



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

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OPEN SPACE COMMITTEE

Wednesday, April 7, 2021

4:30 P.M.

REGULAR MEETING AGENDA

Call to Order

1. Public Audience
2. Approval of Minutes
 - February 3, 2021
3. Policies Work Group Update
 - Model Agricultural Lease and RFP
 - a) Agricultural Land Use Policy
 - Draft Acquisition Criteria Policy
4. Other
5. Executive Session per General Statutes section 1-200(6)(D): Discussion of potential purchase of Meadowood property.

Adjourn

Open Space Committee
Wednesday, February 3, 2021
4:30PM- Via Zoom Video Conference
REGULAR MEETING MINUTES - DRAFT

PRESENT: Eric Wellman, Margery Winters, Susan Masino, David Bush, Tim Walczak, and Bill Rice.

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

Call to Order

Mr. Wellman called the meeting to order at 4:37 PM

1.) Approval of Minutes

Mr. Bush made a motion to accept the minutes of the December 2, 2020 meeting as presented. Ms. Winters seconded the motion. The Committee members voted unanimously to approve the minutes of the December 2, 2020 meeting.

2.) PA 490 Referral to Open Space Work Group

Mr. Wellman stated that at the last Board of Selectmen meeting there was a discussion about putting more guidelines and structure around PA-490 as it relates to what qualifies as open space. PA-490 allows property owners who have either forest, open space or farmland to have a very different tax rate. Mr. Wellman stated that the Board of Selectmen is asking the Open Space workgroup to develop a policy and guidelines around what qualifies as open space should someone want the PA-490 designation. Ms. Capriola shared that the Town has a relatively new assessor who was looking for the guidelines or criteria for properties that should qualify under PA-490 (it is currently around a dozen properties) and the assessor had a really difficult time finding any criteria for this. Ms. Capriola stated that she thought the workgroup could be really helpful in developing a draft set of criteria for properties that could qualify under PA 490.

3.) Policies Work Group Update

• Model Agricultural Lease and RFP

Ms. Winters stated that the workgroup has been working on the RFP and they did submit it to Town staff wherein it was refined. Ms. Winters stated that the workgroup was happy with the draft and thinks it's ready to go. Ms. Winters asked if there were currently any farmers interested in filling out the RFP. Mr. Hazel stated he has had one inquiry. Ms. Capriola stated that they haven't issued it formally on the Town's website, however, she does feel that they are really close to having a final document ready. Ms. Appleby is currently reviewing some of the insurance requirements with their insurance carrier. Mr. Hazel stated he will be working with Mr. Glidden on naming the parcels in the field for identification so if a farmer wants to look at a property before leasing they will know exactly what the property and boundaries are. Mr. Walczak will reach out to a few farmers for input on the RFP.

- **Draft Acquisition Criteria Policy**

Ms. Peterson stated that bullet number nine under Roman numeral four says “provide sites for active recreation”. She believes that the word “active” doesn’t belong, coordinate or fit and she questions why it’s in there as she feels that it is misleading. Ms. Winters stated that that was a good point as there is no definition as to what “active” and “passive” recreation is in the document. Mr. Tyburski stated that he thinks this language came from the POCD. Mr. Rice said that when they were developing the POCD they didn’t want to preclude active activities on open space. Mr. Rice asked Ms. Peterson why she felt that the word “active” didn’t fit. Ms. Peterson stated that she never considered walking or hiking an active activity, it is a passive activity. Ms. Peterson stated that in the opening paragraph to the criteria it states, “land which is protected from development and preserved in its current state.” Ms. Winters stated that it does call out in the first paragraph “passive recreation” and then specified it and there isn’t a definition of active. Mr. Hazel suggested reviewing the POCD to see what the open space goal is. Ms. Capriola stated that in the opening paragraph of the draft it says open space would essentially be left in its current state, she said they may want to give some thought to that wording, for example, what if they wanted to put in a walking trail. Mr. Bush shared his thoughts that the word active should stay in and perhaps be defined better. Ms. Peterson suggested a qualifier be put in. Mr. Wellman asked if they could clarify what they mean in the policy by “active recreation” as it seemed that there was a consensus to qualify it appropriately. Mr. Hazel stated that he could review that in his department and review the POCD and try to get some better clarification. Mr. Tyburski stated that they don’t know what active recreation will look like in 40 years so he doesn’t think it should be narrowed down too much. Mr. Hazel stated that that is a reason to maybe rely on something that can be put in the POCD so it gets reviewed every 10 years.

Ms. Peterson stated that the fifteen bullets under Roman numeral four might be perceived as giving a preference of value, in order to make each bullet be value equally perhaps a qualifier should be put before the colon of the sentence before the bullets. Mr. Wellman agreed.

- **Other**

Mr. Bush asked if there was an update regarding the Antonio property negotiations. Ms. Capriola stated that the Board of Selectmen did authorize a purchase and sale agreement for the disposition of approximately just under an acre of land on Holcomb Street and then acquiring an easement for the bike path. The purchase and sale agreement was just executed about a week ago and the Town’s attorney is in the process of working through the closing checklist and the closing is likely to happen in March. Mr. Rice inquired about the finance of the sale. Ms. Capriola stated that the disposition sale price was about six thousand dollars, the acquisition of the easement was around 52K (plus or minus).

ADJOURN

Mr. Bush made a motion to adjourn the meeting, seconded by Ms. Winters. All voted in favor. Motion passed. Meeting adjourned at 5:14 pm.

Respectfully submitted,
Heather Taylor
Committee Clerk



Town of Simsbury

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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 mission 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”

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

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

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:

2. 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).

3. 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**