

TOWN OF COLCHESTER

OPEN SPACE PLAN

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Open Space Task Force Members:
First Selectman
Conservation Commission Chairman
Parks & Recreation Director
Planning Director
Colchester Land Trust
Wetlands Enforcement Officer

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VISION STATEMENT

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VISION STATEMENT

We envision a community which preserves open space, thus retaining and improving many of our original natural resources, recreational opportunities and rural landscapes.

Open space may include fields, woods, stone walls, historic sites, streams, ponds, wetlands, animal habitats, greenways, trails, scenic attractions, and corridors of green.

SECTION I FORMATION AND PURPOSE

Mission Statement

MISSION

The purpose of the Colchester Open Space Task Force is to study and develop a plan to promote the preservation, use and management of Open Space in the Town of Colchester to protect critical natural ecosystems, provide for its use for recreational and educational pursuits, as well as to mitigate the fiscal impacts of excessive residential development.

GOAL

To develop an Open Space Plan that will

- Inventory existing and potential Open Space;
- Demonstrate the positive fiscal impact of Open Space acquisition;
- Propose various funding and partnership alternatives for acquiring Open Space;
- Develop policies and mechanisms for management of Open Space; and
- Make recommendations for further actions by the Town.

Definition of Open Space for Colchester

The Connecticut General Statutes provides a definition of Open Space, as follows (CGS Section 12-107b(c)): “The term ‘open space land’ means any area of land, including forest land, land designated as wetland under section 22a-30 and not excluding farm land, the preservation or restriction of the use of which would (1) maintain and enhance the conservation of natural or scenic resources, (2) protect natural streams or water supply, (3) promote conservation of soils, wetlands, beaches or tidal marshes, (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces, (5) enhance public recreation opportunities, (6) preserve historic sites or (7) promote orderly urban or suburban development.” While this definition is specific to the assessment of land value, it is broad enough to serve as a starting point for the definition of Open Space within the constructs of an Open Space Plan for the Town of Colchester.

There are three general concepts that support the goal of preserving land which is green and open, or “undisturbed landscapes,” in the words of the State Plan of Conservation and Development. First is the protection of natural resources for the environmental, health, and safety benefits deriving from those natural resources, such as air and water quality, water supply protection, and flood control. Second is the enhancement of the quality of life through the protection and preservation of those landscapes, vistas, and cultural features, which contribute to the perception of community character and sense of place. Third is the provision of parks and a full spectrum of recreational opportunities

For the purposes of this Plan, “**Open Space**” shall be defined as follows: “*Open Space is land which **protects natural resources; provides for outdoor recreation, both improved parks and playgrounds and natural areas incorporating trails and/or nature observatories; provides for natural resource management, such as forests, fisheries, or farmland; protects public health and safety through the protection of floodplains, wetlands, areas with limitations for development such as steep slopes, shallow depth to bedrock or a high water table; and contributes to community character by protecting cultural, archeological or historic resources, and greenways.** Open Space land may include lands that are dedicated and restricted to open space uses; managed open space, which is land that is used or preserved for some purpose other than open space but that provides open space characteristics, such as properties owned by private organizations, utilities holdings, golf courses, and cemeteries.*” The term “greenways” is also used in this plan, and is defined as “predominantly natural corridors that contain and/or link open space and natural and cultural resources.”

The Benefits are Endless!!

While this slogan comes from the National Recreation and Park Association, it applies equally well to the broad, interwoven tapestry which is Open Space. Whatever the perspective from which you approach open space, the benefits are endless. They cover a spectrum which includes environmental quality, community character, and recreational opportunities. Within this continuum, individual, community, environmental, educational, cultural, economic, and many other benefits can be identified and enhanced.

Environmental – Open Space provides a number of environmental benefits including:

- The protection of surface water quality;
- The protection of ground water recharge areas;
- The protection of wildlife habitat;
- Limiting the effects of non-point source pollution;
- The provision of noise abatement through the retention of natural vegetative buffers; and
- The provision of recreational opportunities for a variety of activities, including hiking, fishing, bird and wildlife watching, and hunting.

Economic – Improved property values are generally cited as the major economic benefit. However, open space also provides a catalyst for tourism and a regional attraction, thus a revenue generator, both due to the draw of the specific parks and open spaces, as well as opportunities for creating attractions based on open space and recreational opportunities.

Less publicized are the economic benefits of sound open space planning to a municipality. A balance of open space and residential development reduces the long-term costs for providing local government services. This simple premise has long-range implications for any small town. Two other economic benefits are eco-tourism, which draws people to the protected resources, both natural and cultural, and increases in property values in proximity to protected open space.

Individual - Opportunities are created for living, learning, and leading a full and productive life, as well as avenues for purpose, pleasure, health and well-being. Personal benefits include physical and mental health and wellness, and personal growth opportunities.

Community – Community character and the overall quality of life are enhanced by the preservation of green and natural areas. Specific community benefits include a sense of ownership in natural resources and cultural heritage, community pride and involvement, opportunities for network and interaction. Another important community aspect is the opportunity for volunteerism and re-investment in the community's well-being.

Well maintained parks, public spaces, and abundant nature areas provide opportunities for all citizens to maintain active, healthy lifestyles, while appreciating our community's natural resources and preserving them for future generations. The protection of natural resources and provision of adequate park facilities strengthen community image and sense of place.

SECTION II STATEMENT OF PRINCIPLES, GOALS, AND OBJECTIVES FOR ACQUISITION AND DEVELOPMENT

VISION STATEMENT

We envision a community which preserves open space, thus retaining and improving many of our original **natural resources**, **recreational opportunities** and **rural landscapes**. Open space may include fields, woods, stone walls, historic sites, streams, ponds, wetlands, animal habitats, greenways, trails, **scenic attractions** and **corridors of green**.

GUIDING PRINCIPLES

- Town of Colchester Open Space Policies shall apply to all Town agencies
- Town of Colchester Open Space Policies shall be compatible with the “*Conservation and Development Policies Plan for Connecticut*”, the “*Regional Conservation and Development Policy Guide for Southeastern Connecticut*”, and “*2001 Plan of Conservation & Development for Colchester, Connecticut*” and the successor plans.
- The Town of Colchester shall establish rules and guidelines for the management of Town-owned Open Space, and shall recognize and facilitate multiple uses of both Dedicated and Managed Open Space so long as they are consistent with both conservation of resources and appropriate risk management principles.
- The Town of Colchester shall foster the preservation and protection of natural resources, wildlife habitat and ecological systems which sustain biodiversity, and cultural and historic resources, for the purpose of enhancing the quality of life for its citizens. This shall include the protection and preservation of those landscapes, vistas, and cultural features which contribute to the perception of community character and sense of place.
- The Town of Colchester shall conserve, improve and protect its natural resources and environment and thus enhance the health, safety, and welfare of its citizens. It shall maintain existing high quality water and restore and manage the waters of the Town to a quality and quantity consistent with their use for water supply, water based recreation, and the protection and propagation of fish and wildlife.
- The acquisition and management of Open Space shall be guided by the concept of stewardship for the benefit and enjoyment of the people of the Town and for the benefit and enjoyment of generations yet unborn.
- Open Space shall be acquired and managed to provide a broad spectrum of outdoor recreational opportunities.
- Land use planning and decision making shall balance conservation and growth to incorporate community character, sustainable growth, and the protection of natural resources.

Goals And Objectives

Goal 1—Preserve Open Space

Acquire, protect, conserve and manage open space for sustainability of resources, biodiversity, and yield of renewable resources. Work cooperatively with the Colchester Land Trust and private landowners such as public utilities and fish and game clubs to implement the goals and objectives of the open space plan.

Objectives

Protection of a few large tracts of unfragmented natural land, as well as networks of smaller tracts.

Conservation of a variety of landscape types and diversity of habitats for sustainable biodiversity.

Creation of greenways or corridors, encompassing both Dedicated and Managed Open Space, to maximize ecological value, and to provide connectivity.

Protection of farmland and the encouragement of agricultural activities.

Protection of ground water within existing or potential public drinking water supply aquifers, including both stratified drift deposits and bedrock aquifers, and surface and subsurface water resources, for both water quantity and quality.

Protection of natural drainageways, riparian corridors, floodplains, wetlands, areas of steep slopes, and other natural resources to assure continuance of their various natural functions, including stormwater management, air and water quality renovation, and wildlife habitat.

Goal 2—Acquire And Fund

Encourage and facilitate the acquisition and protection of Open Space consistent with this plan, identify innovative techniques for funding such acquisition, and develop incentives for the protection of Open Space.

Objectives

Utilize the Open Space Plan to guide the selection of property for acquisition or protection.

Fund the Open Space Preservation Fund.

Solicit grants and contributions of property, goods and services for the acquisition and protection of Open Space.

Pursue alternate sources of revenue for open space protection and acquisition.

Develop, implement, and promote awareness of property tax incentives for the preservation of natural resources, scenic and historic sites.

Goal 3—Promote Connections

Encourage and facilitate the acquisition of Open Space parcels which will provide connectivity between protected areas, and contribute to the development of greenways.

Objectives

Make connections between the Town Center, public recreation areas, and protected Open Space.

Create trails which extend to the Town boundaries and connect to trails, greenways, and open space in adjacent towns.

