

# LYME LAND TRUST BULLETIN

The Lyme Land Conservation Trust

Fall 2002

## THREE TOWNS CELEBRATE THE RIVER

The land trusts of the towns of Lyme, Salem and East Haddam held an Eightmile Riverfest event at the Devil's Hopyard in June. This was to celebrate federal approval for a study of the Eightmile River to determine its eligibility for Wild and Scenic River designation.

Senator Christopher Dodd and Representative Rob Simmons, who saw the legislation through Congress, were guests of honor. An estimated 200 people of all ages from the three towns enjoyed a sparkling day on the banks of the river. They admired the photos school children submitted for a contest, tapped their feet to the music of the East Haddam Drum and Fife Corps, played "Backyard Bass," a fish casting game supplied by the Department of Environmental Protection's fisheries division, met a peregrine falcon owned by Winds Over Wings of Clinton, which rehabilitates injured birds, ate freshly smoked shad provided by the East Haddam Sportsmen's Club, and browsed among displays from supporting groups.

### The Study Committee

In the formal presentation, the members of a Study Committee were introduced. They will represent the interests of the three towns, the region and the state, guide the direction of the final report to be submitted to Congress, which must approve any final designation for the river. They will also reach out to the wider citizenship and seek other experts as needed.

The members of the committee are: for Lyme, Selectman Bill Koch, David Tiffany of the Planning and Zoning Committee, and Anthony Irving of the Land Trust; for Salem, Selectman Peter Sielman, Eric Belt of the Conservation Commission, and David Bingham of the Land Trust; for East Haddam, Selectwoman Sue Merrill, Jonathan Morris, Conservation Commission, and Maureen Vanderstad of the Land Trust.

Rounding out the committee are: Linda Krause, director of the Connecticut River Estuary Regional Planning Agency (CRERPA), Charles Feredette, Water Management director for the Department of Environmental Protection; and Nathan Frohling, director of the Tidelands Program of The Nature Conservancy (TNC) who will bring their experience to the deliberations.

The Study Committee is awaiting the National Park Service's appointment of a staff person who will oversee the work. In the meantime, the committee has been meeting to develop the topics to be included in the final report. At the late August meeting, members began to define what they considered the special qualities of the river and its watershed that should be protected.

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## PRESIDENT'S MESSAGE

June 9<sup>th</sup> was the official kickoff event for the Eightmile Wild & Scenic River Study. Over 200 people joined Representative Rob Simmons and Senator Chris Dodd at Devil's Hopyard State Park on a beautiful Sunday afternoon. In July, the study committee met for the first time at the Salem Town Hall. The committee will meet every fourth Monday at 5:30 in a revolving schedule between the town halls at Salem, East Haddam and Lyme. The public is welcome and encouraged to attend these meetings. Committee members include the three First Selectmen, the presidents of each land trust, a planning board member from each town and a representative each from the Connecticut Department of Environmental Protection and the National Park Service. Bill Koch, David Tiffany and myself represent Lyme.

You may ask why the three towns embarked on this designation process, one that will be time consuming, rigorous and will likely take three years to complete. It has to do with our collective

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*Eightmile Riverfest: June*

## CAROL HARDIN KIMBALL

After only one year on the board of the Land Trust before her death last spring, Carol Kimball had made a significant mark. Her long experience as a fundraiser with The Nature Conservancy, and earlier with the Brooklyn Botanical Garden and other organizations, was extremely valuable in the Land Trust efforts last year to purchase the Plimpton Property. She was working with the Finance Committee on more long range fundraising initiatives as well.

Carol had already contributed several articles to this newsletter and we were looking forward to more, as she had proved her writing skills with contributions to *The Tidelands of the Connecticut River: A Guide to its Hidden Coves and Tributaries*. Her passionate and enthusiastic love of nature and her attachment to Lyme were among the sources of her creative spirit. We shall miss her.

As a final indication of these attachments, the Land Trust recently learned that Carol's estate had left a bequest of \$1,000 to the Trust. We are indeed grateful, and will hope to live up to her exacting standards. The Board sends its condolences to her brother, children and grandchildren.

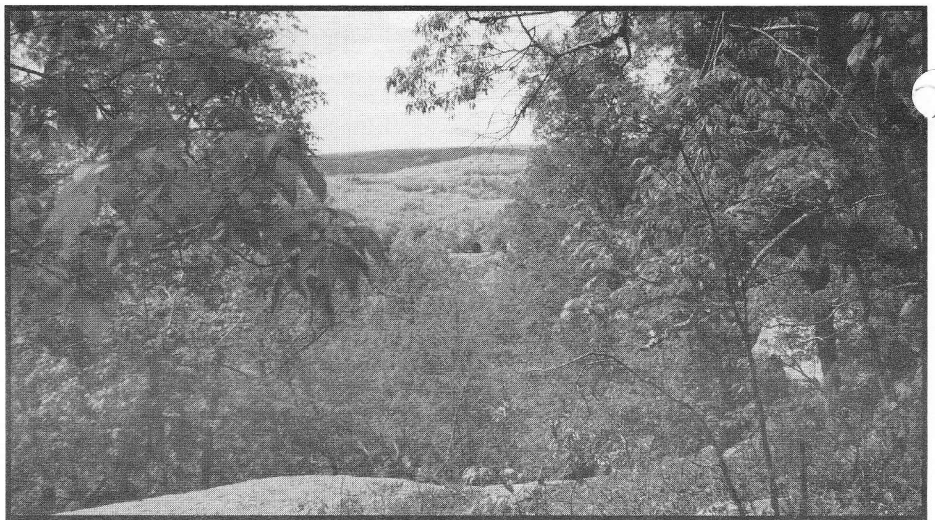
### PRESIDENT'S MESSAGE *continued from page 1*

vision for the Eightmile River system. In 1997 the selectmen of the three towns signed the Eightmile River Watershed Conservation Compact which stated in part that:

