

**Town of Cromwell**

# **Open Space Plan**

*prepared by*

**The Conservation Commission**

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## Chapter 1

### INTRODUCTION

#### A. Purpose of Plan

In accordance with the provisions of Connecticut General Statute 7-131a, the Cromwell Conservation Commission has formulated a comprehensive open space plan update, and recommends that it be adopted.

#### B. Background

This is Cromwell's open space plan and is intended to establish clear goals and objectives relating to the open space needs for the Town of Cromwell.

Open space planning in Cromwell is essential to provide for cleaner air, purer water, wildlife habitat and biodiversity, moderation of temperatures, flood storage, scenic vistas and recreation. Open space is most easily defined as land not yet developed for commercial or residential use and, for the most part, free of buildings. It also may be tracts which are generally inaccessible. Open space might be a field or forest, a public park, areas set aside for playing fields, a wetland, or a pocket park. It may be a developed parcel where open space could be created. Ownership may be either public or private. Open space puts the least stress on the natural environment, and protects the air, water, and other natural resources. By making Cromwell an attractive place to live, open space adds value to the quality of life by protecting natural resources and enhancing the aesthetic features of Cromwell.

During the past decade, Cromwell has experienced considerable development and population growth. Many new subdivisions have been constructed. As an increasing population puts growing pressure on our land, the open space over which we have some control is quickly disappearing. Supporting the long-range preservation of existing open space and identifying future preservation and conservation areas will ensure that we maintain a healthy balance with future growth and the open space needs of the Town.

#### C. Open Space Definitions

The term "open space land" means any area of land, including forest land, land designated as wetland under C.G.S. Section 22a-30, and farmland, the restriction of the use which would (1) maintain and enhance the conservation of natural or scenic resources, (2) protect natural streams or water supply, (3) promote conservation of soils, wetlands, beaches or tidal marshes, (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature preserves or sanctuaries or other open spaces, (5) enhance public recreation opportunities, (6) preserve historic sites, or (7) promote orderly urban or suburban development.

The term "greenway" means any corridor of open space that protects natural resources and/or provides recreation. Greenways can be located along a waterway or other defining feature, such as a ridgeline, or along a man-made corridor, such as an abandoned right-of way, abandoned town road, or a canal. It can be a green space along a highway or around a village. Greenways can provide the vital "missing links" to connect existing protected areas, and to give people convenient access to the outdoors. A greenway can be as wide as a river valley or as narrow as an abandoned rail bed. Greenways serve many purposes. Rural greenways preserve natural habitat and wildlife migration routes, encourage restoration of environmentally valuable landscapes, and provide opportunities for recreation and education. In cities and suburbs, greenways can encompass natural or man-made features and can provide resource conservation, recreation, and transportation.

## Chapter 2

### GOALS OF THE CROMWELL OPEN SPACE PLAN

The goal of the Open Space Plan is to preserve, protect and enhance the quality of life in Cromwell via the maintenance and acquisition of undeveloped land.

The preservation or acquisition of carefully selected open spaces is a key component of maintaining Cromwell's rural character. A major objective of the Plan is to promote well informed planning and decision making so that growth in Cromwell can exist in harmony with the environment.

The benefits of protecting Cromwell's "small town character" will accrue to land owners in the form of increased land values and lower taxes. Open space actually increases other property values by making an attractive place to live and limiting pressures on Town services.

Open space adds value to the quality of life by protecting natural resources, enhancing appearances and providing recreational opportunities. This can be obtained in Cromwell through the implementation of the goals in this Open Space Plan.

The following list of goals has therefore been developed to provide guidance in preservation and acquisition of open areas in town:

1. Continue long-range protection of existing preserved open space areas.
2. Identify areas of privately-owned open space which can be added to existing committed open space and work with the owners of those lands to develop strategies to commit them.
3. Protect ground water within existing or potential public drinking water supply aquifers.
4. Obtain buffers to protect surface and subsurface water resources.
5. Implement the goals in the "Mattabessett River Watershed Management Plan" to protect and improve the water quality of that watershed.
6. Protect and improve water quality of the Connecticut River Watershed.
7. Protect and improve wildlife habitat and promote biodiversity in our region.
8. Promote the linkage of existing open space parcels to create greenways and wildlife corridors.
9. Protect ridgelines, roadscapes and scenic vistas.

