

Town of Bethany

Open Space Plan

prepared by

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1. Introduction

Open space is the woodlands, fields, streams and ponds that now abound in Bethany and provide the distinctive rural character we cherish. Who among us does not derive special enjoyment from the sight of trees and open fields as we drive into Bethany, leaving behind the dense development of urban and suburban areas? Who among us is not delighted to know that our forests and meadows provide a life for small animals and birds who cannot survive in more crowded habitats? Whether we use open space as hikers, horseback riders, baseball players and swimmers or simply find our souls refreshed by looking at scenic views and listening to the stillness of a summer night, we know that the open space around us plays an important part in our lives and the lives of our children. This is one of the reasons we choose to live here.

Bethany is now at a crossroads. The open space over which we have some control is fast disappearing, as an increasing population puts ever growing pressure on our land. If we are to preserve for ourselves and our posterity the special quality of life Bethany offers, we must agree on a plan that strikes a balance between development and preservation. In planning for the future, we should try to direct development to those areas in Bethany suitable for growth while at the same time avoiding those areas identified as being in the public interest to preserve. The property rights of landowners must be carefully balanced with the needs of the community. Good planning helps avoid land use conflicts.

The importance of open space in our lives is reason enough to work to preserve it, but we should also take into consideration the known fact that developed land is more costly to taxpayers than open space. A town spends more on education and other services than a new residence with children generates in taxes. Furthermore, the attractiveness of a town with abundant parks, trails, recreation areas, scenic views, stone walls, brooks, farmland, wetlands, greenways and greenbelts is likely to be reflected in higher sale prices for homes and undeveloped land.

2. Bethany's Open Space

To the casual observer, Bethany appears to have vast tracts of protected land which can be enjoyed by all. According to the South Central Regional Council of Governments, it is the only town still classified as rural in the New Haven region. (See reference #1, p. x) However, currently undeveloped land and protected open space are not always the same thing.

Undeveloped land in town can be broken into four separate classes.

Class A - Properties which are protected in perpetuity from development, contain natural or recreational resources and are open to the public. Class A land includes land trust, Nature Conservancy and state parcels where the property is perpetually protected and there is provision for public access.

The Bethany Land Trust owns two large pieces of land and several smaller ones. The Ida Carrington Lowell Property consists of a rectangular 27-acre block of land north of Cedar Road. There is a loop trail on the property. This land, which is usually accessed from Cedar Road, also has an easement running east to Pole Hill Road, directly across from the recently acquired Pole Hill Road Tract. The second trust parcel is known as Mendell's Folly. There are 57 acres in Bethany, with the rest of the 125-acre parcel in Beacon Falls. The property has a mixture of wooded hillsides and wetlands, which are divided by a brook. There is a network of hiking trails on the property.

In December 1995 the land trust was also given the development rights to a 110-acre piece of land located on Bethway, Carrington, Schilf and Old Mill roads. Angelica Harter and Patricia Winer generously donated the easement, known as the Spykman Preserve, to the trust in memory of their parents. This abuts land owned by the South Central Connecticut Regional Water Authority.

The Nature Conservancy owns a small piece of land, called "Quiddity," on Cheshire Road near Litchfield Turnpike.

The State of Connecticut has several parcels in town. The Naugatuck State Forest is the largest and most significant state property, with most of its 509 acres on Beacon Road and a small piece off Cheshire Road. The state forest includes Beacon Cap and extensive hiking trails. The park extends into the neighboring towns of Naugatuck and Beacon Falls to the west and Cheshire and Hamden in the east.

West Rock Ridge State Park has two small pieces in Bethany, off Brooks Road. One is 11 acres and the other is nearly 8 acres. The Hotel or Ley's Pond parcel is another state piece. While it is only about 2 acres, it is historically significant. Located between Litchfield Turnpike and Amity Road, just north of their intersection, the property has the remains of an old dam and pond which were associated with the old Bethany Hotel. The State Police Barracks, though state-owned, is not considered open space here because the land has been intensively developed and the future of the land is not certain.

Class B - Properties which are unlikely to be developed for residential or commercial purposes, contain natural or recreational resources and are open to the public. Class B land includes land owned by public and quasi-public institutions such as the town, churches and library where future residential or commercial development is unlikely and public access is allowed.

The Town of Bethany owns about 335 acres of land. The largest parcel, encompassing almost one-half of all town land is the Airport Property, which is about 127 acres. The other four large properties are Bethany West (54 acres), the Gordon V. Carrington Town

Center (55 acres), the Pole Hill Road Tract (37 acres) and the Hopp Brook Tract (nearly 17 acres). The other town pieces are smaller and consist mostly of subdivision set-asides and cemeteries.

The Pole Hill Road Tract, the Hopp Brook Tract and the various subdivision set-asides are natural areas. Other town properties are, of course, not primarily natural open space areas. Portions of the Airport Property and the Hoppe Memorial baseball fields on Munson Road are recreational. Part of the Airport Property is currently used for passive recreation, while other areas are used for more active events, such as horse shows and carnivals. The Airport Property also has municipal uses, such as the town garage and recycling center. The same is true for the Gordon V. Carrington Town Center, part of which is developed with buildings (the Community School and Town Hall) and parking lots, while other areas are used for active or passive recreation.

The Commission is pleased that Bethany West, which was originally recommended for purchase in a draft of the Open Space Plan, was purchased by the town in 1997. It is primarily for recreational uses, with a pond, planned bathhouses, a picnic area, a clubhouse, hiking trails and level land suitable for soccer and baseball.

The Betkoski property off Beacon Road, consisting of 12 landlocked acres surrounded by the Naugatuck State Forest, was acquired in 1998 by the town in exchange for forgiveness of unpaid taxes but should probably be sold to the state, if possible, for inclusion in the Naugatuck State Forest.

