



# Old Lyme Open Space Plan Update

2004



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## Old Lyme Open Space Plan - January 2004

### **Introduction**

The Old Lyme Open Space Committee is guided by several State and local statutes and Planning Commission regulations. Connecticut Statute PA 95-335 states that a town's Open Space Plan may include strategies for open space acquisition and greenway protection, preservation, and management. The Year 2000 Ten Year Town Plan of Conservation and Development calls for the setting aside of open space as one of its major objectives. There are several additional references to important objectives associated with open space acquisition throughout the document. The procedure used by the Open Space Committee to acquire open space is outlined by State statute and the Open Space Ordinance of 1997. Further guidance is provided by the public opinion questionnaire sponsored by the Planning Commission in 1997. Ninety-eight percent of the respondents believed that conserving open space should be a high priority for the town. The Open Space Dedicated Fund was established by ordinance in 1998. The Open Space Committee has been working to achieve the goals and objectives stated in the Old Lyme Open Space Plan formally adopted by the Planning Commission in 1997.

### **Purpose**

The purpose of this document is to supplement and update the Open Space Plan of 1997, discuss the committee's role as it impacts other land use commissions, report on the progress made in the acquisition of open space as of January 2004, and present an action plan for the near future.

### **Collaboration with Area Conservation Groups**

Working with the Old Lyme Conservation Trust, The Nature Conservancy, the Connecticut River Gateway Commission, and the State Of Connecticut, the Old Lyme open space committee has made significant progress in the acquisition of major sections of the greenway proposed in the Open Space Plan of 1997. The total amount contributed by the area conservation groups to the Old Lyme open space acquisition program is \$2,635,962. The State of Connecticut's Municipal Grant Program for the acquisition of open space, working in conjunction with our partners mentioned above, has made it possible for Old Lyme to leverage its open space funds in a dramatic way.

#### **The Nature Conservancy and Old Lyme Conservation Trust**

The Nature Conservancy has provided invaluable assistance to the town in the form of a comprehensive plan for the Connecticut River Watershed, support with application submission to the state municipal grant program, legal advice and services, and vital financial support for a number of open space acquisitions in Old Lyme. For example, the Peterson property purchase involved the Town of Old Lyme, the CT River Gateway Commission, The Nature Conservancy, and the State of Connecticut. The Nature Conservancy joined the efforts of the Old Lyme Conservation Trust to acquire the 185 acre Lay property also supported by a



State grant. The Nature Conservancy has contributed \$660,956 to Old Lyme open space acquisitions and the Old Lyme Conservation Trust has invested \$134,625.

#### **State of Connecticut Municipal Grant Program**

The State Municipal Grant Program for the acquisition of open space has contributed \$1,745,381 toward the acquisition of open space in Old Lyme. The program has made it possible for the Town and its partners to leverage our annual budget allotment of \$75,000 to the Dedicated Open Space Fund.

#### **Current State of Old Lyme Open Space Acquisitions**

The Town's open space acquisition program to date has acquired about 950 acres and managed to establish much of the greenway outlined in the Open Space Plan of 1997. The details of this activity are presented on map 13 and spreadsheet 1.

#### **Conservation Easements**

Several significant parcels of land, most notably the 400 acre McCulloch Farm, have been placed under conservation easement. Under this approach, the landowner retains ownership and pays a reduced local tax. Structures are not allowed to be built on the property. There are some tax advantages to this action for the landowner, and the property is preserved in an undeveloped condition. However, the owner can sell the land subject to the terms of the easement.

#### **Donations of Land**

The Bartholomew family in 1998 donated 107 acres of open space to the Town and placed another 26 acre field under a conservation easement to jump start the Old Lyme open space program. The Old Lyme Conservation Trust has accepted donations of over 700 acres of land from over 70 landowners in Old Lyme, some in the form of bequests. There are positive tax consequences for those who make these donations.

#### **Bargain Sales**

The John Noyes family agreed to a bargain sale of 25 acres of open space to the Town and the Old Lyme Conservation Trust, resulting in tax benefits for the family and financial benefits to the Town by acting as an equal partner in the purchase with the OLCT.

#### **Public Act 490 Lands**

Under this state program to encourage landowners to let their land remain undeveloped, owners of larger tracts of forest, farm, and vacant land enjoy a reduced tax rate. Almost 4,000 acres of privately owned land in Old Lyme is registered under this program. The owner can sell his land at any time subject to a modest penalty. This undeveloped land is generally not open to the public.

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### **Inland Wetlands Commission**

Inland wetlands regulations call for a 100 foot regulated zone along wetlands and water courses, but development is still permitted within this regulated zone. Many times conservation issues are involved but are not directly covered by inland wetlands regulations.

The Conservation/Wetlands Commission has primarily focused its attention on enforcement of state law regarding wetlands. The Old Lyme Year 2000 Plan of Conservation and Development cites several recommendations in the area of conservation and assigns the Conservation Commission the task of achieving these objectives. These objectives are a vital part of the preservation of land of great conservation value such as watersheds, streams, and farmland.

