



Town of Simsbury

933 HOPMEADOW STREET

P.O. BOX 495

SIMSBURY, CONNECTICUT 06070

Thomas F. Cooke - Director of Administrative Services

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Date of submission:** **March 20, 2014**

2. **Date of Board Meeting:** **April 14, 2014**

3. **Individual or Entity making the submission:** **Richard L. Sawitzke, P.E.**

4. **Action requested of the Board of Selectmen (Acceptance of gift, creation of reserve, approval of contract, information only, etc. Be as specific as possible with respect to the desired action of the Board.):**
Approve renewal of Agriculture License Agreement for Dewey Farm to the Ryan Family Farm. Suggested term of License:
 - 1 year for land of East Side of Terry's Plain Road
 - 1 year, with automatic 3 year extension for land on West Side of Terry's Plain Road.

5. **Individual(s) responsible for submission (Please include complete contact information. The identified individual(s) should be prepared to present information to the Board of Selectmen at the Board Meeting.):**

Richard L. Sawitzke, P.E.



Town of Simsbury

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SIMSBURY, CONNECTICUT 06070

Engineering Department

March 20, 2014

Board of Selectmen
Town of Simsbury
933 Hopmeadow Street
Simsbury, CT 06070

Dear Selectmen:

Subject: Dewey Farm

In August 2013, you received a report concerning the purchase history and sales potential of all, or some of, the property. I believe that there is high sales potential, and value, for residential lots on this property. However, the Farmington River (westerly) side of this property lies within the Simsbury Plan of Conservation and Developments' open space/river corridor. Therefore, you may wish to preserve the land along the river, and only consider sale of the land east of Terry's Plain Road.

As you deliberate your decision, comments are still needed from our Town Attorney regarding any special steps needed to sell the property related to the funding sources, as discussed in the August 2013 report.

We have also received inquiry from the Ryan Family Farm regarding renewal of their agricultural license for the 2014 year. Since the decision process may take some time, I would suggest renewing the license at \$78.00/acre for 1 year, with an automatic 3 year extension for land along the Farmington River if you decide to not sell the land along the river.

The Ryan Family Farm was a good agricultural steward of the land last year. Keeping the land in active agriculture during your decision making process will maintain the land in good condition for any types of future uses.

Please contact me if there are any questions.

Sincerely,

Richard L. Sawitzke, P.E.
Engineering Transition Manager

cc: Thomas F. Cooke, Director of Administrative Services
Jeff Shea, P.E., Town Engineer

Telephone (860) 658-3260
Facsimile (860) 658-3205

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6. **Summary of Submission** (Include in your summary (i) relevant dates and timelines; (ii) parties involved; (iii) a description of financial terms and conditions specifically identifying the financial exposure/commitment of the Town of Simsbury; (iv) whether or not contracts, licenses and other legal documents have been reviewed by the Town's counsel; and (v) other information that will inform the Board of Selectmen's consideration of your submission. Include any additional information in an attached memorandum.):