Prioritize the identification, acceptance, and/or acquisition of contiguous parcels for open space purposes.

Make connections between existing protected areas to form greenways and/or habitat corridors.

Goal 4—Provide Recreation

Provide a wide variety of outdoor recreational opportunities so that the citizens of Colchester may maintain active, healthy lifestyles, appreciate the community's natural resources, and strengthen community image and sense of place.

Objectives

Provide well-maintained parks, public spaces and abundant natural areas for a broad spectrum of recreational opportunities.

Encourage the creation of trails, greenways, and pedestrian and bicycle connections between active recreation facilities, the Town Center, natural areas, and attractions in abutting towns.

Improve and manage Open Space wherever possible to maximize accessibility, educational and recreational opportunities.

Recognize and support State Conservation and Development policies with respect to outdoor recreational activities, including multiple uses of open lands, hunting and fishing, and water-based recreation as viable sporting activities in appropriate areas.

Goal 5—Preserve Rural Landscapes

Preserve and enhance the cultural and historical features and rural landscapes which contribute to and shape community character.

Objectives

Identify and inventory those factors which contribute to perceived sense of community character, such as scenic views, roadside vistas, historic sites, stonewalls, and architectural and cultural assets.

Provide incentives for the preservation of cultural or historic features, scenic views, stonewalls, and archaeological sites.

Place a priority and incentive on dedication or acquisition of Open Space which abuts public roads, particularly arterial and collector roads.

SECTION III NATURAL RESOURCES AND OPEN SPACE INVENTORY

“Conservation of natural resources is important in terms of preserving environmental functions and protecting community character. Environmentally sound planning helps to find an appropriate balance between conservation and development...” This fundamental planning concept, as stated in the 2001 Town of Colchester Plan of Conservation and Development, is the reason for developing a Natural Resources Inventory: Know your assets, plan for the future.

The Natural Resources and Open Space Inventory is comprised of three components:

- A map of the natural resources within the Town;
- A list of the existing dedicated and managed open space by location and owner; and
- A detailed physical description of each of the open space parcels.

This Open Space Plan includes the first two components, the Natural Resources Map and the list of Dedicated and Managed Open Space (as of the Plan adoption date). This Plan also provides a guideline for the implementation of Detailed Inventory Studies, but does not include the individual Studies. Information on specific parcels is available in the Code Administration/Planning & Zoning Department, Colchester Town Hall.

Natural Resources Inventory Map

The Natural Resources Inventory Map is a compilation of known and mapped data that provides an overview of existing natural resources, dedicated and managed open space, and cultural resources. The Natural Resources Inventory (NRI) includes the following maps:

- The Base Map includes roads, parcels, committed and managed open space, streams, and waterbodies.
- The Water Resources Map includes drainage basins, wetlands, aquifer protection zone, municipal water supplies, and flood zones.
- The Cultural Resources Map identifies existing and potential trails, greenways, and cultural resources such as the Local and National Register Historic Districts, as well as notable natural resource features in adjacent Towns.

The data layers included in this NRI are those identified by the UConn Cooperative Extension System as a Mid-Level Natural Resources Inventory. All of these data layers, as well as others, are available in the Town of Colchester Geographic Information System (GIS). The Natural Resources Inventory for Colchester is a product of the GIS.

[Maps are separate Adobe Files.]

List of Dedicated and Managed Open Space

Again, from the Plan of Conservation and Development: “*Most people tend to think of ‘open space’ as land that is not built on. However, this definition includes land that is in private ownership and may be developed in the future...Dedicated open space includes all land that is permanently preserved as open space for public access, such as parks, recreation areas, or for natural or scenic values...Managed open space includes land that is used or preserved for some purpose other than open space, but that provides open space characteristics. In Colchester, this includes City of Norwich water supply land, cemeteries, and golf courses.*”

Dedicated and Managed Open Space at the present time represents approximately 6,421 acres, or 20.4% of Colchester. The following table summarizes this Open Space by landowner type:

TABLE 2

			<u>% of Total</u>
Dedicated Open Space			
State of Connecticut	3492		11.1
Town of Colchester	528		1.7
Subtotal		4020	12.8
Managed Open Space			
Fish & Game Clubs, Non-Profit Organizations	699		2.2
Utilities (NDPW; NU)	1131		3.6
CHVFD	68)	
Colchester Historical Society	72)	
Trustees Bacon Academy	2)	
Homeowners Associations	11)	0.9
Golf Course	89)	
Cemeteries	55)	
Subtotal		2127	6.8
Community Facilities	274		0.9
Total.....		6421	20.4

[Figures as of March 2006]

The complete list of Dedicated and Managed Open Space is included as Appendix A.

Much of the “perceived open space”—that is, land in private ownership but not presently built on—is land assessed as forest or agricultural land pursuant to Public Act 490, and identified on the Open Space Map (Page 28) with triangles. Public Act 490 (CGS §12-107a-e), adopted in 1963, provides for the assessment of farm, forest and open space land on the basis of its current use rather than market value. The policy underlying the adoption of PA490 was that it is in the public interest to encourage the preservation of farm and forest land, and to prevent the forced conversion of land to more intensive uses as a result of economic pressures caused by market value assessments. While this program does not permanently protect land from development, it does provide an incentive to keep the land in productive use as farm or forest. In 2002, when work on this plan was started, over 9,000 acres, or approximately 30%, of the Town of

Colchester was assessed as forest and agricultural land under PA490. This acreage is a significant factor in the perception of ‘rural character’ that is attributed to the Town, generally referred to as perceived open space. It is important to note, however, that there is no barrier to development, and after ten years, no tax penalty for removing the land from the program. Most of the property under PA490 in Colchester has been in the program for more than ten years, and several of these parcels are the subject of pending land use applications. As of January 2006, PA490 land represents 8,635 acres, a loss of 761 acres, or 2.4%, over four years.

Guideline for Detailed Inventories of Open Space Parcels

Detailed Inventory Studies will be conducted under the general oversight of the Conservation Commission which is granted the authority to conduct such assessments by Connecticut General Statutes. The Detailed Inventory Studies of open space parcels will expand upon the NRI data to include such additional information as forest and agricultural resources, productive wildlife habitat, wetlands studies, cultural assets such as archeological and historic sites, and unique natural areas. Detailed Inventory Studies will generally be performed on Dedicated and Managed Open Space in the following order of priority: Town-owned land, lands owned by non-profit organizations, and utility lands (if permission is granted). This order of priority assumes that State-owned lands are inventoried by the managing entity. It should be noted that this generalized order of priority should not and would not prevent performing a Detailed Inventory Study on a particular piece of land on which attention has been focused for a particular reason or purpose consistent with this Open Space Plan.

The Detailed Inventory Study will provide a clear definition of ownership and restrictions pursuant to the terms of the deed of transfer. It may include an assessment of the resources in terms of function or value, a description of current use and/or suitability for future use, or identify goals or recommendations for management of the property. A thorough knowledge of the property—the asset—facilitates planning for the future. The Study will identify and document the individual parcel’s contribution to the goals of the Open Space Plan, and will form the basis upon which to develop an appropriate Management Plan.

Added benefits of conducting the Detailed Inventory Studies are education and fostering a sense of community involvement and “ownership.” It is anticipated that the majority of the Studies will be done by students and/or volunteers, working in cooperation with Conservation Commission staff. Bacon Academy Community Service and Environmental Studies programs, Parks and Recreation sponsored programs such as Master Gardeners or the Wellness Committee, the Colchester Land Trust, and youth groups such as the Boy Scouts or Nature Rangers, are all possible sources for volunteers. Cooperative programs with the University of Connecticut Extension Service, Environmental Review Teams, or environmental organizations may also provide opportunities to conduct Detailed Inventory Studies. There may be instances where some portions of the Studies are contracted to professionals with specific expertise.

The particular method employed to conduct the Detailed Inventory Studies may vary based on the program or individuals doing the work. The key components of the Study are as follows:

- Documentation of ownership and deeded restrictions;

- A physical inventory which includes water resources, aquifers, soils, flora, fauna, habitat, agricultural and forest resources, archeological, historic, or cultural features, unique natural features, scenic views, etc.;
- A report which includes a description of the property, assessment of its natural resources, its current and potential use, and its contribution to the overall Open Space Plan; and
- Mapping and GIS data.

Under the direction of the Conservation Commission, staff will maintain Open Space Inventory files, coordinate volunteer and professional contract activities, and maintain a log of fieldwork assigned and completed. Staff will also provide guidance to assure consistency of data accumulation and follow-through on reports and documentation.

It is anticipated that the Detailed Inventory Studies will be an on-going activity. At the time this Plan is being written there are a significant number of properties which have not been inventoried, and new properties will be added on a regular basis.

SECTION IV MANAGEMENT GOALS AND POLICIES

Management of all Open Space properties must be consistent with the established Guiding Principles, Goals and Objectives, as called out in this Open Space Plan. Management should also further the policies of the State Plan of Conservation and Development. In both instances, this presupposes a variety of types of Open Space, as well as a broad spectrum of proposed uses. Management plans must be developed for each parcel, tailored to the functional and management goals appropriate to that parcel.

