



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

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OPEN SPACE COMMITTEE

Wednesday February 3, 2021

4:30 P.M.

SPECIAL MEETING AGENDA - AMENDED

Call to Order

1. Public Audience
2. Approval of Minutes
 - December 2, 2020
3. PA 490 Referral to Open Space Work Group
4. Policies Work Group Update
 - Model Agricultural Lease and RFP
 - a) Agricultural Land Use Policy
 - Draft Acquisition Criteria Policy
 - Other

Adjourn

Open Space Committee
Wednesday, December 2, 2020
4:30PM- Via Zoom Video Conference
SPECIAL MEETING MINUTES - DRAFT

PRESENT: Eric Wellman, Margery Winters, Susan Masino, David Bush, Tim Walczak, Bill Rice, and Helen Peterson

ALSO PRESENT: Maria Capriola, Town Manager, Tom Tyburski, Director of Culture, Parks and Recreation, Tom Fitzgerald, Management Specialist, and Zoning Compliance Officer, Tom Hazel, were also in attendance.

Absent: Anne Erickson

Call to Order

Mr. Wellman called the meeting to order at 4:33 PM

1. Public Audience

No public audience.

2. Approval of Minutes

Ms. Winters made a motion to approve the minutes of the September 2, 2020 as revised. Ms. Masino seconded the motion. Ms. Masino made a motion to approve the minutes from November 4, 2020 minutes as presented. Mr. Rice seconded the motion. The Commission members voted unanimously to approve the minutes with Ms. Peterson abstaining.

3. Policies Work Group Update
Model Agricultural Lease and RFP

Ms. Winters shared the RFP that the work group put together. Ms. Winters asked if the application deadline of January 31, 2021 and applicant notification date of March 15, 2021 was sufficient. Mr. Tyburski suggested that the application deadline get moved up to mid-January and the applicant notification date to mid-February. Ms. Winters asked who the proposal should get submitted to. Ms. Capriola said she will be working to see if maybe planning might be the point of collection, perhaps it can be flagged now but it will likely be her office or planning. Ms. Winters shared that they added the fee proposal form from what Mr. Tyburski sent to her. Mr. Rice questioned if there was a Simsbury agricultural land use agreement policy. Ms. Winters stated that while they want the RFP to be simple, they also want to explain to the farmers what they would like to see happen on the land. Mr. Rice asked if on the Fee Proposal Form the fees were identified someplace or is the applicant expected to fill this in. Ms. Winters stated that she believes that in the past the applicant fills it in. Ms. Masino stated that one thing she was wondering about was making this exclusive for established farmers, she would like to see some language to say that we will also consider applications from startup farmers. Mr. Rice asked if she wanted to give any preference to the startup farmer or just make a statement saying not only established farmers but those relatively new will also be considered. Ms. Masino suggested to make the first sentence "applicants can be regularly established in farming but may also be trying to start a farm", she doesn't want to disadvantage the long-term farmers who have been taking care of the town farmland. Ms. Masino stated that the language on the front page makes it sound like a five-year lease and at the end of that there would be another RFP but their intent is to make it a rolling 5 year lease that can be broken by the farmer at any time but so the farmer always knows they have up to a five-year time horizon if they want. Mr. Bush suggested

some simple language such as “farmers of all levels and experience are encouraged to apply.” Ms. Peterson stated that she thought it would be a good idea that in order to be able to exit, it should be stepped leasing. For example, if it is a startup leaser, you might want to limit it until such a time as the town feels comfortable to continue it. Mr. Bush suggested “the town retains the discretion to determine the length of lease based upon the applicant’s level of experience.” Ms. Peterson stated that she would not put that qualifier in and just say that the town has the discretion. Ms. Masino suggested to say “we will execute up to a rolling five-year lease agreement” and then that fixes that problem.