Class C - Properties which are unlikely to be developed for residential or commercial purposes, contain natural or recreational resources but are not open to the public or open to the public only on a restricted or permitted basis. Class C land includes water company and regional water authority owned land where there is some degree of protection but not unrestricted public access. It also includes land owned by Yale University.

The largest open space landholders in Bethany are the two water companies and the regional water authority. The South Central Connecticut Regional Water Authority (SCCRWA), Birmingham Utilities (formerly Ansonia-Derby Water Company) and the Connecticut Water Company own approximately 4,000 acres in town. This land provides a core for Bethany's open space and rural atmosphere. In many ways, the water company and water authority properties have protected Bethany from intensive development and preserved its natural character.

However, there are some drawbacks to water utility ownership. One main problem is that the public is allowed access to only a tiny portion of the land. The Connecticut Water Company and Birmingham Utilities do not allow any public access. The SCCRWA allows access only on designated trails surrounding Lake Chamberlain and Lake Bethany if one purchases a hiking permit.

A second concern about water utility land is that it is often erroneously considered to be permanently protected. Water companies are allowed to dispose of surplus non-watershed

land, without state approval. This occurred a few years ago when the former Ansonia-Derby Water Company sold all of its non-watershed land. Currently there is very little water company land in Bethany that is off watershed. However, if regulations change, or a new technology is introduced that makes much of the land unnecessary for water production, additional land could be sold. While the water company and water authority land is a valuable asset to the town, it must be remembered that its primary purpose is water production, not preservation of open space.

The Commission is gratified that two large properties originally recommended on the Open Space Plan for SCCRWA purchase have in fact recently been acquired by SCCRWA:

The Hinman property, containing about 50 natural acres of trees, ravines, and rock outcrops, is located on Amity Road near the center of town and therefore provides a forested roadscape along one of the town's main arteries. The Sargent River flows through it. The land features slopes, wetlands, trails, stone walls and former fields. The trails, the location as part of a greenbelt and the importance to our watershed justified this property's high place on our priorities. It is entirely surrounded, except for its road frontage, by other land owned by the SCCRWA and was a natural acquisition by the company.

The 60-acre Hein property located on the unpaved section of Carrington Road is, like the Hinman property, filled with natural wonders. A rolling land dotted with rocky outcrops and ledges and crossed by streams that flow into a large pond, it is a haven for songbirds, wild flowers, and other wildlife. A network of trails crosses it and links it to the nearby Hinman property. It is bordered on the south and west by SCCRWA property, making it part of a wide greenbelt that runs from Amity Road to Carrington Road. Like the Hinman property, it deserves preservation because of its trail network, because it is part of a wide greenbelt and because it is important to our watershed.

Yale University owns three pieces of property in Bethany. Only one, the largest and most important, can be considered Class C open space. The Bethany Bog parcel, which is about 62 acres, contains one of the very few quaking bogs in the state. Several rare plants are located in the bog, which is not open to the public. Yale also owns a 12.5-acre research farm on Old Amity Road and a 9.5-acre observatory parcel on Hilldale Road; these properties are not protected from future sale by Yale.

The Josef Albers Foundation owns 74 acres on Beacon Road and Amity Road. Mostly undeveloped, the property contains an attractive pond.

Class D - Properties, often large, which are presently undeveloped and contain significant agricultural, natural or recreational resources but are privately owned and therefore not protected from residential or commercial development. There may or may not be public access to these parcels. This is the land available for preservation as open space.

Appendix 1, "Inventory of Open Space Land in Bethany," lists classes A, B and C land in Bethany. Class D open space land is shown in appendix 2, entitled "Open Space Priorities."

This inventory of Bethany's present open space is meant to assist in determining future acquisitions. The present open space properties, though valuable, are scattered around the town. The Open Space Plan will explore means of connecting and enhancing these parcels to form a town-wide open space network.

3. Goals of the Open Space Plan

A town is saved, not more by the righteous men in it than by the woods and swamps that surround it. A township where one primitive forest waves above while another rots below,--such a town is fitted to raise not only corn and potatoes, but poets and philosophers for the coming ages.--Henry David Thoreau, Walking

The general goal of Bethany's Open Space Plan is to preserve, protect and improve the quality of life in our town, by ensuring that a base of undeveloped land be maintained. Included in the plan are environmental, recreational, historical, cultural and aesthetic components. It is important to preserve a variety of land forms to represent the natural state of this area and to serve the various interests within our community.

Protection of water, air and soil quality is basic to our needs. Our Inland Wetlands Commission enforces stringent regulations for the protection of water quality. Saving certain lands as open space will further protect our water resources: streams, ponds and aquifers which are existing or potential public drinking water supplies. Protecting ridges and steep slopes guards against erosion. Saving woodlands enhances our air quality.

Bethany's first modern residents were farmers. A major goal of our Open Space Plan is to protect the remaining farmland and meadows which reflect our agricultural heritage. Stone walls, which also serve as reminders of those bygone days, should be protected in subdivisions and along our roadsides. Implementation of these goals will also serve to protect the scenic vistas and rural roadscapes which characterize our community.

Many areas of archaeological and historical interest lie within the boundaries of our town. Our Open Space Plan encourages protection of these treasures and should provide support for the efforts of local groups and citizens who work to identify and preserve them.

The many natural areas remaining in our town are a haven for wildlife. Protecting these areas and linking them into wildlife corridors will assure that native species continue to thrive. We have already seen the dramatic return of wild turkeys, coyotes, turkey vultures and bluebirds. Steps have been taken to preserve threatened plant species as well.

The recent acquisition of Bethany West on Beacon Road provides the town with recreational space which is accessible to the public. As Bethany's population continues to grow, there will be a need for added recreational facilities, both passive and active. Bethany's trails should be linked together to provide a comprehensive trail system. Ideally we will maintain a balance between development and open space, active and passive recreation, human needs and environmental protection.

