



News from the New Hartford Land Trust

Volume 5 Issue 1

President's Letter

A friend of mine, who is a student of the woods, commented that the rabbit population is cyclical. When rabbits are abundant, it means more food for predators like hawks, coyotes, and fox whose population then grows to match the ample food supply. After a couple of years of easy hunting, predators become more numerous than the rabbit population can sustain. A reduction in the number of rabbits leads to a predator population decline. After a while, the cycle repeats. It is just one of nature's ways of keeping balance.

We seek balance in our own town, too, between the rural character we love and the practicalities of a growing population and our needs for more services. Unlike nature's way, the growth and economic development of a town is a one-way path. Developers rarely come to town hall with a plan to take down houses, eliminate the cul-de-sac and plant trees! There is no automatic reversal of development or preservation of land.

If we are to see land taken off the market, we have to take action either publicly, like Jones Mountain and Farmington's Krell Farm, or privately with personal donations of land or conservation easements (CE). A CE prevents future development. It allows the owner to keep the land and either pass it on to the next generation or sell it in the future, and provides a tax reduction of the value of your donation.

December 31st marked the end of a very generous federal tax incentive for the donation of land or conservation easements. The "Pensions Protection Act of 2006" allowed a tax deduction (up to the value of the gift) of 50% of gross income for up to 15 years. The old formula allowed a deduction of 30% of gross income for only five years and made it difficult for people with modest incomes to recoup the full value of their gift. There is talk of extending the 50/15 rate. The NHLT will monitor this and post updates on our web site.

I want to thank all the volunteer hours and effort that were put in by our Board of Directors and members this past year. Come to the Annual Meeting February 24th and get involved with your Land Trust, and the future of your town.

Ron Eigenbrod
President

February 24th Annual Meeting to Feature Invasive Plants Expert

Please join us at the Town Hall Senior Center on Sunday, February 24th at 4:00 p.m. for the New Hartford Land Trust (NHLT) Annual Meeting and a slide presentation on 'Managing Invasive Plants to Improve Habitat.' Our speaker will be Peter Picone, Wildlife Biologist and an expert on managing invasive plants at the Connecticut Department of Environmental Protection (CT DEP).

As Connecticut's natural landscape becomes fragmented and experiences the incursion of an increasing number of invasive non-natives, native plant selection and use in landscaping and habitat restoration projects becomes increasingly important. Mr. Picone will talk about managing invasives and selecting Connecticut's native plants for enhancing, creating and restoring habitats. He will also give examples of State land habitat enhancement projects and illustrate the seasonal food and cover value of several of Connecticut's native plants.

At the DEP, Mr. Picone provides technical assistance to the public on managing invasives and enhancing habitat with native plants, and he is a steering committee member of the Connecticut Invasive Plant Working Group. Picone and his family own and manage the 41-acre Charter Oak Tree Farm with goals to improve wildlife habitat, restore the land's native plant communities, and enjoy hunting and fishing.

One of the NHLT's top priorities for 2008 is to strengthen our stewardship program for the parcels we own or on which we hold easements to meet new national standards.

If you are interested in becoming a steward, come out to the Annual Meeting to learn about the importance of managing invasive plants for stewardship and to hear about our upcoming Stewardship Orientation on March 15th (see article page two).

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Property Stewards Needed! Orientation Set for March 15th

On March 15th at 9:00 a.m., the NHLT will host an orientation for new property stewards and a refresher for our continuing volunteers. If you want to help preserve open space and like to get outdoors and enjoy nature at its best, become a Land Trust Steward!

Stewardship is easily the best “job” in the Land Trust. Each of the parcels that we either own outright or hold an easement for is assigned two stewards to monitor and document its condition. Typically, a seasoned steward and a newer volunteer team up to walk their assigned parcel a few times each year, photograph boundaries and unique qualities as well as ensure that no encroachment or other issues have occurred. The stewards also record the overall condition of the property and any noted changes to the landscape or vegetation. The steward essentially takes a hike with a purpose, spends time outdoors on a preserved parcel of land and helps ensure it stays that way for future generations.

