

PRESERVE OPEN SPACE

4

Overview

There are currently over 2,200 acres of dedicated or managed open space in Windsor, accounting for five percent of Windsor’s land area. It is important to keep in mind that there is no accepted standard for how much open space land a community needs. Every community is different in terms of physical features and residents’ concepts of what would be appropriate.

Appropriately located open spaces of sufficient size and quality to be meaningful will help protect community character, conserve important natural resources, shape development patterns, and enhance the quality of life for Windsor residents.

Many residents attending public meetings during the planning process were concerned that land development was changing the character of the community, resulting in a feeling of less “openness” and creating a sense of urgency that more needed to be done to preserve open space in Windsor. Residents also expressed strong interest in providing for public access to preserved open space and establishing an open space strategy to guide open space preservation efforts.

Windsor has significant opportunities to create a meaningful open space and greenway system that over the long term will enhance community character and quality of life.

Natural Resource Protection



Community Character Protection



Recreational Use



Open Space Types

From an open space planning perspective, experience has shown that open space generally falls into four categories.

Dedicated Open Space

Land preserved in perpetuity as open space, often with public use.

Managed Open Space

Land set aside for some other purpose, such as a golf course or public watershed land that provides some open space value. Public use may not always be allowed.

Protected Open Space

Land protected from development, such as a conservation easement, but public use may not be allowed

Perceived Open Space

Land that looks or feels open, such as a fallow farm or private woodlands, but is not preserved as open space.

Defining Open Space

Open space comes in many forms and is characterized by a number of factors including: level of protection, natural features, access, ownership, and intended use. These characteristics are all interrelated and influence one another.

Level of Protection

In terms of level of protection, open space falls into two simple categories: “managed” and “protected” open space. Managed or “perceived” open space is land that appears to be open or serves as recreational open space, but is unprotected from future development. Managed open space includes: vacant state land (non-DEP); future town-owned school sites; public utility land; non-municipal golf courses, driving ranges and other privately held outdoor recreation facilities; and undeveloped land enrolled in the Public Act 490 (PA 490) tax relief program (see Page 4-15). As can be seen with the proposed development at the Traditions golf course, there is no guarantee that managed open space will remain open in the future.

Protected open space is land that has been permanently protected from development. This can be achieved through outright ownership by an entity that seeks to preserve it (i.e. Connecticut Department of Environmental Protection (DEP), the Town of Windsor, the Windsor Land Trust, or a homeowners association); through the transfer or purchase of development rights; or by conservation easement. Examples of protected open space are state parks and forests, town parks, and wetlands or steep slopes protected by conservation easements.

Access

Like the natural features that define them, access to open space can help determine its appropriate ownership and use. If land is to be used for active or passive recreation, it must be accessible to the public, have sufficient parking, and be owned by an entity that invites public use. Inaccessible open space that lacks access to the public at-large due to its remote location or natural barriers is inappropriate for recreational purposes and does not need to be owned by a public entity.

Natural Features

Open space comes in infinite natural forms, ranging from flat to steep and wet to dry land and everything in between. These natural characteristics help determine the appropriate level of protection, ownership, access, and intended use. For example, steep or wet land is unsuitable for active recreational use and may in fact be so undevelopable that it is self-preserving. This type of open space might function as a wildlife corridor or habitat, a visual buffer between incompatible land uses, or as passive open space for hiking, fishing, or bird watching. With the exception of open space used for

passive recreation, it may need no more protection than a conservation easement left in private ownership. On the other hand, dry, flat land is not always appropriate for active recreation, as there are fiscal considerations for maintaining scattered active recreation facilities.

Ownership

Open space ownership is predominantly a factor of its intended use, although access and its natural characteristics can also be a factor. If the open space is accessible, naturally suitable, and intended to be used for recreational purposes, it should be owned by an entity comfortable with public access. Active recreation facilities such as parks, public beaches, boat launches, etc. should be owned by a responsible public entity such as the DEP or Town of Windsor, which has the ability to maintain the facilities and handle the liability that comes with more intense public use. Depending on its accessibility, passive recreation land can be owned by the Windsor Land Trust, a homeowners association, or even a private owner, if they are comfortable with limited public use. Self-preserving open space and/or open space intended for wildlife purposes does not need to be publicly owned and can be owned by the Windsor Land Trust, a homeowners association, or a private owner (with a conservation easement in the form of a deed restriction).

Intended Use

The use of open space can range from passive uses such as visual buffers and wildlife corridors to the most active recreational uses. Typical passive uses include visual buffers, scenic vistas, wildlife corridors/habitat, and protection of important natural or man-made resources such as an inland pine barren (Matianuck State Park) or scenic road frontage (Palisado Avenue). Passive uses can also include low-intensity, passive recreational uses such as bird watching, canoeing, fishing, hiking, etc., which leave little evidence of their use upon the land or water. Active recreation typically involves managed facilities such as ball fields or courts, golf courses, swimming pools and public beaches. Active recreation facilities often fall into the category of managed open space or may be serving a dual function, such as recreational facilities on school grounds that are open to the public after school hours.

Other Considerations

The perception of open space will vary from one person to the next, with some people perceiving anything that is undeveloped (including agricultural land or cemeteries) as open space while another might not consider a school playground as open space because it is not in its natural state. The use of open space can be for purposes as concrete as a tennis court or as abstract as preserving community character. In the latter regard, preserving agricultural resources, scenic roadsides, scenic vistas, and historic properties can be considered a legitimate open space purpose and deserve further discussion in this planning process.

The Benefits of Open Space

Open space has many environmental, recreational, and financial benefits as well as less tangible quality-of-life benefits associated with it. Open space protects valuable natural resources, provides active and passive recreation space, separates incompatible land uses, and protects the character of Windsor.

Environmental Benefits

The environmental benefits of open space are numerous. Open space can be used to protect fragile ecosystems, erodible slopes, and wildlife habitat, as well as surface and groundwater resources. It can also be used to provide wildlife corridors for animals to traverse between habitats and relief from the heat island effect and visual impacts of suburban development.

