



# THE HABITAT

## Landmark Legislation for Open Space and Farmland Preservation

### Public Act 228, *An Act Concerning Farmland Preservation, Land Protection, Affordable Housing and Historic Preservation*

Genesis of Senate Bill 410 was the Farmland Task Force that worked through last summer (2004) to develop goals and mechanisms for preserving farm land and enhancing farm viability. Led by Senator Donald Williams, President Pro Tempore, the Task Force was successful in establishing legislative objectives for the 2005 Legislature. Those objectives were incorporated into SB 410.

During the 2005 legislative session Bill 410 evolved to include funding for open space, historic preservation, and affordable housing. The result was the formation of a powerful grassroots coalition and the support of many other legislators. There were many legislators to thank for their leadership and perseverance during the sometimes grueling “negotiations.” In addition to Senator Williams, House Speaker Jim Amann deserves enormous credit for allowing the 6+ hour House debate on SB 410 to continue and not simply setting the bill aside. His leadership was essential in the final hours of the 2005 legislative session. And ultimately it was Governor Rell’s signing that put the legislation into action.

There were also many groups and individuals responsible for the passage and signing of Bill 410 (Public Act 228)

- **Working Lands Alliance** lobbied tirelessly for the bill, and has done fantastic work the past few years on a range of issues critical to keeping agriculture going in Connecticut.

- **The Trust for Public Land** got the idea of using the real estate document recording fee as a funding mechanism for these programs and lobbied the Governor’s Office very effectively.

- **Connecticut Farm Bureau** was critical in getting legislative leadership support.

- **Partnership for Strong Communities** helped secure some very favorable editorials in the state’s largest newspapers.

- **Connecticut League of Conservation Voters** provided legislators with consistent and timely information.

- **Land Conservation Coalition of Connecticut, National Trust for Historic Preservation, CACIWC, Connecticut Fund for the Environment,** and many others supplied considerable grass roots pressure (phone calls, emails, and letters).

CACIWC thanks the many members who responded to requests for support of SB 410. Without your contact with legislators and the Governor, guaranteed annual funding for open space and farmland preservation would not be a reality. We can all be proud to be partners in this landmark legislation.

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# Bylaw Change for Vote at the Annual Meeting

## New Board Direction – More Focus on Commission Education



In order to place greater focus on CACIWC's educational mission, the Board has organized into TWO education committees, one to support conservation commissions, and one to support inland wetlands commissions. Currently, section 8.4 of our bylaws provides for only one education committee. The proposed language below will enable the formation of two committees.

In accordance with Section 11.1 of the CACIWC Bylaws, any change requires notice to the membership and a vote of approval at the Annual Meeting. New language is in italics; strikethrough is eliminated.

8.4 ~~The Education / Information Committee~~ *The Conservation Commission Education Committee and the Inland Wetlands Education Committee* shall be appointed by the Board of Directors, and chaired by the Vice President of the association. Each Said committee shall consist of at least three members of the Board of Directors including the Vice President and the Executive Director (if the position is filled). ~~The Education / Information Committee and shall provide or create educational materials, workshops, and publications, electronic or otherwise, that are relevant to the role and responsibilities of Conservation and Inland Wetlands Commissions. assist in the design and content of publications, including electronic publications and shall recommend policy regarding such publications to the Board of Directors.~~

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# Governor Rell Signs Landmark Open Space and Farmland Preservation Bill



*In a ceremonial bill signing on July 14, 2005, at Belttown Hill Orchards in South Glastonbury, Governor M. Jodi Rell praised the General Assembly and Connecticut farmers for their work to preserve the state's dwindling farmland and open space. With Governor Rell is Tom O'Dell, CACIWC President.*

In Governor M. Jodi Rell's July 12, 2005 press release announcing the signing of Public Act 228, *An Act Concerning Farmland Preservation, Land Protection, Affordable Housing and Historic Preservation*, the Governor said,

“This is among the most worthy and visionary pieces of legislation approved this year. In this one bill, we honor our state's illustrious past and promote the well-being of future generations. We are preserving our history, protecting land from over-development and providing money for decent, affordable housing for our citizens.

Each day, we lose more acres of farmland and open space to developers. Each day we see historic homes and buildings razed to make way for cheaper new construction. Well, this is a new day in Connecticut, as we rededicate ourselves to those who made Connecticut the great state that it is, and to those who will inherit it from us.”

To read the Governor's press release go to: <http://www.ct.gov/governorrell/cwp/browse.asp?A=1761&BMDRN=2000&BCOB=0&C=19420> 

*Landmark Legislation, continued from page 1*

## **THE FUNDING PROVISIONS OF PUBLIC ACT 228, AN ACT CONCERNING FARMLAND PRESERVATION, LAND PROTECTION, AFFORDABLE HOUSING AND HISTORIC PRESERVATION**

Town Clerks will likely receive many questions concerning the additional \$30.00 fee for each land record transaction authorized by PA 228. Conservation Commissions can assist the town clerk by providing them with a copy of the summary below.

