



## The New Encroachment Law: *Help at Last for Protection of Open Space Lands*

by Janet P. Brooks

**W**ith the passage of Public Act 06-89, AN ACT CONCERNING ENCROACHMENT ON OPEN SPACE LANDS, the Connecticut legislature has created a valuable tool for the state, towns and non-profit land conservation organizations to use in protecting open spaces from illegal encroachments. The law clearly affords these affected landowners the right to go to court to have their land restored and to seek reimbursement of their attorney's fees and costs of bringing the suit as well as money damages from the violators.

### What is protected?

The land protected by this new law need not be designated as "open space." It includes "but is not limited to, any park, forest, wildlife management area, refuge, preserve, sanctuary, green or wildlife area."

### Who may seek protection of the law?

The state, a municipality or a "nonprofit land conservation organization" which owns open space land is eligible to use this law. Local land trusts and The Nature Conservancy are a few examples of such nonprofit organizations.

### What is prohibited:

"No person may encroach or cause another person to encroach on open space land" or land on which a conservation easement is held by the state, a town or land conservation organization, without the permission of the landowner. "Encroach" is broadly defined to include conduct that causes damage as well as to conduct that alters the land.

Clearly, encroachments that damage open space land are prohibited. But so are unauthorized encroachments that alter the land, even if they cause no damage. The law provides a list of activities to illustrate, but not limit, the scope of encroachments covered under the law:

"erecting buildings or structures, constructing roads, driveways or trails, destroying or moving stone walls, cutting trees or other vegetation, removing boundary markers, installing lawns or utilities, or using, storing, or depositing vehicles, materials or debris."

Examples would include clear-cutting on open space property to extend a scenic view to an abutter, ATV use of open

*Encroachment, continued on page 3*

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*"...the Connecticut legislature has created a valuable tool for the state, towns and non-profit land conservation organizations..."*

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## ATV Damage Alert!

WANTED! Cost of restoration of damage to open space properties caused by ATV trespass - to support future legislation requiring registration and identification for ATVs. Once again legislation requiring registration and identification of ATVs failed to pass. During testimony CACIWC was asked if there was information on the extent of monetary damage to private and public property. The answer was no. The Environment Committee indicated such information would be valuable for passing ATV legislation.

For the 2007 legislative session we need your help to assemble the cost of restoring damaged property caused by ATVs, including damage to trails, crops, wetlands, and forest and field vegetation. The cost can be estimated. In-kind services such as volunteer labor are acceptable. Please send to Tom ODell, CACIWC, 9 Cherry Street, Westbrook, CT, or by email, [todell@snet.net](mailto:todell@snet.net).

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**Resources**

***A Handbook for Stream Enhancement & Stewardship***

Prepared by The Izaak Walton League, provides a consolidation of much otherwise-dispersed information into a **clearly written, well organized, easily manageable** single volume. This handbook is intended to be a basic resource for individuals, classes, organizations, volunteer groups, or communities (and for those who mentor them) who want to carry out **environmentally sound, cost-effective stream corridor assessment, enhancement, and stewardship programs**. It will be of great value to readers who want to acquire a solid grasp of the **fundamentals of assessing the physical condition and ecological well-being of streams**, of what might be done to **improve the stability and ecological health of stream corridors**, and of **implementing effective stream enhancement programs** in their communities.

List price is \$34.95 (sewn softcover; 0-939923-98-X). **The 30% discounted price is \$24.47.** Released April 11, 2006.

***Handbook for Wetlands Conservation and Sustainability***

Prepared by the The Izaak Walton League, the book provides definitions for wetlands, describes the major parts of wetlands, reviews their functions, and considers their importance to humans. Nearly half of the book is devoted to the needs for and processes of establishing wetlands monitoring and stewardship programs. Twelve appendices assist users in designing and implementing these programs. Spiral-wire bound, 8.5" x 11", 288 pp., numerous figures and forms; \$39.95 list price (0-941675-06-X).

For more info in both handbooks, see [www.mwpubco.com/WLAWetlands.htm](http://www.mwpubco.com/WLAWetlands.htm).

**New DEP Model Inland Wetlands Regulations!**

*See page 13.*

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**Encroachment**, continued from page 1

space land, constructing a deck or gazebo on open space property by a neighbor, the parking (or abandoning) of cars, and the dumping of trash.

**How does the law work?**

The state, a town or conservation organization may start an action in court against anyone who encroaches on open space land or land subject to a conservation easement. The court is authorized to order any person violating the law to restore the land or to award the landowner the costs of restoration. In addition, the court may impose other relief as the situation warrants. The court may award attorney’s fees and the costs of bringing the lawsuit. This is a significant positive change in law. Municipalities and land trusts have always had the legal right to go to court when a violator has trespassed on protected lands. But having to bear the legal costs has served as a tremendous impediment. So has the valuation of damages. With this change in law, *in addition* to restoring the land, the court may award money damages of up to five times the cost of restoration or statutory damages of up to five thousand dollars. The statutory damage clause may be useful in assessing damages where the cost of restoration may be small or insignificant, such as the removal of debris. The violator may still be assessed with money damages – a deterrent to repeated behavior or others who might otherwise be willing to violate now and just remove the encroachment later.

