



LYME LAND TRUST BULLETIN

The Lyme Land Conservation Trust

October 1996

PRESIDENT'S LETTER

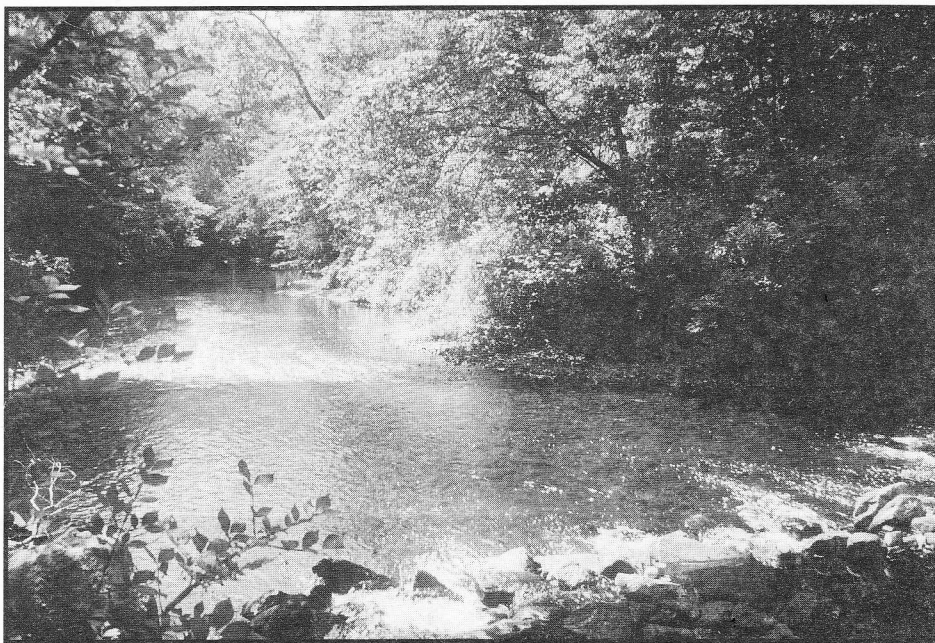
As a child growing up in Connecticut, I lived in a town that was relatively rural. In back of my house was an old pasture reverting to woodland and beyond that an older woodlot where my brother and I spent many hours. Today, the population has grown from 4,500 to nearly 17,000 and behind the house, development sits where I once used to. It was not a conscious effort on the part of the town to grow. It just happened. My parents who still live there, wish it hadn't.

What is different about Lyme is that we can look at what has taken place in other towns and make our own choices about the future. We still have time, but we don't know how much.

I was recently reading the survey results in the 1990 Town Plan of Development. To me the most telling questionnaire answer was about our rural character - "How important was low density population to your choice of Lyme for your home?" Ninety-six percent responded that it was either important or very important. In a related question 97 percent of those surveyed said that country atmosphere was either important or very important. It is apparent that we like being a country town and want to keep it that way.

What is it about the country that people like? There's the feeling of space, of being close to nature. To many it brings us nearer to our spiritual selves, that we are connected to and part of the land. There are few places like Lyme left in the East that still offer these rewards. If we believe these values are as important as the survey implies, how can we save the land for our futures and for those who come after us?

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The Eightmile River below the swimming hole dam: a small but precious gift. See page 5

WORKSHOP TO ADDRESS THOSE AWKWARD QUESTIONS

What did you always want to know about estate taxes and were afraid to ask? For the legal-shy, the Land Trust is offering a workshop, "Goats Pay No Taxes, but Your Kids Could", on Saturday, November 9, at 9:30 at the Lyme Public Hall in Hamburg.

Leslie Olsen, head of the Land Trust Bureau of The Nature Conservancy, will review the various ways that landowners may conserve their land while meeting the needs of their families. Conservation easements are but one of the many legal tools available to fulfill family needs, reduce tax penalties and preserve open space for the town of Lyme.

