

Colchester Agriculture Commission
Minutes of Meeting
Monday, August 19, 2013 – 7:00 P.M.
Town Hall, Room 3

RECEIVED
COLCHESTER, CT
2013 AUG 20 PM 3:29
NANCY A. BERRY
TOWN CLERK

Members Attending: C.Bourque, L.Curtis, A.Savitsky D.Wasniewski, A.Zimmerman

Others Attending: J.Ford (Board of Selectmen), R.Tarlov (Chairman, Board of Finance), A. Turner (Town Planner), S.Soby (Board of Selectmen, arrived at 7:35), D.Berger, M. Ryan, O.Duksa

1. Call to Order:

Meeting was called to order by Vice Chairman D.Wasniewski (acting as Chairman for this meeting) at 7:04 P.M.

2. Additions to Agenda: None.

3. Approve Minutes of the Agriculture Commission on May 20, 2013:

MOTION: A.Zimmerman moved **that the minutes of the July 15, 2013 Agriculture Commission be approved.** A.Savitsky seconded..

Discussion: A.Zimmerman commended the Secretary on the thoroughness of reporting in the minutes.

VOTE: Motion was **approved, with C.Bourque and A.Savitsky abstaining** because they had not been present during the conduct of the July meeting.

4. Citizen's Comments:

M.Ryan voiced his concerns about the proposed change in the R60 zone from a minimum lot size of two acres to a minimum of three acres in that zone. These concerns included the burdensome nature of this proposed change upon many current and prospective homeowners who might not want that much acreage to maintain and/or to be required to pay property taxes on the additional acre.

5. Chairman's Report: None.

6. Discussion and possible action regarding Land Use Issues of Interest to this Commission:

a) Update and status of recent developments regarding the Slembeck Farm on Prospect Hill Road:

Town Planner A. Turner introduced D.Berger to the Commission as the prospective buyer of most of the current Slembeck Farm parcel. As reported in these minutes last month, the general concept is still that most of this parcel (now reduced to +/- 65 acres) will be kept in agricultural use by the new buyer, with the intention to keep it permanently out of residential development by means of his entering into an agricultural easement with a qualified farmland conservation group. However the current owners' dwelling and outbuildings on the property will first be split off from the original whole farm as a separate entity not to be a part of this transaction. Mr. Berger told us that his current intention is to use the farmland primarily for the raising of livestock. He also said that he comes from a farming family

and, though he has not had much hands-on farming experience, he has lots of support within his family for this venture. Mr. Berger presented a plot plan of how he would like to divide up and use the parcel if the concepts under discussion are ultimately approved by the P&Z. Mr. Berger's letter about his Land Proposal to is attached to these minutes as part of the public record.

Mr. Berger indicated that the first structure he would like to erect would be a barn to house his livestock and other farming equipment and later to build a dwelling for personal occupancy on another part of the proposed building envelope. There was a discussion about the best potential placement of this barn on the building envelope. C.Bourque brought up the concept of keeping the barn as close as possible to the wooded area at the rear part of the proposed building envelope in order to preserve as much as possible the prime agricultural soils and soils of local interest that have been previously mapped by the NRCS on this land. He also stressed that a permanent right-of-way needs to be established in the easement from Prospect Hill Road to the back of the property (which is the part being considered for the agricultural easement) so that even if the farm were not owner-occupied in the future, some other non-resident farmer would have access to the working lands. He pointed out, however, that having a residence included as part of a parcel which includes an agricultural easement is a huge benefit to facilitating its being kept in active agricultural use over time as ownership changes.

L.Curtis brought up the issue that in order to preserve this farmland in perpetuity, an agricultural easement would need to be held and stewarded by an organization such as the Connecticut Farmland Trust (CFT) who is very experienced in such matters. She urged Mr. Berger to start working directly with E.Moore of the CFT to negotiate and draft the terms of this easement on the property. After it has been completed to the satisfaction of both of those parties, it needs to be brought to the Town for its further scrutiny and ratification, rather than having the terms of this easement being drawn up initially by the Town.