In summary, the new law allows a court to award (1) restoration (or the costs for such restoration to be assessed against the violator,) (2) other relief as the situation warrants, (3) attorney’s fees and costs and (4) money damages. It is anticipated that the passage of this law, which goes into effect October 1, 2006, will operate as a disincentive to those who would otherwise encroach on open space lands. But if it does not, the remedies provided should go a long way to restoring the open space lands and leaving the finances of the state, the towns and conservation organizations intact for the purchase of open space land.

*Janet P. Brooks, formerly with the wetlands practice group in the Attorney General’s Office, is now in private practice in Middletown at D’Aquila & Brooks, LLC.*

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*Editor’s Note: Connecticut’s preserved lands are under siege, according to, “Preserved But Not Protected,” a recent report by Connecticut’s Council on Environmental Quality (CEQ). There are many illegal actions on conservation lands owned by the state, municipalities, land trusts and other private entities. While evidence for*

*encroachment of public and preserved land is easy to document, there has been a lack of legal recourse available to defend against these illegal actions. Land owners now can take encroachers to court with some certainty that they will recover costs of damage, property restoration and attorney fees.*

*Passage of Bill 5547 (PA 06-89) was a high priority for CACIWC. Please join us in thanking Representative Roberta Willis, the lead sponsor on this legislation; the Council on Environmental Quality, which played a crucial role in highlighting the extent of encroachment problems on DEP lands; The Nature Conservancy, the lead lobbying group with assistance from the Attorney General’s Office and DEP; The Farmington Land Trust and the Land Trust Service Bureau; and the many land trusts and individuals who communicated extensively with their legislators about the legislation. CACIWC testified in support of the legislation and our members provided grass roots calling and emailing.*

**References:**

*“Preserved But Not Protected,” Connecticut’s Council on Environmental Quality; 2005 Special Report. Log on to [caciwc.org](http://caciwc.org), use site specific google, type in encroachment.*

*For language of Bill 5447 (PA 06-89) go to <http://www.cga.ct.gov/>; put in the bill number in the “quick search” section at the top of the page. That will bring you to the Bill Status page. The last language should be in the top item under “Text of Bill” on the left hand column. Click on PA 06-89 pdf for final language. *

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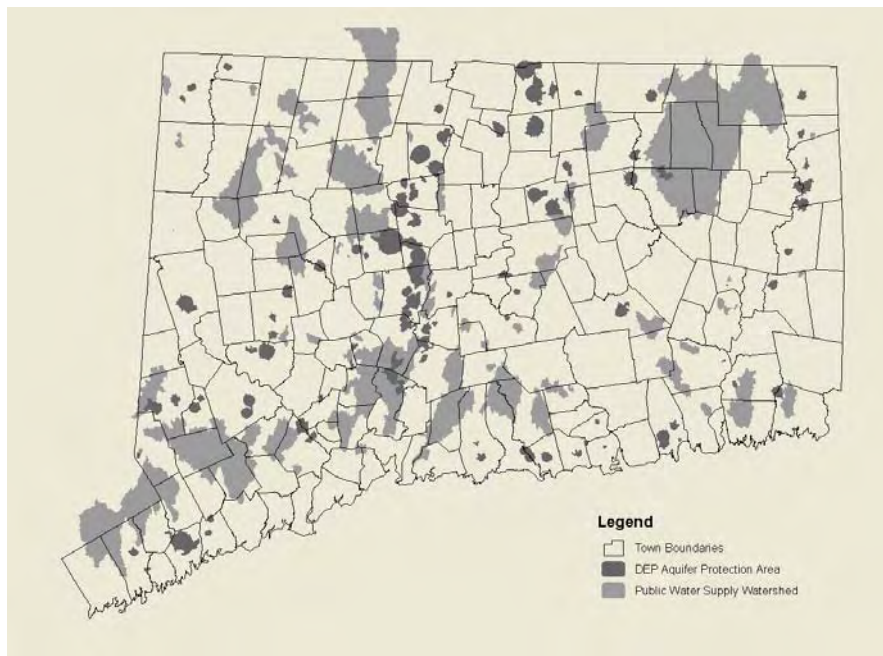


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# Protection of Sensitive Drinking Water Source Areas: *New Legislation Requires Applicants for Municipal Land Use Permits to Notify the State Department of Public Health*

by Lori Mathieu, Connecticut Department of Public Health

*Editor's Note: Conservation Commissions and Inland Wetland Commissions now have a vital role in protecting watersheds that are the source of public water supplies. Inland Wetlands Commissions should make sure applicants have notified the State Department of Public Health when their proposed development is within a public water supply drainage area. Conservation Commissions, as part of their statutory responsibility to conduct research into the utilization of land areas of the municipality, should be familiar with public water supply drainage areas within town boundaries and make recommendations regarding the use of those lands.*



In a move to highlight the need to protect sensitive source water areas that drain to public drinking water supplies, the State Department of Public Health (DPH) will be required to be notified when a proposed development is planned within a public water supply drainage area. Effective October 1, 2006, Public Act 06-53 Sections 1 and 2 modifies two existing laws requiring an applicant to either an inland wetland agency or a planning and zoning board to notify the DPH. Presently, the water company that owns and controls the public drinking water supply is required to be notified by the applicant.

