



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

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## OPEN SPACE STEWARDSHIP AND POLICES WORK GROUP

October 13, 2021

4:00 P.M.

**Virtual Meeting Only**

### SPECIAL MEETING AGENDA - Amended

Call to Order

1. Minutes from September 1, 2021 Meeting
2. Draft PA-490 Policy
3. Model Agricultural Practices
4. Draft Open Space Acquisition Policy

Adjournment

**Open Space Stewardship & Policies Work Group**  
**Wednesday, September 1, 2021**  
**4:30 PM- Via Zoom Video Conference**  
**REGULAR MEETING MINUTES - DRAFT**

**PRESENT:** Margery Winters and Susan Masino

**ALSO PRESENT:** Tom Tyburski, Director of Culture, Parks and Recreation and Zoning Compliance Officer, Tom Hazel, and Tom Fitzgerald, Management Specialist were also in attendance.

**Call to Order**

Ms. Winters called the meeting to order at 4:34 PM

**1. Approval of Minutes**

The minutes of the March 3, 2021 Open Space subcommittee workgroup meeting were accepted.

**2. Draft Open Space Acquisition Policy**

Ms. Masino recommended that they add a mission statement and change the current mission statement to their “goals”. She stated that she compiled various mission statements from other open space commissions and cobbled a new mission statement together which she shared with the Committee. Mr. Hazel stated he could add something into the mission so that it could get reviewed by the full committee. Ms. Masino stated that she feels that the current mission applies to those goals that are in the 15 goals that are below the criteria. Mr. Hazel stated that he agrees that changing that one word will make a difference.

Mr. Hazel stated the next area they wanted to discuss was the examples given in parenthesis for ‘active’ recreation. He stated that these aren’t all the examples of active/passive recreation it’s just giving a general feel. The workgroup passed this along to the full committee as they felt it was okay.

Mr. Hazel stated that on the last page under ‘objectives of preserving open space’ they wanted to clarify that the bullet list was in no particular order so he added that language. In bullet nine he added in ‘provide sites for active recreation’ because a word was missing. This document will be passed to the full committee at the next meeting.

**3. Model Agriculture Lease RFP**

Ms. Masino stated that she was able to get feedback from a farmer and also spoke to Will from Farmlink and she will be reaching out to the soil scientist in the area. The farmer she spoke with is not a farmer that rents land however one of his suggestions matched that of Farmlink’s. They suggested putting the more detailed information in an appendix. Will also suggested if they want to prioritize but not mandate, organic for example, put that information up front in the rfp so that farmers know what is expected. Annual soil testing was discussed and Ms. Masino suggested language be added regarding a potential waiver as she doesn’t want to make their documents too rigid. Ms. Masino stated that there are specifics listed for having a farm stand but she doesn’t want to give the impression that all of their properties meet the specifics of the farm stand requirements and suggested that be added into the appendix as well. Mr. Hazel suggested that the farmstand criteria guide them to the zoning regulations. The terms of the

lease were discussed and Mr. Hazel suggested that the lease document state they have the right to terminate. It was suggested that satisfactory vs. unsatisfactory performance be defined for purposes of the length of the lease. Mr. Hazel suggested that take the current lease, make any changes they feel necessary and then run it by the Town's attorney. Mr. Tyburski stated he didn't think there was much on the RFP other than the extension language, the contact information on page one needs to be updated, he also stated he thinks it is a good idea to ask for references. Ms. Winters suggested the agricultural land policies be added as an appendix. The terms of the rolling five year lease were discussed, it was decided not to start the rolling lease at year two or three due to the fact that the farmer may have a five year plan and they aren't going to put in the work not knowing if they are going to get the five year rolling lease.

**ADJOURN**

The meeting adjourned at 5:25 p.m.

Respectfully submitted,  
Heather Taylor  
Committee Clerk

## Recommended

### Open Space classification Criteria under PA490

The Planning and Zoning Commission of the Town of Simsbury pursuant to Section 12-107e of the General Statutes of the State of Connecticut and subject to the approval of the Town Meeting, amends the Plan of Development of the Town of Simsbury by the designation of the following as areas recommended for preservation as open space, subject to applications by landowners and approvals by the Assessor.

#### **Conditions of eligibility.**

All land as depicted on the Open Space Plan as defined in the POCD shall be eligible for treatment as open space land for tax assessment purposes, provided that the following conditions shall be satisfied:

1. The parcel must be depicted on the Open Space Plan. In addition, the parcel size must be twice the minimum required lot size for the use in that zoning district.
2. Each parcel of record, as recorded in the Town of Simsbury Assessor's records, shall be treated as a separate parcel for these purposes.
3. The parcel must be vacant or have at least twice the minimum required lot size vacant

Excluding the following;

- A. For each separately owned parcel an area which is twice the minimum required lot size for the use in that zoning district. A separately owned parcel shall mean a tract of land held in the name of one owner (or one group of owners) bounded by a single perimeter, except that for purposes of this resolution each lot in an approved sub-division shall be considered a separately owned parcel. In the case of separately owned parcels that are vacant, the area to be excluded from designation as open space shall contain twice the minimum acreage required for a single family residence; and
  - B. Such other land as is actually covered by structures; and
  - C. No property for which the assessment is determined pursuant to the terms of Section 12-76 of the Connecticut General Statutes, as it shall be amended from time to time
- 
4. The property owner must make application to the Town of Simsbury Assessor as provided in Section 12-107e, as it may be amended from time to time.

Other recommendations as stated in the POCD:

- Extend incentives to residentially-zoned parcels less than 25 acres in size.

## What We Want To Protect – Maintain And Enhance Community Character

### PA-490 Program

The PA-490 program (codified in CGS Section 12-107) is an assessment reduction program that reduces taxes on certain types of land so that it is more likely to remain undeveloped.

