



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

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OPEN SPACE COMMITTEE

Tuesday July 1, 2020

4:30 P.M.

REGULAR MEETING AGENDA

Call to Order

1. Public Audience
2. Approval of Minutes
 - March 4, 2020 Meeting
 - June 2, 2020 Meeting
3. Updates (Oral Reports)
 - Parks and Open Space Master Plan
 - Status of Meadowood Referral
 - Status of Potential Disposition of Holcomb Street Parcel
 - Pollinator Pathway Program, Possible Grants
4. Policies/Policies Work Group
 - Natural Stewardship Policy
 - Disposition of Open Space Policy
 - Other

Adjourn

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Open Space Commission
Wednesday, March 4, 2020
4:30PM- Board of Education Conference Room, Town Hall
REGUALR MEETING MINUTES - DRAFT

PRESENT: Eric Wellman, Susan Masino, Margery Winters, Anne Erickson, David Bush, Bill Rice

STAFF PRESENT: Maria Capriola Town Manager, Tom Tyburski Director of Culture, Parks and Recreation, Mike Glidden, Planning Director, Jeff Shea, Town Engineer

Absent: Helen Peterson, Tim 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.

Diane Nash spoke to not being in favor of the sale or disposition of open space. She is concerned a homeowner could then subdivide and change the characteristic of a neighborhood. She has seen many instances of well-intended decisions that resulted in a slippery slope and a future bad outcome. Transaction will result in the land becoming a farm and change the tax status. She feels we are rewarding someone for encroaching on open space. This is contrary to what the town stands for and was also recently discussed at the State level. An idea of a life-use lease for the current abutting homeowner to the Holcomb Street parcel and even a tax break was mentioned by Ms. Nash, but any future change in use should revert the land back to the town.

John Schafer seconded these comments and has seen many examples in his career where open space was lost due to a series of decisions. He also recommended leasing the property versus selling it.

MaryPat Bolbrock is a volunteer with the Center for Biological Diversity CT group - "Mobilize for the Wild." She said how open space increases our quality of life and property values and local businesses and that it is harmful to the town to carve up open space for short-term financial benefits. She urged the commission against the Holcomb transaction and to reconsider this. The grassroots initiative meets in Canton and she will be reporting back.

Bill Corder agrees and is totally against the land swap and the proposed Holcomb Street transaction. He thinks this should have come to open space first. He stated he was opposed to the sale of open space.

Eric Wellman and Maria Capriola said the timing of this is just a function of the meeting schedules.

2.) Approval of Minutes

44 a) A motion to approve the January 8, 2020 minutes as presented was made by D.
45 Bush, seconded by M. Winters. All voted in favor. Motion passed.
46

47 **3.) Updates**

48 **Parks and Open Space Master Plan** – Tom Tyburski gave an update to the Committee on the Parks and
49 Open Space Master Plan. He stated that the goal is to give a presentation to the Board of Selectmen on
50 April 27th. S. Masino recommended that this document be on-line for the public to view. Eric Wellman
51 recommended that a draft that could be attached to his First Selectman’s report. M. Capriola noted it is
52 attached to the minutes on the January meeting.
53

54 **Stewardship, Policies and Land Management Work Group** – Mike Glidden stated that the Town’s new
55 code compliance officer will be doing research and helping with the work group. We are getting
56 examples from other towns. M. Winters recommended we have a policy and criteria for the purchase
57 and sale of open space because the conservation commission had no guidance regarding the land swap.
58 S. Masino noted that the working group has a draft of criteria provided previously to open space and the
59 goal is to move to approve this in the near future.
60

61 **4.) Open Space Referral on Sale of Open Space on Holcomb Street**

62 Jeff Shea started with the trail easement overview. He mentioned that the State right of way at the
63 Route 10/315 intersection is not sufficient width for a bike path and there are design alternatives but
64 the proposed path is the most favorable alignment. Total land is about 0.1 acres.
65