### **Conservation Commission**

As the Old Lyme Open Space Committee acquires large tracts of open space and works toward completion of greenways within our borders, the need for wise management of these properties becomes more and more apparent. Where public access is required, trails must be established and maintained. They must be made as safe as possible for the public, and the rules posted on signs must be enforced. The services of a professional forester will help to develop a forest management plan for Old Lyme. Sound conservation practices must be employed so that Old Lyme does not neglect or damage its valuable resources. The task of developing a plan for this work and the implementation of such a plan may best be managed by the Conservation Commission.

### **Planning Commission**

Planning Commission regulations require that all new subdivision plans dedicate at least 15 percent of the total acreage to open space. Regulations call for the open space in one development to be linked with adjacent open space whenever possible. These open space linkages have been difficult to carry out in practice. Small, isolated parcels of open space fragment our open space and often are not open to the public. It has been shown that one large tract of undeveloped land is far more valuable as a natural resource than the sum of as many acres of disconnected patches of open space. Too often in the past the allotment for open space has been wetlands, property which can not be built on, land which often does not serve one of the many purposes of open space; that is, for people to enjoy nature by walking, bird watching, and bicycling. Currently, as part of the subdivision application process the Open Space Committee makes written recommendations to the Planning Commission on where it is most desirable to locate the open space within the development. Recent changes in Planning Commission regulations gives the Commission more flexibility in deciding which part of a subdivision to set aside as open space.

A review of recent subdivision applications suggests the need for a more effective use of the remaining land subject to development in Old Lyme. For example, clustering of houses has been successfully accomplished in Old Lyme in the



past, using existing regulations. Laurel Heights and Wyckford Road developments are successful models for such a development. These developments, located on a very few acres, have one septic system and one water source for the clustered units, and each is surrounded by a large parcel of open space. This approach is a very effective use of our land resources while retaining high quality housing in close proximity to open space.

While land use regulations presently permit clustering of housing units, neither Zoning Commission regulations nor Planning Commission regulations presently permit a "floating zone" for larger land tracts that are found to be ideal for the clustering of housing units with 50 percent of the total area designated as open space, a zone sometimes referred to as a conservation zone. To qualify, the land must have soils sufficient for a large single septic field, which is required for a community septic system. In addition, there must be adequate water from a single well field to supply a community water system.

Because of the additional up-front costs associated with this zoning plan and the time consumed in dealing with State agencies to acquire permits, there must be a substantial economic incentive in order for this type of development to be sought after by owners and developers. Permits for additional housing units above those normally allowed in the zone and support with the steps in the regulatory process may be sufficient to overcome any reluctance to use this approach.

In Old Lyme there are about fifty parcels of undeveloped land of over 20 acres that might be eligible for such a zone. The construction of large trophy homes on several acres of land is arguably not the best use of our remaining land resources nor are developments on half acre lots, requiring long roads and a septic system and a well for each house.

As land suitable for development becomes scarcer, there will be increasing pressure put on land use commissions to ease regulations or grant more waivers to permit building on marginal land. Property with steep slopes, ledge, and wetlands will require exceptions and allowances in order to permit more houses. How land use commissions deal with this increased pressure on unsuitable land will have fundamental impacts on water quality, crowding, traffic, school population, town services, and the rural quality of life.

As the woods gradually fill with houses, the fundamental character of Old Lyme changes, and the Town's natural resources are placed in greater jeopardy. Each new development means more impermeable surfaces and more water drawn from the town aquifers. Areas that formerly served as sponges to absorb rainwater and to reduce the effect of drought and flood will become roads, driveways, and roofs. Formerly treed lots become lawns treated with chemical products that may contaminate wells and watercourses. A single new house may not have a noticeable impact, but 500 new houses do have an impact. During the decade between 1990 and the year 2000, the Town building official issued 350 permits for new houses. In the three years since then, permits for 118 new

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homes have been issued and plans for 27 new lots have been submitted to the Planning Commission for approval.

Although development is inevitable, it should be done in a manner that has the least impact on our natural and financial resources. A program of continued open space acquisition is one way to balance this impact on our environment in order to guarantee that Old Lyme will not lose its rural quality and be able to preserve its vital natural resources. We live in one of the "Last Great Places on Earth," a very special place, which requires special efforts on our part to preserve it while we still can.



### **Criteria for Selection of Open Space for Acquisition**

These criteria are not listed in order of priority. When selecting a property for acquisition, the Committee may select a property based on only one criterion or on several criteria.

1. Establish greenways linking areas of open space and add adjacent properties to form large, unbroken tracts of field and forest
2. Establish a trails system for hiking, bicycling, jogging, bird watching, and nature study.
3. Preserve the remaining farmland in Old Lyme and establish a town forest.
4. Protect and preserve wetlands, tidal marshes, streams, ponds, lakes, vernal pools, water recharge areas, and aquifers.
5. Provide more points of access to the shoreline and tidal waters in order to encourage canoeing and kayaking and other water uses such as fishing and crabbing.
6. Preserve historical, archeological, and scenic sites to protect the Town's rich heritage.
7. Protect and preserve wildlife, including endangered species, by protecting habitat.
8. Secure open space that has special educational, aesthetic, scientific, and/or recreational value.