Senate Bill 410 (PA 228) authorizes town clerks to **collect an additional \$30 on each land record transaction**. The bill increases the fee that citizens will pay when they record documents in the municipal land records, **beginning October 1, 2005**. Currently, the fee is generally \$10 for the first page and \$5 for each additional page, plus a \$3 surcharge on each document. **Under this bill, the fee for each document will be increased by \$30.**

The additional \$30.00 authorized under PA 228 on each land transaction fee will annually generate:

- \$6.5 million for the Department of Environmental Protection's Open Space and Watershed Matching Grants Program.
- \$6.5 million for the Connecticut Commission on Culture and Tourism for historic preservation initiatives.
- \$6.5 million to CT Housing and Finance Authority to supplement new or existing affordable housing programs.
- \$6.5 million for Department of Agriculture to be spent on a) two matching grants programs outlined in this bill; b) the CT Farm Link Program outlined in this bill; c) to increase sales of CT grown foods; d) the remainder for farmland preservation.
- \$3 million for Local Capital Improvement Programs (\$3.00 of each additional \$30.00 collected will be kept by the municipality for capital improvement projects).
- \$1 million for town clerks (\$1.00 of each additional \$30.00 collected will be kept by the town clerk to defray cost of the transaction).

To read the text of the bill go to: <http://www.cga.ct.gov/2005/act/Pa/2005PA-00228-R00SB-00410-PA.htm> 

# GIS: A Town's First Step into Mapping and Planning for the Future

by Rob Sibley, Conservation Official, Town of Newtown

For the past three years Scott Sharlow, Newtown's Geographic Information Systems (GIS) Coordinator, has been conducting research on Newtown's GIS electronic mapping system. The goal of the project is to design the mapping system to provide planning and other town commissions with geographic and landuse information through a digitized cross-indexing system. After three years of research and design the departments and agencies in Newtown are now beginning to grasp the enormous possibilities of a GIS electronic mapping system.

GIS stands for "Geographic Information System." GIS is a computer -based tool that allows users to store, edit, display, query, and analyze geographically referenced information. GIS does not simply store a static picture of a map. Rather, GIS makes use of data layers. These layers are organized by subject—sometimes called themes. For instance, you may have separate layers for the town's natural resources such as wetlands, forests, and watercourses. Other layers could show transportation networks, land ownership, zoning, and building or facility locations. A layer can be created for almost any topic (theme), and each will be stored as a separate entity.

GIS mapping seeks to collect and unify both broad geographical information, such as the course of rivers, watersheds, and layout of road networks, as well as fine details, such as the location of individual utility poles and catch basins.

Inland Wetlands and Conservation Commissions should be excited about the possibilities GIS mapping provides for assisting in making sound land use decisions. However Commissions should understand the limitations of the technology. The mapping potential of each source of digital data is measured by its obtainable accuracy, which can be either relative or absolute.

As Mr. Sharlow explained, GIS mapping is intended to be generally accurate, not critically accurate, because the system is designed primarily for land use planning purposes, not legal purposes. Commissions may use this to assist in determining "significant activity," but maybe limited legally by the reliability of the original resource data. Newtown's years of planning and research have now provided the town with a very accurate GIS tool.

The potential use of GIS electronic mapping for Inland Wetlands and Conservation Commissions in Newtown and other towns can significantly enhance their ability to carry out their state and municipal land-use responsibilities.

GIS mapping can assist Inland Wetlands Commissions in reviewing proposed development applications to on-site or off- site wetlands and water courses and determine if there is a potential impact threat. Commissions are able to overlay parcel maps showing a development site's position in a watershed, then, using a wetland and watercourse overlay determine the sites relative position to regulated resources. Other overlay maps will provide present land use — buildings and other impervious surfaces such as roads and driveways. A topographic map can then provide a relative determination of direction of storm water drainage. Review of GIS mapping can significantly enhance site reviews and meeting deliberations that lead to land use decisions. These are only a few examples of GIS application to the regulatory decision process.

Conservation Commissions can use GIS mapping to assist in inventorying a town's natural resources, one of their state statutes "shall" responsibilities. The inventory can then be used to assist in:

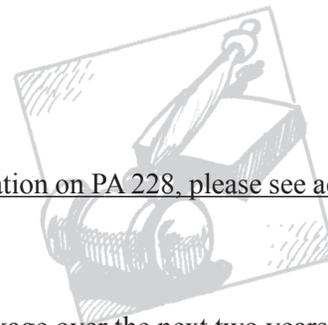
- 1) making recommendations for the Town's Plan of Conservation and Development;
- 2) developing an open space plan;
- 3) assist in developing criteria for prioritizing open space purchases and acquisition; and
- 4) assist in advising other municipal commissions regarding land use.

GIS mapping is used in a similar manner noted above by Inland Wetlands Commissions, except the focus is on identifying undeveloped land that should be preserved to meet the goals of the towns plan of conservation and development and/or an open space plan. While on-site inspection is always necessary, GIS mapping will significantly enhance the commission's ability to make sound landuse decisions.

The future of GIS within the land use decision structure of Newtown and other Connecticut towns is secure and promising. GIS is providing a new tool in the delicate balancing act arena where Conservation and Inland Wetland Commissions in Connecticut have to weigh their decisions.

