OPEN SPACE PLAN

TOWN OF SALEM, CONNECTICUT

ADOPTED 1-30-07

Town of Salem
Open Space Plan Committee

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Introduction

Executive Summary

This Open Space Plan (The Plan) for the Town of Salem fulfills a recommendation of Salem's **Plan of Conservation and Development** [(1)] *(POC&D paragraph 1.1.2.3). The POC&D is mandated by State statutes and must be periodically updated. The Plan is consistent with the preferences identified by Salem citizen responses to the town-wide questionnaire (2000) by addressing the following priorities:

- Protect Salem's natural resources and areas.
- Provide space for passive and active recreation.
- Preserve Salem's rural character.

The Plan outputs include a **Natural Resource Inventory(NRI)** [(2)] categorized by type, identification of Areas of Interest for natural resource protection and Connectors that will provide ways to link together these Areas of Interest (p.12 and Appendix III – Fig. 1), identification of the current and anticipated passive and active recreation needs of the Town of Salem, a listing of features that contribute to the perception of Salem's rural character and a set of recommendations for Salem's Boards and Commissions.

Recognizing that achieving the stated goals will require implementation planning, financial planning, and imaginative use of available land protection tools, the Plan provides the following specifics:

- A recommendation that the Board of Selectmen implement this Plan by creating a separate Conservation Commission to acquire and manage open space lands or have the Board of Selectmen take on the responsibility themselves.
- A recommendation of several changes to the Planning and Zoning Commission's Subdivision Regulations to facilitate open space acquisition and to generate applicable funds.
- A recommendation that the Board of Finance fund an Open Space Account with a percentage of a mil in each budget year.
- A request that the Recreation Commission be responsible for passive recreation (hiking and biking) and that they periodically update the inventory of current recreation facilities and anticipated future needs on Town owned land.
- A description of several ways in which land can be protected in addition to direct purchase by government or conservation groups.

The Plan has been generated by an Open Space Committee appointed by the Planning and Zoning Commission, whose membership reflects a broad understanding of Salem's open space needs and the means available for meeting them.

The Plan starts with the background of statutory need, Committee mission statement and available information leading to the definition of open space as: permanently protected lands and

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*Superscript refers to documents in **Informational Resources** (p. 39).

water bodies owned and managed by government, non-profit conservation groups or private owners. After recounting how the Plan was developed, it addresses the Natural Resource Inventory to provide the backdrop for the identification of Areas of Interest and the Connectors linking them. It then sets prioritization criteria, describes means for addressing recreation and rural character, and suggests how best to inform and educate the public. The Plan then provides a financial plan and spells out recommendations for Salem's Boards and Commissions. The final parts of the plan cover implementation measures, followed by a series of appendices that provide data and maps that underlie the Plan.

After acceptance (including potential revision) by the Planning and Zoning Commission, the Plan will become a part of the revised Plan of Conservation and Development when it is approved by the voters of Salem. At that point, the real work of implementation will start!

Open Space - Connecticut State Statutes

Connecticut State Statutes define open space as "land whose preservation or restricted use 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, forest, wildlife preserves, natural reservations or sanctuaries or other open space, enhance public recreation opportunities, preserve historic sites or promote orderly urban or suburban development."

State Statutes require every town in Connecticut to have a Plan of Conservation and Development, an important part of which is its Open Space Plan.

Open Space Committee Mission Statement

The Mission of the Open Space Committee was to prepare a draft Open Space Plan for consideration and adoption by the Planning and Zoning Commission. The Plan was to include an open space, natural resource, and recreation inventory, a set of open space objectives, and suggested priorities for areas to be preserved. The Plan was also to include an enumeration of preservation tools and techniques, and recommendations for changes to subdivision and zoning regulations.

Background Information

The Committee's work was preceded by and made use of information and data from:

- Background studies, including a ***Land Use and Build-out Analysis*** [3] prepared for Salem in 2000. That analysis indicated that the then current zoning regulations would have the potential for increasing the number of dwelling units by over 300% and raising Salem's population to over 15,000 (currently approximately 4,000). It further concluded that a residential growth explosion would destroy the town's rural character.

- A ***Town Public Opinion Questionnaire*** [4] mailed to 1500 residences in 2000 had a response rate of more than 28%, indicating that Salem residents care about the town's future. Questions concerning rural character, recreation, balanced development, water resources and open space had positive responses ranging from 67% to 75% of respondents. The response to the question '*What is the biggest Problem or Challenge In the Next 10 Years?*" resulted in respondents listing growth, including overpopulation, subdivisions, over development, maintaining rural character, aquifers and water resources.

- The ***Plan of Conservation and Development*** [1] (***POC&D)*** updated in 2002. Based on the ***Questionnaire*** responses, the ***POC&D*** contains goals and objectives relating to open space, recreation and natural resources, agriculture, historic and archaeological resources and improving transportation. The **POC&D** concluded that citizens feel Salem must plan for growth while balancing the needs for development, with strategies to protect open space.

- The ***Town of Salem Natural Resources Inventory*** [2] ***(NRI)*** prepared by the Conservation Subcommittee of the Salem Inland Wetlands and Conservation Commission in 2001. It inventories all of the land and water natural resources in Salem. The ***NRI*** is a part of the ***POC&D***.

- The ***Town of Salem Municipal Land Use Plan*** [5] revised in 2002. It identifies the location of facilities such as the school, library and recreation fields, and defines long term potential needs such as land for a school/recreation connecting trail, a future high school, a town park, a replacement firehouse, and affordable senior housing.

Why have an Open Space Plan?

While conservation of natural resources, community character and well being are often cited as reasons for acquiring open space, another rationale is the avoidance of the costs of municipal services associated with residential development. The American Farmland Trust (www.farmland.org) developed a Cost of Community Services Study model 15 years ago, which has been used ever since across the country to evaluate the differences between revenue generated and cost of services required by specific land uses.[6]

In a recent study that applied this model to the cost of land use in eleven southeastern New England communities, the conclusion was that "Southern New England's open spaces provide

fiscal relief for taxpayers, as well as providing quality of life amenities." [7] That data is summarized in the following table:

Type of Land Use	**Residential**	**Commercial**	**Open Space**
Services Cost Per Tax Dollars	$1.14	$0.43	$0.42

Additionally, open space does not have the negative impacts of increased traffic and noise pollution associated with commercial/industrial properties

A 1994 study by the Trust for Public Land entitled *"The Efforts of Development and Land Conservation on Property Taxes in Connecticut Towns*," confirmed that growth and development in Connecticut, while they expand the tax base, do not result in lower property taxes. [8]

The Open Space Committee concludes:

- Natural resource protection and open space is valued by Salem citizens.
- The preservation of Salem's farms and agriculture is important to residents. Salem was traditionally a dairy farming community; however, this type of farming is being replaced by hobby and commercial horse farming. Farmlands, hay fields and areas for trail riding should be preserved.
- Salem spends more money on residential services than it receives in taxes from residential development.
- Combined open space of all categories enhances and protects the community's property values.
- Active and passive recreation contributes to community health, well being, and adds to the quality of life for the community.

The recommendations in this Open Space Plan aim to increase Salem's ability to achieve its goal regarding open space, natural resource and rural character preservation.

Definition of Open Space for Salem

The following definition incorporates goals and objectives of the ***POC&D***, public opinions expressed in the ***Questionnaire***; data in the Town's ***NRI***, input from Jim Gibbons (Land Use Specialist with the UCONN Cooperative Extension Service), and public input provided during the development of this document:

> *Permanently protected open space in the Town of Salem is defined as protected lands and water bodies that are owned, under easement to, or managed by the Town of Salem, State of Connecticut, the U.S. Government, non-profit land trusts and other conservation organizations, or private owners. (Appendix III, Fig. 2)*
>
> *Open space includes areas for:*

- *Protection of public health and safety (floodplains, wetlands, aquifer recharge areas);*
- *Outdoor recreation (active and passive);*
- *Natural resource protection (unique or fragile animal or vegetative habitat, wildlife corridors, riparian buffer zones);*
- *Farmlands and forests;*
- *Areas that shape and preserve the community's rural character (buffer strips, greenways, scenic vistas);*
- *Historic and archaeological sites.*

***Important stipulations*:** The Plan does not identify specific parcels for action by the Town. The exclusion of a parcel from a generalized area is not intended to preclude the landowner from participating in any preservation program. The *identification of a parcel as "significant" for any reason* is not intended to prohibit, preclude, or otherwise limit its development. Open Space designation does not automatically provide public access; that depends on the owner and written agreements defining permitted uses of the land.

How the Open Space Plan was Developed

Plan Objectives

The Committee followed a process suggested by Jim Gibbons of UCONN. The project was defined by developing a set of plan objectives, each explained in depth in the subsequent sections.

- Conduct a **Natural Resource Inventory *(NRI)*.**
- Categorize Natural Resources by type.
- Define types of land that exemplify Salem's rural character.
- Identify and organize potential areas for preservation/conservation into Areas of Interest and Connectors linking them.
- Define the characteristics for areas appropriate for recreational uses.
- Recommend processes by which land may be preserved or conserved through both private and public means, and a Financial Plan to support the Town's public efforts.

Salem's Natural Resource Inventory

The process of developing the ***2001 Natural Resource Inventory*** began with the aid of mapping tools. In 1995 the Salem Economic Development Commission (EDC) funded the digitization of the Assessor's basic property maps into a computer-mapping format known as a Geographic Information System, or GIS. In 1999 the Salem EDC secured a grant from the State Department of Environmental Protection (DEP) to purchase ArcView®, a GIS computer mapping software package, and training, for the purpose of preparing the ***NRI***. The ***2001 Natural Resource Inventory*** is available at the Salem Town Hall. Updated unpublished data sets were used for this Plan, from the **Environmental GIS Data for Connecticut** [(9)].

