



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## OPEN SPACE COMMITTEE

Wednesday, March 6, 2019

4:30 P.M.

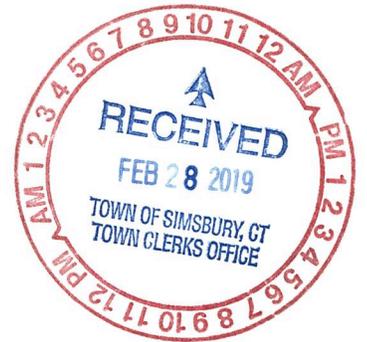
Main Meeting Room, Town Hall, 933 Hopmeadow Street

## REGULAR MEETING AGENDA

Call to Order

1. Public Audience
2. Minutes of January 2, 2019
3. Discussion Regarding the Committee's Role in Open Space Stewardship
4. HB5254 – An Act Establishing a Pilot Program Authorizing Municipalities to Impose a Buyer's Conveyance Fee on Real Property to Fund the Purchase and Stewardship of Open Space
5. Updates (Oral Reports)
  - Parks and Open Space Master Plan
  - Policies and Procedures Work Group
  - Belden Forest Old Growth Forest Designation Application

Adjourn



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**Open Space Commission**  
**Wednesday January 2, 2019**  
**4:30PM-Simsbury Town Hall- Main Meeting Room**  
**REGULAR MEETING**

**PRESENT:** Margery Winters, William Rice, David Ryan, Helen Peterson, Susan Masino, Timothy Walczak, David Bush, and Eric Wellman (via phone)

**ALSO PRESENT:** Maria Capriola Town Manager, Michael Glidden, Director of Planning and Community Development, Tom Tyburski, Director of Culture, Parks, and Recreation

**Absent:** none

**Call to Order**

Ms. Winters called the meeting to order at 4:30

**1) Public Audience**

Ms. Winters asked if there any members of the Public that wished to speak.

Anita Mielert spoke about the costs associated with the proposed open space master plan. Ms. Mielert discussed the disposition of open space parcels.

Dianne Nash spoke against the disposition of open space parcels.

**2) Approval of Meeting Minutes from 9/15/2018**

Mr. Rice noted a change in the statement accredited to him on page 2 changing the term sold to disposition.

Ms. Winters welcomed the new member Timothy Walczak to the commission.

**3) Open Space Master Plan Update**

T. Tyburski provided an update to the group that 5 responses were submitted for the master plan update RFQ. Staff reviewed the submittals and 4 firms have been selected for interview. Staff and members of the commission will interview the potential candidates on 1/30/2019.

M.Capriola stated staff is preparing an outline which will go out to firms. This document will provide a guideline for expectations.

**4) Old Growth Forest Designation for Belden Forest**

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48 Ms. Masino spoke to the designation request. She discussed the old growth network.  
49 She reviewed the experts that have visited the site and all felt that this property would  
50 qualify for the designation. Ms. Masino stated that the designation would not have a  
51 legal commitment for the Town of Simsbury. She would ask that a recommendation be  
52 forwarded to the Board of Selectmen for the designation.

53  
54 Mr. Wellman asked what the upside for joining the network is.

55  
56 Ms. Masino explained how the recognition will make the site be a destination, future  
57 residents would know that the intent of this property is to be left alone. Maintenance of  
58 the property is reduced to monitoring.

59  
60 Mr. Wellman asked whether there were any prohibitions for maintaining walking trails.

61  
62 Ms. Masino stated there are not restrictions of the designation that would prevent  
63 maintenance of walking trails.

64  
65 Mr. Ryan asked whether the details for maintenance should be part of the master plan.

66  
67 Ms. Winters reviewed the characteristics of active management plans verses passive.

68  
69 Ms. Masino mentioned that Gerry Toner had members from the Yale School of Forestry  
70 that visited to the site and commented on the value of the property.

71  
72 Ms. Peterson noted all the value of designating the property as old growth such as  
73 improving air quality, preserving the area as a carbon sink and promoting positive  
74 aspects of the community. Ms. Peterson stated that some terms need to be clarified  
75 such as stewardship and maintenance.