Attorney Frederick B. Gahagan will report on the latest wrinkles in the tax code as they might affect conservation plans, point out special features of Connecticut law, and respond

to legal questions which only lawyers may address. Fritz Gahagen needs little introduction to Lyme residents, having lived here all his life and been active on many town commissions. A member of the law firm of Waller, Smith and Palmer P.C., Mr. Gahagan has made a specialty of conservation law.

Two Lyme residents who have recently been through the legal processes will field questions about their experiences and the reasons they chose to conserve their land. Thomas Childs and his wife Susan donated an easement to a key property on the former Czikowsky farm. George Willauer, with Melvin Woody and Marilyn Schmitt, have preserved sixty acres off Beaverbrook Road.

Join us over coffee and ask your questions. There will be opportunity to talk one on one as well as general discussion.

ACCOLADES FOR LYME'S NATURAL RESOURCES

There was much good news, but some bad, as members of The Nature Conservancy team assessing the natural resources of the Eightmile River Valley reported to the Annual Meeting of the Lyme Land Conservation Trust in June.

The Conservancy has selected the river for special study as part of its designation of the tidal Connecticut River as one of 40 "Last Great Places". As Trust president Anthony Irving put it, "Before you plan, you need to know what's out there." This information will help the town as it ponders the future of open space.

What's out there is Hamburg Cove, which holds freshwater tidelands, including sandy flats and rare cobble flats at low tide; the river itself, which thanks to the abundant woodlands is an almost pristine waterway; and the brackish tidelands of Lord's cove.

Together, these support a great variety of plant life, as Dr. Juliana Barrett reported. Among rare plants are golden thread, at its northernmost limits, parker's pikewort and arrow leaf. Cardinal flowers, blue burbank, virginia stonecrop, false pimpernel and dodder, a parasitic vine, are also found in the watershed. Lousewort, once abundant in the area, is just holding its own as the landscape shifts from field to woodland.



Lords Cove

The bad news is the spread of loosestrife and phragmites and a new alien plant, Japanese stillgrass. These invasive species upset the natural ecosystem.

BRINGING SALMON UP RIVER

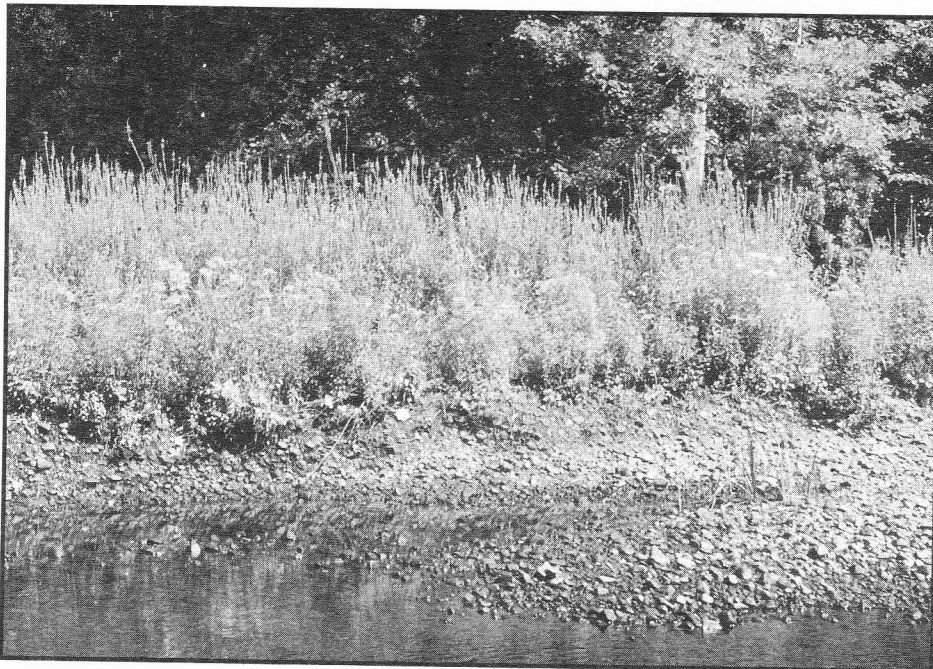
Stephen Gebhart of the DEP Division of Fisheries, described the variety of fish that once spawned in

the Eightmile River, and would again if the planned fish ladder over Rathbun's Dam on Mt. Archer Road can be funded. Already salmon and shad reach the dam, but are unable to go upstream to their natural spawning grounds. That the stream can sustain salmon has been proven by the release of fingerlings in the upper reaches of the river, indeed, to the point where they are the most common fish.