10. Protect natural drainage ways.
11. Preserve farm lands.
12. Protect areas of archaeological, historical and cultural significance as well as unique and significant natural features.
13. Provide sites for active and passive recreation.
14. Preserve areas that provide opportunities for environmental education.
15. Create Master Plans for all Town-owned open space, including forested lands, to ensure that Town properties are managed to achieve open space goals.
16. Ensure adequate funding for open space protection.
17. Coordinate a comprehensive open space plan with the Cromwell Fire District Water Company to preserve and maintain their current and future land holdings and expand upon their overall passive and active recreational opportunities.
18. Amend the Zoning and/or Subdivision Regulations to allow for flexibility in density, bulk, or other requirements which would result in additional open space.

<b>GOAL</b>	<b>TASKS</b>	<b>RESPONSIBLE AGENCY</b>
1. Continue long-range protection of existing preserved open space areas.	1. Site inspections. 2. Enforce existing regulations.	Inland Wetlands Agency; Planning and Zoning Commission; Conservation Commission; owner.
2. Identify areas of privately-owned open space which can be added to existing committed open space and work with the owners of those lands to develop strategies to commit them.	1. Prepare inventory/map 2. Review POCD	Conservation Commission; Planning and Zoning Commission; Board of Selectmen.
3. Protect ground water within existing or potential public drinking water supply aquifers.	1. Enforce existing Aquifer Protection regulations. 2. Monitor activities in AP Zone.	Planning and Zoning Commission; Cromwell Fire District.
4. Obtain buffers to protect surface and subsurface water resources.	1. Enforce existing Aquifer Protection regulations. 2. Enforce upland review area regulations.	Planning and Zoning Commission; Inland Wetlands Agency.
5. Implement the goals in the “Mattabessett River Watershed Management Plan” to protect and improve the water quality of that watershed.	1. Initiate. 2. Include in new POCD.	Inland Wetlands Agency; Planning and Zoning Commission; Conservation Commission; Board of Selectmen.
6. Protect and improve water quality of the Connecticut River Watershed.	1. Initiate.	Inland Wetlands Agency; Planning and Zoning Commission
7. Protect and improve wildlife habitat and promote biodiversity in our region.	1. Increase public awareness. 2. Enforce existing Inland Wetland regulations.	Inland Wetlands Agency; Planning and Zoning Commission; Conservation Commission; Public Works; local environmental groups.
8. Promote the linkage of existing open space parcels to create greenways and wildlife corridors.	1. Write "Greenway Plan" 2. Review subdivision and site plan applications for suitability.	Conservation Commission; Planning and Zoning Commission
9. Protect ridgelines, roadscapes and scenic vistas.	1. Identify them. 2. Adopt protective regulations.	Planning and Zoning Commission; Conservation Commission.
10. Protect natural drainage ways.	1. Enforce existing regulations.	Inland Wetlands Agency; Planning and Zoning Commission; Public Works.

GOAL	TASKS	RESPONSIBLE AGENCY
11. Preserve farm lands.	1. Develop a farmland preservation program, to include identifying existing farms and creating fund to preserve important farms.	Farmland Preservation Committee; Planning and Zoning Commission.
12. Protect areas of archaeological, historical and cultural significance as well as unique and significant natural features.	1. Identify them. 2. Acquire or protect via conservation easements. 3. Strengthen existing regulations.	Planning and Zoning Commission; Conservation Commission; Board of Selectmen.
13. Provide sites for active and passive recreation.	1. Identify them. 2. Acquire or gain access to via easements.	Planning and Zoning Commission; Board of Selectmen; Park Board.
14. Preserve areas that provide opportunities for environmental education.	1. Identify. 2. Strengthen existing regulations.	Planning and Zoning Commission; Inland Wetlands Agency.
15. Create Master Plans for all Town-owned open space, including forested lands, to ensure that Town properties are managed to achieve open space goals.	1. Initiate.	Board of Selectmen.
16. Ensure adequate funding for open space protection.	1. Recommend annual funding during budget approval process. 2. Apply for grants. 3. Address this in Open Space Plan.	Conservation Commission; Board of Selectmen
17. Coordinate a comprehensive open space plan with the Cromwell Fire District Water Company to preserve and maintain their current and future land holdings and expand upon their overall passive and active recreational opportunities.	1. Initiate.	Conservation Commission and Fire District.
18. Amend the Zoning and/or Subdivision Regulations to allow for flexibility in density, bulk, or other requirements which would result in additional open space.	1. Amend Zoning Regulations and/or Subdivision Regulations.	Planning and Zoning Commission.