Public Act 06-53 can be found under the following web-site address: <http://www.cga.ct.gov/2006/ACT/PA/2006PA-00053-R00SB-00313-PA.htm>. The DPH is working toward a standard notification format. It is anticipated that this format will be mailed directly to towns and also made available on the DPH web-site in September 2006.

The DPH has authority over the adequacy and purity of sources of public drinking water, and regulates 3,400 public water systems within Connecticut. DPH views this notification as a proactive step toward land developers recognizing the potential adverse impact that proposed projects can have on drinking water purity.

It is the intent of the DPH under its Drinking Water Section to work closely with and provide technical assistance to local town land use decision makers concerning development and management of these drainage areas. Over the last fifteen years, the DPH has commented to local land use boards concerning proposed projects that may

effect public drinking water sources. Many towns have found these comments to be useful in making their land use decisions.

The state's public drinking water supply drainage areas cover appropriately 18 % of the state and impacts many towns throughout the state as shown in the figure above. These drainage areas provide water to large capacity public drinking water supplies including all surface water reservoirs and shallow sand and gravel ground water wells. Towns may have received detailed maps of these drainage areas from the water companies. Also, the DPH in 2003 hand delivered drainage area mapping to each chief elected official as a part of the source water assessment program.

Please contact Lori Mathieu at the DPH's Drinking Water Section at (860)509-7333 if you should have any questions.



# 2006 Legislative Session:

## *A Few Excellent Victories ~ But Others Are “Wait ‘til Next Year”*

**T**ime is often the major obstacle to passing any legislation. In this year’s short session with the focus on transportation, jobs and ethics, time was the deciding factor limiting environmental legislation. Legislators still responded positively to environmental concerns but it was difficult for leadership to squeeze out time for dialog and debate on the chamber floor.

Please take the time to thank your legislators and Governor Rell for their continued support of the environmental issues and the legislation passed this year. They need to know that their constituents appreciate their efforts and are watching how they respond to their interests.

And please take time to congratulate the hard work of the many grassroots organizations that are the backbone of all environmental legislative actions. In the last two legislative sessions we have demonstrated the power of the membership of environmental coalitions. Thank You!

Below is a summary of key environmental legislative actions during this session.

For language of, or descriptions of any bills, go to <http://www.cga.ct.gov/>; put in the bill number in the “quick search” section at the top of the page. That will bring you to the Bill Status page. The last language should be in the top item under “Text of Bill” on the left hand column. A description of the bill will be under “Bill Analysis” on the right hand side.

### **OPEN SPACE AND AGRICULTURAL LAND PRESERVATION AND PROTECTION**

**Bonding:** The Governor and legislature failed to agree on a new bond package to make changes to the second year of the current biennial budget. Unless the legislature comes back in a special session the FY 06-07 bonding budget that was approved last year will remain in effect for the next year. Those authorizations passed last year include \$5 million for the Recreation and Natural Heritage Trust Fund, \$5 million for the Open Space Matching Grants program, and \$10 million for the farmland preservation program.

**Surplus Finds:** The session’s biggest conservation disappointment was the lack of any funds from the state’s current year budget surplus for land preservation. Senators Don Williams, Bill Finch and Andrew Roraback had introduced Bill 656 that would have directed \$60 million from the surplus to four programs - \$30 million for the Department

of Agriculture’s Farmland Preservation programs, \$10 million for the DEP’s Open Space programs, \$15 million for urban brownfield remediation projects and \$5 million for urban park restoration. The Appropriations Committee, however, did not include funds for any of these programs in its recommendations for the surplus.

### **OPEN SPACE MANAGEMENT**

**Open Space Encroachment Penalties:** Public Act 06-89 (Bill 5447), An Act Concerning Encroachment On Open Space Lands, will substantially increase possible penalties when the state, a municipality, or land trust brings action in court against someone who damages any protected open space including parks, forests, wildlife management areas, refuges, preserves and conservation easements.

**All Terrain Vehicle (ATV) Registration and Identification:** Connecticut Forest and Parks introduced, and the LCCC supported, Bill 5806, which would have required universal registration of all ATV’s, except those used for farm or forestry work. The revenues from the \$75 registration fee would have been used to finance acquisition of state areas where ATV’s could be ridden. The ATV community opposed the bill, which passed the Environment Committee, but was killed in the House. “*Wait ‘til next year.*”

**ATV Enforcement:** Public Act 06-89 (Bill 5447), An Act Concerning Encroachment On Open Space Lands, will substantially increase possible penalties when the state, a municipality, or land trust brings action in court against someone who damages any protected open space including parks, forests, wildlife management areas, refuges, preserves and conservation easements.

### **SUPPORT FOR STATE PROGRAMS**

**Senate Bill 188, An Act Concerning Environmental Review for Certain State Land Transfers**, ran out of time on the last day of the session. Members of the informal “CEPA Working Group,” including The Connecticut Fund for the Environment, the League of Conservation Voters, Rivers Alliance, Audubon Connecticut, the Council on Environmental Quality and CACIWC worked hard on SB 188, which would have required a public comment period before state-owned lands are sold or transferred, and required the DEP to develop a policy for reviewing and making recommendations concerning all such transfers. The CEPA working group has been working for the past few years to try to strengthen and prevent any weakening of

*Legislation, continued on page 6*

*Legislation, continued from page 5*

or exceptions to the Connecticut Environmental Policy Act, which requires certain environmental safeguards on state agency construction and development projects. “Wait ‘til next year.”

