

Town of Simsbury

933 HOPMEADOW STREET ~ SIMSBURY, CONNECTICUT 06070

Maria E. Capriola - Town Manager

MEMORANDUM

To: Planning Commission, Open Space Committee, Conservation Commission, Zoning Commission, Historic District Commission and Culture, Parks and Recreation Commission

CC: Mike Glidden, Director of Planning and Community Development; Tom Tyburski, Culture, Parks, and Recreation Director; Jeff Shea, Town Engineer

From: Maria E. Capriola, Town Manager

Date: May 28, 2020

Subject: Referral from the Board of Selectmen

At its meeting on May 11, 2020, the Board of Selectmen discussed the potential open space acquisition at the Meadowood site. The Board of Selectmen made the following motion:

Move, effective May 11, 2020, to refer the potential acquisition of "Meadowood" by the Town of Simsbury to the Open Space Committee, Planning Commission, Conservation Commission, Zoning Commission, Historic District Commission, and Culture, Parks and Recreation Commission for comment on proposed purchase of open space.

The items included in the Board of Selectmen April 6th and May 11th packets on this matter have been attached for your reference.

A referral response is respectfully requested by July 7, 2020, prior to the July 13th Board of Selectmen meeting (it is expected to be discussed further by the Board during the summer). Please submit your response to me in writing.

Thank you for your assistance with this matter.



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Potential Meadowood Open Space Acquisition
2. **Date of Board Meeting:** April 6, 2020
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Mike Glidden, Director of Planning and Community Development *Maria E. Capriola*
4. **Action Requested of the Board of Selectmen:**
Tonight's presentation is informational. If the Board of Selectmen is interested in further vetting this potential acquisition, referrals will need to be made to the following Commissions:
 - Conservation Commission
 - Culture, Parks and Recreation Commissions
 - Open Space Committee
 - Planning Commission
 - Zoning Commission

Referrals can be made at a future meeting of the Board of Selectmen.

5. **Summary of Submission:**
The Trust for Public Lands contacted the Town of Simsbury regarding a potential purchase of the residential development known as "Meadowood." Meadowood is located off Hoskins, County and Firetown Roads, and the potential acquisition would be approximately 288 acres of land.

The Meadowood project is an affordable housing development. The project was approved via the courts. The plan calls for the construction of 296 homes with 88 out of the 296 as deed restricted affordable homes.

The project was subject to an environmental clean-up as conditions of the court's approval. The environmental remediation plan was completed under the supervision of the licensed environmental professional representing the property owner. The Town of Simsbury has engaged the services of a licensed environmental professional to review the documentation and confirm that the site has been cleaned.

Staff is recommending that approximately 24 of the 288 acres be purchased with no conservation restrictions so that the Town could have the ability to construct up to 6 multi-purpose athletic fields in the future (if needed). A concept plan has been prepared to illustrate how these fields could be developed for the construction of said fields.

6. Financial Impact:

The purchase of the 288 acres would involve funding from various sources. Numerous federal and state open space and historic preservation grants would help fund the purchase along with a contribution from the Town of Simsbury.

The Manager's proposed budget had a capital project placeholder for the potential acquisition for \$2.2M. However, the BOF expressed a desire for this to be considered in the fall and for it to be removed from the Selectmen's proposed capital budget adopted on March 9th. On March 23rd, the Selectmen voted to remove the project from their proposed capital budget at this time, but to reconsider its inclusion in the fall for a potential November referendum date.

