



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. **Title of submission:** Resolution – Sale of Pharos Farm

2. **Date of submission:** February 21, 2013

3. **Date of Board Meeting:** February 25, 2013

4. **Individual or Entity making the submission:**

Thomas F. Cooke – Director of Administrative Services
Robert M. DeCrescenzo, Esq. – Town Counsel

5. **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.):**

The Individual or Entity making the submission requests that the Board of Selectmen:

Approve the Resolution – Sale of Pharos Farm attached hereto.

6. **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.):**

Thomas F. Cooke – Director of Administrative Services: 860-658-3264
Robert M. DeCrescenzo, Esq. – Town Counsel: 860-548-2625

7. **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.):**

A public hearing on the proposed resolution was held on February 25, 2013 prior to the Board of Selectmen meeting, and a public meeting was previously held on December 10, 2012 to consider the proposed sale of Pharos Farm to George Hall. As presented by the Simsbury Land Trust ("SLT"), the SLT is seeking a conservation easement on two parcels of Simsbury farmland – the George Hall Farm and Pharos Farm – totaling 50.3 acres. The Town of Simsbury received a letter from the SLT dated December 31, 2012 modifying its original proposal to restrict construction on Pharos Farm to exclude a residence but to include possible construction of a barn. Based on the recommendation of Town Counsel the Board of Selectmen, at its Regular Meeting on January 14, 2013, referred the revised proposal to the Planning Commission and to the Open Space Committee.

Both the Open Space Committee and the Planning Commission support the proposed sale. The Planning Commission has recommended the following additional terms:

- That the Town work with SLT and Hall to determine whether an existing easement, which allows an abutting neighbor to use water from a well on the property, be removed;
- That Pharos Lane, an unimproved local road lying to the north of the subject property, remain an open public way; and
- That barn construction be subject to certain conditions and limitations.

The Resolution is now appropriately before the Board of Selectmen for final decision.

8. **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:

- Public Hearing Notice – Board of Selectmen Resolution – Sale of Pharos Farm
- Letter from Town Counsel dated January 9, 2013 including a letter from the Simsbury Land Trust dated December 31, 2012
- Memorandum from Hiram Peck, Director of Planning, dated January 23, 2013 with attachments
- Letters from Town Counsel dated December 7, 2012, November 9, 2012 and October 26, 2012
- Memorandum from Hiram Peck, Director of Planning, dated March 12, 2012
- Letter from Town Counsel dated January 30, 2012 including a letter from the Simsbury land Trust dated December 27, 2011



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Mary A. Glassman - First Selectman

TOWN OF SIMSBURY PUBLIC HEARING NOTICE

Notice is hereby given that the Board of Selectmen will hold a public hearing on Monday, February 25, 2013 at 7:00 p.m. in the Main Meeting Room of Town Hall, 933 Hopmeadow Street, Simsbury, CT 06070 to receive public comment concerning the proposed Resolution for the Sale of Pharos Farm. The Resolution is as follows:

TOWN OF SIMSBURY BOARD OF SELECTMEN RESOLUTION SALE OF PHAROS FARM

WHEREAS, the Simsbury Land Trust (“SLT”) has outlined a proposal (the “SLT Plan”) to the Town for the SLT to obtain a conservation easement on two parcels of Simsbury farmland totaling 50.3 acres. The first parcel is the 10.6 acre George Hall Farm at 180 Old Farms Road (“George Hall Farm or Parcel I”). The second parcel is the town-owned 39.7 acre property known as Pharos Farm (“Pharos Farm or Parcel II”); and

WHEREAS, the SLT Plan requires that the Town agree to the sale of Pharos Farm to George Hall for its fair market value; and

WHEREAS, the proposal will allow SLT to obtain funding for a conservation easement for the preservation of the George Hall Farm in West Simsbury and Pharos Farm; and

WHEREAS, SLT believes there is a linkage between the two properties because George Hall has organically farmed Pharos Farm since the early to mid-1970’s on annual leases from the Town; and

WHEREAS, SLT proposed transaction will be taken in three steps leading to a conservation easement on both the George Hall Farm and Pharos Farm with SLT as the grantee. At the conclusion of three transactions, (1) George Hall will own Pharos Farm (Parcel II) subject to the SLT conservation easement; and (2) the George Hall Farm (Parcel I) will be protected by the SLT conservation easement as permanent farmland; and

WHEREAS, the original SLT Plan included an option for construction of a residence on Pharos Farm. Subsequent to a public hearing on December 10, 2012 the SLT Plan was modified to restrict

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8:30 - 4:30 Tuesday through Friday

construction on Pharos Farm to exclude a residence but to include an option for construction of a barn (the "Revised SLT Plan");

WHEREAS, according to the Revised SLT Plan, while the Town would no longer own Pharos Farm, the Town will benefit because (a) it will receive full value for the property and the proceeds from the sale can be used to purchase other valuable open space; and (b) Pharos Farm land will continue to be protected from development by virtue of the SLT conservation easement; and

WHEREAS, the Revised SLT Plan has been approved by the Simsbury Open Space Committee and the Simsbury Planning Commission pursuant to General Statutes §8-24. The Simsbury Planning Commission recommended additional terms addressing an existing easement on the Pharos Farm property, maintenance of Pharos Lane and certain limitations on barn construction; and

WHEREAS, the sale by the Town will be contingent on the concurrent purchase by SLT of the conservation easement covering both properties described above.

NOW, THEREFORE, BE IT RESOLVED:

1. The Board of Selectmen approves the sale of Pharos Farm to George Hall for its fair market value as established by an independent appraisal commissioned by the Town and further contingent on the sale of a conservation easement by George Hall of the George Hall Farm to the Simsbury Land Trust as outlined in the Revised SLT Plan described herein.

2. The First Selectman is authorized to take any and all actions necessary to consummate the sale of Pharos Farm to the SLT.

Public Hearing Date: Monday, February 25, 2013 at 7:00 p.m.