

**Harwinton Land Conservation Trust, Inc.**  
**Open Space Acquisition Plan, 2016**

**Executive Summary**

- The purpose of Harwinton Land Trust's Land Acquisition Plan is to clearly demonstrate the Trust's commitment to properly acquire and protect important natural open spaces in Harwinton.
- The Plan recognizes the importance of natural open space for enhancing the rural character of Harwinton, its environment, economy, and opportunities for outdoor recreation and nature study.
- It is intended to provide a set of guiding principles and procedures to assure that the Trust acquires the best properties within its financial means.
- The Trust will strive to seek funding for open space from all available funding sources, but understands that State and Federal budgetary constraints could impact future funding and thus created its own Restricted Land Acquisition Fund.
- Because Harwinton already has large tracts of open space (Roraback Wildlife Management Area and Bristol Water Co. watershed land), the Trust seeks quality of land over quantity of land.
- Further, the Trust favors acquisition by direct ownership rather than by conservation easement.
- The Trust understands that not all lands will have the same level of importance for open space acquisition, that there are limits to its capacity to provide proper stewardship on future acquisitions, and thus needs to be highly selective when acquiring new properties.
- The Trust recognized that some means was needed to quantitatively evaluate the importance of land in an unbiased manner and developed a rating system that can assess potential acquisitions based upon environmental, social, and public-use attributes.
- The rating system shows that the Trust will favor acquisition of lands that can protect important habitats connected to existing Trust properties, while providing public access for nature study and passive recreation.
- The Trust's six existing properties were evaluated by the rating system and results reflected the actual overall importance of those areas.
- The rating system will provide quantitative bench marks for accepting or rejecting offers of natural land by developers, and will help the Trust proactively and selectively seek properties that would be most beneficial to the Town, its residents and environment.
- Policies of due diligence, confidentiality, impartiality and adherence to the Land Trust Alliance's Standards and Practices, 2004 will be followed in all land transactions.
- Although the Trust wishes to preserve farmland in Harwinton, it can only achieve this in an advisory role by providing farmers with information and guidance on funding programs.

# Harwinton Land Conservation Trust, Inc. Open Space Acquisition Plan, 2016

## Introduction

The purpose of Harwinton Land Trust's Land Acquisition Plan is to clearly demonstrate the Trust's commitment to properly acquire and protect important parcels of natural open space in Harwinton. This Plan explains the Trust's general philosophy toward open space, and its desire to benefit the Town of Harwinton by acquiring important parcels of land. It is primarily intended to provide a set of guiding principles and procedures to assure that the Trust acquires the best properties within its financial means.

Natural open space is an important asset for towns and local residents. Of most importance, natural areas protect water quality, provide mitigation against flooding, and help conserve wildlife populations and forest products. Some natural lands can provide excellent opportunities for nature study and outdoor recreation, and occasionally can preserve historic or unique geologic features. Natural lands simply enhance the quality of life for local residents.

It should be clearly stated that the Harwinton Land Trust is not "anti-development", but economic factors should be considered when land is being evaluated for open space acquisition. It is reasonable to expect that natural open space may increase local property values. Open space may also reduce property taxes. In a study of Southern New England towns (including the nearby towns of Litchfield and Farmington)<sup>1</sup>, findings dispelled the notion that residential development improves the local tax base. Instead, the study actually found that for every dollar raised in taxes from residential development, towns had to spend an average of 14% more in services (schools, roads, etc). Acquisition of open space also increased bond ratings for some of the Southern New England towns, thus saving taxpayers money for borrowing costs. Natural open space also adds to the economy of Connecticut, where in our state, outdoor enthusiasts and wildlife watchers spend well over \$800 million annually toward wildlife-associated recreation<sup>2</sup>.

In Harwinton, most residents cherish the Town's rural character. In a polling of town residents<sup>3</sup>, over 90% of respondents indicated that the Town's rural character was its most attractive characteristic. Most (74%) respondents also indicated that they would support setting aside funds to purchase property for open space.

The Harwinton Land Trust was founded in the early 1970s by several residents who recognized that suburban sprawl could harm the rural character of the town. From its inception, the mission of the Harwinton Land Trust has been to acquire open space in order to protect the Town's rural character, as well as to conserve the other inherent values of natural land. The Trust's goals continue to be appropriate, since Harwinton has seen its share of development over recent years. During the period of 1985 to 2010, the development footprint (impervious surface plus lawns) of Harwinton increased by 27%<sup>4</sup>, and its rate of development exceeded that of Litchfield County and state averages<sup>5</sup>. Further, the percentage of "protected" open space in Harwinton (14%) is well below the statewide goal for acquiring "protected" open space (21%)<sup>6</sup>. Also, 15 of the 25 towns in the Litchfield Hills Region had higher percentages of "protected" open space than did

Harwinton<sup>6</sup>. These statistics provide an impetus for the Harwinton Land Trust to continue seeking additional natural lands for acquisition.

