

A PLAN FOR THE CONSERVATION OF OPEN SPACE IN CHESTER , CT

adopted by Town Meeting, March 2, 1999

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A PLAN FOR CONSERVATION OF OPEN SPACE in Chester, Connecticut

PREFACE

Over the past several years, various commissions have recommended that a plan for the conservation of open space in Chester be developed and implemented. To prepare such a plan, the Chester Conservation Commission held discussions in 1997 and 1998 with town boards, agencies, and other groups concerned with land use in Chester. Furthermore, to gain input from townspeople not in these organizations, the Conservation Commission conducted a survey via the town newsletter. The strong response supported the development of this plan to protect Chester's open space.

The following document is intended to be a guide for the acquisition as well as the preservation of open space and natural resources in town. It is presented to assist the selectmen and various commissions involved with land use planning, as well as for landowners and developers who are contemplating changes in land use.

Chester is fortunate in having state forest, natural lakes, man-made lakes, streams, and the freshwater tidelands of Chester Creek, and even portions of the Connecticut River all within its borders. We must plan now to maintain and protect all of these assets. These are the elements, which make up the Chester environment and contribute to our cherished quality of life.

The Chester Vision Committee: - October 1994

OPEN LAND. "There is only a limited amount of open land left in Chester. The opportunity to purchase land either to develop for some municipal need or to hold as open space should be considered. The Board of Finance should be

empowered to recommend setting aside a certain amount of money in the annual budget towards the eventual purchase of such property."

The Chester Plan of Development - Spring 1995

"Develop a specific town-wide Plan of Preservation and Conservation, in cooperation with such agencies as the Conservation Commission, the Chester Land Trust, the Parks and Recreation Commission and the Historical Society. Surveys and inventories compiled by those groups can serve as a basis of information for such a plan. The Plan should identify specific natural and man-made areas for acquisition and regulatory protection."

The Chester Creek Watershed Project Committee -- August 1995

" Develop a comprehensive watershed management and open space plans through the joint efforts of town commissions and others under a Conservation Commission separate from the Inland Wetlands and Watercourses Agency."

INTRODUCTION

Few towns have as extraordinary a variety of resources as Chester. The town encompasses some of the region's most important natural habitats, including the Connecticut River, freshwater tidal marshes, the coastal flood plain, one of the few remaining white cedar swamps, Pattaconk Brook and Cedar Lake, in addition to tracts of forest. The biological diversity in Chester results from a combination of varied habitats and a mild climate tempered by proximity to Long Island Sound.

Chester is blessed with abundant undeveloped land. Much of this is, fortunately, already committed as open space -- Town property and State Forest, for example. Other open spaces, however, are likely

to come under increasing pressure for development. These include lands owned by the Connecticut Water Company, the Chester Fair Grounds, some major wetlands, and some areas with steep slopes or thin soils.

Chester is accessible. Easily reached by boat, automobile, and potentially by rail, Chester invites travelers as well as inhabitants to explore the town more intimately. This is a town of walkers. Rarely does one journey through town without encountering people just out walking for the sheer pleasure of it. Traffic patterns which promote walking, coupled with the advantage of being a town of just the right size, contribute enormously to a sense of shared community in addition to widespread appreciation of the town's natural beauty. Hikers, runners, cyclists, and kayakers come from all over the state to enjoy themselves here. All recognize the importance of preserving the current wealth of scenic vistas, including the Connecticut River, Chester Creek, Cedar Lake, Pattaconk Brook with its historic dams and ponds, and views across open fields and ridges. Clearly we must be attentive to retain and enhance these views which give Chester much of its character.

The town is also of interest to naturalists. Endangered species of plants and animals as well as those of special interest have been identified throughout the entire length of Pattaconk Brook. The ferry landing is one of the most popular places to view American Bald Eagles throughout the cooler months, and the adjacent swamps and fields provide an extraordinary treat to birdwatchers throughout the entire year. Naturalists commissioned by the Chester Land Trust to study Chester Creek were impressed with the diversity of species present.

Open space contributes to the small town, semi-rural character of Chester -- one of the main reasons why people are drawn to live or visit here. Equally important, open space costs the taxpayers less in the long run than does development. A

recent study showed that residential property cost local government \$1.14 in services for every tax dollar collected, whereas farmland and open space required only \$ 0.53.

1. THE OPINION SURVEY: Chester Supports Open Space

In an effort to prioritize conservation efforts, the Conservation Commission distributed an opinion survey via the town newsletter. The magnitude of the response exceeded all expectations. Citizens clearly wish to maintain open space.