The fish ladder would enable not only shad and salmon to swim up river, but other less glamorous species. Alewife and blueback herring (buckies) - "the field mice of the ocean" - are important feed fish for such predators as striped bass, bluefish and ospreys. Although not handsome, lampreys are also ecologically important and the river could sustain a number of other species.

SAVING THE FOREST COVER

Lyme is 84 percent forested, one of the largest areas in the state, according to Steve Broderick, of the University of Connecticut Extension Service. So called "Oak-Hickory" forests predominate. The forest has preserved the purity of the water and contributed to the variety of wild life, but dangers loom ahead. The oak is



A cobble flat in the Eightmile River, and the pretty but invasive loosestrife.

A PROPOSAL FOR OPEN SPACE ZONING

By revamping zoning ordinances, towns can create open space without cost to the taxpayer, suggested Randall Arendt at a conference in June sponsored by the Lincoln Institute of Land Policy, a research organization in Cambridge, MA.

Towns now exempt wetlands, steep slopes and soils unsuitable for septic systems from development. Why not also set aside agricultural land, forests, scenic views, historic sites or other features which a town wishes to preserve, and require a large percentage of open space for conservation or recreation? Mr. Arendt recommends that at least half of a parcel be kept open.

The landowner and developer need not lose, because they can be recompensed by allowing smaller parcels but the same density as conventional zoning allows. Mr. Arendt pointed to the great marketability of golf course developments, even to people who do not play the game. A park-like setting has the same appeal. Properly designed, such open space developments in fact give homeowners better views and more recreational space than the conventional lot. Large setbacks are not needed if a house borders on open space.

A build-out analysis (i.e. if the town were fully developed under existing zoning) of a town can show a boring checkerboard pattern as the ultimate result, with frontage lots eating up rural roadsides. A town under conventional zoning does not control use of the land.

Mr. Arendt recommends a four step process:

1) The town sets its priorities and identifies open space worthy of preservation. Primary areas are those now usually set aside - wetlands, flood plains, steep slopes, poor soils. It then identifies secondary areas of environmental and cultural importance, which with a small amount of extra effort, can be protected from clearing, grading and development. These can be part of an overall open space network.

2) The developer identifies potential development areas around the designated open space, with houses backing up to woodlots, facing a view or otherwise taking advantage of the natural landscape. The number of houses would be the same as for conventional zoning. Alternatively, there could be incentives for open space zoning and penalties for cookie-cutter design.

3) Streets and trails are laid out using minimal space. Typical subdivision regulations often require unnecessarily wide roads.

4) The house lots are drawn as the last step.

POSSIBLE OBJECTIONS

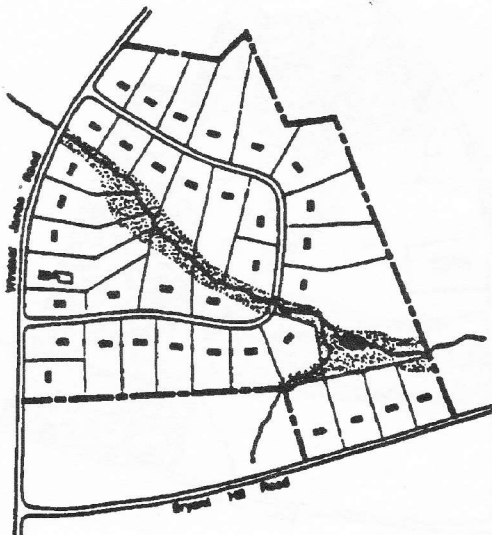
Aren't large lots necessary for septic systems? Only where soils are unsuitable. In such a case, the septic system can be located in adjacent open space since they are underground. (New systems can even be used in smaller lots, Mr. Arendt reports in his book *Rural by Design*, undermining one justification for large lot ordinances.)