The 2016 Grand List reports the following:

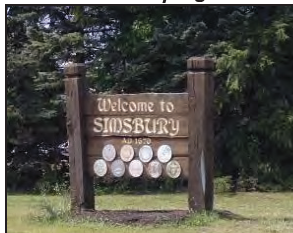
- 84 parcels used for farming (totaling 1,419 acres),
- 12 parcels of at least 25 acres kept as forest (totaling 861 acres),
- 12 parcels meeting the open space criteria (totaling 576 acres).

### Gateway Approaches

The following locations could be considered as major gateways in Simsbury:

- The north and south entrance points of Route 10/202
- The intersection of Routes 167 and 44
- The intersection of Routes 315 and 189 in Tariffville
- The entrances at Route 185, Nod Road and Route 309
- The Wolcott Road area near East Granby
- The entrance points on the Farmington Canal Heritage Trail and other trails

### Gateway Sign



C. UNDEVELOPED LAND –Simsbury will:	Leader	Partners
1. Continue to use the “PA-490” assessment reduction program (CGS 12-107) to help preserve undeveloped land as long as possible.	Town	BOS PC
<input type="checkbox"/> a. <i>Review the criteria for the PA-490 “open space” assessment category to evaluate whether to extend incentives to residentially-zoned parcels less than 25 acres in size.</i>	Town	
		<i>Code legend is on inside back cover</i>

D. TREES / VEGETATION –Simsbury will:	Leader	Partners
1. Recognize the importance of trees and vegetation to Simsbury’s overall character and environmental health.	Town	SBC
<input type="checkbox"/> a. <i>Develop a comprehensive program for streetscape improvements along major streets.</i>	Town	PW
2. Preserve and maintain historic and significant trees such as the sycamores along Route 10 and Route 185.	Town	
<input type="checkbox"/> a. <i>Develop a maintenance / replacement plan for street trees, (especially the iconic sycamore trees along Hopmeadow Street in Simsbury Center).</i>	Town	
3. Emphasize the importance of landscaping (including berms) as part of any commercial development.	ZC	
<input type="checkbox"/> a. <i>Amend the Zoning Regulations to include a section outlining landscaping requirements.</i>	ZC	
		<i>Code legend is on inside back cover</i>

E. GATEWAYS –Simsbury will:	Leader	Partners
1. Seek to preserve and enhance the major “gateway” approaches to and within Simsbury (see sidebar).	Town	
2. Encourage the preservation of existing woodlands along the streetscapes, such as but not limited to Routes 185 and 309, to enhance the character of the gateway.	Town	
3. Through the site plan review process and other means, maximize landscaping and minimize pavement on public and private right-of-ways at the gateway approaches.	Town	ZC PC
		<i>Code legend is on inside back cover</i>

**RESOLUTION  
SIMSBURY BOARD OF SELECTMEN  
OPEN SPACE PARCELS ELIGIBLE  
FOR DESIGNATION UNDER  
GENERAL STATUTES §12-107e**

WHEREAS, in 2017, the Planning Commission reviewed the PA 490 policy regarding the minimum requirements for the open space category as part of updating the Plan of Conservation and Development (“POCD”) and adopted an Open Space Policy and an Open Space Plan as an integral part of the updated POCD.

WHEREAS, the Simsbury Planning Commission has concluded that the Simsbury POCD should continue to authorize the use of the so-called PA 490 assessment reduction program defined in General Statutes §12-107e to help preserve undeveloped land as long as possible; and

WHEREAS, for the 2016 Grand List, the Planning Commission identified 84 parcels were used for farming (totaling 1,419 acres); 12 parcels of at least 25 acres were preserved as forest (861 acres); and 12 parcels were preserved as open space (576 acres); and

RESOLVED, (1) that the Simsbury Board of Selectmen approves the recommendation of the Simsbury Planning Commission Open Space Policy and Plan in the Town’s 2017 POCD and (2) authorizes the Tax Assessor to grant to any parcel that meets the criteria established by the Planning Commission in POCD, as amended, and depicted on the Open Space Plan as defined in the POCD that qualifies under state law.

Dated at Simsbury, Connecticut, this \_\_\_\_ day of August, 2020.

**Comment [BF1]:** There are no criteria established in the 2017 POCD. See recommended criteria to be included in the POCD.

**Deleted:** the 2017



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## TOWN OF SIMSBURY, CT REQUEST FOR PROPOSALS (RFP) AGRICULTURAL LEASE OF \_\_\_\_\_

**SUBMISSION DEADLINE: INSERT, 2021, no later than 4:30pm**

### **SUBMISSION CONTACT AND ADDRESS:**

Town Manager's Office  
Graduate Student Intern  
Town of Simsbury  
933 Hopmeadow Street  
Simsbury, Connecticut 06070  
(860) 658-3230  
tmintern@simsbury-ct.gov

*Proposals will be accepted in electronic format only.*

### **I. PURPOSE**

The Town of Simsbury seeks proposals from qualified agricultural producers for leasing \_\_\_\_\_ of acres of town-owned land known as \_\_\_\_\_ for agricultural purposes beginning in spring 2021. The Town has a desire to receive proposals from agricultural producers that will engage in responsible stewardship of the agricultural land. The area to be licensed includes a \_\_\_\_\_-acre (+/-) field accessed from \_\_\_\_\_. The land has been in \_\_\_\_\_ (type of agricultural use) for several years and has \_\_\_\_\_ topography. A map of the property is attached. Successful applicants will propose an agricultural use consistent with the Town's desired agricultural practices. It is anticipated that the initial lease will be for a five-year term.

It is desired for respondents to be established in farming and/or agricultural business and must demonstrate the ability to perform the required service in an acceptable, reliable manner over the life of the lease. However, farmers of all level of experience will be considered. Preference will be given to applicants with a strong stewardship plan. The selected producer must demonstrate the ability to comply with Simsbury's desired agricultural land use practices and all applicable federal, state and local laws, rules and regulations. The Town will award a lease which, in the Town's opinion, serves the best interests of the Town.