For more information on GIS in Newtown or other programs please use the following sources:  
[http://www.newtown-ct.gov/Public\\_Documents/NewtownCT\\_GIS/index](http://www.newtown-ct.gov/Public_Documents/NewtownCT_GIS/index)  
<http://www.dep.state.ct.us/gis/index.htm>  
<http://magic.lib.uconn.edu/> 

# 2005 Legislative Session Surpasses Environmental Expectations!



This has been an outstanding year for legislative environmental victories. Considering that time is often the major obstacle to passing any legislation, the fact that legislative leaders made space for these issues at a time when major budget and ethics legislation were the focus underscores the strength of their commitment.

In addition to all the hard work of environmental leaders and many pro-environment lawmakers, it is clear that the new leadership in the House, the Senate and in the Governor's office were the catalysts responsible for these successes.

Please take the time to thank your legislators and Governor Rell for their support of the environmental legislation listed below. The number of significant environmental bills they helped pass this year and signed into law is testament to their commitment to improving the quality of life for all Connecticut's residents and businesses.

And please take time to congratulate the hard work of the many grassroots organizations that are the back bone of all environmental legislative actions. Legislators need to know what you want—this legislative session has demonstrated the power of the membership of environmental coalitions. Thank You!

## OPEN SPACE AND AGRICULTURAL LAND PRESERVATION AND PROTECTION

### Public Act 228: Open Space, Farmland and Historic Preservation, and Affordable Housing.

With your help the General Assembly passed one of the most significant land acquisition funding legislation considered in the last 5 years. PA 228 will provide an annual stable source of funding for open space and farm land that communities and nonprofits can count on. It will provide an estimated \$6.5 million annually for each of four agencies:

- 1) the DEP for the Open Space Grants program;
- 2) the Department of Agriculture for the farmland PDR program;
- 3) the Connecticut Housing Finance Authority to supplement new or existing affordable housing programs; and
- 4) Connecticut Commission on Culture and Tourism for historic preservation. The legislation also establishes significant support for improving agriculture viability.

*CACIWC testified at public hearing and actively contributed grassroots support.*

For more information on PA 228, please see accompanying articles.

### State Bonding:

The bonding package over the next two years provides \$12.5 million for the CT DEP Open Space Matching Grants Program, \$11 million for the Recreation and Natural Heritage Trust Fund, and \$18 million for the Department of Agriculture's Purchase of Development Rights (PDR) program for farm preservation.

## CONSERVATION EASEMENT ENFORCEMENT

**Public Act 05-124** will require that a landowner whose land is subject to a conservation easement provide 60 days notice to the easement holder prior to applying to any agency or commission to conduct regulated activities on the land. The requirement does not apply to work in or on an existing building.

If such notice is not provided, the easement holder can appeal any commission approval within 15 days after receiving "actual notice" of the approval or permitted activity. In a decision a few years ago, the Superior Court defined "actual notice" as being whenever (and however) the relevant party, in this case the easement holder, finds out about the activity.

Easement holders have always been able to bring civil action to enforce conservation restrictions (as easements are termed in Connecticut statutes). This legislation now provides an administrative recourse as well, and the ability to have permits revoked if they were obtained without knowledge of the easement holder.

The bill contains other administrative provisions for the Department of Agriculture. The language for the easement portion of the legislation was developed by Glastonbury land use attorney Mark Branse for the LCCC, which was a lead lobbyist on the bill.

The bill also gives explicit authority to the Attorney General to enforce easements held by land trusts. *CACIWC reviewed and commented on the bill's language and actively contributed grassroots support.*

*Legislation, continued on page 6*

## ALL TERRAIN VEHICAL (ATV) ENFORCEMENT

### Public Act 05-234 An Act Concerning Trespass, Littering, and Vandalism on Public Lands.

This legislation was specifically aimed at trespass and property destruction by ATV owners and riders. Public Act 05-234 will impose a surcharge on fines for, and broaden the definitions of, criminal trespassing and criminal mischief on public lands. The surcharge and half of the fine imposed will go to the municipality or DEP, depending on who made the arrest. This bill should enable the DEP and towns to better enforce a variety of laws protecting parks and preserves.

**ATV Registration and Identification:** The Connecticut Forest and Parks Association introduced, and CACIWC supported, legislation which would have required all All-Terrain Vehicles to be registered and equipped with larger identification plates. Current law exempts ATV's from registration if they are only going to be used on the owner's land. The ATV community was advocating for various measures to require state lands to be opened for ATV use. These two viewpoints became counterpoints that led to a stalemate - the conservation community is opposed to allowing ATV's on State Forest lands, and certainly not unless better identification and enforcement can be assured; and the ATV community is opposed to any registration requirements unless they are assured of such places to ride. Neither side had the clout to pass a bill, but both had enough to stall the other side's proposals, so no legislation was passed. *CACIWC actively contributed grassroots support for ATV registration and identification.*