Ms. Capriola stated that what would be most helpful today is to have directional support from this Committee, technically to issue an RFP or RFQ there is no formal action needed from this Committee but the input is very helpful. Now the work group, Mr. Tyburski, Mr. Hazel and Ms. Capriola can start doing some formatting to make sure everything is consistent with the Town’s purchasing policies.

3. Updates

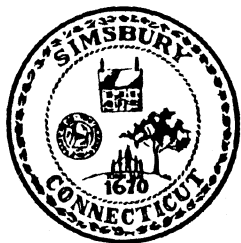
Status of Potential Meadowood Acquisition- Ms. Capriola shared that they have been working on assessing the various barns on the property. They are trying to determine how many of the barns can realistically be saved and preserved, how many might be able to be used for farming purposes versus which ones are really too far gone to be saved. One thing that is terrific is that the Trust for Public Land, through a state grant, as well as through some funds from a private foundation, there is some funding available to us to preserve some of the barns and do some restoration work and will be looking at perhaps submitting a grant to the state office of preservation that would enable more of a structural engineering analysis of those barns

Status of Disposition of Holcomb Street Parcel – Mr. Wellman shared that at the BOS last meeting, they approved an agreement, where we would purchase an easement along 315 for a bike path and we would also sell slightly less than an acre of open space behind 133 Holcomb Street. Ms. Capriola stated that the agreement has not been executed by the owner of 133 Holcomb Street yet. Mr. Bush asked if there are any particular issues that remain to be resolved in order to get it signed. Mr. Wellman stated that from the Board of Selectmen’s perspective “no” this is the agreement that was negotiated and approved with a five to one vote.

ADJOURN

Ms. Peterson made a motion to adjourn the meeting, seconded by Ms. Winters. All voted in favor. The motion passed. Meeting adjourned at 4:58 pm.

Respectfully submitted,
Heather Taylor
Committee Clerk



Town of Simsbury

933 HOPMEADOW STREET ~ SIMSBURY, CONNECTICUT 06070

Maria E. Capriola - Town Manager

MEMORANDUM

To: Open Space Committee
From: Maria Capriola, Town Manager
Cc: Mike Glidden, Planning Director; Tom Hazel, Assistant Town Planner; Francine Beland; Assessor; Tom Tyburski, Culture, Parks and Recreation Director; Planning Commission
Date: January 28, 2021
Subject: PA-490 Referral

At their January 25, 2021 Board of Selectmen meeting, the Board unanimously referred the development of a draft policy and criteria for PA-490 eligible properties in town to the Open Space Stewardship and Policy Work Group.

The Planning Commission recently reviewed this matter during a POCD update but did not specify criteria or eligible properties in town. The Planning Commission is in support of a PA-490 policy but has asked the Board of Selectmen to develop a policy with eligibility criteria.

Staff made a recommendation to the Board of Selectmen that the Open Space Committee's Stewardship and Policy Work Group be tasked with research and development of a policy that among other things would include detailed criteria for having parcels of land assessed following PA-490. Staff will be available to assist in development and formatting of the policy.

The materials from the January 25, 2021 Board of Selectmen packet and the January 12, 2021 Planning Commission are attached for your reference. A response is respectfully requested, but this is not urgent. Ideally, the Board of Selectmen will have a policy adopted by the end of the calendar year. Should you have any questions or concerns please let me know.



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SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Open Space PA-490 Referral
2. **Date of Board Meeting:** January 25, 2021
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Mike Glidden, Director of Planning and Community Development; Francine Beland, Town Assessor
Maria E. Capriola
4. **Action Requested of the Board of Selectmen:**

If the Board of Selectmen concurs with staff's recommendation to refer the PA-490 request to the Open Space Committee's Stewardship and Policy Work Group, the following motion is in order:

Move, effective January 25, 2021, to refer to the Open Space Committee's Stewardship and Policy Work Group the development of a proposed policy and criteria for PA-490 eligible properties in Town.