- The Eightmile River and its tributaries are considered treasures by the people who live there.
- The upland area of the Eightmile River Watershed, which drains to these rivers and streams, is vital to the protection of these waterways and is a wildlife habitat of high importance in its own right.
- The ecological health of the Watershed is inextricably linked to the economic and social activities of these communities.
- Land use in our towns is the key determinant of the health of the Watershed's natural resources.
- A healthy watershed ecosystem is consistent with our town goals of promoting a healthy community, preserving rural character, and nurturing suitable economic growth.

If these defining features are put at risk due to uncontrolled development, how can we protect the river and its watershed? We felt that designation of the Eightmile as a federally recognized Wild and Scenic River would give us the best chance for long-term protection. It would provide us with the resources and preservation tools necessary to study and maintain the habitats, the water resources and the rural landscapes that make up the watershed. The knowledge gained here could then perhaps be transferred to shaping future growth management across our communities.

None of this, however, can succeed



*View from Plimpton Reserve*

## PLIMPTON TRAIL TOUR

Last spring, the Land Trust held a dedication ceremony for the recently purchased Elizabeth Plimpton Memorial Preserve on Sterling City Road. More than fifty people turned out on a perfect May day to thank Ken Plimpton and his daughter Carol Ely Plimpton for their role in the creation of the Preserve. By now, many people will have climbed up the somewhat steep trail to enjoy the striking view of the Falls River/Hamburg Cove valley and surrounding hills, and sauntered more easily down the east side to the re-

mains of the 18<sup>th</sup> century road which led north before bridges were built across the mouth of the Falls River.

There will be a guided nature tour of the trail on Saturday, October 26 at 10 a.m. Anthony Irving, ecologist, and Ralph Lewis, state geologist, will add some extra dimensions to the enjoyment of the trail. The entrance is on the north side of Sterling City Road, about a quarter mile from the Lyme Congregational Church. Parking will be at the Grange parking lot across from the church. Sunday the 27<sup>th</sup> will be the rain date.

## NEW BOARD MEMBERS

There have been an unusual number of vacancies on the Board. Last winter we anticipated only one. Then the seats of Carol Kimball and Ron Phillips became vacant. One seat was filled at the Annual Meeting. The President has appointed two interim members, to be formally approved next spring when there will be additional vacancies.

Anthony Sullivan was approved as a regular member. A recent resident of Mitchell Hill, Tony has had a long career as a CPA with PricewaterhouseCoopers L.L.P. and currently works on an assignment basis with Checkers International, Inc., a corporate security and investigation firm. His enjoyment of outdoor activities has made him a regular member of the

Stewardship activities.

Elizabeth Morgan was appointed as an interim member. A semi-retired graphics designer, she has been one the Trust's fish monitors, an assistant to Ginger Bladen in her bird banding, an active member of the Lyme Ambulance Association, and other local activities. She and her husband gave an easement on part of their property on Brush Hill Road, where they have lived for 12 years.

Judith Davies is also an interim appointee. A certified Master Gardener from the University of Connecticut Cooperative Extension Service, she is an active Lyme Garden Club member and has a secretarial and administrative background. She lives on Joshuatown Road.

### PRESIDENT'S MESSAGE *continued*

without local input and support. Coming up with a truly representative river management plan requires landowners to get involved. Hopes, fears, questions, and observations all need to be incorporated into the information mix if we are to accurately assess the issues and desires of the river communities. The final study plan must reflect these findings because designation of the Eightmile as a Wild and Scenic River will happen only if the citizens of each town vote in favor of it.

What it comes down to is that, once

again, if we are to shape and control the future of our community, we need to participate in the process. It is the obligation of the study committee to provide these opportunities. Over the next two years the land trust will be sponsoring information forums to both receive and disseminate information.

We hope everyone in Lyme will participate because whether we live near or far from the Eightmile River it is a central feature that defines our town.

*Anthony Irving*

## CAN A CONSERVATION EASEMENT SOLVE YOUR PROBLEM?

The Lyme Land Conservation Trust was formed in 1966 to serve the residents of Lyme. Its mission is "to enhance the quality of life through the conservation of the natural, scenic, water and historic landscape for the benefit of the residents."

Although not explicitly stated in its mission, the Land Trust also helps landowners to plan for the future of their family lands so that their children may continue to enjoy them and continue the family stewardship ethic. Many landowners have found the donation of a conservation easement to an eligible charitable organization is an attractive tax incentive, while protecting valuable and beloved natural resources. How does this work?

