

AN ORDINANCE TO ESTABLISH AN OPEN SPACE PRESERVATION AND
ACQUISITION COMMISSION IN THE TOWN OF CANTON

BE IT ORDAINED AT THIS TOWN MEETING:

SECTION 1 PURPOSE

(a) The purpose of this Ordinance is to establish an Open Space Preservation and Acquisition Commission to identify open space areas and recommend the acquisition of such areas or interests in such areas. Open space areas within the Town of Canton have been and continue to be a diminishing resource, and such open space areas are considered a valuable asset to the community. It is recognized that there is a need to obtain additional open space areas in order to meet future recreational needs, to preserve agricultural lands, to protect natural resource areas and to maintain the Town's quality of life. The establishment of an Open Space Preservation and Acquisition Commission will direct the acquisition of land and/or the purchase of interests in such land for purposes identified in the Plan of Conservation & Development and other recreation and conservation planning documents.

(b) The goals of this Ordinance are:

- (1) To protect contiguous areas of open space, assemble corridors or greenbelts, wildlife corridors and trails, and add to present open space throughout the Town.
- (2) To protect surface water, wetlands, watercourses, vernal pools, and aquifers.
- (3) To protect critical or threatened species and natural communities with emphasis on areas identified in Connecticut's Natural Diversity Database and Endangered Species List, and preserve areas to support the existing diversity of species, species in decline, and related habitats.
- (4) To preserve farmland soils and productive forest land.
- (5) To protect lands of cultural importance, including archeological and historical sites.

(6) To enhance public recreation opportunities.

(c) The benefits of this Ordinance are:

(1) Protection of the Town's rural character and maintenance and improvement of the quality of life for its residents.

(2) Preservation of the diversity of native plants, animals and natural communities indigenous to the Town by protecting the open spaces in which they need to survive and coexist with the residents of the Town.

(3) Provision of a long term economic base for tourism by continuing to maintain an attractive landscape for the tourism industry.

(4) Protection and enhancement of property values.

(5) Provision for the Town to manage its growth in accordance with the Plan of Conservation & Development.

(6) Provision for property owners with another option or device to sell their land or interests in their land to the Town or other steward of the property so that their land may be maintained in its natural state.

SECTION 2 DEFINITIONS As used in this Ordinance, the following words and phrases shall have the meanings indicated:

Agricultural Land - Any land suitable by reference to soil types, existing and past use of such land for agricultural purposes and other relevant factors for the cultivation of plants for production of human food and fiber or production of other useful and valuable plant products and for production of animals, livestock and poultry useful to man and the environment, and land capable of providing economically-profitable farm units, which may include adjacent pastures, woodland, natural drainage areas and other adjacent open areas.

Appropriation - A legal authorization granted by the Board of Finance and town meeting to make expenditures and to incur obligations for specific purposes.

Conservation Easement - A property right providing that the described land will remain primarily in its natural state and limiting future or additional development.

Development Right – A property right or combination of property rights providing that the holder thereof has the right to develop, construct on, sell, lease or otherwise develop or improve open, unimproved, forest or agricultural land for uses that render such land no longer open, unimproved, forest or agricultural. The acquisition of development rights is not intended to prevent any development of the land to which the development rights relate. Development may be allowed which is consistent with the public purpose for which such development rights are purchased and provided that such development is permitted pursuant to a written document approved by the Town. *

Greenway - Any corridor of open space that protects natural resources and/or provides recreation. By way of example, greenways can be located along a waterway or other defining feature, such as a ridgeline, or along a man-made corridor, such as an abandoned right-of-way, abandoned town road, or a woods road. A greenway can be a green space along a highway or around a village. Greenways can provide the vital "missing links" to connect existing protected areas and to give people convenient access to the outdoors.

