

**OPEN SPACE COMMITTEE – SUBJECT TO APPROVAL
REGULAR MEETING MINUTES – APRIL 6, 2016**

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CALL TO ORDER

First Selectman Lisa Heavner called the regular meeting of the Open Space Committee to order at 4:34 PM on Wednesday, April 6, 2016. The meeting was held in the main meeting room of the Simsbury Town Offices located at 933 Hopmeadow Street, Simsbury, CT. In attendance were the following committee members: Don Rieger, William Rice, and Dave Ryan. Staff included Gerard Toner, Director of Culture, Parks and Recreation; Town Engineer Jeff Shea; and Director of Planning and Community Development James Rabbitt.

PLEDGE OF ALLEGIANCE

All stood for the Pledge of Allegiance.

PUBLIC AUDIENCE

No one spoke at public audience.

REVIEW/ADOPT MINUTES OF MARCH 2, 2016

No changes were made to the minutes.

REFERRAL OF TARIFFVILLE WATER STORAGE TANK REPLACEMENT PROJECT

(Members moved this item up on the agenda.)

Shelby Beauchemin and Jay Sheehan from Woodard & Curran, an engineering firm in Enfield, made a presentation to the committee on the Tariffville water storage tank replacement. Walter Banzhaf, from the Tariffville Water Company, was also present.

Background: The tank is more than 80 years old and needs to be replaced. The water tank is vital to local fire service and local water pressure. The tank also serves 1,300 users with drinking water. The proposed tank will have the identical footprint and will be located immediately adjacent to the existing tank.

The presentation included how the project will be funded, easement issues, road access and the possible environmental impact, as well as some talk of the approval process.

Mr. Rieger asked if the access to the site was able to handle the traffic for the project. Ms. Beauchemin said the existing access was reconstructed by Eversource (formerly CL&P) not that long ago, and carried more equipment than will be needed for this project. She added that if anything does arise, it will be addressed.

Mr. Rieger also asked why the tank is basically the same kind, cast-in-place concrete. Were there no improvements in storage tank technology over the years. Mr. Sheehan said there have been changes but this tank lasted 80 years and so they are looking to use a similar type. He said the hope is the new tank gets the same lifespan or more.

Ms. Heavner noted that Town Attorney Robert DeCrescenzo will review the town deed, the state Department of Energy and Environmental Protection and other documents before the project is approved.

Mr. Rabbitt added that there is an informal trail nearby and recommend adding language that if it is disturbed it be restored. Mr. Sheehan said restoration is in the contract.

There was a question about the existence of PCBs – there are none but Mr. Sheehan said he would double check.

Mr. Rieger asked about species on the site, saying the database used for site analysis and cited in a letter mischaracterized the issue. Stating that no record of any endangered species was found for the site does not mean that there is nothing there. He said best practice is to do an on the ground survey.

There was some discussion on how to meet this request. Ultimately, it was determined the project needs to be done and if anything is found is will be relocated.

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MOTION: Mr. Ryan moved that the committee recommend approval of the Tariffville Water Storage Tank Replacement Project with Mr. Rieger’s attached memo included. Mr. Rice seconded. All voted in favor, the motion passed.

RESCIND THE MARCH 3, 2016 MOTION TO ADOPT OPEN SPACE STEWARDSHIP POLICY

ADOPT OPEN SPACE STEWARDSHIP POLICY (These two agenda items were taken together.)

In the Open Space Stewardship Policy there was a word change under the “Evaluation” section after subset letter ‘G.’ It had read “.... the committee shall solicit public comment in one or more public hearings ...” The word “hearings” was changed to “meetings.” The updated Open Space Stewardship Policy is attached.

MOTION: Mr. Rieger made the motion to rescind and adopt the Open Space Stewardship Policy with the above word change. Mr. Ryan seconded. All voted in favor, the motion passed.

ADJOURN

Mr. Ryan moved to adjourn and Mr. Rice seconded. All voted in favor. The meeting was adjourned at 4:58 PM.

Respectfully submitted,
Stephanie Riefe

Open Space Stewardship Policy

As Adopted 6 April 2016

Objective

It is the objective of this policy to guide the Simsbury Open Space Committee (the "Committee") and related Town of Simsbury staff (the "Staff") in managing the care of town owned open space, optimizing its use and considering disposing of parcels that do not serve a public purpose.