Recreation

Open spaces provide active and passive outdoor recreation opportunities for residents, which is becoming more important in today's increasingly sedentary society. As Windsor's population continues to grow, increasing pressure on existing recreational facilities may require the expansion of existing facilities or the creation of new ones. Passive recreation opportunities such as walking, hiking, and biking can also be incorporated into open space buffers between incompatible land uses, as is the case with a trail system in the open space between the Berrios Hill/Winterwood neighborhoods and the industrial/warehouse uses of the New England Tradeport.

Quality of Life

Aside from the obvious recreational opportunities, many quality-of-life benefits of open space are intangible because it is difficult to place a price on community walkability, scenic beauty, biodiversity or maintaining local sources of food. One potential use for open space that has not been considered in Windsor in the past is protection of community character from new development. By requiring open space to be set aside along the frontage of a new development instead of to the rear, as has traditionally been the case, scenic road frontage can be preserved. This technique has been used in other towns in CT to preserve street trees, stone walls, meadows, pastures and wooded buffers as well as reduce curb cuts on busy arterial roads. In one instance, the retained pasture is owned by an association of homeowners who have access to a community stable for their horses, rather than maintaining individual stables and confining their horses to a single-family lot.

Agricultural Benefits

Agriculture has played an important historic role in Windsor, particularly the production of shade-grown tobacco. Preserving some of that agricultural heritage helps to maintain community character and could provide needed land for sustainable, locally grown produce in the face of increasing energy costs.

Financial Benefits

Although there is some debate on the subject, several published studies have determined that open space can have a long-term positive effect on the town's tax structure. When one considers that new residential construction adds to the demand for education and general services, while not always generating enough property taxes to offset its demand, it is easy to see that open space preservation in-lieu of new market-rate residential construction can be cost effective despite generating little or no taxes. When existing school facilities lack additional capacity to absorb new students, the capital costs of new or expanded facilities make the argument even more compelling. While purchasing development rights or open space can be cost effective, doing so as an anti-growth measure may only forestall the construction of housing, shifting it to less developable properties and resulting in fewer homes in the long term. The tax benefits of open space are not limited to the town.

Private property owners can enjoy several financial benefits as a result of preserving open space. The sale of development rights can provide an infusion of cash to farmers, while allowing them to continue to farm the land. With proper estate planning, the sale of development rights or land for open space can be used to reduce the burden of estate taxes on survivors. The donation of land or development rights can also reduce income taxes, capital gains taxes and property taxes. While only a temporary measure, Public Act 490 allows land to be set aside for ten years in return for local property tax abatements.

Studies have also shown that property values are inversely proportional to distance from open space and more particularly, recreational facilities such as parks and trails. Given a choice between a half-acre conventional lot or a slightly smaller lot adjacent to significant open space, the average person would not perceive the difference in lot size but prefer the relative privacy and enjoyment of adjacent open space.

Identifying Appropriate Open Space

While the quantity of open space in Windsor is important, the quality (i.e. location, configuration and utility) of that open space may be more important. With the exception of several large tracts of open space, such as Northwest Park and Matianuck Sand Dunes State Park, Windsor's pattern of open space can best be described as "open space measles". Rather than acquire open space land because it is available for purchase or unquestioningly accept open space through the subdivision process, Windsor should strive towards creating a meaningful system of open spaces. While not precluding the acquisition of isolated parcels that may have individual merit, we should carefully analyze how each parcel relates to the town's overall open space strategy.

Determining the value of open space is not an easy task or an exact science. Due to the many variables that enter into the open space equation, there will always be exceptions to the rules; requiring open-minded flexibility when a proposed acquisition has not been identified in this Plan.

Factors that enter into defining appropriate open space include:

- proximity to existing open space;
- the desirability for active or passive recreation;
- the presence of an unprotected recreational resource;
- a location along a wildlife/greenway/trail corridor;
- the presence of special wildlife habitat (Natural Diversity database (NDDB) site) or other fragile/rare natural resource;
- a location at a transition point between incompatible land uses or zones; and/or
- the presence of an historic/scenic resource or scenic views of these resources.

Many of these factors have been mapped using the town's geographic information system (GIS) to aid in identifying appropriate open space.

To avoid any misconceptions about the open space acquisition process, identification of a particular area or parcel in this Plan does not imply that the town intends to seize the land through eminent domain (condemnation) or other means. It simply means that if and when the land becomes available, the town would rather see it preserved than developed, and the town (or some other open space organization) would have to pay fair market value for that land, or settle for a small portion of the land during the development process.

Work To Establish a Greenway System

An isolated parcel of open space may preserve an important natural resource or maintain the appearance of undeveloped land, but it may not contribute to a meaningful open space system. If that same parcel of open space can be interconnected into a cohesive system, its value to residents and impact on the community grows significantly. Such open spaces can be connected by trails, providing increased accessibility, significant functional wildlife corridors, more opportunities for active or passive recreation, and enhanced quality of life for residents.

Over the long term, Windsor should work towards establishing an overall greenway/ trail network that interconnects open space areas together. Such a greenway system can build upon the efforts of Riverfront Recapture and others to create a greenway of regional or even statewide significance along the Connecticut River. This greenway/trail system should also be extended along the Farmington River. The Windsor Center Trail could be a first link in a trail system connecting the Connecticut River Trail in Hartford, the Barber Street Boat Launch, the Bissell Bridge Bikeway, Pleasant Street Park, River Street Park, Welch Park, the Rainbow Boat Launch and/or Northwest Park.

Much of the needed land along the Connecticut River is already under State or town control and significant stretches of the Farmington River remain undeveloped due to floodplains. Windsor should work with major property owners (such as the Stanley Works) to obtain reasonable public access to their properties and integrate them into an overall greenway trail network.

Establishing a greenway/trail system will be the most successful open space strategy for Windsor but it is also likely to be difficult, requiring dedication and effort. The following map depicts the Open Space Plan for Windsor and shows how greenways might interconnect different parts of Windsor with a townwide greenway/trail network.

Greenbelts and Greenways

A greenbelt is another word for a greenway. A greenway is a corridor of open space that:

- may protect natural resources, preserve scenic landscapes and historical resources or offer opportunities for recreation or non-motorized transportation,
- may connect existing protected areas and provide access to the outdoors,
- may be located along a defining natural feature, such as a waterway, along a man-made corridor, including an unused right-of-way, traditional trail routes or historic barge canals, or
- may be a green space along a highway or around a village.