**DEP Staffing:** Environmental organizations have been working each year to increase DEP staffing. The Legislature and Governor once again failed to address the State Parks Division’s abysmal staffing situation. The Appropriations Committee had recommended restoring \$1.7 million that the Parks Division had lost two years ago, and directing an additional \$700,000 to the Division to address chronic staff shortages. The final budget only included \$500,000, leaving our State Parks \$1.2 million less in operational funding than they had 3 years ago. An effort to secure survey staff for the Land Acquisition Unit also failed. The unit once had three surveyors on staff but lost them to budget cuts over the past decade. The Council on Environmental Quality once had a Director, a second staff position, and a paid internship, but had been cut back to just the Director’s position. The Appropriations Committee budget included funding for a second position, but the final budget cut that back to a half time position.

**OTHER IMPORTANT ENVIRONMENTAL LEGISLATION**

**Public Act 06-53, An Act Concerning Protection of Public Water Supply:** Expands the circumstances under which anyone submitting an application to a local P&Z or wetlands commission must notify the Department of Public Health if the affected land is within a water company’s watershed or aquifer protection zone. CACIWC actively supported as a member of the Endangered Lands Coalition. Please see article on page 3.

**Public Act 06-128, An Act Authorizing Municipalities to Abate Taxes On Open Space Land and Authorizing Floating and Overlay Zones and Flexible Zoning Districts Abatement of Property Taxes for Donation of Open Space Lands:** The law codifies PA 490 by

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permitting municipalities to establish a program by which they can abate the property taxes on open space land meeting certain criteria on which the development rights are donated to the town. The abatement can be for any value up to the fair market value of the land and can be transferred to other properties held by the same owner.

**House Bill 5808: An Act Concerning Inspections for Invasive Plants and Municipal Ordinances Regarding Invasive Plants.** The Bill would have funded a budget for the Invasive Plant Council for inspection and control of invasive plants. Died last day of session. “Wait ‘til next year.”

**Senate Bill 192 An Act Concerning the Expansion of the Beverage Container Redemption Provisions and the Increase of the Refund Value of Beverage Containers:** CACIWC testified in support of this bill, which would have helped to restore the anti-litter program started by the original bottle bill. Also it would have contributed to the recycling ethic state and municipal officials are trying to instill in adults and children. Once again heavy lobbying by the soft drink industries caused delay and eventual death of this bill. “Wait ‘til next year.”

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# Developing and Implementing a Community Pesticide Education and Use-Reduction Program: The Plainville Conservation Commission's On-going Success Story

by Jason Rupaka, Plainville Conservation Commission

In November of 2004 the Plainville Conservation Commission set out to educate and encourage homeowners to stop using pesticides; thus, the Plainville Freedom Lawn Initiative was born. The main reason this initiative was introduced was based on some of the documented health risks associated with pesticide exposure that are found in medical reports and journals.

- Children exposed to pesticides increase their odds of leukemia, brain cancer, and soft tissue sarcoma, neuroblastoma, Wilms' tumor, Ewing's sarcoma, non-Hodgkin's lymphoma, and cancers of the colon, rectum, and testes. Parental exposure to pesticides increases odds of birth defects in fetuses.
- In adults, pesticides are linked to increased risk of cancers of the pancreas, breast, prostate, kidney/bladder, eye, and colon-rectum, infertility, Parkinson's disease, and

damage to the brain, lungs, kidneys, and liver as well as the endocrine, nervous, and immune systems.

- Pets are also negatively affected by pesticide exposure. Four lawn applications a year of 2 4-D double a dog's risk getting of canine malignant lymphoma.
- In amphibians, low doses (0.1 parts per billion) of atrazine, the most commonly used herbicide in the U.S., causes development of multiple sex organs, indicating its affect on hormones.

These risks and hazards triggered the Conservation Commission to educate Plainville residents about the harms associated with pesticide applications. The Commission also sponsored an educational organic land-care management seminar for Plainville residents as an alternative to pesticide applications.

*Plainville, continued on page 8*

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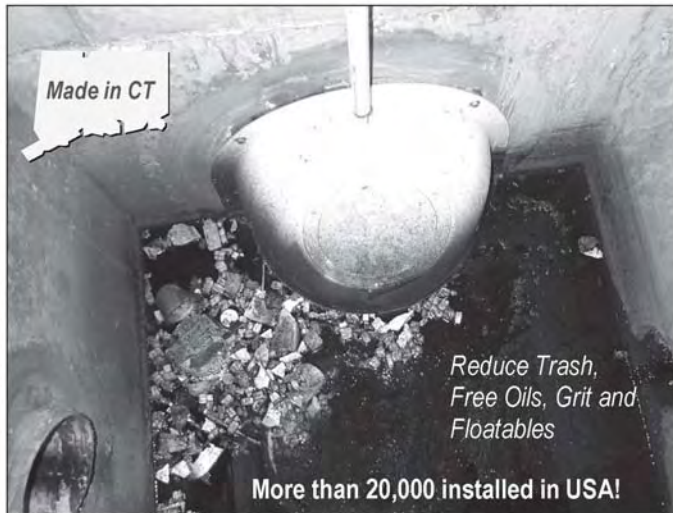