Maps of Salem's Natural Resource Areas

Types of resources mapped were:

- Lakes and Ponds, Streams, Wetlands (Appendix III, Fig.3), and Aquifers (Appendix III, Fig.4);
- Natural Diversity Data Base (NDDB), Forested Blocks, Archaeological Sites, and Cemeteries (Appendix III, Fig.5);
- Selected Soils – Prime Farmland/Important (Appendix III, Fig.6);
- Parcels, Industrial/Commercial Zones and Existing Open Space (Appendix III, Fig.7);
- Existing Open Space - New London Water Authority, Nature Conservancy, Salem Land Trust, Protected Agricultural Land, State, Town, and Conservation Easements (Appendix III, Fig.2);

These resources were plotted on a series of Town maps. A base map (Appendix III, Fig.7) was developed that included parcels, water, Commercial/Industrial zones, and permanently protected land. Additional transparent overlay maps were developed to identify the specific locations of other features to consider such as aquifers, sensitive areas associated with the Eightmile River, forested blocks, known archeological sites and NDDB areas. NDDB areas are areas of concern, identified by the state and federal government as containing endangered species and significant natural communities.

Photo by Peter Sielman

The Open Space Plan

Areas of Interest and Connectors

The maps were combined to provide an overview of the areas in Town that capture multiple natural resources. From these maps, five "Areas of Interest," were selected by the Committee **(see Map, page 12)**. They are identified as:

- Area I – Located in the southwestern corner of town – This area includes part of the Eightmile River Watershed, State Forest, Nature Conservancy land, the potential Route 11 Greenway, aquifers, and conservation easements. It is also closely associated with protected lands in East Haddam and Lyme.
- Area II – Located in the southeast corner of town – This area is primarily the City of New London Water Authority land plus some large parcels.
- Area III – Located in the western side of town – Contains Nature Conservancy land and conservation easements. It is part of the Eightmile River watershed and could tie in with the large blocks of protected land in East Haddam.
- Area IV – Located in the eastern part of town – This area includes part of the aquifer associated with Gardner Lake, State, Town, and Protected Agriculture land.
- Area V – Located in the northern part of town – A rugged part of town with large lots, the Cockle Hill area, important archaeology sites, NDDB sites, and is mostly in the Eightmile River watershed.

This map also indicates general areas where possible "Connectors" might be established to link up the identified Areas of Interest. Connectors are important to reduce the isolation of the given Areas of Interest and to improve the ecological health of the region as a whole.

***Important Stipulation*:** It must be noted that the Areas of Interest and Connectors described above and shown on the map do NOT conform to property lots or boundaries. These areas have purposely been designated in this fashion to allow flexibility in future land uses and protection of natural resources.

Prioritization for Preservation/Conservation

When prioritization is required, the Committee concluded that the following criteria should be applied:

- Parcels with riparian zones are very important. Sometimes called stream buffers, riparian zones are vegetated strips of land along and on either side of a stream. They may be several to several hundreds of feet wide and are important in maintaining the natural quality and hydrology of the streams by: filtering/slowing/absorbing overland sheet flow, absorbing chemicals from lawns and fields, shading and cooling the water for the benefit of native plant and animal species, maintaining flood storage, and protecting aquatic habitats. They also provide/conserve valuable upland habitats and provide wildlife connectors.
- Wetlands/water bodies serve a similar purpose as riparian zones, although the impact is

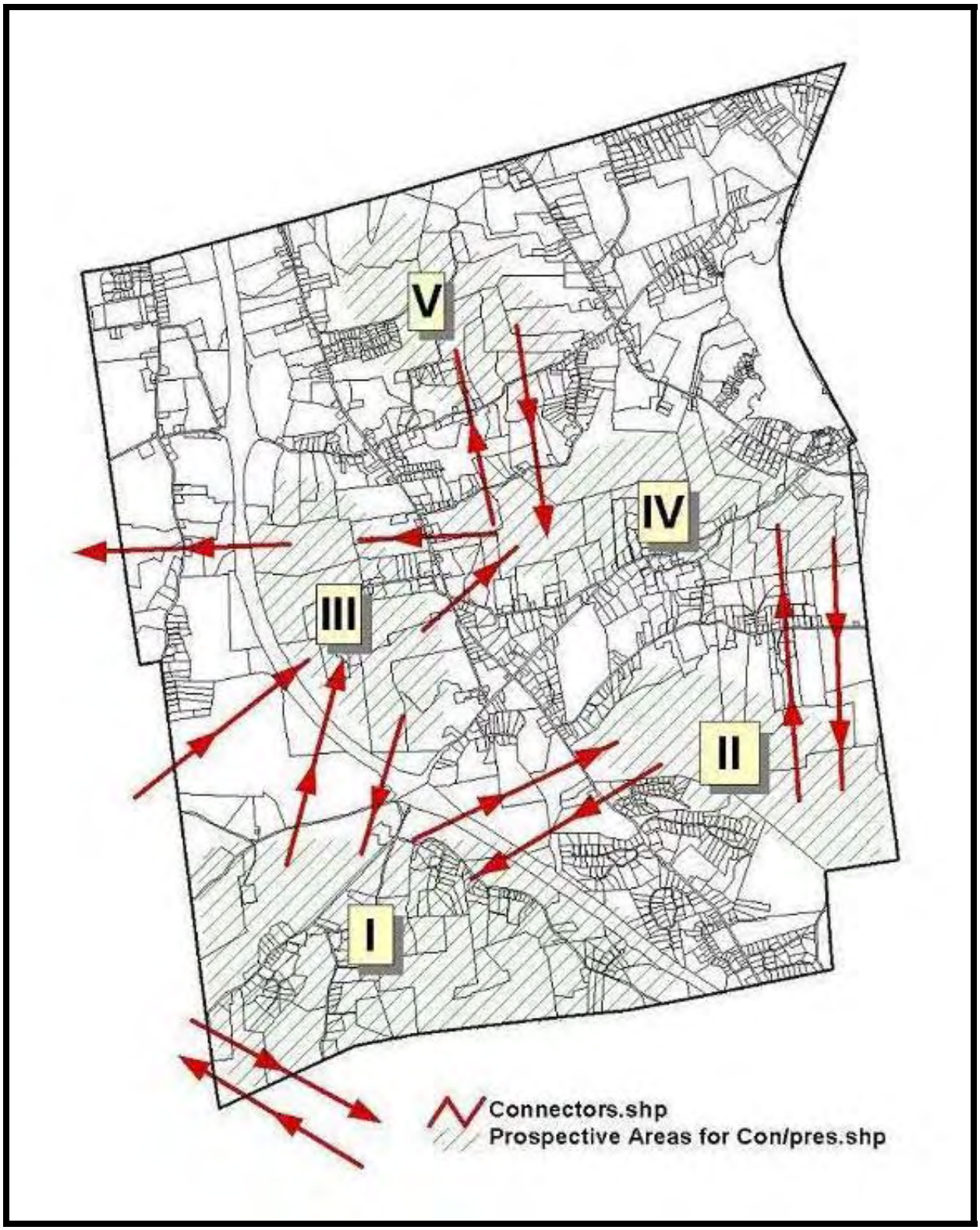


Figure 1- The five prospective "Areas of Interest" for possible conservation/preservation with connecting wildlife corridors

usually less extensive. Wetlands in particular are mitigators for all sorts of natural and man made insults to water quality.

- Natural Diversity Data Base sites. These sites are home to rare and important species/natural communities that should be preserved. Unique habitats often contain the most biological diversity of rare or endangered species. These areas should be preserved for their scientific and educational value for now and for future generations.
- Examples of historical, archaeological, and cultural sites are worthy of conserving, although it is recognized that it is impossible to save everything and still allow reasonable development.
- Land that has potential for recreational uses, active and/or passive.
- Land that would connect or be part of a possible connection between Areas of Interest or that would fill-in/augment the Areas of Interest.
- Rural character contributors, such as: scenic vistas, fields/farms, stonewalls, structures, and woodlots.

Recreation - Active and Passive

Recreation Areas

Recreation areas are fields for organized sports with supporting facilities, paths through the woods for walking or biking, or hiking where the land is left undisturbed. Then there is everything in between including parks, picnic areas, neighborhood mini-parks and bike paths along the shoulders of roads. All have positive and beneficial impact on the quality of life for a community.

Recreation Fields

Recreation Fields can include baseball, soccer, lacrosse, tennis or other multipurpose uses. The need for fields depends on participation (immediate and projected) and the anticipated use for each field. This is determined by the programs sponsored by the Recreation Commission and the Salem School system.

Recreation Trails

Trails, multipurpose paths or linear parks are being recognized as popular areas of active recreation that can and should accommodate a wide variety of age levels and skills. These paths can be used by the very youngest to the most senior of our citizens, as well as the most physically fit to someone with extreme disabilities. The Recreation Commission has proposed locations for these types of paths (Appendix III, Fig.8) and is actively pursuing grants to offset the cost of their development.

The priority for these paths is for the trails to connect major areas of Salem, i.e. the ballparks, school, library, Town Hall, etc. Another equally important priority is that these paths, where possible, should connect to other recreational trails, thus forming a network that could be accessed from different parts of town. The goal should be that all the paths be user friendly. The trails should ideally be off the road, but able to connect areas of scenic or natural beauty to areas that are central to the Town of Salem.