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### Open Space Action Plan

The Open Space Committee has a plan of action for the immediate future. The objectives listed below are not in order of precedence.

1. Establish trails on Town owned open space and encourage the public to use them. Provide monitoring of the properties, signage, brochures, and web page information about them.
2. In cooperation with the Conservation Commission develop a management plan for Town owned open space properties, including a forest management plan.
3. Continue open space acquisition with the objective of adding properties adjacent to existing open space and those that fill in the greenway identified in the Open Space Plan of 1997.
4. Identify all remaining farmland and initiate a farmland preservation program.
5. Provide recommendations, supply data, and initiate studies for land use commissions when requested to do so.
6. Make sure that the Town's web site includes current information on open space.
7. Continue to work in close partnership with other land trusts, conservation organizations, and State and Federal agencies. Seek technical assistance and grants from these organizations.
8. Increase the Open Space Land Acquisition Fund to at least \$500,000. as soon as possible so that funds are available when properties are offered for sale.
9. Request the Zoning Commission to consider the establishment of a "floating" conservation zone for properties with 20 acres or more that have suitable soils and water resources. 50% of the land would be placed in open space and houses would be clustered.
10. Publicize the many advantages of an aggressive open space program for the residents of Old Lyme by means of articles in the press, pamphlets, conferences, nature walks, photo essays, etc.
11. Actively support the efforts of other Town land use commissions to protect and preserve the quality of both ground and surface water. This effort would include the institution of a regulated zone along tidal wetlands and tidal streams similar to the 100 foot regulated zone along inland wetlands in order to minimize nonpoint pollution, preserve natural wildlife habitat, and provide vegetative buffer zones to reduce runoff. Special attention should be devoted

Old Lyme Open Space Committee Acquisitions - 2004

Property Name	Date Acquired	Acres	Price Total	Price per Acre	State Grant	TNC	OCLT	Gateway	Town of Old Lyme	Town of Lyme
Bartholomew	1998	105	\$0							
Bartholomew (conserv easmt)	1998	22	\$0							
MacCurdy-Salisbury	2003	180	\$670,000	\$3,722	\$620,000				\$25,000	\$25,000
Noyes	2002	25	\$25,000	\$1,000			\$12,500		\$12,500	
Lay	2002	185	\$370,000	\$2,000	\$175,750	\$97,125	\$97,125			
Peterson	2002	58	\$840,000	\$14,483	\$357,675	\$272,325		\$70,000	\$140,000	
Fairfax North	2004	64.5	\$1,301,000	\$4,845	\$591,956	\$291,506			\$417,538	
Fairfax South	2004	204								
Ames	2003	107	\$700,000	\$6,542			\$25,000		\$675,000	
<b>TOTAL</b>		<b>950.5</b>	<b>\$3,906,000</b>	<b>\$32,592</b>	<b>\$1,745,381</b>	<b>\$660,956</b>	<b>\$134,625</b>	<b>\$70,000</b>	<b>\$1,270,038</b>	<b>\$25,000</b>
				\$4,109 per acre					\$1,336 per acre	
Notes:										
<b>total contribution by others =</b>		<b>\$</b>	<b>2,635,962</b>							
MacCurdy-Salisbury 770 ft of waterfront on Rogers Lake										
Lay property is owned by The Nature Conservancy and OLC										
Peterson 800 ft of waterfront on Lieutenant River, 8 building lots on Saunders Hollow Road										
Ames 107 acres: 36 acres in conservation easement										



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to the impact of steep slopes on run-off into nearby wetlands and water bodies. Support regulations to reduce the use of lawn care products, which eventually infiltrate the aquifers and water bodies. See sec.22a-103 CT Coastal Management Act

12. Assist the Town and State of Connecticut in the establishment of a safe bicycle route through the scenic parts of Old Lyme. See that town landings are properly maintained.
13. Make every effort to involve youth and older Old Lyme residents in the open space program through active participation in conservation activities and educational programs.
14. Sponsor informational programs to explain the financial advantages and personal satisfaction Old Lyme residents can experience by making donations of money and land, by entering into conservation easements, by completing bargain sales, and by using the full range of other methods of preserving their land.