## Chapter 3

### OPEN SPACE PARCELS IN CROMWELL

This chapter contains a list and description of all significant open space parcels in Cromwell. These parcels are organized as follows:

- I. Publicly Owned - Protected from Development: Highest degree of protection from future development. The parcel is owned by the local, state, or federal government, and any development is prevented by a conservation easement, deed restriction, or some other legal documentation. Public Access.
- II. Privately Owned - Protected from Development: Lowest degree of protection from future development. The parcel is owned by some private individual or entity, and any future development is prevented by a conservation easement, deed restriction, or some other legal document. No public access.
- III. Publicly Owned - Not Protected from Development: Second highest degree of protection from future development. The parcel is owned by the local, state, or federal government, and while future development is not expressly prohibited, such development could only take place after some form of public discussion. Possible public access.
- IV. Privately Owned - Not Protected from Development: No protection from future development. The parcel is owned by some private individual or entity, with no legal restriction on future development. No public access.

#### **I. Publicly Owned - Protected from Development:**

##### 1. Watrous Park

Watrous Park is the largest active recreation facility in Cromwell. It is located adjacent to Cromwell Middle School and is accessed from Grove Street and Geer Street. The park encompasses approximately 29 acres. A significant area of it is still undeveloped, but it does contain a picnic pavilion, children's tot lot, basketball court, six tennis courts and two softball fields, one of which is lit. There is a walking trail through the wooded areas which is used for cross country skiing. The park also includes a small building used for maintenance and other recreational activities. The building has restrooms which are handicapped accessible.

##### 2. Pierson Park

Pierson Park is the second principle active recreation facility in Cromwell. It is located on West Street adjacent to the downtown area. It encompasses 19.1 acres and includes the site of a former quarry which has been filled to be made useable. The facilities at the park include a partially lit baseball field which is also used for football, two softball fields, a tot lot, picnic

pavilion, playscape and concession building with restrooms. There is also a rose garden, maintained by the A. N. Pierson family.

3. Connecticut River Wildlife Area

This is a state-owned parcel and is composed of four acres on River Road and bordered by the Connecticut River.

4. Evergreen Hill Park

The Town of Cromwell acquired the 55 acre Evergreen Hill Park through the Open Space and Watershed Land Acquisition Grant Program. The park provides passive recreation to the citizens of Cromwell. This property consists of pristine land featuring two small ponds, a small stream, forested land and open space. Additionally, the top of the hill provides a breathtaking panoramic view of Cromwell and the surrounding area.

5. "Snow Park" on Coles Road

36 acres of former construction debris landfill, deeded to the Town by local developer for recreation use only. There is a man-made detention pond on the property. It has the potential for active or passive recreation. PIN #00065700.

6. Town Greens

The town maintains four small landscaped areas known as “town greens”. Their primary purpose is the visual enhancement of the environment although they do offer passive recreation opportunities. The Town greens are listed as:

- Valor on Prospect Hill Road (3.0 acres)
- Memorial on Thomas Fritch Lane and Main Street (0.4 acres)
- West Street at Hillside Road (0.7 acres)
- West Street at John’s Street (1.4 acres)

7. River Highlands State Park (Blow-hole State Park)

This park is comprised of 177 acres of State owned property. This property is located off of Field Road and is bordered by the Connecticut River.