7. Description of Documents Included with Submission:

- a) Presentation Slides
- b) Subdivision Map
- c) Aerial Photograph from GIS Documenting Existing Conditions
- d) Concept Plan Illustrating Potential Athletic Fields

Meadowood Conservation Purchase

April 6, 2020

J.T. Horn, Senior Project Manager

Trust for Public Land

- Non-profit conservation organization with “Land for People” mission
- Founded in 1972, based in San Francisco
- Active in Connecticut since 1986, office in New Haven
- Protected 92 properties/ 7,500 acres/ \$150 million fair market value in CT
- Past partnership w/ Simsbury with Ethel Walker Woods project (2007-14)

Project History

Meadowood: Residential Development

- Project is an affordable housing development which was approved by the Court in 2008
- Approved plans call for the construction of 296 single family homes; 88 of the 296 homes are deed restricted affordable homes
- Approvals valid thru March 20, 2022

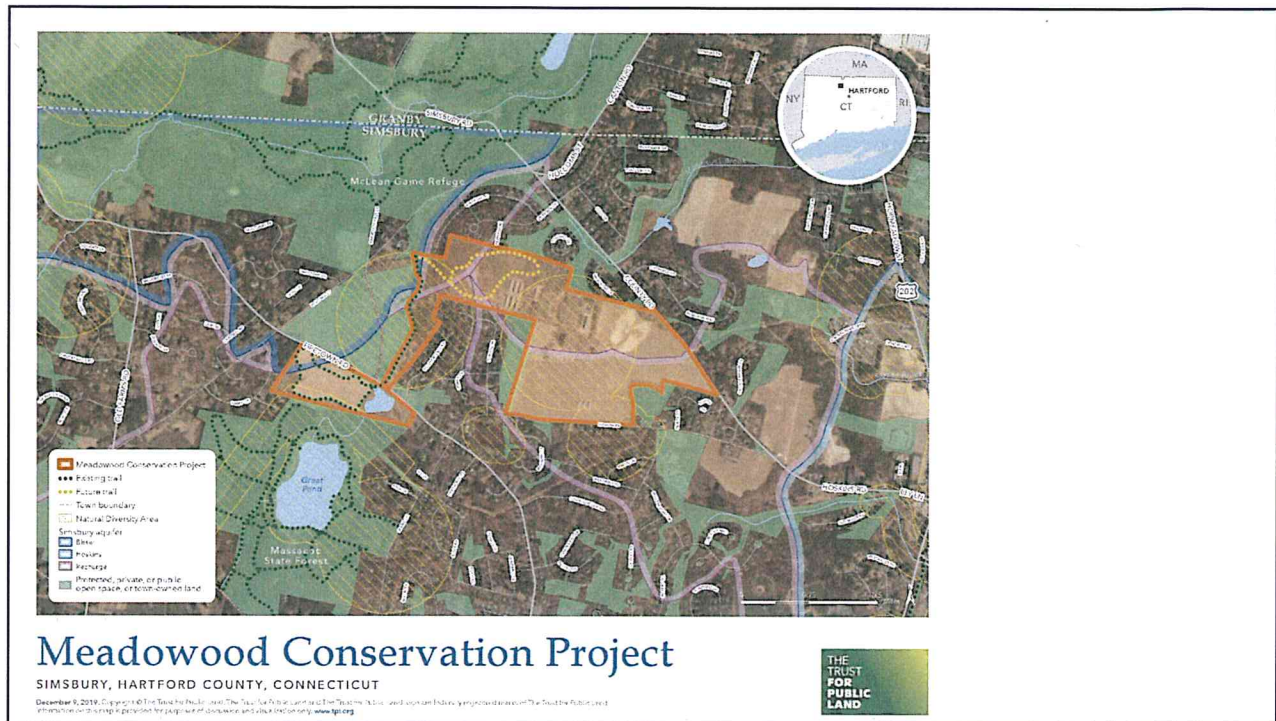


Environmental Clean-Up

Environmental Remediation

- Pursuant to the Court Settlement, Environmental remediation was required in order to “clean” site to residential exposure standards
- Actions such as soil mixing and exporting of contaminated soils were undertaken
- The Town of Simsbury has engaged the services of a Licensed Environmental Professional to review files and inspect site