1970-1995  
1995-1998  
1995-2004

Old Lyme Residential, Commercial,  
Industrial and Institutional Land Use  
1995  
Map Two

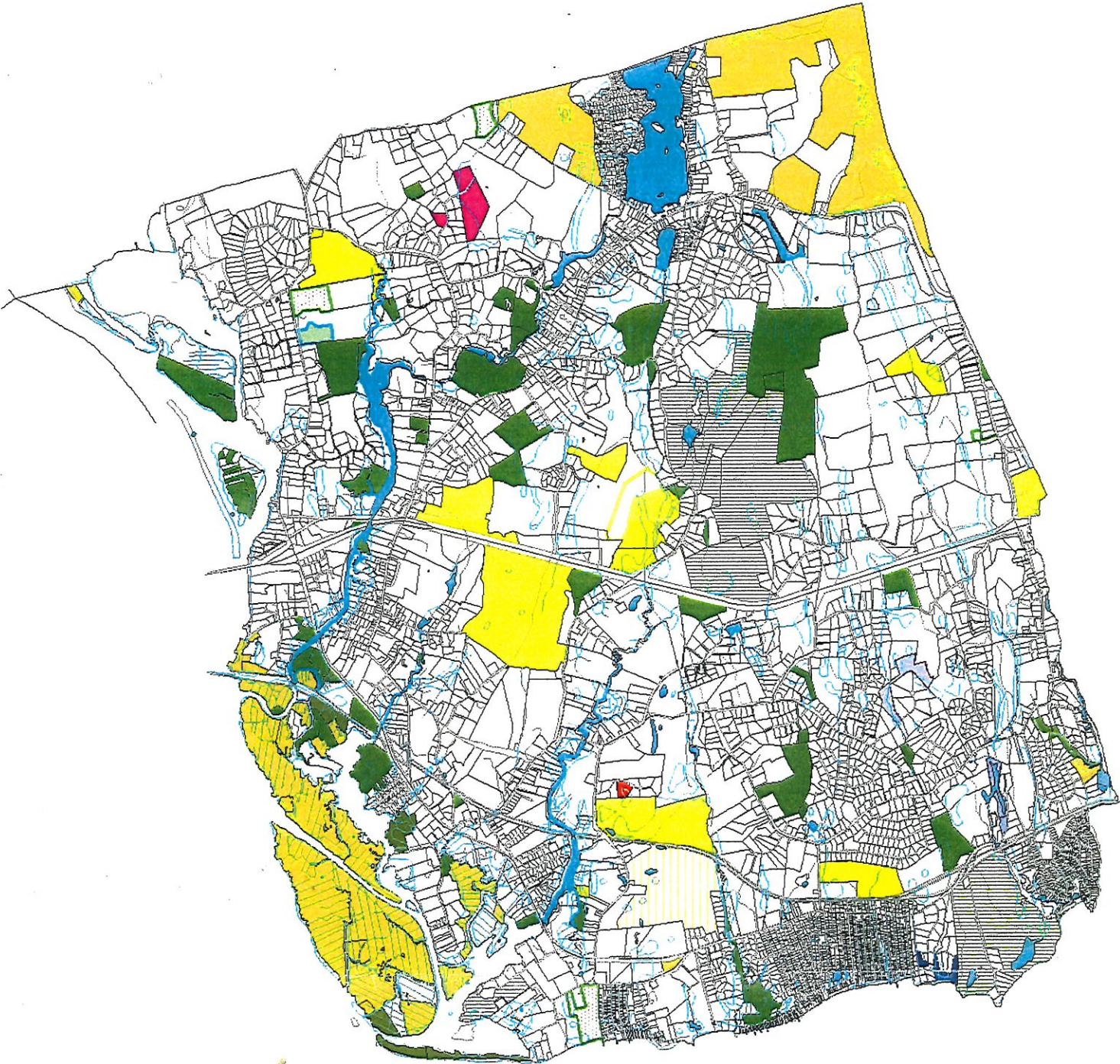


OLD LYME, CONNECTICUT

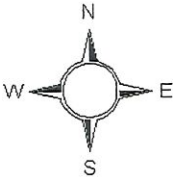




# Old Lyme Committed Open Space 2004 Map 1



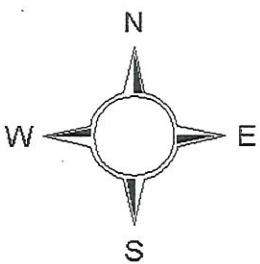
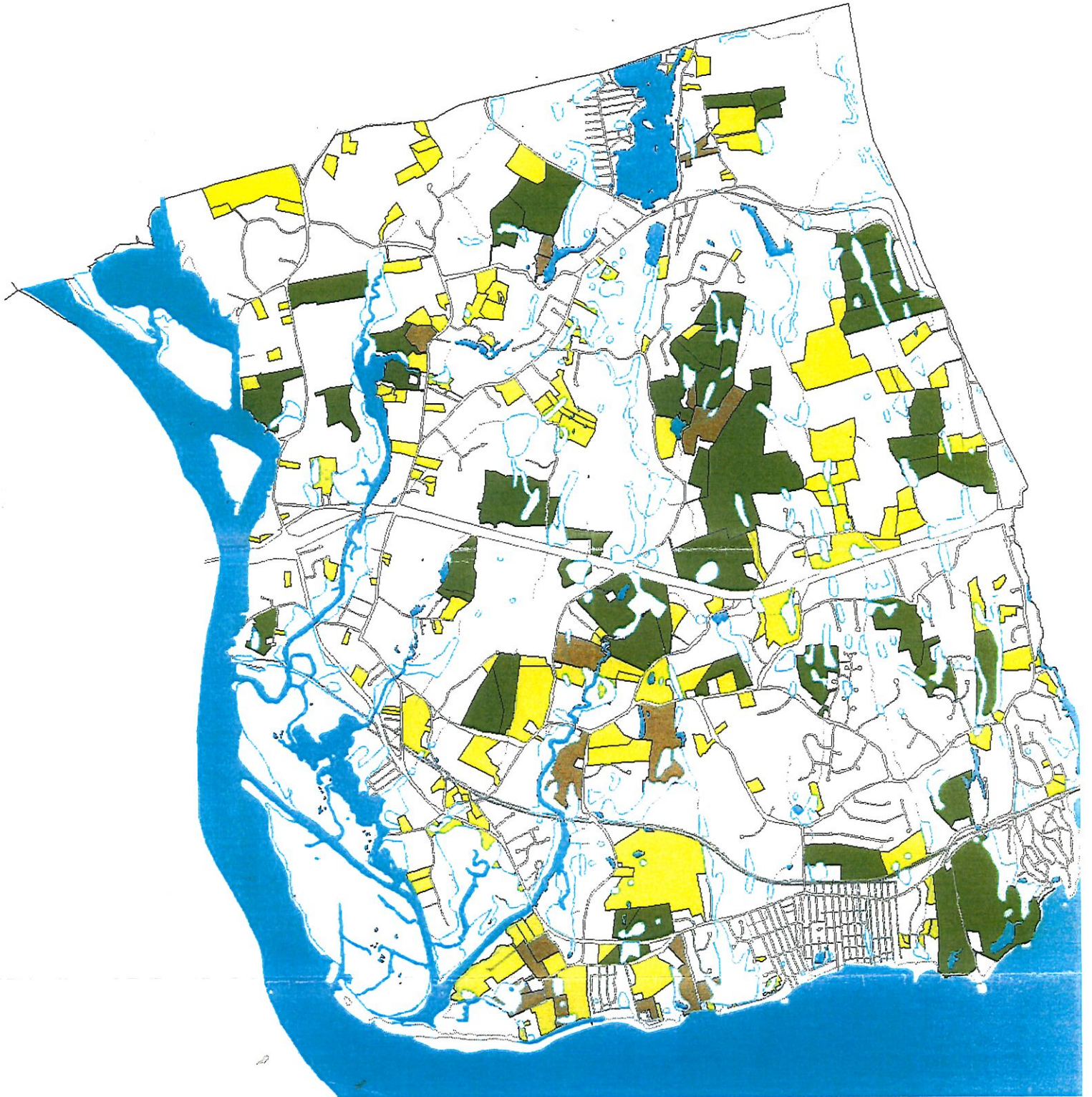
- Committed open space includes land held by
- the State of Connecticut
  - the Nature Conservancy
  - the Town of Old Lyme
  - the Old Lyme Conservation Trust
  - Appletree
  - Mattson Ridge
  - Windward
  - Edgelea and others
  - Watercourses
  - Wetlands
  - Streams
  - Easements to Old Lyme Conservation Trust and Nature Conservancy







