

# LYME LAND TRUST BULLETIN

November 1988

The Lyme Land Conservation Trust

Vol. II No.3

## PRESIDENT'S LETTER

### THE CASE FOR OPEN SPACE

Dear Neighbors,

Item: *John and Kelly Bill Hartman donate 300 acres to the Town of Lyme.*

Item: *State acquires development rights to Tiffany Farm.*

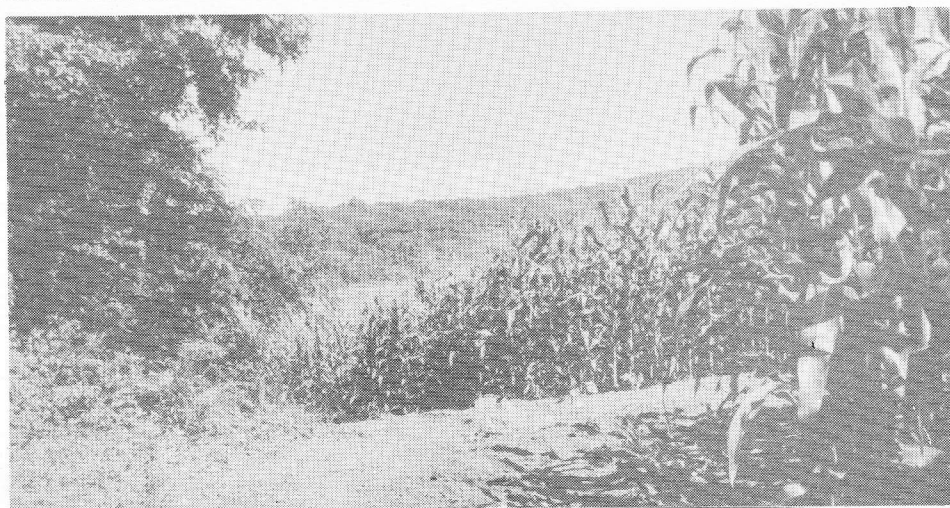
Item: *Nature Conservancy protects 100 acres on Selden Creek.*

Item: *William Beebe gives 61 acres to Land Trust.*

All of these items carry a common thread, the recognition of the need to preserve open space in our town. Lyme is land poor in a sense. The thing that establishes the essential character of the town is the land - open land - and yet that asset will, or in some cases must, be sold or developed by those who love it the most in order to be able to enjoy Lyme. How to preserve and enjoy the sense of space while at the same time recognizing the fact that the space that we enjoy is privately owned and represents someone's valuable asset is the challenge that faces our planners.

Open space can take many forms. School yards are open space, as are cemeteries. Open space need not be totally passive, witness the Tiffany Farm. Open space can have many uses, ranging from recreation as in the Hartman gift to pure conservation as in the Selden Creek preserve, and everything in between. Whatever form it takes and for whatever use, it will be part of an overall plan which is being addressed by the Planning and Zoning Commission. Theirs is the delicate and unenvi-

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Some of this farmland on Sterling City Road is preserved as such by a conservation easement granted by Sterling City Properties, Inc. to the Lyme Land Trust.

## NOW IT'S LYME'S TURN

by Les Corey

(*Les Corey is a resident of Lyme and the Executive Director of the Connecticut Chapter of The Nature Conservancy. We solicited his views as an informed and responsible citizen, concerned with the future of Lyme.*)

Close your eyes. Imagine your favorite field, woodland trail, scenic vista, wetland, fishing or canoeing spot. What would happen if it were developed tomorrow? It is protected? Would you like it to be enjoyed by Lyme's future residents?

Our quality of life in Lyme is dependent on healthy living landscapes. While our town has had a long history of human use, our ancestors walked lightly. They have left us a splendidly beautiful inheritance. Will we handle it wisely?

History has taught many Connecticut communities hard land use and environmental lessons. Lyme is lucky. For decades Lyme has been on the way to nowhere. Our distinctly rural character is not by design but by blessing. Lyme has been spared the

ravages of excessive development because we have enjoyed relative isolation from rampant land speculation and subdivision. We also enjoy the benefits of many Lyme landowners who have either nurtured a generational "land conservation ethic" or who have carefully guarded their personal privacy by keeping their larger land holdings intact. But times are changing.

