



# Aquidneck Island Land Trust

## **Answers to Questions Regarding the Sweet Berry Farm Proposal**

***Q. Why is the Aquidneck Island Land Trust involved in the review of Sweet Berry Farm's proposal to add structures on its property?***

**A.** The Land Trust holds conservation easements on three Sweet Berry Farm parcels in Middletown, including Plat/Lot 125/1, where the farm's proposed structures would be located. This conservation easement has preserved the land's use for agriculture and precluded the possible future use of this land for large scale residential development.

***Q. What is a conservation easement?***

**A.** It's a voluntary legal agreement between a landowner and a land trust or government agency that permanently protects a property's conservation values by restricting certain development or land uses while preserving certain rights for the landowner. These rights and restrictions are negotiated at the time the easement is established.

***Q. What is the Land Trust's role in reviewing the Sweet Berry Farm proposal?***

**A.** Under the terms of the 1996 conservation easement on Plat/Lot 125/1, the landowner is required to notify the Land Trust of his intention to add structures independent of any other approvals.

We received notice and conducted an extensive review of the Sweet Berry Farm proposal. That included reviewing the proposed plans in relationship to permitted uses and structures, discussion with the landowner, and performing legal review.

The Land Trust's response to the landowner, which contains a detailed review with substantive comments related to the easement, was submitted to the Middletown Planning Board by the landowner. We continue to review all available information related to the farm's proposal, including filings with the Town of Middletown.

***Q. As the easement holder, is the Land Trust endorsing or opposing the Sweet Berry Farm proposal currently before the Town of Middletown?***

**A.** No, that's not our role, which is limited and clearly defined: We undertake a conservation easement and legal review to determine whether the farm's proposed structures and activities are consistent with the easement.

***Q. Does the easement on the Sweet Berry Farm parcel allow structures and uses like the ones being proposed by the farm?***

**A.** Yes. The easement, which requires that the primary use of the land remain agricultural, explicitly allows for structures that are "accessory to" that agricultural use, as well as activities consistent with the Middletown Zoning Ordinance and the Rhode Island Right to Farm Act.

**Q. Could the Land Trust amend the accessory uses permitted in the easement?**

**A.** No, not without the consent of the landowner. The agreement's terms are legally binding and remain in effect even when the property changes ownership.

**Q. Why is the Middletown Zoning Ordinance relevant to the Sweet Berry Farm proposal?**

**A.** The Town of Middletown Zoning Board in a 2011 Decision (recorded in Middletown Land Evidence Book 1262, Page 234) granted a Special Use Permit under its zoning ordinance for sale of farm products, arts and crafts, kitchen with catering, sandwiches and other food stuffs for consumption on and off the premises and to allow events in the barn and outside. The Building/Zoning official determined the barn to be the principal agricultural structure on the lot and the farm stand as previously approved accessory structure not requiring additional zoning relief in a February 25, 2026, letter to the Planning Board.

**Q. Why is the Rhode Island Right to Farm Act relevant to the Sweet Berry Farm proposal?**

**A.** The Act was enacted in 1982 to preserve the viability of agricultural operations in Rhode Island. Among its provisions is the recognition of activities such as retail sales and special events as legitimate accessory farm uses. The General Assembly in 2014 clarified permitted mixed-uses to include but not be limited to "the display of antique vehicles and equipment, retail sales, tours, classes, petting, feeding and viewing of animals, hay rides, crop mazes, festivals and other special events," recognizing these as "valuable and viable means of contributing to the preservation of agriculture."

**Q. How does the Land Trust make sure a landowner like Sweet Berry Farm stays in compliance with the conservation easements you hold?**

**A.** We inspect conserved properties at least annually and are responsible for enforcing the terms of each easement. When we believe a property owner is out of compliance, we work with them to correct the situation. In most cases these issues are amicably and quickly resolved. When that is not the case, we take legal action.

**Q. Given the farm's compliance with the easement, does the Land Trust have the authority to allow Sweet Berry Farm to move forward with its proposal?**

**A.** No. As is the case with all Middletown land development proposals, the Middletown Planning Board has the ultimate authority to approve, approve with conditions, or deny the farm's plans. In addition, the Planning Board reviews important considerations that fall outside the scope of the conservation easement, including traffic, noise, and related impacts.

**Q. If Sweet Berry Farm's proposal is approved by Middletown, how could the farm fall out of compliance with the Land Trust's easement?**

**A.** Whether the proposal is permitted to move forward or not, we are responsible for diligently monitoring the property to make sure it continues to function primarily as a working farm. As we've made clear to the landowner, we consider the proposal to be in compliance with the conservation easement as long as the barn remains primarily agricultural and all structures and their uses remain accessory to the primary agricultural use, support the active agricultural operation on the property, do not detract from the overall agricultural values of the site, and remain in compliance with the Middletown Zoning Ordinance and the Right to Farm Act.

**Q. Ultimately, who makes sure Sweet Berry Farm is functioning primarily as a working farm, not an entertainment or meeting venue?**

**A.** In addition to the Land Trust's monitoring and enforcement, there are municipal checks in place to assure this remains a working farm. As stipulated in the Sweet Berry Farm easement, agriculture use is determined under the Middletown Zoning Ordinance, placing the same operational rules and level of oversight on this farm as every other Middletown farm. Under the Special Use Permit obtained by Sweet Berry Farm, their promotion accessory uses must be "clearly incidental" to agriculture. So, any allowed farm promotion accessory uses cannot overtake the primary agricultural use. This required balance is continually monitored and enforced by both the Town and the Land Trust.

**Q. Based on your monitoring, have the new owners of Sweet Berry Farm continued to focus on farming in compliance with the easement?**

**A.** Yes. In the past year additional farming staff have been hired, soil improvement initiatives have been implemented, additional acres have been designated for cultivation, and chickens are now onsite. These and other investments support our determination that this property continues to function primarily as a working farm.

**Q. Do you believe the Sweet Berry Farm easement has served its conservation purpose?**

**A.** Yes. Without the easement being in place and enforced over the last 30 years, it's almost certain Sweet Berry Farm's acreage would no longer be open land or a functioning farm. Most likely, the land would have been used for a housing development.

**Q. How does the Land Trust feel about the public opposition to this proposal?**

The Land Trust respects and welcomes the passionate participation of our neighbors in expressing their concerns to protect Aquidneck Island's quality of life, while preserving open space and the viability of the precious few farms still operating here. That's been our mission for more than 35 years and we appreciate the opportunity to explain the current and future role of the Land Trust.

In addition to our primary role in upholding the terms of the easement, as a community-based conservation organization we respect constructive public dialogue and encourage the Middletown Planning Board to listen to and meaningfully address the concerns being expressed.

**Q. Where can people find more information on the Sweet Berry Farm proposal and the public approval process underway?**

**A.** Here are a few suggestions to learn more:

- A March [What's Up Newport article](#) reports on the proposal and public review process.
- In preparation for a hearing on this proposal, the Middletown Planning Board has posted a packet of relevant documents/submissions on its [website](#).
- The [Land Trust's February 24, 2026, response](#), submitted by the landowner to the Middletown Planning Board, states the Land Trust's position in detail.
- The Middletown Conservation Commission reviewed Sweet Berry Farm's proposal at its April 13 meeting. You can view a [video](#) of that session, which includes a detailed presentation by the farm's ownership and staff.
- Sweet Berry Farm has posted a presentation of its proposal on its [website](#).