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*Plainville, continued from page 7*


To get the word out to the public, the Commission drafted and approved a Commitment Form. This voluntary form was a commitment by homeowners to stop using pesticides on their lawns, for the benefit of all people and the safety of the environment. The Commission then paid to have the Commitment Form printed in the local Plainville paper. The form was also placed in the Plainville Library and Municipal Center. Once a completed form was received back, a "Pesticide Free Zone" lawn marker was given to the homeowner to be displayed on his property. The Commission took the homeowner's address and had his property highlighted on a Freedom Lawn Initiative Map. The town's engineering department printed this town parcel map that can also be viewed on the town's web site.

Because of the number of residents that have committed to not using pesticides, the Plainville Town Council, on July 18<sup>th</sup> 2005, passed a resolution *supporting a voluntary non-use of pesticides and synthetic fertilizers on lawns and gardens by the citizens of Plainville.*

Currently the town of Plainville has 47 residential properties totaling over 16 acres that are pesticide free. Although we as a Commission are pleased knowing the public is becoming more aware, we were very excited this past February when the Plainville Town Council approved a resolution declaring Paderewski Park, a 37-acre park, pesticide and synthetic fertilizer free. The town will also be starting an organic turf pilot program at this park. The Commission hopes that this program is successful, allowing other parks in town to utilize and implement an organic turf maintenance program.

The Plainville Conservation Commission is very excited and happy that we were able to make such a difference in our community. If you would like more information regarding implementation of such a program in your town, please contact Conservation Commissioner, Jason Rupaka at [jhrupaka1@sbcglobal.net](mailto:jhrupaka1@sbcglobal.net) or 860.793.8832. Any and all information regarding this endeavor to assist other communities will be gladly forwarded.

Other information on pesticide hazards can be found on the following websites:

Environment and Human Health Inc. - [www.ehhi.org](http://www.ehhi.org)  
Beyond Pesticides - [www.beyondpesticides.org](http://www.beyondpesticides.org)  
Grassroots Coalition - [www.grassrootinfo.org](http://www.grassrootinfo.org) 



# Create An Outdoor Invasive Plant Library: *A Community Education Project for Conservation and Inland Wetlands Commissions*

by Charlotte Pyle, Landscape Ecologist

## Education is an Important Part of Invasive Plant Control

Have you ever considered opening an outdoor invasive plant library? An outdoor invasive plant library is a set of reference sites (with good places to park) where anyone can visit to view selected invasive plants in all seasons and growth stages.

What do you need to open an invasive plant library? Two things: reference sites and a “catalog.” The “catalog” is a numbered map, with location descriptions for each numbered site and site-specific details explaining where to look for particular invasive species. Locally knowledgeable people and records from the Invasive Plant Atlas of New England are good information sources on candidate sites for your outdoor invasive plant library.

An outdoor invasive plant library serves as a self-teaching tool to enable citizens to hone their identification skills. Alert citizens can contribute to the early detection of invasive plant infestations before those infestations reach a stage where control will be logistically or monetarily infeasible.

## Controlling the Spread of Invasive Plants is a Major Component

Preventing invasive plant establishment in locations lacking invasives is vital to protecting the habitat quality of native uplands and wetlands. Early detection followed by rapid response is one component. It is equally important to control the spread of invasive plant seeds.

Several factors influence the spread of invasive plant seeds; for example, people and vehicles spread invasives. Doing

spot control on heavily used trails or planning foot and vehicle traffic routes around infested areas is recommended. Beware “free fill dirt.” Instead, request that on-site materials from uninfested zones be used. Invasive plants tend to grow faster in open areas and establish best where bare soil has been exposed. Make recommendations to replant bare soil to non-invasive species and do not create needless open areas. Seeds of invasive trees and shrubs tend to be spread by birds (who perch at forest edges and then drop seeds upon take-off). So, it is particularly important not to create new openings *inside* of large tracts of relatively invasive-free forests.

## Just for the Record: Why isn't Poison Ivy on the Invasive Plant List?

Invasive plants are **non-native** plants that cause environmental or economic harm. Poison ivy may be an unwanted presence in your yard, but as a native plant, it cannot be defined as invasive. In 2004, the Connecticut Invasive Plant Council listed certain non-native plants as *invasive* or *potentially invasive* on the basis of their ability to cause environmental damage within minimally-managed areas. (Non-native plants with harmful effects restricted to economic damage in agricultural areas or visual blight in developed areas were not listed in Connecticut.)

## Links to Invasive Plant Issues and Species Identification USDA Natural Resources Conservation Service

[www.ct.nrcs.usda.gov/plants.html](http://www.ct.nrcs.usda.gov/plants.html) (includes invasive species identification sheets, brochures, and an easily xeroxed, two-page listing of all the plants listed as *Invasive* or *Potentially Invasive* in CT and which ones are now illegal to buy and sell).