The specific goals of the Open Space Plan are to:

1. Identify parcels of land which can be added to our present protected open space;
2. Provide links between existing trails within town and to those which connect to trail systems in neighboring towns;
3. Link existing open space parcels, thereby creating greenbelts and wildlife corridors;
4. Protect ridgelines, roadscapes and scenic vistas, particularly as mentioned in the 1991 Dodson town plan update (see reference #1, pp. 78, xxvi);
5. Acquire property for present and future recreational needs, especially in the highly developed southwest quadrant;
6. Protect areas of archaeological and historical significance;
7. Preserve farmland as a characteristic of our town;
8. Protect water quality by preserving watersheds.

The goals of Bethany's Open Space Plan are closely aligned with a recent report from the ad hoc Committee for the Preservation of Bethany's Rural Character set up by the Planning and Zoning Commission. The committee submitted a thorough list of practical suggestions for maintaining the rural character of our town. The report states: "The benefits to be derived from protecting Bethany's rural character will accrue to landowners in the form of increased land values and lower taxes, and to Bethany residents in the form of a desirable quality of life which will be protected far into the future." We hope that this Open Space Plan will help to achieve and guarantee those benefits.

4. The Plan

We are fortunate in Bethany to have undeveloped land that can still be saved. Our generation has an opportunity to preserve open space that must be seized before it is too late. Obviously we will not be able to preserve all of the undeveloped land now existing in Bethany, so choices must be made.

Before making its recommendations, the Commission spent many months compiling an inventory of open space in Bethany and examining the characteristics of the unprotected areas still undeveloped. In most cases, members of the Commission had personal knowledge of the terrain.

The following properties are recommended for preservation because they best represent the goals of the Open Space Plan. The "highest priority" ranking has been given to some properties because they may become available in the near future--within five years, perhaps--and if not preserved now will be gone forever. Land designated "high priority" may be equally attractive and no less desirable for the town to preserve but may not require decision for more than five years. Within these two categories we have listed properties according to their principal characteristic (natural, agricultural and recreational), referring back to the goals outlined in the preceding pages. We also describe water company related and state park and forest related properties that are not recommended for town acquisition but would seem logical for the water company or the state, respectively, to acquire, thus adding to Bethany's protected open space. In the next section of this plan, we list access easements we consider necessary in order to create town-wide trail systems.

A detailed listing of the specific attributes of each property are listed in appendix 2, "Open Space Priorities."

Because no one can predict now which of these properties will in fact become available for preservation, it should be understood that substitutions may have to be made as the future unfolds.

The Commission is gratified that four properties originally recommended for preservation have already been acquired by the SCCWRA and the town of Bethany. These properties, which have already been described in section 2, are the Hinman, Hein and Betkoski properties and Bethany West.

Highest priority

Agricultural (Development Rights)

1-2. Earley - The last remaining dairy farm in Bethany, this property consists of two parts--the dairy farm itself and an expanse of hay fields. The typical New England farm, with a house, farm buildings and grazing meadows on 17 acres, is on Bear Hill Road. Although the view is hidden from the road, the farm is memorably scenic. The 33 acres of hay fields stretching from Poplar Swamp Road to the Manger property behind Bethmour Road provide a haven for small animals and nesting birds and grace Poplar Swamp Road with another of Bethany's popular vistas.

3. Lee - The 40-acre Lee property known as Sommersett Farm borders Route 69 (the Litchfield Turnpike) and provides a welcome scenic and rural entrance to Bethany, with its long views toward the west of open fields, grazing horses and, at dusk, breathtakingly

beautiful sunsets. The property is also clearly visible along its frontage on Sperry and Bethway roads. The land is gently rolling and is nearly all cleared for pasture. A trail along the power line cuts across the southeast corner. Formerly a dairy farm and now a horse farm, Sommersett Farm is one of the most beautiful pieces of land in Bethany and is important to preserve as one of the few farms left in our town.

4. Manger - Sweeping views of the open landscape, barns and farmhouse of the Manger farm on Bethmour Road provide a pastoral southwest entrance to Bethany. These 17 acres just north of the Bethany-Woodbridge town line were once part of a larger, grand scenic vista covering both sides of Bethmour Road and often noted as one of the townspeople's favorite views. Today the Manger farm, which raises beef cattle, is the last remnant of this view, reminding all who pass of Bethany's past. For this reason, we have given highest priority to preservation of this land.

5. Woodward - The Woodward property (called Clover Nook Farm) is located on Fairwood Road and is the most visible working farm in Bethany, since the family runs a truck farm, selling corn, pumpkins and other vegetables, as well as hay, during the summer and fall.

Beef cattle and pigs are also raised. The land is centrally located in town, and the property on the east side of Fairwood Road abuts town land. This important farm has possible educational opportunities, as it is near the Community School. The Conservation Commission would like to preserve about 90 acres of the farm. Since the land is currently being utilized for agriculture, it is an appropriate case for acquiring development rights. The preservation of the Woodward farm would greatly enhance the rural character of Bethany and remind us all of past years when Bethany was primarily an agricultural community.

Natural

1. Monument Stables - The Monument Stables property is located on Beacon Road next to Bethany West, which is owned by the town, and is bounded on the east by the Bethany Bog, owned by Yale University. The tract contains about 85 acres of land, consisting mostly of numerous ridges and ravines. Hockanum Brook, which rises from the bog, flows through the southern portion of the property and into the lake at Bethany West. Although some clearing has been done at the northern tip of the property, it is still largely wooded, with stone walls, trails and the occasional beautiful, long-range view of Beacon Cap. The Monument Stables land is particularly important because it drains into Bethany West, so that any contamination of water caused by development will certainly contaminate the pond in Bethany West.

