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New Hartford Open Space Plan
April 28, 2002

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I. Introduction

The Town of New Hartford is experiencing escalating development pressures and resulting infrastructure costs, such as schools, roads, and public safety. As a result, it is increasingly important to preserve land in its natural state, or for agriculture or forestry. Permanent open space preservation will protect scenic vistas, help to maintain the rural character of the town, increase space for passive recreation, and help to protect the environment. It will enhance economic development by creating permanent quality-of-life amenities sought by many businesses.

In addition, the preservation of open space will save tax dollars. Because of the high cost of town services associated with new residential development, open space is less expensive for the taxpayer and the town. More houses increase the grand list, but the additional expenses generated by those houses typically far exceed the revenues they raise. By helping to control property taxes, permanent open space preservation will ease the tax burden on all property owners in New Hartford, especially owners of large tracts of land who might otherwise be forced to sell off portions of their property.

With 98% of its land zoned for residential use, New Hartford has significant potential for large-scale residential development. More than 300 new houses have been built in the past 10 years and the population has more than doubled since 1960. The tremendous growth of suburban sprawl in neighboring towns to the west, south and east of New Hartford is expanding and New Hartford will be the next town to feel its effects. Only 3,335 of the town's 24,362 acres are permanently protected ("committed") open space. The town should cooperate with other organizations to increase the area of committed open space to at least 7,300 acres, or 30% of the land in New Hartford. The time to act is now, while a window of opportunity still exists and while the State of Connecticut is providing financial incentives to preserve land.

This Open Space Plan sets forth criteria useful for prioritizing parcels, and it describes many tools for preserving open space land. The outright purchase of land is the most obvious mechanism, but it is also the most costly. A variety of alternatives can still preserve land even while the property remains privately owned. This plan emphasizes voluntary agreements between willing landowners and the town or private preservation groups. Interested landowners can realize substantial tax and other financial advantages by preserving their land.

For this plan to be successful, the town's elected officials, boards, commissions, committees, landowners, and the general public should be educated about the plan and supportive of its implementation. This plan describes sources of town and other funding to facilitate the preservation of open space. The town must apply for private and public grant money, including that made available by the state to meet its goal of preserving 21% of Connecticut land as open space by 2023. In addition, the town must forge a strong partnership with the New Hartford Land Trust, a private non-profit conservation organization, to ensure that there are adequate financial resources to protect open space land for the benefit of all townspeople in perpetuity.

II. Background and Charge of the Open Space Planning Committee

The New Hartford Board of Selectmen appointed the Open Space Planning Committee on September 5, 2000 for the purpose of making an inventory of open space land and writing an Open Space Plan for the Town of New Hartfordⁱ.

Committee members have included representatives from the New Hartford Land Trustⁱⁱ, the Board of Selectmen, the Board of Finance, the Inland Wetlands and Watercourse Commission, the Conservation Commission, the Economic Development Commission, the New Hartford Historical Society, the Recreation Commission, the Planning and Zoning Commission, a guest member from the Farmington River Watershed Association and several other interested residents.ⁱⁱⁱ

The Open Space Plan will serve as a useful guide for boards and commissions as well as the professional staff in the Town Hall Land Use Office, developers and the general public.

III. Definition of Open Space Land

Open space is land that remains in its natural state or is used for farming or forestry, or a body of water or watercourse that remains in its natural state. It is not developed for residential, commercial or government use. This land typically provides non-facility-based passive recreational, scientific, educational, cultural or aesthetic uses and amenities.^{iv} Less than 14% of New Hartford's current open space land is permanently protected.^v

The Farmington River Watershed Association completed a Natural Resources Inventory of New Hartford in May of 2000.^{vi} (See Addendum #1.) This study was developed to steer comprehensive land use planning efforts. A component of this study was an inventory of open space. (The latest version of the open space map is shown in Addendum #2.)

A. Committed Open Space Land

Committed open space is defined as private or public land that is currently undeveloped and is also permanently protected from development. These parcels include land trust preserves, State Forests, Department of Environmental Protection land,^{vii} subdivision open space set-asides, and Metropolitan District Commission Class 1 and 2 lands.^{viii} New Hartford has 3,335 acres of committed open space (13.7% of total land area) within its borders. (Please see Addendum #2 for a map of committed open space.)

B. Uncommitted Open Space Land

Uncommitted open space is private or public land that historically has been open but is not guaranteed to remain so. Uncommitted open spaces are significant because they are often perceived as permanently protected open space, even though they could actually be in danger of development. Therefore more complete protection of these parcels is essential.

Some of New Hartford’s important uncommitted parcels include Brodie Park, Metropolitan District Commission Class 3 land^{ix}, land owned by private non-profit recreation groups, the Boy Scouts of America, and Missionary Servants (Camp Trinita on Town Hill Road).

In addition, there are many privately owned large parcels of land in residential zones that could be subdivided for houses at some future date, at the discretion of the owners. The large number of new homes built in recent years demonstrates that this trend is already well under way.

C. Public Act 490 Lands

Although 13,261 acres are enrolled in Connecticut’s Public Act 490 program, which provides landowners a property tax incentive to keep land undeveloped for ten years, this tax relief program does not guarantee permanent protection from development. Some of these lands may be good candidates for permanent protection if they fit the criteria of this Plan.^x (Please see Addendum #5 for a more complete description.)

Summary of Open Space Land in New Hartford

Total acres of land in New Hartford:	24,362 ^{xi}
Acres of Committed Open Space:	3,335
DEP Land: Cedar Swamp Wildlife Area & Satan’s Kingdom	120
New Hartford Land Trust	175
MDC Class I & II lands	1,607
Nepaug State Forest	1,262
Heritage Land Preservation Trust	14
Open space land set aside according to subdivision regulations	157
Acres of Land Listed in P. A. 490 tax incentive program :	13,261 ^{xii}
P. A. 490 “Open Space” designation	5,812
P. A. 490 “Forest” designation	4,691
P. A. 490 “Farm” designation	2,758

IV: The Goals of Open Space Preservation

The top priority of open space protection is the maintenance and enhancement of the high quality of life that New Hartford residents enjoy. Our quality of life depends on a clean, safe environment, the protection of agriculture and forestry, the maintenance of a stable tax base, recreational opportunities and the quiet, scenic character of this rural town. Open space planning will help to prevent haphazard development. Permanent protection of land in its undeveloped state, complemented by well planned economic development, will promote all of these goals.