Connecticut General Assembly
Public Act 95-335

Existing Greenway Trails

Northwest Park	8.0 Miles Unpaved
Windsor Center Trail	1.3 Miles Paved
Matianuck State Park	1.5 Miles Unpaved
Bissell Bridge Trail	1.7 Miles Paved

Prioritizing Open Space Acquisitions

Once the general location of desirable open space areas are identified and mapped, their acquisition must be prioritized to make the most of limited resources available for acquisition. Prioritization can be more challenging than identifying the desirable open space because many of the variables can be subjective. Factors taken into considered when prioritizing open space parcels for acquisition include:

- the developability of the land (i.e. is the land self-preserving by virtue of significant natural constraints) and if developable, the level of threat of imminent development;
- the unique value of the recreational, natural, historic, or scenic resource it would protect (e.g. a critical link in a greenway/trail/wildlife corridor, a critical addition to an existing open space such as a parcel projecting into or adjacent to Northwest Park);
- the current use of the land (e.g. actively farmed, a fallow field, a private recreation facility, public utility land, a wooded buffer between incompatible uses, etc.);
- if containing a Natural Diversity Database (NDDDB) site or other fragile/rare natural resource, the potential for damage from nearby development;
- the fair distribution of open spaces throughout town;
- the amount of money available locally for acquisition (i.e. you can't target large parcels without significant funds available); and
- the type of grant funds available (e.g. agricultural preservation, open space, trails).

Like the process of identifying appropriate open space, prioritization has many “exceptions to the rules”. Clearly, self-preserving open space such as floodplain is not in imminent danger of development and therefore is not generally a high-priority for acquisition, but if it will be needed for a future trail corridor and access is in danger of being blocked by future development, it should be considered for acquisition.

Prioritization is an iterative or cyclical process that must be revisited from time to time as acquisitions are made that affect the value of other parcels (i.e. acquiring a significant open space parcel makes adjacent vacant parcels more valuable for creating a more significant contiguous open space).

Ownership

The appropriate ownership for desirable open space is dependent upon its natural features, accessibility, and intended use. While there will always be exceptions, the following rules of thumb typically apply:

- if accessible and intended for general public access, it should be owned by a public agency or an organization comfortable with the intended level of public access;
- if inaccessible to the general public but accessible to current or abutting private property owners, it should be held privately or by an association of abutting owners;
- if intended for active recreation, it should be owned by a public entity capable of maintaining facilities and managing liability;
- if intended for passive recreation, both public and private organizations can own and manage the property with minimal risk;
- if not intended for public access and serving purposes other than active or passive recreation, it need not be owned by a public entity or other open space organization;
- if hydrologically or topographically self-preserving (i.e. too wet, subject to flooding, or too steep to develop), it may not need to be preserved by acquisition; and
- if it contains an important natural resource that is vulnerable to clearing, filling, or other encroachment, private ownership should be discouraged.

The table on page 4-10 illustrates the most appropriate ownership based on the intended use of the open space.

Most Appropriate Ownership by Open Space Type

	State	Town	Recreation Association	Land Trust	Conservation Organization	Homeowners Association	Public Utility	Private Owner
Park	√	√					√	
Playground		√	√			√		
Athletic Field		√	√			√		
Beach	√	√	√			√	√	
Pool		√	√			√		
Multi-use Trail Corridor	√	√		√		√	√	
Hiking Trail	√	√		√	√		√	
Boat Launch	√	√			√		√	
Wildlife Habitat or Corridor				√	√	√	√	√
Natural Resource				√	√	√	√	√
Critical Natural Resource	√	√		√	√		√	
Self-Preserving Open Space				√	√		√	√
Historic Resource	√	√		√	√			√
Scenic Resource	√	√		√	√	√	√	√
Agricultural Resource				√	√	√		√
Visual Buffer				√	√	√		√

Stewardship is an important consideration in the ownership of open space. The owner must be capable of managing the open space, which can range from simple forest management to the maintenance and operation of recreational facilities. The three main preservation options: outright (fee-simple) ownership, purchase or transfer of development rights, and private conservation easements all have their strengths and weaknesses.

Ownership provides maximum flexibility in terms of public access and use of the land, as well as maximum protection of important resources. However, fee-simple ownership of open space can be the most expensive option if land must be purchased. Ownership by a homeowners association provides an intermediate option between dedicated ownership by the town or other responsible preservation organization and privately held conservation easements, by taking control of the land out of the hands of private owners who may willfully or unwittingly violate the terms of a conservation easement.

Most Appropriate Type of Ownership by Open Space Type

	Fee-Simple Ownership	Development Rights	Conservation Easement
Park	√		
Playground	√		
Athletic Field	√		
Beach	√		
Pool	√		
Multi-use Trail Corridor	√		√
Hiking Trail	√		√
Boat Launch	√		
Wildlife Habitat or Corridor		√	√
Natural Resource		√	√
Critical Natural Resource	√		
Self-Preserving Open Space			√
Historic Resource		√	√
Scenic Resource		√	√
Agricultural Resource		√	
Visual Buffer		√	√

The purchase or transfer of development rights offers a cheaper alternative to fee-simple ownership but can severely limit public access and use of the property. This method is most appropriate for preserving agricultural land or open spaces not intended for public use.

Conservation easements can be a valuable tool most suited for preserving open spaces that are not intended for public use and not containing critical environmental resources. While freeing the town or other organization from direct responsibility for the open space, the town or other beneficiary of the easement cannot maintain constant vigilance over every conservation easement, leaving them susceptible to clearing, filling or other encroachment by their owners.

Strategies for Acquiring More Meaningful Dedicated Open Space

1. Encourage open space preservation that contributes to a meaningful overall open space system.
2. Establish a greenway/ trail network in Windsor that interconnects open space areas together.
3. Prepare more detailed plans for the main spine of the greenway/trail along the Connecticut and Farmington Rivers.
4. Work with major property owners (such as Stanley Works) to obtain reasonable public access to their properties and integrate into an overall trail network.
5. Prioritize open space acquisitions according to established criteria in order to make the most of limited resources available for acquisition
6. Ensure that the ownership of open space matches the intended use.
7. Partner with the Windsor Land Trust as an alternative to public ownership, where appropriate.