76  
77 Mr. Bush inquired about the acreage of the property and topography.

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79 Ms. Masino noted the property is 40 acres and there are some steep slopes.

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81 Mr. Bush asked about the old growth network and stated concern of lack of experience  
82 of the organization.

83  
84 Ms. Masino stated that the organization has been around for nearly 10 years with 90  
85 forests that are located in 21 different states.

86  
87 Ms. Peterson stated that the eastern states are known for active management such as  
88 forestry.

89  
90 Ms. Winters noted that Connecticut forests are young. In 1830, a lot of the area was  
91 cleared for pasture.

92

93 Ms. Peterson mentioned that there was a recent article that health aspect of pocket  
94 forests.

95  
96 Mr. Bush asked about the species of trees at this property.

97  
98 Ms. Winters noted the site contains white pines and beach trees.

99  
100 Mr. Bush stated he supports the concept however would like to visit the site and  
101 research the organization.

102  
103 Mr. Ryan questioned why there no cost associated with the designation.

104  
105 Ms. Masino described how the group wants to assure protection is provided for forests  
106 and is not a for profit group.

107 **Motion:** Ms. Peterson made a motion to send a recommendation to the Board of  
108 Selectmen concerning the designation of Belden Forest as an Old Growth Forest and to  
109 schedule a site walk with Board of Selectmen. Mr. Walczak seconded the motion.

110  
111 M.Capriola noted that this item can be added to the agenda for the 1/14/2019 meeting  
112 for the Board of Selectmen.

113  
114 Ms. Peterson offered to schedule a special meeting if needed in order to move item  
115 forward.

116  
117 **Amended Motion:** Ms. Peterson amended the motion to send a recommendation to the  
118 Board of Selectmen to designate Belden Forest as an Old Growth Forest and to  
119 schedule a site walk with the Board of Selectmen and the Conservation Commission.  
120 Mr. Walczak seconded the amended motion. The motion passed (5-0 -1) Mr. Ryan  
121 abstained.

122  
123 **5.) Policies and Procedures**

124  
125 M.Capriola introduced several draft documents to use as guidance for updating  
126 acquisition guidelines and criteria along with the land management plans.

127  
128 Ms. Peterson stated the master plan should provide some guidance for some of these  
129 policies. She mentioned that there was a policy last adopted in 1999, however it is time  
130 to update to current trends.

131  
132 Mr. Bush questioned whether the April 2016 policy differed from what Ms. Peterson.

133  
134 Ms. Peterson stated the 2016 policy did not advance the updated policy and it was not  
135 consistent with the 1999 document.

136  
137 Ms. Winters commented on how she liked the documents from Mansfield  
138

139 M.Capriola noted that a work group could be formed as a subcommittee to look at  
140 updating these policies and documents.

141  
142 The following members volunteered to be part of the work group:  
143 Margery Winters, Timothy Walczak, Susan Masino (on a limited basis), and Helen  
144 Peterson

145  
146 **6.) Updates (Oral Reports)**

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148 Ms. Masino provided update from the State Grange and upcoming legislation. She  
149 reported that Amendment 2 concerning legislative requirements to transfer state  
150 properties passed at the last election as an amendment to the Constitution.

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154 **Adjourn**

155  
156 **Motion:** Mr. Ryan made a motion to adjourn the meeting at 5:59 pm. Mr. Rice seconded  
157 the motion. The motion passed.

158  
159 Respectfully submitted,

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162  
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164  
165 **Michael Glidden CFM CZEO**  
166 **Director of Planning**



Robert M. DeCrescenzo  
(t) 860.548.2625  
(f) 860.548.2680  
rdecrescenzo@uks.com

October 21, 2016

Lisa L. Heavner  
First Selectman  
Town of Simsbury  
933 Hopmeadow Street  
Simsbury, CT 06070

Re: Stewardship of Town Open Space

Dear Lisa:

You have asked me to outline the roles and responsibilities of the Open Space Committee and the Conservation Commission regarding the stewardship and management of the Town's open space areas.