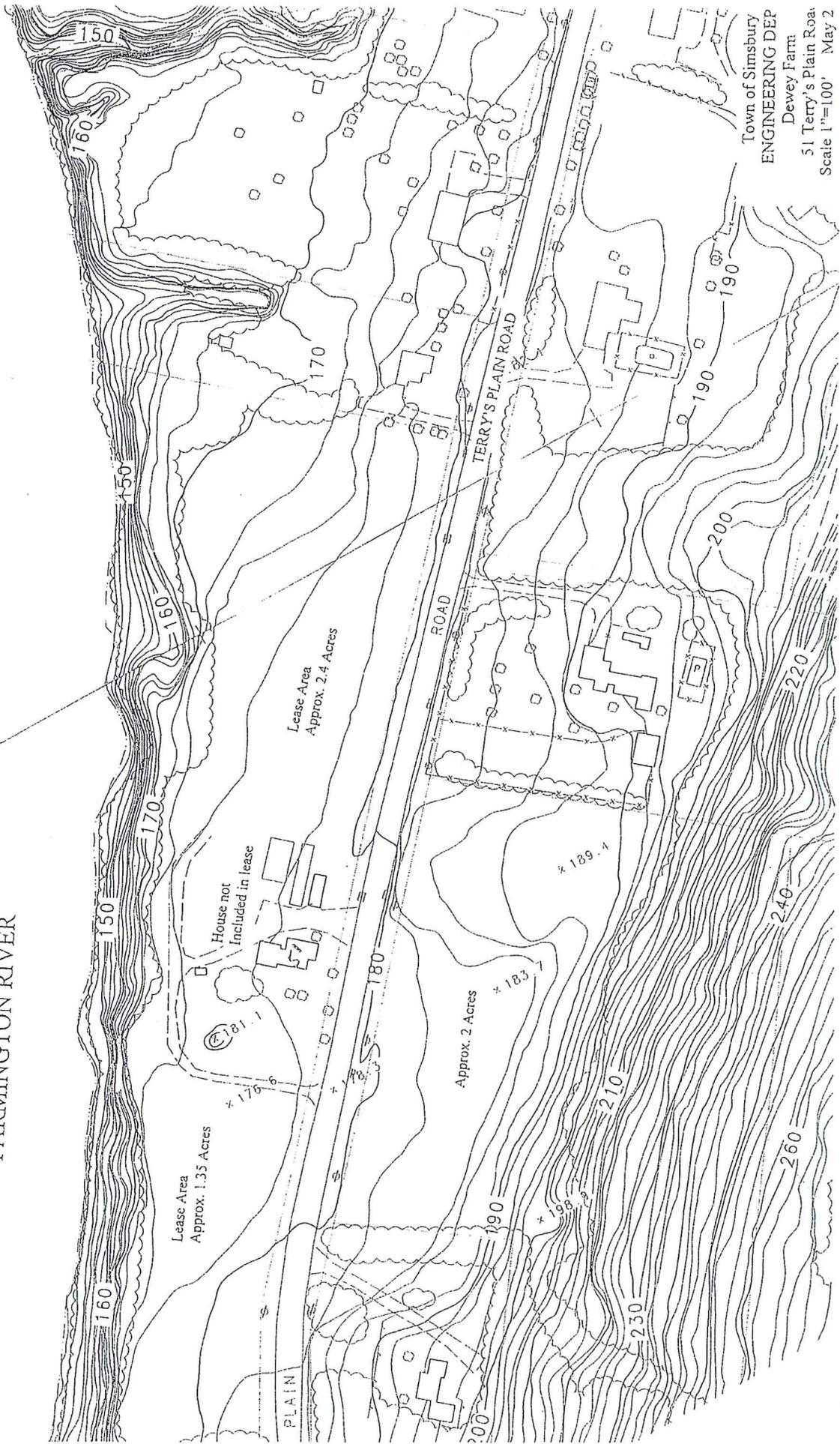
- i. Award renewal wants to meet the planting season for 2014.
- ii. Town of Simsbury and License, Ryan Family Farm.
- iii. N/A
- iv. License Agreement is standard as previously approved by Town Counsel.
- v. See attached letter and documents

7. **Description of documents included with submission** (All documents must be in final form and signed by the appropriate party.):

The following documents are included with this submission and attached hereto:

Letter dated, March 20, 2013 to BOS.

FARMINGTON RIVER



Town of Simsbury
ENGINEERING DEP
Dewey Farm
51 Terry's Plain Road
Scale 1"=100' May 2



Town of Simsbury

933 HOPMEADOW STREET

P.O. BOX 495

SIMSBURY, CONNECTICUT 06070

Richard Sawitzke - Town Engineer, Director of Capital Projects

August 1, 2013

Board of Selectmen
Town of Simsbury
933 Hopmeadow Street
Simsbury, CT 06070-0495

Dear Selectmen:

Subject: Dewey Farm Report

Attached is a report describing the Dewey Farm property, the background regarding the acquisition process, and information concerning appraisals, values and development potential.

There are several attachments which are not included with your report. Those documents are available in our files.

Please contact me if you have any questions.

Sincerely,

Richard L. Sawitzke, P.E.
Town Engineer/Director of Capital Projects

cc: Mary A. Glassman, First Selectman
Tom Cooke, Director of Administrative Services
Tom Roy, P.E., Director of Public Works

Telephone (860) 658-3260
Facsimile (860) 658-3205

rsawitzke@simsbury-ct.gov
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DEWEY FARM

14.5 acre parcel

51 TERRY'S PLAIN ROAD

SITE INFORMATION

JULY 2013



Prepared For: Simsbury Board of Selectmen
Prepared By: Richard L. Sawitzke, P.E., Town Engineer

Dewey Farm

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Issue

At its meeting of July 8, 2013, the Board of Selectmen considered the award of an Agriculture License Agreement for the Dewey Farm, with a 3 year period, with two 1 year extensions. Prior to making a decision, the Board requests information concerning the possibility/feasibility of selling all, or part of, the land, clean-up of the property, and assessment of the residential building on the property.

Background

The Board of Selectmen purchased the Dewey property on February 1, 1999. The purchase, for \$278,000.00, was a fee simple transaction, reserving a life estate for the benefit of the Grantor (Leslie N. Dewey) and his son, Carlton Dewey. Recorded at V. 503 P. 622 in the Simsbury Land Records, the deed only mentions the following restrictions or easements:

- No commercial office development, on parcel fronting Farmington River
- 2 drainage easement on parcel west Terry's Plain Rd.
- 8' wide bridle path right-of-way on parcel east Terry's Plain Rd. (except location undefined)

If the property were to be sold for purposes other than agriculture and/or open space, I believe that a legal opinion regarding the required actions would be needed. The reason for this is the funding and purchase authorization language reflected in various board and commission actions. These actions are briefly summarized, as follows.