As of 2015, Connecticut had a total of 137 land trusts, some of which conserve hundreds; if not thousands of acres of property (The Weantinog Land Trust in Kent protects more than 9,000 acres). By comparison, the Harwinton Land Trust protects much less natural land (170 acres in ownership and about 90 acres in easement). Although a relatively small amount of open space is owned by the Trust, Harwinton is fortunate to have two large tracts of natural open space consisting of the State's "protected"<sup>6</sup> Roraback Wildlife Management Area (2,222 acres) and the Bristol Water Company's "unprotected"<sup>6</sup> watershed land (2,586 acres). Many of the other 168 Connecticut towns may have very little state or water company land, and instead might have a relatively high percentage of developed area. The priority of any land trust in one those densely populated towns might be to acquire as much remaining natural land as feasible. Conversely, it may be better for the Harwinton Land Trust to acquire special areas of significance and to seek quality of land rather than quantity of land. The Trust understands that, as a volunteer organization, it will have limited capacity to provide proper stewardship and oversight on holdings that grow too numerous. Therefore, it is incumbent upon the Trust to be very selective in the properties that it acquires.

Not all land has the same level of importance for open space acquisition. It has often been a common practice for developers to donate "unusable" wetlands to land trusts, but those lands are already protected by town Inland Wetland Regulations. Further, some woodland offered by developers may be surrounded by private properties that would provide no access or recreational opportunities for the public. Instead, the land might only become part of a low value, fragmented forest lying within a residential development. Those properties may also create long term management difficulties (encroachments, ATV use, dumping, etc.) for land trusts that would be committed to protecting those areas in perpetuity. Those lands might be better protected under the constant stewardship of private landowners wishing to preserve the value of their property. It has never been the intent of the Harwinton Land Trust to prevent sound development, but rather to acquire only those special areas that are beneficial to maintaining the rural character of the town and its environment.

Land trusts often acquire open space by donations obtained from landowners or developers, but acquisitions can also be obtained with the help of grants from private or government institutions. Acquisitions of open space are often funded through the State's Open Space & Watershed Land Acquisition Grant Program (OSWLA). Those funds are generated under the State of Connecticut's Community Investment Act, whereby a \$40 recording fee is collected on every real estate transaction. Those collections are then distributed in support of protecting open space, as well as other important community enhancements. The other major funding source for open space comes from the Federal Land and Water Conservation Fund (FLWC), which is maintained through a small portion of revenues from offshore oil and gas royalty payments. The Trust for Public Land is a national organization that also helps to acquire open space for local land trusts. It does this by purchasing properties in a timely manner that is beneficial to the land owner, and then later selling the property to the trust after the trust receives disbursement of previously approved grant monies.

Although the Town of Harwinton has used State OSWLA funds (\$294,000) to purchase 57.8 acres of open space (Carros Property), the Harwinton Land Trust has yet to take advantage of any governmental funding for open space acquisition. Other land trusts in the Litchfield Hills area have taken much better advantage of State funding for open space acquisition. Just in 2015 alone, the Burlington Land Trust was awarded \$520,000 for 105 acres, the Kent Land Trust was awarded \$100,000 for 25 acres, and the Sharon Land Trust was awarded \$539,000 for 72 acres.

The State Legislature has set a goal of protecting 21% of the State's land as open space by 2023. To date, 75% of that goal has been reached. To fully meet the goal by 2023, land trusts, as well as other conservation groups and towns will need to acquire an additional 109,000 acres. This final goal may be difficult to achieve by 2023, but it is hoped that the State's conservation partners (land trusts etc.) can acquire 5,950 acres within the next five years<sup>7</sup>. Harwinton still has many parcels of land that would be ideal for open space preservation. The Land Trust should strive to take full advantage of all funding sources to help the State achieve its goal of preserving 21% of its land as open space.

Aside from direct ownership (a.k.a. fee simple ownership), acquisition of open space may be by conservation easement. When an easement is obtained, the land remains under private ownership, but has specific protections that are permanently attached to the deed that are overseen and protected by the Trust. The Harwinton Land Trust currently has six properties under direct ownership and two conservation easements. On one of its easements, the Trust had to hire legal assistance in 2004 to protect the land against an owner's improper proposal for a housing development. The other easement along the western shore of Bull Pond is already protected by the town's wetlands regulations. Although recent property owners have been excellent stewards of the conservation easements, the easements are permanent. Permanency will require the Trust to protect the easements under possible threats by future owners whose attitudes may differ over time. Past experience and the need to protect against future threats should raise a cautionary note about acquiring easements. In most cases, the Trust should seek direct ownership over easements, but if easement is the only alternative, acceptance should be critically evaluated with future commitments in mind.

### **The Trust's Preliminary 2006 Plan**

The By-Laws of the Trust require that acquisition of land must be by majority vote of its Board of Directors. In 2005, the Board saw the need to develop a plan having a method for rating the value of open space in order to provide justifications for either accepting or rejecting offers of land. A quantitative rating system could provide benchmarks that would be helpful when the Board needed to consider offers of land. An Open Space Committee<sup>8</sup> was subsequently formed and produced a preliminary rating system for determining the importance of open space. Based on the rating system, it was apparent that "connectivity" to other open spaces was most important to the Trust. By connecting properties, much larger contiguous blocks of open space could be preserved. Creation of large blocks of natural areas would help prevent forest fragmentation and be of importance for conserving wildlife populations. Connecting parcels also seemed to be the most cost effective means for creating long stream buffers, increasing recreational opportunities for the public, and the ability to properly manage the combined areas in perpetuity.