Connecticut Invasive Plant Working Group-

[www.hort.uconn.edu/cipwg/](http://www.hort.uconn.edu/cipwg/)

Invasive Plant Atlas of New England - [www.ipane.org](http://www.ipane.org)

New England Wild Flower Society-

[www.newfs.org/conserves/invasive.htm#links](http://www.newfs.org/conserves/invasive.htm#links)

2004 CT Invasive Plant Law-

[www.cga.ct.gov/2004/act/Pa/2004PA-00203-R00SB-00547-PA.htm](http://www.cga.ct.gov/2004/act/Pa/2004PA-00203-R00SB-00547-PA.htm)



Charlotte Pyle is a Landscape Ecologist for the USDA Natural Resources Conservation Service. For further information, she may be contacted at [charlotte.pyle@ct.usda.gov](mailto:charlotte.pyle@ct.usda.gov) or (860)871-4066.

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# Protecting the Horizons in Connecticut

by Keith Palmer, Chair, Barkhamsted Conservation Commission

As the wide and not-so-wide swathes of flat land that make up the Connecticut river valleys fill with people and houses and commercial buildings, so do the more affluent among us venture into the hills east and west looking for homes. They look for acreage and, maybe to offset the winter snows or smaller roads, they look for views. And as construction skills grow and waste disposal requires less area for their septic systems, so they may venture higher up the slopes and onto the ridges. Understandably there are many old-timers and indeed less-than-old-timers who cherish the views of ridges and horizons that constitutes rural character and so look with dismay at the spoiled panoramas along Talcott Ridge, Avon Mountain, or Cider Mill Heights in Granby - to name a few prominent cases of excess.

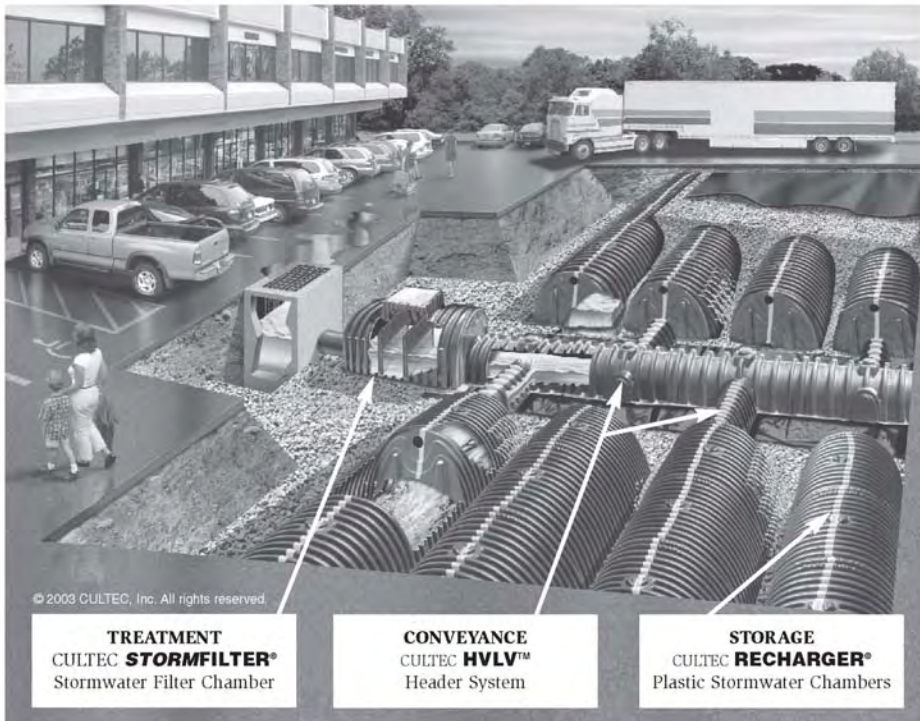
The hill towns thus affected concern themselves with the protection of ridges and horizons and many of their Conservation Commissions have written or are writing proposals for their Planning and Zoning Commissions. Some are lengthy, fifteen pages is typical, and expensive, both in their creation and in the manpower required for their subsequent administration. Considerable controversy and

argument goes into each proposal and it may be a five-year project to bring one to adoption.

The Barkhamsted Conservation Commission has discovered that there is a better way, one that is low in cost, quick to create, far less subjective and so, easier of adopt. It was created by Dr Kirk Sinclair of the Housatonic Valley Association (HVA) for the town of Kent where it was adopted last year under Sec. 8.2 of Chapter 124 of the state zoning regulations. It merits the attention of all of the smaller hill towns of the state, where there is much to lose in the way of local beauty over the next decade or so, and where conservation is a matter of doing it now.