# Old Lyme Public Act 490 Land 2004 Map 2



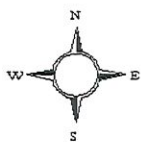
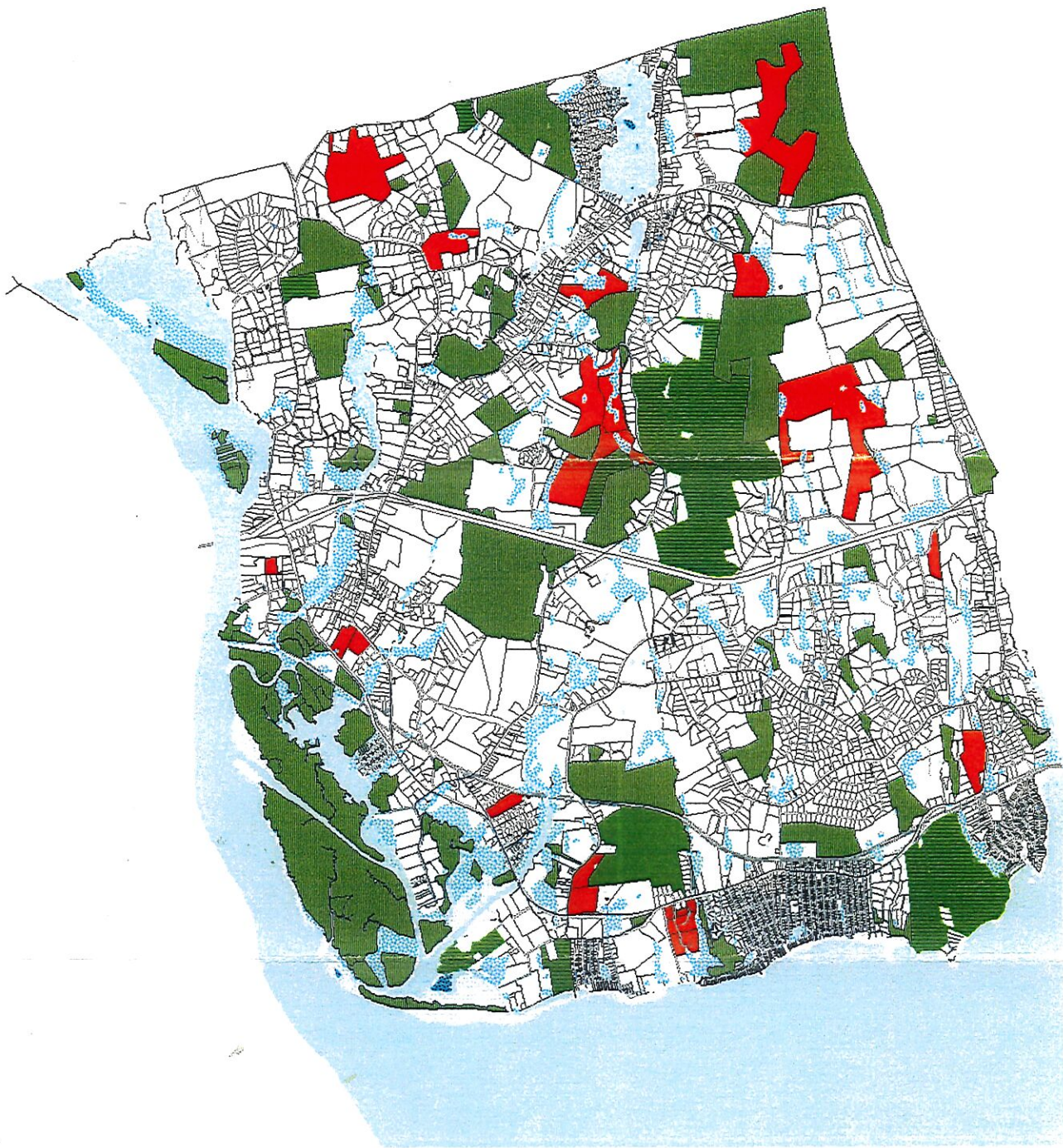
- Forest
- Open Space
- Farmland

Land protected under Public Act 490 is taxed at a lower rate and classified as Farm, Forest, or Open Space. The Forest classification applies if a parcel is over 25 acres whereas Open Space can be any vacant parcel of land larger than the minimum building lot determined by zoning.





Old Lyme  
Protected Land  
Land under Easement  
Land under Development  
2004  
Map 3