The possibility of paths that do not connect to another, but traverse or circle an area of open space, should also be considered, especially if it is in a part of town that has no trails. Trails that have a possibility of being used for commuting should also be of high priority. Bike Lanes along Salem roads should also be considered, and may be necessary to connect one trail to another. [10] Passive trails for hiking and walking should be evaluated in areas that are preserved for open space, especially if the Town of Salem is the owner of the property. The area should be considered for scenic value and educational benefits, but also should be mindful to avoid habitats that do not benefit from human presence. Motorized vehicles, with the exception of wheelchairs, will be prohibited due to potential liability to the Town. Paths will be evaluated for horseback riding. Parking and access points will be part of any plan for multipurpose paths.

Maintenance of paths must also be considered. The Recreation Commission, the Salem Public Works Dept., volunteer groups established for this specific purpose or local nonprofit (Boy Scouts, Lions, etc.) could be responsible for maintaining paths.

Parks and Picnic Areas
Consideration should be given to creation of public parks, gardens, or Town-owned picnic areas, as none currently exist in town.

Mini-Parks or Neighborhood Parks
These types of parks are virtually non-existent in Salem. The Town should be proactive in requiring subdivision developments to provide and plan for areas of recreation.

Rural Character

An integral component of this Plan is retention of Salem's rural character. This resource is found throughout the Town; it is not limited to specific areas, and thus is very easy to lose forever. Stone walls, agricultural buildings, historic structures, cemeteries, tree-canopied roads, and old tree stands all contribute to the beauty of Salem, and steps must be taken to preserve these natural and man-made features for future generations. The varied types of natural resources protected by this Plan are building blocks for this characteristic.

The combined social, natural and aesthetic history of Salem is found in its Rural Character. These elements are reminders of the people who have lived here and been stewards of the land. It defines our community and sense of place and is what makes Salem unique and is what caused many to move here in the first place. With proper planning, Rural Character can be kept alive throughout Salem.

With the assistance of input from Salem residents, the Conservation Commission should be responsible for identifying lands, buildings and vistas that best represent the rural character that residents indicated they wish to preserve.

Open Space Financial Plan

While preservation by private landowners and private non-profit organizations is preferred for financial reasons, it can become necessary, or be requested by the public, that the Town purchase the land, or partner with private entities to preserve land. The Town of Salem, therefore, must have a plan for acquiring the financial resources to preserve open space. The Town should be in a position to act upon land acquisition on short notice once it becomes available. To that end, the Town should institute an Open Space Account and provide a regular revenue stream to fund this account.

There should be three sources of revenue for the Open Space account:

- Consistent with the current practice of setting aside one mil for roads each year, the Board of Finance should allocate a 1/4 of a mil each year {equal to $65,000 in 06/07 Budget} for open space. The Town should allocate these funds to provide a dedicated revenue stream to implement this Open Space Plan. This revenue stream should provide the basic funding for long term open space planning and acquisitions.
- Additionally, fee-in-lieu of open space should be made available as an option on future subdivision developments. The regulations governing this option are contained in the General Statutes of Connecticut, Chapter 126- Municipal Planning Commissions**;** Section 8-25. Subdivision of Land, and Section 8-25b. Fund. Payments in lieu of open spaces. {for text of Statutes see "Fee in lieu of open space", pg. 41 of this document}
- The CT State Legislature has considered Bills that would allow municipalities to independently raise revenue for important community preservation and investment opportunities, such as open space, farmland preservation or affordable housing. The Town should take advantage of these opportunities if and when Bills of this nature become law.

***Important stipulation*:** The funds accumulated in the Open Space account would only be drawn upon for land preservation approved by the Town legislative body (Town Meeting).

Recommendations to Salem Town Boards and Commissions

Recommendations for the implementation of the Open Space Plan are presented below, organized by the Board or Commission deemed most appropriate.

Board of Selectmen (BOS)

- Initiate the process for creating a separate Conservation Commission OR have the BOS assume the Conservation responsibilities.
- Assume responsibility for management of all conservation easements, which should be clearly marked and monitored.
- Recommend the purchase of land preservation easements (including scenic easements) - easements along streams and rivers must often be crafted to accommodate access.
- Initiate the process for the adoption of a Scenic Road Ordinance to help protect the community's rural character by preserving old stone walls and natural roadside features such as large trees, and allow some roads to remain unpaved. An unpaved Scenic road

will also help with storm water management by reducing the amount of impervious surface.

- Develop and initiate the process for the adoption of an aquifer protection ordinance using the model regulation developed by CT DEP.
- Adopt and implement a cemeteries maintenance plan.
- Explore tax incentives for land owners who allow public use of their private land; for example, allowing a trail across a privately owned parcel that connects two "Areas of Interest."

Planning and Zoning Commission (P&Z)

P&Z has encouraged the acquisition of open space through the Commission's subdivision regulations which currently allow the P&Z to require that 5% of the land proposed to be subdivided be set aside as open space. Recommendations of this Committee include:

- Digital Zoning Map: Research the current zoning map, which is not clear in its delineation, and produce a GIS version. The P& Z Fee Ordinance should be amended to require an additional fee for subdivision applications to cover the cost of additional map digitization or, in lieu of an additional fee, amend the Subdivision Regulations to require the applicant to provide a digitized copy of the approved plan at the time Mylars are filed on the Land Records.
- Add Cluster/Conservation Development options to the subdivision regulations.
- Revise the Cluster Development zoning regulations to offer a density bonus to induce developers to include open space, trails and affordable housing.
- Revise the Open Space requirements of the subdivision regulations as follows:
  - Increase required Open Space dedication to a minimum of 15%.
  - Specify what land will become open space in any new subdivision.
  - When subdivision plans are submitted, solicit recommendations from the Recreation Commission on possible trails for hiking and horseback riding, connectors and recreational use.
  - Allow transfer of development rights.
  - Provide for a Fee-in-lieu of open space- modify subdivision regulations to allow an applicant/developer to make a cash payment to this Plan's proposed Open Space Account in place of setting aside open space within a proposed development. {For text of CT General Statutes covering this option, see "Fee in lieu of open space", pg. 41 of this document.}
- Require <u>both</u> a Conservation Cluster and Conventional subdivision plan from all developers in their subdivision proposal. The Commission should then select the best use of the land area to be developed. Require that final plans be submitted in both Mylar and GIS compatible format.
- Add Mixed Use Development (MUD) Floating Zones, thereby permitting a mix of residential densities or a mix of residential and non-residential uses. Add MUD language to the zoning regulations.
- Require notification of the State Archaeologist when proposed developments are within 300 feet of streams (2nd order and larger). Modify the zoning regulations to require the State Archaeologist review of a development site for archaeological resources prior to development.

- Require applicants to preserve, to the greatest extent possible, man made features in new subdivisions by incorporating stonewalls into plans/boundaries and preserving old barns and houses in an effort to preserve rural character.
- Implement recommendation from the ***POC&D*** to "Adopt town wide tax incentives for maintaining land as open space."
- Consider adopting and implementing regulations to address the following: protection of the integrity of the night sky, development of recreation areas such as mini parks in new developments and include paths for active recreation and bike lanes on new roads. Separate landscaping plans, with standards/requirements, that ensure development complements and preserves Salem's rural character.

Inland Wetlands and Conservation Commission (IWCC)
The **IWCC** is instrumental in securing conservation easements over sensitive and vulnerable wetland areas through its permitting process. Recommendations of this Committee include:

- Adopt regulations for clear-cutting of land which manage and set standards for the size of the cut area. The purpose is to regulate and enforce clear cutting to best serve the long-term health of the land and maintain water quality.
- Initiate the process for the adoption of an ordinance that will allow for the enforcement of Connecticut General Statutes Section 22a-42g which provides that any municipality may, by ordinance, levy a fine of not more than $1000 for violations of its Inland Wetlands regulations.

Recreation Commission
The Recreation Commission is charged with development, improvements to, and maintenance and expansion of recreation lands of the Town. Recommendations of this Committee include:

- Provide recommendations to the Town Planner and/or the Planning and Zoning Commission regarding possible trails or mini-parks for all development proposals.
- Maintain and update the Recreation Inventory.

Board of Finance
The Board of Finance oversees the finances of the Town and prepares the budget for approval by the Town. Recommendations of this Committee include:

- The Board of Finance should set aside 1/4 of a mil in the proposed budget each year to be deposited into an Open Space account. This method is not without precedent, as the Salem budget currently includes 1 mil for roads. A similar method of funding Open Space Plan implementation would build up funds to be available when suitable candidate open space parcels become available.

Informing and Educating the Public

The tasks for community education via print, local access TV and the video media, as well as seminars presented to community groups, should include, but not be limited to:

- Preparation of a program summary to be shared with property owners and interested parties from the general community.
- A collaboration involving the Planning and Zoning Commission, the Conservation Commission (if created as recommended by this Plan), and the First Selectman, should introduce residents to a variety of land preservation options and the benefits to both the community and property owners.
- Use of media and other public forums for public education about the Plan.
- Neighborhood coffees, or "get-togethers", at the homes of those receptive to the Plan, should be held to inform land owners whose property(ies) fall within the areas of interest. Qualified and knowledgeable representatives should be present to answer questions and concerns.
- Plan a presentation at a Planning and Zoning Commission public meeting.