### What is a Conservation Easement?

Ownership of land is actually made up of a bundle of rights, such as the right to mine, to farm, to cut timber or to build. A conservation easement extinguishes the right to develop part or all of the land. All other uses are retained by the owner except those that are contrary to the conservation purpose. Activities such as recreation, agriculture or forestry are universally accepted uses if they are performed in an environmentally sound manner. A gravel operation would not be accepted by the Internal Revenue Service for inclusion in a conservation easement.

Easements are perpetual gifts that specifically apply to your land. If properly drafted, they cannot be undone.

A conservation easement may be sold or donated to a charitable organization, such as the Land Trust. (Only rarely has the Land Trust purchased easements.)

The easement, conveyed by a deed, is recorded at town hall and held by the charitable organization in perpetuity. The owner continues to own the land, control access to it, and may sell or pass it down to his children. The easement stays with the Land Trust.

### Is Public Access Required?

No. You may decide. Some landowners choose to give limited access, such as for a trail or education. Some owners do not allow any access.

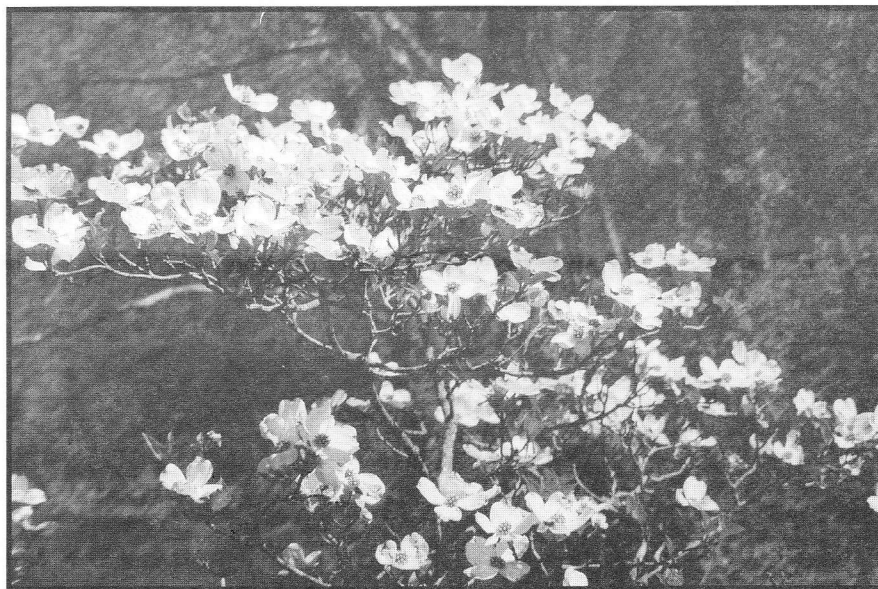
### Is Any Land Eligible?

To be acceptable to the IRS as a chari-

table donation, the gift must be for conservation purposes, such as protection of natural wildlife habitat, scenic open space, water resources or agriculture which are considered in the public interest. Most land in Lyme would be eligible.

### What is the Value of an Easement?

Value must be determined in each case by a licensed real estate appraiser. In general, it is the difference between the value of the land before the easement, and the value after donation of the development rights. For most practical purposes, this means the difference between the potential development value and the residual value, with no, or limited rights of development. Since much of the value of land in Lyme resides in development potential, an easement can reduce assessed value by as much as 80 percent. This can have important tax advantages.



*Wild dogwood*

### What are the Current Tax Rules?

Formerly a main tax implication of an easement was to reduce the value of an estate, which in turn reduced the amount due in federal estate taxes. The 2001 Tax Relief Act, signed by the President in June 2001, raised the level at which estate taxes take effect to \$1 million this year, and rises to a \$3.5 million exemption by 2008. This effectively removes most estates from federal estate tax. The tax is scheduled to be phased out by 2010, although this may be subject to change in the future by Congress and the President. Thus the distant future is not altogether clear, and the wise landowner might consider his options.

A total estate will include not only land value, but also all other property including a personal residence, investments and personal property. Only a lawyer versed in both easements and the fine points of tax law can

work out the best strategy to fulfill the needs of an owner. For example, a donation can be phased over time; some portions of a parcel may be reserved for development, for instance to provide for children, or even for sale, if it does not jeopardize the conservation values of the land.

### What about Charitable Donations?

While the estate tax incentive is gone for most people at present, landowners may overlook the federal income tax advantages of charitable donations. Under federal tax laws, a donor may deduct the charitable value of the easement from his income up to 30 percent of his gross income for each year for six years.

There is currently in the U. S. Senate bill S. 701, introduced by Sen. Max Baucus (D. MT), which would expand this incentive to allow a 50 % deduction of

the adjusted gross income, and allow carry-over for an unlimited number of years. This would benefit donors of moderate or small incomes who might wish to conserve large or valuable parcels. They would thus be able to obtain tax advantages comparable to the value of the land.