Open Space falls into several functional categories, as follows:

- **The protection of natural resources**, such as animal and vegetative habitat, wetlands and streambelt corridors, flood plains, steep slopes and unique natural areas.
- **The protection of public health and safety**, through the continuation of their natural functions for air and water quality, flood management, and physical constraints for development.
- **Outdoor recreation opportunities**, from well manicured public spaces to extensive natural areas for such sporting activities as hiking, hunting, or fishing.
- **The protection of cultural and historic resources**, such as public spaces and the Town Greens.

All Open Space contributes to the perception of the community's rural character.

The protection of natural resources, a broad spectrum of outdoor recreational opportunities, multiple uses of open space areas consistent with protection of the resources, recreational facilities development and maintenance, and the preservation of cultural and historic resources are all functional goals for the management of open space parcels. The management goal or emphasis for a particular property will vary with the location, the amount of physical improvements on the parcel, the sensitivity of the natural environment, and other site-specific factors. In all instances, risk management and user safety appropriate to the property and proposed use must be addressed in property management guidelines.

Management plans should follow Best Management Practices and be informed by established management approaches wherever possible, for instance, the National Recreation and Parks Association Standards or the Department of Environmental Protection's *The Connecticut Statewide Forest Resource Plan*. Appendix F to this Open Space Plan lists a variety of suitable references. The list, however, is far from exhaustive, and may be revised and updated as newer assessments and/or guidance for particular open space functions may become available. Management plans should also be complementary to and informed by the plans of our cooperators in Open Space, the State of Connecticut, public utilities, land trusts, and private land-owners such as fish and game clubs. Salmon River State Forest and Babcock Pond Wildlife Management Area are both large tracts of Open Space, for which the Department of Environmental Protection has specific management plans, which are updated on a regular basis. Examples of complementary management goals may be found in Appendix J.

Open Space properties may cover a spectrum from very developed, high visitation areas to areas left in their natural state with no public access, and include public areas such as the Town Greens and cultural resources such as The Parsonage, which houses the Colchester Historical Society Museum. These categories may be defined as follows:

- **Natural Areas** – Agricultural land, open field and meadows, forest land, wetlands, streams, ponds, rivers, floodplains, wildlife habitat, unique natural areas, and other areas protected for the purpose of resource management or limitations for development.
- **Greenways** – Areas which are predominantly green by virtue of their use, design, or development limitations, which serve to provide connections between open space properties, and a visual sense of openness which contributes to the perception of rural character.
- **Trails** – Improved trails for pedestrian and non-motorized uses which provide connections between properties as well as provide access within specific properties
- **Parks/Recreation Areas** – Areas developed for outdoor recreation purposes, such as playgrounds, sports fields, walking trails, and areas improved for specific activities, such as tennis, archery, dog parks, etc.
- **Public Spaces and Cultural/Historic Resources** – Municipal buildings and lands, cultural facilities such as a library or museum, Town Greens, historic districts and the structures and improvements within them.

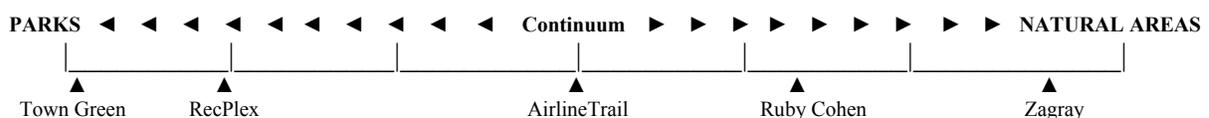
Clearly, these Open Space categories overlap and blend into one another. A single example which could readily be placed in any or all of the above categories is the Airline Trail: It is an improved trail, it is predominantly green by virtue of its use, it connects many open space features and the Town center, it provides access to natural areas, it has been developed for outdoor recreation, and it is a cultural and historic resource.

Differing functions and levels of usage of the various Open Space properties necessitate different levels of maintenance. The levels of maintenance are described as follows:

- State of the art maintenance applied to a high quality diverse landscape, usually associated with high traffic urban areas such as public squares, governmental grounds, or high visitation parks.
- High level maintenance, associated with well-developed park areas with reasonably high visitation.
- Moderate level maintenance, associated with locations of moderate to low levels of development and visitation.
- Moderately low level maintenance, usually associated with a low level of development, low visitation, undeveloped areas, or remote parks.
- Facilities maintenance, associated with high visitation natural areas, including road, pathway or trail systems, trail heads, building complexes and parking lots.

Appendix D to this Plan is the Park Inventory prepared by the Town of Colchester Parks and Recreation Department which classifies existing Town of Colchester Parks and Open Space properties, and their required levels of maintenance.

Open Space Management Plans would represent a continuum from the demands or requirements of parks to the demands of natural areas. The plan for a specific property would incorporate elements from each.



In addition to the classification for level of maintenance, additional specific management tasks might be called out to suit the specific needs of a particular property and/or a particular use.

Management Tasks for Parks may include:

- Maintain facilities in a safe and serviceable condition at all times, using effective erosion control methods, vegetative control, adequate surfacing, elimination of hazards, and regular surveillance.
- Manage open space to minimize health risks, to promote safety in all aspects of management, and to enhance security procedures.
- Identify permitted and/or prohibited uses for each property with consideration for resource protection and preservation, as well as user safety and risk management.
- Establish Standard Use Rules as necessary for both resource protection and user safety. Such Standard Use Rules may include hours of operation, location of parking, off-limits areas, restrictions on domestic pets, etc.
- Develop signage for open space properties. Signage shall be as recommended by the Parks and Recreation Department, and approved by the Board of Selectmen. Signage may include Standard Use Rules, Permitted/Prohibited Uses, and hazard identification.
- Provide suitable access to the extent possible, consistent with the requirements of the Americans with Disabilities Act.
- Promote valid educational uses and scientific research of open space in a manner that does not cause damage due to either improper procedures or deliberate actions.
- Monitor and evaluate management actions to assure that the goals and objectives of the Open Space Plan are being implemented. Identify appropriate agency contacts and establish effective protocols for approving, reviewing and revising Management Plans.

Management Tasks for Natural Areas may include:

- Develop a schedule of cutting or controlled burn to assure continuation of field/meadow, edge and shrub habitat, as well as forest.
- Define limits of forested cover.
- Prepare and implement a forest management plan in cooperation with Forestry Division of DEP or licensed forester for regular harvesting of timber stands.
- Limit the removal of snags and falls to that necessitated by safety.
- Prepare public access and use plan, including definition of allowed uses; boundary marking and mapping; signage; trail development and maintenance; public access points; regular hours of use; parking; provision for trash, litter and dumping control; non-intrusive observation areas; deep water access and use.
- Prepare and implement specific insect and/or pest management control plans, especially for those which pose a human health hazard.
- Develop non-native and/or invasive species control plan, and disease control plan for threatened native species such as hemlock.
- Develop wildfire control plan, including provision for fire fighting access and management of fuel load (deadwood and underbrush).

- Allow for the construction and maintenance of, and/or access to, water supplies for purposes of fire control, wildlife habitat enhancement, and water based recreational activities, as appropriate.

Monitor and evaluate management actions to assure that the goals and objectives of the Open Space Plan are being implemented. Identify appropriate agency contacts and establish effective protocols for approving, reviewing and revising Management Plans.

All Management Plans must include:

- Regular schedule for monitoring and inspections.
- The parties responsible for implementation and follow-up
- Standardized process for review and re-assessment

All Open Space Management must be under the purview of a Responsible Town Entity, charged with the implementation and oversight of the Open Space Plan. That entity would also be the agency for review and re-assessment, as well as guidance on appropriate uses of properties.

Management of Open Space properties, especially natural areas, must take into consideration traditional community uses of the land. Often ‘open space protection’ is perceived as prohibiting human use of the land, or as allowing the land to lay fallow. Not only is this detrimental to the land and the natural resources it contains, but it also weakens community support for the protection of land. ‘Traditional community uses’ are the historic uses of the land, which are a part of the fabric of our rural history, and therefore a part of our perception of community character. Such uses are compatible with sound land management when properly carried out, and in many cases are vital to the preservation of healthy eco-systems. Traditional community uses in this area may include wood lot management for personal or commercial forestry, wildlife habitat management, hunting and fishing, agriculture, hiking, and horseback riding.

One management issue which inevitably generates differing views is that of hunting. Although the public perceives hunting to be dangerous, statistically it is one of the safest recreational activities according to the National Safety Council and the DEP Connecticut Conservation Education Firearms Safety Handbook. *The Conservation and Development Policies Plan for Connecticut 1998-2003* includes the following policy under Natural and Cultural Resources: “Consolidate public land ownership and encourage leasing and management of privately owned open space to maintain accessible acreage sufficient to support hunting and fishing as viable sporting activities.” Many of our partners in open space protection, including the State of Connecticut Department of Environmental Protection, the Fish and Game Clubs, and Northeast Utilities, encourage hunting on their properties, both as a sporting activity and to properly manage viable wildlife communities.

SECTION V CRITERIA AND PROCEDURES FOR ACQUISITION

Criteria for use in acquiring Open Space

The Guiding Principles established by this Plan for the acquisition of open space include the following:

The Town of Colchester shall foster the preservation and protection of natural resources, wildlife habitat and ecological systems which sustain biodiversity, and cultural and historic resources, for the purpose of enhancing the quality of life for its citizens. This shall include the protection and preservation of those landscapes, vistas, and cultural features which contribute to the perception of community character and sense of place.