5. **Summary of Submission:**

The Connecticut General Assembly enacted PA-490 in 1963. PA-490 allows farm, forest, or open space land to be assessed at a use value rather than fair market rate for purposes of property taxes.¹ Simsbury currently does not have an adopted policy for the 2017 POCD outlining in sufficient detail for the Assessor to approve or deny a property owner requesting their land be assessed as Open Space based on PA-490 under CGS 12-107e. Limited documentation staff has located on PA-490 dates to approximately 1974, with more recent information not readily found or accessible.

The Planning Commission reviewed this matter during the update to our most recent Plan of Conservation and Development, but did not specify criteria or eligible properties. The Board of Selectmen in 2017 did not adopt a specific policy or resolution regarding Open Space under PA-490 CGS 12-107e which is required by statute. However, the Board of Selectmen did adopt the POCD in 2017 which authorized the continuation of the PA-490 Program. At their meeting on January 12, 2021 the Planning Commission at staff's request reviewed the matter. The Planning Commission is in support of Open Space under PA-490 CGS 12-107e but has asked the Board of Selectmen to develop a policy with specific eligibility criteria.

¹ "Public Act 490 - The Basics." *CT.gov*, <https://portal.ct.gov/DOAG/Commissioner/Commissioner/Public-Act-490---The-Basics>.

Staff is recommending that the Open Space Committee's Stewardship and Policy Work Group be tasked with research and development of a policy that among other things would include detailed criteria for having parcels of land assessed following PA-490. Staff will be available to assist in development and formatting of the policy.

Once a draft policy is created by the group we will bring it to the Planning Commission for review and approval as a POCD amendment followed by referral to the Board of Selectmen for review and approval.

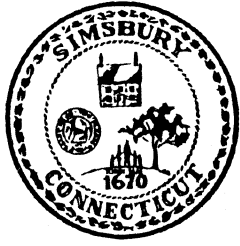
The Town Attorney is assisting us with this matter.

6. Financial Impact:

Analysis forthcoming dependent upon the policy recommendations.

7. Description of Documents Included with Submission:

None



Town of Simsbury

933 HOPMEADOW STREET
06070

P.O. BOX 495

SIMSBURY, CONNECTICUT

Date: December 28, 2020

To: Simsbury Planning Commission

From: Michael Glidden CFM CZEO
Director of Planning and Community Development

Re: Classification of property as open space pursuant to POCD and PA 490

An interpretation has been requested of the Commission concerning the application of Public Act 490 and designation of parcels as open space for tax purposes.

Public Act 490 or CGS 12-107a provides municipalities the ability to reduce tax liabilities of property owners for the purposes of preserving areas as open space. The law provides several avenues or options to both the community and landowners for the reduction of property taxes.

The Plan of Conservation and Development plays a role for identifying geographic areas that are considered by the Commission as open space or candidates for preservation as open space. The designation has tax implications pursuant to state statute. Designation as open means the property owner enjoys a reduction of the property tax.

The Assessor is requesting input on the commission regarding the goals and objectives outlined on page 54:

PA-490 Program

The PA-490 program (codified in CGS Section 12-107) is an assessment reduction program that reduces taxes on certain types of land so that it is more likely to remain undeveloped.

The 2016 Grand List reports the following:

- 84 parcels used for farming (totaling 1,419 acres),
- 12 parcels of at least 25 acres kept as forest (totaling 861 acres),
- 12 parcels meeting the open space criteria (totaling 576 acres).

C. UNDEVELOPED LAND –Simsbury will:	Leader	Partners
1. Continue to use the "PA-490" assessment reduction program (CGS 12-107) to help preserve undeveloped land as long as possible.	Town	BOS PC
<input type="checkbox"/> a. Review the criteria for the PA-490 "open space" assessment category to evaluate whether to extend incentives to residentially-zoned parcels less than 25 acres in size.	Town	
<i>Code legend is on inside back cover</i>		

What location and size of property would be considered appropriate to be classified as open space pursuant to PA 490? Here are some points to consider for the Commission that could help facilitate the conversation:

- Should there be an acreage requirement in the policy?
- Should the policy limit ability to apply for reduction to only residentially zoned parcels?