## OTHER IMPORTANT ENVIRONMENTAL LEGISLATION

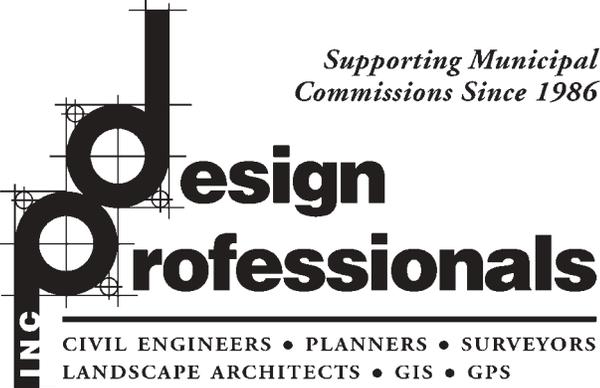
- **Public Act 05-142, An Act Concerning the Minimum Water Flow Regulations.**

Establishes interim and long-term water flow regulations, which regulations will provide for a sufficient flow of water to preserve and protect natural aquatic life. This bill directs the DEP to develop new, science-based stream flow regulations to protect our waterways. *CACIWC contributed grass roots support.*

- **Public Act 05-205, An Act Concerning Plans of Conservation and Development.**

Promotes consistency in state, regional and municipal plans of conservation and development, and provides for priority funding areas and for corridor management areas along limited access highways and rail lines. Upon being signed by the Governor, PA 05-205 will require the state to designate Priority Funding Areas, based on the State C&D Plan, outside of

*Legislation, continued on page 7*



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*Legislation, continued from page 6*

which the state will not fund major economic development projects. In order to pass the bill significant exceptions to these exclusions were incorporated into the legislation, but the bill still is a step forward in putting teeth in the State Plan. *CACIWC reviewed and testified on the bill's language and actively contributed grassroots support.*

The State Plan of Conservation & Development for 2004-2009 was approved by the General Assembly. The plan can be viewed at [www.opm.state.ct.us](http://www.opm.state.ct.us). Click on Publications/Reports, and then scroll down to the Conservation and Development Policies Plan.

- **Public Act 05-137, An Act Concerning a Bi-State Long Island Sound Committee.**

Provides for maximum public enjoyment and protection of the natural resources of Long Island Sound (which is threatened by proposed industrialization and negative uses, including, but not limited to, proposed private projects), by establishing a Connecticut-New York Bi-State Long Island Sound Committee to make specific recommendations concerning the maintenance, protection and restoration of such natural resources.

- **Special Act 05-07, An Act Establishing a Connecticut Clean Diesel Plan.**

To develop a Connecticut clean diesel plan to reduce the health risks from diesel pollution and to help the state meet federal air quality standards for fine particulate matter. Directs the state to develop a plan to establish and implement financial incentives for the purchase of low greenhouse gas producing vehicles. **This legislation is the first in the country and will serve as a model for other states in their efforts to improve air quality and stop global warming.**

- **Special Act 05-6, An Act Establishing a Connecticut Clean Cars Incentive Program.**

Directs the state to develop a plan to establish and implement financial incentives for the purchase of low greenhouse gas producing vehicles. **This legislation is the first in the country and will serve as a model for other states in their efforts to improve air quality and stop global warming.**

- **Public Act 05-252, An Act Concerning Pesticides at Schools and Day Care Facilities.**

Prohibits and other wise specifies protocols for the application of lawn care pesticides on the grounds of any public or private school and any child day care center or group day care home, except to eliminate an immediate threat to human health. 🌿



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U.S. Patent No. 5,087,151, U.S. Patent No. 5,419,898, U.S. Patent No. 6,129,482 U.S. Patent No. 6,322,288 B1. Other U.S. and Foreign patents. Other U.S. patents pending. RECHARGER<sup>®</sup>, CONDUCTOR<sup>®</sup>, HVLV<sup>™</sup> and STORMFILTER<sup>®</sup> are trade names of CULTEC, Inc. Copyright © 2004 CULTEC, Inc. All rights reserved.