**Comment [W01]:** In addition to soils, consider briefly listing resources and infrastructure available to the farmer (water for irrigation and/or washing produce, barns or storage, fencing, etc.)

**Comment [W02]:** Lease and license used interchangeable throughout, consider clarifying which you are offering





## **II. COMMUNITY PROFILE**

The Town of Simsbury was incorporated as Connecticut's twenty-first Town in May 1670. It has a land area of approximately 34.5 square miles and a population of approximately 24,350. Centrally located in the heart of the New York - Boston corridor, Simsbury is an attractive and diverse suburban community. As a part of the beautiful Farmington Valley, Simsbury offers an unmatched quality of life with a traditional New England town atmosphere in a setting of rolling hills, the picturesque Farmington River and extensive trail system. Simsbury is conveniently located 20 minutes northwest of Hartford and 20 minutes southwest of Bradley International Airport. Simsbury operates under a Town Manager-Board of Selectmen form of government with the Town Manager serving as the Chief Executive Officer responsible for overseeing the day-to-day operations of the Town.

The Planning and Development Department manages our agricultural leases in partnership with our Engineering Department, Culture, Parks and Recreation Department and **Open Space Committee**. Open Space maintenance is managed by the Culture, Parks and Recreation Department. The Town's Open Space Committee has been tasked with developing and recommending stewardship policies and practices for the Town's open space parcels, including agricultural lands.

## **III. GENERAL INFORMATION**

- A. **Contract Period:** The Town will look to initially establish a five-year rolling lease contract, with possibilities to extend based upon satisfactory performance of the selected applicant.
- B. **Right of Rejection and Clarification:** The Town of Simsbury reserves the right to reject any and all proposals and to request clarification of information from any proposer. The Town of Simsbury is not obligated to enter into a contract on the basis of any proposal submitted in response to this document.
- C. **Request for Additional Information:** Prior to the final selection, proposers may be required to submit additional information in which the Town of Simsbury may deem as necessary to further evaluate the proposer's qualifications.
- D. **Denial of Reimbursements:** The Town of Simsbury will not reimburse proposers for any costs associated with the preparation and submittal of any proposal, or for any travel and/or per diem costs that are incurred.
- E. **Right of Negotiation:** The Town of Simsbury reserves the right to negotiate with proposers the exact terms and conditions of the contract.
- F. **Right of Rejection of Lowest Fee Proposal:** The Town of Simsbury is under no obligation to award this project to the Proposer offering the lowest fee. Cost

considerations will be made, but under no circumstance will cost be the only determining factor in accepting or declining proposals.

**G. Compliance with Law:** The selected applicant shall comply with all local, state and federal laws and regulations and restrictions.

**H. Insurance and Indemnification:**

The Lessee will be required to furnish certificates of insurance, including general liability, umbrella liability, automobile, and workers compensation with the following minimum limits:

<u>General Liability:</u>	\$1,000,000 each occurrence \$2,000,000 aggregate
<u>Umbrella Liability:</u>	\$5,000,000
<u>Auto Liability:</u>	\$1,000,000
<u>Worker's Compensation:</u>	Statutory
<u>Employer's Liability:</u>	\$1,000,000

Lessee coverage shall be primary and non-contributory. Auto coverage shall include leased, hired and non-owned vehicles. Auto coverage shall also be primary and non-contributory. The Town of Simsbury shall be named as additional insured on the general liability, umbrella liability and automobile liability policies. Each policy, including Worker's Compensation, shall include a waiver of subrogation in favor of the Town. All policies shall be kept in force throughout the duration of the project, with an extended reporting period of 36 months after the agreement terminates if coverage is written on a claims made policy.

To the fullest extent permitted by law, Lessee shall indemnify, defend and hold harmless the Town of Simsbury and all of its agents and employees from and against all claims, damages, losses, judgments and expenses, including reasonable attorney's fees to the extent caused by, arising from or alleged to arise from the negligent acts, errors or omissions of Lessee, Lessee's employees or those for whom Contractor is legally responsible in the performance of the work. This provision shall survive termination of this Agreement.

Lessee will hold the Town harmless and release the Town from any claims that may arise while performing an inspection of the property. If applicable a group field visit may be arranged with the town. Lessee agrees to accept the premises "as is."

**IV. DESIRED AGRICULTURAL PRACTICES**

The Town is interested in having its farmland managed using organic farming best management practices as set out in Appendix 1 - Simsbury Agricultural Land Usage Policy.

## V. SUBMISSION AND DEADLINE

The Request for Proposals (RFP) is available online at:

<https://www.simsbury-ct.gov/finance/pages/public-bids-and-rfp>

Interested and qualified firms or individuals are to submit an application, references, and fee proposal electronically or in hard copy form (electronic preferred) to the Town Manager's Office at [tmintern@simsbury-ct.gov](mailto:tmintern@simsbury-ct.gov) with the subject line reading "Agricultural Lease RFP Response". Only electronic copies will be accepted. Hard copies will not be considered. Submissions must be received no later than 4:30 PM on \_\_\_\_, \_\_\_\_, 2021. No proposals will be accepted after the date and time specified.

Questions regarding this RFP should be directed to Thomas Hazel, Assistant Town Planner, at [thazel@simsbury-ct.gov](mailto:thazel@simsbury-ct.gov). In order to receive consideration, all questions must be submitted by \_\_\_\_ on \_\_\_\_, 2021. A response to all relevant questions will be provided prior to 4:30pm on \_\_\_\_, 2021 via addendum that will be posted on the Town website at: <https://www.simsbury-ct.gov/finance/pages/public-bids-and-rfp>

### Town of Simsbury

#### RFP Application

#### Simsbury Agricultural Property

### Applicant Information

Applicant's Name

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Applicant's Farm Name

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Applicant's Address

---

Applicant's Email Address

---

Applicant's Phone Number(s)

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Type of agricultural operation experience:

Dairy (specify years in business)

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Crops (specify types and years in business)

**Comment [CME3]:** Are there additional documents we are seeking in addition to the application such as references or a letter of transmittal? If so, we should specify.