WHO OWNS THE OPEN SPACE?

Typically a homeowners association, but a town or land trust could also become an owner. A small assessment is adequate to maintain simple recreation facilities such as trails and fields. Farm land can be rented to a farmer or riding stable.

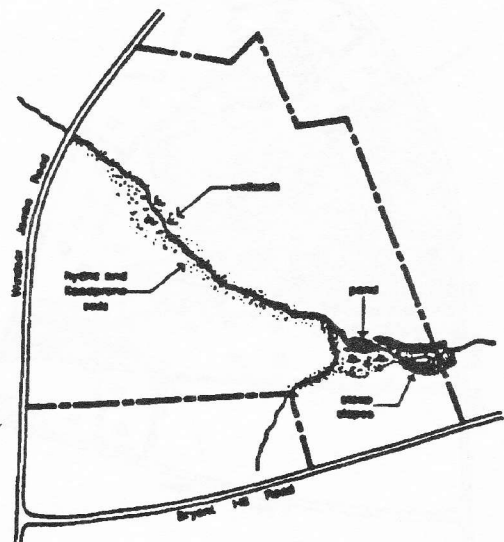
Isn't this cluster zoning which has been in poor repute? No, says Mr. Arendt, it is a form of performance zoning. Cluster development, as it has been

Figure 1. Yield Plan



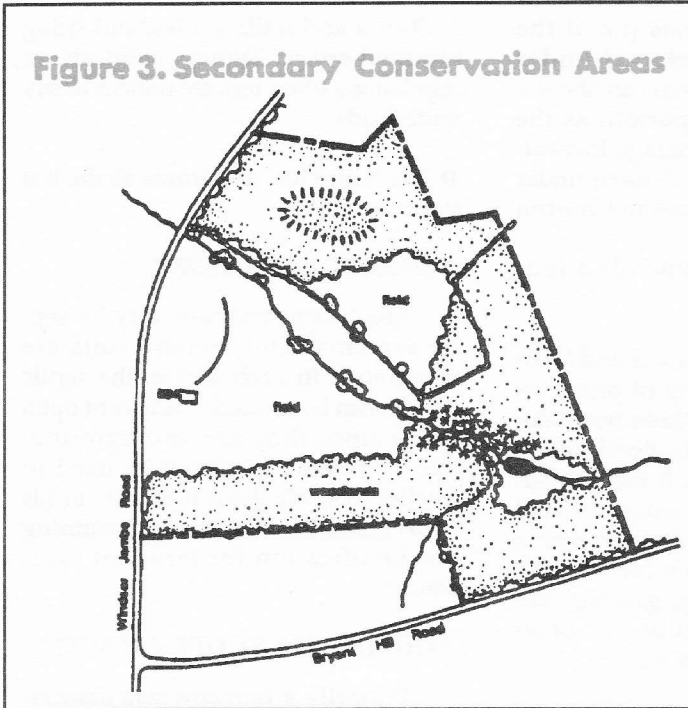
A case study from Randall Arendt, Showing the number of lots under conventional zoning.