Open Space Land - Any area of land, including, but not limited to forest land, land designated as wetlands under Connecticut General Statutes Section 22a-3 and farmland, the preservation or restriction of the use of which would (1) maintain and enhance the conservation of natural or scenic resources, (2) protect natural streams or water supplies, (3) promote conservation of soils or wetlands, (4) enhance the value to the public or abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces, (5) enhance public recreation opportunities, (6) preserve historic or archaeological sites or (7) preserve farmland to be used for agricultural purposes.

Payment of Fee in Lieu of Open Space – A funding option under Connecticut General Statutes Section 8-25. The Planning Commission may authorize a sub-divider to pay a fee to be deposited into the Acquisition of Open Space account in lieu of any requirement to provide open spaces.

Plan of Conservation & Development - A plan or plans prepared and adopted by the Planning Commission pursuant to Connecticut General Statutes Section 8-23.

SECTION 3 OPEN SPACE PRESERVATION AND ACQUISITION COMMISSION

(a) The commission appointed by the Board of Selectmen to be called the Open Space Preservation and Acquisition Commission. There shall be seven (7) members of the Open Space Preservation and Acquisition Commission, comprised of an individual from each of the following categories:

1. One (1) director of the Canton Land Conservation Trust, Inc.
2. One (1) member of the Conservation Commission.
3. One (1) member with expertise within the development community, including, but not limited to, a person whose occupation is in real estate sales or development, property management, forestry, planning, landscape architecture, or civil engineering.
4. Four (4) members of the general public.

(b) Members shall be designated to serve for terms of four (4) years each, staggered at the initial establishment of the Open Space Preservation and Acquisition Commission as follows: three (3) members to serve for two (2) years, two (2) members to serve for three (3) years and two members (2) to serve for four (4) years. The Board of Selectmen shall appoint the initial chairperson, and thereafter the chairperson shall be elected annually by the members of the Open Space Preservation and Acquisition Commission. Meetings will be held monthly.

(c) The Open Space Preservation and Acquisition Commission shall be responsible to the Board of Selectmen for identifying, planning, mapping, reviewing, selecting and recommending action on open space land and agricultural land. Recommended actions may include the acquisition of (a) fee simple interest(s), (b) conservation easement(s), (c) development right(s) or (d) any other interests in, such land, as well as ownership, uses and funding sources. The Open Space Preservation and Acquisition Commission, in concert with the Conservation Commission and the Director of Planning and Community Development, will maintain a listing of open space land and agricultural land to be used in identifying possible acquisitions of such lands or interests in such lands. The Open Space Preservation and Acquisition Commission shall investigate, on a continuing basis, the availability of any state or Federal funds available for land acquisition and development rights acquisition and shall seek such funds when so authorized and directed by the Board of Selectmen.

SECTION 4 ACQUISITION CRITERIA

A. The types of land to be considered for acquisition by the Open Space Preservation and Acquisition Commission must meet at least one of the following criteria:

1. land that is adjacent to or in close proximity to existing open space so as to assemble a larger, contiguous parcel or that assembles greenbelt corridors.

2. land that is or could be agricultural land, as recommended in the Plan of Conservation & Development.

3. land that is productive forest land.

4. land that protects critical or threatened natural communities and species as identified by the Connecticut Department of Environmental Protection.

5. land that has recreation value, as recommended in the Recreation component of the Plan of Conservation & Development, or other recreation plans adopted by the Town.

6. land that has significant scenic, conservation, or natural resource value based on the characteristics of the land.

7. land that has significant historical or archeological value, based on the characteristics of the land and/or improvements thereon.

B. The types of development rights to be considered for purchase by the Open Space Preservation and Acquisition Commission must be consistent with the general purpose of this Ordinance and may include one or more of the following:

1. development rights which will tend to conserve natural or scenic resources.

2. development rights which will tend to protect natural topography, streams or water supply.

3. development rights which will tend to enhance public recreation opportunities.

4. development rights which will tend to protect historical or archeological sites.

5. development rights which will tend to promote conservation of agricultural soils, particularly prime farmland soil.