Photo by Peter Sielman

Implementation of the Open Space Plan

Methods and Means of Permanently Preserving Open Space

Thousands of acres of Connecticut Open Space, working farmland and the State's natural resources have been permanently protected because of the desires and efforts of private landowners. Through the generosity of its residents and with the planning and financial help of interested groups and government and municipal agencies, Towns such as Salem are able to preserve land for their Open Space needs.

Permanent private land preservation agreements between individual owners and the Town of Salem, the State, private non-profit land or farm preservation organizations is one of the preferred methods of preservation. Landowners may donate their land, development rights or easement outright, but often are not in a financial position to do so. It then becomes necessary for the parties interested in helping to preserve the land to raise money and purchase the land, or an agreement to preserve, often with Federal, State or private foundation grants.

Purchases of large parcels of particular interest, i.e. those with a unique habitat or endangered species, a wildlife corridor or other issues of preservation concern, are often funded through the financial partnerships of private landowners, Towns, the State, local and/or national non-profit preservation groups, and the various grant-giving organizations.

Specific methods of preservation may include:

Conservation Easement
This is a legal, permanent land preservation agreement between a landowner, or multiple landowners, and a land trust, conservation organization (like Nature Conservancy) or government agency (Town, State, or Federal) permanently limiting the rights of the property owner, and any and all future owners, to develop the land. The intent of a conservation easement is to perpetually preserve, protect, conserve and maintain in a natural, scenic and open condition, all land contained within the legal description of the conservation easement. The owner may donate or sell a conservation easement, *but the land still belongs to the private landowner and the owner still pays property taxes on the parcel.* The easement may allow some uses of the land that could produce income for the owner, such as forestry or non-intensive farming. The owner controls the land to ensure privacy, security and maintenance.

Conservation Subdivision or Subdivision Open Space Dedication
The Open Space Provision of the CT General Statutes (Section 8-25) provides that Town Planning Commissions "may require the provisions of open spaces, parks, and playgrounds when, and in places, deemed proper by the planning commission, which open spaces, parks and playgrounds shall be shown on the subdivision plan." This type of easement is applied to portions of a subdivision at the time of approval by the Planning and Zoning Commission. The easement may be held by an outside entity such as a conservation organization or the municipality. Or, it may be a *private* conservation easement, which is written into the deed of a property and held by the property owner, without a second party's involvement.

Purchase of Development Rights by a land preservation or farm group, Town or State
The private owner still owns the land, and pays the property taxes, but the buyer "owns" how the land can be developed. This term usually refers to land used for agriculture and its associated requirements such as plowing of the fields, and may allow limited development, such as construction of new agricultural buildings. The parcel in question may have a combination of farmed and natural areas.

Fee Simple
Is the outright purchase of land by the Town and/or State or a conservation group, or very often a partnership among them. The new owner(s) have full ownership and complete control of the property and its uses. If the Town buys the land, it provides for protection and public access to the property, but this alternative is the most costly for the Town and its taxpayers. If a private land conservation group purchases a parcel outright, it is their private property and may or may not be open it to the public. However, if this land is purchased with funds from the State or Town, public access must be provided.

Fee Simple/Lease Back
A full purchase of the land by the Town and/or the State; however, the land may then be leased back to its previous owner under specific conditions. The conditions include restricting the land's development, and may require public access.

Partners in Preservation

Private Non-profit Organizations
Organizations such as The Nature Conservancy, private Land Trusts such as The Salem Land Trust and organizations primarily interested in preserving working farms such as the CT Farmland Trust, may acquire open space and thereby protect natural resources in Salem. The Nature Conservancy's land and easement purchases to protect the Eightmile River Watershed are an excellent example of what these organizations can accomplish. They may purchase the land outright, such as The Nature Conservancy's Walden Preserve, or they may receive donations of conservation easements, as the Salem Land Trust has done. Because these are non-profits, donors may take a federal income tax deduction for their donation.

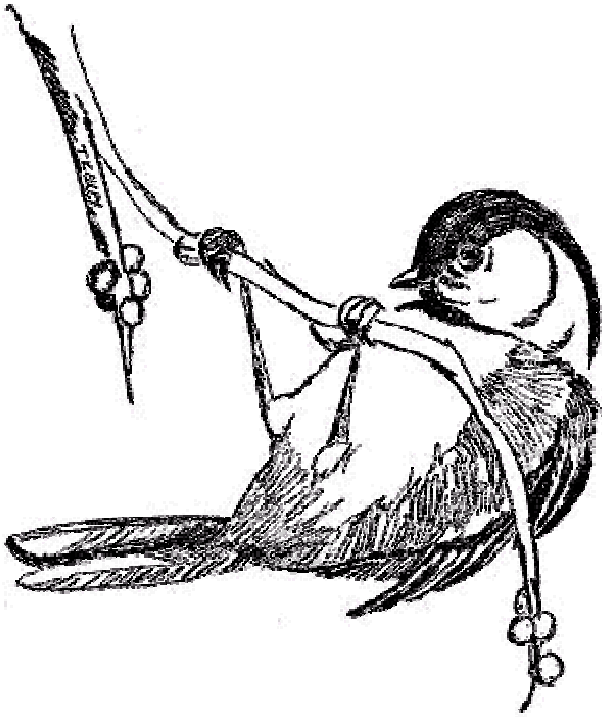
These groups become the stewards of the protected land to assure that the terms of the private land agreements are being followed and that the land they own is free from development or incursion.

The State of Connecticut
Our State has preserved thousands of acres through programs such as its Farmland Preservation Programs and its Open Space Fund. For example, in Salem the State of CT owns a 400 acre property on Round Hill Rd. (The "Moore Property") which is to become a Wildlife Management Area, under the control and stewardship of the CT DEP. In lieu of property taxes, the State makes PILOT payments (payments in lieu of taxes) to the Town.

Grants/Bonding Monies for Purchase of Land or Preservation Agreements

There are numerous private foundation and Federal and/or State grant programs for Open Space protection and these should be explored by the Town. If an outright grant cannot be obtained then there are often State or Federal bonding monies available.

Regardless of the method(s) Salem uses to preserve Open Space, if a purchase is involved and the Town applies for outside financial help, it is usually expected that the Town will allocate some of its own funds.



The Black-Capped Chickadee

Appendices

Appendix I: Committee Charter

Committee Charter for a Planning and Zoning Subcommittee for the Town of Salem Open Space Plan Preparation dated March 23, 2004.

Structure
The Subcommittee for Open Space Plan Preparation is a Subcommittee of the Salem Planning and Zoning Commission and is chaired by Hugh McKenney, Chairman of the PZC. The Subcommittee will regularly report on its activities at monthly meetings of the PZC.

Membership
Subcommittee members shall be a diverse and inclusive representation of Town Boards and Commissions and community organizations. Subcommittee membership should be flexible to allow for temporary inclusion of additional interested parties who have special interests in a particular topic, and/or specialized relevant knowledge.

Members' Roles and Responsibilities
Roles of individual members shall be clearly identified, time-limited in scope and specific to assigned topics. Members are expected to read background reports and materials including the "Town of Salem Natural Resources Inventory," to research specific topics and report back to the Subcommittee.

Appendix II: Recreation Inventory

The following is an inventory of recreation facilities on Town owned property:

Facility Type	How Many Exist?
Playscape (ages 1-7)	1
Playscape (ages 3-5) (School)	1
Playscape (ages 6-11) (School)	1
Babe Ruth Regulation Field	1
Major League Field	1
Minor League Field	1
T-Ball Field	1
Girls' Softball Field	0
Soccer Field	1
Multi Purpose Field (School)	1