The five main goals described below are all high priorities. They are listed without regard to priority.

A. Goal #1: Preservation of the Quality of Life

1. Rural, Agricultural Character of the Town and Scenic Views

New Hartford, with its rolling hills, meadows, forests and rivers, still feels like country. It is an oasis of rural tranquility in an increasingly congested area of Connecticut. It is the gateway from the suburban density of the Farmington Valley to the unspoiled Litchfield Hills and Berkshire Mountains. The town still has working farms, many colonial homes and historic buildings dating back to the mid-18th century.

The town is at a crossroads, however, and must choose either to remain rural or to become part of the rapidly spreading suburban landscape. With a population density of just 166 people per square mile, compared to 330 in Canton, 640 in Simsbury, 600 in Avon, and 870 in Torrington,^{xiii} New Hartford is still uniquely rural with its own distinctive character.

Nevertheless, with Torrington on one flank and the Hartford suburbs on the other, New Hartford is feeling pressure for development. New Hartford's population has more than doubled since 1960, from 3001^{xiv} residents to 6088^{xv} residents. In 2000, there were 2351 households in New Hartford,^{xvi} an increase of 300^{xvii} in less than a decade.

2. Recreation

By preserving open space, townspeople of all ages can continue to take advantage of the vast passive recreational opportunities New Hartford has to offer, such as hiking, fishing, canoeing, biking, bird-watching, camping, swimming, cross-country skiing and horseback riding. Activities that require buildings or facilities, such as firing ranges, golf courses or skateboard parks, are not considered passive recreation, so they are not germane to open space preservation and are not eligible for financial assistance programs such as state or private open space preservation grants. New Hartford is blessed with pristine lakes and streams, as well as many miles of trails and woodlands. They should be kept clean and intact for the benefit of all townspeople.

Fishing on the Farmington River is a particularly noteworthy example of a recreational activity that enhances New Hartford's quality of life, as well as its economy. The Farmington River is used for fishing more than any other river in the state.^{xviii} The town issued 300 non-resident fishing licenses in 2001.^{xix}

The Tunxis Trail runs from the northern town line to the southern town line in an unbroken path through the eastern portion of New Hartford. It is part of the major trail system known as the Blue-Blazed Trails of Connecticut. Such a trail system would be extremely difficult, if not impossible, to reestablish today. New Hartford, therefore, possesses a trail of great importance not only to its own residents, but also to Connecticut as a whole. For most of its length through New Hartford, the trail exists because of the willingness and support of private property owners. The continued support of these private property owners should be encouraged. In addition, the town should encourage these property owners to consider voluntary land preservation mechanisms to ensure permanent protection.

Beyond the Tunxis Trail, the 1994 New Hartford Plan of Development (page 50) describes a proposed trail network throughout the town and recommends a variety of locations for potential trails on existing unimproved roads as well as future trail connections (see Addendum #2b). The trails run mainly through sections of town that are zoned for residential use. The town should encourage landowners along those routes to consider protecting their land permanently. The town should also make sure that land uses along these routes are consistent with the zoning regulations in each area, so that motor vehicle traffic remains light along the portions of trail that follow roads.

Active recreational amenities such as ball fields are also important to New Hartford's quality of life, but are separate from open space. The town should include plans for active recreation in its overall Plan of Development (due in 2004).

B. Goal #2: Protection of the Environment

Land use has a direct effect upon the water, soil and air, and thus the health of people and wildlife. Land in environmentally sensitive areas should be protected to the fullest extent possible.

1. Protection of Water Resources

With development of land comes an increase in water contamination, whether it is from sedimentation, fertilizers, pesticides, metals, detergents, gasoline, oils, bacteria or viruses. Source water protection, which focuses on preventing contamination before it happens, is a primary operating philosophy for water suppliers, and an important component of the Safe Drinking Water Act.^{xx} Such protection focuses on land uses and contaminant sources that harm water quality.

Development leads to an increase in surfaces impervious to water, such as pavement and rooftops. Impervious surfaces create sudden runoff containing contaminants that can damage

water quality.^{xxi} If impervious surfaces within a watershed exceed 10% of the total area of land, water quality can be degraded.^{xxii} Protecting open space ensures that a percentage of the total land area will remain permeable to water and beneficial to the maintenance of water quality.

For information on regulatory and non-regulatory approaches for protecting drinking water, see endnote.^{xxiii}

a. Nepaug Reservoir

Nearly two-thirds of New Hartford, or 15,590 acres, lies within the Nepaug Reservoir Watershed,^{xxiv} which contributes substantially to the drinking water of Greater Hartford and Collinsville, CT. New Hartford should promote its role in protecting the reservoir, especially when pursuing funding for long-term conservation of open space lands.

b. Underground Drinking Water Supplies

Open space land protects the groundwater below it. When land is developed, landowners use a wide array of chemicals which can leach into the ground water and break down into even more toxic substances than the original.^{xxv} Studies in the State of Connecticut which have tested residential wells have found pollution from as many as seven different pesticides.^{xxvi} The potential ground water resources that exist on private lands should be a priority consideration for open space protection.