66 E. Wellman clarified that the only thing that Open Space needs an action on is the disposition, but that
67 the disposition and the easement are linked. Mike Glidden gave an overview on the Holcomb Street
68 referral. The area is currently fenced off by the landowner and was established originally as a way to
69 fulfill the 20% set aside in a subdivision. The town is not actively maintaining it and the public has no
70 access. Mike Glidden included the comments from the Planning and Conservation Commissions.
71 Conservation suggested a deed restriction with no future construction on the parcel. E. Wellman read
72 into the record (a copy has been placed following these minutes) a letter written by H. Peterson. It
73 stated her opposition to the proposed transaction because the town lacks a stewardship policy.
74

75 D. Bush asked about abutting land. The Holcomb parcel abuts another piece of open space and has a
76 drainage easement. He questioned if a subsequent owner could develop that parcel. He stated that he
77 supports a deed restriction to not construct on the parcel. Mike Glidden stated that 2 regulations
78 prohibit the subdivision of the parcel but there is enough acreage and frontage for another building lot
79 and regardless it could come in through an affordable housing regulation. D. Bush supports not
80 subdividing the parcel in the future and wants to make sure this restriction is in place. E. Wellman stated
81 he would support a deed restriction not allowing construction. M. Winters stated she likes the idea of
82 leasing the property. D. Bush stated the importance of the bike path as it is a critical piece to connect
83 Bloomfield and Tariffville as well as it being a part of the East Coast Greenway.
84

85 M. Capriola described other town properties that are leased – a few houses, farm properties.
86

87 D. Bush noted that the bike path is a priority for Culture Parks and Rec. and Simsbury has been a
88 stumbling block. Emphasized that it should not be moved to the other side of the road.

89
90 E. Wellman said a policy is needed and this should not set a precedent. Sees great public benefit in this.
91 He said that we would be losing a piece that is inaccessible to our residents but gaining an asset in the
92 bike trail that is accessible to all residents of Simsbury. S. Masino supports the bike path and inquired
93 about standards of bike path construction. Jeff Shea responded that we aspire to conform to standards
94 set but that some older parts of the bikeway don't comply with modern design standards.

95
96 S. Masino notes that residents contacted her when this was on the planning commission agenda and
97 knew nothing about it. She thought that the goal was either for the town to get money from the sale, or
98 reduce maintenance, or establish more farms. None of these ideas are correct and this it is explicitly a
99 swap. She asked if it was an even swap. S. Masino stated that discussing small pieces of open space as
100 having no value is wrong. Wildlife corridors and pollinator pathways don't require public access, these
101 could be future gardens or sites for local energy. The open space network including these small pieces is
102 a fundamental part of Simsbury. She would be willing to consider a life time lease for this parcel instead
103 of a sale.

104
105 E. Wellman motioned to enter into executive session, seconded by S. Masino, to discuss purchase and
106 sale of real property at 133 Holcomb Street at 5:15pm. The 6 commission members, Maria Capriola,
107 Mike Glidden, Tom Tyburski and Jeff Shea went into executive session.

108
109 The Commission left executive session at 5:48pm.

110
111 E. Wellman moved, seconded by S. Masino, to recommend to the Board of Selectmen a positive referral
112 for sale of the property at 133 Holcomb Street with a deed restriction that no future structures are
113 placed at that parcel or that a life time lease be considered. E. Wellman reiterated the need for a policy
114 and the need to address encroachment, which was brought up at a previous meeting.

115
116 In favor: Eric Wellman, Anne Erickson, David Bush and Margery Winters; Opposed: Susan Masino and Bill
117 Rice. The motion passed 4 to 2. S. Masino said she would have voted yes for a lease. M. Capriola
118 indicated she would note that.

119
120 **5.) Pollinator Pathway**

121 M. Winters gave an update on the pollinator pathways and some pilot projects at Simsbury Farms. E.
122 Wellman stated he would like to see pollinator gardens happening in town and they are planned at
123 downtown churches. M. Winters noted that using our yards as wildlife habitat has huge potential and
124 referred to Doug Tallamy's new book.

125
126 **ADJOURN**

127 D. Bush made a motion to adjourn the meeting, seconded by B. Rice. All voted in favor. Motion passed.
128 Meeting adjourned at 5:55pm.