### What Does It Cost?

Donation of an easement does entail professional expenses for a lawyer, an appraiser, and sometimes a surveyor. The conservation values will also need to be documented. Typically, costs currently run between

\$5,000 and \$8,000, but these costs are also tax deductible, as an itemized expense connected with the determination of your tax liability, to the extent that the total of all itemized deductions exceed two percent of your adjusted gross income.

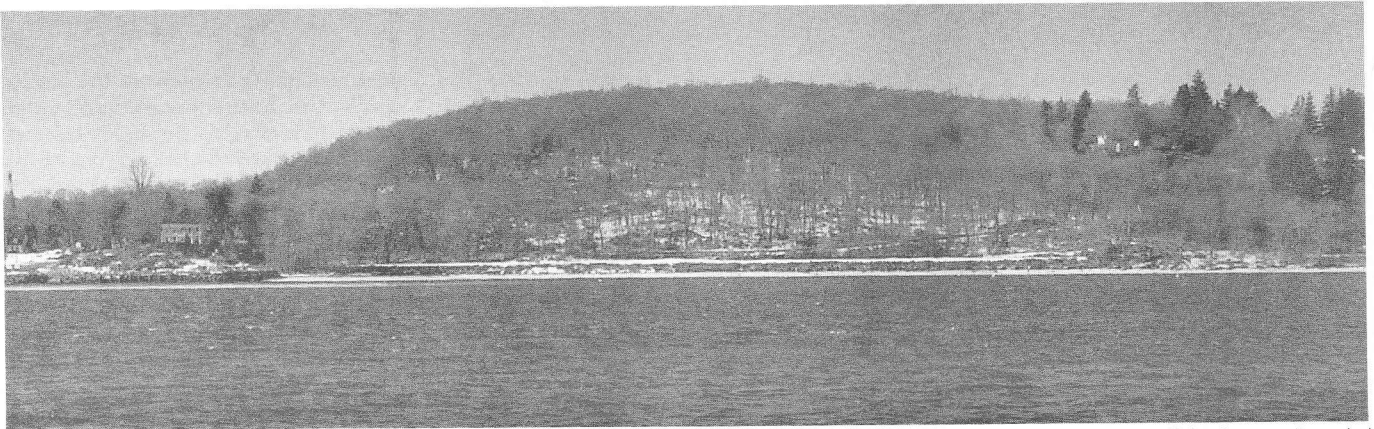
The Land Trust will consider helping landowners who are not able to absorb the cost.

### Are Easements Common?

Since 1981, the Lyme Land Conservation Trust has received 46 easements totaling more than 1500 acres. In 2001, Connecticut land trusts held easements on 19,100 acres and owned 45,000 acres.

### Let Us Help

The Lyme Land Conservation Trust would be glad to answer questions, or refer you to local professionals. Call Anthony Irving, president, at 434- 2390.



Connecticut River view today

Courtesy of the Gateway Commission

## WHAT IS THE CONNECTICUT RIVER GATEWAY COMMISSION? by Melvin Woody

The lower Connecticut River valley is the last important river estuary on the eastern seaboard of the United States that remains unspoiled. Due to the sandbar at its mouth, the estuary has escaped the development that has blighted the estuaries and shores of so many major rivers, with oil refineries, tank farms and refuse dumps.

But in the late 1960s, local residents and state and federal officials began to fear that indiscriminate recreation and residential development might destroy the very natural and aesthetic advantages that make the valley such an attractive place to live and visit. In response, the U.S. Senate authorized a scheme to protect the area by establishing a national park comparable to the Cape Cod National Seashore. But the Bureau of Outdoor Recreation produced a plan for such intensive recreation that local residents saw that it would destroy the very values everyone had hoped to preserve.

Lyme Land Trust founder Bill Moore devised a scheme to protect those values through local control. Moore and his colleague Peter Cashman, who succeeded him in the state Senate, persuaded fellow legislators that the Connecticut River Estuary is a unique and precious resource for the entire state. In 1973, the General Assembly authorized the creation of the Connecticut River Gateway Conservation Zone in order "to protect the natural, historic and aesthetic values of the lower Connecticut River."

The zone encompasses riverside portions of Chester, Deep River, East Haddam, Essex, Haddam, Lyme, Old Lyme, and Saybrook. All of these towns voted at town meetings to join in an effort to protect the Connecticut valley by guiding further development through common zoning, planning and development criteria and by purchasing scenic easements and development rights on visually important parts of the landscape.

The legislature established a Connecticut River Gateway Commission to oversee the conservation zone. Each town elects a delegate and an alternate to the commission,

which also includes one representative from the Department of Environmental Protection (D.E.P.) and one from each of the two regional planning agencies serving these towns. The Commission is charged with overseeing any changes in Town Plans of Development, zoning and subdivision regulations that might adversely effect the river scene. Although the Commission consists primarily of local residents because they are best able to oversee development, it acts on behalf of all the people of Connecticut and, indeed, all those who enjoy the beauty of the area.

### Acquisition of Scenic Easements

The legislature authorized the D.E.P. to purchase scenic easements and development rights on as much as 2,500 acres of land within the conservation zone. The members of the Gateway Commission and representatives of the state undertook the advance planning for the conservation zone, set priorities for acquisition of easements, assigning the highest priorities to the ridgelines most visible from the River. The legislature authorized \$5 million in bonds to purchase these easements, but only a fraction of that amount was ever actually bonded.

