

Ridgefield Open Space Association, Inc.



Our Mission: To preserve the 680-acre Bennetts Pond Property as open space in perpetuity, and to encourage the acquisition and preservation of open space throughout the town of Ridgefield

FALL, 1999

Volume 1, Number 1

ABOUT ROSA

The Ridgefield Open Space Association was established in January, 1999 in response to the imminent threat of a high-density development proposed for the 680-acre Bennetts Pond property. ROSA was founded by a group of citizens who decided they would not sit idly by while the last remaining significant open space in Ridgefield was destroyed.

ROSA members believe that the preservation of open space is critical to the maintenance of the character of Ridgefield, and to the containment of urban/suburban sprawl. In Ridgefield, as throughout the country, open space is rapidly being replaced by subdivisions and shopping malls. We believe that preventing the destruction of the Bennetts Pond property is a key element in an ongoing effort to protect what remains of the rural character of Ridgefield.

ABOUT BENNETTS POND

The 680 acre Bennetts Pond property (also known as the "IBM property" due to its ownership of the property from the early 1970's until 1998) is adjacent to Wooster Mountain State Park in Danbury and Hemlock Hills/Pine Mountain preserves in Ridgefield, bisected by Bennetts Farm Road, and abuts Route 7 to the east. If combined with the contiguous existing state park and open space land, it would include over 1,600 unfragmented acres.

The northern portion of the property contains the headwaters for the Saugatuck River and the southern section is in the watershed of the Norwalk River.

The heavily forested property provides habitat for many species of mammals and birds, including white tail deer, fox, coyote, ruffed grouse, wild turkey, hawks, black ducks, wood ducks, and owls. In addition to the Bennetts Pond itself, there are numerous vernal pools on the property which support significant numbers of amphibians.

THE THREAT

The current owner of the Bennetts Pond property is Eureka V. LLC, a limited liability company whose members include New York real estate magnate Howard Milstein and Roseland Properties Company of New Jersey. Eureka purchased the property from IBM in February, 1998 for \$7.9 million, following an unsuccessful attempt on the part of the town to acquire the property from IBM for \$12 million.

In May, 1999, Eureka submitted petitions to the Ridgefield Planning & Zoning Commission proposing

changes to the zoning regulations to allow a mixed use corporate development "MUCD" in the current CDD (corporate development district) zone. Approximately 370 acres of the property is zoned CDD, and the majority of the remainder is zoned RAAA (3-acre residential). Along with their petitions, Eureka submitted a "concept plan" which included 208 condominiums, 78 single family homes, office buildings, a hotel, and a private 18-hole golf course.

OUR RESPONSE

Four nights of public hearings, stretching over a one month period, followed the submission of Eureka's petitions. During nearly 14 hours of hearings, over 80 people spoke against the Eureka proposal. Hundreds of citizens were in attendance, including residents of Ridgefield, Redding, Wilton, Newtown, Danbury, Weston and Westport. With the exception of Eureka's hired professionals, no one spoke in favor of their plan.

ROSA was represented during the proceedings by Attorneys Frank Cochran and Peter Cooper of the New Haven firm of Cooper, Whitney, Cochran & Francois. Our attorneys prepared a "Memorandum of Law" which raised many significant issues and provided the P&Z with a legal basis for rejection of the petitions.

Throughout the process, our attorneys provided us with invaluable advice and assistance in filing as intervenors under Connecticut General Statute 22a-19(b), in the preparation of our successful 8-3(b) petition (which imposed a super-majority vote on the P&Z for approval of Eureka's petitions), and offered guidance in areas of land-use and zoning law with which we were unfamiliar.

THE FIRST ROUND IS WON - BUT WHAT COMES NEXT?

On Tuesday, September 7th, the Ridgefield Planning & Zoning Commission voted to deny both petitions submitted by the developers. The final vote was 8-0 to deny the proposed change in regulations, and 6-2 to deny the rezone of 2.4 acres on Bennetts Farm Road. While this decision by the P&Z is very gratifying, we recognize that Eureka will be back with another proposal soon.

