

# LYME LAND TRUST BULLETIN

December 1990

The Lyme Land Conservation Trust

Vol. IV No. 1

## PRESIDENT'S LETTER

Dear Neighbors:

The lead article in this issue, written by Lyme's dedicated Conservation Committee chairman Fred Holth, deals with a problem which, to an increasing degree, faces the residents of Lyme today. The article also proposes a solution in which your Land Trust can and will continue to play an important role. A word of background is, perhaps, in order.

Traditionally the Land Trust has existed to hold "in trust" land and easements in land donated by generous, concerned individuals for the preservation of open space. Under the terms of its charter the Land Trust is authorized to "engage in and otherwise promote...the preservation of natural resources of the land...and the preservation of unique scenic and historic sites therein." The Trust is further required to use its property "exclusively for educational, scientific, charitable and conservationist purposes."

Referring to paragraph 6, subparagraph (d) of Fred Holth's article, the stated purposes were considered by your trustees to be essentially recreational in nature and thus inconsistent with the limitations of the Trust's charter. Subparagraph (e) is less clear, and so long as the reserve area is not designated for an inconsistent purpose it presents no problem to the Trust. In fact, many of the preserves received from developers in recent years fall into this category. It is only when the set-aside agreed upon with the Planning & Zoning Commission is totally in-

(continued on page 3)



"Morning at Tiffany's" by Paul Harper. This painting, like the one reproduced on Page 3, is part of a show of 30 oil paintings by former Land Trust trustee Paul Harper now being displayed, through January 31, 1991, in the Gallery of the Lyme Academy of Fine Arts at 84 Lyme Street in Old Lyme. Most of the pictures, done by Mr. Harper over the past several years, are of scenes in Lyme.

## LAND DEVELOPMENT AND LYME'S LAND-USE COMMISSIONS

### Proposed Town Ordinance Would Allow Conservation Commission To Acquire Set-Aside Land

*The following article was written especially for the Bulletin by Fredrick D. Holth, who is and has been since the early 1970s the Chairman of Lyme's Conservation and Inland Wetlands Commission. Mr. Holth and his family moved to Lyme in 1967 from New London, where his firm, Holth, Kollman, Fairlie & Strafacci, is in the practice of law. He was a member of the committee of the Connecticut Bar Association that drafted the Connecticut Inland Wetlands Act.*

Save for the efforts of groups such as the Lyme Land Conservation Trust, The Nature Conservancy, and the individuals who donate to those bodies, Lyme residents' chosen standard and quality of life as presently known might soon be lost.

The inevitable effects of residential and/or commercial development, given Lyme's contiguous open tracts in an intensively devel-

oped northeast corridor, include altered environmental, educational, taxation, transportation, and public safety needs. Lyme's Planning and Zoning Commission, Zoning Board of Appeals, and Conservation and Inland Wetlands and Watercourses Agency serve to isolate and address those effects.

Unlike the Lyme Land Trust, which receives open-space land and land rights mostly by gift for preservation, the Planning and Zoning and Wetlands Commissions are charged in the public trust with cooperatively maintaining property values and orderly development while preserving the quality of life and environment, all through regulatory activities or approvals. The Wetlands Act is unique in delegating the review of environmental activities to a local commission, hopefully more responsive to local needs than state agencies. Wetlands agency scrutiny balances the land needs of unborn generations against those of applicants (generally Lyme residents) to fairly profit from property sale and/or altered

(continued on page 2)

(continued from page 1)

usage that may permanently limit the land's ability to provide clean water, assimilate waste, provide wildlife habitat, etc.

The need for such review continues even in declining real estate markets. Recent market reversals in New London County, where real estate sales plummeted from over 2,000 in the third quarter of 1987 to under 1,000 in the third quarter of 1990, point to a special need for municipal monitoring of development to ensure that the community not bear the cost of unfinished subdivision improvements and roads or wetlands damage.

Facing the challenge posed by piecemeal division or alteration of resources and large scale development, the Lyme Planning and Zoning and Wetlands Commissions have responded over the last decade with (sometimes subtle) preservation devices to sustain a natural balance. What follows is a thumbnail sketch of some of those tools, most, after years of encouragement, now commonly offered by developers:

**1. Buffer zones (conservation zones)** of perhaps 50 to 100 feet in width bounding subdivision lots, married to similar "no disturbance" coordinate zones on abutting lots or properties, generating marginal wildlife access corridors and habitat, while insulating abutting lot owners.

**2. Vegetation cutting schedules** protecting subdivision lots from indiscriminate cutting other than areas around residences and/or septic systems. These aid coniferous and deciduous tree population in restoring appropriate oxygen and carbon dioxide levels (which have increased 11% since the nineteen fifties), and offer soil stabilization while minimizing habitat impact. A typically employed cutting schedule might include removal of not more than 25% of existing trees over 12 inches in diameter, 50% of those over 6 inches in diameter, 75% of those over 3 inches in diameter; brush cutting permitted beyond these limitations.