Figure 2. Primary Conservation Areas



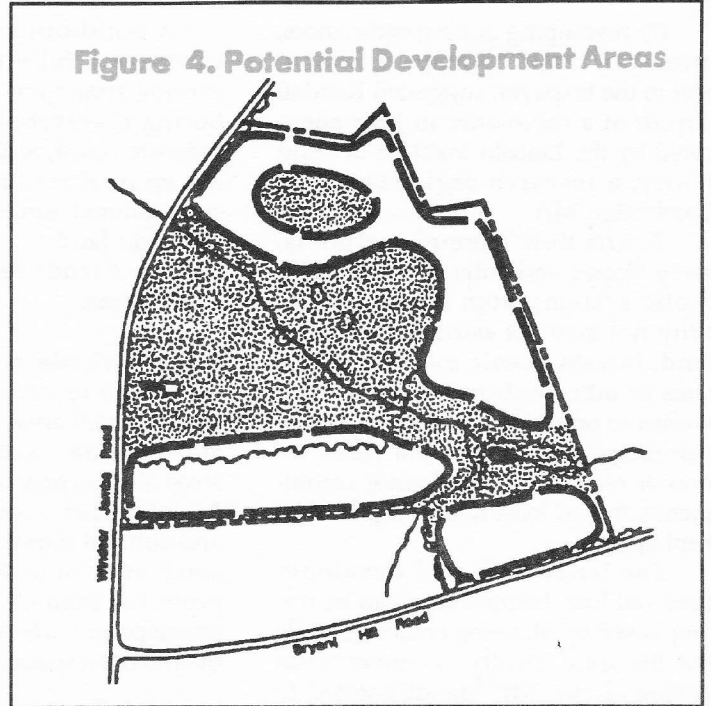
Primary conservation areas - those restricted under current zoning such as wetland, steep slopes and poor soils.

Figure 3. Secondary Conservation Areas



Secondary conservation areas, such as fields, views, special groves.

Figure 4. Potential Development Areas



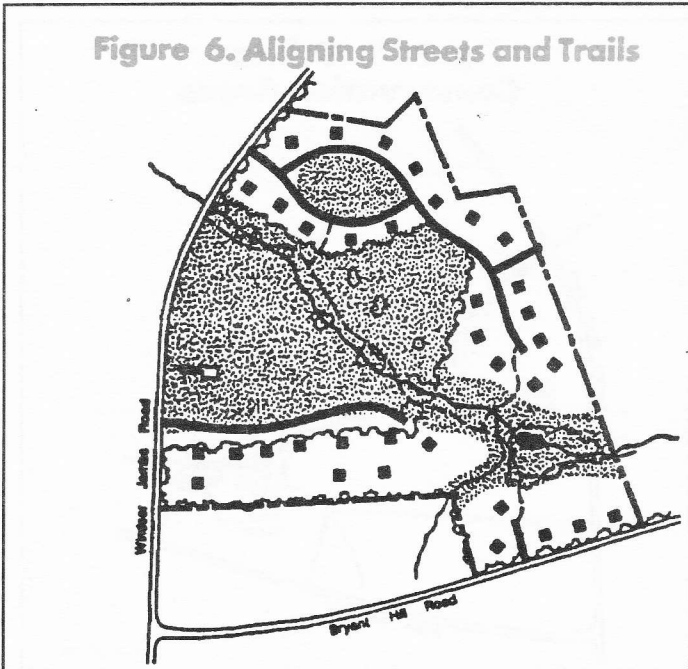
Potential development areas leaving the conservation areas.

practiced, has often created dense building to decrease costs, leaving aside only residual land, often wetlands or snippets of green. In open space development, otherwise buildable land is set aside for other purposes, and the houses are grouped around these areas.

Randall Arendt, formerly with the Center for Rural Massachusetts in Amherst, MA, is currently vice president for conservation planning at the Natural Lands Trust in Media, PA. His book, *Rural by Design*, elaborates these concepts in considerable detail.