In 2006, The Land Trust understood that its plan was preliminary and would need to be revised due to possible changes in funding sources, or as the town's landscape and demographics changed. After 10 years, an update to the Trust's acquisition plan seems appropriate, since recent issues and relevant funding sources need to be considered.

### **Recent Considerations:**

In recent years, the Town of Harwinton acquired additional open space along Leadmine Brook adjacent to its Conservation and Recreation Area (Carros property), parcels along the Naugatuck River for fishing access and a future greenway (GE restitution monies), and property that had some potential for future ball fields (Wilcox property). Given the Town's recent acquisitions, as well as its authority to reserve up to 10% of a proposed development's raw land for open space, some residents have questioned the need for seeking "even more" open space. With that concern in mind, it is incumbent upon the Trust to clearly demonstrate the importance of any new acquisition in order to gain the full support and appreciation of town residents.

It is apparent that funding for open space will become more competitive and difficult to obtain in the future. To make up for a projected deficit in the State's budget, a two-year 50% "sweep" (cut) of OSWLA funds was enacted during the CT's 2015 legislative session. The U.S. Congress also let the FLWC fund expire in September, 2015. Conservation groups fought to restore the funds, but these governmental actions set a precedent that could portend future and more severe cuts in funding. Although the Trust has not sought State or Federal funds in the past, it hopes to obtain them for future acquisitions. It is also hoped that having a comprehensive Land Acquisition Plan will demonstrate the Trust's overall commitment to land acquisition and that this Plan will help to obtain competitive funds in the future.

Understanding that the Trust may have to rely more on its own finances for acquiring land, it created a "Restricted Land Acquisition Fund" in 2015. Contributors to the Trust can specify that their donations go towards this fund. The proceeds from these donations are then deposited in the restricted fund at the end of each calendar year. The fund can only be used for acquiring land by direct purchase or by easement and, if needed, for the required processes of purchasing land (surveys, appraisals, title searches, legal fees, etc.). The fund will help the Trust proactively seek important parcels of land for acquisition, rather than having to wait for offers of land that may or may not be beneficial to the Town or environment.

It is unlikely that the Trust's Restrictive Land Acquisition Fund will ever be sufficient to purchase large tracts of land. Instead it may be more useful in purchasing smaller, but unique and highly-rated parcels that have a demonstrated importance to the Town of Harwinton. Further, the Trust's limited funds can be used to gain matching grants, or to leverage larger funds through Federal, State and private foundations, thus increasing its ability to acquire more valuable properties. As often occurs, payments from approved grants may not be obtained in sufficient time to meet a land owner's wishes. When this occurs, the Trust for Public Land (TPL) may assist the Land Trust by purchasing the land at or below market value in a timely manner from a willing owner. The Trust would then reimburse the TPL when approved grants

are eventually disbursed to the Trust. It will be important for the Trust to remain cognizant of all funding opportunities and to take full advantage of them.

Several factors, which were not considered in the 2006 plan, have recently been recognized as being important for land acquisition: These factors should be incorporated into an updated rating system.

1) Unfragmented “core forests” are now seen by natural resource professionals to be of much greater importance than “patch”, “edge” or “perforated” forested land next to developed areas. Expert advice to protect core forestland reinforces the importance given to the aspect of “connectivity” in the Trust’s earlier 2006 acquisition plan. Saving core forestland would be especially important, since the amount of core forest in Harwinton dropped substantially (15%) from 1995 to 2006<sup>4</sup> and its loss has probably continued at a similar rate to date. Thus, a small parcel of woodland that can be added to existing core forest could be more ecologically valuable than a larger parcel of woodland located within a suburban development.

2) The State’s brownfield initiative, which restores abandoned industrial sites for future beneficial use, has been successful. Similarly, there may be parcels in Harwinton that can be environmentally restored and protected under Trust ownership. Under its ownership, the Trust could have the opportunity to improve properties that were environmentally altered. In effect, restoring an abused parcel of land may be more beneficial than acquiring a natural parcel of land that could be continually managed under the good stewardship of private landowners.

3) Other natural parcels of land may be threatened by land use practices that might not be best for the town or a surrounding neighborhood. If Harwinton would be better served to have those parcels remain as natural open space, they should be considered for acquisition by the Trust.

4) Site convenience needs to be considered. Acquiring parcels that are readily seen and close to where most residents live have the potential to have greater use and appreciation than those that are remote and likely to remain unnoticed.

5) The Trust should continually strive to be a “good neighbor” within the Harwinton community. Any land acquired by the Trust should have the potential to become a positive attribute for a surrounding neighborhood.

### **Updated rating system**

The previous 2006 rating system has been updated. During 2015-2016, Trust Officers and Directors (D&Os) developed a list of attributes considered to be of importance for acquiring natural land. Meetings were held to help D&Os understand the meaning of each attribute and then to refine the list of attributes. Once the list was finalized, D&Os rated each of the attributes based upon their personal opinions. Ratings ranged from 0 (negligible) to 50 (greatest importance). The list of attributes and ratings for each attribute is shown in Table 1. Ratings of 33 and above should be considered to be of most importance to the Harwinton Land Trust. Highest ratings were found for connectivity to existing Trust properties, protecting natural

scenery, and providing public access and use. Ratings show that even a small parcel of land can be an important Trust property, provided that it has access for public use and can provide outdoor recreational opportunities.

