

Colchester Agriculture Commission
Minutes of Joint Special Meeting
with the Colchester Conservation Commission
and the Colchester Open Space Advisory Committee
Monday, November 18, 2013, 7:00 P.M.
Town Hall, Room 2

NANCY A. BRAY
TOWN CLERK

Nancy A. Bray

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COLCHESTER, CT
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Attending for Agriculture Commission: C.Bourque (Chair), L.Curtis, O.Duksa,
D. Wasniewski, and A.Zimmerman

Attending for Conservation Commission: F.Von Plachecki (Chair), K.Frantzen,
M.Epstein, A.George, and S.Brueening

Attending for Open Space Advisory Committee: W.Hochholzer, Jr. and M.Stevens
(Note: There was not a quorum from the OSAC at this special joint meeting.)

Liaisons attending: R.Coyle (Board of Selectmen and Liaison to Open Space Advisory
Committee), J.Gigloti (Staff for Conservation Commission),
A.Turner (Town Planner), W.Budney (New London County Farm Bureau)

Also attending: D.Berger, D. Cugno, E.Gillman, and N.Lemay (BSA Troop 13)

1. Call to Order:

Meeting was called to order by Agriculture Commission Chairman C.Bourque at 7:03 P.M.
Meeting of Conservation Commission was called to order by Chairman F.Von Plachecki at
7:03 P.M.

Because of a lack of a quorum, this could not be an official meeting of the Open Space
Advisory Committee, though two of its members were present to participate as individuals in
the proceedings.

2. New Business: Acquisition of Development Rights at Slembeck Farm.

Town Planner A.Turner described the chain of events which has led up to this evening's
Joint Special Meeting of the town's three land use commissions. The Slembeck Farm at 110
Prospect Hill Road, Colchester, CT has been under consideration by the Town for preservation
from further residential development for the past two years. A referendum proposal in 2012 to
purchase the entire 75 acre property (including the existing house and outbuildings) for
\$540,000 was not approved by the voters.

After that, D.Berger entered into negotiations with the owners of the farm to purchase the
property minus the existing dwelling and outbuildings (and the building envelope on which
they stand) with the intent to build a single new dwelling and appropriate agricultural
outbuildings and keep the remainder of the parcel in agricultural usage. Mr.Berger
approached the Town to see whether there was any interest there to help him to execute this
vision to preserve the majority of the land for agricultural purposes.

Subsequently the Planning and Zoning Commission permitted a special exception to the local zoning regulations to allow this plan to move forward. Also the Town has agreed to try to partially fund the purchase of the development rights using taxpayer dollars since it has been deemed to be in the best long term interests of the taxpayers of Colchester to prevent extensive further residential development in this particular area of town. The parcel sits in a central location within a corridor containing large unfragmented tracts of already protected farm, field, and forest lands. The Connecticut Farmland Trust has agreed to hold an agricultural conservation easement on this property which has about 34 acres of prime agricultural soils. The rest of the mostly level property is mostly forest with some wetland areas. This agreement would be set to commence at the date of closing of the sale when the property changes ownership to Mr. Berger.

An agricultural easement has been drawn up by the CT Farmland Trust, working directly with prospective owner D. Berger, but copies were unavailable at this meeting for members of the land use commissions to review. Also the Town Planner's office has commissioned a fiscal analysis of the long term value of preservation of this particular parcel to be done by P. Stahl who performed the Cost of Community Services Study for the Town of Colchester using the Town's own 2012 data. This study is expected to be completed and available for review by the land use commissions and the Board of Selectmen and Board of Finance in the next week or two.

The Town commissioned Buckley Appraisal Services, Inc. to do an appraisal of the value of the Development Rights to a portion of the Slembeck farm. This proposal, dated August 17, 2013, is titled "SELF-CONTAINED APPRAISAL REPORT--DEVELOPMENT RIGHTS TO A PORTION OF 110 PROSPECT HILL ROAD, COLCHESTER, CONNECTICUT 06415". Copies of this 36 page document were circulated to the commission members present at this meeting and it is available for review by the general public at the Office of the Town Planner at Colchester Town Hall.