2. Sewall - It is generally agreed that this is one of the most beautiful natural properties in Bethany. It consists of about 50 acres of land on Downs Road, just north of the intersection of Downs and Brooks roads. It features lovely views of Lake Watrous and includes a portion of the West River, which passes through the property. Also on the tract is a 19th-century sawmill with accompanying stone-faced dam and millpond. There are

numerous trails already existing on the property and a scenic ravine north of the mill along the West River. The views on this property, its existing trails and its importance to our watershed make it especially worthy of preservation. The entire property is surrounded by land of the South Central Connecticut Regional Water Authority (SCCRWA), and the hope is that the water company might want to join the town in protecting water quality in its watershed.

Recreation

1. Church of the Assumption - The Church of the Assumption property is 27 acres of fields and woods bounded by Luke Hill and Bethmour roads. The land is mostly level and the majority of it is cleared for fields. The tract is directly across Luke Hill Road from the Amity Junior High School. The topography and the location next to the junior high make this an appropriate site for the town's future recreational needs.

High Priority

Agricultural (Development Rights)

1. Beletsky - The 30-acre Beletsky farm is located on Amity Road and also includes frontage on Luke Hill Road. Although no longer an active farm, it has the rural appearance of a farm, since the fields are still hayed. These fields offer scenic views from Amity Road. Trails on this property are part of the planned trail system. The stream which crosses this property flows directly into the Sargent River, which in turn flows into Lake Chamberlain. For its importance to our water supply and its value as agricultural land, this property has been labeled high priority for the town to acquire.

2-3. Carrington - Known as Cherry Tree Farm, this former dairy farm and farm supply store consists of two pieces of land--128 acres on Bethmour Road and 47 acres on Atwater Road. Beef cattle now graze in the pasture on Bethmour Road, prompting many passersby to stop briefly to photograph the view. Atwater Road, popular with neighbors walking their dogs and families out for a stroll, crests at a glacial drumlin (a rounded hill), where the hay fields stretch up toward the horizon. This crest is, in different seasons, home to flocks of American goldfinches, turkey vultures, quail, pheasant and bluebirds. The Naugatuck Trail winds along unpaved Atwater Road and turns into the forest toward Bethany Farms, where the trail continues. With its agricultural features, trails, views and location in a densely populated area of town, it deserves a high priority for preservation.

4. Niederman - The Niederman land consists of two separate pieces of property. Seven acres on Sperry Road provide one of Bethany's most scenic and rural views of an open hay field and fenced pasture sloping to Lake Bethany and then up to West Rock Ridge and Mad Mare Mountain on the east and Mt. Sanford on the northeast. This view is especially spectacular in the fall when it is ablaze with color. The second piece of about 6 acres is a flat hay field on the corner of Tuttle and Carrington roads, clearly visible from the road. This plot was the site of the first Episcopal Church in Bethany, c. 1785, and was

commonly called "Church Corner." Because this field is large, flat and easily accessible, it is a favorite spot for Bethany horsemen to exercise their horses and therefore a high priority in our plan.

5. Yimoyines/Treffers - From the crest of Hilltop Road one can look across the gently sloping Yimoyines and Treffers fields to tree-covered hills. The 6 acres of open fields offer one of Bethany's few remaining uninterrupted views--no houses, power lines or roads. Peaceful at any time of year, this view is spectacular in the fall, when it sings with color. A trail across the fields could also serve as a connecting link between Tuttle and Hoadley roads.

Natural

1. Bethany Farms - Spectacular ridges, forested ravines with trout streams and a pristine upland wetland have made the historic trails (including the Naugatuck Trail) on this 254-acre property a favorite of hikers, hunters and fishermen. The town having decided not to purchase it, the land is now being developed, with 86 houses projected. Approximately 40 acres of the property located in Woodbridge have been purchased for natural open space by the town of Woodbridge. Because of the unusual beauty of the area and because the property, located between Bethmour and Round Hill roads, is in one of the most densely developed sections of town, the Conservation Commission would like to preserve 60 acres now labeled phases 6 and 7 (the last phases) in the developer's plan. Protecting this area from development would preserve an historic trail system, retain the pristine beauty of the ridges and scenic vistas and enlarge the open space corridors already donated.

2. Brinsmade - The 18-acre Brinsmade property is located off Old Fairwood Road and is bounded on two sides by the town's Airport Property. It includes an existing trail from the western edge of the Airport Property to Old Fairwood Road. This land is important because it is the only remaining undeveloped property adjacent to the airport and has wetland areas that should be protected as part of Bethany's watershed.

3. L.W.W.I. Broadcasting - The steep ridge top (called Mad Mare Mountain) owned by L.W.W.I. Broadcasting is the location of the Channel 8 television tower and a section of the Quinnipiac Trail. The tower and support wires are not on the Bethany portion of the property, but the wires are close to the town line. About 40 acres in size, the property includes frontage along Downs Road. There are spectacular views from many spots on the property--east to Sleeping Giant and the Hanging Hills of Meriden, south over West Rock Ridge and two SCCRWA lakes and west over Lake Bethany and Bethany's steep wooded hills to the horizon. The Quinnipiac Trail runs along the ridges on its way from North Haven to Prospect. This historic trail is almost 23 miles long and is the oldest trail in the Connecticut Blue Trail system. It is central to a vast trail network (including the Farmington Canal Greenway), which links Beacon Falls, Bethany, Woodbridge, New Haven, Hamden, North Haven, Cheshire and Prospect and is therefore important to preserve.

