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AD HOC REPORT Preservation of Open Space

Honorable Mark D. Boughton, Mayor
Common Council Members

September 23, 2008

Councilwoman Cavo called the meeting to order at 7:05 P.M. In attendance were committee members Councilmen Calandrino and Visconti, Rick Gottschalk, Assistant Corporation Counsel; Dennis Elpern, Director of Planning; Bill Montgomery of the Danbury Land Trust; Donald and Karin Taylor and Atty. Ward Mazucco, representing the Taylors'.

Councilman Cavo stated that this was a continuation of the February 20, 2007 meeting. The committee's charge was to explore the possibility of preserving the open space, which is currently the Taylor Family Farm. An appraisal was to be secured to determine the value of the development rights, recommendations were to be sought from the Director of Planning and a draft agreement crafted from Corporation Counsel for review of the committee.

Atty. Gottschalk referred to two documents, the Property Rights Agreement and the Contract of Sale allowing the City to acquire the development and conservation rights.

Atty. Gottschalk advised that the Taylor family has owned the farm for generations comprised of 7 lots, approximately 30 acres, and that Mr. Taylor expressed his desire to preserve the agricultural quality of the land forever. An appraisal was obtained from Terrance Duffy. The value of the property was estimated to be \$1,798,000 at its highest and best use. The value of the property is \$973,000, if the owner did not have the right to develop the lots. The difference between the two values equals the development and conservation rights in the amount of \$825,000. An additional \$6,000 was added to cover the Taylor's costs. Therefore, the cost to the City would be \$831,000.

Atty. Gottschalk gave an overview of the Contract of Sale. He advised that the City would have the right of first offer to purchase the property, should the Taylors' wish to sell the property within 30 years to anyone other than a family member, the City then would have the right to buy the property at 50% of its fair market value at the time. The property would remain in perpetuity for agricultural and farming use. The Taylors' will continue to own the property; however it remains for agricultural and farming use. Discussion followed regarding the use of the property and the City's ownership of the development and conservation rights.

Atty. Gottschalk gave an overview of the second document the Property Rights and Covenants Agreement. Agriculture and farming are defined in detail within the document. The document ensures that the property retains forever its predominant use for agriculture and farming. Discussion followed regarding public and preservation purposes of the property and subsequent transfers. Atty. Gottschalk stated that the covenants and restrictions would be placed on the land records and anything happening after day one is subject to them.

Councilman Visconti requested, for the record, input from the Director of Planning. Mr. Elpern stated that he has no problem with the proposal from a zoning standpoint. Farming in this zone is a non-conforming, pre-existing use.

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Atty. Mazucco advised that a large portion of the property is taxed as farmland.

Mr. Taylor stated that the document fulfills his basic goal and vision for the property. He advised that there is also a brook that runs through the property and pond also located on a section of the property.

Mr. Montgomery recommended approval of the proposal. He commended Mr. Taylor and the Taylor family for a fine job.

Mr. Calandrino moved to recommend approval of the Contract of Sale and Conveyance of Property Rights and Covenants, as written in the documents, for the development rights of the property in the amount of \$831,000, to be paid up front in the amount of \$331,000, and the balance to be paid in ten equal annual installments in accordance with the contract of sale. It is recommended that \$331,000 be funded from the Open Space Bond. Seconded by Councilman Visconti. Discussion followed regarding the Open Space Bond. Councilman Visconti stated that he would have preferred that a representative from Finance have attended to answer any questions, however those questions can be addressed at the Common Council meeting.

Mr. Taylor thanked the committee, Mr. Elpern, Mr. Montgomery and Mr. Gottschalk for their extensive work and support of his proposal.

Councilman Calandrino moved to adjourn at 7:45PM. Seconded by Councilman Visconti.
Motion passed by unanimous vote.

Respectfully submitted,

Joseph Cavo, Chairwoman

Mike Calandrino

Fred Visconti

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AD HOC REPORT
Preservation of Open Space

Honorable Mark D. Boughton, Mayor
Common Council Members

February 20, 2007

Chairman Cavo called the meeting to order at 6:15 p.m. In attendance were committee members Councilman Michael Calandrino, Councilman Fred Visconti; Eric Gottschalk, Asst. Corporation Counsel; Dennis Elpern, Director of Planning; William Montgomery, Danbury Land Trust; Don Taylor, Representative of the Taylor Family. Ex officio members Ben Chianese and Lynn Taborsak were also in attendance.