A.Turner said that he had spoken with Ms. Moore earlier in the day. The CFT Board's Acquisition Committee will meet on August 29, and in order to have this property on the agenda for consideration for conservation by the CFT at this meeting, the pertinent information must be provided before that deadline. Mr.Turner said that he is now aware of all the steps that the Town needs to take in order to provide the information the CFT requires. The information needed includes a qualified appraisal for an agricultural easement which Mr. Turner said is currently being performed by C.Buckley, a federally certified yellow book appraiser. Mr. Buckley had done the appraisal on the property when it was being considered for outright purchase by the Town back in 2011 prior to going to a voter referendum for bonding. So, although the proposed transaction mechanics and scenario have changed, this appraiser is already familiar with the property.

As stated last month, the town has an interest in this transaction since this land it is considered by the Office of the Town Planner to be one of the key parcels to keeping the so-called "central corridor" of Colchester primarily in agricultural and/or conservation use rather than having the land be sold without legal protections against its possible use for further, more intensive, residential development. C.Bourque pointed out that the Cost of Community Services (COCS) study done for Colchester by Paula Stahl using 2012 tax and budget data has clearly shown that preservation of agricultural lands is in the very best interests of all taxpayers the town and a conservation easement is an excellent methodology for preservation with the goal of helping to keeping property taxes from spiraling out of control as happens inevitably as more and more land goes into into residential development.

The assumption in the way that this transaction is structured is that the Town will be the party who "buys" the agricultural easement for an amount equal to or less than the appraised conservation value. Hopefully, a combination of taxpayer dollars and government grants from such sources as the NRCS (National Resources Conservation Service) can be approved as a source of this funding this. J.Ford said

he had spoken with both E. Moore of the CFT and with Congressman Courtney's office and has ascertain that the next round of NRCS grant funding will be coming up in October. He is of the opinion that the Town should do what is necessary to apply for such a grant to provide at least partial federal funding for this project as a matter of fiscal prudence. L. Curtis cautioned that this paperwork needs to be submitted, the grant approved and funds allocated prior to closing since grants of this nature will probably not be able to be approved retroactively.

D. Wasniewski acknowledged that public support for this project will be necessary because of the requirement that a public meeting be held to vote on spending for this project. Therefore he urged that there be a concerted effort to educate the town's citizens about how farmland preservation projects such as this one are foresighted and in the best long-term fiscal interests of a majority of taxpayers.

A. Turner recommended that a representative from the Agriculture Commission be present as this proposal is brought before other town Boards and Commissions to share our perspective on the project. He will email the chair of the Commission with a schedule of all such upcoming presentations.

b) Update and status of revisions to Colchester's Plan of Conservation and Development (POCD) and sub-committee formation:

Town Planner A. Turner reported that it has been determined that the POCD Sub-Committee will consist of all seven members of the Planning and Zoning Commission (P&Z) and the chairmen or other designated representative of six or seven other Boards and Commissions. Representatives from Planometrics, the firm hired to produce the document, will always also be in attendance. The official meetings of this Sub-Committee will be on the third Wednesday of every month, beginning at 8:00 P.M. (The regular P&Z meeting held at 7:00 on that evening will be shortened to just one hour.) This is a public meeting which all citizens may attend. The first official meeting in the scheduled series will be on Wednesday, September 18.

C. Bourque observed that this sub-committee is heavily weighted to represent the P&Z Commission and wondered why there was not an attempt to recruit members from organizations such as the Colchester Land Trust, the Colchester Business Association, and other civic groups who all have a stake in the outcome of this process. M. Ryan voiced a similar concern about the majority representation on this Sub-Committee bring members with the P&Z perspective. A. Turner suggested that these concerns be brought directly to the P&Z in the Public Comments portion of their meetings--the next meeting will be on Wednesday, August 21 at 7:00. S. Soby explained that this official Sub-Committee is primarily to manage the process, stating that there will be plenty of opportunity for the public to provide its input.

