

**PLAN OF
CONSERVATION AND DEVELOPMENT
TOWN OF LEDYARD, CONNECTICUT**

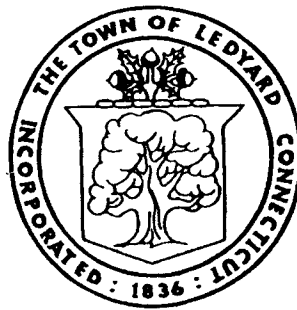
Adopted by the Ledyard Planning Commission on November 18, 2004

Effective Date: December 7, 2004

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Appendix B
OPEN SPACE PRESERVATION &
MANAGEMENT PLAN



TOWN OF LEDYARD, CONNECTICUT

A collaboration of the Ledyard Town Council, Open Space Committee, and Planning Commission

OPEN SPACE PRESERVATION & MANAGEMENT PLAN

I. GOAL AND OBJECTIVES: The goal of the Open Space Preservation & Management Plan is to provide the Town of Ledyard with a comprehensive strategy to identify, protect and preserve open space, and manage town-owned open space properties to achieve the maximum benefit to town residents and wildlife. This Plan will be made a part of the Plan of Conservation & Development by reference. The following are the objectives for preserving open space:

1. Protect natural water courses, Thames River, and Long Island Sound water shed.
2. Protect public drinking water (aquifers and reservoirs). A Source Water Protection Plan that identifies these resources should be completed and adopted.
3. Protect and improve wildlife habitat and biodiversity in our region.
4. Increase the size of already committed open space areas.
5. Coordinate with surrounding communities to connect greenway trails and wildlife corridors between isolated open space parcels.
6. Protect lands of social or cultural importance and public access to those areas.
7. Provide sites for active as well as passive recreation.
8. Protect the Town's unique natural features such as boulder trains, wetlands, and tidal basins that help define the community's character.
9. Preserve prime agricultural lands.
10. Reduce growth in municipal infrastructure inventory (roads and basins) and expenditures for infrastructure maintenance.
11. Establish an inter-municipal greenway to link the Groton coast with Preston via Ledyard.

II. IDENTIFY LAND THAT IS DESIRABLE AS OPEN SPACE: The Town of Ledyard has recently purchased Geographical Information Systems (GIS) Software for maximum mapping capabilities of land parcels in Town. This will allow analysis of land characteristics by using the GIS mapping "layering" capabilities, overlaying topographic contours, zoning, wetlands, soil types, utilities, roads, parcel lines, and much more. These maps can be a critical tool in determining the desirability of certain parcels that may be available for acquisition and use as Open Space.

The Connecticut Department of Environmental Protection is mapping Aquifer Protection Zones and revising older aquifer maps. The State has also implemented the Aquifer Protection Program at the municipal level. The Connecticut General Statutes Section 22a-354o required the Town to set up an Aquifer Protection Agency. The Zoning Commission was appointed to this task for the Town of Ledyard. The Zoning Commission has designated an Aquifer Protection Zone based on the State's Department of Environmental Protection recommendations and initial aquifer mapping. The zone is delineated on the Ledyard Zoning Map.

Three additional tools will be need to identify land for designation as open space:

1. **Greenway and Wildlife Corridor Boundaries:** The properties that are the preferred location for open space are identified on the Open Space Plan Map which generally outlines the areas of low-density residential development

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indicated in Map 4 of the Plan of Conservation and Development. Land within proximity to the general trail or linkages indicated will be considered for expansion or establishment of greenways and wildlife corridors.

2. **Natural Resource Inventory:** The inventory should include vernal pools, ledge, trap rock, boulder trains, rare or endangered plants and animals, significant archeological ruins, etc. Information can be obtained voluntarily from owners, site walks for that purpose or wetlands delineations in development proposals. The inventory would contribute to the Open Space Index.
3. **Open Space Index:** The Open Space Index lists all designated open space properties and all properties within the Greenway/Wildlife corridor boundaries. It will include property descriptions with photographs and detailed maps that highlight areas that should be given priority to be preserved as open space. The index will be an accumulation of all known attributes of these properties.

These tools should be maintained by the Conservation Commission as guidance documents that evolve as more information becomes available. They would be updated as changes occur or information becomes available.