8. Cromwell Meadows State Wildlife Management Area

The Cromwell Meadows State Wildlife Management Area is protected in perpetuity from development and contains natural and recreational resources which are open to the public. Approximately 470 acres is owned by the State in the Town of Cromwell. This area is mostly marsh and wetlands along the Mattabeset River near the confluence of the Connecticut River. Its primary function is the conservation of natural resources. It offers some passive recreation activities such as hunting, fishing and hiking.

## **II. Privately Owned - Protected from Development:**

### 9. Burial Grounds (Kelsey Cemetery, Old Burying Ground, and Hillside Road)

a. Kelsey Cemetery: This small cemetery, located on North Road, was established in 1802 (or 1804) and is currently managed by a private association. It originally measured 165 feet east to west and 116 feet north to south but was enlarged in 1887 by an additional 660 feet on the north. Headstones date from the early 1800's to the present time. The cemetery is in a bucolic setting; however, there is significant background noise of continuous traffic on I-91.

b. The Old Burying Ground, also known as Quarry Cemetery, is on Ranney Street. It was established in 1712 (or 1713) and extends 500 feet from north to south and 150 feet east to west. It contains an estimated 995 graves including 65 veterans of the Revolutionary War, the War of 1812, and the Civil War. The remains of African slaves rest in unmarked graves in the southeast corner. At one time the outer edges of the cemetery were lined with 23 maple trees, each planted 35 feet apart. Some of the original maples remain.

c. Hillside Road: Established in 1855 and enlarged in 1905, West Cemetery and East Cemetery lie on opposite sides of Hillside Road and comprise slightly more than twelve acres of gently sloping land. The cemetery is active, and is currently managed by the Cromwell Hillside Cemetery Association.

### 12. Open Space at "Sovereign Ridge" subdivision

Approximately 6.4 acres of private open space, owned and maintained by the Sovereign Ridge Homeowners' Association. There is a stone dust path through the parcel providing pedestrian access from a town road. The western portion of the parcel is hilly and suitable for sledding in the winter but not much other passive or active recreation. The eastern portion of the parcel contains an old man-made farm pond with many species of wildlife including some "species of special concern" as defined by the Connecticut Department of the Environment.

### 13. Tournament Players Club of Connecticut

The Tournament Players Club of Connecticut owns approximately 150 acres of land used for general recreation. This land is privately owned and used by members or owners only. The Edgewood Country Club pond is located on this parcel. This pond provides habitat for a variety of wildlife.

### 14. Land along the Mattabasset River:

Approximately 2.7 miles of riparian zone parallel to Berlin Road (Route 372) between the Berlin town line and Route 9. The area includes a Conservation Area with a stone dust path open to the public at the western end on property belonging to "Wal-Mart" at 161 Berlin Road, and at the eastern end an access point to a canoe launch behind the commercial buildings at 24 Shunpike Road.

15. North Brook Conservation Subdivision on Pasco Hill Road

Approximately 40 acres of Hilltop scenic vista with a diversity of habitat: field, woodland, wetlands, and natural swamp, protected by a conservation easement. This diverse habitat is important for wildlife, and may be an animal wildlife corridor passage. The land could be used for passive recreation.

**III. Public Owned - Not Protected from Development:**

16. Open Space at "Monnes Farms" subdivision:

2.37 acres of wetland, with detention pond. To be deeded to the town.

17. Open Space at "Millennium" subdivision

14.49 acres of meadow; mostly upland but with some streams and wetlands, west of Route 9. Potential ballfields and playgrounds.

18. Open Space at "Summerwind" subdivision:

16.84 acres of upland on Winchester Way, with high, steep rock ledge on the western edge. Adjacent to "Evergreen Hill Park".

19. The former Mazzotta: property between lower Main Street and River Road:

This large 24-acre parcel is a mix of wooded and open space. There are several perennial wet areas that would be described as a marsh. The eastern border has excellent views of the Connecticut River. It is high and dry and offers recreational opportunities. The western portion is ideal wildlife habitat.

20. Open Space at "Washington Estates" subdivision:

This long, narrow irregularly shaped parcel of approximately 2 ½ acres serves as a good buffer area between residential development and town owned properties of high school and playing fields. It is partially wooded and partially open meadow.

The parcel containing a series of rudimentary developed trails is dry. It provides buffer zones and limited recreational (hiking) opportunities.