**Comment [WO4]:** References are usually helpful, a letter of transmittal or personal narrative may be helpful for the committee to have more context in addition to the questions listed in the application. Letters also tend to help to weed out the "tire kickers"

**Comment [CME5]:** Lena will clean up formatting and convert to an editable PDF document

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Animals (specify types and years in business)

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Other (specify types and years in business)

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Describe capacity and experience to manage a **leased** agricultural property:

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Describe past experience and improvements made if you have **leased/licensed properties prior:**

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## Proposal

Name of property you are applying to lease/license:

**Comment [CME6]:** For the application, I think we should have the property name automatically filled in.

Intended use of the property, including planned crops or other uses:

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How does this fit your business plan?

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**What is your stewardship plan for the property?**

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**How would your use of the property benefit the citizens of Simsbury?**

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**Other information you would like to provide in consideration of your proposal:**

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**FEE PROPOSAL**

The undersigned hereby makes a proposal to pay the Town of Simsbury the following amounts annually for the agricultural services for the lease of \_\_\_\_\_ (property name).

**Comment [CME7]:** See comment above and fill in property name.

Annual Proposed Rent/Acre	Written Amount
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<b>I. Lease Period</b> _____	<b>\$</b> _____	<b>/Ac</b> _____	<b>Dollar/Ac</b> _____
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**NON-COLLUSION AFFIDAVIT:**

By submission of this proposal, the Respondent certifies that it is being submitted without any collusion, communication, or agreement as to any matter relating to it with any other respondent or competitor. We understand that this proposal must be signed by an authorized agent of our company to constitute a valid proposal.

**CODE OF ETHICS:**

I / We have reviewed a copy of the Town of Simsbury's Code of Ethics (attached) and agree to submit a Code of Ethics Acknowledgement Form if I /We are selected.\* Yes\_\_\_\_No\_\_\_\_

**\*Respondent is advised that the Town of Simsbury cannot consider any bid or proposal where the bidder has not agreed to the above statement.**

<hr/> <b>Type or Print Name of Individual</b>	<hr/> <b>Doing Business as (Trade Name)</b>
<hr/> <b>Street Address</b>	<hr/> <b>City, State, Zip Code</b>
<hr/> <b>Title</b>	<hr/> <b>SS # or TIN#</b>
<hr/> <b>Email Address</b>	<hr/> <b>Telephone Number / Fax Number</b>
<hr/> <b>Applicant Signature</b> _____	<hr/> <b>Date</b> _____

**EXCEPTIONS**

The undersigned bidder proposes the following exceptions for Leasing of Town Owned Open Space for Agricultural Purposes. Exceptions will be considered to the product or service specifications only. All other conditions or agreements submitted in response to the bid, unless specifically requested, will be rejected. Any and all price changes related to these exceptions are specifically stated herewith.

**Exception Price Change**  
(Show + or -)

## **APPENDIX 1: Simsbury Agricultural Land Usage Policy - DRAFT**

The Town of Simsbury owns properties with prime agricultural soils. The Town of Simsbury is committed to keeping this land in agricultural production and therefore leases these properties to local farmers. In order to ensure the preservation of Town agriculture land and to promote good stewardship, the Simsbury Open Space Committee recommends the following policy to be adhered to by its lessees. The Town understands that in some cases these policies may need to be modified. Modifications must be submitted in writing and must be approved by the Open Space Committee.

The Lessee is to follow farming practices that maintain the land in good agricultural standing. The Lessee covenants and agrees to:

### **Best Management Plans**

- If a USDA-NRCS or other formal Conservation Plan was submitted for a particular field with the bid proposal, use the USDA-NRCS Conservation Plan and follow Best Management Practices for Agriculture during the term of the agreement, including, at a minimum, adherence to the items referenced below.
- If a USDA-NRCS or other formal Conservation Plan was not submitted with the bid for the particular field, follow best management practices for agriculture in accordance with the CT Department of Agriculture and CT DEEP during the term of the lease, including, at a minimum, adherence to the items referenced below.

### **Maintenance/ Improvement of Soil Organic Carbon Levels**

- Green manures and cover crops are required unless there is inadequate time to establish a cover crop postharvest. If no cover crop is applied, Lessee is to provide an explanation. For Leasees that would like assistance choosing cover crops, the Lessee is encouraged to contact the Open Space Committee through the Planning and Land Use Department.
- Organic mulching to protect against erosion and soil crusting, and to replenish soil organic matter is encouraged.
- Use of manure and compost is encouraged. The Lessee will refrain from long-term storage of manure on the site unless adequate manure storage facilities are constructed and maintained.
- Reduced tillage practices are encouraged.
- Supplemental fertilization with synthetic fertilizers is discouraged.
- Fertilizer applications are to be applied per soil test lab recommendations. Modifications to the lab recommendations may be allowed with a written explanation.
- Any application by the Lessee or their agent of sewage sludge or other treated residuals from wastewater treatment (biosolids) on the subject property is expressly prohibited, and will result in the termination of the Lease, immediately authorizing the Licensor to re-enter and repossess said property without legal process.

### **Cropland Soil Testing**

- Soil tests are to be performed once per year, at the same time of year (fall testing recommended). The soil test is to include Calcium, Magnesium, Phosphorous, and Potassium, as well as percent organic matter. In addition, recommendations from the testing lab for the aforementioned elements are to be obtained. Testing for and addressing deficiencies in additional elements is encouraged.

- The Lessee may choose the lab they prefer. The UCONN Nutrient Analysis Laboratory is an option.