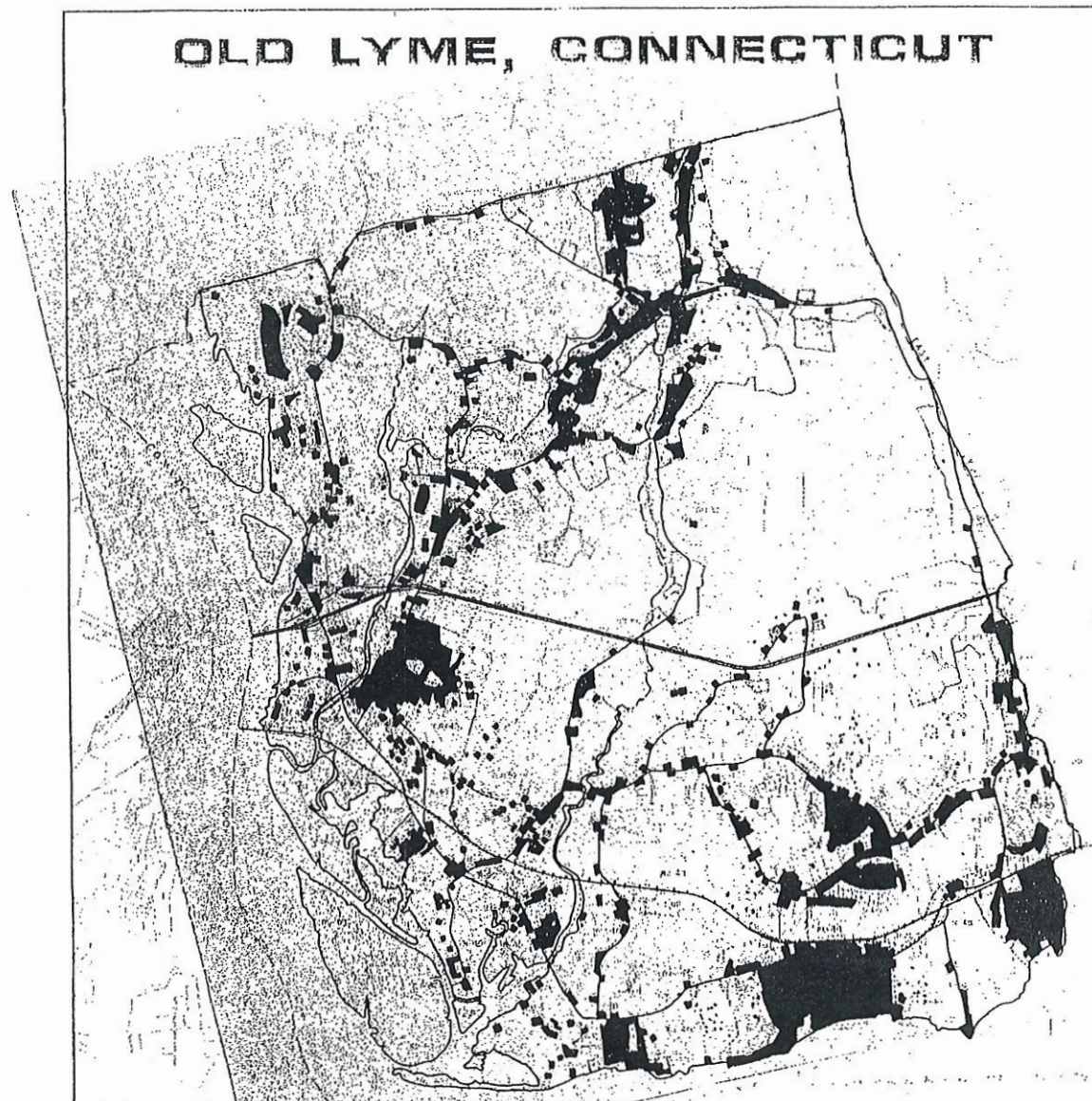


-  Permanent Open Space
-  Under Easement
-  Under Development - 2 or more houses