The Open Space Committee is defined in Charter Section 616. The role of the Committee is to "assist and advise the Board of Selectmen in identifying and evaluating land deemed suitable for acquisition and preservation and administering the fund for land acquisition and preservation".

The Conservation Commission is defined in Charter Section 605. The role of the Conservation commission is to exercise "all the powers and duties, not inconsistent with this Charter, as are now or may hereafter ben conferred or imposed on such Commission and on the Town Forest Commission by Section s 7-131, 7-131a, 22a-42 and 22-42a of the Connecticut General Statutes".

Those powers and duties are defined in General Statutes §7-131a, which states that the conservation commission "may supervise and manage municipally-owned open space or park property upon delegation of such authority by the entity which has supervisory or management responsibilities for such space or property".

The Open Space Committee's role is to "identify and evaluate land deemed suitable for acquisition and preservation". Once the open space land is acquired by the Town, the Conservation Commission is charged with authority to manage the land if that authority is delegated to the Commission. Therefore, under the Charter, the management of the Town's open space areas is more appropriately within the powers and duties of the Conservation Commission, not the Open Space Committee as defined by the Town Charter.

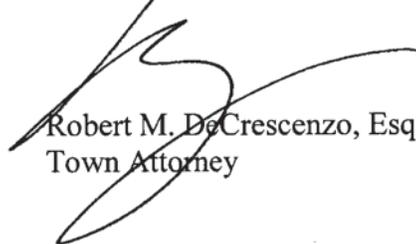
**Updike, Kelly & Spellacy, P.C.**

100 Pearl Street ■ PO Box 231277 ■ Hartford, CT 06123 (t) 860.548.2600 (f) 860.548.2680 [www.uks.com](http://www.uks.com)  
1395594

Lisa L. Heavner  
Page 2  
October 21, 2016

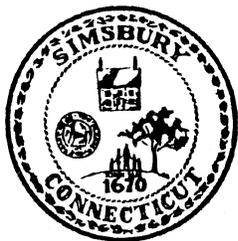
I trust this responds to your inquiry. Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Robert M. DeCrescenzo, Esq.  
Town Attorney

RMDe/psm



# Town of Simsbury

933 HOPMEADOW STREET ~ SIMSBURY, CONNECTICUT 06070

Maria E. Capriola - Town Manager

## MEMORANDUM

**To:** Board of Selectmen Members  
**From:** Maria E. Capriola, Town Manager  
**Date:** February 6, 2019  
**Subject:** HB5254 – An Act Establishing a Pilot Program Authorizing Municipalities to Impose a Buyer’s Conveyance Fee on Real Property to Fund the Purchase and Stewardship of Open Space

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Attached for your reference, please find a letter from the Simsbury Land Trust regarding HB5254 – An Act Establishing a Pilot Program Authorizing Municipalities to Impose a Buyer’s Conveyance Fee on Real Property to Fund the Purchase and Stewardship of Open Space. The Land Trust is asking the Town to formally support the proposed legislation.

I have also attached the proposed bill and some informational materials on the topic prepared by the Connecticut Conservation Council. Should the Board desire to learn more about this topic, or discuss the matter, please let me know and I will schedule this as a future agenda item.



General Assembly

January Session, 2019

**Committee Bill No. 5254**

LCO No. 3401



Referred to Committee on ENVIRONMENT

Introduced by:  
(ENV)

**AN ACT ESTABLISHING A PILOT PROGRAM AUTHORIZING MUNICIPALITIES TO IMPOSE A BUYER'S CONVEYANCE FEE ON REAL PROPERTY TO FUND THE PURCHASE AND STEWARDSHIP OF OPEN SPACE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) A municipality may  
2 impose, by vote of the legislative body of such municipality, a buyer's  
3 tax on the conveyance of real property, occurring on or after July 1,  
4 2019, at the rate of not more than one per cent of the consideration paid  
5 by the buyer in excess of one hundred fifty thousand dollars. Such tax  
6 may be retained by the municipality, shall be kept in a separate  
7 account and shall be used for any of the following purposes approved  
8 by the Office of Policy and Management: (1) Purchase of development  
9 rights related to or the purchase of open space land, forest land, farm  
10 land or waterfront property by the municipality or by the municipality  
11 in cooperation with the state or federal government or with a private  
12 organization such as a land trust, (2) brownfield remediation, or (3)  
13 other environmental projects.