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130 Respectfully submitted,

131 Maria Capriola
132 Town Manager

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139 **From:** Helen Peterson
140 **Date:** March 4, 2020 at 12:01:21 AM EST
141 **To:** Wellman Eric
142 **Subject: Wednesday's Open Space Committee meeting**

143 Hello Eric,
144 Greetings from NC. I sincerely regret not being at the Wednesday meeting. May I request that you
145 provide each member with a copy of this email and respectfully ask that you read it aloud into the
146 record, as I address my concerns re the Referral under agenda item 4.

147
148 As I understand the Referral, it is the result of the town's need to purchase an easement along Tariffville
149 Rd. for the bike path...a very laudable project! One that should be pursued independently.

150
151 The owner of that property has requested in turn to purchase from the town a one acre plus parcel of
152 open space abutting his property on Holcomb St. (and accepting his appraisal is not in the best interest
153 of the town).

154
155 My comments remain more importantly to the issue of should the Town sell a parcel or any parcel of
156 open space land AT THIS TIME?

157
158 As I read the referral, a number of assumptions are appallingly incorrect and misleading.

159
160 ' The town of Simsbury does not maintain this area.....nor has plans for future maintenance of this area.'

161
162 Incorrect! The town DOES MAINTAIN the areain its natural state as intended in part and
163 appropriately as conserved land.!

164
165 I strongly urge the committee to pay close attention to the meaning of the words maintain and
166 maintenance as inferred in this referral. Are we still assuming, collectively within our town government,
167 agencies, departments, officials and staff, that to 'maintain' an area means only mowing, cleaning, or
168 actively altering its use?? What has happened to all the meaningful discussions we have had based on
169 credible emerging science of the value of 'maintaining' an area of open space in its natural state?

170
171 As to 'no future plans' ? What of our many discussions and efforts re the emerging value of open space
172 for connectivity, wild life corridors and the pollinator program? Where might this area fit? Further, this
173 area is no less an important area within greater conserved land as it relates to the health of the Earth.

174

175 I could go on and on but let me go back to why I stated it would be ill advised for any sale AT THIS TIME.

176

177 My responsibility, the Committee's responsibility as the designated Stewards of the Town's open space,
178 is to advise and assist the administration, the BOS, in making good, important decisions re our
179 conserved lands.

180

181 What is hindering our ability to do this effectively right now is the lack of a stewardship Policy. It is
182 important that we get this done! And certainly before this or any such Referral can be considered.

183

184 Such a sale now allows a precedent we cannot live with rightly. Without a viable and worthwhile Policy
185 that truly reflects the value that all our residents place on our conserved lands, we are at risk that a
186 dangerous precedent will dictate our Policy. And we are at risk that the Planning and Conservation
187 Commissions will continue to make decisions without 'that Policy' to guide them.

188

189 I sincerely appreciate the opportunity to be part of this committee's deliberations from a distance.

190 Thank you!

191

192 Helen

193

194 P.S. The referral states that the abutting property owner has 'maintained the area of open space over
195 the years'. Was that with or without the town's knowledge? Again, without a Policy, inappropriate
196 practices and precedents will occur.

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Open Space Commission
Tuesday, June 2, 2020
4:30PM- Via Zoom Video Conference
REGUALR MEETING MINUTES - DRAFT

PRESENT: Margery Winters, Susan Masino, Timothy Walczak, Helen Peterson, Bill Rice, Anne Erickson

ALSO PRESENT: Maria Capriola, Town Manager, Tom Tyburski, Director of Culture, Parks and Recreation, Mike Glidden, Planning Director, Jeff Shea, Town Engineer, JT Horn, Trust for Public Land, Honor Lawler, Trust for Public Land, Tom Fitzgerald, Management Specialist

Absent: David Bush, Eric Wellman

Call to Order

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

1.) Public Audience

Ms. Winters read public comments that were submitted in advance of the meeting.

Danielle D’Ermo commented to her support of the purchase of Meadowood as it is very important to the Town to compensate for all the space that has been lost over the last 5 years due to over building. She believes selling open space has an adverse impact on the Town and is a bad precedent to set.

