

ENFIELD AGRICULTURAL COMMISSION
MINUTES OF THE REGULAR MEETING
Tuesday, January 11, 2022

A Virtual Meeting of the Enfield Agricultural Commission was called to order by Chair Karen LaPlante
on Tuesday, January 11, 2022 @ 7:06 PM

ROLL CALL

Kathy Vose took the roll.

Present - Chair LaPlante, Commissioner Cote, Commissioner Pfeifer-Hall, Commissioner Dynia, Commissioner Vose, Commissioner Sacerdote, Commissioner Kober, Commissioner Wyzga and Commissioner McGuire

Also present: Georgie Driver - Staff and Karen Timpone – Recording secretary

Approval of Minutes - A motion to accept minutes of December 14, 2021 was made by Gretchen Pfeifer-Hall, seconded by Commissioner Wyzga – No discussion – 7/0/2 abstentions by Commissioner Vose and Commissioner Kober.

Reevaluation of the Farm Parcels –

Special Guest - Todd Helems Supervisor of Assessment and Revenue Collection

EAC is concerned about the reevaluation of the farmland and 490 accounts. He states that he is not taking any active farmers off the program. He explained the PA 490 should be reevaluated every five years and the reevaluation happens to be this year. He has visited each property and viewed what he could and talked to a lot of the farmers and landowners. If it is not actively being farmed, it is being taken off. Christmas tree farms that are not selling trees are being taken off. Hobby farms are also being taken off, i.e., personal horse or personal pets. Chair LaPlante showed the book *“Connecticut’s Land Use Value Assessment Law Public Act 490 A Practical Guide and Overview for Landowners Assessors and Government Officials”* from the Connecticut Farm Bureau Association and asked what procedure he followed to remove the properties from 490. He explained that part of 490 is farmland and part is forest. For 490 you cannot remove anyone unless there is change of ownership or change of use. The ones he has been looking at are one or the other or both. He looked at these properties and determined it had not been farmed in the past 10 years, he determined in his opinion many of the properties were no longer being farmed. Chair LaPlante questioned if the landowner was consulted, if it was determined the farmer has aged out and unable to lease the land to others or there was no plan to lease the land in the future. The process he used was a letter to every property owner and some have called the office and he has spoken with them. Some were revisited with the owner and some were put back on 490. If there is a woodland lot it has to be part of the farm unit or it does not qualify for 490. A good portion of the properties taken off were vacant piece of woodlands. Chair LaPlante explained the concern of promoting open space, farmland preservation, etc. Her understanding is that the town does not want to own the land but let them keep the land as 490 with a reduced tax rate and the land is still be open space. Mr. Helems explained that the purpose for the 490 is to farm the property and if it is not being farmed then should not be in 490 which is the state statute. Commissioner Cote stated that when the Assessor decided to change the 490 status it appears the Assessor followed the state guidelines, but if the town wants to maintain the open space property then the Town of Enfield has to do something different if we want the landowners to manage the property. The Assessor has mentioned it to Planning and Zoning and it is not in his bucket of things to do. Chair LaPlante is still concerned the procedures were not followed ad reads from the 490 book regarding loss of productivity. Farmland once classified under 490 cannot be declassified by an assessor simply because the productivity has diminished. The age or health of an owner may decrease

farm productivity however it does not eliminate the farm from 490. She also is concerned the quality of land appears to have changed. Tillable A to C, B to A and it appears most got an increase in assessed value. The Assessor stated that the classifications were changed based on 2019 aerial photography on the Town's GIS if woodland was cleared and tilled, creating more farmed acres. The Assessor sent them letters and it is up to the landowner to contact the Assessor, some have others have not. The town should be looking into ways to keep a lot of these properties as open space if has been a change of use and/or not being farmed. Commissioner Pfeifer-Hall said that open space is not an option for 490 and what would have to be done to have the town adopt that. The open space that does not fall under the forest or farmland designation would be able to be conserved. As stated earlier the Conservation Commission has a fund and would like to work with property owners that are willing to sell their property to the town as open space but have been unsuccessful as we have been given the impression by the town that it does not want own the land so it is woodland, or wooded wetland and not being developed because it cannot be developed, we should just leave it alone. We are concerned if we cannot have this classification we may be forcing these landowners into selling the land for development. The process would be that the P&Z Commission of the town has to adopt a program and would have to designate areas/land of the town, or the whole town with possible caveats of a minimum of 5 acres or of 10 acres, or whatever they decide on but P&Z would have to come up with the guidelines and then get approval from the Town Council. If that is adopted the landowner would have to file with the Assessor's office and if all qualifications are met by the P&Z designation, it can be classified as open space. It has a different designation and value. The assessor can actually set the value on that. Generally the highest value of the farmland tillable A - is usually what is used or the Town can set it to whatever it wants. He has spoke to Laurie Whitten regarding this. Mr. Helems stated an ordinance is required, and he does not believe the town has ever passed one. Commissioner Dynia asked if any open space was removed and Mr. Helems stated that eight properties designated as open space were removed because the Town does not have the local ordinance. Commissioner Dynia asked if there was an appeal process or what people should do. The Assessor suggested the landowner call his office nondisplaced they can discuss the issue. Mr. Helems can change the values and put the open space back on if an ordinance can be passed before he signs the grand list. Once the grand list is signed not too many changes can be done. Grand list will probably be signed sometime in February. He notified Laurie back in October or November. If the Conservation Commission or the Agricultural Commission was notified we could have pushed to get the change done. Georgie will talk to Laurie to see if anything has been done. Commissioner Pfeifer-Hall said if the EAC and ECC knew about this they would have supported the effort to get something done before the grand list was to be signed. Chair LaPlante thinks something was adopted in the past POCD including The Open Space and Farmland Preservation document and was part of the POCD adopted by the Town Council. Georgie will look into it. Chair LaPlante asked if there are any properties that will fall under the conveyance tax because they are being removed from the program. He believes there is only one property at this time and he is working with them to turn in the paperwork so they can be put back on 490. Chair LaPlante gave an example where the land was changed from Tillable C to Tillable B and the assessment has changed by \$108,000. The Assessor changed the records by the address and looked at the past records, the updated records changed by the farmer to Tillable C from Tillable B. He changed the classification back to the original Tillable B. Commissioner McGuire questioned if the land classification could change based on the crops being grown and the Assessor did suggest that the soil and topography have more to do with the classification versus what is being grown. Commissioner McGuire suggested the properties should be looked at to make a determination. Chair LaPlante asked about the properties taken out of 490 Forest was it because of any specific reason. They were all over 25 acres that were taken out. Mr. Helems stated that some were under 25 with certain circumstances. If they fell out of the acreage or they changed hands and if there was no certified report from the state qualified forester, they were removed. Commissioner Pfeifer-Hall asked if there could be a seminar on 490. The Assessor suggested he would be willing to attend a seminar. He also discussed hobby farms, where people have a small stand or give their vegetables away and stated they would not qualify. Chair LaPlante suggested the town should work with these people ad help them as much as possible.