14 (b) Conveyances resulting in the preservation of open space land,

15 forest or farm land shall be exempt from any tax imposed pursuant to  
16 the provisions of subsection (a) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

**Statement of Purpose:**

To enable municipalities such as Bolton, Bozrah, Bloomfield, Bethany, Coventry, Hartford, Lyme, New London, Norfolk, North Stonington and Warren to impose a conveyance tax on certain real property sales in order to generate funds for the preservation of open space.

Co-Sponsors: REP. GRESKO, 121st Dist.

H.B. 5254



# SIMSBURY LAND TRUST

P.O. Box 634 | Simsbury, CT 06070 | tel 860.651.8773 | fax 860.651.8773 | www.simsburylandtrust.org

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*Preserving Simsbury  
Open Space Since 1976*

January 31, 2019

Simsbury Board of Selectmen  
c/o Eric Wellman, First Selectman  
Town of Simsbury  
933 Hopmeadow Street  
Simsbury, CT 06070

Dear Board of Selectmen,

For many years, the Town of Simsbury has supported the public and private acquisition of open space. This open space has been one reason often cited why existing and future residents choose to live in Simsbury and has been seen as having a positive impact on property values. Despite this, open space is unique among the Simsbury's public assets in that it does not have a secure funding basis for its maintenance and stewardship. If an opportunity arose, it would be in the public interest for the Town to expand its options to secure such funding for these ongoing activities.

To that end, the Simsbury Land Trust urges the Board of Selectmen to send a letter to Representative John Hampton requesting that the Town of Simsbury be included in the list of towns in support of proposed legislation to be introduced for a "Municipal Open Space Funding Bill". This State-level enabling legislation as initially proposed would allow, but not require, select towns and cities to establish their own dedicated source of conservation funding. Under this proposed bill locally-raised revenue would allow towns to fund projects and steward land. These funds could be used to fulfill match requirements for state or federal grant programs; acquire new parcels of open space and farmland, and / or maintain lands currently protected by our community. By adding Simsbury's support to this enabling legislation Simsbury would have the option to decide whether or not to take advantage of this funding mechanism at a later date.

The Land Trust recognizes that the Town has land that that connects and enhances other open space properties including the Land Trust, State, and water company properties. In addition the town has unique properties that cannot be duplicated. Accordingly, it is the view of the Simsbury Land Trust that the Town' endorsement of this enabling legislation would further the discussion as to how to secure permanent funding for the Town's Open Space.

Sincerely,

Fred Feibel, President  
Simsbury Land Trust



# Town of Simsbury

Conservation Commission

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

February 8, 2019

Simsbury Board of Selectmen  
C/o Eric Wellman, First Selectman  
Town of Simsbury  
933 Hopmeadow Street  
Simsbury, CT 06070

Dear Board of Selectmen:

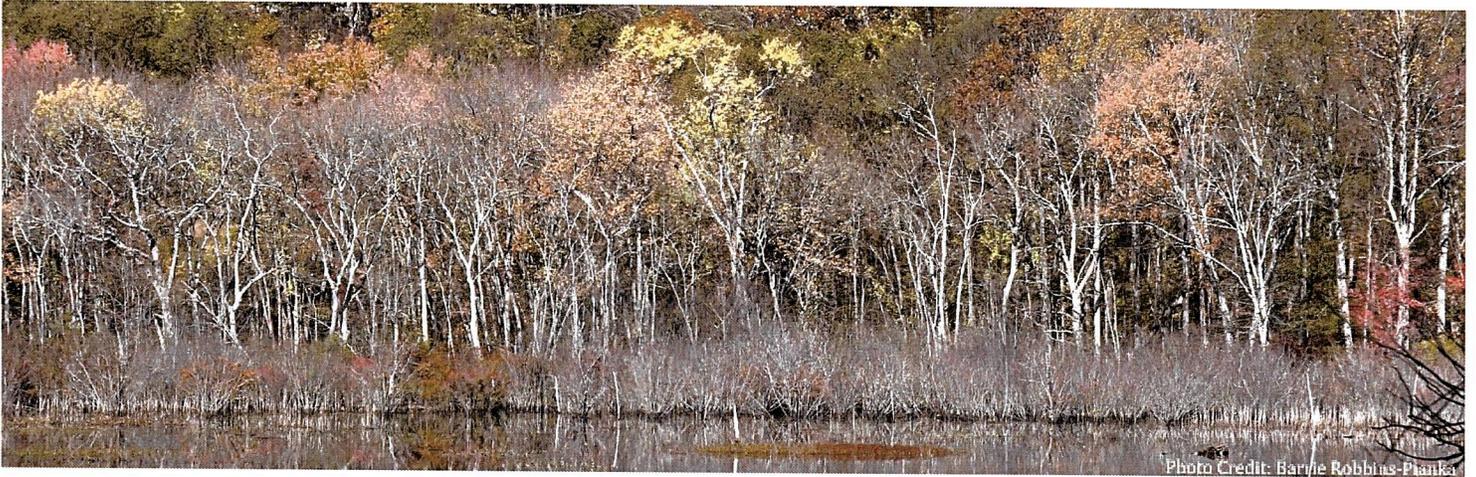
The Simsbury Conservation Commission respectfully requests that the Board of Selectmen send a letter to Representative John Hampton requesting that the Town of Simsbury be included in the list of towns supporting the proposed "Municipal Open Space Funding Bill." This State-level enabling legislation as initially proposed would allow, but not require, select towns and cities to establish their own dedicated source of conservation funding. Under this proposed bill locally-raised revenue would allow towns to fund projects and steward land. These funds could be used to fulfill match requirements for state or federal grant programs; acquire new parcels of open space and farmland, and / or maintain lands currently protected by our community. By adding Simsbury's support to this enabling legislation Simsbury would leave open the decision as to whether or not the Town would wish to take advantage of this funding mechanism at a later date.

Our open space property needs secure funding for its maintenance and stewardship. It is in the public interest that the Town expands its options for funding these ongoing activities and determines a funding process that would be in the best interest of the Town.

Sincerely,

Margery Winters, Chair  
Simsbury Conservation Commission

# CONNECTICUT Land Conservation Council



## Enabling a Local Option for Land Conservation and Stewardship Funding

### Frequently Asked Questions

As of 11.27.18

**What does this bill do?** The proposed legislation would allow, *but not require*, certain municipalities to establish funding to acquire, preserve, and steward open space (including water resources) and farmland in their community by including a conveyance fee of up to 1% paid by buyers of real property.

**Why is this needed in CT?** Many cities and towns need a sustainable source of funding for local conservation and stewardship efforts that would not impact the municipal mill rate or require additional bonding. This added source of funding would enable certain communities to fulfill match requirements for state or federal grant programs, cover the costly expenses associated with acquiring land (appraisals, surveys, environmental assessments, etc.), and better maintain the town's natural open space properties, water resources, and farmland.

**If enacted, would this legislation require all towns to establish the program?** No. This legislation authorizes certain municipalities to decide, through their local public approval processes, whether to take advantage of this funding mechanism.

**Will a conveyance fee deter homebuyers or commercial investors?** Experience in other states shows the opposite. People and businesses are attracted to communities that have cleaner air and water, recreation options, local food sources, and protected natural beauty. The fee is a community investment in maintaining open spaces, water resources, and farmland, which in turn helps to sustain the community's natural assets, avoid the hidden costs of development, and even increases local property values (Gies, *Conservation: An Investment that Pays*, 2009).

**Would this make housing less affordable?** The fee is limited to a maximum of 1% and does not apply to the first \$150,000 (or a higher amount, at the municipality's discretion) of the sale price. Repaid over 20 or 30 years in a mortgage, that extra cost is minimal.