21. Undeveloped Fire District property on Coles Road (see 24)

22. Corner of Nooks Hill/Prospect Hill Road

Hilly, wooded lot that was deeded to the Town as part of a residential subdivision in the 1980's.

23. River Road Boat Launch

This town property is a sliver of land, 3.1 acres, between River Road and the Connecticut River a portion of which is leased to the Cromwell Outboard Association which is responsible for maintaining the ramp and club house.

24. Cromwell Fire District Property

The Cromwell Fire District owns approximately 60 acres of land in town: 7.6 acres on Main Street; 34 acres on Coles Road, and 18 acres on Evergreen Road west of Route 91. This land owned by the Water Company has protected Cromwell from urban sprawl and over-development.

25. Open Space at "Twin Oaks" subdivision:

Approximately 35.7 acres of public-owned open space, deeded to the Town by Premier Development. See "Snow Park".

26. Open Space at "Cider Hill" subdivision:

Two parcels: 12.6 acres of wooded hillside and stream corridor with some frontage on Willow Brook Road and Coles Road, and 8.35 acres of wooded hillside and wetlands with no frontage adjacent to the first parcel.

**IV. Private Owned - Not Protected from Development:**

27. Canoe Launch at 24 Shunpike Road

The owner of this commercial property abutting the Mattabasset River gave the Connecticut River Coastal Conservation Commission a license to install a canoe launch, accessible to the public.

28. Holy Apostles campus on east side of Prospect Hill Road

Open meadow/field bordered by woodlands. Property connects to the Cromwell Fish and Game Club property. Very attractive vista. A nice spot for passive recreation, e.g. nature garden with benches. Diverse habitat for wildlife (have seen kestrels, monarch butterflies, etc. on property).

29. Holy Apostles Seminary

This is a historic property. The land was granted to Deacon Thomas Ranney in 1742 and a 2 1/2 story house on a brownstone foundation was built in 1747. This house still stands today. An underground spring runs through the property and a 200 year old well still produces water. The property is registered with the National Department of Interior as an Olmsted designed landscape. Sawara Cypresses, European Hornbeam and Carolina Silverbell trees dating 100

years old border the property. Over 80 varieties of trees exist including 100 year old native maples and oaks. Twenty trees are under the Connecticut Notable Tree Program. The only octagon building in town was built in 1854. Holy Apostles Seminary became owner of the property in 1956.

30. Undeveloped parcels adjacent to Evergreen Hill Park.

a. Area bounded by Evergreen Road, Coles Road, and Willowbrook Road (across the street from Evergreen Hill Park) which includes the former nursery area (Millane's) adjacent to 150 Coles Road, recently approved for development as the "Pond View West" conservation subdivision. In addition to nursery, the parcel consists of thickly wooded land; Willow Brook runs through it. It may be considered NDDB (Natural Diversity Data Base) land. This plot would be a great extension to Evergreen Hill Park and to a Greenway, and is an important habitat and wildlife corridor. The parcel on the northwest corner of the intersection of Willowbrook Road and Evergreen Road would be appropriate for passive recreation, such as hiking.

b. Easterly portion of the D'Angelo property on Willowbrook Road This land is useful as a buffer to protect Willow Brook, and the stream habitat of plants and animals. It has potential as part of a Greenway in the area.

32. Gardner Nursery Property on Geer Street

Active agricultural area used for nursery stock, which ties in with Watrous Park. It would be a great enhancement to Watrous for either passive or active recreation.

33. Gardner Nurseries at 674 Main Street

Used to grow nursery stock.

34. Undeveloped parcels adjacent to Watrous Park

These parcels consist of active agricultural areas (Millane's), as well as wooded portions which are wild plant and animal habitats. Located in the school district, they would be a great addition to Watrous Park, and could be used for active and passive recreation, as well as for educational purposes.

35. The "tank farm" property at 79 River Road

Open, overgrown, north edge wetland on the west side of the railroad tracks. Recommended use is recreation due to proximity to Rotary Park.

