



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

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OPEN SPACE COMMITTEE

Wednesday, November 3, 2021

4:30 P.M.

Virtual Meeting

REGULAR MEETING AGENDA

Call to Order

1. Public Audience

- Email townmanager@simsbury-ct.gov by noon on Wednesday, November 3, 2021 to register to address the Board of Selectmen live through Zoom

2. Approval of Minutes

- October 6, 2021

3. Bobcat Tracking Program (Oral Report)

4. Recommended PA-490 Policy/Criteria

5. Draft Open Space Acquisition Policy

Adjourn

Open Space Committee
Wednesday, October 6, 2021
4:30PM- Via Zoom Video Conference
REGULAR MEETING MINUTES - DRAFT

PRESENT: Eric Wellman, Margery Winters, Susan Masino, Helen Peterson, Tim Walczak, Kelly Kearney

ALSO PRESENT: Tom Tyburski, Director of Culture, Parks and Recreation, Tom Fitzgerald, Management Specialist, Tom Hazel, Zoning Compliance Officer and Bill Rice, Planning Commission

Absent: Anne Erickson

Call to Order

Mr. Wellman called the meeting to order at 4:32 PM

1. Public Audience

No public audience.

2. Approval of Minutes, July 7, 2021

The Committee members voted unanimously to approve the minutes of the July 7, 2021 meeting.

3. Meadowood Acquisition

Ms. Capriola shared that they have closed on the Meadowood property. Ms. Capriola thanked Attorney DeCrescenzo, who worked tirelessly with TPL on this acquisition. She also thanked Mr. Tyburksi, Mr. Fitzgerald, Mr. Glidden, Mr. Shea and Ms. Meriwether. She also acknowledged the wonderful community of Simsbury who overwhelmingly supported the project. She also thanked the Board of Selectmen for their leadership and vision on this project. Ms. Capriola shared that they are going to be doing a ribbon cutting ceremony on Saturday, October 16th. She stated that there is a lot of good work to come such as obtaining a farmer to take on a lease for the agricultural piece and working on some of the barn restoration and signage that's going to highlight the historic elements of the property.

Ms. Capriola also shared that one of the barns that initially was not assessed to be in imminent danger of collapse (one facing Firetown), the structure started leaning significantly so Planning and Building have been on-site and they are in the process of having that structure evaluated by a structural engineer. They have done a small road closure near the barn for everyone's safety while it is being assessed.

Ms. Winters asked how the decision will be made as to how the land at Meadowood will be used and how it will be managed. Ms. Capriola shared that about 116 of the acres have deed restrictions for agricultural purposes and then another 140 or so acres have deed restrictions for open space and about two acres of the parcel are carved out for historic preservation.

Ms. Winters asked of the open space acres, how would the maintenance be handled? Mr. Tyburski shared that it is probably going to be that once a year mow until they are told to do something different.

4. Draft Agricultural Lease RFP

Mr. Hazel shared that in the third sentence they change the word 'mission' to 'goal'.

Ms. Winters shared that they agreed it was going to be a five-year rolling lease. Ms. Peterson commented that under 'Community Profile', the second sentence stating that open space maintenance is managed by C.P.R. is not true to their commitment of being partners and she feels that Open Space should be mentioned in that. Ms. Winters suggested to remove that sentence and move the last sentence up before the middle sentence.

Ms. Masino shared Farmlink's comments on the document. Ms. Capriola stated she will speak with the Town's attorney to see if they should be using lease agreement or licensing agreement. Ms. Winters suggested that on the Proposal, the property they are applying to lease/license be automatically filled in. Ms. Masino commented that she did not think they should share with applicants examples of what past tenants have paid for the lease. Mr. Hazel agreed and stated that information can be obtained via FOIA if desired. Ms. Masino suggested on the Fee Proposal instead of listing 'Season 2021, 2022', etc. that it be edited to read 'year one, year two' and so on so that the document does need to be edited every year. The 'invasive species' portion of the document was discussed, and it will be changed to reference best management practices. Fencing regulations were discussed. It was decided that the Town would give the licensee notice before entering onto the property.

5. Draft Open Space Acquisition Policy

Mr. Hazel stated that while Ms. Peterson had some concerns regarding the 'active vs. passive' language, considering the town is in control of the properties, they added an active description just like the passive recreation. Language was also added at the end of the document where the bullet points are stating that the bullet points are in no particular order.

Ms. Peterson commented that she did not agree with the portion reading "meeting the recreational needs of the residents" as their committee is about conservation not recreation. The active and recreation terminology was discussed. Mr. Hazel stated that he feels that by not allowing that terminology you are no longer allowing open space to be used for active recreation. Ms. Masino suggested this item be pushed to the next workgroup meeting.

6. 2022 Meeting Schedule for Committee and Work Group

Ms. Capriola shared that they felt it would be best to alternate the full committee and work group meetings each month. If additional workgroup meetings need to be schedule they can do that. Ms. Masino made a motion to approve the 2022 meeting schedule for committee and work group. Ms. Peterson seconded the motion. All voted in favor and the motion passed.

ADJOURN

Mr. Kearney made a motion to adjourn the meeting, seconded by Ms. Peterson. All voted in favor. Motion passed. Meeting adjourned at 5:39 pm.

Respectfully submitted,
Heather Taylor
Committee Clerk

Recommended /DRAFT

Open Space Classification Criteria/Policy under PA-490

The Town of Simsbury designates the following as areas recommended for preservation as open space, subject to applications by landowners and approvals by the Assessor.

Conditions of Eligibility.

All land as depicted on the Open Space Plan as defined in the POCD shall be eligible for treatment as open space land for tax assessment purposes, provided that the following conditions shall be satisfied:

1. The parcel must be depicted on the Open Space Plan. In addition, the parcel size must be twice the minimum required lot size for the use in that zoning district.
2. Each parcel of record, as recorded in the Town of Simsbury Assessor's records, shall be treated as a separate parcel for these purposes.
3. The parcel must be vacant or have at least twice the minimum required lot size vacant
Excluding the following;
 - A. For each separately owned parcel an area which is twice the minimum required lot size for the use in that zoning district. A separately owned parcel shall mean a tract of land held in the name of one owner (or one group of owners) bounded by a single perimeter, except that for purposes of this resolution each lot in an approved sub-division shall be considered a separately owned parcel. In the case of separately owned parcels that are vacant, the area to be excluded from designation as open space shall contain twice the minimum acreage required for a single family residence; and
 - B. Such other land as is actually covered by structures; and
 - C. No property for which the assessment is determined pursuant to the terms of Section 12-76 of the Connecticut General Statutes, as it shall be amended from time to time
4. The property owner must make application to the Town of Simsbury Assessor as provided in Section 12-107e, as it may be amended from time to time.

Other recommendations as stated in the POCD:

- Extend incentives to residentially-zoned parcels less than 25 acres in size.



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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 prioritizes preserving critical lands and open space as a public good and a policy priority. Open space is considered land which is protected from development and preserved in the current state. Goals are 1) to preserve, enhance and expand the natural lands, water resources, and agricultural lands of Simsbury to ensure healthy and safe environment that serves and educates the community; and 2) to steward these ecosystems, farms, clean waters, scenic viewscapes and historic sites for the benefit of all members of current and future generations. The 2017 Plan of Conservation and Development provided an inventory of existing areas considered to be open space.

Connecticut General Statute (CGS) 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:

Table 1:

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 development rights

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
- Potential major outdoor recreation areas

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. 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 old and old-growth forests**