Over the last few years, Lyme has seen more subdivision activity than ever in its history. For the moment, dozens of approved building lots await willing buyers. The frantic pace is slower and the bloom appears to be off the rose. But don't be lulled into complacency. The slowdown in our real estate market, while not a welcome fact for local realtors, is a real opportunity for Lyme residents to take the offensive in charting Lyme's future. The next wave of economic prosperity could result in irreparable impacts on Lyme unless we act now.

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## Now It's Lyme's Turn

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The secret to a successful Lyme lies in striking a balance between conservation and development. These two objectives must be viewed as complementary processes. When they are successfully executed, they serve to meet the needs of our citizens as well as maintaining our lives in harmony with nature. Preserving unique natural areas and critical wildlife habitat, maintaining Lyme's abundant wetland and water resources, protecting scenic and rural vistas, saving productive farmland, and providing active and passive recreational opportunities for our citizens, should be among Lyme's highest conservation priorities.

Simultaneously we must assess our human needs. Affordable housing, life care facilities, the need for commercial or municipal facilities are important considerations in planning Lyme's future. Both the "savers" and the "builders" in Lyme must find a way to clearly articulate their goals and strike out together on a course of action for Lyme's future.

Making these difficult choices will not be easy. Our American freedoms allow us to choose or reject local land use planning. The future character of Lyme will not be determined by Washington or Hartford lawmakers but by you and me. We have the power to chart Lyme's future. The adoption of a visionary and sensible master plan for Lyme must be backed with the proper tools for implementation including comprehensive land use regulations which address the need for a balance between open space conservation and land development. Most local zoning laws are clumsy tools which are no more than a blueprint for development.

In order to get a complete picture of Lyme's future, one need only project current zoning regulations out to a full build scenario. Even with the encouraging policy of open space set-asides recently enforced by Lyme's Planning and Zoning Commission, Lyme will need a more progressive, action oriented program of land conservation if we are to guarantee a Lyme truly in harmony with nature.

Our country's Constitution provides the foundation for all land use regulation by protecting land-

owners from restrictions which are so prohibitive as to represent a significant "taking" of property rights without appropriate compensation. Aside from the statutory restrictions placed on environmentally sensitive lands (i.e. wetlands, floodplains, or aquifers) and the regulation of subsurface disposal of household waste water, land is considered legally developable in accordance with state and local zoning standards, thereby giving it a market value well in excess of its "public" value.

The intrinsic natural resource benefits of undeveloped lands never show up on a ledger sheet. Our forests cushion and absorb rainfall, charging the aquifers from which we drink, storing and filtering runoff to keep the streams clear and their flow regulated. Forests and wetlands are worth millions of dollars in water supply, wildlife habitat, forest products, and flood insurance.

To a developer, land is worth tens of thousands of dollars per acre, more for acreage on existing roads or with water views. When raw land is developed, it yields that profit only once.

From then on, the economics of the land are changed completely. There may be income from a development, and higher taxes for our town. The money flow is greater, but the value no longer comes from the land, which only holds up the buildings and roads. The value now comes from constant input - construction and maintenance, energy, labor, schools, trash collection - all of which cost money and draw resources from land somewhere else.

To include and protect all types of land value, something has to be added to the equation, something that expresses the long-term public interest. Zoning is one option. But typically zoning is not enough. Zoning can't pick out particular pieces of land that urgently need protection. Zoning is subject to so many expectations, revisions and conflicts of interest that it requires constant vigilance to be effective.

Lyme has been blessed by several very far-sighted and generous families who have made or plan to make permanent gifts of land to the Lyme Land Trust, The Nature Conservancy or to the town. This type of gift can bring many personal and financial benefits to the donor while contributing to Lyme's

future well-being. Gifts will always be an important part of Lyme's program.

In order to advance a comprehensive strategy for land conservation, Lyme will need a plan to protect Lyme's critical natural resources. It should be formulated with a set of clearly articulated objectives which reflect the need to protect Lyme's natural resources and to guarantee appropriate and strategically located recreational properties. The plan should seek to identify and develop a set of long range strategies and action steps to acquire, either by public or private means, permanent legal interests in critical wetlands and water courses, public access to selected rivers, and water bodies, farmlands, uplands of scenic, recreational and environmental significance and historic lands.