Diane Nash requested a postponement of the Public Hearing on the sale of an open space parcel. She stated that the restraints under the Covid-19 guidelines preclude open and fair participation, and though meeting the legal standard, it does not meet the standard of transparency and fairness. She also believes that there should be no consideration of the sale of any parcel, until the Open Space Committee has completed the current study and report for stewardship of open space.

Additionally she requested that the committee educate on the value of even the smallest parcels ecologically, and reverse the uninformed view that the ‘random’ parcels are economically neutral or even an economic drain as these parcels have value both as natural spaces and a revenue source.

2.) Approval of Minutes

a) Ms. Peterson requested an amendment to the agenda to include a discussion of the present calendar of meetings. Mr. Rice made a motion to add a discussion of the present calendar of meetings as agenda item number 5. Ms. Masino seconded the motion. All in favor and the motion passed.

b) Ms. Masino requested that the March 4, 2020 minutes be amended to reflect additional comments she made. The minutes were tabled until the next meeting.

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3.) Open Space Referral on Meadowood Acquisition

JT Horn and Honor Lawler were present from Trust for Public Land, Honor Lawler, a non-profit conversation organization with Land for People mission.

Mr. Glidden shared that the project is an affordable housing development which was approved by the Court in 2008, approval plan calls for construction of 296 single family homes, approvals valid through March 20, 2022. Pursuant to the court settlement, environmental remediation was required in order to “clean” site to residential exposure standards. Simsbury has engaged the services of a licensed environmental professional to review files and inspect site.

Mr. Horn shared on the Meadowood attributes including the opportunity for 6 new multi-purpose athletic fields, connectivity to McLean game refuse, historic resources- Martin Luther King, Jr., agricultural soils and opportunity for continued farming, preserving history tobacco barns to the extent possible on Firetown Rd.

Mr. Horn discussed the landowner contract; owned by a subsidiary of Griffin Industrial Realty, fully permitted for 296 unit subdivision. Trust for Public Land has a signed contract for fee purchase at 6 million. The initial term is until February 2021, if things are on track an extension until July 2021 is possible. TPL contract envisions Griffin pursuing an 18 month permit extension as a backup plan if the conservation purchase does not move forward.

Phased conversation outcome- 138 acres of open space w/ State DEEP recreational access easement, 24 acres for future athletic fields, 117 acres of farmland preservation w/ State Dept. of Agriculture easement, 3 acres w/ historic barns & MLK interpretive displays

Tentative capital funding model (subject to agency approvals and successful fundraising)

2,175,000- town of Simsbury

820K- Deep via Open space grant

600K- DEEP via land and water conservation fund

1,755,000- CT Dept. of Agriculture

500K- state historic preservation office

150K- sale of private lot at 129 Holcomb Street

6,000,000 total capital

Simsbury action items

1. Allocate 2.175-2.2 million towards land purchase and other costs
2. Request technical assistance of Trust for Public land
3. Develop a memorandum of understanding with TPL outlining roles and responsibilities
4. Zoning, planning and conservation commission to review landowners request for resubmittals of approved plans for 18 month approvals
5. Collaborate with TPL on due diligence- title, survey, environmental, appraisal

89 Mr. Tyburski spoke to the impact on the Culture, Parks and Recreation Department stating that although
90 there is not an immediate need for the athletic fields, the Town is still growing and it would be
91 worthwhile for future need and prudent to set something aside. The fields would be multipurpose at
92 this point. The concept plan put together with the Engineering Department was shown.

93

94 Ms. Masino questioned if there were any specific grants for that 24 acres. Mr. Tyburski stated there are
95 not at this time.

96

97 Ms. Masino questioned if the deal precludes building any buildings or infrastructure on the property.
98 Mr. Tyburski stated that there are no DEEP restrictions tied to the purchase and believes you could put
99 an outbuilding on the property.