Appendix III: Maps

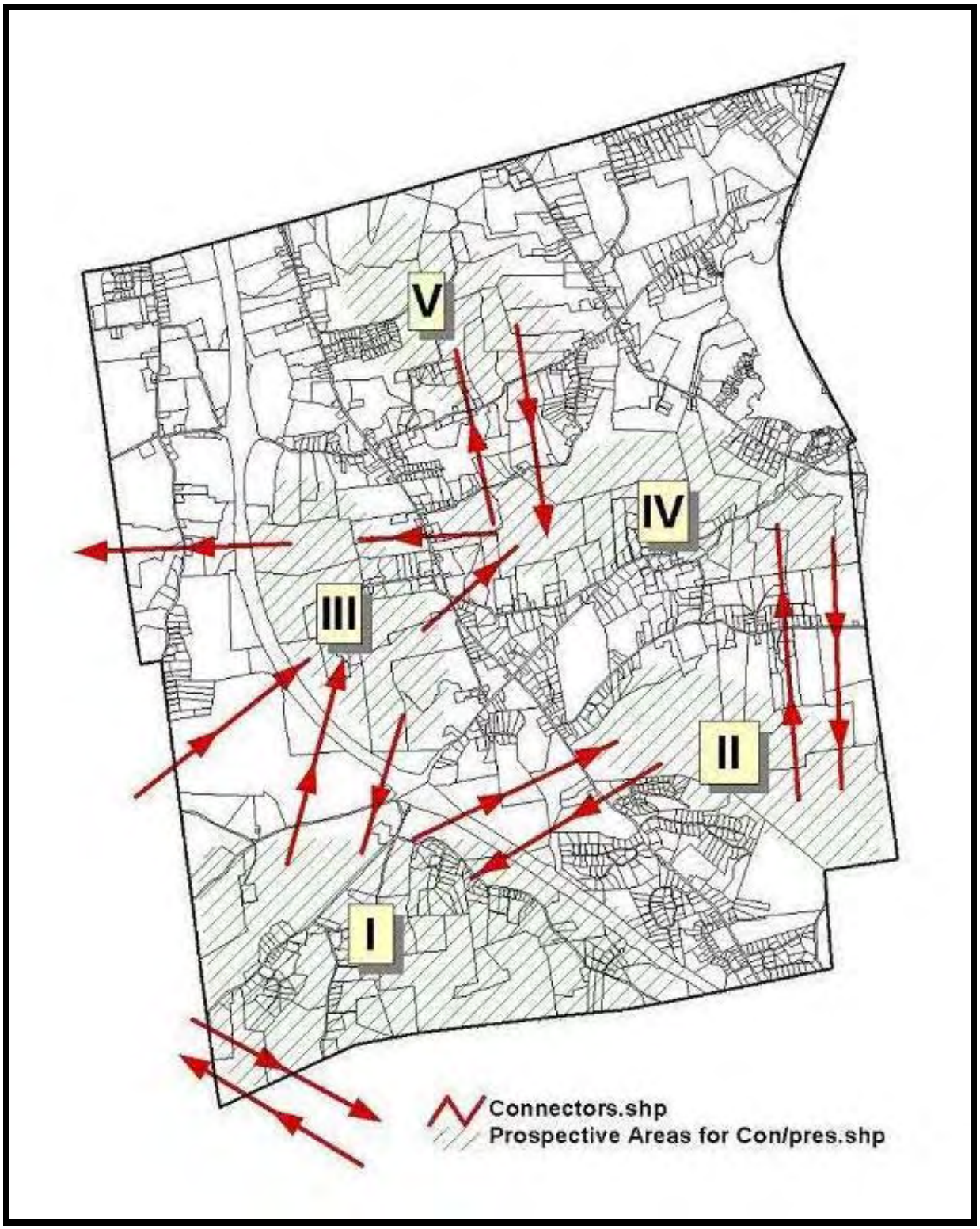


Figure 1- The five prospective "Areas of Interest" for possible conservation/preservation with connecting wildlife corridors

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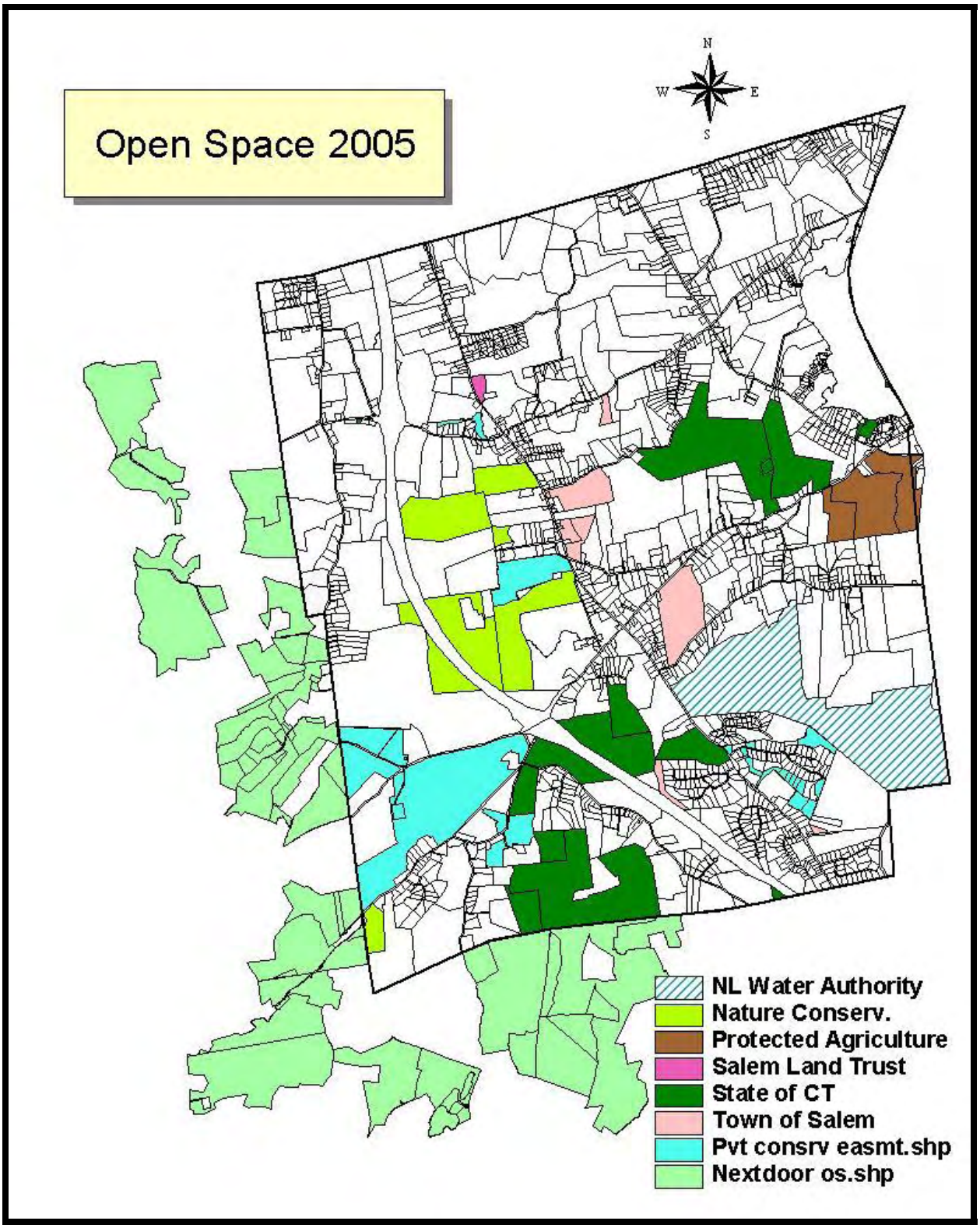

Figure 2 - Salem's municipal land, preserved open space by owner, and open space in adjacent Towns.

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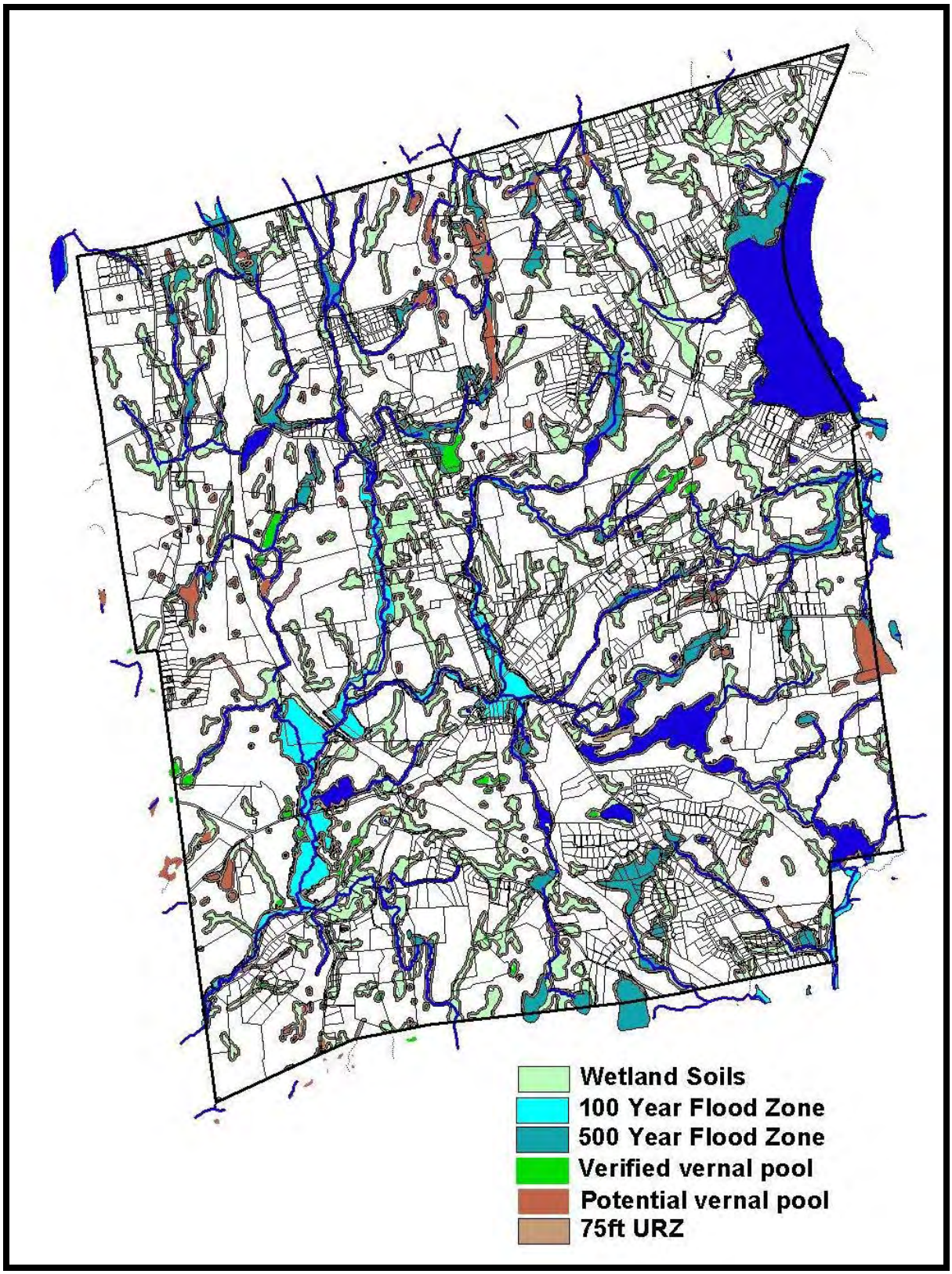

