



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

OPEN SPACE COMMITTEE

Wednesday, January 8, 2020

4:30 P.M.

Tariffville Room, Simsbury Public Library, 725 Hopmeadow Street

REGULAR MEETING AGENDA

Call to Order

1. Public Audience
2. Presentation of Draft Parks and Open Space Master Plan*
3. Approval of Minutes
 - a. March 6, 2019 Meeting
 - b. November 6, 2019 Meeting
4. Updates (Oral Reports)
 - Stewardship, Policies and Land Management Work Group

Adjourn

**Note: Members of Culture, Parks and Recreation Commission have also been invited to attend the presentation*

Open Space Commission
Wednesday, March 6, 2019
4:30PM- Simsbury Town Hall- Main Meeting Room
REGULAR MEETING - DRAFT

PRESENT: Eric Wellman, Helen Peterson, Susan Masino, Margery Winters, Timothy Walczak, Bruce Elliott (on behalf of Dave Ryan), David Bush, William Rice

ALSO PRESENT: Maria Capriola Town Manager, Tom Tyburski Director of Culture, Parks and Recreation

Absent: David Ryan

Call to Order

Mr. Wellman called the meeting to order at 4:31PM

1.) Public Audience

Mr. Wellman asked if there were any members of the Public who wished to speak.

Diane Nash spoke against HB5254, a bill that proposes to allow communities to fund open space acquisition and stewardship through a real estate conveyance tax. Ms. Nash warned commission members that this tax would turn residents against supporting open space acquisition and management.

2.) Approval of Meeting Minutes from 1/2/2019

Ms. Winters suggested changing a spelling error in the word "beach" in line 98 to "Beech" referring to the type of trees in Belden Forest.

Ms. Peterson suggested that line 23 of the minutes does not accurately reflect Ms. Mielert's comments in Public Audience at the January Meeting. Ms. Peterson said that Ms. Mielert's comment concerning the disposition of open space parcels would have a negative effect on open space efforts in town.

The Commission members voted unanimously to approve the minutes of the January 2019 meeting.

3.) Discussion Regarding the Open Space Committee's Role in Open Space Stewardship

Mr. Wellman asked commission members to indicate whether they are interested in this commission having oversight of Open Space stewardship in Town.

Ms. Peterson supports the Open Space Commission having stewardship duties. She said the public comes to this commission with Open Space issues, not the Conservation Commission where this authority currently resides. She also mentioned that the Open Space Commission is made of representatives of different land use boards and this gives this group a unique perspective on issues.

Ms. Winters said it would be wise for the Open Space Commission to come up with suggested goals and policies for Open Space stewardship to then refer to the Conservation Commission. She agreed that this group's diverse land use representation would be a benefit in developing stewardship policies and procedures.

Mr. Bush agreed with Ms. Winters, the Open Space Commission would likely produce more practical policies due to the variety of stakeholders represented on the commission.

Ms. Masino echoed Mr. Bush's and Ms. Winters sentiments.

Mr. Wellman asked Town Manager Capriola if staff saw value in one commission having oversight of Open Space stewardship, rather than splitting out parts of two different groups. Ms. Capriola noted this commission's broad representation as ideal reason why she would feel comfortable with stewardship of Open Space being placed with the Open Space Commission. She also let the group know that the Board of Selectmen would have to officially delegate this responsibility to the Open Space Commission.

Mr. Rice questioned whether their needed to be language in the Open Space Commission's request to the Board of Selectman regarding the Forest Commission. Ms. Capriola will confer with the Town's attorney regard this issue.

Motion: Mr. Bush made a motion that Open Space Commission recommends to the Board of Selectman that the Open Space Commission manage stewardship of open space. Ms. Winters seconded the motion and it was unanimously approved.

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.

Mr. Wellman introduced discussion on HB5254 by letting the group know that this Board of Selectman is interested in learning more about this, he asked the Open Space Commissioners for their perspectives.

Ms. Winters stated that although Simsbury may never put the fee into practice, it may be wise to get the Town's name on the bill now so we have options later. She said showing the Town's interest in this topic could generate positive discussion on the Town's stewardship policies.

Ms. Masino mentioned that she believed the Town had previously set up an Open Space acquisition and stewardship funding mechanism but that it had never been funded.

