

GUIDELINES FOR ACQUIRING LAND

The Criteria Committee of the Cheshire Land Trust was guided in its work by the following quotes from the Land Trust's Certificate of Incorporation (1969). (Slocum, Kowalski, Chesnow)

" the purposes to be promoted or carried out by the corporation are as follows:

a. To engage in and otherwise promote for the benefit of the general public the preservation of natural resources... including water resources, marshland, swamp, woodland and open spaces, and the plant and animal life therein and the preservation of unique historical and scenic sites.

b. To engage in and otherwise promote the scientific study of and to educate the public regarding local natural resources including plants, animals, birds, and other wildlife."

In this report the committee has included:

- I. Guidelines for acquiring lands including:
 - a. criteria for evaluating lands being considered for acquisition
 - b. expected results to be achieved through the acquisition
 - c. suggested actions to accompany the acquisition
- II. Properties that are unacceptable or conditionally acceptable
- III. Required Documents for Properties
- IV. Related Topics for Discussion

I. Adopted Criteria for Acquiring Lands

A. Criterion; Abutting property

Adjoins a parcel presently under our stewardship or adjoins other public or private open space (Or, less ideally, a parcel which is separated from an open space by no more than one intervening property through which there is an easement or right of way which allows public access on foot.)

The undeveloped lot off Inverness Court & Bethany Mountain Rd. contains access rights to Russell Property. A purchase of this property would meet this criteria.

Expected result of acquisition

The acquisition would help create large contiguous areas of open space (feeding corridors for wildlife/ green belts for hiking.)

Suggested actions accompanying the acquisition

If land adjoins other privately owned open space, try to get right of first refusal from that property owner or at least a letter of intent.

B. Criterion; Ecological importance

Land which is ecologically important: the development of a parcel which would contribute to or cause environmental damage such as the pollution of a water supply, interruption of a wildlife corridor, loss of habitat for birds/animals designated as endangered, threatened, or of special concern.

C. Criterion; Wetlands & Watercourses

Land containing wetlands, water bodies including seasonal, watercourses

Expected result of acquisition: Preservation of existing biological diversity.

Accompanying actions: Insure buffers of the wetlands and access to by wildlife. Initiate studies of area, perhaps through small grants from a CLT fund set aside for this purpose.

D. Criterion; Scenic Value

Views into parcel or out of parcel are familiar and cherished; integral part of character of area.

The Brooksvale Farm Preserve Conservation Restriction (McKee, Lewis, Thayer, 1992 & 1995) preserve scenic vistas and a remnant of the towns former agricultural heritage.

Expected result of acquisition:

Preservation of character of area, preservation of visual resources of town; enhancement of quality of life of community.

Accompanying actions: Plan for maintaining views: example: a field that would be kept mown

E. Criterion; Historic Significance

Land is of historical interest or importance such as the site of an important event or industry
examples: sawmill, trolley bridge; a graveyard, Indian artifacts

The Wu property off Mixville & Summit Rd. is ecologically and historically significant as it contains a trolley bridge and preserved railbeds.

Expected results of acquisition:

Educational—research and field trips.

Historical— part of record of town's past

Accompanying actions: Public access to site, informational signs. Encourage study of the site perhaps by a small grant from CLT, with written report to be submitted.

II. Unacceptable or conditionally acceptable land acquisitions:

A. Lands which contain environmentally damaging materials such as petroleum products, necessitating an expensive cleanup cannot be accepted until they have been cleaned up and have passed Federal and CT DEP inspections.

B. Woodlands significantly damaged by disease, pests or invasive vines are questionably appropriate acquisitions, but could be useful for studies or reclamation projects. Woodlands that have been clear cut or burned could be valuable areas for the study of the stages of regeneration or for maintaining as grassy areas.

C. Parcels with sidewalks have proved costly for the Land Trust to maintain. If the environmental, historical or scenic value outweighs the presence of a sidewalk, then the property should be acquired, but it would be appropriate to ask the donor for a contribution to a CLT property maintenance fund.

III. Required Documentation on Properties

A. Surveys: all parcels must have A2 surveys

B. Deeds: CLT should actively participate in all deed drafting.

Deeds by outright title or by conservation restriction (easement) have different language by definition. Common to all must be CLT's goal of protective custodial stewardship. Lands which have overly restrictive deeds cannot be accepted. Example; a deed in which CLT has development rights but the donor has reserved rights to activities (such as driving heavy trucks over the property) which could be harmful to water, soil, animals and plants.

CLT's Ten Mile River Preserve & Judd Brook Preserve contain donor reserved rights that have compelled CLT to become sidelined and somewhat neutralized parties to development in questionable wetland settings.

The Brooksvale Farm Preserve Conservation Restriction (McKee, Lewis, Thayer, 1992 & 1995) is the best recent example of CLT & donor participation in the documentation and implementation of a restrictive yet thoroughly acceptable conservation (easement) restriction.

Roaring Brook (12/78) has a termination date after 25 years. While the preservation of Roaring Brook preserve is not in doubt it was unwise for CLT to accept a time limitation on its rights.

Note: CLT's goal for all its properties is that they remain forever wild, that activities on the land be limited to those which do not harm native animals and plants, soil texture, rock formations, wetlands, water bodies and/or any other existing natural conditions. Any deed restrictions which could impede this goal are not acceptable.

Other questions on deeds:

1. Deed granting rights of way (ROW); Specifications, restrictions and boundary marks should be clearly defined and mapped.

a. see Russell Family ROW documentation.

2. Other required documents: Title search

a. Mortgaged property cannot be conveyed by a donor unless mortgagee is a co-party to the conveyance. A gift of land by the Tussing family that enhanced CLT's Fresh Meadows Property was removed when the Tussing family ran into financial problems. CLT received clear title to the land only after Ed Tufte purchased the land and gifted it to CLT by clear title.

IV. Related Topics for Consideration

Endowment Funding:

"Endowment funding is necessary for the long term defense of all Trust lands. An endowment fund is established for each parcel of land accepted by the Trust. It is expected that the land donor would appreciate and participate in this essential process." (from the San Juan Preservation Trust's statement of purpose)

Fundraising: What role should CLT take in fundraising activities

Farmlands:

Farmlands designated as prime should be saved and used for farming. What role does CLT intend to play in the preservation of working landscapes such as farms, hay fields, and tree farms?

Should we consider adding to our statement of purpose the protection of agriculturally important lands?

Note: it is possible to preserve part of a property as a pick-your-own farm while another part becomes a nature preserve. Several groups may need to cooperate on such a venture.

Structures:

What is our stance on acquiring buildings such as houses?

If the building were an essential part of acquiring an important property, we might take this under consideration. Are we, under present bylaws, allowed to divide off part of a donated parcel and sell it?

By-laws: CLT by-laws do not prevent the Land Trust from portioning off a section of land containing a building, to sell. However, it has not been the intent of the CLT to accept a property designated as open space and then sell the entire piece.

Tax consequences of such a sale must always be explored before any action is taken.

Additional Notes made while working on these guidelines

CLT should begin to draw on all the colleges in the area to help CLT in doing studies. Yale students have served us well over the years. Other colleges may have similarly motivated students. Quinnipiac, Southern, Teikyo Post, Naugatuck Valley, UNH, and UCONN (Waterbury) all lie within a short distance of Cheshire.

CLT should set aside a sum of money, the interest on which will be used for educational/study purposes.