The *Ridgefield Press* reported on August 5th that Eureka has retained the services of Hartford Attorney Timothy Hollister. Mr. Hollister is largely known in Connecticut for his work on behalf of Avalon Properties and other developers seeking to build in suburban towns under the state affordable housing law. This turn of events may or may not be indicative of what their next application will contain.

ROSA is prepared to make the appropriate response to whatever proposal comes next. We intend to ensure that the health, safety and welfare of Ridgefield residents is considered foremost in any application; that traffic and sewer usage is properly reviewed; that our watersheds and aquifers are not overused or destroyed.

It is our hope that, faced with the possibility of a prolonged approval process, and an inability to have the property rezoned to mixed-use, Eureka will come to the bargaining table in good faith and entertain reasonable offers from the State and/or Town.

STATE FUNDS MAY BE AVAILABLE

Thanks to ROSA's efforts, the State has indicated a strong interest in acquiring the property. In response to a request sent by ROSA member Debby Mandelbaum in February, 1998, and a letter writing campaign and "road trip" to Hartford organized by ROSA member Laura Stabell, we received a letter in February of this year from DEP Commissioner Arthur Rocque which indicated the Department's interest in purchasing the property under the State Recreation & Natural Heritage Trust. Ridgefield's State Representative John Frey has maintained contact with Commissioner Rocque and others in the DEP to ensure their continued interest in the property. It is now our job to convince Eureka that it is in their best interest to begin negotiations with the DEP for the sale of the property.

PRESERVATION SUPPORT

In March, the Ridgefield Board of Selectmen unanimously passed a resolution which encouraged the DEP to pursue acquisition of the property and to give it the "highest priority." A few weeks later, Ridgefield First Selectman Abe Morelli and Danbury Mayor Gene Eriquez signed a joint resolution to the same effect. These resolutions were a direct result Rep. Frey's efforts and ROSA's activities in making contact with our elected officials.

Support has also come from the region: officials from Redding, Wilton, Weston, and Norwalk all sent letters and/or spoke during the public hearing process, expressing their opposition to Eureka's petitions.

While the preservation of the property is extremely important to Ridgefield, the development of the property would also have a negative impact on the neighboring and downstream towns. ROSA will maintain contact with elected officials and environmental leaders in these towns to keep them aware of Eureka's plans and ensure that the threat of development is perceived and understood as a regional issue.

PLAN OF CONSERVATION AND DEVELOPMENT

The Town's Plan of Conservation & Development was in the process of being revised just as ROSA was founded. The Plan provides guidance for land use, preservation and development within Ridgefield.

The Plan was last revised in 1980, and ROSA members pointed out that many archaic provisions of the old plan were duplicated in the new plan.

The most glaring example was in the definition of "open space". In a provision carried forward from the old plan,

open space was defined to include golf courses, playing fields, tennis courts, land surrounding municipal buildings, and even "private clubs, institutions, and executive offices in a campus-like setting".

Responding to ROSA's arguments, the Planning & Zoning Commission has created two categories of open space, and established separate acquisition goals for them. The new plan provides that 25% of the area of the town be dedicated to "passive" open space, defined as land left substantially in its natural state in perpetuity.

A second major change resulted when ROSA member Al Baker located a copy of a recent DEP memo from Hartford in response to a town request for funding to expand the Route 7/35 sewer plant. In recommending against funding, the DEP memo stated that extensions of sewer lines into watershed land for new development is contrary to state policy. Al Baker and Bob Kleinberg submitted documents to the Commission requesting that this policy be incorporated in the Plan. This significant change was also accepted by the Commission.

LEGISLATIVE CONTACTS AND ACTIVITIES

In order to ensure that our elected officials at the State and Federal level are aware of our interest in the preservation of Bennetts Pond and open space funding, ROSA has written to both Senators Lieberman and Dodd. In March, a delegation of ROSA members met for several hours with Congressman Jim Maloney to discuss the property and availability of federal funding, and in July Ellen Burns was invited to represent ROSA at meeting of 5th District environmental leaders hosted by Rep. Maloney.