36. The Northeast Utilities property on River Road

Largely undisturbed for past 70+ years. Contains old brownstone tailings piles from quarry operation, also contains old oil tanks and concrete cradles. Historical significance in brownstone

contains swamp, upland woods, and riverfront floodplain forest. Beautiful piece of property for passive recreation, nature trail, walking, picnics on river, etc. (Also contains brownstone pier with channel marker for Connecticut River.

37. The Northeast Utilities property on Main Street

CL&P-owned property behind Main Street. 100 acres. Historically an earth excavation operation. The western portion was recently approved for use as an overflow parking area for the annual golf tournament at the Tournament Players Club. Should be preserved as open space in order to protect the Town of Cromwell's water supply source by minimizing the risk of contamination from industrial, commercial, agricultural, and residential sources.

38. Parcels needed for hiking trail from Middletown to Rocky Hill

Virtually all privately owned, southern half of property from Nooks Hill south all flood plain, flood regularly in spring. Northern half from Nooks largely steep slopes and bluffs to river.

39. McIntyre farm on Court Street

Open fields, nursery, hay lot, abundance of "edge meadow". Recommended for passive or active recreation.

40. Former "Amy's Udder Joy" at 27 North Road

Active farm, ledge outcroppings, pasture, agricultural uses or recreation.

41. Southeast corner of New Lane and West Street

One acre portion of larger, commercial-zoned parcel. Large open meadow.

42. Manke Property south of Route 9

Carrot-shaped land-locked piece of woods, largely undisturbed, 11 acres, value significant only to abutters. Visual buffer for highway.

43. Cromwell Fish and Game Club

The Cromwell Fish and Game Club owns three parcels which make up approximately 157 acres. This is a privately owned club. Members of the club use the land for general recreation such as hiking, fishing and hunting.

## Chapter 4

### TRAIL SYSTEM

The existing trail system in Cromwell is mainly used for walking, jogging, hiking and/or cross-country skiing. Trails are owned by the Town of Cromwell or the State of Connecticut. Trails on the Cromwell Fire District land are not open to the public. There are also private trails which are open with permission of the owners, such as at Wal-Mart. The goal of the Open Space Plan is to build these individual trails into a comprehensive trail system. Trails and greenways add to the rural character of Cromwell and provide safe and passive recreation. Trails are relatively inexpensive to obtain and maintain compared to other forms of open space and recreation areas.

The town may secure space for trails by accepting donations of land, obtaining easements from individual landowners, requiring open space set-asides in subdivisions, or purchasing land outright. Property owners who allow free trail access are protected from liability by state statute. Cromwell's existing trail system has been designed to provide north-south trails through the town. The Conservation Commission recommends that the town hire a consultant to create a trail map for Cromwell citizens.

The type of trail permitted in any area will depend on the ecology of the land itself. Others may be limited to one type of traffic or access according to the season. Protection of the environment and control of erosion will be stressed. In order to preserve natural features, to allow space for the trail to meander and to provide enjoyment and privacy, the Conservation Commission recommends that an area of at least 50 feet in width should be set aside.

Some of the trail system may take advantage of Cromwell's rural roads. These will serve as connections between trails, provide diversity and interest and help to vary distance and time of walks by establishing multiple access points to the system.

Trails provide significant opportunities for recreation and education as well as helping to preserve our natural landscape. Trails and greenways complement our open space program by providing links between open space parcels, corridors for wildlife and recreational opportunities in areas of more concentrated development. To enable citizens to enjoy the benefits of fresh air and exercise in natural surroundings it becomes increasingly important to build and maintain an easily accessible trail system.

To accomplish this, the Conservation Commission proposes that the town acquire access easements on several properties.

#### Lists of trails:

1. Along Mattabasset River, adjacent to Wal-Mart. Access is via Kirby Road.
2. The River Highlands state park. Access is via Field Road.
3. Watrous Park. Access is via Geer Street.
4. Cromwell Meadows State Wildlife Management Area. Access is via driveway on South Street.
5. Canoe Launch at 24 Shunpike Road (previously described).