Figure 3 - Wetlands, lakes, watercourses (with buffer zones) and floodplains

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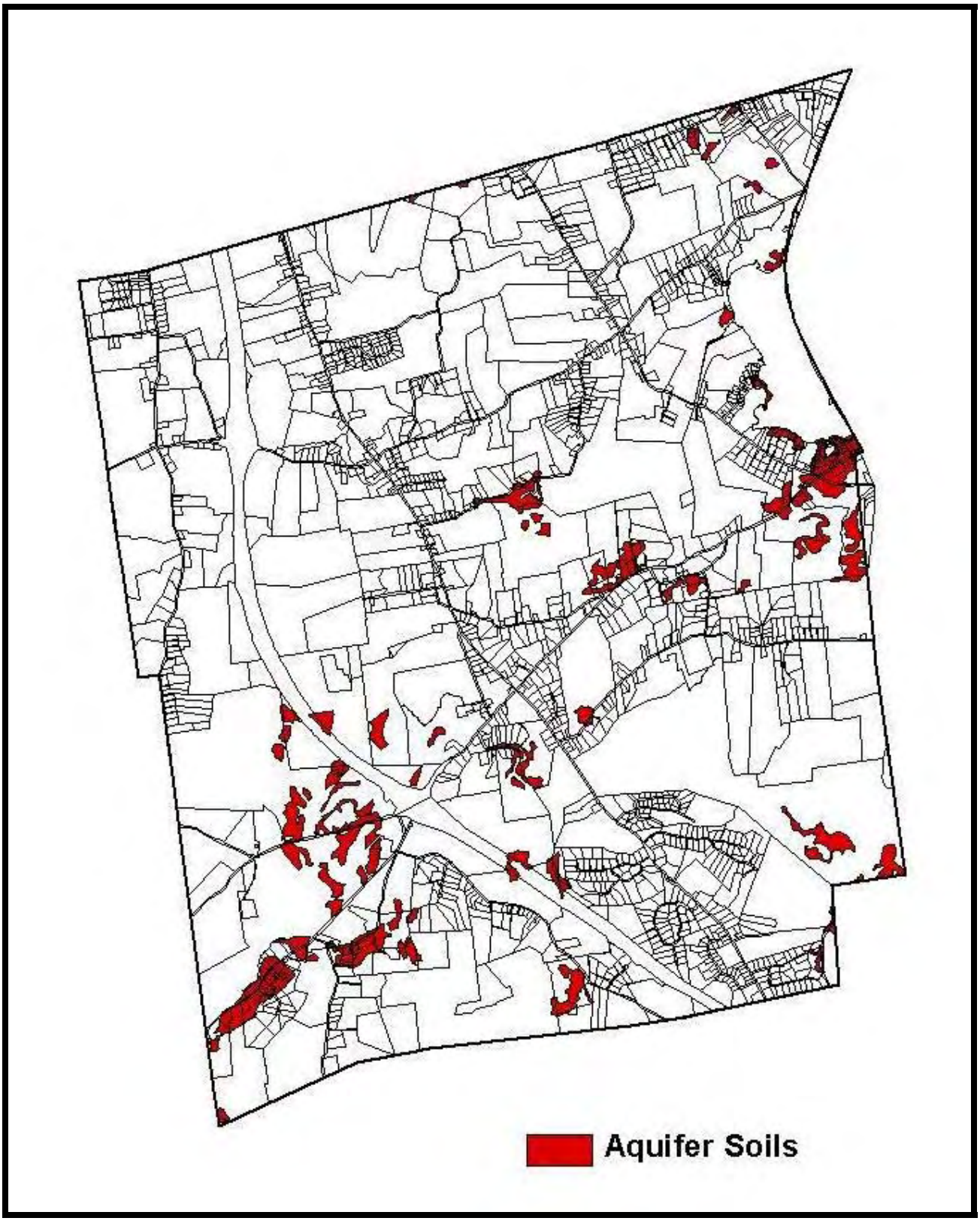

Figure 4 – Salem's Aquifer Soils

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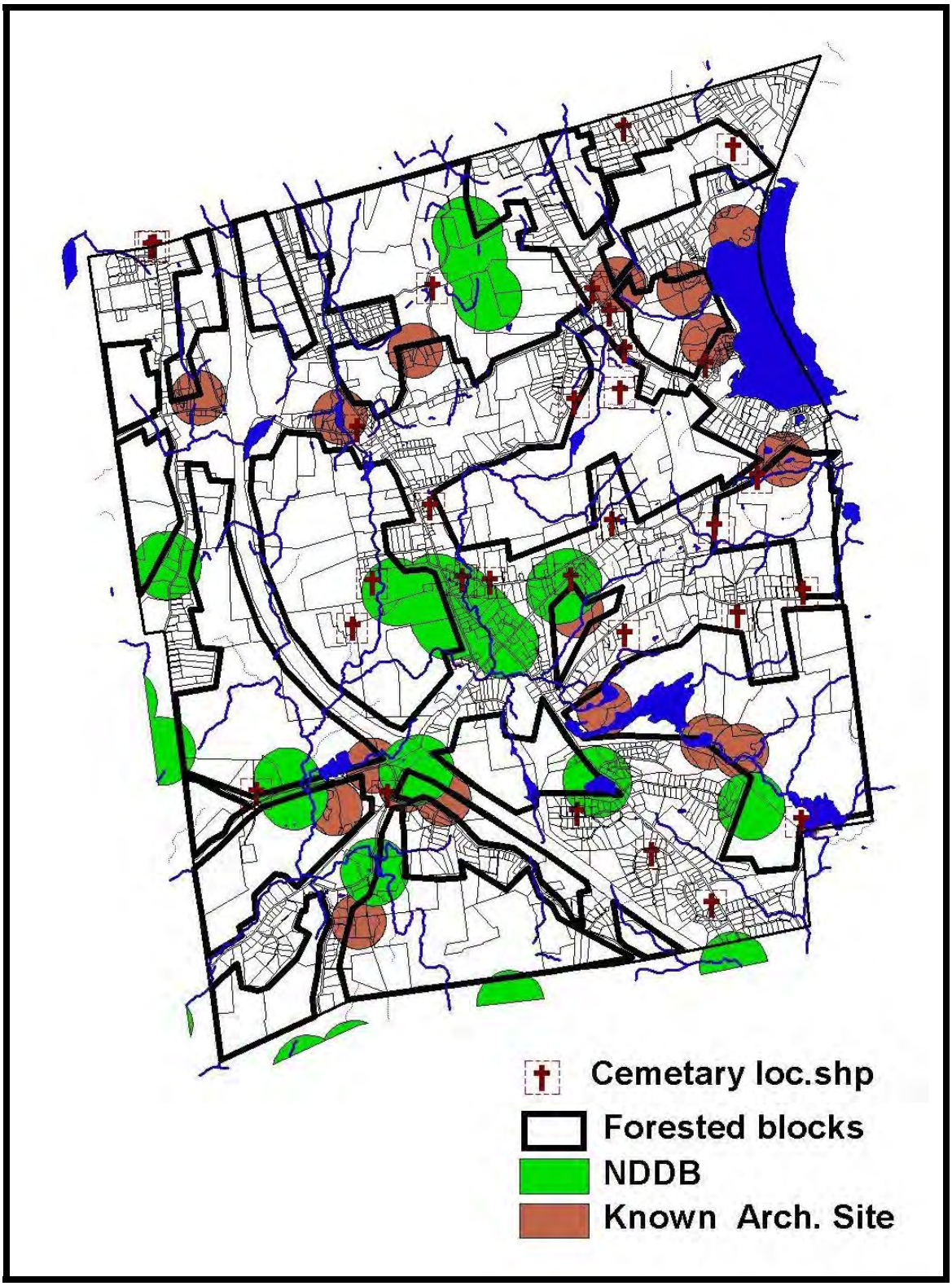

Figure 5 - Natural Diversity Data Base, forest blocks and known archeological locations including cemeteries