Once the goals are agreed upon, an inventory and analysis of existing protected land should be undertaken, followed by a process to identify where new open space projects should be initiated. Once these permanent open space areas are identified, specific strategies for long-term protection and ownership would be developed. Private landowners, the Lyme Land Trust, The Nature Conservancy, Department of Environmental Protection, Board of Selectmen, Conservation Commission, Planning and Zoning Commission, Estuary Regional Planning Agency and the Connecticut River Gateway Commission all need to be working together in a coordinated and cooperative manner to see that such a plan is properly implemented, once approved by the Town. Preparation and implementation of such a plan will take real commitment, leadership, generosity and money. The Lyme Planning and Zoning Commission is taking a first step in that direction with the forthcoming distribution of its questionnaire, designed to elicit opinions from residents on matters of town planning.

Everyone in Lyme has a great deal at stake, but no one more so than future Lyme residents who will inherit our legacy of success or failure. Now it's our turn. We have inherited a shining legacy and have an ethical responsibility to manage our earthen inheritance with wisdom and altruism, for if we fumble and fail it is the one mistake for which future generations will be least likely to forgive us.



## Presidents Letter

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able task of balancing the need to preserve the character of Lyme against the natural desire of land-owners to capitalize on the appreciation of their principal asset.

We will soon be confronted with a questionnaire which will be distributed on a random basis to the citizens of Lyme. This questionnaire will address various subjects, among them the question of conservation of open space. Given the variety of forms which it can take and uses to which it can be put, we hope that you will give the topic of open space the careful attention it deserves and that you will continue to support the general concept of open space in the Town of Lyme.

Sincerely,

*Rufus Barringer*  
Rufus Barringer  
November 1988

## THE HARTMANS' GIFT TO LYME: A BOON TO US ALL

By this time everyone in Lyme must be aware of the magnificent gift to the Town from John and Kelly Bill Hartman of some 300 acres of prime land off Gungy Road in the northeast corner of town. The Hartmans also expect to contribute \$20,000 to start an endowment fund for the maintenance and improvement of the property. We are all immensely grateful to them and also pleased that our fellow citizens accepted the gift readily and unqualifiedly. Their gift will provide Lyme with a suitable area for the establishment of appropriate public recreational facilities, such as tennis courts, baseball diamonds and hiking trails. The Hartmans' gift to the Town, like Bill Beebe's gift of 61 acres to the Land Trust last year, is a wonderful example of the generosity of many Lyme residents.

### The Lyme Land Trust Bulletin

is published several times a year by the Lyme Land Conservation Trust, Inc. as a matter of interest to its membership and to the general public in Lyme. Its editorial board, to whom readers are invited to direct questions and suggestions, consists of Paul Harper, Virginia Bladen, John Friday and Parker Handy.



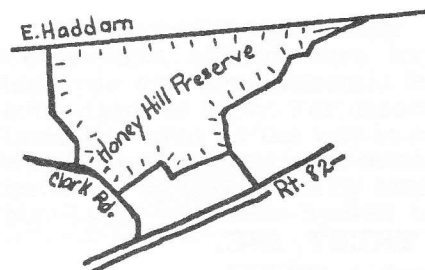
A young visitor to the Lyme Land Trust's Honey Hill Preserve examines a mushroom. He was one of many who came to the opening day of the new Self-Guiding Nature Trail there.

## YEAR-ROUND NATURE TRAIL OPENS

The opening of the new Self-Guiding Nature Trail on the Trust's Honey Hill Preserve was a great success. Members and friends of the Land Trust enjoyed the autumn day and the walk which, with stops along the way, takes about 45 minutes.

Walkers read about and saw preserve features such as wolf trees, glacial erratics, and pileated woodpecker excavations. In addition, the guide drew the walkers' attention to plants that turn rock into soil, a spider that looks like a bit of dry leaf, a plant used by the Indians for disposable diapers, and shrubs in which red-eyed vireos may build their nests.

Please note, moreover, that THIS TRAIL IS PERMANENTLY MARKED FOR USE AT THE WALKER'S CONVENIENCE. Guides may be picked up at the Lyme Public Library. Although the rocks indicating the numbered stations may be covered with leaves in autumn or snow in the winter, the tree blazes are visible. Each season will offer the walker a different view of this typical Connecticut woodland ecosystem.