**3. Buffer zones along existing watercourses and wetlands areas.** Inland Wetlands and Watercourses Act regulations, except as to uses permitted as of right, apply in three general categories, providing protection of embraced resources:

i. Alteration of wetlands and watercourses - subject to Agency denial or approval by permit with no reasonable improvement possible in the proposed plan;

ii. Alteration within regulated areas (areas within 100 feet of wetlands and watercourses, septic within 150 feet, or 200 feet of certain designated areas) - subject to Agency approval by permit if wetland and/or watercourse resources aren't jeopardized;

iii. Development outside of regulated areas, watercourses and wetland areas where the impacts may be felt on abutting wetlands or watercourses or other portions of the town's water system - permitted as above.

**4. Large lot development.** Such large lots are arguably more profitable to develop than a greater number of small lots with more extensive engineering expense, road improvement, and carrying charges and can be anticipated to continue to emerge in the community.

**5. Open space dedication of interior lot access corridors.** The Lyme Planning & Zoning Commission has accepted private driveways, as an alternative to the creation of public roadways, accessing larger tracts with a limited number of lots. Rather than new public road intersections with current roads, occasional driveways are often the only visible sign of subdivision creation. The "flag lots" so created typically extend joined 50 foot wide corridors, often several hundred feet long, to a public roadway. The corridor area, typically unused save for a communal driveway, is dedicated to open space.

The negative corollaries of wide use of private driveways are, however, that:

a. No new public roadways are created and motor vehicle use, including safety vehicles, of current roads increases;

b. Recreational and other increased usage of existing roads by prior and new residents necessarily interface with (the increased) motor vehicle traffic;

c. Generally informal recreational usage of an entire tract that may have been permitted by the prior landowner is lost as separation of subdivision tract ownership ensues.

d. No new public facilities for off-site pedestrian use are created.

Such competing usage eventually exceeds the capacity of the kind and limited number of town roads and main trunks, mandating substantial improvement including straightening, sidewalks and other amenities. Our current network, barely sufficient in extreme meteorological conditions, may accordingly require future revamping to preserve existing access times to remote areas by emergency vehicles and general public.

**6. Private access easements.** To encourage safety and recreation, to preserve the flavor and character of the town as it now exists and to avert expensive long term reworking of town roadways, the Conservation Commission has encouraged contiguous private access easements to be granted in development of larger tracts of land. Such easements, oriented by level of increasing access to open space parcels reserved by developers, fall within the following conceptual umbrella:

**a. Areas as to which no access should be provided** (same reserved solely for their conservation value) where endangered resources, habitat value, etc. are the paramount concern and which have and should fall properly within the control of the Lyme Land Trust;

**b. Areas as to which limited access should be provided for educational and/or scientific purposes;**

**c. Areas providing limited access for abutting property owners or licensees of the Land Trust, no motor vehicle traffic of any charac-**

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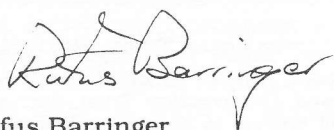
## PRESIDENT'S LETTER

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accessible to the public or its use is deemed inconsistent as above that the Land Trust has decided that it could not accept the responsibility.

As we stated at the town meeting earlier this year, we heartily endorse the proposed ordinance and, far from perceiving a conflict, believe that it will eliminate an area of potential misunderstanding and speed the process whereby such a greenbelt network could be created. I urge you to attend the town meeting on December 28, 1990, and to vote for adoption of the ordinance.

Merry Christmas !