Open Space Plan (to be inserted)
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Open Space Preservation Plan

Town of Windsor, CT





LEGEND




DEVELOPMENT STATUS

-  Developed Lots
-  Vacant/Underdeveloped Lots





OPEN SPACE

-  Dedicated Open Space
-  Managed Open Space
-  Wildlife Corridors and NDDB Sites
-  Constrained Land

OTHER

-  Community Facility
-  Water
-  Railroad

TRAIL NETWORK

-  Desirable Greenway Linkage
-  Existing Trails
-  Proposed Trails
-  Northwest Park Trails

0 4,000 Feet



Better Utilize Available Open Space Tools

Open space can and should be obtained whenever property in Windsor is developed or redeveloped for residential use. On every application, the Town Planning and Zoning Commission (TPZC) should ensure that each application results in either an open space dedication or a fee-in-lieu-of open space payment.

Open Space Set-Aside Regulations

An open space set-aside requirement is authorized under State Statute (CGS 8-25) as part of every subdivision. The TPZC, through its Subdivision Regulations, can require that each residential subdivision set aside 15 percent of the development for open space purposes with the Commission retaining the ability to determine the location and ownership of open space.

Windsor currently allows for the off-site dedication of open space as part of a subdivision. The Commission can accept land in another part of Windsor if they believe that land to be more desirable in terms of achieving open space objectives, such as adding to existing open space or implementing a greenway system.

Fees-in-Lieu-of Open Space

Another effective means of assuring quality open space is to accept a fee-in-lieu of open space. When dedicated open space in a subdivision is too small to be meaningful or does not fulfill a desired open space goal, a fee-in-lieu of open space allows the town to purchase open space in more appropriate locations. The fee or combination of land and fee cannot exceed 10 percent of the fair market value of the undeveloped land. The donation of a fee is at the discretion of the owner/developer and receipt of a fee-in-lieu of open space remains at the discretion of the Commission. These funds can be used to acquire more meaningful open space elsewhere in town. Many communities have used this technique effectively to establish or supplement an open space acquisition fund. The TPZC recently adopted a fee-in-lieu-of open space provision for residential subdivisions and should use it to make the most effective use of its new set-aside requirement.

Regulatory Flexibility

To further encourage the dedication of open space, some communities have adopted open space flexibility provisions that offer developers flexibility in lot area, lot width, yard setbacks, lot coverage, or other requirements in return for the dedication of additional open space. Windsor has several such provisions but they have not been widely used. These regulations should be examined as part of the comprehensive update of the Zoning Regulations and adjusted if necessary to encourage their use while tuning them towards achieving optimum results (i.e. do not allow density increases for the

Open Space Set-Asides

Some communities in Connecticut require that up to 20 percent of the property in a subdivision be set aside in perpetuity as open space.

This land is required to be deeded to the municipality or a local land trust.

Regulatory Flexibility

Some communities allow for density increases and/or greater dimensional flexibility as more open space is preserved on a parcel.

For example, Colchester adopted regulations where, for each one percent of the parcel preserved as open space above the minimum requirement (15%), the Commission may:

- increase density by 0.5 percent,
- increase the maximum lot coverage,
- reduce the minimum lot size requirement by 1.0 percent, and/or
- reduce the minimum lot frontage or setbacks.

Open Space Types

The Windsor Conservation Commission is developing open space definitions that divide open space into three functional types based on anticipated use:

Natural Open Space

Natural open space is land kept in its natural, unimproved state and can include forests, wetlands and meadows. It provides wildlife habitat, protects natural resources, and allows for passive recreational use such as hiking, cross country skiing, bird-watching or fishing. Natural open space typically requires minimal improvements.

Recreational Open Space

Land that provides areas for active recreation such as baseball, football, soccer, basketball or tennis. Recreational open space is typically more developed than natural open space areas.

Agricultural Open Space

Agricultural land for which the development rights have been purchased, or land previously designated as open space which is being leased for agricultural activities.

sake of preserving open space if the resulting open space does not achieve a desired open space goal). If fine tuning of the regulations can be achieved, perhaps open space/cluster subdivisions could become permitted as of right with conventional developments requiring a special use permit.

Transfer of residential density and transfer of non-residential coverage are two tools unique to Windsor that could be improved upon to make them more effective open space tools. These programs allow development potential to be transferred from one property to another, leaving one parcel open, while increasing development on another. Currently, these regulations only allow residential density to be transferred to another residential property under the same ownership and industrial coverage to be transferred to another industrial property under the same ownership. Consideration should be given making these programs more flexible by allowing cooperative efforts between different owners and perhaps allowing residential coverage to be transferred to non-residential properties, thereby preserving open space in residential areas where it could be more beneficial to residents, while increasing coverage in industrial areas that are less likely to impact abutting residents. Conversely, these regulations should be tightened to ensure that the development potential being transferred is realistic (i.e. the development potential being transferred can actually be built after consideration of wetlands, floodplain, and steep slopes).

Open Space Fund

There are several fiscal methods that Windsor uses to make existing open space tools more effective. The Conservation Commission was successful in working with the Town Council to establish an Open Space Fund to set aside funds for the purchase of open space. This fund can be enhanced by annual contributions through the town budget; by a one-time bond issue or other infusion of money; through fees-in-lieu-of open space; through State real estate conveyance fees, or thanks to a recent town ordinance, by inland wetlands fines. In the late 1980s, Groton residents approved a \$6 million bond for capitalization of an open space fund so that the money would be available to acquire open space when it became available. Windsor should consider these other funding methods to create a more effective fund that can be used immediately as opportunities for acquiring open space arise.

Open Space Grants

To make the most of limited open space funds, Windsor should use these funds to leverage additional funds through various grant programs. The State of Connecticut currently operates an open space grant program where they provide 50 percent matching funds for qualifying open space purchases. While there is significant competition among municipalities and other open space organizations, the State has a tendency to “spread the wealth”, favoring organizations that have not received recent funding over those that have.

Purchase of Development Rights

Another way to make our limited resources go farther is to purchase development rights instead of purchasing property outright. Purchase of development rights is ideal for preserving farmland by giving farmers an infusion of money to pay taxes and make improvements, while allowing them or a future owner to continue farming the land in perpetuity. It can also be used to protect other important resources where public access is not needed or desired (i.e. an historic homestead on significant developable acreage). Although cheaper than outright purchase, the obvious drawback is the lack of unrestricted public access.