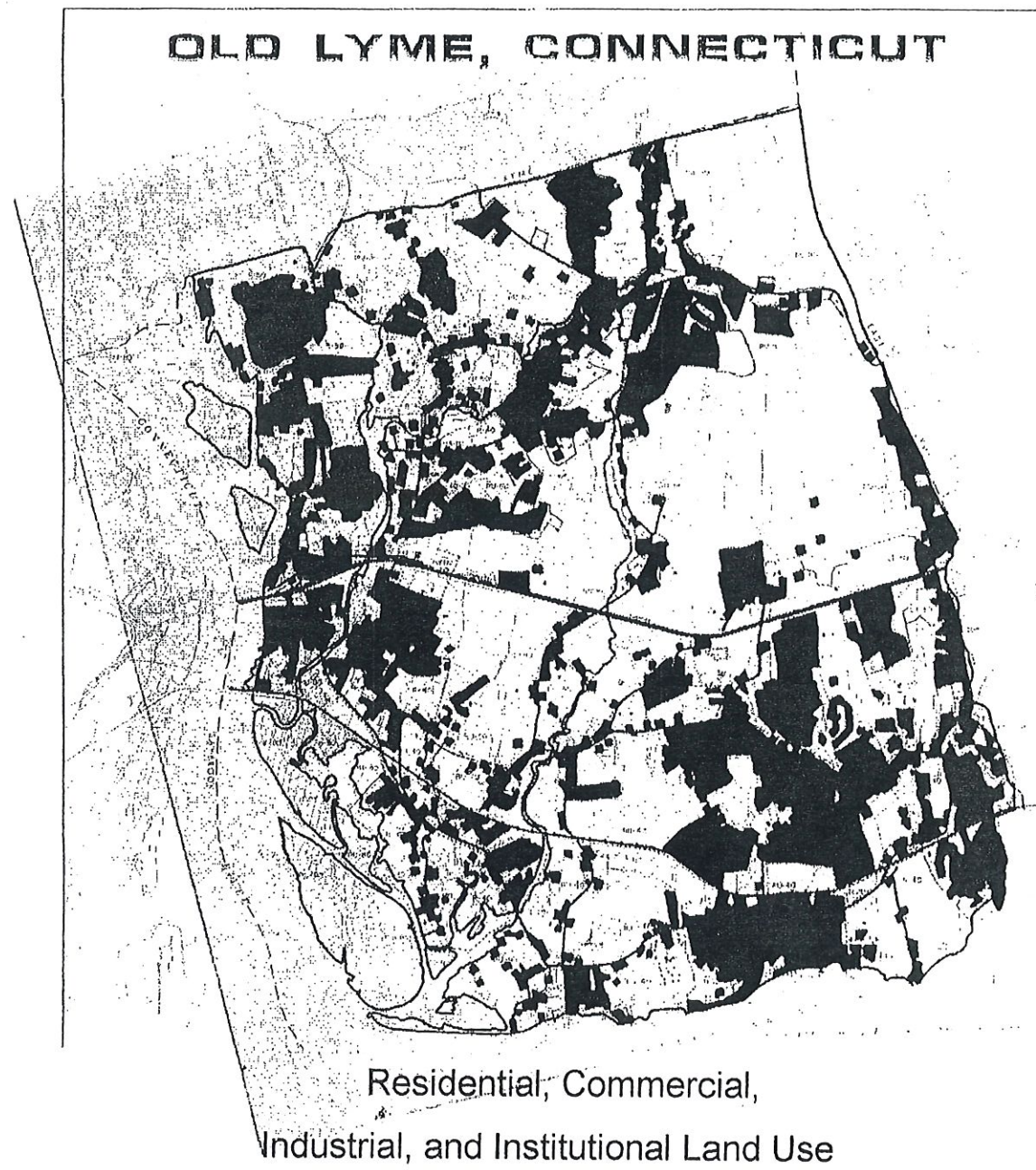


1970





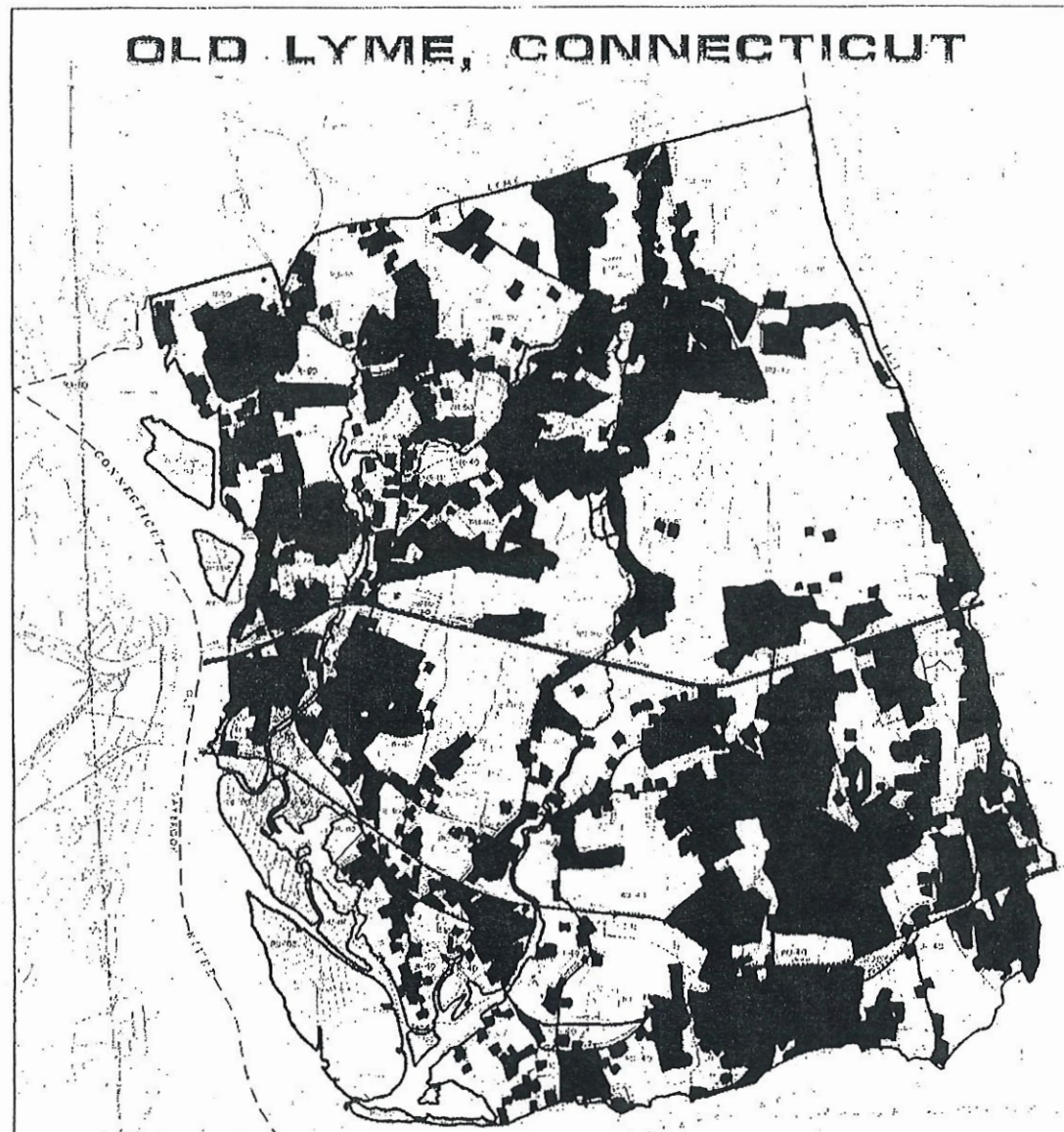
1995







2004



Residential, Commercial,  
Industrial, and Institutional Land Use