6. development rights which will tend to contribute to the preservation of agriculture in Town.

C. In considering the acquisition of a particular parcel of land or certain development rights in such land, the Open Space Preservation and Acquisition Commission may, except as otherwise provided by applicable provisions of law or regulations, obtain written recommendations from:

1. the Planning Commission, the Zoning Commission and the Inland Wetlands and Watercourses Agency.

2. the Conservation Commission, the Collinsville Historic District Commission and the Canton Center Historic District Commission as to the value of the land as a scenic, archeological or historic site.

3. the Park and Recreation Commission as to the value of the land for recreational purposes.

4. the University of Connecticut Cooperative Extension System as to the value of the land for agricultural purposes.

5. The Canton Land Conservation Trust, Inc. as to the value of the land for natural resources protection purposes.

6. The Farmington River Watershed Association, as to value of the land for preservation of bio-diversity and watershed protection purposes.

7. Any other advisory committee or organization whose opinion is deemed appropriate by the Open Space Preservation and Acquisition Commission.

SECTION 5 PUBLIC INFORMATIONAL MEETINGS

A. The Open Space Preservation and Acquisition Commission shall hold one or more public informational meetings, after written consent of the Board of Selectmen, regarding a proposed acquisition of a particular parcel or parcels of land, or the acquisition of the development rights in such land.

B. When a public informational meeting is to be held, the Open Space Preservation and Acquisition Commission shall cause notice to be published not less than five (5) calendar days before such meeting in a newspaper having general circulation in Town.

SECTION 6 APPROVAL PROCESS

A. After the public informational meeting(s) held pursuant to Section 4, the Open Space Preservation and Acquisition Commission may make a recommendation to the Board of Selectmen that a particular parcel or parcels of land or development rights in such land be acquired by the Town.

B. Prior to taking action on a recommendation from the Open Space Preservation and Acquisition Commission, the Board of Selectmen shall refer the proposed acquisition to the Planning Commission for a report under the provisions of Connecticut General Statutes Section 8-24.

C. Upon approval by the Board of Selectmen that a particular parcel or parcels of land or development rights in such land be acquired, the Open Space Preservation and Acquisition Commission and the Board of Selectmen shall, by resolution, request the Board of Finance to approve an appropriation for the purchase. Upon approval by the Board of Finance, the Board of Selectmen will call a town meeting to approve the acquisition, an appropriation of funds for the acquisition, and the method of financing the acquisition.

SECTION 7 FUNDING

A. The Acquisition of Open Space account shall be maintained under the provisions of Connecticut General Statutes Section 7-148(c)(2)(k) as a special fund that does not lapse at the end of each fiscal year.

B. When preparing the annual Town budget, the Board of Selectmen shall consider additions to the Acquisition of Open Space account as part of the Capital Improvement Plan.

C. Pursuant to Connecticut General Statutes Section 8-25b, all payments of fees in lieu of open space received by the Town shall be deposited into the Acquisition of Open Space account.

D. Pursuant to Section 6-5(d) of the Town Charter, contributions to the Acquisition of Open Space account may be accepted by the Board of Selectmen, subject to any donor restrictions.

E. Upon approval of the Board of Selectmen, funds in the Acquisition of Open Space account may be used for the costs of appraisals, surveys, legal fees, document preparation and any other costs related to the acquisition of land or development rights in such land.

F. The Acquisition of Open Space account shall be administered by the Board of Selectmen.

SECTION 8 STEWARDSHIP OF ACQUIRED PROPERTIES AND DEVELOPMENT RIGHTS

The Board of Selectmen shall administer the properties and rights acquired by the Town pursuant to this Ordinance.

SECTION 9 EFFECTIVE DATE

This Ordinance shall become effective upon adoption by the town meeting and after publication in a newspaper having a general circulation in the Town.

EFFECTIVE DATE NOVEMBER 7, 2003