III. ENCOURAGING PRESERVATION OF OPEN SPACE AND SHAPING THE TOWN'S DEVELOPMENT: The Town should act together with federal and state agencies and adjoining communities as well as local land conservancies or trusts to identify and preserve land that is of particular value as open space. The preservation of open space is recognized in the state statutes as providing for the common good of the people of Connecticut. It is not a competition between development and preservation, but rather a plan in harmony to make efficient use of limited resources. This Plan recommends the following strategies as means of preserving open space and managing growth:

1. **Conservation Subdivision:** Through the Subdivision Regulations the Planning Commission can require the developer of a Conservation Subdivision to set aside 40% of the tract as open space which should be the norm for any subdivision of greater than ten (10) acres. The regulation gives the Planning Commission authority to determine the location and shape of the open space. The Planning Commission should review the required set aside in light of this Open Space Preservation & Management Plan to ensure the set aside is adequate to meet its goals. The Subdivision Regulations also allow a developer to negotiate a fee in lieu of open space land for conventional subdivisions. The collected fees are to be deposited in a separate account dedicated to providing funds for purchase of land considered to be more valuable to the community as open space.
2. **Public Act 06-128 Authorization for Municipalities to Abate Taxes on Open Space Land:** This act sets conditions under which municipalities may abate property taxes on open space land. This abatement is separate from the property tax benefit available to open space land owners under the 490 program (see

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supplement for more information). Adoption of a 490 program is not recommended. This could be a key program for the development of an extended trail network that would connect open space parcels. An implementing ordinance ought to provide that the transfer of development rights, conservation easements, or rights of way be provided in perpetuity in exchange for a tax abatement.

3. **Responsible Development:** Energy efficient and low impact development models should be integrated with in a regulatory framework with conservation subdivision design.

IV. METHODS OF ACQUISITION AND PROTECTION OF OPEN SPACE:

1. **Education:** Citizens are urged to learn how to they can assist in lessening the impact of development to the land. One important way is to rethink the need for expanding impervious surfaces (e.g., roofs and bituminous concrete driveways). Using porous driveway surfaces reduces the volume of runoff that can raise wetland water temperatures and potentially harm wetland flora and fauna. A second important consideration by both homeowner and developer/builder is to refrain from the use of invasive landscape plantings. Many hours of volunteer labor has been expended in an attempt to control or eradicate invasives in high visibility areas with limited long-term success. It is imperative that a more proactive approach be used to mitigate the spread of invasives. The State of Connecticut provides an on-line list of non-native invasive plant species. Many of these non-native plantings flourish, effectively pushing out indigenous species. Minimizing ground disturbances are important as well, as disturbances provide increased opportunity for erosion and for invasive plants to become established through natural propagation. Where it is necessary to disturb the soils, Erosion and Sedimentation Controls (E&S) are critical to protecting nearby wetlands and the multitude of life forms they encompass. Changes in water temperature, sediment, and lawn chemicals can drastically change the ecology of wetlands and riparian systems. New or revised regulations are needed to more adequately control run-off from new and existing development.
2. **Conservation Organizations:** Individuals and companies may feel more comfortable in providing land gifts to land protection groups. Several land conservation groups own open space parcels in the Town of Ledyard. Avalonia Land Conservancy and The Nature Conservancy are two such groups known to be active in the Town of Ledyard and do provide options for developers and citizens to transfer the deed to land parcels for Open Space. The Town should partner with conservation organizations when the goals of the Plan of Conservation and Development can be achieved.
3. **Regulation:** Conventional Subdivisions nominally require ten (10%) percent of the area of the undivided property as open space set-aside. The Planning Commission should consider increasing set-aside to the maximum of 20% allowed by CGS. Improvements to open space should be required if it is to be used for recreational purposes (e.g., trails, ball field, etc). Said open space can

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be deeded to the Town or one of the aforementioned groups that own and manage open space in the Town. A “fee-in-lieu-of” open space is available for conventional subdivisions. The resultant funds are set aside as funding for purchase of alternative parcels that may be more desirable as open space.

The newly adopted Conservation Subdivision Regulations require Forty (40%) percent of the total parcel area to be set aside as Open Space. The benefit to the developer is the ability to reduce lot sizes, thus reducing infrastructure costs as well as other “soft costs”. The benefit to the Public is a substantially larger portion of land preserved in perpetuity for Open Space, as well as substantial buffering for new residential subdivisions, potentially increasing value to homeowners. The Planning Commission should consider amending the regulations to increase the set aside of open space on a percentage basis in conservation subdivisions. Regulations dealing with open space should be reevaluated to ensure that the land conveyed is suitable to be dedicated as open space and not exclusively land that would be otherwise unusable (preserved anyway) such as a pond, lake, or other water body.