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

TOWN OF SIMSBURY, CT
REQUEST FOR PROPOSALS (RFP)
AGRICULTURAL LEASE OF _____

SUBMISSION DEADLINE: INSERT, 2021, no later than 4:30pm

SUBMISSION CONTACT AND ADDRESS:

Ms. Olena Nagorna
Graduate Student Intern
Town of Simsbury
933 Hopmeadow Street
Simsbury, Connecticut 06070
(860) 658-3230
tmintern@simsbury-ct.gov

Proposals will be accepted in electronic format only.

I. PURPOSE

The Town of Simsbury seeks proposals from qualified agricultural producers for leasing **INSERT #** of acres of town-owned land known as _____ for agricultural purposes beginning in spring 2021. The Town has a desire to receive proposals from agricultural producers that will engage in responsible stewardship of the agricultural land. The area to be licensed includes a **<-acre** (+/-) field accessed from _____. The land has been in _____ (type of agricultural use) for several years and has _____ topography. A map of the property is attached. Successful applicants will propose an agricultural use consistent with the Town's desired agricultural practices. It is anticipated that the initial lease will be for a five-year term.

It is desired for respondents to be established in farming and/or agricultural business and must demonstrate the ability to perform the required service in an acceptable, reliable manner over the life of the lease. However, farmers of all level of experience will be considered. Preference will be given to applicants with a strong stewardship plan. The selected producer must demonstrate the ability to comply with Simsbury's desired agricultural land use practices and all applicable federal, state and local laws, rules and regulations. In addition, the selected producer will be required to work with USDA NRCS

to develop a conservation plan for the property. The Town will award a lease which, in the Town's opinion, serves the best interests of the Town.

Community Profile

The Town of Simsbury was incorporated as Connecticut's twenty-first Town in May 1670. It has a land area of approximately 34.5 square miles and a population of approximately 24,350. Centrally located in the heart of the New York - Boston corridor, Simsbury is an attractive and diverse suburban community. As a part of the beautiful Farmington Valley, Simsbury offers an unmatched quality of life with a traditional New England town atmosphere in a setting of rolling hills, the picturesque Farmington River and extensive trail system. Simsbury is conveniently located 20 minutes northwest of Hartford and 20 minutes southwest of Bradley International Airport. Simsbury operates under a Town Manager-Board of Selectmen form of government with the Town Manager serving as the Chief Executive Officer responsible for overseeing the day-to-day operations of the Town.

The Planning and Development Department manages our agricultural leases in partnership with our Engineering Department and Culture, Parks and Recreation Department. Open Space maintenance is managed by the Culture, Parks and Recreation Department. The Town's Open Space Committee has been tasked with developing and recommending stewardship policies and practices for the Town's open space parcels, including agricultural lands.

II. GENERAL INFORMATION

- A. **Contract Period:** The Town will look to initially establish a five year contract, with possibilities to extend based upon satisfactory performance of the selected applicant.
- B. **Right of Rejection and Clarification:** The Town of Simsbury reserves the right to reject any and all proposals and to request clarification of information from any proposer. The Town of Simsbury is not obligated to enter into a contract on the basis of any proposal submitted in response to this document.
- C. **Request for Additional Information:** Prior to the final selection, proposers may be required to submit additional information in which the Town of Simsbury may deem as necessary to further evaluate the proposer's qualifications.
- D. **Denial of Reimbursements:** The Town of Simsbury will not reimburse proposers for any costs associated with the preparation and submittal of any proposal, or for any travel and/or per diem costs that are incurred.
- E. **Right of Negotiation:** The Town of Simsbury reserves the right to negotiate with proposers the exact terms and conditions of the contract.

F. **Right of Rejection of Lowest Fee Proposal:** The Town of Simsbury is under no obligation to award this project to the Proposer offering the lowest fee. Cost considerations will be made, but under no circumstance will cost be the only determining factor in accepting or declining proposals.