# CACIWC's Environmental Conference Workshops

 <b>Open Space/Resource Conservation</b>	<p><b>SESSION 1</b></p> <p><b>Using Free GIS Software to Display Natural Resources Data</b>  <b>by Jacqueline L. Mickiewicz, CT DEP</b></p> <p>How to use free GIS software to display environmental, natural resource, transportation, and political boundary data to aid in land use planning, open space indexing, and other environmentally sensitive tasks. Discussion will include types of data available, accessibility and use to fulfill statutory obligations of conservation commissions.</p>	<p><b>SESSION 2</b></p> <p><b>Natural Resources Protection, Local Regulations and the Land Use Process</b>  <b>by Marjorie Shansky, Attorney at Law, New Haven</b></p> <p>Meaningful reconciliation of conservation and development challenges all land-use agencies. This workshop discusses how to optimize your commission's ability to protect resources within its jurisdiction. It will examine existing statutes and case law to equip your commission with the information and regulatory framework to realize your goals with defensible results.</p>
 <b>Wetlands Protection</b>	<p><b>Value and Function of Wetlands</b>  <b>by Robert Gilmore, Connecticut DEP</b></p> <p>An overview and discussion of 1) wetlands function and value assessment methods, their uses and limitations in wetland permitting, and 2) Section 401 water quality certification and the U.S. Army Corps of Engineers, Programmatic General Permit for Connecticut.</p>	<p><b>Wetlands Case Law Update</b>  <i>(with ample time for your questions)</i>  <b>by Assistant Attorneys General Janet Brooks and David Wrinn</b></p> <p>This workshop will address the latest cases and how they affect your wetlands commission's work. The rest of the workshop will be devoted to an open "Q and A" session on legal topics of your choice.</p>
 <b>Science &amp; Technology</b>	<p><b>The Latest Advances in Stormwater Management in CT</b>  <b>by Michael Dietz, Ph.D., NEMO and Erik V. Mas, P.E., Fuss &amp; O'Neill, Inc.</b></p> <p>Workshop focus is the suitability and selection of stormwater controls, including end-of-pipe treatment and Low Impact Development (LID) techniques. It will include guidance from the <i>2004 Connecticut Stormwater Quality Manual</i> as well as specific monitoring results on rain gardens and an LID subdivision in Waterford, CT. A brief roundtable "Q and A" period will follow.</p>	<p><b>Effective Use of the Environmental Review Team (ERT)</b>  <b>by Elaine Sych, ERT Coordinator, and Amanda Fargo-Johnson, ERT Program Assistant</b></p> <p>This workshop will give commission members and staff an understanding of why the ERT was first established, how it has matured and changed in the past 36 years, and how towns can most effectively use the ERT in their decision-making and planning. Examples will be given and discussed using the information from the annual surveys sent to towns.</p>
 <b>Commission Administration</b>	<p><b>Aquifer Protection in CT: An Overview</b>  <b>by Kim Czapla &amp; Rob Hust, Connecticut DEP Aquifer Protection Area Program, with Assistant Attorney General Janet Brooks</b></p> <p>This workshop will discuss how ground water resources are managed in the state, what ground water protection measures are available under municipal planning and zoning authorities, and new municipal regulatory obligations under the state Aquifer Protection Area Program.</p>	<p><b>Developing Community Support for Funding Open Space Programs</b>  <b>by Tom Odell, Westbrook Conservation Commission</b></p> <p>Learn how to establish public and municipal leader "ownership" and support of open space selections and acquisitions. "Tools" include GIS or other natural resource and infrastructure maps, public meetings and workshops, expert educators, knowledge of town finances, and consistent and timely news releases.</p>

### SESSION 3

#### **Mock Public Hearing: Conservation Commission Intervenes in Zone Change Application to Protect Natural Resources by Attorneys Amy Blaymore Paterson and Marjorie Shansky, with other participants**

A demonstration of how to use the research and advisory role of conservation commissions in public hearings. To include legal intervention, use of zoning and environmental regulations, technical review of application, solutions to environmental impacts, and use of expert witnesses.

#### **How to Use Expert Testimony to Avoid Appeals**

**by Assistant Attorneys General Janet Brooks and David Wrinn, Office of the Attorney General; with Attorney Mark Branse, Branse & Willis, LLC**

This workshop will sharpen wetlands commissioners' understanding of the need and usefulness of expert testimony in commission actions. A review of the relevant caselaw will be provided and guidance offered in questioning experts.

#### **Rapid BioAssessment of Stream Macroinvertebrates**

**by Chris Sullivan, Project SEARCH Coordinator, Connecticut DEP**

Attendees will be introduced to the "how and why" we do bioassessments of streams to determine water quality. It will also get "up close and personal" with several of the organisms that are commonly collected in Connecticut streams. Identification keys and other materials will be distributed.

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# Establishment of Wetlands Boundaries in Westport

by Tom Pietras, Certified Soil Scientist, Soil Science and Environmental Services, and Alicia Mozian, Conservation Director, Town of Westport

The Westport Conservation Department has developed a procedure that results in providing reliable and accurate wetlands delineations. Whenever it is believed by a property owner that the Town wetlands map does not accurately represent the wetlands area on a property, the property owner has the option to apply for an amendment of the town's wetlands boundary map. Likewise, if the Conservation Department believes the town map is inaccurate, the town may either apply itself or force the applicant to apply for a map amendment. Should a property owner be contemplating development the department requires that the map amendment application be processed and decided first and then the application for development can follow. When submitting a boundary amendment application, the following information is required:

## 1) Plot Plan or Site Plan of certified A-2 accuracy showing:

- a) Existing wetlands or watercourse boundary as designated on Wetlands Boundary Maps dated March, 1983 and proposed wetlands and/or watercourse boundaries.
- b) Individual flag numbers for every wetlands flag. In the case when there are numerous wetlands survey flags, then every fifth flag should be shown.
- c) Soil Scientist responsible for flagging, date of flagging and date of boundary surveying. Latest revision date of the survey is to be indicated.
- d) All watercourses occurring on the property.
- e) A signature from the soil scientist showing the proposed wetlands boundary or a signed letter from the Soil Scientist indicating that he or she has reviewed the accuracy of the surveyed map.