#### **Pest Control**

- Intercropping and companion planting is encouraged.
- Biological pest control practices are encouraged.
- Biorational pesticides include oils, insecticidal soaps, microbials (such as *Bacillus thuringiensis* and entomopathogenic nematodes), botanicals (plant-based) and insect growth regulators are preferred.
- Best agricultural sanitation practices are to be followed to reduce the spread of pests, weeds or agricultural disease.
- The use of synthetic pesticides is not permitted unless authorized by the Town and/or Open Space Committee through the Planning and Land Use Department.
- All Material Safety Data Sheets (MSDS) sheets for scheduled applications of pesticides are to be provided to the Agricultural Committee prior to application for review when submitting yearly reporting forms. For non-scheduled applications of pesticides, all MSDS sheets are to be provided to the Agricultural Committee with the yearly reporting form.
- All pesticides must be applied according to the manufacturer's recommendations and/or according to cooperative extension recommendations.
- The use of Atrazine or its agent is expressly prohibited on the subject property, and will result in the termination of the Lease, immediately authorizing the Licenser to re-enter and repossess said property without legal process.

#### **Crops**

- The Open Space Committee encourages lessees to seek out alternatives to genetically modified crops.

#### **Animals**

- The keeping of animals on the property is allowed with written consent of the Open Space Committee.

#### **Erosion Control**

- Notify the Town of erosion issues as they arise and take immediate measures to effectively control the erosion to the satisfaction of the Code Compliance Officer.

#### **Watercourses**

- The Lessee is not to cultivate within 50ft of a water body or watercourse.
- The Lessee will not dredge, alter, draw from, or drain into, any farm pond, stream, drainage way, channel or swale without the express written permission of the Simsbury Conservation Commission and any permits as may be required from the Inlands Wetlands and Watercourses Commission.

#### **Invasive Plants**

- The Lessee is not to use any plants that are listed as invasive per the Connecticut Department of Energy & Environmental Protection, nor use canary grass or any other potentially invasive plants.
- The Lessee may, if desired, treat or remove plants, shrubs or trees designated as "invasive species" per The State of Connecticut in accordance with Best Management Practices (BMP's) or in consultation with town staff or other organizations recognized by the town whom are utilizing emerging BMP's.



**Removal of Trees and Shrubs**

- While the trimming of brush and overhanging branches is allowed along the edge of a field, the Lessee is not to remove any trees or shrubs without written consent of the Open Space Committee.

**Stone Piles**

- Stones removed from any field and piled around the perimeter are not to exceed 3 feet in height, without written consent of the Open Space Committee.
- Rock piles may not be located around trees.

**Baled Hay and Plastic**

- The Lessee is required to remove baled hay, plastic, and any other residual farming supplies from the subject property at the end of each growing season and no later than December 15th each year.

**Operation of Machinery**

- The types of farm machinery to be used and their hours of operation may need to be approved for certain leased parcels near residential areas.

**Access to Property**

- The Lessee shall use the designated access shown on the “Town Farmland Lease Program Properties” Map, and not construct any new access ways to any field.
- The Lessee will allow members of the general public reasonable access for the purposes of bird watching, hiking, horseback riding, hunting, or fishing (only as allowed per town and/or state regulation).
- The Lessee will not alter any paths, horse trails, or other existing features without the express written permission of the Simsbury Open Space Committee and any permits as may be required from the Inlands Wetlands and Watercourses Commission.

**Farm Stand**

- Shall be located a minimum of 35 feet from the road and have an adequate parking surface as dictated by the Simsbury Zoning regulations. A Zoning Compliance Permit will be required for review.

**Removal of Stonewalls and Vegetation**

- The Lessee is not to remove any trees, shrubs or stonewalls from the property.

**Fencing**

- The Lessee is not to install or remove any fencing without written consent of the Open Space Committee.
- The Lessee is not to remove or install any fixtures, structures, or fences, either permanent or temporary. If a field does not have the needed fencing, gate or other structure the lessee shall consult with the Planning Department and staff prior to the installation.

**Signage**

- The Lessee will not install any signage unless expressly permitted by the Lessor.

**Annual Report**

- An annual report (Attachment D) shall be submitted to the Code Enforcement Officer by November 30 of the lease year.

**Contact information**

- The Lessee will provide updated contact information (at a minimum, Lessee's phone number, mobile phone number, and address) to the Town Code Enforcer in a timely manner throughout the lease term.
- Inspection and Disturbances

- The Licensors retain the right to enter the property with proper notice to ensure proper use of the property or for access to abutting properties as needed.

**Lease Restrictions / Subleasing**

- The Lessee will not sublease or otherwise allow others to use the property without the Lessor's written consent from the Town of Simsbury and consultation with the Open Space Committee.

- Only agricultural uses as defined in Connecticut General Statutes 1-1 (q) are allowed.
- Insurance

- The Lessee will maintain Workmen's Compensation coverage in accordance with the laws of the State of Connecticut if employees are hired to work the land. The Lessee will provide liability insurance with limits of not less than \$1,000,000, naming the Lessor as an additional insured, insuring against loss or injury caused by the Lessee's activity on the demised premises.

- Heirs have right to harvest upon death of Lessee for the remainder of the current growing season, after which the lease will be terminated.

**Contract Breach**

- Breach of contract as set out in the Lease Agreement will result in the termination of the Lease, immediately authorizing the Lessor to reenter and repossess said property without legal process.

## Simsbury Agricultural Land Usage Policy - DRAFT

The Town of Simsbury owns [REDACTED] properties with prime agricultural soils. The Town of Simsbury is committed to keeping this land in agricultural production and therefore leases these properties to local farmers. In order to ensure the preservation of Town agriculture land and to promote good stewardship, the Simsbury Open Space Committee recommends the following policy to be adhered to by its lessees. The Town understands that in some cases these policies may need to be modified. Modifications must be submitted in writing and must be approved by the Open Space Committee.