4. Grobe - The Grobe property, located off Beacon Road, consists of 25 acres directly adjacent to Mendell's Folly. It was originally part of the Mendell tract but was retained by the owners when Mendell's Folly was donated to the land trust in 1971. The property also abuts the Norman Simpson property, so it would help form a sizable greenbelt in the northern part of town. The only access to the land is a right-of-way over Old Northrop Road, which is included in the proposed trail system.

5. Simpson - Also off Beacon Road, the 39 acres owned by Norman Simpson are between the town's Bethany West and the land trust's Mendell's Folly. Hockanum Brook flows through it, and there is a steep ravine leading down to the brook on both sides. The property includes frontage on Old Northrop Road and has been selected for preservation because it would provide a linking trail and greenbelt between the town and trust land.

Recreation

1. Musto - The Musto property, located on Peck Road with additional frontage on Bethmour Road, contains about 29 acres. The land is relatively flat and partially cleared and could lend itself to future recreational uses, especially because it is centrally located between the Amity Junior High School and the town property at Peck Pond.

State Park or Forest Related

1. Arpine - The Arpine property, comprising 19 acres, is on Brooks Road and runs steeply to the top of West Rock Ridge. It backs up to the West Rock Ridge State Park and the SCCRWA and is one of two private properties in this location. It therefore seems logical for inclusion by the state in the West Rock Ridge State Park.

2. Egger - The state owns all of the land on the north side of Beacon Road in this location except for these 27 acres, which have frontage on Little Beacon Road and a trail. The property should, in our view, be acquired by the state.

3. Francois - On Brooks Road, this property consists of 14 acres which, like its neighbor, the Arpine property, run straight up to West Rock Ridge and belong logically in the West Rock Ridge State Park. This is the other private property in this location.

4. Raymond - On the Beacon Falls/Bethany line, this 27-acre property on the north side of Beacon Road is next to the Naugatuck State Forest and across from the land trust's Mendell's Folly. It would be a natural acquisition by the state for inclusion in the State Forest.

Water Company Related

Natural

1. Birmingham Utilities - Birmingham Utilities, a water company, owns about 475 acres off Schaffer, Pole Hill and Falls roads. The sloping property includes trails, most notably

the old northern section of Bear Hill Road, which runs north-south between Hinman and Falls roads on the Bethany-Beacon Falls town line. This land is part of the Hopp Brook watershed; while not currently used, it is part of Birmingham's reserve system. The property is also adjacent to town land (the Hopp Brook Tract) and also a land trust parcel (the Ida Carrington Lowell Property). If the day comes that Birmingham Utilities decides to sell this land (and is permitted to do so), the town should acquire it because of its trails, its location in the densely developed western part of town, its role as part of a greenbelt and its importance to our watershed.

2. Brinsmade - The Brinsmade land on Hatfield Hill Road contains about 16 acres. The eastern tip of the property touches the West River as it exits from Lake Bethany. This water feeds into Lake Watrous. The property is surrounded by SCCRWA property and suitable, in our view, for SCCRWA purchase.

3. Santa Barbara Company - This property consists of about 62 acres off Gaylord Mountain Road. Sanford Brook flows through the land on its way to Lake Bethany, so it plays a role in Bethany's watershed. It is bounded on two sides by the SCCRWA and therefore would be a natural acquisition by the water company.

4. von Beren/Prentice - The von Beren and Prentice properties on Wooding Hill Road, comprising about 116 acres, are surrounded on three sides by SCCRWA land. On the eastern side of the property, Shepherd Brook feeds into Lake Bethany. The approximately 30 acres surrounding the brook seem appropriate for acquisition by SCCRWA.

5. A Trail System

Walking, according to Ralph Waldo Emerson, "is one of the secrets of dodging old age," and "has the best value as gymnastics for the mind." Walking requires no training and little equipment and is generally agreed to be one of the most beneficial forms of exercise. Leisurely walking gives one the chance to observe and appreciate natural features of the landscape and to learn about the natural history of the area. How fortunate Bethany citizens are to have many trails in our neighborhoods throughout town which give opportunities for passive recreation. With the increasing pressures of living in the almost-21st century it becomes even more of a pleasure to be able to relax and "take a hike."

Bethany has several types of trails, including hiking trails, horse trails and multi-use trails. Some are owned by the Town of Bethany or the Bethany Land Trust. Trails on South Central Regional Water Authority land are open only to those who purchase permits. There are also private trails which are open with permission of the owners. 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 our town and provide safe and relaxing recreation. Trails are relatively inexpensive to obtain and maintain. Compared with other forms of open space and recreation areas, trails are a bargain.

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. (See reference #2) Our trail system has been designed to provide north-south and east-west greenways through the town. The trail map which accompanies this plan is subject to change depending on the availability of land and/or easements which would provide trail connections.

It is also important to connect our trails with those in neighboring towns whenever possible. These connections already include the Naugatuck Trail, which connects to Woodbridge and New Haven in the south and to Beacon Falls and Naugatuck in the north. The Quinnipiac Trail leads north to Cheshire and Prospect and east to Hamden. The Sanford Feeder Trail gives access to the Regicides Trail leading to Woodbridge and New Haven. A trail on Bethany Land Trust property connects with a trail in Beacon Falls.

The type of trail permitted in any area will depend on the ecology of the land itself. In some areas multi-purpose trails are planned for pedestrians and horseback riders. 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, we recommend that an area of at least 50 feet in width should be set aside.

Some of the trail system may very well take advantage of Bethany'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.

Representatives from the Bethany Volunteer Fire Department have attended discussions about trail greenways. Firefighters support the establishment of trails as a means of getting quickly and safely to brush fires and for use in search and rescue efforts.

Bethany has many dedicated groups and individuals who are advocates for trails and who work together to oversee their maintenance and improvement. The Bethany Land Trust, Bethany Wanderers hiking organization, Bethany Horsemen, Scout groups and others help to maintain trails and keep them safe.

