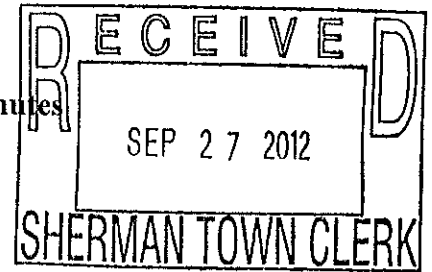


Sherman Land Acquisition Fund Advisory Board Meeting Minutes  
May 16, 2012



**Attendees:**

Andrea O'Connor  
Marge Josephson  
Al Kenney  
Colette Shuyman  
Fran Frattini  
Jerry Siegel  
Laura Pettinato, Clerk

Chairman Andrea O'Connor called the meeting to order at 7:05 p.m. Andrea notes there is no representative yet from wetlands.

**I. Review of Minutes of Meeting of April 18, 2012:** Approval of the minutes has been deferred to the next meeting.

**II. Public Comment:** No public present.

**III. Discussion concerning identifying specific properties within priority areas as a guide to future potential acquisitions:** Andrea provides history on the creation of the board. It would be helpful to have representatives from the various groups that had something to do with land use, because then there would be a conduit of information. It is noted that P&Z regulations might support what the board is looking to do. The board could possibly petition to have a different structure, so it is an entirely appointed board.

Andrea relays the B.O.S. thinking regarding future funding for land acquisition. The thought was that people were essentially paying for the land acquisition through the pay-down of debt, and to add a mil rate assessment to build the fund up again might not be well received. Budgets became very tight. This is something the board ought to revisit, and the beginning of that is to figure out what of the debt service is actually land acquisition related, and what does that convert to in terms of mil rate. Her understating of the survey that got to bonding was to try and find a number that would enable them to get money up front. The board could also think about the best strategies to move forward to maintaining the fund. They still have \$250,000 in bonding authorization that is not yet acted upon, and the last audit says still \$11,000 in the actual land acquisition fund from previous budget appropriations and donations in honor of people.

It is noted that the fund can take donations from people, and that people also sometimes have residual clauses in wills that leave money to a fund. When the Town bought the farm, they rescinded a certain portion of the bonding fund, and the deed is in the Town's name, with Tony retaining a life estate in the land for farming. Situations may arise where money is needed quickly, and the board really doesn't have this. There is \$11,000 in the fund for things like the appraisal survey and the mechanics of getting to a purchase. They need to have either a pool of money or tax incentives, and it is noted that money facilitates a decision to make a sale. A

purchase has to go to a vote, but the board does have authority to invest a certain amount to investigate a property for evaluation purposes.

A student intern once catalogued all the open space properties, and there were also discs that had information about the properties. Ruth (Byrnes) has already found bits and pieces of it, and she continues to look for this. Marge once did a list by area that was on the map. On this map, large parcels that are preserved are noted, as well as the ones the board will be interested in. Before going through the mechanics of drawing the map, Marge wanted to go over the list. The criteria developed a few years ago would include historic significance, special scenic value, and wildlife value. The first grouping on the list just puts a lot of forestland together, basically goes from River Oaks on the map. The Eastman and Mosenthal properties fill out the rest of that top area. It is noted that Kathy Wriston has an agreement with National Audubon, but nothing has ever been filed. Technically, it could be rescinded, but this is doubtful. Wriston does not go across roads in her ownership, and her philosophy is to be contiguous. Much of the best farmland in Sherman is on hilltops, for example Upland Pastures. The Naromi valley is much more narrow with the bigger upland fields in New Milford. A good portion of the McGoldrick property is already protected in New Milford, but not in Sherman.

It is discussed that one property, Chapel Hill Estates may be at the most risk right. It is not in NYC watershed, it is not prime farmland soil, but it is a very important road frontage scenic area. The edge of that road is protected going back 150 to 200 feet, but that is not protecting the whole thing, the downstream area. There is a lot of interior hillside up there, but there are 6 or 7 different owners that come to the top of the hill. With the lack of funding, one of the main jobs of the board will be education. It is also noted that the board can rally on stewardship as well. It is also suggested that there will be a need for farmland in the future.

Regarding Route 37E reconstruction, it is noted that the state purchased all the pieces, and they put it on the shelf. The state wants to reconstruct 37E, as it is built on no foundation. There was a whole reconfiguration of the road, to take out the dip.

The board ponders prioritizing the list of properties, numbering them in a way that shows they have been carefully selected based on specified weighted criteria. This would be a way to show a property has been targeted for preservation. The board discusses the possibility of a developer coming to P&Z with plans to develop. It is noted that P&Z can't deny an application based on the property's open space value. However, they do get a report from conservation, and the board could try to get a revision to that regulation that would consider the open space value of the property.