The Town of Colchester shall conserve, improve and protect its natural resources and environment and thus enhance the health, safety, and welfare of its citizens. It shall maintain existing high quality water and restore and manage the waters of the Town to a quality and quantity consistent with their use for water supply, water based recreation, and the protection and propagation of fish and wildlife.

These, then, are the criteria to be applied in the consideration of properties for acquisition. The Plan of Conservation and Development adopted by the Town of Colchester in 2001, provides a general guide of open space goals, locations of potential greenways and natural resources areas, and incorporates an elementary open space map. Such a reference map of desirable open space locations is a critical component for consideration of open space, so that greenways — predominantly natural corridors that contain and/or link open space and natural and cultural resources—will develop over time. This is especially valuable in consideration of open space parcels pursuant to regulatory acquisition. It will also help to identify areas in which small, isolated parcels, say two acres or less, would not be beneficial acquisitions. This Plan, in Section VIII, will include an Open Space Map, which summarizes the various elements of this Plan, for reference and planning purposes in any consideration of open space.

From the stated Guiding Principles, several key criteria for the acquisition of open space may be identified, and specific elements or characteristics which will contribute to those criteria. The key criteria include:

- **To protect natural resources, including wildlife habitat.**
- **To manage natural resources to protect public health and safety.**
- **To contribute to community character and quality of life.**
- **To provide for outdoor recreation.**
- **To create greenways.**

These key criteria are not isolated, but integrated, concepts. The stated goal of the State Conservation and Development Policies Plan for Connecticut 2004 – 2009, is to “attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable or unintended consequences.” Indeed, there is often a symbiosis which can

be achieved through prudent open space planning and the location of municipal infrastructure within or adjacent to lands identified as contributing to open space. Some examples of such symbiosis are schools located adjacent to conservation lands which provide access to “outdoor classrooms” without incurring a transportation cost; a municipal water supply may be located within a tract of open space land, providing needed additional protection to the aquifer resource; agricultural uses in proximity to forest tracts create the “edge” and successional habitat so vital to many wildlife species; improved recreation facilities, ball fields, and facilities such as walking or cross country trails can be shared by both the general public and the schools; and municipal facilities often provide parking facilities, as well as connecting links, for greenway development and use.

“Community character” is a multifaceted concept. To some, it may be the preservation of historic buildings and the Town Green, to others the preservation of the vistas and old stone walls along our roads. Another important element of community character is the continuation of traditional uses of the land—agriculture, hunting and fishing, and forest management. “Outdoor recreation,” too, covers a broad spectrum of specific elements, from improved ball fields to natural areas, and many different types of recreational pursuits, from interesting and/or restful vistas to organized sports activities. Intertwined, also, are the protection of natural resources for their own value and contribution to greenways, and their proper management for their continued contribution to clean air and water, and thus public health and safety. All of these contribute directly to “quality of life.”

Indeed, the preservation of open space is intuitive—we recognize those properties appropriate for preservation spontaneously, by natural impulse, without need for cognitive processes. It is necessary, however, to develop an objective procedure whereby each parcel can be assessed, a cost/benefit analysis be developed, and well-founded decisions—often a choice between two or more opportunities—can be achieved.

The integration of these concepts results in a series of fundamental questions which provides a quick screening of potential property acquisitions to determine whether a more complete evaluation should be pursued. Those questions are as follows:

- Does the parcel lie within an identified corridor or greenway?
- Is it contiguous with an existing property owned or managed for open space purposes?
- Does it contain natural resources identified in the Natural Resources Inventory as particularly worthy of preservation?
- Is it of a size or location such that it could become the nucleus of a more extensive greenway?
- Does it provide potential for recreation opportunities?

Affirmative answers to these questions would occasion a more thorough review of the property. Analysis of a proposed acquisition is coordinated by Conservation Commission staff, using the Property Evaluation Worksheet developed in conjunction with this Plan (Appendix B). Upon completion of the Worksheet, staff will prepare the Land Acquisition Assessment (Appendix C), and compile the necessary documentation on the property, including cost and means of acquisition, location and size, deeded restrictions, and potential use considerations.

Review and Selection Procedures

Opportunities for the acquisition of open space may be initiated in several different ways. The most likely of these are a) an offer from the property owner to the Town of Colchester, whether as a donation or offer of sale; b) a solicitation by the Town of Colchester to a property owner to purchase the land; c) open space proposed in conjunction with a land-use application; or d) a proposal brokered by a non-profit agency engaged in the preservation of open space, such as The Nature Conservancy or the Trust for Public Land. Non-profit agencies, including the Colchester Land Trust, could be involved in any of the listed transactions.

Critical to proceeding on any acquisition is the establishment of the major parameters for consideration of the property: Location and size of the property; acquisition means and cost; potential deeded restrictions and/or future use considerations. All of these considerations are inter-related, of primary importance, and somewhat circular. For example, if land is being offered to the Town as a gift, the deeded restrictions and use potential would be the major considerations. Conversely, if the property is of a size and location that the Town has deemed it important to preserve as open space, the cost and financing of the acquisition become the major consideration. When land is proposed through the regulatory process, location and use considerations are primary.

That being said, the process by which the proposed acquisition is evaluated and considered is fundamentally the same, and is as stated in the Board of Selectmen's Policy on the Acceptance of Land, and the Open Space Preservation Fund Ordinance, both found in their entirety in Appendix E. In those documents, the Conservation Commission is designated to act on behalf of the Town for the purpose of review and recommendation to the Board of Selectmen acquisitions for Open Space purposes. The Conservation Commission is charged with seeking input from other agencies, such as the Zoning & Planning Commission and Parks and Recreation Department, as appropriate. The recommendation to the Board of Selectmen must include a comprehensive statement of the evaluation of the property, the potential use(s) of the land, the natural resource and environmental benefits and/or constraints, and shall identify the agencies which have participated in the assessment.

Upon submittal of the staff analysis, the Conservation Commission will review the proposal with consideration of the Open Space Plan, and make a recommendation to the Board of Selectmen. Copies of the recommendation are to be sent also to the Zoning & Planning Commission, Parks and Recreation Department, and Public Works, as appropriate.

In addition to the recommendation from the Conservation Commission pursuant to the Board of Selectmen's policy, acquisition of land in fee simple not proposed as part of the regulatory process must follow the procedures established by Statute and by the Charter of the Town of Colchester. In brief summary, these would include review by the Zoning & Planning Commission pursuant to Connecticut General Statutes Section 8-24, which states, in pertinent part, "No municipal agency or legislative body shall...acquire land for, abandon, sell or lease any airport, park, playground, school or other municipally owned property...until the proposal to take such action has been referred to the commission for a report." For any proposal which is part of a subdivision or site plan approved by the Zoning & Planning Commission, that approval is viewed as an affirmative report to the legislative body.

Land, or interest in land, donated to the Town may be accepted by the Board of Selectmen pursuant to the recommendation of the Conservation Commission. The purchase of any property, or interest in property, valued at more than \$10,000 must be approved by Town Meeting, and any expenditure in excess of \$100,000, or any indebtedness, must be sent to referendum. Such purchases of land would also require approval by the Board of Finance.

The outright purchase of land, or interest in land, by the Town of Colchester, especially one valued at more than \$10,000, would, in reality, necessitate the development of an acquisition program: A thorough review of potential funding sources, including Department of Environmental Protection sponsored Open Space Grants, partnerships with non-profit land conservation agencies, the Open Space Preservation Fund, and bonding. Utilization of any of these funding sources may require additional procedural steps to achieve the identified acquisition.

Upon completion of the acquisition, the property must be included in the Open Space Inventory maintained by the Conservation Commission, and a Management Plan be developed for it. These procedures are more fully explained in other chapters of this Open Space Plan.

SECTION VI ECONOMIC BENEFITS OF OPEN SPACE

Colchester is a community in transition from a rural area, where, due to the existence of large, undeveloped tracts of land, the perceived value of open space is low, that is, taken for granted, to a more developed community, where the recognition of diminishing green space generates a higher value. The very characteristics which attract new residents to the Town—quality of life, rural character, sense of community—are created by and dependent upon the continued existence of large tracts of open land. One major component of this are the lands which are currently in the Farm and Forest Land assessment program, identified in the Plan of Conservation and Development as Perceived Open Space. New residents come to Colchester with a high expectation in terms of parks, recreation, and open space, and often do not recognize that existing green space is not protected in perpetuity.

While the Colchester Plan of Conservation and Development lists economic and fiscal benefits as one of the benefits derived from the protection of open space, no detailed studies were done on Colchester. Other towns' open space plans cite various New England-based studies which assessed fiscal contributions of developed land versus farmland and open space; the costs to the municipality of residential development compared to farmland; and the overall effect on the tax base and resulting taxes, from residential, commercial, industrial, and dedicated open space. A thorough and detailed analysis of fiscal costs and benefits associated with parks and open space as compared with development can be found in *Parks and Economic Development* by John L. Crompton, a publication of the American Planning Association.