Total ratings were then determined for each of the Trust's existing properties (Table 2). Assigned ratings were calculated based on percentage agreement by D&Os. Bull Pond Preserve had the highest total rating (471), followed by Meadowview (449), Forever Forest (393), then followed by similar values for Indian Meadow and Laurel Marsh (283-290). High Meadow, which is a small, inaccessible wetland, had a much lower rating (129). Conceptually, the total ratings appear to be reflective of the general importance of the Trust's properties. Bull Pond, Meadowview and Forever Forest had the highest ratings (Figure 1) due to their having environmental and public-use importance. Indian Meadow and Laurel Marsh were rated somewhat lower due to their limited public-use potential, but both have relatively high environmental importance. High Meadow, which was rated substantially lower than the other five properties, lacks reasonable public access, but has some limited environmental importance. These comparisons demonstrate that the rating system should be effective in rating other properties of interest for acquisition by the Trust

Value comparisons between our properties and potential acquisitions will help the Trust in its decision-making process. The rating system should provide bench marks for accepting or rejecting offers of land by developers. A property with a value less than that of High Meadow may not be acceptable for the acquisition. However, it should be understood that a low-rated property could have an exceptional feature (sometimes called a "Wow" factor) that will need to be taken into account. The Board could provide bonus points in the rating system if such a feature is present. The rating system is only intended to provide guidelines and the Board should be afforded flexibility when considering acquisitions.

### **Agricultural land**

The rating system presented above generally pertains to acquisition of natural lands and is not appropriate for evaluating working farms. However, some mention of farming should be made within this Plan, since agriculture enhances Harwinton's rural character, provide its residents with fresh produce, and can increase economic benefits to the town. Harwinton feels strongly towards protecting agriculture, since it recently enacted a right-to-farm ordinance. Right-to-farm ordinances often assert a community's commitment to agriculture and are intended to protect farms from nuisance lawsuits. Because of the importance of agriculture and the Town's commitment to it, the Trust should try to help preserve agriculture in Harwinton whenever possible.

Despite the Trust's good intentions toward preserving farmland, it certainly would not have available funds for a direct purchase of a farm, nor the expertise to negotiate agricultural purchases or the ability to manage farmland in perpetuity. It would much better for farmland to remain properly managed by those who are knowledgeable and dedicated to farming.

The Trust's rating system for acquiring natural areas includes several agricultural factors, but only fields that would be allowed to pass through natural succession, including environmentally important old-field habitat, received a high rating. Lands that, by deed, would be required to remain in agriculture received much lower ratings.

Although the Trust may be reluctant to acquire working farms, properties that contain some agricultural land should not be disqualified from consideration. The Trust's Prudden Easement was an important acquisition despite the presence of agricultural land, because of its overall large size and environmental importance (contains Hooper's Swamp, protects the headwaters of Leadmine Brook, and adds to core forestland). Still, the Trust should remain reticent towards acquiring easements on such properties, since they can present long-term challenges. The Prudden Easement, which ensures that its fields remain in agriculture, requires annual inspections by the Trust for verification and documentation. This responsibility will last in perpetuity. Assurance that the fields remain in agricultural use may be challenging for the Trust, since it has already expended funds for legal advice to protect the fields against a previous proposal for a housing development.

All things considered, it may be best for the Trust to simply work with farmers in an advisory capacity. Information on sources of funding, such as the State's Farm Preservation Program, could be included in the Trust's annual newsletters or on its website. The Trust could also assist (in its limited capacity) farmers by providing information on farming-right easements from the State, tax benefits from the Federal Government, or grants from private funding sources.

### **Policies for acquiring open space**

1. The Trust should adhere to due diligence in order to minimize risk prior to acquiring land. This includes the need to perform A-2 surveys (if none are available), have lands appraised (yellow book standard, if deemed necessary), evaluate lands for possible contaminants, and have title searches performed.
2. Trust members involved with land acquisition should be aware that negotiations with land owners are most successful when they remain confidential. They should agree to a non-disclosure or confidentiality policy and inform the land owner of that policy.
3. Trust members who own property abutting a potential acquisition, or have a financial interest in its acquisition, should recuse themselves from any vote in order to avoid any conflict of interest or lack of impartiality.
4. Use and the amount of monies to be taken from the Trust's Restricted Land Acquisition Fund to help purchase any property must be approved by a majority vote of the Board of Directors. In addition, donations or contributions to offset the costs of due diligence will be encouraged or may be required.
5. The Land Trust should abide by the Land Trust Alliance's Standards and Practices prior to acquiring each parcel of open space. Those practices are listed in full and in italics below.