- 3/23/98: BOS action for amending Talcott Mt. Ridge fund balance, to be used for the purchase of development rights and acquisition of land for open space and municipal purposes.
- 5/5/98: Special Town Meeting approved the above mentioned fund balance amendment (\$261,947.00)
- 10/20/98: Special Town Meeting appropriated \$1,000,000.00 for the purchase of development rights and acquisition of land for open space and municipal purposes. Approved bonding of this amount.
- 11/9/98: BOS authorized First Selectman to sign Purchase/Sale Agreement for Dewey Property and refer to Planning Commission for Open Space.
- 11/17/98: BOF approved the purchase of the Dewey Property for Open Space, and authorized the First Selectman to sign a Purchase and Sales Agreement. Use of land for farming was discussed.

Dewey Farm

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- 12/8/98: Planning Commission, on Section 8-24 Referral, it was stated that after the Life Tenancy period the land would be kept as Open Space. The Commission gave a favorable recommendation in order to preserve open space; and, the purchase is in accordance with the Plan of Development.
- 2/1/99: Land purchased for \$278,000.00

The above sequence of events indicates that the intent of the purchase was for Open Space, and that Open Space funds were utilized.

Location/Zoning

The property consists of 2 parcels, as summarized below.

<u>Parcel</u>	<u>Location</u>	<u>Size (ac.)</u>	<u>Frontage</u>
First Piece	West side-Terry's Plain Rd.	7.6	1,160'
Second Piece	East side-Terry's Plain Rd.	7.0	516'

A residential structure is located on the First Piece. Agricultural out-buildings have been removed.

The property is zoned R-40, single family residential, with a minimum lot size of 40,000 square feet, and frontage or 200'. With the available frontage, and shape of the land, a subdivision along with associated open space is very feasible.

Both of these parcels have existed with their present boundaries since before planning was adapted in 1954. Leslie Dewey has owned the parcel on the east side of the road since 1945 and on the west side (#51) since 1936. The significance of this time of ownership is that both of these parcels can be divided into two lots without subdivision approval.

Character of Land

The parcel on the east side is level for the length of its frontage on Terry's Plain Road. The land from approximately 200' back from the road rises fairly steeply from elevation 190' to elevation 250'. This slope would tend to limit lot development towards the land immediately along the road, for 2 to 3 lots.

The parcel on the west side is level along the road frontage, for a depth from the road of 230' to 400'. Fronting on the Farmington River, the floodplain is limited to a narrow area along the river due to the steep slope along the river. This parcel could easily be divided into 5 lots.

Dewey Farm
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There are no wetlands on these parcels, public water is available on Terry's Plain Road about 1000' to the south, and soils are favorable for lot development, with on-site septic systems.

While these soils are not characterized as Prime Agricultural Soils, they can produce good crops with the addition of compost (which has been on-going) and seasonal irrigation. Of the total parcel areas, there are about 4 acres on the west side and 2 acres on the east side of Terry's Plain Road that are suited for agriculture.

Outstanding Questions

Assessed Value: The Assessor has an appraised land value of \$133,056.00 for the east side and \$149,860.00 for the west side. A house value of \$114,545.00 is also indicated. It is noted that the land values are generally for excess lot property and carry a much lower value than if the land was divided for residential lots. I believe, based on its condition, that the house value is too high.

Appraisal: An appraisal for this property would cost between \$3500.00 and \$4500.00

Time to do Appraisal: 2 months

Land Trust estimate of farm value: The Land Trust and the Town recently completed appraisals for farm land on Quarry Road. These values should be similar for the Dewey Farm. Farm value was \$6,250/acre; and \$12,500/acre with some limited development potential. I believe that the Dewey Farm, if considered for full development potential, would carry a much higher value.

Clean-up: The Public Works Department has received proposals to completely clear all materials from the house. Completion is estimated at 4 weeks.

Findings

There is evidence that this property has single family home development potential. However, the various purchase and funding authorizations indicate that the land was acquired for Open Space and/or agriculture purposes. The Plan of Development lists the land as Open Space. Therefore, if sale of all or part of, the land is to be considered, an opinion as to process is needed from the Town Attorney, and a referral is needed from the Planning Commission.

Regarding the existing residential structure, an evaluation by our Building Official and Director of Public Works suggests the house should be demolished.

With potential high value for residential lots, an appraisal should be obtained if sale of the land is an option.

Dewey Farm

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Attachments

- BOS meeting 3/23/98 – portion of minutes
- Special Town Meeting 5/5/98 – portion of minutes
- Special Town Meeting 10/20/98 – portion of minutes
- BOS meeting 11/9/98 – portion of minutes
- BOF meeting 11/17/98 – portion of minutes
- PC meeting 12/8/98 – portion of minutes
- Decd, dated 2/1/99
- Property location plan, 1"=400'
- Assessor cards