Meadowood Attributes

- Historic resources – Martin Luther King Jr.
- Community trails w/ multiple new access points
- Agricultural soils and opportunity for continued farming
- Connectivity to McLean Game Refuge and other conserved lands
- Opportunity for 6 new multi-purpose athletic fields
- Preserving historic tobacco barns to the extent possible on Firetown Road

Landowner Contract

- Owned by a subsidiary of Griffin Industrial Realty
- Fully permitted for 296 unit subdivision
- TPL has a signed contract for fee purchase at \$6 million
- Initial term until February 2021, 6-month extension until July 2021
- TPL contract envisions Griffin pursuing an 18-month permit extension as a backup plan if the conservation purchase does not move forward.

Phased Conservation Outcome

1. 138 acres of open space w/ State DEEP recreational access easement
2. 24 acres for future athletic fields
3. 117 acres of farmland preservation w/ State Dept. of Agriculture easement
4. 3 acres w/ historic barns & MLK interpretive displays



Tentative Capital Funding Model

Subject to agency approvals and successful fundraising

- \$2,175,000 - Town of Simsbury
- \$820,000 – DEEP via Open Space Grant
- \$600,000 – DEEP via Land and Water Conservation Fund
- \$1,755,000 – Connecticut Dept of Agriculture
- \$500,000 – State Historic Preservation Office
- \$150,000 – Sale of private lot at 129 Holcomb St
- **\$6,000,000 total capital**
- Private funding campaign for TPL project costs **\$460,000**
- Additional funds for land management.

Simsbury Action Items

1. Allocate \$2.175-2.2 M towards land purchase and other costs
2. Request technical assistance of Trust for Public Land (avoids issues with lobbying)
3. Develop a Memorandum of Understanding with TPL outlining roles and responsibilities
4. Zoning, Planning, and Conservation Commission to review landowner's request for resubmittals of approved plans for 18 month approvals
5. Collaborate with TPL on due diligence – title, survey, environmental, appraisal



LEGEND

- Existing Town Open Space
- Proposed Permanent Open Space To Be Conveyed to Town
- Proposed Permanent Open Space To Be Purchased By Town
- Proposed Permanent Private Open Space

Merrimack Associates, Inc. - Owner
 Griffin Land - Planner
 Skidmore, OWINGS & Merrill LLP - Architect
 P.A. Hendrick & Associates, Inc. - Landscape Architect
 Robert V. Park & Associates - Mechanical Designer

Master Site Plan and Subdivision Approval
Meadowood
 Settlement Plan Submission
 Simsbury, Connecticut

Professional Seal

Certificate of Approval
 Issued for the _____ Commission
 by _____
 We hereby certify that _____ Chairman of Simsbury
 Council has approved this plan for the
 _____ Commission
 Secretary
 Issued for City on _____
 (Two Dots)
 In accordance with the Connecticut
 General Statutes, all work in connection with this
 program must be completed.

Scale: 1" = 300'-0"
 Date: 06-02-00
 Revs: 05-30-07

Sheet Title
**Open Space
 Context**

Sheet No. **1.5**

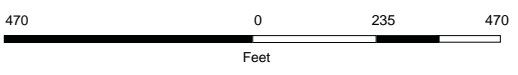


Legend

- Parcels
- Town Border
- Citations

Location

Notes



1:2,818

Meadowood Firetown Road Existing Conditions



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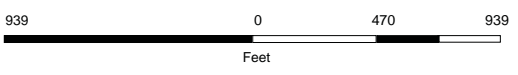


