

August 17, 2005

OPEN SPACE COMMITTEE

Present: Dan Sherr Chairman, Patte Doran, Jack Field, Rod Funston, Eileen Hearn, Diane Williams, Charles LaMuniere, Susan Payne, Joann Caldara, Chick Treadway, Jeff Weston

Guests: Betsy & Ecton Manning, David Miles Esq.

Chairman, Dan Sherr called the meeting to order at 5:00pm.

MOTION: to accept the minutes of the July 20, 2005 minutes of the Open Space Committee was made by Rod Funston, seconded by Chick Treadway and passed unanimously.

Review & Discussion on The Open Space Permanent Easement Tax Relief Ordinance: Dan Sherr began the review and discussion of The Open Space Permanent Easement Tax Relief Ordinance by stating that Washington's 2003 Plan of Conservation and Development strongly urged the town provide tax benefits to land owners who placed permanent protection easements on their property. Dan went on to say that the tax benefit would be for new easements/restriction and existing easements. Dan Sherr, Jack Field, Chick Treadway and David Miles, Esq. have worked on two drafts, which include "The Washington Open Space Preservation Ordinance" as well as a two page document which list the provisions for the restrictions. PA-490 allows towns the ability to give tax relief for open space as well as farm and forest. Dan noted that the review and approval for the open space tax benefit is done by the Planning Commission but in Washington this will be done by the Conservation Commission/Open Space Committee. Jack Field asked if the Planning Commission knows that the review and approval will be done by the Conservation Commission/Open Space Committee. Mr. Sherr answered that in his conversations with Planning Commission members they were reluctant but willing to hand over the review and approval process. Patte Doran is concerned with the applicant who doesn't meet the criteria of the town, will only receive the one time federal tax break and needs to find a willing land conservation organization. Chick Treadway explained that there are existing easements which have building envelopes, the land under easement is kept in its natural state. Dan Sherr added that the idea is not to prevent development but open space preservation. Dan wanted to make it clear to members that the Open Space Committee will be taking on this new responsibility.

At this point Dan asked for comments and questions on the drafts. Susan Payne questioned the need for eased property to be five acres or more. Susan felt there could be smaller pieces of value which would help preserve historical aspects of town as well as retaining green spaces in densely populated areas. Susan suggested omitting the acreage amount; the land must meet the specified criteria. Dan added that areas bordering the villages may want preservation but only have a few acres; the initiative is permanent preservation of open space not tax abatement.

Betsy Manning spoke to members about the loss of farmers farming other people's land. When farmers stop farming land there will be a tax increase to the land owner, you want to give this land owner the incentive to keep the land, there are critical pieces which don't fall under farm or forest. For "consideration" the land owner can be given a tax break. Ms. Manning feels this is critical to the situation in Washington today with farmers selling.

Chick Treadway suggested defining the land permanently preserved as being kept in its natural state. Ecton Manning described his situation of being able to retain agricultural uses on the eased land.

Chick Treadway asked about the wording under: ELIGIBILITY, 2), recreation which he felt should read

passive recreation. There was much discussion about the definition of recreation, ATV, race tracks etc. David Miles addressed the definition for recreation in his two page list of provisions for the restrictions. Atty. Miles asked members if they are willing to live with any land preserve restriction. When the applicant and land preserve sit down to negotiate the easement restrictions vary.

Overall members were comfortable with the proposed ordinance accompanied by the two page document of restrictive provisions. Members were in agreement with the elimination of the five acre stipulation.

Charles LaMunier was concerned with activity in wetlands; he thought some wording should be added to address wetlands issues. Mr. Treadway felt there wasn't a need to incorporate anything in the ordinance or application and added you don't want to make it complicated, keep it simple. Dan Sherr suggested adding a line that stated activities are not allowed that are not allowed under any other Washington regulations.

Chick Treadway suggested creating a brochure explaining the open space preservation ordinance which would be mailed to all property owners.

Patte Doran asked at what point does the criteria become too much for the applicant, you don't want to defeat the incentive. Betsy Manning added you want to keep the incentive for people who want to preserve their land for the future.

Jeff Weston added his approval of the proposed documents.

David Miles explained his interpretation of the state PA-490 for open space. He feels the State of Connecticut saw the Planning Commissions having a map designating open space areas, having the Assessor make a judgment that the property hasn't changed. This committee is proposing something different in having a third party deciding, in order to avoid argument you need to be specific with criteria. Jack Field suggested having the easement meet the requirements of a legitimate land trust. Dan Sherr was concerned on where to get started on coming up with criteria. Patte suggested getting a land preservation organization sign off.

Ecton Manning made two suggestions: the land should maintain existing use with conversion limitations and you need to address the recreation issue.

Meeting adjourned at 6:30pm.

Next scheduled meeting of the Open Space Committee is September 21, 2005 at 5:00pm.

Submitted subject to approval,

Pamela L. Osborne, Secretary