Ms. Peterson suggested advocating to the Board of Selectmen and Board of Finance that Open Space Stewardship should be funded annually. Ms. Peterson also asked Ms. Capriola what HB5254 would mean for funding for the Town. Ms. Capriola shared the conveyance fee would be not be assessed on the first \$150,000 of the property sale. She provided an example that on a sale price of \$315,000 (the

median sales price in Simsbury) the proposed Open Space Conveyance Fee would be 1% of the amount over \$150,000, in this example \$1,650.

Ms. Peterson noted that the Town must first understand and develop our stewardship philosophy and then decide how to fund and follow through with stewardship management plans.

Mr. Bush questioned why HB5254 included stewardship in its title but the language of the bill did not address stewardship. Because of this he would not support it at this time but would be supportive of open space stewardship funding through another means than a tax.

Mr. Elliott suggested that the Town do so benchmarking and research of how other nearby towns are currently funding their open space management.

Mr. Rice suggested that the Town could create a line item in the budget to address Open Space management and then tax appropriately to fund this account. Mr. Rice said HB5254 would not be necessary and he would not be in favor of it.

Mr. Wellman summarized that the Open Space Committee doesn't seem to be in support of HB5254 at this time, the town will research other funding options for Open Space Management at a later date.

5.) Updates

Parks and Open Space Master Plan – Mr. Tyburski stated the panel made of staff, two Open Space Committee Members and two Culture, Parks and Recreation Commission members interviewed four firms on January 30, 2019. Weston and Sampson was the preferred candidate of the panel and the Town is currently working out a contract with the firm. Ms. Masino mentioned that if possible, the Town should try to fund (approx. \$4,000) a plant specialist to study Onion Mountain Park as part of this process so that this area is included in the National Biodiversity Database.

Policies and Procedures Workgroup – Ms. Capriola let the group know that the Town's Planning Department has been going through a period of staffing transition and that it is expected that the Department will again be fully staffed in April and support staff will then be assigned to the Policies and Procedures workgroup to support them in their work.

Belden Forest Old Growth Forest Designation Application – Ms. Capriola notified the group that the Town had submitted its Old Growth Forest Application today. Ms. Masino who is part of the OGFN shared that the Town's application will be reviewed soon and she hopes to have a ceremony in the fall to formally recognize Belden Forest inclusion in the Old Growth Forest Network.

Ms. Masino also mentioned that there is a Lost Forests of New England documentary having its local premier on March 28th at Trinity College.

ADJOURN

125 **Motion:** Ms. Winters made a motion to adjourn the meeting at 5:23PM. Mr. Bush seconded and all
126 were in favor.

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128 Respectfully submitted,

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131 **Thomas Tyburski**

132 **Director of Culture, Parks and Recreation**

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Open Space Commission
Wednesday, November 6, 2019
4:30PM- Simsbury Town Hall- Main Meeting Room
REGULAR MEETING - DRAFT

PRESENT: Eric Wellman, Helen Peterson, Susan Masino, Margery Winters, Dave Ryan, David Bush, William Rice

ALSO PRESENT: Maria Capriola Town Manager, Tom Tyburski Director of Culture, Parks and Recreation

Absent: Timothy Walczak

Call to Order

Mr. Wellman called the meeting to order at 4:30PM

1.) Public Audience

Mr. Wellman asked if there were any members of the Public who wished to speak.

No one spoke at public audience.

2.) Approval of Meeting Minutes from 3/6/2019

Tabled until next meeting. Ms. Peterson provided comments and feedback.

3.) Housekeeping items

a) Selection of Chair for November 2019 through October 2020

Bill Rice motioned to approve Eric Wellman as chair of the committee from November 2019 through October 2020, Margery Winters seconded, motion was approved unanimously.

b) Selection of Vice Chair for November 2019 through October 2020

A decision was made to have a vice chair done on an ad hoc basis.

c) 2020 Regular Meeting Schedule

Helen Peterson motioned to approve the proposed 2020 meeting schedule, Margery Winters seconded, motion was approved unanimously.