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 our townspeople to get out to enjoy the benefits of fresh air and exercise in natural surroundings it becomes increasingly important to build and maintain a trail network.

To accomplish this, we propose that the town or land trust acquire access easements on several properties.

1. Beletsky - This proposed trail easement would cross the 16-acre Beletsky property on the east side of Amity Road. The trail would follow the northern property line east to SCCRWA property and would help connect Amity Road and Meyers Road.
2. Beletsky - The trail on this 30-acre property on the west side of Amity Road would probably follow the northern property line, connecting Luke Hill Road and Amity Road. Several old hay fields still exist on the Beletsky land and would be visible from the trail.
3. Carrington - The trail now crossing the Carrington property is part of the Naugatuck Trail system. It connects the Naugatuck trail exiting Bethany Farms to the dirt section of Atwater Road.
4. Cavaliere - The proposed trail on the Cavaliere property would connect Pole Hill Road and the 37-acre town property there to the 27-acre Ida Carrington Lowell Property owned by the land trust. This trail would most likely follow the southern property line near Cedar Road.
5. Funk or Musto - By utilizing the Funk or Musto properties, the proposed trail would run northerly from Luke Hill Road to Peck Road. This would form an important connection between Amity Junior High School and the Town Hall/Community School land.
6. Harp - The trail proposed on this property would follow the proposed subdivision road and cross only a small portion of the property along its northern border. It would help create a cross-town trail connecting points east of Amity Road to town-owned Bethany West and trust-owned Mendell's Folly.
7. Marcarelli - This trail would connect the trails off Split Rock Road to Russell Road. This is in the area of the old Naugatuck Trail and would form an important north-south link.
8. Mesa - The Mesa property on Falls Road is the site of a proposed north-south trail. The most likely route of the trail would be along the Beacon Falls/Bethany town line between Falls Road and the James Woodward property. This trail would help connect the unimproved section of Bear Hill Road to the trust-owned Mendell's Folly tract.
9. Schuchman - A north-south trail is proposed on the western edge of the Schuchman property. This trail would connect Schaffer Road to the Ida Carrington Lowell Property owned by the trust.
10. Stahl - A trail easement on the Stahl property would help connect Amity Road to the trust-owned open space on the Bethany Farms tract. The trail would utilize a strip of land extending from Amity Road across from Old Mill Road to near Briar Road.
11. Woodward (James) - This property off Northrop Road is the site of a proposed north-south trail. The probable route would be along the Beacon Falls/Bethany town line

between the Mesa property and the trust-owned Mendell's Folly. This trail would help connect the unimproved section of Bear Hill Road to Mendell's Folly.

6. Implementing the Plan

The four main ways Bethany can now preserve its open space are by gifts from landowners, by open space set-asides under the zoning regulations, by purchase or by changes in the zoning regulations. The following is an overview of the most common methods of land preservation.

I. Gifts.

There are at least two kinds of gifts by which Bethany can preserve its open space:

1. Donation of Land by Landowner. Two examples of this are the 27-acre Ida Carrington Lowell property and the 57-acre (in

Bethany) Mendell property, which were given to the Bethany Land Trust in 1968 and 1971, respectively.

2. Donation of Development Rights or Conservation Easements by Landowner. An example of this is the recently donated 110-acre Spykman Preserve. Conservation easements or donated development rights can limit or prohibit development in perpetuity and/or protect trails and natural areas.

It should be noted that landowners who are interested in preserving their land for future generations can achieve substantial estate, income and property tax savings by donating land to the Bethany Land Trust or to the town. (See reference #3) Donations of conservation easements and development easements are eligible for estate and income tax savings and are eligible for property tax savings in Bethany if the value of the property is reduced. At least two other Connecticut towns, Cheshire and Middletown, and many Cape Cod towns grant lower assessments on land under perpetual conservation easement. Tax advantages can make this kind of donation more appealing to donors.

II. Open Space Set-asides in the Subdivision Regulations

1. Dedication of Land. These regulations state that "the Commission shall require that open space be set aside by a subdivider for the purpose of conserving natural or scenic resources." (See reference #4) The regulations list several kinds of resources that can be protected. They state that "the Commission shall not require the set-aside of open space of more than 10% of the total" subdivision. The open space may be dedicated to the

town, to the state as a state park, to a land trust, or to a homeowners' group. An example of an open space set-aside dedicated to the town is the 2-acre parcel of the Urban subdivision on Miller Road.

2. Dedication of Conservation Easements. Under the regulations, a subdivider may donate conservation easements to preserve land and/or trails as open space. An example of preserving land in this way is the perpetual scenic easement given to the Bethany Land Trust by the William Welch Trust. This 50-foot-wide scenic easement is "to preserve and maintain the natural wooded state" of the William Welch Trust subdivision along the gravel section of Carrington Road. (See reference #5) The land belongs to the homeowner but is protected from development.

III. Purchase Options.

If Bethany is serious about preserving more open space, it will most likely want to purchase high-priority land to protect it. This may be expensive, but the economics of not buying the land may in the long run be more expensive to Bethany taxpayers because of education and other costs incurred when the land is developed. (See reference #6) A study done in Hebron, CT, in 1986 by the American Farmland Trust showed that for every dollar raised from residential taxes Hebron spent \$1.06 on services. A group of Bethany citizens completed a similar study for Bethany and found that the same situation holds true for Bethany. (See reference #7)

Following is a basic summary of three purchase options available to Bethany 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. The Airport Property and Bethany West are examples of this kind of purchase.