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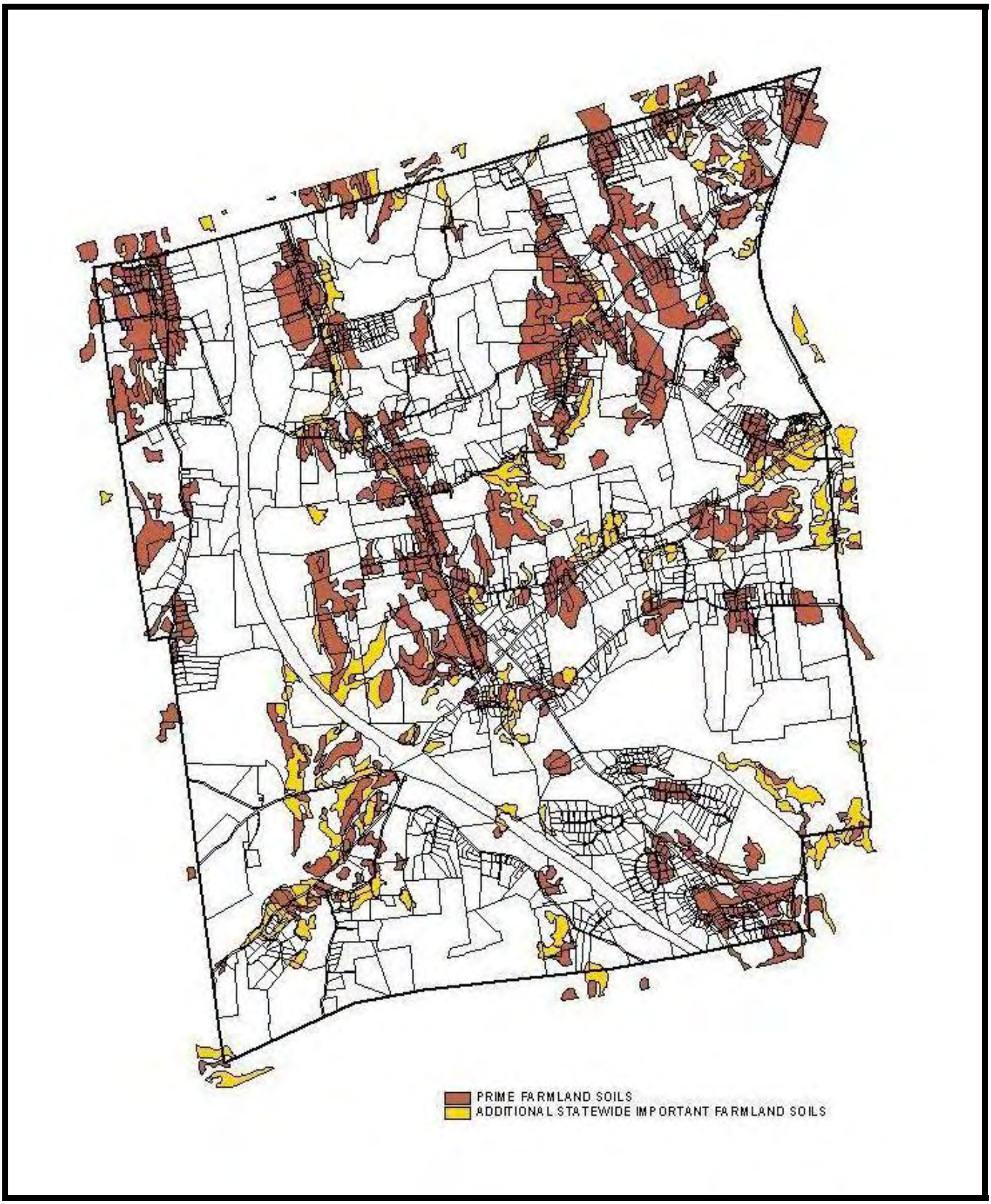

Figure 6 - Prime and Important Farmland Soils

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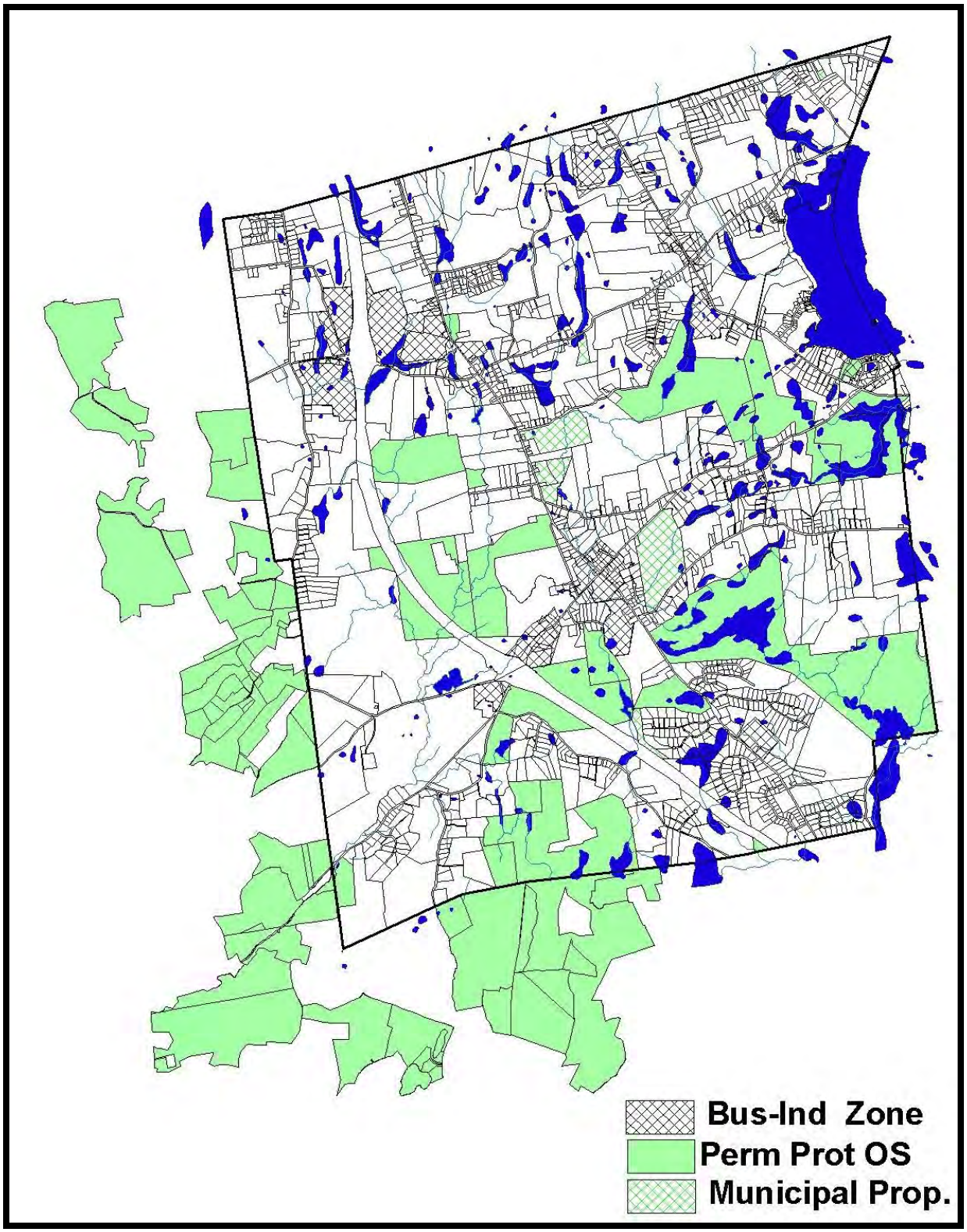

Figure 7 - Base Map: including Salem's parcel map, permanently preserved open space areas, lakes, watercourses, and Business/Industrial Zones

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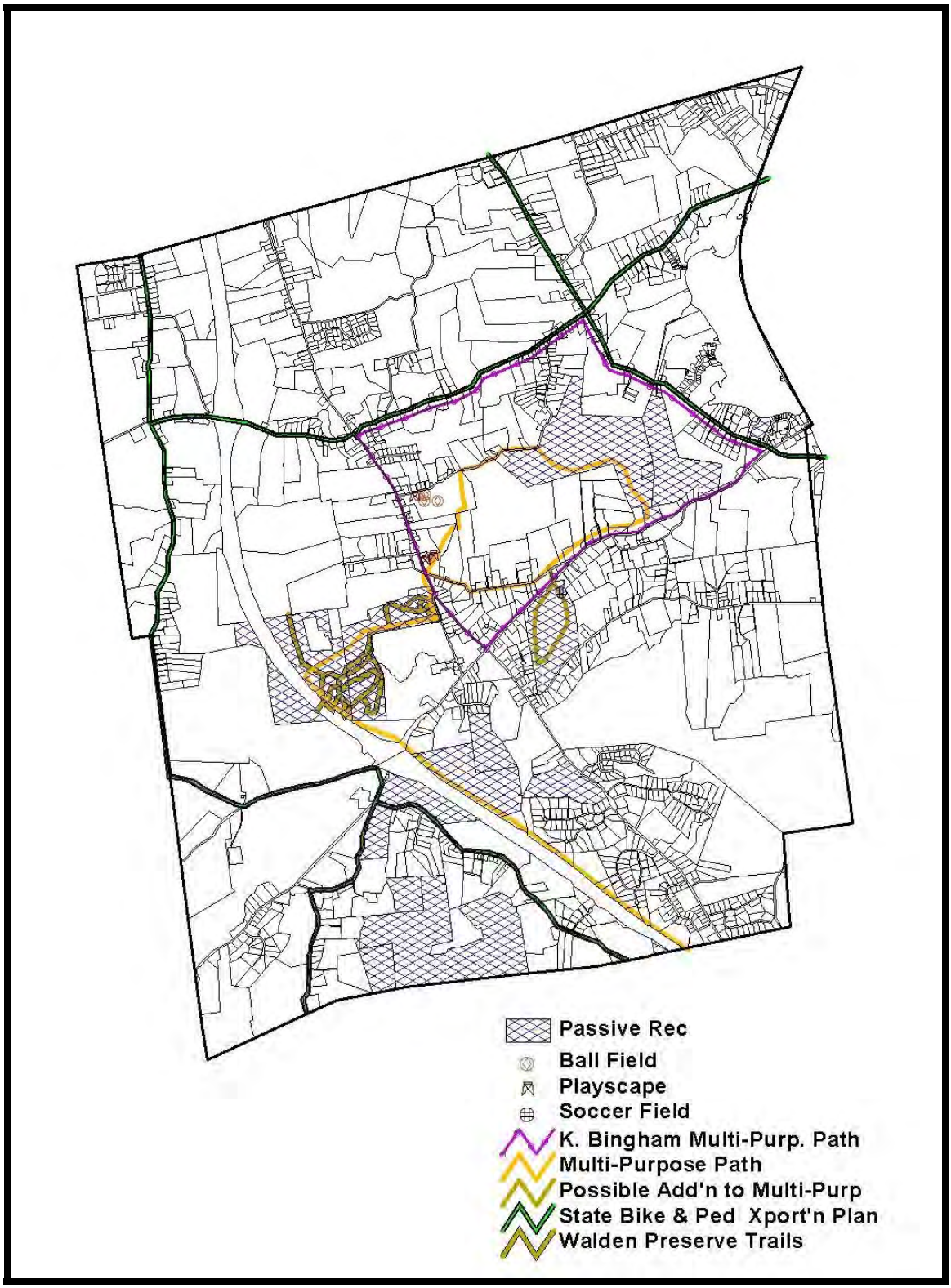

