatherings
- Seasonal festival (e.g., community festival)
- Outdoor concert
- Dance night (e.g., country dancing in the barn)
- Holiday event (e.g., Mother’s Day brunch)

Goals

- Support viability of family farms thru increased “agtourism” income
- Allow all preserved farms to host a small number of SOEs (not just wineries)
- Connect increased SOEs opportunity with increased ag'l production
- Grow NJ vineyards and wineries by creating a separate class for wineries – to recognize unique nature of the product and limits on marketing opportunities – and allow a higher number of SOEs
- Try to keep it simple...

Remember!

- These limits **DO NOT** apply to:
 - SOEs held on preserved farm **EXCEPTION AREAS**
 - Activities & events granted **RTF PROTECTION** by a CADB

Basic Provisions

- All farms:
 - ≥ \$10,000 of ag'l production value = 8 SOEs/yr
 - ≥ \$50,000 “ “ “ “ = 15 SOEs/yr
- Wineries:
 - ≥ \$50,000 of grapes/fruit value = 26 SOEs/yr
 - ≥ \$100,000 “ “ “ “ = 52 SOEs/yr
- Wineries:
 - SOE income can't exceed 25% of gross income
 - At least 50% of grapes processed must be grown by the commercial farm

Other Provisions

- Food – allow outside catering & food trucks; prohibit “restaurants”
- Protect the farm’s resource
 - allow up to 5% of the farm to be used to support SOEs
 - 2.5 acre minimum / 5 acre maximum
 - temporary improvements only
- No additional RTF protection
- Simplify enforcement
 - CADB/SADC to hear the matter at a public meeting
 - If violations found, 1st offense is a warning and thereafter suspension and/or fines
- Simplify administration
 - stay out of farmers’ books!
 - use existing data to determine ag production value

SUPPLEMENTAL FARMLAND ASSESSMENT GROSS SALES FORM
 FILE ANNUALLY BY AUGUST 1 OF THE PRE-TAX YEAR

If the application includes a Farm WQ-1, check one: Woodland Management Plan All Forest Management Plan Other: _____

SECTION I IDENTIFICATION

COUNTY: Essex MUNICIPALITY: Essexboro, NH
 OWNER'S NAME: Equation Farms TAX YEAR: 2018
 PROPERTY LOCATION: 100 Newbury Street, 30700 MAPSHEET: 107
 TO ADJACENT: 502 - 5.5 (Other: _____)

SECTION II GROSS SALES

Field Crops	Acres	Ornamental Crops	Acres	Apiculture	Acres	Forest Area
						30.83
						50.88
						55.91

SECTION III SIGNATURE AND VERIFICATION OF OWNERS

The undersigned declares this form, including any accompanying schedules and statements, has been prepared to the best of his or her knowledge and belief in truth and accuracy. Files of this form are a representation of the best and accurate information for the purposes of the assessment and for the purposes of the assessment and for the purposes of the assessment and for the purposes of the assessment.

Equation Farms LLC
 7/22/18

HOPEWELL TOWNSHIP SUPPLEMENTAL LAND USE FORM MERCER COUNTY

Block: _____ Lot: _____
 Land is located by owner: Equation Farms LLC
 Land is owned by: Equation Farms LLC Address: 5 Main St, Hopewell, NH

SECTION I IDENTIFICATION

COUNTY: Essex MUNICIPALITY: Essexboro, NH
 OWNER'S NAME: Equation Farms TAX YEAR: 2018
 PROPERTY LOCATION: 100 Newbury Street, 30700 MAPSHEET: 107
 TO ADJACENT: 502 - 5.5

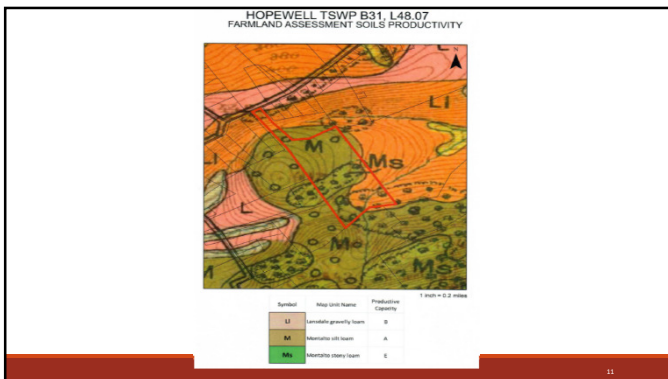
SECTION II GROSS SALES

Field Crops	Acres	Ornamental Crops	Acres	Apiculture	Acres	Forest Area
						30.83
						50.88
						55.91