- 4. Acquisition:** Currently the Town acquires open space parcels as a result of the process of establishing new developments. A recent change to the Subdivision Regulations allows a fee-in-lieu of open space to be deposited in the Town’s Open Space Fund. The monies thus collected can be used for the purchase of land that is particularly valuable as open space upon receiving a positive report from the Planning Commission pursuant to CGS Section 8-24. Additional funding sources for this fund should be explored (e.g., a portion of the Municipal Conveyance Taxes, private gifting, selective harvests of timber, or farming activities on Town-owned land). Funding for a purchase can be supplemented through bonding or appropriate grants. Public Act 06-128 provides an opportunity to accumulate land for use as open space without transfer of ownership. A successful strategy used by other Towns in Connecticut is to acquire properties that can be used both for open space and building lots. Often times parcels are purchased and building lots are created and sold along the street frontage or with interior lots to offset the cost of purchasing the open space and paying down the bond. The remaining land is then permanently preserved as open space. This strategy can even be combined with a housing strategy to address affordable housing needs. The Conservation Commission should maintain a prioritized acquisition list with input from other stakeholders to guide the Town’s plans for acquisition.

V. OPEN SPACE MAP NARRATIVE

1. Narrative Map Text: The map shows existing open space (public and privately owned, including Park & Recreation Land), other existing municipal land and facilities, land that shall be considered for conservation subdivisions (parcels that are ten acres or greater), potential trails and open space connections. The parcels that shall be considered for conservation subdivisions can be considered by the Planning Commission for open space dedications under the

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Conservation Subdivision regulations, if appropriate. Reference the criteria for conservation subdivisions in the Subdivision Regulations. The proposed open space linkages and trails are not intended to be actual but follow the property lines of parcels (part of which) could become part of a future trail or open space corridor connection. Properties that could be part of a trail or open space corridor are rated as higher acquisition priorities for the Town. Other parcels could be considered for conventional subdivision open space dedications or fee in lieu of open space.

ATTACHMENTS: Open Space Map. Open Space Preservation & Management Plan Supplement.

Open Space Plan Map

Legend

- MPTN Boundary
- Proposed Greenway
- Trail Network Limits
- Water
- Proposed Open Space Linkages - From POCD 2004
- Parcels
- MPTN Property
- ▨ Existing Open Space & Park Land
- Other Municipal Facilities & Property
- Land that shall be considered for Conservation Subdivisions



Notes:
Map Date: 9-9-08
Drawn By: Planning Office
For: Proposed Open Space Plan
Revision: 10-06-08
Source: Ledyard Shape Files
Map Should Be Interpreted in Context of Open Space Plan
& Narrative Map Text
Data is not authoritative and should be used only for interpreting
application of Open Space Plan



OPEN SPACE PLAN SUPPLEMENTARY INFORMATION

I. INTRODUCTION

A. Town Council's initiation of Open Space Committee: The Town of Ledyard Plan of Conservation and Development highlighted the need for a comprehensive plan to develop an integrated and linked pattern of preserved open space. The plan was to include long-term conservation objectives and a municipal property management program encouraging open space stewardship. The Town Council established an Open Space Committee by resolution on September 22, 2004. The Committee was to address these issues and develop an open space policy for the Town of Ledyard. The Open Space Plan that resulted from the deliberations of this committee makes recommendations for several means of encouraging the preservation of open space, and does not contain policies or recommendations that effectively devalue privately owned land without the consent of the owner."

B. State of Connecticut Open Space Policy: The policy for the State of Connecticut with regard to open space is detailed in the first paragraph of the law that established tax abatement as a means of preserving open space (PA 63-490).

CGS, Sec. 12-107a. Declaration of policy. "It is hereby declared (1) that it is in the public interest to encourage the preservation of farm land, forest land and open space land in order to maintain a readily available source of food and farm products close to the metropolitan areas of the state, to conserve the state's natural resources and to provide for the welfare and happiness of the inhabitants of the state, (2) that it is in the public interest to prevent the forced conversion of farm land, forest land and open space land to more intensive uses as the result of economic pressures caused by the assessment thereof for purposes of property taxation at values incompatible with their preservation as such farm land, forest land and open space land, and (3) that the necessity in the public interest of the enactment of the provisions of sections 12-107b to 12-107e, inclusive, and section 12-504f, is a matter of legislative determination.

II. WHAT IS OPEN SPACE?

A. Definition: *Open Space* is defined in the State of Connecticut General Statutes, Section 12-107b, as "Any areas of land, including but not limited to, forest land, tidal and inland wetlands, and farm land, the preservation or restriction of the use of which would:

- Maintain and enhance the conservation of natural or scenic resources
- Protect natural streams or water supply
- Promote conservation of soils, wetlands, beaches, or tidal marshes
- Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, or other Open Spaces

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- Enhance public recreational opportunities
- Preserve historic sites
- Promote orderly urban or suburban development”

The Town of Ledyard Plan of Conservation and Development, 2003, p. II-7, states “Open space means land that is privately or publicly owned but is permanently protected and held in the public interest. It is different than ‘undeveloped land’ which is simply land that has not yet been developed but has no special protection. These areas are intended to assist in providing clean resources, wildlife habitat, storm water detention and moderation as well as recreation and education.”