A variation on purchase of development rights is an agricultural land purchase and leaseback program, where the town purchases fee-simple farmland and leases it back to the farmer, or a farming cooperative, with rent being used to pay down the cost of the purchase.

Conservation Easements

Conservation easements are another effective tool for protecting open space that allows the owner to retain the limited use of their land. Conservation easements are ideal for situations where public access is not desired but may not be the best option when sensitive resources such as extremely steep slopes and vernal pools could be compromised if not closely monitored.

Public Act 490

Public Act 490 (PA 490) refers to a state tax abatement program for preserving farms, forest, and open space. Windsor currently participates in the farm and forest programs. Qualifying property owners participating in the programs receive a reduction in their property taxes, provided that they do not develop their farm or forest land for ten years after enrolling in the program. If the property is developed or sold within the first ten years, a prorated penalty applies, which basically allows the town to recoup the difference in property taxes paid to that date. There is no penalty for developing or selling the property after the first ten years but tax benefits continue to accrue. Clearly the PA 490 program is not a permanent solution for protecting open space, but if the modest reduction in property taxes is enough to keep a farm viable or eliminate the need for a land-rich, cash-poor property owner to sell their land for development, it can be an effective stopgap measure until a more permanent solution is achieved.

Philanthropy

Many property owners have an emotional attachment to their land and if given a choice, would prefer to see their property preserved in a way that enhances the community rather than see it developed. The active solicitation of land or development right donations or easements is an increasingly popular and successful open space implementation device that should be promoted in Windsor. There are several possible tax benefits of such donations as well. The Windsor Land Trust would be an ideal entity to both educate residents about the benefits of land donation and to receive donations of land that do not warrant public ownership.

Strategies for Improving Regulatory Tools

1. Ensure that open space as part of a subdivision contributes to an overall system and is deeded to the town, the Windsor Land Trust, or similar approved conservation organization.
2. Create a more effective open space fund through annual budget contributions, inland wetlands fines, donations, and/or consider a municipal bond issue to provide seed money so that it can be used to acquire significant open space when it becomes available.
3. Enhance incentives for private landowners to dedicate a portion of their land to trails for public use.

Bissell Bridge Bikeway



Windsor Center Trail



River Street Park



Establish Organizational Roles

The preservation of open space in Windsor is a coordinated effort among many organizations responsible for funding, identifying, acquiring, and maintaining open space. The Town Council, Town Planning and Zoning Commission, Inland Wetlands and Watercourses Commission, and Conservation Commission all play vital town roles in preserving open space. Locally, there is also the Windsor Land Trust, while on the state and national level there are countless other organizations, such as American Farmland Trust, Riverfront Recapture and The Nature Conservancy, dedicated to preserving farmland and open space as well as providing access and recreational opportunities.

Town Council

The Town Council appoints land use commissioners, reviews open space policies, adopts ordinances and budgets for the funding and maintenance of open space, and accepts open space parcels on behalf of the town. As the financial authority for the town, the Town Council also controls the allocation of funds from the Open Space Account.

Town Planning and Zoning Commission

The Town Planning and Zoning Commission is the lead agency in the open space process, legislating open space policy through the Plan of Conservation and Development, Subdivision Regulations, and Zoning Regulations; approving open space set-asides and fees in-lieu thereof through the subdivision process; and administering transfers of residential density and non-residential coverage through the zoning process.

Inland Wetlands and Watercourses Commission

The Inland Wetlands and Watercourses Commission (IWWC) acts somewhat independently of the other agencies with respect to open space. In their efforts to protect significant wetlands and watercourses, the IWWC can require conservation easements in new subdivisions and site developments, which may be in addition to any open space mandated by the Town Planning and Zoning Commission through the subdivision or zoning regulations.

Conservation Commission

The Conservation Commission does not have a direct financial or regulatory role in the open space process but can provide several important advisory and educational functions. The Conservation Commission can provide significant input into the open space planning process by helping to identify the most appropriate future open space, prioritizing acquisitions, pursuing agricultural and open space preservation grants, making recommendations to the Town Planning and Zoning Commission and Town Council on key acquisitions, and serving as a liaison between the Town and the

Land Trusts

Land trusts are important open space organizations since they can devote far more time and energy towards open space preservation than a municipality can.

More importantly, land trusts can, over many years, work with property owners to understand their motivations and needs and help them preserve their land as open space. Many property owners would, if given equal returns, prefer to preserve their land as open space.

Since taxes incurred from property sale or development can reduce the net proceeds to a landowner, land trusts can, with expert advice, show property owners how their land can be partially donated as open space and produce the same (or greater) return to the property owner. Such transactions can also reduce the amount of cash required to purchase the property as open space.

Windsor Land Trust. The Conservation Commission can also educate residents on the many benefits of open space and the donation thereof by sponsoring seminars and preparing educational materials.

Windsor Land Trust

The Windsor Land Trust is a newly formed non-profit organization dedicated to the preservation of open space in Windsor. The Windsor Land Trust operates outside of local government control but can be a significant ally in the open space preservation process by pursuing their own open space initiatives; co-sponsoring educational opportunities with the Conservation Commission; collaborating with the town on open space acquisitions; and by accepting open space set-asides from the subdivision process when public ownership is not ideal.

Riverfront Recapture

Riverfront Recapture is another non-profit organization dedicated to reconnecting Hartford and surrounding communities with the Connecticut River. Riverfront Recapture funded a plan for a Connecticut River Trail system from Windsor Center to Wethersfield, which the town is pursuing funds to construct. Riverfront Recapture can be a strong ally in the continuing development of the trail and other river related improvements as well as increasing awareness of the river through events such as river races and fishing tournaments.

Other Organizations

The Connecticut Departments of Agriculture, Environmental Protection, and even Transportation are important sources of funding for agricultural and open space preservation, as well as recreational improvements. Through grant programs such as the Farmland Preservation Program, River Restoration Grants, Municipal Outdoor Recreation Grants, Open Space and Watershed Acquisition Grants, and various transportation improvement programs, these agencies provide grants of up to 80% for acquiring, preserving, and improving agricultural land and open space.