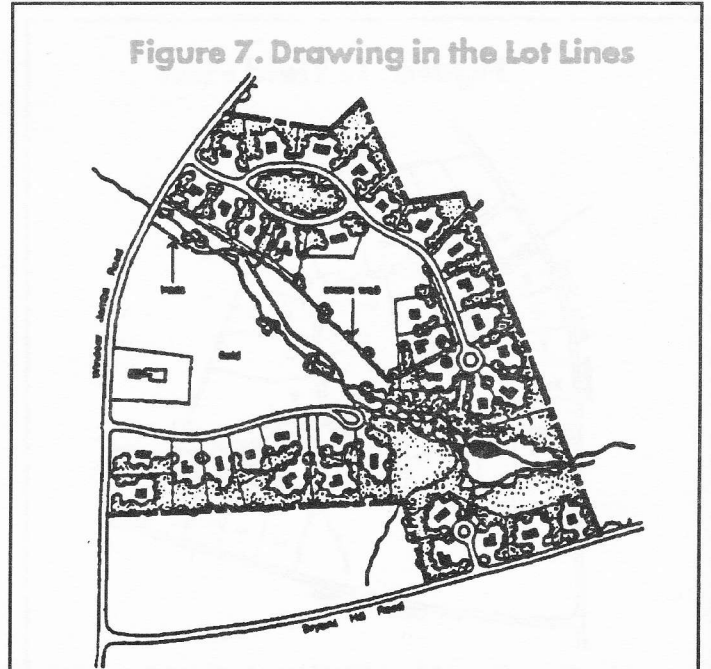
Anthony Irving and Joan Rich attended the conference on "Municipal Open Space Acquisition" on behalf of the Lyme Land Conservation Trust.

Figure 6. Aligning Streets and Trails



After house sites are located, streets and trails are drawn to use minimum space.

Figure 7. Drawing in the Lot Lines



The house lots are drawn last, but the number is the same as in Figure 1.

SMALL BUT BEAUTIFUL



David Tiffany

It's not a large piece, but it is very strategic. David Tiffany has donated to the Land Trust a conservation easement on about an acre of land between McIntosh Road and the Lyme Swimming Hole. The plot includes 320 feet on the west bank of the Eightmile River and 160 on the East Bank.

Mr. Tiffany recently bought the Parsonage from the Lyme Congregational Church, and the conservation area is the back portion of this lot. He has recently resold the house.

On his decision to make the gift, Mr. Tiffany wrote: "Over the years, through my involvement with various town commissions, I have become increasingly aware of the need to set aside open space in Lyme in order to preserve its rural character. I am a firm believer that we

should preserve open space at every opportunity and be on the lookout for situations that enable us to do so."

The Land Trust has long made conservation of the Eightmile River valley a priority. The acre is close to the Pleasant Valley Preserve, and has important ecological values. Land Trust president Anthony Irving characterized the plot as "Bottom Land", because of the nature of the vegetation, which includes black gum, red maple, witch hazel, iron wood (hornbeam), tulip tree, red oak and, uncommon for here, bass wood. An enormous Pin Oak must date to colonial times.

The small area showed evidence of beaver activity, and fish were seen jumping in the fast flowing river. A stand of cardinal flowers graced the banks.

PRESIDENT'S LETTER

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There are tools available today that were not around when my town was growing. Land was a commodity that was bought and sold, period. Today, some towns such as Lyme don't tax property for what it potentially would be worth as development land, but for what it is used. For many owners this is open space, and taxation rates for this category are much lower. This helps owners temporarily preserve open land, but federal taxation rates when this land passes from one generation to the next are not so kind. With a little planning, however, there are ways to pass the land on without these potentially huge tax burdens.

The Land Trust will offer a workshop Saturday morning, November 9, to present financially sound strategies for preserving family lands in open space. Conservation easements and other approaches will be discussed that can save quite a lot in taxes, but more importantly save the land. We'll have coffee and some very good people to explain what you need to know. There will also be Lyme landowners present who can talk to you about their experiences with their own properties. Please come. It is just a couple of hours and could make all the difference to the future of your land and the future of Lyme.

Anthony Irving, President

LYME RESOURCES

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increasingly important as a commercial timber, even being shipped abroad. With proper forest management, it can be an economically important and sustainable crop, but forest owners should obtain sound forestry advice, Broderick urged. Many of the costs for a consultant can be covered by grants.

The other danger to the forests is the fact that most acres are in private hands. With development pressures, segmentation of the land can lead to cutting and loss of habitat and forest resources.

