



# 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. **Title of submission:** Referral of Revised Proposal – Sale of Pharos Farm
2. **Date of submission:** January 9, 2013
3. **Date of Board Meeting:** January 14, 2013

4. **Individual or Entity making the submission:**

Thomas F. Cooke – Director of Administrative Services

5. **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.):**

*The Individual or Entity making the submission requests that the Board of Selectmen:*

Refer the revised proposal from the Simsbury Land Trust for the sale of Pharos Farm to the Planning Commission and the Open Space Committee as recommended by Town Counsel.

6. **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.):**

Robert M. DeCrescenzo, Esq. – Town Counsel  
Thomas F. Cooke – Director of Administrative Services

7. **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.):

The Board of Selectmen held a Public Hearing on December 10, 2012 concerning the proposed sale by the Town of Simsbury of Pharos Farm to George Hall for \$480,000 as a prerequisite to the purchase of a permanent agricultural easement on the property by the Simsbury Land Trust. During the course of the Public Hearing it was disclosed that the proposal to the Town as presented included the possibility of construction of a single family house on the property. As indicated in the attached letter from Town Counsel, this portion of the proposal has not been reviewed by either the Planning Commission or the Open Space Committee.

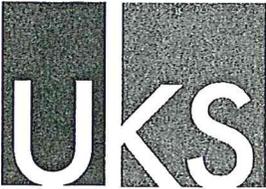
The Simsbury Land Trust has reviewed the terms of the proposed sale and has modified them to preclude construction of a residence on the property, although under the terms of the revised proposal construction of a barn would be permitted.

In view of these modifications, Town Counsel has recommended that the revised proposal be forwarded to the Planning Commission and the Open Space Committee.

8. **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 from Town Counsel – January 9, 2013 (with attached letter from the Simsbury Land Trust dated December 31, 2012)



MERITAS LAW FIRMS WORLDWIDE

Robert M. DeCrescenzo  
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rdecrescenzo@uks.com

January 9, 2013

Mary A. Glassman  
First Selectman  
Town of Simsbury  
933 Hopmeadow Street  
Simsbury, CT 06070

Re: Pharos Farm and George Hall Farm

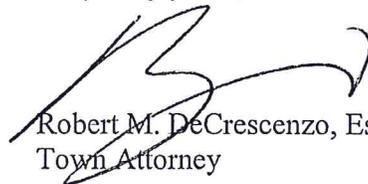
Dear Mary:

You have asked me to review the December 31, 2012 letter from Charles Howard, President of the Simsbury Land Trust ("SLT"). As a part of the acquisition of Pharos Farm by George Hall, SLT agrees to place a restriction on Pharos Farm that will preclude the construction of a single family house, but requests that the Town specifically permit the construction of a farm building. The acquisition of Pharos Farm by Mr. Hall is part one of three part transaction resulting in the SLT purchasing a conservation restriction on both Pharos Farm and the George Hall Farm.

The previous review of the SLT proposal by the Planning Commission and the Open Space Committee did not include the potential for a structure to be built on Pharos Farm. I recommend that the Board of Selectmen refer the revised proposal to the Planning Commission for a revised report under General Statutes §8-24 and to the Open Space Committee.

I trust this responds to your inquiry. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to be 'R. DeCrescenzo', written over a printed name and title.

Robert M. DeCrescenzo, Esq.  
Town Attorney

RMDe/psm  
Enclosure

Updike, Kelly & Spellacy, P.C.

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# SIMSBURY LAND TRUST

P.O. Box 634 | Simsbury, CT 06070 | tel 860.651.8773 | fax 860.651.8773 | www.simsburylandtrust.org

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December 31, 2012

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## VIA ELECTRONIC AND U.S. MAIL

Honorable Mary Glassman  
First Selectman  
Town of Simsbury  
Town Hall  
P.O. Box 495  
Simsbury, CT 06070

RE: Pharos Farm and George Hall Farm

Dear Mary:

Following the December 10, 2012 public hearing on the proposed sale of Pharos Farm by the Town of Simsbury, the Simsbury Land Trust has had further discussions with Mr. Hall and his counsel about the request to include a designated area on Pharos Farm for possible future construction of a residence. We have also consulted with the Town Attorney, Bob DeCrescenzo, on this issue.

As a result of these discussions, the Simsbury Land Trust, with the concurrence of Mr. Hall, is willing to agree to a restriction in the sale of Pharos Farm that would preclude the construction of any future residence on this property. The Simsbury Land Trust requests, however, that if the sale is approved by the Board of Selectmen, the transfer of the property specifically allow the construction of a barn structure in the future. We propose that any such future barn would be no larger than the barn on the adjoining property on Quarry Road and that the parties would mutually agree on a location in the sale documents that would not impair any of the property currently being farmed. The most likely location is in the vicinity of the existing pump-house building, which would remain on the property.

We believe that allowing a barn structure on the property will advance and enhance the agricultural purposes of the proposed

Amy Zelner, *Executive Director*  
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*Preserving Simsbury  
Open Space Since 1976*

Honorable Mary Glassman  
December 31, 2012  
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transaction and that permitting such a barn at some future point can be accomplished without diminishing the amount of farmland available for cultivation.

We continue to believe that this transaction is in the best interests of the people and the Town of Simsbury. We very much appreciate the thoughtful consideration of this proposal by the Town's boards and Commissions and look forward to hearing from you as to what are the next steps for consideration of this proposal.

Very truly yours,



Charles L. Howard, President  
Simsbury Land Trust, Inc.

cc: Robert M. DeCrescenzo, Esq.  
Louis N. George, Esq.