The Lessee is to follow farming practices that maintain the land in good agricultural standing. The Lessee covenants and agrees to:

### Best Management Plans

- If a USDA-NRCS or other formal Conservation Plan was submitted for a particular field with the bid proposal, use the USDA-NRCS Conservation Plan and follow Best Management Practices for Agriculture during the term of the agreement, including, at a minimum, adherence to the items referenced below.
- If a USDA-NRCS or other formal Conservation Plan was not submitted with the bid for the particular field, follow best management practices for agriculture in accordance with the CT Department of Agriculture and CT DEEP during the term of the lease, including, at a minimum, adherence to the items referenced below.

### Maintenance/ Improvement of Soil Organic Carbon Levels

- Green manures and cover crops are required unless there is inadequate time to establish a cover crop postharvest. If no cover crop is applied, Lessee is to provide an explanation. For Leasees that would like assistance choosing cover crops, the Lessee is encouraged to contact the Open Space Committee through the Planning and Land Use Department.
- Organic mulching to protect against erosion and soil crusting, and to replenish soil organic matter is encouraged.
- Use of manure and compost is encouraged. The Lessee will refrain from long-term storage of manure on the site unless adequate manure storage facilities are constructed and maintained.
- Reduced tillage practices are encouraged.
- Supplemental fertilization with synthetic fertilizers is discouraged.
- Fertilizer applications are to be applied per soil test lab recommendations; modifications to the lab recommendations may be allowed with a written explanation.
- Any application by the Lessee or their agent of sewage sludge or other treated residuals from wastewater treatment (biosolids) on the subject property is expressly prohibited, and will result in the termination of the Lease, immediately authorizing the Licensor to re-enter and repossess said property without legal process.

### Cropland Soil Testing

- Soil tests are to be performed once per year, at the same time of year (fall testing recommended). The soil test is to include Calcium, Magnesium, Phosphorous, and Potassium, as well as percent organic matter. In addition, recommendations from the testing lab for the aforementioned elements are to be obtained. Testing for and addressing deficiencies in additional elements is encouraged.
- The Lessee may choose the lab they prefer. The UCONN Nutrient Analysis Laboratory is an option.

#### Pest Control

- Intercropping and companion planting is encouraged.
- Biological pest control practices are encouraged.
- Biorational pesticides include oils, insecticidal soaps, microbials (such as *Bacillus thurengiensis* and entomopathogenic nematodes), botanicals (plant-based) and insect growth regulators are preferred.
- Best agricultural sanitation practices are to be followed to reduce the spread of pests, weeds or agricultural disease.
- The use of synthetic pesticides is not permitted unless authorized by the Town and/or Open Space Committee through the Planning and Land Use Department.
- All Material Safety Data Sheets (MSDS) sheets for scheduled applications of pesticides are to be provided to the Agricultural Committee prior to application for review when submitting yearly reporting forms. For non-scheduled applications of pesticides, all MSDS sheets are to be provided to the Agricultural Committee with the yearly reporting form.
- All pesticides must be applied according to the manufacturer's recommendations and/or according to cooperative extension recommendations.
- The use of Atrazine or its agent is expressly prohibited on the subject property, and will result in the termination of the Lease, immediately authorizing the Licensor to re-enter and repossess said property without legal process.

#### Crops

- The Open Space Committee encourages lessees to seek out alternatives to genetically modified crops.

#### Animals

- The keeping of animals on the property is allowed with written consent of the Open Space Committee.

#### Erosion Control

- Notify the Town of erosion issues as they arise and take immediate measures to effectively control the erosion to the satisfaction of the Code Compliance Officer.

#### Watercourses

- The Lessee is not to cultivate within 50ft of a water body or watercourse.
- The Lessee will not dredge, alter, draw from, or drain into, any farm pond, stream, drainage way, channel or swale without the express written permission of the Simsbury Conservation Commission and any permits as may be required from the Inlands Wetlands and Watercourses Commission.

#### Invasive Plants

- The Lessee is not to use any plants that are listed as invasive per the Connecticut Department of Energy & Environmental Protection, nor use canary grass or any other potentially invasive plants.
- The Lessee may, if desired, treat or remove plants, shrubs or trees designated as "invasive species" per the State of Connecticut. in accordance with the restrictions & requirements described in Attachment C".

#### Removal of Trees and Shrubs

- While the trimming of brush and overhanging branches is allowed along the edge of a field, the Lessee is not to remove any trees or shrubs without written consent of the Open Space Committee.

#### Stone Piles

- Stones removed from any field and piled around the perimeter are not to exceed 3 feet in height, without written consent of the Open Space Committee.
- Rock piles may not be located around trees.

#### Baled Hay and Plastic

- The Lessee is required to remove baled hay, plastic, and any other residual farming supplies from the subject property at the end of each growing season and no later than December 15th each year.

#### Operation of Machinery

- The types of farm machinery to be used and their hours of operation may need to be approved for certain leased parcels near residential areas.

#### Access to Property

- The Lessee shall use the designated access shown on the "Town Farmland Lease Program Properties" Map, and not construct any new access ways to any field.
- The Lessee will allow members of the general public reasonable access for the purposes of bird watching, hiking, horseback riding, hunting, or fishing (only as allowed per town and/or state regulation).
- The Lessee will not alter any paths, horse trails, or other existing features without the express written permission of the Simsbury Open Space Committee and any permits as may be required from the Inlands Wetlands and Watercourses Commission.

#### Farm Stand

- Shall be located 35 feet from the road and have an adequate parking surface

#### Removal of Stonewalls and Vegetation

- The Lessee is not to remove any trees, shrubs or stonewalls from the property.

#### Fencing

- The Lessee is not to install or remove any fencing without written consent of the Open Space Committee.
- The Lessee is not to remove or install any fixtures, structures, or fences, either permanent or temporary. If a field does not have an existing gate, the lessee may install a gate, but barbed wire shall NOT be used. Prior to installing a gate, the lessee shall consult with the Code enforcement Officer as to location and method of installation.

#### Signage

- The Lessee will not install any signage unless expressly permitted by the Lessor.