Legend

- Parcels
- Town Border
- Citations

Location

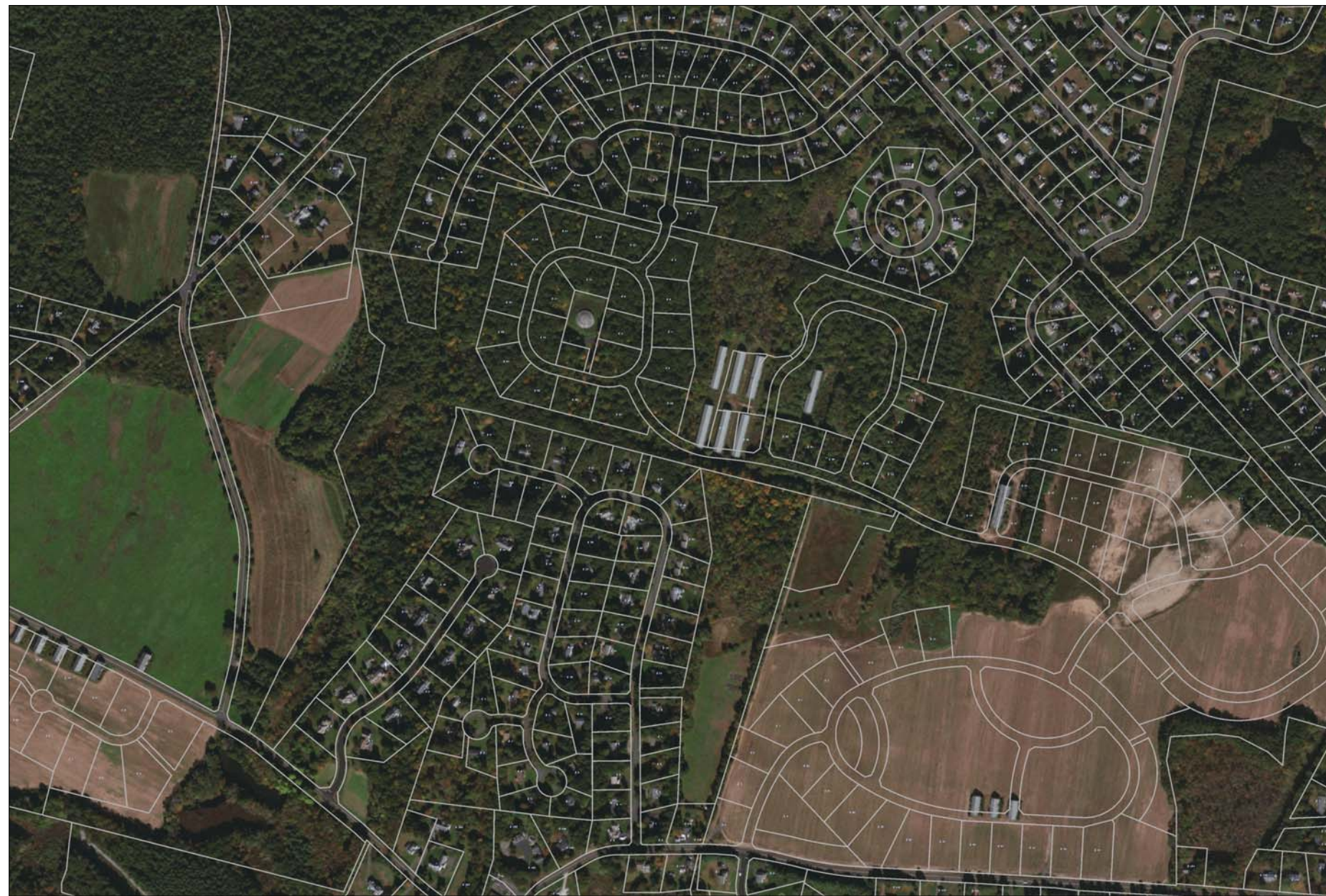
Notes



1:5,625 Meadowood Hoskins and County Road Existing Part 1 Conditions



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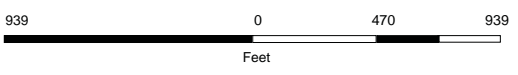