Public Participation – Attorney Nathan Scharoff of 40 Oliver Road - He wanted to speak about the difference/misunderstanding regarding two classification of woodland and what was the intent of woodland being considered farmland under 12-107B-1 of the Statue and forestland under what was the purpose of forestland under 12-107B-2. 12-107B-2 and 12-107B1 are two separate classifications of land under PA490. He explained the difference between as sited by the state statues for forestland, farmland and woodland. Farmland has certain subsets – the Statue states farmland is any track of land or tracks of land that includes woodland and wastelands, constituting a farm unit or tillable farmland so according to this woodland is actually considered farmland. He stated that they are not just about tax measures but also conservation measures. Forestland is of more commercial nature (harvesting wood, etc.) The State Forster must come out and assess and it must be 25 acres. Woodland is not supposed to change commercially. He also stated that the Statue states are the farms meeting the use Statue for which they were approved? He stated were you approved for woodland, yes, is it still woodland, yes end of story. Woodland is separate than forest, it is part of the farm unit. Commissioner McGuire stated that the woodland is also a buffering to neighboring properties for dust, noise, spraying, and all operations that are happening on the farm operation. Commissioner Cote asked what his concern was and Attorney Scharoff received a letter stated that his farm is no longer being used under its proper use and he wanted to know why this happened. The assessor changed the woodland to forest and by not having a forester report, he did not qualify for the forest classification. He also stated that they were approached by commercial companies to purchase the land for commercial use. Mr. Helems responded to this. He agreed with what he said about woodland and forestland. He said he did not change anything on 40 Oliver Road. There is a separate parcel of 38 Oliver Road which is land locked, this is all woods with no farming. Woodland has to be part of a farm unit. You cannot have a woodland designation unless you have a farm unit. There was a question of if it is the same owner, two separate properties that abut each other would that be considered one unit. There was a discussion regarding the farm unit, abutting properties and the value of woodland under the same ownership. Chair LaPlante stated that there is a Board of Assessment Appeal for farmers who do not agree with the new assessment of the properties and suggested that anyone who has an issue go ahead with this process. The application must be filed 30 days after the grand list is signed off on. Commissioner Pfeifer-Hall would like pursue the open space option for the woodland areas which would fall under the ECC.

Lori Parker - 105 Cottage Road - She is looking for the guidance and expertise in the proposal by Winstanley who would like to build a warehouse on farmland between Shaker Pines and Crescent Lake. This property has been active farmland since 1955. It is zoned light industrial but has always been farmland. They are concerned about wetlands, water flow, soil contamination, wildlife, protected species and specifically ¼ acre farm pond which has ecological value which will be filled in and a building put over it. They are concerned about the source of the water and would like to know about the soil. This does not follow the POCD. Chair LaPlante suggested that they consider going to the Wetlands Public Hearing regarding this with her concerns. Georgie said the next Wetlands Public Hearing for the development will be January 18th in the Enfield Room at 7 pm. Commissioner Pfeifer-Hall said The Lake Association depending on funds can have the property assessed. There is an environmental review team that can be pursued, and also suggested intervenor status that was used in the past. It was pointed out the owner is legally entitled to develop the property as is allowed under the current zoning regulations.

Cheryl Cote – 92 Cottage Road – She asked if there is a way to see if the property was ever filed as 490. Chair LaPlante said that it does not really mean anything as right now it is zoned light industrial. Commissioner Pfeifer-Hall requested that the guests that are supporting the continuation of farmland, if and when, this open space for the 490 program comes before the Town Council and before the P&Z Commission that they speak in support of this. Commissioner Cote said that anyone concerned about the building by the Lake should attend the meeting and speak.

Linda Ostapoff – 109 Cottage Road – She wanted to voice her support for the EAC and understands after listening to the meeting what is happening in the town.

Correspondence – None

Review of Bylaws – Motion to table until the next meeting is made by Commissioner Cote and seconded by Commissioner Pfeifer-Hall – passed unanimously.

Approval of Invoices or other Financial Matters: – None

Reports of Officers, Committees and Staff – None

Unfinished Business – POCD – Motion to table until next meeting was made by Commissioner Cote seconded by Commissioner Pfeifer-Hall – Passed unanimously

New Business Applications Updates – Georgie stated Winstanley was the only one.

Next Meeting Date - Tuesday, February 8, 2022

Adjournment – A motion to adjourn was made by Commissioner Cote seconded by Commissioner Wyzga - passed unanimously

The meeting was adjourned @ 8:40 pm