SECTION III SIGNATURE AND VERIFICATION OF OWNERS

Equation Farms LLC
 7/22/18

COUNTY	SOIL GROUP	CROPLAND UNIMPROVED		CROPLAND IMPROVED		PERMANENT PASTURE		NON-AGRICULTURAL WOODLAND		AFFORESTED WOODLAND		IMPUTED OPENING VALUE
		SOIL NETTING ACRES	VALUE PER ACRE	SOIL NETTING ACRES	VALUE PER ACRE	SOIL NETTING ACRES	VALUE PER ACRE	SOIL NETTING ACRES	VALUE PER ACRE	SOIL NETTING ACRES	VALUE PER ACRE	
ESSEX	A	120	1,080	120	540	110	180	110	174	110	80	150
	B	100	900	100	450	100	150	100	150	100	40	110
	C	40	360	40	180	30	45	30	45	30	15	40
	D	10	90	10	45	10	15	10	15	10	5	10
GLOUCESTER	A	120	936	120	468	110	172	110	153	110	43	101
	B	100	760	100	380	100	144	100	127	100	30	80
	C	40	312	40	156	30	54	30	81	30	15	30
	D	10	78	10	39	10	18	10	27	10	3	7
HUNTERDON	A	120	936	120	468	110	172	110	153	110	43	101
	B	100	760	100	380	100	144	100	127	100	30	80
	C	40	312	40	156	30	54	30	81	30	15	30
	D	10	78	10	39	10	18	10	27	10	3	7
MERCER	A	120	912	120	456	110	168	110	148	110	42	94
	B	100	760	100	380	100	144	100	123	100	30	78
	C	40	312	40	156	30	54	30	80	30	15	30
	D	10	78	10	39	10	18	10	27	10	3	7
MIDDLESEX	A	120	1,080	120	540	110	180	110	180	110	80	150
	B	100	900	100	450	100	150	100	150	100	40	110
	C	40	360	40	180	30	45	30	45	30	15	40
	D	10	90	10	45	10	15	10	15	10	5	10
MONTMOUTH	A	120	1,032	120	516	110	166	110	166	110	47	103
	B	100	860	100	430	100	142	100	142	100	43	86
	C	40	344	40	172	30	55	30	55	30	17	34
	D	10	86	10	43	10	14	10	14	10	4	8
MORRIS	A	120	1,032	120	516	110	166	110	166	110	47	103
	B	100	860	100	430	100	142	100	142	100	43	86
	C	40	344	40	172	30	55	30	55	30	17	34
	D	10	86	10	43	10	14	10	14	10	4	8



Special Occasion Events (SOEs) on Preserved Farmland
DRAFT – 9/26/2019

Evaluation Factor	Parameters	Notes
Purpose	<p>Recognize an increasingly common on-farm activity related to hosting SOEs that provides preserved farm landowners opportunity for additional income that is accessory to the overall farming operation and increases community access to preserved farmland.</p> <p>Improve the farm-public interface, and in doing so, expand support for NJ farms and the Farmland Preservation Program.</p> <p>Recognize the unique nature of the wine industry including the statutory and regulatory limits wineries have on the ability to market their agriculture product</p> <p>Recognize the culturally unique “social” nature of wine as an agricultural product</p>	<p>Proposed parameters are for all preserved farms, both wineries and non-wineries.</p> <p>These events are NOT considered eligible for RTF protection.</p>
Examples	<p>Public and private Events – e.g., community day; fundraiser; movie night; concert; wedding; retreat; private party</p>	
Size and Frequency For Non-Wineries	<p>Total # of events permitted (for all farms):</p> <p>a. For farms with at least \$10,000 in agricultural production value on the commercial farm:</p> <ul style="list-style-type: none"> - Up to 8 SOEs per year - 1 of 8 events can have >250 ppl <p>b. For farms with >\$50,000 in agricultural production value on the commercial farm:</p> <ul style="list-style-type: none"> - Up to 15 SOEs per year - Up to 2 of 15 events can have >250 ppl 	<p>Farms < \$10,000 in agricultural production value are not permitted any SOEs</p> <p>Two brackets of event allowability, 8 & 15, related to the extent of agricultural productivity. Farms with greater ag productivity qualify for a greater number of events.</p> <p>Income will be determined from FA1 forms submitted; GIS mapping of farm’s soil productivity will be used to confirm feasibility.</p>