## Chapter 5

### Options to Acquire Open Space

The five ways that Cromwell can acquire open space are:

1. Gifts from Landowners;
2. Open Space Set-asides under the Zoning and Subdivision Regulations;
3. Purchase;
4. State and Federal Programs;
5. Local and regional Land Trust Organizations

#### 1. Gifts from Landowners:

There are two kinds of gifts by which Cromwell can preserve its open space:

- a. Donation of Land by Landowner. An example of this is the "Snow Park" parcel on the west side of Coles Road that was given to the town by a developer.
- b. Donation of Development Rights or Conservation Easements by Landowner. Conservation easements or donated development rights can limit or prohibit development in perpetuity and/or protect trails and natural areas. There are no examples of this in Cromwell that we are aware of.

It should be noted that landowners who are interested in preserving their land as open space for future generations can achieve substantial estate, income and property tax savings by donating land to the Town of Cromwell. Donations of conservation easements and development easements are eligible for estate and income tax savings and are eligible for property tax savings in Cromwell if the value of the property is reduced.

#### 2. Open Space Set-asides under the Zoning and Subdivision Regulations:

##### a. Zoning Regulations:

Section X ("Conservation Subdivisions") of the Cromwell zoning regulations states that 50% of the land in any residential subdivision 15 acres or greater must be preserved as open space. The method of ownership and the function of this open space can range from active public use (such as a town-owned ball field or playground) or passive private use (such as a conservation easement on land owned by the individual homeowners and not open to the public). Examples of passive public open space include the area behind the "Summerwind" subdivision on Coles Road which is adjacent to Evergreen Hill Park and the land between Willow Brook Road and the "Cider Hill" subdivision on Evergreen Road. An example of private passive open space is in the "North Brook Estates" subdivision on Pasco Hill Road.

b. Subdivision Regulations:

Article 321 of the Cromwell subdivision regulations states that "Land for parks, playgrounds, recreation areas and open spaces shall be provided and reserved in each subdivision as deemed necessary and in locations deemed proper by the Commission." It goes on to state that "In determining the need for parks, playgrounds, recreation areas and open spaces, the Commission shall be guided by, but not limited to, a standard of ten percent of the land area of the subdivision, and shall take into consideration the size of the subdivision and any existing parks, playgrounds, recreation areas and open spaces in the neighborhood."

The Town has not taken advantage of this regulation, because any such open space would not be large enough to create and maintain a public ball field or playground. Instead, the Town has typically required subdivision developers to pay a "fee in lieu of open space" as authorized in Sec. 8-25 of the Connecticut General Statutes. This fee is 10% of the pre-development value of the land. As of 2007 the Town has collected over \$325,000 in open space fees.

3. Purchase:

In order to preserve more open space in Cromwell, the Town may have to purchase parcels. This may be expensive, but the economics of not buying the land may in the long run be more expensive to Cromwell taxpayers because of education and other service costs incurred when the residential zoned land is developed.

a. The following is a list of three purchase options available to Cromwell to protect its open space permanently.

1. Purchase of the Land. This is initially the most expensive option. The land is removed from the tax rolls, but on the other hand education and service costs of residences are not incurred. This method assures public access. Evergreen Hill Park is an example of this kind of purchase.

2. Purchase of the Land and Leaseback to the Owner with Restrictions. This method has been used by small towns experiencing suburban sprawl to preserve farm land.

3. Purchase of Development Rights or Conservation Easements. This method is less expensive than outright purchase and the property remains on the tax rolls. The owner retains all rights except the right to develop. The Cromwell Conservation Commission can recommend that assessments be lowered on land with development rights or easements.

b. The following methods to fund the purchase of open space land have been used successfully by other towns:

1. Land Acquisition Fund. This type of fund is established to set aside money to be used toward future purchases of open space. It may also be used to purchase easements and to pay the costs associated with the purchase of land such as options, surveying and appraisals. The Cromwell Conservation Commission strongly recommends establishing a

Land Acquisition Fund and making annual contributions to it during the annual budget approval process.

2. Borrowing Money to Purchase Open Space. There are two ways the town can do this. It can choose to issue bonds or borrow from a bank. The advantage to the town of bonding is that, since the interest earned on municipal bonds are tax-exempt for investors, the town pays a lower interest rate on the loan. The town could go to a bank to borrow more quickly, but the interest would be higher because such a loan is not tax-exempt.