### Funding Problems

In 1982, the Gateway Commission was the beneficiary of a million dollar out-of-court settlement of a dispute about power lines crossing the river. Some \$300,000 of these funds were immediately committed to help The Nature Conservancy acquire a unique tract of 300 acres at Chapman's Pond, adjacent to Gillette Castle State Park.

Then the state cut off funding for the Gateway Commission, which has since had to draw upon the yield from the unspent principal of the court settlement to pay its expenses. Nevertheless, it has long since restored that principle to the original figure of \$1 million, and has used other earnings from that fund to leverage purchases and gift-purchases of land and scenic easements along the river. Generous outright gifts of land and easements have also contributed significantly to the program.

These combined efforts, many of them in collaboration with The Nature Conservancy or with local land trusts, have succeeded in protecting almost 1,400 acres of riverfront land. Most recently, the commission provided a \$70,000 matching grant toward the purchase of the Roger Tory Peterson property between the Hamburg Road and the head of the Lieutenant River.

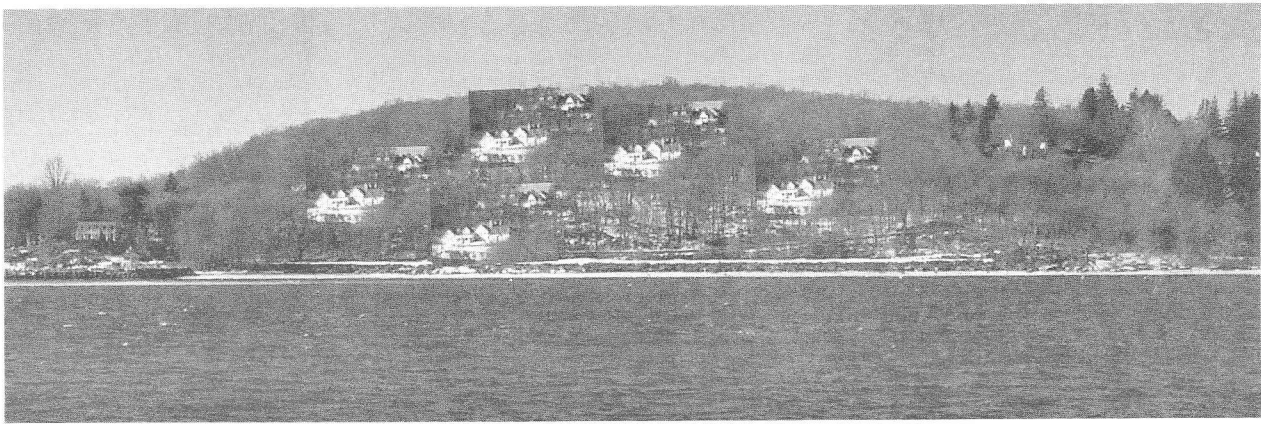
The Peterson tract was purchased outright and will eventually be accessible to the public, whereas the donors of scenic easements retain the exclusive right to walk, hunt and fish on their own land. They don't have to open their land to the public, except as a landscape to be seen from a distance. With an easement, the landowner gives up some or all of his right to develop his property. If he does not wish to divide his property in any case, the owner loses very little. Yet the guarantee that neither he nor any future owner may do so is still of value to the state and the public because the view from the river will remain intact.

### Regulatory Standards for the Zone

When the eight towns in the lower valley voted to join in the conservation pact, they agreed to accept a set of minimum standards that apply to the portion of each town that falls within the Conservation Zone. The committee that planned the Conservation Zone was charged with developing these standards. It surveyed existing regulations in the towns, and attempted to devise standards to guide future development that would be consistent with existing ordinances, and that would not be too burdensome for local planning and zoning officials to administer. Stated briefly, some of the most significant standards are:

- No structure may be erected within 50 feet of the Connecticut River or its tributary wetlands. Marine facilities and other accessory structures may be

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*The same river view showing potential development under current regulations*

Courtesy of the Gateway Commission

#### *GATEWAY COMMISSION continued from page 4*

excepted by special permit.

- A site plan is required for any subdivision or commercial, industrial or multi-family project. These plans must include erosion and sedimentation control, and a plan showing areas to be cleared of trees.
- A building height limit of 35 feet or two and a half stories, whichever is less, with allowance for certain exceptions such as spires and cupolas by special permit.
- Commercial cutting of timber to be allowed only by permit and in accordance with a set of regulations designed to protect scenic and ecological values.
- Removal of gravel, soil and other earth materials is permitted only in already existing commercial operations. This does not prohibit excavations for foundations and normal landscaping. Dumping and storage of refuse is prohibited.

#### **Limits and Protections**

Anyone who owns property within the Conservation Zone is both limited and protected by these standards. Limited, because they require owners to be careful in the management of their property to preserve the remarkable beauty of the valley. Protected,

because they know that their own view and the value of their property is assured, since their neighbors and people across the river are bound by the same standards.