Special Occasion Events (SOEs) on Preserved Farmland
DRAFT – 9/26/2019

Evaluation Factor	Parameters	Notes
<p align="center">Size and Frequency For Wineries</p>	<p>Total # of events permitted:</p> <p><u>Same as for non-wineries, OR:</u></p> <p>c. For farms with > \$50,000 in grape/fruit production value on the commercial farm:</p> <ul style="list-style-type: none"> - Up to 26 SOEs per year <u>provided certain conditions are met.</u> - Up to 4 events can have >250 ppl <p>d. For farms with > \$100,000 in grape/fruit production value on the commercial farm:</p> <ul style="list-style-type: none"> - Up to 52 SOEs per year <u>provided certain conditions are met.</u> - Up to 6 events can have >250 ppl <p><u>Conditions:</u></p> <ul style="list-style-type: none"> - No more than 25% of gross income of the winery may come from SOE activities - At least 50% of grapes processed by the winery must come from the commercial farm 	<p>SOE income received by entities closely related to winery owner will count as SOE income of the winery.</p>
<p align="center">Duration</p>	<p align="center">1 day or less</p>	<p>2-day event counts as 2 events</p>
<p align="center">Eligible for RTF Protection</p>	<p align="center">No</p>	<p>These standards apply to events for which RTF is not obtained.</p>
<p align="center">Subject to municipal land use approvals</p>	<p align="center">Yes</p>	<p>Landowner must secure all required local approvals and permits.</p>

Special Occasion Events (SOEs) on Preserved Farmland

DRAFT – 9/26/2019

Evaluation Factor	Parameters	Notes
Occupied Area	<p>Up to 2.5 acres or 5 percent of the premises, whichever is greater, up to a maximum of 5 acres.</p> <p>Any impacts to the occupied area are minimal to ensure protection of ag resources and that land can readily be returned to productive ag use at the conclusion of the SOE.</p>	<p>Occupied area means the area of the premises (does not apply to exception areas) devoted to supporting the SOE, including but not limited to areas for parking, vendors, gatherings, tents, porta potties, etc.</p>
Infrastructure	<p>Existing buildings & temporary tents</p> <p>No new permanent infrastructure, buildings or building improvements</p> <p>Temporary infrastructure permitted, e.g., seating, stage, removable fire pit, etc.</p> <p>No other disturbance of the site permitted</p>	<p>All buildings and outdoor space utilized are included in occupied area.</p> <p>Temporary infrastructure must be removed within 7 days following the SOE and not result in any residual impact to the land.</p>
Utilities	<p>No new utilities, but allow temporary utilities, e.g., portable generators</p>	<p>Included in occupied area</p>
Sanitary Facilities	<p>Allow temporary porta-potties</p>	<p>Included in occupied area</p>
Parking	<p>Existing parking areas, curtilage and grassed areas for temporary parking, to the maximum extent practicable</p> <p>Temporary parking and offsite parking</p> <p>Temporary parking must comply with standards in N.J.A.C. 2:76-2A.13(h)4.</p>	<p>Included in occupied Area</p>

Special Occasion Events (SOEs) on Preserved Farmland
DRAFT – 9/26/2019

Evaluation Factor	Parameters	Notes
Vendors / Food Offerings	Permitted – e.g., catering, food vendors; other farms’ output; food trucks; jewelry/crafts	Included in occupied area Need to prevent “restaurants” from being created, particularly on wineries; unlevel playing field among wineries, breweries and distilleries
CADB Approval/Registration Process	<p>CADB approval required for all events to evaluate potential impact to the farm.</p> <p>Pre-Approvals – A landowner may annually submit to the CADB a plan for hosting SOEs. If plan is approved, a landowner may submit registration for individual events throughout the year provided the events are consistent with the plan and do not exceed 250 ppl. Registration submitted 10 days prior to SOE.</p> <p>Individual Approvals – For events with greater than 250 ppl, or not covered by pre-approval, CADB review and approval is required. Request for approval must be submitted to CADB 60 days in advance. CADB must copy municipality on requests and SADC on approvals.</p>	<p>Copy of all applications need to be submitted to the municipality at least 30 days in advance.</p> <p>Copy of applications for over 250 ppl to be sent to neighbors (like SSAMP).</p> <p>Plan to include property boundary, defined occupied area, areas of public assembly, parking etc.</p>
Local Approvals	Landowner required to secure all necessary approvals. If site plan is required, a copy should be provided to the CADB and SADC.	
Relationship to OFDM AMP	In addition to AMP authorized activities/events.	Landowner must obtain SSAMP to determine what events are covered under the SSAMP. All others will be considered SOEs.

Special Occasion Events (SOEs) on Preserved Farmland
DRAFT – 9/26/2019

Evaluation Factor	Parameters	Notes
Enforcement	<ul style="list-style-type: none"> • SADC/County or NP easement holder has right to inspect to confirm compliance. • For suspected violations, the SADC or CADB is required to hear the matter at a regularly scheduled meeting and issue its decision. CADB/NP decisions subject to appeal to SADC. • If a violation is found to have occurred, landowner receives written warning. • Second and subsequent offenses result in revocation of permit to hold SOEs for some period of time (TBD) and subject to fines. 	

DRAFT
FOR DISCUSSION
ONLY