We have made contacts within many other state and national environmental organizations, including New Haven-based Connecticut Fund for the Environment, the Trust for Public Land, the Nature Conservancy, as well as local chapters of the Audubon Society. Closer to home, ROSA has made contact with several local land conservancy and environmental organizations, including the Swampfield Land Trust (Danbury), the Norwalk River Watershed Association, and the Ridgefield Land Conservancy. Support for our efforts have also been obtained from the Ridgefield Conservation Commission, which unanimously adopted a resolution supporting the idea of the towns' acquisition of the Bennetts Pond property, which has "long been on its target list of most desirable acquisitions".

OTHER ROSA ACTIVITIES

- Organized March, 1999 public meeting on Bennetts Pond, which was attended by more than 130 area residents. Guest speakers included Carolyn Hughes from the Connecticut Fund for the Environment, and Victor DeMasi, a Redding resident and long-time environmental activist.
- Participated in the Ridgefield Chamber of Commerce "Sale-A-Bration", and Ridgefield Guild of Artists "Art in the Park" and "Serendipity" art shows. ROSA volunteers manned tables, spoke to hundreds of interested residents, handed out literature, and displayed maps and photos of the property.
- Co-sponsored two hikes on Ridgefield's Pine Mountain Hemlock Hills preserves with the Discovery Center.

- Developed and launched a web site (www.rosaopenspace.org) which contains information about ROSA, photos, news, events and activities of our organization.

NOVEMBER ELECTION

ROSA has formed an Elections Committee in an effort to ensure that the issues of open space and the environment are included in the pre-election discussions by the candidates for Board of Selectmen and Planning and Zoning. To that end, we have planned the following events:

•First Selectman Debate between candidates Abe Morelli and Rudy Marconi. This event will take place on Thursday, October 14 at 7:30 p.m. at the Dayton Program room of the Ridgefield Library. Admission is free, and the debate will be moderated by ROSA member Bob Kleinberg.

•Candidates' Forum: A list of questions were prepared by the ROSA Elections Committee and submitted to all candidates for Board of Selectmen and Planning & Zoning. The Q&A, which relate to open space, the environment, traffic, water and sewer issues, and the future growth of Ridgefield will be published in its entirety on our web site, emailed to our electronic distribution list, and excerpted in the *Ridgefield Press* in the coming weeks.

MEMBERSHIP & FUNDING

ROSA's membership currently stands at 350. We have an email distribution list which includes over 200 addresses, and a regular mailing list of over 400 households. Our fundraising efforts thus far have been limited to small direct mailings, individual appeals, and sales of T-shirts and yard signs.

Nevertheless, we managed to cover all of our expenses for the P&Z process this summer, which included legal and environmental consulting fees. We also incur limited administrative costs for postage and mailings and are now gearing up for the next round with Eureka. We need your help!

Please consider making a donation to help defray our expenses. At the bottom of this newsletter is a donation form which we hope you will use.

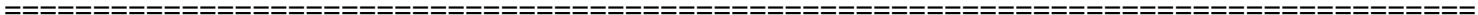
Your support for our efforts to protect Ridgefield's remaining open space is critical.



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Officers, Directors & Committees

- Ellen Burns, President/Treasurer
- Debby Mandelbaum, Vice President
- Robert Kleinberg, Secretary
- Albert Baker, Director
- Eric Kristoffersen, Director
- Laura Stabell, Director
- Tom Mullen, Director
- Pete Stewart, Director
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- Pat Sesto
- Tom Venus
- Manny Silva



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NAME: _____

ADDRESS: _____

TELEPHONE: _____ EMAIL: _____

PLEASE CHECK APPLICABLE BOXES:

Enclosed is my contribution to ROSA in the amount of \$_____

Please note: ROSA is a 501(c)(4) non-profit organization, and under IRS rules contributions are not tax-deductible.

I would like to help - please call me!

I'd like a ROSA T-Shirt* (100% cotton) for \$15.00 Circle Size: Med Lg X-Lg

I'd like a ROSA Yard sign* (\$15.00)

* T-Shirt or Yard sign included at no charge for contributions of \$100 or more.