G. **Compliance with Law:** The selected applicant shall comply with all local, state and federal laws and regulations and restrictions.

H. **Insurance and Indemnification:**

The selected firm will be required to furnish certificates of insurance, including general liability, umbrella liability, automobile, and workers compensation with the following minimum limits:

<u>General Liability:</u>	\$1,000,000
<u>Umbrella Liability:</u>	\$5,000,000
<u>Auto Liability:</u>	\$1,000,000
<u>Professional Liability:</u>	\$1,000,000
<u>Worker's Compensation:</u>	Statutory
<u>Employer's Liability:</u>	\$1,000,000

Contractor coverage shall be primary and non-contributory. Auto coverage shall include leased, hired and non-owned vehicles. Auto coverage shall also be primary and non-contributory. The Town of Simsbury shall be named as additional insured on the general liability, umbrella liability and automobile liability policies. Each policy shall include a waiver of subrogation in favor of the Town. All policies shall be kept in force throughout the duration of the project, with an extended reporting period of 36 months after the agreement terminates if coverage is written on a claims made policy.

To the fullest extent permitted by law, Contractor shall indemnify, defend and hold harmless the Town of Simsbury and all of its agents and employees from and against all claims, damages, losses, judgments and expenses, including reasonable attorney's fees to the extent caused by, arising from or alleged to arise from the negligent acts, errors or omissions of Contractor, Contractor's employees or those for whom Contractor is legally responsible in the performance of the work. This provision shall survive termination of this Agreement.

Comment [CME1]: Amounts to be updated and reviewed by Deputy Town Manager and Town's insurer.

Comment [CME2]: Deputy Town Manager to review.

Comment [CME3]: Work Group to add high level of components from "Simsbury Ag Land Policies" document

III. **DESIRED AGRICULTURAL PRACTICES**

INSERT

IV. **SUBMISSION AND DEADLINE**

The Request for Proposals (RFP) is available online at:

<https://www.simsbury-ct.gov/finance/pages/public-bids-and-rfp>

Interested and qualified firms or individuals are to submit an application and fee **proposal** (attached) electronically to Olena Nagorna, Graduate Student Intern, at tmintern@simsbury-ct.gov with the subject line reading "Agricultural Lease RFP Response". Only electronic copies will be accepted. Hard copies will not be considered. **Submissions must be received no later than 4:30 PM on ____, ____, 2021.** No proposals will be accepted after the date and time specified.

Comment [CME4]: Are there additional documents we are seeking in addition to the application such as references or a letter of transmittal? If so, we should specify.

Questions regarding this RFP should be directed to Thomas Hazel, Assistant Town Planner, at thazel@simsbury-ct.gov. In order to receive consideration, all questions must be submitted by ____ on ____, 2021. A response to all relevant questions will be provided prior to 4:30pm on **insert**, 2021 via addendum that will be posted on the Town website at: <https://www.simsbury-ct.gov/finance/pages/public-bids-and-rfp>

**Town of Simsbury
RFP Application
Simsbury Agricultural Property**

Comment [CME5]: Clean up formatting and convert to an editable PDF document

Applicant Information

Applicant's Name

Applicant's Farm Name

Applicant's Address

Applicant's Email Address

Applicant's Phone Number(s)

Type of agricultural operation experience:

Dairy (specify years in business)

Crops (specify types and years in business)

Animals (specify types and years in business)

Other (specify types and years in business)

Describe capacity and experience to manage a licensed agricultural property:

Describe past experience and improvements made if you have leased/licensed Town properties:

Proposal

Name of property you are applying to lease/license:

Intended use of the property, including planned crops or other uses:

How does this fit your business plan?

What is your stewardship plan for the property?

Comment [CME6]: For the application, I think we should have the property name automatically filled in.

How would your use of the property benefit the citizens of Simsbury?

Other information you would like to provide in consideration of your proposal:

FEE PROPOSAL

The undersigned hereby makes a proposal to pay the Town of Simsbury the following amounts annually for the agricultural services for the lease of _____ (property name).