The method is based on two principles which are used to define what we don't want to see and the viewpoints from where our perspective will be. The first is that a thirty-five foot house (the maximum height allowed by typical zoning regulations) should not be allowed to break the horizon when seen from a viewpoint. The second is that a viewpoint is a location on a public road either at an intersection with another road or at the location upon it of the junction

*Horizons, continued on page 14*



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# The New Connecticut Land Conservation Council: *A Merger of Two Well-established Programs*

*Editors Note: CACIWC participated with other conservation leaders in discussions and agreements leading to the formation of the Connecticut Land Conservation Council.*

**T**he Connecticut Land Conservation Council (CLCC) has been created by the merger of two well-established programs maintained by the Connecticut Chapter of The Nature Conservancy, the Land Trust Service Bureau (LTSB) and the Land Conservation Coalition for Connecticut (LCCC). The purpose of the new Council will be to provide the conservation community with one expanded program focusing on land acquisition and environmental advocacy in Connecticut.

## **Why Merge?**

While the Connecticut Chapter of The Nature Conservancy has maintained LCCC and LTSB as separate programs, the work of the two entities has converged over the years. By merging these programs the Chapter will simplify and strengthen the messages and build a stronger environmental constituency that can be reached more efficiently and effectively.

## **Specific Goals of this Merge:**

- Increase effectiveness of the land conservation community in protecting Connecticut's natural lands through advocacy, acquisition and stewardship.
- Build the capacity of the land trusts by increasing our capacity to provide training and networking opportunities.
- Improve assistance to land trusts to ensure the long-term viability of strong local land trusts as conservation partners.
- Increase advocacy engagement of Conservancy members within the greater land conservation community, by developing one sophisticated email communications program for use by both the Conservancy and the CLCC.
- Ensure consistent strategic marketing and communications that support the efforts of the CLCC.
- Increase the efficiency of the Conservancy's administration of the CLCC.

## **Structure of CLCC:**

- A ½-time administrator will be hired for the program.
- A steering committee with representation from interested land trusts and larger statewide conservation organizations (CACIWC is a member) will develop the annual work plans
- A lobbyist will be retained annually (as is currently done by the LCCC), with the conservation agenda set by the steering committee of the CLCC.

- Technical assistance and referrals for land trusts will be provided through a help desk (as is currently done by the LTSB).
- A website will be established to increase communications with the membership of CLCC.
- The annual Land Trust Convocation will continue, with considerable expansion of topics and input from CLCC steering committee; one additional annual outreach event may be provided.

## **Financial Considerations:**

- Expenses are projected to be \$60,000, consistent with previous years, for the administration for both programs.
- Income from tiered dues and event registration is estimated to be \$32,000. Larger statewide organizations and land trusts will be expected to provide significant support for the new organization.
- The balance of the funds will be recouped through fundraising.

## **The Land Conservation Coalition for Connecticut - Background**

The Land Conservation Coalition for Connecticut was formed in 1987 by several conservation organizations in response to the lack of funding for the state Recreation and Natural Heritage Trust Program (RNHT). The RNHT had been created the year before to enable the Department of Environmental Protection to pursue critical open space parcels in a strategic and timely manner. However, only \$2 million was allocated for the program.

In 1988, after the formation of the LCCC, the Governor and legislature approved \$15 million for the RNHT and \$5 million for the local parks and open space grant-in-aid program. Since then, the LCCC has successfully lobbied for over \$300 million in open space funding, as well as for state tax incentives, and bills strengthening conservation ownership statutes.

About 90 land trusts, garden clubs and other local and statewide groups (including CACIWC), and 50 individuals pay dues which are used to retain a contract lobbyist in Hartford and a .20 FTE administrative and grassroots support staff member. Meetings, open to all members, are held every month or two to discuss legislative issues and strategies, and other conservation issues.


*CLCC, continued on page 12*

CLCC, continued from page 11

Each year, the LCCC selects two or three issues, along with open space bonding, for focus by the lobbyist. In order for the LCCC to work on a legislative issue, at least one member group must devote significant resources to the initiative. Staff members or lobbyists from that member group or groups then work with the LCCC lobbyist on those issues. The LCCC has generally avoided involvement in regulatory issues.

### The Land Trust Service Bureau - Background

The Connecticut Land Trust Service Bureau was established in 1980 by The Nature Conservancy, to offer advice and assistance to the 116 land trusts in the state and raise land conservation awareness at the local level. In its early years, LTSB was instrumental in helping to form land trusts throughout the state.

The mission statement for LTSB: The Land Trust Service Bureau enhances the capacity of Connecticut's land trusts to preserve open space through training, networking, and providing referrals and information. The Nature Conservancy Connecticut Chapter administers and supports this work to help ensure the long-term viability of strong local land trusts as conservation partners. 

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# Inland Wetlands & Watercourses Model Regulations: *New Municipal Regulations Replace the Prior Model Dated “Revision March 1997”*

The Department of Environmental Protection recently mailed to every municipal inland wetlands agency the new Inland Wetlands and Watercourses Model Municipal Regulations. This model replaces the prior model dated “Rev. March 1997.”

The new model has been revised to reflect all legislative changes to the Inland Wetlands and Watercourses Act as of May 2006. In addition to such statutory changes, errors in the prior model have been corrected and numerous items clarified. The model has been designed so that it can be adopted with minimal changes or it can be customized to reflect the uniqueness of your municipality.

The model now contains several appendices of important reference material including the department’s guidelines for upland review area regulations. DEP encourages your town to consider adopting the department’s recommended 100 foot upland review area if your town has not yet provided for such. In addition, starting on page 2, we have listed all the revisions to the 1997 model, section by section and have underlined such revisions in the body of the new model. Further, in section 19 on page 26 you will find a new item called the Complex Application Fee, which should help towns cover the cost of expert review of certain application items.