Classification

The Committee shall, with the assistance of the Staff, classify open space parcels into the following categories, reflecting the public purposes which they serve or have the potential to serve:

- a. Special ("S") - parcels hosting monuments and other noted public facilities;
- b. Park ("P") - parcels hosting town parks;
- c. Connectivity ("C") - parcels hosting or having the capacity to host trails and pathways;
- d. Wetlands ("W") - parcels hosting wetlands and watercourses;
- e. Habitat ("H") - parcels hosting wildlife habitat;
- f. Agriculture ("F") - parcels hosting or having the capacity to host farming activities;
- g. Aquifer ("A") - parcels in identified aquifer protection zones;
- h. Buffer ("B") - parcels adjoining and serving to protect other useful open space parcels;
- i. Scenic ("V") - parcels contributing to a scenic viewshed

The Committee may adopt additional categories or modify the categories in its discretion. The categories shall not be exclusive, and a given parcel might be placed in more than one category. It is expected that not all parcels will have attributes that permit them to be thus classified.

Evaluation

The Committee shall, where possible, make judgments about the values of the contributions made by the parcels or their potentials for development as public assets. These judgments may be reflected in subjective comments or in whatever format the Committee deems appropriate in each case.

The Committee shall also, where possible, make note of the cost to the town of the regular upkeep of the parcels.

Priorities

In light of such classification and evaluation, the Committee shall, from time to time, offer its guidance on the allocation of resources to the maintenance and enhancement of open space parcels. In addition to routine maintenance and activities required for public safety, priority activities may include, without limitation:

- a. encouraging farming on suitable parcels, particularly organic farming and activities intended to enhance valuable farmland soils;
- b. seeking to control alien invasive plants on targeted parcels;
- c. fostering the creation of multiuse trails and footpaths increasing connectivity for green travel; and
- d. protecting wetlands and watercourses, wildlife habitat, and aquifers.

Acquisitions

The Committee shall, from time to time, offer its guidance on the allocation of resources to the possible acquisition by the town of open space parcels or of easements or similar interests in land.

Dispositions

If it is proposed to the Committee that consideration be given to the disposition of a parcel, whether because it is not serving a useful public purpose and does not offer the likelihood of doing so or for other reasons, the Committee shall consider whether to recommend its disposition to the Board of Selectmen.

In considering whether to make such a recommendation, the Committee shall begin with a strong presumption that open space parcels should be retained.

The Committee's evaluative process shall include, without limitation, the following steps:

- a. assessment of the condition of the parcel, its present and potential utility, and the likely impact of its disposition on other assets both public and private;
- b. determination, assisted by counsel, of whether there are deed restrictions or other title matters inconsistent with disposition;
- c. in the case of properties acquired by gift, determination of any evidence of the donor's intent;
- d. determination, assisted by counsel, of the process by which the parcel was acquired and its implications for the manner of permissible disposition;

- e. determination, assisted by counsel, of the manner in which acquisition of the parcel was financed and its implications for permissible application of proceeds, if any;
- f. determination, assisted by the Staff, of cost to the town of regular maintenance of the parcel; and
- g. determination of the apparent market value of the parcel, net of transaction costs likely to be borne by the town.

In considering whether to make such a recommendation, the Committee shall solicit public comment in one or more public meetings (including site visits where appropriate) which have been well publicized and formally noticed to owners of nearby properties.

If the Committee determines that it should recommend any such disposition to the Board of Selectmen, it may subject its recommendation to conditions, which may include, without limitation:

- a. limitation of potential transferees to conservation or other suitable nonprofit organizations;
- b. imposition of conservation easements restricting the uses to which the parcel may be put; and
- c. imposition of restrictions on subdivision of a property to which the parcel might be appended.

If it is proposed to the Committee that consideration be given to the disposition of an easement or interest in land other than a town owned parcel, the Committee shall apply the above procedures in such manner and to such extent as it deems appropriate.

Because the town code provision setting forth the process for considering proposals for disposition of parcels of town-owned open space charges the Open Space Committee with responsibility for evaluating any such proposal and making a recommendation to the Board of Selectmen, it is the Open Space Committee's view that it would be inappropriate for the Committee to *initiate* any such proposal lest its required evaluation be tainted with the appearance of predisposition.

It should be for others to raise such proposals to the Board of Selectmen and the Board of Selectmen to determine whether to initiate the process set forth in the town code.

In accordance with its Open Space Stewardship Policy, the Open Space Committee has made an effort at classifying the many town-owned open space parcels according to the roles they serve and the burdens of their maintenance. That classification is published as the *Inventory of Town Owned Open Space, A Work-in-Progress*. The Open Space Committee hopes that resource, which is available on the town web site, will be helpful to others in assessing open space policy.