The more information the board has evaluated, the better the position they would be in to defend there are aspects of the property that would merit preservation. It is noted that the board will never be able to protect everything on the map that they think they should protect. The properties evaluated have to have some "sellability" to the Town. It is noted that the Town does have the option to contribute to the preservation of something that benefits the public. It is suggested that the board could try to pool money with either state, federal, other towns, where land overlaps – rather than being the outright purchaser and protector.

Then there would be no need to worry about how the property is managed. If someone really wants to preserve land, but is stuck economically, and would entertain the purchase of development rights as a way to satisfy the urge to preserve and the economic need. This usually runs as a percentage of the value of the property. The percentage varies with land.

Hypothetically, if a piece of land had a maximum value of 14 lots approved, the value would vary with the market. But, if you sell the development rights, then what is the residual value. Then you are paying the development right value. It isn't what is paid – it is the difference at a given moment of time that has to be within six months of the purchase. It is the subdivision value (IE: If you sell the whole thing to a developer, he has to put some money into it, so that comes off the value you would pay for development rights).

A prioritized list could alert in a public way P&Z to areas which might be considered for open space and may convince P&Z to do a conservation. It might also halt certain types of development, and if the property comes on the market it could give the board a head start on identifying the priority. The Town's point of view is to slow development more than ecological value concerns. Part of the core purpose of this board is to slow down the development, the idea is to preserve by pulling off the market desirable development property. As this list develops, it can be shared with others. The 1968 open space plan really followed after the master plan had already been filed. It was voted on as a first amendment to that master plan.

Al will set up a spreadsheet of values that will score out and rank the properties. The board discusses the mechanics of setting up a spreadsheet and how it will function. This classification attempt will be a first pass, with the option of moving things around on the spreadsheet. Possible criteria for inclusion can be immediacy of risk of development. It is noted that there are properties owned by people who have purchased property so that it won't be developed, but there is no legal document that says it will always stay that way. This is a 'squishy' area. While the owner's intent and desire may be in the right place, what the future holds is unknown.

The economic implications of development are discussed. The Town has a need for development, because it has a need for tax revenue. With open spaces, properties along side may have higher value/taxes. This is a complicated economic. The board would like to have more money to protect more land and would like citizens to give more money, but the citizens feel burdened by the amount they already pay in servicing debt and paying taxes. It is noted that a letter was drafted to "squishy" property owners, but the board is not sure if this was ever sent. It is also noted that there are properties that have been in the family a long time, but the new generation of owners are not necessarily in tune with all the options and things happening in Town. It is suggested that a social event could be an option, to invite selected people to a gentle presentation that could be co-hosted by other interested parties.

#### **IV. Discussion of Strategies to implement the open space plan:**

- a. Looking back to the open space plan conveyed to P&Z and to look more broadly at strategies to making that happen.
- b. Repeating the vehicles for preserving land in long and short term, for example via articles in newspapers about preserving the rural character of Sherman.
- c. Review and examine P.A. 490, to see if it is working or not.

- d. Speak with Al Garzi about some little pieces that are being tax favored. Some land acquisition funds are able to capture the tax penalty if property is prematurely converted. If there are properties out there that would owe taxes if they were developed, that would be a rich source of funding.
- e. Another initiative the board could do is look at the option for the conveyance tax. It is noted that the board would need to go to our state representative and senator to push for this.
- f. Attempting to get the state departments charged with open space preservation on board.

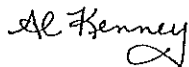
The "Bill Garrison Amendment" is discussed. For years, Bill wanted Andrea to have Sherman secede from Fairfield County and join Litchfield County instead, because there is more open space acquisition funding in Litchfield. Andrea explored this idea with Mary Ann Carson and David Cappiello and noted it would generate heavy media attention. To secede would simply be a matter of redrawing lines, because county government doesn't mean anything in CT. The only reason Sherman is part of Fairfield is because we used to be part of New Fairfield. To actually implement this would involve an act of the state assembly and senate. The old Sherman Sentinel did a survey on this, and it was split half and half on whether Sherman should secede. The board notes that the idea of becoming a part of Litchfield can be sold on a variety of reasons, including conservation, lower taxes; lower insurance, lower gas prices, and higher property values.

**V. Items for future agendas:** Developing a list beyond funding issues that cover ways to make preservation happen. If there was a natural resources value and natural resource inventory it could be given more credence. The board can more closely align with that work on some aspects. HVCEO can update the maps and there are lots of areas that can bring this back to center stage.

Collete moved to adjourn the May 16, 2012 meeting of the Land Acquisition Fund Advisory Board, Jerry seconds, all voting in favor. Meeting was adjourned at 8:24 p.m.

Respectfully Submitted

Prepared by,



Al Kenney, Secretary

Laura J. Pettinato, Clerk

***These minutes are not considered official until they have been approved at the next regularly scheduled meeting of the Land Acquisition Fund Advisory Board.***