1. 94% of respondents currently use or enjoy open space or recreational facilities in town. A few indicated that they were not aware of the locations of open spaces available to the public.

2. Walking (and hiking) is overwhelmingly the preferred activity -- double the responses of the second-most popular activity, wildlife and nature study. Chester residents love to walk.

3. Of those who ranked walking or hiking as a top priority, 80% or more desired the preservation of natural areas. Among natural areas, streams, wetlands and tidal marshes ranked considerably higher than forests, emphasizing the need to preserve or provide safety for pedestrians near these areas.

4. Streams, wetlands and tidal marshes were also ranked highly by those who expressed the need to preserve open space for wildlife and for nature study. A strong interest in Cedar Lake and Pattaconk Brook was as expected; this group was, moreover, the most interested in preserving features of historic interest.

5. Of those who ranked biking as the most preferred activity, 100% were interested in the preservation of forests. This reflects the strong interest in the Chester area of off-road biking, either motorbikes or mountain bikes.

6. Of those who ranked biking as their most preferred activity, all were interested in the preservation of streams and wetlands, and 85% of these were interested in the preservation of tidal marshes. From this we conclude that road bikers universally value the scenery provided by streams and marshes, and that off-road bikers are concerned that off-road activities (i.e. mountain biking) be conducted in such a way as to preserve the quality of wetlands.

7. The least desired types of additional open space were athletic fields, and scenic vistas.

8. Zoning restrictions (presumably affecting only new housing) were the most popular method for preserving open space, followed by acquisition by private organizations, then purchase with tax dollars. Town ordinances were the least popular method.

9. The use of private funds was the favored means to acquire open space; use of Town Ordinances was the least favored. Three quarters of those who favored purchasing additional open space using tax dollars would prefer using private funds if possible, but the majority of those who favored using public funds were willing to support a tax increase.

2. RECOMMENDED ADDITIONS TO TOWN-OWNED OPEN SPACE

1. Acquire frontage on the Connecticut River, which will provide access for launching canoes, kayaks and rowing boats.

2. Acquire the building rights to the (former) "Bevington property" at the southwest corner of Hoop Pole Hill Road and Route 148, near the Route 9 interchange, and continue to keep it open fields by mowing or grazing. Do the same for the field on the southwest corner of the intersection of Route 154 and

King's Highway.

3. Acquire one of the four lots where route 154 crosses Chester Creek for the purpose of canoe and fishing access.
4. Acquire land in the general vicinity of the housing at Cedar Lake Terrace for the purpose of a community-leaching field to meet an expected future need.
5. Acquire land or rights of way for hikers and bikers along the power lines
6. Acquire a pedestrian right of way along the Connecticut River shore between Ferry Road and Dock Road. Follow recommendations of the DEP and conservation organizations as to whether or not to install a boardwalk.
7. Evaluate use of exhausted sand and gravel pits for leaf composting, and possibly for off-road cycling.
8. Acquire a right-of-way for a public footpath from North Quarter Park to Middlesex Turnpike to allow for walking around Chester Creek.
9. Initiate a property transfer surtax to create a fund for purchase and maintenance of additional town open spaces.
10. Be prepared to assemble, on short notice, an Open Space Acquisition Task Force for the purpose of moving rapidly when an opportunity for acquiring open space arises. The core of the team will consist of a few motivated individuals, one of whom will be familiar with the operation of the Board of Finance. The Task Force will require immediate support by individuals familiar with the Planning and Zoning regulations, the Wetland Regulations, the Chester Land Trust, and other organizations as the need arises.

3. SOME METHODS FOR ACQUISITION OR PROTECTION

These descriptions of some of the more common techniques used to acquire or designate open space land are adapted from materials provided by the National Audubon Society and the University of Connecticut:

Zoning Restrictions. Restriction of activities permitted on privately held land.

Fee Simple. Outright purchase of land. The purchasing organization becomes the full owner and has complete control over the land and its uses. This process provides for full protection and complete public access to the land. It can, however, be costly.

Fee simple/lease back. A full purchase of the land is completed, however the land is leased back to its previous owner under specific conditions. The conditions may include restricting the land's development, along with requiring public access.

Purchase of Development rights. One can purchase the development rights to a particular property. This method does not provide full ownership of the land, rather the buyer "owns" how the land can be developed. For example, if a farmer sells the development rights, the purchaser of the rights has authority on how that land is developed or not developed. The farmer continues to own the land, but can only use it for those purposes and cannot develop the land in any other manner. This method is less costly than purchasing the land outright.