Comment [CME7]: See comment above and fill in property name.

	Annual Proposed Rent	Written Amount	
1. Season 2021	\$ _____	_____	Dollars
2. Season 2022	\$ _____	_____	Dollars
3. Season 2023	\$ _____	_____	Dollars
4. Season 2024	\$ _____	_____	Dollars
5. Season 2025	\$ _____	_____	Dollars

NON-COLLUSION AFFIDAVIT:

By submission of this proposal, the Respondent certifies that it is being submitted without any collusion, communication, or agreement as to any matter relating to it with any other respondent or competitor. We understand that this proposal must be signed by an authorized agent of our company to constitute a valid proposal.

CODE OF ETHICS:

I / We have reviewed a copy of the Town of Simsbury's Code of Ethics (attached) and agree to submit a Code of Ethics Acknowledgement Form if I /We are selected.* Yes ___No ___

***Respondent is advised that the Town of Simsbury cannot consider any bid or proposal where the bidder has not agreed to the above statement.**

Type or Print Name of Individual

Doing Business as (Trade Name)

Street Address

City, State, Zip Code

Title

SS # or TIN#

Email Address

Telephone Number / Fax Number

Applicant Signature

Date

EXCEPTIONS

The undersigned bidder proposes the following exceptions for Leasing of Town Owned Open Space for Agricultural Purposes. Exceptions will be considered to the product or service specifications only. All other conditions or agreements submitted in response to the bid, unless specifically requested, will be rejected. Any and all price changes related to these exceptions are specifically stated herewith.

Exception Price Change
(Show + or -)

Simsbury Agricultural Land Usage Policy - DRAFT

The Town of Simsbury owns [redacted] properties with prime agricultural soils. The Town of Simsbury is committed to keeping this land in agricultural production and therefore leases these properties to local farmers. In order to ensure the preservation of Town agriculture land and to promote good stewardship, the Simsbury Open Space Committee recommends the following policy to be adhered to by its lessees. The Town understands that in some cases these policies may need to be modified. Modifications must be submitted in writing and must be approved by the Open Space Committee (or Conservation Commission, or Agriculture Committee if it is established).

The Lessee is to follow farming practices that maintain the land in good agricultural standing. The Lessee covenants and agrees to:

Best Management Plans

- If a USDA-NRCS or other formal Conservation Plan was submitted for a particular field with the bid proposal, use the USDA-NRCS Conservation Plan and follow Best Management Practices for Agriculture during the term of the agreement, including, at a minimum, adherence to the items referenced below.
- If a USDA-NRCS or other formal Conservation Plan was not submitted with the bid for the particular field, follow best management practices for agriculture in accordance with the CT Department of Agriculture and CT DEEP during the term of the lease, including, at a minimum, adherence to the items referenced below.

Maintenance/ Improvement of Soil Organic Carbon Levels

- Green manures and cover crops are required unless there is inadequate time to establish a cover crop postharvest. If no cover crop is applied, Lessee is to provide an explanation. For Lessees that would like assistance choosing cover crops, the Lessee is encouraged to contact the Open Space Committee.
- Organic mulching to protect against erosion and soil crusting, and to replenish soil organic matter is encouraged.
- Use of manure and compost is encouraged. The Lessee will refrain from long-term storage of manure on the site unless adequate manure storage facilities are constructed and maintained.
- Reduced tillage practices are encouraged.
- Supplemental fertilization with synthetic fertilizers is discouraged.
- Fertilizer applications are to be applied per soil test lab recommendations; modifications to the lab recommendations may be allowed with a written explanation.
- Any application by the Lessee or their agent of sewage sludge or other treated residuals from wastewater treatment (biosolids) on the subject property is expressly prohibited, and will result in the termination of the Lease, immediately authorizing the Licensor to re-enter and repossess said property without legal process.