Although the task of enforcing these regional standards falls primarily to the local commissions in each town, the Gateway Commission is charged with overseeing the entire zone. The local zoning ordinances and regulations affecting the conservation zone cannot be changed without the approval of the Gateway Commission. The Commission can overrule such changes if they conflict with the minimum standards or with the specific purposes of conservation and preservation set forth in the law that established the conservation zone.

The Commission can modify the standards for the Zone in the light of experience, but only after a duly announced public hearing. The Zoning Boards of Appeal of member towns must notify the Gateway Commission of any appeal affecting land in the Conservation Zone.

The enabling law also accords both the Gateway Commission and the Conservation Commission in each town the status of aggrieved parties in any Z.B.A. hearings on such cases and in any court appeal arising

from such appeals. Since its establishment in 1973, the Gateway Commission has exercised these powers judiciously and reasonably. The "presence" of the Gateway organization itself serves to promote a consciousness of the riverway as a very special public resource.

#### **Demand for New Standards**

The only change in the standards of nearly thirty years was a clarification of the standard affecting the height of structures that came in response to urging from Lyme and Old Saybrook. The proposal for a 140 foot dock across from Gillette Castle and the number of houses of a size quite out of scale with the "traditional scene" the Gateway Zone was intended to preserve, have alarmed the public and evoked a demand for new standards and a search for new ways of enforcing them. That demand has resulted in a series of forums during the past year, resulting in proposals for new standards from the Gateway Commission. An article in the next issue of this bulletin will discuss these proposals.

*Melvin Woody, a professor of Philosophy at Connecticut College, is a longstanding Lyme representative on the Gateway Commission.*

#### **HOW SHOULD YOUR GARDEN GROW?**

The "perfect lawn" has become a cultural icon that has created ecological havoc, asserted Jennifer Baer of the National Wildlife Federation, speaking to the Land Trust Winter Forum. Chemicals and fertilizers run off into the waterways, the wasteful use of scarce water, and air pollution from lawn mowers all have negative impacts. Lawns are a monoculture that contribute to the lack of diversity in flora and fauna. The Federation instead urges use of native plants, matched to the specific site, which use less water and fertilizer and so contribute to improved water quality.

To attract wildlife, a landowner should consider the needs of all creatures for food, water, nesting sites and cover from predators, noting the specific needs of each species. For example, birds may need nuts,

berries, seeds, insects, or nectar depending on species. Hummingbirds see bright colors, but don't smell, while butterflies can smell. Each is equipped to suck nectar from flowers of different forms. One needs also to attract bees and other insects to pollinate the various crops.

For water, a bird bath can attract if protected from predators and helped with heat in the winter, while puddles can provide minerals to butterflies, and the mud can be used for nests. Moving streams and still ponds of different depths provide habitat for diverse fish, birds and animals, each preferring a special niche.

Likewise a variety of vegetation can provide cover for wildlife to hide from predators. Trees, shrubs, brush piles, log piles, and stone walls of different heights

and densities can suit the choosy tastes of different species.

Some species will raise their young in nest boxes or birdhouses, others in dead trees, or the various piles also used for cover. Ms. Baer notes the startling fact that the purple martin is almost entirely dependent on martin houses and is seldom found in the wild.

The many handouts at the lecture proved popular and some of the favorites are: *Living Resources and Habitats of the Lower Connecticut River Bulletin # 37*, Connecticut College Arboretum; *Connecticut Native Tree and Shrub Availability List*, Ct. D. E. P.; *List of Deer Resistant Plants*, Salem Gardens; *National Wildlife Federation*, [www.nwf.org](http://www.nwf.org)

## SALEM AND LYME HISTORY

Local history buffs will find many gold nuggets in a book recently republished by the Salem Land Trust. *Chronicles of a Connecticut Farm 1769-1905* was first published privately in 1905. It was compiled by Mary E. Perkins "for Mr. and Mrs. Alfred Mitchell, the present proprietors of the Mumford and Woodbridge Homesteads." It is a documentary history of ownership of these lands in southern Salem and the people who lived there.

The tale begins in the 17<sup>th</sup> century as the settlers purchased land from the Indians, then faced disputes over the terms. There were also disputes over town boundaries, such as the one between Lyme and New London, which, according to one tale, was settled when each town selected two pugilists who slugged it out.

The early 1700s focuses on the land purchases of Colonel William Browne, formerly of Salem, MA. By 1740, one survey of

his estate found a tract of 4,000 acres, although other documents suggest lesser numbers. It extended from the Colchester, New London and East Haddam borders to parcels recorded in the Lyme records. Names of ponds, hills and other features have changed, and stone piles and marking trees are long gone. It is therefore hard to determine just where Colonel Browne's estate lay, but it appears to have stretched into present day Lyme which sometimes was referred to as "South Salem."

As the revolution came, Browne's heir remained loyal to the British king and fled to England in 1776. (He later became a governor of Bermuda.) In 1778, the selectmen of Lyme, including a Seth Ely, a Samuel Selden and a Daniel Lord, family names still familiar in town, petitioned the New London County Court to confiscate the land for the use of the state by dividing it into lots.

One eloquent document in this process

was the plea of the colonel's slaves to be set free, which ultimately they were. There are other small insights to the life of slaves in the 18<sup>th</sup> century.

