



# The Lyme Land Conservation Trust

## 2015 Spring Newsletter

### Public Broadcasting Video Company Making Film On Lyme Preservation

**By George Moore**  
Executive Director

Hosted by Sam Waterson of *Law & Order* fame, *The Visionaries* has been producing inspirational programming for PBS for the last 20 years.

*The Visionaries* series highlights the rarely told stories of non-profit organizations all around the world that are working to make a positive difference in their community and beyond. Each show relates positive, uplifting and inspiring documentary stories about individuals working for nonprofits in an effort to make the world a better place.

The media tend to focus on bad news, *The Visionaries* on good news. *The Visionaries* is aired on over 140 PBS stations nationwide.

*The Visionaries* production company has selected Lyme to tell the story about how a whole community has worked together to preserve its forests, its farms and its rural heritage.

*The Visionaries* became interested in Lyme's unique land preservation after being approached late last year by the Lyme Land Trust.

As the 50<sup>th</sup> anniversary of our land trust draws near (incorporation 1966, first members meeting 1967), we thought a professional video similar to

one done about a land trust in Down East Maine would be fitting. Further investigation revealed the Maine video was produced as a PBS program by a non-profit called Visionaries, LLC. We applied and were accepted. It is an honor, because only 170 in 5,000 applications are accepted.

While our original concept was a video celebration of the Lyme Land Trust, the story is evolving into a story about land conservation in Lyme and the different parties who, acting together, have made it happen. For example, the first segment includes Jack Tiffany explaining how his family ensured their beloved farm will always be that – a farm.

Filming is still underway. The first session took place in early February on a bright but brutally cold winter's day.

The crew will return on Earth Day to film elementary school children from Lyme Consolidated learning about vernal pools in the forests along the Eightmile River, and again on Tour de Lyme day, May 17.

Lyme's story of land preservation is about the importance of conservation in our daily lives, the effectiveness of dedicated volunteers and the difference they make.

By preserving over 50% of the land in town, we and our conservation partners have helped protect valuable federally-recognized watersheds like the Eightmile River that flow into the Connecticut River



**Jack Tiffany of Tiffany Farms is interviewed by *The Visionaries* camera crew**

and on out to Long Island Sound. The preserved land creates valuable corridors and habitat for all forms of wildlife.

The show will also cover our Tour de Lyme event in May when hundreds of cyclists come from all over the region to ride through the woods and enjoy our scenic roads to support our spring charity event.

Why is the Lyme Land Trust excited about this project? *The Visionaries* documentary will increase awareness of our cause – conservation, will assist us in attracting volunteers and Board members and rally support from individual donors, foundations and corporations.

Production also includes an app that can be used to share full length segments of material that did not get included in the final documentary.

This will be a dynamic platform that can be updated and used for educational purposes long after the crews have left. We haven't even begun to explore the full potential of this opportunity.

Last but not least, what a wonderful way to acknowledge 50 years of hard work by dedicated volunteers – fulfilling the vision of our founders – a nationally televised PBS program.



***The Visionaries* camera crew interviewing Land Trust Environmental Director Lisa Niccolai at the iconic Red Mill on the Eightmile River.**

**To find out more about *The Visionaries*, go to:  
[www.visionaries.org](http://www.visionaries.org)**

# State Judge Orders Selden Road Landowner To Restore Damaged Areas Protected By Conservation Easement

On March 27 New London Superior Court Judge Joseph Q. Koletsky rendered his decision in the six year old case brought by the Land Trust against Beverly Platner, the owner of property at 66 Selden Road in Lyme, alleging violations of the Land Trust's 34-year-old conservation easement covering much of the property.

In the lawsuit the Land Trust alleged that its conservation easement required that the property owner maintain a wooded area as a "natural wilderness" and a large field in a "natural, scenic or open condition" and in "open space use."

It argued that the property owner had converted the field into a manicured residential lawn and ornamental plantings, had installed an irrigation system in the field, had removed the understory in the wooded area, and had relocated the driveway over a

portion of the protected area.

The Land Trust's complaint alleges that these landscaping changes to areas protected by the conservation easement violated the terms of the easement.

Judge Koletsky ruled that the property owner's landscaping activities in the protected areas "were willful and caused great damage to the protected area's natural condition which the defendant was obligated to retain."