Cropland Soil Testing

- Soil tests are to be performed once per year, at the same time of year (fall testing recommended). The soil test is to include Calcium, Magnesium, Phosphorous, and Potassium, as well as percent organic matter. In addition, recommendations from the testing lab for the aforementioned elements are to be obtained. Testing for and addressing deficiencies in additional elements is encouraged.
- The Lessee may choose the lab they prefer. The UCONN Nutrient Analysis Laboratory is an option.

Pest Control

- Intercropping and companion planting is encouraged.
- Biological pest control practices are encouraged.
- Biorational pesticides include oils, insecticidal soaps, microbials (such as *Bacillus thurengiensis* and entomopathogenic nematodes), botanicals (plant-based) and insect growth regulators are preferred.
- Best agricultural sanitation practices are to be followed to reduce the spread of pests, weeds or agricultural disease.
- The use of synthetic pesticides is not permitted unless authorized by the **Town**.
- All Material Safety Data Sheets (MSDS) sheets for scheduled applications of pesticides are to be provided to the Agricultural Committee prior to application for review when submitting yearly reporting forms. For non-scheduled applications of pesticides, all MSDS sheets are to be provided to the Agricultural Committee with the yearly reporting form.
- All pesticides must be applied according to the manufacturer's recommendations and/or according to cooperative extension recommendations.
- The use of Atrazine or its agent is expressly prohibited on the subject property, and will result in the termination of the Lease, immediately authorizing the Licensor to re-enter and repossess said property without legal process.

Crops

- The **Open Space Committee** encourages lessees to seek out alternatives to genetically modified crops.

Animals

- The keeping of animals on the property is allowed with written consent of the Open Space Committee.

Erosion Control

- Notify the Town of erosion issues as they arise and take immediate measures to effectively control the erosion to the satisfaction of the **Code Compliance Officer**.

Watercourses

- The Lessee is not to cultivate within **50ft** of a water body or watercourse.
- The Lessee will not dredge, alter, draw from, or drain into, any farm pond, stream, drainage way, channel or swale without the express written permission of the Simsbury Conservation Commission and any permits as may be required from the Inlands Wetlands and Watercourses Commission.

Invasive Plants

- The Lessee is not to use any plants that are listed as invasive per the Connecticut Department of Energy & Environmental Protection, nor use canary grass or any other potentially invasive plants.
- The Lessee may, if desired, treat or remove plants, shrubs or trees designated as "invasive species" per the State of Connecticut. in accordance with the restrictions & requirements described in Attachment C".

Removal of Trees and Shrubs

- While the trimming of brush and overhanging branches is allowed along the edge of a field, the Lessee is not to remove any trees or shrubs without written consent of the Open Space Committee.

Stone Piles

- Stones removed from any field and piled around the perimeter are not to exceed 3 feet in height, without written consent of the Open Space Committee.
- Rock piles may not be located around trees.

Baled Hay and Plastic

- The Lessee is required to remove baled hay, plastic, and any other residual farming supplies from the subject property at the end of each growing season and no later than December 15th each year.

Operation of Machinery

- The types of farm machinery to be used and their hours of operation may need to be approved for certain leased parcels near residential areas.

Access to Property

- The Lessee shall use the designated access shown on the “Town Farmland Lease Program Properties” Map, and not construct any new access ways to any field.
- The Lessee will allow members of the general public reasonable access for the purposes of bird watching, hiking, horseback riding, hunting, or fishing (only as allowed per town and/or state regulation).
- The Lessee will not alter any paths, horse trails, or other existing features without the express written permission of the Simsbury Open Space Committee and any permits as may be required from the Inlands Wetlands and Watercourses Commission.

Farm Stand

- (What restrictions?)

Removal of Stonewalls and Vegetation

- The Lessee is not to remove any trees, shrubs or stonewalls from the property.

Fencing

- The Lessee is not to install or remove any fencing without written consent of the Open Space Committee.
- The Lessee is not remove or install any fixtures, structures, or fences, either permanent or temporary. If a field does not have an existing gate, the lessee may install a gate, but barbed wire shall NOT be used. Prior to installing a gate, the lessee shall consult with the Code enforcement Officer as to location and method of installation.