The appraised value of the development rights to 65 or 67 acres of the subject property is determined in this report to be between \$208,000 to \$214,000. The current agreement between D. Berger and the office of the Town Planner is for the Town of Colchester to attempt to participate in the financing to purchase these development rights for the price of \$95,000. This would need to be approved by a vote by a majority of citizens present at a Town Meeting convened for this purpose. If this measure passes, the \$95,000 from the Town would be paid to the sellers at the closing and the agricultural conservation easement on the entire parcel (a document drawn up between D. Berger and the CT Farmland Trust) would become part of the deed to the land in perpetuity and recorded in the records at Town Hall.

C. Bourque addressed the question of whether there might be public funding mechanisms available to defray the cost to town taxpayers to preserve this land for agricultural use in perpetuity. He has made inquiry and discovered that the major sources for funding of this purchase would have been the Natural Resources Conservation Service (NRCS) and funding for CT Community Farms sponsored by the CT Department of Agriculture. All NRCS money for 2013 has been previously allocated and the U.S. Congress has not acted on the 2014 Farm Bill, so there is no more money allocated to the NRCS for conservation purposes at this juncture. There are more applicants for funding from the CT Community Farms funding program than there are funds to cover all the current applications, so this is not a possible source of funding in the near term. The entire 75 acre Slembeck Farm is considered to be under some pressure for potential development since it continues to be listed (including the

existing house and outbuildings) on the MLS for \$599,000.

C.Bourque expressed the concern about preserving the farmland soils prevalent on the property for agricultural purposes only and that the eventual location of the new house and outbuildings should not be atop any prime agricultural soils. D.Berger said that the CT Farmland Trust conservation easement stressed that preservation of prime agricultural soils was a major concern in their drafting of this document.

A.George questioned D.Berger why he was willing to settle for just \$95,000 of potential town money to purchase development rights which were appraised at more than twice that amount. D.Berger said he realized that other public funding was not available to help him defray the cost of giving up the development rights to this farm and that he hopes to close as quickly as possible since the property is still offered for sale in its entirety on the open market.

Concerns were expressed that the conservation easement might not include the new permitted structures on the land. D.Berger said that the proposed new house and agricultural outbuildings will definitely be included in the one overall conservation easement as drafted by the CT Farmland Trust to the part of the farm that he intends to purchase. This will prevent the new house and outbuildings from ever being separated from their surrounding farmland.

R.Coyle, speaking for herself as just one of the town's Selectmen, encouraged the members of the town's land use commissions to review a copy of the proposed conservation easement and add their comments to this document before bringing any resolution for action on this project before the Board of Selectmen and Board of Finance. She said that she respected the expertise of these many commission members and believed that such a review would be beneficial to moving this project forward through the BoS and BoF to a vote at a Town Meeting. Many other speakers concurred with this assessment of the necessity for proper vetting of the easement terms and language by the Agriculture Commission, Conservation Commission, and Open Space Advisory Commission.

There followed a discussion initiated by K.Frantzen about the expected time-line of the actions by our commissions to move this project forward. C.Bourque said that he hopes to move this project through the review process expeditiously but carefully enough to project a high comfort level with our joint recommendations to the Board of Selectmen and the Board of Finance. After some discussion of possible dates to meet again for this purpose, it was agreed that the Town Planner would email the draft of the easement to the land use commission members on Tuesday, November 19 for their review. It was further agreed that there should be another joint special meeting with members prepared to make recommendations on this issue to the BoS and BoF at 7:00 P.M. on Monday, November 25 at Town Hall. In this way the matter, if approved to move forward, could be put on the agenda of the Board of Selectmen at their meeting on Thursday, December 5, 2013.

3. Adjournment: A.Zimmerman moved to adjourn this special meeting at 7:59 P.M. and D. Wasniewski seconded. (Conversation Commission Chair F.Von Plachecki concurred.)

Respectfully submitted,



Leslie Curtis
Acting Secretary, Agriculture Commission