In his September, 2003 presentation on the Town of Colchester, Jim Gibbons, of the University of Connecticut Cooperative Extension System also makes the point that Open Space does not “cost” municipal services. As he put it, “Trees and cows...don't go to school.” The cost of education, estimated to be \$8,104 per student per year (Educational Cost Sharing Report 2002-03), approximately 61% of which, or \$4,943, is funded by local revenue, is the major cost factor in residential development. The average residential tax bill for Colchester, according to a February 2004 report from the Assessor, is \$3,703 per year. Capital infrastructure costs, including new roads and municipal water or sewer where allowed, are generally borne by the developer. The on-going municipal costs are maintenance and personnel to support the infrastructure, police and fire protection, and other essential municipal services. Education, however, is a long-term and constant cost of most residential development. The purchase of open space is a direct cost, distributed (generally through bonding) over a finite period. Upon completion of the financing, the open space land, so long as it is not improved for active recreation, has minimal maintenance costs associated with it. Thus, the acquisition of open space can have an important economic impact. It is important to recognize, however, that there is no offsetting tax revenue from State or municipally-owned open space land. An example of the cost avoidance benefit is included as Appendix I.

There are other methods of open space protection—for instance, the acquisition of conservation easements—where the land continues to contribute to the tax base, although at a much reduced rate. Conservation easements, which leave the ownership of the land in private hands, also have no long-term maintenance costs. However, this generally also limits public access. When open

space is acquired through the regulatory process of subdivision, the acquisition cost is removed from the equation, while the cost reductions remain. The regulatory acquisition of open space helps to maintain a balance among residential development, reduced municipal service costs, and the quality of life enhancements provided by the open space.

The amenity value of open space, parks and recreational areas, in terms of raising property values, and therefore tax revenues, is a long-established economic benefit. Alexander Garvin in “Parks, Recreation and Open Space: A Twenty-First Century Agenda” notes that in the 19th Century, when Frederick Law Olmstead was promoting and designing Central Park in New York City, one of his fundamental objectives was the increase in property values in the areas around the Park. The success in reaching this objective was documented fifteen years after the acquisition of the land, in that while property values citywide had doubled, those in proximity to the Park had increased nine-fold in the same period. Garvin notes, “The real estate taxes generated from this increase in value were enough ‘to pay the entire principal and interest of the cost of the park in less time than was required for its construction.’” Other studies have also found a correlation between the proximity of open space, natural areas, or parks and increased property values, despite the potential negative influences generated by traffic and use of trails. The incremental property tax income generated by the proximate value of open space and parks continues beyond the period of the debt service generated by the purchase cost.

Due to the extensive—over 3400 acres—State lands in the western part of Town, Colchester does attract tourists and visitors to its open space areas, and benefits from their visit-related expenditures. The recent improvements to the Air Line Trail, funded through the Federal Highway Administration’s Recreational Trails Program, have significantly increased the “destination” value of this area. Any given weekend, several hundred hikers, bikers, and runners use the Air Line Trail, most of them from out of town. This was confirmed on the inaugural “Air Line Trail Ghost Run” held in November, 2003, wherein 120 registrants crossed the finish line. A July, 2004 series in *The Hartford Courant*, “DAYCATION,” featured the Air Line Trail: “In East Hampton, Colchester and Hebron is a section of old rail line reincarnated as a segment of the Air Line State Park Trail, a bicyclist’s dream...It’s pretty; it’s safe; it’s clean; it’s hassle-free; and, beyond its environs, it’s surprisingly little known.” The Air Line Trail has also brought a new contingent of users to the vast tracts of Salmon River State Forest, a hunting and fishing sportsmen’s destination for many years. All of these visitors bring economic benefits to the Town and its businesses.

In *Parks and Economic Development*, John L. Crompton identifies several economic benefits from open space, parks, and recreation services. Among these, he identifies four as direct economic benefits, including enhancing real estate values, and attracting tourists, businesses, and retirees. There are also benefits which have an indirect economic benefit: protecting the natural environment, reducing adverse environmental impacts, promoting healthy lifestyles, protecting the historical/cultural context, and enhancing youth development. These indirect benefits can be broadly characterized as improving the health of the community’s citizens, both physically and psychologically, and the preservation of the natural, cultural and historical environment—the very substance of the community’s character. While these benefits do have a financial component, it is difficult to measure in terms of community expenditures, thus it cannot be brought to bear directly on any decision to purchase open space. The preservation of community character, however, is an important goal that is the backdrop to any specific assessment of fiscal impact resulting from open space acquisition.

SECTION VII ACQUISITION AND FUNDING

There are two major avenues to the protection of open space: The acquisition of land, or interest in land, through purchase or receipt of gifts; and through the regulatory process, that is, including a requirement for the dedication of open space in the subdivision regulations. The Zoning & Planning Commission of the Town of Colchester adopted new subdivision regulations in December, 2003 which include several options with respect to open space dedication. There are also many different techniques for non-regulatory acquisition. When open space protection is purchased, the greater the level of protection and/or control acquired, the higher the cost. When land or interest in land is donated, frequently, there are covenants with the gift that affect the potential uses of the land. The 2001 Plan of Conservation and Development for the Town of Colchester identifies several basic tools to preserve open space in Colchester permanently. Listed in order of public cost, from highest to lowest, these are

1. Land purchases by the Town of Colchester.
2. Land use regulations or approvals that require open space as part of development approvals.
3. Donations by property owners.
4. Land purchases by the Colchester Land Trust or other conservation organizations.

In June of 2003 the Town of Colchester adopted an Ordinance Creating an Open Space Preservation Fund. The purpose of the Fund is “the preservation of open space or the acquisition of land or interests in land for open space or for recreational or agricultural purposes.” The Ordinance includes sections on sources of funding, investments, limitations on fund use, expenditures from the fund, and procedures for approval of land or interest in land acquisitions. The Open Space Preservation Fund Ordinance may be found in Appendix E of this Plan.

As an outgrowth of the Plan of Conservation and Development, interested citizens began to meet in 2000 to form a local land trust. These preliminary meetings focused on gathering information, developing structure, and deciding whether to form a new land trust or to merge with existing trusts in the area. The founding meeting of the Colchester Land Trust was held in December 2002. Land trusts are private, non-profit groups, which rely on donations of money and/or land for the purpose of conserving open space. The stated purpose of the Colchester Land Trust is “to protect the beauty and natural diversity of our area by preserving significant land and scenic areas for present and future generations.” The Colchester Land Trust is a Federal 501(c)(3) non-profit conservation organization. It is important to recognize that a land trust is a voluntary organization, formed for the purpose of protecting land, but whose philosophy, and even its future existence, is dependent upon the membership.

Techniques for Acquiring/Preserving Open Space

There are many methods or techniques for acquiring or preserving open space. Several of the more common methods are described below, all from the perspective of the Town of Colchester and the protection of open space. There are other methods for protecting open space which are not described here. As an example, Conservation Easements may also be held by other qualified organizations, such as the Colchester Land Trust or The Nature Conservancy. “Open Space

Planning” a presentation and resource material prepared by the University of Connecticut Cooperative Extension System, and “Conservation Options: A Landowner’s Guide” a brochure published by the Land Trust Alliance, are the sources of much of the information contained in this section.

Fee simple purchase: This is the outright purchase of full title to the property, which gives the Town full control over the use of the land, and allows for public access. Unless otherwise restricted in the acquisition process, or if the funds come from the Open Space Preservation Fund, land acquired in fee simple could be utilized for any public purpose. Fee simple ownership of land carries with it liability issues and maintenance responsibilities, and removes the land from the tax rolls. Generally, fee simple purchase is the most costly method of acquisition, as it depends on market value of the property. However, there are some innovative techniques which may reduce the public cost, which are discussed below under Funding.

Purchase by non-profit group: Land trusts, such as the Colchester Land Trust, or other non-profit agencies engaged in the preservation of open space, may purchase full title to a property for open space purposes. Some agencies, such as The Nature Conservancy or the Trust for Public Land, act as brokers to achieve the protection of properties, especially when the market value puts the acquisition beyond the means of a single entity, or when threat of development is imminent. They might, for instance, develop a consortium of government and non-profit buyers, or make the purchase for sale back to the government agency and land trust partners.

Purchase of development rights: This is a mechanism wherein the landowner sells only the right to develop the property, while retaining ownership and use—albeit limited—of the land itself. In the State of Connecticut this technique is used to preserve agricultural lands through the Farmland Preservation Program, and is described in detail in the Connecticut General Statutes Chapter 422a (Sections 22-26aa through 22-26kk).

Outright donation: Individuals may donate full title or a partial interest in land to a government agency or a non-profit group for open space purposes. This allows for the protection of the land, while providing a tax benefit to the donor for the charitable contribution. Such gifts may be made during the lifetime of the owner or upon his death. There are quite a few innovative techniques discussed briefly below which achieve the dual goals of open space protection and sound financial planning for the donor. The receiving entity must be willing to accept and be capable of managing the land. This has been reinforced by Public Act 04-114 (effective October 1, 2004), which requires the signed acceptance by an officer of the land trust or non-profit land-holding organization, prior to the filing of any conveyance deeds.

“Property rights” may be described as a bundle of sticks, all of which belong to the holder of fee simple title to a parcel of land. Some of the “sticks” may be removed voluntarily, for instance, by deeding away development rights or by the granting of an easement, or he may sell or give away the “whole bundle”, which is fee simple title. Examples of selling some of the “sticks” are the selling of mining or development rights, such as the Farmland Preservation Program, while retaining the right to live on and farm the land. A Conservation Easement is also the deeding away of some of the sticks in the bundle, agreeing, for instance not to build on or otherwise disturb a certain portion of a property. Other easements, such as those to public utilities, are given or sold for specific purposes—the installation of power lines, for instance—and thereafter limit the rights of the property owner in the area subject to the easement.

