Aquidneck Island Land Trust

Answers to Questions Regarding Sweet Berry Farm

Q. ***How does the Land Trust feel about Sweet Berry Farm's decision to withdraw its development proposal from the Middletown Planning Board?***

A. We believe the farm's decision to withdraw its proposal in response to public concern and our continuing dialogue is in the best interests of the farm, the public, and the Land Trust.

Q. ***As the easement holder, did the Land Trust endorse or oppose the proposal Sweet Berry Farm submitted and has now withdrawn from the Middletown Planning Board?***

A. No. Our role is to enforce the easements we hold, not support or oppose landowner proposals. Regarding the withdrawn Sweet Berry Farm proposal, we stated a number of conditions qualifying our initial determination of the proposal's compliance, the most important of which is that the property continue to function primarily as a working farm. From subsequent discussions with the farm, it became clear we need more clarity about the non-agricultural events they intend to hold on the farm for us to confidently state that the proposal would comply with the terms of the easement.

Q. ***Do you expect the farm to come forward with a new plan?***

A. The farm has stated publicly that it is, "developing a proposal that better balances the farm's needs with the community's concerns."

Q. ***What would the Land Trust want to see in a new proposal?***

A. As we've stated since our initial review of the farm's first proposal, for us to be able to determine if their plans comply with easement terms, it's essential for us to have a clear understanding of the intended intensity of non-agricultural events on the property. Any revised proposal the farm presents to us and ultimately to the public must include far greater clarity than was presented in the withdrawn proposal. We look forward to continuing our discussions with the farm to ensure that any future proposals comply with the conservation easement on the property.

Q. ***Why has the Aquidneck Island Land Trust been involved in reviewing Sweet Berry Farm's consideration of new 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easements on three Sweet Berry Farm parcels in Middletown, including Plat/Lot 125/1, where the structures in the farm's withdrawn proposal were located. The easement requires the landowner to notify the Land Trust of any intention to add structures for our compliance review independent of any other approvals. Our enforcement of the 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 binding 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 Sweet Berry Farm development proposals?***

A. Under the terms of the conservation easement, the farm is required to notify the Land Trust of its intention to add structures independent of any other approvals.

Regarding the withdrawn proposal, we received notice and conducted an extensive review 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 contained a detailed review with substantive comments related to the easement and its restrictions, was submitted to the Middletown Planning Board by the landowner. And we continued our discissions with the farm and reviewed all available information related to the farm's proposal, including filings with the Town of Middletown.

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

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. ***How is the Middletown Zoning Ordinance relevant to what Sweet Berry Farm is allowed to do on its property?***

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. In the case of the farm's withdrawn proposal, 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. ***How is the Rhode Island Right to Farm Act relevant to Sweet Berry Farm?***

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. ***If you determine a Sweet Berry Farm proposal is in compliance with the easement, does the Land Trust have the authority to allow the farm to move forward with its plans?***

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. The Planning Board reviews important considerations that fall outside the scope of the conservation easement, including traffic, noise, and related impacts.

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

A. Whether a 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 made clear to the landowner, we considered their withdrawn proposal to be in compliance with the conservation easement only as long as the barn remained primarily agricultural and all structures and their uses remained accessory to the primary agricultural use, supported the active agricultural operation on the property, did not detract from the overall agricultural values of the site, and remained 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 contribute to the farm's agricultural sustainability and 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 the farm's now withdrawn proposal and criticism of the Land Trust's position?***

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 deeply value the trust we've earned.