BIRD VARIETY

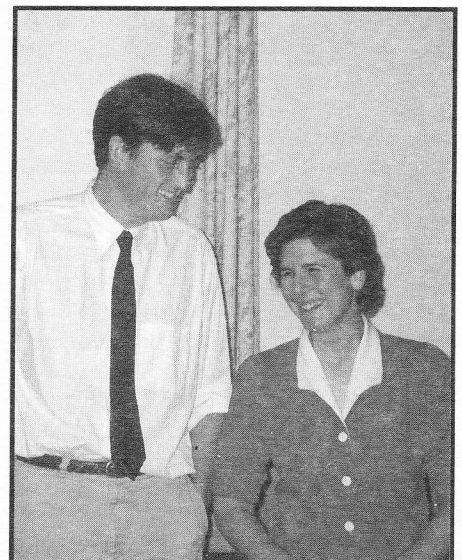
The variety of habitat has been home to many bird species, as Tom Maloney of the Connecticut River Watershed Council explained. The return of the osprey and bald eagle has been well reported, but the cleaning of the water has also lead to increases in cormorants and belted kingfishers. Black crown night herons, green herons and, in wooded swamps, great blue heron are found.

Lord's Cove offers potentially good habitat for unusual birds, including: the bittern, a marsh bird that has been threatened with loss of habitat; the virginia rail, which has

nested in the cove in the past; the sora, another rail; the northern harrier (marsh hawk); and marsh wren.

Water birds, including the dramatic mergansers, the wood duck, blue ring teal and the ring neck duck have been found in the these waters. Among the many land birds are the great horned owl, the tree and bank swallows and spotted sandpipers.

The bad news is the rapid multiplication of mute swans, which consume the subaquatic vegetation which is the food of other species.



Dr. Juliana Barrett and Tom Mahoney at the Annual Meeting.

MATCH YOUR LAND TRUST GIFT

Many companies have matching gift programs that will double or even triple a charitable gift as a way of encouraging employees, retirees and directors to support eligible organizations such as the Lyme Land Conservation Trust. To learn if a company has a matching gift program or to obtain the necessary forms, contact the Personnel Department.

Pfizer, Citicorp, Mobil and Times Mirror are among the companies that have made matched gifts to the Land Trust.

As proof of its tax status, the Land Trust received a Section 501(C)(3) tax exemption letter from the IRS in 1966. It is, of course, still valid today. Moreover, the full amount of a gift can be matched as the Land Trust provides no specific goods or services of substantial value to anyone in return for the gift.

Matching gifts provide donors with an excellent way to enhance the value of their tax deductible gifts.

JOIN NOW

If you are not already a member of the Lyme Land Conservation Trust, consider joining. Send tax deductible contributions to Box 1002, Lyme CT. 06371. Be sure to include name and address.

Senior \$5.00

Individual . . 10.00

Family 20.00

Subscribing . . \$25.00

Contributing . . 50.00

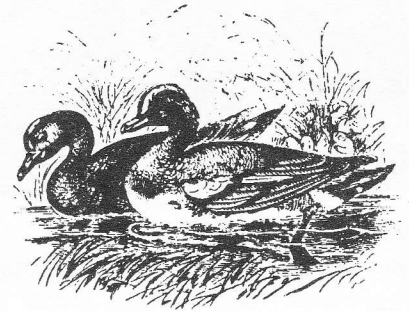
Sustaining . . .100.00

Contributions to the Stewardship/Acquisition Fund also welcome.

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. Readers are invited to direct questions and suggestions to Joan Rich, Editor, at 434-7091.

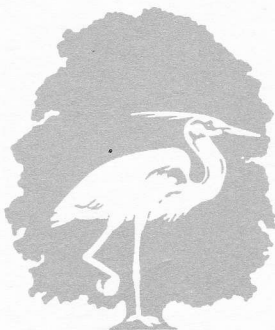
Now that fall is here, why not explore the Honey Hill Nature Trail, on Clark Road, off Route 82. Maps are available at the Lyme Library and Lyme Town Hall.



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