He ordered that "the property subject to the conservation restriction be restored to the condition it was in at the time defendant acquired the property" which he estimated would cost about \$100,000.

In addition, Judge Koletsky ordered Mrs. Platner to pay the Land Trust \$350,000 in damages under the provisions of a state statute giving judges the discre-

tion to award damages based on a multiple of the costs required to restore property to its pre-violation condition.

He also ordered the landowner to pay \$300,000 for the Land Trust's attorney's fees.

Judge Koletsky's decision is subject to appeal.

Moreover, the attorneys for the property owner have filed a request to reargue certain aspects of his order.

The Land Trust is represented by Tracy Collins of Waller, Smith & Palmer in New London, and by Land Trust President, John Pritchard.

State Attorney General George Jepsen intervened in the case on behalf of the Land Trust "to protect the public interest in conservation restrictions," according to court documents.

## Lyme Land Trust Has A Legal Duty To Ensure Its Conservation Easements Are Observed

By Donald C. Gerber  
Lyme Land Conservation Trust Vice President,  
& Stewardship Committee Chairman



As summarized in the above article, New London Superior Court Judge Joseph Q. Koletsky has recently rendered his decision in the case the Land Trust brought to enforce the provisions of the conservation easement covering much of a land owner's property in Lyme.

While this decision is subject to appeal, we believe it provides a timely and appropriate opportunity to reiterate the stewardship responsibilities that we at the Land Trust have with respect to all of the conservation restrictions under our care.

Land owners have granted to the Land Trust 66 conservation easements covering all or a portion of their properties in Lyme. These generous donations are a large part of the reason Lyme has remained the quiet, rural town we all love.

The land owners made these donations trusting that the Land Trust would, through its stewardship, ensure that the terms of the conservation easements are scrupulously observed in perpetuity.

We cannot fail to justify their trust.

As the Chair of its Stewardship Committee, it is my responsibility to oversee the Land Trust's stewardship activities. These activities are carried out by some 31 volunteers who conduct site inspections of the properties subject to our conservation easements at least annually. They file reports of their findings which we maintain in the Land Trust's files.

From time to time our stewards identify violations of the terms of our conservation easements. When these come to light, representatives from the Land Trust and I make every effort to work with the land owner to restore the land to its natural, pre-existing condition.

On average, we resolve several violations, often minor in nature, each year. Except in the case reported in the above article, the Land Trust has never had to ask the courts to enforce the terms of any of its conservation easements in the nearly 35 years we have been stewarding them.

We wish to emphasize that we were extremely reluctant to resort to litigation to enforce the easement on Selden Road and did so only after making every effort to reach an amicable resolution with the land owner of what we saw as violations of the conservation easement on the property. However, our differing interpretations of the terms of the restriction proved to be impossible to reconcile, necessitating judicial resolution of the dispute.

We hope that, having obtained this ruling, the parties will be able to work together to carry out the portion of the decision requiring restoration of the protected areas of the property to their condition at the time of purchase.

# The Lyme Land Conservation Trust Newsletter

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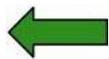
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## Would You Like to Support the Lyme Land Conservation Trust?

Use the convenient envelope bound into this newsletter to mail in your donation today.

## Girl Scouts & Boy Scouts Use Lyme Preserves As Classrooms For Leadership, Community Service & Outdoor Fun

### Two Boy Scouts Who Built Bridges In Lyme Preserves Awarded Eagle Badges



Luke Grabowski (*right, above*) and Owen Mesham were honored at a Court of Honor on February 7 for having achieved Boy Scouting's highest rank, Eagle Scout. Both are in Boy Scout Troop 26 sponsored by the First

Congregational Church of Old Lyme.

The scouts worked on bridges in Lyme Land Trust Preserves to complete their Service Projects.

Grabowski planned and led the crew in constructing a 35-foot bridge on the Land Trust's Honey Hill Preserve.

He prepared blueprints, obtained materials and led fellow troop members in the construction last summer. Grabowski is a senior at Lyme-Old Lyme High School and plans to attend college this fall.

Mesham's project was designing and coordinating materials and troop work crews for a 28-foot bridge in the Land Trust's Walbridge Woodlands Preserve.