## 2) Documentation by a certified soil scientist must include the following:

- a) A Soils Report detailing which soil scientist conducted the site inspection and set the Inland Wetlands Boundary flags. THE REPORT MUST DOCUMENT THAT ALL THE WETLANDS ON THE ENTIRE SITE WERE INVESTIGATED. The report is to contain a sketch of the Wetlands/Soils map that shows an approximate delineation of the Inland Wetlands that were flagged and identified.
- b) The Soil Map units identified.
- c) Sketch map should also include all watercourses on the property.

**3) Biological Evaluation-** a list and evaluation of the plant and animal life that may be found within, depend upon, or use the wetlands and watercourses. (This requirement may be optional. The information is helpful in assessing impact of future development but is not always required for the processing of a map amendment application.)

After receiving a complete application, the Conservation Department retains the services of another soil scientist to evaluate the proposed wetlands delineation to provide an accurate and unbiased evaluation. If the soil scientist retained by the Town is in agreement with the proposed wetlands delineation and the Conservation Department is also in general agreement, then the boundary submitted by the applicant will likely be approved. However, on those occasions when the Town-retained soil scientist disagrees with the proposed wetlands boundary then the Conservation Department will arrange for an on-site meeting with the applicant's soil scientist, the Town-retained soil scientist and staff in order to come to a resolution that accurately delineates the wetlands boundary.

The current process for reviewing wetlands boundary map amendment applications in Westport has been in place for at least 20 years. An essential component of this process includes consensus of the wetlands boundary by two soil scientists. As inland wetlands in Connecticut are based solely on soil type there is room for debate especially in areas where the land has been disturbed. Therefore, we believe it is necessary to have a soil scientist verify the applicant's proposed wetlands boundary especially since the Conservation Department rarely has a certified soil scientist as a member of its staff. We have found that in nearly half of the applications, both the applicant's soil scientist and the Town-retained soil scientist were in agreement. For the remaining 50% of applications, discrepancies between the two professionals were found.

*Westport, continued on page 11*

*Westport, continued from page 10*

Furthermore, since property values are so high and most home sites are two acres or less, the determination of accurate wetlands boundaries is very crucial both for the planning and evaluation of future development projects and for determination of property value. Our Conservation Department staff is present to witness whenever two professional soil scientists meet on-site to discuss and define wetlands boundaries. At no time has there ever been anything but the greatest of respect expressed by both the applicant and Town-retained soil scientists.

The cost of hiring the soil scientist retained by the department is included in the applicant's application fee and varies based on the size of the lot. It is the department's policy to require that wetlands on the entire site be analyzed and not just in certain areas of the property.

Once consensus between the two scientists is achieved the review and decision time at the public hearing is quite short as there is nothing much to debate, the soils are what they are and any discrepancy was hopefully resolved in the field between the two professionals prior to the hearing.

Having been involved in this process for nearly 20 years I can say that I wouldn't want to change it in any way. I've seen enough initial disagreement between the two soil scientists to know that one opinion may not accurately reflect the true boundary. That is not meant to say that one soil scientist is better than another, rather, this is a realm of science that is partly an art and partly a science where experience matters and healthy debate is encouraged.

*Alicia Mozian has a B.S. degree in Environmental Studies and Biology and an M.S. degree in Resource Management and Administration. She has been employed by the Town of Westport since 1986 where she has held the positions of Zoning Inspector, Assistant Town Planner, Conservation Analyst and Conservation Director since 2000.* 🍁

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# Lessons from a Connecticut Hayfield

by Terry Jones, Chairman, Working Lands Alliance

*Editor's Note: The following thoughts from a tractor's seat were written to Governor Rell shortly before she signed Public Act 228, An Act Concerning Farmland Preservation, Land Protection, Affordable Housing and Historic Preservation. Terry's message is timeless; "At the least, we owe it to the next generation that they have the opportunity to reap the harvest of the Connecticut quality of life we have known." Terry Jones is a fifth-generation, Shelton farmer and serves as chairman of Connecticut's Working Lands Alliance, the organization that led the effort to pass PA 228.*

A Shelton farmer reflects on the common ground of stewardship needed to sustain his cherished hayfield and the attractive landscapes of our state's communities...and he hopes our citizens can harvest the opportunities of new legislation.

This July 4<sup>th</sup>, I mowed our favorite hayfield. For forty summers, I have cut the hay just as the Jones farmers have done for 120 seasons before me. Like the farmer on the tractor seat, my mower is old and has to be guided slowly to cut the hay that stands thick and high as the tractor's tall tires. So, I have time to savor the experience and reflect.

For a while, my mind drifts to Hartford where landmark legislation (Bill 410) now rests on the desk of Governor M. Jodi Rell. It was not born of Immaculate Conception in the

frenzied bill-filing days of January. The minds of bipartisan legislators began its creation nearly a year ago and this spring, the Senate gave it unanimous approval, followed by a majority thumbs-up in the House.

It's framers initially focused on farmland preservation and the needs of our state's agriculture. In a remarkable process of collaboration – "Connecticut Yankeeism" at it's best – they recognized that it is not only the loss of Connecticut farms that affects the quality of life of us nutmeggers, but that the cherished fabric of our state's communities is unraveling as development pressures take their toll on the very landscape of our towns that makes Connecticut special: fields, forests, historic buildings & parks, and housing affordable to our children.