In New Hartford, drinking water sources consist of two town-owned wells that serve New Hartford center and Pine Meadow, with private individual wells serving the rest of town. Many areas in town have potential sources of ground water.^{xxvii} While some of these areas are protected as open space, either on MDC or State of Connecticut lands, large areas of potential ground water are on unprotected private land.^{xxviii}

c. The Farmington River

The Farmington River is a valuable resource for the Town of New Hartford, and the preservation of its health and beauty should be important concerns in open space planning. Aesthetically, the river serves as a focal point in the landscape of the town. It is one of the premier trout fishing streams in New England, and is used extensively by boaters. In addition, the water meets all of the criteria that allow for safe swimming and fishing (Class B water).^{xxix}

Based on its outstanding fish, wildlife, historic and recreational resources, fourteen miles of the upper Farmington River^{xxx} were designated as “Wild and Scenic” by the United States Congress in 1994. In concert with the federal designation, New Hartford created the Farmington River Protection Overlay District to add a local level of protection to the banks of the river.^{xxxi} While the Overlay District provides a certain level of protection to this area,

efforts should be made to seek permanent protection for the remaining open lands along the river, most of which are privately owned.

d. West Hill Pond (West Hill Lake)

None of the land in West Hill Pond's 790-acre watershed^{xxxii} is permanently protected open space. The land around West Hill Pond is used for residences, Boy Scout camps and private beach clubs. In addition, the Town of New Hartford owns a recreation area known as Brodie Park on the eastern shore that includes water recreation facilities, day camp and athletic facilities, fields, woods and rustic buildings.

Growth around West Hill Pond should be carefully managed, especially if Camp Workcoeman, Camp Sequassen, West Hill Beach Club, or Brodie Park should be offered for sale. Higher density development could create water quality problems and damage the environmental, aesthetic, and recreational values of West Hill Pond and the Farmington River. These open space parcels are particularly important to preserve permanently.

2. Protection of Important Ecosystems and Wildlife Corridors

For the protection of wildlife, farmland preservation should be a top priority for the town, as should vegetated buffers along waterways. A variety of endangered or threatened species require the grasslands or shrubs of open fields and meadows,^{xxxiii} the most rapidly disappearing wildlife habitat in New Hartford. As farms are developed or left to go back to forest,^{xxxiv} the habitats of many species are shrinking.^{xxxv} In addition, a variety of rare species are found at or near significant water bodies and require a vegetated buffer for nesting, feeding or protection.^{xxxvi}

New Hartford's natural ecosystems, its farmlands and aquatic habitats, support many declining species.^{xxxvii} For example, there are over 100 species of breeding birds,^{xxxviii} some of which are endangered, as well as four species of reptiles and amphibians^{xxxix} that are rare mainly because of human encroachment on their habitats.^{xl}

Furthermore, any disruption of the movement of wildlife can be detrimental to both plants and animals, so it is very important to preserve their corridors. A wildlife movement corridor is a linear habitat whose primary wildlife function is to connect two significant habitat areas. When development fragments these ecosystems, they threaten the affected species. New Hartford should preserve land that connects existing protected areas, creating continuous stretches of open space rather than isolated patches.

C. Goal #3: Economic Development and Fiscal Conservatism

1. Open Space Stimulates Economic Development

Parks and undeveloped land are among the major factors in attracting businesses, because they enhance the quality of life and community character that support economic well-being. Studies indicate that:

Owners of small companies have ranked recreation, parks and open space as the highest priority in choosing a location for their new businesses.^{xli}

Corporate CEOs say that quality of life for employees is the third most important factor in locating a business.^{xlii}

In a poll of 2000 people nationwide, factors listed as crucial for quality of life were low crime with safe streets and access to greenery and open space.^{xliii}

Open space can boost the local economy by attracting tourists and supporting outdoor recreation. Nationwide, parks, protected rivers, scenic lands, wildlife habitats and recreational open space help support an annual \$502-billion tourism industry,^{xliv}

\$5 billion per year of which is in Connecticut.^{xlv} New Hartford can participate in that trend with its many recreational opportunities.

2. Open Space Saves Taxpayers Money

Open space is less expensive to the town than residential development because on average residential taxpayers receive much more in services than they provide in revenues. In fact, the town provides \$1.58 in services for every dollar it receives from residential taxpayers. By contrast, open space land requires only \$0.05 of services for every dollar in revenue.^{xlvi}

Services required by residential development include road maintenance and other infrastructure, emergency services,^{xlvii} town hall and recreational resources and, especially, schools. Although the state of Connecticut provides some reimbursement,^{xlviii} New Hartford taxpayers shoulder the majority of the cost of education. The average student in the public schools in grades K-12 costs \$9,240^{xlix} a year to educate, while the average residential tax bill is just \$3,363^l a year in taxes.

The preservation of open space land will help to keep down the mill rate so residents can continue to afford to live here, especially those with modest incomes. New Hartford is economically diverse, with a per capita income of \$31,344, compared to a state per capita income of \$37,700.^{li} Residents with modest incomes but large properties have the greatest trouble keeping up with property tax increases.

In many cases, landowners whose property taxes are rising the fastest are the people who can least afford the increases. For example, some owners of large parcels of land are sen-

ior citizens who bought their land decades ago and cannot support property tax increases indefinitely. Some may be forced to sell off portions of their land to continue living in town. This trend sets off a spiral of residential development and increasing property taxes for everyone.

Therefore, permanent open space conservation should be viewed not as an expense but as an investment that directly produces important economic benefits for the taxpayers. Undeveloped land can be the best tax break a town has.^{lii}

(Please see Addendum # 8 for a hypothetical example of open space savings.)

D. Goal #4: Protection of Land for Agriculture

Farmland is a hallmark of New Hartford's landscape. It is a heritage and is irreplaceable once it is lost. Farmland is not only beautiful but functional as well. The working farms in town provide an abundance of apples, pumpkins, wine, maple syrup, trees, plants, livestock and locally grown produce that very much enhance the uniqueness of life in New Hartford. Farmland also provides grasslands and brushy habitats essential for wildlife.^{liii}

Farmland is in rapid decline and is eliminated permanently when it is subdivided and developed. In New Hartford, approximately 1,937 acres of farmland from 17 parcels of land have been lost to development for residential housing in the past decade.^{liv} Any further disappearance of farmland is a permanent loss for the town. Landowners of these properties should be provided information and incentives to preserve them.