Some properties are suitable for partial preservation, and in these cases, a sale-resale can be transacted. This method, buying the land and then subdividing the less desirable portions, can help a town recoup its expenditures. This was done with Dutchess County, NY, property in which several very large lots were carved from a farm by the Dutchess Land Conservancy. (See reference #8) The lots were sold with conservation easements already in place on them. Interestingly, when the lots were sold, their prices had increased subsequent to the preservation of the farm and the creation of the easements. This has also been done in Sherman, CT, by the Naromi Land Trust. (See reference #9)

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 farmland. Williamstown, MA, and Pittsford, NY, in the Rochester, NY, metropolitan area, have purchased farms with leasebacks. In Williamstown, part of the acreage is used for community based farming.

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 Bethany Conservation Commission has recommended in the past that assessments be lowered on land with development rights or easements.

Many communities find this an affordable way to preserve farms. With two acres of farmland a minute lost nationwide, both federal and state programs have been authorized to save farmland. In Connecticut, 168 farms have been purchased with these programs, including 5 in 1995-96.

Connecticut towns that have purchased development rights to farms either through town funds or with help from the state program include North Branford, Ridgefield, Watertown, Woodbury, Cheshire, Hamden and Wallingford. North Branford formed a rural development committee, with members from their planning and zoning commission, town council and the farming community, to select farms for possible preservation. In Ridgefield, development rights cost about two-thirds of market value.

IV. Town Funding Options for Purchase of Land.

1. Land Acquisition Fund. This kind of fund is established to set aside money to be used toward future purchases of open space. Many towns also use it for easements and costs associated with the purchase of land such as options, surveying and appraisals. Bethany established a Land Acquisition Fund in 1974 with \$10,000. Money was not added on a regular basis between 1980 and 1993. In 1993, 1994 and 1995, roughly \$11,000 was added each year. In May 1996, Bethany taxpayers approved adding \$50,000 to the fund as a line item in the budget; the amount added the following year was \$12,000. As of June 30, 1998, the total amount in the fund is expected to be approximately \$175,000. The Bethany Conservation Commission recommends substantial annual contributions to the Land Acquisition Fund. Many towns have allocated considerably more money; for example, North Branford placed \$125,000 in its Open Space Trust Fund in 1996-97.

2. Borrowing Money to Purchase Open Space. Bethany has a very good credit rating, thus making it easy for the town to borrow money. There are basically 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 bonds are tax-exempt for investors, the town pays a lower interest rate on the loan. The argument can also be made that future taxpayers share the cost with today's taxpayers. The disadvantage is that floating a bond of any amount costs approximately \$50,000 and takes several months to arrange. 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 Set-asides: Another way that the town could acquire money to purchase open space is by adopting a regulation permitting a fee to be collected in lieu of an open space set-aside in a subdivision. (See references #10, 11, 12) This is not now permitted under Bethany's present zoning regulations. At least 17 other Connecticut

towns, such as Shelton and North Branford, allow this. Under such a regulation the Planning and Zoning Commission can charge the subdivider a fee if the Commission finds that land from an open space set-aside would not be desirable or appropriate. Payments collected from this program would be placed in a separate fund which would be used to acquire additional land for open space or recreational or agricultural purposes.

4. **Town Budget.** Funds for an open space purchase, especially for a minor purchase, could be included in the town budget. A small open space purchase might be included as a capital item in the annual budget. The Reserve Fund could also be used to make an open space purchase. The acquisition would be paid for with the property taxes for that fiscal year. The Reserve Fund was used for the purchase of Bethany West.

5. **Back Taxes.** Properties with significant open space value and substantial back taxes owed can be acquired by the town in agreement with the owners. An example of this was the recent acquisition of the 37-acre Pole Hill Road property. The owner agreed to deed the land to the town in exchange for forgiveness of the taxes owed on the property. Another example is the Betkoski property within the Naugatuck State Forest off Beacon Road.

V. State Programs Available to Protect Open Space.

1. Recreation and Natural Heritage Trust Fund. This fund, begun in 1986 as a state acquisition program, has been the major land acquisition fund available to the Connecticut Department of Environmental Protection. It has been funded by the Connecticut legislature in recent years with \$5 million annually. The fund's goal has been to acquire land that is "of unusual natural interest as additions to state parks, forests . . ." (See reference #13) A number of its acquisitions have been key links in greenway systems. In 1990 this fund gave \$536,000 to help purchase part of the Farmington Canal Trail in Hamden and Cheshire. That section of the trail is now owned by the state and managed by the two local governments, which is the arrangement for all land purchased with this fund.

In January 1998, Governor Rowland proposed adding \$22 million to the fund this year, with a total of \$107 million over the next 5 years. In addition he proposed \$59 million in bond funds over the next 5 years to establish a matching fund for municipalities, not-for-profit conservation organizations, and water companies to preserve open space.

2. Connecticut's 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 this program is given to farms that are near other farms so as to stabilize farming regions. (See references #14, 15)

3. Public Act 490. Since 1963 the state has had a tax program which encourages landowners not to develop their land. This law grants landowners who sign up for the

program with their local assessor lower property tax assessments in three categories-- agricultural, forest or open space land. There is no minimum acreage for the agricultural or open space land, but there is a 25-acre minimum for forest land. In determining whether land qualifies as farmland, the town's assessor takes into account, among other things, the productivity of the land and the gross income derived from the land.

To qualify as forest land, the 25 or more acres must be so designated by the State Forester.

In order for open space land to benefit from P.A. 490 it must be classified as such on the town's Open Space Plan. The plan must then be approved by a majority vote of the town's legislative body. (See references #16, 17)

The benefit to the town of P.A. 490 is that the program, by its lower assessments, encourages landowners to preserve open space. P.A. 490, however, imposes no penalty on landowners who want to develop their land after ten years of lower assessments. Penalties are imposed if a landowner using the program develops the property in less than ten years.

VI. Federal Funds Available to Protect Open Space.

At this writing, there are no federal funds available for the purchase of open space.