**And so, for the first time in our state's history, legislation was created to establish a reliable funding mechanism for community preservation initiatives.**

Whoosh! A wild turkey and her young flock explodes out of the tall grass and I'm jolted back to my mowing field! When we had cows, mowing was in June – there's more milk production from the younger grasses. But now, strawberries and Christmas trees take the place of cows and I will give the hay to my neighbor for his beef herd. And in return, some cold, January evening, I will enjoy a healthy, grass-fed steak.

As I savor it's Connecticut-grown flavor, I will find hope that more people of our state find health and pleasure from what Connecticut farms produce. I will look across the snowy field and memories will return of mowing. Once again, I will relive the joy of a July morning with a warm, blue sky, and my tractor cutting through an ocean of brome, orchard and timothy grasses, their seed-heads waving and tossed by the west wind. Like seagulls behind a fishing trawler, the swallows swoop and dive around me to catch a bird- feast of insects released by the falling hay.

The field has nourished the body and souls of people, cattle and wildlife since Connecticut was young. The tradition continues. Christmas tree seekers cross it in December, our community worships on it each Easter sunrise, and scores of

*Hayfield, continued on page 13*



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children romp & celebrate spring in the field at our town's Kite Festival. There have been weddings, church barbecues and stargazers...and the immeasurable value of day-to-day solace felt by passing motorists as they see a field instead of sprawl.

***But without the attentive stewardship of the farmer, this field would disappear. Invasive briars, brush and vines would quickly replace the precious grasses.***

There is a lesson here, I thought, as my tractor mower laid the hay in neat swaths. Our communities – Connecticut towns and villages – are like the field. We cherish them for their traditional beauty and functions that enrich our lives. We need only remember this past 4<sup>th</sup> of July weekend when, bolstered by Connecticut weather at its best, families turned outside to enjoy picnics, festivals and fireworks in the many special places of our state.

**And like the hayfield, without the attentive stewardship of our citizens, the special places of our communities can quickly be lost to the invasive onslaught of pavement, malls and unguided development.**

Governor Rell, that is why Connecticut needs Bill 410. It does not guarantee the preservation of what we value in our towns, but it is an investment that will help...and it will stimulate citizen involvement. At the least, we owe it to the next generation that they have the opportunity to reap the harvest of the Connecticut quality of life we have known.

As I mowed our field this 4<sup>th</sup> of July, I also thought about our founding fathers (and mothers, too, I'm sure!) They dreamed of opportunities: life, liberty and the pursuit of happiness.

We should do no less for our Connecticut communities! 🍂

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## Resources

### **Invasive Plants Field and Reference Guide: An Ecological Perspective of Plant Invaders of Forests and Woodlands**

The U.S. Forest Service State & Private Forestry Division has just published a new, weather-resistant, color illustrated, pocket-sized, *Invasive Plants Field and Reference Guide: An Ecological Perspective of Plant Invaders of Forests and Woodlands*. To quote the introduction, "the purpose of this particular field guide is to give a scientific synthesis of what is known about the behavior of such species in managed, disturbed, and pristine forested systems, in addition to key information for accurate identification." The guide includes an extensive list of citations of peer-reviewed research on each species for those who wish to learn more. The pages are bound in a steel-ring loose leaf format, and the Forest Service anticipates printing additional sheets that can be added to the guide. Single copies can be obtained by contacting Tom Rawinski at the U.S. Forest Service Durham New Hampshire office: (603)868-7642 or [trawinski@fs.fed.us](mailto:trawinski@fs.fed.us).

### **DEP Inland Wetlands Training Program**

The Department of Environmental Protection will be offering Segment III of the Municipal Inland Wetlands Commissioners Training Program in October 2005. The Segment III program will concentrate on soils, with an emphasis on disturbed soils. Five workshop dates will be offered - two dates in Derby, Connecticut and three dates in Tolland, Connecticut. A training program brochure will be mailed to every municipal inland wetlands agency in early September. In addition, program information can be found on the Department of Environmental Protection's web site at: <http://www.dep.state.ct.us/educ/index.htm>. If you have program content questions, please contact **Darcy Winther, Inland Water Resources Division, Bureau of Water Management, DEP** at (860)424-3063 or [darcy.winther@po.state.ct.us](mailto:darcy.winther@po.state.ct.us). 🍂



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# Community Takes Educational Approach to Protect Lake

by Larry Marsicano, Executive Director, Candlewood Lake Authority

*Editor's Note: This is a good example of how Inland Wetlands Commissions' can be involved in community projects beyond their regulatory responsibilities. Conservation Commissions take note - excellent project to sponsor.*

Some student-teacher teams studied the conditions of buffers along the developed shorelines of Candlewood Lake. Some studied buffers along undeveloped shorelines. Others studied fish communities, macroinvertebrate communities, nuisance aquatic plant communities, or the water quality of the lake itself. When it was all over, nearly 60 high school students and teachers and environmental professionals had contributed to one of the most comprehensive examinations of Candlewood Lake in many years.