Farmland is particularly susceptible to development because of its topography and because it has less legal protection than other types of land, such as wetland. Over the past several decades, there has been a dramatic loss of farmland in all of Litchfield County, including New Hartford. For example, consider the following data:

Loss of Farmland in Litchfield County^{lv}

<u>Year</u>	<u>Number of Farms</u>	<u>Acres in Farms</u>
1969	764	132,407
1982	640	103,942
1997	689	90,538

This chart indicates that, for the 28-year period from 1969 to 1997, almost 42,000 acres of farmland were lost in the county, or an average of 1,500 acres per year.

E. Goal #5: Protection of Archaeological Sites

The most valuable archaeological sites are the significant soap stone quarries that are found in many parts of New Hartford. These have been identified and are on record in the office of the State Archaeologist. A concerted effort should be made to save them from damage. The use of a designated "Archaeological Preserve" or a conservation easement would be appropriate tools for protection of the quarries.

There are some identified burial sites and village sites within the boundaries of the town. Many of these sites are mapped by the State Archaeologist. An inventory of all sites needs to be conducted and compared with the sites identified by the State Archaeologist. A zoning regulation exists in New Hartford that requires an archaeological survey when development is planned in a sensitive area, i.e. along a watercourse or on certain slopes.

V. Specific Open Space Criteria and High-Priority Open Space Lands

In order to accomplish the open space goals described above, it is necessary to prioritize lands to preserve as open space, as follows:

1. Lands important for local agriculture: Examples include operating farms, orchards, tree farms, vineyards, meadows or open fields anywhere in town. (Please see Addendum # 10 for a map of New Hartford's prime agricultural soils.)
2. Lands important for the rural character of the town: Examples include farmland, undeveloped hillsides, ridgetops, and other scenic views from main roads such as Routes 44, 219, and 202 including Jones, Yellow, and Bee Mountains. The town should also give high priority to wooded and field parcels of 6 acres or more having frontage of at least 300 feet along Routes 219 and 202, or along any of the long town-owned roads such as Cotton Hill Road, Gillette Road, Cedar Lane, Stub Hollow/Maple Hollow Roads, Niles Road or Steele Road.
3. Lands important for water quality: Examples include underground water supplies, the Nepaug Reservoir, the Farmington River, West Hill Pond, or smaller bodies of water, wetlands and watercourses. Woodland provides the best possible protection for groundwater below it or streams flowing through it.^{lvi}

Underground water supplies have been identified along the Farmington River, sections of the Route 202 corridor, and under the area enclosed by Steele Road, Route 202, and Stedman Road/Old Steele Road. Also of special interest are the lands that are in the level B aquifer area as identified in the Natural Resource Inventory. This level B area represents land areas that affect the public water supply wells in Pine Meadow.^{lvii}

4. Lands important for wildlife or natural resources: Examples include habitat for native plant or animal species listed as threatened, endangered, or of special concern, a relatively undisturbed native ecological community, or an important wildlife corridor. Lands connecting existing open space should receive high priority. Environmentally sensitive lands worthy of preservation include farmland, difficult soils (for example, soils particularly susceptible to erosion), watercourses, hilltops, wetland areas, and steep slopes, especially those sloping directly down to wetlands or watercourses. In particular, continuous stretches of land should be protected along the Farmington (including both east and west branches) and Nepaug Rivers and their tributary streams to preserve riparian^{lviii} corridors and aquatic habitats.

5. Lands important for passive recreation: For example, land linking existing open space parcels to create the possibility of a long trail system, as described in the town's 1994 Plan of Development (see Addendum #2b). An ideal trail system would extend existing trail networks such as the Tunxis Trail to include unimproved town roads, utility corridors, former rail lines, existing trails along the Farmington and Nepaug Rivers and trails within state forests and other open space.^{lix} Areas for neighborhood parks, including the development of a linear park along the Farmington River,^{lx} should be an integral part of this network of connected open space land. (Plans for such a park behind Town Hall already exist, and they predate the writing of this Open Space Plan. The New Hartford Land Trust owns a portion of this land, and the Town of New Hartford now owns another portion.) The Town of New Hartford should place a conservation easement on the open space land at Brodie Park to protect it from development.

6. Land listed in the 1994 Plan of Development^{lxi} as "Existing Public Open Space," Existing Semi-Public Open Space," or "Proposed Preservation Areas:" These lands include Brodie Park, Boy Scout Camps, and land along the Nepaug and Farmington Rivers. Much of this land is not committed open space. (See Addendum #2b.)

7. Large tracts of undeveloped land in residential zones that have the potential to become subdivided for houses or otherwise significantly altered from their natural state: This category of land should overlay all of the above criteria. The larger the area, and the more intense the possible development, the higher the priority for preservation. In addition, high priority should be given to large properties that, for any number of reasons (for example, an enthusiastic landowner), may be easier to protect.

VI. Methods for Preserving Open Space

Towns have many tools with which to preserve open space. The outright purchase of land is the most obvious method, but it is also the most costly. There exist a variety of alternatives that are less costly, and in many cases better suit the needs of the landowner and the town. The methods described below also offer varying degrees of permanence; that is, some protect land in perpetuity, others only temporarily.