Mr. Cavo read the charge of the committee, which is to explore the possibility of preserving the open space, which is currently the Taylor family farm.

Mr. Taylor gave a brief history of the Taylor Farm located in the Great Plain area of Danbury. The Taylor family has owned the farm for 200+ years and is now owned by Mr. Taylor and his sister. Mr. Taylor expressed his interest in ensuring that the land is preserved for the benefit of the City, its residents and future generations to enjoy. There are 22 acres on the east side and 7 on the other. He feels very strongly that the land should not be used for housing development, but would remain as an active farming operation or open space.

Mr. Elpern stated that the Taylor's could define what they think would be appropriate use for the land.

Atty. Gottschalk stated that a conservation easement limits the use of the land, in such a way as to inhibit development. It would be a form of conservation restriction, depending upon the manner of the conveyance from the Taylor family. A conservation restriction could be established suiting the goals of the Taylor family with different restrictions on different portions of the parcel with the Taylor's retaining ownership.

Mr. Taylor stated that he is not interested in the City's usage of the land, but that it just not be developed with houses.

Mr. Elpern asked Atty. Gottschalk if it could be structured in a way that a portion be used for public buildings, for instance a public school, and the remaining acreage be designated as open space, parkland or even farming.

Mr. Taylor stated that he is not interested in limiting the City's usage, but there is so little land available of this quantity and quality and he would like it to be preserved for the common good.

Mr. Montgomery asked the Committee to consider if open space is a primary goal. He suggested that a conservation easement be purchased from the Taylor family and at sometime, when they are ready, sell it another farmer. He distributed copies of Conservation Options for Connecticut Farmland.

Mr. Calandrino asked Atty. Gottschalk that if a conservation easement could be developed prohibiting residential construction. He also asked Mr. Taylor for his vision of the property in years ahead.

Mr. Taylor replied that if it doesn't work out with the City, he would investigate other options and his vision is to see the property remain as open space or an active farming operation.

Mr. Visconti asked Mr. Taylor if they were looking for a tax reduction on the property and where is Candlewood Peninsula.

Mr. Taylor stated that they are looking for a tax break and some compensation from the City and that he gets many letters from developers offering to purchase the land. He explained that the Candlewood Peninsula is the whole region in the area of the farm.

Atty. Gottschalk clarified that if there were a transfer of development rights, that Mr. Taylor could be compensated for the conservation easement and the value of the remaining interest they would have would be of a lesser value, therefore reducing the tax liability.

Mr. Taylor explained that the main portion of the property has been under CT Public Act 490 for many years enabling the family to continue to own the land. He stated that they would be very flexible with the payment option in order to make his proposal come about.

Mr. Chianese asked for clarification of the CT Public Act 490 comparing it to a parcel in a neighboring town and if basically, the City would be assigned the right to use the land for open space or recreational purposes, but to still own the land. He also asked about the possibility of establishing a Taylor Farm Land Trust.

Mr. Taylor explained that Taylor Farm did not meet the criteria that the parcel in Bethel met. He also stated that it is not only the right to use the land, but also the right to own the rights so that it cannot be developed. He further stated that the City would have the first option to buy the land in the future. He also stated that establishing a Taylor Farm Land Trust would make the property unavailable to the City. Mr. Taylor advised that there are 2 historical buildings located on the property and that there may be some grant funds available to the City.

Mr. Montgomery explained that there are standards for establishing land trusts.

Mrs. Taborsak stated that there is a brook running from Great Plain School and St. Gregory School and asked Mr. Taylor if he would be amendable to a paved walkway, a community garden and senior housing.

Mr. Taylor replied that some of those options may fit into his vision for the use of the land, but his preference is that it remains open.

Atty. Gottschalk suggested that an appraiser be engaged to determine the value of the development rights.

Mr. Elpern stated that the zoning regulations should also be investigated.

Mr. Calandrino moved to refer this matter to Corporation Counsel, Director of Finance, Planning, Mr. Taylor and the Mayor to submit their recommendations to the Common Council for disposition and to continue the Committee. Motion seconded by Mr. Visconti. Motion passed unanimously.

Mr. Calandrino moved to adjourn at 7:00 p.m. Motion seconded by Mr. Visconti. Motion passed unanimously.

Respectfully submitted,

Joseph Cavo, Chairman

Michael Calandrino

Fred Visconti