National organizations such as The Nature Conservancy and American Farmland Trust provide valuable information, educational materials, and occasionally funding to local organizations for the preservation of farmland and open space. The Nature Conservancy was also instrumental in securing a portion of the Matianuck State Park.

If Windsor's open space program is to be successful, cooperation among local agencies and the leveraging of state and national resources will be critical.

Strategies for Revitalizing Open Space Organizations

1. Designate the Conservation Commission as the lead agency to recommend desirable open space preservation strategies.
2. Work with the Windsor Land Trust, encouraging them to aggressively pursue open space acquisition and preservation.
3. Promote open space preservation through partnerships with other organizations.

Encourage Preservation of Prime Areas for Agricultural Use

“Prime farmland” is defined by the Connecticut Department of Environmental Protection (DEP) as “land that has the best combination of physical and chemical characteristics for producing food, feed, forage fiber, oilseed crops, and is also available for these uses” (i.e. undeveloped). This land could be cropland, pastureland, rangeland or forestland. Prime agricultural soils are mapped by the DEP and their location in Windsor is illustrated by the map on the following page.

“Additional farmland of statewide importance” is defined by the DEP as those that are “nearly prime farmland and that economically produce high yields of crops when treated and managed according to modern farming methods”. These areas may produce as high a yield as prime farmlands under the right conditions.

As the following map illustrates, there is not always a correlation between prime farmland, actual farming and the Agricultural (AG) Zone. The areas identified as prime agricultural soils at risk are currently zoned for some other purpose than agriculture but may still be actively farmed. The protected prime agricultural soils benefit from AG zoning that generally limits their use to agricultural purposes. However, the AG zone does allow for housing at a low density of one unit per three acres.

The AG Zone should not be considered as a holding zone, to be rezoned for higher density residential development in the future. The AG zoning of prime agricultural soils, especially those that are being actively farmed, should be maintained to preserve some of Windsor’s rich agricultural heritage in the most appropriate locations. Those AG zoned areas that are not actively farmed should retain their AG zoning for future agricultural use or as a last resort, for low-density housing at a density of 0.3 units per acre or less as a special permit. Such residential development should employ an open space development pattern that clusters development on one-third of the parcel while preserving two-thirds of the acreage for future farming or open space. AG zoned land that has already been put to more intensive uses such as nursing homes, and tiny isolated parcels that may be impractical to farm should be reevaluated for possible rezoning.

Open Space Development

Open space development patterns can not only preserve significant amounts of open space and farmland, they can also significantly reduce development costs by requiring up to two-thirds less infrastructure such as roads, storm sewers and water and sewer lines

Strategy for Encouraging Preservation of Prime Agricultural Areas for Agricultural Use

1. Maintain the Agricultural Zone as a tool to help preserve prime farmland soils for agricultural use.

Agricultural Resources Plan (to be inserted)
(lift page up)

AGRICULTURAL RESOURCES

5

Overview

For most of its 374 year history, Windsor has been an agricultural community. At its peak, Windsor was the center of the shade grown tobacco industry in the Connecticut River Valley. Today, the long slender tobacco barns and gossamer shade tents of the shade grown tobacco industry are interwoven into the fabric of Windsor and remain a significant part of the town's character.

As of 2007, approximately 3,320 acres or 17% of Windsor's land area is being used for agricultural purposes. Preserving agricultural land will help to maintain community character and the overall ambiance of the community.

Conserve agricultural resources in recognition of their role as an important part of Windsor's history and character.