4.) Updates

Parks and Open Space Master Plan – Mr. Tyburski provided the group an overview of the 10/29 info session about the Parks and Open Space Master Plan, the results of the survey, and dissemination of info session materials. The next steps are to conduct benchmarking and present a draft presentation to the Open Space Committee and the Culture, Parks and Recreation commission in December. A Final Presentation will be made to the Board of Selectmen in January. The impacts to the capital and operating budgets will likely be presented during the budget development cycle in the winter/spring. Parking, restrooms and trail signage were the top priorities according to the survey. A discussion ensued

of capital funding for sidewalks and bike paths. Helen Peterson observed that the survey demonstrates that Simsbury is on the right path for our open space. Susan Masino commented that the survey response rate was excellent, shows engaged residents who care. There was a discussion centered around walking and utilization of paths, particularly about youth walking to school. Tom Tyburski discussed the trail maintenance and tree work performed by staff.

Policies and Procedures Workgroup – Susan Masino provided the committee an update: the work group looked at state criteria and samples from other towns. The group came up with objectives in preserving open space. There would be a list of 15 items that the open space committee would review and provide feedback on. The list would eventually lead to a policy about what is important to focus on when discussing open space acquisition. The Group is also working on a policy for town owned land that is leased. Dave Ryan mentioned that zoning is working on the regs regarding farms. Soil management and the length of the lease are a focus of this group. The group is looking at best practices and model leases to form a version for Simsbury owned agriculture parcels.

5.) Discussion about Pollinator Pathway

Eric Wellman framed the discussion for the committee, including what is it and why it is important. Margery Winters stated that the project started in Wilton, CT. It designates portions of properties as pollinator pathways. 75 towns in CT/NY/NJ have designated pathways already. A question was raised about how people can manage pesticide use in their own land and how to educate people about planting native plants. Choosing native species at municipal facilities is something to look at for the Town to start doing. Helen Peterson asked how we can educate nurseries and businesses about the plants they sell, Margery Winters responded that it is often public demand that drives what plants are being sold. Land trusts, garden clubs, master gardeners, nurseries and others were identified as key stakeholders in this project. The hope is to have a preliminary plan by January which would include opportunities for town properties.

6.) Open Space Encroachment

The group discussed two properties that are causing encroachment problems on the Belden Forest. An idea was to have a discussion about a volunteer program to monitor open space encroachment as well as other issues such as safety and maintenance. There was also discussion about sending an educational letter to people encroaching on the Forest. Susan Masino learned that a homeowner's insurance policy can payout for damage/dumping in our open space. Tom Tyburski mentioned that West Mountain Farms area has open space encroachment and that we will be sending an educational piece to all abutters of the trail in that neighborhood. Margery Winters explained the Ridgefield Rangers, a citizen volunteer group that walks trails and reports issues like invasive species, encroachment, etc. to the group. Susan Masino expressed a thought about rolling out a message about encroachment issues with the current Parks and Open Space Master Plan, Assessor's info, tax bills or other means.

ADJOURN

Motion: Mr. Ryan made a motion to adjourn the meeting at 5:44PM. Ms. Peterson seconded and all were in favor.

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86 Respectfully submitted,

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89 **Maria Capriola**

90 **Town Manager**

Criteria for Acquisition of Open Space Outlined in State Statute

Preserving critical lands as open space is a priority in Simsbury. Open space is considered land which is protected from development and preserved in the current state. Areas set aside as open space could be used for passive recreation (such as hiking trails or similar low impact activities). 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”

Level 1: Existing Open Space

- Parks, forests and select spaces
- Major preserves owned by quasi-public entities
- Class I water supply lands owned by the state or utilities

Level 2: Preservation Areas

- Class I water supply lands not owned by the state or utilities
- Floodways and wave hazard areas
- Inland wetland soils
- Tidal wetlands
- Areas designated open space on local plans
- Existing water bodies
- Agriculture lands for which the state holds the development rights

Level 3: Conservation Areas

- Class II water supply lands
- Level A aquifer protection areas and some level B areas)
- 100-year flood fringe areas
- Scenic and recreation river corridors
- Significant sand and gravel resources
- Prime agricultural lands
- Historic areas
- Trap rock ridges
- Greenways and scenic areas
- Conservation easements

- Potential major outdoor recreation areas

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:

STATE PROGRAMS ENCOURAGING OPEN SPACE

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

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).

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.

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.

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).

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.

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.

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.

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.

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).

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, 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**

- **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**