Legend

- Parcels
- Town Border
- Citations

Location

Notes



1:5,617 Meadowood Hoskins and County Road Existing Part 2 Conditions



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CP-1

CONCEPTUAL SOCCER FIELD LAYOUT
 prepared for
TOWN OF SIMSBURY
 SIMSBURY, CONNECTICUT
 Hoskins Road
 Date: 01-31-2020 Drawn by: KLL Job no.: 20109
 Scale: 1" = 60' Checked by: DSZ Sheet no.: 1 OF 1
© 2020 F.A.H. HOSKINS ROAD SOCCER FIELD LAYOUT, SIMSBURY, CT, 06089

No.	Date	Description



F. A. Hesketh & Associates, Inc.
 9 Cromwell Brook, East Granby, CT 06026
 Phone: (860) 339-1100
 Fax: (860) 339-1101
 Email: fah@fahweb.com
 Website: www.fahweb.com

Civil & Traffic Engineers • Surveyors • Planning • Landscape Architects



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Trust for Public Lands Memorandum of Understanding and Referrals for Potential Open Space Acquisition of the Meadowood Project
2. **Date of Board Meeting:** May 11, 2020
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Mike Glidden, Director of Planning and Community Development *Maria E. Capriola*
4. **Action Requested of the Board of Selectmen:**
If the Board of Selectmen supports formally requesting assistance from the Trust for Public Lands for the potential Meadowood open space acquisition, the following motion is in order:

Move, May 11, 2020, to authorize Town Manager Maria E. Capriola to execute the proposed memorandum of understanding with the Trust for Public Lands concerning technical assistance related to the potential Meadowood open space acquisition.

If the Board of Selectmen is interested in further pursuing this project, referrals should be made to a number of our public bodies. The following motion would be in order:

Move, effective May 11, 2020, to refer the potential acquisition of "Meadowood" by the Town of Simsbury to the Open Space Committee, Planning Commission, Conservation Commission, Zoning Commission, Historic District Commission, and Culture, Parks and Recreation Commission for comment on proposed purchase of open space.

5. **Summary of Submission:**
The Trust for Public Lands (TPL) contacted the Town of Simsbury regarding a potential purchase of the residential development known as "Meadowood". A presentation and background information was provided to the Board of Selectmen at your April 6th meeting.

The Meadowood project was an affordable housing development. The project was approved via the courts. The plan calls for the construction of 296 homes with 88 out of the 296 as deed restricted affordable homes.

If completed, the acquisition would consist of 288 acres preserved for a combination of open space, agriculture, and multi-use athletic fields. As currently envisioned approximately 24 acres would be set aside from conservation restrictions so that the

Town could have the ability to construct athletic fields in the future (if needed). A concept plan has been prepared to illustrate how these fields could be developed for the construction of said fields.

The project was subject to an environmental clean-up as conditions of the court's approval. The environmental remediation plan was completed under the supervision of the licensed environmental professional representing the property owner. The Town of Simsbury has engaged the services of a licensed environmental professional to review the documentation and confirm that the site has been cleaned.

The Town Attorney has reviewed the proposed memorandum of understanding with TPL for technical assistance.

6. Financial Impact:

The purchase of the 288 acres would involve funding from various sources. Federal and state open space acquisition grants along with state historic preservation funding are some of the examples where funding can be leveraged for the project.

The Town Manager's proposed budget had a capital project placeholder for open space acquisition of \$2.2 million. However the Board of Finance expressed their concern to move the project to the fall and therefore removed it from the Board of Selectmen's approved capital budget. On March 23, 2020, the Board of Selectmen voted to remove the item from the proposed budget, but to reconsider its inclusion in the fall for a potential November referendum.

The Town contribution towards the project will exceed 1% of the total operating budget and therefore the project will be subject to a referendum. The Trust for Public Lands provided a concept budget which outlines the various amounts of grant funding along with the Town Contribution.