Signage

- The Lessee will not install any signage unless expressly permitted by the Lessor.

Annual Report

- An annual report (Attachment D) shall be submitted to the Code Enforcement Officer by November 30 of the lease year.

Contact information

- The Lessee will provide updated contact information (at a minimum, Lessee's phone number, mobile phone number, and address) to the Town Code Enforcer in a timely manner throughout the lease term.

Inspection and Disturbances

- The Licensor retains the right to enter the property to ensure the aforementioned requirements are being met and to enter and disturb property.

Lease Restrictions / Subleasing

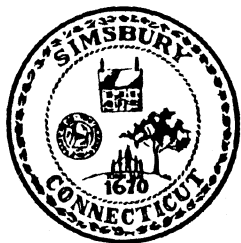
- The Lessee will not sublease or otherwise allow others to use the property without the Lessor's written consent from the Town of Simsbury and consultation with the Open Space Committee.
- Only agricultural uses as defined in Connecticut General Statutes 1-1 (q) are allowed.

Insurance

- The Lessee will maintain Workmen's Compensation coverage in accordance with the laws of the State of Connecticut if employees are hired to work the land. The Lessee will provide liability insurance with limits of not less than \$1,000,000, naming the Lessor as an additional insured, insuring against loss or injury caused by the Lessee's activity on the demised premises.
- Heirs have right to harvest upon death of Lessee for the remainder of the current growing season, after which the lease will be terminated.

Contract Breach

- Breach of contract will result in the termination of the Lease, immediately authorizing the Lessor to re-enter and repossess said property without legal process.



Town of Simsbury

933 HOPMEADOW STREET ~ SIMSBURY, CONNECTICUT 06070

TOWN OF SIMSBURY

Criteria for Acquisition of Open Space

Adopted by the Board of Selectmen on [month] [day], [year]

I. Purpose

The Town of Simsbury has stated preserving critical lands as open space as a priority. Open space is considered land which is protected from development and preserved in the current state. Areas set aside as open space could be used for passive recreation (such as hiking trails or similar low impact activities). The 2017 Plan of Conservation and Development provided an inventory of the existing areas which are considered to be open space.

State Statute 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”

II. Effective Date

This policy shall be effective immediately and shall remain in effect until revised or rescinded.

III. Priority Levels for Acquisition

A. Level 1: Existing Open Space

- i. Parks, forests and select spaces
- ii. Major preserves owned by quasi-public entities
- iii. Class I water supply lands owned by the state or utilities

B. Level 2: Preservation Areas

- i. Class I water supply lands not owned by the state or utilities
- ii. Floodways and wave hazard areas
- iii. Inland wetland soils
- iv. Tidal wetlands
- v. Areas designated open space on local plans
- vi. Existing water bodies
- vii. Agriculture lands for which the state holds the development rights

C. Level 3: Conservation Areas

- i. Class II water supply lands
- ii. Level A aquifer protection areas and some level B areas)
- iii. 100-year flood fringe areas
- iv. Scenic and recreation river corridors
- v. Significant sand and gravel resources
- vi. Prime agricultural lands
- vii. Historic areas
- viii. Trap rock ridges
- ix. Greenways and scenic areas
- x. Conservation easements
- xi. Potential major outdoor recreation areas

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:

IV. Criteria for Acquiring 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. Another goal from the plan is to preserve open space to protect important resources, enhance community character, and enhance quality of life.

Considering the goals and objectives cited from the 2017 Plan of Conservation and Development. Each property is considered unique however reasons for conservation are not. When the Town of Simsbury is considering acquiring a property for open space purposes, the following will be considered:

- Protection of surface water quality, *i.e.* [headwaters](#), [wetlands](#), [vernal pools](#) and [riparian corridors](#)
- 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 of old and older growth forests

Appendix A:

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).

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