While today we think of Lyme, Salem, New London, Colchester and others as fixed entities, which tend to revolve around their own administrative centers, in the 17<sup>th</sup> and 18<sup>th</sup> century, these boundaries were more fluid and were only gradually set. Salem, early called Paugwonk after a pond which is now Fairie Lake, was a small village of about five miles square, and part of the town of Colchester. The Salem parish was set off from Colchester and Lyme in 1725. A Lyme-Colchester boundary appears on early maps. It was not until 1819 that Salem became a separate town.

A reader does not have a sense of rural isolation, at least for these wealthier

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*Riverfest: Deep River Drum and Fife Corps*

### THREE TOWNS *continued from page 1*

Nathan Frohling drew on work done a few years ago during the federal designation process of portions of the Farmington River. He spoke of the importance of the Eightmile River as being: an intact riverine ecosystem throughout its geographic extent, which is unusual for a river in such a developed area as the lower Connecticut River basin; the excellent water quality; the virtually free-flowing descent (a qualification for Wild and Scenic status) with only two dams, both of which have fish ladders to link upper and lower sections.

In addition, he noted: the extensive freshwater wetlands, the tidal wetlands, and diversity of aquatic habitats, including cold, fastflowing sections, with slower sections, shallow and deep waters, all contributing to the diversity of flora and fauna. These include rare plants, rare and endangered freshwater mussels, a wide variety of fish and invertebrates such as mayflies, damselflies, dragonflies, beetles and snails, from a long

list of the living creatures of the valley.

David Bingham of the Salem Land Trust pointed out that the study needed to address the dramatic geologic history of the area, which provides the base conditions for the river and its habitat. Mr. Irving added that the connections between river and ridgelines of the hills provide further diversity, as a sequence of plants and trees have adapted to different soils, from the lower wet areas to the dryer uplands.

The 40,000 acre watershed is also special in the extent of the forestry cover - 85 percent. These woods are part of a larger network of forestry blocks. Together, these provide habitat for those birds which require forest interiors for nesting and larger mammals, such as bobcats and coyotes which require extensive territory.

The group also began to list other topics which might contribute to the special qualities of the Eightmile River. These would include the history and culture of

the area, the hard to define scenic qualities, current and potential recreational uses.

Linda Krause outlined some of the planning issues which should be addressed: the hydrology of the river - where the water comes from, where it goes, location of aquifers and what degree of flow is needed to sustain life; current and desirable land uses; current and projected demographics; the management systems of local, state and federal ordinances and a survey of agencies that affect the environment and development of the watershed.

When the new staff person is on board, the committee will arrange meetings with the many stakeholders and hold public information hearings. In the meantime, ideas, suggestions, questions may be addressed to Anthony Irving at 434-2390.

## CATHERINE FEHRER - A GIFT TO LYME

by Cynthia & George Willauer

Catherine Fehrer first came to Lyme with her parents and sister, Elizabeth, in 1918. During her youth, she and her family wintered in New York City, and later Catherine worked and lived in Boston. But to her, Lyme was always "home." In recent years we looked forward to her migration "home" in mid-May. She stayed in Lyme through Election Day, when she voted, shut up the house and was gone.

Central to Catherine's love of Lyme was a love of the land, which she inherited from her mother. Her family originally owned two of the houses at the corner of the Hamburg Road and Beaver Brook Road and hundreds of surrounding acres, most of which the Fehrer sisters gave to the Nature Conservancy, with Catherine the rather fierce force that carried the gifting process to fruition.

Our friend was a steady advocate of the preservation of the Pleasant Valley she loved from childhood. She especially enjoyed the pond her father created for her and her sister by damming a small stretch of the Eight Mile River, the gently rolling hill between her house and Beaver Brook where wild bergamot and butterfly bush flourished, the steep ledge across Beaver Brook Road, up which she and her sister had scrambled in childhood.

When we first met Catherine more than thirty years ago, she was disinclined to give her land to the town. She was quite reclusive, disenchanted with her sense of betrayal by those who built the library on land her family had given to the town for open space. Often she told us she was going to give her land "to the Indians," a disquieting threat to say the least. Happily for the town we teased her out of this objective, and she softened her attitude and became interested in town affairs and participated in them. Standing in line for the Firemen's Dinner she enjoyed greeting people, more and more of whom came to know her. Another pleasure was mingling with the crowd at the Fourth of July celebration, and one year joining the parade.

Changing as she did in the years that we knew her, Catherine taught us, too, that some things need not change. For example, she kept her house exactly as her father and mother had kept it. She had the remarkable gift of living simply and modestly. Entering her house one had the sensation of entering a time warp. Rather than paint a wall or improve the kitchen, she enjoyed them as they



*Catherine Fehrer*

were, to our delight. Instead of tearing down the privy she re-roofed it and told with mock horror of the snake skins she found inside. Avoiding busy work she spent much of her time reading, picking local berries and fruits in their various seasons, admiring the wild flowers in her field, or walking to visit Jennie Stark, a friend from her childhood. In our opinion, she spent her time wisely.