The model has been designed to reflect not only the legislative changes to the Inland Wetlands and Watercourses Act but the lessons and advice provided in our training sessions, so as to continue and support strong and defensible protection of inland wetlands and watercourses.

The new model will soon available in electronic form. Please watch CACIWC.ORG for availability. Additional information can be obtained by contacting the Wetlands Management Section of the DEP at (860)424-3019. 



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*Horizons, continued from page 10*


of two adjacent stream basins. Stream basins are like small watersheds and their junction will typically intersect a road at a high point or crest along it.

While somewhat laborious for the mapper, the generation of view points and their relative horizons is simply described since all calculations are done by a computer and are based on GIS data, available for each town in the State. Having generated the line of the horizon, the mapper now programs the computer to generate areas both beyond the horizonline and in front of it - as seen from a particular viewpoint - within which the 35 foot house would break the line of the horizon. These areas are called horizon belts and may be published as an overlay district on town zoning maps. Within these horizon belts development may be regulated more tightly than elsewhere according to the best judgments of Conservation Commissions or Planning and Zoning Commissions.

In the case of Barkhamsted and Kent, the regulations are very gentle; essentially they boil down to two directives. The first is that any developer planning construction within the horizon belt must demonstrate that he has made every reasonable effort to eliminate the visual impact of his construction. The other is a limitation within the horizon belt on private clear cutting (as opposed to commercial -

which is regulated by the State) in both the maximum linear dimension and the maximum area allowed. Further escape clauses may be added if deemed necessary. Constraints may be placed on the area of horizon belts as commissions see fit. For example, a horizon belt may be limited to a minimum distance in its approach to a road ( in our case, no closer than 750 feet), or it may be limited in width - for example, no wider than 1000 feet either side of a ridgeline; or it may be extended to include steep slopes of defined grade. Other options are of course programmable.

We note that in this case the onus of responsibility for protection is placed on town commissions (where we believe it should be) and on their collective judgment. There is nothing prohibitory, confiscatory, no "taking", no "thou shalt not - -", no diminishing of property values. Indeed, we believe that such a proposal is well within the realm of good stewardship of the land, stewardship that should be shared by townspeople, commissioners, and landowners - for the sake of Connecticut's future. It is our conviction that this protection is both the most important action we can take for the preservation of that rural character which small towns so frequently say that they wish to preserve, and it is the most easily accepted.

Any further inquiries may be directed to Dr. Sinclair at HVA, the town of Kent, or to the author. 

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***SAVE THE DATE! November 4, 2006!***  
***CACIWC's 29<sup>th</sup> Annual Meeting & Environmental Conference***

CACIWC will again host a day-long series of workshops for conservation and inland wetlands commissioners and staff. The workshops are organized into four tracks. This year's potential topics for each track are listed below. *Watch CACIWC.org for further updates!*

**A. Open Space/Resource Conservation**

- New Encroachment Law to Protect Open Space Lands
- DEP Review of Wildlife Conservation Strategies Plan and its implications for municipal conservation
- Greenways and Blueways: Basic mapping exercises to create a new set of GIS "trail attributes" for trails and waterways


**B. Wetlands Protection**

- Storm Water Management: New rain garden approaches to reduce NPS pollution of wetlands and watercourses
- Case Law, Legislative and Regulations Update
- Regulation of Pesticides in and around Wetlands & Watercourses

**C. Science & Technology**

- Storm Water Management Workshop: Hands-on review for getting the most out of site development plans
- Natural Resource Inventory: Introduction of Community Resource Inventory (CRI). A new on-line GIS-based natural resource inventory tool & other Web-based mapping tools for municipal commissions
- Web-based Soils Mapping: Obtaining maps of soils with the NRCS's new web-based county soil maps

**D. Commission Leadership & Administration**

- Public Health Issues associated with Land Use Decisions: Protecting source water of public water supplies
- FOI/Ethics Important issues for today's commissions
- Secrets of a Successful Commission Best practices that work and give results 

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## ☆ Call for Nominations ~ Annual Recognition Awards!

CACIWC is seeking nominations for our Annual Recognition Awards. As in previous years, these awards honor those commissioners, commissions and agents who have made outstanding contributions toward resource protection and environmental awareness while meeting the responsibilities outlined in state and local legislation.

Nominations for these CACIWC Awards will be received in the following four categories:

- Conservation Commissioner
- Inland Wetlands Commissioner
- Conservation or Inland Wetlands Commission
- Commission Staff, Agent or Director

Nominations for CACIWC Awards will be received through **September 18, 2006**.

Awards will be presented at the CACIWC 29<sup>th</sup> **Annual Meeting & Environmental Conference**, to be held **Saturday November 4, 2006** at the Mountainside Special Events Facility in Wallingford. Nomination forms are being sent to each commission. If you would like a form you may download the pdf form from [CACIWC.ORG](http://CACIWC.ORG) or contact Tom ODell at (860)399-1807 or [todell@snet.net](mailto:todell@snet.net). 

**Spring 2006**

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