The NHLT must operate its easement stewardship program in accordance with the Land Trust Alliance’s national standards and practices. To that end, we need to monitor each of our properties at least once per year to ensure that the terms of the parcel’s conservation are being met. If a violation of an easement is discovered, it is the Trust’s legal and moral obligation to ensure that the violation is rectified. Although dumping and encroachment would seem the most common issues, locating and identifying invasive species is fast becoming an integral part of our stewardship duties.

If you are interested in becoming a steward or just want to learn more about it, check off the box for ‘Property Stewardship’ on the Membership Form on the back of this newsletter and mail it back to us with your contact information. It’s a fun way to make a difference in your community!

Preserve Phillips Farm

The New Hartford Land Trust (NHLT) has formally endorsed the Town’s acquisition of development rights and a conservation easement for Phillips’ Farm on East Cotton Hill Road. Thanks to a grant from the CT DEP for one-half



of the purchase price plus a commitment by the New Hartford Open Space Preservation Commission (OSPC) to use the Land Preservation Fund for all or most of the rest of the amount needed, this project will have a net cost of nearly zero for New Hartford taxpayers. If the Board of Finance and residents vote favorably on the project, this parcel will be accessible to the public for hiking and other uses forever. It will be permanently preserved as open space farmland under state and town easements. The Board of Selectman has already voted to move the project forward.

This 59-acre diverse parcel includes many open hayfields and spectacular views, making it extremely attractive to developers and a wonderful place to visit. It connects other Town-owned land and will help create a 300-acre ‘greenway’. For more details on the project, including financing, please visit the OSPC web site at www.newhartfordopenspace.org.

Walking Jones Mountain

Many thanks to Jeanne Jones who, last October, led a special tour of Jones Mountain for the NHLT and our major donors who contributed to the Land Trust’s Campaign for Jones Mountain a few years ago. The Jones Family’s desire to preserve this history-rich site and New Hartford’s acquisition of the property mean that the public is able to hike old carriage roads through lovely mountain woods, experience the long view from the ‘Bare Spot’ and see the handiwork of Irish stonemasons from generations past. If you haven’t walked the mountain yet, it’s well worth a visit. The NHLT holds an easement on this property and provides volunteers to help with trail maintenance.



Children enjoying the view from Jones Mountain’s ‘Bare Spot’ on the NHLT hike last fall.

Small Land Trust Makes Lemonade

by Charles N. Leach Jr., M.D.

The Farmington Land Trust (FLT) was handed a lemon, but made it into lemonade. Here's how it happened:

The Farmington Land Trust protects nearly 300 acres by fee ownership or conservation easements. Though we are a small land trust, we are vigorous stewards of our properties. In recent years, we have engaged in several advocacy and lobbying efforts on behalf of the environment. A serious encroachment in 2004 called forth our best efforts at local and state levels; engaged us in litigation and, eventually, led to passage of new legislation protecting conserved open space in Connecticut.

The FLT's 4 ½ -acre Carey Pasture is a rich wet meadow lying atop a traprock bowl on the western slope of Talcott Mountain. On it grow huge old black oaks, white ash, cedar and hickory trees. Upslope there are spring-fed marshes and second-growth woods. There is a variety of habitat for wildlife, and several species of hawks ride thermals high above. The Carey Pasture is also a link to Farmington's agricultural history.

In July 2004, we discovered that eight large trees had been cut on this FLT land by the developer of an adjacent subdivision. The property boundary was clearly marked, and stumps of these 150-year-old giants stood next to Land Trust markers. The forest canopy was greatly diminished, invasives now had perfect conditions to propagate and there was major erosion damage due to poor runoff control from the only house lot that had been sold and was being developed.

The Town of Farmington hesitated to take action. The Town's enforcement officer minimized the issue. A cease and desist order was delayed. Land Trust officers were insistent and frustrated. The CT Department of Environmental Protection (DEP) was called in to investigate. Town action followed. The FLT continued documenting the damage with photos, field notes, and hired an environmental consulting firm. It kept copious notes and files of all correspondences regarding the violation.