100

101 Ms. Masino stated her opposition to artificial turf fields should that issue arise in the future.

102

103 Mr. Bush stated that he unequivocally supports the Meadowood property acquisition and believes that
104 it is a rare opportunity to preserve this valuable open space. He believes the property would provide
105 both recreational and agricultural opportunities to the town and its residents. He stated that it also
106 makes good fiscal sense as a residential development on a property of this size will put a strain on the
107 existing town resources and services. In particular the burden on the school system would be significant
108 and costly.

109

110 Mr. Shea stated that they retained the services of an environmental professional who recommended we
111 complete a review of the remediation plan, recon of all the property and barns. And at this point there
112 are no red flags.

113

114 Ms. Peterson shared that she feels that it is a wonderful opportunity, a win/win, and an opportunity for
115 the Commission to send forth a positive referral.

116

117 Mr. Walczak asked what fundraising looks like on our end. Mr. Horn said that due to the timing, they
118 have been laying low on the community fundraising front. Right now all efforts are going into public
119 grant writing.

120

121 Ms. Peterson asked if there was any leeway with the original timeframe and extensions. Mr. Horn
122 believes that they will get it done within the timeframe they have negotiated with Griffin.

123

124 Ms. Winters shared her sentiments that she feels it is a phenomenal project.

125

126 Mr. Walczak made a motion for the Open Space Commission to provide a positive referral to the Board
127 of Selectmen to support the acquisition of the Meadowood property. Ms. Masino seconded the motion,
128 the motion passed all in favor.

129

130 Mr. Glidden stated this item will now go to the land use commissions, it will go to the Historic District
131 Commission on Friday then Planning, Zoning and Conservation.

132

133 Ms. Capriola stated that she expects it to go to the Board of Selectmen this summer.

134

135 **4.) Updates**

136

137 ***Parks and Open Space Master Plan*** – Mr. Tyburski stated that at the committee meeting back in April, a
138 rough draft was provided that was given a lot of feedback. Their team is currently working on a pre-final
139 draft which they hope to receive back in mid-June with presentation to the Board of Selectman in mid-
140 July.

141

142 Ms. Peterson asked Mr. Tyburski went the Open Space Commission gets to see the rough draft. Mr.
143 Tyburski stated hopefully next week and that would give them about ten days to review.

144

145 Ms. Masino encouraged the Commission to think about that one of the goals of the Parks and Open
146 Space Master Plan was to pull together the information they have on different parcels so they have a
147 repository on our policies, bio-diversity surveys, stewardship stuff, even if those items aren't 100%
148 finalized, she wants to make sure they are at least reflected in an appendix so the stuff doesn't keep
149 getting lost and the plan can be used as a hub.

150

151 ***CT Statutes and Recreational Liability***– Ms. Masino shared that there was a big push in Connecticut in
152 2010/2012 to essentially exempt towns from liability for anything that happens on open space land, as
153 long as the town isn't putting up a purposeful danger or hazard. This would be a good type of appendix
154 to be on the Open Space Master Plan. She also discussed a statute she found related to disposing of
155 open space and stated these type of statutes regarding open space would be helpful to have at hand.

156

157 ***Mountain Biking in Nature Preserves***– Ms. Masino shared that one thing that has come up on the Land
158 Trust listserv is that if you mountain bike in an area, there are a lot of documented evidence that wildlife
159 leave and don't come back. What are appropriate uses for certain properties might be something to put
160 into the Open Space Master Plan.

161

162 ***Pollinator Pathway Program Possible Grants***– Mr. Tyburski updated the Commission that Mr. Casiano
163 put in two wildflower gardens at Simsbury Farms this spring. The Drake Hill Bridge Committee put in
164 another pollinator pathway garden as well.

165

166 **5.) Current meeting calendar**

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168 Ms. Peterson stated that she feels that if the Commission could meet monthly, everybody could plan for
169 it and it wouldn't be so difficult to get us together and if there weren't even items to warrant a regular
170 meeting then it would be easy to cancel that meeting.

171

172 Ms. Masino shared her support of meeting monthly, especially because a lot of things are going on and
173 getting held up. We could have a monthly standing meeting but if we don't need it for the full board
174 maybe it could be used as subcommittee work.