Conservation Easement The landowner retains legal title and all rights associated with the property except the right to develop the site. As the ownership changes, the land remains subject to the development easement restrictions. A conservation easement may allow some uses of the land that could produce income for the owner, such as forestry or farming. The owner also

can control the land to ensure privacy, security and maintenance.

Donations / Exchanges. The town may receive open space land through private donation. Land can also be acquired through exchanges with other public agencies or nonprofit organizations. Exchanges usually occur when developable land is exchanged for undeveloped land with open space value.

Tax Foreclosure and Eminent Domain. Land may revert to public ownership through foreclosure if owed taxes are not paid. The government can also obtain land via eminent domain laws. This process involves the government taking private land for a public purpose, and is usually seen as a "last resort" effort given the legal and cost implications involved.

4. CRITERIA FOR IDENTIFICATION OF AREAS RECOMMENDED FOR OPEN SPACE

The following criteria were chosen as the bases for recommending preservation or conservation of a parcel of land as open space:

- Preservation of Water Quality
- Prevention of Erosion and Sedimentation
- Flood Control
- Development of Appropriate Traffic and Pedestrian Routes
- Protection of Scenic Vistas and Other Natural Visual Pleasures
- Preservation of Habitats for Wildlife
- Provision for Appropriate Recreation Facilities

5. RECOMMENDATIONS TO PROTECT OPEN SPACE

A. Preservation of Water Quality

1. Increase education of adjacent landowners on the importance of preventing deterioration due to runoff of nutrients into lakes and streams. Promote buffer strips, low-phosphorous fertilizers, proper septic system design and maintenance, and incorporation of permeable surfaces.

Implementation: Conservation Commission, Cedar Lake Terrace Association, Sanitation, Director of Health.

2. Leave the freshwater tidal marshes along the Chester Creek in a natural condition to be utilized for passive recreation and nature study.

Implementation: Conservation Commission, Chester Land Trust, Inland Wetlands Agency, Planning and Zoning Commission

3. Keep organic wastes (leaves, grass clippings, brush, horse manure) out of coves, ponds and rivers.

Implementation: Selectmen, Department of Public Works, Conservation Commission, Cedar Lake Management Commission

B. Erosion and Sedimentation

1. Construct roads in new subdivisions with minimum allowable pavement widths, bordered by broad, grassed shoulders, which incorporate swales to collect runoff. Distribute runoff by avoiding curbing where possible.

Planning and Zoning, Inland Wetlands Agency

2. Minimize disturbance of natural topography.

Planning and Zoning, Inland Wetlands Agency

3. Establish buffer greenbelt areas adjacent to all waterbodies (minimum width 5 feet, wider on steeper slopes) having shrubs, trees, and uncut grass.

Cedar Lake Terrace Association, Inland Wetlands Agency, Planning and Zoning, Cedar Lake Management Commission

4. Work with the State Forest Commission to establish and mark trails so as to redirect all non-pedestrian traffic (Mountain bikes, Motocross, BMX, Off-road vehicles, etc.) along trails where the inevitable erosion will not affect watercourses.

Selectmen, Conservation Commission, Civic Groups,

5. Maintain a vegetative buffer in the water along shorelines to prevent erosion by damping effects of wave action.

Conservation Commissions and Inland Wetlands

6. Enforce speed and no-wake laws on lakes and rivers.

State and local authorities

C. Flood Control

1. Minimize impermeable surfaces such as paved areas. Encourage construction of parking areas using gravel or pavers to promote percolation. Obtain gradual

drainage by means of lightly sloped grassed swales.

Planning and Zoning, Inland Wetlands Agency

2. Permit no significant decrease in flood storage volume or significant increase in impediment to flow in the flood plain for the Connecticut River.

Planning and Zoning, Inland Wetlands Agency

D. Traffic and Pedestrian Routes (responsibility of Selectmen and Department of Transportation)

1. Stripe the width of car driving lanes appropriately for posted speed limits.

Leave room on wider roads to accommodate pedestrians and cyclists.

2. Install "Bike Route" signage along Routes 154, 148, Grote Road, Railroad Avenue, and Main Street.

3. Install only bike-friendly grates on all catch basins.

4. Create pedestrian lay-by's by means of gaps in the guardrails along Route 148. Do the same for any new guardrails.

5. Designate certain trails (particularly those where erosion, noise, and traffic would adversely affect wildlife, vegetation or inhabitants) as "pedestrian only".