**If enacted, would the fee apply to all real property (i.e., residential, commercial, industrial)?** Yes, the proposed legislation is drafted to include all real property. However, a municipality may choose to restrict the fee to purchases of only residential property.

**May a municipality impose less than the 1% fee?** Yes. The proposed legislation indicates that the conveyance may be “up to 1%.” Therefore, a municipality may adopt a lower percentage fee.

**Can the money be used to purchase and maintain open space for active recreational purposes (i.e. ball fields)?** No. The purpose of the legislation is to fund acquisition and management of open space for passive recreation, habitat enhancement, and other natural resource protection purposes.

**Can the money be raided for other purposes?** No. If enacted, the legislation would require that funds raised through this program by the community must be dedicated to land conservation and stewardship.

**Would land purchased with these funds need to remain as town land?** This is a town decision, but towns could choose to make purchases in cooperation with land trusts, forming a local partnership that would make funds go further.

**Why allow funding to be used for stewardship?** There are two critical funding needs associated with open space and farmland protection: 1) funds for acquisition, and 2) ongoing resources for maintenance or stewardship. This legislation would allow municipalities to dedicate funding to both of these pressing needs as necessary.

**Would the conveyance fee be required in perpetuity at the local level?** Perpetuity is at the community's discretion.

**Have other states enabled similar legislation?** Nearby states (MA, NY, RI, PA, WV) have allowed some municipalities to enact a buyer's conveyance fee, with the income dedicated to conserving and caring for local natural areas. These programs have succeeded in protecting thousands of acres of open space, forests, meadows and farms. (See case studies, attached.)

**What is the difference between a fee and a tax?** The primary purpose of a tax is to raise revenue, whereas a fee is a payment in exchange for a service or privilege. The conveyance fee proposed by this Municipal Open Space Funding Option is revenue neutral, and provides conservation support to counteract the negative effects of development.

For more information, please contact  
Connecticut Land Conservation Council  
Amy Blaymore Paterson, Executive Director  
[abpaterson@ctconservation.org](mailto:abpaterson@ctconservation.org) or at 860-614-8537.

# CONNECTICUT

## Land Conservation Council

### 10 Reasons Why Land Trusts Support the Municipal Conveyance Fee for Funding Land Conservation and Stewardship

1. The Municipal Conveyance Fee will **support land trust goals** of conserving local open space, farmland, and community gardens, urban greenspace, scenic beauty, and protecting native plants and animals.
2. Municipalities often look to land trusts for assistance in the acquisition and stewardship of open space. This legislation would allow municipalities to dedicate funding for those purposes thereby **enhancing partnership opportunities** with local land trusts and other stakeholders.
3. By partnering with municipalities in conservation funding, land trusts can **leverage larger grants** for landscape scale conservation and stewardship.
4. Municipalities often use the funds to **pay land trust partners** for their expertise in a variety of services, like conducting baseline surveys, prioritizing conservation efforts, finding other funding partners, monitoring easements and fee lands, and carrying out stewardship projects, such as invasive species management.
5. Partnering with municipalities **strengthens community ties** between the entities, building local understanding and appreciation of land trusts that is frequently absent.
6. The conveyance fee funding mechanism **avoids taxpayer backlash**. Current municipal funding tends to be from property taxes that unfairly impact those with low incomes or overstretched resources, often causing a backlash against the conservation community when municipalities try to fund open space or stewardship projects by raising mill rates.
7. The fee is a **fair way to pay for land conservation**. Investors in local land transactions pay the fee, which is then spent to their benefit in municipal natural resources protection, thus assuring their property value.
8. Municipal involvement can strengthen trail networks with integrated recreational and educational opportunities that **enhance current land trust projects**.
9. The additional funding of local easements on farmland has enabled substantial local investment in **repurposing farms** to increase tourism and local economic benefit.
10. Generating support for the Municipal Open Space Funding Option will also **generate public awareness** about land trusts, potentially resulting in new memberships and increased interest.

For more information, please contact Executive Director Amy Blaymore Paterson at [abpaterson@ctconservation.org](mailto:abpaterson@ctconservation.org) or (860) 852-5512.