- A. Identifying Focus Areas. *The land trust has identified specific natural resources or geographic areas where it will focus its work*
- B. Project Selection and Criteria. *The land trust has a defined process for selecting land and easement projects, including written selection criteria that are consistent with its mission. For each project, the land trust evaluates its capacity to perform any perpetual stewardship responsibilities.*
- C. Federal and State Requirements. *For land and easement projects that may involve federal or state tax incentives, the land trust determines that the project meets the applicable federal or state requirements, especially the conservation purposes test of IRC §170(h).*
- D. Public Benefit of Transactions. *The land trust evaluates and clearly documents the public benefit of every land and easement transaction and how the benefits are consistent with the mission of the organization. All projects conform to applicable federal and state charitable trust laws. If the transaction involves public purchase or tax incentive programs, the land trust satisfies any federal, state or local requirements for public benefit.*
- E. Site Inspection. *The land trust inspects properties before buying or accepting donations of land or easements to be sure they meet the organization's criteria, to identify the important conservation values on the property and to reveal any potential threats to those values.*
- F. Documenting Conservation Values. *The land trust documents the condition of the important conservation values and public benefit of each property, in a manner appropriate to the individual property and the method of protection.*
- G. Project Planning. *All land and easement projects are individually planned so that the property's important conservation values are identified and protected, the project furthers the land trust's mission and goals, and the project reflects the capacity of the organization to meet future stewardship obligations.*
- H. Evaluating the Best Conservation Tool. *The land trust works with the landowner to evaluate and select the best conservation tool for the property and takes care that the chosen method can reasonably protect the property's important conservation values over time. This evaluation may include informing the landowner of appropriate conservation tools and partnership opportunities, even those that may not involve the land trust.*
- I. Evaluating Partnerships. *The land trust evaluates whether it has the skills and resources to protect the important conservation values on the property effectively, or whether it should refer the project to, or engage in a partnership with, another qualified conservation organization.*

## **Practices for acquiring open space**

Acquisition through offerings: When land is offered to the Trust (typically by developers), it will be necessary for directors and officers to thoroughly inspect the property. Performing field inspection will allow the Trust to gain insights and provide knowledgeable attribute ratings of the property. Field inspection will also allow the Trust to identify possible improvements through minor boundary modifications that would be mutually agreeable with the owner. For example, with a slight change in boundary, a Trust acquisition could gain substantially greater importance if a small area for suitable public access could be incorporated into the proposed Trust property. If possible modifications such as this occur, the Trust should negotiate with the land owner to change the proposed boundaries. This could be accomplished by trading some Trust area for an

equivalent owner area (so not to reduce necessary building lot acreage), or by offering to pay for the additional small area. Officers and directors should utilize the rating system to determine the relative importance of the property compared to existing Trust properties. Unless there are extenuating circumstances, any offered property rated less than a total value of 100 should probably not be accepted. Decisions to proceed with an acquisition will require majority vote by the board. Property owners who wish to donate land should be informed to consult with a professional tax advisor for possible tax deductions. When it appears that the Trust may not be capable of perpetual stewardship on a particular offering, the Trust should advise the property owner that it might be better to offer their land to another conservation organization.

Acquisition by proactive pursuit and donation: The Trust's Land Acquisition Committee (created by vote of the Board of Directors on 9/22/16; see Addendum) will proactively pursue important parcels of open space. Based on their general knowledge of the town, committee members would discuss possible acquisitions. The committee could also review Town Assessor's maps to identify important properties. Priorities can be established utilizing the rating system on selected properties. Those that fall below a committee rating of 100 should be dropped from further consideration. Owners of high priority properties could be contacted by the Trust to let them know that their land would be important as preserved open space. If interest is shown on the part of owners, the Trust should offer to meet with them to develop personal relationships and then to discuss options for complete or partial donation. They should be informed of the tax benefits that may be possible with land donations. Acceptance of land donations will require prior inspections by officers and directors and then majority vote of the board.

Acquisition by purchase: For properties that receive especially high ratings by the Land Acquisition Committee, board meetings should be held to determine if the Trust might wish to actively pursue acquisition by purchase. Such pursuit would require majority vote by the board. If approved to proceed, Committee representatives could meet with owners letting them know that the Trust would work to obtain funding for part or all of the assessed value of land. "Right-of-first-offer" agreements should be suggested, and if that is not acceptable to the land owner, "right-of-first-refusal" agreements might then be suggested (see agreement definitions at bottom of page). If a plan is acceptable to an owner, an agreement should specify that the land will be sold to the Trust for an agreed upon price, if and when complete funding has been approved. For the Trust to obtain the agreed upon sales price, it may seek funding from State, Federal, foundation, or other funding sources. The Trust for Public Land should be contacted for advice and possible assistance, particularly if approved grants might not be dispersed in a timely manner. Special fund raising events could also be held to help fund and gain public support for the purchase. Monies obtained for funding specific land purchases should be added to the Restricted Land Acquisition Fund. Any Land Trust monies put into the purchase of a property must flow from its Restricted Land Acquisition Fund. Acquisition will require prior inspection by officers and directors and then majority vote of the board.