Conservation Easements: A Conservation Easement, then, is a partial interest in property transferred to the Town of Colchester for the purpose of preserving open space. The property owner retains legal title to the land, and all rights associated with it, except those specifically limited by the easement document. The Town of Colchester currently uses two forms of Conservation Easement. The standard form of Conservation Easement is intended for use within fairly high-density subdivisions to protect natural resources, and restricts the uses allowed within the easement to maintenance for purposes of safety and aesthetics, and to activities to foster wildlife habitat, while prohibiting any change to the existing topography. The “Stewardship” Easement is designed to allow the continuation of traditional uses of the land on larger parcels, and includes agriculture, forest management, and outdoor recreation among permitted activities with the approval of the Easement holder (the Town). In both cases, the land subject to the Conservation Easement is kept open and green, and development and/or building construction is prohibited.

Incentive based opportunities to protect/preserve undeveloped land: Public Act 490 was adopted in 1963 to provide some tax relief for undeveloped land. The Act provides for the assessment of farm, forest and open space land on the basis of its current use, rather than at market value, thus encouraging property owners to retain open and productive tracts of land through tax relief. It is important to recognize that this protection is temporary, in that it applies only so long as the land remains farm or forest, and the tracts so assessed can be sold or developed at any time, incurring a penalty cost only when the land is sold within ten years (CGS §12-504a).

Regulatory Acquisition

There are three mechanisms for open space preservation incorporated in the newly-adopted subdivision and zoning regulations. 1) All subdivision plans, with very few exceptions, are required to identify 10% of the land to be subdivided as open space, with the additional requirement that the percentage of wetlands in the open space be no greater than in the property as a whole; 2) development bonuses—such as dimensional flexibility or increased density—are provided in instances where 15% or more of the property is dedicated as open space; and 3) at the discretion of the Zoning & Planning Commission, developers may pay a fee in lieu of the required open space.

Protection of open space, greenways, and/or natural resources corridors is also achieved through Conservation Easements proposed as mitigation for unavoidable wetlands impacts subject to regulation by the Conservation Commission, the wetlands agency for the Town of Colchester.

The Subdivision Regulations, in Section 6.5.1.a, identify several functional criteria which areas proposed for open space must meet. The Conservation Commission has adopted three broad criteria for consideration of open space, which encompass most of the functional criteria established by the Subdivision Regulations. Thus, the criteria endorsed by both of the land use commissions are complementary and focused on the same goals of preserving open space, protecting natural resources, and preserving rural character.

While the requirement for dedication of open space has been part of the Subdivision Regulations since 1974, the Town did not accept Open Space for most of the 1990s due to concerns over liability, and the small, scattered, and often inaccessible nature of the parcels which were being

deeded to the Town. With the guidance of a professional planning staff, these issues have been revisited. The Plan of Conservation and Development provides a general guide in terms of open space goals, locations of potential greenways, and natural resource protection. This Open Space Plan will augment those guidelines. One critical component of regulatory acquisition of open space is to develop a planning reference map of desirable open space locations so that a cohesiveness—greenways—will develop over time, and to clearly identify areas in which small parcels, say two acres or less, of open space would not be beneficial. Also important to effective implementation of an open space plan is flexibility in protection methods. This has been achieved in the Subdivision Regulations by allowing for the transfer of the property to the Town, State, land trust or homeowners association, as well as the use of conservation easements. The Regulations further allow consideration of open space dedication in another area of Town (than that being subdivided) to meet the subdivision requirement. With the combination of open space planning documents and flexibility in implementation, most of the perceived negatives associated with open space are overcome. Liability remains an issue, but one now to be contrasted with the quality of life achieved through open space protection.

If the criteria for open space cannot be met with the conveyance of land or interest in land, the Subdivision Regulations also provide for the payment of fees in lieu of open space. In instances where the dedication of land does not contribute to the development of greenways or otherwise comport with the Open Space Plan, the payment of fees in lieu of dedication provides an alternative. The Regulations provide a defined procedure by which the fee amount is assessed and paid. The monies generated are held in the Open Space Preservation Fund, expenditures from which are described below. Inclusion of this option eliminates the potential for acquiring small, scattered parcels which are not consistent with the plan, while providing funds to apply toward acquisitions which do implement the Plan.

Funding Techniques

With the establishment of an Open Space Preservation Fund, it is anticipated that the Town of Colchester will attain a position wherein funds can be set aside in each budget cycle for the acquisition of open space. This would enable the Town to respond more quickly when desirable parcels come into the market. Once a parcel has been identified for acquisition, and, hopefully, an Open Space Grant (see below) has been approved, standard procedures for the expenditure of Town funds must be followed: The purchase of any property valued at more than \$10,000 must be approved by Town Meeting, and any expenditure in excess of \$100,000, or any indebtedness, must be sent to referendum. These procedures are also reiterated in the ordinance establishing the Open Space Preservation Fund.

The State of Connecticut, through the Department of Environmental Protection, has established a policy goal of protecting a total of 21% of the state's land as open space. To this end, they have implemented an Open Space Grant program which may fund up to 50% of the fair market value of lands which are 1) valuable for recreation, forestry, fishing, conservation of wildlife or natural resources; 2) a prime natural feature of the state's landscape; 3) habitat for native plant or animal species listed as threatened, endangered or of special concern; 4) a relatively undisturbed outstanding example of a native ecological community which is uncommon; 5) important for enhancing and conserving water quality; 6) valuable for preserving local agricultural heritage; or

7) eligible to be classified as Class I or Class II watershed land. While this is an ongoing program, grant availability in any given year depends on the level of funding authorized by the State Bond Commission. The purchase of the Ruby and Elizabeth Cohen Property in the year 2000 was partially funded through an Open Space Grant.

Legislation allowing the payment of fees in lieu of open space during subdivision was adopted in 1990. The statute requires that the fees thus collected are placed in a fund established for the purpose of preserving open space. The Town of Colchester adopted an Open Space Preservation Fund in June 2003. This Open Space Preservation Fund is the repository for both funds appropriated by the Town for the purchase of open space during the annual budget process and funds received through the subdivision process as fees in lieu of open space. *“Expenditures from the fund shall be made exclusively for acquisition costs, including but not limited to appraisal and closing costs, of real property or of easements, interests or other rights therein, the use of which shall be limited to open space purposes.”*

Tax foreclosure is when the Town acquires property through the default of tax payments. Some land acquired through tax foreclosure may not be suitable for open space, but can be sold to make money available to purchase other parcels. In other instances, the default in taxes may be due to circumstances which make the land un-developable, but may make its value for natural resource protection or open space greater. Several parcels of Town-owned land in Colchester have been acquired through foreclosure, most notably, approximately 28 acres along the Colchester Spur of the Airline Trail. The standard procedure in the Town of Colchester with respect to foreclosures is as follows: The Tax Collector prepares a list of potential foreclosure actions. This list is sent to the Assessor, Code Administration, Planning and Zoning, Town Engineer, and Public Works for review and comment on the disposition of all proposed foreclosures. These recommendations are then forwarded to the Board of Selectmen.

Eminent domain is the right of the government to take private property for a public purpose, but the government must pay just compensation. While open space is a “public purpose,” this means of acquisition should be considered only as a last resort, as it is generally an antagonistic proceeding which can lead to costly litigation.

There are many options available to landowners for the transfer of title to land for open space purposes, from fair market value sale to outright donation. Bargain sale, sale of development rights or conservation easements, transfer by devise (upon death), or with a reserved life estate, are examples of these options. The means utilized by landowners in the transfer will generally be determined by their financial and tax planning, and by the amount of control over the future use of the property they want to retain. Additional information on specific funding techniques can be obtained from local non-profits such as the Colchester Land Trust or other national land-holding organizations. The larger organizations all have websites as well as printed resources which are available to landowners. Each potential acquisition has unique characteristics that must be assessed individually to accomplish the preservation goals of both the grantor and the grantee, as well as accommodate the financial needs of both seller and buyer. Individuals interested in preserving land as open space should contact these groups, as well as their own attorneys and/or financial planners familiar with land preservation techniques.

Flexibility of Originating Document

A key component of responsible acquisition of property is planning for the future: Not all land needs to be protected as “open space” in its entirety. Protecting the ecological integrity of a property does not necessarily require the absolute protection for a specific purpose, or its removal from active use in ways traditional to rural community life. The active use of land, within the confines of sound land management or stewardship principles, is generally beneficial to the land itself, to the natural resources contained within the property, and to the preservation of the “rural character” identified as a primary goal of this open space plan. For this reason, it is critical that the originating documents—that is, the deeds, easements, and covenants—with which the land or interest in land is transferred, incorporate the flexibility to carry out appropriate management activities, identify traditional community uses which are not inconsistent with conservation action, and structure the protection in a way that protects identified conservation resources, but encourages or permits continued compatible use of the land by the surrounding community. This, too, is a stated goal of the Conservation and Development Policies Plan for Connecticut 2004 – 2009, to “attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable or unintended consequences.”