#### Annual Report

- An annual report (Attachment D) shall be submitted to the Code Enforcement Officer by November 30 of the lease year.

#### Contact information

- The Lessee will provide updated contact information (at a minimum, Lessee's phone number, mobile phone number, and address) to the Town Code Enforcer in a timely manner throughout the lease term.

#### Inspection and Disturbances

- The Licensor retains the right to enter the property to ensure the aforementioned requirements are being met and to enter and disturb property.

#### Lease Restrictions / Subleasing

- The Lessee will not sublease or otherwise allow others to use the property without the Lessor's written consent from the Town of Simsbury and consultation with the Open Space Committee.
- Only agricultural uses as defined in Connecticut General Statutes 1-1 (q) are allowed.

#### Insurance

- The Lessee will maintain Workmen's Compensation coverage in accordance with the laws of the State of Connecticut if employees are hired to work the land. The Lessee will provide liability insurance with limits of not less than \$1,000,000, naming the Lessor as an additional insured, insuring against loss or injury caused by the Lessee's activity on the demised premises.
- Heirs have right to harvest upon death of Lessee for the remainder of the current growing season, after which the lease will be terminated.

#### Contract Breach

- Breach of contract will result in the termination of the Lease, immediately authorizing the Lessor to re-enter and repossess said property without legal process.



# Town of Simsbury

933 HOPMEADOW STREET ~ SIMSBURY, CONNECTICUT 06070

## TOWN OF SIMSBURY

### Criteria for Acquisition of Open Space

*Adopted by the Board of Selectmen on [month] [day], [year]*

#### 1. Purpose

The Town of Simsbury has stated preserving critical lands as open space as a priority. Open space is considered land which is protected from development and preserved in the current state. Our goal is to promote social interactions, healthy living, environmental preservation, and environmental education while meeting the recreational needs of the residents of Simsbury.

Areas set aside as open space could be used for passive recreation (such as hiking trails or similar low impact activities) or active recreation (such as ball fields, playgrounds, hard surface courts, tracks, swimming pools and other more intensive uses). The 2017 Plan of Conservation and Development provided an inventory of the existing areas which are considered to be open space.

State Statute provides the Town guidance for criteria which should be considered when purchasing land for open space purposes. CGS § 12-107b defines open space purchased pursuant to CGS § 7-131c as:

*"...any area of land, including forest land, land designated as wetland under section 22a-30 and not excluding farm land, the preservation or restriction of the use of which would (1) maintain and enhance the conservation of natural or scenic resources, (2) protect natural streams or water supply, (3) promote conservation of soils, wetlands, beaches or tidal marshes, (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces, (5) enhance public recreation opportunities, (6) preserve historic sites or (7) promote orderly urban or suburban development"*

#### 2. Effective Date

This policy shall be effective immediately and shall remain in effect until revised or rescinded.

The State's Plan of Conservation and Development Plan lists several types of land with open space characteristics suitable for preservation. It categorizes three levels of conservation priority and describes land in each. Table 1 lists its definitional criteria:

*Table 1*

<u><i>Level 1: Existing Open Space</i></u>	<u><i>Level 2: Preservation Areas</i></u>	<u><i>Level 3: Conservation Areas</i></u>
<ul style="list-style-type: none"> <li>• Parks, forests and select spaces</li> <li>• Major preserves owned by quasi-public entities</li> <li>• Class I water supply lands owned by the state or utilities</li> </ul>	<ul style="list-style-type: none"> <li>• Class I water supply lands not owned by the state or utilities</li> <li>• Floodways and wave hazard areas</li> <li>• Inland wetland soils</li> <li>• Tidal wetlands</li> <li>• Areas designated open space on local plans</li> <li>• Existing water bodies</li> <li>• Agriculture lands for which the state holds the development rights</li> </ul>	<ul style="list-style-type: none"> <li>• Class II water supply lands</li> <li>• Level A aquifer protection areas and some level B areas)</li> <li>• 100-year flood fringe areas</li> <li>• Scenic and recreation river corridors</li> <li>• Significant sand and gravel resources</li> <li>• Prime agricultural lands</li> <li>• Historic areas</li> <li>• Trap rock ridges</li> <li>• Greenways and scenic areas</li> <li>• Conservation easements</li> <li>• Potential major outdoor recreation areas</li> </ul>

### **3. State Programs Encouraging Open Space**

Several programs and policies encourage state and municipal open space preservation and conservation in Connecticut.

#### **I. *The Recreation and Natural Heritage Trust Program***

The Recreation and Natural Heritage Trust Program, established in 1986, authorizes the DEP to acquire open space lands outright or in cooperation with municipalities, conservation organizations, or other parties (CGS § 23-73-80). It is the DEP's largest land acquisition program. The lands must represent the state ecological diversity for recreation, scientific, education, culture, and esthetic purposes as well as land of unusual natural interest. To date DEP has acquired over 11,411 acres and 387 acres of easements under the program at a cost of approximately \$53 million. PA 98-157 made several changes to the program. Most importantly it authorizes the bonds for the program to be issued semiannually rather than requiring issuing bonds for each parcel (a time consuming and expensive process).

#### **II. *The Protected Open Space and Watershed Land Acquisition Grant Program***

PA 98-157 establishes a new open space program called the Protected Open Space and Watershed Land Acquisition Grant Program. The program helps (1) municipalities and nonprofit land organizations acquire land or permanent interests in it, (2) water companies acquire land that protects drinking water supplies, and (3) distressed municipalities and targeted investment communities restore or protect open space land they already own. The act sets land eligibility criteria and future use restrictions and



requires all land purchased through the program to have a conservation easement in favor of the state or its designee. Land acquired under the program must generally be protective of wildlife habitat, prime natural landscapes, fishing and recreation opportunities, water resources, or other important ecological or agricultural resources. The land must not be used for commercial or recreational purposes requiring intensive development.