Agreement definitions: *A right-of-first-offer means the owner must offer the property to the person/entity holding the right before the owner can list the property for sale. A right-of-first-refusal means the owner must give the holder of the right an opportunity to match an offer that the owner already has from someone else. The advantage of a right-of-first-offer is that the holder of the right has a better opportunity to negotiate price and terms because the owner does not already have a contract in hand.*

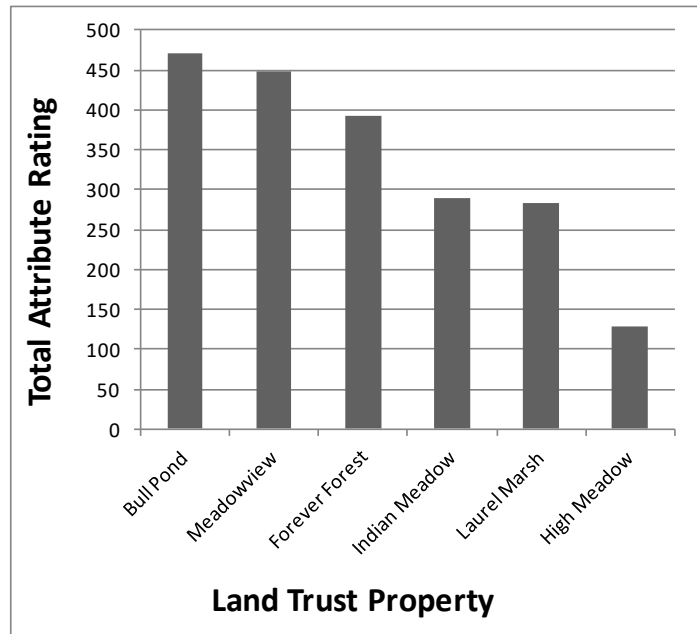
**Table 1.** Ratings of attributes for land acquisition by nine officers and directors (D&O) of the Harwinton Land Trust. Average ratings that are shaded are considered to be very important (>33).

Size of area:	D&O 1	D&O 2	D&O 3	D&O 4	D&O 5	D&O 6	D&O 7	D&O 8	D&O 9	Avg.
a- Is less than 1 acre	2	0	1	1	0	10	1	3	5	2.6
b- Is 1-5 acres	7	5	5	5	10	20	5	8	10	8.3
c- Is 6 - 10 acres	12	20	10	10	25	30	15	25	15	18.0
d- Is 11 - 20 acres	25	20	20	20	35	40	20	35	20	26.1
e- Is 21-35 acres	37	40	30	35	40	50	40	40	30	38.0
f- Is 36-50 acres	40	40	40	50	50	50	45	50	40	45.0
g- Is larger than 50 acres	50	50	50	50	50	50	50	50	50	50.0
<b>Connectivity factors:</b>										
a- Will connect to existing land trust property or	50	50	50	50	45	40	50	50	50	48.3
b- Could connect to land trust property with additional future acquisition	35	35	40	40	35	15	40	40	30	34.4
Will connect to town conservation property	30	35	30	20	45	40	45	40	30	35.0
Will connect to state conservation property	20	20	25	20	40	40	40	40	30	30.6
Will connect to federal U. S. Army Corps. Property	10	5	15	20	35	50	40	30	30	26.1
Will connect to water company property (no public access)	5	5	20	1	10	5	10	2	20	8.7
<b>Environmental factors:</b>										
Can add to an existing core forest	20	45	50	20	40	40	30	30	50	36.1
Will provide a stream buffer and riparian habitat	20	25	25	30	35	25	30	30	50	30.0
a- Will protect an important watershed and help reduce flooding or	25	20	35	30	20	25	25	20	50	27.8
b- Will provide some limited watershed protection	5	10	15	20	20	10	10	2	40	14.7
a- Contains mostly important or unique habitat or	25	30	10	20	50	40	20	40	40	30.6
b- Contains some important habitat	10	20	5	10	30	25	10	25	20	17.2
May support species of special concern	20	35	15	10	30	30	15	15	30	22.2
Could provide sound wildlife or forest management practices	10	25	5	10	35	30	15	10	30	18.9
<b>Public use:</b>										
Is located in an area that is highly visible and likely to be appreciated	25	25	5	20	45	35	30	50	30	29.4
Has potential to provide public access	50	45	35	30	50	45	50	50	30	42.8
Has potential to provide adequate public parking	45	45	5	40	45	30	50	48	20	36.4
Can provide defined and easy access for canoes and kayaks	40	45	50	10	20	45	40	25	--	34.4
a- Has potential to provide long hiking trails or	40	35	15	40	45	45	45	50	30	38.3
b- Has potential to provide a short trail	15	40	5	30	25	20	20	40	30	25.0
a- Has high potential to provide other passive recreational activities or	40	40	25	20	45	45	30	40	40	36.1
b- Has some potential to provide other passive recreational activities	10	20	10	10	10	25	10	25	30	16.7
Has potential to provide educational or research opportunities	40	45	10	20	45	45	30	30	30	32.8
Contains interesting geologic or historical features, or scenic vistas.	20	25	40	20	45	50	25	25	20	30.0
<b>Land use factors:</b>										
a- Contains a pond with a constructed dam or	40	10	15	40	20	5	30	30	5	21.7
b- Contains a pond without a constructed dam	50	45	15	40	40	40	50	40	40	40.0
Will protect scenery along a prominent ridge line or hillside	30	40	50	35	30	45	30	50	--	38.8
Would be welcome as an attribute by the surrounding neighborhood	20	25	10	30	30	20	25	40	20	24.4
Is likely to remain free of dumping or other illegal activities (ATVs, etc.).	10	25	0	30	30	35	15	30	25	22.2
Had undergone some alterations, but can be restored under Trust ownership	40	35	5	20	20	20	30	30	10	23.3
Threatened by unwelcome land practices, but can be protected by the Trust	40	50	30	5	10	5	30	30	30	25.6
Property has an existing A2 survey	5	5	25	5	15	10	5	25	--	11.9
<b>Agricultural factors:</b>										
Contains agricultural land that would be allowed to revert to natural habitat	40	40	45	45	0	30	40	50	--	36.3
Contains pasture land that, by deed, will be required to remain in pasture	30	10	35	0	0	5	30	10	--	15.0
Contains working farm land that, by deed, will require continual farming	5	0	10	0	0	0	5	10	--	3.8