In addition to active use of protected lands, it is possible that other community needs can be appropriately accommodated with sound conservation planning. As noted in Section V, there is often a symbiosis which can be achieved through the prudent planning and location of municipal infrastructure within or adjacent to lands identified as contributing to greenways and other open space goals.

In his presentation at the Rockfall Symposium in 2002, “Open Space Management: Preserving Traditional Community Use of Land”, Attorney Frederick B. Gahagan made the following point: “Conservation...suffers from the perception that protecting open space removes land from community use... landowners and community members still see land conservation as setting land aside as a ‘fallow’ asset this is not longer available for human use, even human use that excludes development activity...Many of us have heard early grumbling about open space protection taking up too much land and beginning to impact the availability of land as a community resource. To the extent that protected properties are not being managed in a manner that allows continued sound use of the land where that is compatible with the reasons for its protection, we are perpetuating this problem. If we do not address this concern, support for further conservation action in our communities will weaken and segments of our communities will oppose large scale conservation action in the future. In the end, if our communities view land conservation as something that removes land from community interaction, i.e. land that is set aside to rot, support for land conservation will dwindle. If our communities see and receive direct, as well as indirect, benefits, support will continue to grow.”

**SECTION VIII
OPEN SPACE MAP**

[Open Space Plan is a separate Adobe File.]

SECTION IX RECOMMENDATIONS

Background

The development and recommendation of a plan is within the statutory charge of the Conservation Commission. This Open Space Plan will be the guidance document for the acquisition and management of open space in the Town of Colchester.

The Conservation Commission encourages the use of fees-in-lieu of open space dedication in situations where regulatory acquisition of land or interest in land would not further the goals and policies of this Open Space Plan. The Commission also recommends the annual funding of the Open Space Preservation Fund for acquisition of land or interest in land.

The Conservation Commission will be the responsible entity charged with the implementation, oversight, and regular re-assessment of the Open Space Plan for the Town of Colchester, and its recommendation to the Zoning & Planning Commission for inclusion in the Plan of Conservation and Development.

Implementation

The Conservation Commission will recommend to the Board of Selectmen the creation of a standing advisory committee designated the “Open Space Advisory Committee” to be comprised as follows: The Conservation Commission staff person; the Planning Director; the Director of Parks and Recreation. There shall also be representatives of the Colchester Land Trust, a Fish and Game Club, and two members at large, all to be appointed by the Board of Selectmen.

The Open Space Advisory Committee will advise and make recommendations to the Conservation Commission on the implementation of the Open Space Plan.

The Open Space Advisory Committee shall investigate and encourage the use of old roads as potential trail corridors and greenways.

The Open Space Advisory Committee shall consider and make recommendation to the Conservation Commission for the adoption of an ordinance which formalizes the protection of stone walls.

The Open Space Advisory Committee shall regularly review the Open Space Map and identify, inventory, and research potential areas of interest and/or greenways for use as open space. Three areas not previously identified in the Plan of Conservation & Development are the Ruby and Elizabeth Cohen property as a focus area; the Shermans Brook Greenway; and the Judd Brook Connector. These are therefore recommended for inclusion in the Open Space Plan and the Plan of Conservation & Development. The Cohen Property is the nucleus of a focus area, the other two are linear corridors.

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The Open Space Advisory Committee shall work cooperatively with the owners of managed open space, such as Fish & Game Clubs, Utilities, and the Historical Society, as well as the Colchester Land Trust, to develop management plans which are both mutually beneficial and will implement the goals of this Open Space Plan.

The Open Space Advisory Committee shall recognize and cooperate with preservation agencies representing the three Regional Drainage Basins which are within the Town of Colchester, that is, the Salmon River Watershed, the Eight Mile River Watershed, and the Yantic River Watershed.

The Open Space Advisory Committee shall research and make recommendations on the potential viability and impact on the Town of Colchester of bonding for the purpose of open space acquisition, not identified for specific parcels, and other innovative methods of funding the acquisition of open space, such as the acquisition of right of first refusal. Tools such as a financial impacts/benefits matrix and/or economic studies regarding open space land may be undertaken by the Committee, independently or in conjunction with various land preservation organizations.

This Open Space Plan shall be reconsidered on a regular basis, prior to, and in support of, the reconsideration of the Town of Colchester Plan of Conservation and Development.

[Appendix K is a copy of the Ordinance to Create the Open Space Advisory Committee.]

LIST OF APPENDICES

- A. Complete list of Dedicated and Managed Open Space**
(Source: Town of Colchester Assessor's Records)
- B. Property Evaluation Worksheet**
- C. Land Acquisition Assessment**
- D. Park Inventory**
- E. Open Space Preservation Fund Ordinance**
Board of Selectmen Policy, Acquisition or Acceptance of Land or Interest in Land
- F. Management References**
- G. Bibliography**
- H. Referenced Open Space Plans**
- I. Example of Cost Avoidance Benefit**
- J. Examples of Complementary Management Goals**
- K. Ordinance to Create Open Space Advisory Committee**

[Appendices are available in Code Administration Department]

**Protected and Managed
Open Space
Town of Colchester
Connecticut**

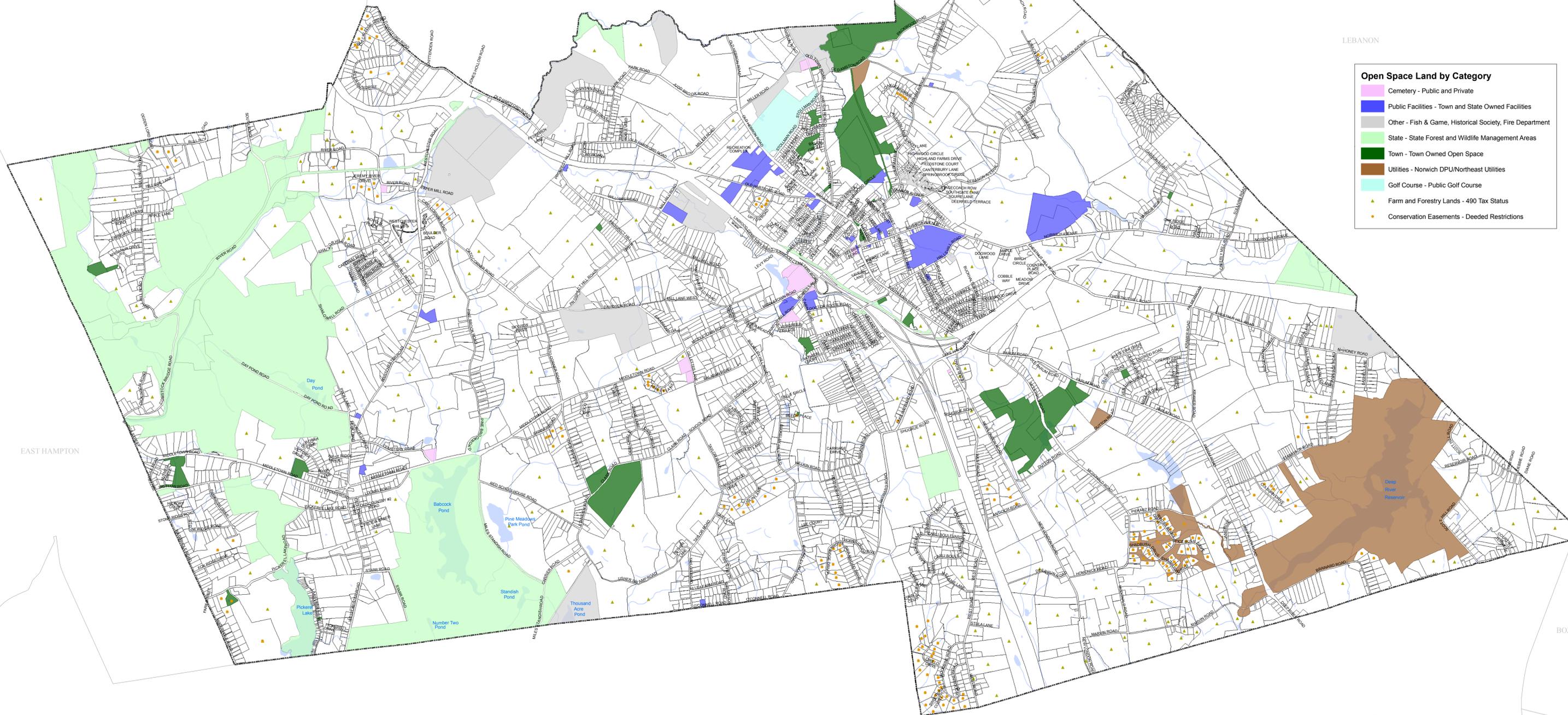


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Open Space Land by Category

- Cemetery - Public and Private
- Public Facilities - Town and State Owned Facilities
- Other - Fish & Game, Historical Society, Fire Department
- State - State Forest and Wildlife Management Areas
- Town - Town Owned Open Space
- Utilities - Norwich DPU/Northeast Utilities
- Golf Course - Public Golf Course
- Farm and Forestry Lands - 490 Tax Status
- Conservation Easements - Deeded Restrictions



Source: Parcels and Farm/Forestry Lands - Town of Colchester Assessor's Office
Open Space Category and Conservation Easements - Town of Colchester Planning Department