Mesham is a senior at the Sound School in New Haven and has received a congressional nomination to the U.S. Merchant Marine Academy.

### Girl Scouts Explore Banningwood's Natural Playground & Its History



Sixth grade Girls Scouts from Lyme-Old Lyme Troop 62658 enjoyed the afternoon of April 2 exploring the Land Trust's Banningwood Preserve, turning it into their natural playground. Land Trust Vice President Don Gerber explained the Preserve's geology and history, including the quarrying of stone for nearby Gillette Castle.

# Are There Bears Living In Lyme?

## If They're Not Here Yet, They May Be Soon

By Mary Guitar

For the past several months, in hundreds of winter dens in our Connecticut forestlands, in hollow trees, rock outcroppings, holes in the ground or brush piles, female black bears (*Ursus americanus*) have been waking up from dormancy after nurs-



**First Selectman Ralph Eno teamed up with Lyme Openspace Coordinator Wendolyn Hill, who has skills in retouching digital photos, to illustrate how easy it is to introduce bears into the Lyme community.**

ing up to four blue-eyed cubs born in January and February.

The cubs' blue eyes will change to brown in the next year or two as the sows teach their young how to survive in Connecticut, a state that is experiencing a surge in bear populations.

There have been several reported sightings of bears in Lyme in recent months (only one confirmed), and two pictures purporting to provide conclusive evidence of bears in Lyme have even made the email and Facebook rounds in town – although many suspect they had been “retouched” to introduce bears into familiar local scenes.

Black bears are definitely making a comeback in the state, after having been extirpated almost 200 years ago, killed for food and to prevent raiding of human food crops and livestock.

Humans have always been fascinated by bears. While they are feared for their strength, we also feel a sense of kinship with these agile, intelligent animals that are able to walk upright as we do, that eat the same food as we do, and that also nurture and teach their helpless young.

Black bears, the smallest North American bear, range in size from 110 to 450 pounds. Black or brownish-black with a tan muzzle, they are slightly nearsighted, but their sense of smell is keen, in fact, seven times greater than a bloodhound's. Feeding at night, bears eat whatever is available, in-

cluding grass, fruit, nuts, berries, flowering plants, corn, honey, insects, carrion, bird seed, garbage, and small mammals.

A female with cubs may range only five to seven square miles in Connecticut while males can range up to ten times that area.

The latest statistics from the Connecticut Department of Energy and Environmental Protection (DEEP) list a total of 4,396 sightings statewide for the year, most of them in the northwest portion of the state. There was only one bear sighting in the past year in Lyme and two in Haddam. Paul Rego, a wildlife biologist working at DEEP, notes that sightings in the southerly part of the state increase every year. The current population estimate is between 500 and 1,000 for the state.

State officials are concerned about human-bear interactions, both as a matter of public safety and expense. The possibility of an annual bear hunt lottery has been considered but has not been implemented. While training problem bears to be more wary of people sometimes works, moving bears is often unsuccessful because they are likely to return to their original locations. Bears have adaptable natures, and are able to coexist safely with humans in most circumstances.

### The Bear Reality

Felcia Ortner, a master wildlife conservationist, will present a black bear program. **Oct. 11, 2 PM, Lyme Public Hall**

## Black Bears Are Usually Shy & Avoid Humans

### Here Are Some Tips On How To Keep Bears From Becoming Nuisances

Black bears are seldom aggressive apart from a female who feels her cubs are threatened.

They are usually shy and afraid of humans. Risk of serious injury from a bear is very low; there have been only a few human fatalities in the northeastern US since 1900.

However, contact with bears should be limited by eliminating their access to human food and livestock.

If bears are a consistent problem, bird

feeders should be removed between mid-April and late October. If you have a birdfeeder, keep the feeding area clean.

Livestock should be protected with electric fencing or secured in buildings at night. Beehives should be fenced.

Other bear attractants are compost piles, garbage cans, dumpsters and barbecue grills. Keep garbage cans covered. Add a few capfuls of ammonia to trash bags and cans as a deterrent. Keep pet and livestock food inside a

building. Don't put meat or fruit rinds in compost. Sprinkle lime on compost.

If you encounter a bear, make loud noises and wave your arms. Then walk away slowly while facing the bear. Keep dogs leashed. If a bear stands on its hind legs, it's not attacking; it may be trying to smell something. Frightened bears make loud blowing noises.