All of this was part of Project CLEAR, which stands for Candlewood Lake Environmental Awareness and Responsibility. The field work was conducted from June 22 through June 24, and was directed by staff from the CT DEP, the Northwest Conservation District, the Connecticut Agriculture Experiment Station, and the Candlewood Lake Authority (CLA), who is the local agency charged with the protection of the Lake by the five municipalities surrounding it.

The program began several years ago when the CLA approached the Superintendent of the New Fairfield School District to suggest that the Lake was underutilized as an educational resource. After several attempts at grants and some teacher workshops on national curriculums focused on water protection, Project CLEAR had begun. Shortly thereafter, selected classes from New Fairfield High School began doing their labs on Candlewood Lake itself.

A year or two later, one of the States education service centers, Education Connection (EC) partnered with the CLA to help fulfill one of CLEAR's goals: expand into all five of the school districts surrounding the Lake. EC was successful and the CLEAR partnership continued to grow to include not only the New Fairfield Schools and the CT DEP, but also the Danbury, Bethel, Brookfield, New Milford and Sherman School Districts and Western Connecticut State University (WCSU). A number of other environmental agencies like the Northwest Conservation District, the Connecticut Agriculture Experiment Station, and the Connecticut Federation of Lake also extended their support.

The students who elect to participate begin in January and spend four entire school days in the remaining school year focusing on environmental, social and political sciences that

are relevant to the protection of Candlewood Lake. This year high school students and teachers from Danbury, Brookfield and Bethel High Schools met at Danbury HS on selected days, while students and teachers from New Milford and New Fairfield met at New Fairfield HS. It is important to note that the student's participation did not excuse them of the coursework they were missing during those days. They were responsible for that too.

Local Inland Wetland Commissioners got into the act as well. This past year Jim Mellett and Tom Quigley from New Fairfield's IWWC visited a CLEAR class to discuss the various levels of environmental protection, including local protections. Next they presented a hypothetical plan to develop a large portion of the remaining undeveloped shoreline on Candlewood and then helped students role play the various interested parties including land use commissioners, realtors, developers, property owners and concerned citizens. A rather animated discussion followed.

In addition to fulfilling the curriculum requirements developed by local school and environmental educators, the students also volunteered for community service by participating in the Annual Candlewood Lake Clean Up in late May. There they join several hundred volunteers in removing over ten tons of garbage from the 60+ miles of lake shoreline. In June, students and teachers conducted the field studies, teaming with environmental professionals from the partnering agencies. Several days were spent afterwards at WCSU in their computer labs analyzing their data, creating reports and a Power Point Presentation. Finally on June 29, students presented their work at WCSU to an audience of 150, which included parents, elected officials and others. Afterwards students received letters of accomplishment from the CLA and Education Connection and also a Congressional Certificate of Merit from US Congresswoman Nancy Johnson.

Project CLEAR is a model environmental education program that meets Connecticut's educational frameworks for science and social science. Funding for another two years was recently secured by Education Connection and includes integration of the program into middle schools. For more information on CLEAR, visit [www.candlewoodlakeauthority.org](http://www.candlewoodlakeauthority.org) or <http://www.candlewoodlake.org/clearwelcome.htm>. 

# Technical Assistance and Cost-share Funds for Addressing Natural Resource Problems

*Editor's Note: Conservation Commissions can help solve natural resource problems in your town by providing farmers, land trusts and other private land owners with the information below.*

## **SIGN UP NOW (Till October 31, 2005) FOR 2006 CONSERVATION PROGRAMS**

Connecticut farmers, municipalities, land trusts, and other landowners are encouraged to apply for federal funding for conservation programs administered by the USDA-Natural Resources Conservation Service (NRCS). Sign-ups will be accepted until October 31, 2005. Those interested should contact the: **Wallingford Service Center**, (New Haven and Middlesex Counties), (203) 269-7509; **Windsor Service Center**, (Hartford and Tolland Counties), (860)688-7725; **Norwich Service Center**, (New London County), (860)887-3604.

With the cost-share funds and technical assistance available from NRCS, **farmers, landowners, municipalities, and land trusts** in Connecticut can continue to address their natural resource concerns such as improving water quality and increasing irrigation efficiency, reducing erosion, diversifying farm operations, permanently protecting farmland and wetlands, and improving wildlife habitat. Complete descriptions of the programs are available on the Connecticut NRCS website at [www.ct.nrcs.usda.gov](http://www.ct.nrcs.usda.gov).

• **Agricultural Management Assistance Program (AMA)**, • **Environmental Quality Incentives Program (EQIP)**, • **Grassland Reserve Program (GRP)**, • **Wetland Reserve Program (WRP)** and • **Wildlife Habitat Incentives Program (WHIP)**.

Sign-ups for the **Conservation Security Program (CSP)** and the **Farm and Ranch Lands Protection Program (FRPP)** have not yet been determined. We will inform you when that information is available. 🍁

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***More Focus on Commission Education - See Proposed Bylaw Change on Page 2***

**Summer 2005**

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