7. Description of Documents Included with Submission:

- a) Proposed Memorandum of Understanding with Trust for Public Lands
- b) Proposed Letter, Re: Request for Technical Assistance
- c) Subdivision Map
- d) Aerial Photograph from GIS Documenting Existing Conditions
- e) Concept Plan Illustrating Potential Athletic Fields
- f) Presentation Slides from Trust for Public Lands

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding dated this ___ day of April, 2020 is between the Town of Simsbury and The Trust for Public Land to establish and define the respective roles of each party related to the project described herein.

Statement of Purpose

The Trust for Public Land (“TPL”) agrees to continue to support its efforts on behalf of the Town of Simsbury (“Town”) to preserve approximately 282 acres of undeveloped land currently owned by Riverbend Development CT, LLC. known as the Meadowood Conservation Project (“Meadowood”) and used for agriculture and other conservation related purposes (the “Property”). A map of the Property is attached. TPL is willing to assist the Town in this effort at the Town’s request and the Town hereby seeks TPL’s assistance. The purpose of this Memorandum of Understanding is to memorialize the agreement between the Town and TPL to work together, to define how TPL works, and to propose the next steps that TPL expects to take to move forward with preservation of this important Simsbury property.

The Purpose of the Trust for Public Land

TPL’s interest in working with the Town is to advance TPL’s organizational mission. TPL is a national, non-profit land conservation organization founded in 1972. It’s mission is to protect land for people, which it accomplishes through several services. TPL’s principal service is working with public agencies to identify and acquire private open spaces for conveyance into public ownership and management. TPL helps government agencies accomplish their land acquisition priorities and also works with local communities and groups, along with land trusts and other non-profits to strengthen their land conservation and protection activities.

TPL is an independent principal in each of its transactions, and is not an agent for the governmental agencies with which it works. As such, it will not act as the Town’s agent for this project, but will provide technical assistance as requested in a letter of even or nearly even date hereto. This independence will benefit Simsbury because it allows TPL to take the necessary risks – especially financial – that are critical to succeed in the competitive real estate arena.

The Trust for Public Land’s Role

Simsbury desires to work with TPL because it has an established track record of success in negotiating complex real estate negotiations including the successful partnership with the Town to acquire the Ethel Walker Woods property. TPL is also accomplished in finding the additional public or private funds that may be necessary to acquire the Property, and because TPL may reduce Simsbury’s financial burden for the acquisition of the Property, either in fee or

as development rights. These savings may include a reduction of acquisition costs for the Town through the identification and acquisition of grand funds from public and private sources. TPL absorbs many of the costs inherent in acquiring lands, including attorneys' time, and staff time involved in negotiating complex agreements. For this project, TPL may also absorb some of the cost associated with completing appraisals, environmental assessments and surveys.

The Trust for Public Land's Funding

As a private, non-profit §501(c)(3) organization, TPL relies entirely upon the generosity of donors, including individuals, foundations and occasionally corporations. Like all non-profits, it asks those individuals who know it best, and who most appreciate its work, to become contributors. These donors include landowners with whom it works, and foundations and wealthy individuals who particularly understand the benefits that inure to a community when a special property is protected. This Memorandum of Understanding does not obligate Simsbury to donate to TPL nor does it contractually obligate Simsbury to provide funding for acquisition of the Property until and unless all necessary non-municipal sources of funds and local approvals are obtained as set forth herein.

Action Plan

TPL and the Town will undertake the following next steps to accomplish their joint conservation objective for the Property:

1. TPL has negotiated an agreement to purchase the Property from the Riverbend Development CT, LLC either in fee interest or in development rights, and, if the Town is (a) satisfied with the terms of the agreement and that all required non-municipal funds have been obtained or committed, and (b) if the contract is approved by the Board of Selectmen, the Board of Finance, the Planning Commission and possibly the Special Town Meeting under Charter Section 409, the Town will enter into a contract to purchase said Property subject to approval at referendum. TPL will do so at its own risk and expense, and prior to the execution of an approved contract and approval at referendum, TPL's activities will not obligate the Town to fund the acquisition of the Property in any way.
2. At the Town's request, TPL shall provide the Town with non-confidential information it has in its possession regarding its negotiations with Riverbend Development CT, LLC for the purchase a fee interest or development rights in the Property, including all appraisals, option agreements, reports, maps and information regarding the Property. TPL understands that absent a specific agreement, it cannot compel the Town to expend its funds to hire consultants or to provide additional reports or information.