- B. Who/What benefits:** Benefits to preserved Open Space in Ledyard are many-fold. Environmentally, open space provides a natural drainage, flood storage and/or erosion control. Open space can provide a time release of suspended solids by reducing the speed of runoff from developed areas; thus, mitigating the inevitable pollution that accompanies human activities. When open space parcels are connected, a continuous habitat is provided for migrating wildlife. Rare or endangered flora and fauna identified in the Natural Diversity Data Base can be provided undisturbed living space.

Townpeople may enjoy an enhanced quality of life through the natural ambiance of the town and through publicly accessed areas set aside for passive recreation. Hikers, bird-watchers, photographers and other naturalists can enjoy the ability to observe from within protected parcels, while causing minimal impact to them. In some cases, hunters, fishermen and other sportsmen may be permitted seasonal access in selected open space parcels. Property owners may also benefit through increased value to their homes and property where open space initiatives have been enacted and advanced. Open space in densely populated residential areas provides a natural buffer that can soften the surroundings and act as sound barriers to reduce traffic noise. It is intended that some open space be set aside for active recreation in or near densely populated areas. Residents may enjoy the convenience of a nearby recreational facility for active sports or playgrounds for young children.

III. SUPPLEMENTARY INFORMATION:

- A. Summary of PA 63-490 (for Open Space):** In order for undeveloped land to fall under the PA 490 program open space provision, it must be identified desirable open space in the Town’s Open Space Plan. An ordinance must be adopted to implement this abatement. Identification can be; 1) within certain boundaries, 2) detailed list of properties, or 3) by size of the property. It is recommended that the Town of Ledyard use a combination of the size of a parcel

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and its location as a criterion for "desirable open space." For example: the Town ordinance would allow tax abatement under PA 490 with the proviso that the land is at least 10 acres in size and lies within the boundaries of the designated "Greenway/Wildlife Corridor" (Map 1, Greenways and Trails) or is adjacent to an existing open space parcel. Maintaining the designation as open space under PA 490 would require reapplication by the owner after ten years.

The "Open Space" provision of PA 63-490 must be approved by a majority vote of the town's legislative body, and then be classified as such by the town's assessor at the request of the landowner. No penalties are imposed on landowners who want to develop their land after ten years of lower assessment; however, penalties are imposed if a landowner using the program develops the property in less than ten years, with penalties assessed on a pro-rata basis.

- B. Summary of PA 06-128:** This newly enacted law encouraging the preservation of open space takes affect October 1, 2006. Tax abatement can be allowed for open space land, including forests, if preserving or restricting it's use would: 1. maintain and enhance the conservation of natural or scenic resources; 2. protect natural streams or water supplies; 3. promote soil, wetlands, beach, and tidal marsh conservation; 4. enhance the public value of abutting or neighboring parks, forests, wildlife preserves, nature reservations or other sanctuaries, or other open spaces; 5. preserve historic sites; or 6. promote orderly urban or suburban development.

An ordinance must be adopted to implement this abatement. The ordinance will authorize the abatement if the owner of the property agrees to transfer the development rights to the municipality, accepts conservation easements on the property, allows rights of way, or agrees to any combination of these benefits. The ordinance must specify how owners may apply for the abatement and require appraisals to determine the land's value with and without the development rights. The agreement is for a specified period of time and goes with the land. For example: the ordinance could provide tax relief to any owner of property abutting a designated open space or is within the Greenway and has greater than ten (10) acres and one or more of the agreements above are accepted. The amount of the abatement is based on the difference in property value with and without the agreement.

- C. Explanation of Conservation Easements:** Specific terms of conservation easements vary with the nature of the property and the landowner's goals. Activities that would harm the conservation values identified for protection are either prohibited or restricted. Restrictions typically limit the extent of alteration of waterways and activities that contribute to excessive sedimentation or erosion. Timber harvests may be restricted to the extent desirable to protect sensitive

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habitats, streams, soils and overall forest productivity. Public access is not usually granted in the case of conservation easements. Forest management, agriculture, grazing, residence, recreation, low-impact commercial uses, and the building and maintenance of roads can all continue on the property, although the easement may limit their intensity or location. For the property owner, conservation easements help landowners ensure that important natural characteristics are protected indefinitely while keeping the property for use in private ownership. Conservation easements can be conveyed by charitable gift or sale. Valuation of the easement is the difference between the fair market value of the property before and after the easement restrictions are put in place.