c) Status and timetable of Revisions to Colchester's Zoning Regulations and Ordinances:

A. Turner reported that he and C. Bourque had resolved 99% of the issues that remained in regard to changes the Agriculture Commission had asked for the Section 8 Agricultural Uses of the new regulations. Mr. Bourque agreed, but said that there were just a few minor wording changes still pending. The completed new zoning regulations and ordinances document will be previewed by the P&Z at its next regular meeting on Wednesday, August 21 and it will continue to be on the agenda for the next several meetings. Once the P&Z has seen the revised document it will be put out on the Town website and be presented to many other constituencies, including P&Z Boards from surrounding towns. The document is in the format where all changes are clearly marked with both the old and the new language so it will be obvious where the revisions are. Public comment will be encouraged.

D. Wasniewski observed that this document contains more changes at one time than ever before in the history of Colchester and that great scrutiny needs to be given to the final document prior to its final approval by the P&Z.

7. Old Business:

a) **Acknowledgments:** Tabled.

b) **Discussion and possible action on nomination and election of candidates for Agriculture Commission officers:**

The commission members were polled to determine which officer positions they would be interested in filling. L.Curtis volunteered to continue in her role as Secretary unless there were another member who would prefer to do this job. D.Wasniewski said he would reluctantly consider continuing as Vice Chairman unless another member was willing to consider filling this position. A. Zimmerman said that he would consider being the Vice Chairman, adding that he needs more time on this commission before he might feel ready to accept the position of Chairman. C. Bourque indicated his willingness to step up to the job of Chairman. A.Savitsky said that he was not interested in holding a leadership role on the Agriculture Commission due to a lack of time to devote to executive duties.

MOTION: A.Savitsky moved to nominate C.Bourque for Chairman, A.Zimmerman for Vice-Chairman, and L.Curtis for Secretary of the Agriculture Commission. A.Zimmerman seconded.

MOTION to close nominations made by A.Zimmerman. Seconded by A.Savitsky.
No further discussion.

VOTE: Unanimously approved.

VOTE on the election of the officers nominated above:

No further discussion. **Unanimously approved.**

O.Duksa announced her intention to reactivate her previous application to serve on the Agriculture Commission an Alternate Member capacity with the Board of Selectmen. When a regular member is absent from any meeting, an alternate may take the place of the absent member and have full voting rights during that meeting.

A.Zimmerman recognized D.Wasniewski, the immediate past Vice Chairman, for having stepped up to the duties of Chairman after the resignation of E.Gillman and taking the reins of this commission to keep the pertinent issues alive and moving forward through the difficult period when this commission was critically short of personnel.

c) **Discussion and possible action regarding sub-committee formation and membership:** Tabled.

d) **Any other old business deemed necessary:** None.

7. New Business:

MOTION: C.Bourque moved to have regular Agriculture Commission meetings begin at 7:00 P.M. A.Zimmerman seconded.

No further discussion.

VOTE: Unanimously approved.

8. Adjournment:

MOTION: A.Zimmerman moved to adjourn the meeting at 8:34 P.M. A.Savitsky seconded.
Unanimously approved.

Respectfully submitted,

Leslie Curtis

Leslie Curtis
Secretary

Adam Turner

From: bergerfam1@comcast.net
Sent: Tuesday, August 06, 2013 4:24 PM
To: Adam Turner
Subject: Land Proposal

To whom it may concern,

This letter is in regards to the purchase of property located on 110 Prospect Hill Road. We, David and Elizabeth Berger, proposed to split property and purchase the land portion of +/- 70 acres which includes one building lot of +/- 5 acres. This proposal has been accepted by planning and zoning. At the time of closing we are asking for \$95,000 in exchange for the development rights on the remaining +/- 65 acre portion of the land. The larger portion of land consists of a mix of pasture and woodlands and we intend to use this area for agriculture. Any timber harvest (other than general maintenance and wood cutting) would be under the supervision of a licensed forester. We intend to live and farm on this property and agree not to sell for 18 months.

-Regards,
David Berger