

TOWN OF COLCHESTER
PUBLIC HEARING – November 18, 2021
Open Space Advisory Committee – Board of Selectmen
MINUTES

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Present: First Selectman Andreas Bisbikos, Selectmen: Denise Turner, Rosemary Coyle, Jason LaChapelle, Matthew Bordeaux, Andrea Migliaccio: Board of Finance Chair, Mary Tomasi: Board of Education Vice Chair, Gayle Furman: Town Clerk, Leslie Curtis: Colchester Land Trust member, David Koji: ARPA Committee member, Elisabeth Moore: CT Farmland Trust Executive Director and citizens.

Meeting was called to order by Andreas Bisbikos, First Selectman at 6:30pm.

This public hearing is to discuss considerations of revisions to Chapter 92 of Colchester Code of Ordinances as prepared by Shipman and Goodwin dated May 24, 2021 and revisions by the Planning Director September 29, 2021 to provide for increased flexibility of the use of Open Space preservation funds for Open Space purposes. October 21, 2021 the Board of Selectmen recommended a public hearing to be held for revisions.

Discussion:

Matt Bordeaux: Colchester Town Planner explained that the revision would allow qualified entities to preserve open space or agricultural land in collaboration with the town. The source of the fund is an annual budget allocation and the fees collected when the land is subdivided in Colchester. Chapter 92 outlines the process for use of those funds and what is intended by open space purposes. The proposed amendment to the ordinance is to allow the town to consider a request from a preservation entity to contribute to said entity for open space purposes including the acquisition of development rights or associated soft costs that go into land easements or restrictions. The amendment would not change the process on how the decision is made for the funds. The three major components of the proposed amendment (provided to the Board of Selectmen on the October 21, 2021 meeting) are:

1. Section 92-1B: introduces contributions to a preservation entity.
2. Section 92-2F: the town can request as much information necessary to engage in a contribution with a particular entity.
3. Section 92-5: outlines the components of a contract between a preservation entity and the town and is considered by the town before contributing to an entity.

Citizen's Comments:

Deanna Bouchard-Sanchez cautioned the board of an issue with the legal notice; board members listed in the notice are not accurate. The legal notice was published after the election on November 5, 2021. Deanna asked M. Bordeaux if something were to happen on the land then who would be liable. M. Bordeaux said that Chapter 92 currently states that the town's acquisition of property would make the town liable. Easements on private property would cause the liability to be retained by the property owner. The amendments would place the burden of liability on the property owner.

Elisabeth Moore: Executive Director of CT Farmland Trust, addressed Deanna Bouchard-Sanchez's question for clarification. She explained that when the town owns land then the town is liable. If a landowner sold easement to the property, then the landowner is only responsible if they charge entry to their land, otherwise they are covered under state law from liability due to trespassing. E. Moore also commented that timing is key for funding designation because state and federal funding is currently available. Deciding to create a designation fund now will allow the town to take advantage of the opportunity to leverage funds. She stated that many times the state funding is not enough and requires

a contribution from town funding. There are at least 24 towns in CT that allocate town budget funds for land preservation.

Leslie Curtis: Vice President of the Colchester Land Trust commented that as the older generations that own farmland are passing away, the family most likely will sell the land instead of maintaining it. In these circumstances, it is of civic value for the town to step up and help the Land Trust to preserve land. L. Curtis supports the proposed revisions of Chapter 92 and supports conservation easements to limit suburban sprawl.

Scott Sivek: board member on the Colchester Land Trust noted that he supports the proposed amendments to Chapter 92.

First Selectman A. Bisbikos closed the public hearing at 7:04pm.

Submitted by:

Rachel Fuller, First Selectman Department Assistant