**Table 2.** Assigned ratings of natural open space properties owned by the Harwinton Land Trust.

	Avg. Rating	Bull Pond Preserve	Meadow-view	Forever Forest	Indian Meadow	Laurel Marsh	High Meadow
<b>Size of area:</b>							
a- Is less than 1 acre	2.6	0.0	0.0	0.0	0.0	0.0	0.0
b- Is 1-5 acres	8.3	0.0	0.0	0.0	0.0	0.0	0.0
c- Is 6 - 10 acres	18.0	0.0	0.0	0.0	0.0	0.0	18.0
d- Is 11 - 20 acres	26.1	0.0	0.0	26.1	0.0	0.0	0.0
e- Is 21-35 acres	38.0	0.0	38.0	0.0	38.0	38.0	0.0
f- Is 36-50 acres	45.0	0.0	0.0	0.0	0.0	0.0	0.0
g- Is larger than 50 acres	50.0	50.0	0.0	0.0	0.0	0.0	0.0
<b>Connectivity factors:</b>							
a- Will connect to existing land trust property or	48.3	0.0	0.0	0.0	0.0	0.0	0.0
b- Could connect to land trust property with additional future acquisition	34.4	0.0	34.4	17.2	26.8	0.0	0.0
Will connect to town conservation property	35.0	0.0	0.0	0.0	0.0	0.0	0.0
Will connect to state conservation property	30.6	0.0	0.0	0.0	0.0	0.0	0.0
Will connect to federal U. S. Army Corps. Property	26.1	0.0	0.0	0.0	0.0	0.0	0.0
Will connect to water company property (no public access)	8.7	0.0	0.0	0.0	0.0	0.0	0.0
<b>Environmental factors:</b>							
Can add to an existing core forest	36.1	0.0	36.1	27.1	36.1	9.0	0.0
Will provide a stream buffer and riparian habitat	30.0	30.0	26.7	22.5	30.0	15.0	15.0
a- Will protect an important watershed and help reduce flooding or	27.8	6.9	9.3	3.5	9.3	3.5	17.4
b- Will provide some limited watershed protection	14.7	9.2	6.5	9.2	6.5	9.2	1.8
a- Contains mostly important or unique habitat or	30.6	19.1	13.6	7.6	0.0	3.8	3.8
b- Contains some important habitat	17.2	4.3	5.7	8.6	13.4	12.9	12.9
May support species of special concern	22.2	5.6	4.9	5.6	9.9	2.8	0.0
Could provide sound wildlife or forest management practices	18.9	4.7	6.3	4.7	10.5	2.4	0.0
<b>Public use factors:</b>							
Is located in an area that is highly visible and likely to be appreciated	29.4	29.4	6.5	18.4	0.0	18.4	25.8
Has potential to provide public access	42.8	42.8	42.8	42.8	23.8	37.4	0.0
Has potential to provide adequate public parking	36.4	36.4	36.4	36.4	8.1	27.3	0.0
Can provide defined and easy access for canoes and kayaks	34.4	34.4	0.0	0.0	0.0	0.0	0.0
a- Has potential to provide long hiking trails or	38.3	33.5	34.1	33.5	12.8	4.8	0.0
b- Has potential to provide a short trail	25.0	3.1	2.8	3.1	16.7	12.5	0.0
a- Has high potential to provide other passive recreational activities or	36.1	36.1	20.1	9.0	0.0	4.5	0.0
b- Has some potential to provide other passive recreational activities	16.7	0.0	5.6	4.2	5.6	6.3	4.2
Has potential to provide educational or research opportunities	32.8	28.7	25.5	28.7	7.3	20.5	4.1
Contains interesting geologic or historical features, or scenic vistas.	30.0	26.3	23.3	22.5	0.0	11.3	7.5
<b>Land use factors:</b>							
a- Contains a pond with a constructed dam or	21.7	21.7	2.4	0.0	0.0	0.0	0.0
b- Contains a pond without a constructed dam	40.0	0.0	35.6	15.0	0.0	0.0	0.0
Will protect scenery along a prominent ridge line or hillside	38.8	0.0	0.0	0.0	0.0	0.0	0.0
Would be welcome as an attribute by the surrounding neighborhood	24.4	24.4	13.6	21.4	13.6	12.2	0.0
Is likely to remain free of dumping or other illegal activities (ATVs, etc.).	22.2	0.0	7.4	11.1	9.9	16.7	0.0
Had undergone some alterations, but can be restored under Trust ownership	23.3	5.8	0.0	0.0	0.0	0.0	0.0
Threatened by unwelcome land practices, but can be protected by the Trust	25.6	6.4	0.0	3.2	0.0	3.2	6.4
Property has an existing A2 survey	11.9	11.9	11.9	11.9	11.9	11.9	11.9
<b>Agricultural factors:</b>							
Contains agricultural land that would be allowed to revert to natural habitat	36.3	0.0	0.0	0.0	0.0	0.0	0.0
Contains pasture land that, by deed, will be required to remain in pasture	15.0	0.0	0.0	0.0	0.0	0.0	0.0
Contains working farm land that, by deed, will require continual farming	3.8	0.0	0.0	0.0	0.0	0.0	0.0
<b>Total Rated Value:</b>		471	449	393	290	283	129