6. When Route 154 is repaved, widen it where necessary to permit safe bicycle traffic. Make sure that the shoulders are paved smoothly so that there is no drop-off or curb to endanger bicyclists or pedestrians riding or walking at the edge of

the road. If possible, provide (particularly near bends in the road) an alternate pedestrian path on the outside of the guardrails.

7. Establish corridors for public footpaths in any new developments or subdivisions.

E. Scenic Vistas and Visual Treasures

1. Promote cluster housing in order to preserve uninterrupted open space.

Planning and Zoning

2. Insist on greater variety in the type of open space required in subdivisions. These have traditionally been unbuildable areas with wetlands or rock outcroppings. Seek instead to preserve uplands, open fields, wildlife corridors, etc.

Planning and Zoning and Conservation Commission

3. Preserve the fields, which act as the initial visual "gateways" to Chester: e.g. the former Bevington farm and farmhouse, the fields at the Ferry Landing, the fields to the north of the Fairgrounds.

Planning and Zoning and Conservation Commission, Chester Land Trust, Selectmen

F. Wildlife

1. Establish an old growth, no-logging strip in the Pattaconk Forest.

Conservation and the Connecticut Forest Service.

2. Maintain vegetation in the water along shores as a critical area of retreat and spawning for fish and other aquatic creatures.

Conservation Commission, Cedar Lake Management Commission

3. Prevent disturbance of stable and diverse plant communities to avoid damage by invasive species such as Phragmites and purple loosestrife.

Conservation Commission

4. Protect from encroachment or damage the chain of wetlands, which extends parallel to the railroad tracks along the Connecticut River from Deep River nearly to Haddam.

*Planning and Zoning and Conservation Commission, Chester Land Trust,
Selectmen*

G. Recreation

1. Require allowance for recreation (in the broadest sense) in any new, multi-lot subdivision.

Planning and Zoning, Conservation

2. Forbid the use of internal-combustion engines on Cedar Lake and Chester Creek upstream of the Railroad bridge except for emergency or safety reasons.

Park and Recreation Commission, Cedar Lake Management Commission

3. Work with the State DEP to construct a walking, jogging, and cycling path parallel to the railroad tracks. Handicapped accessible.

Conservation Commission and Selectmen

4. Construct a mountain bike path in the corridors outside of and parallel to Route 9

Conservation Commission, Selectmen, Department of Transportation

6. SELECTED RESOURCES

FORMS The form used for the Public Opinion Survey

MAPS

BIBLIOGRAPHY

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Open Space & the Future

Open Space - an investment in our future

Patty Pendergast, Conservation Commission

Our homes are a reflection of who we are. Where we live, how we tend our property, the attention we pay to our surroundings is indicative of how we choose to live our lives. Limiting factors/realities aside, if we decide to seize opportunities, we can make tangible differences in our quality of life.

An opportunity is opening to us ALL of us in Chester. The Conservation Commission is birthing a Town Open Space Plan. This working document will help to chart a course through the channels of change bound to come.

The Open Space Committee is currently pulling together the thoughts offered by town leaders: The Board of Selectmen, the Garden Club, the Merchants Association, and the Land Trust to name a few. There will be opportunities to view the document and express your opinion before the final printing. On November 2nd, the Conservation Commission will review the plan as it stands and propose adoption. As part of the process, the document will be accessed on the town web page; copies will be made available at town hall and the library for review. Then it will come to Town Meeting on December 1st, where there will be a Public Hearing on the draft document for your comments. This will be a good opportunity for you to be heard and discover neighboring opinions. The intent is to have this come to Town Meeting in February, for adoption by all of us.

The Open Space Plan must address myriad concerns - sustainable development, habitat protection, educational and recreational opportunities, fiscal responsibilities, future trends. We have to harmonize with Town Plan of

Development, the Town Vision Statement; live up to environmental designations: Ramsar International Wetlands of Importance, The Silvio O Conte National Fish and Wildlife Refuge Special Focus Area, Nature Conservancy's Tideland area, one of the regionally cited year round important migratory bird area. We have to plan for the American Heritage River designation and all that could entail, as well as the inherent challenge that comes along with being a heartbeat from the best place in the USA to live.

Why do you live here? What are you willing to sacrifice to hold on to the quality of life we enjoy now? How do we balance resources and needs? The past and the future? What is your vision for your children? Do you like living closely with nature? What do you want to come home to? How safe do you feel here? These are our choices. While many do not have the time to volunteer and address ongoing concerns in town, this is one opportunity where we can directly affect our lifestyle. Feel free to contact the Open Space Committee members through Conservation Chairman or First Selectman Martin L. Heft at 526-0013.
