



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

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OPEN SPACE STEWARDSHIP AND POLICES WORK GROUP

Monday, November 30, 2020

11:00 A.M.

SPECIAL MEETING AGENDA

Call to Order

1. Minutes from October, 27 Meeting
2. Model Agriculture RFP and Lease
3. Open Space Acquisition Criteria/Guidelines
4. Sustainable CT Grant for Ecological Trail/Pollinator Showcase Garden
5. Discussion of December 2020 Meeting/2021 Meeting Schedule

Adjournment

Open Space Subcommittee Workgroup
Tuesday, October 27, 2020
9:00 AM- 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, were also in attendance.

Call to Order

Ms. Winters called the meeting to order at 9:00 AM

1. Approval of Minutes

The minutes of the September 15, 2020 Open Space subcommittee workgroup meeting were tabled until the next meeting.

2. Natural Area Stewardship Policy

Mr. Tyburski stated that he believes the work group was asked to add in any additional properties, if there were any, before it goes to a final version. Currently, the properties included are Belden Forest, Onion Mountain, Stratton Brook and Ethel Walker Woods. Ms. Masino described three additional properties she feels should be added to the policy, however they don't have names. Ms. Winters stated that given the difficulty naming these properties, maybe the Town can develop a map for these properties. Mr. Tyburski stated that there is an open space inventory that was developed in 2015, which may be helpful. Ms. Winters said it would be helpful to attach the map to this natural stewardship policy. Ms. Masino stated perhaps the areas could be colored differently, that would help distinguish them. She also stated that she thinks it would be good to not only put the policy on the Open Space website, but also put the full document that has the links and references so people can find out more information.

3. Model Agriculture RFP and Lease

Ms. Masino discussed some of the feedback she has received from local farmers and what she thought might be good policies. She also stated that being a grange member and wanting to keep our local farmers farming is a critical piece of the puzzle, she also wants to make sure that the farmers aren't caught by surprise by these changes. Ms. Masino stated that the more farmer friendly the better. The farmer friendly aspects of it would be to have a lease that is longer term, a 5 year term was previously discussed, having the farmer be able to get out of the lease without any kind of penalty, and having minimal paper work by keeping the main form for the farmers simple.

Ms. Winters stated that last time leases were discussed, it was stated that the leases were being approved by the town engineer but perhaps the Open Space Committee might be a better group to review the leases. Ms. Winters stated that she likes the idea of the five year rolling lease. Ms. Masino stated that they had talked about a preference for organic farmers pledge/transition to organic, that already has been our preference but it would be good to force that, making it clear what our preference is will enable decision making to prioritize that.

Ms. Masino suggested that they find the current lease for the Town and table agricultural leases for this meeting, as the current form may be able to be adjusted.

Mr. Hazel stated that he was reviewing the models from other towns, they seem conventional as far as the information they are looking for. He suggested the committee see if there are any gaps, any misses, any hits and clean it up that way.

Ms. Masino asked Mr. Hazel if he could send out our Town's lease, that way they could pull something together from there. Mr. Hazel said he will speak to Mr. Glidden to locate the lease.

Ms. Masino stated that she thinks our leases are coming due. Mr. Tyburski stated that one is currently open so there is some urgency to get the agricultural leases tied up in December so it can get out and approved and that space can be filled.

4. Criteria for Acquisition of Open Space

Mr. Tyburski stated that these are items that the work group agreed to take a look at, not everything has to be tackled at the same time, any of the items can be tabled to another session.

Ms. Winters stated that she has pulled together a document regarding the mowing practices in Town. Mr. Tyburski stated that the agenda could be amended to add that item.

Mr. Tyburski stated that he thought the mowing practices information was helpful and would certainly be helpful to Ms. Casiano and himself. He stated that the next item that would need to be done is to identify the properties where the committee would like to see those practices put into place.

Ms. Winters stated that she feels the mapping is needed so the areas can be identified that the committee wants to reserve for grassland as they require a different management strategy than the meadows. These areas also have to be 25 acres circular or square so right off the bat you know which ones fit that category. Ms. Winters stated that's where she thinks GIS would prove to be helpful to say what do we have that would fit that criteria and manage those for the grassland birds and the other ones you manage for the pollinators, that would be the very first step.

Mr. Hazel said that they do use a vendor for their GIS, so something to start looking into is trying to find a way to get some parcel ids for the properties, get the tiers set so there can be different colors so its easily identifiable on a map.

Ms. Winters stated she is currently working on something similar for the shrub land management, she will send that to the committee in the next day or two.

5. Sustainable CT Grant for Pollinator Pathway Showcase Garden

No discussion.

6. 2021 Regular Meeting Schedule

Mr. Tyburski stated that he believes at the next Open Space Committee meeting they will determine their 2021 schedule.

7. Next Steps & 2020 Meeting Dates

No discussion.

Ms. Masino stated that it says “services” instead of “stewardship” in one spot on the policy, there were just a few tiny edits that she will send to Ms. Capriola.

Ms. Masino stated that as far as the 15 point checklist for criteria for open space acquisition, which was pretty much finalized and presented to Open Space for any additional input in January. She stated that the document should be put in the next Open Space Committee packet so that it can be finalized at that meeting. Then the agricultural lease can be ready for the December meeting.

Ms. Masino stated that she would like encroachment and dumping on open space put on the agenda for the subcommittee or the full committee, as there’s been a lot of discussion about how to handle issues with encroachment and dumping on open space as she’s gotten multiple calls/emails from people concerned about that on town land, having a policy about that prevents anyone from being the bad guy and allows for clarification.

Mr. Tyburski stated there is a town ordinance about dumping on town property, typically a letter goes out and they are given a chance to clean up and if they don’t there’s a fine. The policy exists, however, attention could be drawn to it, monitoring it is the toughest part. Over the next few years it could be helpful to establish a “friends of a certain property” or a rangers program and someone would be responsible for monitoring a trail or a piece of property a couple of times a year and reporting back if there’s any issues.

Ms. Masino stated that she thinks it would be a good policy to put more prominently on the town website and on the open space page. She has been putting feelers out to groups that could help monitor these properties and that could be another agenda item to formalize.

ADJOURN

The meeting adjourned at 9:40 a.m.

Respectfully submitted,
Heather Taylor
Committee Clerk

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”

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:

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

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**