A. Landowners' Options: Voluntary methods of open space preservation

Landowners can enter into voluntary agreements with the town, the New Hartford Land Trust, or other preservation groups. These agreements are complex and varied, but include outright purchases of land, conservation easements, donations of land, etc. Many of these options give substantial tax advantages to the landowner and are tailored to specific cases. The New Hartford Land Trust has information for landowners, including a list of knowledgeable advisers. Interested landowners should consult with an attorney and a financial planner to see what the advantages may be in their individual cases. (Please see Addenda #12a-h.) Other good references for landowners interested in preserving open space are the following books:

Preserving Family Lands, Book I, revised edition, by Stephen Small, Landowner Planning Center, 1998.
Preserving Family Lands, Book II: More Planning Strategies for the Future, by Stephen Small, Landowner Planning Center, 1997.
Conservation Options, by the Land Trust Alliance, 1993.
Tax Economics of Charitable Giving, by Arthur Andersen.
Your Family Lands, Legacy or Memory, Commonly Asked Questions on Estate Planning and Practical Answers, by Southern New England Forest Consortium, Inc.
Protecting the Land: Conservation Easements Past, Present, and Future, edited by Julie Ann Gustanski, Island Press, 2000.

B. Regulatory Tools

The Town of New Hartford has two primary commissions regulating the use of land, the Planning and Zoning Commission and the Inland Wetlands and Watercourses Commission. Each of these bodies maintains a set of legally enforceable regulations that landowners must follow. The regulations are subject to change through a specified process involving public hearings, etc. Regulations can serve to protect certain areas of land from development for as long as those regulations remain in force.

Zoning Regulations protect open space land by specifying minimum lot sizes, rules governing cluster subdivisions, green spaces, special districts with restrictions on building activities, etc.

Residential development is not the only example of high-impact activities that are currently allowed in residential zones. The New Hartford Zoning Regulations allow many other non-residential uses (some by Special Exception), such as earth excavation, home-based businesses, contractor shop and storage, churches, schools, libraries, cemeteries, aircraft landing fields, government buildings, antennas, towers, heliports, kennels, country clubs, and guest accommodation lodging inns^{lxii}. Some of these land uses permanently alter the character of the landscape, adversely impact vegetation and wildlife, present increased safety risk to the general public, and disrupt current pedestrian pathways along unimproved roads (as described in the 1994 Plan of Development, Addendum #2b), especially by increased traffic of small and large vehicles.

The New Hartford Planning and Zoning Commission is, as of this writing, working on its regulations regarding aquifers and areas of influence for aquifers. In addition, that commission should also review its other regulations and follow the example of other towns that have prohibited certain high-impact uses in residential zones. For example, Granby has an Open Space and Recreation Overlay Zone, and Simsbury has noteworthy ridgetop protection regulations (Addendum #9e).

Subdivision Regulations require that open space be set aside when land is subdivided. Alternatively, in lieu of dedication of land, in some cases the applicant may pay a fee so that funds can be used to preserve open space land in a more suitable location. (Please see Addendum 9 for more details.)

Inland Wetland and Watercourse Regulations restrict activities in wetlands and watercourses and within specific buffer areas around them. The requirement for a permit for any activity in wetland areas helps in the protection of open space areas. The commission also helps the town to clearly delineate wetlands, stream margins, other areas protected by these regulations, and other sensitive natural areas that may need protection through other means.

(Please see Addendum #9 for a more detailed description of Zoning Regulations, Subdivision Regulations, Inland Wetlands and Watercourse Regulations, etc. that protect open space land.)

(Please see Addendum #9a for examples of regulatory methods of open space preservation from other towns. New Hartford's regulatory commissions may wish to consider adopting similar regulations.)

VII. Sources of Funding

Most land conservation deals in Connecticut have three or more funding sources. New Hartford, too, must vigorously seek out multiple sources of funding for open space. The town, the New Hartford Land Trust and other appropriate parties must swiftly apply for the many private and public foundation grants that are available. Organizations that fund grants look favorably upon towns that have a complete Open Space Plan in place.

In addition, New Hartford's officials, boards and commissions must reach out to the voters and explain to them how the preservation of open space is in their interest, both financially and from a quality of life standpoint.

A. Town Sources of Funding

The town's budget contains a line item for open space funds, which currently has two sources of revenue: Fee-in-Lieu of Open Space and Public Act 490 Penalties. (Please see Addendum #13 for details.) The money from that line item should go into an Open Space Land Preservation Fund that accumulates from year to year. The Board of Selectmen should allocate funds annually to the open space line item in the budget.

New Hartford should also implement new public funding measures, such as municipal bonds. Throughout Connecticut, voters are supporting municipal bond issues for open space. They are approving public finance measures that protect cherished local landscapes and provide parks and open space for people and wildlife. Public officials have successfully asked residents to contribute tax dollars to protect open space, and with it their community's quality of life.

The Trust for Public Land has found that the average American homeowner is willing to pay up to \$30 per year for open space preservation. Informal conversations with residents suggest that this figure might be even higher in New Hartford. Farmington is an example of a town with a very successful open space preservation program; the voters have approved bonding for \$57 million for the town to purchase land outright at full market value from 1999-2001, and in some cases the farmer can actually continue to live on and farm his land for the rest of his life.^{lxiii} (Please see Addendum #14 for an exhibit showing what other Connecticut towns have accomplished with bonding.^{lxiv})

B. Government and Private Grant and Assistance Programs

The Town of New Hartford should vigorously pursue the variety of available federal, state and private grant and assistance programs for land preservation. In 1998, the Department of Environmental Protection (DEP) established a goal of protecting 21% of the state's land as open space by 2023. To meet this goal the Open Space and Watershed Land Acquisition Grant Program was initiated by the DEP to "help cities and towns, nonprofits, and water companies protect important community lands for future generations."^{lxv} The Town of Farmington has applied for 9 such grants so far, and has been successful at receiving funding in all cases^{lxvi}.

(See Addenda #15a through #15g for details of this and other grants from public and private organizations.)

Another example of the effectiveness of grant programs is Connecticut's Recreation and Natural Heritage Trust Fund, managed by the DEP, which purchased over 5,200 acres in more than 40 towns in 1999 and 2000.^{lxvii}

VIII. Implementation of the New Hartford Open Space Plan

After the Open Space Plan is approved, the Board of Selectmen will need to charge a commission with its implementation. In order to accomplish this task, the commission will need to adopt a specific action plan, manage open space funds, work with private conservation organizations such as the New Hartford Land Trust, and work with landowners. It is crucial that this commission build broad-based community support for land preservation. (Please see Addendum #16 for the Open Space Planning Committee's recommendation about the composition of the commission.)