Report sightings to Wildlife Division: 860-675-8130

# Gardening with Deer: A Difficult But Not Insurmountable Challenge

**By Joene Hendry**

Mention deer within earshot of gardeners or homeowners in our region and you're sure to hear groans, sighs of resignation, or outright cursing. Deer can be a major problem for those of us using plant materials as property enhancements. Too often, our favored plantings become breakfast, lunch, and dinner for white-tail deer.

As a local homeowner I've sometimes unintentionally fed neighborhood deer multiple landscape plantings. But I've also put my gardening, garden designer, and organic land care professional skills to work to create lush gardens, even in areas not protected from deer. Learning how to garden with deer is an ongoing, but not insurmountable, challenge.

The keys? Know your foe, choose the right plant for the right place and barring the ability to install perimeter fencing to keep deer at bay, accept some limitations.

We live in one of the most deer-dense regions of Connecticut. Each deer consumes seven pounds of plant material daily, and can leap eight feet from a standing position and higher with a running start. A deer's home range is less than one square mile and, to famished deer, all plant material is fodder. (Watch the Nature episode, *The Private Life of Deer*, at PBS, [www.pbs.org](http://www.pbs.org), a fascinating look at how deer live.)

Though starving deer will eat any plant material, during most of the year they tend to avoid fuzzy- and silver-leaved plants, ornamental grasses, native ferns, most herbs, ornamental and edible alliums, daffodils, boxwood, bayberry, and some conifers. Unfortunately, there is no definitive list of non-favored plantings. Like humans, deer have differing tastes – what my deer don't touch your deer might. To determine what is relatively safe to plant in your yard, observe what works in nearby gardens and ask trustworthy local landscape and nursery professionals for advice.

Some plants are simply deer candy. If you must grow hosta, tulips, roses, arborvitae, and most vegetables and fruits, fence them. Constructing a physical barrier is the



**White-tail deer eating ornamental juniper a few weeks ago in a garden on Joshuatown Road in the Hadlyme area of Lyme.**

only tried and true way to keep deer from prized plantings. Any large area deer can leap into requires 10-foot tall fencing. Five-foot tall fencing works for smaller areas if deer see no clear inside-the-fence landing zone from the outside. To prevent browsing during winter months, install temporary netting or wire fencing. Attach 5-foot fencing to sturdy stakes spaced two to three feet apart and placed about two feet from the outermost low-level branches.

Cage all newly purchased – presumably well fertilized – nursery-grown plants, shrubs and small trees. Deer seem attracted by the scent of heavily fertilized plants and often browse new additions to see if they want to return later for more. I cage nursery-grown shrubs for the first year to allow them time to lose their new-shrub smell, and encircle all small trees in a 5-foot welded-wire cage until the majority of their branch structure is out of deer reach.

Upon discovering deer-damaged plants homeowners often seek out commercially available or homemade deer deterrents. Such sprays, granules, or spikes, that must be reapplied after rain or when scents fade, leave odors or residues that deer find unpleasant. Other off-putting techniques that

may temporarily work include strategically placing visual and noise deterrents – reflective tape, life-sized coyote statues, wind chimes, windsocks, a transistor radio, or high-frequency sound devices – and having dogs and/or humans scent-mark (yes, with urine) plantings and garden areas.

In theory, cycling through various sensory deterrents keeps deer on edge, causing them to browse elsewhere. In practice, deer eventually become accustomed to each sensory deterrent, even those that carry a certain yuk factor.

Over nearly four decades of gardening, my passion for creating attractive landscapes continues to override the limitations of gardening with deer, but it's a balancing act that utilizes generally deer-resistant plants where deer are free to roam, temporary fencing of young trees for winter protection, as well as growing deer-candy shrubs, perennials and annuals in permanently fenced gardens.