3. Fees in Lieu of Open Space: Cromwell is permitted under Connecticut state law to collect a fee in lieu of an open space set-aside in a residential subdivision. The Planning and Zoning Commission can charge the developer a fee if the Commission finds that land from an open space set-aside would not be desirable or appropriate. Payments collected under this regulation would be placed in the Land Acquisition Fund which would be used to acquire additional land for open space.

4. Back Taxes. Properties with significant open space value and substantial back taxes owed can be acquired by the town in agreement with the owners. The owner may agree to deed the land to the town in exchange for forgiveness of the taxes owed on the property.

4. State and Federal Programs:

a. State of Connecticut:

1. The Open Space and Watershed Land Acquisition Grant Program. This program provides financial assistance to municipalities and nonprofit land conservation organizations to acquire land for open space and to water companies to acquire land to be classified as Class I or Class II water supply property. A grant under this program helped acquire Evergreen Hill Park.

Grants may be for the purchase of land that is: 1) valuable for recreation, forestry, fishing, conservation of wildlife or natural resources; 2) a prime natural feature of the state's landscape; 3) habitat for native plant or animal species listed as threatened, endangered or of special concern; 4) a relatively undisturbed outstanding example of a native ecological community which is uncommon; 5) important for enhancing and conserving water quality; 6) valuable for preserving local agricultural heritage; or 7) eligible to be classified as Class I or Class II watershed land.

The Department of Environmental Protection (DEP), Division of Land Acquisition and Management , 79 Elm Street, Hartford, Connecticut 06106 (860) 424-3081 is the contact for this program.

2. The Recreation and Natural Heritage Trust Program. This program was created by the Legislature in 1986 in order to help preserve Connecticut's natural heritage. It is the DEP's primary program for acquiring land to expand the state's system of parks, forests, wildlife, and other natural open spaces. The DEP manages the acquisition of land of statewide

significance that represents the ecological and cultural diversity of Connecticut, with a focus on unique features such as rivers, mountains, rare natural communities, scenic qualities, historic significance, connections to other protected land, and access to water.

To ensure the property is compatible with the goals of the Recreation and Natural Heritage Trust Program, each potential acquisition is evaluated using a review system. It should possess one or more of the following attributes: 1) high quality recreation opportunities, either active or passive; 2) a resource offering conservation to a unique, natural area or protection of a species considered threatened, endangered, or of special concern; and 3) an example of a prime, natural feature of the Connecticut landscape.

The Department of Environmental Protection (DEP), Division of Land Acquisition and Management, 79 Elm Street, Hartford, Connecticut 06106 (860) 424-3016 is the contact for this program.

3. Farmland Preservation Program. The Connecticut Department of Agriculture has a fund, begun in 1978, to purchase development rights of farms. Farms that use the program remain in private hands, and the owner has every traditional right of ownership except the right to develop or subdivide the land. Priority in the program is given to farms that are near other farms so as to stabilize farming regions.

The Department of Agriculture Farmland Preservation Program, 165 Capitol Avenue, Hartford, CT 06106 (860) 713-2511 is the contact for this program.

4. Open Space Grants for Urban Green and Community Gardens. The community garden grants promote the enhancement and beautification of the states urban areas, builds sense of community and fosters interest in the environment, gardening, conservation, and wildlife.

b. Federal Government:

1. Surface Transportation Program - Transportation Enhancement (TE) Program. The Midstate Regional Planning Agency administers funding for municipal projects under the federal Surface Transportation Program - Transportation Enhancement (TE) Program. The focus of the TE Program is to provide funding for innovative, community-based projects to enhance the transportation system by improving the transportation experience in and through local communities. The monies are to be expended for non-traditional type projects including historic preservation transportation facilities and museums, landscaping and beautification, scenic highways, bike and pedestrian facilities and education, rail corridors preservation, and outdoor advertising control.

5. Local and Regional Land Trusts:

The Conservation Commission may make recommendations for the purchase of open space parcels to various conservation organizations such as the Nature Conservancy, Middlesex County Land Trust, and/or the Berlin Land Trust.