Figure 8 - Existing playing fields and passive recreation areas and existing and proposed trails

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Informational Resources

1. *Salem Plan of Conservation and Development*, Feb. 12, 2002, Salem Planning and Zoning Commission

2. *Natural Resource Inventory*, Oct. 9, 2001, Conservation Sub-Committee of the Salem Inland Wetlands and Conservation Commission

3. *Land Use and Build Out Analysis*, Sept. 2000, Harrell-Mickalowski Associates, Inc

4. *Town Public Opinion Questionnaire*, 2000, Salem Planning and Zoning Commission

5. *Municipal Land Use Plan*, Revised Aug. 4, 2002, Salem Planning and Zoning Commission

6. The Green Valley Institute at www.thelastgreenvalley.org/gvi/index.html; The Quinebaug and Shetucket Rivers Valley National Heritage Corridor, The University of Connecticut College of Agriculture and Natural Resources, The University of Massachusetts Extension Service, et al.

7. *Fact Sheet: Cost of Community Services Study*, Aug. 2004, American Farmland Trust, Farmland Information Center

8. *The Effects of Development and Land Conservation on Property Taxes in Connecticut Towns*, May 1995, Ad Hoc Associates, Salisbury, VT for The Trust for Public Land

9. *Environmental GIS Data for Connecticut*, 2003 Ed., CT DEP Bulletin 37

10. *Connecticut Statewide Bicycle and Pedestrian Plan*, 1999; CT Dept. of Transportation in cooperation with The US Dept. of Transportation and The Federal Highway Administration

Glossary

Access way, public: A strip of land under Town ownership, 50 feet or less in width, which fronts on a public street, is located between side boundaries of two residential lots, and serves as a primary entrance onto a larger parcel of Town-owned open space.

Agriculture: Cultivating the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other mollusks, shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. Agriculture shall also mean the production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to (i) forages and sod crops, (ii) grains and seed corps, (iii) dairy animals and dairy products, (iv) poultry and poultry products, (v) livestock including beef cattle, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding or grazing of any of such animals, (vi) bees and apiary products, (vii) fur animals, (viii) aquaculture, (ix) trees and forest products, (x) fruits of all kinds, including grapes, nuts and berries, (xi) vegetables, (xii) nursery, floral, ornamental and greenhouse products, or (xiii) lands devoted to a soil conservation or forestry management program.

Appropriation: A legal authorization granted by the Board of Selectmen and Board of Finance to make expenditures and to incur obligations for specific purposes.

Aquifers: An area of water bearing sand and gravel (i.e. stratified drift aquifer).

Aquifer Recharge Area: Area around an aquifer that drains into the aquifer to recharge the lost water.

Conservation Easement - a legal, permanent land preservation agreement between a landowner and a land trust, conservation organization (like Nature Conservancy) or government agency (Town, State, or Federal) permanently limiting the rights of the property owner, and any and all future owners, to develop the land. The intent of a conservation easement is to perpetually preserve, protect, conserve and maintain in a natural, scenic and open condition, all land contained within the legal description of the conservation easement. The owner may donate or sell these rights, but the land still belongs to the private landowner and the owner still pays Town property taxes on the parcel. There are also *private* conservation easements. This type is written into the deed of a property and held by the property owner, without a second party's involvement.

Cultural Feature: An area distinguished by archaeological significance, including prehistoric, historic, and industrial sites, and architectural districts and lands, which constitutes an interpretive and educational resource for the public.

DEP: State of Connecticut Department of Environmental Protection.

Development Rights: Any rights or combination of rights to develop, construct on, or otherwise improve land.

Diversity: A multiplicity of geological/biological features.

EDC: Town of Salem Economic Development Commission.

Fee-in-lieu of open space: The General Statutes of Connecticut, revised to Jan. 1, 2005, **Chapter 126- Municipal Planning Commissions**, contains the following:

> **"Section 8-25. Subdivision of Land.** ...Such regulations shall also provide that the commission may require the provision of open spaces, parks and playgrounds when, and in places, deemed proper by the planning commission, which open spaces, parks and playgrounds shall be shown on the subdivision plan. Such regulations may, with the approval of the commission, authorize the applicant to pay a fee to the municipality or pay a fee to the municipality and transfer land to the municipality in lieu of any requirement to provide open spaces. Such payment or combination of payment and the fair market value of land transferred shall be equal to not more than ten per cent of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the commission and the applicant. A fraction of such payment the numerator of which is one and the denominator of which is the number of approved parcels in the subdivision shall be made at the time of the sale of each approved parcel of land in the subdivision and placed in a fund in accordance with the provisions of section 8-25b.."
> **"Section 8-25b. Fund. Payments in lieu of open spaces.** Any municipality which provides in regulations, adopted pursuant to section 8-25, for the payment of a fee or the fair market value of land transferred in lieu of any requirement to provide open space, shall deposit any such payments in a fund which shall be used for the purpose of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes."

FEMA: Federal Emergency Management Agency - Federal agency that maps and suggests management for flood prone areas.

Floodplains: Flood prone areas as depicted on FEMA maps.

Forested Block: A large forested area that has not been fragmented by paved roads or development.

Fund: is used in this document, shall mean an account established solely for the purposes of the acquisition of development rights or fee simple purchase of undeveloped or underdeveloped land.

Geographic Information Systems (GIS): ARCView® GIS software by the Environmental Systems Research Institute (ESRI) that provides the capability to visualize, explore, query, and analyze data geographically.

Greenway: A corridor of open space, which may be open green space, forested area, or open natural area, that (1) may protect natural resources, preserve scenic landscapes and historical resources or offer opportunities for recreation or non-motorized transportation, (2) may connect existing protected areas and provide access to the outdoors, (3) may be located along a defining natural feature, such as a waterway, along a man made corridor, including an unused right-of-way, traditional trail routes or (4) may be a green space along a highway or around a village.

Habitat: The place or type of site where a plant or animal naturally or normally lives and grows.

Land Bridges: Areas used by wildlife to cross between living and feeding areas.

Mixed Use Development Floating Zone (MUD): An area of land proposed by its owner for development as a single entity for a mix of uses in accordance with a specific plan under special standards and provisions spelled out in the zoning regulations.

Natural Resource Inventory of Salem (NRI): Document produced by the Salem Inland Wetlands and Conservation Commission listing natural resources in the Town of Salem. This document is available at the Salem Town Hall.

Natural State: Land that is undisturbed by human intrusions, including but not limited to construction; filling or excavation; removal or destruction of trees, shrubs or vegetation (live or dead); and activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation or the preservation of wildlife.

Natural Diversity Data Base (NDDB) Map: A map produced by the CT Department of Environmental Protection depicting areas where state and federal endangered species and significant natural communities need special protection.

PILOT: Payment in lieu of taxes.

Purchase of Development Rights: While the private owner still owns the land, and pays the property taxes, the buyer, such as the State of CT, "owns" the rights to how the land can be developed. This term most often refers to land used for agriculture and its associated requirements, such as plowing of the fields, and may allow limited development, such as building of new barns. It is not a tool used strictly for preservation of natural areas, although the parcel may have a combination of farmed and natural areas.

Recreation, Active: Activities that require physical exertion by people and/or cause physical alterations to the land, including but not limited to, exercise walking, sledding, skiing, camping, running and organized group play.

Recreation, Passive: Minimally intrusive activities that allow the land to remain essentially in its natural state, including but not limited to, hiking, nature walks, bird watching.

Reservoir Watershed: Area that drains directly into a reservoir.

Ridgeline: The line on a traprock or amphibolite ridge created by all points at the top of a fifty per cent slope, which is maintained for a distance of fifty horizontal feet perpendicular to the slope and which consists of surficial basalt geology, identified on the map prepared by Stone et al., United States Geological Survey, entitled "Surficial Materials Map of Connecticut".

Riparian Buffer Zone: Area along streams protected and regulated by the IWCC under state guidelines.

Route 11 Greenway: Proposed area around the proposed extension of Route 11 that will be preserved and used as a recreational area for hiking and other uses as appropriate.

Scenery/Vista: A picturesque view or landscape.

Subdivision Open Space: Any parcel or area of land or water essentially unimproved except where as otherwise so designated by the Planning and Zoning Commission, and set aside, dedicated, designated or reserved for public use or enjoyment, acquired through the planning and zoning subdivision process.

Transfer of Development Rights: A program of conveyance of development rights by deed, easement, or other legal instrument (as authorized by local law) from one parcel of land to another parcel which is under the same ownership. The parcel that relinquishes development rights is termed the "sending site" while the parcel to which the additional development potential is added is termed the "receiving site". The receiving site may be developed to a greater intensity or density with the addition of the development rights from the sending site, while the sending site will remain undeveloped. The owner of the sending site is compensated for the sale of the development rights

Watershed: An area of land that drains to a single point.

Wildlife Corridor: Area that wildlife use to move from area to area.