Action Plan: Recommendations for the open space implementation commission

1. The commission should work closely with the New Hartford Land Trust to identify parcels of land, educate landowners and implement land preservation agreements. The Farmington River Watershed Association (FRWA) parcel map (in progress as of this writing) and the New Hartford Natural Resources Inventory (Addenda #1 and 2) should be used as guides for identifying priority parcels of land to preserve. The parcel map should be updated annually. The commission should use a point system, such as the one used by the town of Cornwall (see Addendum #16b), to rate the preservation worthiness of a piece of property that comes before the commission.
2. The commission should assemble a packet of land preservation information to be distributed to a core group landowners with properties of special interest. The commission should follow up with personal telephone contact to arrange meetings. Discussions with landowners should be ongoing, with records kept and updated by this commission and the Land Trust. These records should be kept securely in a central location, such as the Town Hall or the Historical Society.
3. Before certain parcels of uncommitted open space land are put on the market, the commission or the Land Trust should endeavor to secure the right of first refusal. These parcels include the two Boy Scout camps, Trinita, MDC Class III land, Kingdom Game Club, Inc., and West Hill Beach Club. The right of first refusal option should be explored with individual landowners as well.
4. Large parcels of open space land owned by the town, such as Brodie Park, should be permanently preserved.

5. The commission should actively and persistently inform the public of its work, through the Town Hall newsletter and website, press releases, and television.

IX. Educating and Involving the General Public

November, 2001: Open Space Planning Committee posts a web page with a summary of its work to date.

December, 2001: Four Committee members appear as panelists on a local public access television program to present a general introduction and overview of the committee's work.

January, 2002: The first draft of the Open Space Plan is completed and distributed to boards, commissions and a variety of other organizations in town for their input. Copies of the draft are made available in the Selectman's office to the public for their feedback.

February 2002: Open Space Planning Committee puts on record at the library a file of newspaper articles and other materials related to the preservation of open space, including the latest draft of the open space plan. In addition, committee members submit articles about open space to local newspapers.

March 21, 2002: Open Space Planning Committee holds a Public Forum to address the importance of open space and to listen to questions and comments from the public. The Forum includes an outside speaker with expertise in the field of land preservation.

March/April 2002: Open Space Planning Committee mails a brochure to all New Hartford households about the need to protect open space.

On an ongoing basis, a persistent and detailed public education campaign proceeds to promote ballot measures that preserve open space.

X. Conclusion: Vision for the Future of Open Space in New Hartford

As is true in many towns across the state, managing residential growth in New Hartford must become a local issue. "Open space is taking its place alongside roads, schools, and libraries as an integral part of the community fabric. As a consequence, land preservation is now considered a function, and even a responsibility, of local government." ^{lxviii}

According to one expert^{lxix}, "Local political leaders put initiatives on the ballot because people demanded action in response to the loss of open space. The uninterrupted growth of the past decade has swallowed up huge landscapes that people had taken for granted."

New Hartford must take an active management role in preserving its open space. Otherwise, haphazard residential development will destroy, once and for all, the town's scenic charm and colonial heritage. It will harm the town's environment, wildlife and way of life, all at great expense to the taxpayer. New Hartford still has a window of opportunity in which to act, before developers decide for everyone the fate of local open space land.

Residents who want to comment on this open space plan or get involved in open space preservation should call the Selectmen's Office, 379-3389, or Pat Keener, Chairperson of the Open Space Planning Committee, 738-0469. The Open Space Planning Committee welcomes

input from all New Hartford residents.

Once the Open Space Plan is approved, it will be presented to the Board of Selectmen, who will assign the charge of implementing it to a commission. Written comments, questions and constructive criticism should be sent to the Open Space Planning Committee, c/o the Selectmen's Office, Town Hall, Main Street, New Hartford, CT 06057, or e-mailed to **NHOpenSpacePlan@yahoo.com**.

XII. References

ⁱ Minutes, Board of Selectmen, September 5, 2000, page 3.

ⁱⁱ The New Hartford Land Trust is a private non-profit, tax exempt organization. The purpose of the Land Trust is to preserve, in perpetuity, the natural resources of the town of New Hartford, including open spaces, woodlands, meadows, farmlands and water resources. Since the Land Trust is incorporated, directed and managed by private residents of the community, it is outside the realm of town government. Membership is open to any individual or corporation. Therefore it is free to act on behalf of the specific land owner, unlike town agencies which must serve all taxpayers. See also Addenda #3 and #4.

ⁱⁱⁱ The following people have served, for varying lengths of time, as official or guest members of the Open Space Planning Committee: Pat Keener, Chairperson, Kevin Case (FRWA guest member), David Childs, Jean Darlington, Allan Dumont, Marc Hansen, Tom Klebart (New Hartford Land Trust guest member), David Krimmel, John Maschi (Recreation Commission guest member), Terry Moreschi, Alison Murdock (Conservation Commission guest member), Alden Ringklib, Caren Ross, James M. Smith, Katherine Rieger (guest member, First Selectwoman when this committee was appointed), Bill Baxter (guest member, First Selectman at the time of the completion of the Open Space Plan).

^{iv} Parts of this definition come from the Connecticut State Open Space Definition for Statewide Open Space Mapping Project, RFP # 012-A-20-0707-C

^v Farmington River Watershed Association. New Hartford Natural Resources Inventory. May 2000, pg. 7. See Addendum #1.

^{vi} This NRI was requested by the New Hartford Conservation Commission and paid for by the federally funded Farmington River Coordinating Committee. Print copies are available in the libraries and Town Hall. The NRI is also available for viewing on the FRWA's website, www.frwa.org. Click on "Resource Center" button on the top of the screen.