An official complaint to the Farmington Police led to the identification of the tree-cutter and his admission of guilt. A local assistant state prosecutor declined to take action. The FLT took the issue to chief state's attorney with same result. Each viewed the "crime" as a civil not a criminal matter. The eight lost trees were valued only as firewood or timber under an outdated 1726 law, with collectable damages of approximately \$400, insufficient to make restoration possible or prosecution worthwhile. No consideration was given to aesthetic or habitat value... or illegal trespass. The Attorney General's office was unable to help based on existing legal tools.

FLT then hired legal counsel, despite the fact that the cost of litigation would far exceed damages recoverable. A *lis pendens* was attached to both neighbors' properties, and further legal action threatened. The resulting settlement, which has taken 3 ½ years, will minimally cover costs of remediation.



Serious erosion and siltation had resulted from inadequate control of runoff. The FLT, along with the DEP, pressed town officials to require better runoff control of the developer, and the problem, though less severe, is still with us.

We were aware that we could never be properly compensated for our loss under existing law. Nevertheless, we decided to "make lemonade from the lemons we had been handed" by advocating for new protective legislation. The author surveyed the [then] 116 Connecticut land trusts and similar organizations. Most reported significant encroachments. These data were reported to the Council on Environmental Quality and evidenced the need for better protective laws as submitted in their report to the legislature. We worked directly with our state elected officials in designing and introducing the legislation. We testified at hearings and lobbied legislators in support of the resulting bill. There was plenty of support from the conservation community as well.

The result was passage, in March of 2006, of Act 06-89, which grants restoration costs, quintuple damages, legal fees and punitive damages for tree-cutting and other encroachments on private or publicly owned, preserved open space. These penalties mean that a developer can no longer pay a wrist-slap fine for encroachment and treat it as a small part of his overhead.

We spent many thousands of dollars on legal fees and consultants. We will not recoup those costs since the new law will not cover the encroachment retroactively. Nevertheless, in taking the tree-cutting developer to task we feel that we have struck a blow for the common good. We have served notice that encroachers doing damage to protected land in Farmington will be held accountable.

The FLT has helped pass legislation that should discourage encroachers in the future. We are a small land trust that has shown effective advocacy is not limited by size. We believe that advocacy for the common good is an essential activity of voluntary organizations, and a duty for us all.

We have learned an important skill from the Carey experience: how to make "lemonade" from the "lemons" which come our way. Our Land Trust has been energized by its advocacy efforts, and we hope that our story will inspire other Connecticut environmentalists.



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Mark Your Calendar!
Upcoming NHLT Events:

Sunday, February 24th
Annual Meeting/Speaker
(see p. 1 for details)

Saturday, March 15th
Stewardship Orientation

Friday, May 16th
Spring Swamp Stomp

Date of Interest
Saturday, April 5th
CT Land Conservation
Council Annual Conference
www.nature.org/clcc

Postal Patron

Burn, Barberry, Burn

In mid-January, volunteers from New Hartford's Conservation and Open Space Preservation Commissions and the Land Trust as well as First Selectman Earl MacInnes and Steven Josephs of the Town road crew learned how to burn the basal buds off those ***** bleeping barberry bushes that are invading our woods. Dr. Jeffrey Ward, Chief Scientist and Station Forester for the Connecticut Agricultural Experiment Station, and his colleague, J.P. Bersky, shared successful burning techniques and the results of a pilot study they conducted in alternative ways to control rapidly spreading Japanese barberry and reverse the increased tick population it brings. See the upcoming Town newsletter for details on this initiative.



New Hartford Land Trust 2008 Membership Form

☐ Yes! I support the permanent preservation of key open space, farmland and forests in New Hartford.
Sign me up as a member of the New Hartford Land Trust for 2008 at the level noted below.

☐ **Junior: \$10.00** ☐ **Individual: \$20.00** ☐ **Family: \$35.00** ☐ **Sustainer: \$50.00** ☐ **Patron: \$100.00** ☐ **Benefactor: \$250.00+**

My check payable to NHLT in the amount of \$_____ is enclosed.

Name(s) _____
Address _____
E-mail _____ Phone _____

NHLT is a 501(c)3 organization. Your gift is tax-deductible as allowed by law.

☐ Please contact me about volunteering. The activities that interest me are:
☐ Property Stewardship ☐ Fundraising Event ☐ Trail Maintenance

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To find out more, go to www.newhartfordlandtrust.org