Entrance to the trail is on Clark Road about 200 yards north of Route 82.

The trail was laid out, cleared and marked by Trustees Jack Bugbee, Bonnie Corey, John Friday, Joan Meyers and Ginger Bladen and by Land Trust members Alden Corey, Beverly Crowther, Eleanor Chapman, Anthony Irving and Abby and Holly Winslow.

The Guide was prepared by Bonnie Corey, Graham Raynolds and Ginger Bladen.

Honey Hill Preserve was created by two gifts of land to the Lyme Land Conservation Trust. The first is a tract of 28.74 acres donated by The Nature Conservancy. The second is a gift of 9.32 acres from Robert Klimek, Trustee.

The Land Trust hopes that you will enjoy this walk.

## NEW TRUSTEES ELECTED AT LAND TRUST ANNUAL MEETING

At the Annual Meeting of the Land Trust, held on June 8, 1988 at the Lyme Consolidated School, four new members were elected to its Board of Trustees. They are John C. Bugbee, Jr. of Blood Street, Bonnie Corey of Mt. Archer Road, Parker D. Handy of Joshua Lane and Hiram P. Maxim II of Blood Street. Three present trustees were elected to additional terms, and John E. Friday, Jr. was elected Vice President.

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*New Trustees Elected*  
(Continued from page 3)

Frank Hamilton, James Malone and Betsy Woodward retired from the Board.

The full membership of the Board is now as follows:

Rufus Barringer	President
Virginia Bladen	
John C. Bugbee, Jr.	
Bonnie Corey	
Gerald Dahlke	
Jane Davison	
Judith Duran	Treasurer
John E. Friday, Jr.	V. President
Joseph N. Greene	
Parker D. Handy	
Paul Harper	
Jonathan B. Isleib	
Hiram P. Maxim II	
Joan K. Meyers	Secretary
Graham N. Raynolds	

The Annual Meeting, which was well attended as usual, featured a report by Rob Braunfield on his successful efforts to re-populate the Lyme area with bluebirds and a fascinating slide presentation by the naturalist Clay Taylor on "Birds That Breed in Lyme."

### **TRUST TO RECEIVE EASEMENT ON LARGE TRACT OFF BEAVER BROOK RD.**

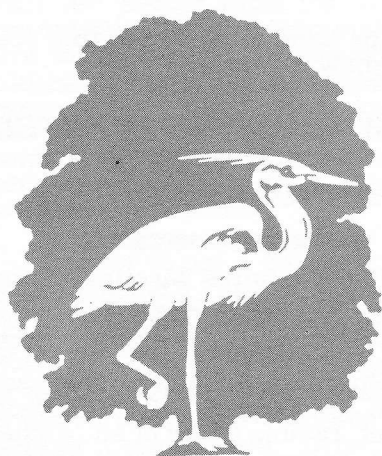
The Land Trust is pleased to be the prospective recipient of a conservation easement covering about 31 acres of a 68-acre subdivision located on the north side of Beaver Brook Road. The easement, which will include substantial parts of all five lots in the subdivision known as "Jasper Hills", is being given to the Land Trust by Martin H. Frimberger of Old Saybrook, who is the owner and developer of the property.

Through the efforts of Frederick B. Gahagan and David M. Royston, lawyers, respectively, for the Land Trust and Mr. Frimberger, a conservation agreement, which is the legal document governing the transaction, has been worked out which it is hoped will become a model for similar transactions in the future. It protects the land covered by the easement forever from man-made incursions that would adversely affect its natural state, such as the erection of structures,

excavation, wanton tree cutting, dumping and the use of motorized recreational vehicles. At the same time it allows the owners of the land to use it in a manner consistent with good conservation practice and also provides for limited access to the land by the public under specific auspices (essentially for educational purposes) of the Land Trust.

The design and use of a model set of conservation restrictions have become important as more and more land in Lyme is sold to developers and subdivided. The Planning and Zoning Commission can require that up to 15% of the total amount of land involved in any subdivision be reserved as "open space". Among a number of ways of accomplishing that reservation are conveying the designated land in fee to the Land Trust, which is not always practical, and granting a conservation easement on such land to the Land Trust. If the Land Trust is known to have a standard form of conservation agreement with reasonable terms, it becomes easier for both developers and planners to decide among alternative ways to meet the open space requirement.

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