^{vii} DEP lands are Cedar Swamp Wildlife Area and Satan's Kingdom.

^{viii} Class 1 MDC lands are those owned by a water company that are within 250 feet of a reservoir used for public drinking water supply, within 100 feet of its tributary, or within 200 feet of a public water supply well. Class 2 lands are within the public drinking water supply watershed but not included in Class 1, or completely off the drinking water supply watershed but within 150 feet of a storage reservoir and the tributaries that directly enter it. Source: "An Ounce of Prevention: Land Conservation and the Protection of Connecticut's Water Quality", 1998, The Trust for Public Land, Connecticut General Statute 25-37c.

^{ix} Class 3 lands are those that are off the water supply watershed and beyond 150 feet of a storage reservoir and the tributaries which directly enter it. Source: "An Ounce of Prevention: Land Conservation and the Protection of Connecticut's Water Quality", 1998, The Trust for Public Land, Connecticut General Statute 25-37c.

^x Please see Addendum #5 for a more complete description of P. A. 490.

^{xi} New Hartford Natural Resources Inventory (NRI), 2000, by FRWA.

^{xii} New Hartford Tax Assessor's Records, October, 1998. See also Addendum #5 for a more complete description of P. A. 490.

- xiii Population density numbers are from the 1998 state census.
- xiv For 1960 statistics, see Town of New Hartford, Connecticut Annual Report, 1960-1961, p. 8 (population 3,001)
- xv For 2000 statistics, Connecticut State Register & Manual (2001), p. 499 (population 6,088).
- xvi Konover & Associates, Demographic & Income Report (2000)
- xvii New Hartford Building Inspector's Office
- xviii Neil Hagstrom, DEP
- xix Source: New Hartford First Selectman Bill Baxter.
- xx The Safe Drinking Water Act is implemented through the U.S. Environmental Protection Agency (EPA) and the Connecticut Department of Public Health.
- xxi Environmental Protection Agency, Office of Water, Office of Wastewater Management. Storm Water Program. cfpub1.epa.gov/npdes/home.cfm?program_id=6 – last viewed 9/14/0). “Stormwater discharges are generated by runoff from land and impervious areas such as paved streets, parking lots, and building rooftops during rainfall and snow events that often contain pollutants in quantities that could adversely affect water quality.”
- xxii Center for Watershed Protection. Rapid Watershed Planning Handbook: A Resource Guide for Urban Subwatershed Management. Ellicott City, Maryland: by the author, 1998.
- xxiii The Connecticut Department of Environmental Protection publication, *Protecting Connecticut's Water-Supply Watersheds: A Guide For Local Officials*
- xxiv The Nepaug Reservoir has a 9.5 billion gallon capacity. The total acreage of the watershed is 20,249, of which 77%, or 15,590 acres, lie in New Hartford (FRWA)
- xxv Sources: *Health Effects of Pesticides*, James Moore, Executive Director of the New York Coalition for Alternatives to Pesticides, July 11, 1996 – see website at <http://www.crisny.org/not-for-profit/nycap/nycap.htm>; Office of the Attorney General of the State of New York, *Toxic Fairways: Risking Groundwater Contamination from Pesticides on Long Island Golf Courses*, 1995; also the Environmental Review Team report on The Preserve, a proposed development in Westbrook and Old Saybrook.
- xxvi *A Survey of Private Water Wells for Lawn and Tree Care Pesticides in a Connecticut Town*, Environment and Human Health, Inc., 1999. (The town was Woodbridge.) Many synthetic pesticides persist for a long time in the environment and accumulate in human body tissue.
- xxvii The most productive of the potential resources for ground water is "course grained stratified drift" which is basically gravel, and is found in and around river valleys. There is presently research being performed by the U.S. Geological Survey in the Nepaug River Watershed to better understand the relationship of gravel mining operations on the hydrology of surface and ground water. Legitimate scientific concern exists that gravel mining could disturb the movement of ground water and alter its availability (USGS)
- xxviii These areas are illustrated in the New Hartford Natural Resources Inventory- Map 5: New Hartford Potential Groundwater Supply. See Addendum #1.
- xxix Farmington River Watershed Association (FRWA)
- xxx This federal designation includes the section flowing through New Hartford. Public Law 103-313, which was signed by President Clinton on August 26, 1994, protects the river from any federally funded or licensed water resource projects that would harm the river.
- xxxi The Farmington River Protection Overlay District is defined as: The Farmington River (West Branch and mainstream) within the Town of New Hartford including a contiguous and parallel buffer strip (100 ft.) which together constitute a culturally significant and environmentally sensitive river corridor. (See Section 17 of the New Hartford Zoning Regulations for a complete description of the uses that are permitted or prohibited within the Overlay District.)
- xxxii West Hill Pond is of natural origin, although the surface elevation has been raised by a low earthen and masonry dam. The surface area of the pond is 238.8 acres with a maximum depth of 65 feet and a mean depth of 32 feet. The pond is fed by several small intermittent brooks and streams. Drainage from the pond is to the north into Morgan Brook, which flows into the Farmington river. West Hill Pond drains into the Farmington River. --

CT DEP. The land around it is zoned for residential use.

xxxiii Examples include the upland sandpiper, grasshopper sparrow, Henslow sparrow, bobolink, meadowlark, yellow-breasted chat, prairie warbler and blue-winged warbler.

xxxiv In New Hartford, approximately 1,937 acres of farmland from 17 parcels of land have been lost to development for residential housing in the past decade -- Terry Moreschi and Alden Ringklib's research.

xxxv Before Europeans arrived and began large-scale clearing of land for farms, the Native American people created cleared areas, as did the many beavers in this area. From The News-Times, September 2, 1999, article from Southbury about declined in migrant bird populations.

xxxvi The specific locations of these species are shown in the NRI Map 8. See Addendum #1.

xxxvii Source of the following definitions: CT DEP Natural Diversity Data Base, website: dep.state.ct.us/cgnhs/nddb/species.htm

"*Endangered Species*" means any native species documented by biological research and inventory to be in danger of extirpation throughout all or a significant portion of its range within the state and to have no more than five occurrences in the state, and any species determined to be an "endangered species" pursuant to the federal Endangered Species Act.