*Joene Hendry is a garden writer, personal garden coach and garden designer. Find out more at her business website: [www.gardensandturf.com](http://www.gardensandturf.com) and her blog: [www.joenesgarden.com](http://www.joenesgarden.com)*

# Winners Of the 9th Annual Land Trust Photo Contest

The 9th Annual Land Trusts Photo Contest winners were announced at a March 6, 2015 reception highlighting the winning photos and displaying all 267 entered photos. Land trusts in Lyme, Old



**Youth Category: Second Place**  
**Grace Vanvliet, Old Saybrook**

Lyme, Salem, Essex and East Haddam jointly sponsored the annual amateur photo contest to celebrate the scenic countryside and wildlife and plants in these towns. The contest was generously supported by Lorensen Toyota, the Oakley/Wing Group at Smith Barney, Evan Griswold at Coldwell Banker, Ballek's Garden Center, Essex Savings Bank, Murtha Cullina LLP, ChelseaGroton Bank, and Alison Mitchell. Big Y and Fromage supported the reception.

The contest judges were William Burt, a naturalist and wildlife photographer; Amy Kurtz Lansing, an accomplished art histori-

an and curator at the Florence Griswold Museum; and Skip Broom, a respected, award-winning local photographer.

Youth photographer Jesper Silberberg won the top prize, the **John G. Mitchell Environmental Conservation Award**, with his photograph of a rain soaked feather shot at the trailhead of the Goberis Chadwick Preserve in Old Lyme entitled "For Grandma."

**The other top award winners are:**

#### **Youth**

First Place: Rebecca Johnson, Colchester

Second Place: Grace Vanvliet, Old

Saybrook

Third Place: Courtney Briggs, Old Saybrook

#### **Cultural/Historic:**

First Place: Erin Reemsnyder, Hadlyme

Second Place: Cheryl Philopena, Salem



**Plants Category: Honorable Mention**  
**Erin Reemsnyder, Hadlyme**



**Plants Category: Second Place**  
**Hank Golet, Old Lyme**

Third Place: Lance Johnson, Colchester

#### **Landscapes/Waterscapes**

First Place: Pat Duncan, New Canaan

Second Place: Thomas Nemeth, Salem

Third Place: Erin Reemsnyder, Hadlyme

#### **Plants**

First Place: Nicholas Avados, Norwich

Second Place: Hank Golet, Old Lyme

Third Place: Tammy Marseli, Rocky Hill

#### **Wildlife**

First Place: Linda Waters, Salem

Second Place: Hank Golet, Old Lyme

Third Place (tie): Harcourt Davis, Old Lyme

Third place (tie): Bryant Heffernan, Lyme

A link to the winning photos and a more complete list of winners can be found on the Lyme Land Conservation Trusts website. The display of winning photos can be seen at the Lyme Library during the month of April.

## Lyme Land Trust Joins In Pilot Project To Explore Shared Services With Neighboring Land Trusts

The Lyme Land Conservation Trust has joined with 13 neighboring trusts in a new program, designed to strengthen land trusts and their capacity to save the region's natural heritage, agricultural lands, and quality of life. Funded by the USDA Natural Resources Conservation Service, it is intended to be a national pilot project and is being administered by the Connecticut Land Conservation Council, which chose trusts along and near the Connecticut River Estuary and nearby sections of southeastern Connecticut.

Each participating land trust will focus on one of three specific projects: community engagement, stewardship or shared services. Experienced consultants will assist in each of these projects. The community engagement project will develop a case statement for the entire region and help each trust to individualize that statement to employ in their outreach and fundraising plans. The stewardship project will help trusts document baseline conditions and prepare management plans for easements and properties they hold. The Lyme Land Trust has chosen to focus on the third project, which will explore how trusts can benefit by sharing services such as grant writing, communications, financial services and record-keeping.

Every town in the valley shore area is served by at least one land trust. Although this confers the advantages of intimate local knowledge and support, the cost of necessary functions is often fragmented. This project aims to reduce those costs to individual land trusts by fostering ways in which member trusts can all benefit by combining forces and sharing expenses for similar services.

# Land Trust Annual Meeting June 19 Will Feature Program On Rogers Lake Alewives

Even if you have no interest in fishing and care not a wit about the marine life that thrives under the surfaces of our rivers, lakes, streams, and oceans, you will surely be fascinated by the program planned for the Land Trust's annual meeting on Friday June 19.

A panel made up of Yale ecologist David Post, DEEP Fisheries expert Steve Gephard, and *New York Times* contributor Richard Conniff will discuss the reunion of landlocked freshwater and ocean-run



alewives in Rogers Lake after a fish ladder was installed in the Mill Brook that connects Rogers Lake to Long Island Sound.