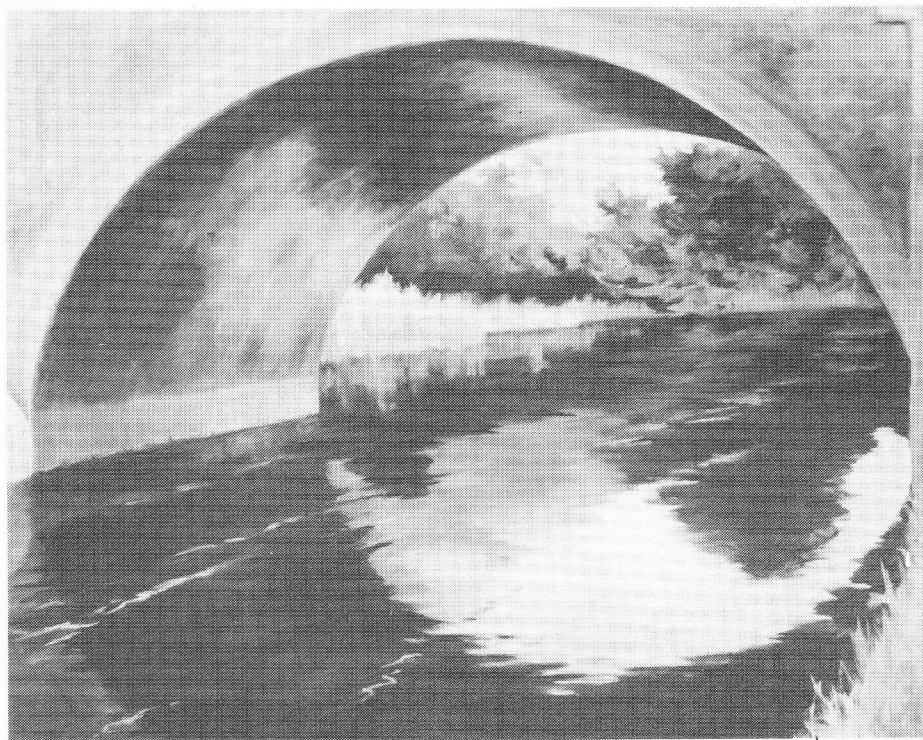


Rufus Barringer  
December 1990

## ANNUAL MEETING

The annual meeting of the Lyme Land Trust in June featured a presentation on woodland management in Connecticut given by Steve Broderick of the Connecticut Cooperative Extension Service. Broderick emphasized that informed and imaginative land management is paramount as Connecticut's forests face increased pressure from development and destructive land use.

Also during the meeting, the Land Trust elected four new trustees to serve over the next several years. They are listed below:  
Cynthia Davison of Lord Hill Lane  
Jean Lee of Grassy Hill Road  
Clare Sauer of Mitchell Hill Road  
David Tiffany of Sterling Hill Road.

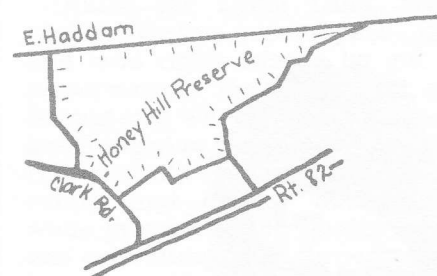


*"Joshuatown Bridge" by Paul Harper*

## HONEY HILL PRESERVE UPDATE

The Nature Trail on the Honey Hill Preserve which is off Clark Road just north of Route 82, has been refurbished for the enjoyment of Land Trust members and Lyme residents. New station signs have been placed at about eye-level for easy visibility by a recently formed Stewardship Committee.

Those who are familiar with the Trail will be interested to know, and not surprised, that the small streams that trickled through the property are raging mini-torrents this early winter. They will be sorry to hear that the immense, lone hemlock appears to be succumbing to the woolly adelgid. Also, the huge tree at station 10 has been downed by powerful wind storms as well as by decay and the work of insects. Like all of nature, this patch of woodland is constantly changing.



To enjoy a brief winter walk, park on Clark Road and follow the blue blazes from the ENTRANCE sign about 20 yards south of the parking area. Trail Guides are available at the Lyme Library.

Members of the Stewardship Committee for the Preserve are Wendy and Ted Vidou, Bonnie Corey, Eleanor Chapman, Sherri Block and Ginger Bladen.

*continued from page 2*

ter being permitted.

**d. General access pedestrian paths** or greenbelts, no motorized traffic (snowmobiles, off road motorcycles, or other devices) being permitted. Within this category would fit, as examples, walking or hiking trails, cross-country skiing;

**e. Reserve areas to balance subdivision impact**. As mandated by the Planning & Zoning Commission a reserve area of up to 15% of a subdivision may be in order where the subdivision impact creates additional need for public use.

Who should receive covenants, easements, or fee interests in categories (d) and (e) above? It has been the policy of the Lyme Land Trust, and perhaps appropriately so, that it not be charged with responsibility for a public or quasi-public access except to tracts where the Trust holds an interest. Unfortunately, a town meeting is

presently requisite for the town to accept any land right, by way of easement, covenant, or outright grant of fee, and subdivision timing rarely accommodates such a process. Accordingly, the Planning & Zoning Commission for several years has opined that the Conservation Commission, as provided under the state statutes, should obtain town approval to receive covenants or grants of such rights as may be offered to the town. The proposal providing was brought before a town meeting earlier this year and is due to be considered at the next town meeting, which will be held on Friday, December 28, 1990.

The Commission would exercise such rights as it might so acquire only with the consent and advice of the Planning & Zoning Commission in the case of subdivisions, where applicants wished to provide such grants to offset the impact of wetland or watercourse alteration proposals, or to receive gifts.

Linking such access easements, mirroring other communities in Connecticut and throughout the

United States which have already Lyme Land Trust, but rather, would provide a convenient vehicle endorsed and supported such a greenbelt philosophy, would gradually create a town network of trails, pacing development accommodating new and present landowners. The coordinated plan would use gifts of easements extending through contiguous subdivision tracts and areas radiating around parcels already dedicated to public use.

The Conservation Commission in receiving such rights, would not conflict with the activities of the by which the town, in addition to the Land Trust, might receive such benefits for all its resident, present and future.

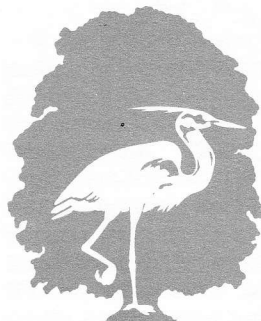
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#### *The Lyme Land Trust Bulletin*

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 John Friday and Cynthia Davison

## LYME LAND CONSERVATION TRUST, INC.

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