3. TPL will complete its due diligence examinations of the Property and share the results of examinations of title, environmental, and other due diligence with the Town. The Town shall undertake, at its expense, its own due diligence efforts.
4. If both TPL and the Town are satisfied with TPL's due diligence, TPL will present the terms and conditions of the sale of the Property to the Town for approval by the Board of Selectmen, the Board of Finance, the Planning Commission and possibly the Special Town Meeting under Charter Section 409. TPL and the Town will enter into a contract under which the Town would acquire a fee interest or development rights in the Property from TPL, subject to funding and public approval as set forth below.
5. Upon approval by the Board of Selectman, the Board of Finance and the Planning Commission, and a referendum, if necessary, shall be scheduled in conformance with the Town's Charter to conduct a referendum vote on the purchase of the Property either from Riverbend Development CT, LLC or from TPL.
6. Prior to said Meeting of Town agencies and possible referendum, TPL and the Town shall work together to inform Simsbury officials, residents and voters of the opportunity to purchase a fee interest or development rights in the Property.
7. TPL and the Town shall confer and develop strategies, and work together to identify and raise the public and private funds necessary for the Town to complete the purchase of the Property either in fee or in development rights. It is expressly understood and agreed that the Town reserves the right to reject any proposal whatsoever from TPL for the purchase of the Property
8. TPL shall convey the Property to the Town in conformance with the agreement between TPL and the Town.

Term

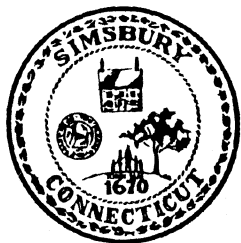
The term of this Memorandum of Understanding shall be two years from the date set forth above. The Town, acting through its Town Manager, at its sole option may, upon the request of TPL, extend the term for one (1) year for a total term of three (3) years. It is understood and agreed that any extension of the term beyond three (3) years shall require the approval of the Board of Selectmen.

THE TRUST FOR PUBLIC LAND

THE TOWN OF SIMSBURY

Walker Holmes
State Director, CT
Duly Authorized

Maria E. Capriola
Town Manager
Duly Authorized



Town of Simsbury

933 HOPMEADOW STREET ~ SIMSBURY, CONNECTICUT 06070

Maria E. Capriola - Town Manager

Walker Holmes
Connecticut State Director
The Trust for Public Land
101 Whitney Ave, 2nd Floor
New Haven, CT 06510

Dear Ms. Holmes:

By this letter, The Town of Simsbury, Connecticut officially requests technical advice and assistance from your organization in connection with our efforts to develop a program to finance land conservation and recreation and a potential related ballot measure. As part of your advice and assistance, I understand you may conduct public opinion research, study local laws and recent elections, and evaluate the feasibility of acquisition, in fee or through conservation easements, of key properties.

We are interested not only in the factual information that you can provide to us, but also your organization's opinions and recommendations on public funding measures available to us and strategies to enact such measures. That would include understanding the public's priorities and attitudes regarding land conservation and other issues currently facing Simsbury and how the public would respond to different methods of presenting those issues. Although your submissions will be directed to the attention of Maria E. Capriola, Town Manager, I understand that your responses to this request will be for the general use of the Town of Simsbury.

This request will continue in effect for any advice you offer or presentations you submit related to such matters. In addition, we would like to take this opportunity to request that you continue to be available to provide technical advice and assistance in this area and on related matters in the future.

Thank you for your organization's contribution to the work of Simsbury.

Sincerely,

A handwritten signature in cursive script that reads "Maria E. Capriola".

Maria Capriola
Town Manager