VII. Intervention by Not-for-Profit Agencies.

Not-for-profit agencies such as the Trust for Public Land (TPL), now with an office in New Haven, and the American Farmland Trust in Northampton, Mass., can enter the real estate market more quickly than can government. TPL can "provide interim protective ownership for land of scenic, recreational or cultural significance by intervening in the private real estate market and staving off development until a long-term steward and permanent funding can be arranged to protect the property." (See reference #18) TPL has helped at least 9 other Connecticut communities to protect their open space, including helping New Haven in 1993 and 1994 to acquire the section of the Farmington Canal which runs through the city. Before helping a community to protect its open space, TPL wants a commitment from the community that it will eventually buy the land. The existence of a Land Acquisition Fund helps convince TPL of the town's interest in open space. The American Farmland Trust purchased a Connecticut farm and held it until the state appropriated the funds.

VII. Zoning Regulation Changes.

Perhaps the least expensive way for Bethany to preserve its open space is to enact changes in its zoning regulations. Several such changes have been recommended by the Committee for the Protection of Bethany's Rural Character, such as strengthening the authority of the Planning and Zoning Commission to designate location and size of open

space set-asides, site-based zoning, and protection of ridgelines, roadscares and scenic vistas. (See reference #19, pp. 3, 4) The goal of these measures would be to "lessen a subdivision's impact on the land" and preserve open space for the present and future needs of our community.

7. Recommendations

In addition to the detailed Open Space Plan and trail system outlined in sections 4 and 5 of this document, the Conservation Commission has adopted a number of recommendations on action to be taken by the town that will, in our view, facilitate implementation of the plan.

Funding

1. Build up the Land Acquisition Fund
2. If legally possible, reword the terms of the Land Acquisition Fund to permit its use for options, appraisals, surveys and other incidental expenses
3. Establish a system of fees in lieu of open space (see references #10, 11, 12)
4. Obtain private, state and, if available, federal grants for funding the acquisition of open space

Taxes

5. Stress the potential reduction in property tax assessments for land on which conservation easements or development rights have been acquired by the land trust or the town, provided the value of the land has been thereby reduced

Zoning

6. Increase setbacks from wetlands for all septic systems in watershed areas
7. Write zoning regulations to protect both traprock and other ridgelines (see reference #20)
8. Dedicate as permanently protected open space the wooded portions of the Airport Property, the Pole Hill Road property and other town-owned natural areas listed in appendix 1, "Inventory of Open Space Land in Bethany"
9. Require a minimum area of land that can be built on which does not include wetland or steep slopes, as recommended in the Department of Environmental Protection guidelines

for buildable land standards within a public water supply watershed (see reference #21)

10. Require a subdivider to provide an environmental site assessment, performed at the appropriate time of year for plant and wildlife identification, for subdivisions of more than 3 lots. Such assessment should include significant natural, cultural, historic and archaeological features of the property to be subdivided. These features should be protected to the greatest extent possible when designing the subdivision.

11. Strengthen the authority of the Planning and Zoning Commission to designate the location and size of open space set-asides in compliance with Section 11 of the subdivision regulations. The open space set-aside should be reasonably representative of the significant natural, cultural, historic and archaeological features of the entire site. (See reference #22)

12. Include preservation of rural character, protection of scenic vistas and creation of greenways as additional objectives for the set-aside of open space in compliance with Section 11 of the subdivision regulations

13. As recommended in the recently released draft of the Town Plan, investigate the feasibility of Open Space Development on suitable sites (this permits houses to be clustered or grouped and the remaining undeveloped land dedicated as permanently protected open space, while maintaining the same density required by zoning regulations) (see reference #23)

14. Control the building of communications towers, insofar as possible, and require their removal when no longer needed

15. Encourage the building of underground utilities to decrease visual clutter and to allow tree canopies to grow over roads, greatly enhancing their attractiveness and rural character; work with utility companies to ensure sensitive tree trimming

16. To ensure that partial subdivision does not prevent the set-aside of desirable open space, permit the Planning and Zoning Commission to reserve the right to include up to 10 percent of the partial subdivision in the open space set-aside for later subdivision

General

17. Establish a goal for new trail easements of 50 feet in width in order to preserve natural features

18. Require developers to place permanent markers of approved material and/or design, not more than 50 feet apart, on wetlands, buffer borders and conservation and trail easements

19. Cooperate with neighboring towns in preserving greenways, for example the unpaved section of Bear Hill Road shared with Beacon Falls

20. Utilize the scenic road ordinance to protect Bethany's rural roads; build new roads when practical to a maximum width of 22 feet and maintain older roads at their historic width

21. When a town road is discontinued, reserve the right to construct and maintain a bridle path, pedestrian walk and/or bicycle path (see references #24a, 24b, 24c)

22. Use natural materials such as stone and timber for bridges, guardrails and other engineering structures

23. Avoid installing curbing on roads wherever possible

24. Encourage landowners to advise the town if there are features of particular natural, cultural, historic or archaeological interest on their property

25. Encourage owners of property identified in the Open Space Plan

to advise the town when their property becomes available for sale and to give the town the option of first refusal, with adequate notice, to purchase at fair market value

26. Require the Planning and Zoning Commission to notify the Conservation Commission when filing a conservation easement; allow the Conservation Commission to accept protected open space property on behalf of the town; designate the Conservation Commission as the agency responsible for maintaining and managing such open space and provide the Commission with sufficient funds to do so properly

27. In order to protect Bethany's water supply and public watershed land, educate residents in the minimal use of pesticides and herbicides, cleaning agents and chemicals to melt ice

28. Continue to utilize the services of a professional town planner

29. When appropriate, use the negotiating, finance and legal skills of a not-for-profit conservation group such as the Trust for Public Land when negotiating a land purchase.