Shade Grown Tobacco



Food Production



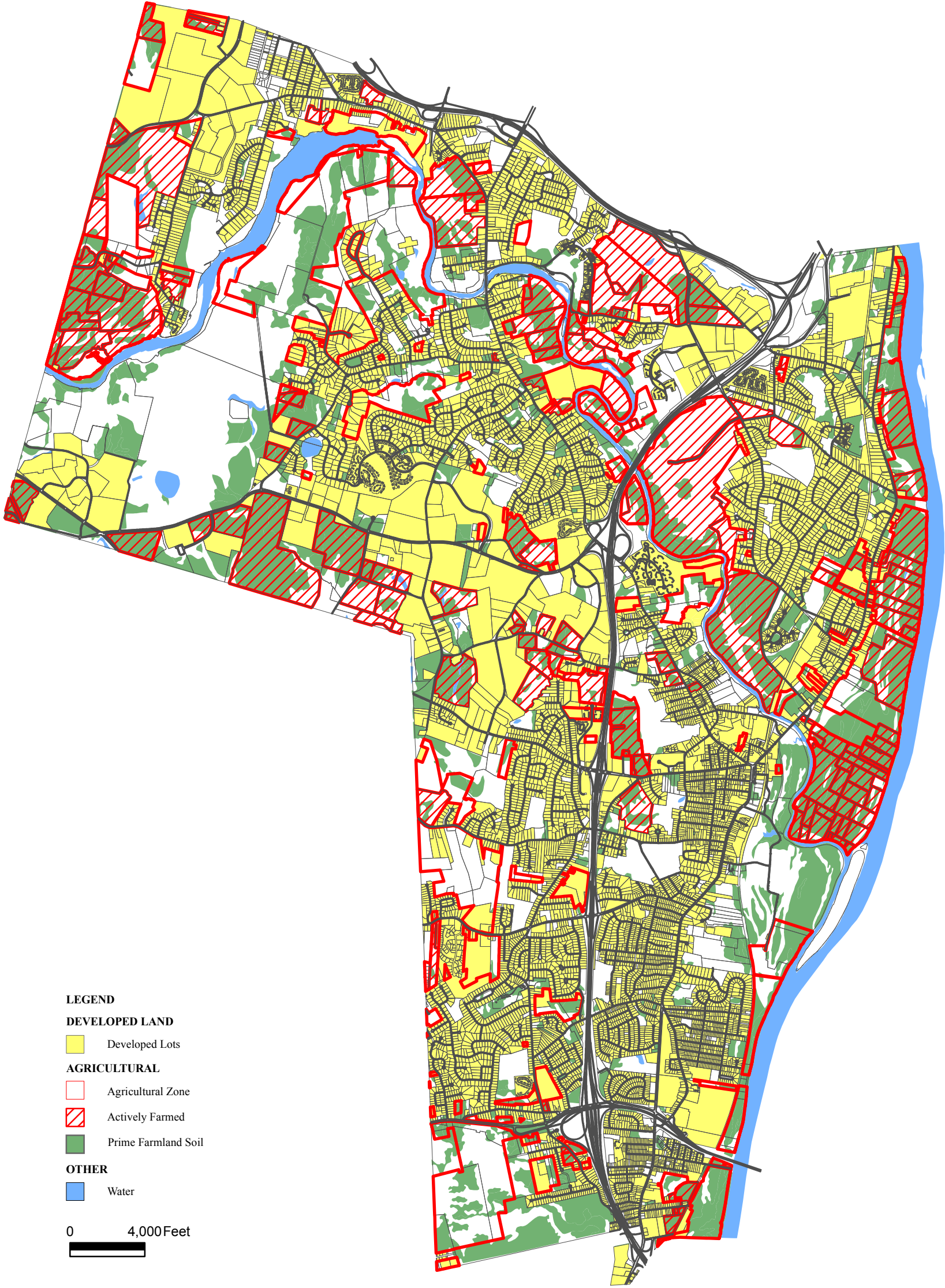
Vineyard





Agricultural Resources Plan

Town of Windsor, CT



LEGEND

DEVELOPED LAND

- Developed Lots

AGRICULTURAL

- Agricultural Zone
- Actively Farmed
- Prime Farmland Soil

OTHER

- Water

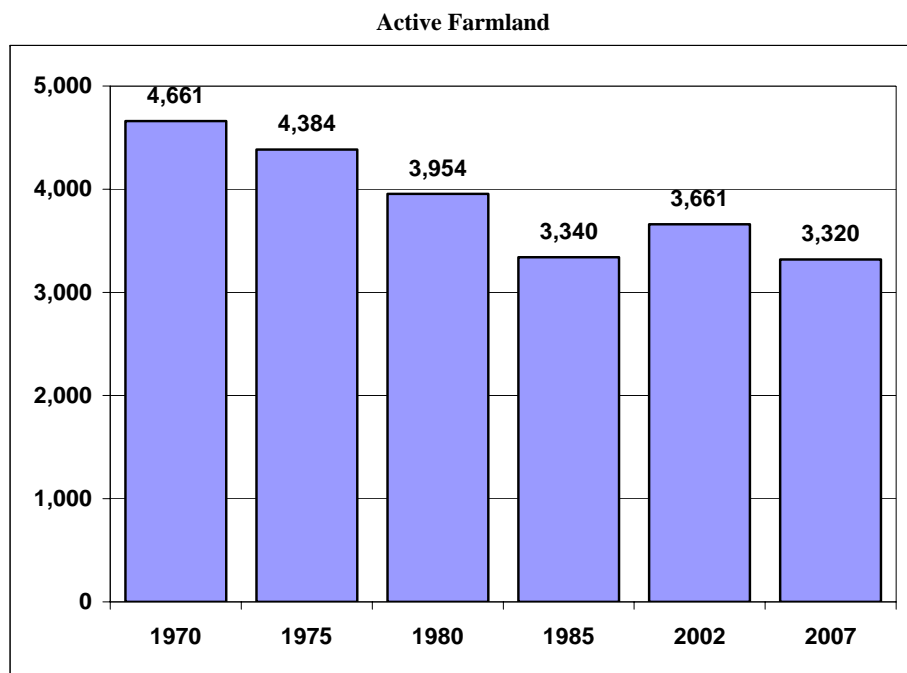
0 4,000 Feet

Promote Preservation of Agricultural Land Uses

The map on the preceding page illustrates land in Windsor that is used for agricultural purposes. There are four major areas of farmland concentrations:

- along the west bank of the Connecticut River, north of Windsor Center, almost to Windsor Locks,
- north of the Farmington River between I-91 and Rainbow Reservoir
- the northwest corner of Windsor, north of the Farmington River to the East Granby town line, and
- south of Day Hill Road/Prospect Hill Road to the Bloomfield town line between Marshall Phelps Road and the western town line of Windsor.

Over the last 37 years, the amount of agricultural land in Windsor has been declining. While there has been a recent increase due to the resurgent popularity of cigars, agricultural activities have been affected by a number of economic and other factors. As of 2007, approximately 3,320 acres are currently used for agricultural activities.



Windsor Planning Dept, Planimetrics

At a 2002 public workshop on conservation issues, a discussion group proposed that the goal for the community should be to preserve all existing agricultural land at that time for farm use. Such a goal is not practical when considering that a significant portion of this land is already zoned for industrial uses and constitutes the bulk of available land for economic development in Windsor. For those agricultural areas that are not so vital to the economic wellbeing of the community, there are a number of programs that Windsor could undertake to preserve operating farms.

Purchase of Development Rights

Programs that purchase development rights assist farmers by:

- Preserving the best agricultural lands as farmlands,
- Providing an opportunity for farmers to purchase land at affordable prices,
- Providing working capital to enable farm operations to become economically stable,
- Helping farmers overcome estate planning problems, which often result in farmland loss.

Agricultural Zone -AG

The purpose of the Agriculture Zone as defined by the Windsor Zoning Regulations is to “provide for the retention of suitable areas for agricultural uses, because of the singularly primary role of agriculture in the socio-economic chain, because of its value in the community’s cultural heritage and as visual open space and to provide, where appropriate, for low density transitional uses”.

State Programs - Purchase of Development Rights

The best method of preserving prime farmland is through a program that purchases development rights from farmers. The State of Connecticut has such a Farmland Preservation Program that accomplishes four things:

- the farms remain in private ownership and can be farmed in perpetuity;
- the farmland can never be developed;
- farmers receive an infusion of cash, eliminating the need to sell for development; and
- the land value for tax purposes is permanently reduced.

