



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

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## **OPEN SPACE COMMITTEE**

Wednesday, May 5, 2021

4:30 P.M.

## **REGULAR MEETING AGENDA**

Call to Order

1. Public Audience
2. Approval of Minutes
  - April 7, 2021
3. Meadowood Update (Oral Report)
4. Policies Work Group Update
  - Model Agricultural Lease and RFP
    - a) Agricultural Land Use Policy
  - Draft Open Space Acquisition Criteria Policy
5. Open Space Acquisition Fund
6. Open Space Funding

Adjourn

**Open Space Committee**  
**Wednesday, April 7, 2021**  
**4:30PM- Via Zoom Video Conference**  
**REGULAR MEETING MINUTES - DRAFT**

**PRESENT:** Margery Winters, Susan Masino, Kelley Kearney, Tim Walczak, and Bill Rice, Helen Peterson, Dave Bush

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

**Absent:** Anne Erickson

**Call to Order**

Ms. Winters called the meeting to order at 4:33 PM

**1. Public Audience**

Ms. Masino announced that the Grange has received a matching grant from Sustainable CT to fund farmer apprentices this summer. She also shared that the Grange is giving away free seeds.

Mr. Wellman proposed adding a discussion on the Meadowood project as the first agenda item. Ms. Peterson made a motion to add an update on the Meadowood project as item number one on the agenda. Mr. Rice seconded the motion. The motion passed with all in favor.

**2.) Meadowood Project Discussion**

Mr. Wellman shared that at the Board of Finance public hearing, the Board of Finance did not forward the Meadowood project to referendum in May. He stated that the Board of Finance had about a dozen people participate in person and another 160 plus in letters with the vast majority being in support.

Mr. Rice asked if the Board of Finance chose not to put Meadowood forward to referendum if that means that the monies will not be appropriated. Mr. Wellman stated that the next option would be a signature campaign, if enough signatures are gathered there would be a town meeting where a motion could be made to send this item to referendum and then there could be a vote.

Ms. Peterson asked if the Board of Selectmen has flexibility to move the referendum date out so there would be enough time for people to sign the petition. Mr. Wellman stated that the latest they are able to schedule the referendum is May 7th.

Ms. Capriola stated that the first step is the signature collection, the signatures then have to be certified by the Town Clerk, the Board of Selectmen would then schedule a special town meeting and legal notices would have to be posted for that. It is most likely that event would need to be held outdoors due to Covid.

Ms. Masino shared that the Grange president is very supportive of the vote on this and this land. They will hold open hours for signature collection between 12-5 on Saturday and Sunday. They contacted a notary and will have drive-by signing and will also have an open house at the Grange.

Ms. Capriola discussed the status of the funding scenarios for the Meadowood acquisition. The Town's contribution, which would be pending referendum, is about 2.4 million.

Mr. Bush inquired if they would lose any Trust for Public Lands funding because they missed a particular deadline. Ms. Capriola stated that the big deadline they are up against is the contract to purchase, there was a 12 month contract to purchase and then that could potentially be extended out an additional six months so basically 18 months to complete the transaction. She stated that if the signatures are in fact obtained for the special town meeting and referendum then they will need to be pretty aggressive in order to meet that contract deadline. The six month extension is through the end of July of this coming year.

Ms. Capriola stated that the petition wording will be reviewed by the Town's attorney and and Town Clerk.

Mr. Bush asked if the Town can play any role in the collection of signatures. Ms. Capriola shared that she believes if any individual wants to take part in collecting signatures that is fine as long as they are doing it on their own behalf and not as part of a committee or the Town. She will speak with the Town's attorney regarding a legal opinion on what's an appropriate role for an individual collecting signatures.

Ms. Capriola discussed a summary of sample larger scale open space purchases. The past acquisitions were shown adjusted for present value. She shared that the Town's funds towards the purchase price are about 40%. The overall cost per acre is just under \$21K and the Town's cost per acre is about \$8,400.

Ms. Masino shared that the Trust for Public Land doesn't get involved in a project unless they think it has extremely high value conservation and value to the public and the grants they are applying for are incredibly competitive. She stated that 3.5 million is being given to the Town due to the importance of this project.

### **3.) Approval of Minutes**

Ms. Peterson made a motion to accept the minutes of February 3, 2021 with the amendment that she was present. Ms. Winters seconded the motion. The Committee members voted unanimously to approve the minutes of the February 3, 2021 meeting as amended.