**Figure 1.** Total rated value of each of the six properties owned by the Harwinton Land Trust.



## References

<sup>1</sup> *Cost of Community Services Study, Southern New England Forest Consortium, Inc.*

<sup>2</sup> *Connecticut Fact Sheet, Land Water Conservation Fund Coalition.*

<sup>3</sup> *Town Plan of Conservation and Development, 2009.*

<sup>4</sup> *Project Clear, University of Connecticut*

<sup>5</sup> *Trust for Public Land, grant application for addition to town Conservation and Recreation Area.*

<sup>6</sup> *Tim. Abbott, Litchfield Hills Greenprint Project Summary of town protected open space. Note that in 2008, Harwinton's Open Space Committee defined protected open space as "undeveloped, natural lands .....that have mechanisms for public use or oversight and perpetual protection or conservation". Unprotected open space was defined as having "no guarantee for perpetual protection ..... and less overall importance to the town and its residents than protected open space, when compared on a per acre basis". Water company land would be considered to be unprotected open space. Taken together, protected and unprotected open space account for 26% of Harwinton's total area.<sup>2</sup>*

<sup>7</sup> *CT Department of Energy and Environmental Protection, Comprehensive Open Space Acquisition Strategy, Preliminary Draft, 2016*

<sup>8</sup> *The Land Trust's 2006 Open Space Acquisition Committee members were Sue Alender, Nina Callahan, Larry Connors, Bob Orciari, Marion Thierry, and Bill Tracy.*

**Harwinton Land Acquisition Plan approved by the Board of Directors on: 9/22/16**

**Board of Directors, 2016:** Liz Brayboy, Steve Craig, Larry Connors, Karen Kelleher, Rob Lesniewski, Howard Rood, Tom Schoenemann, Elaine Sederquist, Bill Tracy.

## **Addendum: Motion to form a Land Acquisition Committee (9/22/16)**

Background: During 2015 – 2016, the Harwinton Land Trust updated its Land Acquisition Plan. The approved 2016 plan clearly demonstrates the need to acquire only those properties in Harwinton that would have importance to the town, its residents and environment. As part of the Plan’s “Practices for acquiring open space” section a Land Acquisition Committee needs to be created.

The purpose of the Committee would be to identify private properties that could have importance under Trust ownership or easement. The Plan has a rating system that will allow specific open space attributes to be quantified. The total rated value of a property will help the Trust determine its overall importance and provide a justification for acquisition.

To fulfill the needs of the Committee, it should be composed of willing land trust members who have a good knowledge of Harwinton’s area and people. The members should also have a good working knowledge of the Plan’s rating system, some knowledge of mapping, environmental and public use factors, and survey and assessment procedures. Knowledge of funding sources and real estate law would be helpful. They will be required to do research and some public outreach.

### Motion:

1-Whereas: A sufficient number of individuals will be required to perform the duties of the Committee, it will be composed of up to seven land trust members, including the Vice Chairman of the Board of Directors.

2-Whereas: The members should have pertinent knowledge to perform necessary duties of the Committee, the Chairman of the Board of Directors shall appoint members known to have sufficient knowledge and interest, and to then present them with a charge.

3-Whereas: The Committee will require leadership amongst its members, the Vice Chairman of the Board of Directors will serve as its Chairperson.

4-Whereas: Committee membership will likely need to evolve over time, the Chairman of the Board will make appointments at the Board of Director’s Annual Meeting that follows the Trust’s Annual Meeting, membership to last until the next Board’s Annual Meeting with reappointment possible.

5-Whereas: Evaluating possible land acquisitions and negotiations with land owners are delicate and private matters, committee members should adhere to a policy of non-disclosure or confidentiality.

6-Whereas: Personal relationships with land owners will be important for success, the Committee will select a much smaller sub-committee from its members to meet with each specific owner.

7-Whereas: All acquisitions will require a majority vote by the Board of Directors, the members will act as a steering committee, advising the Board.

### Resolved:

That: Effective 9/22/16, the Board of Directors adopt the formation of a Land Acquisition Committee of up to seven Land Trust members to be selected and directed on an annual basis by the Chairman of the Board, one member who shall be the Vice Chairman of the Board, and who shall serve as the Land Acquisition Committee Chairperson.