The two groups of alewives, a type of river herring, have been sepa-

rated for almost 350 years by the dam built to form Rogers Lake in the late 17th century.

As part of the project to rebuild and strengthen the dam, a fish ladder was installed two years ago, providing the opportunity for ocean migrating alewives to reach the lake to spawn with their landlocked cousins, which are much smaller and have evolved a different spawning cycle.

Richard Conniff's article about the long-awaited reunion in the *New York Times* last year focused worldwide attention on the Rogers Lake alewives and generated great interest in the outcome of the return of ocean-run alewives to Rogers Lake. No alewives managed to swim up the fish ladder last year, and this year's migration is late because of the severe winter, so interest is running high.

The meeting will be at Lyme Public Hall in Hamburg and will start at 6 PM. After a short business meeting, the program on the Rogers Lake alewives will start. There will be light refreshments.

## Forest & Woodlot Owners Should Keep An Eye Out For Arrival Of Destructive Asian Emerald Ash Borer Beetle

Property owners in Lyme should be alert this year for the arrival of the very destructive Emerald Ash Borer (EAB) beetle, which has been slowly migrating east from the Midwest over the last decade, wiping out millions of ash trees in its path.

The EAB larva eats its way under the bark of ash trees, disrupting the trees' ability to transmit moisture and

nutrients to the upper branches and canopy leaves.

Last year Conn DEEP quarantined several western counties in the state, but this year the quarantine has been extended statewide.

For more information go to the Connecticut DEEP website at [www.ct.gov/deep](http://www.ct.gov/deep) and use the search function for key word EAB.



The adult EAB is approximately 1/3 of an inch long.

## Lyme Land Trust Thanks Its Volunteers With A Hot Breakfast & Warm Fellowship On a Chilly March Morning

The Lyme Land Trust celebrated and thanked its many volunteers on Saturday, March 28, by hosting a breakfast in their honor at Lyme Public Hall.

More than half of our many volunteers showed up for a breakfast of fresh fruit, quiche, rolls, orange juice and coffee breakfast organized by Land Trust Board Member Angie Falstrom, who had created displays showing pictures of the volunteers working on Lyme preserves, trails and cemeteries.

Both Board President John Pritchard & Vice President Don Gerber (who is chairman of the Stewardship Committee) thanked the volunteers for the hundred of hours of often back-breaking work they put in to maintain Lyme's open space.





# Lyme Land Conservation Trust, Inc.

PO Box 1002, Lyme, CT 06371

## Lyme Land Conservation Trust Calendar of Events

All events subject to change. Dates & times will be announced by press release & email, and will be posted on the Land Trust website and Facebook page. Consult the Upcoming Events page at [www.lymelandtrust.org/news/events/](http://www.lymelandtrust.org/news/events/) for the latest information. To reduce costs & paper, the Land Trust no longer mails postcard notification of all events. To receive email notifications, send an email to: [info@lymelandtrust.org](mailto:info@lymelandtrust.org) with a request to be added to the events email list.

### Spring Is For The Birds! It's The Busiest Time In The Forest

**When** - Wed., May 6, 6 PM

**What** - Join local expert Rob Braunfield to look for and learn about a variety of birds busy with their spring rituals. This early evening walk along easy trails and quiet meadows secluded in Lyme's forestlands will last for about an hour and a half.

**Where** - Meet at the entrance to the Pleasant Valley Preserve on Macintosh Road.



### National Trails Day

**When** - Sat., June 6, 10 AM to Noon

**What** - Join the LLCT and the Lyme Trail Assoc. to tour Lord Creek Farm, either on foot or on horseback (must bring your own horse). Light refreshments served. Preregistration required: [info@lymelandtrust.org](mailto:info@lymelandtrust.org).

**Where** - Lord Creek Farm, Rte. 156.

### Annual Meeting

**When** - Fri., June 19, 6 PM

**What** - Steve Gephard (DEEP) and David Post (Yale) will discuss the reunion of two types of alewives that have evolved separately in the ocean and in those trapped for more than two centuries in freshwater in Lyme's Rogers Lake. The panel will be moderated by Richard Conniff. (See story, page 7). Preceded by light refreshments.

**Where** - Lyme Public Hall, Rt. 156, Hamburg.