"*Threatened Species*" means any native species documented by biological research and inventory to be likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range within the state and to have no more than nine occurrences in the state, and any species determined to be a "threatened species" pursuant to the federal Endangered Species Act, except for such species determined to be endangered by the Commissioner in accordance with section 4 of this act. "*Species of Special Concern*" means any native plant species or any native nonharvested wildlife species documented by scientific research and inventory to have a naturally restricted range or habitat in the state, to be at a low population level, to be in such high demand by man that its unregulated taking would be detrimental to the conservation of its population or has been extirpated from the state."

xxxviii Examples include the Pied Billed Grebe, American Bittern, Coopers Hawk and bobolink

xxxix These are the four-toed salamander, wood turtle, smooth green snake and red bellied snake. Specific locations shown in NRI Map 9. See Addendum #1.

xl The Atlas of Breeding Birds of CT. 1994. Louis Bevier, Editor; State Geological and Natural History Survey of CT, Klemens, Michael, 1993. Amphibians and Reptiles of CT and Adjacent Regions. State Geological and Natural History Survey of CT

xli John L. Crompton, Lisa L. Love, and Thomas A. More, "An Empirical Study of the Role of Recreation, Parks and Open Space in Companies' (Re) Location Decisions," *Journal of Park and Recreation Administration* (1997), 37-58

xlii Steve Lerner & William Poole, *The Economic Benefits of Parks & Open Space: How Land Conservation Helps Communities Grow Smart and Protect the Bottom Line* (The Trust for Public Land, 1999), p. 13.

xliii Alexander Garvin and Gayle Berens, *Urban Parks and Open Space* (Washington, D.C.: Urban Land Institute, 1997), p. 27.

xliv Trust for Public Land.

xlv Connecticut Tourism Fact Sheet put out by Gov. Rowland's office.

xlvi For every dollar paid by a residential property tax payer, that household receives an average of \$1.58 in services. Owners of open space land require only \$0.05 in town services for every dollar they pay. Clearly, it is financially beneficial for all residential property tax payers to vote for open space land preservation. Source: David Krimmel's research in the tax assessors office. See Addendum # 8b.

xlvii Emergency services include police, fire and ambulance services.

xlviii See Addendum #7. For Grades K-12 in 2001, the State of Connecticut provided the following reimbursement: \$2,387,298 for Educational Cost Sharing, \$83,601 for Special Education, and \$95,366 for Educational Transportation. Information from David Childs, Board of Finance, January 14, 2002.

xliv Source: Strategic School Profile. See Addendum #7.

- ^l Information Provided by the New Hartford Tax Assessor.
- ^{li} Connecticut Municipal Profiles, 1998-1999, from the Connecticut Policy and Economic Council. A copy is available for inspection in the Selectman's Office, Town Hall.
- ^{lii} "New residential land uses are seen as a fiscal drain since they dilute benefits to existing residents. This can make it fiscally attractive for existing homeowners to encourage the purchase of land as open space rather than have it be developed for residential use." Vacant lands and Public Act 490 lands are a fiscal surplus to towns and municipalities, and any residence that does not result in school enrollment will be a fiscal surplus to a community and all its taxpayers. Reference: Fiscal Impact Regional Summary Report, a study for the Naugatuck Valley Council of Governments by Planimetrics of Simsbury Road, Avon 2000, from by Rick Lynn, Planning Director of the Litchfield Hills Council of Elected Officials.
- ^{liii} The News-Times, September 2, 1999, article from Southbury about migrant bird population declines. See Addendum #6.
- ^{liv} These figures are based on research in New Hartford by Terry Moreschi and Alden Ringklib of the Open Space Planning Committee. Data specific to New Hartford are not available from the Litchfield County Conservation District or from the US Department of Agriculture.
- ^{lv} "County data is published for the New England states every 5 years in The Census of Agriculture. To obtain the requested 20 years of county data for Litchfield CT, you will need to access the 1997, 1992, 1987 and 1982 Census of Agriculture. 1997 data is available on the Internet at:
<http://www.nass.usda.gov/census/census97/highlights/ct/ctc003.txt>
1992 and 1987 data: <http://www.nass.usda.gov/census/census92/atlas92/datafile/ctc003.txt>
1982 data is not on the Internet. Robin Helrich 603-224-9639 ext 118.
- ^{lvi} U. S. EPA's *Handbook of Integrated Pest Management for Turf and Ornamentals*.
- ^{lvii} Farmington River Watershed Association.
- ^{lviii} Riparian corridor refers to river ecosystems, including the land near the river.
- ^{lix} Page 50, New Hartford Plan of Development, 1993. See Addendum #11.
- ^{lx} Page 51, New Hartford Plan of Development, 1993. See Addendum #11.
- ^{lxi} New Hartford Plan of Development, pages 35-37, especially the map on page 37.
- ^{lxii} Zoning Regulations, Town of New Hartford, January 1, 2001.
- ^{lxiii} William Wadsworth, Farmington Town Council and member of Farmington Land Acquisition Committee.
- ^{lxiv} Trust for Public Land.
- ^{lxv} Connecticut DEP. 2000. Open Space and Watershed Land Acquisition Program Brochure.
- ^{lxvi} William Wadsworth, Farmington Town Council and member of Farmington Land Acquisition Committee.
- ^{lxvii} *Connecticut: A Legacy of Land, Second Report on Open Space Protection, 1999-2000 Acquisitions*, CT DEP, Introduction by John Rowland, page 3.
- ^{lxviii} Stapleton, Richard M. "Conservation Financing Comes of Age." *Land and People*, Spring 2001.
- ^{lxix} Russell Shay, director of public policy for the Land Trust Alliance