Catherine Fehrer's final gifts to the community speak for themselves. She worked very hard to protect for all of us the land which we know as the Pleasant Valley Preserve. All of her life she walked these acres with pleasure. In her eighties, steadied by her cane, she once lost her sense of direction and she was lost for hours. She delighted in what the Land Trust was doing to

open paths to the whole of the Preserve, and in the prospect of future generations enjoying it as she had.

Our friend's other passion grew from her identity as the daughter of one of Lyme's painters. She adored her father, Oscar Fehrer, and she felt as strongly about his legacy as she did about her mother's legacy of the land. When living in New York, and later in Boston, she regularly visited art galleries and museums. In her working life as a scholar and professor of French literature, she honed skills which in retirement she applied to restore the somewhat neglected reputation of the Académie Julian in Paris where her father had studied. To this end she published a number of articles in professional journals and served as a consultant for several exhibitions in Boston and New York. Then in her will she arranged to have her family's house and surrounding land given to the Florence Griswold Museum. In this way she tied together in an enduring way her love of the land and her father's place in the tradition it inspired.

One of Catherine's last acts was to clear brush on the soaring ledge opposite her house. Trash bucket in one hand, cane in the other, her folded scarf tightly knotted beneath her chin, she supervised the work of the men she hired for the job, then day after day cleaned up behind them. To us this seems her creation of a monument honoring her several passions.

Catherine's very generous gift of \$50,000 to the Land Trust symbolizes her enduring faith in all of us as serious and committed stewards of the land she and her family fell in love with almost one hundred years ago. Mindful of this we want to challenge the Florence Griswold Museum and the Land Trust to work collaboratively to develop Catherine's remarkable legacy in imaginative ways.

*George and Cynthia Willauer were neighbors and long-standing friends of Ms. Fehrer.*

### SALEM AND LYME *continued from page 6*

inhabitants. The Chronicler comments, about the 1750s, "though Salem was a remote village, the Mumfords did not lead a lonely life, for in those days a ride of twelve or fifteen miles was not a bar to social intercourse." One family from Salem attended the Third Church in Hamburg. We find marriages between Salem families and those from New London, Norwich, Newport and even Boston. Several young Salem ladies married governors of Connecticut and Rhode Island. Through these links, we learn of the Shaw, Mitchell and Woodbridge fami-

lies of New London, the Gardiners of the island, the Saltonstalls. Lyme families involved in the story include Griswolds (who sold land to Browne) Lees, Pecks, Lords, Marvins, Tiffanys and others (this was of course before the Lyme-Old Lyme split).

At the time the book was first published Alfred Mitchell, son of a minister from Norwich and an eighth generation heir of both Mitchells and Woodbridges, had inherited some of the former Browne estate. In 1871 he married Annie O. Tiffany of the New York jewelry store family, and with their joint fortunes they set forth to buy

back the lands of the original Browne estate, parts of which had been sold off as farming became less profitable.

The Alfred Mitchells lived in New London; their summer house there is now Mitchell College. Their eldest daughter married Hiram Bingham, Jr., the discoverer of Machu Picchu and U. S. Senator. Their descendants still enjoy the family lands.

The Salem Land Trust still has a few copies of the book. Address enquiries to Sandra Kozlowski, 887-1468.

## REMEMBER THE LAND TRUST IN YOUR WILL

In the normal course of a year, we depend on the generous annual, tax-deductible contributions from local residents to acquire land and then to manage it. Membership dues, memorial gifts, and donations for special land acquisitions are usually made through outright gifts of cash and/or appreciated securities. In recent years, however, people are also demonstrating their commitment to preserving our open space by making bequests through their Wills or Living Trusts.

A bequest is a gift of an item or items (usually money) to a specific beneficiary, and has many advantages. Simple to arrange, a bequest can be made when wills are made or revised, or a codicil can be added to an existing will. Furthermore, a bequest is revocable; you can change or eliminate the beneficiary if and when you wish. And because bequests to charitable organizations are wholly deductible from one's gross estate, they can offer significant federal estate tax savings. And making a gift through a will is possible for everyone, not just the wealthy.

A bequest can be for a specific dollar amount or for a percentage of your residual estate. Or a "contingent" bequest might be appropriate should the individual heirs you have named in your will predecease you. While a monetary bequest is the simplest way to benefit the Land Trust, other creative estate planning options can also be used depending on personal and family circumstances. These options could include naming the Lyme Land Conservation Trust as *the*, or *a*, beneficiary of a charitable remainder trust, retirement plan, or a no-longer-needed, paid-up life insurance policy. All of these vehicles are tax-favored. However, anyone considering a bequest, or other estate gift, should consult his/her legal and financial advisors.

Ultimately, charitable gifts through one's estate are not pri-



*Land Trust at the Fourth of July Parade*

*From left: Russell Shaffer, Joan Rich, George Willauer, Anthony Irving, Robert Barney, Prescott Littlefield with Peter and Michael*

marily driven by tax benefits, but reflect the donor's philosophy and priorities. Not too long ago, the LLCT received a bequest from the estate of long-time resident Chamberlain Ferty. His widow, Barbara, explained: "Chamb deeply loved Lyme's pristine wetlands and rock-filled woods. He hoped his bequest would inspire others to act similarly so that as much as possible of Lyme's remaining open space could be preserved."

What a lovely sentiment to leave behind!

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