III. *The Farmland Preservation Program*

The Farmland Preservation Program, established in 1978, authorizes the Department of Agriculture (DOA) to purchase the development rights of existing farms (CGS § 22a-26aa). Purchasing the development rights allows the state to prevent nonagricultural development on the land and to preserve the pastures, woods, and open areas for the benefit of future generations while leaving the operation and management of the land to the owner. The DOA has acquired 169 farms consisting of 25,408 acres.

IV. *The 490 Program*

The 490 Program, established by PA 63-490, is an agricultural land and open space conservation program that allows municipalities and property owners to designate certain lands as farm, forest, or open space and reduce the taxes on the land according to valuation guidelines set by DOA. The program recognizes that it is in the public interest “to encourage the preservation of farm land, forest land, and open space...to conserve the state's natural resources and to provide for the welfare and happiness of the inhabitants of the state... [and] to prevent the forced conversion of farm land, forest land and open space land to more intensive uses as the result of economic pressures caused by...property taxation...”(CGS §12-107a).

V. *Farms, Fruit Orchards, and Vineyards*

Municipalities may, with the approval of their legislative bodies, and boards of finance, abate up to 50% of the property taxes on certain farms and vineyards maintained as a business (CGS § 12-81m). The following types of properties are eligible (1) dairy, vegetable, nursery farms, and tobacco; (2) fruit orchards; and (3) farms using nontraditional farming methods.

VI. *Greenways*

The Greenways program, established in 1995, allows the DEP to make grants of up to \$5,000 to towns or organizations (up to a total of \$50,000 per year) to plan, design, and implement greenway projects (CGS § 23-100). The money cannot be used to acquire the land, but the projects are eligible for other state funds and federal Intermodal Surface Transportation Efficiency Act funds.

VII. *Land Acquisition Funds*

A municipality may establish a land acquisition fund and deposit up to 2 mils of its property tax assessment into the fund (CGS § 7-131r). The fund may be used to acquire land for open space, recreation, or housing.

VIII. *The Forest Legacy Program*

The Forest Legacy Program, established in 1990, is a cooperative federal program administered by the DOA that provides federal matching funds to acquire forestlands or development rights for acreage that may be threatened by conversion to non-forest uses.

IX. *Cluster Development and Transferable Development Rights*

Local planning and development controls can significantly contribute to open space preservation. Cluster development and transferable development rights (TDR) are important zoning powers that give municipalities planning flexibility to achieve important environmental and public health goals (like open space, wetlands, and historical preservation, sanitary sewerage planning, and ground water protection) while facilitating development within the development density of conventional zoning requirements.

Cluster development is a method of subdivision planning that clusters the dwellings and structures in one area of the subdivision and leaves the rest of the area undeveloped. It allows the developer to preserve the most vulnerable or critical area of the parcel and to build on the portion best suited for dwellings; it also can be used to minimize the portion of the parcel that will be cleared and minimize the area of impervious surfaces. By law at least one-third of the land in a cluster development must remain as open space to be used exclusively for recreational, conservation and agricultural purposes, although municipalities may require more than one-third on any particular development (CGS § 8-18).

TDR systems allow owners in designated preservation areas to sell the rights to their forgone development to owners in designated development areas who want to exceed regular zoning limits. Municipalities may singly or jointly establish a TDR system and adopt special zoning regulations for properties in the system (CGS § 8-2,2e, and 2f).

**4. Objectives in Preserving Open Space**

One of the goals in the 2017 Plan of Conservation and Development was to maintain an appropriate balance between the use of land and the conservation of natural resources.

Another goal from the plan is to preserve open space to protect important resources, enhance community character, and enhance quality of life.

Considering the goals and objectives cited from the 2017 Plan of Conservation and Development. Each property is considered unique however reasons for conservation are not. When the Town of Simsbury is considering acquiring a property for open space purposes, in no particular order, the following will be considered:

- Protection of surface water quality
- Enhance connection to existing open spaces
- Create trail linkages between isolated open spaces
- Enhance wildlife corridors between open space parcels

- Protect critical habitat, importance placed on areas which provide habitat to endangered or threatened species as defined on Connecticut Natural Resource Database and/or federally recognized species
- Protect public drinking water (aquifers or reservoirs)
- Protect natural drainage pattern and manage storm water
- Protect lands of social or cultural importance
- Provide sites for active recreation
- Provide sites for passive recreation
- Protect the municipality's unique natural features that help define a community's character
- Preserve prime agricultural lands/soils
- Preservation of areas of core forests
- Prevention against term soil erosion
- Promote and preserve of old and older growth forests
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## PA-490 Links to Read

Article: [https://www.journalinquirer.com/newsletters/ewindsor-property-owners-can-apply-for-open-space-designation/article\\_f05e9108-1d98-11ec-ac81-f79847c401a3.html](https://www.journalinquirer.com/newsletters/ewindsor-property-owners-can-apply-for-open-space-designation/article_f05e9108-1d98-11ec-ac81-f79847c401a3.html)

Ordinance: [https://www.eastwindsor-ct.gov/sites/g/files/vyhlf4381/f/uploads/town\\_of\\_east\\_windsor\\_classification\\_of\\_land\\_as\\_open\\_space\\_ordinance.pdf](https://www.eastwindsor-ct.gov/sites/g/files/vyhlf4381/f/uploads/town_of_east_windsor_classification_of_land_as_open_space_ordinance.pdf)

Attachment RE conveyance tax: [https://www.eastwindsor-ct.gov/sites/g/files/vyhlf4381/f/uploads/attachment\\_to\\_applications\\_to\\_the\\_assessor\\_for\\_classification\\_of\\_land\\_as\\_farm\\_forest\\_or\\_open\\_space\\_land.pdf](https://www.eastwindsor-ct.gov/sites/g/files/vyhlf4381/f/uploads/attachment_to_applications_to_the_assessor_for_classification_of_land_as_farm_forest_or_open_space_land.pdf)