175

176 Ms. Peterson made a motion to change the Open Space Commission's calendar to monthly meetings.
177 Ms. Masino seconded the motion. The motion passed, all in favor.

178

179 Ms. Capriola confirmed that these would still be held the first Wednesday of every month at 4:30 p.m.

180

181 **ADJOURN**

182 Ms. Peterson made a motion to adjourn the meeting, seconded by Mr. Walczak. All voted in favor.

183 Motion passed. Meeting adjourned at 5:47pm.

184

185 Respectfully submitted,

186 Heather Taylor

187 Commission Clerk

DRAFT VERSION

A Natural Forest Ecosystem: Best Practice for Natural Stewardship

This is a “best practice” manual designed for landowners and land managers caring for a natural forest that is intended as a self-sustaining nature preserve. The goal is to provide basic information on “natural stewardship” - including how and when to monitor the property, and how to determine when and why intervention might be considered.

Natural stewardship is possible for all or part any forest unless it is precluded legally. It is recommended or may be required if a forest is protected by a “Forever Wild” conservation easement, is designated as “wilderness,” or fulfills a landowner or a donor’s intent.

Examples of areas under natural stewardship include National Parks. Briefly, management prioritizes natural processes rather than regular active management by people. Natural stewardship is possible on a parcel of any size and any forest type and is a cost-effective approach that can minimize the spread of invasive plants. Over time it also maximizes 1) cumulative stored carbon, above and below ground; 2) forest-based diversity; and 3) ecological and structural complexity. These natural areas can connect across generations and serve as local and regional scientific controls for forested areas under active habitat management or maintained for resource production.

Protecting and stewarding some natural areas is essential in every region and reduces the rate of species’ extinction. Proactively setting aside suitable areas is urgent because the majority of our forested landscape is managed routinely. Natural stewardship is practiced purposefully on less than 4% of the land across New England, yet international scientific consensus on biodiversity recommends protecting at least 17% (recently increased to 30%) and in some cases 50% (“nature needs half”).

Because of ongoing natural disturbances (pests, storms) a natural forest can include all types of forest habitats. Regrowth of New England’s temperate forests – after eighteenth and nineteenth century land clearance, followed by widespread agricultural abandonment – is one of the most successful examples of reforestation in the world.

The scientific consensus is that we need some forests growing, recovering and evolving, at nature’s pace. This is a powerful nature-based solution that aligns with natural stewardship. It enables forested ecosystems to grow continually toward their ecological and structural potential. Natural stewardship also provides beautiful forests for human respite and quantifiable health benefits and scientific study.

Natural stewardship: best practice guidelines

No routine maintenance is required - nature is in charge. If adverse conditions develop (progressive trail erosion, threats to public health, etc.) should be addressed based on a precautionary principle and interdisciplinary science. See National Park Service guidelines.

Monitor major trails. If trails are present annual monitoring can prevent progressive damage, willful hazards, erosion, etc. Passive recreation is allowed.

Monitor ecological integrity, borders. Monitor borders to prevent encroachment, dumping, etc. Note that edges and trails are areas where invasives gain a foothold, as are areas of recent natural disturbance. How, when and if an invasive is removed or addressed should align with the precautionary principle and is a dynamic field of research. It should be considered in consultation with a local practitioner familiar with natural stewardship.

Regular photopoints and data collection are scientifically valuable. We have little long-term data on natural forests. Forests shaped primarily by natural processes rather than by management by people serve as valuable reference areas (scientific “controls”). By establishing monitoring plots and periodically measuring the trees and other vegetation you can track changes over time and provide a valuable reference area for other properties that are being actively managed. For more information see Research Natural Areas

https://www.nrs.fs.fed.us/rna/local-resources/downloads/rna_fs_503.pdf

For more information about how to monitor with plots and photopoints see Wildlands and Woodlands Stewardship Science Manual <https://highstead.net/ecostudies/Stewardship-Science.shtml>

Resources for additional information:

<http://northeastwildernesstrust.org/wilderness-conservation/wp/>

<https://wildlandsnetwork.org/wildways/eastern/>

<https://www.oldgrowthforest.net/>