



Town of Simsbury

933 HOPMEADOW STREET

P.O. BOX 495

SIMSBURY, CONNECTICUT 06070

Thomas F. Cooke – Director of Administrative Services

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Date of submission: March 18, 2013**
2. **Date of Board Meeting: April 8, 2013**
3. **Individual or Entity making the submission: Hiram Peck, Director of Planning**
4. **Action requested of the Board of Selectmen (Acceptance of gift, creation of reserve, approval of contract, information only, etc. Be as specific as possible with respect to the desired action of the Board.):**

Request BOS act on attached Conservation Restriction which is part of the Ellsworth, 4 lot Subdivision on East Weatogue Street so that the attached Conservation Easement may be filed on the Simsbury Land Records.

5. **Individual(s) responsible for submission (Please include complete contact information. The identified individual(s) should be prepared to present information to the Board of Selectmen at the Board Meeting.):**

Hiram Peck, Director of Planning and Community Development

1. **Summary of Submission (Include in your summary (i) relevant dates and timelines; (ii) parties involved; (iii) a description of financial terms and conditions specifically identifying the financial exposure/commitment of the Town of Simsbury; (iv) whether or not contracts, licenses and other legal documents have been reviewed by the Town's counsel; and (v) other information that will inform the Board of Selectmen's consideration of your submission. Include any additional information in an attached memorandum.):**

Town Attorney indicates BOS is required to act on proposed Conservation Restriction. The attached Conservation Easement document places a conservation easement on the Ellsworth property on East Weatogue Street. Both the Planning Commission and the Conservation Commission found this easement as proposed to be acceptable. The easement was part of both the approvals from both Commissions.

Telephone (860) 658-3230
Facsimile (860) 658-9467

tcooke@simsbury-ct.gov
www.simsbury-ct.gov

An Equal Opportunity Employer
8:30 – 7:00 Monday
8:30 - 4:30 Tuesday through Friday

The Conservation easement, per the Town Attorney's 2/20/13 memo on this matter, may be released if the Simsbury Land Trust purchases the abutting 40 acres of land within five years. If that occurred, the presently proposed 3.44 acre conservation easement would be released. All land use commissions were aware of this when the subdivision was approved.

The conservation easement will have no adverse effect on site drainage. In fact it will prevent areas from being clear cut which cannot happen in a conservation easement.

Staff recommends approval of this conservation easement.

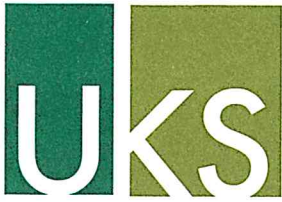
7. **Description of documents included with submission (All documents must be in final form and signed by the appropriate party.):**

The following documents are included with this submission and attached hereto:

Attachments include:

1. Original copy of the proposed Conservation Easement document
2. Letter from Town Attorney dated February 20, 2013
3. Copy of the approval letter dated October 24, 2012 from Director of Planning regarding the Planning Commission approval of this matter.
4. Title Policy as required by Town Attorney to be submitted prior to BOS meeting.

Thank you for your consideration of this matter.



MERITAS LAW FIRMS WORLDWIDE

Robert M. DeCrescenzo
(t) 860.548.2625
(f) 860.548.2680
rdcrescenzo@uks.com

February 20, 2013



Hiram W. Peck, III, AICP
Director of Community Planning
And Development
Town of Simsbury
933 Hopmeadow Street
Simsbury, CT 06070

Re: Application of #12-03 of Timothy E. Ellsworth, et al., Owner of a Four Lot Subdivision of Property Located at 120 East Weatogue Street (Shown on Assessor's Map H12, Block 106, Lot 036 and Assessor's Map H11, Block 106, Lot 037; See Lot Line Revision Filed on the Town of Simsbury Land Records 3/5/2012, Map #3977) In Zones R-40 and R-80 as shown on plan sheets 1-16 by LADA, P.C., Clark Engineering and Robert R. Weaver, L.S. dated 10/1/12 Last Revised 10/15/12 and on Other Submitted Materials and Reports

Dear Hiram:

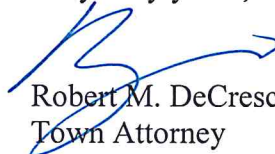
At your request, I have reviewed the proposed conservation easement for the four-lot subdivision referenced above. The easement area is 3.44 acres in size and is submitted by the owner to satisfy a condition of the October 24, 2012 subdivision approval.

The proposed conservation easement is based on the standard provisions found in the Town's form Declaration and Grant of Conservation Restriction. The proposed conservation easement includes the condition, approved by the Commission as reflected in the October 24, 2012 minutes, to release the easement if 40 acres of adjacent land is dedicated to the Town or the Simsbury Land Trust as open space within five years of the recording of the easement.

The proposed conservation easement is consistent with the Commission's approval of the subdivision and it is approved as to form. In addition, before it can be accepted by the Town, the Grantor will need to present the Town with a title insurance policy in the amount of \$30,000 demonstrating that the Grantors own the property and has the legal authority to convey the easement.

The conservation easement will need to be accepted by the Board of Selectmen.

Very truly yours,


Robert M. DeCrescenzo, Esq.
Town Attorney

RMDe/psm

Updike, Kelly & Spellacy, P.C.



Town of Simsbury

933 HOPMEADOW STREET

P.O. BOX 495

SIMSBURY, CONNECTICUT 06070

Richard Sawitzke - Town Engineer, Director of Capital Projects

April 5, 2013

Board of Selectmen
Town Offices
933 Hopmeadow Street
Simsbury, CT 06070-0495

Dear Selectman:

Subject: Ellsworth Subdivision Conservation Easement

A review of the Conservation Easement and certain drainage issues associated with the existing property at 120 East Weatogue Street has been conducted.

It appears that, for many decades, runoff from the existing driveway to house #120 enters, and crosses, East Weatogue Street, under certain large storm events. It is noted that 3 new home lots are proposed to the north of the existing drive. The proposed new lots are designed with effective storm water retention systems, and connections to existing storm drains located over 600 feet north of the area of concern. The new lots will not exacerbate the drainage in the area of concern.

We recommend that the option to direct driveway drainage runoff from house #120 into the extensive wooded areas before the runoff reaches East Weatogue Street be explored. The driveway apron and immediate gutter area might also be re-graded to keep heavy storm event runoff from crossing the road.

Therefore, it is recommended that the Conservation Easement be accepted with an amendment added to permit house #120 driveway runoff to enter the Easement area.

Sincerely,

Richard L. Sawitzke, P.E.
Town Engineer/Director of Capital Projects

cc: Hiram Peck, Director of Community Planning
Kevin Clemens, Super. of Highway
Howard Beach, Planning Analyst

Telephone (860) 658-3260
Facsimile (860) 658-3205

rsawitzke@simsbury-ct.gov
www.simsbury-ct.gov

An Equal Opportunity Employer
8:30 - 7:00 Monday
8:30 - 4:30 Tuesday through Friday