Water Resources Map

Town of Colchester Connecticut



October 2006

Salmon River
Watershed

Yantic River
Watershed

Eight Mile River
Watershed

- Preliminary Aquifer Protection Area
- Water System Watersheds
- Stratified Drift
- Wetland Soils
- Flood Zones
 - 100-Year
 - 500-Year
- Drainage Basins
 - Eightmile
 - Salmon
 - Yantic

Source: Preliminary Aquifer Protection Area - Town of Colchester
Water System Watersheds - State of Connecticut Department of Public Health
Wetland Soils - State of Connecticut, Soil Conservation Service
Flood Zones - FEMA
Stratified Drift - State of Connecticut, Town of Colchester
Drainage Basins - State of Connecticut



2,000 1,000 0 2,000 4,000
Feet

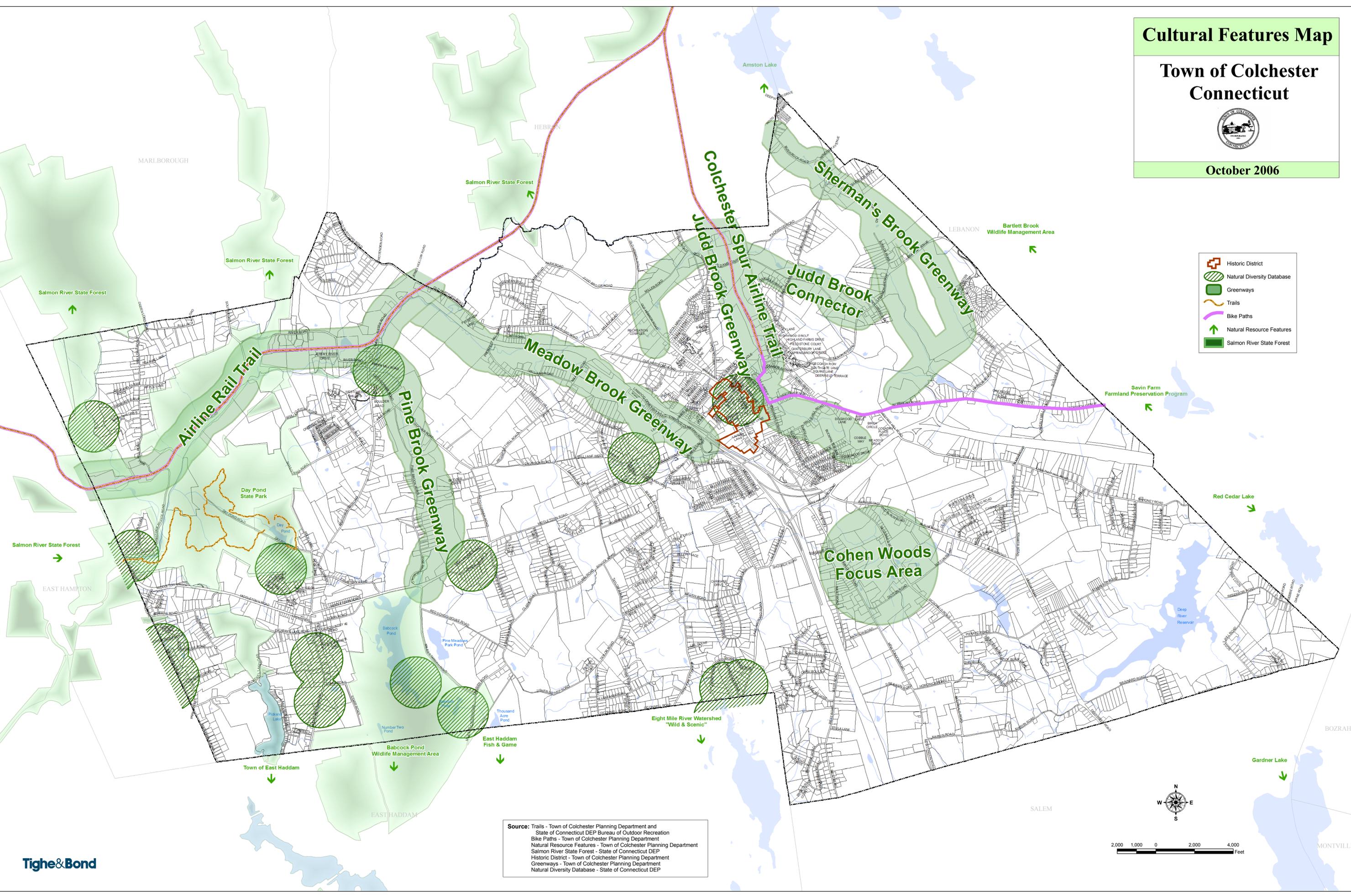
Cultural Features Map

Town of Colchester Connecticut



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- Historic District
- Natural Diversity Database
- Greenways
- Trails
- Bike Paths
- Natural Resource Features
- Salmon River State Forest



Source: Trails - Town of Colchester Planning Department and State of Connecticut DEP Bureau of Outdoor Recreation
Bike Paths - Town of Colchester Planning Department
Natural Resource Features - Town of Colchester Planning Department
Salmon River State Forest - State of Connecticut DEP
Historic District - Town of Colchester Planning Department
Greenways - Town of Colchester Planning Department
Natural Diversity Database - State of Connecticut DEP



Open Space Plan

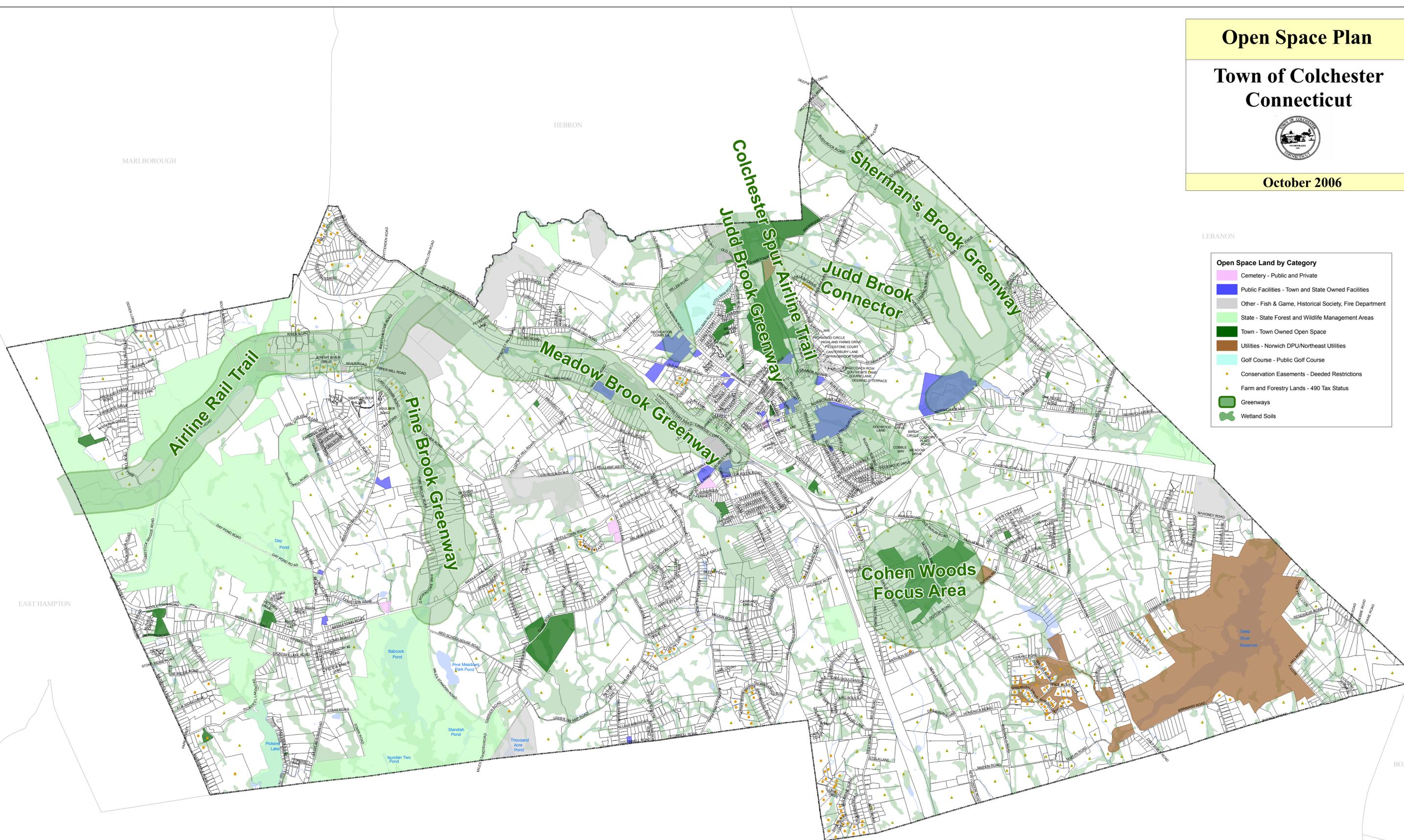
Town of Colchester Connecticut



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Source: Open Space Category and Conservation Easements - Town of Colchester Planning Department
Parcels and Farm/Forestry Lands - Town of Colchester Assessor's Office
Greenways - Town of Colchester Planning Department
Wetland Soils - State of Connecticut, Soil Conservation Service