CASE STUDY – Purchase of Development Rights Program

Suffield, CT (pop. 13,552) has an ambitious and highly effective agricultural preservation program. Suffield set a goal of preserving 55% of the town’s existing farmland and open space and to date has preserved 16 farms totaling approximately 1,300 acres, with as many as ten more farmers waiting to sell their development rights. Their preservation process includes:

1. creating an Open Space / Farmland Preservation Committee;
2. setting goals for how much open space / farmland to preserve;
3. implementing a ranking system for identifying the highest quality land and prioritizing acquisitions;
4. allowing flexibility for future farm growth, which may include an additional homestead for family members;
5. conducting off-season workshops to educate farmers and residents on the benefits of the program;
6. budgeting local funds for acquisition, which is currently \$500,000 annually;
7. drawing on multiple financial resources for making local funds go further, such as the Connecticut Department of Agriculture, the U.S. Department of Agriculture, the Connecticut Farmland Trust, etc.; and
8. picking a good initial test case to set an example for how the process works in order to encourage other acquisitions to follow;

A typical acquisition requires two years to complete, to allow for a survey (if necessary), an appraisal, and securing grant funding. Depending on the quality and development potential of a farm, the development rights can cost between 40% and 60% of the fair market value of the property. Suffield’s financial participation is typically 25% of the cost of the development rights with the balance paid for by private, state and federal sources, allowing Suffield’s \$500,000 annual investment to leverage an additional \$1,500,000 annually.

This is a voluntary program and applications from property owners are required to document existing farm use and prime agricultural soil types. Funding limitations at the state level have made this program very competitive but thousands of acres of farmland throughout Connecticut have been preserved. Despite the positive benefits of this program, no farmland has been preserved in Windsor through this program. Windsor should encourage local farmers to apply for this program and offer assistance if necessary.

Local Programs - Regulatory

Windsor's Zoning Regulations contain an Agricultural Zone (AG). The 1991 Windsor Plan of Development recommended that the Agricultural Zone be used to help preserve the agricultural heritage of the community. The map on page 5-2 illustrates the approximately 3,894 acres of land in Windsor that are zoned AG. Of this land, approximately:

- 1,680 acres are used for agricultural purposes (43%);
- 518 acres are used as managed or dedicated open space;
- 259 acres are vacant land; and
- 1,440 acres, or 37% of the zone, is developed for other uses, typically single-family residences.

The AG Zone allows for a variety of agricultural activities and the accessory uses necessary to support them. However, as previously noted, the zone allows single-family residential uses and subdivisions of 10 lots or less at the low density of 0.3 families per acre. The AG zone could be made a more effective preservation tool by increasing the open space set-aside requirement and reducing the allowable residential density to encourage preservation of agricultural lands.

The AG Zone regulations should also be examined during the comprehensive revision of the Zoning Regulations to ensure that they are farm friendly and encourage the continued agricultural use of land within the zone. Farm stands, commercial nurseries, wineries, and similar outlets for farm grown products should be encouraged for their contributions to the local economy and community character, as well as a source of locally grown food products. Windsor could further assist farmers and be farm friendly by providing for good signage and marketing of local farms in the community and organizing local fairs and events around agricultural themes.

Local Programs - Farm Assessment

Windsor participates in a program authorized under Section 12-107 of the Connecticut General Statutes, often referred to as P.A. 490 that allows a community to assess farmland at a lower value when it is actively farmed. As a result, active farms benefit from a lower tax assessment, helping maintain the viability of the farm under sometimes difficult economic conditions. Windsor should continue to offer this program to assist farmers with maintenance of agricultural uses.

Right-to-Farm Policies

A right-to-farm policy is a tool designed to educate and raise awareness of future property owners about the realities of owning land adjacent to existing agricultural uses in order to reduce future conflicts between residents and farmers.

Right-to-farm policies can be adopted as a town ordinance and commonly contain:

- 1) a statement of purpose to preserve agricultural uses, promote neighborliness between farmers and abutters, and to affirm the town's commitment to agriculture as a vital part of the local economy.;
- 2) definitions of agricultural uses and activities;
- 3) nuisance provisions, typically referring to the state statute that prohibits a finding of nuisance if the agricultural use is operated according to reasonable and safe farming practices; and
- 4) disclosure provisions, requiring potential new property owners near farms to be notified of the impacts of the agricultural operation;

Local Programs - Purchase

Towns have used local funds to purchase farms or development rights to for the benefit of the community. Towns can:

- purchase farms outright to operate them;
- purchase farms outright to lease them back to the farmer or others for farm use; or
- purchase development rights allowing the farm to remain in private ownership, but assuring the property will be used in perpetuity for agricultural uses.

The Conservation Commission is currently working on a local purchase of development rights program and should be recognized as the lead agency for promoting and coordinating farmland preservation.

Local Programs – Right to Farm Policy

Windsor should consider adopting a right-to-farm policy to affirm its commitment to preserving agriculture as a historical and vital part of Windsor's economy and character. While such a policy will probably not eliminate litigation between farmers and abutting neighbors, it can raise awareness of the impacts that existing farm operations can have on residential and other neighbors by requiring new property owners to sign an acknowledgement that they are aware of such potential issues as dust from tilling, application of pesticides, odors from application of manure, loose livestock, and noise from farm animals or pest control measures.

Agricultural Land Trusts

Land trusts are a good vehicle for preserving land. Agricultural land trusts are dedicated to holding and leasing farmlands. The American Farmland Trust operates nationwide to preserve farms and address farmland issues. The Working Land Alliance, a recently established Connecticut farmland preservation organization, has established the Connecticut Farmland Trust for the donation of land and funds for agricultural preservation.

Strategies for Promoting the Preservation of Agricultural Land Uses

1. Encourage local farmers to apply for the Connecticut Farmland Preservation Program and assist them in submitting applications if necessary, in order to preserve farmland and agricultural uses.
2. Consider increasing the open space set-aside requirement and reducing the allowable residential density in the Agricultural Zone to encourage preservation of agricultural lands.
3. Continue the farm assessment program (PA 490) in order to assist farmers with maintenance of agricultural uses.
4. Consider establishing a municipal program for purchase of farm development rights.
5. Work with agricultural land trusts to preserve agricultural land in Windsor.
6. Implement educational and other farm friendly programs to support agricultural activities.
7. Recognize the Conservation Commission as the lead agency to promote and coordinate the preservation of farmland.
8. Assign the Conservation Commission the responsibility of establishing a goal for agricultural land preservation and monitoring the amount of agriculturally used land in town.

Shade Grown Tobacco Barns



Fallow Tobacco Field



**Luddy/Taylor
Connecticut Valley Tobacco Museum**