Ms. Peterson asked if there was any objection to tabling the Draft Acquisition Criteria Policy until the next meeting. Ms. Winters made a motion that the Draft Acquisition Criteria Policy be tabled to the next meeting. Ms. Peterson seconded the motion. All were in favor and the motion passed.

### **4.) Policies/Policies Work Group Update**

#### **a. Model Agricultural Lease RFP**

No update provided.

#### **b. Agricultural Land Use Policy**

No update provided.

#### **c. Draft Acquisition Criteria Policy**

Tabled until next meeting.

**5.) Other**

No items were discussed.

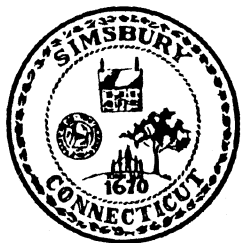
**6.) Executive Session per CGS §1-200(6)(D): Discussion of potential purchase of Meadowood property.**

Ms. Masino made a motion to adjourn to Executive Session pursuant to CGS §1-200(6)(E), at 5:14 p.m. and to included Maria Capriola, Town Manager, Tom Tyburski, Director of Culture, Parks and Recreation, Mike Glidden, Planning Director, and Zoning Compliance Officer, Tom Hazel as well as the Open Space Committee members.

**ADJOURN**

Ms. Winters made a motion to adjourn the meeting, seconded by Ms. Peterson. All voted in favor. Motion passed. Meeting adjourned at 5:31 pm.

Respectfully submitted,  
Heather Taylor  
Committee Clerk



# Town of Simsbury

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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 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. Our mission is to promote social interactions, healthy living, environmental preservation, and environmental education while meeting the recreational needs of the residents of Simsbury. Areas set aside as open space could be used for passive recreation (such as hiking trails or similar low impact activities) or active recreation (such as ball fields, playgrounds, hard surface courts, tracks, swimming pools and other more intensive uses). 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”*

#### 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

#### 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

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:

## **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).

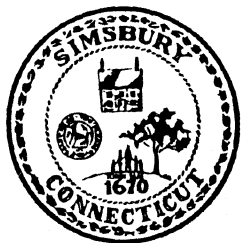
### **3. Objectives in Preserving Open Space**

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. 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, **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 of old and older growth forests**





# Town of Simsbury

933 HOPMEADOW STREET ~ SIMSBURY, CONNECTICUT 06070

Maria E. Capriola - Town Manager

## MEMORANDUM

**To:** Members of the Open Space Committee  
**From:** Maria Capriola, Town Manager  
**Date:** May 5, 2021  
**Subject:** Open Space Acquisition Fund

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The Town of Simsbury has one fund exclusively designated to Open Space. It is called the "Open Space Maintenance Fund" and is used to maintain open space owned by the Town. Examples of specific expenditures where this fund could be utilized include tree work, trail work, invasive plant management, barn work etc. This fund was created in fiscal year 2019/2020 utilizing a \$20,000 easement access fee that was paid to the Town by Eversource. After the establishment of this fund, the Finance department started allocating the Town's agriculture lease payments to this fund. This will help build funding for future maintenance costs over the next several years. Any additional fees received by the Town in lieu of open space are anticipated to be recorded to this fund as well.

Another open space fund that could be created by the Town, in accordance with State Statute, is the Open Space Land Acquisition Fund. Under Connecticut Statute Section 7-131r, "any municipality, by vote of its legislative body, may establish a special fund, which shall be known as the land acquisition fund. There shall be deposited in said fund, annually, an amount, not to exceed the amount which would be generated by the imposition of a tax of two mills against the property subject to tax in such municipality pursuant to chapter 203, as may be appropriated by the municipality. Such fund shall be used by the municipality for the acquisition of land to be used for open space, recreation or housing. Such fund shall not lapse at the close of the municipal fiscal year."

Contributions into this fund could include donations, appropriations made during the annual budget process in accordance with Connecticut General Statute Section 7-131r, money received by the Town as government grants or loans for open space preservation purposes or any other moneys appropriated to the Fund by the Board of Selection and Board of Finance (ie transfer of reserves)

In order to establish this fund, it would require formal approval of the Board of Finance as it would be considered a special revenue fund.